

AVILLAGE OF MARIEMONT, OHIO

ORDINANCE NO. 0-2-20

TO AMEND CERTAIN SECTIONS OF SECTION 151 OF THE ZONING CODE
REGARDING SIGN REGULATIONS OF THE MARIEMONT CODE OF
ORDINANCES

WHEREAS, the Rules and Law Committee has been meeting at the request of Council to review the Mariemont Code and to recommend updates as appropriate; and

WHEREAS, the Rules and Law Committee has reviewed §151 Zoning Code of the Mariemont Code of Ordinances regarding Sign Regulations and has made suggested changes to that code section; and

WHEREAS, Council believes it is in the best interest of the Village that Section 151 be amended to reflect said changes.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF
THE VILLAGE OF MARIEMONT, STATE OF OHIO, TWO
THIRDS OF THE MEMBERS DULY ELECTED THERETO
CONCURRING:

SECTION I.

The existing Code §§151.125-126 of the ZONING CODE read as follows:

§ 151.125 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(A) **SIGN** and **OWNER**.

(1) A **SIGN** is a structure which includes any object, device, display, graphic, support structure, or other part thereof, which is situated indoors or outdoors or is attached to, painted on, or displayed from any premises in order to direct attention to or announce an object, person, institution, organization, business, product, service, event, or location, by any means, including words, letters, figures, designs, logos, symbols, fixtures, colors, illumination, or projected images. Any flag, pennant, streamer, pole, pylon, foundation, or architectural device shall be construed as a "sign" when it is demonstrable that it is intended to draw attention to or announce or identify an enterprise. "Sign support structure" includes any mechanism, framework, or securing system used to support or secure a sign into its permanent location.

(2) **OWNER OF SIGN**. For the purposes of this section, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Building Commissioner.

(3) Except for signs denoting any political cause or candidate, and as otherwise permitted in this chapter, no property may contain more than one sign.

(B) *Definition of signs according to type of message conveyed.*

ADVERTISING SIGN. A sign directing attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where the sign is maintained, including a billboard sign.

BULLETIN BOARD SIGN. Any sign or structure of permanent character, but with movable letters, words, or numerals, which is located on the premises of a public educational, institutional, religious, or charitable organization and is used to identify the name of the institution or organization and/or to announce their activities.

BUSINESS SIGN. A sign directing attention to a business, commodity, service, or entertainment conducted, sold, or offered upon the same premises as those upon which the sign is maintained.

CONSTRUCTION SIGN. A sign which is located on a lot where construction is in progress, which indicates the name of the project, architect, engineer, contractor, or other similar information concerning the project.

DEVELOPMENT SIGN. A sign which, by symbol or name, identifies a subdivision, or residential development, a shopping center, or retail development.

DIRECTIONAL SIGN or INFORMATIONAL SIGN. Any sign which serves solely to provide special information such as direction, entrance/exit, parking, and which does not include business names, brand names, or information regarding product lines or services.

DIRECTORY SIGN. A secondary sign on which the names and locations of occupants or the use of a building or property are identified.

IDENTIFICATION SIGN. The primary sign which indicates the name or address of a building, institution, or person, or the permitted use, activity, or occupation pertaining to the premises.

INCIDENTAL SIGN. A secondary sign which conveys information pertinent to the use, activity, or occupation conducted on the premises, such as the hours of operation or credit card information.

MEMORIAL PLAQUE. A plaque designating names of buildings, and/or date of erection and other items such as architect or others involved in the building's creation, cut into or attached to a building's surface.

NAME PLAQUE. A small sign indicating the name, address, or title of the owner, renter, or lessee of the premises on which the sign is located.

POLITICAL SIGN. A sign which announces the candidacy of a person or slate of persons running for elective office, or a political party or issue.

PROFESSIONAL SIGN. A sign indicating the name and occupation of a professional person or group of associated professional persons.

REAL ESTATE SIGN. Any sign which advertises or announces the sale, rental, or lease of the premises upon which the sign is located.

TRADEMARK or LOGO SIGN. An identification sign portraying a symbol, or trademark, with or without lettering, of a business or industry, and which symbol or trademark had been used on signs in other locations and in printed advertising.

(C) *Definitions of signs according to location or method of attachment.*

AWNING or CANOPY SIGN. A sign that is painted on or attached to a canopy or an awning.

BALLOON SIGN. An inflated nonporous object filled with air or other gas used for business identification or advertisement.

BILLBOARD SIGN. A sign which directs attention to a business use, service, activity, commodity, or profession which is not conducted, sold, or offered upon the property where such sign is located.

ENTABLATURE SIGN. A sign whose complete visible surface is mounted within the area of an entablature or any place thereof, including the cornice, frieze or architrave.

FREESTANDING SIGN. A sign which is supported by one or more poles or columns, or other type of base, set in or upon the ground and not attached to any building (see also **PYLON SIGN** and **GROUND SIGN**).

GROUND SIGN. A freestanding sign, other than a pylon or pole supported sign placed upon or supported by the ground independently of any other structure.

HANGING SIGN. See **PROJECTING STREET AND YARD SIGNS**.

INCIDENTAL SIGN. A small sign, emblem, or decal informing the public of business hours, goods, facilities, or services available on the premises.

INTERIOR DISPLAY SIGN. Any sign whose visible surface, entire construction, and support system is mounted within the interior of a building.

MARQUEE SIGN. A sign attached to a permanent canopy which is usually of metal and glass, projecting over the entrance to a building.

MOBILE SIGN. Any portable sign whose structure is secured to wheels, runners, casters, or a parked trailer, parked vehicle, or other mobile device.

OFF-PREMISES SIGN. A sign relating information about a particular use, building, owner, occupant and/or activity, but which is installed on property other than that to which it refers.

PARAPET. See **UPPER WALL SIGN**.

PIER, PILASTER, or COLUMN SIGN. A sign whose complete visible surface is mounted within the area of a pier, column, pilaster, or other vertical surface which is part of the facade, with a bottom edge beginning at the facade base, or at grade, and the upper edge ending at an entablature, parapet, lintel, roof, or any upper facade element or the bottom line of an upper wall area.

POLE SIGN. A freestanding, other than a pylon or ground sign, erected and maintained on a mast or pole and not attached to any building.

PROJECTING STREET SIGN. A sign which is suspended from, attached to, or supported by a building or structure and extending away from said building or structure, and which projects into the right-of-way of any street, alley, sidewalk, or other thoroughfare. A **PROJECTING SIGN** shall also include a sign suspended from the ceiling of a marquee, canopy, or vestibule where such sign is located in the street right-of-way.

PROJECTING YARD SIGN. A sign erected approximately perpendicular to the wall of a building, including a sign erected at the corner of a building and projecting into an open space or yard but not projecting into the right-of-way of any street, sidewalk, alley, or other public thoroughfare.

PYLON SIGN. Any freestanding sign on a pylon: a large structure or structures, such as a gateway, marking an entrance or approach.

REFACED SIGN. Any sign that requires a replacement facing shall be permitted without acquisition of a building permit except for signs located in a historic district.

ROOF SIGN. Any sign erected, constructed, and maintained upon a roof or one that projects above the highest point of a building with a flat roof, the eave-line of a building with gambrel, gable or hip roof, or the deck line of a building with a mansard roof.

STREAMER, BANNER, or PENNANT SIGN. A long narrow piece of cloth or any nonrigid material, with no enclosing framework, possessing characters, letters, illustrations, or ornamentations, excluding official flags, which is hung from a staff or stretched or hung between two or more supports.

WALL SIGN. Any sign attached to, or erected against the wall or a building or structure, which does not extend more than 12 inches therefrom, nor extends above the roof line, and having the exposed face or the sign in a plane parallel to the plane of such wall.

(1) **UPPER WALL SIGN or PARAPET SIGN.** A sign whose complete visible surface is mounted within the area of a wall surface which is part of the facade above the first floor windows, doors, piers, entablature, or any other elements defining the first floor or the pedestrian level or a facade.

(2) **WINDOW SIGN.** Signs affixed to, in contact with, or within 12 inches of a window; installed for purposes of viewing from outside the premises. This does not include merchandise located in a window.

(D) *Definitions of signs according to illumination.*

FLASHING SIGN. Any sign which contains an intermittent or flashing light source, or which includes the illusion of flashing or intermittent light by means of animation or an externally mounted intermittent light source.

ILLUMINATED SIGN. A sign with an artificial light source incorporated for the purpose of illuminating the sign, including the following:

(a) **FRONT-LIT SIGN.** An illuminated sign in which the lighting source is separate from the sign, and shines onto the face of the sign.

(b) **BACK-LIT SIGN.** An illuminated sign in which the light source is behind the face of the sign.

1. **BACK-LIT LETTER SIGN.** A back-lit sign in which only the lettering on the face of the sign is illuminated.

2. **FULL BACK-LIT SIGN.** A back-lit sign in which the entire face of the sign is illuminated.

3. **NEON SIGN.** Signs employing the use of neon lighting or luminous tubes in any manner.

(2000 Code, § 151.125) (Ord. O-4-96, passed 3-25-1996; Ord. O-12-06, passed 12-26-2006; Ord. O-3-08, passed 2-25-2008)

§ 151.126 SIGNS WITHIN RESIDENTIAL DISTRICTS.

(A) *Permitted signs.* Within any residential district as designated on the building zone map, only the following signs shall be permitted subject to the provisions of this chapter:

(1) Traffic or other municipal signs pertaining to the health, welfare, and safety of the village; highway signs erected by or at the direction of the state,

including legal notices, danger signs, emergency signs, and nonadvertising signs, when approved by the Mayor;

(2) One non-illuminated or "front-lit" "name plaque sign", not exceeding one square foot in area, shall be permitted for each single-family dwelling. Name plaque signs shall not be placed nearer to a street lot line than 15 feet;

(3) Signs and "bulletin boards" pertaining to public or semipublic recreational or educational uses permitted in the residential districts. These signs or bulletin boards shall not exceed 12 square feet in area and shall be erected only on the premises of the use to which the sign refers. No more than one sign or bulletin board may be erected for each premises. Bulletin board signs shall not be placed nearer to a street lot line than 15 feet;

(4) Name of building or date of erection, fabricated of incombustible material and built into the walls of a building. Name of building shall not exceed six square feet in areas and shall not be placed nearer to a street lot line than 20 feet;

(5) Memorial signs, plaques, and tablets, when approved by the Council;

(6) Temporary signs not intended for permanent use, subject to requirements specified in § 151.131;

(7) Hospital, or a nursing, rest or convalescent home located within residential district may have one identification sign and additional "incidental" signs in order to denote entrances and exits. Incidental signs shall not exceed four square feet in area and shall not be placed nearer to a property line than 25 feet;

(8) "Professional signs" for home occupations as permitted by § 151.060(A)(7). Not more than one such sign shall be permitted for each premises and each sign shall not exceed two square feet in area. These signs shall be "wall signs" or lettered on the glass surface of a window or door. The top of the sign shall not be higher than the top of the front door; and

(9) Temporary signs made of lightweight wood or cardboard, or of wire frame and plastic, denoting political cause or candidate not over six square feet in area. Such signs shall be placed back from every street lot line at least the distance in feet equal to the number of square feet area of the sign; provided, that no such sign shall be placed nearer to a street lot line than 15 feet. An exception may exist where permanent shrubbery or topography prevent view of sign if placed as required above. In such event, approval may be given by the Mayor for a location other than that required under normal conditions.

(B) *Prohibited signs.* All other signs, announcements, declarations, demonstrations, displays, or insignia, other than those specified in division (A) above, shall be prohibited, including those designated in § 151.127(B).

(2000 Code, § 151.126) (Ord. O-4-96, passed 3-25-1996; Ord. O-20-00, passed 12-20-2000; Ord. O-12-06, passed 12-26-2006; Ord. O-3-08, passed 2-25-2008)
Penalty, see § 151.999

That a new §151.124 Purpose shall be created and §§151.124 through 151.126 shall now be amended as follows:

§ 151.124 PURPOSE

Purpose: the purposes of these regulations are to:

- (a) Enhance and protect the physical appearance of the community.
- (b) Promote and maintain attractive, high value residential, retail, commercial and industrial districts, and preserve the scenic and natural beauty of designated areas.
- (c) Provide necessary, yet reasonable and appropriate, signage for all residential, institutional and business uses in the community.
- (d) Ensure that signs are located and designed to maintain a safe and orderly pedestrian and vehicular environment, and to avoid confusion or hazardous conflict between traffic control signs and devices, and any other permitted sign.
- (e) Enhance traffic and pedestrian safety.
- (f) Provide the public with a safe and effective means of locating businesses, services and points of interest within the municipality.
- (g) Provide review procedures that enable and ensure the comprehensive evaluation of a sign's appropriateness to the site, building and surroundings, adherence to these purposes, and consistent enforcement of this Chapter's regulations.
- (h) Establish and enforce a reasonable procedure for the eventual removal of legally non-conforming signs.

§ 151.125 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(A) **SIGN** and **OWNER**.

(1) A **SIGN** is a structure which includes any object, device, display, graphic, support structure, or other part thereof, which is situated indoors or outdoors or is attached to, painted on, or displayed from any premises in order to direct attention to or announce an object, person, institution, organization, business, product, service, event, or location, by any means, including words, letters, figures, designs, logos, symbols, fixtures, colors, illumination, or projected images. Any flag, pennant, streamer, pole, pylon, foundation, or architectural device shall be construed as a "sign" when it is demonstrable that it is intended to draw attention to or announce or identify an enterprise. "Sign support structure" includes any mechanism, framework, or securing system used to support or secure a sign into its permanent location.

(2) **OWNER OF SIGN**. For the purposes of this section, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Building Commissioner.

(3) Except for temporary yard signs, and as otherwise permitted in this chapter, no property may contain more than one sign.

(B) *Definition of signs according to type of message conveyed.*

ADVERTISING SIGN. A sign directing attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where the sign is maintained, including a billboard sign.

BULLETIN BOARD SIGN. Any sign or structure of permanent character, but with movable letters, words, or numerals, which is located on the premises of a

BALLOON SIGN. An inflated nonporous object filled with air or other gas used for business identification or advertisement.

BILLBOARD SIGN. A sign which directs attention to a business use, service, activity, commodity, or profession which is not conducted, sold, or offered upon the property where such sign is located.

ENTABLATURE SIGN. A sign whose complete visible surface is mounted within the area of an entablature or any place thereof, including the cornice, frieze or architrave.

FREESTANDING SIGN. A sign which is supported by one or more poles or columns, or other type of base, set in or upon the ground and not attached to any building (see also **PYLON SIGN** and **GROUND SIGN**).

GROUND SIGN. A freestanding sign, other than a pylon or pole supported sign placed upon or supported by the ground independently of any other structure.

HANGING SIGN. See **PROJECTING STREET AND YARD SIGNS**.

INCIDENTAL SIGN. A small sign, emblem, or decal informing the public of business hours, goods, facilities, or services available on the premises.

INTERIOR DISPLAY SIGN. Any sign whose visible surface, entire construction, and support system is mounted within the interior of a building.

MARQUEE SIGN. A sign attached to a permanent canopy which is usually of metal and glass, projecting over the entrance to a building.

MOBILE SIGN. Any portable sign whose structure is secured to wheels, runners, casters, or a parked trailer, parked vehicle, or other mobile device.

OFF-PREMISES SIGN. A sign relating information about a particular use, building, owner, occupant and/or activity, but which is installed on property other than that to which it refers.

PARAPET. See **UPPER WALL SIGN**.

PIER, PILASTER, or COLUMN SIGN. A sign whose complete visible surface is mounted within the area of a pier, column, pilaster, or other vertical surface which is part of the facade, with a bottom edge beginning at the facade base, or at grade, and the upper edge ending at an entablature, parapet, lintel, roof, or any upper facade element or the bottom line of an upper wall area.

POLE SIGN. A freestanding, other than a pylon or ground sign, erected and maintained on a mast or pole and not attached to any building.

PROJECTING STREET SIGN. A sign which is suspended from, attached to, or supported by a building or structure and extending away from said building or structure, and which projects into the right-of-way of any street, alley, sidewalk, or other thoroughfare. A **PROJECTING SIGN** shall also include a sign suspended from the ceiling of a marquee, canopy, or vestibule where such sign is located in the street right-of-way.

PROJECTING YARD SIGN. A sign erected approximately perpendicular to the wall of a building, including a sign erected at the corner of a building and projecting into an open space or yard but not projecting into the right-of-way of any street, sidewalk, alley, or other public thoroughfare.

PYLON SIGN. Any freestanding sign on a pylon: a large structure or structures, such as a gateway, marking an entrance or approach.

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INCIDENTAL SIGN. A secondary sign which conveys information pertinent to the use, activity, or occupation conducted on the premises, such as the hours of operation or credit card information.

MEMORIAL PLAQUE. A plaque designating names of buildings, and/or date of erection and other items such as architect or others involved in the building's creation, cut into or attached to a building's surface.

NAME PLAQUE. A small sign indicating the name, address, or title of the owner, renter, or lessee of the premises on which the sign is located.

PROFESSIONAL SIGN. A sign indicating the name and occupation of a professional person or group of associated professional persons.

REAL ESTATE SIGN. Any sign which advertises or announces the sale, rental, or lease of the premises upon which the sign is located.

TEMPORARY SIGN. Any sign or advertising display constructed of cloth, canvas, light fabric, paper, cardboard, or other light materials, which is displayed for a limited time only. Residential yard signs and signs painted on window surfaces which are readily removed by washing shall also be considered temporary signs. Temporary signs are not, nor are intended to be, permanently attached to a building, structure or the ground.

TRADEMARK or LOGO SIGN. An identification sign portraying a symbol, or trademark, with or without lettering, of a business or industry, and which symbol or trademark had been used on signs in other locations and in printed advertising.

YARD SIGN. A temporary sign, which is mounted on a stake or a frame structure (often made from wire) that includes one (1) or more stakes.

(C) *Definitions of signs according to location or method of attachment.*

AWNING or CANOPY SIGN. A sign that is painted on or attached to a canopy or an awning.

REFACED SIGN. Any sign that requires a replacement facing shall be permitted without acquisition of a building permit except for signs located in a historic district.

ROOF SIGN. Any sign erected, constructed, and maintained upon a roof or one that projects above the highest point of a building with a flat roof, the eave-line of a building with gambrel, gable or hip roof, or the deck line of a building with a mansard roof.

STREAMER, BANNER, or PENNANT SIGN. A long narrow piece of cloth or any nonrigid material, with no enclosing framework, possessing characters, letters, illustrations, or ornamentations, excluding official flags, which is hung from a staff or stretched or hung between two or more supports.

WALL SIGN. Any sign attached to, or erected against the wall or a building or structure, which does not extend more than 12 inches therefrom, nor extends above the roof line, and having the exposed face or the sign in a plane parallel to the plane of such wall.

(1) **UPPER WALL SIGN or PARAPET SIGN.** A sign whose complete visible surface is mounted within the area of a wall surface which is part of the facade above the first-floor windows, doors, piers, entablature, or any other elements defining the first floor or the pedestrian level or a facade.

(2) **WINDOW SIGN.** Signs affixed to, in contact with, or within 12 inches of a window; installed for purposes of viewing from outside the premises. This does not include merchandise located in a window.

(D) *Definitions of signs according to illumination.*

FLASHING SIGN. Any sign which contains an intermittent or flashing light source, or which includes the illusion of flashing or intermittent light by means of animation or an externally mounted intermittent light source.

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2. **FULL BACK-LIT SIGN.** A back-lit sign in which the entire face of the sign is illuminated.

3. **NEON SIGN.** Signs employing the use of neon lighting or luminous tubes in any manner.

(2000 Code, § 151.125) (Ord. O-4-96, passed 3-25-1996; Ord. O-12-06, passed 12-26-2006; Ord. O-3-08, passed 2-25-2008)

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(1) Traffic or other municipal signs pertaining to the health, welfare, and safety of the village; highway signs erected by or at the direction of the state,

including legal notices, danger signs, emergency signs, and non-advertising signs, when approved by the Mayor;

(2) One non-illuminated or "front-lit" "name plaque sign", not exceeding one square foot in area, shall be permitted for each single-family dwelling. Name plaque signs shall not be placed nearer to a street lot line than 15 feet;

(3) Signs and "bulletin boards" pertaining to public or semipublic recreational or educational uses permitted in the residential districts. These signs or bulletin boards shall not exceed 12 square feet in area and shall be erected only on the premises of the use to which the sign refers. No more than one sign or bulletin board may be erected for each premises. Bulletin board signs shall not be placed nearer to a street lot line than 15 feet;

(4) Name of building or date of erection, fabricated of incombustible material and built into the walls of a building. Name of building shall not exceed six square feet in areas and shall not be placed nearer to a street lot line than 20 feet;

(5) Memorial signs, plaques, and tablets, when approved by the Council;

(6) Temporary signs not intended for permanent use, subject to requirements specified in § 151.131; Such signs will not exceed six square feet in area and shall be placed back from every street lot line at least the distance in feet equal to the number of square feet area of the sign; provided, that no such sign shall be placed nearer to a street lot line than 15 feet. An exception may exist where permanent shrubbery or topography prevent view of sign if placed as required above. In such event, approval may be given by the Chief of Police for a location other than that required under normal conditions as long as it does not create a safety issue.

(7) Hospital, or a nursing, rest or convalescent home located within residential district may have one identification sign and additional "incidental" signs in order to denote entrances and exits. Incidental signs shall not exceed four square feet in area and shall not be placed nearer to a property line than 25 feet;

(8) "Professional signs" for home occupations as permitted by § 151.060(A)(7). Not more than one such sign shall be permitted for each premises and each sign shall not exceed two square feet in area. These signs shall be "wall signs" or lettered on the glass surface of a window or door. The top of the sign shall not be higher than the top of the front door; and

(B) *Prohibited signs.* All other signs, announcements, declarations, demonstrations, displays, or insignia, other than those specified in division (A) above, shall be prohibited, including those designated in § 151.127(B). (2000 Code, § 151.126) (Ord. O-4-96, passed 3-25-1996; Ord. O-20-00, passed 12-20-2000; Ord. O-12-06, passed 12-26-2006; Ord. O-3-08, passed 2-25-2008) Penalty, see § 151.999

SECTION II. Upon adoption, the above §151.124 Purpose is created and §151.125 through §151.126 shall replace the prior §§151.125 through 151.126 as set forth herein. In all other respects §151 of the Mariemont Code of Ordinances shall remain in full force and effect.

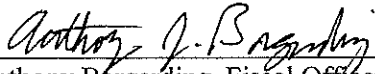
SECTION III. This Ordinance shall take effect at the earliest date allowed by law.

Passed: February 10, 2020



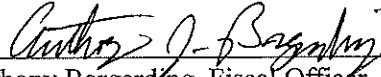
William A. Brown, Mayor

ATTEST:



Anthony Borgerding, Fiscal Officer

I, Anthony Borgerding, Fiscal Officer of Council of the Village of Mariemont, Ohio, do hereby certify that there is no newspaper printed in said municipality and that publication of the foregoing Ordinance was duly made by posting true copies thereof at five of the most public places in said corporation as determined by the Council, as follows: the Concourse, Miami Bluff and Flintpoint Way; the Tennis Court property, on the east side of Plainville Road between Maple and Chestnut Streets; the site of the Municipal Building. Wooster Pike and Crystal Springs Road; the northeast corner of the intersection of Rembolt and Miami Road inside the enclosure; the northwest corner of the Old Town Center, intersection of Chestnut and Oak Streets; each for a period of fifteen days commencing on the 11th day of February 2020.



Anthony Borgerding, Fiscal Officer