

**CITY OF PARMA HEIGHTS
CHAPTER 1383
SIGNS**

1383.01	Intent	1383.22	Billboards
1383.02	Compliance Required	1383.23	Pole Signs
1383.03	Definitions	1383.24	Window Signs
1383.04	Measurement Standards	1383.25	Flags
1383.05	Design Standards	1383.26	Temporary Signs
1383.06	Illumination of Signs	1383.27	Exemptions to Permit Requirement
1383.07	Sign Face Area		
1383.08	Signs in Residential Districts	1383.28	Location and Maintenance Standard
1383.09	Signs in Commercial Districts		
1383.10	Permit Required	1383.29	Maintenance; Removal
1383.11	Application for Erection Permit	1383.30	Nonconforming Sign
1383.12	Permit Issuance	1383.31	Removal of Signs Accessory to abandoned uses
1383.13	Appeal		
1383.14	Maintenance Required	1383.32	Removal or Maintenance of Permanent Signs & Noncomplying Signs
1383.15	Outdated Signs Prohibited		
1383.16	Abandoned Signs Prohibited		
1383.17	Obstructions Prohibited	1383.33	Sign Specification Plates
1383.18	Traffic Hazards	1383.34	Signs as a Nuisance; Injunction
1383.19	Unsafe Signs		
1383.20	Obscene Signs	1383.35	Severability
1383.21	Vehicular Signs	1383.36	Violation: Legal and Equitable Remedies
1383.22	Types of Signs Permitted		

CROSS REFERENCES

1383.01 INTENT

- a) Sign regulations, including provisions to control the type, design, size, location, motion, illumination, enforcement and maintenance of signs, are established in order to achieve, among others, the following purposes:

- 1) To maintain high value Residential Districts and promote attractive public facilities and private, by permitting only signs appropriate to their environs.
 - 2) To provide reasonable but appropriate, conditions for identifying establishments in commercial districts by relating the size, type and design of signs to the size and type of establishments;
 - 3) To eliminate any conflict between advertising signs and traffic control signs which would be hazardous to the safety of the motoring public or pedestrians;
 - 4) To control the design of signs so that their appearance will be aesthetically harmonious with an overall urban design for the area; and
 - 5) To promote the most desirable developments and economic activity consistent with the objectives of the planning and development of the City.
- b) In establishing these objectives the City has determined that, without adequate regulation and design standards, signs are a nuisance. The number of signs in Parma Heights is excessive and is unduly distracting to motorists and pedestrians, creates a traffic hazard, and in some places reduces the effectiveness of signs needed to direct the public. As the appearance of the City is marred by the excessive number, oversized and poorly designed signs, both residential and business property values are adversely affected. Therefore, the number of such distracting signs ought to be reduced and signs permitted should comply with the standards of this chapter in order to reduce the aforementioned effects.

(1)In view of the foregoing, all signs not conforming with the provisions of this chapter are hereby declared a nuisance. It is further declared that the regulations contained in this chapter are the minimum regulations necessary to abate the nuisance and to achieve the purposes of this chapter.

- c) The City does not intend to infringe on the rights of free speech as protected by the First Amendment to the United States Constitution and Article I Section 11 of the Ohio Constitution. All Ordinances in this Chapter are to be construed in favor of vigorous political debate and the rights guaranteed to speak freely.

1383.02 COMPLIANCE REQUIRED.

Signs shall be designed, erected, altered, reconstructed, moved and maintained, in whole or in part, in accordance with the type, design, size, location, illumination and other requirements of this chapter.

The construction, erection, safety and maintenance of all signs shall be in accordance with applicable City codes. This chapter shall not amend, or in any way interfere with, other codes, rules or regulations governing traffic signs within the City.

1383.03 DEFINITIONS

As used in this chapter unless the context otherwise indicates:

- a) “Sign” shall mean any writing, pictorial representation, illustration, emblem, symbol, design, or other figure of similar character that is a structure or a part thereof, or is attached to or in any manner represented on a building, vehicle, pole, or structure and is visible from any public right-of-way or any other lot or parcel, and is used for purposes of advertisement, announcement, declaration, demonstration, identification, or expression.
- b) “Illuminated Sign” shall mean any sign which has characters, letters, figures, designs, or outlines illuminated externally or internally by any light source other than non-reflected natural daylight.
- c) “Ground sign” shall mean a sign not exceeding the height requirements set forth in section 1383.09 (c)(2) which has a supporting base not exceeding twenty-four (24) inches above grade designed as an integral part of the design. The grade shall be determined by the sidewalk closest to the sign. If a sidewalk is not present, the grade shall be determined by the parking lot area closest to the sign.
- d) “Wall Sign” shall mean any sign applied or attached to, or painted onto, any exterior wall surface of any building or structure.
- e) “Canopy Sign” shall mean any sign attached to the soffit or fascia of a canopy, marquee, awning, covered entrance, covered walkway, arbor, pergola or other similar structure.
- f) “Billboard” shall mean any sign advertising, identifying or directing attention to any product, service, entertainment, or commercial activity not offered upon the lot on which the sign is located.
- g) “Pole Sign” shall mean any sign, other than a flag as herein defined, that is supported by a pole, poles, columns or other base or structure and is designed either:
 - 1) To allow pedestrian or vehicular clearance beneath any of the signs message area, or
 - 2) To allow the sign’s message area to overhang the pole, poles, columns or other base or structure in total by more than twenty percent (20%) of the sign message area’s breadth.
- h) “Flag” shall mean any sign of cloth or similar material, anchored along one side, displayed from a single pole, either freestanding or attached to a building.

- i) “Window Sign” shall mean any sign in view of the general public appearing on a window surface or within up to twenty-four (24) inches of the window surface.
- j) “Vehicular Sign” shall mean any sign attached or applied to a vehicle of any type and used primarily to identify, advertise or promote, excluding any sign on vehicles normally and regularly used and operated in the course of business.
- k) “Temporary Sign” shall mean any sign, banner, flag or pennant or other display of cloth, canvas, wallboard, board , plastic or other such material, designed to be displayed for a limited period of time.
- l) “Nonconforming Sign” shall mean any sign existing on or after the effective date of the *Parma Heights Ordinance 2001-xx* which does not conform to said Ordinance in its entirety.
- m) “Facing” or “Surface” or “Surface Area” or “Sign Face Area” shall mean the Determination of Area of a Sign. The maximum sign face area for a building or use shall include all the surfaces of the sign or signs. The area of a sign shall be measured as the minimum area which can be enclosed by a rectangle, the sides of which may contact the extreme points or edges of the sign or signs. The area of a sign composed of characters or words attached directly to a building wall or mansard roof surface shall be the smallest rectangle which encloses the entire group of characters or words.
- n) “Frontage” or “Lot Frontage” shall mean the lot or property dimension along the principle street.
- o) “Building Frontage” shall mean Determination of Size of Building, Building Unit or Lot. The maximum sign face area of signs shall be related to the size of the building, building unit or lot as follows:
 - 1) “Frontage of a building” means the width of the facade of the building, store, service or office unit which faces the principal street. For a single use located in a corner lot building, forty percent (40%) of the building depth facing the secondary street may be included in the frontage width factor for that specific use.
The “frontage of a lot” not occupied by a building means the number of lineal feet the lot abuts on the principal street.
- p) “Building Unit” or “Unit of a Building”: shall mean, in any building subdivided into separate units or spaces, any interior space occupying any portion of the ground floor any building, and having its own exterior entrance, and separated from other such spaces by a party wall or walls.

- q) “Unit frontage” or “Building Unit Frontage” shall mean the linear dimension of the width of the widest portion of the building unit face including all appurtenant overhangs or other structures, either:
 - 1) Closest to parallel to the principal street or
 - 2) Containing the primary building unit entrance, of any building on any lot.
- r) “Alter” shall mean to change in any way, including but not limited to reconstruction, redesign, reillumination that changes the lighting design, sign face replacement that changes the sign face design, sign face change and painting in a different color than the present color, excluding changes in changeable copy on signs.
- s) “Other Advertising Structure” shall mean any marquee, canopy, awning, campanile, gazebo, kiosk or street clock serving to image, identify or promote a commercial enterprise.
- t) “Permitee” shall mean a person receiving an erection permit pursuant to the provisions of this chapter.
- u) “Person” shall be any individual, corporation, business trust, estate, trust , partnership, limited liability company, or other association.
- v) “Erect” shall mean to build, construct, alter, relocate, modify, attach, hang, place, suspend, or affix and shall include the painting of the sign
- w) “Nameplate” shall mean a sign indicating the name, address or profession of a person occupying the lot or a part of the building on which the sign is located.
- x) Menu board” means a sign that identifies and names items and services, of changeable copy being provided to drive-through or drive-up customers.

1383.04 MEASUREMENT STANDARDS

Signs are regulated in this code by relating the total area of all signs to the size of the building or building unit of a lot to which the signs are accessory.

- a) Determination of Area of a Sign. See Section 1383.03 (m)
- b) Determination of Size of Building, Building Unit or Lot. See Section 1383.03 (o)
- c) Menu Boards. A restaurant or other business with a drive-through or drive-up window may have a menu board not exceeding thirty-six (36) square feet. At a drive-in restaurant or other business, one (1) menu board may be permitted in addition to the maximum permanent sign allowed.
- d) Nameplate Signs. Nameplate signs will be permitted not to exceed two (2) square feet. The service entrance to the retail business and service use may be

identified by a nameplate on the building not exceeding two (2) square feet in single face sign area.

1383.05 DESIGN STANDARDS.

Signs, as permitted in the various use districts, shall be designed, constructed and installed to professional standards so as to be compatible in character, with regard to materials, color and size, to signs designed or located on the same building and on adjoining buildings in order to equalize the attention they are meant to attract and to produce an overall unified effect in accordance with the standards set forth in this section.

- a) Permanent Ground Signs. The height of a permanent ground sign shall be in accordance with Section 1383.09 (c)(2). The base of all ground signs shall be softened with landscaping. Any ground sign not located in a landscaped area extending a minimum of two (2) feet beyond all sides of the maximum plan projection of the ground sign or its base shall be enclosed with concrete curbing. Such curbing must be at least six (6) inches height and width, extending twelve (12) inches below grade.
- b) Wall or Panel Signs. All Wall or Panel Signs shall not be more than twelve (12) inches from the building wall to which they are attached. High voltage wiring to individual neon channel letters shall not pass through a building's fascia material. This wiring, as well as associated component parts of the sign, shall be contained within a continuous sheet metal raceway with a sheet metal cover to which these letters may be directly mounted. This complete self-contained letter and raceway assembly may then be properly mounted on a structure. The sign shall be set back from the end of the building and party wall lines at least three (3) feet and shall not project above the coping or eaves of any building. Individual logos which are not part of the business or corporate name may not take up more than twenty percent (20%) of a wall or panel sign. Logos other than the business or corporate name are limited to wall or panel signs only. Upon removal or replacement of a wall sign, the exposed surface shall be cleaned and refurbished to new condition. All holes from attachments or damage shall be repaired.
- c) Relation to Traffic Control Devices. No sign shall be erected so as to obstruct sight lines along any public way, traffic control lights, street name, signs at intersections or street sight lines. No sign visible from the sight lines along a street shall resemble any highway traffic sign.
- d) Signs on Corner Lots. No sign shall be allowed within a triangle formed between points on the front and side lot lines within thirty-five (35) feet from their intersection.
- e) Movement Restrictions. No flashing or moving illumination shall be permitted. No sign shall employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention. No sign, or part thereof, shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners or other similar moving devices. No such devices or strings of lights shall be used for the purpose of advertising or attracting attention when they are not part of a permanent sign.

- f) Barber Poles. Revolving barber poles are permitted notwithstanding subsection (e) hereof.

1383.06 ILLUMINATION OF SIGNS.

Light sources to illuminate signs shall be shielded from all adjacent residential buildings and streets and shall not be of such brightness as to cause glare that is hazardous to pedestrians or drivers of motor vehicles or as to cause reasonable objection from adjacent Residential Districts. Flickering, moving, or intermittent illumination shall not be permitted.

1383.07 SIGN FACE AREA.

Throughout this chapter, reference is made to the maximum permitted sign face area. In such case, the maximum permitted sign face area for a single face shall apply to all sign faces. For example, if a sign face area of fifty square feet is permitted for a single sign face, a double-faced sign is permitted fifty square feet of sign face area for each sign face or a total of one hundred square feet. No sign shall have more than two (2) sign faces.

1383.08 SIGNS IN RESIDENTIAL DISTRICTS.

Accessory signs in a Residential District shall be designed, erected, altered, moved and maintained, in whole or in part, in accordance with the following:

- a) One (1) wall or panel nameplate, indicating an occupant's name and house number, not exceeding two (2) square feet in sign face area, may be located on any building. In a Multifamily Residential District, one (1) permanent wall, panel or ground identification sign, indicating the name, owner or manager of the multifamily project, not exceeding twenty (20) square feet in a single face sign area and five (5) feet in height, shall be permitted facing each major street, but such sign shall be not less than fifty (50) feet from a side lot line and fifteen (15) feet from any street right-of-way line.
- b) One (1) direction ground sign, not exceeding four (4) square feet in a single face sign area and three (3) feet in height, shall be permitted on any building or lot located not less than five (5) feet from any side lot line and fifteen (15) feet from any street right-of-way line.
- c) One (1) real estate ground sign, advertising the sale, rental or lease of the premises, or part of the premises, on which the sign is displayed, not exceeding nine (9) square feet in a multi-family residential district or a single-family residential district provided that such sign is located not less than twenty-five (25) feet from any side lot line or ten (10) feet from any street right-of-way line. Illumination shall not be permitted.
- d) One (1) subdivision project ground sign, not exceeding twenty-five (25) square feet in single face sign area and eight (8) feet in height, may be permitted while a subdivision is under construction, provided that such sign is located on the parcel being developed and not less than twenty-five (25) feet from the nearest street right-of-way or lot line. A permit for such a sign shall be issued for a period not to exceed one (1) year. However, such permits may be renewed while

construction is pursued diligently. A project sign shall be removed within fourteen (14) days of the commencement of the intended use.

- e) One (1) permanent subdivision identification ground sign, not more than thirty (30) square feet in single face sign area and four (4) feet in height, indicating the name of the subdivision or residential development, may be permitted for each entrance to the subdivision or residential development from an arterial or collector street. Such sign shall be set back at least ten (10) feet from the street right-of-way line and shall be part of the overall architectural treatment of the entrance to the development. Illumination if any, of such sign shall be in accordance with Section 1383.06

1383.09 SIGNS IN COMMERCIAL DISTRICTS

Accessory signs in Commercial Districts shall be designed, erected, altered, moved and maintained, in whole or in part, in accordance with the following:

a) Structural Types Permitted. The following use types of signs are permitted in

Business Districts:

- 1) Wall or panel;
- 2) Canopy;
- 3) Ground;
- 4) Menu board; and
- 5) Changeable copy.

b) Determination of Aggregate Face Area and Setback

The aggregate face area of all signs, in any use district, shall not exceed the following limits, determined on the basis of the set-back distance of the building and the horizontal store frontage:

- 1) For buildings erected with a setback of zero to 125 feet, the aggregate area of all signs shall not exceed 2 square feet for each lineal foot of store frontage.
- 2) For buildings erected with a setback greater than 125 feet, but not more than 250 feet, the aggregate area of all signs shall not exceed 2.25 square feet for each lineal foot of store frontage.
- 3) For buildings erected with a setback of 250 feet or more, the aggregate area of all signs shall not exceed 2.50 square feet for each lineal foot of store frontage.
- 4) The maximum sign face area of a permitted nameplate sign is two (2) square feet.
- 5) The maximum sign face area permitted of a menu board sign is thirty-six (36) square feet, with a maximum height of six (6) feet to the top of the sign, measured from the finished grade.
- 6) The maximum sign face area for a Temporary Sign is established in subsections (c)(6 and 7)

- 7) The maximum sign face area of a Changeable Copy Sign is established in subsection (c)(9).
- 8) Set-back distance shall be measured from the centerline of the principal thoroughfare that provides direct customer access to the building and that abuts the parcel of land on which the building is erected or the shopping center of which the building is part.

c) Number, Locations, Maximum Sign Face Area Permitted.

- 1) Wall signs. One (1) wall sign per wall may be permitted for each business use or each separate unit thereof.
- 2) Ground signs. Businesses in Commercial Districts may be permitted one (1) ground sign in accordance with the other provision of this section. Ground signs shall be at least twenty (20) feet from another business lot and at least fifty (50) feet from any Residential District line. A ground sign shall be set back at least five (5) feet from the street right-of-way line and ten (10) feet from the nearest edge of any interior drive. The height of a ground sign shall not exceed six (6) feet for a single business and be in accordance with Section 1383.09 (c) (9) for multiple businesses and shopping centers, but in no way should it affect traffic site lines or impair pedestrian or vehicle traffic.
- 3) Canopy or Covered Walk Signs. One (1) canopy or covered walk identification sign may be attached to the soffit or fascia of a canopy or roof over a walkway structural member of each business use. However, the vertical dimension of such signs shall not exceed eighteen (18) inches and the lowest member shall be not less than eight (8) feet above the sidewalk grade. The maximum single face sign area of any canopy sign shall not exceed ten (10) square feet.
- 4) Directional Ground Signs. Directional ground signs, indicating traffic routes, and similar information, are permitted and are not subject to the sign face area limitations of this section, provided that no such sign exceeds four (4) square feet in a single face sign area or is closer than fifteen (15) feet from any side lot line or five (5) feet from any street right-of-way line, and provided, further, that no such sign exceeds three (3) feet in height.
- 5) Window Signs. Permanent window signs are permitted on each wall elevation, provided that they do not exceed fifteen (15) square feet, provided that they do not cover more than thirty percent (30%) of said window, and provided that the area between four (4) feet, six (6) inches, and six (6) feet, six (6) inches, above the finished sidewalk grade must be open and free of any and all signage and/or obstruction of view at all times without exception. All signs, permanent or temporary, must be considered when determining the thirty percent (30%) coverage. When there is more than one window, each window must meet the criteria for sign area and window coverage. A window is defined as the area of glass within a frame/sash or the area separated by muntins or mullions.

In any event, only two (2) permanent window signs will be permitted for each fifty (50) linear feet of glass, regardless of glass area being one piece or a number of pieces. No signs of any kind, except address numbers, hours of operation (maximum eighty [80] square inches) and credit cards accepted (maximum sixty [60] square inches), are permitted on doors.

- 6) Temporary project ground signs. One (1) temporary project ground sign, not exceeding thirty-two (32) square feet in single face sign area and six (6) feet in height, shall be permitted, if it is located on the lot of a proposed building or a building under construction. Such project sign shall be located not less than one hundred (100) feet from the nearest residential lot line and not less than twenty-five (25) feet from the nearest nonresidential lot and street right-of-way line. A permit for such a sign shall be issued for a period not exceeding six (6) months. However, such permit may be renewed while construction is pursued diligently. A project sign shall be removed within fourteen (14) days of commencement of the intended use.
- 7) Other temporary signs. Temporary signs may be permitted in addition to the maximum sign face area of a permanent business sign. Temporary signs may be placed on the inside surfaces of windows and doors, provided that such signs are not displayed for more than thirty (30) consecutive days and do not cover more than thirty percent (30%) of the window or glass door area. The gross sign face area of all temporary signs may not exceed twenty percent (20%) of the maximum area of a permanent sign for which a permit was issued for each establishment. At least thirty (30) days must pass before a second sign may be erected. Temporary signs placed on the inside surface of windows and doors shall not be governed by Section 1383.10 (a). Mobile, movable and illuminated signs, anchored balloons and searchlights are not permitted. One (1) temporary real estate sign ground sign may be permitted advertising the sale, rental or lease of the premises or part of the premises on which the sign is displayed, provided that such sign does not exceed fifteen (15) square feet in single face sign area or five (5) feet in height. Such sign shall be located not less than twenty-five (25) feet from any side lot line, or fifteen (15) feet from any street right-of-way line.
- 8) Menu board. Menu boards will be located on the lot
- 9) Changeable copy signs. Changeable copy signs shall not exceed twenty-five percent (25%) of the allowable aggregate face area of all signs.
- 10) Shopping centers; multiple business identification signs. One (1) permanent identification sign, indicating the name of a shopping center or building containing a group of individual stores designed and developed as a coordinated unit, may be permitted in accordance with the other provisions of this section. Height restrictions are: six (6) feet for one business or corporation; nine (9) feet for two businesses or

- corporations; twelve (12) feet for three or more businesses or corporations. In addition, no sign shall exceed fifteen (15) feet in width.
- 11) New Business Announcement Signs. In lieu of window signs, one (1) temporary announcement ground sign, not exceeding twenty-four (24) square feet in single face area and four (4) feet in height shall be permitted to identify a business whose use, identity or ownership has changed. It shall be set back at least five (5) feet from the street right of way and ten (10) feet from the nearest edge of an interior drive. It shall not affect the traffic site lines or impair pedestrian or vehicular traffic. A permit for a new business announcement sign shall be issued within sixty (60) days of obtaining the occupancy permit for the commercial space associated with the sign. The permit shall be issued for a period not exceeding thirty (30) days. Such sign shall be removed upon installation of permanent signs.
- 12) Service Station Island Signs. Automobile service stations shall be permitted information signs at fuel pumps and other service islands. One (1) sign, not more than two (2) feet wide and two (2) feet high, will be allowed on each side of the pump island canopy.

1383.10 PERMIT REQUIRED.

- (a) It shall be unlawful for any person to erect any sign or other advertising structure without first obtaining an erection permit from the Building Inspector.
- (b) An application for a permit to erect, place, illuminate or alter a sign shall be made by the owner or lessee of the property for which the sign is proposed. Such application shall be submitted on forms furnished by the City. The fee for a sign permit shall be established by separate ordinance.
- (c) No permit is required for repair, repainting, or other maintenance that does not alter a sign.

1383.11 APPLICATION FOR ERECTION PERMIT

Application for an erection permit shall be made to the Building Commissioner and shall contain and have attached the following information and/or documentation:

- a) Name, address and telephone number of the applicant.
- b) Location of building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected.
- c) Drawing depicting the position of the sign or other advertising structure in relation to any buildings, structures, streets, or drives within a distance of one hundred fifty feet (150) feet, measured in a straight line without regard to intervening buildings, structures, streets, and drives.

- d) Three blueprints or ink drawing of the plans and specifications and method of construction and attachment of the sign or advertising structure to the building or into the ground
- e) Name of the person erecting the sign or advertising structure.
- f) Written consent of the owner of the building, structure or land to which or on which the sign or advertising structure is to be erected.
- g) Any information, calculations, or documentation required by the State Building Code, the local Building Code, or other applicable ordinances of the City.

1383.12 PERMIT ISSUANCE

- a) Upon receipt of a complete and accurate application for an erection permit complying with Section 1383.05, the Building Inspector shall examine the plans and specifications and the premises upon which the proposed sign or advertising structure shall be erected.
- b) Unless the applicant applies for a variance from a provision or provisions of the Zoning Code in order to erect his sign or advertising structure as proposed, or the applicant engages in other conduct which directly causes delay, the Building Inspector shall make a determination on the erection permit application within ten (10) business days. In the event of a variance request, or other delay occasioned by conduct of the applicant, the Building Inspector time for making a determination under this section shall be extended for a period of time equal to the time period during which the variance application is pending, or to a period of time of to the delay occasioned by the conduct of the applicant, whichever is applicable. In case of extenuating circumstance, the Building Inspector may apply to the Director of Public Safety for an extensions of the time in which to complete his reviews, not to exceed an additional ten (10) business days. In determining whether to grant this extension the Director of Public Safety shall consider the reasons offered in explanation of the delay and balance them against the hardship to the applicant arising from an extended term for determination.
- c) Failure of the Building Inspector to issue a permit within the required ten (10) business days, or, if an extension has been obtained, within the time permitted by the extensions, shall be construed as an issuance of the permit, upon the lapse of the last day upon which the Building Inspector may, pursuant to paragraph (b) above, make his determination.
- d) If the proposed sign or advertising structure complies with this and all other applicable laws and ordinances of the City, the Building Inspector shall forthwith issue the requested permit upon receipt of the appropriate fees. If the Building Inspector determines the application should be denied, he shall

issue a written statement contemporaneous with his decision, explaining the reason or reasons for denial.

- e) If the work authorized under any erection permit is not completed within six (6) months after the date of issuance, said permit shall become null and void.

1383.13 APPEAL

If the applicant is dissatisfied with any determination of the Building Inspector made during the course of the application process, including but not limited to the calculation of fee due, the requirement of additional materials, the classification of a proposed sign, the denial of a permit, or the revocation of a permit, the applicant may, within ten business (10) days following that determination, file with the Building Inspector an appeal from the commissioner's decision to the Board of Zoning Appeals. Upon receiving such a notice of appeal, the Building Inspector shall transmit all papers and other documents connected to the application to the clerk of the Board of Zoning Appeals, which shall hear the applicants appeal at a meeting which shall be scheduled and held no later than thirty (30) days following the date of the filing of the notice of appeal. The Board of Zoning Appeals may decide to affirm, modify, reverse, or vacate the Building Inspector's decision, and shall render its decision and any order necessary to effectuate its decision within five (5) days following its hearing of the applicant's appeal. The decision of the Board of Zoning Appeals shall be final and may only be reviewed by a court of Common Pleas, pursuant to the provisions of Chapter 2506 of the Ohio Revised Code. Upon the filing of an appeal with the court of Common Pleas the Building Inspector shall immediately issue the applicant a provisional permit. The provisional permit will expire upon the Court's entry of a judgment on the applicant's action to appeal, challenge, restrain or otherwise enjoin the City's enforcement. If the court rules in favor of the City all non-complying signs shall be promptly removed at the applicant and/or owner's expense.

1383.14 MAINTENANCE REQUIRED

Any sign shall be maintained so as not to show evidence of deterioration, including peeling, rust, dirt, fading, damage, discoloration or holes.

1383.15 OUTDATED SIGNS PROHIBITED

No sign or other advertising structure shall advertise a business which is no longer in existence or a product which is no longer sold at the business, as such signs are misleading to the public, create undue visual clutter and pose a hazard to traffic control and safety.

1383.16 ABANDONED SIGNS PROHIBITED

Signs which are abandoned, or which are accessory to an abandoned use of property, are prohibited and shall be removed. A use shall be determined abandoned if it has ceased its operations for at least ninety consecutive days, unless the use is typically seasonal.

1383.17 OBSTRUCTIONS PROHIBITED

No sign or other advertising structure shall be erected, relocated or maintained so as to prevent free ingress or egress, or block any light or ventilation openings. No sign of any kind shall be located or attached so as to obstruct emergency facilities or equipment. No sign, otherwise permitted in this chapter, supported by or suspended from a building shall hang less than eight feet above a pedestrian path or less than fifteen feet above a vehicular path.

1383.18 TRAFFIC HAZARDS

No sign or other advertising structure shall:

- a) Obstruct free and clear vision within sight triangles at any street or vehicular drive intersection defined by a line drawn connecting points lying on each curb line thirty-five (35) feet from the point of intersection of the curb lines.
- b) If located within twenty-five (25) feet of a public right of way, any words, phrase, symbols, character or any shape in a manner that causes it to resemble any traffic control device placed in public rights of way

1383.19 UNSAFE SIGNS

No signs or other advertising structure shall constitute a hazard to safety or health by reason of inadequate or inappropriate design, construction, repair, or maintenance.

1383.20 OBSCENE SIGNS

No sign or other advertising structure shall display any obscene matter.

1383.21 VEHICULAR SIGNS

Vehicular signs are prohibited.

1383.22 BILLBOARDS

Billboards shall not be permitted in any zoning district

1383.23 POLE SIGNS

Pole Signs shall not be permitted in any zoning district

1383.24 WINDOW SIGNS

- a) No window sign shall exceed twenty-five (25) square feet in sign face area.
- b) The total of all window signs shall not exceed twenty-five (25%) of the total of all window area.
- c) No window sign shall be nearer than two (2) feet to any other sign, building or structure.

1383.25 FLAGS

- a) No freestanding flagpoles shall exceed twenty-five (25) feet in height
- b) No flagpole attached to a building shall be anchored less than fifteen (15) feet from the ground, nor be attached to the roof of a building.
- c) No more than one flagpole shall be permitted for each one hundred fifty (150) feet of frontage, or portion thereof.
- d) No flagpole shall be constructed closer to any lot line than the length of the flagpole or the required building setback, whichever is greater.
- e) No flag shall exceed twenty (20) square feet in area, or be more than five (5) feet along any one side.
- f) No flag shall hang, when fully unfurled, less than fifteen (15) feet from the ground.

1383.26 TEMPORARY SIGNS

- a) Temporary signs shall be set back at least five (5) feet from every right-of-way line, and at least twenty (20) feet from any side or rear lot line; shall not extend more than six (6) inches from any wall or structure upon which they are erected; and shall not obscure any light or ventilation openings.
- b) No temporary sign shall be mounted, attached, affixed, installed or otherwise secured by any permanent means to any building, permanent sign, other structure or improvement, or to the ground upon which it is erected.
- c) No temporary sign shall be mounted, attached, affixed, installed, or otherwise secure so as to protrude above the roof of a structure.
- d) No permanent sign shall exceed thirty-two (32) square feet in sign face area, nor six (6) feet in height. The total sign face area of all temporary signs on a lot shall not exceed fifty percent (50%) of the total permitted permanent sign face area for the said lot.

- e) No temporary sign shall be nearer than two(2) feet to any other permanent sign, building or structure, nor nearer than ten (10) feet to any other temporary sign.
- f) No temporary sign shall be illuminated by anything other than non-reflected daylight, except by variance issued by the Board of Zoning Appeals.
- g) Permits for temporary signs may be authorized for a period not exceeding thirty (30) days. Said permits may be renewed for additional thirty (30) day periods. Any temporary sign not otherwise exempted by section 1383.04 in this Chapter shall be removed at the expiration of the temporary sign permit period.

1383.27 EXEMPTIONS TO PERMIT REQUIREMENT

The following signs are exempt from the permit requirement contained herein:

- a) Signs that are an integral part of the original construction of vending or similar machines, fuel pipes or similar devices;
- b) Cornerstones, dedications, and other similar plaques or architectural elements incorporated into a building, in materials and colors compatible with the building design, displaying only the buildings name, owner's name, architect's name date(s) of construction, brief dedication or other historical information, and not exceeding eight (8) square feet in total area.
- c) Signs which are attached to the inside of a window, do not exceed ten (10) square feet in sign area, and do not cover more than twenty-five percent (25%) of the area of the window pane.
- d) Signs which are an integral part of the historic character of a structure that has been designated an official landmark or historic structure by any agency or body of the governments of the United States, State of Ohio, Cuyahoga County or City of Parma Heights.
- e) Hand –held signs not set on or affixed to the ground.
- f) Temporary signs measuring less than twelve (12) square feet in sign face area, provided that such signs otherwise comply with all other requirements of temporary signs.
- g) Monuments and markings within a cemetery.
- h) Any address number unless larger than six (6) inches in height.

1383.28 LOCATION AND MAINTENANCE STANDARD

No sign shall be erected or maintained so as to prevent free ingress to an egress from a door, window or fire escape, nor shall any sign obscure any other sign which directs attention to an emergency exit, fire extinguisher or other safety device.

1383.29 MAINTENANCE; REMOVAL.

All signs and sign structures shall be maintained in a safe and attractive condition. Signs which no longer serve the purpose for which they are intended, or which have been abandoned or are not maintained in accordance with this code and other applicable regulations of the City shall constitute a nuisance and, upon notice to the property owner, shall be removed by the property owner or by the City at the expense of the property owner. Removal of sign structures shall be inclusive of any concrete pad, base, and associated conduit and wiring. Conduit and wiring must be removed to a point below grade with the wiring being appropriately capped-off or removed from the conduit completely. Cost incurred by the City, if not paid, shall be added to the tax duplicate as an assessment for the abatements of the nuisance.

The provision relating to the furnishing of notice to the property owner and the procedure when the property owner fails to comply with notice as are provided in Sections 678.01 and 678.02 of the Codified Ordinances shall be followed by the Director of Public Service.

1383.30 NONCONFORMING SIGNS.

- a) Generally. A sign conforming to the regulations prevailing on the effective date of this code, but which does not conform with the regulations of this code, or a subsequent amendment thereto, shall be construed as a legal nonconforming sign.
- b) Purpose. The purpose of this section, in addition to providing specific standards for the design, construction and erection of every new graphic, sign, marquee or canopy, is to cause every graphic or other sign in violation of any provision of this chapter to be removed, altered or replaced so as to conform with the provisions of this chapter.
- c) Maintenance. Nonconforming signs may be maintained and structural parts repaired or restored to a safe condition, if required and if a permit therefor has been issued.
- d) Authority to Continue Nonconformities: Any permanent graphic, sign, marquee or canopy, as defined in Section 1383.03, other than a temporary sign, which is deemed to be a nonconformity, which was erected pursuant to a City permit and in place on the effective date of a provision of this chapter or any subsequent amended thereto, may be continued only in accordance with the following regulations:

- 1) Repairs. Ordinary repairs and nonstructural alterations may be made to a nonconforming sign. No structural alterations shall be made in, to or upon such nonconforming sign, except those required by law to make the sign conform to the requirements of this chapter.
 - 2) Additions and enlargements. A nonconforming sign shall not be added to or enlarged in any manner.
 - 3) Moving. No nonconforming sign shall be moved in whole or in part to any other location unless such sign, and the use thereof, are made to conform to all requirements of this chapter.
 - 4) Restoration of damaged nonconforming signs. A nonconforming sign which is destroyed or damaged by fire or other cause to the extent that the cost of restoration will exceed sixty percent (60%) of the replacement cost of such sign, shall not be restored unless it is made to conform to all the requirements of this chapter, or any subsequent amendment thereto. In the event that such damage or destruction is less than sixty percent (60%) of the replacement cost of such sign, no repairs or construction shall be made unless restoration is started within three (3) months from the date of the partial destruction and is diligently pursued to completion.
 - 5) Discontinuance of use of nonconforming signs. A nonconforming sign, the use of which is discontinued for a period of thirty (30) days, shall thereafter conform to the requirements of this chapter.
 - 6) Change of use of nonconforming signs. Where there is a change in ownership or where the business, use or identity associated with the nonconforming sign at the time of the adoption of this chapter thereafter terminates or changes, such termination or change of use shall require termination of nonconforming sign, and the use of such sign shall thereafter conform to the requirements of this chapter.
 - 7) When any sign associated with a business, use or identity is altered, not including maintenance as defined in Section 1383.29 all nonconforming signs associated with the business, use or identity must be brought into conformance.
- e) Engraved and Similar Signs. Any sign, graphic or numeral display 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 subsection (d) hereof, may be continued, provided that such sign, graphic or numeral display is maintained as originally designed and intended.

1383.31 REMOVAL OF SIGNS ACCESSORY TO ABANDONED USES.

Any sign accessory to an abandoned use shall be removed within fifteen (15) days of notification by the Service Department, by certified mail, to remove the same. Such notification shall be deemed sufficient if mailed to the last known address of the owner of the property as shown on the records of the County Recorder where the sign is located. A use shall be determined abandoned if it has ceased operations for at least ninety (90) consecutive days. Seasonal businesses are exempt from this provision.

1383.32 REMOVAL OR MAINTENANCE OF PERMANENT SIGNS AND NONCOMPLYING SIGNS.

- a) Whenever the removal or maintenance of any permanent sign has been ordered by the Service Director, the owner of such a sign shall remove or maintain such sign within forty-eight (48) hours after receiving such notice. In the event of noncompliance, the Service Director may remove or cause to be removed or maintain such sign at the expense of the owner of such sign or the owner of the property on whose premises it was erected, affixed or attached and such person shall be individually and separately liable for the expense incurred in the removal of such sign.
- b) Portable or temporary signs in existence on the effective date of this section which do not comply with this code, and all other signs heretofore erected or displayed without legal authorization, shall be removed immediately after the delivery by the Service Director of written notice to do so, to the owner or occupant of the premises on which such signs are located. Notification can be by personal delivery or by certified mail. Costs for sign removal, if not paid for by the owner, will be added as an assessment to the tax duplicate.
- c) Signs, flags, banners, posters, pennants, ribbons, streamers, spinners or other similar moving devices, that are installed or erected, must be removed immediately upon written or verbal notification from the Service Department.

1383.33 SIGN SPECIFICATION PLATES.

All signs hereafter erected shall contain a two-inch by four-inch (2"x4") specification plate indicating the date of installation, the sign permit number, the primary voltage and the voltage and amperage of any electrical components in connection therewith.

1383.34 SIGNS AS A NUISANCE; INJUNCTION

- a) A sign which is nonconforming on the effective date of this chapter which does not conform with the regulations of this chapter or a subsequent amendment shall constitute a nuisance, and the owner of the property on which the sign is located shall be subject to a suit for injunctive relief as well as prosecution for criminal violations.
- b) Any sign or other object placed, displayed, erected, constructed, reconstructed, altered or permitted to remain on any premises in violation of this chapter or the Building Code and any "sign" heretofore erected, constructed or displayed without legal authorization is hereby declared to constitute a nuisance, and in addition to any penalty provided in the Codified Ordinances for such violation, the nuisance may be abated in the manner provided now or in the future statutes of Ohio, in the manner provided in Chapter 634 of the Codified Ordinances, or in the manner provided in Section 1383.32. The procedural requirements of these alternative abatement remedies shall not be cumulative, and only the procedures of the abatement remedy implemented shall be required.

1383.35 SEVERABILITY

Each section and provision of this Chapter are hereby declared to be independent divisions and subdivisions and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provisions of said Chapter, or the application thereof to any person or circumstance is held to be invalid, the remaining sections or provisions and the application of such sections and provisions to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections and provisions would have been passed independently of such section or provision so known to be invalid.

1383.36 VIOLATION; LEGAL AND EQUITABLE REMEDIES

- a) Enforcement of the signs chapter shall be authorized by filing a criminal complaint in a court of competent jurisdiction, alleging a violation of any of the provisions of the signs chapter.
- b) No person shall fail or refuse to comply with any order issued by any City authority pursuant to the provisions of this chapter within the period specified for such compliance.
- c) No person shall knowingly violate any provisions of the ordinance.
- d) The provisions of this chapter shall apply equally to any occupant, owner, agent, superintendent, officer, member or partner, trustee or receiver who shall alone or with others have a legal or equitable ownership in the premises, or shall have possession, charge, care or control of the premises.
- e) Whoever violates any provision of this ordinance is guilty of a misdemeanor of the first degree. The penalty shall be provided as in Section 698.02.
- f) A separate offense shall be committed each day during or on which a violation occurs or continues.
- g) The application of the penalty provided for herein shall be in addition to the equitable remedies.