

## CHAPTER 749 – SIGNS “EXHIBIT B” OF ORDINANCE NO. O-7-2009

### 749.01 PURPOSE.

Signs and the sign industry represent an important part of the public communication and identification system within the Troy community. Also, advertising by means of signs is recognized as a legitimate part of business enterprise. Of equal importance is accomplishing this communication, identification, and advertising in a manner that will not detract from existing business and residential investment and in a manner consistent with local values of community appearance and traffic and pedestrian safety. The City of Troy has historically evidenced a concern in keeping the City beautiful. Uncontrolled use of signs can lead to visual clutter, thus reducing the effectiveness of the individual messages and, in some cases, rendering individual signs useless. Thus, there is a public benefit, a public value, and an element of the public safety in controlling the location, type, and size of signs within the City. The sign regulations of this Sign Code are intended to take into consideration the community appearance as well as safety effects of signs upon the environment in which they are located. This regulation also intends to protect and safeguard the First Amendment of the United States Constitution.

#### (a) Findings.

- (1) City Council members recognize that signs not only serve commercial purposes but that they offer an easy method for providing site-specific information and an inexpensive way for people to express their opinions on matters of public interest and their support for particular causes or events. For that reason, City Council members find that it is both necessary and appropriate to provide more liberal rules for noncommercial signs than for commercial ones, but that noncommercial signs, like commercial ones, should be subject to significant limitations in size and height.
- (2) The current Troy Zoning Ordinance was approved on January 1, 2000, after considerable public discussion, which included a sign code.
- (3) Throughout the time that the City has administered and maintained a sign ordinance, signs espousing political candidates and causes and expressing individual opinions on matters of public policy have appeared throughout the community with no record of municipal interference with such signs based on their content and with no litigation over the use of signs to express personal opinions.
- (4) Sign regulation in Troy is part of a comprehensive program of planning and zoning controls.
- (5) Safety of traffic and pedestrians are also important considerations to the City Council of Troy in amending its sign ordinance.
- (6) Based on evidence and based on their personal observations as drivers and passengers, the City Council finds that there is evidence that billboards and other signs distract drivers for at least brief periods of time from their driving tasks and that such distraction may have an effect on traffic safety.

- (7) Although the evidence regarding traffic safety is mixed, City Council members are well aware that the intent of billboard advertisers is to attract the attention of drivers, thus distracting them from their driving task and creating an increased risk of accidents.
- (8) The City Council finds that there is a relationship between traffic safety and the regulation of signs and a particular relationship between traffic safety and large signs such as billboards.
- (9) Main Street in Troy is also Ohio State Route 41, which carries in excess of ten thousand vehicles through the heart of the City.
- (10) Market Street in Troy is also Ohio State Route 55, which carries in excess of ten thousand vehicles through the heart of the City.
- (11) Because much of the traffic on S.R. 41 and S.R. 55 exits from I-75 in Troy, vehicles are often used to traveling at relatively high rates of speed, creating a potentially dangerous situation for pedestrians in the downtown area.
- (12) A major north-south arterial in Troy is County Road 25A, which also functions as a secondary road for I-75, carrying tens of thousands of vehicles per day on Main Street and Market Street.
- (13) Although there is less pedestrian activity along County Road 25A than along main thoroughfares, there are many intersections with local and collector streets, creating a more complex driving environment than is found on frontage roads.
- (14) Troy has other exits from I-75 which draw traffic from and feeds traffic to County Road 25A.
- (15) Commercial and light industrial activity focused around I-75, County Road 25A, major thoroughfares and the two Interstate 75 exits create a significant demand for commercial advertising, a demand that the City must balance with its goal of maintaining local traffic conditions that are safe for drivers and pedestrians alike.
- (16) For all of these reasons, the City Council finds that it is both necessary and appropriate as part of its overall zoning and sign provisions and other code provisions designed to preserve and protect the public health, safety and welfare in the physical development of the community to adopt a Sign Code.
- (17) City Council and the Planning Commission held public meetings to review the draft to the Sign Code.

## 749.02 DEFINITIONS.

For the purpose of this Chapter, certain words and phrases shall have the meanings respectively ascribed to them below:

- (a) "Building Frontage". The total width of all sides of an enclosed building which faces a public right-of-way, measured by lines perpendicular to, or on the radius of, the public right-of-way. When the building is located on a parcel not abutting a public right-of-way, building frontage shall be determined with reference to abutting private drives which are intended for use by patrons of the business.
- (b) "Building Setback". The minimum linear distance between a sign, building or structure and the right-of-way line of a public street or the side lot line of an adjacent parcel.
- (c) "Occupancy Permit". A permit issued in accordance with the Zoning Code to the occupant of a commercial or industrial building.
- (d) "Sign". A name, identification, description, including non-commercial content, display, illustration, usually including alphabetic or numeric characters, which is affixed to or painted upon or represented directly or indirectly upon a building, structure, or piece of land or affixed to the inside or outside of a door or window so as to be seen from the outside of a building and which directs attention to an object, product, place, activity, person, institution, organization or business.
  - (1) Aerial Sign. A balloon or other airborne flotation device which is tethered to the ground or to a building or other structure that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered.
  - (2) Awning Sign. A sign that is mounted, painted, or otherwise applied on or attached to an awning or other fabric, plastic, or structural protective cover over a door, entrance, or window of a building. A marquee or a canopy is not an awning.
  - (3) Banner Sign. A sign of lightweight fabric or similar non-ridged material that is mounted with no enclosing framework.
  - (4) Building Sign. A sign that is attached to, mounted on, or painted on a building. This includes awning signs, canopy signs, marquee signs, projecting signs, roof sign, and wall signs.
  - (5) Canopy Sign. A sign that is mounted, painted, or otherwise applied on or attached to a freestanding canopy or structural protective cover over an outdoor service area. An awning or a marquee is not a canopy.
  - (6) Changeable Copy Sign. A sign or portion thereof, designed to accommodate frequent message changes composed of characters, letters, or illustrations and that can be changed or rearranged, either manually or electronically, without altering the face or surface of such sign.
  - (7) Commercial Message. A sign, wording, logo, or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.
  - (8) Construction Sign. A sign indicating the title and basic information regarding a project and indicating the names of architects, engineers, contractors and similar persons or firms involved in the design, construction and/or financing of the structure or project.

- (9) Development Identification Sign. A sign which, by means of symbol or name, identifies a shopping center, commercial or industrial park, or other development that may contain a mixture of residential, commercial, and/or industrial uses.
- (10) Directional Sign. A sign directing vehicular and/or pedestrian movement into, within, and/or out of a premise.
- (11) Drive-Through Sign. A sign designed to instruct customers or users in automobiles regarding specific products or services offered on the site or in the building, or regarding methods of payment accepted, or for receiving orders for products or services.
- (12) Electronically Controlled Changeable Copy Sign. A sign or portion thereof that displays electronic information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic displays.
- (13) Free Speech Message Sign. A sign that displays any message that does not convey any commercial message.
- (14) Flashing Sign. An illuminated sign on which the lights either blink on and off randomly or in sequence or have intermittent variation in intensity or color.
- (15) Freestanding Sign. A sign independently supported by the ground or mounted on a supporting structure that is placed on or anchored in the ground and is independent from any building.
- (16) Freeway-Oriented Sign. A sign located within one thousand (1,000) feet of any ramp of an interstate highway.
- (17) Fuel Pump Sign. A sign affixed to or mounted on a fuel pump.
- (18) Gateway Sign. See Subdivision Identification Sign.
- (19) Ground Sign. A sign suspended or supported by one or more uprights or braces anchored in the ground with no more than thirty (30) inches clearance from the bottom of the sign to the ground below.
- (20) Identification Sign. A sign which, by means of symbol or name, identifies the area or premises where such sign is located or to which it is affixed.
- (21) Incidental Sign. A sign containing no commercial message and typically erected to identify address, entrances, exits, restrooms, hours and days of operation, public utility locations, emergency address and telephone numbers, etc. These examples are not given by way of limitation; an incidental sign can contain any noncommercial message, in accordance with Section 749.05.
- (22) Institutional Sign. A sign, which by symbol or name, identifies an institutional use permitted within a residential zoning district and may also provide the announcement of services or activities to be held therein.
- (23) Illegal Sign. A sign that is without a valid zoning permit, is not a nonconforming sign, and is not expressly permitted and/or exempt from the provisions of this Sign Code.
- (24) Illuminated Sign. A sign that is lighted by one (1) or more of the following artificial light sources:

- A. External. A separate light source from the sign face or cabinet directed so as to shine on the sign face or exposed lights or neon tubes on the sign face.
  - B. Internal. A light source concealed within the sign structure.
- (25) Internal Sign. A sign that is not intended to be viewed from outside the property, and located so as not to be legible from any public right-of-way or from any adjacent property, including any signs in interior areas of shopping centers, commercial buildings and structures, stadiums, and similar structures of a recreational nature. Also included in such definition is a sign inside a building more than three (3) feet inside any window or door and any sign not attached to a window or door that is not legible from a distance of more than five (5) feet beyond the lot line of the zoning lot or parcel on which such sign is located.
  - (26) Legible. A sign or message that can be understood by a person with at least an eighth-grade education. Where these Regulations require a determination of "legibility," the standard shall be based on the eyesight of an adult eligible to receive an Ohio driver's license (wearing corrective lenses if required by such license). Where the height of the person is material to the determination, the person shall be presumed to be more than five feet and less than six feet tall.
  - (27) Marquee Sign. A sign that is attached to, in any manner, or made a part of any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of a building, generally designed and constructed to provide protection from the weather.
  - (28) Moving Sign. Any sign which in part or in total rotates, revolves, or otherwise is in motion.
  - (29) Neon Sign. A sign formed from neon lamps containing neon gas.
  - (30) Nonconforming Sign. A sign lawfully existing prior to the enactment of the sign provisions of this Sign Code or any appropriate amendment thereto, but which could not be erected in accordance with such provisions or amendment.
  - (31) Obsolete Sign. A sign that no longer advertises or identifies a bona fide business or product sold.
  - (32) Off-Premise Advertising Sign. A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than where such sign is located.
  - (33) On-Premise Sign. A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered upon the premises where such sign is located.
  - (34) Pennant. A string of shaped, brightly colored pieces of fabric, vinyl, plastic or other material, with or without a message or logo, intended to attract attention.
  - (35) Permanent Sign. A sign made of materials that are intended to last for more than a short period of time and intended for more than short term use, and such sign is attached to a building, attached to a structure, or is attached to the ground in some manner.

- (36) Portable Sign. A sign that is movable, is not permanently attached to either the ground, a building, or a permanent structure, and is designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes. A portable sign includes any sign supported by a chassis that is designed to be easily moveable; any sign designed to be transported by means of wheels or skids. This definition excludes any lightweight "A-frame" base or any sign made out of other moveable items including, but not limited to, balloons, banners, flags, and umbrellas.
  - (37) Projecting Sign. A sign attached to or supported by a building or structure in such a manner that it extends more than twelve (12) inches.
  - (38) Real Estate Sign. A sign pertaining to the sale or lease of the lot or tract of land on which the sign is located or to the sale or lease of one (1) or more structures or portion thereof located on such lot or tract of land.
  - (39) Roof Sign. Any sign erected upon, displayed upon or supported by the roof of a building or structure.
  - (40) Special Event Sign. A temporary sign, the function of which is to announce a special event on the site.
  - (41) Subdivision Identification Sign or Gateway Sign. A sign which, by means of symbol or name, identifies a subdivision.
  - (42) Temporary Sign. A sign which is placed for a time period of no more than twenty-eight (28) days in a calendar year, intended to announce temporary events, and is not attached to a building, to a structure, or into the ground in a permanent manner, such sign usually being constructed of poster board, cardboard, masonite, plywood or plastic material and mounted to wood, metal, wire or rope frames or supports.
  - (43) Vehicle Sign. Any sign attached to or painted on a vehicle parked and legible from the public right-of-way, unless said vehicle is used for transporting people or materials in the normal day-to-day operations of the business.
  - (44) Wall Sign. A sign that is affixed to, painted on, or attached to the wall of the building or other structure and which extends not more than twelve (12) inches from the face of such wall.
  - (45) Warning Sign. Any sign indicating the danger of a situation that is potentially dangerous.
  - (46) Window Sign. A sign that is affixed, painted on, or attached to the inside glass of a window or displaced within twelve (12) inches of the inside surface of a window designed and intended to allow those inside or outside the structure to view into or out of the building through the window.
- (e) "Sign Area". The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem or any figure of similar character together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed; excluding the necessary supports or up rights on which such sign is placed. The area of a sign having more than one (1) display surface shall be computed as the total area of the exposed exterior display surface area.
  - (f) "Sign Face". The surface of the sign upon, against or through which the message of the sign is exhibited.

- (g) “Sign Height”. The vertical distance from the uppermost point used in measuring the area of the sign to the ground immediately below such point or to the level of the upper surface of the nearest curb or a street or alley (other than a structurally elevated roadway) whichever measurement permits the greatest elevation of the sign.
- (h) “Sign Structure”. A structure specifically intended for supporting or containing a sign.
- (i) “Undeveloped Property”. A parcel upon which no building has been erected.
- (j) “Zoning Administrator”. The City of Troy Director of Public Service and Safety, or designee, who is responsible for administering and enforcing this Sign Code.
- (k) “Zoning Certificate” or “Zoning Permit”. That document signed by the Zoning Administrator which certifies that the use to be made of a particular property is a permissible use according to the terms of the Zoning Code.

749.03 REQUIRED COMPLIANCE AND PERMIT.

- (a) Required Conformance. No person shall erect, place, establish, paint, or retain any sign, or cause a sign to be located or retained within the City of Troy unless all provisions of this Sign Code have been met.
- (b) Permit Required. To ensure compliance with the provisions of this Sign Code, a sign permit shall be required for each sign unless specifically exempted by this Sign Code.
- (c) Permit Required for Alteration. A sign initially approved for which a permit has been issued shall not be modified, relocated, altered, or replaced, nor shall design elements of any building or lot upon which such sign is maintained be modified, relocated, altered, or replaced if any such design element constituted a basis for approval of such sign unless an amended or new permit is obtained consistent with these regulations.
- (d) Specific Situations Requiring Sign Permit. The following specific situations shall require a sign permit:
  - (1) Installation of a new sign.
  - (2) A change of the face of a sign.
  - (3) Moving or enlarging of a sign.
- (e) Specific Situations Not Requiring Sign Permit. The following specific situations shall not require a sign permit.
  - (1) The repainting, repairing, changing of parts and preventive maintenance of signs.
  - (2) A change in the message on a changeable copy sign.
  - (3) Repainting of supports and sign area provided no change in sign message.
- (f) Expiration of Sign Permit. Any sign permit shall expire if the sign for which the permit has been issued is not fully constructed within one hundred eighty-three (183) days from the date of issuance of the permit.
- (g) Lapse of Sign Permit. A sign permit shall lapse automatically if the zoning permit for the premises lapses, is revoked, or is not renewed. A sign permit shall also lapse if the activity on the premises for which the sign permit was issued is discontinued for a period of one hundred eighty-three (183) days or more.

#### 749.04 REGULATIONS APPLICABLE TO ALL SIGNS.

The following regulations are applicable to all signs within the City of Troy unless specifically stated otherwise within this Sign Code:

- (a) Traffic Safety. All signs shall be designed, constructed, and located in accordance with the following criteria:
  - (1) Sight-Distance Hazard Prohibited. No sign shall be erected at or near any intersection of any streets, or alleys, or any railway and any street, in such a manner as to obstruct free and clear vision.
  - (2) Resemblance of Traffic Control Device Prohibited. No sign shall be of a shape or color that may be confused with any authorized traffic control device.
  - (3) Resemblance of Emergency Light Prohibited. No rotating beam, beacon, or flashing illumination resembling an emergency light shall be used in connection with any sign display.
- (b) Design and Construction. All signs shall be designed and constructed in accordance with the following criteria:
  - (1) Conformance with Building and Electrical Codes. All signs shall comply at all times with the appropriate detailed provisions of the applicable Building and Electrical Codes of the City of Troy.
  - (2) Construction Materials. Except for banners, flags, temporary signs and window signs conforming in all respects with the requirements of this Sign Code, all signs shall be constructed of permanent materials. Illuminated exterior signs shall be constructed entirely of noncombustible materials, except that faces may be made of approved combustible plastic if the remainder of the sign and supporting structure are made of noncombustible materials.
  - (3) Wind Pressure. All signs and supporting structures shall be of sufficient strength and bracing to withstand wind pressure of thirty (30) pounds per square foot of surface exposed. The exposed area subjected to wind pressure shall be the total area of all parts of the sign, including structural framing on a plane perpendicular to the direction of the wind. In determining the stress in any member, the wind shall be assumed to flow from the horizontal and from that compass direction which produces the maximum stress in that member.
  - (4) Sign Supports and Braces. All permanent signs shall be supported by sign structures that are made of steel or other metal, concrete, or wood, and designed to resist wind pressures, dead loads, and lateral loads in accordance with the appropriate detailed provisions of the Building Code. All sign supports shall be an integral part of the sign design.
  - (5) Anchoring. No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action. All signs shall be securely anchored to their supporting structures to prevent any lateral movement that would cause wear on supporting members or connections.
  - (6) Pole Cap Required. A freestanding sign shall have a pole cap, unless the pole is an integral part of the sign design.
  - (7) Professionally Designed/Constructed. All signs shall have the appearance of being professionally designed and constructed.

- (8) Multiple colors. Each sign shall be limited to six colors, including black and white. The background color is considered one (1) of six (6) permissible colors, unless channel letters are used, in which case the background is not to be considered as one (1) of the six (6) permissible colors.
- (c) Location. All signs shall be located in accordance with the following standards:
    - (1) Maintenance of Ingress and Egress. No sign shall cover any part of any window unless specifically permitted under this Sign Code. No sign shall cover any door, or hinder or prevent free ingress to or free egress from any door, window, fire escape, or any other required exit way.
    - (2) Maintenance of Ventilation. No sign shall be attached in any form, shape, or manner that will interfere with any opening required for ventilation.
    - (3) Required Clearance from Utility Wires. No sign shall be located nearer than twelve (12) feet vertically or eight (8) feet horizontally from any overhead electric wires or conductors or public utility guy wires.
    - (4) Prohibited Within Public Right-of-Way. Signs shall not be erected within nor project into any public right-of-way unless otherwise specified within this Sign Code.
  - (d) Illumination. All signs shall be in accordance with the following standards:
    - (1) Brightness. Light sources for illuminated signs shall not be of such brightness as to constitute a hazard to pedestrians or motorists and shall be shielded so as not to cast an illumination of more than two (2) foot-candles on contiguous properties nor more than one-tenth (0.1) foot-candle on residential properties, or as regulated by specific sections of this code.
    - (2) Flashing. Intermittent illumination, or illumination which involves movement or causes the illusion of movement resulting from the arrangement of lighting, is prohibited, except as regulated for electronic changeable copy signs.
    - (3) Colored Lights. No colored lights shall be used in a location or manner in which they may be confused with traffic control devices or vehicular traffic, except as regulated for electronic changeable copy signs.
  - (e) Maintenance and Repair. All signs shall be maintained in safe and good structural condition, in compliance with all applicable building and electrical codes, and in conformance with this Sign Code at all times. Such maintenance includes replacement of all defective bulbs, parts, materials, painting, repainting, cleaning, and other acts required for maintenance of such sign. If any sign does not comply with the above maintenance and repair standards, the Zoning Administrator shall require its removal.
  - (f) Protection of Property. Signs shall not be posted in any manner destructive to public property. Signs shall also not be attached or otherwise applied to trees, utility poles, transit shelters, benches, trash receptacles, or newsracks.
  - (g) Property Owner Permission Required. Signs shall not be erected, placed, or located upon any property or building without the written consent of the owner(s) of such property or an authorized representative.
  - (h) Identification Required. All signs hereafter erected, altered, or relocated shall be plainly marked with the name of the person, firm, or corporation erecting, altering, or relocating such signs.

- (i) **Illegal Signs Prohibited.** Any sign not lawfully existing prior to the enactment of these sign provisions of this Sign Code and which could not be erected in accordance with such provisions shall not be deemed to attain any legal status by the enactment of these regulations.
- (j) **Obsolete Signs Prohibited.** Any sign existing after the effective date of this Sign Code that no longer advertises or identifies a bona fide business conducted or product sold, shall be prohibited. This provision does not apply to the sign structure.
- (k) **Obscene Signs Prohibited.** No sign shall contain words, statements, or graphic descriptions of an obscene or indecent nature.

#### 749.05 EXEMPT SIGNS

The following signs are allowed without a sign permit, and are not required to be included in the determinations of the allowable number, type, or area of signs pursuant to this Sign Code, but these signs are not exempt from building permit approval if an electrical or building permit is required by the Building Code:

- (a) **Governmental Signs.**  
The following signs may be erected or constructed without a permit, but may be subject to additional regulations under this section. Where a sign is erected pursuant to a state statute or a court order, the sign may exceed the size standards of this ordinance or otherwise deviate from the standards set forth in this ordinance to the extent that the statute or court order expressly requires the larger size or other deviation. In all other respects, such signs shall conform to the standards of this ordinance:
  - (1) Signs conforming to the Manual of Uniform Traffic Control Devices and bearing no commercial message;
  - (2) Signs installed by employees or officials of a state or federal agency in the course of their governmental duties and bearing no commercial message;
  - (3) Signs required by a state or federal statute;
  - (4) Signs required by an order of a court of competent jurisdiction;
  - (5) Signs installed by public utilities in their rights-of-way or on their facilities and bearing no commercial message other than such message is necessary to identify the use; and
  - (6) Signs installed by a transit company with a franchise or other right to operate in the City of Troy, Ohio, where such signs are installed along its routes and relate to schedules or other information about the transit route.
- (b) **Free Speech Messages.** Any message that does not convey a commercial message as defined.
- (c) **Official Flags.** Official flags of the United States, the state, the municipality, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such flag shall not exceed one hundred (100) square feet in area and shall not be flown from a pole the top of which is more than fifty (50) feet in height. These flags must be flown in accordance with protocol established by federal law. Any flag not meeting any one (1) or more of these conditions shall be considered a banner sign and shall be subject to regulation as such.

- (d) Non-Commercial Flags. All non-commercial flags without messages.
- (e) Monuments, Cornerstones, and Historical Markers. Cornerstones, headstones, and commemorative plaques or historical markers placed by recognized historical agencies.
- (f) Decorations. Temporary displays of a patriotic, religious, charitable, or civic character with no commercial message, including holiday lights and decorations that are erected for customary periods of time.
- (g) Works of Art. Works of art that do not include a commercial message, logo, or trademark and do not contain any property identification message.
- (h) Incidental Sign. Such signs shall have an aggregate area not to exceed four (4) square feet at each entrance and shall be attached to a permanent structure.
- (i) Window Signs. Temporary window signs constructed of paper, cloth, or similar expendable material, including signs incorporated in a display of merchandise, a display relating to services offered, which are located inside a structure. Signs painted on or otherwise permanently affixed to a window or made of metal, wood, plastic, neon, or other permanent material and positioned in a window are subject to the provisions of this Sign Code. No combination of temporary and permanent window signs shall cover more than fifty percent (50%) of any window panel, except in the Historic Preservation Overlay Zoning District where such signs shall cover no more than twenty-five percent (25%) of any window panel, per this section.
- (j) Internal Signs. Signs not intended to be viewed from outside the property, and located so as not to be legible from any public right-of-way or from any adjacent property, including any signs in interior areas of shopping centers, commercial buildings and structures, stadiums, and similar structures of a recreational nature. Also exempt are signs inside a building more than three (3) feet inside any window or door and signs not attached to a window or door that are not legible from a distance of more than five (5) feet beyond the lot line of the zoning lot or parcel on which such signs are located.

#### 749.06 FREE SPEECH MESSAGES

- (a) Purpose. It is not the intent of the City of Troy, Ohio to infringe on the rights of property owners and occupiers to display messages protected by the First Amendment of the Constitution of the United States. Therefore, the purpose of these regulations include the intention to clarify the regulations and to remove any doubt that is the public's right to receive and display free speech messages, subject however, to reasonable regulations to assure safety and minimize visual blight.
- (b) Definition. "Free Speech Message" shall mean any message that does not convey a commercial message. "Commercial Message" shall mean any sign, wording, logo, or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.
- (c) Conflict with Existing Provisions. In furtherance of the purpose of this section, if there is any conflict between the provisions of this section and with any other section of the Sign Code, including those provisions regulating signs, and such conflict could be construed to infringe on free speech messages, the provisions of this section shall control.

- (d) First Amendment Safeguards. In order to safeguard the protections offered by the First Amendment, the following regulations shall apply:
- (1) Every parcel in all zoning districts shall be permitted to display five (5) two-sided or five (5) one-sided temporary signs containing any free speech message,
  - (2) Each side of the sign (sign face) shall not exceed the maximum square footage of any sign displaying a commercial or non-commercial message within the zoning district where the free speech message sign is displayed,
  - (3) The maximum height limitation shall be four (4) feet above finished grade level,
  - (4) Such signs shall be setback at least six (6) feet from any right-of-way line and at least five (5) feet from all other property lines,
  - (5) In no event shall such sign be erected in the right-of-way,
  - (6) Such signs shall not be subject to the permitting requirements of the Sign Codes, and
  - (7) Such sign must be kept in good and safe condition.

Because of the nature of materials typically used to construct public issue signs, to avoid the unsightliness of deteriorating signs and all safety concerns which accompany such a condition, signs permitted by this section shall be maintained in good and safe condition. If a sign permitted in this section is not maintained in good and safe condition, notice shall be sent to the property owner by regular mail. The property owner shall have seven (7) days from the date of mailing indicated on the notice to restore the sign to good and safe condition. If the sign is not restored to good and safe condition within seven (7) days, and the owner or occupant of the property has not filed an appeal from the notice, then the owner and/or occupant shall be in violation of this section and subject to Section 749.17(b). In addition, no sign permitted by this section shall be placed in the right-of-way. Such signs in the right-of-way may be removed by the City without notice.

Signs authorized by this section may be erected and displayed without obtaining a Zoning Certificate or a Building Permit.

Signs authorized by this section may be displayed in vacant lots so long as consent of the property owner to display the sign is obtained.

Signs authorized by this section may not be separately illuminated.

Every parcel that is permitted to display a sign containing a commercial message or other permitted message pursuant to this Sign Code shall be permitted to display a free speech message in lieu of the permitted commercial message on the sign authorized for a commercial message. However, this provision shall not apply to:

- (1) Signs installed by employees or officials of a governmental agency in the course of their governmental duties and bearing no commercial message;
- (2) Signs required by a state or federal statute;
- (3) Signs required by an order of a court of competent jurisdiction;

- (4) Signs installed by public utilities in their rights-of-way or on their facilities and bearing no commercial message other than such message is necessary to identify the use; and
- (5) Signs installed by a transit company with a franchise or other right to operate in the City of Troy, Ohio, where such signs are installed along its routes and relate to schedules or other information about the transit route.

Whether a sign displays a commercial message or a free speech message, each sign shall still be subject to the dimensional regulations imposed in each zoning district, including but not limited to, size, height, area and setback in the same manner as if it were displaying a commercial message. Signs with the free speech message displayed in lieu of a commercial message shall be permitted in addition to signs displaying the free speech message permitted by this section.

No sign except those authorized and conforming to the Ohio Uniform Code of Traffic Control Devices shall be permitted in any public right-of-way. Any sign unlawfully installed in a public right-of-way shall be deemed abandoned and may be removed by the City.

#### 749.07 COMPUTATION OF SIGN AREA AND SIGN HEIGHT.

- (b) Computation of Area of Individual Signs. The area of a sign shall be computed by means of the smallest square, circle, rectangle, triangle, or geometric combination thereof that will encompass the extreme limits of the writing, representation, emblem, and/or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed.
  - (1) Panels. The area of the surface, or surfaces, of an opaque or translucent panel used or intended for displaying a message.
  - (2) Irregular Shapes. For a sign comprised of irregularly shaped elements, the area of such sign shall be computed as a combination of not more than four (4) rectangles which form or approximate the perimeter of all the elements in the display.
  - (3) Combining Individual Elements. For a sign comprised of individual letters, figures, or elements on a wall or similar surface, the area of such sign shall be calculated by determining the geometric form or combination of forms which comprise all the display area, including the space between the elements.
  - (4) Window or Door Panels. The area of the surface of any opaque panel used or intended for displaying a permanent message that is affixed to windows or doors.
- (c) Structural Support Not Included In Sign Area. The supporting structure or bracing of a sign shall not be computed as part of the sign area, unless such supporting structure or bracing is made a part of the sign's message by including a symbol, logo, or other three-dimensional figure. If such is the case, a combination of regular geometric shapes which can encompass the area of said symbol or figure shall be included as part of the total sign area computation.

- (d) Computation of Area of Multi -faced Signs. The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces.
- (e) Computation of Height of Freestanding Sign. The height of a freestanding sign shall be computed as follows:
  - (1) Sign Without Mounding. The height of a freestanding sign shall be calculated by measuring the vertical distance between the top part of such sign or its structure, whichever is highest, to the elevation of the ground directly beneath the center of the sign. The elevation of the ground directly beneath the center of the sign shall be construed to be the lower of the existing grade prior to construction or the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.
  - (2) Sign With Mounding. In cases in which the newly established grade within the required front yard consists of man-made berms, hills, or other similar ground formations with sides steeper than one (1) foot rise to four (4) foot horizontal, the Zoning Administrator shall utilize the elevation of the street curb nearest to the location of the sign for determining sign height. If no street curb exists, the elevation of the edge of pavement nearest the sign location shall be used.
- (f) Computation of Height of Building Signs. The height of an awning, canopy, projecting, wall, or window sign shall be determined by measuring the vertical distance between the top part of a sign panel or individual letter or characters, whichever is highest, to the elevation of the ground underneath such sign.
- (g) Structural Support Included In Sign Height. Any material whose major function is to provide structural support for a sign shall be considered part of the sign for purposes of determining sign height.

#### 749.08 SIGNS PROHIBITED IN ALL SIGN DISTRICTS

The following types of signs are prohibited in all sign districts:

- (a) Signs obstructing free and clear vision.
- (b) Signs imitating or resembling official traffic or governmental signs or signals, unless otherwise approved by the City Engineer.
- (c) Signs imitating or resembling emergency lights.
- (d) Portable changeable copy signs.
- (e) Signs placed on or over any public right-of-way or on public lands, including, but not limited to, signs placed in curb lawns or public parks, or signs attached to trees, utility poles, public benches or street lights, unless expressly permitted by this section or by written permission of the Director of Public Service and Safety or designee.
- (f) Signs utilizing “Day-Glo”, “fluorescent” or “neon” colors.
- (g) Vehicle signs.
- (h) Aerial signs.
- (i) Any functional or structural sign type or classification, which is not clearly identified, defined and permitted by this chapter.
- (j) Obsolete signs.

## 749.09 SIGN DISTRICTS ESTABLISHED

- (a) The “Industrial Sign Districts” include all parcels within areas which are currently or subsequently zoned to allow industrial land uses.
- (b) The “Commercial Sign Districts” include all parcels within areas which are currently or subsequently zoned for retail or wholesale commerce in goods or services as the most intensive use.
- (c) The “Historic Sign Districts” include all parcels within areas which are currently or subsequently within an historic district overlay zone.
- (d) The “Residential Sign Districts” include all parcels within areas which are currently or subsequently zoned to allow residential habitation as the most intensive use.

## 749.10 SIGNS PERMITTED IN INDUSTRIAL SIGN DISTRICTS

Only the following types of signs are permitted, subject to the limitations and requirements stated below and elsewhere in this chapter:

- (a) Awning Signs. All awning signs shall be affixed flat to the surface thereof and not extend vertically or horizontally beyond the limits of the awning. The sign area of awning signs shall be counted towards the maximum sign area allowed for building signs.
- (b) Canopy Signs. All canopy signs shall be affixed flat to the surface thereof and shall not extend vertically or horizontally beyond the limits of the canopy. The sign area of awning signs shall be counted towards the maximum sign area allowed for building signs.
- (c) Development Identification Signs. All development identification signs shall be in accordance with the following provisions:
  - (1) Maximum Number. Only one (1) center identification sign shall be permitted per street frontage of any property. If a development identification sign is installed on a parcel, no additional ground signs or freeway-oriented signs shall be permitted.
  - (2) Required Setback. No part of any development identification sign shall be setback less than ten (10) feet from a public right-of-way nor setback less than twenty (20) feet from any other property line.
  - (3) Maximum Height. The maximum height of any center identification sign shall be no more than eight (8) feet in height.
  - (4) Maximum Area. The maximum area of any center identification sign shall be one-half ( $\frac{1}{2}$ ) square foot per lineal foot of lot frontage, but not more than one hundred fifty (150) square feet per face.
- (d) Changeable Copy Signs. All changeable copy signs, where permitted, shall be in accordance with the following provisions:
  - (1) Maximum Number. Only one (1) changeable copy sign shall be permitted per zoning lot.
  - (2) Manual Changeable Copy Signs. All manual changeable copy signs within six (6) feet of grade level shall be enclosed and locked securely in clear glass or plastic casing. All manual changeable copy signs shall conform to the requirements listed in this section.

- (3) Stand Alone Electronically Controlled Copy Signs. All stand alone electronically controlled changeable copy signs shall be in accordance with the following requirements:
  - A. Illumination. All electronically controlled changeable copy signs shall adhere to the illumination standards set forth in this Sign Code.
  - B. Height of Message Characters. The height of each character on an electronically controlled changeable copy sign shall not exceed eighteen (18) inches.
  - C. Message Display. All electronically controlled changeable copy signs shall have each message appear for no less than twenty (20) seconds.
  - D. Illusion of Movement Prohibited. All electronically controlled changeable copy signs must show the entire message at one time without displaying characters that are scrolling, moving, or exhibit the illusion of movement.
  - E. Maximum Area. Each square foot of sign area shall decrease the maximum allowable sign area by four (4) square feet per sign face.
  - F. Scoreboards. Electronically controlled changeable copy signs are permitted on scoreboards at sports facilities.
  - G. In no case shall electronically controlled changeable copy signs be greater than 50 (fifty) square feet per sign face.
  
- (e) Construction Signs. Temporary construction signs shall comply with the following standards:
  - (1) Number. Only one (1) construction sign shall be permitted per zoning lot on each street and/or limited access highway frontage.
  - (2) Maximum Area per Face. Construction signs shall be limited to a maximum of thirty-two (32) square feet.
  - (3) Maximum Height. Construction signs shall not exceed more than twelve (12) feet in height.
  - (4) Setback. No part of a construction sign shall be setback less than ten (10) feet from a public right-of-way nor from any property line.
  - (5) Illumination. No construction sign shall be illuminated.
  - (6) Duration. All construction signs shall be removed within fourteen (14) days of the beginning of the intended use or completion of the construction project, whichever is sooner.
  
- (f) Directional Signs. All directional signs shall be in accordance with the following provisions:
  - (1) Not more than one (1) directional enter sign and one (1) directional exit sign shall be permitted for each permitted access to a public right-of-way.
  - (2) Setback. No part of any directional sign shall be located within the public right-of-way nor setback less than three (3) feet from any property line.
  - (3) Maximum Height. The maximum height of any directional sign shall be no more than four (4) feet. In no case shall such directional sign constitute a visual obstruction to adequate sight distance.
  - (4) Maximum Area. The maximum area of any directional sign shall be eight (8) square feet.

- (g) Drive-Through Signs. All drive-through signs shall be in accordance with the following provisions:
- (1) Maximum Number. Only two (2) drive-through signs shall be permitted per building that has a drive-through facility.
  - (2) Required Setback. No part of any drive-through sign shall be setback less than twenty (20) feet from a public right-of-way nor from any property line.
  - (3) Maximum Height. The maximum height of any drive-through sign shall be no more than ten (10) feet.
  - (4) Maximum Area. The maximum area of any drive-through sign shall be eight (8) square feet per face.
  - (5) Compliance with Noise and Illumination Standards. All drive-through signs shall conform to the noise and illumination standards set forth in the Sign Code.
  - (6) Required Separation. Drive-through signs shall be spaced at least twenty (20) feet from any other drive-through sign, and shall not be simultaneously legible from any point except from the intersection of the lot lines adjacent to the signs.
- (h) Ground Signs. All ground signs shall be in accordance with the following provisions:
- (1) Maximum Number. Only one (1) ground sign shall be permitted for a property. If a ground sign is installed on a parcel, no additional development identification signs shall be permitted.
  - (2) Required Setback. No part of any ground sign shall be setback less than ten (10) feet from a public right-of-way nor setback less than twenty (20) feet from any other property line.
  - (3) Maximum Height. The maximum height of any ground sign shall be no more than eight (8) feet in height.
  - (4) Maximum Area. The maximum area of any ground sign shall be one-half (½) square foot per lineal foot of building frontage, but not more than one hundred (100) square feet per face.
  - (5) Minor Variations to Required Street Frontage Spacing. The Zoning Administrator may permit up to a 5% variation in the street frontage spacing requirements for freestanding ground signs if conflict with driveways, natural barriers, trees, and utility equipment is unavoidable.
  - (6) Landscaping Required For Permanent Ground Signs. The base of all permanent ground signs shall be completely surrounded by a single continuous area effectively landscaped in accordance with the following standards and maintained in good condition at all times:
    - A. Edge. The edge of such required landscaped area shall be a minimum of thirty (30) inches from the edge of the sign or any edge of the sign structure.
    - B. Curb. Where the required landscaped area adjoins a paved surface accessible to vehicular traffic, a raised concrete curb suitable to prevent the encroachment of vehicles shall be required. The minimum horizontal distance between the face of any required curb and any part of such sign shall be thirty (30) inches.

- C. Living Plantings Required. All permanent ground signs shall incorporate a minimum of two (2) square feet of landscaping for each linear foot of sign length around the base of the sign. Landscaping may include a mix of natural non-living elements such as boulders, fountains or water features and or mulch of bark with a minimum of 25% of the ground level containing a live ground cover not including grass. Mature plant height should not block the sign message or obstruct the sightlines of motorist or pedestrians.
- (i) Fuel Pump Signs. A maximum of two (2) square feet of sign area shall be permitted on each of the two (2) sides of each fuel-dispensing unit containing one (1) or more fuel dispensing nozzles. This restriction does not apply to any sign required by law.
- (j) Projecting Signs. All projecting signs shall comply with the following standards:
  - (1) Number. One (1) projecting sign shall be permitted per principal structure.
  - (2) Height above Grade. The bottom of a projecting sign may not be less than ten (10) feet above grade.
  - (3) Horizontal Projection. A projecting sign may project horizontally from a building or structure as shown below:

Height Above	of Base of Grade	Maximum Projection	Maximum
10'	to less than 15'	6.5	feet
15'	to less than 20'	8.5	feet
20'	to less than 25'	9.0	feet
25'	to less than 30'	9.5	feet
30'	and over	10	feet

- (4) Projection into Right-of-Way. At no time shall any sign project into any public right-of-way in an industrial sign district.
- (5) Height above Wall or Parapet. No projecting sign shall extend above the wall or parapet of any building to which it is affixed.
- (6) The sign area of projecting signs shall be counted towards the maximum sign area allowed for building signs.
- (j) Real Estate Signs. Real estate signs shall be allowed in accordance with the following standards:
  - (1) Duration. Real estate signs shall be removed within seven (7) days after closing the sale.
  - (2) Size. Real estate signs shall not have any sign face in excess of thirty-two (32) square feet.
  - (3) Height. No real estate sign shall exceed twelve (12) feet in height.
  - (4) Setback. Real estate signs shall not be placed within ten (10) feet of any public right-of-way.
  - (5) Number. A maximum of one (1) real estate sign shall be permitted on any property at any point in time. However, an additional real estate sign may be placed on a corner lot in an industrial zoning district.
  - (6) Acceptable. Signs meeting the requirement of Section 749.10(j)(2) and (3) will not require a permit.

- (k) Roof Signs. Roof signs, shall be in accordance with the following provisions:
  - (1) Integration within Roof Design. Roof signs shall be designed as an integral or essentially integral part of a normal roof structure and shall not extend vertically above the highest portion of the roof.
  - (2) The sign area of roof signs shall be counted towards the maximum sign area allowed for building signs.
- (l) Wall Signs. Wall signs shall be in accordance with the following provisions:
  - (1) Painted Wall Signs. Wall signs shall not be painted directly on a building or wall.
  - (2) Depth from Wall Surface. Wall signs shall not extend more than twelve (12) inches from the wall of the structure upon which it is mounted.
  - (3) Vertical Inclination. Wall signs may be inclined from the vertical only to the extent necessary for conformity to the general contour of the wall, around projections or ornamental features. However, no part of such sign, except the thickness thereof, shall extend beyond the lines of said projection in any direction.
  - (4) Extension beyond Ends of Wall Surface. No wall sign shall extend beyond the ends of the wall on which it is attached.
  - (5) Extension above Wall Surface. A wall sign shall not extend above the top of the wall upon which it is mounted.
  - (6) The sign area of wall signs shall be counted towards the maximum sign area allowed for building signs.
- (m) Window Signs. Window signs shall be in accordance with the following provisions:
  - (1) Maximum Permanent Sign Coverage. No more than fifty (50) percent of any window panel shall be covered by permanent or temporary window signs.
  - (2) Neon Signs. Where permitted, neon signs may be used as permanent window signs.
  - (3) The sign area of permanent window signs shall be counted towards the maximum sign area allowed for building signs.
- (n) Building Signs. Attached building signs shall be in accordance with the following provisions:
  - (1) Size. The total area of all attached building signs shall not exceed in the aggregate three (3) square feet of area for each linear foot of primary building frontage and two (2) square feet of area for each linear foot of secondary building frontage. However, a total maximum of five hundred (500) square feet of building signs shall be allowed for each principal building.
  - (2) In multi-tenant buildings, each individual business will have its maximum allowable sign area calculated separately based on the amount of building frontage they occupy.
- (o) Subdivision Identification Signs. Industrial subdivision identification signs shall be in accordance with the following provisions:
  - (1) Number. One (1) ground subdivision identification sign shall be permitted at each entry to a subdivision along an arterial or collector thoroughfare.
  - (2) Maximum Area. The maximum sign area for any subdivision identification sign shall be twenty-four (24) square feet per sign face.

- (3) Maximum Height. The maximum sign height for any subdivision identification sign shall be eight (8) feet.
- (4) Minimum Setback. No subdivision identification sign shall be set back from any public right-of-way less than ten (10) feet.

#### 749.11 SIGNS PERMITTED IN COMMERCIAL SIGN DISTRICTS

Only the following types of signs are permitted, subject to the limitations and requirements stated below and elsewhere in this chapter:

- (a) Awning Signs. All awning signs shall be affixed flat to the surface thereof and not extend vertically or horizontally beyond the limits of the awning. The sign area of awning signs shall be counted towards the maximum sign area allowed for building signs.
- (b) Canopy Signs. All canopy signs shall be affixed flat to the surface thereof and shall not extend vertically or horizontally beyond the limits of the canopy. The sign area of awning signs shall be counted towards the maximum sign area allowed for building signs.
- (c) Development Identification Signs. All development identification signs shall be in accordance with the following provisions:
  - (1) Maximum Number. Only one (1) center identification sign shall be permitted per street frontage for any property. If a development identification sign is installed on a parcel, no additional ground signs or freeway-oriented signs shall be permitted.
  - (2) Required Setback. No part of any development identification sign shall be setback less than ten (10) feet from a public right-of-way nor setback less than twenty (20) feet from any other property line.
  - (3) Maximum Height. The maximum height of any center identification sign shall be no more than eight (8) feet in height.
  - (4) Maximum Area. The maximum area of any center identification sign shall be one-half (½) square foot per lineal foot of lot frontage, but not more than one hundred (100) square feet per face.
- (d) Changeable Copy Signs. All changeable copy signs, where permitted, shall be in accordance with the following provisions:
  - (1) Maximum Number. Only one (1) changeable copy sign shall be permitted per zoning lot.
  - (2) Manual Changeable Copy Signs. All manual changeable copy signs within six (6) feet of grade level shall be enclosed and locked securely in clear glass or plastic casing. All manual changeable copy signs shall conform to the requirements listed in this section.
  - (3) Stand Alone Electronically Controlled Copy Signs. All stand alone electronically controlled changeable copy signs shall be in accordance with the following requirements:
    - A. Illumination. All electronically controlled changeable copy signs shall adhere to the illumination standards set forth in this Sign Code.
    - B. Height of Message Characters. The height of each character on an electronically controlled changeable copy sign shall not exceed eighteen (18) inches.

- C. Message Display. All electronically controlled changeable copy signs shall have each message appear for no less than twenty (20) seconds.
  - D. Illusion of Movement Prohibited. All electronically controlled changeable copy signs must show the entire message at one time without displaying characters that are scrolling, moving, or exhibit the illusion of movement.
  - E. Maximum Area. Each square foot of sign area shall decrease the maximum allowable sign area by four (4) square feet per sign face.
  - F. Scoreboards. Electronically controlled changeable copy signs are permitted on scoreboards at sports facilities.
  - G. In no case shall electronically controlled changeable copy signs be greater than fifty (50) square feet per sign face.
- (4) Integrated Electronically Controlled Changeable Copy Signs. Freestanding Business Identification signs may have an electronically controlled changeable copy sign as part of the sign without a decrease in maximum allowable sign area, as in Section (3) (e) above. However, the electronically controlled changeable copy sign shall be in accordance with the following requirements:
- A. Illumination. 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: Day: 5,000 nits, Night: 1,000 nits.

To ensure compliance with this provision, the sign must have an automatic phased proportional dimmer, which must be used to reduce nighttime brightness levels (compared to daytime brightness levels). Further, prior to the issuance of a permit for an electronic changeable copy 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 password-protected software or other method as deemed appropriate by the Zoning Administrator.

- B. Illusion of Movement Prohibited. All electronically controlled changeable copy signs must show the entire message at one time without displaying characters that are scrolling, moving, or exhibit the illusion of movement.
- C. Length of Message Display. All electronically controlled changeable copy signs shall have each message appear for no less than twenty (20) seconds.
- D. Overall Sign Integration. All electronically controlled changeable copy signs shall be integrated with a larger identification sign and shall be located at the bottom of said sign.
- E. The electronically controlled changeable copy sign component of a sign may comprise no more than fifty (50) percent of the sign's total sign face area.

- (e) Construction Signs. Temporary construction signs shall comply with the following standards:
- (1) Number. Only one (1) construction sign shall be permitted per zoning lot on each street and/or limited access highway frontage.
  - (2) Maximum Area per Face. Construction signs shall be limited to a maximum of thirty-two (32) square feet total.
  - (3) Maximum Height. Construction signs shall not exceed twelve (12) feet in height.
  - (4) Setback. No part of a construction sign shall be setback less than ten (10) feet from a public right-of-way nor from any property line.
  - (5) Illumination. No construction sign shall be illuminated.
  - (6) Duration. All construction signs shall be removed within fourteen (14) days of the beginning of the intended use or completion of the construction project, whichever is sooner.
- (f) Directional Signs. All directional signs shall be in accordance with the following provisions:
- (1) Not more than one (1) directional enter sign and one (1) directional exit sign shall be permitted for each permitted access to a public right-of-way.
  - (2) Setback. No part of any directional sign shall be located within the public right-of-way nor setback less than three (3) feet from any property line.
  - (3) Maximum Height. The maximum height of any directional sign shall be no more than four (4) feet. In no case shall such directional sign constitute a visual obstruction to adequate sight distance.
  - (4) Maximum Area. The maximum area of any directional sign shall be eight (8) square feet.
- (g) Drive-Through Signs. All drive-through signs shall be in accordance with the following provisions:
- (1) Maximum Number. Only two (2) drive-through signs shall be permitted per building that has a drive-through facility.
  - (2) Required Setback. No part of any drive-through sign shall be setback less than twenty (20) feet from a public right-of-way nor from any property line.
  - (3) Maximum Height. The maximum height of any drive-through sign shall be no more than ten (10) feet.
  - (4) Maximum Area. The maximum area of any drive-through sign shall be eight (8) square feet per face.
  - (5) Compliance with Noise and Illumination Standards. All drive-through signs shall conform to the noise and illumination standards set forth in the Sign Code.
  - (6) Required Separation. Drive-through signs shall be spaced at least twenty (20) feet from any other drive-through sign, and shall not be simultaneously legible from any point except from the intersection of the lot lines adjacent to the signs.
- (h) Ground Signs. All ground signs shall be in accordance with the following provisions:
- (1) Maximum Number. Only one (1) ground sign shall be permitted for any property. If a ground sign is installed on a parcel, no additional development identification signs shall be permitted.

- (2) Required Setback. No part of any ground sign shall be setback less than ten (10) feet from a public right-of-way nor setback less than twenty (20) feet from any other property line.
- (3) Maximum Height. The maximum height of any ground shall be no more than eight (8) feet in height.
- (4) Maximum Area. The maximum area of any ground sign shall be one-half (1/2) square foot per lineal foot of building frontage, but not more than one hundred (100) square feet per face.
- (5) Minor Variations to Required Street Frontage Spacing. The Zoning Administrator may permit up to a 5% variation in the street frontage spacing requirements for freestanding ground signs if conflict with driveways, natural barriers, trees, and utility equipment is unavoidable.
- (6) Landscaping Required For Permanent Ground Signs. The base of all permanent ground signs shall be completely surrounded by a single continuous area effectively landscaped in accordance with the following standards and maintained in good condition at all times:
  - A. Edge. The edge of such required landscaped area shall be a minimum of thirty (30) inches from the edge of the sign or any edge of the sign structure.
  - B. Curb. Where the required landscaped area adjoins a paved surface accessible to vehicular traffic, a raised concrete curb suitable to prevent the encroachment of vehicles shall be required. The minimum horizontal distance between the face of any required curb and any part of such sign shall be thirty (30) inches.
  - C. Living Plantings Required. All permanent ground signs shall incorporate a minimum of two (2) square feet of landscaping for each linear foot of sign length around the base of the sign. Landscaping may include a mix of natural non-living elements such as boulders, fountains or water features and or mulch of bark with a minimum of twenty-five percent (25%) of the ground level containing a live ground cover not including grass. Mature plant height should not block the sign message or obstruct the sightlines of motorist or pedestrians.
- (i) Fuel Pump Signs. A maximum of two (2) square feet of sign area shall be permitted on each of the two (2) sides of each fuel-dispensing unit containing one (1) or more fuel dispensing nozzles. This restriction does not apply to any sign required by law.
- (j) Projecting Signs. All projecting signs shall comply with the following standards:
  - (1) Number. One (1) projecting sign shall be permitted per principal structure.
  - (2) Height above Grade. The bottom of a projecting sign may not be less than ten (10) feet above grade.

- (3) Horizontal Projection. A projecting sign may project horizontally from a building or structure as shown below:

Height Above	of Base of Grade	Projection	Maximum	um
10'	to less than 15'		6.5	feet
15'	to less than 20'		8.5	feet
20'	to less than 25'		9.0	feet
25'	to less than 30'		9.5	feet
30'	and over	10		feet

- (4) Projection into Right-of-Way. At no time shall any sign project into any public right-of-way in a commercial sign district, except as permitted in the Historic Sign District.
- (5) Height above Wall or Parapet. No projecting sign shall extend above the wall or parapet of any building to which it is affixed.
- (6) The sign area of projecting signs shall be counted towards the maximum sign area allowed for building signs.
- (k) Real Estate Signs. Real estate signs shall be allowed in accordance with the following standards:
- (1) Duration. Real estate signs shall be removed within seven (7) days after closing the sale.
  - (2) Size. Real estate signs shall not have any sign face in excess of thirty-two (32) square feet.
  - (3) Height. No real estate sign shall exceed twelve (12) feet in height.
  - (4) Setback. Real estate signs shall not be placed within ten (10) feet of any public right-of-way.
  - (5) Number. A maximum of one (1) real estate sign shall be permitted on any property at any point in time. However, an additional real estate sign may be placed on a corner lot in a business zoning district.
  - (6) Acceptable. Signs meeting the requirement of Section 749.11(k)(2) and (3) of this Sign Code will not require a permit.
- (l) Roof Signs. Roof signs, shall be in accordance with the following provisions:
- (1) Integration within Roof Design. Roof signs shall be designed as an integral or essentially integral part of a normal roof structure and shall not extend vertically above the highest portion of the roof.
  - (2) The sign area of roof signs shall be counted towards the maximum sign area allowed for building signs.
- (m) Wall Signs. Wall signs shall be in accordance with the following provisions:
- (1) Painted Wall Signs. Wall signs shall not be painted directly on a building or wall.
  - (2) Depth from Wall Surface. Wall signs shall not extend more than twelve (12) inches from the wall of the structure upon which it is mounted.
  - (3) Vertical Inclination. Wall signs may be inclined from the vertical only to the extent necessary for conformity to the general contour of the wall, around projections or ornamental features. However, no part of such sign, except the thickness thereof, shall extend beyond the lines of said projection in any direction.

- (4) Encroachment into Right-of-Way. Wall signs shall not extend more than three (3) inches beyond any property line abutting on public right-of-way where the sign is less than ten (10) feet above the right-of-way immediately below the sign or part thereof.
  - (5) Extension beyond Ends of Wall Surface. No wall sign shall extend beyond the ends of the wall on which it is attached.
  - (6) Extension above Wall Surface. A wall sign shall not extend above the top of the wall upon which it is mounted.
  - (7) The sign area of wall signs shall be counted towards the maximum sign area allowed for building signs.
- (n) Window Signs. Window signs shall be in accordance with the following provisions:
- (1) Maximum Permanent Sign Coverage. No more than fifty percent (50%) of any window panel shall be covered by permanent or temporary window signs.
  - (2) Neon Signs. Where permitted, neon signs may be used as permanent window signs.
  - (3) The sign area of permanent window signs shall be counted towards the maximum sign area allowed for building signs
- (o) Building Signs. Attached building signs shall be in accordance with the following provisions:
- (1) The total of all attached building signs shall not exceed in the aggregate the following:

Level	Building Setback	Building Frontage	Total Sign Area Allowable	Maximum	um
Floor	Ground	Less than 250 feet	Less than 250 feet	1.5 sq. ft./linear of building frontage	100 sq. ft.
250		100 - 300'	Less than 250 feet	3.0 sq. ft./linear of building frontage	200 sq. ft.
foot		Over 300'	250 – 500'	3.0 sq. ft./linear of building frontage	300 sq. ft.
foot		Over 300'	Over 500'	3.0 sq. ft./linear of building frontage	400 sq. ft.
Upper Floors	Less than 100 feet	Any	Less than 75 feet	sq. ft./linear of building frontage	50 sq. ft.
More than 100		Any	Less than 100 feet	sq. ft./linear of building frontage	100 sq. ft.

- (2) In multi-tenant buildings, each individual business will have its maximum allowable sign area calculated separately based on the amount of building frontage they occupy.
- (p) Freeway-Oriented Signs. Freeway-Oriented signs shall be in accordance with the following provisions:
  - (1) Location Requirement. Freeway-oriented signs must be within one thousand (1000) feet of any ramp of an interstate highway. Freeway-oriented signs shall be on the same zoning lot as the business it is advertising.
  - (2) Number. One (1) freeway-oriented sign shall be permitted for each zoning lot.
  - (3) Height. The maximum height of a freeway-oriented sign shall not exceed sixty (60) feet above the elevation of the centerline of the nearest traffic lane.
  - (4) Maximum Area. The maximum area of any Freeway-Oriented sign shall not exceed a total of three hundred (300) square feet, with no single face exceeding one hundred fifty (150) square feet.
  - (5) Setbacks. All freeway-oriented signs shall be setback a minimum of twenty-five (25) feet from any public right-of-way and a minimum of fifteen (15) feet from any adjoining property line.
  - (6) Landscaping Required For Freeway-Oriented Signs. The base of all freeway-oriented signs shall be completely surrounded by a single continuous area effectively landscaped in accordance with the following standards and maintained in good condition at all times:
    - A. Edge. The edge of such required landscaped area shall be a minimum of thirty (30) inches from the edge of the sign or any edge of the sign structure.
    - B. Curb. Where the required landscaped area adjoins a paved surface accessible to vehicular traffic, a raised concrete curb suitable to prevent the encroachment of vehicles shall be required. The minimum horizontal distance between the face of any required curb and any part of such sign shall be thirty (30) inches.
    - C. Living Plantings Required. The landscaped area shall include living plantings aesthetically located and maintained. The use of concrete, asphalt, stone, or any other paved surface inside the required landscaped area beneath the sign shall be prohibited.
  - (7) No zoning lot shall have both a detached ground sign and a freeway-oriented sign located on it.

#### 749.12 SIGNS PERMITTED IN HISTORIC SIGN DISTRICTS

The type and functional classification of signs permitted shall be those of the underlying sign district, subject to the regulations stated below:

- (a) Limitations on Projecting Signs.
  - (1) Projecting signs shall have a minimum clearance of ten (10) feet above the sidewalk and a maximum height of fifteen (15) feet above the sidewalk.
  - (2) Projecting signs shall not overhang the public right-of-way, except over a pedestrian sidewalk in a B-3 Central Business Zoning District, and then only to a maximum of four (4) feet.

- (3) In addition to any other requirements of this section, as a condition of issuing a permit for the sign, the applicant must comply with the following:
- A. File with the Zoning Administrator a certificate of insurance for Commercial General Liability coverage with a minimum limit of one million dollar (\$1,000,000) per occurrence for bodily injury, personal injury and property damage issued by an insurance company authorized to do business in the State of Ohio and acceptable to the City, conditioned to indemnify and save harmless the City from acts or damages. If Commercial General Liability Insurance with a general aggregate limit is used, either the general aggregate limit shall apply separately to this sign/location or the general aggregate limit shall be twice the required occurrence limit. On the coverage the City of Troy shall be listed as an additional insured, using the language required by the City of Troy, Ohio.
  - B. Execute an agreement to indemnify, defend, and hold harmless the City from any and all damages, judgments, costs or expenses which the City may incur or suffer by reason of the granting of such permit or which may result by reason of the granting of such permit or which may result from the construction or maintenance of such projecting sign. The requirement to enter into a hold harmless agreement shall be required of any subsequent owner(s) as a condition of the permit to use the right-of-way for the overhanging sign.
  - C. The policy shall not be cancelled, except after thirty (30) day's prior written notice has been provided, mailed to the Zoning Administrator, 100 S. Market Street, Troy, Ohio, 45373. Prior to the actual policy expiration, the owner must provide a certificate with a new carrier.
  - D. All certificates shall be kept current and reissued each policy year while the sign is still present.
- (b) Sign Construction. The sign face may be constructed using rigid and opaque materials such as wood, composition wood, metal or MDO board. The use of translucent materials such as certain types of plastics, vinyl, glass, plastic film, fiberglass, or the use of corrugated plastic or paper, cardboard, or foam shall be prohibited. Other materials that are rigid and opaque that are not specifically prohibited by this Sign Code may be approved by the Planning Commission on a case-by-case basis.
- (c) Illumination. No sign shall be internally illuminated. Only External artificial light sources directing light to the sign face shall conform to the following:
- (1) The color of any artificial lights used shall be white or amber.
  - (2) Light fixtures shall be positioned in a manner that focuses light onto the sign face to prevent glare to person's off-premise and to shield the fixture lens or bulb from public view.
- (d) Changeable Copy Signs. No sign shall utilize changeable letters.
- (e) Window Signs. No more than twenty-five percent (25%) of any window panel shall be covered by permanent and/or temporary window signs.

- (f) Architectural Review. All permanent signs shall be subject to architectural review by the Planning Commission. In determining whether to grant approval, the Commission shall not approve unless:
- (1) The sign is appropriate in scale to the building with which it is associated.
  - (2) The sign is appropriate in design to the architectural style or period of the building with which it is associated.
  - (3) The colors selected for the sign are compatible with the building with which it is associated.
  - (4) The sign is located so as to reasonably minimize adverse aesthetic effects on the architectural design of the building with which it is associated.

Application for architectural review by the Planning Commission shall be made simultaneously with the application for the sign permit. Applications shall be on the form prescribed by the City, accompanied by a dimensioned scale drawing or dimensioned photograph of the sign indicating its typographic style, graphics, colors, supporting structure and other visual detail.

#### 749.13 SIGNS PERMITTED IN RESIDENTIAL SIGN DISTRICTS

Only the following types of signs are permitted, subject to the limitations and requirements stated below and elsewhere in this chapter:

- (a) Changeable Copy Signs. All changeable copy signs, permitted only for institutional use, shall be in accordance with the following provisions:
- (1) Maximum Number. Only one (1) changeable copy sign shall be permitted per zoning lot.
  - (2) Manual Changeable Copy Signs. All manual changeable copy signs within six (6) feet of grade level shall be enclosed and locked securely in clear glass or plastic casing.
  - (3) Stand Alone Electronically Controlled Copy Signs. All electronically controlled changeable copy signs shall be in accordance with the following requirements:
    - A. Illumination. All electronically controlled changeable copy signs shall adhere to the illumination standards set forth in this Sign Code.
    - B. Height of Message Characters. The height of each character on an electronically controlled changeable copy sign shall not exceed eighteen (18) inches.
    - C. Message Display. All electronically controlled changeable copy signs shall have each message appear for no less than twenty (20) seconds.
    - D. Illusion of Movement Prohibited. All electronically controlled changeable copy signs must show the entire message at one time without displaying characters that are scrolling, moving, or exhibit the illusion of movement.
    - E. Maximum Area. Each square foot of sign area shall decrease the maximum allowable sign area by four (4) square feet per sign face.
    - F. Scoreboards. Electronically controlled changeable copy signs are permitted on scoreboards at sports facilities.
    - G. In no case shall electronically controlled changeable copy signs be greater than 50 square feet per sign face.

- (4) Business Identification Signs with Integrated Electronically Controlled Changeable Copy Signs. Freestanding Business Identification signs may have an electronically controlled changeable copy sign as part of the sign without a decrease in maximum allowable sign area, as in Section (3) (E) above. However, the electronically controlled changeable copy sign shall be in accordance with the following requirements:

A Illumination. Colors of illumination shall be one color and shall be red, white or amber. 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: Day: 5,000 nits, Night: 1,000 nits.

To ensure compliance with this provision, the sign must have an automatic phased proportional dimmer, which must be used to reduce nighttime brightness levels (compared to daytime brightness levels). Further, prior to the issuance of a permit for an electronic changeable copy 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 password-protected software or other method as deemed appropriate by the Zoning Administrator.

B Illusion of Movement Prohibited. All electronically controlled changeable copy signs must show the entire message at one time without displaying characters that are scrolling, moving, or exhibit the illusion of movement.

C Length of Message Display. All electronically controlled changeable copy signs shall have each message appear for no less than twenty (20) seconds.

D Overall Sign Integration. All electronically controlled changeable copy signs shall be integrated with a larger identification sign and shall be located at the bottom of said sign.

E The electronically controlled changeable copy sign component of a sign may comprise no more than fifty percent (50%) of the sign's total sign face area.

- (b) Construction Signs. Temporary construction signs shall comply with the following standards:

- (1) Number. Only one (1) construction sign shall be permitted per zoning lot on each street and/or limited access highway frontage.
- (2) Maximum Area per Face. Construction signs shall be limited to a total of eight (8) square feet.
- (3) Illumination. No temporary construction sign shall be illuminated.
- (4) Duration. All construction signs shall be removed within fourteen (14) days of the beginning of the intended use or completion of the construction project, whichever is sooner.

- (c) Directional Signs. All directional signs shall be in accordance with the following provisions:

- (1) Not more than one (1) directional enter sign and one (1) directional exit sign shall be permitted for each permitted access to a public right-of-way.

- (2) Setback. No part of any directional sign shall be located within the public right-of-way nor setback less than three (3) feet from any property line.
  - (3) Maximum Height. The maximum height of any directional sign shall be no more than four (4) feet. In no case shall such directional sign constitute a visual obstruction to adequate sight distance.
  - (4) Maximum Area. The maximum area of any directional sign shall be eight (8) square feet.
- (d) Institutional Signs. All freestanding institutional signs, shall be ground signs and shall be in accordance with the following provisions:
- (1) Number. One (1) institutional sign shall be permitted for each institutional property.
  - (2) Setback. A minimum setback of ten (10) feet from any public right-of-way shall be maintained.
  - (3) Maximum Height. The maximum height for institutional signs is six (6) feet.
  - (4) Sign Area. The maximum sign area permitted for institutional signs is forty-eight (48) square feet with a maximum of twenty-four (24) square feet per face.
- (e) Real Estate Signs. Real estate signs shall be allowed in accordance with the following standards:
- (1) Duration. Real estate signs shall be removed within seven (7) days after closing the sale.
  - (2) Size. Real estate signs shall not have any sign face in excess of eight (8) square feet.
  - (3) Height. No real estate sign shall exceed five (5) feet in height.
  - (4) Setback. Real estate signs shall not be placed within ten (10) feet of any public right-of-way.
  - (5) Number. A maximum of one (1) real estate sign shall be permitted on any property at any point in time.
  - (6) Acceptable. Signs meeting the requirement of Section 749.13(e)(2) and (3) of this Sign Code will not require a permit.
- (f) Subdivision Identification Signs. Residential subdivision identification signs shall be in accordance with the following standards:
- (1) Number. One (1) ground subdivision identification sign shall be permitted at each entry to a subdivision along an arterial or collector thoroughfare.
  - (2) Maximum Area. The maximum sign area for any subdivision identification sign shall be twenty-four (24) square feet per sign face.
  - (3) Maximum Height. The maximum sign height for any subdivision identification sign shall be eight (8) feet.
  - (4) Minimum Setback. No subdivision identification sign shall be set back from any public right-of-way less than ten (10) feet.

(g) Building Signs. The total of all attached building signs shall not exceed in the aggregate the following:

Building Type	Building Setback	Building	Building Frontage	Total Sign Area Allowable	Maximum
Single-Family	Any	Any	3	sq. ft. 3	sq. ft.
Two-Family	Any	Any	6	sq. ft. 6	sq. ft.
Multi-Family w/ Separate Entrances	Any	Any each	6	sq. ft. 6 entrance each	sq. ft. entrance
Multi-Family w/ Common Entrance	Any	Any		12 sq. ft.	12 sq. ft.
Educational Institution	Less than 100 feet	Less than 250 feet		1.5 sq. ft./linear foot of building frontage	100 sq.ft
250 foot	100 - 300'	Less than 250 feet		3.0 sq. ft./linear foot of building frontage	200 sq. ft.
foot	Over 300'	250 – 500'		3.0 sq. ft./linear of building frontage	300 sq. ft.
foot	Over 300'	Over 500'		3.0 sq. ft./linear of building frontage	400 sq. ft.

#### 749.14 TEMPORARY SIGNS

Temporary Signs. Temporary signs on private property shall be allowed in Industrial and Commercial Districts only, and upon the issuance of a temporary sign permit unless heretofore specifically exempted from such permit within this Sign Code. All temporary signs shall conform to the following conditions:

- (a) Term. A temporary sign may be placed upon a zoning lot during each calendar year for up to twenty-eight (28) days. These 28 days may be split into a maximum of four (4), seven (7) day increments.

- (b) Number. Only one (1) temporary sign permit will issued at a time. A maximum of four (4) permits shall be issued per calendar year.
- (c) Illumination. Temporary signs shall not be illuminated, unless otherwise specifically permitted within this Sign Code.
- (d) Setback. The minimum setback for all freestanding temporary signs shall be ten (10) feet from the public right-of-way unless otherwise specifically stated within this Sign Code. No temporary sign shall violate the visual obstruction requirements set forth elsewhere in this chapter.
- (e) Location. Roof signs and portable changeable copy signs are prohibited in the Industrial and Commercial Districts.
- (f) Maximum Area. The maximum area of any temporary sign shall not exceed a total of forty-eight (48) square feet, with no single face exceeding twenty-four (24) square feet.

#### 749.15 SIGNS FOR NON-CONFORMING USES

- (a) Non-residential Use. Any non-conforming non-residential use within any Agricultural, Agricultural-Residential, Residential, or Office-Residential District shall be permitted one (1) square foot of sign area for each two hundred fifty (250) square feet of lot area used for said nonconforming use.
- (b) Residential Use. Any non-conforming residential use in an Agricultural, Agricultural-Residential, Residential, or Office-Residential District or any non-conforming residential use in a Business, Industrial, or Wellhead Operation District shall be permitted signs as regulated in that district.

#### 749.16 PROCEDURES FOR SIGN PERMITS

The following procedures shall govern the application for and the issuance of sign permits for all permanent and temporary signs allowed under this Sign Code:

- (a) Owner or Agent to Secure Sign Permit. If a sign heretofore permitted by this Sign Code, is to be placed, constructed, erected, or modified on a zoning lot, the owner of such lot shall secure a sign permit prior to such construction, placement, erection, or modification of such sign. Sign permits shall be issued for individual zoning lots. The property owner shall maintain in force, at all times, a sign permit for such sign.
- (b) Applications. All applications for sign permits of any kind shall be submitted to the Zoning Administrator on an application form provided by the City of Troy. An application for construction, creation, or installation of a new sign or for modification of an existing sign shall be accompanied by detailed drawings to show the dimensions, design, structure, and location of each particular sign. Each type of sign shall be on separate applications. At time of application, an approved Occupancy Permit must be on file with the City of Troy for any new business or for an existing business which has moved to a new location.
- (c) Fees. Each application for an individual sign permit shall be accompanied by the applicable fees, which shall be established by the Troy City Council from time to time by resolution.
- (d) Completeness. Within ten (10) days of receiving an application for a sign permit, the Zoning Administrator shall review it for completeness. If the Zoning Administrator finds that it is complete, the application shall then be processed. If the Zoning Administrator finds that it is incomplete, the Zoning Administrator shall notify the applicant of the reasons the application was deemed incomplete.

- (e) Action. Within twenty (20) days of the submission of a complete application for a sign permit, the Zoning Administrator shall either:
  - (1) Issue the sign permit, if the sign conforms in every respect with the requirements of this Sign Code; or
  - (2) Reject the sign permit if such sign fails in any way to conform to the requirements of this Sign Code. In case of rejection, the Zoning Administrator shall specify the section or sections of the Sign Code with which the sign application is inconsistent.
  - (3) If the Zoning Administrator rejects the sign permit, the applicant may appeal the rejection to the Board of Zoning Appeals pursuant to the Zoning Code.
- (f) Building Permit. After obtaining a sign permit from the City, the owner or agent shall contact the Miami County Building Regulations Department to apply for and obtain all necessary building permits for the sign construction or installation.
- (g) The Zoning Administrator is authorized to make inspections to determine conformance with the provisions of this Sign Code and the compliance with orders issued pursuant to this section.

#### 749.17 NON-CONFORMING SIGNS

- (a) Provisions for Continuance. Any non-conforming sign may continue. However, such non-conforming sign shall lose its non-conforming status and must be brought into compliance with this Sign Code or be removed if any of the following occur:
  - (1) The sign is altered in any way in structure or size.
  - (2) The sign is relocated.
  - (3) The sign is replaced.
  - (4) The sign becomes an obsolete sign for more than one hundred eighty-three (183) days.
  - (5) The sign is damaged to an extent of greater than fifty percent (50%) of the estimated replacement value.
  - (6) The sign creates a hazard to vehicular and pedestrian traffic.
- (b) Illegal Signs Not Non-conforming Signs. Any sign not lawfully existing prior to the enactment of this Sign Code and which could not be erected in accordance with the provisions of this Sign Code shall not be deemed to attain any legal status by the enactment of this Sign Code.

## 749.18 REMOVAL OF SIGNS

- (a) Removal of Obsolete Signs. Thirty (30) days after becoming an obsolete sign, the face of the sign shall be removed or reversed. Six (6) months after becoming an obsolete sign, all obsolete signs shall be taken down and removed, including all legible parts of the sign structure, or in the case of painted wall signs, painted over to obliterate the obsolete message. This shall be accomplished by the owner of the property upon which such sign is located. After written citation and notice from the Zoning Administrator, and failure by such sign owner or property owner to comply with such notice within fourteen (14) days, the Zoning Administrator is authorized to cause removal of the sign and/or sign structure, and any expense incident thereto shall be paid by the owner of the property upon which such sign is located.
- (b) Unsafe or Illegal Signs. If the Zoning Administrator or designee finds that any sign or structure regulated herein is unsafe or illegal, written notice or citation shall be given to the owner of the property upon which the sign is located, noting such violation of this Sign Code and time specified to remedy such violation. If the property owner fails to remove the sign, repair the sign, or obtain required permits so as to comply with the requirements set forth in the citation or notice, the Zoning Administrator is authorized to cause removal of the sign and any expense incidental thereto shall be paid by the owner of the property upon which the sign is located. Each day such violation or failure to comply is continued after notification thereof shall constitute a separate offense.
- (c) Temporary Signs with Lapsed Permits. All temporary signs that were constructed, painted, installed, or maintained in conformance with a temporary sign permit under this Sign Code, and such permit has lapsed and has not been renewed, shall be forthwith removed by the owner of the property on which such sign is located. Upon failure of the owner to remove such signs, the Zoning Administrator may cause removal of such signs after issuing forty-eight (48) hour notice to such owner and any expense incident thereto shall be paid by the owner of the property upon which such sign is located.
- (d) Signs with No Permits. Except as otherwise provided herein, the owner of any zoning lot or other premises on which exists a sign for which there is no valid sign permit shall be obligated to remove such sign or bring it into conformity with the requirements of this Sign Code.

## 749.19 APPEALS AND VARIANCES

The Board of Zoning Appeals shall have authority to hear appeals and consider variance applications as provided under Chapter 1137 of the Zoning Code. The affirmative vote of four (4) members shall be required to sustain an appeal. The affirmative vote of four (4) members shall be required to approve a variance.

- (a) A variance for location of the sign only, may be granted by the Board of Zoning Appeals (BZA) where the strict interpretation of this chapter would create an unusual and unnecessary hardship on the property owner or occupant due to the unique location or physical characteristics of the property, if such variance would not adversely affect the public interest in any substantial manner, and if the relevant physical characteristics of the property were not caused by a current or previous owner or occupant.
- (b) The BZA shall not have the authority to approve any sign with a message area exceeding that permitted by this chapter, or to permit the total message area to exceed the allowable message area permitted by this chapter. Only changes to the placement or location of a sign shall be granted by the BZA.
- (c) In the event that a sign is established in violation of any provision of this chapter, no application for a variance allowing such sign shall be accepted, processed or reviewed by the BZA while the illegal sign remains in place.
- (d) Following disapproval by the BZA of an application or request for variance, no subsequent application requesting the same variance shall be filed by the applicant, whether or not the same person, firm or corporation, until the expiration of twelve (12) months after disapproval.
- (e) Applications for variances shall bear a nonrefundable fee in the amount established on the City's fee schedule for zoning variances.
- (f) Although these sign regulations are business regulations and not zoning regulations, the notice and hearing procedures provided by Ohio law for zoning variances shall be utilized for sign variances under this chapter.

#### 749.20 VIOLATIONS

- (a) Violations. Any of the following shall be a violation of this Sign Code and shall be subject to the enforcement remedies and penalties provided by this Sign Code and by law:
  - (1) Inconsistent with Plan or Permit. To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zoning lot on which the sign is located.
  - (2) Failure to Obtain Permit. To install, create, erect, or maintain any sign requiring a permit without such a permit.
  - (3) Failure to Remove Sign. To fail to remove any sign that is installed, created, erected, or maintained in violation of this Sign Code, or for which the sign permit has lapsed.
  - (4) Separate Violation Each Day. Each such day of a continued violation shall be considered a separate violation when applying the penalty portions of this Sign Code.
- (b) Separate Violations. Each sign installed, created, erected, or maintained in violation of this Sign Code shall be considered a separate violation when applying the penalty portions of this Sign Code.

#### 749.21 SEVERABILITY

Should a court of competent jurisdiction find any part of this chapter unenforceable, the remainder of this chapter shall remain in full force and effect to the fullest extent not in conflict with the court's decision.

#### 749.99 PENALTY

A violation of the requirements of this Sign Code shall constitute a misdemeanor of the fourth degree, punishable as provided in Section 501.99 of the Codified Ordinances of the City of Troy, Ohio and each day such violation is continued shall constitute a separate offense. If the offender has previously been convicted of a violation of this Sign Code, then a subsequent violation shall constitute a misdemeanor of the third degree, punishable as provided in Section 501.99 of the Codified Ordinances of the City of Troy, Ohio and each day such violation is continued shall constitute a separate offense.