

# Memo

To: Members of Springboro Planning Commission, Elmer Dudas, Development Director, Chad Dixon, City Engineer, Ann Burns, Planning Commission Secretary

From: Dan Boron, Staff Liaison

Date: February 3, 2021

Re: Instructions for Wednesday, February 10, 2021 Planning Commission Work Session

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The Wednesday, February 10, 2021 Planning Commission work session will be conducted remotely by teleconference using Zoom. The meeting will begin at 6:00 p.m., however the virtual meeting room will be available for you to join beginning at 5:45 p.m. Thursday night.

Meeting materials are included in this packet following these instructions. You may read at your leisure and let me know if you have any questions or comments.

Here is how things will work on Wednesday night:

- 1) Beginning at 5:45 p.m. log on to [www.zoom.us](http://www.zoom.us). You do this by going to [www.zoom.us](http://www.zoom.us). (If you have Chrome as an internet browser choice, use that as it seems to work best.)
- 2) Once you are on the Zoom website, click "Join a Meeting" at the top right hand corner, which will bring you to the "Meeting ID" prompt. Enter Meeting ID and click button provided below.
- 3) At this point, it may prompt you to download the Zoom app (if you haven't used Zoom on that laptop / computer before). Download the app and click the .exe file in the bottom left hand corner once it is downloaded.
- 4) Then it may say "Open Zoom". Click "Open Zoom."
- 5) Then it should ask you for a meeting password. Enter meeting password and click Join Meeting.
- 6) Make sure at some point you click the "Join with Video" button. The meeting host will then accept you into the meeting. This may take a few seconds, so don't worry if you aren't joined right away.
- 7) Once you see other members who have joined, click the "Join Audio" on bottom left hand corner of screen and then click "Computer Audio".
- 8) You should be ready to go!

Meeting deliberations will begin at 6:00 p.m. If you are encountering technical difficulties, please let me know by texting me at **937-952-9035**, however we will proceed with the meeting with the members present at the regular time. The meeting will be recorded for both sound and video.

If you have any questions regarding the meeting free to reach out to me at 937-748-6183 or [danb@cityofspringboro.com](mailto:danb@cityofspringboro.com). After 5:00 p.m. on meeting night the best way to reach me will be by text or phone at 937-952-9035.

City of Springboro is inviting you to a scheduled Zoom meeting.

Topic: Springboro Planning Commission Meeting

Time: Feb 10, 2021 05:45 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/84997359251?pwd=aWpRdk56UUcxWDMYK1ozS0FsUmVkdz09>

Meeting ID: **849 9735 9251**

Passcode: **943659**

One tap mobile

+13126266799,,84997359251#,,,,\*943659# US (Chicago)

+16465588656,,84997359251#,,,,\*943659# US (New York)

Dial by your location

+1 312 626 6799 US (Chicago)

+1 646 558 8656 US (New York)

+1 301 715 8592 US (Washington DC)

+1 346 248 7799 US (Houston)

+1 669 900 9128 US (San Jose)

+1 253 215 8782 US (Tacoma)

Meeting ID: **849 9735 9251**

Passcode: **943659**

Find your local number: <https://us02web.zoom.us/j/kdh7sAMCfq>

**Agenda**  
**City of Springboro Planning Commission Meeting**  
**Wednesday, February 10, 2021, 6:00 p.m.**

PUBLIC NOTICE:

Per Ohio Substitute House Bill 404 made effective November 22, 2020 in response to the COVID-19 state of emergency (Sec. 12), Section 12(A), the Springboro Planning Commission will conduct its Wednesday, February 10, 2021 Meeting via video conference at 6:00 p.m. EDT. Visit the City of Springboro website at <https://www.cityofspringboro.com/CivicAlerts.aspx?CID=6,1> for a link to connect to the meeting.

- I. Call to Order
- II. Approval of Minutes
  - A. January 13, 2021 Planning Commission Meeting
- III. Agenda Items
  - A. Final Approval, Site Plan Review, 505 West Central Avenue (SR 73), Tractor Supply Company greenhouse addition
  - B. Discussion, Planning & Zoning Code Text Amendment, Sign Code
- IV. Guest Comments
- V. Planning Commission and Staff Comments
- VI. Adjournment

City of Springboro  
320 West Central Avenue, Springboro, Ohio 45066  
Planning Commission Meeting  
Wednesday, January 13, 2021

**I. Call to Order**

Chairperson Becky Iverson called the Springboro Planning Commission Meeting to order at 6:00 p.m. by video conference. She welcomed Mr. Mike Thompson, the newly appointed Planning Commission member, who gave a brief summary of his time in Springboro and volunteer work.

Present: Becky Iverson, Chair, Chris Pearson, Vice-Chair, Mark Davis, Robert Dimmitt, Steve Harding, Mike Thompson, and John Sillies.

Staff: Dan Boron, City Planner; Elmer Dudas, Development Director; Ann Burns, Planning Commission Secretary. Also present were John Wertheimer and Christian Stone with Cincinnati Commercial Contracting, and Jonathon Evan from Evans Engineering.

**II. Appointment of Planning Commission Chair, Vice Chair for 2020**

*Mr. Harding made a motion to appoint Becky Iverson as Planning Commission Chair and Chris Pearson as Vice-chair for 2021. Mr. Davis seconded the motion.*

**Vote:** Thompson, yes; Pearson, yes; Dimmitt, yes; Sillies, yes; Davis, yes; Harding, yes; Iverson, yes (7-0)

**III. Approval of Minutes**

**A. December 9, 2020 Planning Commission Minutes**

Ms. Iverson asked for corrections or additions to the minutes.

There were none.

*Mr. Pearson motioned to approve the December 9, 2020 Planning Commission minutes as submitted. Mr. Harding seconded the motion.*

**Vote:** Harding, yes; Davis, yes; Sillies, yes; Dimmitt, yes; Iverson, yes; Pearson, yes; Thompson, Abstain (6-0)



#### **IV. Agenda Items**

##### **A. Final Approval**

**Final Development Plan, Advanced Drive PUD, Planned Unit Development, commercial building**

##### **Background Information**

This agenda item is a request for final development plan approval for an undeveloped site located at the southern terminus of Advanced Drive in the Stolz Industrial Park. The application was filed by Cincinnati Commercial Contracting, property owner and developer.

The applicant is proposing to construct a one-story, 10,000-square foot flexible space commercial building for a future user. The plan for the site provides for a 10,000-square foot addition at a future date. This final development plan approval only addresses the proposed 10,000-square foot building; the additional will require approval at a future date. No address has been assigned for the property at this point in time; addresses are typically not assigned by the Engineering Department until further into the site development process.

The subject property has frontage on Advanced Drive. Adjacent land includes other properties in the Stolz Industrial Park are occupied by the following businesses: Advanced Engineering to the northeast at 240-250 Advanced Drive, Coruexx, LLC, to the west at 245 Advanced Drive, and A-1 Mechanical to the northwest at 235 Advanced Drive. Immediately to the south is the City of Springboro's Clearcreek Park.

The subject property is zoned PUD, Planned Unit Development, and is part of the Advanced Drive PUD that coincides with the Stolz Industrial Park. That zoning designation permits the use of the property for office and light industrial development. Clearcreek Park to the south is zoned R-1, Estate-Type Rural Residence District.

This item was reviewed at the December 9, 2020 Planning Commission meeting on a preliminary basis. No City Council action is required on this agenda item.

##### **Staff Recommendation**

City staff recommends APPROVAL of the final development plan under this application subject to the following conditions:

1. When an end user is identified for the use, a Certificate of Zoning Compliance will be needed from the Zoning Inspector.
2. Indicate expected building population at maximum shift for the determination of off-street parking requirements.
3. For compliance with Chapter 1280 of the Planning & Zoning Code, Landscaping, indicate all existing trees to be retained on the parcel 4 inches DBH or greater for credit against landscaping requirements for buffer yards and site.
4. Sanitary sewer lateral connection not correct as shown. Details to be worked out with the City Engineer.
5. Show the existing 12-inch water main and 4-inch sewer force main along the west property line.

6. Connect the proposed water service lateral into the existing 12" water main located along the west property line. Provide copper service to curb box. Remaining water service may be plastic, due to length of run, and shall be continuous to the building. Couplers will not be accepted.
7. Provide details for the replacement of the lift station access drive due to sanitary sewer lateral connection to existing sanitary sewer main. Provide 8" of concrete with 6" (item 304) aggregate base.
8. Verify the sanitary sewer lateral invert at the connection to the existing sewer main.
9. Detention design currently under review. Revisions, if any, will be coordinated with the City Engineer.
10. Sheet C-3 – Replace "light duty asphalt pavement" to read "medium duty asphalt pavement" in order to match detail on sheet C-1.1.
11. Provide revise drawings incorporating all staff comments along with signature of the owner or duly authorized officer.
12. An "As Built" drawing showing as built location and elevations of all improvements shall be submitted prior to the issuance of an occupancy permit.
13. Approval applies to proposed 10,000-square foot building. Addition will require approval at a future date.
14. The Clearcreek Fire District has no comments at this time.

#### **Discussion:**

Mr. Boron reported that this agenda items was discussed at the preliminary stage at the December 9, 2020 meeting. At that time, several issues were addressed and most were resolved. The applicant agreed to work on landscape elements as well as other requirements as noted in the staff comments.

Mr. Dudas stated the he has discussed the engineering comments issues with the engineer and is confident any questions have been addressed.

Mr. Evans agreed that all issues can be resolved.

Mr. Boron noted that the storm water plan is still under review but feels confident this issue can also be resolved.

Mr. Harding referred to staff comment # 1, clarifying that there has not been a tenant identified, but a Certificate of Zoning Compliance will be submitted when a tenant is identified.

Mr. Boron confirmed that is correct, and this same process is followed if an existing building is re-used by a new tenant.

Mr. Harding referred to comment #7, confirming that the access to the lift station in being taken into consideration.

Mr. Dudas stated they are aware of this and will take it into consideration.

Ms. Iverson asked for a motion for approval of the Final Development Plan, Advanced Drive PUD, Planned Unit Development, commercial building

*Mr. Davis motioned to approve. Mr. Sillies seconded the motion.*

**Vote: Davis, yes; Sillies, yes; Dimmitt, yes; Iverson, yes; Pearson, yes; Thompson, yes; Harding, yes; (7-0)**

**V. Guest Comments**

There were no guest comments.

**VI. Planning Commission and Staff Comments**

Mr. Boron stated that next meeting is scheduled for February 10, 2020 and he does expect to have one agenda item as well discussion of the sign code.

He reported that there was a master plan meeting held on December 21, 2020 where they reviewed results of the survey. There was good feedback and over 400 comments were received.

**Adjournment**

*Ms. Harding motioned to adjourn the January 13, 2021 Planning Commission Regular Meeting at 6:18 p.m. Mr. Thompson seconded the motion.*

**Vote: Sillies, yes; Dimmitt, yes; Iverson, yes; Pearson, yes; Harding, yes; Thompson, yes; Davis, yes. (7-0)**

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Becky Iverson, Planning Commission Chairperson

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Dan Boron, Planning Consultant

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Ann Burns, Planning Commission Secretary

**Background Information & Staff Recommendations**  
**City of Springboro Planning Commission Meeting—Conducted by Conference Call (Zoom)**  
**Wednesday, February 10, 2021, 6:00 p.m.**

**PUBLIC NOTICE:**

Per Ohio Substitute House Bill 404 made effective November 22, 2020 in response to the COVID-19 state of emergency (Sec. 12), Section 12(A), the Springboro Planning Commission will conduct its Wednesday, February 10, 2021 meeting via video conference at 6:00 p.m. EDT. Visit the City of Springboro website at <https://www.cityofspringboro.com/CivicAlerts.aspx?CID=6.1> for a link to connect to the meeting.

**III. Agenda Items**

**A. Final Approval**

**Site Plan Review, 505 West Central Avenue (SR 73), Tractor Supply Company, greenhouse addition**

**Background Information**

This agenda item is a request for site plan review approval for the addition of a 4,200-square foot greenhouse to the Tractor Supply Company's retail store located at 505 West Central Avenue (SR 73). The application was filed by Onyx Creative, architects, on behalf of the property owner.

The applicant is proposing to construct a 35-foot by 120-foot greenhouse enclosure on the east side of the existing 20,800-square foot Tractor Supply building. The greenhouse is proposed to be located within a fenced outdoor sales area on existing pavement. The greenhouse project is part of a larger plan for improvements to the interior of the building that are not subject to Planning Commission review.

The subject property is zoned HBD, Highway Business District, a zoning category that permits the proposed structure on the site. The subject property has frontage on West Central Avenue with access provided by the signal located at the intersection of West Central Avenue and Clearcreek-Franklin Road. Though interconnected private drives the property is also accessible from South Pioneer Drive.

Adjacent land uses include farmland to the east; to the south industrial (Sunnex) and a regional detention pond; retail (LCNB, Papa John's, and Four Seasons Car Wash) and public (Springboro Post Office) to the west; office (Remax) to the northwest; and undeveloped to the northeast. Existing zoning for the vicinity of the site is O, Office to the east and northeast; HBD to the west and northwest; and ED, Employment Center District to the south.

Given that this request represents a relatively minor change to the site, no net increase in the volume of impermeable surface, City staff recommends final approval of the site plan subject to complying with staff comments. No City Council action is required on this agenda item.

**Staff Recommendation**

City staff recommends APPROVAL of the site plan for 505 West Central Avenue under this application subject to the following conditions:

1. Notes on sheet AS1.0 reference the possible installation of landscaping and site lighting. Applicant to coordinate with City staff on changes to landscaping (Chapter 1280) and lighting (Chapter 1273) for compliance with code requirements.
2. Provide dimensioning on sheet AS1.0 for proposed structure.
3. Please indicate plans for outdoor storage and display on the site.
4. Provide revised drawings incorporating all staff comments along with signature of the owner or duly authorized officer.
5. An "As Built" drawing showing as built location and elevations of all improvements shall be
6. The Clearcreek Fire District has no comments at this time.

**B. Discussion**

**Planning & Zoning Code Text Amendment, Sign Code**

City staff have been at work with Wendy Moeller, Compass Point Planning, and Jerry McDonald, City Attorney, on a revision to the City's sign code. This work follows the outline, in the form of a sign code audit, that was discussed at the November 11, 2020 Planning Commission meeting. We are requesting time during the February 10th meeting to review the proposed changes to the sign code in preparation for a formal recommendation to City Council.

Given the large size of the draft amendments and accompanying memorandum, we will be distributing the materials associated with this agenda item in paper form to your home later this week. We will also make digital copies available to members of Planning Commission.

The information contained in this report is based on material provided to the City of Springboro as of Tuesday, February 2, 2021 at 5:00 p.m.

# APPLICATION—SITE PLANS, SUBDIVISIONS & RECORD PLANS

## CITY OF SPRINGBORO PLANNING COMMISSION

**X SITE PLAN** Δ REVISION TO APPROVED SITE PLAN Δ CONCEPT PLAN Δ PRELIMINARY SUBDIVISION Δ RECORD PLAN

The undersigned requests the approval identified above. Site Plan Review approvals subject to expiration provided for in Section 1284.18 of the Planning and Zoning Code. For all approvals under this application, it is understood that it shall only authorize the approval described in this application, subject to any conditions or safeguards required by the Planning Commission, and/or City Council.

☐ Owner  
☒ **Agent**  
☐ Lessee  
☐ Signed Purchase Contract

**APPLICANT NAME:** Onyx Creative (Architect) Aaron Blue, Client Manager

**Address** 25001 Emery Rd., Ste 400, Cleveland, OH 44128

**Telephone No.** ( 216 ) 223-3243

**Fax No.** ( N/A )

**Email Address** [ablue@onyxcreative.com](mailto:ablue@onyxcreative.com)

**PROPERTY OWNER NAME (IF OTHER):** Drew Locaputo

**Address:** 4472 Bridgetown Rd., Cincinnati, OH 45211

**Telephone No.** ( 513 ) 661-1114

**Property Address or General Location:** Existing and to remain (505 West Central Ave.)

**Parcel Number(s):** Existing and to remain **Zoning District:** HBD

**Proposed Use:** Proposed addition of an outdoor sidelot structure (covered greenhouse) to be located within the existing outdoor fenced in area.

The applicant or representative who is authorized to speak on behalf of the request must also be present at all meetings.

  
(Signature of Applicant and/or Agent)

01/21/21  
(Date)

Aaron Blue, Client Manager  
Printed Name

GENERAL NOTES:

PARKING REQUIREMENTS

- 1. FIVE (5) SPACES PER 1,000 SQUARE FEET REQUIRED (OR 1 PER 200 S.F.) OR AS REQUIRED BY LOCAL JURISDICTION, WHICHEVER IS MORE STRINGENT.
- 2. BAY SPACING, AS NOTED ON PLAN IS PREFERRED, WITH A PARKING STALL SIZE OF 9' WIDTH x 18' LENGTH AND 90-DEGREE ORIENTATION.
- 3. STRIPING AND GRAPHICS SHALL USE A SINGLE 4" WIDE WHITE STRIPE, DIRECTIONAL ARROWS AND LETTERING ARE SOLID WHITE AS REQUIRED.

LANDSCAPE AREAS AND IRRIGATION

- 1. IF INSTALLED, IRRIGATION SYSTEM TO BE COMPATIBLE WITH THE PLANT MATERIAL AND ENVIRONMENTAL EXPOSURE.
- 2. LANDSCAPE SHALL MEET OR EXCEED THE MINIMUM REQUIREMENTS OF LOCAL LANDSCAPE CODES AND BE COMPATIBLE/CONSISTENT IN MATERIAL AND QUALITY OF THE OVERALL DEVELOPMENT.
- 3. LANDSCAPE TO BE DESIGNED WITH CONSIDERATION TO SIGHT LINES TO BUILDING SIGNAGE AND ENTRY ELEMENTS AS TO NOT REDUCE VISIBILITY.

GRADING AND DRAINAGE

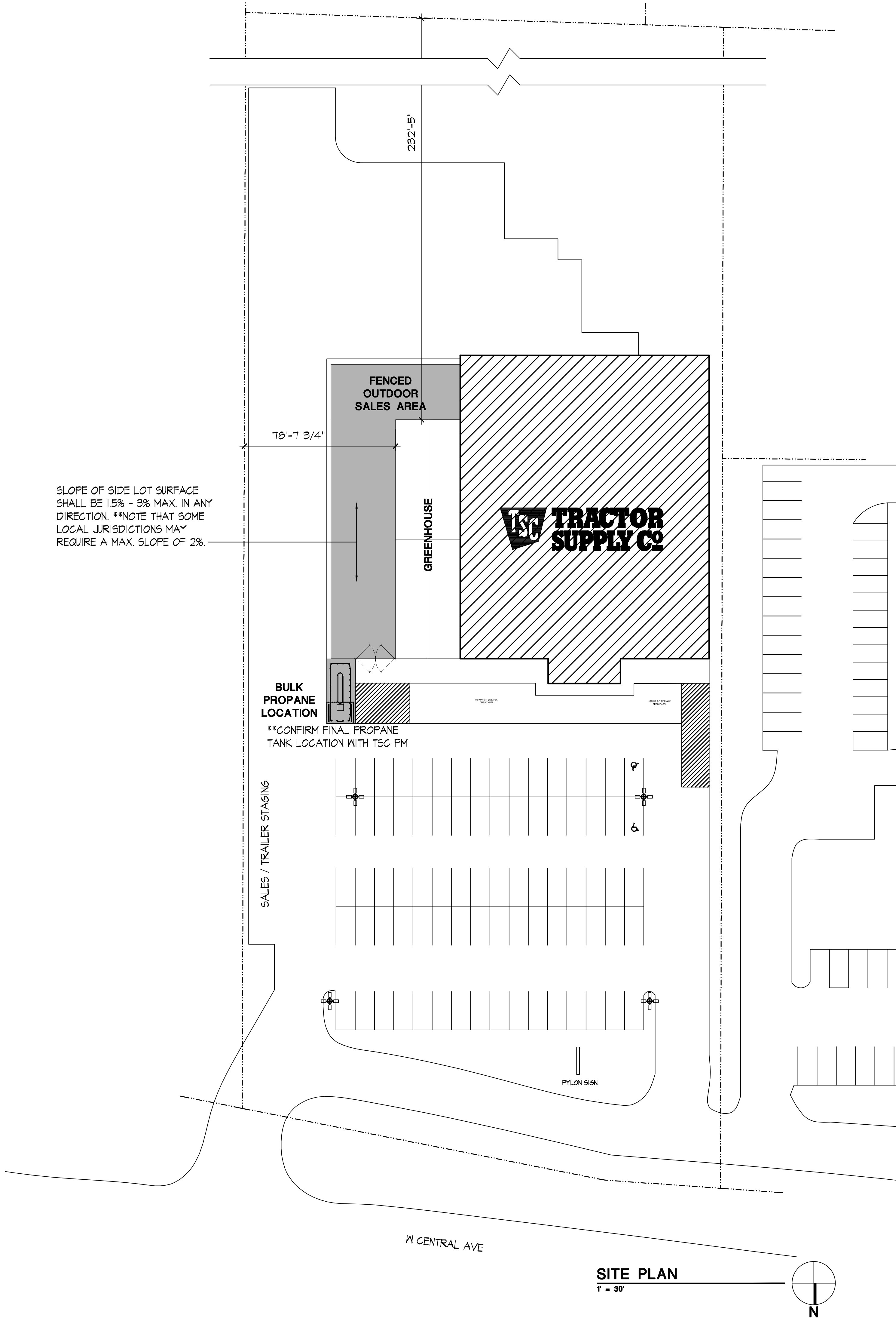
- 1. DRAINAGE SHALL FLOW AWAY FROM BUILDINGS AND SIDEWALK CURBS. SIDEWALKS SHALL SLOPE AWAY FROM BUILDING AT 1/8" PER FOOT (MIN.)
- 2. PROVIDE ALL REQUIRED UNDERGROUND AND SLEEVE ALL UTILITY AND IRRIGATION CONNECTIONS.

UTILITIES

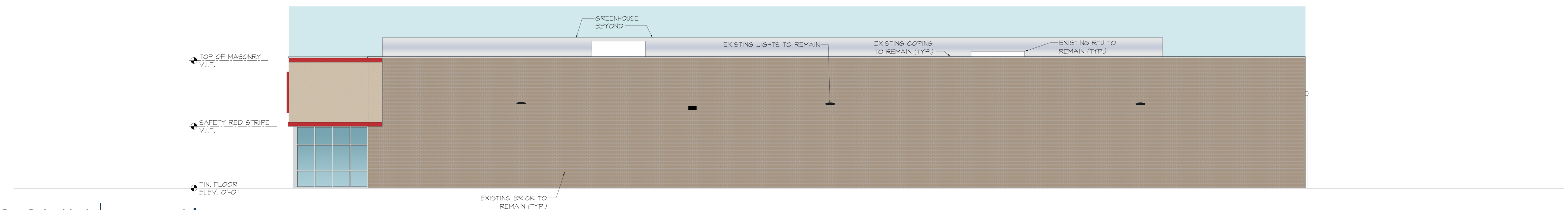
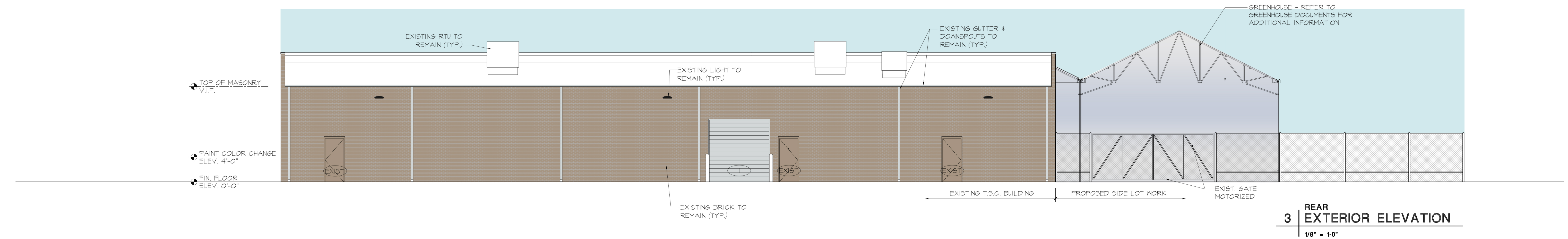
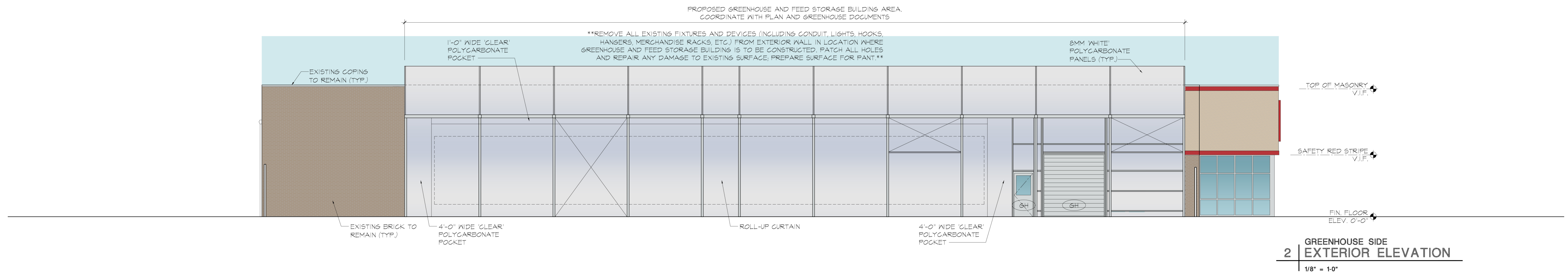
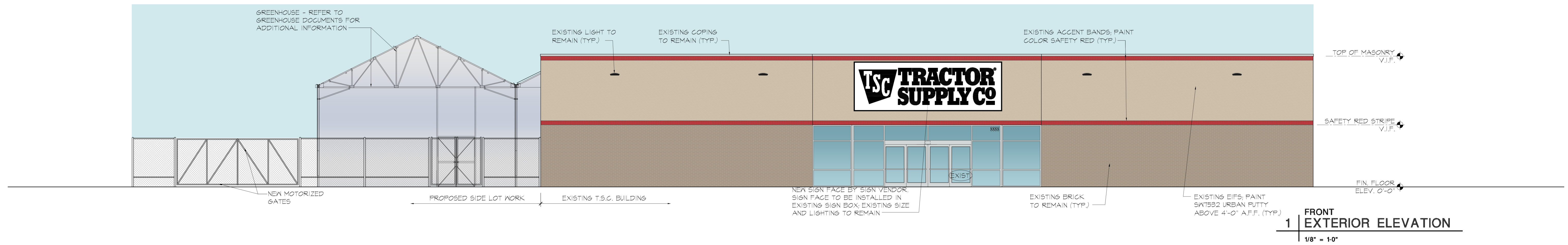
- 1. TAKE EXTRA CARE WHEN INSTALLING NEW UNDERGROUND WORK AS TO NOT AFFECT EXISTING UTILITIES.

SITE LIGHTING

- 1. MINIMUM MAINTAINED ILLUMINATION AT GROUND SURFACE: REPAIR OR REPLACE FIXTURES AND LAMPS THAT ARE NOT OPERATIONAL.
- 2. ALL CONCRETE LIGHT POLE BASES ARE TO BE PAINTED SAFETY YELLOW UNLESS OTHERWISE REQUIRED BY AUTHORITY HAVING JURISDICTION (REFER TO SCOPE OF WORK SUMMARY FOR ADDITIONAL INFORMATION).









TRACTOR SUPPLY CO.  
REFERENCE MATERIAL PHOTOS



VIEW FROM PARKING LOT

TRACTOR SUPPLY CO.  
REFERENCE MATERIAL PHOTOS



VIEW FROM INSIDE THE FENCED SIDE LOT

SHOWS USE OF GREENHOUSE POLYCARBONATE GLAZING PANELS

TRACTOR SUPPLY CO.  
REFERENCE MATERIAL PHOTOS



VIEW FROM INSIDE THE FENCED SIDE LOT

SHOWS USE OF GREENHOUSE POLYCARBONATE GLAZING PANELS AND METAL SIDING AT REAR FEED  
STORAGE PORTION

TRACTOR SUPPLY CO.  
REFERENCE MATERIAL PHOTOS



VIEW FROM THE BACK OF THE FEED STORAGE – REAR

SHOWS USE OF METAL SIDING AT THE REAR FEED STORAGE BUILDING PORTION



TRACTOR SUPPLY CO.  
REFERENCE MATERIAL PHOTOS



VIEW FROM PARKING LOT

# Memo

To: Members, Springboro Planning Commission; Christopher Pozzuto, City Manager; Jerry McDonald, Law Director; Elmer Dudas, Development Director; Chad Dixon, City Engineer; Ann Burns, Planning Commission Secretary; Wendy Moeller, FAICP, Compass Point Planning, consultant

From: Dan Boron, AICP, City Planner

Date: February 4, 2021

Re: Sign Code Planning & Zoning Code Text Amendments

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Enclosed please find a draft text amendment and memorandum regarding a proposed revision to the City's sign ordinance, Chapter 1281 of the codified ordinances, as well as other sections of the Planning & Zoning Code. Following up from the audit discussed at the November 12, 2020 Planning Commission meeting, City staff—Chris Pozzuto, City Manager, Dan Fitzpatrick, Zoning Inspector, and me—have been working with our Law Director Jerry McDonald and our consultant Wendy Moeller of Compass Point Planning on the preparation of this draft for your review and eventually recommendation of approval to City Council. The three-page cover memorandum prepared by Ms. Moeller provides a good orientation for your review.

We are proposing to use the February 10th Planning Commission meeting to field your questions about the draft following a presentation by Ms. Moeller and me. I've asked Mr. McDonald and Mr. Fitzpatrick to participate in the February 10th Planning Commission given their role in the preparation of the draft as well as its eventual administration and enforcement. Following the February 10th Planning Commission discussion, we will be seeking a recommendation of approval as soon as the March 10th meeting or as soon as possible. The review and approval process will then move to City Council in the form of a public hearing and readings as is the normal process for Planning & Zoning text amendments.

Given the large size of the material enclosed we have decided to save your printers and stock of paper and cartridges and furnish this in printed format, however as I know you may feel more comfortable commenting digitally, we will send copies of all the materials to you as well by email.

We welcome Planning Commission feedback at the February 10th meeting. I thank you for your time in completing this review with us in the coming months. If you have any questions regarding this proposed amendment, please feel free to reach out to me at (937) 748-6183 or [danb@cityofspringboro.com](mailto:danb@cityofspringboro.com).

Following the completion of the sign code audit, Compass Point Planning began the process of updating the text to the Springboro sign code. As part of that task, I have worked with staff to review interim drafts to prepare the proposed chapter that is included with this summary. Because there was some substantial reorganizing of the chapter, I am not presenting the updated text in a redline format. Instead, the following is a general outline of major changes included in the update. Most of these were previously highlighted in the sign code audit. As a reminder, one of the overarching changes to the regulations was to avoid the regulation of signs based on the content of the message so we do not have special rules for real estates signs as compared to other temporary signs.

Please note that we are submitting two version of the code text. The first is an annotated draft that includes references in the heading as to where the text is drawn from out of the existing sign code (See parenthetical references in headings). The annotated draft also includes footnotes to explain some of the changes as well as a summary of changes that need to be made outside of the sign code. The second version is the public hearing draft that removes all of the footnotes and parenthetical references in preparation for adoption and incorporation into the Springboro Zoning Code.

1. Based on discussions with staff, we have removed the definitions section from Chapter 1281 and any definitions related to signs will be incorporated into the overall zoning code definitions in Chapter 1290. This will prevent any inconsistencies and will ensure that all definitions related to the code are in one place. We have, however, maintained information on how the city measures various aspects of sign in Chapter 1281.
2. As you will note, the new section 1281.03 incorporates better language related to the measurement of sign height and sign area, etc., including the addition of graphics for clarification. One of the major changes we have made is that applicants will be able to use more than just a rectangle shape to calculate sign area. This gives sign users more flexibility in design because they will not be penalized for round or oval sign shapes, as an example.
3. We have clarified how the city interprets certain aspects of regulations such as when there are one or more signs (sign copy separated by two feet) as well as how the city evaluates the width of a façade that may not be one flat surface.
4. Section 1281.04 (e) consolidates a number of sections from the existing code that outlines various signs that the city allows for but does not require a permit. These tend to be minor signs or signs outside of the control of the city. As part of this section, we have added a provision for flags but the focus is on the regulation of the flag pole/support structure and not the flag itself.
5. Section 1281.05 consolidates a list of prohibited signs. There were some minor enhancements to this section for clarification but no major revisions.
6. Section 1281.06 is marked as a new section but some of the content is pulled from the existing regulations. This section simply consolidates a number of regulations that apply to all signs subject to review under the chapter including a general prohibition of signs in the right-of-way.
7. Section 1281.07 on the proposed sign overlay districts is entirely new. Currently, the existing sign code regulates signs based on established sign districts that can be found on a separate map. For the more part, the sign districts cover applicable zoning districts (i.e., residential districts are residential zoning districts). The exceptions are two special areas that cross multiple zoning district types and that is the architectural district (largely downtown) and the interstate highway district. Instead of keeping a separate sign district, we have proposed to establish two sign overlay districts that are embedded in Chapter 1281 and so there will be no need for an entirely separate map.

8. Section 1281.08 consolidates sign regulations that are currently located outside of the sign code or, are established as part of a separate review (i.e., PUDs). For the most part, the sign language in the UVD and ADD-1 Districts will remain the same, with a few changes as suggested on the last pages of the annotated draft. For PUDs, we have added some guidance for Planning Commission and City Council to use when considering signs as part of a PUD.
9. Section 1281.09 is focused on permanent signage in the city. The first major section clarifies the amount of ground and building sign area allowed in any individual zoning district. The key change here is that the current code is rather challenging to read and understand what counts towards the sign allowances so we have tried to be crystal clear with the revisions.
  - a. As noted in the sign code audit, we have eliminated any references to on- versus off-premise messaging due to several pieces of case law. In reality, few if any businesses are going to give up or lease off space on the signs they have for other businesses so mandating it be on-premise is not necessary. The focus of the regulations is on what types of signs are allowed and the overall size and design of the sign, not the message.
  - b. The overall ratios have remained the same as far as the amount of sign area allowed. The first tables sets out the overall allowance while the remainder of the section sets limits on the various sign types. This approach gives sign users a lot of flexibility in designing sign packages that work best for them based on the location, setback, and other site conditions.
  - c. I will note that we have not set out that on corner lots, the amount of signage allowed is limited to one side of the building over the other (based on street frontage). This means that someone with a building on a corner lot can use signage from one frontage on the other, however, there are still maximum sign area for different sign types so monuments signs will still be similar in size and the ones in place now.
  - d. We have expanded the opportunity for sign users to use projecting signs in any zoning district as long as they meet set standards. There may be instances where someone outside of downtown wants to have a projecting sign on the building if it will be more legible to people walking up from a parking lot or from an adjacent building, as an example.
  - e. We have decreased the minimum setback for ground signs in industrial districts from 25 feet to 8 feet, reflective of best practices and no clear need to have such a wide setback.
  - f. We have increased the amount of window signage allowed from 30% to 50% in commercial zoning districts and from 15% to 25% in the downtown area. These ratios were checked by staff based on actual signs in the city.
  - g. We have created new sign regulations for drive-through facilities (e.g., banks and fast-food restaurants, etc.). There are limits on the size of the cabinets, per stacking lane, unless the drive-through signage is screened from view, in which case they can be any size. The purpose of this approach is to encourage the sign cabinets to be screened from view of streets.
  - h. We have incorporated provisions for driveway signs, which are the small directional signs you may see that say “enter” or “exit”. We have eliminated regulation of content but have maintained provisions to keep these small and only allow them in nonresidential zoning districts.



- i. The new provisions for signs at entries is intended to accommodate subdivision identification signs as well as large industrial or research parks, as an example. This simply allows for an additional sign for large developments that will not count toward the signs on any individual lot.
10. Section 1281.10 deals entirely with temporary signs. This is where there have been substantial changes to the regulations because temporary signs are where there was a substantial amount of content-based sign regulations (e.g., political, real estate, construction, etc.). As an alternative, we have focused on regulating the different types of signs allowed based on whether there is a commercial message or whether the message is related to Free Speech (e.g., political, opinion, religious, etc.). The city will remain relatively hands off when it comes to Free Speech signs but has placed some restrictions on the amount of commercial temporary signage allowed. Sidewalks signs are a form of temporary sign where the language was updated to allow them in all nonresidential zoning districts with the understanding that some businesses may use them on private sidewalks adjacent to their entries and not just on public sidewalks.
11. The remainder of the chapter incorporates updated versions of existing language related to the sign permit process, appeals, variances, etc. We have cleaned up this language, reflective of the goals set out for the update. One substantial change is the proposal to allow for variances to the maximum permitted message area to be heard by the Planning Commission, not the Board of Zoning Appeals. Currently Planning Commission hears variances within Planned Unit Developments, with the Board of Zoning Appeals being tasked with considering other variances. A review of City Charter allows this shift based on review by our Law Director who has participated in the sign code review. Other variance requests tied to the sign code will remain under the jurisdiction of the Board of Zoning Appeals.
12. The definitions included in the draft will be moved to Chapter 1290. These definitions have been overhauled to included definitions of all sign types while also removing definitions that no longer apply.
13. The final section of the document illustrates proposed changes related to signs in sections outside of Chapter 1281 and Chapter 1290 (Definitions). The revisions are based on the fact that some of the language is a universal standard applicable to all zoning districts or where we cleaned up terminology to keep it the same as terms we used in Chapter 1281. There are no substantive changes to the regulations.

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**1281.01 Short Title**

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This chapter shall be called and may be cited as the Springboro Sign Code.

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**1281.02 Purpose and Intent**

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- (a) It is the purpose and intent of this chapter to establish reasonable regulations which preserve the health, safety and general welfare of the public, while protecting each person's constitutional right to freedom of speech, as indicated by the following objectives:
  - (1) To prohibit signs which pose an unreasonable risk to the public safety;
  - (2) To limit the visual dominance of signs without unconstitutionally restricting the information conveyed;
  - (3) To provide for reasonable and appropriate methods for locating goods, services, and facilities in all zoning districts by relating the size, type and design of signs to the size, type and design of the uses and districts;
  - (4) To promote traffic safety by preventing obstructions within public rights-of-way, minimizing visual distractions to motorists, ensuring that sign size and height are appropriate to their location and preventing conflicts with public safety signs and police and fire protection;
  - (5) To maintain an aesthetically pleasing urban environment free of excessive visual clutter;
  - (6) To create a system of variances and appeals to allow exceptions, where justified by a hardship; and
  - (7) To facilitate rigorous enforcement of this chapter, while preserving each individual's right to due process.
- (b) 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 Chapter I, §11 of the Ohio Constitution. All regulations in this chapter are to be construed, whenever possible, in favor of vigorous political debate and accommodation of the rights of persons to speak freely.

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**1281.03 Definitions, Measurements, and Calculations**

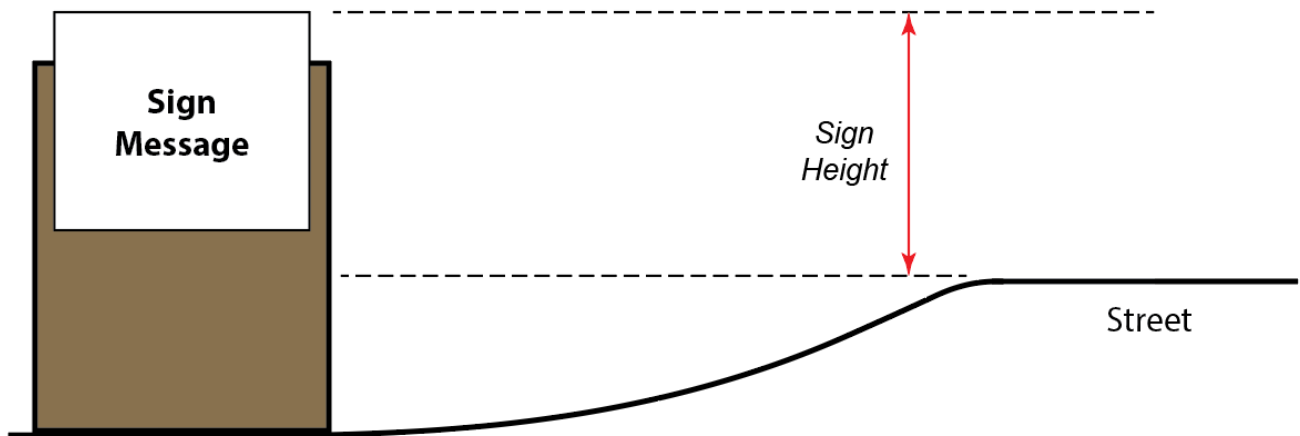
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- (a) For the purpose of this chapter, certain words and phrases shall have the meanings respectively ascribed to them in Chapter 1290.
- (b) Where terms are related to measurements and calculations set out in this chapter, such terms shall be as established in this section.
- (c) **Sign Setback**

All required setbacks for signs shall be measured as the minimum linear distance between a sign, building, or structure and:

  - (1) The right-of-way line of a public street or highway easement; or
  - (2) The side lot line of an adjacent parcel.
- (d) **Sign Height**
  - (1) 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.
  - (2) The filling of a hole or depression to create an average grade the same level as that surrounding the hole or depression is permitted, provided such filling is allowed by other ordinances.

- (3) 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. See Figure 1281-1.



*Figure 1281-1: Illustration of the measurement of sign height when the grade at the bottom of the sign is below the grade of the adjacent street.*

(e) **Sign Area**

The surface of a sign to be included when computing maximum allowable square footage of sign area shall be calculated as established in this section. For the purposes of calculating sign area, one of the following shapes may be used: circle, ellipse, triangle, square, rectangle, trapezoid, pentagon or hexagon.

- (1) The calculation of sign area shall not include any supporting framework, bracing or decorative fence or wall unless such structural support is determined to constitute an integral part of the sign design by means of text or other commercial message, as determined by the City Manager, or their designee. See Figure 1281-2.
- (2) For sign copy mounted or painted on a background panel, cabinet or surface distinctively painted, textured, lighted or constructed to serve as the background for the sign copy, the sign area shall be computed by means of the single smallest permitted shape that encompasses the extreme limits of the background panel, cabinet or surface. See Figure 1281-2 and Figure 1281-3.

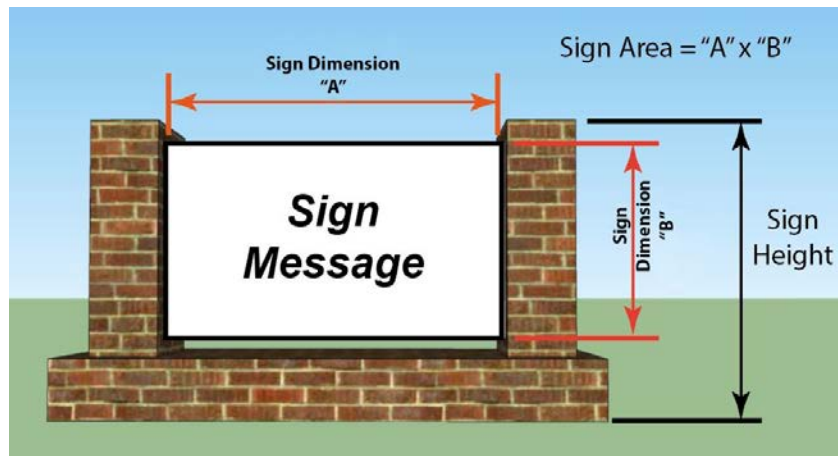


Figure 1281-2: Illustration of sign area calculation for a ground sign with a copy on a distinct, rectangular cabinet. The brick structural support is not included in the sign area calculation.



Figure 1281-3: Illustration of computing the sign area for wall signs with a background panel or cabinet.

- (3) For sign copy where individual letters or elements are mounted on a building façade or window where there is no background panel, cabinet or surface distinctively painted, textured, lighted or constructed to serve as the background for the sign copy, the sign area shall be computed by means of the single smallest permitted shape that encloses all the letters or elements associated with the sign. See Figure 1281-4.

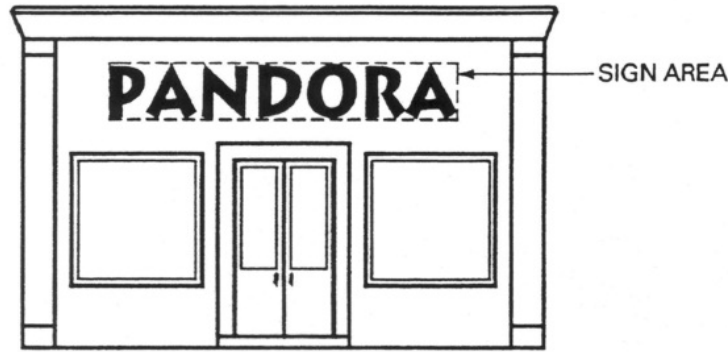


Figure 1281-4: Illustration of sign area calculation for wall signs with individual letters.

- (4) In cases where there are multiple elements of sign copy on the same surface, any areas of sign copy that are within two feet of one another shall be calculated as a single sign area that shall be computed by means of the smallest permitted shape that encloses all sign copy within two feet of one another, otherwise the sign area shall be computed for each separate piece of sign copy. See Figure 1281-5.

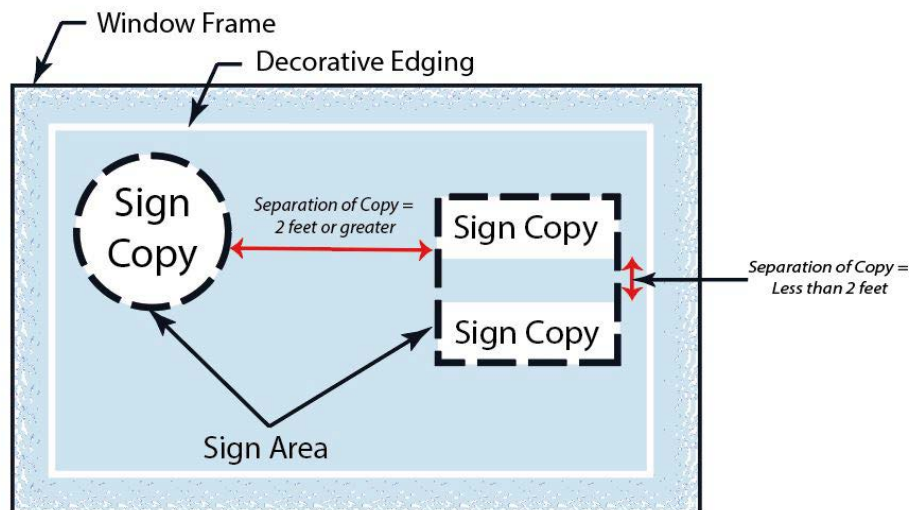
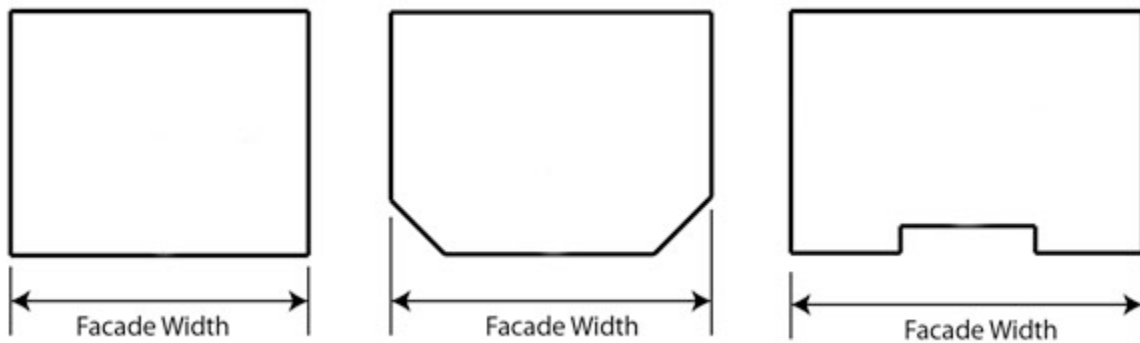


Figure 1281-5: Illustration of sign area calculations for multiple sign areas on a window sign.

- (5) Decorative edging or other window treatments that are not an integral part of the sign copy shall not be considered a part of the sign for the purposes of this chapter. See Figure 1281-5.
- (6) When two identically sized, flat sign faces are placed back-to-back with no more than six inches in separation, so that both faces cannot be viewed from any one point at the same time, the sign area shall be computed by the measurement of one of the sign faces. If the two faces are unequal, the sign area shall be calculated based on the larger of the two faces.
- (f) **Façade Measurements**
- (1) When calculating the permitted sign area based on the width of any façade, such calculation shall be based on viewing the façade from a 90-degree angle (i.e., straight on) from the adjacent street, regardless of façade insets, offsets or angles. See Figure 1281-6.



*Figure 1281-6: Illustration of façade width measurement on varied façade shapes.*

- (2) For multi-tenant buildings, the portion of a building that is owned or leased by a single occupant or tenant shall be considered a building unit.

#### **1281.04 General Applicability**

- (a) It shall hereafter be unlawful for any person to erect, place, relocate, expand, modify, maintain or otherwise alter a sign in the City except in accordance with the provisions of this chapter.
- (b) Unless otherwise stated, this chapter shall apply to any sign, in any zoning district, that is visible from a public right-of-way or from an adjacent property.
- (c) Any sign legally established prior to the effective date of this chapter, and which sign is rendered nonconforming by the provisions herein, shall be subject to the nonconforming sign regulations of Section [1281.11](#).
- (d) All signs shall require the issuance of a sign permit, as established in Section [1281.14](#), unless otherwise noted below or as specifically stated in other sections of this chapter.

#### **(e) Sign Permit Exemptions**

The following signs are subject to the requirements of this chapter are allowed in all districts but do not require a sign permit. Additionally, any sign area for these signs do not count toward the sign area allowances specified in this chapter for all other permitted signs. Permit-exempt signs, or the structures they are attached to, may still be subject to building code or other applicable code requirements.

- (1) Signs and/or notices issued by any court, officer or other person in performance of a public duty. Any such sign shall be removed no later than seven days after the last day it is required to be displayed;
- (2) Signs that are an integral part of the original construction of vending or similar machines, fuel pumps, automated teller machines, or similar devices that are not of a size or design as to be visible from a street or by any person other than those using the machine or device;
- (3) Any sign that is located completely inside a building that is not visible from the exterior (See also the definition of “window sign”.);
- (4) Signs that are located within a stadium, open-air theater, park, arena or other outdoor use that are not visible from a public right-of-way or adjacent property, and can be viewed only by persons within such stadium, open-air theater, park, arena or other outdoor use;

- (5) Sign face changes where the sign structure is designed with interchangeable panels and one of the panels is replaced without changing the structure, including any changes to the total sign face area, height or alteration of the sign cabinet. Such permit exemption shall not apply to signs in the Architectural Sign Overlay District (See Section 1281.07.) where a certificate of appropriateness is required;
- (6) Certain temporary signs as established in Section 1281.10;
- (7) A single wall sign placed on the façade of an individual dwelling unit that is not illuminated and does not exceed four square feet in area.
- (8) Signs that 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, Warren or Montgomery Counties, or the City of Springboro;
- (9) Any signs located on umbrellas, seating or similar patio furniture provided they are located outside of the right-of-way and comply with any other applicable standards of this chapter;
- (10) Ground signs and markings located completely within the interior of a lot used for a cemetery where such signs are not designed to be visible from a public street;
- (11) Any sign on a truck, bus or other vehicle that is used in the normal course of a business (e.g., deliveries or fleet vehicles for contractors) for transportation (see also Section 1281.05(s)), or signage required by the State or Federal government;
- (12) Signs installed or required by a governmental agency including the City of Springboro, Warren or Montgomery Counties, the State of Ohio, and the United States, including local and regional transit agencies;
- (13) Any warning signs or traffic safety signs required by public utility providers;
- (14) Hand-held signs not set on or affixed to the ground;
- (15) Flags located on flagpoles or on wall-mounted posts provided that the following shall apply:
  - A. Only one flag pole is permitted on any lot, with a maximum height of 30 feet and a maximum sign area of 40 square feet for any individual flag attached to the pole.
  - B. Only one wall-mounted flag post is permitted, per building, with a maximum projection of six feet and a maximum sign area of 15 square feet per flag.
  - C. The flags shall not contain a commercial message or speech except that one flag on any lot in a commercial or industrial zoning district may contain a commercial message.
- (16) Any address numbers required by the City of Springboro, Clearcreek Fire District, or U.S. Post Office;
- (17) Changes of copy on signs with changeable copy;
- (18) Any signs, including illuminated signs, or related decorations erected in observance of religious, national or state holidays which are not intended to be permanent in nature and which contain no advertising material; and
- (19) General maintenance, painting, repainting, cleaning and other normal maintenance and repair of a sign or any sign structure unless a structural change is made.

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#### **1281.05 Prohibited Signs**

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The following types of signs are specifically prohibited within the City of Springboro:

- (a) Any sign that copies or imitates signs that are installed by the City or any other governmental agencies or falsely purports to have been authorized by the City or other governmental agency;
- (b) Signs that interfere with, obstruct the view of or be similar in appearance to any authorized traffic sign, signal or device because of its position, shape, use of words or color;
- (c) Signs that constitute a hazard to safety or health by reason of inadequate or inappropriate design, construction, repair or maintenance, as determined by the City Manager, or their designee;



- (d) Signs that obstruct or interfere with traffic or traffic visibility. See also Section 1262.08;
- (e) Windblown devices and signs that flutter with the exception of flags as allowed by the City of Springboro and this chapter;
- (f) Balloon signs and air-activated signs;
- (g) Three-dimensional signs and multi-faced signs unless two identically sized, flat sign faces are mounted back-to-back with no more than six inches in separation;
- (h) Signs utilizing dayglo colors.
- (i) Signs that employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention. This shall not include changeable copy signs as allowed in this chapter;
- (j) Signs with moving or flashing lights except as noted in the changeable copy sign section;
- (k) Beacons and searchlights, except for emergency purposes;
- (l) Signs or other structures that advertise a business that has not been in business for six months or more, or advertises a product or service that has not been available on the property for the past six month, because such signs are misleading to the public, create undue visual clutter and pose a hazard to traffic control and safety;
- (m) Pennants and streamers;
- (n) Signs that are applied to trees, bus shelters, utility poles, benches, trash receptacles, newspaper vending machines or boxes, or any other unapproved supporting structure, or otherwise placed in the public right-of-way except as provided for in Section 1281.06(e);
- (o) Signs that obstruct or substantially interfere with any window, door, fire escape, stairway, ladder or opening intended to provide light, air, ingress or egress to any building;
- (p) Signs which are not securely affixed to the ground or otherwise affixed in a permanent manner to an approved supporting structure unless specifically permitted as a temporary sign;
- (q) Roof signs or any signs mounted on or above the roofline of any building or structure except as permitted on canopy signs in Section 1281.09;
- (r) Portable signs with the exception of sidewalk signs permitted in Section 1281.11; and
- (s) Mobile signs:
  - (1) Mobile signs viewed from a public road with the primary purpose of advertising through signage not otherwise allowed by this chapter. A mobile sign shall be considered to be used for the primary purpose of advertising if:
    - A. The vehicle or trailer has signage attached to it and fails to display current license plates and registration; or
    - B. The vehicle or trailer has signage attached to it and is inoperable.
  - (2) Vehicles or trailers shall not be parked continuously in one location to be used primarily as additional signage. These regulations do not apply to:
    - A. A vehicle parked at a driver's residence that is the primary means of transportation to and from his or her place of employment;
    - B. Fleet and delivery vehicles that are actively used as part of a local business establishment; or
    - C. Any vehicle that is painted or otherwise covered with signage that is used by any person as a personal means of transportation or is actively used as part of a local business establishment.
- (t) Any sign not specifically allowed or addressed by this chapter shall be prohibited.

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#### **1281.06 General Regulations for All Signs**

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Unless otherwise specifically stated, the following regulations shall apply to all signs within the City:

- (a) Permanent signs are considered accessory uses and shall be accessory to a principal use provided for by the Springboro Zoning Code. Temporary signs may be permitted on all lots, regardless of the presence of a principal use, provided the temporary signs are in compliance with this chapter.
- (b) All signs shall be constructed in compliance with the applicable building and electrical codes as well as any other City regulations.
- (c) All signs shall be secured in such a manner as to prevent swinging or other significant noticeable movement, not including movement related to permitted electronic message signs.
- (d) Signs supported by or suspended from a building shall hang so as to maintain a minimum clear height of eight feet above a sidewalk or other pedestrian-only path and 14 feet above a vehicular path.

(e) **Signs in Rights-of-Way**

- (1) Signs shall be prohibited in the right-of-way with the exception of:
  - A. Signs installed by the City of Springboro, Warren or Montgomery Counties, the State of Ohio, and the United States, including local and regional transit agencies;
  - B. Any warning signs or traffic safety signs required by public utility providers; or
  - C. Where specific signs are authorized to be located in a right-of-way as stated in this chapter.
- (2) The City Manager, or their designee, may remove or cause to be removed any unlawful sign in the public right-of-way.

(f) **Removal of Unlawful Signs**

- (1) Any sign which violates the provisions of this chapter shall be declared a public and private nuisance, and the City shall give seven days' notice by personal service or by registered or certified mail, to the owner or lessee of the land on which such sign is located, to remove such sign. However, in the case of an unlawful sign which is not permanently attached to the ground or to a building or structure, the City need give only 24 hours' notice to remove the sign. The owner or lessee shall have the right of appeal to the Board of Zoning Appeals.
- (2) If any such sign has not been removed on or before the expiration of the applicable notice period prescribed in subsection (1) hereof, or within seven days after the adverse decision of the Board of Zoning Appeals, the City or any of its duly authorized agents may enter upon the premises and cover, remove, or otherwise abate the sign. The cost of such covering, removal, or abatement shall be paid out of any money in the City Treasury not otherwise appropriated. City Council shall make a written return to the County Auditor with a statement of the charges for services in covering, removing, or abating the sign, together with a legal description of the parcel. Such amounts shall be certified to the county auditor for entry upon the tax duplicate, shall constitute a lien upon such lands from the date of the entry and shall be collected as other taxes and returned to the City's General Fund.
- (3) Notice to the owner or lessee shall not be required prior to the removal of a hazardous sign which, in the joint opinion of the City Manager, or their designee, and City Engineer, creates an immediate danger to persons or property due to structural design deficiencies, inadequate maintenance or improper location. Notice to the owner or lessee shall not be required prior to the removal of any sign unlawfully placed on public property.

(g) **Sign Illumination**

All signs, unless otherwise stated in this chapter, may be illuminated by internal or external light sources, provided that such illumination complies with the following:

- (1) Lights shall not be of such brightness so as to cause glare that is hazardous to pedestrians or motorists, or cause reasonable objection from adjacent residential zoning districts.

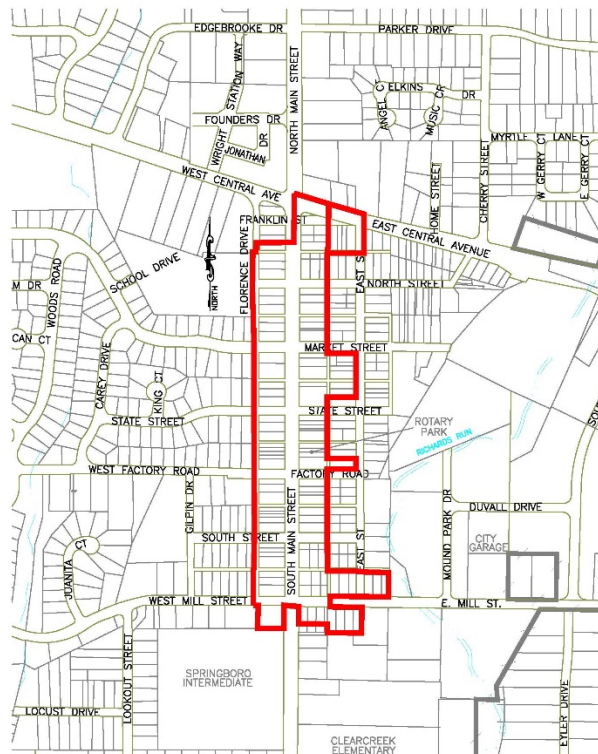
- (2) Light sources to illuminate permanent signs located inside or outside of buildings shall not be of excessive brightness or cause glare hazardous to pedestrians or drivers of automobiles, or be objectionable to adjacent residential zoning districts.
- (3) No illumination of signs shall flash.

(h) **Maintenance**

- (1) Every sign shall be maintained in a safe, presentable and good structural condition at all times, including the replacement of a defective part, painting, cleaning and other acts required for the maintenance of the sign so as not to show evidence of deterioration, including peeling, rust, dirt, fading, damage, discoloration or holes.
- (2) Whenever a sign is to be removed pursuant to the requirements of this section, all parts of the sign and supporting structure (e.g., pole, foundation, cabinet structure, etc.), excluding buildings for wall, projecting or similar signage, shall be removed in its entirety. This section shall not require the removal of a raceway if mounted to such structure on a building.
- (3) The City Manager, or their designee, may order the removal or repair of any sign that, has become insecure, in danger of falling or otherwise unsafe, or presents a threat to the public safety.

**1281.07 Sign Overlay Districts**

- (a) There is hereby established an Architectural Sign Overlay District (See Figure 1281-7.) and a separate Interstate Sign Overlay District (See Figure 1281-8.) that establishes special sign requirements for all lots within the overlay district, regardless of what the established zoning district is for the lot.



*Figure 1281-7: Boundaries of the Architectural Sign Overlay District*



*Figure 1281-8: Boundaries of the Interstate Sign Overlay District*

**(b) Architectural Sign Overlay District**

In addition to any specific standards stated in this chapter, all signs within the Architectural Sign Overlay District, shall be subject to architectural review in accordance with the following.

- (1) All permanent signs associated with a protected property in the Architectural Sign Overlay District shall not be permitted unless it has first been issued a Certificate of Appropriateness by the City Architectural Review Board (ARB), pursuant to Chapter 1230 of the Codified Ordinances, Section 1230.08. In determining whether to grant approval, the ARB shall consider the following:
  - A. Is the sign appropriate in scale to the building with which it is associated?
  - B. Is the sign appropriate in design to the architectural style or period of the building with which it is associated?
  - C. Are the colors selected for the sign compatible with the building with which it is associated?
  - D. Is the sign located so as to reasonably minimize adverse aesthetic effects on the architectural design of the building with which it is associated?
- (2) Application for a Certificate of Appropriateness is required with an application for the sign permit. Applications shall be on a form prescribed by the City, accompanied by a dimensioned scale drawing or dimensioned photograph of the sign indicating its typographic style, graphics, colors, supporting structure and other visual detail.

**1281.08 Signs in the UVD, ADD-1, and PUD Districts**

All development in a UVD, ADD-1, and PUD District shall be subject to the standards of this chapter, including standards for permanent and temporary signs, unless otherwise modified below or through the applicable review and approval process. In general:

(a) **Signs in the UVD District**

See Chapter 1267 for Urban Village District sign regulations.

(b) **Signs in the ADD-1 District**

See Chapter 1268 for Austin Development District sign regulations.

(c) **Signs in a PUD District**

Signs in a PUD District should generally follow the guidelines below. The City Planning Commission shall have authority to approve modifications from the provisions of this chapter as part of its comprehensive review and approval of a PUD, if a comprehensive signage plan is submitted by the developer prior to final approval of the planned unit development. In such cases, the Planning Commission shall endeavor to maintain consistency with this chapter to the maximum extent feasible.

- (1) Residential uses in a PUD should comply with the sign requirements applicable to residential zoning districts in this chapter.
- (2) Commercial, office, and public and institutional uses in a PUD should comply with the sign requirements applicable to commercial zoning districts in this chapter.
- (3) Industrial uses in a PUD should comply with the sign requirements applicable to industrial zoning districts in this chapter.

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**1281.09 Permanent Sign Allowances**

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The following are the types of permanent signs allowed in the City of Springboro, including any applicable regulations for each type of sign.

(a) **Building and Ground Signs**

(1) **Maximum Sign Area for All Building and Ground Signs**

- A. Table 1281-A establishes the total maximum sign area allowed for the aggregate sign area of all building and ground signs on a lot as established in this section.
- B. The maximum sign area in Table 1281-A does not include the sign areas of the following sign types that might also be located on the lot including:
  1. Temporary signs;
  2. Window signs;
  3. Drive-through facility signs;
  4. Driveway signs;
  5. Pole signs in the Interstate Sign Overlay District; and
  6. Permanent signs at entries.

<b>TABLE 1281-A: MAXIMUM BUILDING AND GROUND SIGN AREA</b>	
<b>District</b>	<b>Maximum Sign Area Allowance</b>
<b>Residential Zoning Districts</b>	<p>Ground and building signs are prohibited for residential uses in residential zoning district except for wall signs allowed in Section 1281.04(e).</p> <p>Ground signs and buildings signs are permitted for nonresidential uses that are permitted in residential zoning districts. Such uses shall be allowed the same amount of sign area as provided for nonresidential uses in commercial zoning districts below and within this subsection.</p>
<b>Commercial Zoning Districts</b>	<p>1.0 square foot of sign area per lineal foot of façade width of the building if the adjacent thoroughfare has a speed limit of less than 40 miles per hour or 1.5 square foot of sign area per lineal foot of façade width of the building if the adjacent thoroughfare has a speed limit of 40 miles per hour or greater.</p> <p>Where a building has multiple street frontage (e.g., a corner lot), the maximum sign area shall be the sum of the maximum sign area allowed for each of the building facades facing a street, as calculated based on the ratio above.</p>
<b>Industrial Zoning Districts</b>	For lots where the principal building has a gross floor area of 10,000 square feet or less: 15 square feet of sign area shall be permitted for each 1,000 square feet of floor area, or fraction thereof.
	For lots where the principal building has a floor area of more than 10,000 square feet: 150 square feet of sign area for the first 10,000 square feet of floor area plus an additional five square feet for each additional 1,000 square feet of floor area, or fraction thereof, over that first 10,000 square feet.
<b>Architectural Sign Overlay District</b>	20 square feet of sign area per principal building.

(2) **Building Signs**

- A. There is no maximum number of permitted building signs.
- B. In commercial zoning district, there shall be a maximum sign area for any individual building sign as established in Table 1281-B.

<b>TABLE 1281-B: MAXIMUM INDIVIDUAL BUILDING SIGN AREA IN COMMERCIAL ZONING DISTRICTS</b>		
<b>Sign Setback from the Curb of the Adjacent Street</b>	<b>Maximum Sign Area of any Individual Building Sign</b>	
	<b>If Street Frontage Has a Ground Sign</b>	<b>If Street Frontage Does Not Have a Ground Sign</b>
0 to 100 Feet	35 Square Feet	65 Square Feet
101 to 250 Feet	50 Square Feet	80 Square Feet
251 to 350 Feet	75 Square Feet	105 Square Feet
351 Feet and Over	100 Square Feet	130 Square Feet

- C. No single building sign may exceed 500 square feet in sign area in any zoning district.
- D. Building signs shall include the total amount of all wall, awning, canopy, soffit, and projecting signs attached to the building. Standards for each individual building sign type are established in this section.
- E. Building signs shall not extend above or beyond the surface on which they are attached (e.g., extends beyond the sides of the façade wall or above the roofline);
- F. Building signs shall not extend above the top of the roofline of the building to which it is attached. For canopy signs, the signs may be attached above the canopy, which is attached permanently to the building, provided that the sign does not extend above the top of the roofline of the building.

- G. Building signs may not be attached to mechanical equipment, roof screening, or detached accessory structures.
- H. Building signs may be internally or externally illuminated with the exception of signs in the Architectural Sign Overlay District, in which case, internally illuminated signs are prohibited.
- I. Building signs shall not include electronic message signs.
- J. **Wall Sign Standards**  
Any wall sign shall comply with the following standards:
  - 1. Wall signs shall be mounted on or flush with a wall and shall not project more than 18 inches from the wall or face of the building to which it is attached except in the Architectural Sign Overlay District where walls signs shall not project more than six inches from the wall or face of the building.
  - 2. A wall sign may be mounted on the façade wall or mounted on a raceway or wireway.
  - 3. No wall sign shall cover or obscure any wall opening.
  - 4. No wall sign shall be nearer than five feet to any other sign unless such space is calculated as part of the total sign area. See Section [1281.03](#).
  - 5. No wall sign shall extend above the parapet of the main building to which it is attached, nor beyond the vertical limits of such building.
  - 6. The wall sign allowance may be used for signs attached to roofed structures over fueling stations.
  - 7. Wall signs shall not be painted directly on a building or wall in the Architectural Overlay Zoning District.
  - 8. Wall signs shall not exceed one-half of the height of the surface to which they are attached, or eight feet, whichever is greater, in the Architectural Overlay Zoning District.
- K. **Awning or Canopy Sign Standards**  
Any canopy sign shall comply with the following standards:
  - 1. Signage shall not cover more than 15 square feet of any individual awning or canopy.
  - 2. Signage may be mounted above any canopy that extends over a customer entrance provided that the maximum sign height over the canopy shall be 18 inches as measured from the top of the canopy to the top of the sign.
  - 3. Only the area of the sign may be illuminated internally on an awning or canopy. The remainder of any awning canopy shall not be illuminated or may be illuminated by an external source such as gooseneck lighting.
- L. **Projecting Sign Standards**  
Any projecting sign shall comply with the following standards:
  - 1. Only one projecting sign shall be permitted for each tenant or building unit except in the Architectural Sign Overlay District when there shall be a maximum of one projecting sign per building.
  - 2. A projecting sign shall be perpendicular to the wall of the building to which it is attached and shall not extend more than four feet from the façade wall to which it is attached.
  - 3. Projecting signs shall maintain a minimum six-inch clearance from the façade of any building.



4. Decorative supporting structures for projecting signs are encouraged and shall not count toward the maximum square footage of sign area allowed, however, in no case shall the supporting structure exceed six square feet in area.
5. The maximum sign area for a projecting sign shall be nine square feet.
6. Projecting signs shall not be internally illuminated.
7. Projecting signs must be suspended from brackets approved by the City Manager, or designee, and contain no exposed guy wires or turnbuckles.
8. Projecting signs shall not encroach into any right-of-way except in the Architectural Sign Overlay District when such signs may project up to three feet in the right-of-way subject to the clearance requirements of Section 1281.06(d).

**M. Soffit Signs**

Soffit signs are permitted where they hang parallel to the building façade and do not extend beyond the fascia. See Figure 1281-9.



*Figure 1281-9: Image that shows an example of a soffit sign hanging parallel with the street façade.*

**(3) Ground Signs**

- A. Only one ground sign is permitted per street frontage. In the Architectural Sign Overlay District, there shall be a maximum of one ground sign per lot.
- B. Table 1281-C establishes the minimum setback and maximum height and sign area for ground signs in zoning districts.



<b>TABLE 1281-C: GROUND SIGN STANDARDS</b>			
<b>District</b>	<b>Minimum Setback from Curb</b>	<b>Maximum Height</b>	<b>Maximum Sign Area</b>
<b>Commercial Zoning Districts</b>	8 Feet	6 Feet	30 Square Feet
<b>Industrial Zoning Districts</b>	8 Feet (See Also Maximum Sign Area.)	20 Feet	100 Square Feet. The maximum sign area may exceed 100 square feet provided there is one additional foot in setback, beyond the 8-foot minimum, for each additional 8 square feet of sign area beyond the initial 100 square feet of sign area.
<b>Architectural Sign Overlay District</b>	4 Feet	6 Feet	20 Square Feet
Note: In no case shall any ground sign exceed 300 square feet in sign area, in any zoning district.			

**C. Ground Sign Design Requirements**

1. Permitted ground signs shall be located in a landscaped area equal to or larger than the total sign area of the applicable sign. Such landscaped area may be an area that fulfills any landscaping requirements of this code. The landscaped area shall include all points where sign structural supports attach to the ground.
2. Ground signs shall be monument signs such as no support structures are visible.
3. The sign base shall be constructed of the same materials as the building, and the sign style shall be consistent with the architecture of the building located on the same premises.
4. Exposed sign foundations shall be constructed with a finished material such as brick, stone, or wood.

**D. All illumination of signs shall be subject to Section 1281.06 (g).**

- E. Ground signs may contain changeable copy. A ground sign may contain up to 100 percent of manual changeable copy in sign area or up to 50 percent of an electronic message sign in sign area subject to the following:**
1. No additional changeable copy sign area shall be permitted on a ground sign if there is an electronic message sign.
  2. Electronic message signs shall be entirely enclosed in a frame that is flush with the ground or may be mounted on a foundation or pedestal as part of the overall ground sign. Permitted exterior cladding materials for the frames for such signs are stone or brick.
  3. Any electronic message sign shall remain static for a minimum of 8 seconds. The transition interval between messages shall be accomplished within 1 second or less and no animation is permitted during the transition except for a fade or dissolve pattern as defined by this chapter.
  4. The complete message must fit on one screen.
  5. Electronic message signs may be located in residential districts but shall comply with the following:
    - a. Only one electronic message sign is permitted on any lot.
    - b. The sign shall be set back a minimum of 200 feet from any building used as a residential dwelling; and

- c. The electronic message sign shall not be operable before civil dawn or after civil twilight but in no case more than 30 minutes before sunrise and no more than 30 minutes after sunset.
- 6. The electronic message sign shall come equipped with an automatic dimming photocell, which automatically adjusts the display's brightness based on ambient light conditions.
- 7. Illumination shall not exceed 0.3 footcandles over ambient lighting conditions when measured at 50 feet in any direction from an electronic message sign.
- 8. Audio emissions from electronic message signs shall be prohibited.

**(b) Pole Signs in the Interstate Sign Overlay District**

In addition to any ground signs permitted above, one additional pole sign may be permitted on any lot within the Interstate Sign Overlay District in accordance with this section. Such sign shall not be counted as part of the building and ground sign allowance in Section 1281.09(a), above.

- (1) Each pole sign shall be located and oriented so that its message area is clearly and continuously visible from at least one direction of travel on the interstate highway.
- (2) The pole sign shall not exceed 60 feet in height. A variance permitting a greater height may be granted by the Board of Zoning Appeals only if all the following conditions are present:
  - A. The 60-foot height limitation prevents compliance with subsection 1281.09(b)(1) hereof due to one or more visual obstructions. For the purpose of this subsection 1281.09(b)(2), other signs shall not be regarded as visual obstructions.
  - B. The effect of the obstructions cannot be feasibly avoided by locating the sign elsewhere on the same parcel for which the sign is proposed.
  - C. The height granted by the variance is no more than 10 feet greater than necessary to satisfy the visibility requirement of subsection 1281.09(b)(1) hereof.
  - D. The location of the sign will not interfere with the continuing compliance of a previously existing sign to the visibility requirement of subsection 1281.09(b)(1) hereof.
- (3) Any pole sign with an overall height greater than 25 feet shall be supported by a single pole or standard. All poles or standards used to support the sign shall be painted black or brown. Wood poles or standards shall not be permitted.
- (4) Each sign permit application for the pole sign shall be accompanied by the certification of a professional architect or engineer that the proposed sign meets all applicable structural safety standards.
- (5) The sign area of the pole sign shall not exceed 120 square feet.
- (6) Electronic message signs may be permitted on the pole sign provided:
  - A. The message area for an electronic message sign shall not exceed 20 percent of the allowable for the pole sign.
  - B. Light emitted from the electronic message sign shall be limited to a single illuminated color of sign message on a non-illuminated background color.
  - C. The electronic message sign meets all other standards as established in Section 1281.09(a)(3)E.
- (7) Such sign shall be set back a distance of at least 8 feet from all public rights-of-way, and shall not be permitted at any location where vehicular sight distances are adversely affected.

**(c) Window Signs**

- (1) Window signs shall not require a sign permit but must comply with the requirements of this section.

- (2) Window signs shall not occupy more than:
  - A. 50 percent of the window area in commercial and industrial zoning districts; or
  - B. 25 percent in any district subject to the Architectural Sign Overlay District.
- (3) The sign area is based on the total window area, regardless of the presence of an awning. Window areas separated by piers, architectural elements, or similar features that are not glass or window framing or support shall be considered separate and distinct window areas. See Figure 1281-10.



*Figure 1281-10: The window area is illustrated within the dashed line area for the two storefronts in the above image. The dashed lines highlight two separate window areas due to the separation by an architectural feature not related to the windows.*

- (4) Window signs may be temporarily or permanently attached to the window surface.
  - (5) The sign area of window signs shall not be counted as part of any other sign allowance in this chapter.
  - (6) Window signs are not permitted in any window of a space used for residential uses or purposes unless allowed as a temporary sign in accordance with Section 1281.10.
  - (7) Window signs shall not be illuminated except when illuminated by an external lighting source or up to one square foot of window signage may be internally illuminated provided there is no blinking, flashing, or other movement of the lighting source.
- (d) **Drive-Through Facility Signs**
- (1) Drive-through facility signs shall only be permitted in commercial and industrial zoning districts.
  - (2) One drive-through facility sign shall be allowed for each stacking lane in a drive-through facility provided the total aggregate sign area of all ground signs associated with each drive-through facility does not exceed 72 square feet. In no case shall a single drive-through facility sign exceed 36 square feet in sign area.
  - (3) Such signs shall be oriented so as to only be visible to occupants of vehicles in the stacking lanes of the drive-through facility.
  - (4) No drive-through facility sign under this section shall exceed six feet in height measured from the grade of the adjacent driving surface to the top of the sign.
  - (5) Drive-through facility signs may be internally or externally illuminated. Up to 100 percent of each sign may be an electronic message sign if they comply with the following standards:
    - A. Any message change shall be a static, instant message change.

- B. Only Light Emitting Diodes (LED) technology or similar quality signs shall be permitted for electronic message signs.
  - C. The electronic message sign shall come equipped with an automatic dimming photocell, which automatically adjusts the display's brightness based on ambient light conditions.
  - D. The electronic message sign shall be turned off during the hours when the related business is closed.
- (6) There shall be no maximum drive-through facility sign area in instances where the signs are fully screened from view of any public street or adjacent residential use.
  - (7) The sign area of drive-through facility signs shall not be counted as part of any other sign allowance in this chapter.
  - (8) Drive-through facility signs attached to a wall of building shall be calculated as part of the building signage allowance in Section [1281.09\(a\)\(2\)](#).

(e) **Driveway Signs**

- (1) Driveway signs are only permitted in commercial and industrial zoning districts. Driveway shall also be permitted in residential zoning districts only when permitted as part of a permitted nonresidential use.
- (2) A maximum of two signs shall be permitted for any one driveway.
- (3) Driveway signs shall be set back at least five feet from all lot lines but in no case shall the sign be set back more than 25 feet from the edge of the driveway where it intersects with the public street.
- (4) Each driveway sign shall not exceed four square feet in area and three feet in height.
- (5) Driveway signs may be internally or externally illuminated.
- (6) The sign area of driveway signs shall not be counted as part of any other sign allowance in this chapter.

(f) **Permanent Signs at Entries**

Permanent signs may be permitted within a residential subdivision with more than 25 lots, a multi-family development with over 25 units, a nonresidential subdivision with more than 10 acres, or for large, nonresidential multi-tenant buildings on a single lot with more than 10 acres in accordance with the provisions of this section.

- (1) The placement and allocation of the permanent sign shall be reviewed and decided upon during the subdivision platting process or as part of a site plan review, whichever is applicable and/or comes first where both are required. A sign permit shall be required for the installation and/or any changes to the signs in accordance with this chapter.
- (2) A satisfactory performance guarantee must be posted with the City, where required for subdivisions, assuring completion of the public improvements in the development.
- (3) One permanent ground sign shall be permitted for each subdivision or development where such signs are permitted. The Planning Commission may permit additional signs if the subdivision or development has separate access points off of a collector or arterial road.
- (4) The sign shall be located within 150 feet of an entrance point into the subdivision or development.
- (5) The sign may be located in the right-of-way upon written approval of the specific size, design and location by the City Engineer and if such location is significantly more beneficial to the public interest than any location on private property.

- (6) The maximum sign area shall be 40 square feet if the adjacent thoroughfare has a speed limit of less than 40 miles per hour or a maximum sign area of 60 square feet where the adjacent thoroughfare has a speed limit of 40 miles per hour or greater.
- (7) The maximum sign height shall be six feet in residential zoning districts and 10 feet in nonresidential zoning districts
- (8) The subdivision plat or site plan shall include the location of the sign and how the sign area shall be allocated to individual lots or tenants for nonresidential development.
- (9) Signs permitted under this section may be located on a lot with another freestanding sign as allowed in Section 1281.09(a) without reducing the amount of other signage allowed on the same lot in accordance with this chapter.
- (10) **Ground Sign Alternative**
  - A. Up to two wall signs may be permitted as an alternative to the permitted ground sign above.
  - B. The wall signs shall be mounted to a decorative wall or fence that generally runs parallel with the street and has a minimum length of 500 feet.
  - C. If an applicant proposes to use wall signs, no ground sign as allowed above, shall be permitted.

#### **1281.10 Temporary Sign Allowances**

The following are the types of temporary signs allowed in the City of Springboro, including any applicable regulations for each type of sign.

##### **(a) Standards Applicable to All Temporary Signs**

- (1) Temporary signs shall not be mounted, attached, affixed, installed or otherwise secured in a manner that will make the sign a permanent sign.
- (2) No temporary sign shall be mounted, attached, affixed, installed or otherwise secured so as to protrude above the roofline of a structure.
- (3) Temporary signs shall not be posted in any place or in any manner that is injurious to public property including, but not limited to, rights-of-way, utility poles and public trees.
- (4) All temporary signs shall be secured in such a manner as to prevent swinging or other significantly noticeable movement resulting from the wind that could pose a danger to people, vehicles or structures.
- (5) Temporary signs shall be required to comply with applicable clear vision area requirements of Section 1262.08.
- (6) Unless otherwise specifically stated, temporary signs shall not be illuminated.
- (7) Banner signs shall not be subject to the maximum height requirements of this section provided they are not attached above any roofline.
- (8) No temporary sign shall require a foundation, support, wiring, fittings or elements that would traditionally require a building permit or electrical permit.
- (9) Temporary signs shall not be affixed to any permanent sign or permanent structure except when a banner sign is permitted to cover a permanent sign in accordance with Section 1281.10(d)(3) or when such sign is attached to the principal building as permitted in this chapter.
- (10) No streamers, spinning, flashing, windblown devices or similarly moving devices shall be allowed as part of or attachments to temporary signs.

- (11) Where a temporary sign is designed to have two sign faces (sidewalk signs or temporary yard signs), such sign faces shall be of the same size and mounted back-to-back. In the cases of an A-frame sidewalk sign, the sign faces shall be mounted back-to-back but may have an angular separation between faces to form the A-frame shape.
- (12) Temporary signs shall be constructed of a material that is substantial enough to withstand typical winds and weather for the duration of the placement.
- (13) Because of the nature of materials typically used to construct temporary signs and to avoid the unsightliness of deteriorating signs and all safety concerns which accompany such a condition, temporary signs shall be removed or replaced when such sign is deteriorated.

**(b) Temporary Signs without a Commercial Message**

Temporary signs without a commercial message do not require a sign permit provided they comply with the following standards:

- (1) Such signs shall comply with the standards that apply to all temporary signs in Section [1281.10\(a\)](#) above.
- (2) Such signs shall be limited to temporary window signs (i.e., not permanently affixed to the window), banner signs, or temporary yard signs.
- (3) The maximum height of temporary signs without commercial message shall be six feet unless:
  - A. It is a banner sign mounted to a structure, in which case, the banner sign shall not be mounted above the roofline or the top of the structure; or
  - B. The applicable zoning district allows for taller permanent ground signs, in which case, the temporary signs shall not exceed the height of the maximum height allowed ground signs in the applicable zoning district.
- (4) Banner signs without a commercial message may be attached to a building, fence, or other similar permanent structure.
- (5) There shall be no limitation on the number or size of temporary signs without a commercial message.

**(c) Additional Temporary Signs in Residential Zoning Districts**

In addition to the temporary signs permitted in Section [1281.10\(b\)](#), temporary signs with a commercial message shall be permitted on any single lot in a residential zoning district in accordance with the following:

- (1) The signs are limited to temporary yard signs or signs posted in a window.
- (2) The maximum sign area for all temporary signs with a commercial message shall be 12 square feet with a maximum height of six feet. No single sign shall exceed six square feet in sign area.
- (3) There shall be no time limit established for these signs but such signs shall be removed if they are deteriorated.

**(d) Additional Temporary Signs in Commercial and Industrial Zoning Districts and in the Architectural Sign Overlay District**

In addition to the temporary signs permitted in Section [1281.10\(b\)](#), temporary sign with a commercial message shall be permitted on any single lot in a commercial or industrial zoning district, or in the Architectural Sign Overlay District, in accordance with this subsection.

**(1) Sidewalk Signs**

- A. Only one sidewalk sign is allowed for each business establishment and shall be located within five feet of the entrance of such business.



- B. The sidewalk sign shall be limited to an A-frame sidewalk sign or a T-frame sidewalk sign.
  - C. There shall be no time limitation for sidewalk signs with the exception that the sign shall only be placed outside during the hours of the establishment's operation.
  - D. Such signs shall not exceed 12 square feet in area with a maximum sign width of three feet and a maximum sign height of four feet.
  - E. The sign may be located on a public or private sidewalk or walkway provided it is placed on pavement and not in any landscaped areas. Additionally, such signs shall not be placed on pavement used for vehicles (e.g., driveways and parking lots).
  - F. The width and placement of the sign shall be such so that there shall be a minimum width of four feet of clear and passable sidewalk or walkway for pedestrians.
  - G. The sign must be freestanding and shall not be affixed, chained, anchored, or otherwise secured to the ground or to any pole, parking meter, tree, tree grate, fire hydrant, railing, or other structure.
  - H. The sign must not obstruct access to parking meters, bicycle racks and other features legally in the right-of-way.
  - I. The sign must not interfere with the opening of car doors in legal spaces, or with the operation of wheelchair lifts and ramps, cab stands, loading zones or bus stops.
  - J. The sign shall be internally weighted so that it is stable and windproof.
  - K. The City of Springboro shall be held harmless from any liability resulting from accident or injury caused by the placement and/or maintenance of such sign.
- (2) **Temporary Signs without Time Limits**
- The following temporary signs shall be permitted on any lot in a commercial or industrial zoning district, or on a lot in the Architectural Sign Overlay District:
- A. The maximum area of all temporary signs subject to this subsection shall be 32 square feet and no single sign shall exceed 16 square feet in sign area.
  - B. The maximum height shall be six feet.
  - C. The signs are limited to temporary yard signs, banner signs, or signs posted in a window.
  - D. There shall be no time limit established for these signs but such signs shall be removed if they are deteriorated.
- (3) **Temporary Signs Covering Permanent Signs**
- For zoning permit applications related to the establishment of a new use or change of use within an existing building, where there is existing permanent sign, a banner sign may be approved for up to 60 consecutive days to cover the existing permanent signs. Such banner sign shall not exceed the sign area of the permanent sign and shall require a sign permit.
- (4) **Other Temporary Sign Types Allowed with Time Limits**
- A. One additional temporary sign shall be permitted for each street frontage for a maximum of 30 days per each evenly timed quarter of the calendar year (January to March, April to June, July to September, and October to December).
  - B. The temporary sign shall require a sign permit.
  - C. The maximum sign area of any temporary sign shall be one-half of the permanent building sign area on the principal building or 36 square feet, whichever is less.
  - D. The sign may be a temporary yard sign or a banner sign.

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**1281.11 Nonconforming Signs**

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- (a) Any sign that was lawfully in existence at the time of the effective date of this ordinance, or amendment thereto, that does not conform to the provisions herein, shall be deemed lawfully nonconforming and may remain on a lot of record except as qualified below.
- (b) No lawful nonconforming sign shall be enlarged, extended, structurally altered, or reconstructed in any manner, except to bring it into full compliance with these regulations, except that these regulations shall not prohibit maintenance, minor repairs, or the replacement of the content of a sign provided there is no structural modification of its size, location or configuration.
- (c) A sign shall lose its lawful nonconforming status if any of the following occurs:
  - (1) If such sign is damaged to an amount exceeding 50 percent of the sign's replacement value, as determined by at least two sign companies requested to provide a quote by the City;
  - (2) The structure of the sign is altered in any form;
  - (3) The sign is relocated;
  - (4) The sign is nonconforming and the principal use of the property is voluntarily discontinued for a period of at least six months;
  - (5) The sign is defined as a temporary sign and has been in use for more than one year following the effective date of this amendment; or
  - (6) The nonconforming sign and its structure (including support and frame and panel) are determined by the City Manager, or their designee, to be unsafe or in violation of this code and are declared a nuisance.
- (d) Any sign that loses its legal nonconforming status must be brought into compliance with the provisions of this chapter and any other City laws and ordinances by an application for, and issuance of, a sign permit or by complete removal.
- (e) Failure to bring a sign into compliance after loss of a legal nonconformity status shall cause the sign to be considered an unlawful sign.

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**1281.12 Signs Associated with Nonconforming Land Uses**

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- (a) In the case of lawfully nonconforming land uses (such as a lawfully established business located in an area later zoned residential), the allowable sign area shall be that which would be in effect if the existing use were located in the most restrictive zoning district allowing such land use. Further, no new signs associated with nonconforming land uses shall be erected, except replacements which are the same or smaller in size than the sign being replaced.
- (b) In the event that a sign associated with a nonconforming land use is moved or replaced, its new location must conform to the setback requirements of the district in which it is located, as if it were a building.

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**1281.13 Administration and Enforcement Responsibility**

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- (a) The administration and initial enforcement of this chapter shall be the responsibility of the City Manager or any such municipal personnel as may be designated by the City Manager.
- (b) The City Prosecutor shall prosecute violators following the issuance of a citation.

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**1281.14 Sign Permit Application and Fees**

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- (a) No sign, except those listed in , shall be erected, installed or otherwise displayed in the City without a permit having been first obtained by application to the Building Inspection Division.
- (b) Permits shall not be required for normal maintenance or repair of an existing sign not involving structural design changes, or for message revisions which maintain conformity with this chapter. All sign permits are issued subject to the appeal provisions of Section [1281.15](#).

- (c) Permits shall bear a fee as set forth in Appendix A of Chapter 1464 of the Codified Ordinances. However, permits issued for signs already erected or displayed at the time of permit application shall bear twice the current fee. No fee shall be charged for signs that do not require a permit pursuant to this chapter.
- (d) Sign permits may also be subject to State of Ohio surcharges.
- (e) Sign permit applications may be made only by the owner or lessor for parcels occupied by more than one lessee, such as office buildings and shopping centers.
- (f) The City Manager, or their designee, may revoke a sign permit where there has been a violation of the provisions of this chapter or a misrepresentation of fact on the permit application. The City Manager, or their designee, shall issue a written statement with their decision, explaining the reasons for revocation.

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#### **1281.15 Appeals and Fees**

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- (a) Any written decision by the City Manager, or their designee under Section 1281.13 may be appealed to the Board of Zoning Appeals by any person directly and adversely affected, if such appeal is filed within 10 days after the date of the decision.
- (b) A properly filed application appealing the decision of the City Manager, or their designee, relative to the legality of a sign under this chapter shall stay all abatement action until a decision on that appeal is made by the Board of Zoning Appeals, except for removal of a hazardous sign under the provisions of Section 1281.06(f).
- (c) Applications for appeal shall bear the current fee set forth in Appendix A of Chapter 1464 of the Codified Ordinances, refundable if the appeal is granted in its entirety.

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#### **1281.16 Variances and Fees**

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- (a) A variance from any provision of this chapter, except sign area, may be granted by the Board of Zoning Appeals. A variance from any sign area provision may be granted by the Planning Commission. In either event, the variance shall only be granted where the strict interpretation of this chapter would create an unusual and unnecessary hardship on the property owner or occupant due to the unique location or physical characteristics of the property, if such variance would not adversely affect the public interest in any substantial manner, and if the relevant physical characteristics of the property were not caused by a current or previous owner or occupant. Intentional acts by an owner or occupant officially approved by the City of Springboro shall not act as a bar to the determination of a hardship.
- (b) In the event that a sign is established in violation of any provision of this chapter, no application for a variance allowing such sign shall be accepted, processed or reviewed by the Board of Zoning Appeals while the illegal sign remains in place.
- (c) Following disapproval by the Board of Zoning Appeals of an application or request for a variance, no subsequent application requesting the same variance shall be filed by any applicant, whether or not the same person, firm or corporation, until the expiration of 12 months after the disapproval.
- (d) Applications for variances shall bear the current nonrefundable fee set forth in Appendix A of Chapter 1464 of the Codified Ordinances.

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#### **1281.17 Administrative Interpretations and Applicant Appeals**

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- (a) The primary responsibility and authority for interpretation of this chapter rests with the City Manager, or their designee. When the City Manager, or their designee, finds that any section of this chapter is unclear, or when any applicant for a sign permit or person directly and adversely affected by the issuance of such permit files an appeal disputing the interpretation of the City Manager, or their designee, the Board of Zoning Appeals shall hear relevant arguments on the question, and shall render a decision. The following principles shall be applied when making interpretations:

- (1) This chapter is generally written in permissive language. Signs not specifically and expressly identified, defined and permitted by this chapter are prohibited.
  - (2) A sign will fall under at least one functional classification and at least one structural classification under the definitions of this chapter. Each sign must satisfy the regulations for all such classifications.
  - (3) Where two regulations are in conflict, the more specific shall prevail. Where neither regulation is more specific, the more restrictive shall prevail.
  - (4) Ambiguity should be resolved to maximize consistency among the provisions of the chapter, and effectuate their intent.
- (b) Requests by the City Manager, or their designee, to the Board of Zoning Appeals for interpretations, and appeals to the Board of Zoning Appeals of interpretations by the City Manager or designee from applicants or persons directly and adversely affected by the issuance of a permit, shall carry no fee.

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#### **1281.18 Substitution Clause**

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The commercial message sign area allowed for any sign permitted in this chapter may be substituted with a noncommercial message. A sign permit shall not be required for this substitution if there is no structural change to the sign.

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#### **1281.19 Reclassification of Signage**

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If the type of any sign that legally existed prior to the effective date of this amendment is reclassified by this amendment, such sign shall be classified as the sign type defined in Chapter 1290, and shall be subject to the applicable standards for such sign type from the effective date of this amendment. Such reclassification shall be regardless of any variances that were approved prior to the effective date of this amendment.

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#### **1281.20 Severability**

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Should any part of this chapter be found unenforceable by a court of competent jurisdiction, the remainder of this chapter shall remain in full force and effect to the extent not in conflict with the court's decision.

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#### **1281.21 Penalty**

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Whoever violates any provision of this chapter shall be guilty of a misdemeanor of the third degree. (Ord. O- 16-4. Passed 3-3-16.) A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation, may each be found guilty of a separate offense and suffer the penalties provided in this section. Nothing contained in this section shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation, including enforcement of the General Offenses Code (Part Six of the Code of Ordinances).

## Definitions – To be Added to Chapter 1290

- (1) “Awning” means a shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework.



*Figure 1281-11: Examples of traditional awnings*

- (2) “Building” means any improvement to real estate having a roof and requiring a foundation.
- (3) “Canopy” means a permanent structure made of cloth, metal or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure but typically is supported by features other than the building façade (e.g., structural legs, building extensions, etc.).



*Figure 1281-12: Example of a canopy and related sign*

- (4) “Commercial Zoning Districts” means the O-R, O, LBD, HBD, CBD, UVD, ADD-1, and ED zoning districts.
- (5) “Commercial Message or Speech” means any sign, wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.
- (6) “Dissolve” means a mode of changing a message on the display area of an electronic message sign where the first message gradually reduces intensity and the next message gradually increases intensity.
- (7) “Façade” means the exterior wall on the front, side, or rear elevation of the building regardless of whether the building side faces a street.
- (8) “Fade” means a mode of changing a message on the display area of an electronic message sign where the first message gradually appears to dissipate with the gradual appearance of the next message.

- (9) “Flag” means a sign composed of cloth, canvas, plastic, fabric or similar lightweight, non-rigid material that can be mounted to flagpole or a building-mounted post.
- (10) “Footcandle” means a unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.
- (11) “Hardship” means a situation in which the strict application of this chapter upon a specific property would result in a restriction on the use of such property which is inconsistent with the intent of this chapter, is likely to substantially and unjustifiably diminish the utility of the subject property, and was not caused or permitted by either the current property owner or the person currently in possession.
- (12) “Industrial Zoning Districts” means the M-1 and M-2 zoning districts.
- (13) “Parcel” means a single legal lot or multiple contiguous legal lots under the same legal ownership or possession, and under the same use.
- (14) “Residential Zoning Districts” means the R-1, R-2, and R-3 zoning districts.
- (15) “Sign” means any object, device, display or structure or part thereof situated outdoors or adjacent to the interior of a window or doorway that is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, pictures, logos, figures, designs, symbols, fixtures, colors, illumination or projected images.
- (16) “Sign, Air-Activated” means a sign, all or any part of, which is designed to be moved by action of forced air so as to make the sign appear to be animated or otherwise have motion.
- (17) “Sign Area” means the entire display area of a sign including any sign copy located on one or more sign faces and any framing, trim and molding, but not including the supporting structure as measured pursuant to Section [1281.03\(e\)](#).
- (18) “Sign Face” means any surface of a sign having a message in the form of words, numbers, graphics or symbols, whether or not divided into multiple sections identifying or advertising different tenants, vendors or products. The term “face” in this chapter shall also mean “sign face.”
- (19) “Sign, Animated” means any sign which by mechanical action or by flashing or alternating illumination or projection or by other means moves or appears to move. Unless otherwise provided for specifically in Section [1281.10](#), animated signs include, but are not limited to, balloons, pennants, flutter or teardrop flags, streamers and banners, with or without any sign copy. Animated signs do not include electronic message signs as allowed by this chapter.
- (20) “Sign, Awning” means any sign that is a part of or attached to an awning.
- (21) “Sign, Banner” means a temporary sign composed of cloth, canvas, plastic, fabric or similar lightweight, non-rigid material that can be mounted to a structure with cord, rope, cable, or a similar method. Banner signs attached to posts and mounted in a yard or landscaped area shall be considered a “temporary yard sign.”
- (22) “Sign, Balloon” means a sign that is an air inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a structure, and equipped with a portable blower motor that provides a constant flow of air into the device. Balloon signs are restrained, attached or held in place by a cord, rope, cable, or similar method. See also the definition for air-activated sign.
- (23) “Sign, Building” means any sign attached to a building including wall signs, awning signs, canopy signs, and projecting signs.
- (24) “Sign, Canopy” means any sign that is a part of or attached to a canopy.
- (25) “Sign, Double-Faced” means a sign with two faces mounted back-to-back.
- (26) “Sign, Drive-Through Facility” means any signage allocated along a drive-through lane that is oriented toward the customer or user in the drive-through lane.



- (27) “Sign, Driveway” means a small permanent sign located near driveway access points and/or at the intersection of internal access drives.
- (28) “Sign, Electronic Message” means a sign designed so that the characters, letter or illustrations can be changed or rearranged automatically on a lampbank or through mechanical means (e.g., electronic or digital signs) wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. See also “animated sign”.
- (29) “Sign, Freestanding” means any sign supported upon the ground by a monument, pedestal, pole, bracing, or other permanent measure and not attached to any building.
- (30) “Sign, Ground” means any sign attached to or resting upon the ground, typically on a monument or pedestal structure. Ground signs are a form of a “freestanding signs.”
- (31) “Sign, Hazardous” means any sign which by its location, design or construction creates or contributes to a health or safety hazard, even though such sign may be in conformance with this chapter in all other respects. Any sign not conforming to the requirements of the Ohio Building Code (OBC) and the National Electrical Code (NFPA-70) or any other applicable structural or safety regulations is per se hazardous. Failure of the applicant to provide a certification of compliance from an Ohio professional engineer or architect upon request will result in a determination that a sign is hazardous.
- (32) “Sign, Mobile” means a sign painted on or affixed to motor vehicles, or to open or enclosed trailers, designed and licensed for transportation of cargo on the public streets.
- (33) “Sign, Multi-Faced” means a sign with three or more faces.
- (34) “Sign, Nonconforming” means any sign that was erected legally prior to the adoption of this amendment, but which does not comply with subsequently enacted sign restrictions and regulations, or other applicable code requirements.
- (35) “Sign, Obsolete” means a sign that is in poor structural or aesthetic condition due to damage, deterioration or lack of proper maintenance.
- (36) “Sign, Permanent” means any sign designed to be permanently attached to a structure or to the ground, which is permitted to remain in place for an unlimited period of time.
- (37) “Sign, Pole” means any permanent freestanding sign supported by one or more uprights, poles or braces placed in or upon the ground surface and not attached to any building.
- (38) “Sign, Portable” means any sign that is designed to be or capable of being moved or transported, and not permanently affixed or attached to any building, structure, or grounds. A “portable sign” does not include “sidewalk signs.”
- (39) “Sign, Projecting” means a sign that is affixed perpendicular to a building or wall and extends more than six inches beyond the face of such building or wall and the lowest point of which sign is not less than eight feet above the sidewalk or ground level.
- (40) “Sign, Roof” means a sign erected or maintained in whole or in part upon, against, or directly above the roof or parapet line of a building.
- (41) “Sign, Soffit” means a sign suspended from the soffit of a roof or building overhang.
- (42) “Sign, Sidewalk” means a temporary sign that may be placed on the sidewalk, in the public right-of-way or on a private sidewalk/walkway, during business hours in accordance with this chapter and which may include an “A-frame sign” or a “T-frame sign” as defined below:
  - A. “Sign, A-Frame” means a freestanding temporary sign that is ordinarily in the shape of an “A” or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure.
  - B. “Sign, T-Frame” means a freestanding temporary sign that is ordinarily in the shape of an upside down “T” or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure.

- (43) “Sign, Temporary” means a sign that is neither permanently anchored to the ground, nor permanently affixed to a structure, nor mounted on a chassis, and intended for a limited period of display.
- (44) “Sign, Temporary Yard” means a temporary sign that is placed in a yard, grass, or other landscaped areas that requires two posts or supporting elements. Banner signs mounted on two posts and placed in a yard shall be defined as a temporary yard sign. Additional any temporary sign supported by a single post shall not be defined as a temporary yard sign.
- (45) “Sign, Wall” means a sign attached directly to an exterior wall of a building and which does not extend more than six inches from nor above the roof line or beyond the limits of the outside wall, with the exposed face of the sign in a plane parallel to the building wall.
- (46) “Sign, Window” means a sign attached to, in contact with, placed upon or painted on the window or door of a building which is intended for viewing from the outside of such building. This does not include merchandise located in a window.

## Additional Changes Needed in Other Sections of the Zoning Code

*Shown in redline format.*

### Section 1264.33: Home Occupations

(c) **Exterior.** There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than the placement of one sign on the dwelling in accordance with Section 1281.04(e) ~~one sign, not exceeding 4 square feet in area, non-illuminated and mounted flat against the wall of the principal building.~~

### Section 1264.35: Outdoor Dining

~~(f) Signs. Signs are not allowed in the outside table service area with the exception of a menu sign.~~

### Section 1268.01 (f)(6) Signs (ADD-1 Austin Development District 1)

Consistent business signage is necessary for ease of way finding and visual continuity. Low profile ground signs, rather than pole or pylon signs, shall be used throughout Austin Center. Such signs should be integrated into the overall site design, consistent in architectural style with the building it advertises. Chapter 1281 of the Codified Ordinances shall control the specific sign requirements with following additional provisions:

~~A. Prohibited Signs. Roofs signs, pole signs, pylon signs, and billboards and highway signs are prohibited.~~

~~B.A.~~ Ground Sign Requirements. Ground signs shall be subject to the general ground sign design regulations of Section 1281.09(a)(3). Ground lighting should be flush with the grade or obscured by landscaping. Internally illuminated ground signs are discouraged.

~~C.B. Signature wall sign.~~ I-75 Building Frontage Wall Sign: In addition to the building signage allowances of Section 1281.09(a), one additional wall sign may be permitted. ~~One signature wall sign is permitted~~ at the top of the building wall that faces I-75, provided that such sign does not extend beyond the roof line or exceed ~~4~~ one square feet in sign area for ~~4~~ one lineal foot of building frontage, not to exceed 150 square feet in area.