

CITY OF KIRTLAND

ORDINANCE NUMBER 21-O-19

**AN ORDINANCE AMENDING SECTIONS 1286.08, 1286.09
AND 1286.14 OF THE CODIFIED ORDINANCES OF THE
CITY OF KIRTLAND, RELATING TO SIGNS.**

WHEREAS, the Planning and Zoning Commission has completed a comprehensive review of Chapter 1286 of the Codified Ordinances (Sign Ordinance) and recommends that amendments be made to Sections 1286.08, 1286.09 and 1286.14 of the Sign Ordinance; and

WHEREAS, on the 12th day of April, 2021, the Planning and Zoning Commission made its recommendation to this Council, the particulars of which are set forth in Planning and Zoning Commission Resolution No. 21-PZ-2; and

WHEREAS, this Council, after due consideration of the proposed recommendation by the Planning and Zoning Commission, has determined that said recommendation and the proposed amendments to Sections 1286.08, 1286.09 and 1286.14 should be adopted; and

WHEREAS, Kirtland Codified Ordinance 220.25 requires the posting of copies of enacted legislation for fifteen consecutive days in three places within the City, those being City Hall, the Kirtland Public Library, and the Kirtland Community Center; and

WHEREAS, due to the current state of emergency in Ohio stemming from the COVID-19 pandemic, at some point City Hall, the Kirtland Public Library, and the Kirtland Community Center have been closed in order to protect both the community and the staff from potential infection; and

WHEREAS, Kirtland Codified Ordinance 220.25 grants City Council the authority to modify the posting requirement.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kirtland, County of Lake, State of Ohio, that:

SECTION I:

Codified Ordinance Section 1286.08 Signs for Residential Uses and Signs in Residential Districts, enacted by Ordinance No. 11-O-13, passed on April 18, 2011; Section 1286.09 Signs in Business and Industrial Districts, enacted by Ordinance No. 11-O-38, passed on July 11, 2011; and Section 1286.14 Administrative Provisions, enacted by Ordinance No. 04-O-28 passed on August 23, 2004; are hereby amended as set forth in Exhibit "A" attached hereto and made a part hereof, as though fully rewritten herein at length.

SECTION II:

The City Council, pursuant to its authority in Kirtland Codified Ordinance, Section 220.25 and due to the COVID-19 pandemic, hereby modifies the requirement to post this enacted legislation in three places and instead requires the following:

1. If City Hall, the Kirtland Public Library, and/or the Kirtland Community Center are open on the effective date of this enacted legislation, then the Clerk of Council is hereby directed to post the enacted legislation for fifteen (15) consecutive days after its effective date in each facility; and
2. Should any of the facilities listed above be closed on the effective date of the enacted legislation, then the Clerk of Council is not required to post the enacted legislation in that facility; and
3. The Clerk of Council is hereby directed to post the enacted legislation on the City of Kirtland's website for fifteen (15) consecutive days after the effective date of this legislation.

SECTION III:

(a) It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

(b) This Ordinance shall be in effect from and after its adoption at the earliest period allowed by law.

First Reading: _____
Second Reading: _____
Third Reading: _____

DATE PASSED: _____

President of Council

Submitted to the Mayor for his
Approval on this _____ day of
_____, 2021.

ATTEST:

Approved by the Mayor, this _____
day of _____, 2021.

Clerk of Council

Amend 1286.08, 1286.09 and 1286.14 Sign Ord.

Mayor Kevin F. Potter

§ 1286.08 SIGNS FOR RESIDENTIAL USES AND SIGNS IN RESIDENTIAL DISTRICTS.

(a) Table 1, Permitted Signs (sf-sq. ft.; d.u.-dwelling unit; ft-foot).

| Type of Sign | Uses | | | |
|--|------------------------|---------------------|--------------|-----------------|
| | Single Family Dwelling | Two-Family Dwelling | Multi-Family | Non-Residential |
| Permanent Signs | | | | |
| <i>Sign plate – wall, window or ground</i> | | | | |
| Maximum number | 1/d.u. | 1/d.u. | 1/d.u. | 1/building |
| Maximum sign area (sf) | 2 | 2 | 2 | 4 |
| <i>Ground sign for use/development</i> | | | | |
| Maximum number *** | 1/entrance | 1/entrance | 1/entrance | 1 |
| Maximum total sign area (sf) | 32 | 32 | 32 | 32 |
| Maximum height (ft) | 6 | 6 | 6 | 6 |
| Minimum setback from right-of-way (ft) | 25 | 25 | 25 | 25 |
| <i>Wall sign</i> | | | | |
| Maximum number | n.a. | n.a. | n.a. | 1 |
| Maximum area (sf) | n.a. | n.a. | n.a. | 40 |
| Temporary Signs | | | | |
| <i>Window sign or ground sign</i> | | | | |
| Maximum total sign area (sf) | 8/d.u. | 8/d.u. | 4/d.u. | 32 |
| Maximum height – ground (ft) | 5 | 5 | 5 | 5 |
| Minimum distance from right-of-way (ft) | 0 | 0 | 0 | 25 |
| <i>Banner</i> | | | | |
| Maximum number | n.a. | n.a. | 1 | 1 |
| Maximum area (sf) | n.a. | n.a. | 30 | 30 |
| Maximum height (ft) | n.a. | n.a. | 12 | 20 |
| Minimum distance to right-of-way (ft) | n.a. | n.a. | 25 | 25 |
| Instructional Signs | | | | |
| Maximum number/entrance | n.a. | n.a. | 2 | 2 |
| Maximum area each sign (sf) | n.a. | n.a. | 4 | 4 |
| Minimum distance from right-of-way (ft) | n.a. | n.a. | 0 | 0 |
| ***except as provided in § 1286.08(b)(4) | | | | |

(b) *Supplementary regulations for ground signs.*

(1) Ground signs that exceed four square feet in area shall be erected with a minimum of two supporting posts or on a solid base.

(2) Ground signs shall be erected in a landscaped setting.

(3) No part of a ground sign, the wall or entry feature on which a sign is mounted, or the landscaping shall obstruct the view of vehicles entering or exiting the property.

(4) Residential identification monument signs. A residential identification monument sign, indicating the name of the subdivision or residential development, if part of the overall architectural treatment of the entrance of the development, except as otherwise provided and permitted in § 1248.16, shall be permitted for each entrance to a development pursuant to the area and height regulations in subsection (a) of this section and in compliance with the following:

A. Such identification (monument) signs shall be placed on corner parcels at openings to a development at the intersection of a development with an arterial street (on private property with an easement), on blocks owned by the homeowner's association or city, or on a cluster or multi-family development parcel, no closer than ten feet to the right-of-way and five feet from a side lot line, except as permitted in subsection B. of this section.

B. Such identification (monument) signs may be placed in the right-of-way provided such signs shall be located on a divided entranceway island, placed no closer than 15 feet to the intersecting street's planned right-of-way line and set back five feet from the curb of the divided island if an easement is granted by City Council for such signs.

C. A maximum of two sign faces shall be permitted per entrance to an arterial street: either as a double-sided monument sign or as two single-sided monument signs either freestanding or mounted on a brick or masonry wall or wood fence. The sign face height can be no more than six feet above normal grade and cannot extend beyond the limits of the wall or fence.

D. Support structures for the mounting of residential identification signs shall be no more than six feet above normal grade and 120 square feet in area for the portions of the structure that face the arterial street. The Planning and Zoning Commission may permit additional decorative features above these standards, including railings, pillars, arches, gateways, lamp posts, etc., if they are part of the overall architectural treatment of the entrance and do not detract from the surrounding residential areas.

(5) For non-residential uses a maximum of 75 percent of the permitted ground sign area may be devoted to changeable copy.

(6) For non-residential uses, ground signs shall contain the street address in numerals not exceeding seven inches in height.

(7) *Minimum side yard.* Ground signs shall be located not less than 30 feet from a side lot line provided, however, when adjacent to a Non-Residential District or a lot used for non-residential purposes, a ground sign shall be not less than 15 feet from the side lot line.

(8) *Location.* The Planning and Zoning Commission may approve the location of a ground sign less than the required distance from a road right-of-way if it finds the sign will not interfere with traffic sight lines and that the required setback is unreasonable because of existing site conditions; provided, however, that, no ground sign or part thereof shall be permitted in a road right-of-way.

(c) *Supplementary regulations for temporary signs.*

(1) Temporary signs for residential uses and temporary window signs for non-residential uses may be erected for an unspecified time.

(2) For non-residential uses, one temporary ground sign that does not exceed six square feet may be erected for an unspecified time. All other temporary ground signs and temporary banner signs shall be permitted for a maximum of 15 consecutive days, not more than 45 days per calendar year.

(3) Vacant parcels in residential districts shall be permitted one temporary sign. The maximum permitted sign area shall be not more than four square feet for every 200 feet of lot frontage or fraction thereof; provided, the sign shall not exceed 16 square feet.

(4) Temporary signs that are erected in order to announce or advertise a specific event shall be erected no earlier than 30 days before the event and shall be removed within seven days after the close of such event.

(d) *Illumination.* Permanent signs may be illuminated as provided in § 1286.11(a) of this chapter.

(e) *Instructional signs.* Instructional signs that are clearly intended for instructional purposes shall be permitted as needed on a lot in a residential district when the lot is devoted to a multi-family or non-residential use.

(Ord. 04-O-28, passed 8-23-2004; Am. Ord. 11-O-13, passed 4-18-2011)

§ 1286.09 SIGNS IN BUSINESS AND INDUSTRIAL DISTRICTS.

Signs in Business and Industrial Districts, except for residential uses shall comply with the standards in the following sections.

(a) *Building signs.* The maximum number and area of permanent signs attached to buildings shall conform to the table below. Building signs include wall signs, window signs, awning or canopy signs and projecting signs.

| <i>Table 2 Building Signs</i> | | | | |
|---|------------------------|------------|-----------|-----------|
| | <i>Zoning District</i> | | | |
| | <i>IO</i> | <i>HTC</i> | <i>RB</i> | <i>LI</i> |
| a. Signplate | | | | |
| Maximum number per address | 1 | 1 | 1 | 1 |
| Maximum area (sf) | 2 | 2 | 2 | 2 |
| b. Building | | | | |
| Maximum number per occupant | 1 | 1 | 1 | 1 |
| Maximum area permitted sq. ft./ft. frontage | 1 | 1 | 1 | 1 |
| Maximum square foot area per occupant | 50 | 50 | 50 | 70 |
| c. Projecting Sign | | | | |
| Maximum number per building | n.a. | 1 | n.a. | n.a. |
| Maximum area permitted (sf) | n.a. | 12 | n.a. | n.a. |

(b) *Window signs.*

(1) *Ground floor occupants.* A window sign shall not exceed 40 percent of the total glass area at the ground floor window and shall comply with the design standards for signs. (§ 1286.13)

(2) *Upper floor occupants.* For a multi-story building, each occupant above the ground floor shall be permitted one permanent sign to be placed in a window of the occupant's space, not to exceed six square feet or 25 percent of the area of the window in which the sign is placed,

whichever is smaller. These signs shall be in addition to the maximum allowable area for building signs provided in Table 2.

(c) *Secondary frontage or access.* If a building or occupant has frontage on a second street or has access from a second public entrance such as a parking lot an additional sign area may be permitted on the secondary frontage not to exceed 40 percent of the sign area permitted for the primary frontage, as determined in § 1286.06.

(d) *Projecting signs.* Projecting signs shall be permitted only in the Historic Town Center District. Projecting signs shall be limited to occupants that have a minimum of 20 feet of occupant frontage. All projecting signs shall have a maximum height of 15 feet, but shall not extend above the parapet line, and a minimum clearance of eight feet from the ground to the bottom of the sign, except when the projecting sign is located above a landscaped area or other area that does not permit pedestrian traffic beneath the sign. A projecting sign shall not be permitted to extend into the street right-of-way.

(e) *Ground signs.* Permanent ground signs permitted in Business and Industrial Districts shall comply with the following regulations:

| Table 3 Permanent Ground Signs | | | | |
|---|------------------------------|------------|-----------|-----------|
| | Zoning District | | | |
| | IO | HTC | RB | LI |
| Ground signs | | | | |
| Maximum number permitted per building | 1 | 1 | 1 | 1 |
| Maximum area (sf) | 35 | 25/50** | 35 | 35 |
| Maximum height (ft) | 8 | 10 | 8 | 8 |
| Maximum area of sign and supporting structure (sf) *** | 55 | 45/75** | 55 | 55 |
| Setback from public right-of-way (ft) | 25 | 15 | 25 | 25 |
| Entrance/exit signs | | | | |
| Maximum number permitted | 2/drive | 2/drive | 2/drive | 2/drive |
| Maximum area per sign (sf) | 4 | 2 | 4 | 4 |
| Instructional signs | As regulated in § 1286.09(e) | | | |
| ** Maximum area may be permitted by the Planning and Zoning Commission for Shopping Centers of four or more establishments as defined in § 1261.09(ss). | | | | |
| *** May be modified by the Planning and Zoning Commission if the ground sign is an integral part of a retaining wall or landscaped area. | | | | |

(1) *Additional ground signs.* An additional ground sign may be permitted on lots not less than four acres in Business and Industrial Districts for a building or development on a corner lot. The additional sign shall not exceed the area as provided in Table 3.

(2) *Setback from intersections.* On a corner lot, ground signs shall comply with the minimum setback provided in Table 3.

(3) *Minimum side yard.* Ground signs shall be located not less than 15 feet from a side lot line provided, however, when adjacent to a Residential District (R-1, R-2, R-3 or R-5) or a lot used for residential purposes, a ground sign shall be not less than 30 feet from the side lot line.

(4) *Changeable copy.* Ground signs may have up to 75 percent of the permanent sign area devoted to changeable copy.

(5) *Multi-occupant facilities.* When a ground sign is permitted on a site that has more than one occupant, it is the property owner's responsibility to determine if the sign area shall be devoted to identification of the building(s), the anchor occupant, all occupants or some combination thereof.

(6) *Street address.* Permanent ground signs shall contain the street address in numerals not exceeding seven inches in height.

(7) *Landscaping.* Ground signs shall be erected in a landscaped setting.

(8) *Location.* The Planning and Zoning Commission may approve the location of a ground sign less than the required distance from a road right-of-way if it finds the sign will not interfere with traffic sight lines and that the required setback is unreasonable because of existing site conditions; provided, however, that, no ground sign or part thereof shall be permitted in a road right-of-way.

(f) *Temporary signs.* Temporary signs in Business and Industrial Districts may be permitted in addition to the permanent signs as regulated in subsections (a) through (e) of this section; provided:

(1) Temporary signs may be ground signs, window signs or banner signs;

(2) The area of a temporary window sign shall not exceed 25 percent of the total transparent glass area of the window in which the sign is placed;

(3) Temporary ground and temporary banner signs are permitted provided:

A. There shall be no more than two temporary ground or banner signs each not more than 32 square feet in area;

B. Each sign shall have a maximum height of six feet above grade;

C. Each sign shall not be less than 15 feet from a street right-of-way except the Planning and Zoning Commission may permit signs less than 15 feet from a street right-of-way in the Historic Town Center District; and

(4) Time Duration

A. Temporary signs that are created in order to announce a specific event shall be erected no more than 30 days before the event and shall be removed within seven days after the close of such event.

(Am. Ord. 05-O-10, passed 3-21-2005)

B. Temporary signs for construction and seasonal purposes may be permitted by the Planning and Zoning Commission, not to exceed 32 square feet, for a time limit as determined and approved by the Planning and Zoning Commission.

C. All other signs shall be permitted for a maximum of 15 consecutive days and not more than a total of 45 days each calendar year.

(g) *Illumination.* Permanent signs may be illuminated as provided in § 1286.11(a).

(h) *Instructional signs.* Instructional signs that are clearly intended for instructional purposes shall be permitted as needed and as approved by the Planning and Zoning Commission.

(i) *Signs for residential uses in Business or Industrial Districts.* Signs for residential uses permitted or conditionally permitted in Business or Industrial Districts shall conform to the sign regulations provided in §1286.08.

(j) Ground signs that exceed four square feet in area shall be erected with a minimum of two supporting posts or on a solid base.

(Ord. 04-O-28, passed 8-23-2004; Am. Ord. 11-O-38, passed 7-11-2011)

§ 1286.14 ADMINISTRATIVE PROVISIONS.

(a) *Compliance with this chapter.* No person shall erect, locate, move, alter or replace any sign or cause a sign to be located or maintained, unless all provisions of this chapter have been met.

(b) *Signs requiring zoning permit.* To ensure compliance with these regulations, a zoning permit shall be obtained for all signs, unless specifically exempted below. A zoning permit shall be obtained from the Zoning Inspector for all temporary ground signs and banner signs except ideological signs.

(c) *Application requirements.*

(1) An application for a zoning permit shall be made to the Zoning Inspector on the form provided and in the manner required.

(2) When any person other than the owner of the property submits an application, the owner of the property or a designated agent for the owner shall also sign such application.

(3) The application shall include:

A. Scaled drawing showing lot lines and location of the building or structures on which signs are to be located;

B. Location and dimensions of proposed signage on a scaled drawing of the building elevation;

C. Type of lettering, characters or other symbols;

D. Color rendering of proposed signage;

E. Location of ground and instructional signs;

F. Landscape plan for the base of ground signs;

G. Construction specifications; and

H. Type of illumination.

(d) *Sign review.*

(1) The Planning and Zoning Commission shall review and act on applications for permanent signs according to the standards set forth in this section and the review procedures for development plan review set forth in § 1262.04. The Planning and Zoning Commission shall review and act on applications for temporary signs for construction and seasonal purposes.

(2) The Zoning Inspector shall review all temporary signs, other than temporary signs for construction and seasonal purposes, and except as otherwise specifically exempted below.

(3) The erection of the following signs shall not require a zoning permit provided that all applicable regulations of this section are complied with:

A. Signplates for residential uses;

B. Temporary signs for dwelling units;

C. Temporary window signs; and

D. Maintenance of existing signs in compliance with § 1286.11(c).

(e) *Referral of applications to Planning and Zoning Commission.* The Zoning Inspector, upon receiving an application shall examine such plans, specifications and other data and the premises upon which it is proposed to erect the sign or other advertising structure.

(1) If it appears that the proposed application is complete, the application shall be referred to the Planning and Zoning Commission where its approval must be obtained before the zoning permit is issued.

A. When approved by the Planning and Zoning Commission, the application shall be returned to the Zoning Inspector who shall issue the zoning permit.

B. If the work authorized under a zoning permit has not been completed within six months after the date of approval, the permit shall become null and void.

(f) *Procedures for variances and appeals.* Any applicant seeking a variance to the conditions imposed under these regulations or an appeal to an administrative decision made under

these regulations, other than a decision by the Planning and Zoning Commission, may apply to or appeal to the Board of Zoning Appeals. The following conditions shall apply.

(1) When filing an application for an appeal to an administrative decision, the applicant shall file a notice of appeal specifying the grounds therefor with the administrative official within 20 days of the administrative official's decision. Upon determining that the application is complete and upon receipt of the required fee, the administrative official shall transmit to the Board of Zoning Appeals the application and a transcript constituting the record from which the administrative decision subject to appeal was based. This transmission shall occur no less than 14 days prior to a regularly scheduled meeting of the Board of Zoning Appeals in order to be placed on the agenda for that meeting.

(2) When applying for a variance, the applicant shall file a variance request with the Board of Zoning Appeals.

(3) Applications for appeals or variances to these regulations shall contain the following information:

- A. The name, address and telephone number of the applicant;
- B. Proof of ownership or authorization to represent the property owner;
- C. The location of the property, including street address and permanent parcel number;
- D. The current zoning of the property;
- E. A description of the project for which the appeal or variance is sought;
- F. A description of the administrative decision being appealed or the regulation from which a variance is sought; and
- G. Names and addresses of each property owner within 500 feet as shown in the current records of the Lake County Auditor typed on gummed labels.

(4) Applications for variances or appeals of administrative decisions shall not be resubmitted to the Board of Zoning Appeals within one year of the date of a final decision by the Board of Zoning Appeals on the original application, unless the applicant shows the Board of Zoning Appeals either of the following:

- A. Newly discovered evidence that could not have been presented with the original submission; or
- B. Evidence of a substantial change in circumstances since the time of the original submission.

(5) A decision by the Board of Zoning Appeals in response to an application for a variance request or an appeal of an administrative decision filed pursuant to these regulations shall be final.

(Ord. 04-O-28, passed 8-23-2004)