

ORDINANCE NO. 694AN ORDINANCE AMENDING ARTICLE 12, "SIGN REGULATIONS" OF ZONING
ORDINANCE NO. 559 OF THE VILLAGE OF TUSCARAWAS, OHIO
AND DECLARING AN EMERGENCY

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of
Tuscarawas, Ohio as follows:

Section 1: That Article 12, "Sign Regulations" of the Village of Tuscarawas Zoning
Ordinance, is hereby amended as follows:

See Exhibit "A" attached hereto and incorporated herein.

Section 2: This ordinance shall become effective immediately from and after the date
of its approval and adoption, as provided by law. This ordinance was passed as an
emergency ordinance by the council of the Village of Tuscarawas.

Section 3: This ordinance is declared to be an emergency measure and its immediate
passage is necessary to preserve, protect and maintain the health, safety and welfare of
the citizens of the Tuscarawas, Ohio and for the further reason that immediate action
needs to be taken to amend Article 12 of the Village Zoning Ordinance.

PASSED this 25th day of August, 2005.

President of Council

Attest: 8/25/05

Julie Erwin, *Fiscal Officer*

Approved: August 25, 2005

Rick Spaar, *Mayor*

ARTICLE 12. SIGN REGULATIONS

Section 1200. Signs

No sign shall be constructed, erected, moved, enlarged, illuminated, substantially altered or permitted in any district except as provided in this Ordinance.

Section 1201. Purposes of Sign Regulations

The purposes of these sign regulations are:

- (a) To effectively communicate information while maintaining pedestrian and traffic safety.
- (b) To protect and enhance the unique character of the community by encouraging signs to be compatible with their surroundings.
- (c) To maintain the community's ability to attract sources of economic development and growth.
- (d) To minimize the possible adverse effect of signs on adjoining properties.

Section 1202. Type and Standards of Signs Allowed With Sign Permit

The types of signs described below are allowed with a Sign Permit, subject to the regulations of this Ordinance.

1202.1 Billboard Sign: A free-standing sign located adjacent to a controlled access highway. The primary use of said sign is to convey information which is not related to the principal use of the land on which such sign is located to vehicular traffic traveling on such controlled access highway. Such signs shall conform to the following:

- (a) No billboard shall be located within one thousand (1,000) feet of another billboard abutting either side of the same street.
- (b) The height of such signs shall not exceed fifty (50) feet.
- (c) Such signs shall be stationary and, if illuminated, shall meet the requirements of Section 1206.3.
- (d) A billboard with a sign area that does not exceed one hundred (100) square feet shall be located not closer than ten (10) feet to any street right-of-way line. For every square foot by which such sign exceeds one hundred (100) square feet, such setback shall be increased by one-half (1/2) foot.
- (e) The sign shall not exceed three hundred (300) square feet.
- (f) At the intersection of any street, such signs shall be at least one hundred (100) feet from the established right-of-way of each street.

1202.2 Bulletin Board Sign: A sign erected by a school, church or similar community institution for purposes of providing general information or announcing events which are held on the premises or within the community-at-large. Bulletin boards shall not exceed thirty (30) square feet in area. Bulletin boards are not permitted for dwellings.

1202.3 Canopy Sign: A sign that is displayed and affixed flat on the surface of a canopy and does not extend beyond the limits of the canopy. Such sign is permitted as part of an awning, canopy, or other fabric, plastic or structural protective cover over a door, entrance or window. The lowest point of a canopy sign shall be at least eight (8) feet above a sidewalk or other walkway and at least ten (10) feet above a driveway.

1202.4 Home or Expanded Home Occupation Sign: A sign on the premises of a Limited Home Occupation or Expanded Home Occupation. Only one (1) such sign is permitted, which shall be no more than six (6) square feet in size and shall be limited to a wall sign or monument sign. Illumination of such signs is prohibited.

1202.5 Monument Sign: A sign mounted on a base which is set firmly in the ground, of which the top of the sign is not more than four and a half (4-1/2) feet high. Such sign shall not exceed thirty (30) square feet in area.

1202.6 Pole Sign: A sign which is attached to or a part of a self-supporting structure. Such sign may be erected to serve a business or a group of business establishments and shall be limited to one sign per premises. Such sign shall be a maximum of thirty (30) feet in height, having a maximum total sign area of twenty-five (25) square feet. The supporting structure of a pole sign shall be set firmly in the ground. No part of the projecting sign shall extend beyond the edge of the pavement of a street.

1202.7 Projecting Sign: A sign attached at an angle or perpendicularly to a wall of a building or structure. Such signs shall not project further than four (4) feet measured from the face of the main wall of the building provided that no part of the projecting sign shall extend beyond the edge of the pavement of a street. The lowest point of a projecting sign or any part thereof shall be at least eight (8) feet above a sidewalk or other walkway and at least ten (10) feet above a driveway. Only one (1) such sign is permitted, which shall not exceed twenty five (25) square feet.

1202.8 Roof Sign: A sign erected or constructed as an integral part of a normal roof structure. Such signs may be erected provided that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches. There shall be no more than one (1) roof sign on a premises. A roof sign is not permitted on a flat roof.

1202.09 Subdivision or Multi-family Development Sign: A sign located at the entrance of a unified residential development for identification purposes. Such sign may be erected at any entrance to a residential subdivision or multi-family development, provided that there may be not more than two (2) signs per entrance. The total surface area of all such signs located at a single entrance may not exceed forty (40) square feet.

1202.10 Wall Sign: A sign attached parallel to, or painted on, the wall or window surface, that is confined within the limits of an outside wall and displays only one sign surface. No building wall shall be used for display of advertising except that pertaining to the use carried on within such building

Section 1203. Types and Standards of Signs Which Do Not Require a Sign Permit
A Sign Permit is not required for the types of signs listed in this section. Such signs are permitted to be located only as described in the section. Such signs shall conform to all applicable provisions of this Ordinance.

1203.1 Artwork, Decorative Design or Architectural Features: A work of art, decorative design or architectural feature of a building which is not an explicit logo, advertisement, or identifier of a business is not considered to be a sign. Examples include, but are not limited to, a mural, sculpture, and landscaping.

1203.2 Customary Residential Signs: Non-illuminated signs or internally back-lit signs not exceeding a total of four (4) square feet in area that are customarily associated with residential use and that are not of a commercial nature, including, but not limited to:

- (a) Signs giving property identification names, numbers or names of occupants.
- (b) Signs on mailboxes or newspaper tubes.
- (c) Signs posted on private property warning the public against trespassing or danger from animals or other similar message.

1203.3 Homemade Sales Sign: A temporary or permanent sign advertising Homemade Sales. Such sign shall not exceed four (4) square feet in size. Only one sign per dwelling is permitted. A sign for Homemade Sales may be posted only on the private property where such sales are offered, and shall not be posted in the public right-of-way, and shall not be affixed to any publicly-owned sign. Hand-printed signs are not permitted.

1203.4 Incidental Traffic Sign: A sign guiding traffic on private property that does not exceed four (4) square feet and contains no advertising matter. Not more than one (1) such sign shall be erected in each two hundred (200) feet of street frontage.

1203.5 Location Sign: A permanent sign, not to exceed four (4) square feet, intended to help travelers locate a church, school or similar community institution in the community at large. Such signs shall be erected by permission of and as directed by Village Council.

1203.6 Public Sign: Notices by government agencies, including traffic control signs and other official signs and notices. Excludes signs posted by private individuals and organizations and which are intended to be seen by the public. (Note: "Public sign" does not imply "any sign posted by a member of the public".) These signs may be placed within a public right-of-way.

1203.7 Rummage Sale Sign: A temporary-type sign advertising a garage sale, yard sale, attic sale, rummage sale or other similar event. Such signs shall not be displayed for more than seven consecutive (7) days per sale, and for not more than four (4) sales per year per dwelling or nonresidential premises. Such signs may be posted in the public right-of-way as long as they do not obstruct vehicular traffic or visibility and are not on or over the paved surface of a road. They shall not be affixed to any publicly-owned sign. Such signs shall not exceed eight (8) square feet in size. Signs posted off-premises from the sale location are permitted with the permission of the property owner or resident of the property where such sign is to be placed and having a limit of one (1) sign per property up to a maximum of four (4) separate properties.

1203.8 Sale, Lease or Rental Sign: Signs not exceeding eight (8) square feet in size, and advertising the sale, rental or lease of the premises on which the sign is located.

1203.9 Seasonal Sale Sign: A temporary-type sign advertising the seasonal sale for which a Seasonal Sales Permit has been issued. Seasonal sales signs shall be displayed only on the days when sales are conducted. A maximum of two (2) signs are permitted, and each sign shall not exceed eight (8) square feet in size. Such signs shall be displayed only on the premises where the season sale is conducted, and shall conform to setback requirements. Seasonal sale signs shall not be posted in the public right-of way.

1203.10 Sidewalk Sign: A free-standing sign which is not fixed to the sidewalk, which is placed on the sidewalk within five (5) feet of the public entrance of a business. Examples include, but are not limited to, messages about special sales, daily menus, or regular merchandise. A sidewalk sign may be designed as, for example, a small A-frame sign. Such signs shall have no illumination, and no elements which move or give the illusion of movement. The height of such sign shall be a minimum of three (3) feet and a maximum of four (4) feet. The maximum width shall be thirty (30) inches. The base of such sign shall not exceed 7.5 square feet. The purpose of these requirements is to provide safety for pedestrians, including ability for most people to see over the sign, sturdiness so

that the signs are not easily moved or tipped over, and to maintain space for pedestrian traffic. Not more than one (1) sidewalk sign is permitted per establishment and such sign shall be displayed only during business hours.

*sidewalk
inside*

1203.11 Sponsorship Sign: A temporary sign, not to exceed eighteen (18) square feet, erected on a fence surrounding a ball field in a public park (e.g., signs advertising a business or an organization that is supporting youth sports). Such signs shall be displayed ONLY during the baseball/softball season. Such sign shall be displayed only with the permission of and as directed by Village Council.

1203.12 Street Banner Sign: A temporary banner suspended across a street, which is related to special events, and which is intended for a limited period of display. Such sign shall be displayed ONLY with permission of and as directed by Village Council

1203.13 Temporary Construction Sign: A temporary sign placed upon property for the purpose of advertising the sale, development, or improvement of said property, and/or to identify the sponsors and agencies involved in such activities. A temporary construction sign may not be illuminated and shall be erected only on the property being sold, developed or improved and shall not be in excess of fifty (50) square feet. Such sign may be erected for the construction period plus thirty (30) days. Additional signs may be requested or required by the Village to direct construction traffic.

1203.14 Temporary Sign: A sign, or other advertising device, with or without a structural frame, and which is related to a special event within the community at large, and intended for a limited period of display. Such sign may be posted only with the permission of each property owner. Such sign may be erected for a maximum of thirty (30) days per event. There is no limit on the total number of signs permitted, but the total area of the signs shall not exceed a combined total of fifty (50) square feet.

Section 1204. Prohibited Signs

The following signs are prohibited in all districts.

1204.1 Signs Imitating Warning Signals: No sign shall display intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, or rescue vehicles, nor shall any sign use the words "stop", "danger", or any other word, phrase, symbol, or character in a manner that might mislead or confuse an automobile or other vehicle driver.

1204.2 Illegal Signs: No sign is permitted which does not meet the requirements of this Ordinance or which cannot be demonstrated by the owner to have legal nonconforming status to the satisfaction of the Village.

1204.3 Signs Within Street Right-of Way: Except as provided elsewhere in this Ordinance, no sign shall be placed in any right-of-way except publicly-owned signs, including but not limited to traffic control signs and directional signs.

Section 1205. Signs Allowed by Type and Zoning District

Signs are permitted in accordance with all requirements of this Ordinance and the table set forth below. Signs not exempt or specifically allowed in a particular district are expressly prohibited. "A" means allowed by this Ordinance.

Sign Type	Open Area		Residential				Business			Manufacturing	
	A-1	S-1	R-1	R-2	R-3	R-4	B-1	B-2	B-3	M-1	M-2
Billboard								A		A	A
Bulletin Board	A	A	A	A	A	A	A	A	A	A	A
Canopy							A	A	A	A	A
Customary Residential			A	A	A	A					
Home Occupation	A		A	A	A	A					
Homemade Sales	A		A	A							
Incidental Traffic	A	A	A	A	A	A	A	A	A	A	A
Location	A	A	A	A	A	A	A	A	A	A	A
Monument	A	A	A	A	A	A	A	A	A	A	A
Pole	A						A	A	A	A	A
Projecting							A	A	A		
Public	A	A	A	A	A	A	A	A	A	A	A
Roof							A	A	A	A	A
Rummage Sales	A		A	A	A	A	A	A	A		
Sales or Rental	A	A	A	A	A	A	A	A	A	A	A
Seasonal Sales	A	A	A	A	A	A	A	A	A	A	A
Sidewalk							A	A	A		
Sponsorship		A									
Street Banner	A	A	A	A	A	A	A	A	A	A	A
Subdivision			A	A	A	A					
Temporary	A	A	A	A	A	A	A	A	A	A	A
Temporary Construction	A	A	A	A	A	A	A	A	A	A	A
Wall	A		A	A	A	A	A	A	A	A	A

Section 1206. General Provisions for all Types of Signs

1206.1 Maximum Allowable Sign Area: The area of all permanent advertising signs for business enterprise may have an area equivalent to one and one-half (1-1/2) square feet of sign area for each lineal foot of width of a building, or part of a building, occupied by such enterprise, but shall not exceed a maximum area of one hundred (100) square feet. For the purposes of this Ordinance, width shall be measured along the building face nearest parallel to the street line. In the case of a corner lot, either frontage, but only one frontage, may be used in determining maximum area of the sign.

1206.2 Determination of Sign Surface Area: The area of a sign shall be measured by the following method:

- (a) **Areas Excluded from Calculation:** Sign area shall not include foundations, supports or a base which contains no sign-related elements and shall not include those signs that are required by law or signs that protect the health and safety of the consumer.
- (b) **Frame or Cabinet:** The area of sign faces enclosed in frames or cabinets shall be based on the outer dimensions of the frame or cabinet surrounding the sign face.
- (c) **Base Material:** When a sign is on a base material, such as wood, Plexiglas or other durable material, the sign area shall be the dimensions of the base material.
- (d) **Faces Containing Advertising:** In computing the area of signs, all faces on which advertising is displayed are considered sign area.
- (e) **Area Within A Rectangle:** When signs consist of individual elements attached to or painted on a wall, window or canopy, the sign area is determined by a rectangle drawn around all the elements.

1206.3 Illumination of Signs: The following provisions shall be observed in the illumination of signs and advertising structures.

- (a) **Internal or Reflected Light Permitted:** All signs and advertising structures, except as otherwise restricted, may be illuminated internally or by reflected light provided the source of light is not directly visible and is so arranged as to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights.
- (b) **No Appearance of Flashing Lights:** No illumination involving flashing, movement or causing the illusion of movement by reason of the lighting arrangement or other devices shall be permitted except that portion of a sign indicating the time, date or weather conditions.

1206.4 Setbacks for Signs: Except as provided elsewhere in this Ordinance, signs shall conform to setback requirements as follows:

- (a) **Front Setback:** Signs shall be set back at least ten (10) feet from the edge of the pavement. No part of any sign shall project over a street.
- (b) **Signs Facing an "R" District -** No sign shall be permitted which faces the front lot line of any lot in any "R" District within one hundred (100) feet of such lot line.
- (c) **Side and Rear Setbacks:** Signs shall be erected or placed in conformity with the side and rear setback requirements of the district in which located, except no sign shall be erected or placed closer than fifty (50) feet from a side or rear lot line in a "B" or "M" District which is adjacent to an "R" District.

(d) Maintain Traffic Visibility: No sign shall be erected which obstructs existing traffic visibility on any public right-of-way, public property or private property.

1206.5 Durability of Sign Materials and Anchors: All signs, whether permanent or temporary, shall be of a sufficiently durable material that will not deteriorate in wind, moisture and other elements, and shall be sufficiently anchored so as not to create litter or other nuisance.

1206.6 Sign Liability and Responsibility: The owner of the property upon which a sign is placed shall accept all legal liability and be responsible for the maintenance and repair of such sign.

Section 1207. Abandoned Signs

In the event a business ceases operation for a period of time in excess of ninety (90) days, any associated sign shall be considered abandoned. An abandoned sign shall be removed within thirty (30) days of becoming abandoned (that is, it shall be removed within one hundred-twenty (120) days of the date that the business ceases operation). For the purpose of this Article, removal of the sign shall mean removal of the sign face and any associated supporting structures, or, the painting over of any wall sign in such a manner to completely cover the sign and restore the wall appearance to match the existing facade. However, if the property owner expects another business to occupy the same premises within two (2) years following cessation of the previous business, the supporting structure may be left in place, provided that it is maintained in good condition.

Section 1208. Maximum Number of Signs

A maximum of five (5) signs are permitted (whether or not the signs require permits) for each premises, not including those required by law or signs that protect the health and safety of the consumer, unless otherwise provided in this Article.

Section 1209. Legal, Nonconforming Sign

A Legal, Nonconforming Sign must be maintained and repaired to ensure safe and attractive conditions. A Legal, Nonconforming Sign shall not be otherwise altered or moved unless made to comply with the regulations of this Article. Further, any such sign or part thereof which is removed or requires repairs which exceed sixty (60) percent of its reproduction value, shall not be rebuilt or relocated unless made to comply with all regulations of this section. The message of a Legal Nonconforming Sign may be changed without a permit, provided that such a change does not increase the nonconformity. A Sign Permit is required for any other changes to a Legal Nonconforming Sign. In the event that the owner and the Village do not concur on the reproduction value, determination of reproduction value shall be made by a practicing sign builder selected by the mutual consent of the Zoning Inspector and the applicant.

Section 1210. Sign Permits

Sign Permits are issued by the Zoning Inspector as provided in this Ordinance.

1210.1 Separate Permits for Different Signs: A separate sign permit shall be required for the erection or substantial alteration of each sign regulated in this Ordinance. Repainting or changing the message of a sign shall not, in and of itself, be considered a substantial alteration.

1210.2 Contents of Application for Sign Permit: A sign permit shall be submitted by the applicant to the Zoning Inspector who shall review the application for completeness. The application shall contain the following:

- (a) An application form, available from the Zoning Inspector or Village, to be completed and signed by the applicant and property owner(s).
- (b) Drawings to scale of the sign, including the maximum sign area, height, color scheme, lettering or graphic style, lighting, and materials.
- (c) A statement of the type of sign proposed, calculation of maximum allowable sign area for the premises, calculation of the size of proposed sign, and types and sizes of all other signs.
- (d) A plot plan of the proposed site showing the location of the proposed sign, notes on the setback distances, location of buildings, parking lots, driveways, existing signs and landscaped areas on and adjacent to the proposed site; and zoning of adjacent properties.
- (e) A fee as determined by the Village.
- (f) The scale of drawing submitted with the application shall be sufficient to adequately evaluate whether the proposed sign complies with the regulations of this Ordinance.

1210.3 Sign Permit Expiration

- (a) Permits for the erection, construction or alteration of a sign shall expire one (1) year after the date of approval.

Section 1211. Violation of the Sign Regulations

Violation of any of the provisions of this Ordinance, pertaining to a sign, shall be subject to the actions of the Village and penalties as provided in Article 16.