



Sign Regulations

Public Review Draft

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Drafting Note: References

Branson staff and the consultant team have referred to a number of sign codes from other communities as part of the process of recommending updates to the Branson sign regulations. These codes can be grouped into two categories: best practice codes and peer communities. Best practice codes are sign codes that have been updated since the United States Supreme Court decision in *Reed v. Town of Gilbert* in 2015 and have incorporated the content-neutral requirements of post-*Reed* sign regulations. Our best practice reference codes include Kansas City, Missouri; Fort Collins, Colorado; Nashville, Tennessee; and Gilbert, Arizona (yes, that is the actual Town of Gilbert from the lawsuit, they are now in compliance). Peer communities are places that have some important similarity to Branson. We looked for communities with small local populations that host a significant number of tourists, are located in a rural area, and that are attractive destinations both for family entertainment and natural, outdoor features. Not all of our peer community sign codes are as current as the best practice sign codes, but they provide some useful comparison for Branson. Our peer sign codes include: Gatlinburg, Tennessee; South Padre Island, Texas; Ocean Springs, Mississippi; Traverse City, Michigan; Eureka Springs, Arkansas; and Myrtle Beach, South Carolina. We have also used research materials from the Sign Research Foundation, University of Washington at St. Louis School of Law, Rocky Mountain Sign Law Blog, and American Planning Association. And finally, even though Branson and Las Vegas are not exactly sister cities, they are kindred spirits when it comes to interesting signs. So we took a look at the Las Vegas sign code just to make sure we were keeping the door open to creativity.

Sec. 94-5 Definitions

[the following terms will be added to the current definition section]

Awning means a roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

Canopy means an attached or detached structure, open on at least one side, which is designed to provide overhead shelter from the sun or weather. Canopies include, but are not limited to, service station canopies, carports, porte-cochères, arcades, and pergolas. A canopy is different from an awning in that a canopy is not covered with fabric or flexible material.

Cladding means covers enclosing or decorating poles or other structural supports of a freestanding sign.

Clear sight triangle means an area free of all obstructions that could interfere with the visibility of approaching drivers as defined in this code.

- (a) An intersection clear sight triangle is located at an intersection between two streets. The area is a triangular-shaped piece of land, measuring 40 feet in distance along the major street and 20 feet in distance along the minor street, both distances being measured from and along the back of the curb.
- (b) A driveway clear sight triangle is located at an intersection between an entrance or drive and a street. The area is a triangular-shaped piece of land, measuring 15 feet in distance along the street and 15 feet in distance along the entrance or drive, both distances being measured from and along the back of the curb.

Commercial speech means expression by a speaker for the purposes of commerce, where the intended audience is actual or potential consumers, and where the content of the message is commercial in character. Commercial speech typically advertises a business or business activity or proposes a commercial transaction.

Copy means the wording on a sign surface either in permanent or removable form.

Copy area means the geometric area in square feet that encloses the copy of the sign.

Copy extension means that part of the sign area which extends beyond the edge or border of the sign.

Existing finish grade means the highest point of elevation within the area below the sign and the parcel line or, when the parcel line is more than five feet from the sign, between the sign and a line five feet from the sign, excluding all planter boxes, foundations, berms, or any other surface alteration that would increase the height of the sign.

Flag means a rectangular piece of fabric of distinctive design, not including streamers, banners or pennants.

Frontage

- (a) *Building* means the wall of the building that faces the street abutting the property. If the building is located on a corner lot, the frontage shall be the wall of the building which faces the street with the highest average daily traffic count.
- (b) *Lot* means the length of the property line of any one property along a public right-of-way on which it borders.
- (c) *Street* means the length of the property line of any one property along a public right-of-way on which it borders, measured along the property line.

Front wall is a building wall fronting the primary street or housing the primary entrance to the business.

Gross floor area (GFA) means and includes the total floor area designed for occupancy and use, including basements, mezzanines, and upper floors as measured from the centers of outside walls, excluding warehouse, storage, and utility rooms.

Landscaped area means that area not covered by impervious surface and which contains ground cover, including any combination of the following: trees, shrubbery, perennials, annuals, and mulch.

Marquee means a permanent structure, other than a roof or canopy, attached to, supported by, and projecting from a façade of a building.

Pennant means a piece of fabric, plastic or other flexible medium that may be in the shape of a triangle, rectangle or other shape, is typically mounted to a flexible cord or rope that is stretched across two points, is mounted in quantity and spaced along the cord or rope.

Premises means any one or more parcels directly abutting each other and all under the same ownership, upon which any building is located.

Primary building means the building in a multi-unit multifamily development located at the main access to the complex or where the office functions are provided for the complex.

Repair, renewal, refurbishment and restoration are synonymous and may be used interchangeably to mean "to restore to a former, better state, and resembling the original design and construction as closely as possible" when describing a damaged sign or a sign in disrepair.

Seasonal decorations means decorations and temporary signs that are clearly incidental, customary, and commonly associated with a holiday.

Sign means any writing (including letter, word or number), pictorial representation (including illustration or declaration), product, form (including shapes resembling any human, animal or product form), emblem (including any device, symbol, trademark, object or design which conveys a recognizable meaning, identity or distinction) or any other figure of similar character that is a structure or any part thereof, or is written, painted, projected upon, printed, designed into, constructed or otherwise placed on or near a building, board, plate, or upon any material object or device whatsoever, that by reason of its form, location, manner of display, color, working, stereotyped design or otherwise attracts or is designed to attract attention to the subject or to the property upon which it is situated, or is used as a means of identification, advertisement or announcement. The term sign shall not include the following:

- (a) Window displays of merchandise or products;
- (b) Art that does not include commercial speech;
- (c) Products, merchandise or other materials which are offered for sale or used in conducting a business, when such products, merchandise, or materials are kept or stored in a location which is designed and commonly used for the storage of such products, merchandise or materials; and
- (d) Any feature of display that would otherwise be considered a sign, but that has been found by the Planning Commission to be an integral part of a building in either the Downtown District or Entertainment District, and the feature or display contributes to the character of the building.

Sign, abandoned means a sign for a business that is no longer in operation at the location or for which no legal owner can be found, for a period of six months or more.

Sign, attached means a sign that is mounted on or attached to a structure, including a wall sign, window sign, roof sign, or projecting sign.

Sign, awning means a type of sign with one face affixed to an awning.

Sign, banner means a type of temporary sign that is painted or printed on cloth, vinyl, or other flexible material, which is designed to be stretched between poles, fence posts or wire, mounted in a free-standing frame, or hung on walls with ties, clips, rails, brackets, hooks, or frames.

Sign, canopy means a type of sign with one face affixed to a canopy.

Sign, changeable copy means a sign for which the informational content can be changed or altered by manual means. A changeable copy sign with copy that is changed electronically is referred to as a digital reader board.

Sign, damaged means a sign that, for any reason, has received less than 50 percent damage to any combination of the copy area or sign structure.

Sign, destroyed means any sign that, for any reason, has received 50 percent or greater damage to any combination of the copy area or sign structure.

Sign, digital reader board means a sign that uses light emitting diodes to display copy that can be changed electronically; messages are composed of an ordered sequence of alphanumeric characters on a contrasting colored background.

Sign, double-faced means a sign with two faces that are parallel or within 20° of parallel.

Sign, electronic message center (EMC) means an electronic sign that utilizes video content, whether static or motion, to advertise products, services and businesses, and is digitally programmed and controlled, either directly or indirectly, by the use of a computer or software. The term electronic message center sign includes, but is not limited to, light-emitting diodes, liquid crystal displays and plasma screen displays.

Sign, inflatable means a sign that is constructed from an envelope flexible material that is given shape or movement by inflation.

Sign, light pole banner means a banner sign stretched vertically between two horizontal pole extensions that are attached to a light pole within an off-street parking area.

Sign, marquee means a sign attached to a marquee.

Sign, monument means a sign supported by the ground and not attached to a building or structure, and where the bottom edge of the sign structure is on or in the ground. A multi-tenant monument sign is a monument sign permitted for a property with three or more tenants, as identified by individual tenant addresses.

Sign, moving billboard means a sign attached in any way to a vehicle operating in the public right-of-way, that is used for the primary purpose of advertising, and where the vehicle is either: (1) not used primarily for the transportation of passengers for hire or goods, or (2) is not designed for the transportation of passengers for hire or goods.

Sign, off-premises means any sign advertising products, services, uses, or enterprises sold or offered at a location other than the property where the sign is physically located.

Sign, on-premises means a sign advertising any product, service, or enterprise physically located on the property where the sign is located.

Sign, on-vehicle means any magnetic sign(s), signs painted or wrapped on, adhesive vinyl film affixed to a window, or sign attached by other temporary or permanent means to a vehicle, where the vehicle is owned by the business, is operable and properly licensed, and the vehicle is regularly and consistently used in the normal daily conduct of the business, such as delivering or transporting goods or providing services related to the business.

Sign, pole means a sign which is supported by one or more uprights, poles, or braces affixed to the ground, and not attached to a building or structure.

Sign, projecting means a vertical edge mounted sign that is attached directly to the wall of a building, and which extends at least one foot from the face of the wall, and is typically mounted perpendicular to the wall surface.

Sign, projected light means any image, text, or other content that is projected onto an outdoor surface (e.g., a building wall, window, or sidewalk) by a laser projector, video projector, video mapping, or other comparable technology, in a location such that the image, text, or content is obviously visible from outside of the property.

Sign, required means a sign that is required by an applicable building code (e.g., address numbers) or health and safety regulations (e.g., the Occupational Safety and Health Act ("OSHA")) or other laws or regulations, whether such sign is temporary or permanent.

Sign, rider means a subordinate sign that is attached to a temporary sign, either above or below the sign face.

Sign, roof means a sign erected on a roof, including a mansard type roof, where any portion of the sign extends above the roofline of a building or structure, or that is mounted upon the horizontal plane of a flat roof structure, which may include the roof of a canopy or porte-cochère that is attached to a building.

Sign, subdivision means a monument sign located at the entrance of and identifying the name of a legally platted subdivision of land.

Sign, swing means a type of temporary sign that is suspended from a horizontal swing post which is attached to a post that is staked into the ground. Swing signs may include riders that are mounted to the swing post or suspended under the sign panel.

Sign, temporary means a sign that is: (1) constructed of cloth, canvas, vinyl, paper, plywood, fabric or other lightweight material not well suited to provide a durable substrate; or (2) if made of some other material, is neither permanently installed in the ground, nor permanently affixed to a building or structure that is permanently installed. Temporary signs may include rider signs.

Sign, under canopy means a sign that is suspended beneath an awning, canopy, ceiling, soffit, or roof.

Sign, wall means any sign painted on, attached to, 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 the wall, and extending not more than one foot from the face of the wall, and not to extend above the highest point of the wall.

Sign, walker means a sign, including costumes, that is worn, held, or balanced by a person and is not installed or attached to real property.

Sign, wind means a display of pennants, streamers, balloons, whirligigs, wind blades, or similar devices, activated by wind.

Sign, wind blade, blade, feather, or teardrop (referred to as "flutter flags") means a piece of cloth or other similar material, varying in size, color, and design, that is attached to a pole or staff, and may be in the shape of a vertically-oriented rectangle, teardrop, or similar, where typically the cloth or material is supported by wire to maintain the shape of the flag.

Sign, window means a solid or transparent sign painted on or affixed to either side of a window, or facing the outside and intended to be seen from the outside.

Sign, yard means a type of temporary sign that is constructed of paper, vinyl, plastic, wood, metal or other comparable material, which is mounted on a stake or a frame structure (often made from wire) that includes one or more stakes

Signage means any graphics, symbols, or written copy designed specifically for the purposes of advertising or identifying an establishment, product, goods or services.

Sign structure means the base, footer, support poles, framing, and all other parts and components onto which the copy area is resting or attached.

Structure area means the total surface area of the structure of a monument sign that supports its copy area and contains dimensional or material differences from the plane of the sign face.

Wall face means the area determined by multiplying the linear footage of the wall times the vertical height of the wall.

Article X. – SIGNS

Sec. 94-131 General Provisions

(a) Purpose and Intent

This section establishes the standards for the design, location, installation, and maintenance of signs on private property. Signs are an important means of visual communication for organizations and businesses for both location identification and way-finding. The intent of this article is to provide standards that result in a reasonable balance between the right of an individual to identify a business or activity location, and the right of the public to be protected from the visual discord that results from the unrestricted proliferation of signs. Regulations contained in this article are a result of the consideration of the compatibility of signs with adjacent land uses and the total visual environment of a particular area within the entire community.

The purposes of these sign regulations are to:

- (1) Ensure a consistent and compatible scale of signage throughout the city;
- (2) Support an appropriate range of signage to allow business and property owners a means to communicate with the public;
- (3) Assist in the preservation of existing residential neighborhoods;
- (4) Maintain and enhance the city's visual environment, including but not limited to controlling and reducing visual clutter and visual blight;
- (5) Preserve the rights of the city's citizens to enjoy the city's scenic beauty;
- (6) Improve pedestrian and traffic safety;
- (7) Minimize possible adverse effects of signs on public and private property;
- (8) Promote the effectiveness of signs by preventing their improper placement, deterioration, excessive size, and number;
- (9) Protect the public from hazardous conditions which result from structurally unsafe signage;
- (10) Ensure that signage does not obscure or distract the vision of motorists, such as signs which compete or conflict with necessary traffic signs and warning signals, and which may cause a severe traffic hazard;
- (11) Ensure that public benefits derived by expenditures of public funds for the improvement and beautification of streets and other public structures and open spaces shall be protected by exercising reasonable control over the size and placement of signs and sign structures;
- (12) Protect the public from profuse signage which distracts rather than facilitates identification of businesses and other land uses;
- (13) Provide appropriate identification in pedestrian-oriented areas as well as in vehicular-oriented areas;
- (14) Provide a process for large commercial developments to propose signage that complements and is compatible with the site design and architecture;
- (15) Generally, ensure that signage is appropriate to a particular use and location so that the cumulative effect is an attractive city environment, thereby reinforcing community values; and
- (16) Provide no more restrictions on speech than necessary to implement the purpose and intent of this section.

(b) Interests (new)

The City has a legitimate, important, substantial, or compelling interest in:

- (1) Preventing the proliferation of signs of generally increasing size, dimensions, and visual intrusiveness (also known as “sign clutter”) that tends to result from property owners competing for the attention of passing motorists and pedestrians, because sign clutter:
 - a. Creates visual distraction and obstructs views, potentially creating safety hazards for motorists, bicyclists, and pedestrians;
 - b. May involve physical obstruction of streets, sidewalks, or trails, creating public safety hazards;
 - c. Degrades the aesthetic quality of the city, making the city a less attractive place for residents, business owners, visitors, and private investment; and
 - d. Dilutes or obscures messages on individual signs due to the increasing competition for attention.
- (2) Maintaining and enhancing the character of the Downtown and the Entertainment District, both of which are resources of exceptional quality and vibrancy to the community as a whole.
- (3) Protecting the health of the city’s tree canopy, an important community asset that contributes to the character, environmental quality, and economic health of the city and the region.
- (4) Maintaining a high quality aesthetic environment to protect and enhance property values, leverage public investments in streets, sidewalks, trails, plazas, parks, open space, civic buildings, and landscaping, and enhance community pride.
- (5) Protecting minors from speech that is harmful to them according to state or federal law, by preventing such speech in places that are accessible to and used by minors.

(c) Findings (new)

The city finds that:

- (1) Content-neutrality, viewpoint neutrality, and fundamental fairness in regulation and review are essential to ensuring an appropriate balance between the important, substantial, and compelling interests set out in this article and the constitutionally-protected right to free expression.
- (2) The regulations set out in this article are unrelated to the suppression of constitutionally protected free expression, do not relate to the content of protected messages that may be displayed on signs, and do not relate to the viewpoint of individual speakers.
- (3) The incidental restriction on the freedom of speech that may result from the regulation of signs pursuant to this article is no greater than is essential to the furtherance of the important, substantial, and compelling interests that are set out in this article.
- (4) Regulation of the location, number, materials, height, sign area, form, and duration of display of temporary signs is essential to preventing sign clutter.
- (5) Temporary signs may be degraded, damaged, moved, or destroyed by wind, rain, snow, ice, and sun, and after such degradation, damage, movement, or destruction, such signs harm the safety and aesthetics of the city’s streets if they are not removed.
- (6) Certain classifications of speech are not constitutionally protected due to the harm that they cause to individuals or the community.

(d) Savings and Severability (new)

- (1) Signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs. Any sign that can be displayed under the provisions of this article may contain a noncommercial message.
- (2) If any clause, section, or other part of the application of these sign regulations shall be held by a court of competent jurisdiction to be unconstitutional or invalid, it is the intent of the city that such clause, section, or specific regulation be considered eliminated and not affecting the validity of the remaining clauses, sections, or specific regulations that shall remain in full force and effect.¹

(e) Conflicts with Other Provisions (new)

Nothing in this article shall be deemed a waiver of the provisions of any other ordinance or regulation applicable to signs. Signs located in areas governed by several ordinances or applicable regulations shall comply with all such ordinances and regulations. If there is a conflict between this article and any other ordinance or regulation, the more stringent shall apply. Nothing in this article is intended to conflict with the provisions of the Missouri Outdoor Advertising Act (RSMo § 226.500 et seq.).

¹ Drafting note: Both this section and the next section are somewhat repetitive of language already included in the Unified Development Code. We have included them here in a sign-specific format as a necessary redundancy.

Sec. 94-132 Applicability

(a) Applicability

- (1) The regulations contained in this article shall apply to and regulate the display, construction, installation, erection, alteration, use, location, maintenance, and removal of all signs and support structures in all districts unless the sign, item, or activity is expressly exempted from these regulations.
- (2) No sign shall be located, erected, modified, or maintained except in compliance with the regulations contained in this article.

(b) Sign Permit Required

- (1) A sign permit shall be required to erect, place, allow the continued placement, or convert any portion of a sign, including a conversion from temporary to permanent or from non-digital to digital unless otherwise provided in this article.
- (2) No permit shall be issued unless the applicant demonstrates that the proposed sign complies with these regulations.
- (3) All sign face changes, including repairs and sign face replacements require a permit. The following actions are exempt from this requirement:
 - a. Changing or replacing copy without changes to the sign structure,
 - b. Changes to text on changeable copy signs and EMC signs, and
 - c. Change or replacement of window signs.
- (4) When a sign permit is requested for a parcel where an illegal or prohibited sign(s) exists, the permit shall not be issued until all such signs are removed or brought into conformance with this code. This provision does not apply to nonconforming signs that were established prior to [date].²

(c) Exemptions

The following signs, items, and activities do not require a permit, but shall comply with specific requirements as identified in this section:

(1) Internal and Integral Signs

- a. Signs not intended for view or readily legible from the public right-of-way or adjacent residential, public, or civic districts or uses.
- b. Signs that are less than one square foot in area that are affixed to machines, equipment, fences, gates, walls, gasoline pumps, or utility cabinets.
- c. Signs or banners on fences and structures within an arena, city park, recreational complex, or athletic field, provided such signs or banners face inward to the arena, city park, recreational complex, or athletic field.
- d. The placement of any video or digital display with a screen area of less than one square foot on a permitted primary structure, accessory structure, or piece of equipment, and designed to be viewed

² Drafting note: update with adoption date.

only by an individual obtaining services or goods at that location. This includes digital or video screens on fuel pumps, car washes, and air filling stations.

- e. Integral signs that are carved into stone or similar material that are integral to the building. Integral signs shall not exceed 12 square feet in area.

(2) Flags and Insignia

- a. Any flag or insignia displayed by any government or any military branch of the federal government.
- b. The following number of flag(s), not including feather flags, per property and affixed to a permanent flagpole or building.
 - (i) In residential districts, a maximum of one flag, not to exceed 40 square feet.
 - (ii) In mixed-use and non-residential districts, a maximum of three flags, not to exceed a combined area of 120 square feet.

(3) Public Signs

- a. Official public signs approved by a governmental body with jurisdiction over issues such as traffic safety, pedestrian safety, schools, railroads, or public notice, as well as signs required by the Manual of Uniform Traffic Controls.
- b. Signs and notices required to be displayed, maintained, or posted by law or by any court or governmental order, rule, or regulation.

(4) Qualifying Vehicle Signs

- a. On-vehicle signs as defined in this chapter. When parked, the vehicle must occupy a legal parking space or location and not block the public view of any permanently attached sign. If the vehicle is no longer in regular service, the sign(s) shall be removed. Vehicles with on-vehicle signs shall not be parked in a publicly visible location for more than seven days without being used or moved.
- b. Signs on validly registered delivery vehicles, for companies not owned by the vehicle owner, provided the sign is removed when the vehicle is not in business use and provided that no such sign shall project from the vehicle by more than one foot. This exemption shall not apply to moving billboards.
- c. Bumper stickers.

(5) Seasonal Displays

Seasonal decorations located on private property.

(6) Residential Balloons

Helium filled balloons can be used in residential districts provided:

- a. The maximum size of any balloon shall be 12 inches in diameter;
- b. The balloons are placed on private property and not on the public right-of-way;
- c. The string attached to the balloons must be short enough to insure that the balloons cannot be blown out into the street or sidewalks;
- d. The balloons are attached to an approved temporary sign; and

- e. The balloons are displayed for a maximum of one day.

(d) Prohibited Locations

Signs and sign structures are prohibited in the following locations:

(1) Improper Location

- a. In the right-of-way or on other public property without approval of the city. For the purposes of this article, when the right-of-way is not clearly identified, signs shall be placed at least five feet from any edge of street or curb, or beyond any visible utility.
- b. Placed on private property without the consent of the owner or authorized agent of the owner of such property.
- c. Located in or overhanging a utility easement.
- d. Within a clear sight triangle.
- e. Attached to utility poles, other utility or public infrastructure structures or equipment, or wireless communication facilities.

(2) Creation of a Hazardous Condition

- a. That create conflict with traffic control signs, signals, or various private signs resulting in vehicular or pedestrian safety hazards, including any sign placed at any location where it may, by reason of its size, shape, design, location, content, coloring, or manner of illumination, constitute a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers, by obscuring or otherwise physically interfering with any official traffic control device, or that may be confused with an official traffic control device.
- b. That creates a danger to the public during periods of inclement weather or high winds due to their location or the manner in which they are placed.
- c. That create a hazard due to collapse, fire, collision, decay, abandonment, or other safety considerations.
- d. That obstruct firefighting or fixed police surveillance via photographic or video technology.
- e. That are improperly mounted or installed, such as signs attached to a standpipe, gutter drain, unbraced parapet wall, or fire escape, unless the safety of such sign and such mounting have been verified in writing by a structural engineer licensed to practice in the state.

(e) Prohibited Signs

The following signs are not permitted in any district of the city, and are subject to removal in the manner provided in this article.

(1) Distracting, Interfering, or Confusing Signs

- a. Signs that contain, or are an imitation of an official traffic sign or signal.
- b. Signs that include flashing, high intensity lights, such as strobe lights, or that are of a size, location, movement, content, coloring or manner of illumination which may be confused with or construed as a traffic control device or emergency vehicle, or which obscures any traffic or street sign or signal.

- c. Signs with a lighting or control mechanism that causes radio, radar, television, or other electronic signal interference.

(2) Animated or Moving Signs

- a. Signs that move in any mechanical manner, have a major structural moving part, or swing because of their design or by the manner of their suspension or attachment as a result of wind pressure, mechanically-driven apparatus, electrically-driven apparatus, or any combination thereof. Signs having mechanical parts that move may be allowed but must be engineered by a state-registered professional engineer, as described elsewhere in this chapter, and require a sign permit.
- b. Signs that cause odor or sound emission.
- c. Signs that operate or employ any motion picture projection or video projection in conjunction with any advertisements.
- d. Moving billboard signs.
- e. Wind signs (pennants, streamers, balloons, whirligigs or similar devices) or flutter flags, unless otherwise allowed by this article.

(3) Portable and Temporary Digital Signs

- a. Signs that are classified as portable signs.
- b. Video display or digital signs used as temporary signage.

(f) Content

No sign shall be approved or disapproved based on the content or message it displays, except that the following content, without reference to the viewpoint of the speaker, shall not be displayed on signs:

- (1) Text or graphics that is harmful to minors as defined by state or federal law;
- (2) Text or graphics that are obscene, fighting words, defamation, incitement to imminent lawless action, or true threats, as such words and phrases are defined by controlling law;
- (3) Text or graphics that present a clear and present danger due to their potential confusion with traffic control signs;
- (4) Signs that provide false information related to public safety (e.g., signs that use the words "stop" or "caution" or comparable words, phrases, symbols, or characters) that are presented in a manner as to confuse or imply a safety hazard that doesn't exist; or
- (5) Text or graphics that provide false or misleading information in violation of the code.

Sec. 94-133 Measurement and Calculation

(a) Sign Area

(1) Maximum

- a. The maximum total signage permitted per property in the Mixed-Use, Community Commercial, Business, and Industrial districts is 10 square feet of signage per one lineal foot of building frontage.
- b. The maximum total signage permitted per property in the Downtown and Neighborhood Commercial districts is 15 square feet of signage per one lineal foot of building frontage.
- c. The maximum total signage permitted per property in the Entertainment District is 20 square feet of signage per one lineal foot of building frontage.
- d. The permitted maximum area for all individual signs is determined by the sign type and the zoning district in which the sign is located.

(2) Building Frontage

- a. Building frontage is the wall of the primary building that faces the street abutting the property. If the primary building is located on a corner lot, the frontage shall be the wall of the primary building which faces the street with the highest average daily traffic count.
- b. Appurtenant structures not housing primary business activities shall not be used in the calculation of maximum signage.

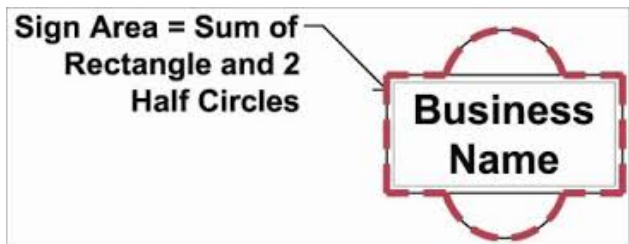
(3) Sign Area Bonus for Transfer of Freestanding Signage

The total area of wall signs may be increased by transferring all or part of the permitted freestanding sign area to the wall signage.

- a. Freestanding sign area can be transferred to wall signage with a 10 percent bonus of the amount transferred.
- b. Where all of the freestanding sign area is transferred to wall signage, a 20 percent bonus of the amount transferred shall be applied.

(4) Method of Measuring Sign Area

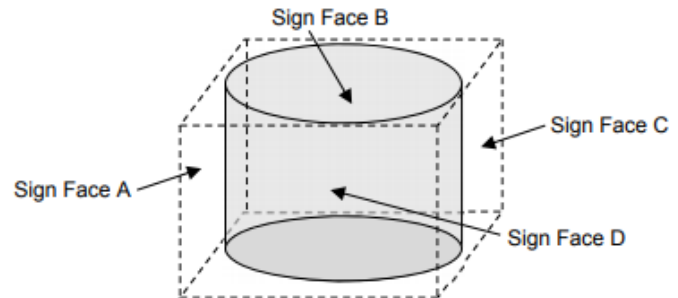
- a. The area of a two-dimensional sign is measured by encompassing the advertising display surface area within any combination of geometric figures (e.g., rectangles, squares, triangles, parallelograms, circles or ellipses), having no more than eight sides, that would enclose all parts of the sign.



- (i) Sign copy mounted, affixed, or painted on a background panel or area distinctively painted, textured, or constructed as a background for the sign copy, is measured as that area contained within the sum of the smallest geometric figure that will enclose both the sign copy and the background.
- (ii) Sign copy mounted as individual letters or graphics against a wall, fascia, or parapet of a building, or surface of another structure, that has not been painted, textured, or otherwise altered to provide a

distinctive background for the sign copy, is measured as a sum of the smallest geometric figure that will enclose each word and each graphic in the total sign. Window signs printed on a transparent film and affixed to a window pane shall be considered freestanding letters or logos, provided that the portion of the transparent film around the perimeter of the sign message maintains the transparent character of the window and does not contain any items in the sign message.

- (iii) Sign copy mounted, affixed, or painted on an illuminated surface or illuminated element of a building or structure, is measured as the entire illuminated surface or illuminated element which contains sign copy. Such elements may include, but are not limited to, lit canopy fascia signs; cabinet signs; or interior lit awnings.
- b. The sign area of three-dimensional free-form or sculptural (non-planar) signs is calculated as fifty percent (50%) of the sum of the area of the four vertical sides of the smallest cube that will encompass the sign.
- c. If elements of a sign are movable or flexible, such as a flag or banner, the measurement is taken when the elements are fully extended and parallel to the plane of view.
- d. Only structural components shall be excluded in computing the total allowable area.
- e. Only one side of any double-faced sign shall be considered in the total sign area allowed for any building, use or parcel. If the distance between the sign faces of a double-faced sign exceeds two feet for signs with parallel faces or an angle of 20° for a “V” sign, the area of both sign faces shall be included in the measurement of total sign area.



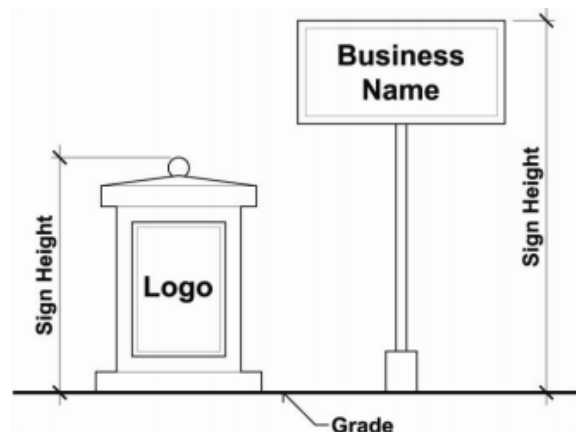
(b) Height and Clearance

The permitted maximum height for all signs is determined by the sign type and the zoning district in which the sign is located. Sign height and clearance is measured as follows:

(1) Freestanding Sign Height

The height of a freestanding sign shall be computed as the distance from the base of the sign at existing finished grade to the top of the highest attached component of the sign.

- a. When the existing finished grade at the point of measurement is lower than the average elevation of the adjacent street finished grade parallel to the location where the sign will be installed, that portion of the sign below the street shall not be included in determining the sign's overall height.
- b. The height of any monument sign base or other structure erected to support or adorn the sign is measured as part of the sign height.



- c. If a sign is located on a mound, berm, or other raised area for the sole purpose of increasing the height of the sign, the height of the mound, berm, or other raised area shall be included in the height of the sign.

(2) Sign Clearance

Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade directly underneath the sign at the lowest point of the sign structure, including any framework or other structural elements.

(3) Sign Spacing

- a. Required sign spacing as measured along lot frontage:
 - (i) Between properties: 150 feet unless otherwise specified in the district-specific permitted signs table
 - (ii) Between signs on a single property: 300 feet

Sec. 94-134 Installation and Maintenance

(a) Installation

The design and construction specifications and standards of this article apply generally to all signs within the city except as otherwise specifically provided in this article for specific sign types or signs in specific areas. In the event of conflict between or among provisions of this article, the specific provision shall prevail over the general or, if the provisions cannot be distinguished as specific or general, then the more restrictive provision shall prevail.

(1) Permanent Materials and Fastening

Except as otherwise specifically permitted in this article, all signs authorized by this article shall be constructed of permanent materials and shall be permanently attached to either a building or structure wall or other surface to which it is mounted, or to the ground by direct attachment to a pole, rigid wall, frame, or structure. Signs shall comply with all specific anchoring requirements of this article.

(2) Design and Approval by Professional Engineer

- a. All freestanding and roof signs shall be designed by a state-registered professional engineer to withstand 90 mph wind load for three seconds, and the engineer's signature and seal shall be affixed to the documents submitted to the city.
- b. In addition to the requirements contained elsewhere in this article, any sign may be required to be designed by a state-registered professional engineer, when the planning and development director determines that the size, structural components, or location of the sign are such that potentially could endanger the safety of the general public. The engineer's signature and seal shall be affixed to the submitted documents

(3) Anchoring

No sign shall be suspended by nonrigid attachments that will allow the sign to swing in a wind. All freestanding signs shall have self-supporting structures erected on and permanently attached to concrete foundations.

(b) Initial and Periodic Inspections

- (1) Any person installing, structurally altering, or relocating a sign for which a permit has been issued shall notify the planning and development director upon completion of the work. The planning and development director shall conduct an inspection within seven working days of the date of notice of completion to ensure that the sign is in compliance with this article.
- (2) If, at the time of application for a sign permit, any existing sign permits held by the applicant or sign contractor, are over 90 days old and have not received final inspection approval, the planning and development director may deny issuance of the requested permit, until such time that the existing sign has been inspected and approved.

Sec. 94-135 General Regulations for Permanent, On-Site Signs

Drafting Comment:

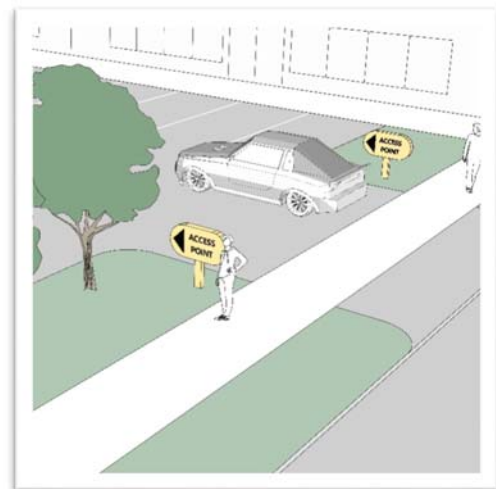
We are recommending changes to some of the sign types names to move away from names that reflect content-based regulations and to provide better clarity regarding other sign types. Here is a summary list of the recommended changes:

Current Name	Proposed Name	Reason for Change
Church Sign	Community Service Sign	Change to use type is content neutral and reflects that other uses in this category may require signage
Digital Sign	Electronic Message Center (EMC)	Name that is in common usage in sign industry
Freestanding Sign	Pole Sign	Any type of sign not attached to a structure is typically considered a freestanding sign, including pole and monument signs.
Monument Sign	Monument Sign	No change, will remove restrictions on content
n/a	Mural	New
n/a	Projected Light Sign	New
Single Family and Multifamily Address and Occupant Identity Signs	Residential Signs, Single Family and Multifamily	Change to structure type only is content-neutral
Subdivision Sign	Subdivision Sign	No change, will remove restrictions on content
Traffic Entrance Sign	Access Point Sign	No change, will remove restrictions on content

(a) Freestanding Signs

(1) Access Point Sign

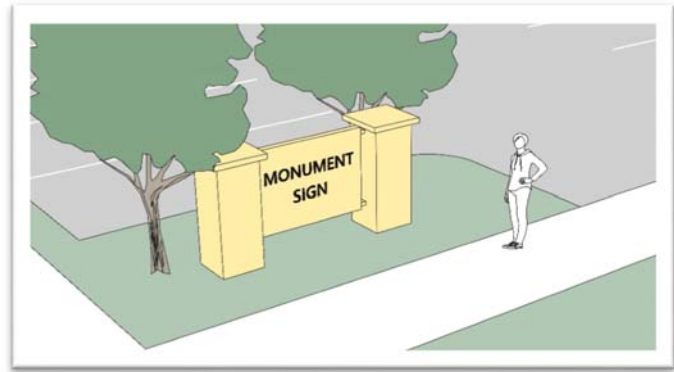
- a. Uses with a permitted drive-through may have access point signage located at public access points where a driveway or other public entryway intersects with a public street. Access point signage is for vehicular access, not pedestrian access.
- b. Access point signs that are visible from the public right-of-way shall meet the following criteria:
 - (i) No more than two access point signs per property; and
 - (ii) Signs shall be permanently anchored or fastened.



(2) Monument Signs

a. Clearance

Monument signs shall have zero clearance above the existing finish grade level and shall be supported in or on the ground in accordance with the current adopted version of the city building code.

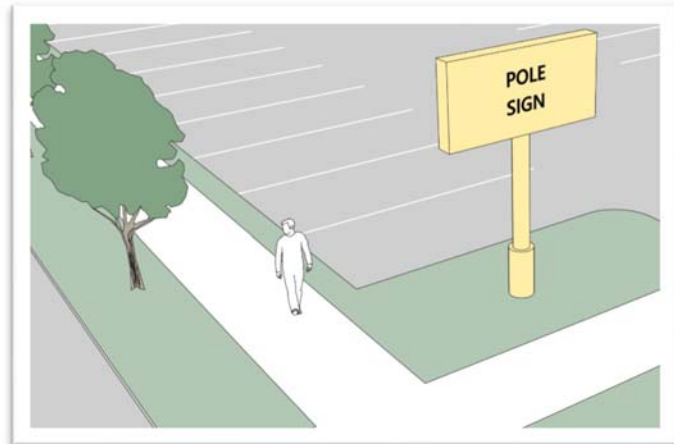


(3) Pole Signs

a. Clearance

The following clearance area shall be maintained under any pole sign:

- (i) A clear, unobstructed area, a minimum of eight feet in height above existing finish grade level when a pole sign is located over a pedestrian walkway or within a clear sight triangle.
- (ii) A clear, unobstructed area, a minimum of 13 feet in height above existing finish grade level when a pole sign is located over a vehicle access or parking area.

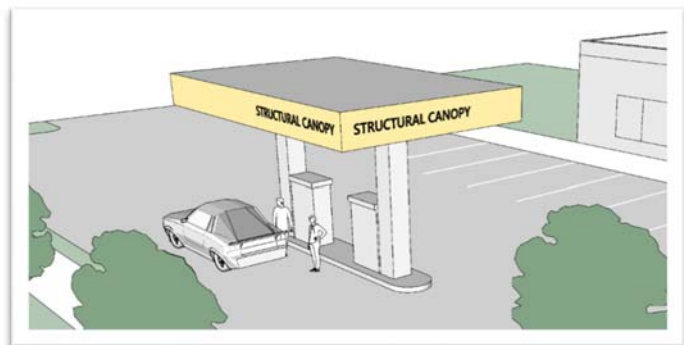


b. Support Poles

All support poles shall be clad to architecturally enhance the sign. Such cladding shall be limited to a maximum of 300 percent of the width of the support pole and shall contain no advertising material or logos of any kind, but may contain decorative features.

(4) Structural Canopy

Signs may be attached to a continuous plane fascia on a structural canopy provided the sign does not extend above or below the projection of the fascia.



(b) Attached Signs

(1) Awning Signs

- a. The bottom of an awning sign shall be no less than eight feet above the existing finish grade level at any point.
- b. Awning signs shall not project closer than two feet to a curb line unless the awning is retractable and City has issued an encroachment permit.
- c. All signage on an awning sign shall be on the vertical plane of the awning. Where an awning does not have a clear vertical plane, the signage shall be centered on the lower third of the awning.



(2) Canopy Signs

The bottom of a canopy sign shall be no less than eight feet above the existing finish grade level at any point.



(3) Light Pole Banners

- a. The banners shall not extend more than two feet from the light pole.
- b. Banners must maintain a minimum vertical distance of ten feet from the bottom of the sign to existing finish grade level.



(4) Marquee Signs

- a. The bottom of a marquee sign shall be no less than eight feet above the existing finish grade level at any point.
- b. Marquee signs shall not project closer than two feet to a curb line unless the City has issued an encroachment permit.
- c. All signage on the marquee shall be affixed flat to the vertical face of the marquee. No part of the changeable copy shall project above or below the vertical face of a marquee sign.



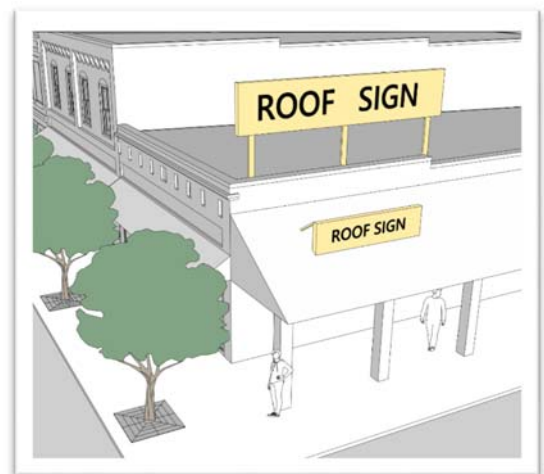
(5) Projecting Signs

- a. Projecting signs shall have a minimum clearance of eight feet above existing finish grade level at the sign structure's lowest point.
- b. A projecting sign shall not extend more than four feet from the building façade to which it is attached.
- c. A projecting sign shall be mounted so that the top of the sign is no higher than the wall on which it is located.



(6) Roof Signs

- a. Roof signs shall not project or extend beyond, nor overhang any exterior wall or parapet line of any roof.
- b. No roof sign shall result in a combined height of the principal structure and the roof sign that exceeds the height limit established for principal structures in that zone district.



(7) Subdivision Signs

- a. Two subdivision signs shall be allowed per entrance.
- b. No subdivision sign shall be located in the intersection clear sight triangle.
- c. This sign area shall be allowed in addition to the maximum allowable sign area specified within the zone district.

(8) Wall Signs

- a. Wall signs shall not project above the building wall.
- b. When a sign requires access channels or service passageways within the sign, or when the sign is three-dimensional in character, the planning and development director may approve structurally reasonable increases in the distance from the wall of the wall sign, provided no copy appears anywhere except on the front sign face.



(9) Window Signs

Window signs shall be considered as a part of the total wall signage allowed, but shall not exceed 25 percent of the window area as measured by each individual window.



(c) Illumination for Non-EMC Signs

(1) Intent

Light sources to illuminate signs shall neither be visible from any street right-of-way, nor cause glare hazardous or distracting to pedestrians, vehicle drivers, or adjacent properties.

(2) External Illumination

Externally illuminated signs, where permitted, are subject to the following regulations:

- a. The source of the light must be concealed by translucent covers.
- b. External illumination shall be by a steady, stationary light source, fully shielded, and directed solely at the sign. The light source must be static in color.

(3) Internal Illumination

Internally illuminated signs, where permitted, including neon lighting, must be static in intensity and color.

(4) Flashing or Rotating Lights Restricted

No sign is allowed with flashing or rotating lights which would interfere with the safe passage of auto traffic, and no sign shall be allowed to simulate an emergency vehicle.

(5) Prohibited Signs

Notwithstanding the provisions of this section, certain illuminated signs are prohibited in the city, as provided in this article.

(d) Electronic Message Center (EMC) and Digital Reader Board

(1) Display

- a. In all districts except the Entertainment District:
 - (i) Signs shall contain static messages only and shall not have movement or the appearance or optical illusion of movement during the static display period of any part of the sign.
 - (ii) Each static message shall not include flashing or the varying of light intensity and shall not scroll.
- b. The sign shall be programmed to display a blank screen if a malfunction occurs.
- c. The sign shall not include audio, pyrotechnic, bluecasting (bluetooth advertising), or other similar components.

(2) Display Time

- a. Each static message on the sign shall be displayed for a minimum of ten seconds in duration.
- b. Message change shall be completed in two seconds or less.
- c. All transition effects are prohibited.

(3) Display Brightness

- a. Sign luminance shall not exceed 300 candelas per square meter, or nits, in full white mode between the periods of sunset to sunrise as calculated by the United States Naval Observatory.
- b. Each sign shall have capability to adjust its intensity in response to ambient lighting conditions.
- c. The light from any sign shall be so shaded, shielded, or directed that the light intensity or brightness shall not be projected over the property lines into a residential zone except by indirect reflection.

(4) Incorporation in Monument, Pole, or Marquee Signage

Where signs are incorporated into monument, pole, or marquee signage, the sign shall be designed as follows:

- a. EMCs are only permitted as an integral element of a monument, pole, or marquee sign, which enclose the message center component on all sides with a finish of brick, stone, stucco, powder coated (or comparably finished) metal, or the surface of the sign face. The enclosure shall extend not less than six inches from the electronic message center in any direction.
- b. EMCs and digital reader boards shall make up not more than the following percentage of each sign type and the balance of the sign area shall utilize permanent, dimensional letters or symbols:

	Total percentage of sign as EMC or DRB		
	Monument	Pole	Marquee
EMC	50	50	75
Digital Reader Board	20	20	n/a

- c. No sign structure that includes a digital reader board may also include an EMC sign.

(5) Public Service Announcements

The owner of every EMC sign shall coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts, terrorist attacks, or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.

(e) Design

(1) Architecture, Size, Scale, and Location

- a. Intent: Sign design shall create a natural and identifiable connection between the sign and the building that helps to reinforce the image of the business on the site and the area of the community in which the sign is located. An example of architectural cohesiveness is where the design of the sign and its shapes, colors, and finishes mimic or reinforce the architectural lines and distinctive features of the building or development.
- b. Sign design shall be architecturally cohesive with either:
 - (i) The structures on the site,
 - (ii) The predominant architectural design of the properties within the block or surrounding properties, or
 - (iii) An adopted area, neighborhood, or corridor plan that includes a design component.
- c. When a single property has multiple tenants with separate storefronts, wall signs shall be compatible.

- d. Signs affixed to the exterior of a building shall be compatible with the style, composition, materials, colors and details of the building, as well as with other signs used on the building or its vicinity.
- e. Signs shall fit within the existing facade features, shall be confined to signable areas and shall not interfere with door and window openings, conceal architectural details or obscure the composition of the facade.
- f. Sign size shall be scaled to be appropriate with the size of the overall elevation and architectural form(s) on which it is located.

(2) Legibility³

- a. Intent: Signs shall be legible in the circumstances in which they are seen. The physical attributes of a sign should allow for an observer's differentiation of its letters, words, numbers, or graphics.
- b. Design
 - (i) Sign materials should be compatible with the design of the face of the facade where they are placed and should contribute to the legibility of the sign.
 - (ii) Sign colors and finish shall be designed to reduce glare and enhance legibility.
 - (iii) The size of the letter area to the overall sign background shall be proportionate.
- c. Sign materials shall be maintained in good repair at all times to that all sign information is clearly legible.

(3) Cosmetic Pole Covers

- a. Intent: Decorative cosmetic pole covers enhance the quality appearance of a sign while giving a more substantial profile to the sign.
- b. Design
 - (i) Pole covers may be multi-tiered or segmented and finished with a textured finish or painted in complimentary tones to either the sign or the structure associated with the sign.
 - (ii) For single pole signs, the pole cover must be equal to or larger than 25 percent of the width of the sign.
 - (iii) The pole covers for each leg of double pole signs must be proportionate to the size and height of the sign.
 - (iv) The width of both pole covers should not exceed 25 percent of the width of the sign.

(4) Landscaping

- a. All freestanding signs shall be located within an approved landscape area, equal in area to a minimum of ten times the height of the sign or 150 square feet, whichever is less.
- b. The materials selected for a required landscaped area located in an intersection clear sign triangle must be limited in height to three feet. This applies to any decorative features and vegetation that will be located within the clear sight triangle area.

³ Drafting note: the United States Sign Council has a [Standard Legibility Index](#) that could be incorporated in this code if the City is interested.

Sec. 94-136 Sign Regulations by District Type

(a) Agricultural and Conservation

- (i) The maximum total signage permitted per property in the Agricultural and Conservation districts is 64 square feet per public roadway frontage.
- (ii) All square footage must be allocated to a sign on that frontage and cannot be aggregated with permitted square footage from other frontages.

(b) Residential Districts

Table 94-136.1 identifies the types of signs permitted in residential districts, and their regulations. If a sign type is not included in Table 94-136.1, it is not permitted in the residential districts.

Table 94-136.1: Permanent Signs Permitted in Residential Districts

Sign Type	Max. Number	Max. Height (ft)[1]	Max. Sign Area	Illumination [2]	Additional Standards
Attached Signs					
Wall: Civic and Institutional	1 per side of building	Same as wall [3]	Front wall: 10%; other walls 5%	Internal or external	Sec 94-135(b)(8), Wall Signs
Wall: SF Dwelling Unit	1 per du	Same as wall [3]	2 sf	Internal or external	Sec 94-135(b)(8), Wall Signs
Wall: MF Primary Building	2	Same as wall [3]	10%	Internal or external	Sec 94-135(b)(8), Wall Signs
Wall: MF Dwelling Unit	2	Same as wall [3]	6 sf per sign	Internal or external	Sec 94-135(b)(8), Wall Signs
Freestanding Signs					
Monument: Civic and Institutional	1	10 ft	100 sf	Internal or external, EMCs permitted	Sec. 94-135(a)(2), Monument Signs; Min. setback from any property line: 15 ft
Monument: Neighborhoods and Subdivision	2 per entrance	10 ft	200 sf	Internal or external	Max. Length: 20 ft Sign copy limited to 25% of total sign area of each sign; Min. setback from any property line: 15 ft
Notes:					

- [1] Measured at finished grade
- [2] EMC prohibited unless listed in sign type
- [3] No projecting above wall on which sign is located

(c) Mixed-Use, Community Commercial, Business, and Industrial Districts

- (1) Tables 94-136.2 identifies the types of attached signs permitted in Mixed-use, Community Commercial, and Industrial districts, and their regulations. Table 94-136.3 identifies the types of freestanding signs permitted in Mixed-use, Community Commercial, and Industrial districts, and their regulations. If a sign type is not included in the appropriate table, it is not permitted in a Mixed-use, Community Commercial, or Industrial district. Residential uses are limited to dwelling unit wall signs.
- (2) Measurement instructions are provided in the Measurement and Calculation section.

Table 94-136.2: Permanent Attached Signs Permitted in Mixed-Use, Community Commercial, Business, and Industrial Districts

Sign Type	Max. Number	Max. Height [1]	Max. Sign Area	Max. Projection/ Min. Clearance	Illumination[2]	Additional Standards
Awning	1 per awning	Top of vertical face of awning	Lesser of 35 sf or 25% of total area of awning	7 ft/ 8 ft	External	Calculated as part of permitted wall sign area; First story only; See 94-135(b)(1), Awning Signs
Canopy	1 per canopy	Top of vertical face of canopy	Lesser of 35 sf or 25% of total area of canopy	7 ft/ 8 ft	External	Calculated as part of permitted wall sign area; First story only; See 94-135(b)(2), Canopy Signs
Light Pole Banners	2 per operat'l light pole	May not extend above light pole		2 ft/ 10 ft	No	Not counted in max. total signage; limited to private parking areas; Sec. 94-135(b)(3), Light Pole Banners
Marquee	1 per street frontage	Top of vertical face of marquee		6 ft/ 8 ft	Internal or external, EMC's permitted	Calculated as part of permitted wall sign area; First story only; Sec. 94-135(b)(4), Marquee Signs
Projecting	1 per street frontage	Same as wall [3]	20 sf	4 ft/ 8 ft	Internal	Calculated as part of permitted wall sign area; Sec. 94-135(b)(5) Projecting Signs
Roof	1 per building, in-lieu of free-standing sign	8 ft above the height of the roof line or parapet	50 sf		Internal or external	Sec. 94-135(b)(6) Roof Signs
Under-Canopy	1 per building entrance	May not extend above	4 sf; may not extend outside of	n/a/ 8 ft	No	Not counted in max. total signage; First story only

Table 94-136.2: Permanent Attached Signs Permitted in Mixed-Use, Community Commercial, Business, and Industrial Districts

Sign Type	Max. Number	Max. Height [1]	Max. Sign Area	Max. Projection/Min. Clearance	Illumination[2]	Additional Standards
		canopy or arcade	canopy or arcade			
Wall	1 per side of building	Same as wall [3]	Front wall: 20%; other walls 10%	n/a	Internal or external	Sec. 94-153(b)(8), Wall Signs
Wall: SF Dwelling Unit	1 per du	Same as wall [3]	2 sf	n/a	Internal or external	Sec 94-135(b)(8), Wall Signs
Wall: MF, Primary Building	2	Same as wall [3]	10%	n/a	Internal or external	Sec 94-135(b)(8), Wall Signs
Wall: MF Dwelling Unit	2	Same as wall [3]	6 sf per sign	n/a	Internal or external	Sec 94-135(b)(8), Wall Signs
Window	n/a	Limited to architect. distinct window area	25% of any window	n/a	No	Calculated as part of permitted wall sign area

Notes:

- [1] Measured at finished grade
- [2] EMC prohibited unless listed in sign type
- [3] No projecting above wall on which sign is located

Table 94-136.3: Permanent Freestanding Signs Permitted in Mixed-Use, Community Commercial, Business, and Industrial Districts

Sign Type	Max. Number	Max. Height [1]	Max. Sign Area	Spacing [2]	Illumination[3]	Additional Standards
Access Point	2 per property	3 ft	6 sf	n/a	Internal or external	Sec. 94-135(a)(1), Access Point Signs
Freestanding Structural Canopy	1 per frontage	May not extend above canopy where mounted	On canopy: 20% of canopy facia where mounted; Under canopy: 12 sf	n/a	Internal	Must meet building code clearance
Monument	1 per property [4]	10 ft	200 sf in structure area, 150 sf in sign area	200 ft	Internal or external, EMCs permitted	Sec. 94-135(a)(2), Monument Signs; Min. setback from any property line: 5 ft
Multi-tenant Monument	1 per property	20 ft	Same as monument plus 20 sf of structure and sign area per tenant	200 ft	Internal or external, EMCs permitted	See 94-135(a)(2), Monument Signs; Min. setback from any property line: 5 ft

Table 94-136.3: Permanent Freestanding Signs Permitted in Mixed-Use, Community Commercial, Business, and Industrial Districts

Sign Type	Max. Number	Max. Height [1]	Max. Sign Area	Spacing [2]	Illumination[3]	Additional Standards
Pole/Pylon	1 per property [4]	20 ft	100 sf	200 ft	Internal or external, EMCs permitted	Sec. 94-135(a)(3), Pole/Pylon Signs; Min. setback from any property line: 10 ft
Notes:						

- [1] Measured at finished grade
- [2] As calculated in Section 96-133.
- [3] EMCs prohibited unless listed in sign type
- [4] One additional freestanding sign may be permitted per property where there is more than 300 linear feet of frontage provided all spacing requirements can be met.

(d) Downtown and Neighborhood Commercial

- (1) Table 94-136.4 identifies the types of attached signs permitted in the Downtown and Neighborhood Commercial District, and their regulations. Table 94-136.5 identifies the types of freestanding signs permitted in the Downtown and Neighborhood Commercial District, and their regulations. If a sign type is not included in the appropriate table, it is not permitted in the Downtown or Neighborhood Commercial District. Residential uses are limited to dwelling unit wall signs.
- (2) Measurement instructions are provided in the Measurement and Calculation section.

Table 94-136.4: Permanent Attached Signs Permitted in the Downtown and Neighborhood Commercial Districts

Sign Type	Max. Number	Max. Height [1]	Max. Sign Area	Max. Projection/ Min. Clearance	Illumination[2]	Additional Standards
Awning	1 per awning	Top of vertical face of awning	Lesser of 35 sf or 25% of total area of awning	7 ft; 8 ft	External	Calculated as part of permitted wall sign area; First story only; See 94-135(b)(1), Awning Signs
Canopy	1 per canopy	Top of vertical face of canopy	Lesser of 35 sf or 25% of total area of canopy	7 ft; 8 ft	External	Calculated as part of permitted wall sign area; First story only; See 94-135(b)(2), Canopy Signs
Marquee	1 per street frontage	Top of vertical face of marquee where attached		6 ft; 8 ft	Internal or external	Calculated as part of permitted wall sign area; First story only; Sec. 94-135(b)(4), Marquee Signs
Projecting	1 per street frontage	Same as wall [3]	20 sf	4 ft; 8 ft	Internal	Not counted in max. total signage; Sec. 94-135(b)(5) Projecting Signs
Under-Canopy	1 per building entrance	May not extend above canopy or arcade	4 sf; may not extend outside of canopy or arcade	n/a; 8 ft	No	Not counted in max. total signage; First story only; Sec. 94-135(b)(7), Under-Canopy Signs
Wall	1 per side of building	Same as wall [3]	Front wall: 20%; other walls 10%[5]	n/a	Internal or external	Sec. 94-135(b)(8), Wall Signs
Wall: MF, Primary Building	2	Same as wall [3]	10%	n/a	Internal or external	Sec 94-135(b)(8), Wall Signs
Wall: MF Dwelling Unit	2	Same as wall [3]	6 sf per sign	n/a	Internal or external	Sec 94-135(b)(8), Wall Signs
Window	n/a	Limited to architect. distinct window area	25% of any window		No	Calculated as part of permitted wall sign area

Table 94-136.4: Permanent Attached Signs Permitted in the Downtown and Neighborhood Commercial Districts

Sign Type	Max. Number	Max. Height [1]	Max. Sign Area	Max. Projection/ Min. Clearance	Illumination[2]	Additional Standards
Notes:						

- [1] Measured at finished grade
- [2] EMC prohibited unless specifically listed in sign type
- [3] No projecting above wall on which sign is located
- [4] Measured at the roof line or top of parapet
- [5] Rear walls in an alley with a public entrance may also have 15%.

Table 94-136.5: Permanent Freestanding Signs Permitted in the Downtown and Neighborhood Commercial Districts

Sign Type	Max. Number	Max. Height [1]	Max. Sign Area	Spacing [2]	Illumination[3]	Additional Standards
Access Point	2 per property	3 ft	6 sf	n/a	Internal or external	Sec. 94-135(a)(1), Access Point Signs
Freestanding Structural Canopy	1 per frontage	May not extend above canopy where mounted	On canopy: 20% of canopy facia where mounted; Under canopy: 12 sf	n/a	Internal	Must meet building code clearance
Monument	1 per property [4]	10 ft	150 sf in structure area or 100 sf in sign area	150 ft	Internal or external	Sec. 94-135(a)(2), Monument Signs; Min. setback from any property line: 5 ft
Multi-tenant Monument	1 per property	20 ft	Same as monument plus 20 sf of structure and sign area per tenant	200 ft	Internal or external	See 94-135(a)(2), Monument Signs; Min. setback from any property line: 5 ft
Pole/Pylon	1 per property [4]	20 ft	100 sf	150 ft	Internal or external	Sec. 94-135(a)(3), Pole/Pylon Signs; Min. setback from any property line: 10 ft
Notes:						

- [1] Measured at finished grade
- [2] As calculated in Section 96-132.
- [3] EMC prohibited unless specifically listed in sign type
- [4] One additional freestanding sign may be permitted where a property has more than 300 linear feet of frontage provided all relevant spacing requirements can be met.

(e) Entertainment District

- (1) Table 94-136.6 identifies the types of attached signs permitted in the Entertainment District. Table 94-136.7 identifies the types of freestanding signs permitted in the Entertainment District. If a sign type is not included in the appropriate table, it is not permitted in the Entertainment District. Residential uses are limited to dwelling unit wall signs.
- (2) Measurement instructions are provided in the Measurement and Calculation section.
- (3) Freestanding signs may be enhanced through the use of copy extensions, cut-outs, or drop-outs. Enhancements shall be limited to a total of 20 percent of the allowed sign area for the sign on which it is installed and must be included in engineering calculations.

Table 94-136.6: Permanent Attached Signs Permitted in the Entertainment District

Sign Type	Max. Number	Max. Height [1]	Max. Sign Area	Max. Projection/Min. Clearance	Illumination[2]	Additional Standards
Awning or Canopy	1 per awning	Top of vertical face of awning	Lesser of 35 sf or 25% of total area of awning	7 ft; 8 ft	External	Calculated as part of permitted wall sign area; First story only; See 94-135(b)(1), Awning Signs
Canopy	1 per canopy	Top of vertical face of canopy	Lesser of 35 sf or 25% of total area of canopy	7 ft; 8 ft	External	Calculated as part of permitted wall sign area; First story only; See 94-135(b)(2), Canopy Signs
Light Pole Banners	2 per operat'l light pole	May not extend above light pole		2 ft; 10 ft	No	Not counted in max. total signage; limited to private parking areas; Sec. 94-135(b)(3), Light Pole Banners
Marquee	1 per street frontage	Top of vertical face of marquee		6 ft; 8 ft	Internal or external, EMC	Calculated as part of permitted wall sign area; First story only; Sec. 94-135(b)(4), Marquee Signs
Projecting	1 per street frontage	Same as wall [3]	30 sf	6 ft; 8 ft		Not counted in max. total signage; Sec. 94-135(b)(5) Projecting Signs
Roof	1 per building, in-lieu of a free-standing sign	8 ft above the height of the roof line or parapet	300 sf	n/a	Internal or external, EMCs permitted	Sec. 94-135(b)(6) Roof Signs

Table 94-136.6: Permanent Attached Signs Permitted in the Entertainment District

Sign Type	Max. Number	Max. Height [1]	Max. Sign Area	Max. Projection/Min. Clearance	Illumination[2]	Additional Standards
Under-Canopy	1 per building entrance	May not extend above canopy or arcade	4 sf; may not extend outside of canopy or arcade	n/a; 8 ft	No	Not counted in max. total signage; First story only; Sec. 94-135(b)(7), Under-Canopy Signs
Wall	n/a	Same as wall [3]	Front wall: 30%; other walls 20%	n/a	Internal or external, EMCs permitted	Sec. 94-135(b)(8), Wall Signs
Window	n/a	Limited to architect. distinct window area	25% of any window		No	Calculated as part of permitted wall sign area

Notes:

- [1] Measured at finished grade
- [2] EMC prohibited unless listed in sign type
- [3] No projecting above wall on which sign is located

Table 94.136.7: Permanent Freestanding Signs Permitted in the Entertainment District

Sign Type	Max. Number	Max. Height [1]	Max. Sign Area	Spacing [2]	Illumination[3]	Additional Standards
Access Point	2 per property	3 ft	6 sf	n/a	Internal or external	Sec. 94-135(a)(1), Access Point Signs
Freestanding Structural Canopy	1 per frontage	May not extend above canopy where mounted	On canopy: 20% of canopy facia where mounted; Under canopy: 12 sf	n/a	Internal	Must meet building code clearance
Monument	1 per property [4]	30 ft	450 sf in structure and 300 sf in sign area	100 ft	Internal or external, EMCs permitted	Sec. 94-135(a)(2), Monument Signs; no min. setback
Multi-tenant Monument	1 per property	40 ft	Same as monument plus 20 sf of structure and sign area per tenant	100 ft	Internal or external, EMCs permitted	See 94-135(a)(2), Monument Signs; no min. setback
Pole/Pylon	1 per property [4]	30 ft	200 sf	100 ft	Internal or external, EMCs permitted	Sec. 94-135(a)(3), Pole/Pylon Signs; no min. setback

Table 94.136.7: Permanent Freestanding Signs Permitted in the Entertainment District

Sign Type	Max. Number	Max. Height [1]	Max. Sign Area	Spacing [2]	Illumination[3]	Additional Standards
Notes:						

- [1] Measured at finished grade
- [2] As calculated in Section 96-132.
- [3] EMC prohibited unless listed in sign type
- [4] One additional freestanding sign may be permitted where a property has more than 300 linear feet of frontage provided all relevant spacing requirements can be met.

(f) Planned Development Districts

(1) Applicable Standards

- a. A Planned Development (PD) district shall be entitled to the same total signage area as the equivalent district and use categories within this article. For example, those areas designated for commercial development shall be governed by the Mixed-use, Community Commercial, and Industrial district sign standards. Downtown, Neighborhood Commercial and Entertainment district sign standards are not applicable to PD development
- b. An applicant for Planned Development district approval may submit a signage plan to the planning commission for review and recommendation to alter the sign regulations which would otherwise be applicable to the Planned Development district. The application for PD signage plan review shall be submitted as part of a complete development project and may not be submitted for the sole purpose of obtaining changes, variances, or waivers to the provisions of these sign regulations.
- c. The following categories of sign regulation are not subject to alteration through PD approval:
 - (i) Maximum total signage permitted,
 - (ii) Maximum sign height,
 - (iii) Maximum sign area,
 - (iv) Freestanding sign separation requirements, or
 - (v) Use of an electronic message center.

(2) Signage Plan

All signage plans shall be submitted with the PD application and shall include, at a minimum, the following:

- a. A drawing of all proposed signs, drawn to scale, with dimensions and sizes of structural supports, and engineering specifications as required.
- b. Detailed information on each sign proposed, including height, type, and other necessary information related to conformance to existing sign regulations.
- c. A site plan of the Planned Development district, drawn to scale, including locations of all signs already present in the Planned Development district and properties immediately adjacent. This shall include correct measurements to property lines and to adjacent signs.
- d. A written explanation of the reasons for the request.
- e. An analysis showing evidence of no net increase in total signage area and compliance with the other categories of sign regulation that are not subject to alteration through PD approval.
- f. Other information, as requested, necessary to provide a complete and thorough report.

Sec. 94-137 Temporary Signs, Generally⁴

(a) Purposes

The purposes of these temporary sign regulations are as follows:

- (1) Enhance opportunities for visual communication, including promoting the legibility of such communications;
- (2) Create a more attractive economic and business climate within the city;
- (3) Enhance and protect the physical appearance of all areas of the city; and
- (4) Reduce the distractions, obstructions, and hazards to pedestrian and automobile traffic caused by the excessive number, size, or height, inappropriate means of illumination or movement, indiscriminate placement, overconcentration, or unsafe construction of signs.

(b) Allowed on Private Property Restrictions

Temporary signs, including, but not limited to, those specified within this article are allowed on private property provided they meet the following requirements:

- (1) The sign conforms to all requirements of this article;
- (2) The sign does not interfere with automobile traffic or pedestrians;
- (3) The sign is not placed in the public right-of-way or on public property;
- (4) When a sign placed on private property, is done with the express permission of the property owner; and
- (5) The sign is not a public danger or nuisance during high winds or inclement weather.

(c) Permits and Standards

- (1) Required. A temporary sign permit is required unless otherwise specified within this article.
- (2) Display duration.
 - a. Unless otherwise defined within this article, the display of temporary signs shall be limited to a maximum of 30 days per address, cumulative total per calendar year.
 - b. The 30-day per address cumulative total per calendar year requirement shall be restarted when a business at a specific address changes ownership within any given year.
- (3) Number of signs. Unless otherwise specified in this section, a maximum of one temporary sign shall be allowed per property at any time.
- (4) Printing and placement. Signs may be printed on both sides or two-single sided banners may be placed back-to-back. V-type configurations are not allowed.
- (5) Permit sticker. A permit sticker will be provided and shall be placed on the sign where visible.
- (6) Temporary signs shall not be used as a method to circumvent the regulations that apply to permanent signs, or to add a permanent sign to a parcel in addition to the permanent signage permitted on that parcel.

⁴ Current Section 70-230.

- (7) Temporary signs shall not be illuminated.
- (8) Temporary signs shall not contain any digital components, or a changeable message component or mechanism.

(d) Location

- (1) Unless otherwise specified within this article, temporary signs may only be placed on the parcel for which the temporary sign permit is issued.
- (2) Except in the Downtown District, all temporary signs shall be located on private property, and set back from the edge of the street pavement a minimum of five feet.
- (3) A-frame signs shall be located within ten feet of a pedestrian entrance, and shall be removed when the business is closed and during severe weather events.

(e) Removal

Temporary signs shall be subject to removal as provided in this article.

Sec. 94-138 Permitted Temporary Signage⁵

(a) Sign Types

- (1) A-frame sign. A sign consisting of two sign faces placed together at an angle of 90 degrees or less to form an "A" shaped structure that tapers from a wide base to a narrow top. See Fig. 96-138.A.
- (2) Banner sign. A sign constructed of plastic or fabric of any kind that is attached to supports, a frame, or a flat surface. See Fig. 96-138.B.



- (3) Yard sign. A sign placed upon or supported by the ground, independently of any other structure, but not including an A-frame sign.
 - a. Up to two sign riders of no more than one square foot each are permitted on yard signs.
 - b. Permitted sign riders are not included in the sign area calculation.



(b) Temporary Signage Permitted by District

The following temporary signage is permitted by lot, by district, and by use:

Zone District	Land Use	Sign Type			Duration
		Yard	Banner	A-Frame	
Residential					
LDR MDR	Single-Family, Two-Family, Row house	Max. No.: 2 Max. Area: 6 sq. ft. per sign Max. Height: 6 feet	Not permitted	Not permitted	30 days
HDR	Multi-Family	Max. No.: 2 Max. Area: 6 sq. ft. per sign Max. Height: 6 feet	Max. No.: 1 per street frontage Max. Area: 16 sq. ft. Max. Height: 8 feet	Not permitted	30 days
Commercial					

⁵ Current Section 70-231.

Zone District	Land Use	Sign Type			Duration
		Yard	Banner	A-Frame	
NC MU	All	Max. No.: 1 per public street frontage. Max. Area: 6 sq. ft. per sign Max. Height 6 feet	Max. No.: 1 per public street frontage Max. Area: 32 sq. ft. per sign Max. Height 10 feet	Max. No.: 1 per licensed business Max. Area: 8 sq. ft. per sign Max. Height 4 feet	30 days
CC	All	Max. No.: 1 per licensed business Max. Area: 6 sq. ft. per sign Max. Height 6 feet	Max. No.: 1 per public street frontage Max. Area: 32 sq. ft. per sign Max. Height 10 feet	Max. No.: 1 per licensed business Max. Area: 8 sq. ft. per sign Max. Height 4 feet	30 days
D	Commercial	Max. No.: 1 per public street frontage. Max. Area: 6 sq. ft. per sign Max. Height 6 feet	Max. No.: 1 per lot Max. Area: 16 sq. ft. total Max. Height 8 feet	Max. No.: 1 per licensed business Max. Area: 8 sq. ft. per sign Max. Height 4 feet	30 days for Yard and Banner; 365 days for A-Frame
	Residential	Max. No.: 1 per public street frontage. Max. Area: 6 sq. ft. per sign Max. Height 6 feet	Max. No.: 1 per lot Max. Area: 6 sq. ft. total Max. Height 6 feet	Not permitted	30 days
ENT	All	Max. No.: 1 per public street frontage. Max. Area: 6 sq. ft. per sign Max. Height 6 feet	Max. No.: 1 per public street frontage Max. Area: 32 sq. ft. per sign Max. Height 10 feet	Max. No.: 1 per licensed business Max. Area: 8 sq. ft. per sign Max. Height 4 feet	30 days
Office and Industrial					
BUS, I, AG, CON	All	Max. No.: 1 per public street frontage Max. Area: 6 sq. ft. per sign Max. Height 6 feet	Max. No.: 1 per public street frontage Max. Area: 32 sq. ft. per sign Max. Height 10 feet	Not permitted	30 days

(c) Exceptions and Additions to Table 96-138.1.

- (1) A-frame signs may be placed on the public sidewalk in the Downtown district directly in front of the business, but shall be placed so they do not interfere with or impede the flow of pedestrian movement.
- (2) Active real estate listing or active building permit signs. One additional temporary sign is permitted on a property that is subject to: (a) an active real estate sale or rental listing; or (b) active building permit. The sign may remain posted on the site for the duration of the listing period or while the building permit is valid and active. The dimensional standards of Table 70-231.1 shall apply by district. No permit shall be required.

(d) Temporary Signage Permitted by Special Event or Temporary Use

- (1) General. Temporary signs may be allowed as part of a special event or temporary use permit pursuant to this subsection.
 - a. Maximum sign calculation. Temporary signs permitted through a special event or temporary use permit may be off-premises with the permission of the property owner, and may be allowed on a parcel in addition to the maximum amount of temporary signage permitted on that parcel.
 - b. Temporary sign types. Temporary signs permitted as part of a special event or temporary use permit are restricted to the types, sizes, and heights identified in Table 70-231.1 unless otherwise specified in this subsection.

Event	Number and Type of Signs Permitted		Duration
Election	See Election Event Signs, below.		
Garage/Yard Sale	4	Yard	Placed and removed same day as event
Open House/Auction	4	Yard	Placed and removed same day as event
Public Event	10	Yard	Placed no more than 7 days before; Removed no more than 2 days after
	5	Banner	
Special Event	10	Yard	Placed no more than 7 days before; Removed no more than 2 days after
	5	Banner	

- (2) Election event. For a period of 60 days prior to a state, local, or national election, the total number of temporary signs permitted per property may be increased over the maximum amount of temporary signage permitted by this Code. The number of increased signs is calculated by the number of federal, state, and local issues and elected positions on the ballot within the voting district where the property is located. That number shall be used to determine the number of signs allowed as additional temporary signage during the 60-day period. The content of this additional signage is not subject to regulation by the city, but the number shall not exceed the number of ballot issues and offices on the ballot. The dimensional standards of Table 70-321.1 shall apply by district. No permit shall be required for the additional signage during an election event, and the additional signage shall be removed immediately following the election.
- (3) Garage/yard sale event. Temporary signs may be permitted in conjunction with a permitted garage/yard sale as follows:
 - a. Signs shall be located within a 5,000-foot radius of the garage/yard sale.
 - b. Signs may only be displayed on the same day as the garage/yard sale.
- (4) Open house/auction event. Temporary signs may be permitted in conjunction with a staffed real estate open house/auction as follows:
 - a. Signs shall be located within a 5,000-foot radius of the open house.
 - b. Signs may only be displayed on the same day as the open house/auction event.
- (5) Public event.

- a. A maximum of five banner signs and ten yard signs may be issued in conjunction with a temporary use permit.
 - b. The temporary use permit shall specify the installation and removal dates of the temporary signs allowed in conjunction with the permit.
 - c. Banner signs shall not exceed 32 square feet of sign area, per side. Yard signs shall not exceed six square feet in area, per side. A-frame signs are not permitted.
- (6) Special event.
- a. A maximum of five banner signs and ten yard signs may be issued in conjunction with a special event permit.
 - b. The special event permit shall specify the installation and removal dates of the temporary signs allowed in conjunction with the permit.
 - c. Banner signs shall not exceed 32 square feet of sign area, per side. Yard signs shall not exceed six square feet in area per side. A-frame signs are not permitted.

(e) Temporary Substitute Signage for Damaged Permanent Signs

In the event that a permanent sign is substantially damaged through fire, natural disaster, or similar emergency, or in the case of major construction projects, where existing permanent signage is removed for construction purposes, a temporary sign may be allowed for display for a period of time not exceeding 60 days. Temporary signage is limited to a maximum of 32 square feet per address, unless the temporary signage is affixed to any wall face of the main structure. When temporary signage is affixed to any wall face of the main structure, the maximum size of temporary signage may be increased to allow for a maximum coverage of 20 percent of the area of the wall face to which it is affixed. In no case shall any temporary signage exceed a maximum size of 250 square feet.

Sec. 94-139 Off-Premise Signs

(a) Limitation on Issuance of Future Off-Premise Sign Permits

- (1) The city shall not issue any new permits for the construction of off-premises signs except as otherwise provided in this section.
 - a. Nothing contained in this section shall be construed to limit the maintenance and repair of any existing off-premises signs.
 - b. Maintenance shall not include the conversion of an existing sign to an electronic message center sign. Any such conversions shall be subject to the permitting and fee requirements set forth in this article.
- (2) Where permitted pursuant to the requirements of this section, off-premise advertising is only allowed in areas zoned Community Commercial, Business, or Industrial subject to the following restrictions:
 - a. Sign Area: Freestanding signs shall be allowed a maximum of 300 square feet in sign area.
 - b. Sign Height: Freestanding signs may not exceed 30 feet in height above finish grade level.
 - c. Spacing:
 - (i) A minimum distance of 1,000 feet of frontage on U.S. Highway 65 shall be maintained between every off-premises sign and any other freestanding sign located within 660 feet of the edge of the right-of-way of U.S. Highway 65.
 - (ii) A minimum distance of 500 feet shall be maintained between any off-premises sign and any public or state park.
 - (iii) A minimum distance of 1,000 feet of frontage on U.S. Highway 65 shall be maintained between any off-premises sign and any interchange as measured at the edge of the highway on- or off-ramp closest to the sign.

(b) Replacement of Existing Off-Premise Signs

- (1) An existing off-premise sign located in the Community Commercial or Entertainment district may be replaced with the concurrent removal of three times the equivalent sign area of the proposed off-premise replacement sign through any combination of existing off-premise sign(s). Any proposed off-premise replacement sign shall meet all of the standards set forth in this article, including separation distance from other signs, and shall be considered a conforming sign.
- (2) Upon removal of an existing off-premise sign for any reason, the City shall record the size of the sign and other relevant information about the sign, and keep a record of the sign for five years from the date of removal. A removed off-premise sign that is part of the City's removed off-premise record can be used to satisfy the removal requirement. If the sign is not claimed within five years, the sign may no longer be used to meet the size requirements for a replacement off-premise sign.
- (3) An application for a replacement off-premise sign may be made in anticipation of removal of existing off-premise sign(s). The replacement sign application may be approved on the condition that no permit for the construction of the replacement off-premise sign shall be issued until the existing off-premise sign(s) are removed and documentation of their removal is submitted to the City.
- (4) The owner of an approved replacement off-premise sign within the city may transfer the right to build the replacement off-premise sign to another party. The transfer shall be stated in a letter signed by both parties which is submitted with an application for a replacement off-premise sign.

Sec. 94-140 Nonconforming Signs

(a) Legal Nonconforming Signs

- (1) Where a lawful sign exists at the effective date of adoption of the ordinance from which this article is derived, or amendment of this article, that would be illegal under the terms of this article, such sign may be continued so long as it remains otherwise lawful, subject to the provisions of this section.
- (2) Any proposed change to a nonconforming sign, excluding general repairs, maintenance and advertising copy, shall require the sign to be brought into conformance with this article.
- (3) No such nonconforming sign or sign structure may be altered in any way that increases its nonconformity.
- (4) Alternations to a nonconforming sign or sign structure may be made, provided that the alterations eliminate its nonconformity.
- (5) When a permit has been obtained, temporary removal of any portion of a sign for repairs or general maintenance shall not be considered to be in violation of this article, provided that no alterations are made to the sign or sign structure.
- (6) Should such sign or sign structure be moved for any reason and over any distance whatsoever, it shall thereafter conform to all regulations for the distance in which it is located after it has been moved or relocated. Any sign temporarily removed by a public utility company, the city, or any governmental agency to accommodate repair or maintenance, or expansion operations may be replaced, provided that there is no change in size, height, or location of the sign.
- (7) If any sign is moved as a direct result of a public street expansion, it may be relocated to a position determined by the city engineer to be appropriate in relation to the expansion project, and such a sign shall not be considered nonconforming for the reason of separation. No permit shall be required for such replacement.

(b) Loss of Legal Nonconforming Status

A legal nonconforming sign shall lose such designation if one or both of the following apply:

- (1) The sign is removed, relocated, or replaced for any reason except towards compliance with this article.
- (2) If greater than 50 percent of a nonconforming sign, as measured by replacement cost of both the sign and structure prior to such destruction, is damaged by any means, it shall be considered destroyed and shall not be brought back into service or use except in conformity with the provisions of this chapter.

(c) Maintenance and Repair

- (1) A legal nonconforming sign is subject to all requirements of this article regarding safety, maintenance, and repair.
- (2) Maintenance shall not include the conversion of an existing nonconforming sign to an electronic message center sign. Any such conversions may only be made to a conforming sign and shall be subject to the permitting and fee requirements set forth in this article.

(d) Records

- (1) The planning and development director shall maintain a list of all legal nonconforming signs, including the exact location of each, which list shall be updated as necessary.

- (2) In addition to initial and construction inspections, signs may be inspected periodically by the planning and development director to ensure continued compliance with this article.

(e) Maintenance

- (1) All signs and components thereof shall be maintained in good repair and in a safe, neat, clean, and attractive condition, and shall be refurbished often enough to be clearly legible. Signs which fail to comply with this regulation, shall be subject to repair or removal at owner or lessee's cost. Maintenance shall not include the conversion of an existing sign to an electronic message center sign. Any such conversions shall be subject to the permitting and fee requirements set forth in this article.
- (2) In maintaining signs under this article, the following specific standards shall apply:
 - a. Signs shall have no more than ten percent of its total surface area covered with disfigured, cracked, ripped, faded or peeling paint, poster paper or other material.
 - b. No sign shall have bent or broken sign facings or supports or with loose appendages or struts.
 - c. All signs shall have sign facings installed, whether blank or with advertising content.
 - d. No sign may lean more than 15 degrees from vertical.
 - e. Signs shall not have weeds, trees, vines or other vegetation growing on it or obscuring the view of the sign from the right-of-way from which it is to be viewed.
 - f. No internally illuminated sign shall be allowed to operate with only partial illumination.
 - g. Flags shall not be faded, tattered or torn.
 - h. Sign lettering must be applied and maintained in such manner that the sign's overall appearance is professional and attractive.

(f) Abandoned Signs

- (1) A sign face shall be removed and shall be replaced with a blank face or a face designating that the building is for sale or lease by the owner or lessee of the property upon which the sign is located when the business it advertises is no longer conducted on the property. If the owner or lessee fails to remove it and replace it with a blank face or face designating that the building is for sale or lease, the planning and development director shall give written notice to remove it and shall take such actions to remove the sign as are authorized in this article.
- (2) When an on-premises sign becomes an abandoned sign due to demolition or destruction of the structure in which the business was located, the sign structure shall be removed. Where a successor to a business agrees in writing to the planning and development director to bring any sign into compliance with this article and to maintain the sign as provided in this article, the removal requirement shall not apply.

Sec. 94-141 Violations and Sign Removal⁶

(a) Signs Subject to Removal

The planning and development director shall identify and shall order the removal of any signs, at cost to the owner, erected or maintained in violation of this article, including, but not limited to, illegal signs, unauthorized signs on city property, prohibited signs, abandoned signs, dilapidated or damaged signs, temporary signs posted beyond the time limit established in this article, and signs that due to design, construction, or failure to maintain are determined by the planning and development director to be unsafe or unsightly, and a blight on the community.

(b) Illegal Signs

It is the policy of the city to aggressively enforce the provisions of this article, and to remove all illegal signs in the city. While other signs are unlawful and in violation of this article, an illegal sign is particularly offensive in that it is any sign constructed (after adoption of the ordinance from which this article is derived) without a permit, or constructed in violation of this article. An illegal sign was never a legal sign, has never complied with the provisions of this article, and has no legal right to remain. Illegal signs shall be removed in accordance with this article as expeditiously as possible.

(c) Cost of Removal by City

The cost of correcting the unlawful, dangerous, or a defective feature, or total sign, shall be a personal liability of the owner, and may be assessed against the property on which the sign is located, together with the inspection, collection, and incidental costs, and a lien may be placed upon property to secure the same.

(d) City May Contract for Sign Removal Services

At the city's discretion, remedial action under this article may be taken on behalf of the city by a commercial sign removal company of the city's choice.

(e) Removal of Signs Posing Immediate Safety Threat.

A temporary or permanent sign may be removed immediately and without notice to the owner if, in the opinion of the planning and development director, the condition of a sign presents an immediate threat to the safety of the public and the owner cannot be located immediately. Removal of signs under this subsection shall be at the property owner's expense.

(f) Removal of Unlawful Signs After Notice to Property Owner

- (1) Applicability. This subsection does not apply to temporary signs.
- (2) Notice of violation; order to remove. The planning and development director shall give 30 days' notice in writing to the owner of such sign, or of the building, structure, or property on which a sign subject to removal under this article is located, stating the nature of the violation and ordering the owner to remove the sign or to bring it into compliance. If service of notice is given by publication, as provided in this section, 15 days shall be added to the notice period established in this subsection.

⁶ Current Section 70-381 to 387.

- (3) Service of notice by mail or personal delivery. When notice is served to remove a sign, it may be served by federal postal service mail, postage prepaid, or delivered by handing the notice to the person to be served by anyone designated by the planning and development director, or by leaving the notice at the usual abode of the one to be served with a member of the household over the age of 15 years.
- (4) Service by publication if owner is unknown. If the address of the person to be served cannot be ascertained, the service of notice shall be by publication. The publication shall contain the full text of the notice and shall be published once a week for four consecutive weeks on the same day of the week in the newspaper, and the time specified for a hearing to be held by the board of adjustment.
- (5) Contents of notice. Notice given by the planning and development director shall state the remedial action required to be taken and the time within which it must be completed. The notice shall also state that if the required remedial action is not taken in the time allowed, the remedial action may be taken by the city, and the cost of correcting the violation shall be a personal liability of the owner, and may be assessed against the property on which the sign is located, together with the inspection, collection, and incidental costs.
- (6) Appeal to board of adjustment. A notice of violation and required removal under this article may be appealed by filing a written appeal in the office of the planning and development director within 15 calendar days of the violation notice. The board of adjustment shall hear the appeal in accordance with its usual procedure. The board of adjustment, upon finding that a violation exists, may approve or modify the order of the planning and development director. The board of adjustment's decision may be appealed in the manner provided by law.

(g) Removal of Temporary Signs

- (1) The planning and development director shall identify and shall order the immediate removal of any temporary signage, at cost to the owner, erected or maintained in violation of this article.
- (2) The planning and development director shall provide written notice to the owner of the building, structure, or property on which such temporary sign is located, stating the nature of the violation and ordering the owner to remove the sign immediately or bring it into compliance. The written notice shall be served by United States mail, postage prepaid, or delivered by the planning and development director handing the notice to the person to be served.
- (3) If the owner or their authorized representative does not remove the temporary signage, or bring it into compliance within 24 hours of receipt of written notice, remedial action may be taken by the city to remove the signage.

Sec. 94-142 Administration and Enforcement⁷

(a) Sign Permit

(1) Sign Permit Required

Except as otherwise specifically provided in this article, the construction, installation, or repair of all signs within the city shall require issuance of a sign permit in the manner provided in this article. Applications for sign permits shall be made to the planning and development department, accompanied by a fee, as appropriate, in the amount provided in the city fee schedule. The application shall include such information as may be required to ensure compliance with all applicable city, county and state regulations, including but not limited to:

- a. Name and address of the sign's owner or owner's designated agent.
- b. Name, phone number and email address of the sign installer.
- c. Clear and legible drawings, drawn to scale, with the description definitely showing location of the sign that is the subject of the permit and all other signs on the same property and on adjacent property.
- d. Drawings, drawn to scale, showing the dimensions, construction, supports, sizes, materials of the sign, method of attachment or character of structural members to which attachment is to be made, electrical specifications (as applicable) and advertising copy.

(2) Issuance

The planning and development director shall issue a permit under this article when an application therefor has been properly made and the sign complies with all appropriate laws and regulations of the city; provided, however, that no permit for a new sign shall be issued to any person who has an existing permitted sign that is in violation of this article.

(3) Appeal of Denial of Permit

If a permit application under this article is denied by the planning and development director, the applicant may appeal the decision to the board of adjustment in the manner provided in this chapter.

(4) Lapse

Permits issued under this article shall lapse if any of the following conditions are met, and a sign otherwise in compliance with this article shall be in violation upon lapse of the permit authorizing it:

- a. The sign contemplated in the permit is not constructed within six months of permit issuance,
- b. The permitted sign is abandoned,
- c. The business associated with a sign allows its city business license to expire or the business license is revoked, or
- d. Use of the sign is discontinued for a period of six months.

⁷ This information will be moved to the procedures section.