

Sign Regulations

Chapter 1 General Provisions

Section 1. Purpose.

Inasmuch as the citizens of the City of Maize have expressed a desire to impose controls on private, public and commercial signage, it is the intent and purpose of this Article to:

- (1) Recognize that commercial signs are a necessary means of useful communication for the convenience of the public.
- (2) Maximize the value of commercial signage as a means of locating and identifying commercial establishments providing goods and services.
- (3) Protect, preserve and enhance the aesthetic character of the City of Maize, and thereby encourage the continued development within the City.
- (4) Recognize the difference between commercial signs, which propose a commercial transaction, and ideological signs, which do not propose a commercial transaction but, instead, involve only the expression of ideas or beliefs.
- (5) Ensure that commercial signage does not obscure the architectural and natural features of the City, and is of a scale and proportion compatible with the aesthetic character of the City.
- (6) Protect the public from hazardous conditions that can result from commercial signs which are structurally unsafe, obscure the vision of motorists, create dangers to pedestrian traffic, or compete or conflict with necessary traffic signals and warning signs.
- (7) Promote an overall visual effect which has a minimum of clutter.
- (8) Avoid the creation of a "tourist trap" atmosphere which can result when business enterprises compete for attention through the use of excessive commercial advertising signs.
- (9) Eliminate distracting lighting and excessive glare by reasonably limiting the illumination of signs to subdued, adequately shielded or concealed light sources.
- (10) Impose reasonable time, place and manner restrictions upon commercial signs while, at the same time, not unnecessarily or impermissibly interfering with the free exercise of rights granted under the First Amendment of the United States Constitution and Article __, Section __ of the Kansas Constitution.
- (11) Assure that signs are promptly removed once the business, service or other activity advertised is no longer provided.

Section 2. Applicability

The provisions of this chapter shall apply to the erection, construction, reconstruction, remodeling, relocation, alteration, hanging, affixing or creation by painting, use, location and maintenance of all signs located out-of-doors, to those signs painted on any part of a building, and to those signs placed within a building for the express purpose of being visible from the exterior of the building. No sign shall be erected, constructed, reconstructed, remodeled, relocated, altered, hung, affixed or created by painting that would be contrary to the provisions of this code. The provisions herein contained shall be considered together with the sign, building and electrical codes of the city, and shall particularly regulate the size, height and type of signs otherwise permitted.

Section 3. Amendments and annual review

Any amendments to the Sign Code Ordinance shall be forwarded to the Maize City Planning Commission for their review and comment. The Maize City Planning Commission shall review this code on an annual basis.

Section 4. Severability

If any section or provision of this Sign Code Ordinance is for any reason held illegal, invalid, or unconstitutional, such action shall not affect the remaining provisions of this chapter which shall remain valid to the extent possible.

Chapter 2 Sign Permits

Section 1. Permit required.

(1) Except as provided in this Chapter, no person shall erect, construct, enlarge, alter, repair, display, maintain or use a sign, (whether temporary or permanent, until a permit for the same has been issued by the Planning Administrator or designee). Each sign shall require a separate sign permit.

(2) Only licensed and bonded sign hangers may place, locate, erect, construct, reconstruct, remodel, relocate, alter, hang, affix or create by painting any sign requiring a permit, except temporary signs.

(3) Temporary signs requiring a permit shall display a decal showing the permit number and expiration date to be affixed to the sign.

Section 2. Exemptions.

Subject to the hereinafter specified conditions and limitations, and provided that the following signs or sign devices are not prohibited by Chapter 2, Section 3, the following are exempted from the provisions of this Article:

(1) Official notices. Official government notices and notices posted by federal, state or local government officers or employees in the performance of their official duties; and government signs to control traffic, identify streets, warn of danger or perform other regulatory purposes.

(2) Flags. The flag, pennant or insignia of any nation, organization of nations, state, province, country, city, religious, civic or fraternal organization or educational institution; provided, however, that a permit shall be required when such are used in connection with a commercial promotion or as an advertising device; and provided further that all such flags are subject to the following limitations:

A. Flags and pennants shall not exceed the proportions which have been established by Presidential declaration, to wit: three (3) feet by five (5) feet when hung from a building, or five (5) feet by seven (7) feet when hung from a flagpole.

B. Flags shall have a minimum clearance of eight (8) feet when they project over public sidewalks and fifteen (15) feet when projecting over streets or roads.

C. A maximum of thirty (30) feet from the top of a flagpole to average grade shall be allowed.

D. Flags, pennants and insignia shall be maintained in a clean and undamaged condition at all times.

E. The display of national flags, pennants and insignia shall be governed by the standard rules of international protocol.

(3) Art. Works of art not used in connection with a commercial promotion or as an advertising device.

(4) Warning signs. Temporary or permanent signs erected by the City, public utility companies or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines or similar devices.

(5) Merchandise. Merchandise or models of products or services which are incorporated as an integral part of an indoor window display. Merchandise includes photographic window displays of real estate available for sale, lease or rental from a licensed real estate broker.

- (6) Signs on vehicles. Signs displayed on motor vehicles or trailers which are being operated or stored in the normal course of business, such as signs indicating the name of the owner or business which are located on delivery trucks, trailers and the like; provided, however, that the primary purpose of such vehicles is not for the display of signs, and provided that such vehicles are parked or stored in areas appropriate to their use as vehicles.
- (7) Cornerstones. Cornerstones and the like, when carved into stone, concrete, bronze or other permanent material and made an integral part of a building or structure, when they do not exceed four (4) square feet in size.
- (8) Historic plaques. Historic plaques erected by the City or historic agencies designating any areas of historical significance.
- (9) *For sale/for rent* signs. Any non-permanent sign used for the purposes of giving notice of the sale or rental of real property may be displayed, provided that said sign does not exceed sixteen (16) square feet in area; provided that no more than one (1) such sign may be erected per lot or parcel; and provided that the sign is removed within seven (7) days after the sale or rental of the subject property.
- (10) Change of copy. Changing of the advertising copy on a sign specifically designed to permit changes of the copy or message thereof.
- (11) Painting or repair of signs. Painting, repainting, repair or cleaning of a sign; provided, however, that this exemption shall not apply if the color scheme or design of an existing sign is altered or if such painting or repainting results in a different business being advertised by the sign.
- (12) Signs authorized by law. Signs required or specifically authorized for a public purpose by any law, statute or ordinance, such as "No Trespassing" signs; provided, however, that no such sign shall be placed in a public right-of-way unless specifically required or authorized by law, statute or ordinance; and, except for warning signs or barricades of a temporary nature, such signs shall be permanently affixed to the ground, a building or other structure. Such signs shall not exceed the minimum number required to accomplish the purpose.
- (13) Information signs. Signs containing no advertising, provided that each sign does not exceed six (6) square feet in area, and limited to a total of twelve (12) square feet for any one (1) business. Businesses having more than one (1) public entrance are allowed an additional six (6) square feet of sign area for the display of information signage at the secondary entrance.
- (14) Political signs. Yard signs, not exceeding four (4) square feet in size, indicating support for or opposition to a political candidate or political question. Such signs shall not be erected or placed prior to forty-five (45) days before an election, and shall be removed within seven (7) days following the election. No such signs, posters or banners shall be placed upon or shall extend into any public property or right-of-way.
- (15) Bumper stickers. Bumper stickers or similar expressions of noncommercial speech affixed to motor vehicles.
- (16) Picket signs. Signs used by persons engaged in lawful picketing activities.
- (17) Seasonal decorations. Temporary, noncommercial decorations or displays when such are clearly incidental to, and are customarily or commonly associated with, any national, local or religious celebration; provided; however, that such decorations or displays are maintained in an attractive condition and do not constitute a fire hazard.
- (18) Residential nameplates.
- (19) Ideological signs. Other types of ideological signs not specifically enumerated in this Section. Ideological signs, except for political signs, are exempt from the provisions of this Article and are not included within the definition of *sign*.
- (20) Civic events posters and announcements. Posters, flyers and announcements promoting civic events may be displayed, but shall not contain advertisements for products or services not associated with the civic event.
- (21) Scoreboards on athletic fields.

- (22) Gravestones.
- (23) Religious symbols not exceeding sixteen (16) square feet.
- (24) Commemorative plaques not exceeding four (4) square feet.
- (25) Holiday decorations utilized on a temporary basis.
- (26) Open/closed signs not to exceed four (4) square feet.
- (27) Window displays placed in or upon windows of a commercial or industrial building, whether painted or attached;

Section 3. Prohibited signs.

It is unlawful for any person to erect, construct or maintain any of the following types of signs or devices:

- (1) Moving signs, including but not limited to boats, motor vehicles, airplanes and helicopters.
- (2) Signs with reflective surfaces, except when used for public information signs.
- (3) Roof signs, including mansard roofs, with the exception that signs may be allowed for false storefronts or fascia if the sign does not exceed the roofline over the primary walls of the building.
- (4) Parked vehicles used for commercial advertising purposes, except as provided in Chapter 4, including but not limited to automobiles, trucks, buses, semi-trucks (attached or detached), trailers, mobile homes, boats, vans and the like, shall not be used as signs or sign structures.
- (5) Signs constituting a traffic or pedestrian hazard.
- (6) Signs which simulate, imitate or conflict with traffic signals or signs.
- (7) Signs which do not advertise an operative business.

Section 4. Sign permits.

- (1) Application form. An application for a sign permit shall be made in writing on forms furnished by the City. The application shall contain the following information, and the application and all exhibits shall become the property of the City:
 - A. Two (2) drawings showing details of construction, and foundation of the proposed sign if a freestanding sign.
 - B. A scaled drawing showing the size, shape, design, colors, materials, lighting and letter styles of the proposed sign.
 - C. A plot plan of the site indicating the sign location of any freestanding sign.
 - D. An architectural elevation or a photo depicting the proposed location of the sign on a building if a wall or window sign.
 - E. Any other maps, drawings or materials needed to adequately describe the sign proposal.
- (2) Permit fee. At the time of submission of an application for a sign permit, the applicant shall pay a fee in accordance with those outlined in Addendum A. The fee is nonrefundable. Any variance requests must be accompanied by a nonrefundable fee in accordance with Chapter ____, Fees, of the City Code.
- (3) Sign permit review procedures. Applications for sign permits shall be processed in accordance with the following procedures:
 - A. Submission requirements. The applicant shall submit the application, all required application materials and the fee. Within fifteen (15) business days after the application has been filed, the Planning Administrator shall determine whether the application is complete and all required materials have been submitted. If the application is complete, it shall be so noted and shall be acted upon by the Planning Administrator and Design Review Committee within fifteen (15) business days. If the application is not complete, it shall be so noted, the applicant advised of the deficiencies and the application shall not be reviewed until all required materials have been received by the City.
 - B. Review criteria. The Planning Administrator and Design Review Committee shall have fifteen (15) days after submittal of the complete application to make a decision, at which time he or she

may:

1. Approve the application with or without conditions.
 2. Deny the application based on the policies and criteria established within this Article.
 3. Continue or table the application for up to ten (10) additional days if additional information or study is necessary to make a decision.
 4. Any such temporary sign for which said permit is obtained shall bear a decal showing the permit number and expiration date of the permit.
- No decision of the Planning Administrator shall be in conflict with the provisions of this Article.

Any application not meeting the specific criteria of this Sign Code Ordinance may be considered as a Variance by the Board of Zoning Appeals in accordance with established procedures for review of variance cases. Upon a decision by the Planning Administrator that a sign permit application does not meet specified criteria for granting of a permit the applicant may file a Variance with the Board of Zoning Appeals. No decision of the Board of Zoning Appeals shall be in conflict with the provisions of this Sign Code Ordinance unless a variance has been reviewed and approved in accordance with the provisions of this Article.

Section 5. Permit duration; individual signs.

Signs for which approval has been granted by the Planning Administrator or the Board of Zoning Appeals shall be erected within ninety (90) days of the approval, with the exception that freestanding signs shall be erected within one hundred eighty (180) days of the approval of the sign. Failure to complete placement of a sign within such period shall cause the approval to expire and require the sign owner to obtain a new sign permit before such sign can be erected.

Section 6. General limitations on signs.

All signs, whether a permit is required or not, shall be subject to the general limitations contained in this Chapter.

Section 7. Architectural compatibility.

A sign, including its supporting structure and components if any, shall be architecturally compatible, as determined by the Planning Administrator and Design Review Committee, with any building to which the sign is to be attached and with the surrounding structures. Architectural compatibility includes features such as sign location, materials, letter style, colors or size.

Section 8. Component painting.

All light fixtures, conduit and shielding shall be painted a flat, dark color or shall be painted to match either the building or the supporting structure that serves as the background of the sign.

Section 9. Maintenance.

All signs shall be structurally sound, shall be maintained in good repair and shall not constitute a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation or electrical shock. The display surfaces of all signs shall be kept neatly painted and maintained at all times. In addition to other remedies provided for in this Article, the Planning Administrator shall have the authority to order the painting, repainting, repair, maintenance or removal of any sign which has become dilapidated or in disrepair.

If such a condition is determined by the Planning Administrator to exist, the Planning Administrator shall give notice thereof by certified mail, return receipt requested, to the owner of

the sign at the address shown on the sign permit. If, within fifteen (15) days from service of the notice, the Planning Administrator's order is not complied with, the Planning Administrator may remove the sign or cause it to be removed, and the cost of removal shall be charged against the sign owner and the sign owner's property as provided in Chapter 9 of this Article. If removed by the City, the sign shall be held by the City, available for the owner to retrieve at a fee of \$30, for not more than thirty (30) days, and it may not be erected until brought into compliance with this Article. All signs not retrieved by the owner within 30 days may be disposed of by the City in whatever manner it so chooses.

Section 10. Building and electrical permits.

- (1) All signs for which a sign permit is required shall be subject to the provisions of the most currently adopted version of the building, electrical and mechanical codes.
- (2) All signs containing electrical wiring shall be subject to the provisions of the electrical code, and an electrical permit shall be required.

Section 11. Confusing or dangerous signs.

No sign shall:

- (1) In any way obstruct the view of, or be prone to confusion with, an official traffic sign, signal or device or any other official sign.
 - (2) Obstruct the view of motor vehicle operators entering a public roadway from any parking area, service drive, private driveway, alley or other thoroughfare.
 - (3) Obstruct free ingress to or egress from required doors, windows, fire escapes or other required exits.
 - (4) Be attached to utility poles or to trees.
 - (5) Be near near driveway approach. No ground sign exceeding a height of three feet, permanent or temporary, shall be located within a triangle, the sides of which are formed by the property line, the edge of the driveway as extended from the street, and a line from a point on the property line twenty-five feet from the driveway to a point on the edge of the driveway six feet behind the property line.
- Any sign deemed confusing or dangerous by Planning Administrator or designee shall be subject to immediate removal or relocation.

Section 12. Abandoned signs.

A sign shall be removed within fourteen (14) days after the activity, product, business, service or other use which is being advertised has ceased or vacated the premises. This provision shall not apply to signs officially designated as landmarks, or to permanent signs accessory to businesses which are open only on a seasonal basis, provided that there is clear intent to continue operation of the business. After fourteen (14) days and notice to the permit holder, a sign may be caused to be removed by the Planning Administrator and the costs of such action may be collected as provided in Chapter 9 of this Article.

Section 13. No signs on public property.

No signs shall be placed on or within any public right-of-way or public place except those for civic events, directional signs, and garage sale signs as specified in Chapter 4 of this code.

Section 14. Adjustments to allowed sign area.

Double-faced signs. Only fifty percent (50%) of the surface area per sign face shall be counted against allowed sign area. The two (2) sides of a double-faced sign must be parallel back to back, and no thicker than twelve (12) inches.

Chapter 3 Permanent Signs

Section 1. Regulations.

The following regulations shall apply to the specific permanent signs as indicated. The total area of these signs shall be counted against the total allowable sign area provided in Chapter 6 of this Article.

Section 2. Awnings.

Any portion of an awning containing the name of the business or other sign shall be counted as a sign. In addition, the following regulations shall apply to awnings:

- (1) No awning shall block the view of other signs or extend over the public right-of-way or public place without City approval.
- (2) There shall be a minimum clearance of at least eight (8) feet between the bottom of the awning and the ground at grade.
- (3) All awning supports must be set back a minimum of one (1) foot from any City right-of-way or public property unless specifically allowed by the Planning Commission.
- (4) No awning shall be placed in any manner where it would allow rain or snow to shed onto any public walkway.

Section 3. Cut-out or painted letters.

Cut-out letters mounted on a building surface and letters painted on a building constitute wall signs, and the aggregate area of such signs shall be counted against the allowable sign area established by this Article.

Section 4. Directory signs.

Directory signs may be wall-mounted or freestanding, and the aggregate area of such sign shall be counted against the allowable sign area established by this Article. The individual signs of a directory sign shall be of a coordinated design, with each of the individual signs sharing at least two (2) of the following as design elements in common: size, shape, materials, letter style or color.

Section 5. Freestanding signs.

- (1) There shall be no more than one (1) freestanding sign for each lot.
- (2) A landscaped area planted with a mixture of vegetation equal to two (2) square feet for each one (1) square foot of each side of a freestanding sign shall be maintained by the permit holder. Such area shall be kept in a neat and clean condition, free of trash, weeds and rubbish.
- (3) No freestanding sign shall extend over or into a public right-of-way or public property, and all freestanding signs shall be placed at least five (5) feet to the interior of any property lines.
- (4) The square footage of the architectural elements of a monument sign shall not be counted against the allowed sign area in those instances where the architectural elements do not exceed the allowed square footage of the sign itself.

Section 6. Projecting or hanging signs.

- (1) Projecting or hanging signs may not extend above the second floor of any building.
- (2) Projecting signs shall not be located above the eave line or parapet wall of any building and shall not project over a public right-of-way.
- (3) No projecting sign shall extend more than four (4) feet from a building wall.
- (4) The two (2) sides of a projecting or hanging sign must be parallel back to back and shall not exceed twelve (12) inches in thickness.

(5) The allowable size of any projecting or hanging sign shall not include the sign structure, but in no instance shall the sign structure exceed one-half (1/2) the square footage of the sign itself.

Section 7. Subdivision entrance signs.

- (1) There shall be no more than one (1) subdivision entry sign per subdivision entry.
- (2) No portion of a subdivision entrance sign shall extend more than twelve (12) feet above grade.
- (3) For each subdivision entrance sign, there shall be a landscaped and maintained area at the base of each sign at least two (2) square feet in area for each square foot of each side of the sign and supporting structure, with a minimum landscaped area of twenty-four (24) square feet. Such area shall be kept in a neat and clean condition, and shall be kept free of rubbish, weeds and trash.

Section 8. Wall signs.

Wall signs shall not be mounted higher than the eave line or parapet wall of the principal building, and no portions of such wall signs, including cut-out letters, shall project more than six (6) inches from the building.

Section 9. Residential complex signs.

Up to two (2) building or project identification signs shall be permitted for each condominium or multi-family project. Such signs shall not exceed one hundred (100) square feet in total.

Section 10. Property management signs.

Each property management company may receive a permit for property management signs within a multi-family complex, provided that the signs meet the general requirements of the sign code and the following criteria:

- (1) Sign design and materials shall comply with the property's designated sign zone.
- (2) Property management signs shall not exceed three (3) square feet and shall be limited to not more than one (1) sign per building.
- (3) Signs shall be wall-mounted only; no freestanding signs.
- (4) Signs shall not be directed toward any public right-of-way, but rather toward the interior of the complex. Signs shall not face public streets.

Section 11. Real estate development signs.

- (1) Real estate development signs shall not be greater than thirty-two (32) square feet in size, one (1) per development or each real estate development site.
- (2) A real estate development sign may be displayed commencing with the issuance of approval of the project by the City and shall be removed at or before the time of the issuance of the last certificate of occupancy; provided, however, that if a building permit for the project identified by the sign is not issued within one (1) year after the approval of the project by the City, the sign must be removed.
- (3) If no permits are issued within any one year period for the development, then said real estate development sign shall be removed.

Chapter 4 Temporary Signs

Section 1. Temporary signs requiring permit.

Except as specifically authorized in this Chapter and Sections 2 through 13 of this Article, temporary signs are prohibited within the City. The following types of temporary signs shall be in accordance with Sections 2 through 12 of this Article and are allowed in all zoning districts.

Permitted temporary signs are not charged against the maximum allowable sign area as described in Chapter 6 of this Article.

Section 2. Civic event banners.

- (1) Civic event banners shall not be greater than four (4) feet by sixty (60) feet in size.
- (2) A permit to erect a banner may only be issued for banners which announce or promote a civic event, which welcome participants to conventions or similar gatherings or which serve as decorations for a special holiday.
- (3) Civic event banners shall have a minimum clearance of eight (8) feet over pedestrian ways and eighteen (18) feet over streets.
- (4) Civic event banners allowed under this provision may be hung three (3) weeks prior to the opening of the event or activity being promoted, and shall be removed within seven (7) days after the conclusion of such event or activity.
- (5) Civic event banners shall not require the issuance of a sign permit.

Section 3. Directional signs.

- (1) Temporary directional signs shall not be greater than eight (8) square feet in size.
- (2) Temporary, nonilluminated directional signs shall be permitted for special events.
- (3) Such signs shall not be displayed for longer than four (4) consecutive days, and shall be placed so as not to create a hazard for pedestrian or vehicular traffic.
- (4) Directional signs may be placed off-site and within public rights-of-way if the Planning Administrator determines that their placement off-site and/or within public rights-of-way is necessary to direct participants to the proposed special event and if their placement does not create a traffic or safety hazard and is not detrimental to the health, safety and welfare of the community.
- (5) Directional signs shall not require the issuance of a sign permit.

Section 4. Real estate Open House signs.

Two (2) real estate *Open House* signs may be allowed off-premises for each property for sale, if the proposed signs meet the following criteria:

- (1) The off-premises *Open House* signs shall not be greater than four (4) square feet in size.
- (2) The off-premises *Open House* signs shall not be placed on any sidewalk, bikeway, travel lane or highway median, nor in any manner where in the opinion of the City the sign would constitute a safety hazard.
- (3) The off-premises *Open House* signs shall be located no closer than five (5) feet to any travel way, whether paved or gravel, and no closer than fifteen (15) feet to the intersection of any two (2) public roads.
- (4) The off-premises *Open House* signs may not exceed three (3) feet in height from ground level, and shall not be placed on any tree, fence, public signs or signposts.
- (5) The off-premises *Open House* signs may only be displayed between the hours of 7:00 a.m. and 9:00 p.m.
- (6) The off-premises *Open House* signs shall only be displayed when a real estate agent is available on the premises for sale.
- (7) Only one (1) off-premises *Open House* sign per business, or per owner when the property is being sold without the aid of an agent, may be located at the same street intersection, and no two (2) signs from the same business shall be located closer than three hundred (300) feet from each other.
- (8) No off-premises *Open House* signs shall be used to direct citizens to a place of business, nor shall they be utilized for any property not for sale.
- (9) No *Open House* sign may be located further than one (1) mile from the property

offered for sale.

(10) Real estate open house signs shall not require the issuance of a sign permit.

Section 5. Grand opening signs.

Temporary signs advertising the opening of a business or combination of businesses may be erected upon issuance of a sign permit when the signs meet the following standards and limitations:

- (1) The grand opening signs may be displayed on site for a period not to exceed thirty (30) days.
- (2) Businesses are granted one (1) grand opening sign permit in any location.
- (3) A new business within an existing building may be permitted a grand opening sign similar to a new business within a new building.
- (4) Grand opening signs are prohibited on any sidewalk, bikeway or travel lane and may not be placed in any manner where in the opinion of the Planning Administrator the sign would create a safety hazard.
- (5) Grand opening signs must be placed on site.
- (6) Only one (1) temporary sign advertising a grand opening may be displayed per business, and no more than two (2) may be displayed per building or parcel at any one (1) time.
- (7) No temporary grand opening sign or banner may exceed thirty-two (32) square feet in size.
- (8) Grand opening signs shall require the issuance of a temporary sign permit, such fee as established by the City Council.

Section 6. Temporary banners.

- (1) Temporary banners are limited to advertising for a sale or event, are limited to four (4) permits per calendar year and are allowed for a period of no more than fourteen (14) days.
- (2) Temporary banners shall require the issuance of a temporary sign permit, such fee as established by the City Council.

Section 7. Garage sale signs.

Garage sale signs which announce the sale of used items from a residence must meet the following standards:

- (1) A maximum of two (2) signs may be placed on the right-of-way for any garage/yard sale.
- (2) A maximum of four (4) square feet per sign is allowed.
- (3) Signs shall be removed on the last day of the sale.
- (4) Garage/yard sale signs are not allowed to be attached onto utility poles or light poles.
- (5) Garage sale signs shall not require the issuance of a sign permit.

Section 8. Sandwich board signs.

- (1) Only one (1) sandwich board sign is permitted per business. It must be located within fifteen (15) feet of the main entrance of the premises being advertised and must not interfere with movement of pedestrians.
- (2) Sandwich board signs shall not exceed thirty (30) inches in width and thirty (36) inches in height.
- (3) Such signs may be displayed during permitted store hours and when the store is open for business.
- (4) Such signs shall not be electrical in any form and shall not display lights or contain moving parts.
- (5) Sandwich board signs shall not require the issuance of a sign permit.

Section 9. Property For sale signs.

- (1) *For sale* signs shall not be greater than sixteen (16) square feet in size, one (1) such sign per

property.

(2) For sale signs shall not require the issuance of a sign permit.

Section 10. Property For rent signs.

(1) Property *For rent* signs shall not be greater than six (6) square feet in size, one (1) sign per property.

(2) For rent signs shall not require the issuance of a sign permit.

Section 11. Commercial Balloons.

(1) An on-site, temporary sign that is inflated and exceeds five square feet in area, designed to advertise a specific product or service sold, produced or conducted on the premises on which advertising copy, logos, symbols or emblems may or may not be printed, painted or attached. Commercial balloons may be tethered or mounted to a structure or on the ground. Such signs shall be limited to four (4) permits per calendar year per business and are allowed for a period of no more than fourteen (14) days.

(2) Commercial balloons shall require the issuance of a sign permit, such fee as established by the City Council.

Section 12. Portable signs

(1) A temporary on-site sign designed in such a manner as to be readily movable and not permanently attached to the property; such as A-frames, trailer signs, signs placed on vehicles, beacon lights and other similar signs. Any such sign shall not exceed a height of eight (8) feet above grade; and shall not exceed sixty square feet per side in gross surface area. Such signs shall be limited to four (4) permits per calendar year per business and are allowed for a period of no more than fourteen (14) days.

(2) Portable signs shall require the issuance of a sign permit, such fee as established by the City Council

Chapter 5 Design Standards and Maximum Sign Areas and height

Section 1. Zoning District Standards

Specific sign restrictions for individual zoning districts are as outlined below, except that all signs, including portable and temporary signs, in all zoning districts shall have a minimum of one hundred fifty (150) feet of separation between adjacent signs.

Section 2. Signs permitted in the “RR”, “SF-20”, “SF-10”, "SF-5," "TF-3," "MF-18", “MF-29”, and "B" residential zoning districts.

(1) Identification signs for multifamily dwellings and other major office and institutional uses. Such signs shall not exceed sixteen (16) square feet in area except along designated collector, arterial or expressway streets where the maximum sign area shall be forty-two (42) square feet. Said signs shall be no more than twenty feet in height, and shall be limited to indirect or internal illumination of white light only.

(2) Subdivision entrance signs as set forth in Chapter 3, Section 7 above, provided that no such sign shall exceed forty (40) square feet in size and twelve (12) feet in height from ground level.

(3) Residential complex signs as set forth in Chapter 3, Section 9 above.

(4) Property management signs as set forth in Chapter 3, Section 10 above.

Section 3. Signs permitted in the "NO" neighborhood office, "NR" neighborhood retail districts.

(1) Ground or pole identification signs, provided no sign shall exceed thirty-two square feet of gross surface area on a single-tenant zoning lot. Multi-tenant lots sharing the same sign structure may have up to twenty-four square feet each not to exceed a total of ninety-six square feet on the zoning lot. Sign height shall not exceed eight (8) feet. Only one ground or pole sign shall be permitted for any office or business; provided, however, when more than one business is located on a zoning lot, additional signs may be permitted when a distance separation of one hundred fifty feet along the street frontage is maintained. When the distance separation of one hundred fifty feet does not permit each individual business a sign, the business shall share the use of the permitted number of signs. Under no circumstance shall the total gross surface area of all ground or pole signs on a zoning lot exceed one-half square foot per linear foot of frontage; provided however, a zoning lot with sixty-four feet or less frontage shall be permitted a sign of thirty-two square feet of gross surface area. No ground or pole sign shall be located closer than fifteen feet to an adjacent property. Any sign permitted by this section shall be limited to indirect or internal illumination of white light only and without flashing or moving images.

(2) Portable signs shall not be allowed except for institutional uses on a temporary basis.

(3) Wall signs not exceeding thirty-two square feet in area or thirty feet in height, and limited to one per building elevation for each major use in the building, provided that the total amount of wall signage for each major use in the building does not exceed thirty-two square feet; and provided that the building elevation to which any sign is to be attached shall have one of the following:

- A. Street frontage;
- B. Be adjacent to a nonresidential zoning district; or
- C. If adjacent to a residential zoning district, there must be a parking, loading or open space area with a depth of one hundred fifty feet or more as measured from the sign face to the property line which adjoins the residential zoning district.

Such signs shall be limited to direct or internal illumination of white light only and without flashing or moving images.

Section 4. Signs permitted in the "GO" General Office District.

(1) Illuminated on-site ground or pole signs;

A. Number Permitted. The number of ground or pole signs permitted on a zoning lot shall be determined by the linear feet of street frontage of the zoning lot. Where a zoning lot has street frontage on more than one street, the provisions of this section shall apply to each street frontage; provided, however, signs permitted by a street frontage must be adjacent to, and face the direction of travel along said street.

Exception: On zoning lots adjoining designated collector or arterial streets or expressways to which the zoning lot has no direct, legal vehicular access, one ground or pole sign not exceeding sixty-four square feet in area and fifteen (15) feet maximum height above grade shall be permitted along such collector or arterial street or expressway; provided that any such ground or pole sign shall only be permitted in lieu of wall signs otherwise allowed on the building elevation facing the same street. One ground or pole sign shall be permitted for any street frontage. When the distance separation of one hundred fifty feet does not permit each individual business a sign, the businesses shall share the use of the permitted number of signs. Under no circumstance shall the total gross surface area of all ground or pole signs on a zoning lot street frontage exceed the table of areas "maximum square feet of all signs per linear foot of street frontage" set forth in Table 4 of this section.

B. Size Permitted. The size of an on-site ground or pole sign shall not exceed the maximums set forth in the "table of areas" below; provided, however, the total sign area of

all on-site ground or pole signs on the zoning lot shall not exceed the "total permitted area in square feet of all signs per linear foot of street frontage" adjacent to street frontage providing legal, direct vehicular access onto the zoning lot.

TABLE OF AREAS (Table 4)

Maximum Permitted Areas for
On-Site Ground or Pole Signs
in "GO" District

Type of Street	Maximum Area of Individual Sign in Square Feet	Total Permitted Area in Square Feet of All Signs per Linear Foot of Street Frontage
Undesignated	50	.5
Collector	75	.5
Arterial	100	.75
Expressway	100	.75

C. Height Limit. No ground or pole sign shall exceed a height of fifteen (15) feet

D. Location on Property. On-site ground or pole signs shall not project over public right-of-way, and shall be located not closer to an adjacent property line than one-third the frontage of the zoning lot or fifteen feet, whichever is less. The centerline of an alley shall be considered an adjacent property line. When more than one ground or pole sign is permitted on a zoning lot, there shall be maintained a minimum horizontal distance between signs of one hundred fifty feet, along the same street frontage.

Exception: A sign located within fifty feet of the intersection of two streets on a corner lot may be placed so that it may face both directions of travel, such as a sign being erected on an angle. When this occurs, it shall be considered a sign adjacent to each street, and one-half of the sign area shall be charged against the total permitted sign area of each street frontage.

Exception: The Planning Administrator may vary these minimum horizontal distances up to thirty percent when circumstances related to the physical features of the zoning lot prevent the installation of the sign at the minimum horizontal distances. The reduction of these minimums shall in no way change the number of signs permitted on a zoning lot.

(2) Portable signs shall not be allowed except for institutional uses on a temporary basis.

(3) Wall signs not exceeding thirty-two square feet in area or thirty feet in height, and limited to one per building elevation for each major use in the building, provided that the total amount of wall signage for each major use in the building does not exceed thirty-two square feet; and provided that the building elevation to which any sign is to be attached shall have one of the following:

A. Street frontage;

B. Be adjacent to a nonresidential zoning district; or

C. If adjacent to a residential zoning district, there must be a parking, loading or open space area with a depth of one hundred fifty feet or more as measured from the sign face to the property line which adjoins the residential zoning district.

Such signs shall be limited to direct or internal illumination of white light only and without

flashing or moving images.

Section 5. Signs permitted in the "MH" mobile home district.

Identification sign for a mobile home park. Such sign shall not exceed ten (10) feet in height or exceed forty (40) square feet in area, and shall be limited to indirect or internal illumination of white light only.

Section 6. Signs permitted in the "LC" Limited Commercial District.

(1) Illuminated on-site ground or pole signs;

A. Number Permitted. The number of ground or pole signs permitted on a zoning lot shall be determined by the linear feet of street frontage of the zoning lot. Where a zoning lot has street frontage on more than one street, the provisions of this section shall apply to each street frontage; provided, however, signs permitted by a street frontage must be adjacent to, and face the direction of travel along said street.

Exception: On zoning lots adjoining designated collector or arterial streets or expressways to which the zoning lot has no direct, legal vehicular access, one ground or pole sign not exceeding sixty-four square feet in area and twenty (20) feet maximum height above grade shall be permitted along such collector or arterial street or expressway; provided that any such ground or pole sign shall only be permitted in lieu of wall signs otherwise allowed on the building elevation facing the same street. One ground or pole sign shall be permitted for any street frontage. When the distance separation of one hundred fifty feet does not permit each individual business a sign, the businesses shall share the use of the permitted number of signs. Under no circumstance shall the total gross surface area of all ground or pole signs on a zoning lot street frontage exceed the table of areas "maximum square feet of all signs per linear foot of street frontage" set forth in Table 6 of this section.

B. Size Permitted. The size of an on-site ground or pole sign shall not exceed the maximums set forth in the "table of areas" below; provided, however, the total sign area of all on-site ground or pole signs on the zoning lot shall not exceed the "total permitted area in square feet of all signs per linear foot of street frontage" adjacent to street frontage providing legal, direct vehicular access onto the zoning lot.

TABLE OF AREAS (Table 6)

Maximum Permitted Areas for
On-Site Ground or Pole Signs
in "LC" District

Type of Street	Maximum Area of Individual Sign in Square Feet	Total Permitted Area in Square Feet of All Signs per Linear Foot of Street Frontage
Undesignated	50	1
Collector	100	1
Arterial	150	1.5
Expressway	150	1.5

C. Height Limit. No ground or pole sign shall exceed a height of twenty (20) feet

D. Location on Property. On-site ground or pole signs shall not project over public right-of-way, and shall be located not closer to an adjacent property line than one-third the frontage of the zoning lot or fifteen feet, whichever is less. The centerline of an alley shall be considered an adjacent property line. When more than one ground or pole sign is permitted on a zoning lot, there shall be maintained a minimum horizontal distance between signs of one hundred fifty feet, along the same street frontage.

Exception: A sign located within fifty feet of the intersection of two streets on a corner lot may be placed so that it may face both directions of travel, such as a sign being erected on an angle. When this occurs, it shall be considered a sign adjacent to each street, and one-half of the sign area shall be charged against the total permitted sign area of each street frontage.

Exception: The Planning Administrator may vary these minimum horizontal distances up to thirty percent when circumstances related to the physical features of the zoning lot prevent the installation of the sign at the minimum horizontal distances. The reduction of these minimums shall in no way change the number of signs permitted on a zoning lot.

(2) Illuminated wall signs; provided that any building elevation on which such sign is placed shall be required to have or comply with any one of the following:

A. street frontage;

B. be adjacent to an "NO" Neighborhood Office, "GO" General Office, "NR" Neighborhood Retail, "LC" Limited Commercial, "GC" General Commercial, "OW" Office Warehouse, "LI" Limited Industrial or "GI" General Industrial zoning district; or

C. if adjacent to a residential use or zoning district, there must be a parking, loading or open space area with a depth of one hundred fifty feet or more as measured from the sign face to the property line which adjoins the residential zoning district or use. The sum of all signs for each business shall be limited in total area to twenty percent of each tenant space elevation with no sign exceeding two hundred (200) square feet in area, and there shall be no more than three signs for each tenant or business on each building elevation. If adjacent to residential use or zoning, building elevations not having street frontage, but facing onto parking or loading areas exceeding fifty feet but less than one hundred fifty feet in depth, may provide identification signs for each place of business having an entrance therefrom; providing such signs shall not exceed fifteen square feet in area nor be more than twelve feet above grade at their highest point;

(4) Portable signs as set forth in Chapter 4, Section 13.

(5) Commercial balloon signs as set forth in Chapter 4, Section 12.

Section 7. Signs permitted in the "GC" general commercial district.

(1) Illuminated on-site ground or pole signs;

A. Number Permitted. The number of ground or pole signs permitted on a zoning lot shall be determined by the linear feet of street frontage of the zoning lot. Where a zoning lot has street frontage on more than one street, the provisions of this section shall apply to each street frontage; provided, however, signs permitted by a street frontage must be adjacent to, and face the direction of travel along said street.

Exception: On zoning lots adjoining designated collector or arterial streets or expressways to which the zoning lot has no direct, legal vehicular access, one ground or pole sign not exceeding sixty-four square feet in area and twenty-five (25) feet maximum height above grade shall be permitted along such collector or arterial street or expressway; provided that any such ground or pole sign shall only be permitted in lieu of wall signs otherwise allowed on the building elevation facing the same street. One ground or pole sign shall be permitted for any street

frontage. When the distance separation of one hundred fifty feet does not permit each individual business a sign, the businesses shall share the use of the permitted number of signs. Under no circumstance shall the total gross surface area of all ground or pole signs on a zoning lot street frontage exceed the table of areas "maximum square feet of all signs per linear foot of street frontage" set forth in Table 7 of this section.

B. Size Permitted. The size of an on-site ground or pole sign shall not exceed the maximums set forth in the "table of areas" below; provided, however, the total sign area of all on-site ground or pole signs on the zoning lot shall not exceed the "total permitted area in square feet of all signs per linear foot of street frontage" adjacent to street frontage providing legal, direct vehicular access onto the zoning lot.

TABLE OF AREAS (Table 7)

Maximum Permitted Areas for
On-Site Ground or Pole Signs
in "GC" District

Type of Street	Maximum Area of Individual Sign in Square Feet	Total Permitted Area in Square Feet of All Signs per Linear Foot of Street Frontage
Undesignated	100	1
Collector	150	1
Arterial	200	2
Expressway	200	2

C. Height Limit. No ground or pole sign shall exceed a height of twenty-five (25) feet

D. Location on Property. On-site ground or pole signs shall not project over public right-of-way, and shall be located not closer to an adjacent property line than one-third the frontage of the zoning lot or fifteen feet, whichever is less. The centerline of an alley shall be considered an adjacent property line. When more than one ground or pole sign is permitted on a zoning lot, there shall be maintained a minimum horizontal distance between signs of one hundred fifty feet, along the same street frontage.

Exception: A sign located within fifty feet of the intersection of two streets on a corner lot may be placed so that it may face both directions of travel, such as a sign being erected on an angle. When this occurs, it shall be considered a sign adjacent to each street, and one-half of the sign area shall be charged against the total permitted sign area of each street frontage.

Exception: The Planning Administrator may vary these minimum horizontal distances up to thirty percent when circumstances related to the physical features of the zoning lot prevent the installation of the sign at the minimum horizontal distances. The reduction of these minimums shall in no way change the number of signs permitted on a zoning lot.

- (2) Illuminated off-site signs subject to provisions in Chapter 5, Section 7.(1),A, 7.(1).B, except that no off-site signs shall be permitted along arterial roadways;
- (3) Illuminated wall signs, provided that signs shall be limited in total area to twenty percent of each building elevation, and no individual sign shall exceed two hundred (200) square feet.
- (4) Roof signs, except for commercial balloon signs, shall not be permitted.
- (5) Portable signs as set forth in Chapter 4, Section 13.
- (6) Commercial balloon signs as set forth in Chapter 4, Section 12.

Section 8. Signs permitted in the “LI” limited industrial and “GI” general industrial district.

(1) Illuminated on-site ground or pole signs under the following provisions:

A. Number Permitted. The number of ground or pole signs permitted on a zoning lot shall be determined by the linear feet of street frontage of the zoning lot. Where a zoning lot has street frontage on more than one street, the provisions of this section shall apply to each street frontage; provided, however, signs permitted by a street frontage must be adjacent to, and face the direction of travel along said street.

Exception: On zoning lots adjoining designated collector or arterial streets or expressways to which the zoning lot has no direct, legal vehicular access, one ground or pole sign not exceeding sixty-four square feet in area and twelve (12) feet maximum height above grade shall be permitted along such collector or arterial street or expressway; provided that any such ground or pole sign shall only be permitted in lieu of wall signs otherwise allowed on the building elevation facing the same street. One ground or pole sign shall be permitted for any street frontage. When the distance separation of one hundred fifty feet does not permit each individual

business a sign, the businesses shall share the use of the permitted number of signs.

Under no circumstance shall the total gross surface area of all ground or pole signs on a zoning lot street frontage exceed the table of areas "maximum square feet of all signs per linear foot of street frontage" set forth in Table 8 of this section.

B. Size Permitted. The size of an on-site ground or pole sign shall not exceed the maximums set forth in the "table of areas" below; provided, however, the total sign area of all on-site ground or pole signs on the zoning lot shall not exceed the "total permitted area in square feet of all signs per linear foot of street frontage" adjacent to street frontage providing legal, direct vehicular access onto the zoning lot.

TABLE OF AREAS (Table 8)

Maximum Permitted Areas for
On-Site Ground or Pole Signs
in "LI" and "GI" Districts

Total Permitted Area

Type of Street	Maximum Area of Individual Sign in Square Feet	in Square Feet of All Signs per Linear Foot of Street Frontage
Undesignated	100	0.5
Collector	150	0.5
Arterial	200	1
Expressway	200	1

(2) Illuminated off-site signs, subject to provisions in Chapter 5, Section 8.(1),A, 8.(1).B, except that no off-site signs shall be permitted along arterial roadways, and that the maximum area of any individual off-site sign shall be 400 square feet;

(3) Illuminated wall signs; provided that signs shall be limited in total area to twenty percent of each building elevation, and no individual sign shall exceed two hundred (200) square feet in area.

(4) Roof signs, except for commercial balloon signs, shall not be permitted except by a variance approved by the Board of Zoning Appeals.

(5) Portable signs; provided, however, only one sign shall be permitted for an individual business. Any such sign shall be located in accordance with all other applicable regulations including, but not limited to, the area and spacing limitations for pole and ground signs, the location of the sign in relation to the street right-of-way line and the distance from driveway approaches. Such signs may be illuminated; however, strobe lights or flashing bulbs and flashing or moving images shall not be permitted. Any sign permitted by this section shall not exceed sixty square feet in gross surface area.

(6) Height Limit. No ground or pole sign shall exceed a height of twelve (12) feet

(7) Location on Property. On-site ground or pole signs shall not project over public right-of-way, and shall be located not closer to an adjacent property line than one-third the frontage of the zoning lot or fifteen feet, whichever is less. The centerline of an alley shall be considered an adjacent property line. When more than one ground or pole sign is permitted on a zoning lot, there shall be maintained a minimum horizontal distance between signs of one hundred fifty feet, along the same street frontage.

Exception: A sign located within fifty feet of the intersection of two streets on a corner lot may be placed so that it may face both directions of travel, such as a sign being erected on an angle. When this occurs, it shall be considered a sign adjacent to each street, and one-half of the sign area shall be charged against the total permitted sign area of each street frontage.

Exception: The Planning Administrator may vary these minimum horizontal distances up to thirty percent when circumstances related to the physical features of the zoning lot prevent the installation of the sign at the minimum horizontal distances. The reduction of these minimums shall in no way change the number of signs permitted on a zoning lot.

(8) For purposes of this section, "street frontage" shall be the linear feet of street frontage directly adjacent to an adjoining street or street right-of-way from which there is direct, legal vehicular access to the zoning lot. In determining street frontage, one-half the width of an adjoining alley may be considered as frontage.

(9) Portable signs as set forth in Chapter 4, Section 13.

(10) Commercial balloon signs as set forth in Chapter 4, Section 12.

Section 9. Signs permitted in the "OW" office/warehouse district.

(1) Illuminated on-site ground or pole signs shall be allowed under the following provisions:

A. Number Permitted. The number of ground or pole signs permitted on a zoning lot shall be determined by the linear feet of street frontage of the zoning lot. Where a zoning lot has street frontage on more than one street, the provisions of this section shall apply to each street frontage; provided, however, signs permitted by a street frontage must be adjacent to, and face the direction of travel along said street.

Exception: On zoning lots adjoining designated collector or arterial streets or expressways to which the zoning lot has no direct, legal vehicular access, one ground or pole sign not exceeding sixty-four square feet in area and twenty feet maximum height above grade shall be permitted along such collector or arterial street or expressway; provided that any such ground or pole sign shall only be permitted in lieu of wall signs otherwise allowed on the building elevation facing the same street.

One ground or pole sign shall be permitted for any street frontage; provided, however, additional ground or pole signs may be permitted when a distance separation of one hundred fifty feet along the street frontage is maintained between ground or pole signs. When the distance separation of one hundred fifty feet does not permit each individual business a sign, the businesses shall share the use of the permitted number of signs. Under no circumstance shall the total gross surface area of all ground or pole signs on a zoning lot street frontage exceed the table of areas "maximum square feet of all signs per linear foot of street frontage" set forth in Table 9 of this section.

B. Size Permitted. The size of an on-site ground or pole sign shall not exceed the maximums set forth in the "table of areas" below; provided, however, the total sign area of all on-site ground or pole signs on the zoning lot shall not exceed the "total permitted area in square feet of all signs per linear foot of street frontage" adjacent to street frontage providing legal, direct vehicular access onto the zoning lot.

TABLE OF AREAS (Table 9)

Maximum Permitted Areas for
On-Site Ground or Pole Signs
in "OW" District

Type of Street	Maximum Area of Individual Sign in Square Feet	Total Permitted Area in Square Feet of All Signs per Linear Foot of Street Frontage
Undesignated	50	0.5
Collector	100	0.5
Arterial	150	1
Expressway	150	1

C. Height Limit. No ground or pole sign shall exceed a height of twenty feet

D. Location on Property. On-site ground or pole signs shall not project over public right-of-way, and shall be located not closer to an adjacent property line than one-third the frontage of the zoning lot or fifteen feet, whichever is less. The centerline of an alley shall be considered an adjacent property line. When more than one ground or pole sign is permitted on a zoning lot, there shall be maintained a minimum horizontal distance between signs of one hundred fifty feet, along the same street frontage.

Exception: A sign located within fifty feet of the intersection of two streets on a corner lot may be placed so that it may face both directions of travel, such as a sign being erected on an angle. When this occurs, it shall be considered a sign adjacent to each street, and one-half of the sign area shall be charged against the total permitted sign area of each street frontage.

Exception: The Planning Administrator may vary these minimum horizontal distances up to thirty percent when circumstances related to the physical features of the zoning lot prevent the installation of the sign at the minimum horizontal distances. The reduction of these minimums shall in no way change the number of signs permitted on a zoning lot.

(2) Illuminated off-site signs, subject to provisions in Chapter 5, Section 9.(1),A, 9.(1).B, except that no off-site signs shall be permitted along arterial roadways;

(3) Portable signs as set forth in Chapter 4, Section 13.

(4) Commercial balloon signs as set forth in Chapter 4, Section 12.

(5) Wall signs not exceeding one hundred fifty square feet in area and thirty feet in height above grade, and limited to one per building elevation for each major use in the building; provided that the total amount of wall signage per building elevation shall be limited in total area to ten percent of the building elevation, or a total of three hundred square feet, whichever is less. The building elevation to which any sign is to be attached shall have one of the following:

A. Street frontage;

B. Be adjacent to a nonresidential zoning district; or

C. If adjacent to a residential zoning district, there must be a parking, loading or open space area with a depth of one hundred fifty feet or more as measured from the sign face to the property line which adjoins the residential zoning district.

(6) Any sign permitted by this section shall be limited to direct or internal illumination of white light only. Signs shall not rotate or have flashing or moving images.

(7) For purposes of this section, "street frontage" shall be the linear feet of street frontage directly adjacent to an adjoining street or street right-of-way from which there is direct, legal vehicular access to the zoning lot. In determining street frontage, one-half the width of an adjoining alley may be considered as frontage.

Chapter 6 Nonconforming Signs

Section 1. Survey.

Upon adoption of the ordinance codified in this Article, the Planning Administrator or designee shall conduct a survey of all signs within the City to identify those signs which are not in compliance with this Article. Planning Administrator or designee shall provide a written report to the Planning Commission and City Council on the status of this survey within one year of adoption of this Code by the City Council.

Section 2. Legal nonconforming signs.

Permanent signs legally erected prior to the effective date of the ordinance codified in this Article which are not prohibited signs under Chapter 2 Section 3 of this Article shall be deemed to be legal nonconforming signs. Such signs shall be maintained notwithstanding their noncompliance with this Article; provided, however, that such nonconforming signs shall not be:

(1) Expanded;

(2) Altered so as to change the copy of such sign;

- (3) Continued in use after cessation or change of the business to which the sign pertains; or
- (4) Reestablished after damage or destruction if the estimated cost of the reconstruction exceeds fifty percent (50%) of the estimated replacement cost as determined by the Planning Commission.

Section 3. Illegal nonconforming signs.

The Planning Administrator shall give notice by certified mail, return receipt requested, for all illegal nonconforming signs erected prior to the effective date of the ordinance codified in this Article. Notification shall be sent to the owner of the sign at the address shown on the sign permit of the address of property owner where the sign is located. Within fourteen (14) days from service of the notice, a plan for the method of compliance shall be provided to the Planning Administrator or designee. If, within ninety (90) days this plan has not been completed, the Planning Administrator may cause it to be removed, and the cost of removal shall be charged as provided in Chapter 7 of this Article. If removed by the City, the sign shall be held by the City available for the owner to retrieve at a fee established by the City Council, for not more than thirty (30) days. If said sign is not retrieved within thirty (30) days the City may dispose of sign in whatever manner it so chooses.

Chapter 7 Enforcement and Liens

Section 1. Authority.

The Planning Administrator and City Administrator are authorized and directed to enforce all provisions of this Article.

Section 2. Right of entry.

Whenever necessary to make an inspection to enforce any of the provisions of this Article, or whenever the Planning Administrator has reasonable cause to believe that there exists upon any premises any condition or violation which makes such sign unsafe, dangerous or hazardous, the Planning Administrator or designee, may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Planning Administrator by this Article. However, if such building or premises is occupied, he or she shall first present proper credentials and request entry; and if such building or premises is unoccupied, he or she shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If entry is refused, the Planning Administrator or designee, shall have recourse to every remedy provided by law to secure entry.

When the Planning Administrator has first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner, occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the City, for the purpose of inspection and examination pursuant to this Article.

Section 3. Enforcement procedures.

(1) Permanent signs. If the Planning Administrator finds that any sign is in violation of the provisions of this Article with the exception of issues related to maintenance addressed in Chapter 2 Section 9 above and temporary signs and/or off-premises signs addressed in Subsection (b) below, he or she shall give written notice to the sign owner. If such person fails to repair, alter or remove the sign so as to comply with this Article within fifteen (15) days after service of such notice, or within such other time as is specified in this Article or in such notice, the Planning Administrator may institute proceedings to enforce this Article in a court of competent

jurisdiction. In addition, the Planning Administrator may cause any sign not brought in compliance with this Article after the service of the fifteen-day notice described above to be repaired, altered or removed at the expense of the sign owner and the property owner and, shall upon determination of such expense, certify the same to the City Clerk.

(2) Temporary and off-premises signs. If the Planning Administrator finds that a temporary sign or a sign located off-premises, including one located within a public right-of-way, is in violation of this Article, the Planning Administrator may cause to remove the sign immediately without notice. If a sign, either permanent or temporary, is removed by the City, the City shall impound the sign for a minimum of thirty (30) days and return the sign to the owner upon request and after payment of a fee established by the City Council related to the removal of said sign.

Section 4. Lien collection.

The City Clerk shall notify the sign owner of the total expenses incurred in the alteration or removal of the sign, and if the person fails within thirty (30) days after the date of notification to pay the entire costs and expenses of such repair, alteration or removal, such expenses shall become a lien against and run with the property where the sign is located, and the City Clerk shall certify the same to the County Appraiser for collection in the same manner as delinquent charges, assessments or taxes are collected pursuant to Chapter 2 Section 9 of this Article.

Section 5. Amount of lien.

The amount certified by the City Clerk to the County Appraiser for collection shall include the actual cost of repair, alteration or removal of the sign, plus twenty-five percent (25%) to cover administrative costs, penalties, collection costs and interest.

Section 6. Additional remedies.

The enforcement procedures established in this Chapter are not the exclusive method of enforcement of the provisions of this Article, but may be exercised concurrently with, or in addition to, the imposition of the penalties pursuant to this Chapter, or other civil remedies available to the City pursuant to law.

Section 7. Penalties and remedies.

(1) It is unlawful for any person to erect, construct, enlarge, alter, display, maintain or use a sign within the City contrary to or in violation of any provision of this Article. Any person violating any of the provisions of this ordinance or any reasonable rule or order of the Planning Administrator or causing, permitting or suffering the same to be done, is guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars or by imprisonment of not more than six months or both such fine and imprisonment. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any of the provisions of this Article is committed, continued or permitted by such person, and he or she shall be punished accordingly

(2) The issuance or granting of a permit shall not be deemed or construed to be a permit for or an approval of any violation of any of the provisions of this code. No permit presuming to give authority to violate or cancel the provisions of this code shall be valid, except insofar as the work or use which it authorizes is lawful.

(3) Injunctive relief. The City Attorney may, in the appropriate case, immediately upon a violation of this Article being called to his or her attention, institute injunctive, abatement or appropriate action to prevent, enjoin, abate or remove such violation.

(4) Additional remedies. Any remedies provided for in this Article shall be cumulative and not exclusive, and shall be in addition to any other remedies provided by law.

Section 8. Disclaimer of liability.

(1) Sign owner liability. The provisions of this Article shall not be construed as relieving or in any way diminishing or modifying the liability of any person for any damages arising from the ownership, maintenance, use, construction or placement of a sign.

(2) City liability. The provisions of this Article shall not create liability on the part of the City or any officer or employee thereof, for any damages arising from the adoption or enforcement of this Article, or any administrative decision lawfully made thereunder.

Chapter 8 Definitions.

As used in this Article, the following words shall have the following meanings. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used.

(1) *Abandoned sign.* Any sign remaining in place which for a period of thirty (30) days or more which no longer advertises or identifies an ongoing business, product, service, idea or commercial activity located on the site.

(2) *Architectural feature* means a prominent or characteristic part of a building, including but not limited to windows, columns, marquees or fascia.

(3) *Art* means things that have form and beauty, including paintings, sculptures or drawings.

(4) *Attention-getting device* means any flag; streamer; spinner; pennant; light; balloon; continuous string of pennants, flags or fringe; or similar device or ornamentation used primarily for the purpose of attracting attention for promotion or advertising a business or commercial activity which is visible by the general public from any public right-of-way.

(5) *Awning* means a roof-like cover extending over or in front of an opening, such as a window or door, intended to provide shelter from the elements. An *awning* may be made of any material compatible with the design of the building.

(6) *Backlit sign* means an indirect source of light which illuminates a sign by shining through a translucent surface of a sign, including plastic signs, lit from an internal light source.

(7) *Banner* means any advertisement device affixed to poles, wires or ropes which is located outdoors and which is primarily intended to announce or promote a civic event or which serves as a decoration for special holidays.

(8) *Building frontage* means the width of a building facing a street public accessway or City right-of-way. In the case of a corner lot or lot bounded on more than two (2) sides by public rights-of-way, the building frontage may be either or any of the street frontages, but not more than one (1) frontage. Where more than one (1) side of a building faces a street, the side classified as the building frontage may be chosen by the property owner.

(9) *Building (project) identification sign* means a wall sign, a freestanding sign or copy painted on a building which states the name of the building or project, but does not advertise any business within the building or project. Building identification signs are found within commercial, office, retail and other similar projects.

(10) *Bus bench sign* means a sign drawn, painted, printed or otherwise affixed to a bench, such as at a bus stop.

(11) *Bus shelter sign* means advertising signs mounted to bus shelters in the right-of-way or on private properties.

(12) *Calendar quarter* means three-month periods of time during the year. January, February and March consist of the first calendar quarter; April, May and June, the second; July, August and September, the third; and October, November and December, the fourth.

(13) *Changeable copy sign (automatic)* means a sign on which the copy changes automatically, such as electrical or electronic time and temperature units. A sign whose informational content can be changed or altered by manual or electric, electro-mechanical or electronic means.

Changeable signs include the following types.

- (1) **Manually Activated:** Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered by manual means.
- (2) **Electrically Activated:** Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments. Includes the following two types:
- a. **Fixed Message Electronic Signs:** Signs whose basic informational content has been pre-programmed to include only certain types of information projections, such as time, temperature, predictable traffic conditions or other events subject to prior programming.
 - b. **Computer controlled variable message electronic signs:** Signs whose information content can be changed or altered by means of computer-driven electronic impulses. A variable message sign that utilizes computer-generated messages or some other electronic means of changing copy or display. These signs include displays using incandescent lamps, LEDs, LCDs or a flipper matrix, and also enable changes to be made to messages from location other than at the sign.
- (14) **Civic event** means any type of race, parade, show, competition, entertainment or community activity to which the general public is invited, either expressly or by implication.
- (15) **Commercial balloon sign** means an on-site, temporary sign that is inflated and exceeds five square feet in area, designed to advertise a specific product or service sold, produced or conducted on the premises on which advertising copy, logos, symbols or emblems may or may not be printed, painted or attached. Commercial balloons may be tethered or mounted to a structure or on the ground.
- (16) **Community information board** means a sign used to publicize community-wide events. *Copy* means any graphic, letter, numeral, symbol, insignia, text, sample, model, device or combination thereof which is primarily intended to advertise, identify or notify.
- (17) **Construction sign** means a temporary sign identifying an architect, contractor, financier, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.
- (18) **Corner lot** means a lot bounded on two (2) sides by streets which intersect with each other.
- (19) **Directional sign** means a temporary, nonilluminated sign used to provide assistance in locating a civic event.
- (20) **Directory sign** means a sign that serves as a common or collective identification of two (2) or more uses on the same property and which may contain a directory to the uses as an integral part thereof, or may serve as a general identification for such developments as shopping centers, industrial parks and similar uses.
- (21) **Freestanding sign** means a sign that is supported by one (1) or more columns, upright poles or braces extended from the ground or from an object on the ground, or that is erected on the ground where no part of the sign is attached to any part of a building, structure or other sign; the term includes *pole sign*, *monument sign* and *ground sign*.
- (22) **Garage sale sign** means the occasional non-business public sale of secondhand household and other goods incidental to household uses by a person or persons from a residential zoning district.
- (23) **Garden level** means the floor of a building located more than fifty percent (50%) below average grade with an exterior entry accessing such level.
- (24) **Grand opening sign** means a temporary sign intended to advertise the opening or grand opening of the business located on the parcel.
- (25) **Ground sign** means a sign placed upon, or supported by, the ground independently of any building or structure on the property.
- (26) **Height of sign** means the vertical distance measured from the highest point of the sign to the natural surface grade beneath the sign. If the sign is a monument sign, the height shall be calculated using the highest point of the sign, regardless of slope.
- (27) **Hotel and condominium sign** means a building or project identification sign utilized to identify the name of multiple unit commercial lodging facilities.

(28) *Ideological sign* means a sign which does not propose a commercial transaction, but instead, involves only the expression of ideas or beliefs.

(29) *Information sign* means a sign used to indicate or provide information or direction with respect to permitted uses on the property, including but not limited to, signs indicating the hours of operation and such signs as *no smoking, open, closed, restrooms, no solicitors, deliveries in rear*, current credit card signs, trade association emblems and the like.

(30) *Kiosk* means a freestanding structure which may have two (2) or more faces and upon which temporary information and/or posters, notices and announcements are posted.

(31) *Lighting, indirect* means a light source separated from the sign surface which illuminates the sign surface by means of spotlights or similar lighting fixtures.

(32) *Lot* means a portion or parcel of land, including a portion of a platted subdivision, occupied or intended to be occupied by a building or use and its accessories, that is an integral unit of land held under unified ownership in fee or co-tenancy, or under legal control tantamount to such ownership.

(33) *Menu display box* means a freestanding or wall sign enclosed in glass for the express purpose of displaying menus. For purposes of this Article, it shall also mean menus displayed flat against the interior of a window up to four (4) square feet in size.

(34) *Monument sign* means a freestanding sign of not more than ten (10) feet in height that includes an architecturally designed base or column which is constructed of stone, brick, timbers or other similar material, and is designed to be architecturally compatible with the design of the project.

See Figure 1.

(35) *Moving sign* means a sign which moves or simulates motion.

(36) *Neon sign* means any sign that is illuminated by tubes filled with neon and related inert gases, including any display of neon lighting tubes which is in view of the general public from a public right-of-way or from any public area, regardless of the shape, size, design or configuration. Neon signs shall not exceed thirty milliamps (30 mA).

(37) *Off-premises sign* means a sign which does not advertise a business, merchandise, product, service or entertainment which is sold, produced, manufactured, furnished or available on the property where the sign is located.

(38) *Outline lighting* means any arrangement or display of incandescent bulbs or lighting tubes used to outline or call attention to the features of a building, including the building's frame, shape, roofline or window dimensions. *Outline lighting* includes both temporary and permanent arrangements of bulbs or lighting tubing, whether located inside or outside of a building if such bulbs or tubing is visible to the public from a public right-of-way or from an outdoor public area.

(39) *Pennants or streamers* means pieces of fabric or flexible material, often multicolored, hung either alone or in a series in order to attract attention to a particular business or event.

(40) *Plane geometric figure* means simple circles, rectangles or triangles.

(41) *Pole Sign* means a detached ground sign whose sign face or cabinet is more than two (2) feet above ground level and is supported by poles, pylons or posts.

(42) *Portable sign* means a temporary on-site sign designed in such a manner as to be readily movable and not permanently attached to the property; such as A-frames, trailer signs, signs placed on vehicles, beacon lights and other similar signs.

(43) *Projecting (hanging) sign* means a sign other than a wall sign, which projects six (6) inches or more from and is supported by a wall of a building or structure, or any sign supported by handrails or a deck.

(44) *Public place* means any outdoor place to which the public or a substantial number of the public has legal access, including but not limited to highways, transportation facilities, parks, playgrounds, recreation facilities and the outdoor public common areas and accessways owned by the City.

(45) *Real estate development sign* means a temporary sign used to identify a proposed real estate

development and/or the owners, architects, contractors, real estate agents and lenders involved with the development which is either not under construction, but for which a valid City permit has been issued, or is under construction. Sales and lease information may be included on such sign.

(46) *Reflective surface* means any material or device which has the effect of intensifying reflected light, including, but not limited to Scotch lite, Day-Glo, glass beads and luminous paint.

(47) *Residential complex sign* means all hotel, motel, condominium or multi-family project signs.

(48) *Residential nameplate* means a type of sign allowed for the sole purpose of identifying the inhabitants of a residential structure, the house name or the address of the residence.

(49) *Roof sign* means a sign painted on the roof of a building, or supported by poles, uprights or braces extending from the roof of a building, or projecting above the roof of a building, but does not include a sign projecting from or attached to a wall.

(50) *Sandwich board sign* means a portable A-frame-type sign with not more than two (2) advertising faces, each face measuring not more than thirty (30) inches in width, thirty-six (36) inches in height, erected on the ground, hinged at the apex and folded into a sandwich position when transported or stored; also commonly referred to as an *A-board sign*.

(51) *Separate frontage* means a second building frontage, parallel and adjacent to a public right-of-way and on the opposite side of a building's primary frontage, which includes public entrances.

(52) *Sign* means any medium, including its structure and component parts, including any sign illumination device which is used or intended to be used to attract attention to the subject matter for the purpose of advertising or proposing a commercial transaction and which is visible by the general public from any public right-of-way. *Visible* means capable of being seen, whether or not capable of being read, without visual aid by a person of normal acuity.

Sign area or *surface area* means the surface area of a sign, as determined by the City, including its facing, copy, insignia, background and borders. The sign area of a wall sign which is composed of individual letters attached to a building, or placed on a raceway attached to a building, shall be the area obtained by measuring the perimeter of each word utilizing a series of straight line geometric figures which enclose the extreme limits of the word. The combined area of all individual words shall be considered the total sign area.

(53) *Sign illumination device* means any fixture or merchandise used to shine light onto a sign, or to make a sign luminous.

(54) *Sign owner* means the permittee with respect to any sign for which a sign permit has been issued; or, with respect to a sign for which no sign permit is required or for which no sign permit has been obtained, *sign owner* means the person entitled to possession of such sign, the owner, occupant and/or agent of the property where the sign is located.

(55) *Sign structure* means any supports, uprights, braces or framework of a sign.

(56) *Silhouette lighting* means an illuminated reverse channel letter so light from the letter is directed against the surface behind the letter producing a halo lighting effect around the letter; also referred to as *halo lighting* or *backlit lighting*. The sign letters are opaque and appear as a silhouette against the lighted surface.

(57) *Snipe sign* means a temporary sign or poster affixed to a light post, tree, fence or any other roadside object.

(58) *Statuary sign* means any sign which is a modeled or sculptured likeness of a living creature or inanimate object.

(59) *Street* means the entire width of every dedicated public way owned or controlled by the City, including the traveled portion thereof known as the roadway, the portion used for sidewalks and the portion between the property line and roadway known as the parkway.

(60) *Structure* means anything which is built or constructed with a fixed location, but does not include utility poles, lines, cable or other transmission or distribution facilities of public utilities.

(61) *Subdivision entrance sign* means a sign used to identify the name and entryway to a subChapter.

(62) *Temporary sign* means a sign which is displayed for no more than 14 days a maximum of four (4) times per year which is not permanently affixed to a structure or sign structure.

(63) *Temporary window sign* means a window sign which advertises special commercial events or sales. Signs displaying solely product names, product logos or business names, or promoting the ongoing nature of a business and the products sold, shall not be considered as temporary window signs.

(64) *Walking sign* means any sign, including sandwich board signs, or lettering on a costume, which is carried or worn by any person and which is visible from a public right-of-way, adjacent property or a public area.

(65) *Wall sign* means any sign attached to, painted on or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall.

(66) *Window* means any single window pane, or a series of adjacent window panes separated by a mullion of twelve (12) inches or less. Adjacent window panes set at different angles shall constitute separate windows regardless of the width of their mullion separation.

(67) *Window sign* means a sign that is painted on, applied to or attached to a window, including neon signs, but excludes merchandise included in a window display. *Window signs* shall include signs located in the interior of a structure placed so that they serve to effectively display advertising for passersby on any public areas or public rights-of-way, and are located within thirty-six (36) inches of the interior of a window surface.