

***Editor's note:** Ord. No. 2002-1, § 2, adopted May 20, 2002, enacted provisions intended for use as a new ch. 29. To preserve alphabetical chapter order, these provisions have been included herein as a new ch. 64, at the discretion of the editor.

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Sec. 64-1. Purpose and intent.

It is the purpose of the sign ordinance to encourage the effective and appropriate use of signs as a means of communication in the city. To this purpose, it is the intent of these regulations to:

- (1) Maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth.
- (2) Provide a framework within which the identification and informational needs of all land users can be harmonized with the health, safety and welfare of the general public.
- (3) Improve pedestrian and traffic safety by reducing the visual and physical obstructions and distractions to motorists and pedestrians.
- (4) Minimize the adverse effect of signs on nearby public and private property.
- (5) Maintain signs within a reasonable scale relative to buildings and other signs to which they relate.

- (6) Encourage signage that is historically and architecturally compatible with the surroundings.
 - (7) Protect property value by preventing conditions that have a blighting influence on the community environment.
 - (8) Enable the fair and consistent enforcement of these signage regulations.
- (Ord. No. 2002-1, § 2, 5-20-02)

Sec. 64-2. Definitions.

Abandoned sign: A sign which was erected on property in conjunction with a particular use which has been discontinued for a period of 120 days or more, or a sign the content of which pertains to a time, event, or purpose which no longer applies.

Accessory use or structure: A use or structure customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

Address sign: A sign identifying a numerical designation commonly used to indicate the location of a building on a given street. (See "Name plate")

Alteration: Any construction or repair which significantly changes a sign, including additions or deletions to the sign structure.

Animated sign: A sign which uses movement or change of lighting, either natural or artificial, to depict action or create a special effect or scene.

Area of sign: (See "Sign area")

Awning or canopy: A retractable or fixed shelter constructed of materials on a supporting framework that projects from the exterior wall of a building.

Awning or canopy sign: A sign fixed to or integral with the surface of an awning or canopy.

Banner sign: A sign made of fabric or any nonrigid material and generally with no enclosing framework, mounted to a pole or building at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Bench sign: A sign which contains a message that is posted on the vertical interior or exterior face of a bench seat. Shall be permitted in the office/commercial district (B-1), central business district (B-2) and regional commercial district (B-3) subject to the following conditions:

- (1) Shall be setback a minimum of ten feet from the back of the curb or roadway edge.
- (2) Shall be limited to two bench signs per 100 feet of street frontage.
- (3) The panel that constitutes the back to which the bench sign is affixed shall not be more than seven feet in width and 28 inches in height.

Billboard or off-premises advertising sign: A sign which contains a message or advertises an establishment, product, service, space or activity not available on the lot on which the sign is located. (See "Off-premises sign")

Building code: The current code or codes in effect in the city which governs the erection, alteration, maintenance and removal of structures, including all signs not specifically exempted from the provisions thereof.

Building frontage: (See "Frontage, building")

Building identification sign: An illuminated or non-illuminated on-premises sign identifying a building or group of buildings and which may or may not include the building address.

Building marker: Any sign indicating the name of a building and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

Bulletin board: A permanent sign erected by a charitable, educational, religious institution or public body, which is erected upon the same premises as said institution and which may contain the name of the institution or organization, names of individuals connected with it and general announcements of events or activities occurring at the institution.

Business center: A group of three or more commercial establishments on contiguous parcels of property that present the appearance of one continuous commercial area; for example:

- (1) A group of commercial establishments under one common ownership or management.
- (2) A group of commercial establishments that are connected by party walls, partitions, covered canopies or other structural members to form one continuous structure.
- (3) A group of commercial establishments on contiguous parcels of property that share a common parking area.

Business center sign: A sign which gives direction and identification to a business center.

Business sign: A sign which directs attention to a business or profession conducted, or to a service or entertainment sold or offered upon the premises where such sign is located.

Canopy: A permanent roof structure attached to and supported by a building which offers protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Canopy sign: A sign painted, printed, stitched on, or an integral part of, a canopy, awning, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Changeable copy sign: A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this chapter. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this chapter.

Clearance (of a sign): The smallest vertical distance between the grade of the adjacent street, highway, or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

Clearview zone:

- (1) *Street intersections* --A triangular area created by 15-foot legs at the corners of an intersection which is kept free of visual impairment from a vertical height of three feet to eight feet to allow full view of both pedestrian and vehicular traffic.
- (2) *Driveway intersections* --A triangular area created by ten-foot legs at the corners of a driveway and public street intersection which is kept free of visual impairment from a

vertical height of three feet to eight feet to allow full view of both pedestrian and vehicular traffic.

Commercial message: Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, sale or sales event or other commercial activity.

Construction sign: A temporary sign on the premises on which construction is taking place, during the period of such construction, indicating the names of architects, contractors, engineers, landscape architects, or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

Development name sign: A sign that is a permanent marker to identify a common area, such as a residential subdivision, apartment complex, or industrial park. These signs are located at the entrance to these areas.

Directional signs: A sign limited to directional messages, principally for pedestrian or vehicular traffic, such as "one-way", "entrance", and "exit", or a sign of a non-commercial nature which directs the reader to the location of public or educational institutions, or to the location of historical structures, or areas, or to the location of public parks or buildings.

Display area: (See "Sign area")

Double-faced sign: A sign with two parallel and back-to-back faces or sign display area where the distance between the two faces does not exceed 18 inches.

Drive-thru sign: Means an on-premises sign designating the presence of, or location of, a drive-thru facility.

Electronic message center sign: A sign which the copy changes automatically on a lampbank or through mechanical means, e.g., electrical or electronic time and temperature units.

Entrance way (governmental) signage: Signage installed by the municipality and located along entranceways into the municipality with the purpose of identifying and promoting the community. Such signage may contain slogans and other distinctive information concerning the community and the municipality.

Erect: Means to build, construct, attach, hang, place, suspend or affix. This term shall also include the painting of wall signs.

Essential services: Equipment and accessories reasonably necessary for the furnishing of utility service or for the public health, safety, or general welfare by public utilities or municipal departments and commissions.

Exempted sign: A sign which is not required to obtain a sign permit, but must comply with all other provisions of this article.

Facade: The exterior surface of a building.

Flags: A piece of cloth, bunting or other material, usually with a pattern or logo and generally attached to a pole or staff and normally used to denote nationality, party or ownership.

Flashing sign: A sign whose illumination is not kept constant in intensity at all times when in use, and which exhibits changes in light, color, direction, or animation. Illuminated signs which indicate the date, time and temperature will not be considered flashing signs.

Freestanding sign: Any sign supported by uprights, braces or a base placed and anchored into the ground and not attached to any building.

Frontage, building: The length of the portion of a building occupied by a single business facing a public or private street, sidewalk or parking lot.

Frontage, street: The length of property line of any one premises along a public or private street, sidewalk or parking lot on which it borders.

Fuel price sign: A sign indicating the price per unit of fuel.

Garage/yard sale sign: A sign used to advertise the general sale of personal property owned and maintained by an individual or members of his or her immediate family, and acquired in the normal course of living in or maintaining a residence, conducted from a residential premise.

Ground sign: A sign which is anchored to the ground similar to a pylon or freestanding sign, but which has a monolithic or columnar line and which maintains essentially the same contour from grade to top.

Governmental sign: A sign erected and maintained pursuant to and in discharge of any government functions, or required by law, ordinance or other governmental regulation.

Handbill or snipe sign: An advertisement normally handed out randomly, but for temporary purposes attached or affixed to a structure, pole, tree, fence or window for the purpose of advertisement.

Hanging sign: See "Suspended sign".

Height of sign: (See "Sign height")

Historic sign: A sign that, by its construction materials, unusual age, prominent location, unique design, or craftsmanship from another period, makes a contribution to the cultural, historic or aesthetic quality of the city's streetscape.

Home occupation: An activity customarily carried on by the occupants of a dwelling unit, inside the dwelling unit, requiring only hobby type equipment, and not involving:

- (1) The sale of articles produced elsewhere than on the premises;
- (2) The storage of materials or products outside of a principal building;
- (3) The making of external structural alterations which are not customarily in residential buildings;
- (4) The production of offensive noise, vibration, smoke, dust, or other particulate matter; heat; humidity; glare; odors, aromas, or scents; or other objectionable effects.

Illegal sign: A sign which does not meet the requirements of this Code and which has not received legal non-conforming status.

Illuminated sign: A sign which has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper, or to which illumination is directed by the use of shaded electric lights, tubes, or floodlamp bulbs. Neon or neon-type lighting which is configured in such a manner as to form letters or a symbol shall be considered a sign and regulated as such. Neon or neon-type lighting which forms a border for a symbol or letters advertising a business, product or service shall be considered part of a sign, the area of which shall be computed on the basis of the area within the perimeter of the border. Neon-type lighting used as a decorative or architectural element in the building shall also be allowed and shall not be regulated as a sign.

Incidental sign: A sign, generally informational, which has purpose secondary to the use of the lot on which it is located, such as "no parking", "entrance", "loading only",

"telephone", and other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.

Ingress/egress sign: A sign designating a vehicular or pedestrian entrance or exit.

Interior window sign: Sign that is not directly attached to the window glass, but offers some form of advertisement which is visible from and through the exterior of the window glass.

Landmark sign: An older sign of artistic or historic merit, uniqueness, or extraordinary significance to the community as identified by the planning commission.

Lot: Any piece or parcel of land or portion of a subdivision, the boundaries of which have been established by some legal instrument of record, recognized and intended as a unit for the purpose of transfer of ownership.

Maintenance (of a sign): The cleaning, painting, repair, or replacement of defective parts of a sign in a way that does not alter the basic copy design, lettering, style, or proportion, size or structure of the sign.

Marquee: A permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of a building, generally designed and constructed to provide protection and shelter from the weather.

Marquee sign: A sign that is attached to or hung displaying a message from a marquee and does not extend vertically or horizontally beyond the limits of the marquee.

Memorial sign or tablet: A sign, tablet, or plaque memorializing a person, event, structure or site.

Menu board sign: An on-premises, outdoor sign listing a menu and prices of items available at a drive-thru facility or a pedestrian accessible facility.

Moveable sign: A sign capable of being readily moved or relocated, including portable signs mounted on a chassis and wheels, or supported by legs.

Multi-business complex developments: Developments that have more than one commercial business per premises. (See Business center)

Multiple family complex: A building or series of buildings located on a parcel of ground less than five acres that contains at least six separate apartments or living units.

Mural: A design or representation painted or drawn on a wall which does not contain promotional or commercial advertising.

Nameplate: A non-illuminated on-premises identification sign giving only the name, address and/or occupation of an occupant or group of occupants.

Nonconforming signs: Any sign erected or displayed prior to the effective date of this chapter or subsequent amendments thereto which does not conform with the standards of this chapter.

Off-premises sign: A sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered, or existing elsewhere than upon the same premises where such sign is displayed. The term off-premises sign shall include an outdoor advertising sign (billboard) on which space is leased or rented by the owner thereof to others for the purpose of conveying a commercial message.

On-premises sign: A sign, which identifies the occupant of the premises or related solely to the use, business or profession conducted, or to a principal commodity, service or entertainment sold, offered, or provided upon the premises.

Owner: Any person, agent, firm or corporation having a legal or equitable interest in property.

Parcel of land: A unit of real property, platted or unplatted, within the city.

Pennant: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series designed to move in the wind.

Permanent sign: A sign which has a permanent location on the ground or which is attached to a structure having a permanent location and which meets the structural requirements for signs as established in the building code.

Person: Any association, company, corporation, firm, organization, or partnership, singular or plural, of any kind.

Personal announcement sign: A temporary sign announcing a personal event such as the birth of a child.

Placard: A sign which provides notices of a public nature, such as "No Trespassing" or "No Hunting" signs.

Political sign: A temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election.

Portable sign: Any sign not permanently attached to the ground or other permanent structure, or a sign designated to be transported by means of wheels; signs converted to A or T frames; sandwich board signs; balloons used as signs; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

Premises: A unit of contiguous real property under common ownership or management.

Principal building: The building in which is conducted the principal use of the zone lot on which it is located. Zone lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

Private sale or event sign: A temporary sign advertising private sales of personal property such as "house sales", "garage sales", "rummage sales", and the like or private not-for-profit events such as picnics, carnivals, bazaars, game nights, art fairs and craft shows.

Prohibited sign: All signs disallowed by this Code either directly or by inference.

Projecting sign: Any sign affixed at an angle or perpendicularly to the wall of any building in such a manner to read perpendicularly or at an angle to the wall on which it is mounted.

Public building: Any building held, used, or controlled primarily for public purposes by any department or branch of government, state, county, or municipal, without reference to the ownership of the building or of the realty upon which it is situated.

Reader board: A portion of a sign on which copy is changed periodically either manually or electronically.

Real estate sign: A temporary sign pertaining to the sale, rent, or lease of the premises, or portion of the premises, on which the sign is located.

Roof sign: A sign which is located above, or projects above, the lowest point of the eaves or the top of the parapet wall of any building, or which is painted on or fastened to a roof.

Rotating, revolving sign: Any sign that spins, turns or moves.

R.O.W.: Right-of-way of street, from property line to property line, crossing the public way.

Setback: The distance from the property line to the nearest part of the applicable building, structure, or sign, measured perpendicularly to the property line.

Sign: Any display of lettering, logos, colors, lights, or illuminated neon tubes visible to the public from outside of a building or from a traveled way, which either conveys a message to the public, or intends to advertise, direct, invite, announce, or draw attention to, directly or indirectly, a use conducted, goods, products, services or facilities available, either on the lot or on any other premises, excluding window displays and merchandise.

Sign area: The area of a sign shall be measured as the area within a single, continuous perimeter composed of either the smallest square, rectangle, or circle which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign. Reader boards shall be included in the sign measurements. Architectural or decorative features of a sign or sign support structure which are not part of the writing, message, representation, emblem or logo of the display shall not be included in computing the sign area.

Sign height: The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the ground immediately beneath the sign.

Sign inspector: A building official designated by the city to enforce building, zoning, or similar laws, and this chapter, or his duly authorized representatives.

Sign setback: Where it is specified that a sign must be located a minimum or other certain distance from property lines or public rights-of-way, such distance will be measured from the portion of the sign structure nearest to such specified line. For the purpose of this measurement, the property lines and public right-of-way lines extend vertically and perpendicularly from the ground to infinity.

Street and sidewalk: A strip of land or access way subject to vehicular traffic and/or pedestrian traffic which provides direct or indirect access to property, including, but not limited to, alleys, avenues, boulevards, courts, drives, highways, lanes, places, roads, sidewalks, terraces, trails, or other thoroughfares.

Street frontage: (See "Frontage, street")

Subdivision and residential complex development: A parcel of ground of at least five acres that has been or is to be developed for residential housing. Said development shall be served by a major entrance roadway off a public street and shall serve at least six single family or two-family detached buildings or at least three separate multi-family buildings.

Suspended sign: A sign suspended from the underside of a horizontal plane surface and is supported by such surface, usually a canopy, awning or portico.

Temporary sign: A display, information sign, banner, pennant, streamer, or other advertising device constructed of cloth, canvas, fabric, wood, or other temporary material with or without a structural frame and intended for a limited period of display.

Wall sign: Any sign attached parallel to a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Window area: The area of a window as measured by the perimeter of the window glass, including glass windows in doors.

Window sign: Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window. Merchandise that is included in a window display shall not be considered as part of the area of a window sign. Flyers advertising charitable events or other similar announcements shall not constitute a window sign.
(Ord. No. 2002-1, § 2, 5-20-02)

Sec. 64-3. Measurement of signs.

- (a) *Sign area.* The area of a sign shall be measured as the area within a single, continuous perimeter composed of either the smallest square, rectangle, or circle which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the structure necessary to support the sign. Reader boards shall be included in the sign measurements. Architectural or decorative features of a sign or sign structure which are not part of the writing, message, representation, emblem or logo of the display shall not be included in computing the sign area.
- (b) *Sign faces.* The area of a billboard, freestanding or projecting sign that has two or more faces shall be measured by including the area of all sign faces, except if two such faces are placed back-to-back and are of equal size, the area of the two back-to-back faces shall be counted as one face. If the two back-to-back faces are of unequal size, the larger of the two sign faces shall be counted as the one face.
- (c) *Sign height.* The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the ground immediately beneath the sign.
- (d) *Sign setback.* Where it is specified that a sign must be located a minimum or other certain distance from property lines or public rights-of-way, such distance will be measured from the portion of the sign structure nearest to such specified line. For the purpose of this measurement, the property lines and public right-of-way lines extend vertically and perpendicularly from the ground to infinity.
(Ord. No. 2002-1, § 2, 5-20-02)

Sec. 64-4. General sign provisions--Permanent and temporary signs.

- (a) All signs shall be related to the use of the premises on which displayed, except as may be otherwise permitted by this article.
- (b) Unless specifically permitted, no sign shall be illuminated.
- (c) If a sign is externally illuminated, the source of light shall be enclosed and directed to prevent the source of light from shining directly onto traffic or residential property.
- (d) A sign accessory to a non-conforming use or structure shall conform to the provisions of the zoning district in which the non-conforming use or structure is located.
- (e) Signs shall not be placed in, upon or over any public right-of-way, alley or other public place, except as may be otherwise permitted by this article.
- (f) Any sign not resting on the ground shall maintain a minimum clear space of eight feet from the bottom of the sign to the ground in all areas where pedestrian movement would reasonably be expected.

(g) Awning, canopy, marquee signs or projecting signs which extend over the city right-of-way shall maintain a clear space of eight feet from the bottom of the awning, canopy, marquee or projecting sign to the grade.

(h) No signs of any kind shall be attached to or placed upon a building in such a manner as to obstruct any fire escape.

(i) No pole, cable or support of any nature shall be placed on any publicly owned property, street, right-of-way or proposed street right-of-way.

(j) Unless specifically approved by the planning commission as exempt from this requirement, all flashing or intermittent illumination of signs shall be prohibited. In considering exemptions to this requirement, the planning commission may review the historical significance of the proposed sign as well as the relevance of new technology or the special nature of the business or use for which the signage will apply.

(k) Revolving or moving signs are prohibited, unless specifically approved by the planning commission as exempt. In considering exemptions to this requirement, the planning commission may review the historical significance of the proposed sign as well as the relevance of new technology or the special nature of the business or use for which the signage will apply.

(l) No signs shall be placed on any private property without consent of the property owner.

(m) Any sign installed or placed on public property, except in conformance with the requirements of this article, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the city shall have a right to recover from the owner or person placing such sign the full costs of removal and disposal of the sign.

(n) No signs shall be placed or painted on any fence, tree, rock, utility pole, light pole, telephone pole, traffic signs, etc., except for utility identification or similar purposes.

(o) For corner lots and lots with frontage on two or more streets, freestanding signage shall be permitted on each street frontage subject to the signage requirements for the specific zoning district.

(p) Projecting signs are prohibited unless specifically permitted under a special use or in a specific zoning district. Existing projecting signs of an historic significance may remain, subject to planning commission approval.

(Ord. No. 2002-1, § 2, 5-20-02)

Sec. 64-5. Traffic and safety hazards.

(a) No sign shall be located so as to obstruct or impair driver vision at driveways and/or intersections.

(b) A sign shall not obstruct the view or effectiveness of any official traffic sign, traffic signal or traffic marking. Signs which by reason of their location, shape, size, or color can be confused with an official traffic sign, signal or marking shall not be permitted where a traffic hazard is created by such signs.

(c) No sign shall be attached to any fire escape, or obstruct any building entrance, exit, window or passageway.

(d) No freestanding and/or ground sign shall be located within ten feet of any fire hydrant or traffic light.

(Ord. No. 2002-1, § 2, 5-20-02)

Sec. 64-6. Sign construction and maintenance.

(a) All signs shall be erected and installed in compliance with the building and electrical codes of the city.

(b) All signs shall be maintained in a clearly legible condition and shall be kept in good repair. Any permanent sign which is determined to be structurally or electrically unsafe by the building and/or electrical inspector shall be removed or repaired within ten days of notification of hazard at owner's expense. A temporary sign found by the building and/or electrical inspector to be in an unsafe condition must be removed by the owner within three days after notice to do so. Signs which are an emergency hazard shall be removed immediately upon notification.

(c) Painted, plastic or paper-faced signs shall be maintained free of peeling paint or paper, sun fading, staining, rust, or other conditions, which impair the legibility or intelligibility of such sign.

(d) All signs and the premises surrounding the same shall be maintained by the owner thereof, in a clean, structurally sound and sanitary condition, including free and clear, of all rubbish, debris and weeds.

(Ord. No. 2002-1, § 2, 5-20-02)

Sec. 64-7. Permitted signs not requiring a permit.

The following signs shall not require a building and/or sign permit, but shall comply in all other respects with the regulations set forth herein:

(1) House numbers and name plates not exceeding two square feet in area which identify the occupant or address of a parcel of land.

(2) Memorial signs or tablets, names of buildings and a date of erection, when cut into any masonry surface or when constructed of bronze or other incombustible material.

(3) Flags bearing the official design or special designations for a nation, state, municipality, service organization, educational institution, business or organization.

a. Flags installed on a permanent structure shall not exceed 40 square feet in any residential zone or 60 square feet in any other zone. Planning commission may approve a larger size flag in the B-3 zoning district if they determine it is appropriate for the location requested. Up to three separate support structures are permitted per use location, with a maximum of two flags on each support structure. Flags shall not be flown from a pole or structure the top of which is more than 30 feet in a residential zone or more than 40 feet in any other zone. Planning commission may approve a taller support structure in the B-3 zoning district if they determine it is applicable for the location requested.

b. Flags installed on a temporary support structure shall be considered temporary signs and shall adhere to requirements of that section of the ordinance.

(4) Traffic control or other municipal signs such as, but not limited to, directional signs placed in rights-of-way, legal notices, railroad crossing signs, danger and other temporary emergency signs.

(5) Four freestanding directional signs per lot, none of which shall exceed three square feet in surface area, displayed strictly for the direction, safety, or convenience of the public, including signs which identify restrooms, parking area entrances or exits, visitor parking, clearance, freight entrances or the like. Any additional directional signs, none of which shall exceed three square feet in surface area, may be permitted subject to the

approval by the planning commission upon showing sufficient need. The maximum height of entrance and exit signs for driveways and/or parking areas shall be three feet.

(6) Warning signs such as "No Trespassing", "No Hunting", "Danger", "Beware of Dog", and "Private Parking", not exceeding four square feet in area and no more than two signs per 100 feet of frontage.

(7) Political signs are subject to the following provisions:

a. Political signs shall not be displayed more than 90 days prior to and must be removed within five days after the election to which they pertain.

b. Political signs shall be no larger than nine square feet in residential zone districts and no larger than 32 square feet in non-residential zone districts.

c. Political signs shall be placed only on private property with the permission of the property owner, not in the right-of-way.

d. Political signs shall be no higher than six feet from the grade.

e. Political signs shall not obstruct visibility at road intersections and/or driveways.

(8) Real estate signs are subject to the following provisions:

a. Real estate signs shall be no larger than nine square feet in residential zone districts and no larger than 32 square feet in non-residential zone districts.

b. Real estate signs shall be placed only on private property with the permission of the property owner, not in the right-of-way.

c. Real estate signs shall be removed within ten days after closing of the sale or lease of the property.

d. Real estate signs shall be no higher than six feet from the grade.

e. One real estate sign per street frontage, except during the period an open house is conducted, wherein signs directing traffic to the open house are permitted.

f. Real estate signs announcing the sale of properties within a subdivision provided that such signs do not exceed 32 square feet in area; and that the signs be removed at such time as 75 percent or more of the lots in each subdivision are sold.

g. Real estate signs shall not be illuminated in residential areas.

(9) Construction signs are permitted within any zone district subject to the following provisions:

a. Construction signs shall not be erected until a building permit has been issued for the project which is the subject of the proposed sign and construction activity has begun.

b. Construction signs shall be removed immediately upon the issuance of any occupancy permit or completion of the structure(s) or facility which is the subject of the sign.

c. Construction signs shall not exceed 32 square feet.

(10) Permanent signs on accessory structures such as gas pumps, cooler, or storage sheds indicating only the name, contents, or services of such devices. The total sign area per each device may not exceed 20 percent of the mounting wall of the structure or device.

(11) Fuel price signs. A gasoline station shall be permitted additional signs erected upon supports for existing freestanding signs, lightposts and similar structures on the site.

These permanent signs indicating the price of fuels or accessory products or services sold on the site must be set back at least 15 feet from the back of curb or roadway edge of pavement of any public street. Such signs may be double-faced with a maximum area of all fuel price signs not to exceed 24 square feet and no individual sign shall exceed six square feet in area.

(12) Interior window signs. A business shall be permitted interior window signs, which occupy not more than 40 percent of the total window area of each floor level of said business. For a maximum of 14 days per 90-day period this provision shall be waived for promotional displays.

(13) Garage/yard sale or estate/auction sale signs. Limited to one sign on the premises on which such sale is conducted, no greater than eight square feet in area. No more than two off premises signs, limited to four square feet shall be allowed. No garage/yard sale or estate/auction sale sign shall be placed on any utility pole, street sign, tree, fence, etc. All signs must be removed at the end of the sale.

(14) On-premises home improvement signs may be placed in the yard where said improvements are being made and shall not exceed six square feet and may be placed during construction, but must be removed when construction is complete.

(15) The painting and/or maintenance of advertising copy or display matter on a currently conforming sign shall not require a permit so long as advertising copy is not changed.

(16) Temporary signs in compliance with the requirements of this article shall not require a permit.

(Ord. No. 2002-1, § 2, 5-20-02)

Sec. 64-8. Public facilities district.

(a) *Permitted public uses.*

(1) *Freestanding signs.*

a. One sign per use location unless there is 200 feet or more of street frontage, in which case, a second freestanding sign shall be permitted. Said signs shall be separated by a minimum of 100 feet. This separation may be reduced subject to planning commission approval, based on reasonable difficulty or other justifiable circumstances.

b. Front setback requirements--A minimum of 15 feet back of curb or roadway pavement edge.

c. Display area:

1. Maximum of 32 square feet at the minimum setback.

2. Add five square feet for each additional foot of setback to a total of 107 square feet at 15 feet of additional setback.

d. Height:

1. Maximum of eight feet at the minimum setback.

2. Add one foot in height for each additional two feet of setback to a total of 12 feet at eight feet of additional setback.

e. Side lot line setback:

1. Minimum of three feet.

2. Sign cannot be located in the clear zone area of a driveway or street intersection.

3. For corner lots, signs must meet minimum front setbacks from both streets.

f. Planning commission approval is needed to permit illumination. The planning commission may place special conditions on its approval.

(2) *Wall signs.*

a. Frontage wall signs:

1. Building setback 0--25 feet from back of curb or roadway pavement edge--Two square feet per lineal foot of building frontage to a maximum of 100 square feet.

2. Building setback greater than 25 feet from back of curb or roadway pavement edge-- Two square feet plus 0.05 square feet per additional one foot of setback to a total of three square feet per lineal foot of building frontage to a maximum of 150 square feet.

b. Planning commission approval is needed to permit illumination. The planning commission may place special conditions on its approval.

(b) *Specially permitted uses.* See conditions set as part of approval of any specially permitted uses.

(Ord. No. 2002-1, § 2, 5-20-02)

Sec. 64-9. Single-family and two-family districts (R-1 and R-2).

(a) *Residential uses.*

(1) *Home occupation sign.* Limited to either one wall sign or one freestanding sign.

a. *Wall sign* --Not exceeding three square feet.

b. *Freestanding sign.*

1. Not exceeding three square feet.

2. Not exceeding four feet in height.

3. Located at least 15 feet back of curb or roadway pavement edge and at least three feet from the side lot line.

(2) *Subdivision and residential complex development signage.*

a. *Freestanding signs.*

1. *Permanent development entry sign.*

(i) One on-premises illuminated or non-illuminated sign placed at the major entrance to the subdivision or complex.

(ii) Sign not exceeding 24 square feet in area.

(iii) Sign not exceeding six feet in height.

(iv) Sign located at least 15 feet back of curb or roadway edge and at least three feet from the side lot line.

(v) Sign must be located at least 50 feet from the nearest home or residential living structure.

2. *Sales and rental office signage.* For office located within a subdivision or complex with homes or lots for sale or rent.

(i) One on-premises illuminated or non-illuminated sign.

(ii) Sign not exceeding 16 square feet in area.

(iii) Sign not exceeding four feet in height.

(iv) Sign located at least 15 feet back of curb or roadway edge and at least three feet from the side lot line.

(v) Sign shall be removed within 90 days after sales or rental office is no longer active.

b. *Wall sign.*

1. *Sales and rental office signage--For office located within a subdivision or complex with homes or lots for sale or rent.*

(i) One illuminated or non-illuminated sign not exceeding 24 square feet in area.

(ii) Sign shall be removed within 90 days after sales or rental office is no longer active.

(b) *Non-residential uses (shall apply to specially permitted uses unless signage criteria are part of the special use conditions).* Signs for non-residential uses in these residential districts shall be limited as follows:

(1) *Freestanding sign.*

- a. One illuminated or non-illuminated sign not exceeding 24 square feet in area.
- b. Sign not exceeding ten feet in height.
- c. Sign located at least 15 feet back of curb or roadway edge and at least three feet from the side lot line.
- d. Sign must be located at least 50 feet from the nearest home or residential living structure.

(2) *Wall sign.*

- a. One illuminated or non-illuminated sign not exceeding 24 square feet in area.
- (Ord. No. 2002-1, § 2, 5-20-02)

Sec. 64-10. Multiple family residence districts and manufactured/mobile home park districts (R-3, R-4).

(a) *Residential uses.*

(1) *Home occupation signs (subject to deed restrictions and property owner rules).*

- a. No outside signage is permitted for multiple family (three or more dwelling units) facilities.
- b. In a manufactured/mobile home park district, one wall sign per unit is permitted, not exceeding three square feet.
- c. One- and two-family dwelling units on individual lots shall be permitted signage in conformance with the requirements in the single-family and two-family districts (R-1A, R-1-B, R-1-C, R-2).

(2) *Subdivision and residential complex development signage.*

a. Freestanding signs.

1. *Permanent development entry sign.*

- (i) One on-premises illuminated or non-illuminated sign placed at the major entrance to the subdivision or complex.
- (ii) Sign not exceeding 32 square feet in area.
- (iii) Sign not exceeding eight feet in height.
- (iv) Sign located at least 15 feet back of curb or roadway edge and at least three feet from the side lot line.
- (v) Sign must be located at least 50 feet from the nearest home or residential living structure.

2. *Sales and rental office signage--For offices located within a subdivision or complex with homes, apartments or lots for sale or rent.*

- (i) One on-premises illuminated or non-illuminated sign.
- (ii) Sign not exceeding 16 square feet in area.
- (iii) Sign not exceeding four feet in height.
- (iv) Sign located at least 15 feet back of curb or roadway edge and at least three feet from the side lot line.
- (v) Sign shall be removed within 90 days after sales or rental office is no longer active.

b. *Wall sign.*

1. *Sales and rental office signage--For office located within a subdivision or complex with homes, apartments or lots for sale or rent.*

- (i) One illuminated or non-illuminated sign not exceeding 24 square feet in area.
 - (ii) Sign shall be removed within 90 days after sales or rental office is no longer active.
- (3) *Multiple-family complexes with six or more units.*

a. *Freestanding signs.*

1. One on-premises illuminated or non-illuminated sign.
2. Sign not exceeding 24 square feet in area.
3. Sign not exceeding eight feet in height.
4. Sign located at least 15 feet back of curb or roadway edge and at least three feet from the side lot line.
5. Sign must be located at least 50 feet from the nearest home or residential living structure.

b. *Wall sign.*

1. One illuminated or non-illuminated sign not exceeding 24 square feet in area.
- (4) One- and two-family dwelling units and multiple family dwelling units of five units or less shall be permitted signage in conformance with the requirements in the single-family and two-family districts (R-1-A, R-1-B, R-1-C, R-2)

(b) *Non-residential uses (shall apply to specially permitted uses unless signage criteria are part of the special use conditions).* Signs for non-residential uses shall be limited as follows:

(1) *Freestanding sign.*

- a. One illuminated or non-illuminated sign.
- b. Sign not exceeding 24 square feet in area.
- c. Sign not exceeding ten feet in height.
- d. Sign at least 15 feet back of curb or roadway edge and at least three feet from the side lot line.
- e. Sign at least 50 feet from the nearest home or residential living structure.

(2) *Wall sign.*

- a. One illuminated or non-illuminated sign.
- b. Sign not exceeding 24 square feet in area.

(Ord. No. 2002-1, § 2, 5-20-02)

Sec. 64-11. Traditional office/neighborhood business/central fringe business districts (O-1, B-1, B-4).

Signs permitted in the office/commercial district shall be limited as follows:

(1) *Office/commercial uses.*

a. *Freestanding signs.*

1. One sign per business location unless there is 200 feet or more of street frontage, in which case a second freestanding sign shall be permitted. Said signs shall be separated by a minimum of 100 feet. This separation may be reduced subject to planning commission approval, based on reasonable difficulty or other justifiable circumstances.

2. *Front setback requirements.*

- (i) A minimum of 15 feet back of curb or roadway pavement edge.
- (ii) Three feet from the side lot line.

3. *Display area.*

- (i) Maximum of 32 square feet at the minimum setback.
- (ii) Add five square feet for each additional foot of setback to a total of 107 square feet at 15 feet of additional setback.

4. *Height.*

- (i) Maximum of 12 feet at the minimum setback.

(ii) Add one foot in height for each additional foot of setback to a total of 20 feet at eight feet of additional setback.

5. *Side lot line setback.*

(i) Minimum of three feet.

(ii) May be reduced subject to staff administrative review based on reasonable difficulty or other justifiable circumstance.

(iii) Sign cannot be located in the clear zone of a driveway or street intersection.

(iv) For corner lots, signs must meet minimum front setbacks from both streets.

6. Illumination is permitted.

7. Sign must be located at least 50 feet from the nearest home or residential housing structure.

b. *Wall signs.*

1. *Street frontage--Wall signage.*

(i) Building setback 0--25 feet from property line; two square feet of signage per lineal foot of building to a maximum of 150 square feet.

(ii) Building setback greater than 25 feet from property line; two square feet plus 0.05 square feet per additional one foot of setback to a total of three square feet per lineal foot of building frontage at 20 feet of additional setback to a maximum of 200 square feet.

2. Wall signs permitted on all other sides (except street frontage) of a building at two square feet per lineal foot of building to a maximum of 50 square feet per side.

3. Illumination is permitted.

(2) *Permitted residential uses.* Signage shall follow criteria established under the residential zoning district for which the residential use would apply.

(3) *Specially permitted uses.* See conditions set as part of approval of any specially permitted uses.

(Ord. No. 2002-1, § 2, 5-20-02)

Sec. 64-12. Central business district (B-2).

Signs permitted in the central business district shall be limited as follows:

(1) *Office/commercial uses.*

a. *Freestanding signs.*

1. One sign per business location.

2. Front setback requirements--A minimum of 15 feet back of curb or roadway pavement edge.

3. Side lot line setback--None required.

4. Display area--Maximum of 32 square feet.

5. Height--Maximum of 12 feet. If built in a pedestrian pathway, sign must provide eight-foot clearance.

6. Illumination is permitted.

7. Sign must be located 50 feet from the nearest home or residential living structure (does not include apartments in second or third story of office/commercial buildings in the B-2 district).

b. *Wall signs.*

1. Street frontage wall signage--Three square feet of signage per lineal foot of building to a maximum of 200 square feet.

2. Wall signs permitted on all other sides (except street frontage) of a building at two square feet per lineal foot of building to a maximum of 50 square feet per side.
 3. Illumination is permitted.
 - c. *Awnings, canopies and marquees.*
 1. An awning, canopy or marquee shall not project more than six feet beyond the face of a building.
 2. One sign is permitted on a face of an awing, canopy or marquee. This sign area shall be included in the total area permitted for wall signage.
 - d. *Projecting and suspended signs.*
 1. One sign permitted per use location.
 2. Sign not to exceed three square feet in area.
 3. If sign is hung in a pedestrian pathway, sign must provide an eight-foot clearance.
 4. For a projecting sign, the sign shall not extend more than 42 inches from the wall or overhang or roof area of the structure.
 - e. *Outdoor menu board (pedestrian)--Permitted if properly attached to building.*
 1. One sign permitted per business/location.
 2. Sign not to exceed four square feet in area.
 3. Illumination permitted during business hours.
 - f. *Temporary A-frame sandwich board signs.*
 1. One sign permitted per business location.
 2. Sign not to exceed six square feet per side.
 3. Sign not to exceed four feet in height.
 4. If sign is placed in sidewalk area, it must not obstruct the opening of vehicle doors for vehicles parked along the sidewalk area.
 5. A minimum of five-foot-wide unobstructed pedestrian pathway must be maintained on the sidewalk in front of the business.
 6. These signs are only permitted during the actual hours of operation of the business and must be removed at all other times.
- (2) *Permitted residential.* Signage shall follow criteria established under the residential zoning district for which the residential use would apply.
- (3) *Specially permitted uses.* See conditions set as part of approval of any specially permitted uses.
- (Ord. No. 2002-1, § 2, 5-20-02)

Sec. 64-13. Regional commercial district (B-3).

Signs permitted in the regional commercial district shall be limited as follows:

- (1) *Office/commercial uses.*
 - a. *Freestanding signs.*
 1. One sign per business location unless there is 200 feet or more of street frontage, in which case a second freestanding sign shall be permitted. Said signs shall be separated by a minimum of 100 feet. This separation may be reduced subject to planning commission approval, based on reasonable difficulty or other justifiable circumstances. In cases where there are more than 200 feet of street frontage and two free standing signs are permitted, the total display area of the two signs shall not exceed twice the display area permitted for signage with 0--100 feet of street frontage. (See table below)

2. Front setback requirements--A minimum of 15 feet back of curb or roadway pavement edge.

3. Display area. (see table below)

TABLE INSET:

Lineal Feet of Street Frontage	0-100'	101-125'	126-150'	151-175'	176-200'
Sign square footage at minimum setback	150	170	190	200	210
Sign square footage at 10' additional setback	200	220	240	250	260
Sign square footage at 20' additional setback	250	270	290	300	310
Sign square footage at 25' additional setback	275	295	315	325	335

* Five square feet for each additional one foot of setback from minimum setback to a maximum of 125 additional square feet at 25 feet of additional setback.

(i) *Business center sign.* Additional display area is permitted for a business center (multiple business) location with distinct and separate businesses with more than 10,000 square feet of building area. Add five square feet for each 2,000 square feet of building area over 10,000 square feet to a maximum of an additional 150 square feet of display area.

4. Height.

(i) Maximum of 30 feet at the minimum setback.

(ii) Add one foot in additional height for each additional one foot of setback over the minimum setback to a maximum of 40 feet at ten feet of additional setback.

5. Side lot line setback.

(i) Minimum of three feet. May be reduced subject to staff administrative review, based on reasonable difficulty or other justifiable circumstance.

(ii) Sign cannot be located in the clear zone area of a driveway or street intersection.

(iii) For corner lots, signs must meet minimum front setbacks from both streets.

6. Illumination is permitted.

b. *Wall signs.*

1. Frontage wall signs.

(i) Building setback 0--50 feet from back of curb or roadway pavement edge--Three square feet per lineal foot of building frontage to a maximum of 200 square feet.

(ii) Building setback greater than 50 feet from back of curb or roadway pavement edge--Three square feet plus 0.02 square feet per additional one foot of setback to a total of four square feet per lineal foot of building frontage to a maximum of 400 square feet.

2. Wall signs permitted on all other sides (except front) of a building at two square feet per lineal foot of building to a maximum of 50 square feet per side.

3. Illumination is permitted.

(2) *Specially permitted uses.* See conditions set as part of approval of any specially permitted uses.

(Ord. No. 2002-1, § 2, 5-20-02)

Sec. 64-14. Light industrial (M-1) and heavy industrial (M-2) districts.

(a) *Industrial uses.*

(1) *Freestanding signs.*

a. One sign per business location unless there is 300 feet or more of street frontage, in which case a second freestanding sign shall be permitted. Said signs shall be separated by a minimum of 150 feet. This separation may be reduced subject to planning commission approval, based on reasonable difficulty or other justifiable circumstances.

b. Front setback requirements--A minimum of 15 feet back of curb or roadway pavement edge.

c. Display area.

1. Maximum of 50 square feet at the minimum setback.

2. Add five square feet for each additional foot of setback to a total of 150 square feet at 20 feet of additional setback.

d. Height.

1. Maximum of 20 feet at the minimum setback.

2. Add one foot in additional height for each additional one foot of setback over the minimum setback to a maximum height of 30 feet at ten feet of additional setback.

e. Side lot line setback.

1. Minimum of three feet.

2. Sign cannot be located in the clear zone area of a driveway or street intersection.

3. For corner lots, signs must meet minimum front setbacks from both streets.

f. Illumination is permitted.

(2) *Wall signs.*

a. Frontage wall signs.

1. Building setback 0--50 feet from back of curb or roadway pavement edge two square feet per lineal foot of building frontage to a maximum of 200 square feet.

2. Building setback greater than 50 feet from back of curb or roadway pavement edge--Two square feet plus 0.02 square feet per additional one foot of setback to a total of three square feet per lineal foot of building frontage to a maximum of 300 square feet.

b. Wall signs permitted on all other sides (except front) of a building at two square feet per lineal feet of building to a maximum of 50 square feet per side.

(b) *Permitted office/commercial uses.* Signage shall follow criteria established under the office/commercial-zoning district (B-1).

(c) *Specially permitted uses.* See conditions set as part of approval of any specially permitted uses.

(Ord. No. 2002-1, § 2, 5-20-02)

Sec. 64-15. Campus development district.

Signs in the campus development district shall adhere to the requirements of the city's sign ordinance unless different requirements or conditions are permitted or applied as follows:

(1) *College identification/entrance signs.*

a. These signs shall be located on property owned by the college.

- b. Front setback requirements: A minimum of 15 feet back of curb or roadway pavement edge.
- c. Display area.
 - 1. Maximum of 32 square feet at the minimum setback.
 - 2. Add two square feet for each additional foot of setback to a total of 52 square feet at ten feet of additional setback.
- d. Height.
 - 1. Maximum of ten feet at the minimum setback.
 - 2. Add one-half foot in height for each additional foot of setback to a total of 15 feet at ten feet of additional setback.
- e. Side lot line setback.
 - 1. Minimum of three feet.
 - 2. May be reduced subject to staff administrative review based on reasonable difficulty or other justifiable circumstance.
 - 3. Sign cannot be located in the clear zone of a driveway or street intersection.
 - 4. For corner lots, signs must meet minimum front setbacks from both streets.
- f. Illumination is permitted.
- g. Sign must be located at least 50 feet from the nearest private home or private residential housing structure.

(2) *Signs in the central campus area.* The following provisions shall apply to signs located in the central campus area:

- a. Because such signs are intended primarily to be of such size, scale and location as to serve a pedestrian oriented community, they shall be exempt from the requirements of this chapter with respect to height, area and location.
- b. Signs permitted in this district:
 - 1. Signs exempt under section 64-7.
 - 2. Building identification signs.
 - 3. Traffic, parking and pedestrian directional and information signs.
 - 4. Bulletin boards, kiosks, flags, banners, pennants or other temporary signs or displays related to college activities or events.
- c. Illumination is permitted.

(3) *Signs in the campus perimeter area:*

- a. Freestanding signs.
 - 1. One sign per building location unless there is 200 feet or more of street frontage, in which case a second freestanding sign shall be permitted. Said signs shall be separated by a minimum of 100 feet. This separation may be reduced subject to planning commission approval based on reasonable difficulty or other justifiable circumstances.
 - 2. Front setback shall be a minimum of 15 feet back of curb or roadway pavement edge.
 - 3. Display area.
 - (i) Maximum of 24 square feet at the minimum setback.
 - (ii) Add one square foot for each additional foot of setback to a total of 32 square feet at eight feet of additional setback.
 - 4. Height.
 - (i) Maximum of ten feet at the minimum setback.
 - (ii) Add one-half foot in height for each additional two feet of setback to a total of 12 feet at eight feet of additional setback.

5. Side lot line setback.
 - (i) Minimum of three feet.
 - (ii) May be reduced subject to staff administrative review based on reasonable difficulty or other justifiable circumstances.
 - (iii) Sign cannot be located in the clear zone of a driveway or street intersection.
 - (iv) For corner lots, signs must meet minimum front setbacks from both streets.
 6. Illumination is permitted.
 7. Sign must be located at least 50 feet from the nearest private home or private residential housing structure.
 - b. *Wall signs.*
 1. Street frontage wall signage shall be permitted up to two square feet of signage per lineal foot of building to a maximum of 150 square feet.
 2. Wall signs permitted on all other sides (except street frontage) of a building at two square feet per lineal foot of building to a maximum of 50 square feet per side.
 3. Illumination is permitted.
 - (4) *Specially permitted uses.* See conditions set as part of approval of any specially permitted uses.
- (Ord. No. 2002-1, § 2, 5-20-02)

Sec. 64-16. Off-premises advertising sign (billboard).

- (a) This section is adopted for the following general purposes:
 - (1) To promote traffic safety.
 - (2) To protect public and private investment and property values in buildings, land development and open land in the city.
 - (3) To prevent the obstruction of light and sunshine.
 - (4) To limit the adverse impact that would be caused by a proliferation of billboards and off-premises advertising signs and resulting visual pollution contrary to the Year 2000 Comprehensive Plan adopted by the City of Albion.
- (b) The following regulations of billboards or off-premises advertising signs are necessary to limit the visual impact of outdoor advertising signs in the city; to improve the appearance of the city; to enhance the visual quality of new and older business areas; to enhance and insure the compatibility between outdoor advertising signs and adjacent land uses; to limit the impact of billboards or off-premises advertising signs in terms of visual clutter and confusion in the community; to ensure appropriate proportional scale with adjacent land uses and adjacent on-premises signage.
- (c) Off-premises advertising signs are prohibited in all districts except the B-3, regional commercial district.
- (d) Off-premises advertising signs are permitted in the B-3, regional commercial district under the following conditions:
 - (1) Signs permitted in B-3 district along Interstate I-94.
 - (2) Signs shall be allowed no closer than 500 feet to an exit or entrance ramp to I-94.
 - (3) Signs shall be located within 250 feet of the south right-of-way line for I-94.
 - (4) Signs shall not be spaced closer than 500 feet from any similar off-premises sign on the same side of the right-of-way.
 - (5) Sign height shall not exceed 40 feet.
 - (6) Display area shall not exceed 300 square feet.

(7) Setbacks: Shall not be closer than ten feet from any property line. Shall not be closer than 20 feet from any street right-of-way. Shall not be closer than 250 feet from any residential, public or quasi-public structure.

(8) The illumination of the sign shall be from a direct non-intermittent source and shall be so arranged and designed that the source of illumination does not shine directly onto traffic or residential property.

(9) No flags, banners, etc. shall be affixed to or hung from said sign.

(10) Off-premises signs shall not be permitted where their size, height or location would unreasonably impair visibility, light or air otherwise enjoyed by adjacent property.

(e) No permit for an off-premises advertising sign shall be issued until the applicant has complied with the following requirements:

(1) The applicant owns the lot or has written permission from the property owner to construct the sign.

(2) The applicant has supplied a copy of the permit from the State of Michigan pursuant to the Highway Advertising Act, or proof that it can be obtained, if a permit is required.

(3) Compliance with all requirements of the city sign ordinance.

(f) Off-premises advertising signs which do not comply with this section, but which exist as of the effective date of this chapter, shall be permitted to remain as legally nonconforming signs, subject to section 64-20. However, the signs shall not be expanded in area or height, nor shall the sign setback be changed without planning commission approval.

(Ord. No. 2002-1, § 2, 5-20-02)

Sec. 64-17. Special sign conditions.

(a) *Historic signs.* With planning commission approval, non-conforming signs of a historic nature or significance may be maintained and/or reconstructed. Signs of an historic nature should meet most of the following criteria:

(1) Sign was originally installed prior to 1950.

(2) A freestanding sign or a sign located on a historic site or building that falls within one of the following categories:

a. It is the location of, or is associated in a significant way with a historic event having a significant effect upon the community;

b. It is associated in a significant way with the life of a person important in the history of the city;

c. It is associated in a significant way with the cultural, political or economic heritage of the community;

d. It embodies the distinctive visible characteristics of an architectural style, period or a method of construction;

e. It is an outstanding work of a designer or builder; or

f. Because of its prominence of spatial location, contrasts of siting, age, or scale, it is an easily identifiable visible feature of its neighborhood or the city and contributes to the distinctive quality or identity of such neighborhood or the city.

(3) The historic sign is being retained as part of an effort to repair or rehabilitate an existing historic structure or site.

(b) *Owner-occupied residential structures.* Only one of the following sign types is permitted per structure:

(1) A hanging or suspended sign from a porch or overhang shall be permitted for an approved accessory use, i.e., bed and breakfast, child care, etc. Said sign shall not exceed six square feet in area and shall be so located as to not interfere with pedestrian access or movements.

(2) A projecting sign attached to the main structure or porch is permitted for an approved accessory use, i.e., bed and breakfast, child care, etc. Said sign shall not extend more than 42 inches from the wall or overhang or roof area of the structure and shall not exceed six square feet in area. The projecting sign shall be so located as to not interfere with pedestrian access or movement.

(3) A wall sign, not exceeding eight square feet in area is permitted for an approved accessory use, i.e. bed and breakfast, child care, etc.

(c) *Pennants.*

(1) Pennants not containing advertising are permitted in the B-1, office/commercial district and the B-3, regional commercial district.

(2) Pennants shall be installed so that they do not obstruct or impair driver vision and driveways and/or intersections.

(3) Pennants shall be maintained in good condition, free of sun fading, staining, peeling paint, etc.

(4) Pennants that have deteriorated or become unsightly in the opinion of the planning director/zoning administrator or other designated official, shall be removed within seven days of the date of mailing of written notification from the planning department.

(d) *Entrance way (governmental) signage.* With city council approval, entranceway signage may be installed within the public right-of-way (city, county or state) or on private property, with an appropriate easement. Said signage shall be permitted in any zoning district within the city. Signage shall adhere to the following standards:

(1) Sign display area shall not exceed 60 square feet.

(2) The height of the sign shall not exceed 16 feet.

(3) Sign shall be setback a minimum of 15 feet behind the back of curb or roadway pavement edge.

(4) Signage may be externally illuminated, however, the source of light shall be enclosed and directed to prevent the source of light from shining directly onto traffic or residential property.

(Ord. No. 2002-1, § 2, 5-20-02)

Sec. 64-18. Prohibited signs.

The following exterior signs are prohibited in all districts except as otherwise provided in this chapter:

(1) Signs incorporating any flashing or moving lights other than electronic message signs for conveyance of noncommercial information limited to current time, temperature, or financial market.

(2) Permanent phosphorescent signs.

(3) Pennants, spinners, streamers, balloons and banners except during promotional sales, such display not to exceed 14 days in a 90-day period. (See special sign conditions, section 64-17).

(4) String lights, other than holiday decorations displayed not more than 45 days prior to the holiday and not more than 15 days after the holiday.

- (5) Any sign which has any visible moving part or apparent visible motion except the apparent visible motion of electronic message signs for the conveyance of noncommercial information. This section does not prohibit barber poles which meet the other requirements of this chapter.
 - (6) Tripod, sandwich board and other such portable signs except as permitted in other sections of this article.
 - (7) Roof mounted signs.
 - (8) The use of a motor vehicle, trailer, boats or other surface normally not a sign when used as an additional advertising sign in circumvention of the article is prohibited.
 - (9) Signs emitting sounds.
 - (10) Signs which are unlawfully installed, erected or maintained.
 - (11) Hand painted signs not of a commercial or professional quality.
 - (12) Any sign now or hereafter existing which no longer advertises a bona fide business or project sold on the premises (abandoned sign).
 - (13) Any sign or other advertising structure or display, which conveys, suggests, indicates or otherwise implies by pictures, drawings, words, emblems, logos or other communication methods any obscene, indecent or immoral matter.
 - (14) Off-premises signs, except for billboards as specifically permitted in other sections of this article.
 - (15) Projecting signs are prohibited unless specifically permitted under a special use or in a specific zoning district. Existing projecting signs of an historic significance may remain subject to planning commission approval.
- (Ord. No. 2002-1, § 2, 5-20-02)

Sec. 64-19. Permit process.

(a) *Permit requirements.*

- (1) No person, firm or corporation shall place, erect, structurally alter or add to any sign, nor attach any sign to an existing sign, which shall either increase the area thereof or constitute a structural alteration thereof or an addition thereto, without first obtaining a sign permit to do so in the manner hereinafter provided from the planning department, unless such sign is specifically exempted from the permit requirement by the provisions of this chapter.
- (2) No permit shall be required for exempt signs. No permit shall be required for ordinary servicing or repainting (same message and color) of an existing sign message or for cleaning of a sign. No permit shall be required for a change of message of a sign designed for periodic message change without change of structure, including a permanent changeable copy sign or billboard, but not including a sign to which a new permanent face may be attached.
- (3) Sign message amendment permit: When a person, firm or corporation desires to change a conforming sign's message, i.e., copy, trade name, logo, new message, design, colors, etc., a "sign message amendment form" shall be filed with the zoning administrator. If adequate information is provided, or is on file with the planning department to verify that the existing sign is conforming, then a sign permit will not need to be filed for a sign message amendment. There is no fee for processing a "sign message amendment permit". (See section 64-20(2) for information concerning message changes for non-conforming signs.)

(b) *Application for a sign message amendment permit.* An application for a sign message amendment permit shall be filed on forms provided by the planning department and shall contain or have attached the following information:

- (1) Name, address and telephone number of the applicant; and whether the applicant is the owner or the owner's agent of the sign or sign structure.
- (2) Location of existing sign for which the applicant wants to amend the sign message.
- (3) A scaled, detailed drawing of the proposed amendment to the sign message.
- (4) Sample of colors to be used on the amended sign message.
- (5) Other information as the planning department may require to review the proposed change.

(c) *Application for sign permit.* An application for a sign permit shall be filed on forms provided by the planning department and shall contain or have attached the following information:

- (1) Name, address and telephone number of the applicant; and whether the applicant is the owner or the owner's agent of the sign or sign structure.
- (2) Location of building, structure or lot to or on which the sign is to be attached or erected.
- (3) The location, size and position of the proposed sign in relation to nearby buildings, structures, property lines and streets. (No sign shall be placed upon or over any public right-of-way, alley or other public place, except as may be otherwise permitted by this chapter.)
- (4) Copy of stress sheets and calculations, if deemed necessary by the planning department, showing the structure as designed for dead load and wind pressure in accordance with criteria developed by the city manager.
- (5) Name and address of the person, firm, corporation or association erecting the structure.
- (6) Written consent of the owner (or his agent) of the building, structure or land upon which the sign is to be erected.
- (7) A scaled, detailed drawing of the proposed sign(s) showing the proposed location, height, dimensions, materials and text (including style and dimensions).
- (8) Samples of colors to be used on sign.
- (9) Illumination specifications.
- (10) A description of the method of mounting the sign.
- (11) Optional--Photographs of existing sign(s) and building.
- (12) Such other information as the planning department may require to show full compliance with this and all other applicable laws of the City of Albion and the State of Michigan.
- (13) The planning department may require that the drawings, plans and specifications bear the certificate or seal of a registered architect or engineer if there is particular concern for the public safety because of the size, location or construction proposed for the sign. Some items that may cause this concern are as follows:
 - a. The sign is very large and requires a significant supporting structure.
 - b. There is a potential hazard should the sign support system fail.
 - c. Wind and snow loads could be a concern because of the size and nature of the sign or the sign support system.

(d) *Permit fees.* All applications for sign permits shall be accompanied by a permit fee, the amount of which shall be as established by the city council.

(e) *Administration.* The planning director/zoning administrator, or other designated official shall administer this article and duties shall include the following:

(1) Review all applications for sign permits, issuing permits for those signs found to be in compliance with the provisions of this article and having received a zoning clearance from the zoning administrator. This review and a decision shall be completed within 30 calendar days after submission of a complete sign application.

(2) In reviewing sign applications, the zoning administrator may refer applications to the planning commission for approval in situations where he/she feels it is unclear that the proposed signage is in keeping with the purpose and intent of the sign ordinance. If a sign application is referred to the planning commission, the review and a decision shall be completed within 60 calendar days after submission of a complete sign application.

(3) Conduct inspections to ensure compliance with this article.

(4) Issue written notices of violation to a property owner of record on whose property a sign is located which is found to be in noncompliance with one or more provisions of this article.

(5) Maintain all records necessary to the appropriate administration of this article.

(Ord. No. 2002-1, § 2, 5-20-02)

Sec. 64-20. Non-conforming signs.

It is the intent of this article to encourage eventual elimination of signs that, as a result of the adoption of this article, become non-conforming. It is considered as much a subject of health, safety and welfare as the prohibition of new signs in violation of this article. It is the intent, therefore, to administer this article to realize the removal of illegal non-conforming signs and to avoid impairment of established private property rights.

(1) The lawful use of a sign exactly as the sign existed at the time of enactment of this chapter may be continued for a period of ten years from the date of enactment. At such time all non-conforming signs shall be brought into compliance.

a. Any signs not removed within the time limit herein stated shall be deemed a public nuisance, subject to the removal provisions of this section, and shall be removed by the city if the sign owner or property owner fails to do so after being so ordered by the planning department. Costs of said removal shall be borne by the sign and/or property owner and may be recovered by the city, if necessary, in an action in the district court, or by placing a lien, in accordance with appropriate state law, on the property from which the sign has been removed.

b. Removed signs to be stored: A sign or sign structure removed by the city shall be held not less than 30 days by the city during which period it may be recovered by the owner upon paying the city for cost of removal and storage, and upon payment of any imposed fine. If not recovered within the 30 day period, the sign or sign structure is hereby declared abandoned and title thereto shall be vested in the city for disposal in any manner permitted by law.

(2) No non-conforming sign shall be reconstructed, structurally altered, remodeled, relocated, or changed in size unless such action will make the sign conforming in all respects. During the ten-year amortization period, the owner of a non-conforming sign

may alter the content and message of the sign in accordance with section 64-19(a)(3) of this article.

(3) Nothing in this section shall be deemed to prevent keeping in good repair a nonconforming sign, including sign maintenance, repainting, and replacement of broken or deteriorated parts of the sign itself. Supporting structures for non-conforming signs shall not be replaced, unless such replacement will make the sign and sign structure conforming in all respects.

(4) A non-conforming sign or sign structure which is destroyed or damaged by any casualty may be restored within six months after such destruction or damage only after the owner has shown that the damage did not exceed 50 percent of the appraised value of the sign. If such sign or sign structure is destroyed or damaged to an extent exceeding fifty 50 percent, it shall be removed and shall not be reconstructed or replaced unless such action makes the sign and sign structure conforming in all respects.

(5) A non-conforming sign or sign structure shall be removed within 60 days if the building containing the use to which the sign is accessory is demolished or destroyed to an extent exceeding fifty 50 percent of the building's appraised value.

(Ord. No. 2002-1, § 2, 5-20-02)

Sec. 64-21. Removal of certain signs, unsafe signs or unlawful signs.

(a) *Abandoned signs.* Any business sign or sign structure now or hereafter existing which no longer advertises a bona fide business conducted or product sold, or an abandoned sign, shall be removed at the expense of the property owner within 120 days after the cessation of business. However, this requirement shall not apply where under the provisions of this chapter an existing conforming sign may be altered to advertise a new business or product sold and the property owner has made a written request within said 120 days to the planning department for a 90-day extension to finalize arrangements for the establishment of a new business at said location. Prior to requesting said extension, the property owner shall have removed or covered in an appropriate manner the previously existing advertising sign copy. For the purpose of this section, the word "removed" shall mean:

(1) All parts of a sign including columns and supports of any pole sign or wall sign.

(2) In the case of a painted wall sign, it shall be removed by painting over the wall sign in such a manner as to completely cover up and hide from sight the sign in question. Said painting shall be done in a professional and appropriate manner.

(b) If the planning director, building inspector, or their authorized representative determines that any sign regulated by this chapter is unsafe or constitutes a hazard to the public, such as obstructing vision of vehicle drivers or pedestrians, or has been constructed, erected or maintained in violation of the provisions of this chapter, the official or inspector may remove the sign or require its immediate removal. Failure to comply with a notice of violation by the official or inspector shall be deemed a misdemeanor or nuisance per se.

(c) Any sign placed or erected in a public street, alley or right-of-way, or other public place, which is not specifically permitted in such place, shall be deemed an unlawful sign and the department of the city having jurisdiction over the maintenance of such public place shall remove such sign. Such removal may be without written or other notice to the

owner, lessee or person of the property adjacent to the public street, alley or right-of-way, or other public place upon which such sign is located.

(Ord. No. 2002-1, § 2, 5-20-02)

Sec. 64-22. Temporary signs.

- (a) Temporary sign means a sign which is not permanently affixed, and which is not permanently displayed and/or not designed or intended to be permanently displayed, including, but not limited to, devices such as banners, pennants, special events signs, streamers, balloons, flags, search-lights, twirling or sandwich signs, sidewalk or curb signs, signs mounted on or affixed to trailers or wheels of any type and strings of lights.
- (b) A temporary portable sign or banner shall be limited to 15 consecutive calendar days and to no more than four such periods per calendar year.
- (c) Temporary signs shall be placed or located on the premises to which the advertising or message applies. The location of temporary signs shall adhere to the set back requirements of the zoning district in which located.
- (d) Total temporary signage per use location shall not exceed 32 square feet in area except as may be otherwise permitted by this chapter.
- (e) Up to four banners may be displayed per organization for no more than 30 consecutive calendar days for community special events. Such advertisement, only over a city or state right-of-way, shall be limited to nonprofit organizations and service groups. The maximum width of banners is to be set by the city manager and erection of these banners is subject to approval by the city manager. Authorization to use the right-of-way must be obtained from the appropriate authority.
- (f) Two off-premises temporary signs may be displayed per organization for no more than 30 consecutive calendar days for community special events. Such advertisement shall be limited to nonprofit organizations and service groups. Said signs shall not be located on property that is being used for residential purposes, unless said property also has an office or business located on the property.
- (g) New businesses, for which no permanent signage has yet been installed, may have a temporary sign located on the premises for a period not to exceed 60 consecutive calendar days. Such signage shall require the approval of the city manager and the temporary signage shall be removed within seven consecutive calendar days after the installation of permanent signage.
- (h) All temporary signs and banners shall be properly maintained. Any such sign that is in disrepair or has deteriorated and become unsightly shall be immediately removed after notification by the planning director, building inspector or other authorized representative.
- (i) Temporary signs may be erected in accordance with the regulations of this section and shall not require permit(s). Sign illumination shall adhere to the requirements of the zoning district in which located.

(Ord. No. 2002-1, § 2, 5-20-02)

Sec. 64-23. Sign permit appeals and variances.

(a) *Sign appeals board.*

- (1) In order to provide for an appropriate appeals process, a sign appeals board is hereby created. The sign appeals board shall consist of seven individuals, the majority of whom

shall be residents of the city appointed by the mayor and confirmed by the city council. Three members shall be business owners of businesses located within the city. Members shall be appointed for a three-year term, except for the first members appointed whose terms shall be staggered with two members appointed for one year, two members appointed for two years and three members appointed for three years. In addition, two alternate members shall be appointed for three year terms to serve in the absence of one of the regular members of the sign appeals board. Four members shall constitute a quorum for the conduct of board meetings.

(2) The sign appeals board shall have the following powers in regard to sign appeals. The board shall have power to hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, interpretation or determination made by the zoning administrator, the planning commission, or any other administrative official, in connection with the enforcement of this chapter. The board shall have power to authorize a variance from the strict application of this chapter, where such application will result in practical difficulties or unnecessary hardships to the person owning or having the beneficial use of the property or sign for which a variance is sought. The board shall have the power to hear and decide on special approval or waiver situations on which this chapter specifically authorizes the board to pass. Any variance, special approval or waiver shall be subject to such conditions as the board may require to preserve and promote the purpose of this chapter. Prior to the granting of an appeal or of a variance by the board, appropriate city staff shall be given a reasonable opportunity to study the appeal or request for variances and to make recommendation thereon to the board. The concurring vote of four members shall be necessary to reverse or modify any order, requirement, decision, or determination of the zoning administrator, or any other administrative official, or to grant any variance from the strict application of this chapter.

(3) An owner of record aggrieved by any decision or order of the sign appeals board may appeal the decision or order to the county circuit court by filing a complaint within 21 days from the date of decision.

(b) *Sign permit denial.*

(1) It shall be the duty of the planning director/zoning administrator or other authorized official to issue a sign permit, provided the proposed sign, when erected, will comply with this chapter and all applicable codes and ordinances of the city.

(2) If application for a sign permit is denied, the planning director/zoning administrator or other authorized official shall give written notice of the denial, together with a written statement as to the reasons for denial, to the applicant. Appeal of such denial shall be to the sign appeal board, which shall handle such appeal in accordance with the following procedure:

a. Any denial of a permit under this chapter shall be in writing stating the reasons for same and shall be effective upon the applicant receiving personal service or upon mailing to the last known address of the applicant.

b. Any person, firm or corporation denied a permit under this chapter shall have the right to a hearing before the sign appeal board upon the appropriateness of such denial, provided a written request for such hearing is filed with the planning department within ten calendar days after the mailing or personal service of the notice of denial to the applicant.

c. Upon such request, the sign appeal board shall conduct a hearing, and based upon a preponderance of the evidence presented, shall by vote of a majority of its membership either overturn the action or affirm the action of the planning director, building inspector or other authorized official and sustain the denial.

d. If an applicant whose permit has been denied fails to request a hearing as provided herein, or in the event the sign appeal board, after a hearing, affirms the action of the planning director/zoning administrator, or other authorized official, the permit shall be deemed to be denied.

(c) *Sign variances.*

(1) *Application of the variance power.* A variance may be allowed by the board only in cases involving practical difficulties or unnecessary hardships when the evidence in the official record of the variance request supports all the following affirmative findings:

a. That the alleged hardships or practical difficulties, or both, are peculiar to the property of the person requesting the variance and result from conditions which do not exist generally throughout the city.

b. Because of special conditions applicable to the sign, building, or property in question, the provisions of this section, if strictly applied, would result in unnecessary hardship, and

c. The grant of an exception would not be contrary to the public health, safety, and welfare, and

d. The granting of an exception would result in substantial justice to the property owner, the owners of the property in the area, and the general public.

(2) *Variance request procedure.*

a. Variance requests shall be commenced by a person filing a notice for a variance with the zoning administrator (on a form to be supplied by the administrator) accompanied by a variance request fee made payable to the city. The schedule of fees shall be set by resolution of the city council. The request for variance shall be signed. It shall also specify the requirements from which a variance is sought and the nature and extent of such variance.

b. The board shall fix a reasonable time for the hearing of variance requests and shall give ten days' notice thereof to the parties, including all owners of record of property within 300 feet of the premises in question, such notice to be delivered personally or by registered mail addressed to the respective owners at the address given in the last assessment roll. All occupants of property within 300 feet of such premises in question shall also be notified of the hearing in the same manner. At the hearing any party may appear in person or by agent or attorney.

c. Upon denial of any variance request hereunder, the variance request fee paid shall not be refunded.

(Ord. No. 2002-1, § 2, 5-20-02; Ord. No. 2003-04, § 2, 1-21-03)

Sec. 64-24. Violations and penalties.

(a) It shall be unlawful for any person, firm or corporation to erect, construct, maintain, enlarge, alter, move or convert any sign in the city or cause or permit the same to be done on his property contrary to or in violation of any of the provisions of this chapter. Any person, firm or corporation violating any of the provisions of this chapter shall be deemed to be responsible for a municipal civil infraction. The fine for a first offense shall be

\$100.00 per day for each day the infraction exists after official notification of the violation. A repeat offense (or any subsequent) shall be \$200.00 per day for each day the infraction exists after official notification of the violation.

(b) Any sign which is erected, constructed, maintained, enlarged, altered, moved or converted in violation of any of the provisions of this chapter is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

(Ord. No. 2002-1, § 2, 5-20-02)