

ORDINANCE NO. 2016-82

AN ORDINANCE ENACTING NEW CODIFIED ORDINANCE SECTION 1155.04 CONTAINING UPDATED SIGN REGULATIONS FOR THE ASHTABULA HARBOR HISTORICAL DISTRICT

WHEREAS, the daily operations of the City of Ashtabula and the Office of the City Manager require the enactment of this legislation; and,

WHEREAS, it is necessary to provide for fair and reasonable standards for land use and development within the municipal corporate limits of the City of Ashtabula in order to safeguard the public peace, health and safety; and,

WHEREAS, the Architectural Restoration and Review Board, which controls the alteration, restoration and preservation of all National Register properties within the Harbor Historical District pursuant to Codified Ordinance Chapter 167, has made recommendations concerning the adoption of business sign regulations for the H-1 District, and a copy of the text of said regulations is attached hereto; and,

WHEREAS, this City Council approves said regulations as being fair and reasonable in the context of preserving and maintaining the appearance, character, and economic viability of the H-1 District;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Ashtabula, Ohio:

SECTION 1. That the Ashtabula Harbor Historical District Sign Regulations attached hereto as an Exhibit are hereby approved, and shall hereafter have the same force and effect within the H-1 District as all existing sign regulations under the City zoning laws and regulations. A copy of said regulations shall be added to the Codified Ordinances as Section 1155.04.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning and related to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its Committees that resulted in such formal action were in meetings open to the public in compliance with the requirements of Section 10 of the Municipal Charter of the City of Ashtabula, Ohio, and of Section 121.22 of the Revised Code of Ohio.

SECTION 3. For the reasons stated in the preamble, this ordinance, if approved by the votes of five (5) or more members of Council, shall take effect immediately, otherwise 30 days thereafter.

PASSED: June 20, 2016

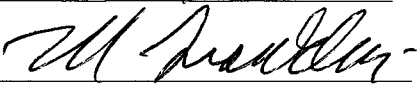
J.P. Ducro IV
President of Council

Table with columns: Vote, Yea, Nay. Rows: Ducro, McClure, Roskovics, Pugliese, Cook, Misener, Hamrick.

ATTEST: LaVette E. Hennigan
Clerk of Council

APPROVED: James M. Timonere
City Manager

Approved as to form and correctness this 6th day of June, 2016.


Michael Franklin, City Solicitor

(legislation reqs-drafts-finals/2016/2016-82 new co 1155.04 hhd sign regulations)

EXHIBIT A

1155.04. DISTRICT III

(a) District III shall consist of the Harbor Historical District. The Regulations for signs in said district, as recommended by the Architectural Restoration & Review Board, and approved and adopted by the Ashtabula City Council, are as follows:

ASHTABULA HARBOR HISTORICAL DISTRICT SIGN REGULATIONS

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1. Permit Required.

(a) The following are the requirements to be utilized, to the extent practicable, by the Architectural & Restoration Review Board (hereafter may be referred to as ARRB or Review Board) to determine appropriateness of signs displayed within the Ashtabula Harbor Historical District. They are intended to be used in conjunction with the City of Ashtabula Sign Ordinance (available at www.ci.ashtabula.oh.us Part 11 Planning and Zoning, Title Five, chapter 164). A careful reading of both documents is advised when planning signs for use in the Harbor District. In all cases, the Historic District Regulations shall take precedent over the City Sign Ordinance within the Historic District.

(b) Signs are one of the most prominent visual elements of a street. Well designed, properly placed signs can help build the positive image of a business and the Ashtabula Harbor Historical District.

(c) The Review Board considers the following during the review process:

(d) Sign Type, Location and Size, Materials Used, Colors, Lettering and Legibility

(e) Manner of Attachment to Structure, and Compliance with Sign Regulations

2. Review Procedure.

(a) All signs placed within the Ashtabula Harbor Historical District shall comply with the requirements set by both the City of Ashtabula and the Harbor Architectural & Restoration Review Board. A City Sign Permit and a Certificate of Appropriateness from the Review Board are required to erect, alter, or relocate a sign within the Ashtabula Harbor Historical District. The following steps should be followed to obtain Review Board approval and a city sign permit within the Historical District.

(b) Obtain an Application for Review for the Harbor Historical District on line at <http://cityofashtabula.com> or at the Division of Planning & Community Development, 4717 Main Avenue, Ashtabula, OH 44004.

(c) Become familiar with these regulations and the city sign ordinance. The Division of Planning & Community Development and the Architecture Review Board can answer questions and concerns. Early inquiry can save time and money.

(d) Plan the design of the sign and prepare a Review Package. The Review Package shall consist of the following:

- (e) Completed Application for Review
- (f) A photo of the existing building elevation
- (g) A photo showing existing building and adjacent buildings or landscape
- (h) A drawing to scale showing the proposed sign and lettering
- (i) Plan for colors to be used with paint charts or paint samples
- (j) Specifications for sign material and/or material sample
- (k) A scale drawing showing the sign placement on the building or location.
- (l) Detail plan or photo of type of hanger or support to be used.
- (m) Schematic drawing of proposed lighting if applicable
- (n) Other supporting information that may help review process

3. Review Package; Division of Planning & Community Development

(a) The Review Package will be reviewed by the City Division of Planning & Community Development for compliance with the applicable City Ordinances. The Review Package will then be referred to the Architectural & Restoration Review Board.

(b) The Review Package must be received by the Division of Planning & Community Development a minimum of seven (7) days prior to the next scheduled meeting of the Architectural Review Board.

(c) If the Review Package is not received at least seven days in advance, consideration of the application may be deferred until the next regular meeting of the Review Board.

(d) The Board will review the sign proposal at its meeting. It is desirable that the applicant attend the meeting to answer any questions that may be raised by the Board. Based on the material and information provided, the Review Board will review the proposal for compliance with the Sign Regulations for the Ashtabula Harbor Historical District.

(e) The Board will approve the sign proposal, suggest modifications which if incorporated could bring the sign into compliance, or disapprove. If the sign proposal is disapproved, the Board will convey its reasons for disapproval to the applicant, in writing, within five days. When approval is granted, the Architectural & Restoration Review Board will issue a Certificate of Appropriateness.

(f) Upon receipt of a Certificate of Appropriateness, the applicant may then apply for and receive a City Sign Permit and proceed with construction.

4. Number of Signs per Business

(a) Not more than three signs are permitted per storefront. This includes freestanding portable signs.

(b) Not more than one projecting sign per business.

(c) No new pole signs or ground signs shall be erected within the Harbor Historical District. Any existing pole or ground sign may be maintained by the current business it advertises but is non-conforming. It cannot be altered, reconstructed, or transferred to a new business without a variance.

(d) Buildings with a secondary customer entrance facing a second public street or a rear entrance from a parking area shall be permitted an additional wall or window sign not exceeding six square feet in area.

(e) Second Floor business use shall be identified by one window sign indicating the name and nature of the business. In addition, the first floor entrance door shall identify the name and address.

(f) Multiple uses served by one entrance shall be identified by one directory wall or window sign at the entrance. The building name and address shall not exceed two square feet. Each use listed should not exceed one square foot.

5. General Appearance. On permanent signs, the name or logo of the business shall be emphasized and should cover at least 50% of the sign's total area. Other advertising matter should be limited to approximately 20% of the sign's total area, with 30% reserved as open space for legibility.

6. Colors

(a) Colors used in the sign shall be part of the color palette approved by the Review Board. Black, white, gold leaf, and limited use of contrasting accent colors may also be permitted. Only flags/banners as described in the Flags/Banners section of these regulations are exempt from this requirement.

7. Permitted Sign Types

(a) Projecting Signs. A projecting sign is any sign attached to a building which extends at an angle from the face of the building. The following apply to projecting signs:

(1) The area of each face of the sign shall not exceed 8 square feet. The maximum horizontal dimension is 4 feet.

(2) The information and graphics on both sides shall be identical.

(3) The outer edge of a projecting sign shall be framed with raised molding or have a finished edge.

(4) The sign shall be hung at a 90 degree angle from the building.

(5) The bottom of the sign shall maintain at least an 8 foot pedestrian clearance from the sidewalk.

(6) The sign shall be hung at least six inches and not more than two feet from the wall.

(7) Visible frames and supports shall complement the sign and the building to which it is attached. Black iron is the preferred material. Brackets shall be designed so that they can be bolted into masonry joints to avoid damaging brick. Existing brackets shall be used when possible.

(8) No projecting sign shall exceed fifty pounds in weight. The sign installation shall be done by a qualified bonded contractor as described in Chapter 164 of the Codified Ordinances of the City of Ashtabula, sections 164.22 and 164.23.

(9) The location of the sign on the building must be approved by the Review Board. The sign shall not obstruct another sign or architectural feature. In most cases it should be suspended between the bottom of the second story windowsill and the top of the door or windows on the first floor.

(b) Window Signs

(1) Window signs are often lettering and designs applied directly to the window glass. Applied lettering does not significantly block the view into or out of the storefront.

(2) Applied lettering should be done with a light color. Most storefront interiors appear dark during the day. This makes them an effective background for letters in pale shades or gold leaf. If the store interior is illuminated at night the lettering will still be legible in silhouette.

(3) Window signs can also be opaque, translucent, or transparent signboards hung from inside the window frame.

(4) Window signs shall be limited to 30% of the glass area of the storefront.

(c) Temporary Sign New Business. The Board may approve a temporary sign for a new business. Such a sign shall go through the review process and shall not remain in place more than 30 days unless a variance is requested and granted.

(d) Temporary Window Signs Advertising. Temporary signs in windows are discouraged. They give the storefront a cluttered and distracting appearance. Temporary window signs such as "Sale", "Clearance", or graphic signs such as red hearts for Valentine's Day may be placed without a permit under the following conditions:

(1) No such sign shall exceed 25% of the window area available, or six square feet, whichever is greater.

(2) No such sign shall remain in place more than 30 days.

(e) Wall Signs

(1) A wall sign is a sign erected parallel to the surface of the outside wall of any building. The following apply to wall signs:

(2) An attached wall sign shall not be mounted more than one foot from the building.

(3) A wall sign shall not extend above the roofline or beyond the wall to which the sign is affixed.

(4) No wall sign shall cover or obscure wall openings or architectural details of the building.

(5) The overall surface of the sign shall not exceed more than two square feet for every one foot of building width on the wall where the sign is displayed.

(6) All attached wall signs shall be safely and securely anchored to the building without damaging brick or mortar. In no case may a wall sign be secured with wire, strips of wood, or nails.

8. Awnings and Awning Signs

(a) Historically appropriate awnings are permitted in the Harbor Historical District. Canvas is the historically correct material for awnings. The following shall apply to awnings and awning signs.

(b) The awning shall maintain a minimum clearance of eight feet above sidewalk level.

(c) No awning shall be permitted to extend more than six feet from the building.

(d) All frames and supports shall be metal. Every awning shall be securely attached to and supported by a building. Posts or columns beyond building lines shall not be permitted.

(e) Each awning shall be in compliance with the Building Code and attached in accordance with recognized engineering practices.

(f) No type of lighting shall be used with awning signs.

(g) Awnings shall be coordinated for color, pattern, and height with other nearby awnings.

(h) Information on an awning sign shall be limited to the business name and/or logo.

(i) Awning signs shall be painted on or attached flat against the awning valance. They should not extend beyond the ends of the awning or above or below the valance.

(j) Graphics included in the awning sign may not exceed 10 inches in height.

9. Ground Signs. Ground Signs are not permitted in the National Register Area of Bridge Street. They may be permitted on other commercial property in the Harbor Historical District with a special use permit. They will be permitted on a case-by-case basis. These signs shall follow the same design criteria as other signs in the District and be in scale with their proposed surroundings. There shall be a clear and defined need for this type of sign that justifies its approval. See Ashtabula City Codified Ordinance Section Chapter 164.10.

10. Neon Signs.

(a) Neon signs were introduced to the United States in 1923, near the end of the 1888-1925 period the Harbor Historical District is trying to maintain. The Review Board has decided that a limited use of neon is appropriate. The following shall apply to the use of neon:

(b) Any business wishing to erect a neon business sign shall make a case for the historical appropriateness of that type of sign for that business.

(c) Neon "Open" signs may not exceed two square feet

(d) Trademark signs advertising a product must be limited to one per window frame and may not be hung so as to overlap other window signs or graphics.

(e) No blinking, flashing signs or lighting of any kind.

11. Prohibited Signs

(a) The following types of signs are not appropriate for the Ashtabula Harbor Historical District.

(b) Animated or flashing signs of any type

(c) Roof signs

(d) Billboards. No new billboards shall be erected. No existing billboard may be expanded or enlarged.

(e) Marquee or Canopy Signs

(f) Pole Signs

(g) Tree Lawn Signs

(h) Signs advertising a business or service not located on the premises

12. Sign Illumination

(a) Lighting requires careful planning. The type of lighting and the way it is provided will determine a sign's effectiveness, its perceived color, and its relationship to surrounding building materials. The following applies to sign illumination.

(b) Use of internally lit signs such as backlighted plastic are prohibited as inappropriate in the National Register District. Back lit signs may be approved outside the National Register Area if the design is appropriate for the storefront but are not encouraged.

(c) Any external illumination used shall be provided by a continuous shielded light source that is installed to prevent direct light from shining onto the street or adjacent properties.

(d) Flashing or moving lights are prohibited.

(e) Size of fixture, type of bulb, and light level shall be scaled to the size of the sign and the surrounding architecture.

(f) The light source shall emit white light that renders objects in their true colors. Spot, track, overhang, gooseneck or wall lamps are all acceptable light sources.

(g) Individual fixtures shall be positioned three to four feet apart to provide even lighting and avoid clutter.

(h) Thematic fixtures such as carriage lamps are in appropriate.

(i) All electrically illuminated signs shall be certified as to electric wiring and devices by an electrical inspector having jurisdiction and all wiring and accessory electrical equipment shall conform to the requirements of the National Electric Code.

13. Installation and Maintenance.

(a) The installation of any sign shall not damage the building surface or architectural features.

(b) The owner or lessee of a sign is required to maintain the sign in a condition fit for its intended used and has a continuing obligation to comply with all city requirements for maintenance and safety.

(c) Whenever an approved sign is required to be removed for the purpose of repair or repainting, the same may be done without a permit or payment of fees provided that all the following conditions are met:

- (1) There is no alteration or remodeling of the structure or the mounting of the sign.
- (2) There is no change in any of the dimensions of the sign or its structure.
- (3) There is no change in the colors or graphics.

14. Relocating Signs. Any sign that is moved to another location either on the same or to other premises shall be considered a new sign and shall be reviewed for its appropriateness to its new location.

15. Removal of Signs from a Closed Business

(a) Any sign which no longer advertises a bona fide business conducted upon the premises, or which no longer serves that purpose for which it was intended, shall be taken down and removed by the owner, agent or person having the use of the building or structure upon which such sign is found. In lieu of removing the sign, the sign face may be painted over to remove the defunct information but allow for reuse of the sign board by a new business at the location. The removal of the sign or old business information must be done within 10 days after written notification of the Zoning Inspector.

(b) Upon failure to comply with such notice, the Zoning Inspector is authorized to cause removal of such sign, and any expense incurred shall be paid by the owner of the building to which the sign is attached. The cost of removal shall become a lien upon the property until paid.

16. Non-Conforming Signs

(a) Any non-conforming permanent signs existing at the time these regulations take effect, which have been previously issued a valid sign permit by the City of Ashtabula, may remain in place until:

- (b) More than 50% of the value of the sign has been destroyed or has been removed.
- (c) When the use, to which the non-conforming sign is accessory is vacant for 90 consecutive days.
- (d) Signs made non-conforming by the adoption of the regulations shall not be enlarged, structurally altered or reconstructed unless designed and arranged in compliance with this code. Normal maintenance such as painting, cleaning or minor repair is permitted.

17. Removal of Unsafe and Non-Conforming Signs

(a) If it be found that any sign is unsafe or insecure, or has been constructed, erected, or maintained in violation of the provisions made by the City of Ashtabula and the Architectural & Restoration Review Board, notice shall be given in writing by the Zoning Inspector to the business and/or property owner. If the person deemed responsible fails to remove or alter the structure so as to comply with the standards required within 10 days after such notice, the sign shall be removed by the Zoning Inspector at the expense of the business or owner of the property upon which it is located and the sign permit revoked. The Zoning Inspector shall then refuse to issue a sign permit to re-hang or replace the sign until such costs are paid.

(b) The Zoning Inspector may remove any sign that is an immediate danger to persons or property without prior notice.

18. Second Story Windows

(a) All second floor window treatments shall be white or neutral in color or have a white liner/backing facing the exterior of the building.

(b) Any non-traditional window covering visible to the building exterior shall receive Review Board approval prior to installation.

(c) All window treatments shall be installed and maintained in a neat-appearing condition and fashion appropriate to the historical period (1888-1925).

19. Sidewalk Usage

(a) Any item that is to be placed on the sidewalk on a regular basis that is not merchandise shall be reviewed and approved by the Architectural & Restoration Review Board before it is placed.

(b) No Sign, furniture, or other goods belonging to a business shall extend on to the sidewalk more than six feet from the store front. A four foot right of way adjacent to the street curb shall be maintained for pedestrian safety and optimal use of parking.

(c) No banner, pendants, signs, balloons, or other objects of any kind shall be placed in or attached to flower containers, landscape areas, benches, trash receptacles, or utility poles.

20. Flags/Banners

(a) Banners/Pendants used to indicate that a business is open shall be a traditional flag style. They may be straight sided, angle burgees, horizontal burgees, or pennant shaped.

(b) They may be a solid color, two striped or three striped. Graphics are not necessary but shall be limited to the business logo, business symbol, or the word 'open'.

(c) These shall be displayed in a flag holder mounted at the same level as the top of the door frame. Such banners shall not exceed two feet by three feet. They shall not extend above the bottom sill of the second story windows. They shall be placed where they can hang freely without obstructing windows, entrances, or infringing on pedestrians.

(d) The flag of the United States of America may be displayed within the same size and placement limits.

(e) Single sided vertical stick banners such as razor flags, tear drop flags, feather flags, or similar style shall not be permitted.

(f) A Flag/ Banner shall only be used in addition to a permanent sign. It may not be the only business sign. Only one flag/banner per business shall be permitted. Its display shall be limited to hours of operation of the business.

(g) Flags/Banners meeting these requirements do not need a permit.

(h) Any flag/banner placed in violation of this section shall result in removal of the flag/banner and a citation will be issued.

21. Sandwich Signs

(a) A Sandwich Sign is a self-supporting A-shaped freestanding temporary sign with only two visible sides that is situated on a sidewalk adjacent to a business. A Sandwich Sign shall not exceed forty-two inches in total height and thirty inches in width.

(b) A Sandwich Sign shall only be used in addition to a permanent sign. It shall not be the only business sign.

(c) A temporary sign permit is required prior to the installation of the sign. Only one temporary sign permit is allowed per business. Permits are valid for one calendar year beginning January 1 and ending December 31.

(d) A drawing including dimensions, content, materials, and location of the sandwich board sign shall accompany the Application for Review. The design of the sign shall be stable for a variety of weather conditions and complement both the Historic District and the business it represents.

(e) The Architectural & Restoration Review Board shall approve the sign and issue a Certificate of Appropriateness before the sign shall be displayed. If a sign is displayed prior to obtaining a permit, the application may be denied.

(f) Sandwich Signs shall not be placed more than six feet from the front primary entrance of the business. Such signs may not be placed within four feet of the street curb.

(g) Sandwich Signs may not be situated in a manner that prevents free ingress or egress from any door.

(h) Attaching Sandwich Signs to structures, poles, or other objects is prohibited.

(i) Sandwich Signs shall not be displayed on public sidewalks if there is snow accumulation until the snow has been removed.

(j) Sandwich Signs shall only be displayed during business operation hours.

(k) No additional decoration or attachments may be added to the sign which extend beyond the sign borders.

(l) Sandwich Signs placed in violation of this section shall result in removal of the sign and the business's temporary sign permit denied for the remainder of that year.

22. Temporary Signs on Public Property. Temporary Signs, banners, etc. may be suspended over or placed upon public property by special permission of the City Manager. The purpose of such temporary signs shall be for civic or community affairs of a public or semi-public nature and not for private gain. See Section 164.14 of the Codified Ordinances.