

**ORDINANCE**  
*of the*  
**CITY of HILLIARD, OHIO**

Ordinance No.: 05-75  
Page 1 of 2 pages  
Passed: 03/13/2006  
Effective: 04/13/2006

**AMENDING AND SUBSTITUTING CHAPTER 1191  
"GRAPHICS AND SIGN CODE" OF THE CITY'S CODIFIED  
ORDINANCES PERTAINING TO THE REGULATION OF  
GRAPHICS, SIGNS, CANOPIES AND AWNINGS WITHIN  
THE CITY OF HILLIARD.**

**WHEREAS**, the City of Hilliard, Ohio is a home-rule municipality and by the authority of the Constitution of the State of Ohio, is authorized to regulate signage for the protection of the public health, safety and welfare of its citizenry; and

**WHEREAS**, the City is reviewing planning and zoning ordinances that affect issues such as safety, aesthetics, building standards and quality of development in order to bring those chapters into conformity with the vision of City Council and the Administration; and

**WHEREAS**, the proliferation of signs in the community, including the excessive number, size and poorly designed signs, affects both residential and business property value; and

**WHEREAS**, Council finds that the number of such distracting signs ought to be reduced and signs permitted should comply with the standards established in the amended code in order to alleviate the aforementioned effects.

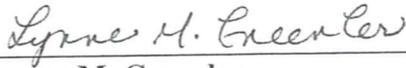
**NOW, THEREFORE, BE IT ORDAINED** by the Council of the City of Hilliard, Ohio that:

**SECTION 1.** This Council finds the proliferation of signs in the community, including the excessive number, size and poorly designed signs, affects residential and business property values.

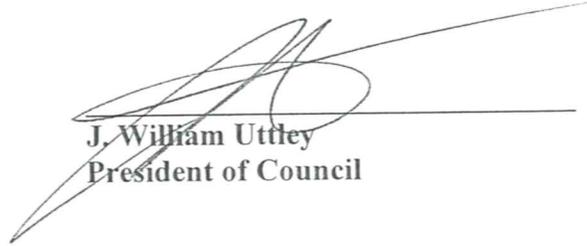
**SECTION 2.** This Council finds that Chapter 1191 of the City's Codified Ordinances be amended and substituted with a revised Chapter 1191, attached hereto as Exhibit A and incorporated as if fully rewritten herein.

**SECTION 3.** This Ordinance shall be in full force and effect from the earliest time provided by law.

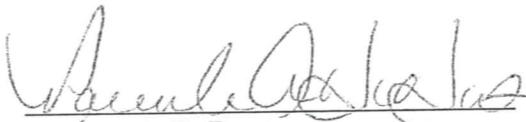
**ATTEST:**

  
\_\_\_\_\_  
**Lynne M. Greenler**  
Clerk of Council

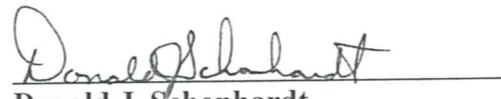
**SIGNED:**

  
\_\_\_\_\_  
**J. William Uttley**  
President of Council

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
**Pamela A. DeDent**  
Director of Law

**APPROVED:**

  
\_\_\_\_\_  
**Donald J. Schonhardt**  
Mayor

05-75

**Vote:**

	<u>Yea</u>	<u>Nav</u>	<u>Abstain</u>
President Uttley	✓		
Vice President Sciotto	✓		
Allison	✓		
Brown	✓		
Cope	✓		
Peacock	✓		
Roberts	✓		
<b>Results:</b>	7	0	0

CHAPTER 1191  
**Graphics and Sign Code**

1191.01	Purpose.
1191.02	Definitions.
1191.03	Planning & Zoning Commission to Hear Applications for Variances.
1191.04	Variances.
1191.05	Compliance.
1191.06	Non-conforming Signs.
1191.07	Signs Not Requiring Permits.
1191.08	Permits Required.
1191.09	Corporate Office Signs Along Interstate 270 District.
1191.10	Ground Signs.
1191.11	Mounted Signs.
1191.12	Off-Premises Signs.
1191.13	Construction Project Signs.
1191.14	Subdivision Development Signs.
1191.15	Residential Subdivision Model Home Signs.
1191.16	Menu Signs.
1191.17	Places of Worship, Institutional and Semi-public Use Signs.
1191.18	Service Station Island Signs.
1191.19	Temporary Signs, Banners and Streamers.
1191.20	Awning and Canopy Signs.
1191.21	Sandwich Board Activity Announcement Signs.
1191.22	Incidental Signs.
1191.23	Maintenance of Signs.
1191.24	General Safety.
1191.25	Movement and Illumination.
1191.26	Prohibited Signs and Sign Locations.
1191.27	Abandoned Signs.
1191.28	Sign Erector Requirements.
1191.29	Requirements to Obtain a Sign Permit and Application Review Process.
1191.30	Enforcement.
1191.32	Signs in Old Hilliard.
1191.99	Penalty.

1191.01

**PURPOSE.**

The purpose of this chapter is to promote the public safety, health, morals and general welfare through the regulations of signs. Sign regulation is intended to encourage a more attractive appearance of the community thus promoting economic and business development while protecting the residential character of the City's neighborhoods. Regulation will result in high quality signs which effectively communicate information for the purposes of navigation and business identification.

The general objectives of this Graphics and Sign Code include:

- requiring all signs to be reviewed for approval prior to installation;
- requiring all signs to be properly constructed, installed and maintained;
- controlling the size, location and design of signs so that the appearance of such signs will be aesthetically harmonious with its surroundings, encouraging signs that are appropriate to the zoning districts in which they are located;
- encouraging readable signs;
- reducing visual clutter;
- eliminating any conflict that would be hazardous between private signs and public signs including traffic control signs and devices;
- ensuring that signs are located and designed to maintain a safe and orderly pedestrian and vehicular environment; and
- controlling signs located along the interstate system.

It is the intent of this Chapter that signs are as much subject to control as noise, odors, debris and like characteristics of a use. In establishing the purpose and objectives of this Sign and Graphics Code, the City has determined that without adequate regulation and design standards, signs could become a nuisance to the City and its citizens. 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 established by this Code in order to alleviate the aforementioned effects.

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

This Chapter shall supersede all previous regulations regarding signs and shall be considered the requirements necessary for promotion of public safety, health, and general welfare through the regulation of signs.

1191.02

#### DEFINITIONS.

"Sign" means any name, number, symbol, identification, description, display, design, illustration, object, graphic, sign structure, or part thereof, whether permanent or temporary, which is caused to be publicly visible, or which is affixed to, painted on, represented directly or indirectly upon, or projected onto a building, structure, lot, or other device, whether mobile or affixed to the ground, and which directs attention to any object, product, place, activity, person, institution, organization, or business. This

definition includes all signs visible from any public right-of-way or adjacent property, including interior signs oriented towards the exterior facade of any building or structure as well as back-lighted translucent panels or strip lighting affixed to any wall or roof where any such panels or lighting serves to identify and attract attention rather than illuminate space for human activity.

- (a) "Abandoned sign" means a sign associated with an abandoned use, a sign that remains after the termination of the business, or a sign on its immediate premises not adequately maintained and not repaired within the specified time as provided in this code.
- (b) "Announcement sign" means a ground or mounted bulletin board or similar device with or without changeable copy used to identify events for public and semi-public activities.
- (c) "Conforming sign" means a sign that complies with the requirements of this chapter.
- (d) "Construction project sign" means a sign announcing the names of firms or persons involved in a construction project on-site.
- (e) "Display area" means the surface of a sign to be included when computing the maximum allowable square footage of sign. This area includes molding and framing, but excludes supporting members. In the case of double-faced or multi-faced signs, the display area is the area of all sign faces. The display area of a sign consisting of individual letters or symbols, either free-standing or attached to or painted on a surface, building, wall, or window, shall be considered to be that of the smallest single rectangle which encompasses all the letters and symbols.
- (f) "Double faced sign" means a sign having two display surfaces.
- (g) "Enforcement Officer" means the City's Building Inspector, Zoning Officer or designee, and any officer of the Hilliard police department. Where expressly designated, an Enforcement Officer may also be any officer of the Hilliard police department.
- (h) "Free-standing sign". See "Ground sign".
- (i) "Fuel price display sign" means the portion of a sign limited to the display of fuel price information.
- (j) "Gas-inflatable sign/device" means any device which is capable of being expanded by any gas and used on a permanent or temporary basis to attract attention to a product or event. This definition includes both hot- and cold-air balloons tethered or otherwise anchored to the ground.
- (k) "Ground Sign" means any sign which is physically attached to a foundation. These are commonly known as free-

standing, pole, pylon, or monument signs. For the purposes of this Code, ground sign shall be limited to monument type signs only, except for Old Hilliard, which may have two-post or one-post ground signs.

- (l) "Incidental sign" means an on-premise sign containing neither advertising nor the name of the business.
- (m) "Menu sign" means a sign used in connection with a drive-through window of a restaurant to advise the customer what items may be ordered.
- (n) "Mobile sign" means a portable sign supported by multiple standards or on a wheeled chassis.
- (o) "Mounted sign" means a sign attached to the surface of a building announcing or advertising an on-premise service, product or business.
- (p) "Multi-faced sign" means a sign having more than two display surfaces, including spheres and cubes.
- (q) "Nonconforming sign" means a sign that does not comply with the requirements of this Chapter.
- (r) "Official public sign" means governmental notices, posted regulations, or traffic signs.
- (s) "Off-premise sign" means a sign located on a property other than the property where the goods or services are available.
- (t) "Off-premise sign advertising on display surfaces" means permanent advertising approved by the Commission for attachment to benches
- (u) "Off-premise/On-premise Directional sign".
  - (1) "Off-premise directional sign" means an "off-premise sign" displaying the name of a business or complex and no other advertising, serving to direct traffic to a location not adjacent to and usually not visible from the main thoroughfare.
  - (2) "On-premise directional sign" means a sign displaying no advertising, including the name or logo of the business, used to facilitate the circulation of traffic on premises. An "on-premise directional sign" is a type of incidental sign.
- (v) "Permanent sign" means any sign except designated temporary signs, real estate signs, or political signs.
- (w) "Place of worship" means a place of assembly of a religious group for the purpose of worship, ceremonies or rituals.
- (x) "Political sign" means a sign concerning candidates for elective office, public issues and similar matters to be decided by the public at an election.
- (y) "Portable sign" means impermanent or movable signs.

- (z) "Real estate sign" means any sign advertising the sale, lease, rental or development of real property on which the sign is located.
- (aa) "Roof sign" means any sign located on or structurally attached to the roof.
- (bb) "Sandwich board sign" means an "A" frame sign and other signs of a similar portable design.
- (cc) "Single-faced sign" means a sign having one display surface.
- (dd) "Street number sign" means the display of the numbered street address of a specific location.
- (ee) "Subdivision development sign" means a sign advertising the sale of lots in a subdivision.
- (ff) "Temporary sign" means a sign specifically authorized by the Commission for a specific term.
- (gg) "Window sign" means any permanent or temporary signs, posters, symbols and other types of identification or information about the use or premises directly attached to or painted on the glass part of a door and/or on the window of a building or erected on the inside of the building and visible from any public right-of-way or adjacent property.

1191.03 APPLICATIONS FOR VARIANCES.

The Planning and Zoning Commission ("Commission") shall hear and decide all requests for appeals and variances in all zoning districts in the City of Hilliard. Subject to the limitations set forth in this Chapter of the Hilliard City Code, the Planning and Zoning Commission shall have the complete authority to grant or deny variances from any regulation pertaining to signage within the City.

1191.04 VARIANCES.

- (a) Any applicant that desires to erect a sign that does not conform to the provisions of this Chapter must apply for a variance prior to the erection and installation of signs. Any request for a variance from this Graphics and Sign Code shall be heard and decided by the Commission as provided by this Graphics Code.
- (b) Prior to the Commission hearing and deciding any matter concerning a variance, it shall hold a public hearing. The Commission shall fix a reasonable time for the hearing of a variance, and shall provide not less than seven (7) days public notice of the time, place and purpose of the public hearing on the City's website and on the City's public bulletin board at the municipal building. The City shall provide not less than seven (7) days ordinary mail notice of the time, place and purpose of the public hearing to the owners of all properties lying within two

hundred (200) feet of any part of the property for which the proposed sign variance is sought. The failure to notify property owners as provided in this section, shall not invalidate any action taken or variance granted by the Commission.

- (c) Applicants carry the burden of establishing the necessity of the variance and why the applicant has encountered practical difficulties in adhering to the code. The granting of variances shall be the exception and not the rule of the Commission, which shall take into consideration the following factors in reviewing a variance request:
  1. Whether the property will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
  2. Whether the variance sought is substantial;
  3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining property owners would suffer substantial detriment as a result of granting the variance;
  4. Whether the variance would adversely affect the delivery of governmental services;
  5. Whether the property owner purchased property with knowledge of zoning restrictions;
  6. Whether the property owner's predicament feasibly can be obviated through some method other than variance; and
  7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the requested variance.
- (d) In granting a variance, the Commission may impose such requirements and conditions regarding the location, character, and other features of the sign as the Commission deems necessary to carry out the intent and purpose of this Graphics and Sign Code and to otherwise safeguard the public health, safety, and general welfare.
- (e) Any such variance shall be necessary to preserve a substantial property right the hindrance of which resulted from this Chapter and shall be in harmony with the public interest.
- (f) Any variance approved by the Commission must result in obtaining a sign permit and erecting the sign within one year of approval. Any variance application approved by the Commission that does not result in obtaining the sign permit and erecting the sign within one year shall be void.

1191.05

#### COMPLIANCE.

- (a) Application. No sign shall be permitted in any district except as hereinafter provided. Only one sign shall be permitted for each property or use in any zoning district unless provided otherwise

herein. The provisions of this Chapter shall apply to all signs of every nature, whether portable or attached to the realty, except as otherwise provided herein, either specifically or by necessary implications.

- (b) Signs.
  - (1) All signs must be of a professional character, must be erected by a registered sign erector, and must comply with the provisions provided herein. No homemade lettered signs shall be permitted, whether or not a permit is required.
  - (2) All parts of a sign except the sign face shall be finished in only one color which shall be black, white, gray, brown or some neutral variation of brown. A maximum of four (4) colors will be permitted on the sign face.
  - (3) Signs may be externally illuminated. No signs shall be internally illuminated except as otherwise provided in Section 1191.09.
- (c) Appeal from an Administrative or Planning and Zoning Decision. Any person aggrieved by the decision of the Enforcement Officer or of the Planning and Zoning Commission in authorizing or denying a sign may appeal that decision to the Board of Zoning Appeals ("Board") within seven (7) days. The Board shall hold a hearing and approve with or without modifications or disapprove the application at its next regularly scheduled meeting following receipt of notification from the Enforcement Officer that an applicant has appealed. Notice of the hearing shall be as provided in Chapter 1111.
- (d) Signs in Public Right-of-Way. No signs shall be placed in any public easement, right-of-way, utility easement, sight triangle, or no build zone except public or semi-publicly owned signs, such as traffic-control signs and City authorized directional signs. Any variance from this section must be specifically authorized by the Commission and the City Engineer.

#### 1191.06 NON-CONFORMING SIGNS.

- (a) Nonconforming Signs. Any sign that does not conform to the provisions of this Chapter, either in existence prior to the date of adoption of this Chapter or located in areas annexed thereafter, shall be deemed a nonconforming sign.
  - (1) A nonconforming sign shall not be relocated or replaced unless it is brought into compliance within the provisions of this Chapter.
  - (2) A nonconforming sign shall only be maintained or repaired in the following manner:
    - (A) The size and structural shape shall not be changed or altered, except to remove entire elements thereby reducing the overall size.

- (B) The copy may be changed (including changeable copy signs and change of sign face) provided that the change applies to the original nonconforming use associated with the sign. Any subsequent owner or user shall bring the sign into compliance, except if the subsequent owner or user was also the lessee.
  - (C) In the case where damage occurs to the sign, the owner or the owner's authorized representative shall, within fourteen (14) days of the damage, schedule a pre-application meeting, as described in §1191.29(b), with the Enforcement Officer for the purpose of establishing whether the sign was damaged to the extent of fifty percent (50%) or more of replacement value. Based on that determination, an application for a permit must be submitted by the owner or the owner's authorized representative within ten (10) business days from the date of the pre-application meeting. -Where the damage to the sign is less than fifty percent (50%) of its replacement value, the sign shall be repaired to its original configuration within forty-five (45) days from the date the sign permit is issued. The sign shall be removed in its entirety within thirty (30) days from the date of damage where the damage is greater than fifty percent (50%) of its replacement value, in which case any subsequently erected sign must comply with this code.
  - (D) No sign for which a variance was approved may be replaced, relocated or altered in any way, except in those instances described in subsections (B) and (C) above, without the prior review and approval of the Commission and the subsequent issuance of a sign permit, unless such sign is brought into compliance with this Code, and in that instance, issuance of a permit by the Enforcement Office is sufficient.
- (b) Official Public Signs Exempt. Public notices by governmental bodies, and other official signs and notices are exempt from the provisions of this section. The Enforcement Officer may authorize the erection of other signs reasonably necessary for the regulation of traffic and of parking areas on private property in nonresidential districts. Such signs shall relate only to traffic flow and safety. No sign shall include advertising material nor shall it be larger than reasonably required for its purpose.

1191.07

SIGNS NOT REQUIRING PERMITS.

Signs not requiring a permit as provided herein shall not be considered in

the computation of other permitted signs in any district. The following signs do not require a permit:

- (a) Political Signs. Political signs having reference to a candidate for elective office or a public question or an issue to be submitted to the voters at a general, special or primary election, may be erected or displayed without authorization by the Enforcement Officer but subject to the following limitations and conditions:
  - (1) Signs must be removed by the end of the third day following the election.
  - (2) The signs shall not be illuminated in any manner.
  - (3) The signs shall not be erected in any right-of-way or roadway easement.
  - (4) Candidates are responsible for the removal of their campaigns signs as required herein regardless of who erected the signs.
- (b) Residential Real Estate Signs. A maximum of one (1) sign offering real estate for sale, lease or rent or indicating that it has been sold may be erected and displayed on the lot or parcel offered for sale, rent or sold subject to the following limitations:
  - (1) The sign, which may be lettered on both sides, shall not exceed eight (8) square feet in area or display surface, and shall not exceed four (4) feet in height above natural grade.
  - (2) All signs shall be located outside the right-of-way, which is no closer than ten (10) feet to the curb, or street pavement if there is no curb, or ditch along the street on which the lot or parcel fronts. Signs on corner lots shall be located outside the visibility triangle established by the City Engineer and not be nearer than twenty-five (25) feet to either the curb or the ditch. No sign shall be located in any right-of-way or public easement.
  - (3) For sale, lease or rent signs shall be removed not later than seven (7) days after the contract for sale or rent of the property has been approved. Signs indicating that the property has been sold shall not be displayed for more than seven (7) days after final closing.
- (c) Street Number Signs. All building structures shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of four (4) inches high with a minimum stroke width of 0.5 inches and a maximum of twelve (12) inches in height.
- (d) Window Signs.
  - (1) Temporary Window Signs must meet the following requirements:

(a) Limited to one sign per window, with the total display area of each sign not exceeding 10% of the area of the window in which it is placed, or six square feet, whichever is less, and limited to an aggregate maximum of 24 square feet of display area per business.

(b) Placed only in ground level windows.

(c) Erected for no longer than 30 days each. All previously displayed signage must be removed and not reinstalled for 30 days.

(2) Permanent Window Signs must comply with the following:

(a) The sum of the display area of the window signs and the display area of the wall or ground sign may not exceed the maximum area for the wall or ground sign posted for a particular business (height, display area and setback requirements).

(b) Signs shall be limited to the ground floor or first floor windows only, unless a use is located in the second or higher stories of a building and the use has no first floor occupancy.

(c) Signs shall be limited to one sign per window, with the total display area of all permanent window signs not to exceed 10% of the total window area of the establishment or 10 square feet, whichever is less.

(d) The maximum allowable area on the second floor may not exceed that of the first floor.

(e) Signs may be neon-lit, but if so, the lighted portion of the neon sign must fit within a rectangular area with dimensions that are not greater than 1 foot long by 2 feet wide.

(e) Official Public Signs. Those erected and displayed in compliance with section 1191.06(c).

(f) Flags. May be erected or displayed without authorization by the Enforcement Officer subject to the following limitations and conditions:

(1) If the flag is in a residential district, no more than one pole and two standards may be erected which shall not exceed twenty (20) vertical feet. Any illumination must be directed so as not to spill into adjacent property or rights of way. Flags may be illuminated at all times they are displayed.

(2) In nonresidential districts the following provisions shall apply: