

THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 07-103

INTRODUCED BY: Willey, McKee, Antoskiewicz

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 12 PLANNING AND ZONING CODE, CHAPTER 1284 SIGNS, SECTIONS 1284.01, 1284.03, 1284.05, 1284.07, 1284.10, 1284.13, 1284.14, 1284.15, 1284.16, 1284.17, 1284.21, 1284.23, 1284.24 AND CREATING NEW SECTIONS 1284.25 THROUGH 1284.29, AND DECLARING AN EMERGENCY

WHEREAS: Council's Building and Building Codes Committee has undertaken a lengthy review of the existing sign code and has recommended substantial changes to the code to re-define the principals and purposes for the code and to amend procedures including but not limited to approval of sign permit applications by the Building Commissioner where such action can be more effectively handled by an administrator rather than the more time consuming, lengthier process of obtaining Planning Commission approval, which recommendations have led to a more comprehensive review and modification of the code as hereinafter stated; and

WHEREAS: Council desires to provide for these amendments.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. Chapter 1284 Signs, Section 1284.01 Purposes, is hereby amended to hereinafter read as follows:

~~1284.01~~ ——— PURPOSES.

~~The sign regulations provided in this chapter, including provisions to control the type, design, size, location, motion, illumination and maintenance of signs, are established in order to achieve, among others, the following purposes:~~

- ~~(a) To maintain high value Residential Districts and promote attractive environmental, social, cultural and public facilities by permitting only nameplates, bulletin boards and signs related to the identification of properties in such Districts;~~
- ~~(b) To provide reasonable, yet appropriate, conditions for adequate business identification, advertising and communication for goods sold or services rendered in Business Districts by relating the size, type and design of signs to the type and size of establishments;~~
- ~~(c) To protect the safety and welfare of the community by eliminating conflicts between advertising signs and traffic control signs, which would be hazardous to motorists and pedestrians;~~
- ~~(d) To control the design of signs so that their appearance will be aesthetically harmonious with the adjacent surrounding area;~~
- ~~(e) To encourage renovation and proper maintenance of signs; and~~
- ~~(f) To cause every sign in violation of any provision of this chapter to eventually be removed, altered or replaced so as to conform to the intent and specifications of this chapter.~~

1284.01 GENERAL PRINCIPLES AND PURPOSES.

- (a) Located along Cuyahoga County's southern tier, North Royalton is a growing community facing immense growth pressures and comprises one of the larger areas of undeveloped land in Cuyahoga County. North Royalton lacks rail, water and/or air transport capabilities and has no direct freeway access. Bisected by the Ohio Turnpike, North Royalton's nearest freeway connection is at Royalton Road and I-71, 1½ miles to the west in Strongsville, Ohio. In order to preserve the city as a desirable community in which to live and do business, a pleasing, visually attractive suburban to rural environment is of foremost importance. The regulation of signs within the city is a highly contributive means by which to achieve this desired end. These sign regulations are prepared with the intent of enhancing both the suburban and rural environments that exist here in North Royalton and promoting the continued well-being of the city.*
- (b) It is the purpose of this division to promote the public health, safety and general welfare through a comprehensive system of reasonable, consistent and nondiscriminatory sign standards and requirements. These sign regulations are intended to:*
 - (1) Enable the identification of places of residence and business.*
 - (2) Allow for the communication of information necessary for the conduct of commerce.*
 - (3) Lessen hazardous situations, confusion and visual clutter caused by proliferation, improper placement, illumination, animation and excessive height, area and bulk of signs which compete for the attention of pedestrian and vehicular traffic.*
 - (4) Enhance the attractiveness and economic well-being of the city as a place to live and conduct business.*
 - (5) Protect the public from the dangers of unsafe signs.*
 - (6) Permit signs that are compatible with their surroundings and aid orientation, and preclude placement of signs in a manner that conceals or obstructs adjacent land uses or signs.*

- (7) *Encourage signs that are appropriate to the zoning district in which they are located and consistent with the category of use to which they pertain.*
- (8) *Curtail the size and number of signs and sign messages to the minimum reasonably necessary to identify a residential or business location and the nature of any such business.*
- (9) *Establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains.*
- (10) *Preclude signs from conflicting with the principal permitted use of the site or adjoining sites.*
- (11) *Regulate signs in a manner so as to not interfere with, obstruct vision of or distract motorists, bicyclists or pedestrians.*
- (12) *Require signs to be constructed, installed and maintained in a safe and satisfactory manner.*
- (13) *Preserve and enhance the natural and scenic characteristics of this rural and suburban community.*
- (14) *Control the design of signs so that their appearance will be aesthetically harmonious with the adjacent surrounding area;*
- (15) *Encourage renovation and proper maintenance of signs; and*
- (16) *Cause every sign in violation of any provision of this chapter to eventually be removed, altered or replaced so as to conform to the intent and specifications of this chapter.*

Section 2. Chapter 1284 Signs, Section 1284.03 Classifications and Definitions, is hereby amended to hereinafter read as follows:

(b)(1)C 1. Telephone numbers shall be permitted at the discretion of the ~~Planning Commission~~ **Building Commissioner and/or Architectural Review Board.**

(b)(1)E. "Organizational sign" means a sign devoted exclusively to the identification of national, state and local service clubs and the location and meeting dates of such clubs. The number, location and design of organizational signs shall be approved by the ~~Planning Commission~~ **Building Commissioner and/or Architectural Review Board.**

(b)(2) first paragraph: "Temporary sign" means a sign designed for use for a limited period of time to announce special events or sales and the sale, lease or rental of property. Temporary signs need not meet the structural type criteria listed in paragraph (c)(2)A. hereof, shall be no larger than thirty-two square feet and shall not be more than six feet high. The time limits for expiration of the approval of the criteria for extension of that time period (if necessary) shall be part of the approval by the ~~Planning Commission~~ **Building Commissioner.** Temporary signs shall include the following:

(b)(2) last paragraph: The expiration date of **an approved** temporary sign, ~~as approved by the Planning Commission~~, shall appear on each temporary sign.

(d) For the purposes of this Chapter 1284, when reference is made to the Building Commissioner, that shall mean and include his or her designee.

Section 3. Chapter 1284 Signs, Section 1284.05 Design Standards, is hereby amended to hereinafter read as follows:

1284.05 Design *and Construction* Standards

~~(a) Sign should be designed and placed on the building to be compatible with and complement the appearance of the building. All signs should be reviewed for their impact on the building façade and be proportional to the elevation on which they are affixed. The sign and the associated lighting fixtures should complement the architecture of the building on which it is placed. Its location on the building should be appropriate to its design.~~

(a) Sign Bands Across Multiple Store Fronts. In the case of a strip center-type business building that provides an unbroken "sign band" across multiple store fronts, the Architectural Review Board may, for reasons of aesthetics and balance, approve signs that may not comply with the requirement that a sign shall be set back three feet from the party wall of the business to which it pertains.

~~(r) **Structural Design.** The construction, erection and maintenance of all signs shall be in compliance with the Building and Housing Code of the City and all other applicable Municipal standards and regulations.~~

(r) Construction Specifications.

(1) Compliance with Building Code. All signs shall comply with the appropriate detailed provisions of the Ohio Building Code relating to construction, design, structural members and connections. Signs shall also comply with the provisions of the National Electrical Code and the additional construction standards hereinafter set forth in this section.

(2) Construction of Signs, Auxiliary Specifications.

(a) Identification and marking. Each sign hereafter erected or remodeled shall bear, in a permanent position thereon a clearly legible identification plate stating the name and address of the owner of the sign, and the person, firm or corporation responsible for its construction, erection and the date of erection.

(b) Obstruction to exits. No sign shall be erected, constructed, or maintained so as to obstruct any fire escape, required exit, window or door opening used as a means of egress.

(c) Obstruction to ventilation. No sign shall be attached in any form, shape or manner which will interfere with any opening required for ventilation, except that such signs may be erected in front of and may cover transom windows when not in violation of the provision of the building or fire prevention code.

- (d) *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. In no instance shall a sign be installed closer than twelve inches, horizontally or vertically, from any conductor or public utility guy wire.*
- (3) ***Free-Standing Signs—Materials.*** *All free-standing sign structures shall be self-supporting structures erected on and permanently attached to concrete foundations. Foundations shall be designed to carry weight and wind load of the sign, in soil which it is placed. Such structures shall be fabricated only from painted or galvanized steel, or such other materials as may provide equal strength.*
- (4) ***Electric Signs.*** *The full number of illuminating elements thereof shall be kept in safe and working condition or immediately repaired or replaced, if faulty. Signs that are only partially illuminated shall meet all electrical requirements for that portion directly illuminated. All electric signs shall have a disconnect switch located in accordance with the provisions of the Ohio building code.*
- (5) ***Glass.*** *When glass is used for sign letters or transparent or translucent panels, it shall be at least double strength thickness for sign areas up to and including three hundred square inches. When glass is used for sign letters or transparent or translucent panels for sign areas in excess of three hundred square inches at least one-quarter inch wire glass shall be used and the maximum span between supports shall be four feet.*
- (6) ***Plastic.*** *Plastic shall be of thickness and shape necessary to withstand wind loadings specified in Paragraph 9 below. Proper allowance or provision shall be made in connections to provide for thermal contraction and expansion.*
- (7) ***Strength of Parapet, Wall or Roof.*** *A parapet wall ~~or roof~~ must be designed for and have sufficient strength to support any sign which is attached thereto.*
- (8) ***Supports and Braces.*** *Metal supports or braces shall be adequate for wind loadings, specified in Section 9. Wire or cable supports shall have a safety factor of four. All metal, wire cable supports and braces and all bolts used to attach sign to bracket or brackets and signs to the supporting building or structure shall be of galvanized steel or of an equivalent material. All sign supports shall be an integral part of the sign design.*
- (9) ***Wind Loads.*** *Wind loads shall comply with the Ohio Building Code.*
- (10) ***Sign Anchoring.*** *Signs shall be anchored to prevent any lateral movement that would cause wear on supporting members or connections. No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action, unless specifically designed by means of bearings or other methods approved, to allow for movement.*

and creating a new paragraph (t) to read as follows:

- (t) ***Notwithstanding any other provision of this Code, no sign shall be subject to any limitation based on the content of the message contained on such sign.***

Section 4. Chapter 1284 Signs, Section 1284.07 Signs in Residential Districts, is hereby amended to hereinafter read as follows:

- (e) One subdivision project sign per entrance, not exceeding 100 square feet in total area and six feet in height, may be permitted while a subdivision is under construction, provided that such sign is located on the parcel being developed and is not less than 100 feet from any occupied residence and not less than twenty-five feet from the nearest street right of way. The permit for such sign shall be for a period not exceeding one year. However, such permit may be renewed while construction is pursued diligently. An extension of the permit may be granted if deemed necessary by the ~~Planning Commission~~ **Building Commissioner** upon application by the owner. A project sign may be removed immediately upon commencement of the intended use, but not later than the initial or succeeding one-year period covered by permit.

Section 5. Chapter 1284 Signs, Section 1284.10 Location and Supplementary area Regulations for Signs in business Districts, is hereby amended to hereinafter read as follows:

- (e) In lieu of the above permitted ground sign, a unified commercial or office complex under a common ownership exceeding 100,000 square feet in gross floor area shall be permitted a pylon sign ~~not exceeding 100 square feet in area per side~~ **where the area per side does not exceed the area as defined in Section 1284.03(c)(2)(C)** and ten feet in height. The contents of the sign shall be limited to the name of the unified commercial or office complex. Individual store or business signage shall not be permitted on a pylon sign and shall be limited to business signage attached to the building or unit thereof proposed. Pylon, or unit sign details shall be submitted to and approved by the ~~Planning Commission~~ **Building Commissioner and/or Architectural Review Board.**
- (g) ~~Temporary project signs not exceeding sixty square feet in total area shall be permitted if located on the lot which is occupied by the building or use promoted or if announcing a proposed building or a building under construction. Such project sign shall be located not less than 100 feet from the nearest residential lot line and not less than twenty-five feet from the nearest arterial street or collector street right of way line. Permits for such signs shall be for a period not exceeding one year. However, such permits may be renewed while construction is pursued diligently. Project signs may be removed immediately upon commencement of the intended use, but not later than the initial or succeeding one-year period covered by permit.~~

(g) A project sign may be removed immediately upon commencement of the intended use, but not later than the period covered by permit.

(i) Special Signs Districts (to include oversized ground or wall signs), for purposes of creating an integrated sign theme, may be established by ordinance in response to a petition by a majority of sign users within a Business District. The sign theme must not violate safety standards of the Building and Housing Code of the City and/or other requirements of this Zoning Code (with the exception of size requirements). A detailed plan should be submitted in accordance with the provisions of Sections 1276.13 and 1276.14 for approval. Upon approval, a two-thirds affirmative vote by Council is required to establish a Special Sign District. ~~Denial by the Planning Commission may be reviewed by the Board of Zoning Appeals.~~

Section 6. Chapter 1284 Signs, Section 1284.13 Application Permits, is hereby amended to hereinafter read as follows:

~~(a) Application-~~

~~(1) Application for permits to erect, place, paint, illuminate or alter a sign shall be made by the owner or lessee of the property for which a sign is proposed. The application shall be submitted on forms furnished by the City and shall be made either separately or with the application for a building permit. The fee for a sign permit shall be established by separate ordinance and set forth in Chapter 214. The application for sign approval shall include the following:~~

- ~~A. Scaled site plan locating sign.~~
- ~~B. Scaled color elevation of sign showing actual colors and actual message.~~
- ~~C. Indicate font or shape and size of letters or box sign.~~
- ~~D. Fixture cuts of illumination sources.~~
- ~~E. Landscape plan for ground signs.~~

~~(2) A sign permit shall be required for all permanent signs as follows:~~

- ~~A. Residential Districts. If the sign exceeds six square feet in area.~~
- ~~B. Business Districts. If the total copy area of the sign exceeds fifteen square feet in area. A permit shall not be required for placing permanent signs on the surface of windows or doors. However, such signs may be ordered to be removed if the maximum gross area permitted is exceeded.~~
- ~~C. Industrial Districts. If the total area of the signs exceeds fifteen square feet.~~

~~(3) Each application shall be accompanied by drawings to scale, showing:~~

- ~~A. The design and layout proposed, including the total area of the sign, materials to be used, structural supports, and the size, character and color of letters, lines and symbols;~~
- ~~B. The method of illumination, including a description of electrical components, if any;~~
- ~~C. The exact location of the sign in relation to the building and property; and~~
- ~~D. Details and specifications for construction, erection and attachments, which must meet the following requirements:~~
 - ~~1. All signs shall be constructed in accordance with the requirements of the Ohio Building Code and the National Electrical Code.~~
 - ~~2. No sign shall be suspended by non-rigid attachments that will allow the sign to sway in the wind.~~
 - ~~3. All free-standing signs shall have a self-supporting structure erected on or permanently attached to concrete foundations.~~
 - ~~4. Solid signs, other than wall signs, shall be designed to withstand a wind load of thirty pounds per square foot on any face, up to a sign height of twenty-five feet.~~
 - ~~5. Skeleton signs, other than wall signs, shall be designed to withstand a wind load of thirty pounds per square foot of the total face area of the letters and other sign surfaces, or thirty pounds per square foot of the gross area of the sign as determined by the overall dimensions of the sign, whichever is greater.~~
 - ~~6. 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. In no instance shall a sign be installed closer than twelve inches, horizontally or vertically, from any conductor or public utility guy wire.~~
 - ~~7. No sign shall be erected, constructed or maintained so as to obstruct any fire escape, required exit, window or door opening used as a means of egress.~~
 - ~~8. No sign shall be attached in any form, shape or manner which will interfere with any opening required for ventilation, except that signs may be erected in front of and may cover transom windows when not in violation of the provisions of the Building and Housing Code or Fire Prevention Code of the City.~~
 - ~~9. The base of all permanent ground and pylon signs shall be landscaped and the landscape design shall be approved by the Architectural Review Board.~~

~~(b) Issuance and Denial. The Building Commissioner shall issue a permit and permit sticker for the erection, alteration or relocation of a sign within seven days of receipt of a valid application, provided that the sign complies with all applicable laws and regulations of the City. In all applications where a matter of interpretation arises, the more specific definition or higher standard shall prevail. When a permit is denied by the Building Commissioner, a written notice will be provided to the applicant, along with a brief statement of the reasons for denial. The Building Commissioner may suspend or revoke an issued permit for any false statement or misrepresentation of fact in the application.~~

~~(e) Refund of Permit Fees; Conditions:~~

- ~~(1) If a permit is denied, the permit fee will be refunded to the applicant.~~
- ~~(2) If no inspections have been made and no work authorized by the permit has been performed, the permit fee, except for five dollars (\$5.00), may be refunded to the applicant upon request, provided that the permit and permit sticker are returned to the Building Commissioner within thirty days of issuance.~~
- ~~(3) A permit issued by the Building Commissioner becomes null and void if work is not commenced within 180 days of its issuance. If work authorized by the permit is suspended or abandoned for 180 days, the permit must be renewed with an additional payment of one half of the original fee.~~
- ~~(4) If any sign is installed or placed on any property prior to receipt of a permit, the specified permit fee shall be doubled. However, payment of the doubled fee shall not relieve any person of any other requirements or penalties prescribed in this Zoning Code.~~

1284.13 PERMITS *REQUIRED*.

- (a) Except as otherwise provided in this code it shall be unlawful for any person to erect, construct, enlarge, move, convert, or modify any sign in the city, or cause the same to be done, without first obtaining a sign permit for each such sign from the Building Commissioner as required by this code. These directives shall not be construed to require any permit for a change of copy on any sign, nor for the repainting, cleaning and other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign or sign structure is not modified in any way. No new permit is required for signs which have permits and which conform with the requirements of this code on the date of its adoption unless and until the sign is altered or relocated. Applications for approval of a temporary sign shall be subject to review only by the Building Commissioner without further board review, except for any appeal. The Building Commissioner shall approve or reject the temporary sign application within 5 business days of filing.*
- (b) Expiration of Permit: Any sign permit issued by the Building Commissioner shall become null and void if manufacture installation is not commenced within one hundred and eighty days from the date of such permit. If work authorized by such permit is suspended or abandoned for one hundred and twenty days any time after the work is commenced, a new permit shall be first obtained prior to re-commencement of the work, and the fee required by Chapter 214 shall be one-half the amount required for a new permit for such work, provided that no changes have been made in the original plans. Such new permit may not be unreasonably withheld, providing that proper application and payment of permit fees is complied with.*
- (c) Emergencies: In emergency situations, where there is imminent danger of personal injury or harm to property, work may be initiated and completed without first applying for a permit. However, a permit shall be applied for within forty-eight hours after the first working day when work has commenced on the sign.*
- (d) Consent Required: No person shall erect, construct or maintain any sign upon any property or building without the consent of the owner or person entitled to possession of the property or building if any, or their authorized representatives.*
- (e) Application for Permit: An application for a permit shall be made to the Building Commissioner upon forms provided by the Building Commissioner. The application may be made separately or in conjunction with an application for a building permit.
 - (1) The application shall be accompanied by drawings to scale and shall include such information as may be required to assure compliance with all appropriate laws and regulations of the city including but not limited to the following:
 - A. The design and layout proposed, including the total area of the sign, materials to be used, structural supports, and the size, character and color of letters, lines and symbols;*
 - B. The method of illumination, including a description of electrical components, if any;*
 - C. The exact location of the sign in relation to the building and property; and*
 - D. Details and specifications for construction, erection and attachments, which must meet the requirements found in Section 1284.05.*
 - E. Name and address of owner of the sign.*
 - F. Name and address of owner or the person in possession of the premises where the sign is located or to be located.***
- (f) Issuance, Denial, Revocation:
 - (1) The Building Commissioner shall issue a permit after any approvals of the Architectural Review Board for the erection, alteration or relocation of a sign within thirty (30) days of receipt of a valid application, provided that the sign complies with all applicable laws and regulations of the City. In all applications where a matter of interpretation arises, the more specific definition or higher standard shall prevail.*
 - (2) The Building Commissioner may suspend or revoke in writing a permit issued under provisions of this section whenever the permit is issued on the basis of a misstatement of material fact or false representation. When a sign permit is denied or revoked by the Building Commissioner, he or she shall give written notice of the denial or revocation to the applicant, together with a brief written statement of the reasons for the denial or revocation.**

(g) Effect of Issuance: No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign nor shall any permit issued hereunder constitute a defense in an action to abate an unlawful sign.

(h) Permit Fee:

(1) Application for permits shall be filed with the Building Commissioner, together with a permit fee for each sign, provided, however, that the minimum fee for a permit shall be set forth in Chapter 214.

(2) If any sign is installed or placed on any property prior to receipt of a permit, the specified permit fee shall be doubled. However, payment of the doubled fee shall not relieve any person of any other requirements or penalties prescribed in this Zoning Code.

(i) Appeals: Any applicant may appeal to the Board of Zoning Appeals from any decision of the Building Commissioner and/or Architectural Review Board pertaining to an application for a sign permit, maintenance or removal of any sign. Any such appeal shall meet the requirements set forth in Chapter 1264.

(j) Notice of Change of Sign Owner or User: Whenever there is a change in the sign user, owner, or owner of the property on which the sign is located, the new sign user, owner, or new property owner shall promptly notify the Building Commissioner of the change. No new sign permit is required, unless the sign is altered or relocated.

Section 7. Chapter 1284 Signs, Section 1284.14 Maintenance, is hereby amended to hereinafter read as follows:

~~(a) All signs and sign structures shall be maintained in a safe and attractive condition. Exposed surfaces shall be cleaned and painted if paint is required. Defective parts shall be replaced.~~

(a) Every sign in the city, including any sign exempted from normal permit requirements, shall be maintained in good structural condition at all times, and shall be kept neatly painted and in good aesthetic condition, including all parts and structure(s). Defective parts shall be replaced. The Building Commissioner shall have the authority to order the painting, repair, alteration or removal of signs which become dilapidated or are abandoned, or which constitute physical hazard to the public safety.

Section 8. Chapter 1284 Signs, Section 1284.15 Non-Conforming Signs, is hereby amended to hereinafter read as follows:

1284.15 NONCONFORMING SIGNS.

~~(a) A sign conforming as to the regulations prevailing on the effective date of this chapter, but which does not conform with the regulations of this or a subsequent amendment, shall be construed as a legal nonconforming sign only in accordance with the following requirements:~~

~~(1) Repairs. Ordinary repairs and structural alterations may be allowed if a permit is issued.~~

~~(2) Additions and enlargements. A nonconforming sign shall not be added to or enlarged in any manner.~~

~~(3) Relocation. No nonconforming sign shall be moved, in whole or in part, to any other location unless such sign is made to conform to this chapter.~~

~~(4) Restoration of damaged sign. A nonconforming sign that is destroyed or damaged by fire or other cause to the extent that the cost of restoration will exceed fifty percent of the replacement cost of such sign shall not be restored unless it is made to conform to this chapter. In the event that such damage is less than fifty percent of the replacement cost of such sign, no repairs or construction shall be made unless such restoration is started within six months of the date of the partial damage and is diligently pursued to completion.~~

~~(5) Discontinuance of use. A nonconforming sign, the use of which is disconnected for a period of ninety days, shall thereafter conform to the regulations of this chapter.~~

~~(6) Change of use and/or ownership. Where the business use or ownership associated with the nonconforming sign at the date of this chapter thereafter terminates or changes, such termination or change of ownership shall require such sign to conform to this chapter.~~

~~(7) Decrease of size of building and lot. If a decrease in the size of a building or lot occurs that is identified by a nonconforming sign, and if the area of the sign exceeds the area allowed in this chapter for the decreased building or lot size, the nonconforming sign will be deemed illegal and must be replaced or altered to conform to this chapter.~~

~~(b) Any sign which is nonconforming pursuant to Chapter 1284, Signs, Title Six, Zoning, Part Twelve, Planning and Zoning Code of the Codified Ordinances of the City of North Royalton is hereby declared a nuisance. The number of signs in North Royalton 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 Chapter 1284 in order to reduce the aforementioned effects.~~

~~(1) In view of the foregoing, all signs not conforming with the provisions of Chapter 1284 are hereby declared a nuisance and shall either be removed, replaced or altered to comply with the requirements of this Chapter, based on conditions, requirements or penalties provided herein, no later than January 1, 1996 except that the Building Commissioner is authorized to extend the January 1, 1996 deadline to October 1, 1996 for affected business establishments that submit a viable plan of compliance no~~

~~later than March 31, 1996 and except that any sign affected by the reconstruction of State Route 82 shall be brought into compliance upon the completion of that part of the project affecting such sign. Any legal nonconforming sign embossed, etched, engraved or otherwise an integral part of the original building's masonry architecture which was in existence prior to the effective date of this subsection may be continued, provided that such sign is maintained as originally designed and intended.~~

~~(e) Whoever fails to comply with any provision of this section shall be subject to the penalties set forth in Section 1262.99.~~

(a) A sign conforming as to the regulations prevailing on the effective date of this chapter, but which does not conform with the regulations of this or a subsequent amendment, shall be construed as a legal nonconforming sign. The Building Commissioner shall keep a list of such non-conforming signs and shall notify the owners of the status of non-conformity. A nonconforming sign may be continued to be used in the following circumstances:

(1) Repairs. Normal or ordinary repairs and improvements may be made but shall not require a permit from the Building Commissioner. For the purpose of this Zoning Code, normal repairs shall include ordinary maintenance of the sign or structure including painting and replacement of basic equipment such as substitution of lights or minor wiring. The term shall not include the replacement of structural parts in any nonconforming sign except when required by law to make the sign conforming.

(2) Change of use. Where the business use associated with the nonconforming sign at the date of this chapter thereafter changes, such change of use shall require the property owner to bring the sign into compliance with this chapter.

Section 9. Chapter 1284 Signs, Section 1284.16 Removal, is hereby amended to hereinafter read as follows:

1284.16 REMOVAL.

The Building Commissioner may cause the removal of an illegal sign in cases of emergency or for failure to comply with the written orders of removal, *maintenance* or repair. In the event that any person, firm or corporation shall prevent the removal or assist in the prevention of removal of any sign ordered to be removed pursuant to this chapter, the Building Commissioner and the Law Department are hereby authorized to obtain from the Common Pleas Court of Cuyahoga County a temporary restraining order and a preliminary and permanent injunction, directing the removal of the sign. After removal or demolition of the sign, a notice shall be mailed to the owner stating the nature of the work and the date on which it was performed and demanding payment of the cost as certified by the Building Commissioner, together with an additional ten percent for inspection and incidental costs.

Section 10. Chapter 1284 Signs, Section 1284.17 Prohibited Signs, is hereby amended to hereinafter read as follows:

(a) Abandoned signs and/or sign structures which are determined to be nonconforming with the provisions of this division shall be required to be removed by the property owner within 30 days after receipt of notification, or refusal to accept delivery of notification by certified mail, that such removal is required. Alternatively, the sign panels within the abandoned sign structure may be removed and replaced with sign panels of neutral color and containing no message;

(b) Banners, balloons, cold-air inflatables, pennants, streamers, festoons and searchlights except same shall be allowed as governmental and public purpose signs if the Building Commissioner finds that the sign type meets the following criteria:

(1) the sign type is for a special event, (2) the special event is for a limited time, (3) the special event is for a limited frequency, and (4) the sign type, if allowed for a limited time and frequency, will meet the following purposes to wit: (a) the signs will not conceal or obstruct adjacent land uses or signs (b) the signs will not conflict with the principal permitted use of the site or adjoining sites (c) the signs will not interfere with, obstruct vision of or distract motorists, bicyclists or pedestrians, and (d) the signs will be installed and maintained in a safe manner. Consistent with the general standards as defined in Chapter 1284, the approval or disapproval shall not be based on the content of the message contained (i.e., the viewpoint expressed) on any such sign. The Building Commissioner shall render a decision within 10 days after an application is made for utilizing this sign type at a special event. Such a decision shall be deemed an administrative interpretation and any person adversely affected has the right to appeal the decision to the BZA pursuant to Section 1264.04;

(q) Any exposed incandescent lamp unless a screen is attached or unless the sign and lamp are placed at least ten feet above the ground; and

(r) Pole signs;

Section 11. Chapter 1284 Signs, Section 1284.19 Review and Approval by Planning Commission for Signs in Business and Industrial Districts, is hereby repealed in its entirety:

~~The Planning Commission shall review proposed signs for Business and Industrial Districts. The review shall be in accordance with this chapter and will relate to the general appearance of the sign regarding color, materials and perceived harmony with surrounding properties.~~

Section 12. Chapter 1284 Signs, Section 1284.21 Variances, is hereby amended to hereinafter read as follows:

~~In obtaining a permit, the applicant may apply to the Building Commissioner for a variance from certain requirements of this chapter. A variance may be granted by the Board of Zoning Appeals. In granting a variance, the Board of Zoning Appeals may attach additional requirements necessary to carry out the spirit and purpose of this chapter in the public interest.~~

Requests for variance of the provisions of this Chapter 1284 shall follow the requirements of Chapter 1264.

Section 13. Chapter 1284 Signs, Section 1284.23 Permit Revocation, is hereby repealed in its entirety as follows:

~~The Building Commissioner may revoke any permit upon failure of the holder thereof to comply with requirements of this chapter.~~

Section 14. Chapter 1284 Signs, Section 1284.24 Violations, is hereby amended to hereinafter read as follows:

- ~~(a) When, in the opinion of the Building Commissioner, a violation of this chapter exists, the Building Commissioner shall issue a written order to the alleged violator. The order shall specify those sections of this chapter of which the individual may be in violation and shall state that the individual has fifteen days from the date of the order in which to correct the alleged violation or to appeal to the Board of Zoning Appeals.~~
- ~~(b) If, upon inspection, the Building Commissioner finds that a sign is abandoned or structurally, materially or electrically defective, or in any way endangers the public, the Building Commissioner shall issue a written order to the owner of the sign and to the occupant of the premises, stating the nature of the violation and requiring them to repair or remove the sign within thirty days of the date of the order.~~
- ~~(c) In cases of emergency, the Building Commissioner may cause the immediate removal of a dangerous or defective sign without notice. Signs removed in this manner must present a hazard to the public safety as defined in the Ohio Building Code.~~

1284.24 ***ENFORCEMENT.***

- (a) When, in the opinion of the Building Commissioner, a violation of this chapter exists, the Building Commissioner shall issue or cause to be issued or mailed to the owner of such sign, a written notice stating with specificity, the violation therein. Such notice shall order the owner, agent or operator, within a stated reasonable time, but not less than fifteen days, to repair, improve or demolish the sign concerned. Such delivery or mailing shall be deemed legal service of notice. The owner may appeal such notice to the Board of Zoning Appeals.***
- (b) If the person to whom a notice of violation is addressed cannot be found within Cuyahoga County after a reasonable and diligent search, the notice shall be sent by registered mail to the last known address of such person, and warning of the existence of such notice shall be posted in a conspicuous place on the structure or premises to which the sign relates. No person shall remove or deface such warning notice without written permission of the Building Commissioner. Such mailing and posting shall be deemed legal service of notice.***
- (c) Whenever the owner of a sign fails, neglects or refuses to comply with any notice of the Building Commissioner, the Building Commissioner may issue a notice to such owner, agent, occupant in use of such sign ordering that the sign be demolished and removed within such time as shall be stated in such notice, but which shall be not less than fifteen days, except in cases of emergency, or he may advise the Director of Law of the circumstances and request the Director of Law to institute an appropriate action at law to compel compliance or both. Such notice shall be delivered, mailed or posted in the same manner as provided in Section 1284.24(a) and/or (b).***
- (d) Whenever the owner, agent or operator of a structure fails, neglects or refuses to comply with notice to demolish such sign, or a part thereof, or such sign is determined by Council after referral by the Building Commissioner to constitute a public nuisance in that it is dangerous or injurious to the public health, safety or welfare, Council may request the Law Director to institute legal proceedings or to take such other action as may be necessary to abate the nuisance. The Building Commissioner shall further give notice informing the owner, agent or operator of such determination and action. Such notice shall be given in the same manner as provided in Section 1284.24(a).***
- (e) The owner or owners of any such sign as to which such an order or notice to repair, improve, or demolish has been issued shall not sell or enter into an agreement to sell or lease such property for a period of one year or longer unless such order of the Building Commissioner has been disclosed and displayed to the prospective purchaser or lessee, satisfactory compliance with such order or notice from the Building Commissioner or such order has been withdrawn or cancelled.***

Section 15. Chapter 1284 Signs is hereby amended by creating a new Section 1284.25 Cases of Emergency which shall hereinafter read as follows:

1284.25 CASES OF EMERGENCY.

Whenever, in the opinion of the Building Commissioner, the condition of a sign, or part thereof, constitutes an immediate hazard to human life or health, he shall declare a case of emergency and shall order immediate vacation of the sign, or part thereof. Such notice shall be served in the manner provided for by law but shall require immediate compliance.

Section 16. Chapter 1284 Signs is hereby amended by creating a new Section 1284.26 Placards which shall hereinafter read as follows:

1284.26 PLACARDS.

Whenever the Building Commissioner or his/her designee orders a structure or premises, or part thereof, to be demolished, he/she shall cause to be posted at each entrance to such structure or premises, or part thereof, a placard warning of the existence of such demolition order. No person shall deface or remove such placard until the repairs or demolition are completed, without written permission of the Building Commissioner or his designee.

Section 17. Chapter 1284 Signs is hereby amended by creating a new Section 1284.27 Paying for Demolition, which shall hereinafter read as follows:

1284.27 PAYING FOR DEMOLITION.

Any expense or cost incurred under the provisions for demolition contained in this Sign Code shall be paid by the owner of the sign.

If expenses and costs of demolition are not paid by the owner of the sign within thirty days after written notice from the City to do so, the expenses and costs may be recovered by an action at law or may be assessed against the lands of the owner and shall become a lien thereon, and shall be collected in the manner provided by law for assessments.

Section 18. Chapter 1284 Signs is hereby amended by creating a new Section 1284.28 Rules and Regulations, which shall hereinafter read as follows:

1284.28 RULES AND REGULATIONS.

The Building Commissioner or his/her designee is authorized to adopt such written rules and regulations as may be necessary for the proper interpretation and enforcement of this Sign Code. Such rules and regulations shall not conflict with or waive any provision of this Sign Code or any other ordinance of the City. Such rules and regulations shall be submitted to the Director of Law and Council for approval and no such rule or regulation shall be adopted without such approval. Such rules and regulations, upon approval of the Director of Law and Council, shall be on file with Legislative Director and Building Commissioner for public examination, and a copy of such rules and regulations shall be posted on the bulletin board in City Council for a period of least five days following approval by Council. Such rules and regulations shall have the force and effect of this Sign Code and shall continue in effect until revoked by the Building Commissioner with the approval of the Director of Law by action of Council.

Section 19. Chapter 1284 Signs is hereby amended by creating a new Section 1284.29 Severability, which shall hereinafter read as follows:

1284.29 SEVERABILITY.

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 20. Chapter 1284 Signs is hereby amended as provided for herein and all other provisions of Chapter 1284 shall remain in full force and effect.

Section 21. This Ordinance shall supersede all previously adopted Ordinances in direct conflict herewith.

Section 22. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 23. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the City, and for the further reason that Council has determined that it is immediately necessary to amend Chapter 1284 Signs of the Codified Ordinances of the City of North Royalton so that the sign approval process can be more effective and efficient.

THEREFORE, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

/s/ Vincent A. Gentile
PRESIDENT OF COUNCIL

APPROVED: /s/ Robert A. Stefanik
MAYOR

DATE PASSED: April 1, 2008

DATE APPROVED: April 1, 2008

ATTEST: /s/ Laura J. Haller
DIRECTOR OF LEGISLATIVE SERVICES

First reading September 4, 2007
Second reading September 18, 2007
Amended September 18, 2007
Third reading April 1, 2008
Amended April 1, 2008

YEAS: Gentile, Nickell, Petrusky, Willey,
McKee, Antoskiewicz, Kasaris

NAYS: none