

**CHAPTER 151.30**  
**Sign Regulations**

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**§ 151.3001 PURPOSES.**

The purpose of this Chapter is to promote and protect the general health, safety and welfare of the residents, as more fully set forth in the following purposes, these regulation are herein established to provide for the use, location, size, height and design of signs, in order to ensure that all signs are appropriate to, and compatible with, the character of the associated uses and of the surrounding area.

In establishing these purposes, the City has determined that no sign shall be permitted, erected or maintained as a main or accessory use except in accordance with the provisions of this Zoning Ordinance, unless such sign is exempted from the provisions of this Chapter.

In establishing these purposes, the City has determined that, without adequate regulation and design standards, signs are a nuisance. The number of signs in the City is excessive and is unduly distracting to motorists and pedestrians, creates a traffic hazard, and in some places reduces

the effectiveness of signs needed to direct the public. As the appearance of the City is marred by the excessive number, oversized and poorly-designed signs, both residential and business property values are adversely affected. Therefore, the number of such distracting signs ought to be reduced and signs permitted should comply with the standards of this Chapter in order to reduce the aforementioned effects.

The signs of least value to the people of the City are those which carry commercial messages other than the advertisement of any product, service, event, person, institution, or business located on the premise[s] where the sign is located.

In view of the foregoing, any sign that does not conform to the regulations of this Chapter, or any subsequent amendment thereto, shall therefore be deemed a public nuisance, and as such, must be abated as provided herein. It is further declared that the regulations

contained in this chapter are the minimum regulations necessary to abate the nuisance and to achieve the purposes of this chapter.

More specifically, the purposes of these regulations are to:

(a) Enhance and protect the physical appearance of the community.

(b) Promote and maintain attractive, high value residential, retail, commercial and industrial districts, and preserve the scenic and natural beauty of designated areas.

(c) Provide necessary, yet reasonable and appropriate, signage for all residential, institutional and business uses in the community.

(d) Ensure that signs are located and designed to maintain a safe and orderly pedestrian and vehicular environment, and to avoid confusion or hazardous conflict between traffic control signs and devices, and any other permitted sign.

(e) Enhance traffic and pedestrian safety.

(f) Provide the public with a safe and effective means of locating businesses, services and points of interest within the municipality.

(g) Protect the rights of property owners and occupants to display messages protected by the First Amendment to the United States Constitution. Therefore, the purpose of these regulations include the intention to remove any doubt that it is the public's right to receive and display messages protected by the First Amendment, including but not limited to, religious, political, economic, social, and philosophical messages subject, however, to reasonable regulations to assure safety and minimize visual blight. It is the further

purpose of these regulations to affirm that an expedient appeal process exists that addresses these First Amendment concerns.

(h) Provide review procedures that enable and ensure the comprehensive evaluation of a sign's appropriateness to the site, building and surroundings, adherence to these purposes, and consistent enforcement of this Chapter's regulations.

(i) Establish and enforce a reasonable procedure for the eventual removal of legally non-conforming signs.

(j) Prohibit all signs not expressly permitted by this Chapter.

#### **§ 151.3002 CLASSIFICATION OF SIGNS.**

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

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

(a) Abandoned Sign: Any sign or its supporting sign structure, which remains without a message or whose display surface remains blank for a period of: (1)

one year or more (for a sign or its supporting sign structure which conforms to this chapter at the time of adoption); or (2) any commercial sign which pertains to a time, event or purpose which no longer applies, or (3) a sign that is deteriorated, or is not adequately maintained, repaired, or removed within the specified time as ordered by this Chapter.

(b) Advertising Sign: Any off-premises sign which directs attention to any business, profession, product, activity, commodity, or service that is offered, sold, or manufactured on property or premises other than that upon which the sign is located.

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

(d) Animated Sign: Any sign having a conspicuous and intermittent variation in the physical position of any part of the sign.

(e) Attention-Attracting Device: Any device, such as balloons, searchlights, twirling signs, inflatable objects, etc., intended to attract the attention of the public to an establishment, location, product or service.

(f) Banner Sign: Any sign of lightweight fabric or similar material with no enclosing framework that is mounted to two or more supports or to a building at one or more edges. National and state flags or the official flag of any institution or business shall not be considered banners.



Figure 1. Banner Sign

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

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

(i) Commercial Message: 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.

(j) Commercial Sign: A sign that contains a commercial message.

(k) Corporate Limit Sign: Signs established by the City, located on City property, to designate its boundaries to persons traveling into the community. Corporate limit signs may include the signs of nonprofit organizations.

(l) Deteriorated Sign: Sign showing signs of weathering, rust, corrosion, exposed wiring, chipped paint or faces, cracked, broken, torn or missing faces, or loose materials, or other evidence of disrepair.

(m) Directional Signage:

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

Interior: Any sign located within the interior of a lot which is designed solely to direct pedestrian and vehicular traffic to the proper destination within the premises and

which is not oriented for viewing from the street or adjoining properties.

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

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

(p) Flag: Any fabric or similar lightweight material attached at one (1) end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices used to represent a government, political subdivision, and/or any organization, whether for-profit or not-for-profit, but not including a commercial message.

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

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

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

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

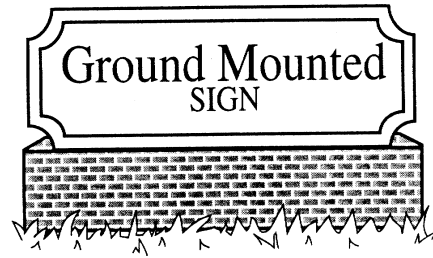


Figure 2. Ground Mounted Sign

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

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



Figure 3. Yard Arm Sign

(t) Government Sign: Signs designed for control of, or to provide information to, traffic and other regulatory functions, and signs of public utilities and/or common carriers indicating danger and/or location of facilities and/or components, and aids for service or safety which are erected by the order of a public officer in the performance of his/her public duty (see also Public Sign).

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

(v) Hand-Held Sign: A sign containing a commercial message that is held, carried, worn, balanced by or otherwise mounted on a person. A hand-held sign shall include a human or animal used as an advertising device for commercial establishments, typically by holding or wearing of insignia, masks, or costumes associated with the commercial establishment.

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

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

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

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

(x) Interior Sign: Signs located within a structure not intended to be legible from the exterior. Signs affixed to a window or the walls enclosing the display area behind a window, which are obviously intended to be legible from the exterior, shall be considered exterior signs.

(y) Illuminated Sign: A sign with an artificial light source incorporated

internally or externally for the purpose of illuminating the sign.

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

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

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

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

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

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

(ff) Non-Commercial Message: A message intended to direct attention to a political candidate, election issue, political, social, religious, community or public service issue or idea, aim, viewpoint, aspiration or purpose and not intended to produce any commercial benefit or tend to encourage a commercial transaction.

(gg) Non-Commercial Sign: A sign containing a noncommercial message. Any sign that may be displayed under the provisions of this Chapter may contain a non-commercial message.

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

(ii) Obscene Sign: A sign which contains words or pictures in which the dominant theme, taken as a whole, appeals to the prurient interest in sex or is patently offensive because it affronts the contemporary community standard relating to the description or representation of sexual material which is without redeeming social value.

(jj) Off-Premise Sign: A sign which contains a commercial message unrelated to a business, profession, commodity, service, activity, sold or offered upon the premises where such sign is located. A billboard is a type of off-premise advertising sign.

(kk) On-Premise Sign: Any sign containing a commercial message related to a business or profession conducted, or a commodity or service sold or offered, upon the premises where such sign is located.

(ll) Owner: For the purposes of this section, the owner of the property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the building department, for example, a sign leased from a sign company.

(mm) Pennant: Any sign of light-weight plastic, fabric, or other similar material, whether or not containing a message of any kind, which is suspended from a rope, wire, or string, usually in a series, and which is designed to move in the wind.

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

(oo) Pole Sign: Any freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level.

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

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

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

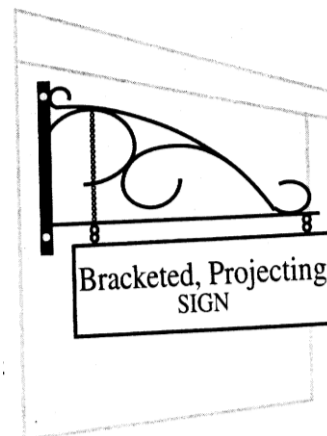


Figure 4. Projecting Sign

(ss) Public Sign: Any sign required or specifically authorized for a public purpose by any law, statute, or ordinance which may be of any type, number, area, height above grade, location, illumination or animation, required by the law, statute, or ordinance under which the signs are erected (see also Government Sign).

(tt) Real Estate Sign: A temporary sign posted on property that is actively marketed for sale, rental or lease.

(uu) Right-Of-Way: a strip of land taken, dedicated, or otherwise recorded as an irrevocable right-of-passage for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, water and sewer lines, lighting and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges. The right-of-way is presumed to be a distance of 13 feet from the back of curb unless otherwise measured.

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

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

(xx) Seasonal or Holiday Display: Any temporary display, such as Christmas decorations, used for a holiday and installed for a short, limited period of time.

(yy) Sign: Any object, device, display, or structure, or part thereof, visible from a public place, a public right-of-way, any parking area or right-of-way open to use by the general public, which is designed and used to attract attention to an institution, organization, business, product, service,

event, or location by any means involving words, letters, figures, designs, symbols, fixtures, logos, colors, illumination, or projected images. For clarification, examples of items which typically do not satisfy the necessary elements of this definition include, but are not limited to: works of art; architectural elements incorporated into the style or function of a building; and, flags of any nation, state, political subdivision, other geopolitical entity not related to a commercial business, product or service, and/or any organization, whether for-profit or not-for-profit, but not including a commercial message. For purposes of this definition, a work of art is any item expressing creative skill or imagination in a visual form, such as a painting or sculpture, which is intended to beautify or provide an aesthetic influence to a public area or area which is visible from the public realm and which in no way identifies or specifically relates to a commercial business, product or service.

(zz) Sign Area: The entire area within a single continuous perimeter enclosing the extreme limits of writing or a 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. The necessary supports or uprights on which such sign is placed, not being advertising matter, shall not be included in computation of surface area. The area of a sign having more than one display surface shall be computed as the total of the exposed exterior display surface area.

(aaa) Sign Face: The surface or the sign upon, against or through which the message of the sign is exhibited.

(bbb) Sign Height: The vertical distance from the uppermost point used in measuring the area of the sign to the average grade.

(ccc) Sign Structure: The supports, uprights, bracing or framework for signs.

(ddd) Sign Walker: An individual carrying a portable sign intended to convey a commercial message to vehicular traffic.

(eee) Snipe Sign: Any sign that is posted on trees, landscaping, utility poles or structures, streetlights, fences, fire hydrants, bridges, curbs, sidewalks, park benches parkways, streets, right-of-ways, or other locations on public property.

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

(ggg) Temporary Sign: Any sign or advertising display constructed of cloth, canvas, light fabric, paper, cardboard, or other light materials, which is displayed for a limited time only. Temporary signs are not, nor are intended to be, permanently attached to a building, structure or the ground.

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

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



Figure 5. Wall Sign

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

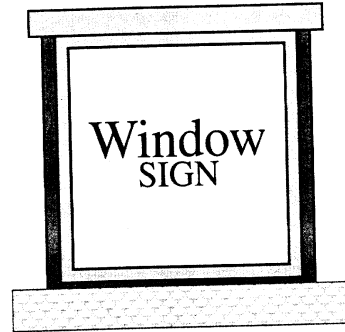


Figure 6. Window Sign

(kkk) Yard Sign: A temporary sign, which is mounted on a stake or a frame structure (often made from wire) that includes one (1) or more stakes.

### § 151.3003 APPLICATION OF CHAPTER

(a) The provisions of this Chapter shall apply to and govern signs in all districts. No sign shall be erected or maintained unless it is in compliance with the regulations governing location and bulk of structures for the district in which it is located, unless such sign is otherwise specifically regulated by special use provisions relating to variances.

(b) Any sign already established on the effective date of this Zoning Code, which sign is rendered nonconforming by the provisions of this Zoning Code, and any sign which, as a result of subsequent amendments of this Zoning Code, shall be rendered nonconforming, shall be subject to the provisions of Section 151.50 Nonconforming Use Regulations.



(c) Wherever a commercial sign is allowed or permitted under this Chapter, an owner may place a noncommercial sign, subject to the time, place and manner provisions of this Chapter, without applying for a permit and/or paying a fee that otherwise would be required for the placement of a commercial sign on the lot; provided, that the sign structure or mounting device is legal without consideration of message content. This provision prevails over any provision to the contrary in this ordinance. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a lot or parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted.

(d) All noncommercial speech is considered on-premise signage and is entitled to the privileges that on-premise signs receive under this Section.

(e) Notwithstanding any other provision herein, signs that display a noncommercial message are entitled to the maximum square footage allowed of any sign within the same zoning district.

(f) Notwithstanding any other provision herein, signs that display a noncommercial message are not subject to the temporal limitations otherwise set forth in this Chapter; however, such signs remain subject to the provisions of Section 151.3018.

#### **§ 151.3004 SIGNS EXEMPT FROM REGULATION.**

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

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

(b) Building address numbers provided they do not exceed 24” in height.

(c) Cornerstones containing no advertising message incorporated into the building design as an architectural feature.

(d) Corporate Limit Signs.

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

(f) Government Signs.

(g) Public Signs.

(h) Seasonal or holiday displays that contain no commercial message when displayed during the appropriate time of the year.

(i) Signs on a truck, bus, trailer or other vehicle while such vehicle is operated in the normal course of a business which is not primarily the display of such signs.

(j) Tablets, grave markers, headstones, statuary or remembrances of persons or events that contain no commercial message.

(k) Works of art not containing a commercial message.

#### **§ 151.3005 PROHIBITED SIGNS.**

All signs not expressly permitted in this Chapter or exempt from regulation pursuant to Section 151.3004 are prohibited in the City of Montgomery.

Such signs include, but are not limited to, the following:

- (a) Abandoned signs;
- (b) Any sign which, by reason of its size, location, content, coloring or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety by obstructing the vision of a driver, or by obstructing or detracting from the visibility of any traffic sign or control device on public streets or roads;
- (c) Attention-attracting devices, including, but not limited to pennants, streamers or similar moving devices, air activated graphics or balloons;
- (d) Changeable copy signs;
- (e) Dry-erase board signs;
- (f) Electronic message signs;
- (g) Merchandise, equipment, products, motor vehicles or other items not themselves for sale and placed for attention getting, identification or advertising purposes;
- (h) Mobile signs and portable signs on wheels, runners, casters, parked trailers, parked vehicles, or other mobile devices; Mobile signs in transit through the City are not prohibited, but such signs are prohibited when parked or standing on public streets or private property unless shielded from public view.
- (i) Obscene signs;
- (j) Off-premise signs;
- (k) Portable signs carried by sign walkers;
- (l) Pylon or pole mounted signs;
- (m) Roof signs;
- (n) Searchlights;
- (o) Signs containing any words or symbols that would cause confusion because of their resemblance to highway traffic control or direction signals;

(p) Signs which incorporate in any manner any blinking, flashing or moving lights; and,

(q) Snipe signs which are attached or otherwise applied to trees, bus shelters, benches, trash receptacles, newspaper vending machines or other unapproved supporting structures, or otherwise placed in the public right-of-way, except as otherwise permitted herein.

#### **§ 151.3006 SIGNS PARTIALLY EXEMPT FROM CHAPTER**

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 Chapter 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 Chapter:

- (a) Signs installed by employees or officials of a state or federal agency in the course of their governmental duties and bearing no commercial message;
- (b) Signs required by an order of a court of competent jurisdiction;
- (c) Signs installed by a transit company with a franchise or other right to operate in the City where such signs are installed along its routes and bear no commercial message; and,
- (d) Temporary signs bearing no commercial message.

#### **§ 151.3007 SIGNS ALLOWED IN THE RIGHT-OF-WAY AND ON PUBLIC PROPERTY**

The following signs, and only the following signs, shall be allowed in the public right-of-way in the City or in parks

or on other public property controlled by the City:

- (a) Corporate limit signs;
- (b) Government signs;
- (c) Public signs;
- (d) Signs installed by a transit company with a franchise or other right to operate in the City, where such signs are installed along its routes and bearing no commercial message;
- (e) Signs installed by employees or officials of a state or federal agency in the course of their governmental duties and bearing no commercial message;
- (f) Signs in parks that relate to the use of one or more facilities (including temporary uses by particular entities or individuals), provided that such signs shall not be legible from any public right-of-way outside the park;
- (g) Signs required by an order of a court of competent jurisdiction; and,
- (h) Street banners and flags as permitted by the City's Flagpole Use Policy, Policy VII-11.

**§ 151.3008 TRAFFIC HAZARDS**

- (a) Except as may be required by law, no sign shall be erected within 20 feet of the intersection of any streets, in such a manner as to obstruct free and clear vision, or at any location where, by reason of position, shape or color, it may interfere with, obstruct the view of, or be confused with, any authorized traffic sign, signal or device.
- (b) Light sources for illuminated signs shall not be of such brightness as to constitute a hazard to pedestrian or vehicular traffic.
- (c) Artificial light shall be maintained stationary and constant in intensity and color at all times when in use.

**§ 151.3009 COMPUTATION OF SIGN SIZE.**

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

(a) Determining Sign Area or Dimension.

- (1) In the case of freestanding or projecting signs, the sign area consists of the entire surface area of the sign on which copy could be placed, and may include the surrounding frame structure, as provided herein.
- (2) For a sign comprised of individual letters, figures or elements on a wall or similar surface of the building or structure, or an irregular shaped ground mounted sign, the area of the sign shall encompass a regular, or a combination of regular geometric shapes which form or approximate the perimeter of all the elements in the display. Letters of the same word or phrase are measured as a unit unless a letter, or symbol within a word, is intended as a trademark or other identifiable mark. If so, such trademark or identifiable mark shall be measured as a separate rectangular unit within the word or phrase. When separate elements are organized to form a single sign, but the elements are separated by open space, the area shall be calculated by determining the geometric form, or combination of forms, which comprise all the display areas, including the space between the elements.
- (3) The supporting structure or bracing of a sign shall not be counted as part of the sign face area, unless such structure or bracing is made part of the sign's message by inclusion of a symbol, logo, or other three-dimensional figure, in which case the smallest rectangle which can encompass the area of said symbol or

figure shall be included as part of the total message area calculations.

- (4) The area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.
- (5) In the event there is a dispute in determining the sign area or any sign dimension, the Zoning Administrator shall have the final responsibility for making such determination.
- (b) Determining Sign Height.
  - (1) The height of a projecting sign shall be measured from the top most element of the sign to the ground below.
  - (2) The height of a wall sign shall be measured from the finished grade at the building base below the sign to the top most element of the sign.
  - (3) The height of a ground mounted sign shall be measured from grade level to the top of the sign. A ground mounted sign on a man-made base, including a graded earth mound, shall be measured from the grade of the nearest street, drive or parking area.
- (c) Determining Clearance of a Sign: The smallest vertical distance between the grade of the adjacent street or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.
- (d) Determining Building Frontage and Building Unit. The building wall that faces the principal street or the building wall that contains the main entrance to the uses

therein shall be considered the building frontage.

- (1) The building frontage shall be measured along the front wall between the exterior faces of the exterior sidewalls.
- (2) In the case of an irregular wall surface, a straight line extended along such wall surface shall be used to measure the length.
- (3) For lots fronting on two or more streets, or where the building has its main entrance on a wall other than the wall that faces the street, the property owner shall determine which wall shall be the primary building frontage and which wall shall be the secondary building frontage. Only one outside wall of any business shall be considered its primary frontage.
- (4) For multi-tenant buildings, the portion of a building that is owned or leased by a single tenant shall be considered a building unit. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.
- (e) Determining Window Area: The window area of a building shall be the total glass area of windows on the first floor of the wall of the building facing a public street. A window panel shall be the area of glass separated from another window panel by an opaque panel four or more inches wide.

**§ 151.3010 MAXIMUM SIGN AREA PERMITTED.**

Signs as permitted in the respective zoning districts shall conform to the maximum area limitations set forth in this Chapter. Signs for which no maximum area limitations are specified are subject to the review and approval of the Planning Commission, subject to the procedures and requirements of Section 151.3019, unless

such signing is exempt according to Section 151.3004.

**§ 151.3011 SIGNS IN RESIDENTIAL DISTRICTS.**

All signs located in residential districts shall comply with the maximum area requirements set forth in Schedule 151.3011 and this Section. Permanent signs shall also comply with the supplemental regulations set forth in §151.3014.

(a) Ground Mounted Signs in Residential Districts. One ground mounted sign shall be permitted per street frontage in residential districts for residential developments and institutional uses in compliance with the following regulations:

- (1) The design of such signs shall be compatible with the character of the neighborhood.
- (2) Such signs shall not exceed 25 square feet in size or five (5) feet in height.
- (3) Such signs shall be located no closer than 13 feet from the back of the curb or two feet beyond the right-of-way, whichever is greater, except as otherwise permitted below.
- (4) A ground mounted sign may be placed in the right-of-way provided such sign shall be located on the center island of a boulevard entrance and placed no closer than 25 feet to the intersecting street's right-of-way. Such signs are subject to being removed by the City without reimbursement, if such sign interferes with the City's use of the right-of-way or causes a threat to the public safety.
- (5) Such signs shall be located no closer than 25 feet to a side lot line.
- (6) Such signs maybe be externally illuminated only and shall be in compliance with the supplemental regulations as defined in

§151.3014(m)(1)(a) through (m)(1)(g).

(7) Ground signs shall include the street address, if applicable.

(b) Wall Signs in Residential Districts. One wall sign per entrance shall be permitted not to exceed two (2) square feet in size.

(c) Incidental Signs in Residential Districts. Incidental signs containing no commercial message are permitted in residential districts, not to exceed 4 square feet in size or 4 feet in height.

(d) Temporary Signs in Residential Districts. A maximum of 25 square feet of temporary signage bearing a non-commercial message or a message relating to the sale, lease, rental or construction of or upon the principal use shall be permitted per lot, in compliance with the following regulations:

- (1) Such signs may not exceed four (4) feet in height.
- (2) Temporary signs bearing a message relating to the sale, lease, rental or construction of or upon the principal use shall not exceed four (4) square feet in size and shall be removed within three (3) days of the sale of the property or completion of construction.
- (3) Such signs shall also comply with the supplemental regulations for temporary signs as defined in §151.3015.

§ 151.3011 SCHEDULE OF MAXIMUM SIGN AREA AND HEIGHT REGULATIONS IN RESIDENTIAL DISTRICTS. Sign Type <sup>(a)(g)</sup>	Single-Family and Multi-Family Districts	
	Area	Height
A. Ground Mounted Signs <sup>(b)(c)</sup>	25 sq. ft.	5 ft.
B. Wall Signs <sup>(d)</sup>	2 sq. ft.	NA
C. Incidental Signs <sup>(e)</sup>	4 sq. ft.	4 ft.
D. Temporary Signs <sup>(f)</sup>	25 sq. ft.	4 ft.
<p><u>Notes to Schedule 151.3010:</u></p> <p>NP = Not permitted                      sq. ft. = square feet            NA = Not applicable                    ft. = feet</p> <p>(a) Shall not be permitted to be internally illuminated.            (b) In compliance with Section 151.3011(a).            (c) Maximum of 2 faces per sign. Maximum sign area permitted per face.            (d) In compliance with Section 151.3011(b).            (e) In compliance with Section 151.3011(c).            (f) In compliance with section 151.3011(d) and supplement regulations set forth in §151.3015.            (g) Signs shall be in compliance with the supplemental regulations set forth in §151.3014.</p>		

**§ 151.3012 SIGNS IN  
COMMERCIAL DISTRICTS.**

The maximum area permitted for signs for each tenant shall be 1.5 square feet per lineal foot of building frontage, up to 60 square feet. The maximum number of signs per tenant over which the maximum area for signage may be divided shall be limited to three (3) signs. This maximum area shall be the sum of the areas of all signs attached to the building for a single tenant space, including wall signs, awning/canopy signs,

projecting signs, as well as ground mounted signs. Sandwich board signs permitted under §151.3010(h) are excluded from the maximum area calculation. All signs located in commercial districts shall comply with the maximum area requirements set forth in Schedule 151.3012 and this Section. All signs shall also be in compliance with the supplemental regulations set forth in §151.3014.

(a) Ground Mounted Signs in Commercial Districts. A maximum of one ground mounted sign shall be permitted per development, except for facilities on corner or double frontage lots pursuant to §151.3012(8), in compliance with the following regulations:

- (1) Internally illuminated ground mounted signs shall not exceed 30 square feet in size. Externally illuminated signs shall not exceed 36 square feet in size.
- (2) Ground signs shall not exceed 5 feet in height.
- (3) In the OM and OMG District, ground mounted signs shall be located no closer to a street curb or edge of pavement than 6 feet or 50% of the building setback, whichever is less, but shall not be placed within the public right-of-way. In the remaining commercial districts, ground mounted signs shall be located no closer than 6 feet to any street right-of-way line.
- (4) Ground mounted signs shall be located no closer than 10 feet from any side property line, except that when a side lot coincides with a residential zoning district boundary line, the minimum setback shall be 25 feet.
- (5) Ground mounted signs in the commercial districts shall be erected in a landscaped setting and shall not

be permitted on sidewalks, drives or in parking lots.

- (6) Ground signs shall include the street address, if applicable.
  - (7) When a ground mounted sign is erected on a site that has more than one tenant, it is the property owner's responsibility to determine the sign area devoted to identification of the development, building, anchor tenant, all tenants, or some combination thereof.
  - (8) One additional ground mounted sign shall be permitted for a corner or double frontage lot in the commercial districts and the additional area shall not be included in the sum of the maximum sign area provided that:
    - A. The total frontage of both streets is not less than 300 feet and there are at least two (2) curb cuts providing access to the lot;
    - B. The area of each ground mounted sign complies Section 151.3010(a)(1); and,
    - C. The second ground mounted sign is clearly located to provide identification along the secondary street.
- (b) Wall Signs in Commercial Districts.
- (1) The maximum height for wall signs is 20' as measured from the building grade line to the top of the sign.
  - (2) One additional wall sign shall be permitted when a building has a secondary customer entrance facing a side or rear parking area. The additional sign shall be permitted only on the secondary frontage. The additional sign area shall not exceed 0.75 square feet per lineal foot of building frontage based on the length

of the secondary building frontage, up to 30 square feet.

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

A. The maximum area of the plaque shall be 3 square feet.

B. The width of the plaque may not exceed the width of the surface of the attachment.

C. The centerline height of the plaque shall be no higher than five feet above the average grade level.

D. Where more than one (1) plaque is placed at an entrance, the total group is to be related in an orderly and integrated manner in one or more vertical columns with common vertical centerlines. The horizontal centerline of each group must be 5 feet above the average grade level.

E. Plaques must be of cast metal, natural stone or wood.

F. The maximum permitted area for plaques shall not be included in the sum of the maximum sign area set forth in § 151.3012.

G. No internally illuminated plaques shall be permitted.

(c) Menu Boards in Commercial Districts.

- (1) Menu boards used in association with drive-through facilities of a permitted use shall not exceed 20 square feet in size or 5' in height.

- (2) The area of menu boards shall not be included in the sum of the maximum sign area set forth in § 151.3010 for business identification signs.

(d) Directory Signs in Commercial Districts.

- (1) One directory sign may be located at each entrance of a multi-tenant building provided that the directory sign is not legible from a public right-of-way.

- (2) Directory signs may not exceed 12 square feet in area nor five feet in height.

- (3) Directory sign letters shall not exceed four inches in height.

(e) Incidental Signs in Commercial Districts.

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

A. The sign is not in a location and does not possess design characteristics that constitute or serve the purposes of an identification sign; and

B. The sign is not larger than necessary to serve the intended incidental purpose and shall not exceed 4 square feet in size or 4 feet in height.

(f) Window Signs in Commercial Districts.

- (1) Window signs shall not exceed 10 square feet in size or 20% of the window area. Window signs, excluding incidental signs, shall not be counted towards the total sign allowance set forth in § 151.3012.

(g) Temporary Signs in Commercial Districts.

- (1) One temporary sign bearing a non-commercial message or a message relating to the sale, lease, rental or construction of the principal use shall



be permitted per lot. Such signs may not exceed 16 square feet in size or 5 feet in height.

- (2) One temporary sign bearing a commercial message per business shall be permitted for a period not to exceed 60 days per calendar year. Such signs shall not exceed 50 square feet in size for a banner or 25 square feet per side for a yard sign.
- (3) In addition to the maximum size requirements set forth in this Section, permitted temporary signs shall comply with the supplemental temporary sign regulations set forth in § 151.3015.

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

- (1) In the OM District, not more than one (1) sandwich board sign shall be permitted per business. A sandwich board sign may be placed in front of the building and displayed 365 days per year. However, in the OM District, design criteria place the sidewalk within the right-of-way and front the building to the sidewalk leaving no front yard, as a result such signs may be placed on the sidewalk even if it encroaches upon the public right of way, provided an unobstructed walkway with a minimum of five (5) feet is reserved for public passage. Sandwich board signs must be removed from display at the close of each business day, or no later than 10:00 p.m. The sign may contain a message per face, which may be permanently printed on the sign or be a chalk board sign. The sign must be consistent with the material and color requirements of

design guidelines for the Heritage Overlay District, as outlined in Chapter 151.14. The signs may not be illuminated.

- (2) In the GB, LB, and OMG Districts, sandwich board signs shall meet the requirements for temporary signs.
- (3) For all sandwich board signs, the maximum outside dimension of such signs shall not exceed 24 inches in width and 36 inches in height per face, not including 'legs' which can be used to raise the sign off the ground, provided those legs do not exceed six inches in height.

### **§ 151.3013 SIGNS IN OFFICE DISTRICTS.**

Business identification signs for a project or development in the Office District or Office Commercial District shall be limited to one ground sign or one wall sign with a cap at 60 square feet. All signs located in office districts shall comply with the maximum area requirements set forth in Schedule 151.3012 and this Section. All signs shall also be in compliance with the supplemental regulations set forth in §151.3014.

(a) Ground Mounted Signs in the Office Districts. A maximum of one ground mounted sign shall be permitted per development, except for facilities on corner or double frontage lots, as permitted in §151.3013(7). Ground mounted signs shall be in compliance with the following regulations:

- (1) Internally illuminated ground mounted signs shall not exceed 30 square feet in size. Externally illuminated ground mounted signs shall not exceed 36 square feet in size.
- (2) Ground signs shall not exceed 5 feet in height.
- (3) Ground mounted signs shall be located no closer than 6 feet to any street right-of-way line.

- (4) Ground mounted signs shall be located no closer than 10 feet from any side property line, except that when a side lot coincides with a residential zoning district boundary line, the minimum setback shall be 25 feet.
- (5) Ground mounted signs shall be erected in a landscaped setting and shall not be permitted on sidewalks, drives or in parking lots.
- (6) Ground signs shall include the street address, if applicable.
- (7) One additional ground mounted sign shall be permitted for a corner or double frontage lot in the commercial districts and the additional area shall not be included in the sum of the maximum sign area provided that:
  - A. The total frontage of both streets is not less than 300 feet and there are at least two (2) curb cuts providing access to the lot;
  - B. The area of each ground mounted sign complies Section 151.1010(a)(1); and,
  - C. The second ground mounted sign is clearly located to provide identification along the secondary street.
- (b) Wall Signs in Office Districts.
  - (1) The maximum height for wall signs is 20' as measured from the building grade line to the top of the sign.
  - (2) One additional wall sign shall be permitted when a building has a secondary customer entrance facing a side or rear parking area. The additional sign shall be permitted only on the secondary frontage.
  - (3) The additional sign area shall not exceed 0.75 square feet per lineal foot of building frontage based on the length of the secondary building frontage, up to 30 square feet.
- (4) Plaques shall be permitted for upper story occupants of a multi-tenant building to be attached to the premises at the point of building access in compliance with the following:
  - A. The maximum area of the plaque shall be 3 square feet.
  - B. The width of the plaque may not exceed the width of the surface of the attachment.
  - C. The centerline height of the plaque shall be no higher than five feet above the average grade level.
  - D. Where more than one plaque is placed at an entrance, the total group is to be related in an orderly and integrated manner in one or more vertical columns with common vertical centerlines. The horizontal centerline of each group must be 5 feet above the average grade level.
  - E. Plaques must be of cast metal, natural stone or wood.
  - F. The maximum permitted area for plaques shall not be included in the sum of the maximum sign area set forth in § 151.3010.
  - G. No internally illuminated plaques shall be permitted.
- (c) Directory Signs in Office Districts.
  - (1) One directory sign may be located at each entrance of a multi-tenant building provided that the directory sign is not legible from a public right-of-way.
  - (2) Directory signs may not exceed 12 square feet in area nor five feet in height.
  - (3) Directory sign letters shall not exceed four inches in height.
- (d) Incidental Signs in Office Districts.

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

A. The sign is not in a location and does not possess design characteristics that constitute or serve the purposes of an identification sign; and

B. The sign is not larger than necessary to serve the intended incidental purpose and shall not exceed 4 square feet in size or 4 feet in height.

(e) Temporary Signs in Office Districts.

(4) One temporary sign bearing a non-commercial message or a message relating to the sale, lease, rental or construction of the principal use shall be permitted per lot. Such signs may not exceed 16 square feet in size or 5 feet in height.

(5) One temporary sign bearing a commercial message per business shall be permitted for a period not to exceed 60 days per calendar year. Such signs shall not exceed 50 square feet in size for a banner or 25 square feet per side for a yard sign.

(6) In addition to the maximum size requirements set forth in this Section, permitted temporary signs shall comply with the supplemental temporary sign regulations set forth in § 151.3016.

§ 151.3012 SCHEDULE OF MAXIMUM SIGN AREA IN COMMERCIAL AND OFFICE DISTRICTS. Sign Type <sup>(d)(l)</sup>	Commercial and Office Districts	
	Office	Commercial
A. Ground Mounted Signs <sup>(a)(b)(c)(d)</sup>	30 or 36 sq. ft.	30 or 36 sq. ft.
B. Wall Signs <sup>(e)(f)</sup>	(f)	(f)
C. Menu Boards <sup>(g)</sup>	NP	20 sq. ft.
D. Directory Signs <sup>(h)</sup>	12 sq. ft.	12 sq. ft.
E. Incidental Signs <sup>(i)</sup>	4 sq. ft.	4 sq. ft.
F. Window Signs <sup>(j)</sup>	NP	10 sq. ft.
G. Temporary Signs <sup>(k)</sup>	25 sq. ft.	25 sq. ft.

Notes to Schedule 151.3010:

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

(a) One (1) per development, except as permitted in §151.3012(a)(8) or §151.3013(7) respectively.

(b) Maximum of 2 faces per sign. Maximum sign area permitted per face.

(c) Maximum of 30 square feet per side, if internally illuminated and 36 square feet per side, if externally illuminated or non-illuminated.

(d) In compliance with §151.3012(a) and §151.3013(a) respectively.

(e) In compliance with §151.3012(b) and §151.3013(b) respectively.

(f) In compliance with §151.3012 and §151.3013.

(g) In compliance with Section 151.3009(c).

(h) In compliance with §151.3012(d) and §151.3013(c) respectively.

(i) In compliance with §151.3012(e) and §151.3013(d) respectively.

(j) In compliance with §151.3012(f).

(k) In compliance with §151.3012(g) and §151.3013(e) respectively and supplemental regulations set forth in §151.3015.

(l) Signs shall be in compliance with the supplemental regulations set forth in §151.3014.

**§ 151.3014 CRITERIA FOR THE DESIGN, CONSTRUCTION AND LOCATION OF PERMANENT SIGNS.**

In addition to ensuring compliance with the numerical standards of these regulations, the Planning Commission or Zoning Administrator, when applicable,

shall consider the proposed general design, arrangement, and placement of the sign as well as the appropriateness of the proposed sign in relationship to other signs and other structures both on the premises and in the surrounding areas, and shall only approve signs that are consistent with the intent, purposes, standards, and criteria of these

sign regulations. Specific standards for determining the appropriateness of the sign shall include, but not be limited, to the following:

(a) There shall be not more than two styles nor more than 3 sizes of lettering used for any sign, including characters or trademarks used for identification.

(b) The number of items, letters, symbols and shapes shall be consistent with the amount of information which can be comprehended by the viewer, reflect simplicity, avoid visual clutter and improve legibility.

(c) The shape of the sign shall be simple, and the sign should be consolidated into a minimum number of elements.

(d) A ratio between the message and the background shall permit easy recognition of the message.

(e) The size, style and location of the sign shall be appropriate to the activity of the site.

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

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

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

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

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

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

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

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

(1) Signs may be illuminated internally or by reflected light in the Office and Commercial Business Districts provided that:

A. Light sources shall be shielded from all adjacent buildings and streets.

B. Lights shall not be of such brightness so as to cause glare that is hazardous to pedestrians or motorists, or cause reasonable objection from adjacent residential districts.

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

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

approved by the Zoning Administrator.

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

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

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

(2) Signs located within the Residential Districts and Old Montgomery District shall be externally illuminated only. In the Old Montgomery Gateway District, signs may be backlit or externally illuminated; however, internal illumination is prohibited.

(n) Construction Standards.

(1) The construction, erection, safety and maintenance of signs shall comply with the Ohio Basic Building Code and the Ohio Revised Code.

(2) Signs shall be located so as to pose no threat to pedestrian or vehicular traffic.

(3) All signs shall be rigidly secured and no part of any sign shall be revolving or oscillating to attract attention.

(4) All ground mounted signs shall have self-supporting structures erected on or permanently attached to concrete foundations.

(5) All under-canopy, projecting or awning signs shall have a minimum clearance of 15 feet over any vehicular use area. For pedestrian use areas, the minimum clearance shall be 7 feet, 6 inches above grade. No under-canopy, projecting or awning signs shall project closer to a curb line than two feet.

(6) All projecting signs shall be attached to a building wall at an angle of 90 degrees and project not more than 4 feet. All wall signs shall not project more than 6" from the building wall to which it is attached in the Old Montgomery District and 8" from the building wall to which it is attached in the Office and Commercial Districts.

(7) No sign shall be erected so as to obstruct any window, door, fire escape, balcony, platform, stairway, ladder, vent or other means of ingress of any building.

(8) Signs shall be fabricated on and of material that are of good quality, good durability and are complimentary to the building of which they become a part.

(9) Signs shall be located in such a way as to maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with National Electrical Code specifications, depending on voltages concerned. However, in no case shall a sign be installed closer than 12 inches horizontally or vertically from any conductor or public utility guy wire.

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

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

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

(a) Materials and Construction

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

in the ground, but shall not be attached to light fixtures, landscaping features, fences, vehicles or similar structures.

- (3) Temporary signs may not be illuminated.

(b) Location

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

(c) Abatement.

- (1) In addition to any fine which may be assessed for a violation of this Ordinance, any temporary sign placed in the right-of-way, a prohibited area or upon public property owned by the City, or in such a position which otherwise

presents an unacceptable risk to public safety may be removed by the City or its designated representative without notice to the owner of the sign. If the sign or sign materials have deteriorated to waste, debris or litter, the sign and its materials may be disposed of immediately by the City. Any other sign which has been removed which has not wasted shall be removed by the City to a place of safe storage at the City Public Works Department where it shall remain for a period of ten (10) days after removal. During such ten (10) day period the sign owner may retrieve such sign from the City by exhibiting evidence of the ownership of such sign and upon payment of an administrative abatement fee to the City in the amount of Fifty Dollars (\$50.00) per sign, such fee to cover the costs incurred by the City for abatement and storage of the sign.

**§ 151.3016 MAINTENANCE.**

All signs shall be maintained in accordance with the following:

- (a) The property owner shall maintain the sign in a condition fit for the intended use and has a continuing obligation to comply with all building code requirements.
- (b) Abandoned signs shall be completely removed from the premises within sixty (60) days after such abandonment is established, unless said sign is converted to another lawful and contemporary use within that sixty-day period. The supporting structure for abandoned signs shall be completely removed within a period of one (1) year after abandonment is established, unless a new and lawful sign is established thereon.
- (c) Whenever any sign, either conforming or nonconforming to these regulations, is required to be removed for

the purpose of repair or repainting, the same may be done without a permit or any payment of fees provided that all of the following conditions are met:

- (1) There is no alteration or remodeling to the structure or the mounting of the sign itself.
  - (2) There is no enlargement or increase in any of the dimensions of the sign or its structure.
  - (3) There is no change in the sign message or its design.
  - (4) The sign is accessory to a legally permitted, conditional or nonconforming use.
- (d) If a permanent sign is deemed by the Zoning Administrator to be in an unsafe condition, the owner of the business shall be immediately notified, in writing, and shall, within seven (7) days of such notification, correct such unsafe condition or remove the sign. The time may be extended up to twenty-one (21) days by written request to the Zoning Administrator if the owner provides evidence that it is not an immediate safety risk and a contract to repair/replace has been entered. The allowable time may be reduced if the sign or sign condition poses unreasonable risk to public health and/or safety. If the correction has not been made within the time allowed, the Zoning Administrator may remove, or cause such unsafe sign to be removed, repaired or maintained at the expense of the property owner or lessee, sign owner or sign lessee. If the amount owed for the removal of such sign is not paid within 30 days of the notice, it shall become an assessment upon a lien against the property of the sign owner, and will be certified as an assessment against the property together with a 10 percent penalty for collection in the same manner as real estate taxes. Written notice of abatement may be given per the process outlined in § 151.3015(e)(2)(ii).



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

**§ 151.3017 ADMINISTRATION PROCEDURES.**

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

(1) The Planning Commission, except as otherwise required in subsection 151.3018(e), shall review and act on sign applications for the following signs according to the design and construction criteria set forth in this Chapter and the review criteria for development plan review set forth in Chapter 150.1410. Signs in the Heritage Overlay District shall be processed according to the procedures of §150.1206, as applicable.

- A. Business identification signs;
- B. Residential development identification signs;
- C. Identification signs for community facilities, institutions, and entertainment or recreational uses in residential districts;
- D. Permanent window signs; and
- E. Menu Boards, except those defined as sandwich board signs.

(2) The Zoning Administrator shall review and act on an application for the following signs according to the design and construction criteria set forth in the Chapter. However, the Zoning Administrator may forward such application to the Planning

Commission for their review and comment.

- A. Building markers;
- B. Directional signs;
- C. Incidental signs;
- D. Plaques;
- E. Sandwich board signs;
- F. Sign face changes;
- G. Temporary signs which contain a commercial message; and,
- H. Window signs.

(b) Signs Not Requiring Permit. The erection of signs as detailed in Section 151.3004 and 151.3006 shall not require a permit provided that all applicable regulations of this Chapter are complied with.

(c) Sign Concept Plan. The Planning Commission may approve basic sign parameters that set forth the location, size and style of signs to be used within a project, whether for a single occupancy or multiple occupancy building or development. Such sign parameters may be established when the Planning Commission and reviews development plans for new buildings or at the time a specific sign application is made for an identification sign for an existing building. Whenever the Planning Commission has approved such sign parameters, the Zoning Administrator shall be authorized to review and approve any subsequent sign application submitted for the development, or a tenant of the development, that complies with such sign parameters.

(d) Application Requirements. An application for a sign permit shall be made to the Zoning Administrator on the form provided. The application shall present the sign in a manner which best illustrates how the sign shall be experienced by the public after it is erected on the site. Specifically, the application shall include:

- (1) A complete site plan or photograph showing the location of the sign and its relationship to the building, the locations and square footage areas of all existing signs on site, the adjacent parcels and parking lots, drives and sidewalks;
  - (2) Three sets of detailed drawings showing the design of the sign, including size, content, style of lettering, logo and other graphic features, colors of the applied lettering and background, the materials of the sign and the frame or structure, and the method of illumination.
  - (3) For applications which require review and approval by Planning Commission, 15 sets of items #1 & #2 above must be submitted.
  - (4) Construction, erection or fastening details.
  - (5) A permit fee for each sign application, pursuant to the current fee schedule.
- (e) Modification to Existing Sign. When a modification is proposed to an existing sign that is already in compliance with an approved development plan, the Zoning Administrator shall review and act on the application in compliance with this Section. However, the Zoning Administrator may forward such application to the Planning Commission for their review and comment.

**§ 151.3018 REMOVAL OF UNLAWFUL SIGNS**

- (a) An obscene sign shall be immediately removed.
- (b) Any sign which violates the provisions of this Chapter is hereby declared to be a public and private nuisance and shall be removed.

(c) Any temporary sign in a deteriorated state, as defined by this Chapter, is declared to be a public and private nuisance and shall be replaced or removed.

(d) Whenever the Zoning Administrator or his/her designee suspects the existence of a public nuisance, as defined in division (b) of this section, he or she shall promptly cause to be inspected the premises on which he or she suspects such public nuisance to exist.

(e) Should the Zoning Administrator or his/her designee find that a public nuisance does exist, he or she shall cause a written notice to be served on the owner of the land on which such unlawful sign is located stating the findings with respect to the existence of a public nuisance and stating that unless the owner or owners thereof shall cause the abatement of the public nuisance by removal of the sign, the City, at the expense of said owner or owners, will abate the same. Such abatement shall start within 15 days after service of said notice and shall be complete within 45 days.

(f) The notice referred to in division (e) of this section shall be served either personally or by leaving a copy thereof at the usual place of residence of the owner, or by mailing a copy to such owner at his or her usual place of residence, by United States certified mail with return receipt requested. If service of the written notice is not perfected by any of the hereinbefore described methods, then the Zoning Administrator or his/her designee shall cause such notice to be published in a newspaper of general circulation in the City, once each week for two consecutive weeks, and shall further cause a copy of the aforesaid notice to be left with the person, if any, in possession of the premises on which it is alleged such public nuisance exists. If there is no person in possession thereof, the Zoning Administrator or his/her designee shall cause a copy of the

notice to be posted on the premises. The Zoning Administrator or his/her designee shall cause a return of service in the form of an affidavit that shall set forth the name and address of the person served, the manner of service and the date thereof.

(g) The said owner or owners may, within ten (10) days after completion of service of the notice, make a demand in writing to the Zoning Administrator or his/her designee for a hearing on the question of whether in fact a public nuisance, as defined in division (b) of this section, does exist. The hearing shall be held within ten (10) days following receipt of said written demand, and at least two (2) days' notice in writing of the said hearing shall be given to the said owner or owners. The said hearing shall be conducted by a hearing board composed of the City Manager, Community Development Director and the Law Director. All members of the said hearing board shall concur that a public nuisance, as defined in division (b) of this section, exists, before enforcement of the abatement is carried out. A copy of the decision of said hearing board shall be promptly served upon the owner or owners in the manner provided in division (f) of this section.

(h) Should said nuisance not be abated at the expiration time stated in the notice issued by the Zoning Administrator or his/her designee or such additional time as the hearing board may grant, the City Manager or his/her designee shall be authorized at any time thereafter to enter upon said premises, and the owner shall permit him or her entry to abate the nuisance by removal of the sign or by taking any other action that may be required. In abating such nuisance, the City Manager or his/her designee may call upon any department of the City for whatever assistance may be necessary, or may, by private contract, obtain the abatement thereof, and the cost of such private

contract shall be paid for from City funds specifically authorized by City Council in order to abate such public nuisances. In abating such nuisance, the City Manager or his/her designee may go to whatever extent necessary to complete the abatement of the same and the cost of the abatement action shall be recovered from the owner in the following procedures:

- (1) The owner or owners shall be billed directly by certified mail for the cost of the abatement. The bill for the cost of the abatement shall be paid within sixty days after receipt of the bill.
- (2) If costs are not so recovered, then the City shall cause the cost of the abatement to be levied as an assessment and recovered in accordance with Ohio R.C. 715.261.

(i) This Section shall not be deemed to be a limitation or restriction on the authority of any department, division, official or employee of the City, but shall be deemed as an enlargement of any authority existing by virtue of the statutes of the State or any ordinance heretofore enacted by City Council. Notice to the owner or lessee shall not be required prior to the removal of an unlawful sign which, in the opinion of the Zoning Administrator or his/her designee, creates an immediate or potential danger to persons or property due to structural deficiencies or inadequate maintenance, nor shall notice be required prior to removal of a sign which, in the opinion of the Public Works Director, creates an immediate or potential danger to persons or property because of its location.

**§ 151.3019 REGULATIONS FOR NONCONFORMING SIGNS.**

(a) Maintenance of Nonconforming Signs. Nonconforming signs shall be maintained in good condition pursuant to Section 151.3017.

(b) Legal Nonconforming Status. The burden of establishing that a sign is a legal nonconforming sign shall, in all cases, be upon the owner of such sign.

(c) Alteration and Removal of Nonconforming Signs.

(1) Nonconforming signs shall be removed and any subsequent modification or replacement, excluding maintenance pursuant to Section 151.3017, shall conform to all requirements of this Chapter:

A. When the sign is damaged to a degree greater than 50% of the estimated replacement value;

B. When the use which the nonconforming sign is accessory to is vacant for 90 consecutive days;

C. When the sign is altered in any way in structure or size;

D. When the sign is relocated;

E. When the sign is replaced;

F. When the sign is repainted, excluding normal repainting or touch-up;

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

(2) A nonconforming sign shall not be altered, modified or reconstructed other than to comply with this Chapter except:

A. When the existing use has new ownership which results in a change in the name of the use or business on the property;

B. When the space is re-occupied by a similar use and the new occupant requires no external building or site renovation; or

C. An existing sign pursuant to this subsection may be changed by replacing a sign panel. Such alterations shall not require changes to the structure, framing or erection or relocation of the sign unless such changes conform to this Chapter.

**§ 151.3020 INSPECTION UPON COMPLETION.**

(a) Any person installing, altering, or relocating a sign for which a permit has been issued shall notify the Zoning Administrator upon completion of the work. The Administrator may require a final inspection, including an electrical inspection and inspection of footings on ground mounted signs.

(b) The Zoning Administrator may require, upon issuance of a permit, that he/she be notified in writing for inspection prior to the installation of certain signs.

**§ 151.3021 INDEMNIFICATION AND INSURANCE.**

All persons involved in the maintenance, installation, alteration, or relocation of signs near or upon any public right-of-way or property shall agree to hold harmless and indemnify the City, its officers, agents, and employees, against any and all claims resulting from such work or the placement of such sign(s) insofar as this Code has not specifically directed the placement of a sign. The City may also require sufficient insurance from such persons to indemnify the City against any loss or claim by a third party.

