
SECTION 1138.00 SIGNS

1138.10 **PURPOSE AND SCOPE:** The purpose and scope of this section is to:

- A) Foster a positive business atmosphere by permitting every business to efficiently and effectively communicate with the public through sound signing practices without subjecting adjacent businesses, property owners, or the community to excessive, conflicting, and confusing sign displays,
- B) Promote aesthetically pleasing signage that is compatible with surrounding land use and consistent with the goals of the Hamilton community as expressed in its comprehensive plan;
- C) Promote the public health, safety, and general welfare of Hamilton citizens and visitors by reducing hazards to motorists and pedestrians and protecting property values;
- D) Provide for consistent and fair application and enforcement of the regulations pertaining to signs without regard to content.

1138.30 **EXEMPT SIGNS:** The following signs are not a part of the total signage allotted for a particular use on any property in the City of Hamilton but must comply with other provisions in this section including those relating to construction, maintenance, illumination, safety, area, height, setbacks, number, and other noted requirements.

- A) Building Markers, Historic Site or Dedication Sign no larger than 6 square feet in area.
- B) Directional signs not exceeding 6 square feet in area, or 4 feet in height. Such signs may contain business identification not to exceed 25% of the sign area, but shall not contain advertising for any service or product.
- C) Free expression/political signs, which express an opinion or promote a candidate or issue related to an election but do not advertise a product, service, event, or commodity and includes temporary signs. Such signs may be 6 square feet in area on residential uses or 32 square feet in area on non-residential uses, no more than 5 feet in height and are not limited in number.
- D) Flags of government, public, or non-commercial agencies.
- E) Holiday lights and decorations that contain no commercial message.
- F) Portable Signs: Single or double-sided freestanding sign not exceeding 8 square feet per face nor 5 feet in height. One such sign display is allowed per business frontage in all districts. Portable signs may only be displayed during hours of business operation.

Portable signs must be secured so as not to be a hazard and placed out of the public right of way so as not create a hazard, When an existing or proposed building has no frontyard setback the Director of Public Works may authorize the placement of such signs on public sidewalks in B-1, B-2, B-3, B-4, BPD, I-1, I-2 and IPD districts provided the sign is sized and placed so as to maintain a minimum 5-foot wide zone for pedestrian traffic, and the sign does not otherwise create a hazard for pedestrians.

- G) Public necessity or regulatory signs that warn or inform as required by law and other signs erected by, or on behalf of public agencies.
- H) Signs on recreation areas provided the sign does not face, or is setback at least 200 feet, from adjacent residential uses and public right of ways. Such signs require Parks Dept. or property owner approval.
- I) Signs no larger than 6 square feet in area on residential uses and 16 square feet in area on all other uses. Such signs are limited to two per 300 feet of each lot frontage or portion thereof, or one (1) such sign up to 32 square feet per 300 feet of each lot frontage or portion thereof, shall not be illuminated and must be legible, maintained in good repair without holes, properly secured against wind loads, and outside the required 5-ft setback to any property line. (OR2012-8-68)
- J) Signs not legible from 3 feet beyond the property line if visible with 20/20 vision from a public right of way.
- K) Signs on a Property Under Construction, Renovation, Development or Redevelopment: One sign per 300 feet of lot frontage or portion thereof, at the entry of a subdivision under development or on the site of a major construction or renovation project; after approval and recording of a final subdivision plat or building permit is issued. Such signs shall be no larger than 64 square feet, displayed only during the time of active construction and while valid building permits are in force.
- L) Window signs provided that no more than 25 percent of the total window area on each building façade is covered.
- M) Works of art - Drawings, pictures, symbols, paintings, decorative architectural features, and sculptures, which do not contain the name, logo or commercial message of any product, service, or business.

1138.40

PROHIBITED SIGNS AND SIGN CHARACTERISTICS: All signs not specifically permitted by or exempted from these regulations are prohibited and must be removed. Such signs include but are not limited to:

- A) Animated signs or devices with parts that move or revolve including pennants, streamers, spinners, or which have flashing or intermittent lights, but not including signs with scrolling messages, changeable copy signs, or signs with video screens, except Iconic Signs within the Route 4 Iconic Signage District. (OR2012-8-68)
- B) Bench signs painted on or affixed to benches in the public right of way.
- C) Roof mounted signs.
- D) Sound emitting devices audible beyond the property line at a level of 75 decibels or more.
- E) Signs that mimic or hide traffic control devices.
- F) Signs placed in or above the public right of way, or on property owned by a governmental agency, not erected or authorized by the Director of Public Works.

- G) Signs utilizing illumination that radiates a glare or light greater than one half foot-candle at the property line on which the sign is located when it is adjacent to or abutting residential property.
- H) Signs that convey or depict pornographic information.
- I) Signs erected or placed within the clear sight triangle as defined Section 1131.50 herein.
- J) Vehicle signs mounted on, or affixed to, a vehicle or a trailer parked on private property solely for the purpose of attracting public attention or directing the public to a use, business, event, product, or service, but not including vehicles used in the normal conduct of business.

1138.50 **GENERAL REQUIREMENTS:** The following requirements apply to all signs.

1138.51 **Sign Maintenance:** All signs whether requiring a permit or not under this ordinance must be properly secured and anchored, and maintained in a safe and sound structural condition at all times, including replacement of defective parts and torn or faded fabric, painting, cleaning, landscaping, and other acts required for the maintenance of a safe sign and to fulfill all requirements of this ordinance. Any sign in a dangerous or defective condition shall be repaired or removed upon receipt of written notice to the property owner.

1138.52 **Dangerous or defective sign:** The city may immediately remove or cause to be removed at the expense of the property owner and/or the person in control of the property any dangerous or defective sign that creates an immediate or potential danger to persons or property due to structural deficiencies, inadequate maintenance, or unapproved location (defective wiring, structural failure, broken or missing panels, etc).

1138.53 **Abandoned signs:** Signs, which advertise occupancy, product or service, which has been discontinued for more than 30 days, must be replaced with a blank face or entire sign structure removed. Any abandoned sign which does not conform to this ordinance in regard to size and placement and which is not put back into use within 24 months of the actual discontinuance, in accordance with a lawful sign permit, must be totally removed and surrounding surfaces restored.

1138.60 **PERMANENT SIGN PERMIT REQUIREMENTS:** Zoning approval and a building permit shall be required prior to the construction, reconstruction, location, relocation, alteration, and/or modification of all permanent signs, unless exempted by this ordinance.

1138.61 **Zoning Approval.** Zoning approval is necessary for all permanent signs and shall be requested by submitting an application which contains the following to the Planning Department through the Division of Construction Services:

- A) **Site plan** drawn to scale showing: the location of all proposed and existing signage on site, existing and planned buildings, dimensions of all property lines and buildings as well as setbacks from property lines and other site features affecting sign placement such as streets, sidewalks, landscaped and parking areas, and driveways.
- B) **Elevation plans** drawn to scale showing height, clearance above the surrounding grade, sign dimensions, copy or graphics, colors and materials.
- C) **Historic Preservation Districts.** Plans for signs located in designated Historic Preservation Districts, in addition to meeting the requirements of this ordinance, must be approved by the Architectural and Historic Design Review Board prior to the issuance of a sign permit. Signs

located in Historic Districts should be compatible in terms of materials, colors, and construction, with the architecture and theme of the district in which the sign is located.

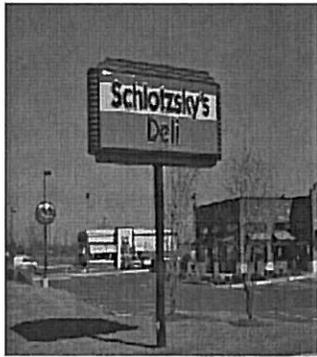
- D) **Signs Erected Without Required Zoning Approval:** Signs erected without zoning approval and which do not comply with the height, area, number or setback requirements of this ordinance are not eligible for variances to these requirements.

1138.62 Permit Fees: Zoning permit fees in accordance with 1190.00 of the Hamilton Zoning Ordinance shall be paid for all signs requiring zoning review and approval prior to issuance of a permit.

1138.70 PERMANENT SIGNS: The following are the different types of permanent signs allowed:

1138.71 Freestanding signs include both pole signs and monument signs:

- A) **Pole signs** include all signs, which are mounted on exposed poles or uprights with an open area beneath the face of the sign of 50% or more of the total height of the sign.



Pole Sign



Monument Sign

- B) **Monument signs** include all signs, which are mounted on a base or structure with the open area below the sign face less than 50% of the total height of the sign.
- C) **Setbacks:** The minimum setback for all freestanding signs is 5 feet from all property lines. If due to the location of buildings, the front yard setback of 5 feet cannot be met; a projecting wall sign may be used in lieu of a freestanding sign in accordance with section 1138.26.4 All freestanding signs shall be placed outside of the sight clearance triangle as defined here in.
- D) **Zoning District Limitations:** The table below shows the allowable heights, area, setback and frontage for freestanding signs by type of use and zoning district.

Zoning District	Use	Pole		Monument		Minimum Setback
		Area	Max. Height	Area	Max. Height	
AG	Non-residential	.1 X lot frontage 20 Sq.ft. Max	8 feet	.15 X lot frontage 30 Sq.ft. Max	6 feet	5 feet
R-1, R-2, R2-A	Individual freestanding business	.1 X lot frontage 8 Sq.ft. Max	8 feet	.15 x lot frontage 16 Sq.ft. Max	6 feet	5 feet

	Subdivision entrances & dwelling groups 20 units or more	Not permitted	Not permitted	50 Sq.ft.	6feet	5 feet
	Civic, institutional, religious	Not permitted	Not permitted	.25 x lot frontage 50 sq.ft	6 feet	5 feet
R-3, R-4, R-O, RPD, OPD	Individual freestanding business	.1 X lot frontage 8 Sq.ft. Max	8 feet	.15 X lot frontage 20 Sq.ft. Max	6 feet	5 feet
	Business groups 3 or more units	Not permitted	Not permitted	.25 X lot frontage 64 Sq.ft. Max.	6 feet	5 feet
	Subdivision entrances & dwelling groups 20 units or more	Not permitted	Not permitted	50 Sq.ft.	6 feet	5 feet
	Civic, institutional, religious	Not permitted	Not permitted	.25 X lot frontage 50 Sq.ft. Max.	6 feet	5 feet
B-1, B-4	Individual freestanding non-residential	.25 X lot frontage 32 Sq.ft. Max	20 feet	.25 X lot frontage 50 Sq.ft. Max.	8 feet	5 feet
	Business groups 3 or more units	.25 X lot frontage 60 Sq.ft. Max	20 feet	.25 X lot frontage 120 Sq.ft. Max.	8 feet	5 feet
B-2, B-3, BPD, I-1, I-2, IPD	Individual freestanding non-residential	.5 X lot frontage 60 Sq.ft. Max.	20 feet	.75 X lot frontage 150 Sq.ft. Max.	8 feet	5 feet
	Business groups 3 or more units	.5 X lot frontage 100 Sq.ft. Max.	20 feet	.75 X lot frontage 120 Sq.ft. Max.	10 feet	5 feet

- E) Density:** Only one freestanding sign may be placed on each lot frontage of 300 feet or less. One additional freestanding sign may be placed on each additional 300 feet of frontage or part thereof on lots having 600 feet or more of frontage.
- F) Separation:** A minimum separation of 150 feet shall be maintained between all freestanding signs on the same development.
- G) Design:** Freestanding signs shall be located in a non-paved landscaped area or planter box equal in size to the area of the sign face. Curbing shall surround the freestanding signs located in landscaped areas within parking lots. All wiring including electric service wiring shall be concealed.
- H) Construction:** Freestanding signs shall be constructed of low maintenance materials specified for exterior use by the manufacturer.
- I) Illumination:** Freestanding signs may be illuminated externally, internally, or with neon. Signs utilizing illumination that radiates a glare or light greater than one half foot-candle at the property line on which the sign is located when it is adjacent to or abutting residential property are prohibited.

1138.72 Wall Signs are signs that are mounted on a wall and include changeable message, projecting, and flush mounted signs as well as mounted on roofs, canopies, awnings, building façades and marquees.

- A) **Zoning District Limitations:** Wall signs may be used on permitted non-residential uses in all districts and on multifamily residential uses with 4 units or more in residential districts.
- B) **Area:** The maximum permitted sign area for residential zoning districts shall not exceed 20 square feet in area. In all other districts, the maximum allowable total area of wall signs, including awning and marquee signs, shall not exceed 1.5 square feet per lineal foot of building frontage for ground floor businesses. Any building or business with additional frontage onto an open parking area of two or more acres shall be allotted 1.5 additional square feet of signage per that lineal frontage. Wall signs shall not project above a roofline or parapet wall. (OR2012-8-68)
- C) **Density:** One wall sign may be displayed on a single building street frontage for residential uses. Any number of wall signs may be displayed on a single frontage in all other districts. The area allocation based on building frontage may be distributed on more than one façade, provided that no façade shall contain more than 1.5 square feet of sign area per lineal foot of that façade's width.
- D) **Construction:** Wall signs shall be constructed of low maintenance materials specified for exterior use by the manufacturer. Wall signs must be mounted parallel with the face of the wall, and be not more than 15 inches in depth.
- E) **Illumination:** Wall signs may be illuminated externally, internally, or with neon. Signs utilizing illumination that radiates a glare or light greater than one half foot-candle at the property line on which the sign is located when it is adjacent to or abutting residential property are prohibited.

1138.73 Awning signs are signs that are constructed of lightweight fabric, which contains copy and/or graphics, stretched over a framework that is mounted to a building, pylon, canopy or other permanent structure. The fabric may be translucent. Awnings used strictly as protective structures for windows and doors containing no sign copy or logos are not signs. Awning signs are categorized as wall signs.

- A) **Clearance:** Awning signs must be mounted with minimum ground clearance of 8 feet.
- B) **Illumination:** Awning signs may be illuminated externally, internally, or with neon. Signs utilizing illumination that radiates a glare or light greater than one half foot-candle at the property line on which the sign is located when it is adjacent to or abutting residential property are prohibited.

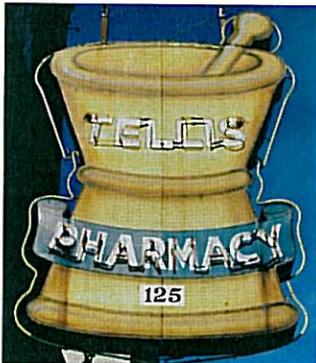
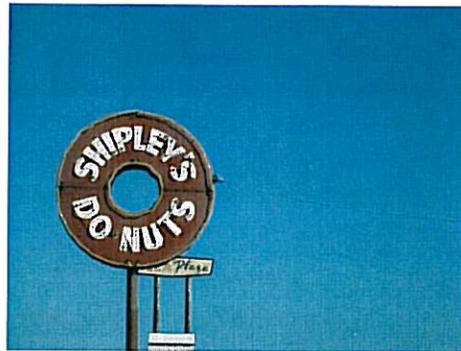
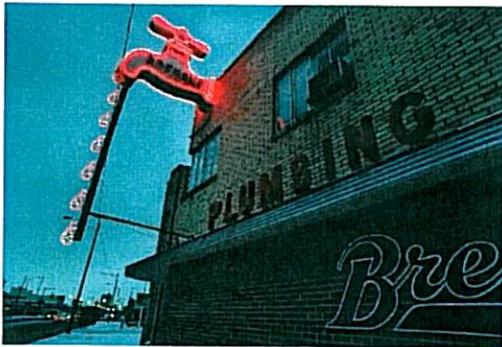
1138.74 Changeable copy signs: Signs, permanently affixed to a wall or the ground, which are designed to have the copy changed manually, by replacing lettering, panels, posters, banners or photos or with an electronic message.

- A) **Zoning:** Changeable copy signs are allowed only on permitted multi-family uses and non-residential uses in AG, R-1, R-2, R-3, R-4, R-O districts and on all uses in the, B1, B2, B3, B4, BPD, I-1, I-2, and, IPD districts.
- B) **Area Bonus:** Business and commercial uses that incorporate a changeable copy sign into a freestanding sign may increase the overall maximum area for freestanding signs by 25%.

Business and commercial uses that incorporate changeable copy sign or signs as wall signs may increase the overall maximum area for wall signs by 25%.

- C) **Illumination:** Changeable copy signs may be illuminated externally, internally, or with neon. Signs utilizing illumination that radiates a glare or light greater than one half foot-candle at the property line on which the sign is located when it is adjacent to or abutting residential property are prohibited.

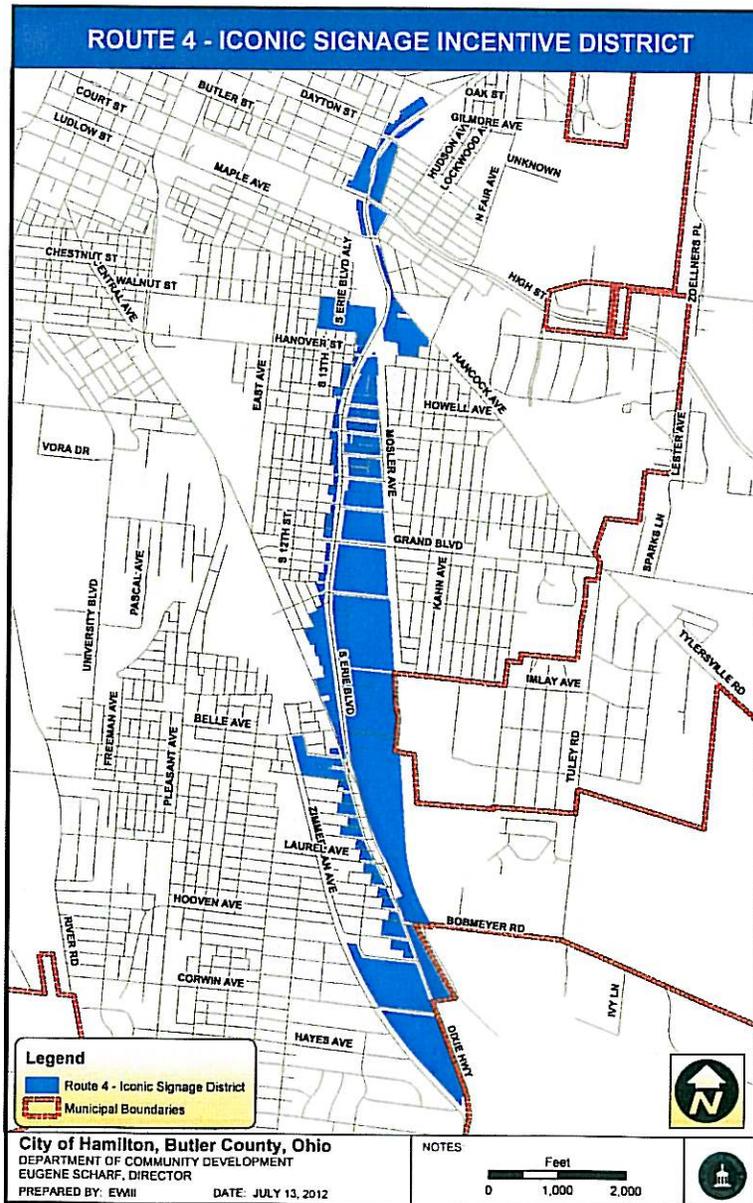
1138.75 Iconic Signs: An iconic sign is a sign that visually depicts the nature of the business, goods or services that the business provides through unique shape and any combination of color, lighting, movement or history. (OR2012-4-32) However, Iconic Signs that incorporate movement (as defined in 1138.40.A) are only permitted within the Route 4 Iconic Signage District. (OR2012-8-68)



A) Zoning: Iconic signs are allowed only on permitted multi-family uses and non residential uses in AG, R-1, R-2, R-3, R-4, R-O districts and on all uses in the B1, B2, B3, B4, BPD, I-1, I-2, and IPD districts. (OR2012-4-32)

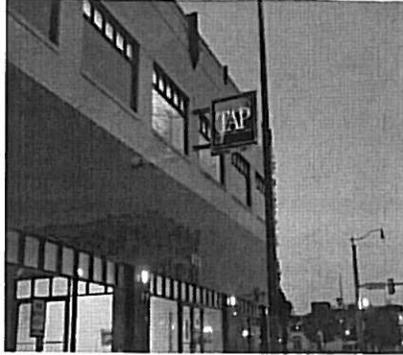
B) Area Bonus: Business and commercial uses within the defined iconic sign district (See Map) that incorporate an iconic sign into a freestanding sign may increase the overall maximum area for freestanding signs by 50%. Business and commercial uses within the defined Iconic sign district (See Map) that incorporate iconic sign or signs as wall signs may increase the overall maximum area for wall signs by 50%. Signs utilizing this bonus cannot also utilize the changeable copy bonus. (OR2012-4-32)

C) Illumination: Iconic Signs may be illuminated externally, internally, or with neon in the B1, B2, B3, B4, BPD, I-1, I-2, and IPD districts. Signs utilizing illumination that radiates a glare or light greater than one half foot-candle at the property line on which the sign is located when it is adjacent to or abutting residential property are prohibited. (OR2012-4-32)



(OR2012-4-32)

1138.76 **Projecting Signs** include all signs, which are mounted on and perpendicular to a building facade.



- A) **Zoning:** One projecting sign is allowed on permitted non-residential uses in the R-O, B1, B2, B3, B4, BPD, I-1, I-2, and, IPD zoning districts where a freestanding sign is permitted but practical difficulties exist that deprive an owner the reasonable placement of a freestanding sign. The area of such projecting signs shall not exceed .5 square feet of sign area per linear foot of building frontage.
- B) **Setbacks:** The inside edge of projecting signs shall be mounted no more than 6 inches from the face of a building. The outside edge shall not project closer than 2 feet of the curb or edge of roadway. Projecting signs must set back at least 5 feet from side property lines. Projecting signs over a right of way shall have a minimum ground clearance of 8 feet and will require joint approval from the Departments of Planning and Public Works.
- C) **Illumination:** Projecting signs may be illuminated externally, internally, or with neon. Signs utilizing illumination that radiates a glare or light greater than one half foot-candle at the property line on which the sign is located

1138.77 **Suspended signs** are signs suspended from any structure overhanging pedestrian walkways.

- A) **Zoning:** Suspended signs are permitted only on permitted non residential uses in AG, R-3, R-4, R-O districts and in the, B1, B2, B3, B4, BPD, I-1, I-2, and, IPD districts.
- B) **Area:** Such signs shall have a minimum clearance of 8 feet.
- C) **Illumination:** Suspended signs may be illuminated externally, internally, or with neon. Signs utilizing illumination that radiates a glare or light greater than one half foot-candle at the property line on which the sign is located.

1138.99 **LEGAL NON-CONFORMING SIGNS:** See Section 1109.44 HZO

1138.100 **APPEALS:** Other sections of the Zoning Ordinance not withstanding, the following will govern all appeals with regard to signs.

1138.101 **Administrative Appeals:** In cases where due to the unique location or situation of a piece of property the strict enforcement of the provisions of this ordinance would create, a practical difficulty with regard to the visibility or function of a sign not intended by this ordinance, the Planning Director is hereby authorized to make administrative adjustments of up to 25% of any dimensional restriction contained herein. The Planning Director may also waive a restriction in

cases where an undue burden is unintentionally created on a specific property due to conflicting or contradictory requirements. Relief may include adjustments to setbacks, area, height, location, or interpretations of these regulations as they are applied to specific cases. The relief provided by the Director may not exceed that which is necessary to relieve the practical difficulty and approval may be conditioned upon comparable reductions in the size or changes in the location and design of other signage on site.

Appeals of a decision by the Planning Director with regard to a request for administrative relief, or appeals seeking relief greater than that, which can be granted by the Director, shall be made to Board of Zoning Appeals per Section 1170.60. Drawings, photos or other illustrations of all signage on site and a complete description of the relief being sought by the applicant must accompany appeal. Fees per Section 1190.00 of this ordinance shall accompany all requests for variances to the requirements of this section of the Zoning Ordinance.