

ARTICLE 41

SIGNS

SECTION 4101 PURPOSE

This article establishes uniform regulations governing the size, character and location of signs in Butler Township. Such regulations are intended to: 1) provide for the efficient communication of commercial and noncommercial speech, 2) enhance the safety and general welfare of the citizenry by restricting obstructions or impairments to the safety of pedestrians and motorists, and 3) preserve and enhance property values.

SECTION 4102 GENERAL REQUIREMENTS

- A. **Compliance Responsibility and Remedies.** The owner or tenant in possession of each and every tract of real estate in the Township is responsible for the observance of all provisions of this article and any other regulation of the Township relative to signs situated on premises owned by him or her or of which he or she has possession. If any sign is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used in violation of any of the provisions of this article or any regulation promulgated pursuant to this article, the zoning administrator or other designated officer of the Township, or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies provided by law, may institute a proceeding in any proper court to enjoin, abate or remove such unlawful use of a sign as stated in this article.
- B. **Construction.** The provisions of all applicable building codes, including permitting requirements and the OBC, shall apply to signs.
- C. **Maintenance and Removal.** All signs and sign structures shall be kept in good repair so as to be structurally safe, legible, and virtually in the same condition as would be expected of a new display. Signs no longer safe or functional shall be removed immediately by the owner or tenant. Upon the vacation of a commercial establishment, the property owner shall be responsible for removal of all signs displayed in conjunction with the business and extant more than thirty (30) days after business activity has ceased.
- D. **Painted Signs.** Signs shall not be painted directly upon the surface of any building or structure, with the exceptions of (1) graphic displays approved by the Butler Township Board of Zoning Appeals, and (2) legal signs painted on the glass surface of windows.
- E. **Permit Required.** Unless specifically exempted by this article, a proper sign permit application shall be made to, and permit issued by, Butler Township for each sign displayed. Signs for which a permit has been issued shall not be altered, reconstructed, relocated or replaced without a new sign permit application having been made to, and permit issued by, Butler Township.

- F. **Minimum Setback From Right of Way.** Specified setbacks in these regulations shall be the greater of either the distance from the existing right of way or the distance from the planned right of way specified by the latest adopted Montgomery County Thoroughfare Plan; except that if said Thoroughfare Plan specifies a planned half right of way boundary greater than seven feet from the existing right of way, the required sign setback need only be three feet from the right of way proposed by the Montgomery County Thoroughfare Plan.

SECTION 4103 DEFINITIONS

Unless otherwise expressly provided, or unless the context clearly indicates otherwise, as used in this article the following terms shall mean:

- (a) Board of Zoning Appeals. “Board of Zoning Appeals” refers to that board of the same name duly appointed by the Board of Butler Township Trustees to hear matters under its jurisdiction as enumerated throughout this article.
- (b) Building Frontage. “Building frontage” means the width of a building plane parallel, or nearly parallel, with one thoroughfare abutting the zoning lot. The extent of the building plane is established by the extent of the foundation underlying usable indoor space. Balconies, eaves, bay windows and other open or cantilevered building elements shall not be used in the computation of building frontage. Building frontage normally will be computed on that façade fronting the largest or busiest street.
- (c) Flag. “Flag” means fabric or other flexible media, usually employing color, diagrams, designs, logos, or a message, supported at one end, and allowed to move by action of the wind.
- (d) Graphic. “Graphic” refers to a painted symbol, mural, artistic rendering or other representation of goods or services that are, have been, or can be provided. All graphic displays require Township Board of Zoning Appeals approval, along with issuance of a sign permit pursuant to such approval.
- (e) Festoons. “Festoons” refers to one or more ribbons, pieces of tinsel, pinwheels, or similar devices to attract attention.
- (f) Roof plate line. “Roof plate line” means that level on an exterior wall at which roof support members, like rafters and trusses, are attached. Parapet walls lie above the roof plate line, and the entirety of a mansard roof is considered above said roof plate line.
- (g) Sign. “Sign” means a name, identification, description, display, illustration, or object which is affixed to, painted on, or represented directly or indirectly upon a building, structure or other physical object, or upon a piece of land, which directs attention to a business, object, product, place, activity, person, ideology, institution, organization, or other human endeavor.
- (h) Sign area. “Sign area” means the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem or figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding necessary,

- non-decorative supports or uprights on which the sign is placed. Sign area shall be computed from measurements of the maximum silhouette of the largest sign face or combination of faces as viewed from a single point.
- (i) Sign, Banner. “Banner sign” means a sign on fabric or other flexible media, mounted against a building, and suspended from supports by the attachment of only a few parts of the medium to such supports.
 - (j) Sign base. “Sign base” means the part of a monument sign that is attached to the ground. Otherwise, for purposes of measurement, “sign base” means the land under a sign.
 - (k) Sign, Billboard. “Billboard sign” means a sign directing attention to a use, commodity or service not directly related, or not only related, to the premises on which the sign is located. Billboard signs are, and will be, considered principal structures upon a zoning lot.
 - (l) Sign, Bulletin board. “Bulletin board sign” means a structure containing a surface, which may allow for changeable copy, on which is displayed the name of a religious institution, school, library, auditorium, stadium, athletic field or arena, or other similar use, for the announcement of services or activities to be held therein.
 - (m) Sign, Business. “Business signs” identify and/or advertise businesses on a given premises, and encompass every structural sign classification allowed within a given zoning district.
 - (n) Sign, Cluster. “Cluster signs” identify a grouping of retail and/or service businesses by way of highway-oriented pylon signs meeting criteria found in section 4110 of these Sign Regulations.
 - (o) Sign, Construction. “Construction sign” means a sign indicating the names of architects, engineers, contractors and similar persons involved in the design and construction of a structure or a project.
 - (p) Sign, Directional. “Directional sign” means a sign directing vehicular or pedestrian movement into, out of, or within a premises.
 - (q) Sign face. “Sign face” means the surface of the sign on, against or through which the message of the sign is exhibited.
 - (r) Sign, Flashing. “Flashing signs” means those signs where the message, in whole or in part, or a pattern which is a part thereof, is changed in whole or in part more often than once every four (4) hours. Such signs shall be deemed to include messages that scroll across the sign face.
 - (s) Sign frontage. “Sign frontage” means the length of all abutting public right of ways, except alleys and pedestrian walkways.
 - (t) Sign, Free-standing. “Free-standing sign” means a sign suspended or supported by one or more uprights or braces mounted directly upon the surface of the land. This term is inclusive of “monument signs.”
 - (u) Sign height. “Sign height” means the vertical distance from the uppermost point used in measuring the area of the sign to the ground immediately below such point, or to the level of the upper surface of the nearest street curb, other than a structurally elevated roadway, whichever measurement permits the greatest elevation of the sign.

- (v) Sign, Highway-oriented. Highway oriented signs are: 1) taller than allowed monument signs, and are designed for reading by passersby from an interstate highway; 2) may be pole mounted (pylon); and 3) are allowed in “RC/S-1” and commercial “PD” zoning districts.
- (w) Sign, Identification. “Identification sign” means a sign which displays only the name, address and/or use of the premises upon which the sign is located.
- (x) Sign, Illuminated. “Illuminated sign” means a sign that is lighted by an artificial light source.
- (y) Sign, Marquee. “Marquee sign” means a sign which is displayed upon a marquee.
- (z) Sign, Monument. “Monument sign” means a free-standing sign with one upright support and without visible space for the majority of the area between the square footage representing sign message area and the ground beneath. If such visible space would be less than one foot in height, it may be rendered opaque through the use of suitable landscaping.
- (aa) Sign, Moving. “Moving sign” means a sign which either in part or total rotates, revolves or otherwise is in motion, or which appears to move.
- (bb) Sign, Nonconforming. “Nonconforming sign” means a sign which does not conform to the requirements of this chapter, but which was erected before this chapter and any immediate predecessor to this chapter became effective.
- (cc) Sign, Plat. “Plat sign” means a permanent display, maintained by a homeowner’s association, of the name of a subdivision or development.
- (dd) Sign, Portable. “Portable sign” means a sign which is not permanently affixed to a structural base or building and which is movable to and from locations.
- (ee) Sign, Projecting. “Projecting sign” means a sign suspended from or supported by a building, extending therefrom more than twelve inches and intended principally for viewing at an angle perpendicular, or nearly perpendicular, to the face of the building or structure from which it is suspended.
- (ff) Sign, Real Estate. “Real estate sign” means a sign pertaining to the sale or lease of the tract of land on which the sign is located, or to the sale or lease of one or more structures or portions thereof located on such tract of land.
- (gg) Sign, Real Estate Development. “Real estate development sign” means a sign which advertises a plat or other real estate development.
- (hh) Sign, Special. “Special signs” meet the technical definition of signage without fitting a common structural category.
- (ii) Sign, Structure. “Sign structure” means the supports, uprights, bracing or framework for a sign.
- (jj) Sign, Temporary. “Temporary sign” means a sign, exclusive of a political message supporting a candidate or cause in an upcoming election, being displayed for a limited period of time.
- (kk) Sign, Wall. “Wall sign” means a sign which is affixed or attached to the wall of a building or other structure and which extends not more than

- twelve inches therefrom. Such signs include those on the exterior surfaces of windows as well as permanent signs mounted on the inside of windows.
- (II) Sign, Window. “Window sign” means a sign visible from the exterior of a building or structure which is painted, attached, glued or otherwise affixed to the inside of a window, or depicted upon a card, paper or other material and placed, taped, or hung immediately behind a window for the purpose of attracting attention of passersby to sales, promotional items or other products or services not normally available. Other internally mounted signage visible from the exterior of a building or structure shall be considered wall signage.

SECTION 4104 EXCEPTIONS TO CHAPTER

The following signs are not subject to this chapter:

- (a) Governmental signs for the control of traffic and other purposes, including street signs and warning signs;
- (b) Signs of public service companies and other entities for the purpose of safety;
- (c) Flags, emblems and insignia of any governmental agency, provided that:
 - (1) The display area of such flags, emblems and insignia shall not exceed three in number and the greater of either forty square feet or the allowable area for a free-standing sign on the same zoning lot;
 - (2) Flags, when displayed from poles, shall not have their longest dimension exceed thirty percent of the height of the pole from which they are displayed, such height to be visible by persons normally viewing such flag;
 - (3) Such flags shall be displayed in accordance with the Federal Flag Code and other applicable regulations;
- (d) One flag displaying a company logo, provided said flag is in close proximity to, but no larger than two-thirds the area of, a legally sized and displayed United States flag;
- (e) Commemorative plaques placed by recognized historical agencies;
- (f) Signs within a stadium, open-air theater, shopping center, arena or other use which can be viewed only by persons within such use;
- (g) Signs not visible beyond the boundaries of the lot or parcel upon which they are situated, or from any public thoroughfare or right of way;
- (h) Signs not exceeding one square foot in area and bearing only property numbers or names of occupants of premises; and
- (j) Gasoline station signs on free-standing canopies provided displays are limited to one per canopy face, and each display is the lesser of ten (10) square feet or fifteen (15) percent of the canopy face area in a given plane.
- (k) Gasoline station signs limited to permanent words or logos displayed on the product-dispensing face of fuel pumps, displayed as an integral part of the cover of such pumps, and limited to products or services sold on the premises.
- (l) Window and door-window displays in commercial (“LC/S” and “RC/S”) zoning districts where such displays are no more than ten (10) percent of the area of such windows, and aggregate no more than twenty-five (25) square feet for the entire structure.

SECTION 4105 PROHIBITED SIGNS

The following signs are prohibited in the Township:

- (a) Signs not permitted by this chapter unless legally installed or erected before the date this chapter became effective;
- (b) Signs which are not securely affixed to the ground or some structure affixed to the ground;
- (c) Inflatable signs;
- (c) Festoons and all moving or flashing signs;
- (d) Signs visible from public streets which are affixed to trees, poles or other structures, except as provided in this chapter;
- (e) Signs erected in or over a public street or way;
- (f) Signs at or near any intersection of streets, erected in such a manner as to obstruct clear and free vision from one street to the other by the sign or its mounting structure, supports, base or any other part, when a person is seated in an automobile at or near the intersection;
- (g) Signs at any location where, by reason of message, position, shape or color, the sign might interfere with, obstruct the view of, or be confused with, any authorized traffic sign, signal or device;
- (h) Signs with light sources of such brightness as to constitute a nuisance or hazard to pedestrian or vehicular traffic, including any beamed light or light of great intensity pointing toward oncoming traffic or any other property;
- (i) Signs, handbills, posters, advertisements or notices of any kind which are fastened, placed, painted or attached in any way upon a curbstone, fence, lamppost, telephone pole, electric light or power pole, hydrant, bridge, culvert, public drinking fountain, public trash container, courtesy bench, rest station, building or tree, or in or upon any portion of any public right of way, street sign or traffic signal, except as specifically permitted in this chapter;
- (j) Displays of flags, banners, festoons, posters, placards, pennants, ensigns, light streamers and the like which are placed upon the exterior of buildings and property, except as specifically permitted in this chapter;
- (k) Banner signs, unless mounted flat and tightly within the space normally occupied by wall signs, or unless mounted with full-width supports at the top and bottom so as to prevent flapping and movement;
- (l) Signs painted directly upon the surface of any building or structure (windows excluded), except as specifically permitted in this chapter; and
- (m) Signs mounted on a roof structure.

SECTION 4106 PERMITS AND FEES

- A. **Permit Required.** Before any person erects, installs, uses, alters, relocates, replaces or reconstructs any sign regulated by this chapter, an application shall be made to Butler Township for a sign permit.
- B. **Fee Required.** Pursuant to proper application being made for an authorized sign, a fee shall be paid to Butler Township before the issuance of a sign permit.

- 1) Permit fees for permanent signs shall be determined by the most recently adopted resolution of the Board of Township Trustees addressing such issues. This fee shall apply to new signs and to any change of advertising copy or sign message on existing signage.
 - 2) Change of sign copy because of a change in business occupancy shall be construed to be a structural change requiring another sign permit.
 - 3) For identification signs of less than two square feet, there shall be no fee. For the routine cleaning and maintenance of existing signage there shall be no permit or fee required.
 - 4) Permit fees for grand opening and special event signs shall be determined by the most recently adopted resolution of the Board of Township Trustees addressing sign fee issues.
 - 5) Signs only conditionally permitted upon favorable review by the Board of Zoning Appeals (BZA) shall be subject to an additional fee, beyond that specified above and pursuant to the most recently adopted resolution of the Board of Township Trustees addressing sign fee issues, if such BZA sign review is a separate occasion from the review of a conditional use, special exception or like application for the same zoning lot.
- C. **Signs erected without a permit** are subject to a Notice of Violation and the person erecting same shall be charged a double fee for the required permit.

SECTION 4107 SIGNS IN “A/R,” “R,” AND RESIDENTIAL-PD ZONING DISTRICTS

- A. The following **functional types** of signs are permitted in “A/R,” “R,” and residential-PD zoning districts:
- (1) Bulletin Boards;
 - (2) Construction signs;
 - (3) Directional signs;
 - (4) Identification signs;
 - (5) Political signs; and
 - (6) Real estate signs.
- General regulations pertaining to these functional sign types are given by this section. Supplementary regulations can be found in Section 4110, below.
- B. The following **structural types** of signs are permitted in “A/R,” “R,” and “PD” zoning districts:
- (1) Free-standing signs; and
 - (2) Wall signs.
- C. **One sign per zoning lot** is permitted in “A/R,” “R,” and residential-PD zoning districts, unless a greater number is specifically allowed by other provisions of this chapter.
- D. The **minimum sign setback** from the front lot line in “A/R,” “R,” and residential-PD zoning districts shall be, unless specifically allowed by other provisions of this chapter, the greater of either ten feet or the distance in lineal feet which is equal to half the number of square feet in the sign area. No sign need be set back farther than the set-back line for principal structures.

- E. **Illumination of signs** in “A/R,” “R,” and residential-PD zoning districts shall be limited only to bulletin board, plat, directional, and identification signs. In addition, model home identification signs may be illuminated if:
 - (1) Sales or rental activities referred to will occur within 72 hours thereafter; and
 - (2) There is no illumination between the hours of 11:00 p.m. and 8:00 a.m. of the following day.
- F. **Temporary signs** up to four square feet in area may be displayed in “A/R,” “R,” and residential-PD zoning districts for not more than 14 days in a 90 day period.
- G. **Height of signs** shall not exceed either the height of the roof plate-line of the building wall to which such sign is attached, or if signs are free-standing, a height of 10 feet.
- H. **Maximum size** for permitted signs in “A/R,” “R,” and residential-PD zoning districts shall be, unless specifically allowed by other provisions of this chapter:
 - (1) Identification signs, two square feet;
 - (2) Directional signs, one square foot;
 - (3) Bulletin boards, twenty-seven square feet;
 - (3) All other signs, six square feet, except that when the frontage of the lot exceeds fifty feet, the area of the sign may be increased by one square foot for each additional 20 feet of lineal frontage to a maximum sign area of sixteen square feet.
- I. **Conditionally permitted signs** in “A/R,” “R,” and residential-PD zoning districts are those associated with conditionally permitted uses. Such signs may not exceed, in size or number, the restrictions for the same type of sign for the same use principally or conditionally permitted in the most restrictive zoning district. Such signs shall be approved by the Board of Zoning Appeals before installation.
- J. **Signs for nonconforming uses** in “A/R,” “R,” and residential-PD zoning districts are limited to one display, and unless otherwise specified, to the lesser display area of either one square foot for each 500 square feet of lot area, or to the area for signage specified for the same use in the most restrictive zoning district, provided that such sign not exceed 32 square feet in area.

SECTION 4108 SIGNS IN “LC/S,” “RC/S,” AND COMMERCIAL-PD ZONING DISTRICTS

- A. The following **functional types of signs are permitted** in “LC/S,” “RC/S” and commercial-PD zoning districts:
 - (1) Bulletin boards;
 - (2) Business signs;
 - (3) Cluster signs, oriented to Interstate 75, are allowed only in “RC/S” and commercial “PD” zoning districts;
 - (4) Construction signs;
 - (5) Directional signs;
 - (6) Identification signs;
 - (7) Political signs;
 - (8) Real estate signs.
 General regulations pertaining to some of these functional sign types are given by this section. Supplementary regulations can be found in Section 4110.

- B. The following **structural types of signs are permitted** in “LC/S,” “RC/S” and commercial-PD zoning districts:
- (1) Awning and canopy signs;
 - (2) Free-standing signs intended for placement one year or less;
 - (3) I-75 highway-oriented pylon signs (“RC/S” and commercial “PD” zoning districts only);
 - (4) Marquee signs;
 - (5) Permanent monument signs;
 - (4) Projecting signs;
 - (6) Wall signs.
- C. **Two signs per establishment** are permitted in “LC/S,” “RC/S” and commercial-PD zoning districts, except that a sign oriented toward an interstate highway and meeting the criteria established in subsection (H) hereof shall be allowed in addition to the two other signs. Only one projecting sign per zoning lot is allowed. In addition to one freeway-oriented free-standing sign meeting the location criteria established by subsection (H) hereof, only one free-standing monument sign is allowed per zoning lot.
- D. The allowance of two signs per business shall pertain to ground-level office, retail and service commercial establishments of which at least 75 percent in a given building have street frontage and their own entrance. In the case of multilevel office buildings, or multiple businesses in a building where less than 75 percent have street-level frontage or individual entrances, signage shall be limited to two displays per zoning lot, and shall be controlled by the same standards as would be applied to a single-tenant building.
- E. **Minimum sign setbacks** shall be as follows in “LC/S,” “RC/S,” and commercial-PD zoning districts:
- (1) No part of a free-standing sign shall be within ten feet of a street right of way nor within twenty feet of the intersection of corner right-of-way lines.
 - (2) No projecting sign within ten feet of an existing or proposed street right of way shall be larger than twenty-five square feet.
 - (3) Marquee, awning and canopy signs shall be an integral part of the structure to which they are attached.
- F. **Illumination** of signs is permitted in “LC/S,” “RC/S” and commercial-PD zoning districts, provided that illuminated signs facing “A/R,” “R,” or residential-PD zoning districts shall have neither exposed neon tubing nor an exposed visible light source, unless such signs are more than 100 feet distant from such non-commercial zoning districts.
- G. **Grand opening sign** provisions are provided in Section 4110, Supplementary Regulations, below.
- H. **Heights of signs** which are free-standing in “LC/S,” “RC/S” and commercial-PD zoning districts shall not exceed eight feet, except that **signs oriented toward an interstate highway** within 650 feet, shall have the following standards apply:
- (1) Such sign shall be separated from other free-standing signs on the same zoning lot by at least 75 feet, and shall be separated from other highway-oriented signs on adjoining lots by at least 150 feet.

- (2) No part of such sign shall be closer than 50 feet from the intersecting right of ways of two non-interstate public roads, nor closer than ten feet to a right of way other than an interstate highway.
 - (3) No part of such sign shall be closer than 10 feet from another zoning lot.
 - (4) The difference in elevation between the bottom of a highway-oriented sign and the top of another free-standing sign on the same zoning lot shall be at least 20 feet.
 - (5) For signs not meeting the definition of “cluster sign,” area per face shall not be larger than the greater of either 50 square feet or three square feet per foot of height above average grade elevation of the zoning lot, provided no such sign shall exceed 300 square feet in area and provided further that there is a minimum of 150 square feet of lot area for each square foot of sign area.
 - (6) For “cluster signs,” total area per sign plane shall not be larger than the greater of either 50 square feet or four square feet per foot of height above average grade on the zoning lot, provided such sign shall not exceed 360 square feet in area, and provided no individual business identified has a message area exceeding 200 square feet per sign face.
 - (7) Such sign shall not be larger per face than:
 - a. The greater of either 50 square feet or three square feet per foot of height above average grade on the zoning lot; and
 - b. One square foot for each 150 square feet of lot area.
 - (8) Maximum height (top of sign) shall be 80 feet above the average grade of the zoning lot if within 100 feet of the right of way limits for an interstate highway, and 100 feet above the average grade of the zoning lot if farther than 100 feet from the right of way limits for an interstate highway.
- I. **The maximum size for permitted signs** in “LC/S,” “RC/S” and commercial-PD zoning districts shall be, unless specifically allowed by other provisions of this chapter:
- (1) **Bulletin boards**, 27 square feet;
 - (2) **Monument signs** for business or identification purposes may be the larger of:
 - a) 25 square feet; b) one square foot per foot of building frontage on a public street, with an upper size limit of 70 square feet; or c) one square foot per four feet of lot frontage on a public street, with an upper size limit of 70 square feet;
 - (3) **Pylon signs** oriented toward Interstate 75 have area size standards enumerated by section 4108(H) above;
 - (4) **Awning, canopy and marquee signs**, shall not exceed in size the area of the awning, canopy or marquee to which they are attached, and shall meet the same size restrictions as for projecting signs;
 - (5) **Directional signs**, four square feet;
 - (6) **Wall signs** for business, construction, identification or real estate sales purposes:
 - a. Two square feet for each lineal foot of building frontage, to a maximum sign area the lesser of either 150 square feet or 15 percent of the wall plane area to which such sign is mounted. Wall plane area shall be

- calculated on wall area between grade and the roof plate line. No wall sign may be mounted above the roof plate line.
- b. The wall sign area limitations given by paragraph (I)(5a.) hereof may be increased by one square foot for each six linear feet the sign is set back from the minimum zoning set-back line.
 - c. Commercial uses of a retail or service nature, having no building frontage, not sub-lessees of a larger business entity on the premises, independent in ownership and management from other businesses on the premises displaying signage, and which are located in a structure of which at least 75 percent of the other businesses therein have street frontage exposure at the first story level, shall be permitted 12 square feet of wall sign area for each 500 square feet of floor area, to a maximum permitted sign area of 150 square feet.
 - d. No wall sign may be mounted in such a way that any part extends vertically above the surface of the wall to which it is attached.
- (7) **Projecting signs**, not exceeding the following limits:
- a. Subject to other applicable restrictions pertaining to projecting signs, the basic size standard for such signs shall be one square foot of sign area per lineal foot of building associated with a given business fronting a thoroughfare, to a maximum sign area of 50 square feet.
 - b. A business fronting a public thoroughfare shall be allowed a minimum projecting sign area of 10 square feet.
 - c. No projecting sign within 10 feet of a public right of way shall exceed 25 square feet in area.
 - d. Projecting signs shall provide at least 15 feet of clearance beneath when over an area used by motor vehicles, and 10 feet of clearance beneath in all other cases.
 - e. Projecting signs shall be subject to the same height limitations as wall signs.

SECTION 4109 SIGNS IN “OIS” AND “I-1” ZONING DISTRICTS

- A. The following **functional types of sign are permitted** in “OIS” and “I-1” zoning districts:
 - (1) Bulletin boards;
 - (2) Business signs;
 - (3) Construction signs;
 - (4) Identification signs;
 - (5) Directional signs;
 - (6) Political signs;
 - (7) Real estate signs; and
 - (8) Temporary signs.

General regulations pertaining to some of these functional sign types are given by this section. Supplementary regulations can be found in Section 4110.
- B. The following **structural types of signs are permitted** in “OIS” and “I-1” zoning districts:
 - (1) Permanent monument signs;

- (2) Free-standing signs intended for placement one year or less;
 - (3) Projecting signs; and
 - (4) Wall signs.
- C. **Two signs per establishment** are permitted in “OIS” and “I-1” zoning districts. Only one projecting sign per zoning lot is allowed.
- D. The allowance of two signs per business shall pertain to ground level office, retail and service commercial establishments of which at least 75 percent in a given building have street exposure and their own entrance. In the cases of multilevel office buildings, or multiple, independent businesses in a building where less than 75 percent have street level exposure and individual entrances, signage shall be limited to two per zoning lot and shall be controlled by standards applied to the entire building
- E. **Minimum sign setbacks** shall be as follows in “OIS” and “I-1” zoning districts:
- (1) No part of a monument nor free-standing sign shall be within 10 feet of a street right of way nor within 20 feet of the intersection of corner right-of-way lines.
 - (2) No projecting sign within 10 feet of a street right of way shall be larger than 25 square feet.
- F. **Illumination of signs** is permitted in “OIS” and “I-1” zoning districts, provided that illuminated signs facing “A/R,” “R,” or residential-PD zoning districts shall not have exposed neon tubing nor an exposed visible light source, unless such signs are more than 100 feet distant from such non-commercial zoning districts.
- G. The **height of signs** which are free-standing in “OIS” and “I-1” zoning districts shall not exceed eight (8) feet.
- H. The **maximum sizes for permitted signs** in “OIS” and “I-1” zoning districts shall be as follows, unless specifically allowed by other provisions of this chapter:
- (1) **Bulletin boards**, 27 square feet;
 - (2) **Free-standing and monument signs** for business, construction, identification or real estate sales purposes, one square foot for each four lineal feet of lot frontage, up to a maximum of 70 square feet;
 - (3) **Directional signs**, two square feet;
 - (4) **Wall signs** for business, construction, identification or real estate purposes, not exceeding a limit of one square foot of sign area for each lineal foot of building frontage, to a maximum sign area of 200 square feet, plus one square foot for each six lineal feet the sign is set back beyond the minimum building setback line.
 - (5) **Projecting signs**, not exceeding the following limits:
 - a. Subject to other applicable restrictions pertaining to projecting signs, the basic size standard for such signs shall be one square foot of sign per lineal foot of building area, to a maximum sign area of 50 square feet.
 - b. Signs projecting into a public right-of-way shall be limited to six square feet in area and shall not project into the right-of-way more than one foot.

- c. A business fronting a thoroughfare and having a projecting sign which does not encroach into the right of way shall be allowed a minimum projecting sign area of ten square feet.
- d. No projecting sign within ten feet of a public right of way shall exceed twenty-five square feet in area.
- e. Projecting signs shall provide at least fifteen feet of clearance beneath when over an area used by motor vehicles and ten feet of clearance beneath when over an area used by pedestrians. In all other cases, there shall be at least four feet of clearance beneath projecting signs.
- f. Projecting signs may not project horizontally more than three feet from a building.
- g. The height of wall and projecting signs shall be limited to the same height as the wall surface to which they are attached.

SECTION 4110 SUPPLEMENTARY REGULATIONS

- A. **Political signs** are allowed in all zoning districts, in addition to other permitted signs, provided that such signs meet the following conditions:
- (1) Political signs in any “A/R,” “R,” or residential-PD zoning district shall not exceed six square feet in area per candidate or cause per street frontage per zoning lot.
 - (2) Political signs in all other zoning districts shall not exceed twelve (12) square feet per candidate or cause per zoning lot.
 - (3) Political signs may be displayed only during a period 30 days before and five days after an election to which they pertain.
 - (4) Any person responsible for distributing political signs for display in the Township shall secure one permit for all such signs representing one candidate or issue.
- B. **Gasoline service station signs** may include the following and are subject to the following restrictions:
- (1) The following functional types of signs are permitted on zoning lots with gasoline service stations:
 - a. Identification signs;
 - b. Temporary signs;
 - c. Directional signs;
 - d. Business signs;
 - e. Real estate signs;
 - f. Political signs; and
 - g. Full service and self-service signs.
 - (2) The following structural types of signs are permitted on zoning lots with gasoline service stations:
 - a. Permanent monument signs;
 - b. Projecting signs; and
 - c. Wall signs.
 - (3) The following numbers of signs are permitted on any one zoning lot with a gasoline service station:
 - a. Two wall signs, plus, if applicable, one directional sign not more than six square feet in area per service bay doorway indicating services to be performed in such service bay;
 - b. One monument sign per establishment;
 - c. Two projecting signs per establishment;
 - d. One directional sign per driveway entrance, provided that at least 90 percent of the area of each sign is free of advertising material; and
 - e. Full-service and self-service signs.
 - (4) The following **maximum sizes of signs** are established for zoning lots with gasoline service stations:
 - a. Wall signs may aggregate two square feet for each lineal foot of building frontage, to a maximum sign area the lesser of either 150 square feet or 15 percent of the wall plane area to which such sign is mounted. Wall

- plane area shall be calculated on wall area between grade and the roof plate line. No wall sign may be mounted above the roof plate line.
- b. Monument signs may be 16 square feet in area plus the larger of either one square foot per foot of building frontage, or one square foot per four lineal feet of lot frontage on a public street, with an upper size limit of 86 square feet. Such free-standing signs may include commodity prices.
 - c. Two projecting signs per establishment, plus canopy support pole projecting signs, if limited to one such sign, not exceeding five square feet in area, per support pole, and if indicating only full or self-service and/or operating instructions.
- (5) The following **setbacks** shall be observed for gasoline service station signs:
- a. No part of a free-standing sign shall be within 10 feet of a street right of way nor within 20 feet of the intersection of corner right-of-way lines, with the exception of directional signs which shall be allowed within four feet of a street right of way if such directional signs do not exceed two and one-half feet in height.
 - b. No sign shall be located less than 10 feet from any side property line.
- C. **Multifamily project identification signs** shall be allowed in all zoning districts, provided:
- (1) There is only one sign and it is located at the principal entrance to the site.
 - (2) The height of the sign does not exceed six feet.
 - (3) The sign area shall be limited to the lesser of either 20 square feet or one square foot per dwelling unit.
 - (4) If such sign is free-standing and independent of a wall edifice, it shall be set back from the public right of way by at least 10 feet.
 - (7) Such signs are either unlighted or indirectly lighted.
 - (8) Such sign may be established flat against a masonry wall, extending no more than six inches therefrom, provided that the square footage of the face of said wall is at least six times as great as the sign area displayed in the same plane and provided that said wall does not exceed six feet in height and is located no closer than one foot from a public right of way.
- D. **Real estate and construction signs** shall be allowed without permit, unless otherwise specified below, subject to the following restrictions:
- (1) Real estate signs up to 32 square feet in area and six feet in overall height are allowed for sales of multifamily and nonresidential properties on zoning lots larger than one acre.
 - (2) All other real estate signs in residential zones are limited to six square feet in area and four feet in overall height. All other real estate signs in nonresidential zones are limited to 24 square feet in area and five feet in overall height.
 - (3) Only one real estate sign per zoning lot is allowed in the case of residential properties of three or fewer dwelling units. In the case of multifamily dwellings and nonresidential properties, one real estate sign per street frontage is allowed if either a corner zoning lot or more than one street frontage is involved.

- (4) Leasing signs for residential properties are prohibited, except as temporary displays for 14 days every 90 days, with a permit issued therefore.
- (5) On-site signs promoting the development and sale of lots, parcels or tracts having been approved for subdivision shall be permitted, provided:
 - a. Such signs are permitted only for development of eight or more vacant tracts.
 - b. Only one real estate sign is allowed per street frontage abutting the approved subdivision.
 - c. Such signs are not illuminated and do not exceed 32 square feet in area.
- (6) One construction sign, not exceeding 16 square feet in area, is allowed on each zoning lot where construction is taking place.
- (7) Each model home shall be limited to two model home identification signs with an aggregate total area of twenty square feet, and such signs shall not be displayed concurrently with a construction sign.
- E. **Grand opening wall signs** are temporarily excluded from size limitations of this chapter and shall be allowed for all newly opened retail and service businesses, provided that:
 - (1) Such signs are displayed for not more than 30 consecutive days.
 - (2) Such signs relate to a new retail or service entity at a given location and not to a name change or reorganization of a business.
 - (3) Such signs are confined to zoning lots wherein are located the newly established retail and service businesses.
 - (4) Such signs do not involve safety or distraction hazards.
 - (5) Such signs do not involve banners, flags or festoons.
 - (6) A permit for such signs shall be issued by the Township after payment of a fee and the posting of a deposit as provided in Section 4106.
- F. **Charitable signs** and signs relating to matters of a religious, patriotic or civic nature, not elsewhere regulated by this chapter, are permitted in all zoning districts, provided that such signs meet the following conditions:
 - (1) Only one such sign shall be displayed per zoning lot and not more than four signs are displayed throughout the Township.
 - (2) The permission of the property owner shall be obtained before establishing a sign display.
 - (3) Such signs shall be displayed not more than two weeks before nor more than five days after the event being announced.
 - (4) The overall height of free-standing signs shall not exceed six feet, and the location of free-standing and projecting signs shall be at least 10 feet from all right of way and property lines.
 - (5) The square footage per sign per zoning lot does not exceed 16 feet.
 - (6) A permit is obtained for such signs.
- G. A **shopping center** on a zoning lot of at least two acres, occupied by a group of five or more establishments forming a central retail and service market, may display one monument sign advertising only the name, ownership and location of the center and the name and type of business of each occupant within the center. The monument sign of a shopping center may have an area of one square foot of sign area for each two lineal feet of zoning lot frontage, with a maximum of 100

square feet. The sign shall be located not less than 10 feet from any right of way and shall be not more than 15 feet in height.

H. **Single-family plat identification signs** shall be allowed in “A/R,” “R,” and residential-PD zoning districts, provided that:

- (1) The plat being identified contains at least 10 zoning lots.
- (2) There is only one sign or one sign per major entry into the plat from other than a designated local street.
- (3) Such signage is located flat against a masonry wall, projecting no more than six inches therefrom.
- (4) The wall to which said sign is mounted is not more than six feet in height, not closer than one foot from a public right of way, and at least nine times as large as the sign area alone.
- (5) Such signs are limited in size to 32 square feet in area and are either unlighted or indirectly lighted.

I. **Cluster signs** are conditionally allowed in “RC/S” and commercial “PD” Zoning Districts provided:

- (1) An applicant submits a proper conditional use application, and the Board of Zoning Appeals (BZA) adheres to relevant provisions of Article 4, sections 403 and 404, of the Butler Township Zoning Resolution, in approving a conditional use application which has addressed regulations in this section of Article 41;
- (2) Only retail and service businesses within an eligible identified area are to be identified by such signage;
- (3) No more than one business per zoning is identified, and there is no more than one cluster sign per zoning lot;
- (4) Eligibility for a cluster sign is limited to an area with a minimum of five acres and at least two zoning lots;
- (5) A specific land area to be occupied by businesses identified by a cluster sign is designated as part of an application for conditional cluster sign approval;
- (6) Some portion of the five acre minimum area must lie within 650 feet of Interstate 75, and the cluster sign must be located within this 650 feet;
- (7) All the owners of zoning lots within a designated area must agree that any other highway-oriented sign will be foregone in exchange for representation as part of a cluster sign.

J. **Special signs and graphics** shall be allowed in non-residential zoning districts, provided approval is granted by the Board of Zoning Appeals, and provided further:

- (1) There is only one such display per zoning lot;
- (2) No special sign exceeds 15 feet in height;
- (3) The two-dimensional viewing area encompassing such a display does not exceed, in square footage, the size allowed for the largest sign otherwise permitted for a zoning lot in the particular zoning district.

K. **Billboard signs** shall be considered principal structures on a zoning lot and shall be subject to the following standards:

- (1) Such signs may total only one per zoning lot.
- (2) Such signs may exist in only one plane.

- (3) Sign area, in square feet, shall be proportional to distance to the nearest property line, such that allowable maximum area shall be determined by multiplying the first 15 feet of distance, or portion thereof, by five; the next 10 feet, or portion thereof, by four; and the remainder distance by three.

SECTION 4111 NONCONFORMING SIGNS

No nonconforming sign may be altered, relocated or replaced unless, after such operation, it complies with this chapter. If a nonconforming sign is damaged so that its existing value after such damage is less than one-half of its value if replaced, then it shall be removed.

SECTION 4112 APPEALS AND VARIANCES

- A. The Board of Zoning Appeals (BZA) shall have the power to approve, or approve with modifications, proposed graphics and special signs, as defined in Sections 4103 (d) and (ff).
- B. The Board of Zoning Appeals (BZA) shall have the power to hear and decide applications for variances and appeals from the interpretation of this chapter. The Board's decision on appeals shall be limited to alleged errors in the interpretation of this chapter. Fees for applications made to the BZA shall be established by resolutions of the Board of Township Trustees. Application forms shall be promulgated by the zoning administrator.
- C. With the exception of signs referenced by Subsection A immediately above, the BZA shall have the power to vary general and specific requirements of this chapter *only* to the extent of allowing changes in the physical dimensions applying to proposed signage. ***The BZA shall not have authority to allow a type of sign not specifically permitted in a given zoning district.***
- D. The BZA shall have the power to vary general and specific standards given by this chapter, provided that one of the following provisions is found to exist:
 - (1) There are exceptional or extraordinary circumstances or conditions applying to the property, or to the intended use of the property, that do not apply generally to other properties in the same zoning district and in the same vicinity.
 - (2) Such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity.
 - (3) In addition to the conditions set forth in paragraphs (D)(1) and (2) hereof, the authorizing of such variance must not be of substantial detriment to adjacent properties and must not materially impair the purposes of this chapter, the Zoning Code, or the public interest.
- E. Appeals from the Board shall be to the Court of Common Pleas, as provided by Section 2506 of the Ohio Revised Code.
- F. Sign variances, if granted, shall expire and be of no force and effect after the expiration of 12 months from the date thereof, unless the beneficiary of such variance has obtained a permit and actually erected the sign for which the variance was received.

SECTION 4112 PENALTY; EQUITABLE REMEDIES

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than five hundred dollars (\$500.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.