

ARTICLE XVIII - SIGNS

1800-PURPOSE - The purpose of this amendment is to promote and protect the public health, welfare, and safety by regulating outdoor signs of all types. More specifically, this article shall be interpreted in a manner consistent with the First Amendment guarantee of free speech while also:

Enhancing and protecting the physical appearance of the township;

Promote and maintain visually attractive residential, business, commercial, and industrial districts;

Balancing the rights of individuals to convey messages through signs with the right of the public to be protected against the unrestricted proliferation of signs;

Ensuring that signs are located and designed to reduce sign distraction and confusion that may be contributing factors in traffic congestion and accidents, and maintain a safe and orderly pedestrian and vehicular environment;

Preventing the erection of structures of any kind that will obstruct sight distance at the intersection of streets, alleys, or driveways;

Preventing the erection of poorly constructed and unsafely located, posted, or painted signs;

Regulating the proper construction, maintenance, safety, and structural soundness of signs;

Reduce hazards that may be caused by signs overhanging or projecting over public right-of-ways including accessory signs and other types advertising media; and

Prohibiting all signs not expressly permitted by this article.

APPLICABILITY

It shall hereafter be unlawful for any person to erect, place, or maintain a sign in the township except in accordance with the provisions of this article.

Unless otherwise provided, this section shall apply to any sign, in any zoning district, that is visible from the public right-of-way or from property other than the property on which the sign is located.

Any sign already established on the effective date of this section or future amendment thereto, and which sign is rendered nonconforming by the provisions herein, shall be subject to the nonconforming regulations.

SUBSTITUTION AND PROTECTION CLAUSE

Wherever a sign with a commercial message is allowed or permitted under this article, an owner may replace the message with a noncommercial message, subject to the time, place and manner provisions of this article, without applying for a zoning certificate and/or paying a fee that otherwise would be required for the placement of a commercial message sign on the lot; provided, that the sign structure or mounting device is legal without consideration of message content. This provision prevails over any provision to the contrary in this article. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a lot or parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted.

1801-EXCEPTIONS - In all districts, the following types of signs are exempt from securing a permit; however, the regulations as specified shall apply:

1. **INSTITUTIONAL** - Signs setting forth the name of any simple announcement for any public, charitable, educational or religious institution located entirely within the premises; and civic, historic interest signs and the like;
2. **PRIVATE TRAFFIC DIRECTION** - Signs directing traffic movements, within a premises, not exceeding six (6) square feet in area for each sign;
3. **HOME OCCUPATION SIGNS** - Home occupation, professional signs announcing only the name and occupation of building tenant; to be no larger than two (2) square feet and placed a minimum of ten (10) feet from street right-of-way;
4. **TEMPORARY SIGNS** - As permitted by Section 1806 of this Article.
5. **GOVERNMENT SIGNS** - Signs erected and maintained pursuant to and in the discharge of any governmental function or required by any law, ordinance, or governmental regulation, are exempt from these regulations.
6. Any signage located inside a building;
7. For the purpose of safety services locating a property, a sign denoting the dwelling or building number is required and such sign shall comply with the requirements of the fire code;
8. Any works of art that do not contain a commercial message (excluding graffiti);
9. Any sign located on umbrellas or similarly related private patio furniture or seating provided it is located outside of the right-of-way and complies with any other applicable standards of this code;
10. Any sign on a truck, bus or other vehicle that is used in the normal course of a business for transportation or vehicle signage required by local, state or federal governments;
11. Signs installed or required by Austintown Township, Mahoning County, a publicly funded transit agency, or any agency of the State of Ohio or federal government;
12. Warning signs or traffic safety signs required by public utility providers; and

13. Any lighting, signs, or related decorations erected on a seasonal basis in observance of religious, national, or state holidays that are not intended to be permanent in nature and which do not contain a commercial message.

PROHIBITED SIGN TYPES

The following types of signs are specifically prohibited within the township:

1. Signs that are applied or affixed to trees, utility poles, benches, or any other unapproved supporting structure, or otherwise placed in the public right-of-way;
2. Any sign or sign structure which is structurally unsafe, or constitutes a hazard to safety or health by reason of inadequate maintenance or dilapidation;
3. Signs that employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention.
4. Laser lights, beacons and searchlights, except for emergency purposes;
5. Motor vehicles, tractor trailers, trailers, or similar vehicles with signs painted on, attached to, or otherwise affixed to the vehicle or trailer shall not be parked or stored on a lot as a form of signage. This standard does not apply to vehicles used in the day-to-day business of the applicable use (e.g., delivery vehicles or vehicles used by employees). Vehicles and/or trailers with signage that are parked for more than 24-hours on a lot without a principal use or parked, without any movement, for more than 72 hours on a lot with a principal use, shall be considered a violation of this subsection.
6. Any signs which imitate or resemble official traffic or governmental signs that are designed or used in a manner as to interfere with, mislead, or confuse drivers along streets;
7. Roof mounted signs unless classified as a conditional use.
8. Any other sign type that is not specifically permitted by this article.

1803-SIGN AREAS - The sign area shall be that area enclosed by one rectangle or painted area, the sides of which make contact with the extreme points or edges of the sign, excluding the supporting structure which does not form part of the sign proper or of the display. Where a double face sign is displayed, only one side shall be used in the computation of the sign area.

SIGN SETBACKS

All required setbacks for signs shall be measured as the distance in feet from the applicable lot line, or other stated point of measurement, to the closest point on the sign structure unless otherwise stipulated.

SIGN HEIGHT

The height of a sign shall be computed as the distance from the base of the sign at normal grade (average grade at the base of the sign) to the top of the highest attached component of the sign. Normal grade shall be construed to be the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely undertaken for the purpose of locating or increasing the height of sign.

In cases where the normal grade is below grade at street level, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public or private street.

Any material whose major function is providing structural support for a sign shall be considered part of the sign for purposes of determining sign height.

1804-GENERAL REQUIREMENTS - The following requirements shall be applicable to all signs in all districts:

1. A sign advertising a product or service shall be permitted only on the premises where such product or service is sold or available;
2. No signs shall extend over a sidewalk or other public way, and this shall include all accessory signs and advertising media;
3. All signs with a commercial message shall be professionally manufactured, or of equivalent quality.
4. The construction, erection, safety, and maintenance shall comply with all applicable building and electrical codes.
5. No sign or sign structure shall be placed on private or public property without the written consent of the owner or agent thereof.
6. Permanent signs shall be fabricated with rigid materials that are of good quality and good durability.
7. In the event there is a conflict between the provisions of this section and the provisions of any applicable building codes, the provisions of the applicable building code shall govern.

ZONING CERTIFICATE REQUIRED

No person shall erect, place, relocate, expand, modify, maintain, or otherwise alter a sign, or cause a sign to be erected, placed, relocated, expanded, modified, maintained, or otherwise altered unless all provisions of this resolution have been met. To ensure compliance with these regulations, a zoning permit shall be required to be issued unless specifically exempted in this article.

The repainting, changing of parts and preventive maintenance of signs, and a change in the message on a changeable copy sign shall not be deemed alterations requiring a zoning permit.

A zoning permit shall be required for a sign face change.

1805-CONDITIONAL USE - Signs in excess of the minimum standards as specified by this ordinance which identify establishments located in the proximity of major highways serving the motoring public for services such as lodging, food and gasoline, may be approved by the Township Board of Zoning Appeals as an exception to the ordinance.

Digital message signs (with the exception of fuel cost digital signs) in excess of the minimum standards as specified by this ordinance which identify establishments located in the proximity of major highways serving the motoring public for services such as lodging, food and gasoline, may be approved by the Township Board of Zoning Appeals as an exception to the ordinance;

On-premise roof mounted signs within the **Business B-2 District**.

1806-BUSINESS-INDUSTRIAL-INSTITUTIONAL-QUASI PUBLIC SIGNS - In addition to the general requirements previously described, the following requirements shall be applicable to

signs located at business, industrial, institutional, and quasi-public properties, unless otherwise exempted:

1. Only identity signs and temporary signs hereinafter described shall be permitted;
2. Free standing (ground supported) signs shall not exceed thirty (30) feet in height. Any sign more than sixteen (16) feet in height shall not be placed closer to a front or side street property line than one-half of the vertical dimension of its height, and no sign shall be placed closer than two (2) feet to an interior lot line. Free standing signs shall not be established less than eight (8) feet above street grade, except when placed a minimum of ten (10) feet from front or side street property line. Said eight (8) feet above street grade to be an unobstructed open space, except for poles or supports.
3. Individual business parcels, community shopping centers, plazas, strip plazas, or malls shall be permitted only one (1) free standing, ground supported identification sign on a business/industrial parcel. Individual business parcels, community shopping centers, plazas, strip plazas, or malls located on a corner lot, or with frontage on two dedicated, improved right-of ways, shall be permitted to place two (2) free standing, ground supported identification signs on a business/industrial parcel, one (1) sign on each street frontage ~~at~~ near an entrance.

WALL SIGNS - Signs which are affixed to an exterior wall of a building and which identifies the business, commodity, service or entertainment, which is offered, sold or conducted on the premises.

A wall sign may be painted directly on a building wall, mounted on the façade wall, or mounted on a raceway.

Wall signs may be internally or externally illuminated.

ELECTRONIC MESSAGE CENTERS

Where electronic message center signs are allowed, such signs shall be subject to the following:

Electronic message centers may only be used as part of a pylon sign, monument sign or drive-through sign in accordance with this article.

The transition time between messages shall be less than one second.

All electronic message centers shall contain a default mechanism that will cause the sign to revert immediately to a black screen if the sign malfunctions.

The electronic message center shall come equipped with an automatic dimming photocell, which automatically adjusts the display's brightness based on ambient light conditions.

Audio emissions from electronic message center signs shall be prohibited.

The maximum sign area shall be no greater than 80 square feet.

No portable or temporary accessory sign shall be placed on any premises except as provided for in these regulations.

Only one (1) banner, festoon, or pennant, not to exceed sixty (60) square feet in dimension, shall be displayed on any business or industrial parking lot in conjunction with an allowable use. Said banner, festoon, or pennant shall only advertise products sold on the premises upon which the sign is located.

TEMPORARY SIGNS - The following signs shall be permitted in all districts and shall be limited as herein stated:

1. **CONSTRUCTION SIGNS** which identify the architects, engineers, contractors, and other individuals or firms involved with the construction, (but not including any advertisement of any product), and signs announcing the character of the building enterprise or the purpose for which the building is intended, during construction period, to a maximum area of thirty-two (32) square feet for each firm. The signs shall be confined to the site of the construction and shall be removed within fourteen (14) days after occupancy of the premises;

2. **REAL ESTATE** signs advertising the sale, rental or lease of the premises or part of the premises on which the signs are displayed, up to a total area of thirty-two (32) square feet;

3. **POLITICAL CAMPAIGN** signs announcing candidates seeking public political office and other data pertinent thereto. These signs shall be confined within private property. Political signs may not be posted within public right-of-way or on utility poles. A zoning permit is not required for placement of a political sign;

4. **TEMPORARY ACCESSORY SIGNS** - No more than one (1) sign, two (2) in the case of a corner lot or a lot with frontage on two dedicated, improved right-of ways --one (1) display on each street frontage advertising a price, special, etc.—which is in conjunction with the allowable use of the property shall be permitted. Said accessory temporary sign to be no larger than twelve (12) square feet, to be non-illuminated and not placed on the right-of way, and in no way obstruct traffic visibility. No person shall be permitted to park or place any vehicle, trailer or portable message sign of a permanent or semi-permanent nature on public or private property advertising the service or products at that or any other location or directing traffic to same;

5. **ROADSIDE STAND SIGNS** - Only one (1) sign not more than thirty-two (32) square feet in area in conjunction with a roadside stand/farm market use is permitted to be displayed on agricultural...or residential property, used to advertise seasonal agricultural sales. Such signs shall be removed at the conclusion of the seasonal sales;

6. **TEMPORARY DIRECTIONAL SIGNS** - Temporary directional signs may be authorized for a period up to six (6) months provided the following conditions are met:

a) A need for a sign to direct attention from the main thoroughfare, such as the identification of a new subdivision plat by a developer or contractor, must be established to the satisfaction of the Zoning Inspector;

b) A written authorization from the owner of the property on which the sign will be erected must be filed with the application;

c) Plans showing size, construction, copy and location of the proposed sign must be filed with the application;

d) Signs shall be no larger than four (4) feet by eight (8) feet, including ornamentation, and no higher than twelve (12) feet in overall height, including supports;

e) No sign shall be permitted on a public property nor otherwise situated in such a way as to create a traffic hazard.

Such temporary directional sign permits may be renewed for two (2) additional periods (maximum sign life of 18 months); and signs not removed when permit has expired or not complying with the above conditions shall be deemed in violation of the Zoning Ordinance;

7. **TEMPORARY CIVIC NON-PROFIT SIGNS** - Temporary signs may be used by churches, parks, libraries, schools, and other public institutions and nonprofit organizations for promotion of special events held within Austintown Township. Such use shall be limited to ten (10) days prior to the event and permission of the property owner must be obtained prior to the placement of the temporary signage in any zoning district. No sign shall be placed as to constitute a traffic or safety hazard. A zoning permit is not required for placement of a temporary sign under this sign classification.

BILLBOARD SIGNS - Billboards and outdoor advertising shall be permitted in all districts zoned as an agricultural, business or industrial classification (ORC 519.20), with the following limitations:

1. Only one (1) double face billboard sign shall be permitted per lot, with said billboard not to exceed an overall height of thirty (30) feet, not exceed a gross area of 300 square feet;
2. No portion of a billboard sign shall be placed on an agricultural, business, or industrial parcel closer than fifteen (15) feet away from a street front property line, side property line, or rear property line. Setback measurements will be taken from the sign face and/or the leading edge of the sign face.
3. No billboard shall employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion.
4. No billboard shall have any flashing, running or sequential lights.
5. Billboards and outdoor advertising along a state highway, interstate highway, or designated federal aid primary system highway shall conform to all applicable state (O.D.O.T.) and federal regulations. A zoning application must include an approved O.D.O.T. permit.
6. No billboard sign shall be affixed to, constructed on, or placed on a trailer, semi-trailer, or truck of any type. No billboard shall be placed atop a building roof.
7. The placement of billboard and outdoor advertising signs shall be so placed as to maintain a distance of one thousand five hundred (1,500) lineal feet between one another as measured from the base of each sign, regardless of whether the signs are both located on the same single road corridor, or are both located on different road corridors.
8. No sign shall be placed within five hundred (500) feet of any publicly owned or maintained property, including but not limited to, public lands and park property.
9. Digital billboard sign faces may not flash, blink, or use intermittent lighting. Digital billboard sign faces may not use motion, animation or video. Digital billboard sign faces shall have static image lasting no less than eight (8) seconds. The digital billboard must go dark if there is a malfunction.
10. A digital billboard sign face shall be a conditional use requiring approval from the Board of Appeals if proposed within 200 feet of a Residential R-1 District, Residential R-2 District, and/or Residential R-3 District. The measurement shall be made from the closest point of the digital billboard structure to the closest point of an R-1, R-2, and/or R-3 property line.
11. A digital billboard sign face shall be a permitted use if proposed to be located more than 200 feet from a Residential R-1 District, Residential R-2 District, and/or Residential R-3 District and compliance with items 1-10 of Article XVIII – Section 1807-Billboard Signs is achieved for a new sign structure or if the existing billboard structure has a non-conforming setback or placement.

SIGNS IN RIGHT-OF-WAY

Signs shall be prohibited in the right-of-way with the exception of:

Signs installed by Austintown Township, Mahoning, State of Ohio, federal government, or a publicly funded transit agency;

Any warning signs or traffic safety signs required by public utility providers;

The Zoning Inspector may remove or cause to be removed any unlawful sign in the public right-of-way.

SIGNS FOR NONRESIDENTIAL USES IN RESIDENTIAL ZONING DISTRICTS

One permanent freestanding monument sign may be permitted on a lot containing a nonresidential use in a residential zoning district provided the sign meets the following requirements:

In all cases, the sign shall be set back a minimum of five feet from any lot lines or rights-of-way. The maximum sign area shall be no greater than 100 square feet.

A maximum of 80 percent of the monument sign area may be devoted to a manual changeable copy or an electronic message center.

No such sign or any portion of the structure shall exceed 16 feet in height.

Wall signs shall be permitted for all nonresidential uses in a residential.

SIGN VIOLATIONS

Any sign or device located within a public right-of-way shall be deemed a public nuisance and can be removed by the Zoning Inspector without any written notice.

If any such sign or device has not been removed on or before the expiration of the time limits as stated in this section, following receipt of said notice, it shall be deemed a violation of this resolution and the Zoning Inspector shall take the appropriate action necessary for removal of the sign or device, or the correction of the violation at the owner's expense.