

ORDINANCE 103-2017

**AMENDING CODIFIED ORDINANCE SECTIONS 1250.30
AND 1250.33 REGARDING THE CITY'S TEMPORARY SIGN
CODE AND DECLARING AN EMERGENCY**

WHEREAS, the City of Perrysburg and its Codified Ordinances regarding temporary signs were the subject of an injunctive action brought by Charles ("Chip") Pflagher and Katina Holland in United States District Court Northern District of Ohio, and

WHEREAS, the parties have agreed to amending portions of Codified Ordinances 1250.30 and 1250.33, as attached hereto in Exhibit B, to resolve the litigation, and

WHEREAS, the amendments were reviewed and approved by Council's Planning and Zoning Committee at the meeting held on November 14, 2017, with the understanding that the modifications were done at direction of the federal district court in furtherance of settlement of the litigation.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PERRYSBURG, WOOD COUNTY, OHIO:

SECTION 1. The current portions of Codified Ordinances 1250.30 and 1250.33 as reflected on Exhibit A, are hereby amended and replaced to read as reflected on Exhibit B.

SECTION 2. It is found and determined that all formal actions of Council concerning or relating to the passage of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and any of its committees, that resulted in such formal actions, were in meetings open to the public in compliance with all legal requirements of the City of Perrysburg and the State of Ohio.

SECTION 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Perrysburg, Wood County, Ohio, in order to minimize any confusion regarding the City's ordinances, and shall be in full force and effect from and immediately after its passage and approval by the Mayor.

President of Council

Mayor

Ord 103-2017

Page 2

PASSED _____

ATTEST: _____

APPROVED: _____

Karlene D. Henderson
Law Director

CURRENT:

1250.30 DEFINITIONS.

As used in this Chapter:

- (a) **Area of Sign:** The entire area enclosing the extreme limits of the message(s), comprised of writing, representation, emblem or any figures of similar character, together with any frame or other material or color forming an integral part of the display, excluding the necessary supports or uprights on which such sign is placed, provided that:
- Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back to back and are at no point more than three (3) feet from one another, the area of the sign shall be taken as the area of one (1) face if the two (2) faces are of equal area, or as the area of the larger face if the two (2) faces are of unequal area.
 - The necessary uprights or structures used to support a freestanding sign shall be excluded from the calculations of sign area, provided that the surface is not, by definition, a sign and provided further that the area of the support structure does not exceed fifty percent (50%) of the area of the sign being supported.
- (b) **Facade:** The exterior of the wall or walls of a building facing in one (1) direction. For purposes of sign regulation, there shall not be more than four (4) facades per building.
- (c) **Freestanding Sign:** Any and every sign erected on or affixed to the land and any and every exterior sign that is not attached to a building.
- (d) **Landmark Feature/Signage -** A structure of interest that serves as an identifiable feature of sufficient quality to enhance the appeal of the City and to provide visitors and citizens a visual landmark. Landmark features/signs may include but are not limited to clock towers, fountains, sculptures, historical reproductions, public information displays, or other items of architectural, historical, recreational or visual interest. See Special Approval Uses "Landmark Feature/Signage".
- (e) **Marquee Sign:** A sign attached to a marquee.
- (f) **Multi-Occupant Property Sign:** A free standing sign which identifies three or more leasable tenant spaces or three or more businesses or organizations, with separate outside entrances.
- (g) **Nameplate:** A sign which typically is used for the name of a single resident, business or institution, phone number, hours of operation, logo or other identifying symbol.
- (h) **Projecting Sign:** A sign that is attached to a building and which projects out from the building wall so that the sign is generally at right angles to the building wall.
- (i) **Roof Sign:** A sign erected upon, against or directly above a roof on the top of or above the parapet of a building.
- (j) **Sign:** Any words, numerals, figures, devices, designs, pictures or trademarks, painted upon or otherwise affixed to a building, wall, board, plate or any other structure for the purpose of making anything known. The definition of a sign shall not include the following:
- Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers or names of occupants of premises;
 - Flags and insignia of any government.
 - Legal notices, identification information or directional signs erected by governmental bodies.
- (k) **Temporary Sign:** A sign that is not constructed or intended for long-term use or is not permanently affixed to the ground or a structure, maintained in good condition, and generally displayed for periods less than one year.

- (l) Temporary Window Sign: A sign installed inside a window or door window and intended to be viewed from the adjacent public streets and not constructed nor intended for long-term use.
- (m) Wall Sign: A display that is painted on or attached directly to the building wall, window, awning, or door, parallel to the wall to which it is attached.
- (n) Warning Sign: A sign placed on private property that provides admonitions as to no trespassing, no dumping, danger, or similar warnings.
(Ord. 40-2013. Passed 4-9-13.)

1250.33 TEMPORARY SIGNS.

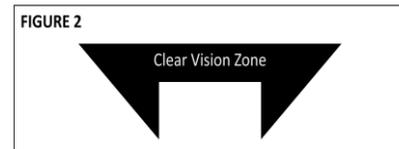
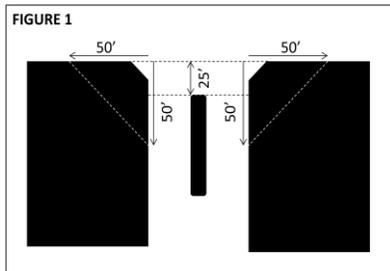
Temporary signs shall be permitted within the various use districts subject to the following conditions:

- (a) The type, number, setback, height and area of temporary signs shall be controlled as set forth in Table 1250.33(a) "Temporary Signs":

Table 1250.33(a) Temporary Signs Allowed			See Sections 1250.23(b) - (h) for explanation and restrictions.		
Within Non-Residential Districts	Number of Signs	Max. Size	Other Restrictions	Location & Height	Permit Y/N
Window Sign	unlimited	No more than 25% window coverage on facade			N
Wall or Freestanding	1	18 SF		Freestanding- 5' setback; 8' height. Wall - No higher than eve or parapet	Y
Wall or Freestanding Event Sign	1	48 SF	Allowed up to 60 days prior & 7 days after an event, in no case more than 70 days within any 12 months period.		Y, except real estate signs.
Within Residential Districts					
Freestanding Signs or flags	Unlimited	A total of 12 SF allowed year round. An additional 32 SF allowed related to an event.	Up to 12 SF total area allowed year round. An additional 32 SF of sign area allowed up to 60 days prior & 7 days after an event, in no case more than 70 days within any 12 month period. Max at any time = 44 SF.	Freestanding - 5' setback; 8' height. Wall - no higher than eve or parapet.	N

- (b) Within non-residential districts temporary signs may be displayed on the inside of windows and may be banner wall signs or freestanding. One temporary sign up to 18 square feet may be permitted without time restriction. One additional sign related to an event may be permitted up to 60 days prior and 7 days after the event.
- (c) Within residential districts temporary signs or flags totaling 12 square feet may be displayed without time restriction. Additionally, signs totaling 32 square feet may be displayed up to 60 days prior and 7 days after the event. At no time may temporary signs and flags be more than 44 square feet. No more than two signs may display an identical message.

- (d) Corner Clearance: Temporary signs shall not be located within a clear vision zone.



The clear vision zone is intended to provide for unobstructed visibility for vehicles and pedestrians. The clear vision zone is defined in accordance with the above illustrations and contains the area within the dashed lines. Figure 1 shows the dimensional calculations of the clear vision zoned while Figure 2 shows the resulting shape of the clear vision zone.

- (e) Removal: Temporary signs shall be removed promptly at the end of the allowed display period.
- (f) Projection Into Right-of-Way: No temporary sign shall be located within or above any public right-of-way nor project beyond the property line unless approved by City Council.
- (g) Damaged or Unsafe: Any temporary sign found by the Zoning Inspector to be in a torn or damaged condition must be removed by the owner within three (3) days after receipt of notice to do so from the Zoning Inspector. A sign found to be in an unsafe condition shall be removed by the owner within twenty-four (24) hours after verbal notification by the Zoning Inspector.
- (h) Moving, Illuminated or Flashing Signs: Moving or illuminated temporary signs shall be prohibited.
(Ord. 40-2013. Passed 4-9-13.)

AMENDED

1250.30 DEFINITIONS.

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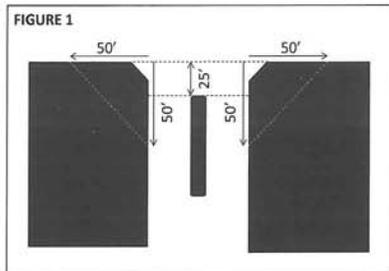
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