

ZONING ORDINANCE -- ARTICLE XXXI

SIGN REGULATIONS

SECTION 1. PURPOSE: The purposes of the Sign Regulations are: to encourage the effective use of signs as a means of communications in the City; to maintain and enhance the aesthetic environment and the City's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effects of signs on nearby public and private property; and to enable the fair and consistent enforcement of the Sign Regulations.

SECTION 2. APPLICABILITY – EFFECT: A sign may be erected, placed, established, painted, created or maintained in the City only in conformance with the standards, procedures, exemptions and other requirements of these Regulations. The effect of these Regulations as specifically set forth herein is:

1. To establish a permit system to allow for a variety of types of signs for office, commercial and industrial districts and a limited variety of signs in agricultural and residential districts, subject to the standards and permit procedures;
2. To prohibit all signs not expressly permitted; and
3. To provide for the enforcement of the provisions of these Regulations.

SECTION 3. ADMINISTRATION: The Planning Department is hereby designated as the reviewing, issuing and enforcing authority for all sign permits and shall approve the construction method for all freestanding signs. All illuminated signs shall require the issuance of an electrical permit along with the sign permit and shall be inspected and approved by the Building Official.

Permit Required:

1. Sign Permits are required for all On-Premise Advertising, Freestanding, Projecting, Wall and Off-Premise Advertising Signs and Banners.
2. No sign, except those signs specifically listed in Section 9 (1-14), may be constructed or erected within the City without first receiving an approved sign permit from the Planning Department. The permitted use of a sign by a business, on its own premises, shall not be altered to any other use without first applying for and receiving a permit for such sign use. Applications for sign permits shall include the following:
 - (a) Proof of ownership or written permission of the owner of the lot upon which the proposed sign will be constructed;
 - (b) A scaled copy of the site drawings showing the proposed sign location and all structures and easements and driveways;
 - (c) Scaled building elevations for all wall signs or banners;
 - (d) A scaled site plan is also required for all freestanding signs and directional signs;
 - (e) The proposed dimensions of the sign and a description of the method of supporting the sign;
 - (f) All freestanding signs shall be designed, engineered, signed and sealed by a licensed professional engineer;
 - (g) Copy of the proposed sign elevation;
 - (h) The name and business address of the licensed contractor and the licensed electrical contractor if the sign is to be illuminated; and
 - (i) The name and contact information of the sign owner.

3. Abandoned signs for businesses that have relocated or closed shall have the sign or signs removed, covered or replaced with a blank within 90 days of relocation or closure.

Sign Permit Fees:

Each sign type, as referenced in these Regulations that requires a sign permit, shall pay the permit fee as determined in accordance with the City Service Fee Schedule. Payment of a sign permit shall only occur after all information is received by the Planning Department and the permit is approved.

Installation of Signs:

All signs, which are permitted under these Regulations or any future amendments thereto, shall be installed by licensed sign contractors in accordance with the locations and plans submitted at the time of the application and subsequently approved by the Planning Department.

Sign Contractors:

Any contractor desiring to construct signs for others within the city limits shall first obtain an Occupational License for their business name, business owner, address, phone number or other contact information, with the City Clerk's Office. Contractors who fail to obtain an Occupational License, or who fail to use licensed electricians, shall be subject to the penalties listed below.

SECTION 4. ENFORCEMENT: The Planning Department is hereby designated as the enforcement officer of these Regulations and shall have the following duties and powers:

1. Conduct Inspections: During the course of normal duties, shall observe to ensure compliance with the provisions of this Regulation;
2. Issue Notices of Violation: Issue notices of violation to owners, agent or person having the beneficial interest in the building or the premises on which a sign is located which is found to be in non-compliance with one (1) or more of the provisions of this Regulation; and
3. Cause Removal of Certain Signs: After due notice, cause for the removal of certain signs which are found to be in non-compliance with one (1) or more provision of this Regulation.

SECTION 5. VIOLATION AND PENALTY: Any person, firm or corporation who shall violate any of the provisions of these Regulations or fail to comply herewith, or with any of the requirements thereof; or who shall build or alter any building in violation of any plan submitted and approved hereunder shall be guilty of a misdemeanor; and, upon conviction thereof, shall be liable to a fine of not more than five hundred dollars (\$500.00) and/or imprisonment for not more than six (6) months for each offense and each day such violation shall be permitted to exist shall constitute a separate offense. (Revised Ordinance No 2301)

SECTION 6. REGULATIONS SPECIFIC TO MIXED USE, COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS:

1. **Wall Signs:** in the MX and C-1 districts shall have an aggregate display area not to exceed one (1) square foot for each linear foot at the front building wall of the building. Wall signs in the C-2, C-S, I-1 and I-2 districts shall have an aggregate display area not to exceed two (2) square foot for each linear foot at the front building wall of the building or no more than twenty-five (25) percent of the area on the wall on which the signage is placed. Wall signs include canopy or awning signs.

- 2. Freestanding Signs:** no more than one sign per one hundred fifty (150) feet of highway frontage, arterial street frontage, collector street frontage or a fraction thereof. On lots with multiple street frontages (i.e. corner lots, double frontage lots), the street frontage is not cumulative. All freestanding signs shall be of a monument type where the base supporting structure shall be covered at least 30% of the overall sign width.
- 3. Electronic Message Centers:** freestanding signs are allowed by permit with the following restrictions: (Revised Ordinance No. 2257)
- (a) Freestanding signs, which function as an electronic message center shall not exceed a total display area of thirty-two (32) square feet. This display area will be subtracted from the total display area allowed;
 - (b) All existing freestanding signs, which function as an on premise sign, that do not comply with the 30% cover requirement, shall be retrofitted into a monument type sign when an electronic message center is requested to be added to an existing pole sign;
 - (c) No electronic message center shall be erected without a light detector/photocell, or a scheduled dimming timer by which the sign's brightness shall be dimmed when ambient light conditions darken; and
 - (d) Electronic message centers shall be turned off no later than 10:00 p.m. if located within one hundred (100) feet of a residentially zoned district.
- 4. Setbacks:**
- (a) No sign shall be erected, constructed, placed, or projected into or over any public right-of-way except that in the C-1 districts, Projecting Signs may extend into the right-of-way provided there is a vertical clearance of at least eight (8) feet above the sidewalk and the sign does not extend past the sidewalk. For locations adjacent to arterial streets, the right-of-way shall be defined as the ultimate right-of-way planned for the area as shown by the adopted Comprehensive Plan "Master Street Plan";
 - (b) Except for Directional Signs, no permanent Freestanding Signs, Projecting Signs, On-Premises Advertising Signs or Wall Signs shall be located within fifty (50) feet of any residentially zoned district;
 - (c) Any sign located within one hundred (100) feet of a residentially zoned district shall be limited to a maximum height of eight (8) feet and shall not exceed sixty-four (64) square feet of display area, regardless of set-back;
 - (d) Except for Standard Public Signs, no signs shall be located within thirty-five (35) feet of the point of intersection of the right-of-way of two or more public streets, nor within fifty-five (55) feet of the intersection of a public street right-of-way and a private street or driveway;
 - (e) All Freestanding Signs or Projecting Signs shall maintain a minimum separation of one hundred fifty (150) feet from any other Freestanding or Projecting Sign. Wall Signs or Projecting Signs shall not exceed the height of the parapet of the building to which they are attached. Provided, where architectural features of the building will not permit a Wall Sign of at least three (3) feet in height, a Wall Sign may be extended above the parapet of the building wall a distance sufficient to permit a sign of three (3) feet in height; and
 - (f) Outdoor Advertising Signs (Billboards) shall be permitted in accordance with Article XXVII, Special Uses; Section 4(6).

5. Height:

- (a) The height of Freestanding Signs shall be measured from the grade where the sign is located and shall not exceed twenty (20) feet in height except as modified by the following: additional height may be granted for additional setbacks, measured from the ultimate right-of-way line on a one (1) foot vertical to a two (2) foot horizontal basis, to

- a maximum of thirty (30) feet;
- (b) On lots that abut a designated turnpike right-of-way, the height of the sign may be increased to forty (40) feet using the formula herein stated measured from the right-of-way line provided the sign is located within one-hundred (100) feet of the turnpike right-of-way line;
- (c) Any sign that projects over a pedestrian walkway shall have a minimum of eight (8) feet of clearance; and
- (d) Any sign that projects over a vehicular access area shall have a minimum of fourteen (14) feet of clearance.

6. **Size:**

- (a) No sign shall exceed two hundred (200) square feet of display surface area if being used by multiple users, or one hundred (100) square feet if used by a single user. Multiple users shall mean three (3) or more tenants on the premises or users on the Sign. Provided however, the identification plaque, decal or other device that identifies the owner of the Sign shall not be considered in the calculation of the multiple users;
- (b) Single sign per lot with turnpike right-of-way frontage shall not exceed an aggregate display surface area of three (3) square feet per each linear foot of turnpike frontage. However, no sign shall exceed two hundred (200) square feet of display area;
- (c) Multiple signs per lot with turnpike right-of-way frontage shall not exceed an aggregate display surface area of two (2) square feet per each linear foot of limited access highway or turnpike frontage. However, Outdoor Advertising Signs (Billboards) shall not exceed three hundred (300) square feet of display area;
- (d) All other signs per lot shall comply with the following standards except as otherwise provided:
 - i. Lots with one (1) Freestanding Sign shall not exceed an aggregate display area of two (2) square feet per lot frontage;
 - ii. Lots with multiple Freestanding Signs shall not exceed an aggregate display area of one (1) square foot per lot frontage; and
 - iii. Wall Signs and Projecting Signs may utilize an aggregate display surface area of two (2) square feet per building frontage.
- (e) Only one side of a Double-Sided sign shall be included in the computation of display service area. Double-Sided signs may be separated, as long as the separation of the two display surfaces shall not exceed ten (10) feet; and
- (f) In computing the permitted display surface area for signs, the linear footage of an abutting secondary residential street shall not be combined with the linear footage of any collector street, arterial street, or turnpike, which is being used to calculate the permitted display surface area.

7. Banners, Temporary Promotional Business Signs: A sign permit is required for all Banner or Temporary Promotional Business Signs prior to display

8. **Duration and Location:**

1. A Banner or Temporary Promotional Business Sign(s) shall be permitted only as provided herein, and such permits shall be limited to no more than four (4) periods per calendar year. Such Banner or Temporary Promotional Business Sign(s) may be used for a period of no more than thirty (30) days on any one occasion;
2. No Banner or Temporary Promotional Business Sign(s) shall be placed in a manner, which will interfere with the flow of vehicular and/or pedestrian traffic, or create traffic visibility hazards such as being placed in the sight triangles of the intersection of two (2) streets or the intersection of streets and driveways. Banner or Temporary Promotional Business Signs must be anchored to the selected location sufficient to keep it from being moved by wind or storm;

3. No Banner or Temporary Promotional Business Sign(s) shall be permitted to be located upon public street right-of-way or within any required parking spaces or loading berths, nor shall it otherwise be located in such a manner to obstruct vehicular and/or pedestrian access or circulation;
4. Except for Standard Public Signs, Banner or Temporary Promotional Business Sign(s) shall not exceed forty-eight (48) square feet of display surface area; and
5. All new or relocating businesses within the City will be allowed to post for a maximum of thirty (30) days, by permit, no charge for a grand opening banner and three (3) temporary off-premise directional signs with written approval from the property owner(s). These temporary off-premise directional signs shall be a maximum of eight (8) square feet. No signs shall be allowed within street rights-of-way.

SECTION 7. REGULATIONS SPECIFIC TO RESIDENTIAL AND AGRICULTURAL ZONING DISTRICTS:

1. **Freestanding Signs:** which function as a building or center identification sign shall not exceed a total display area of thirty-two (32) square feet. Illumination may be provided as long as it is made by constant light, does not exceed seventy (70) foot candles as measured as a distance of two (2) feet from the source of light. The maximum height of Freestanding Signs shall be measured from the grade where the sign is located and shall not exceed ten (10) feet in height.
2. **Subdivision Signs:** shall be allowed on each side of a subdivision entrance where the subdivision entrance intersects an adjacent arterial street or another subdivision. Signs shall not exceed thirty-two (32) square feet of display surface nor ten (10) feet in height. Illumination may be provided as long as it is made by constant light, does not exceed seventy (70) foot candles as measured at a distance of two (2) feet from the source of light. Where the entrance of a subdivision is by way of a boulevard with a divided median, the identification sign may be placed within the traffic island, as long as the sign is located at least twenty-five (25) feet from the point of intersection of the arterial street right-of-way.
3. **Electronic Message Centers:** freestanding signs are allowed by permit for those properties with a valid special use permit with the following restrictions: (Revised Ordinance No. 2257)
 - (a) Freestanding signs, which function as an electronic message center shall not exceed a total display area of thirty-two (32) square feet;
 - (b) The maximum height of all signs shall not exceed (10) feet in height;
 - (c) All existing freestanding signs, which function as an on premise sign, that do not comply with the 30% cover requirement, shall be retrofitted into a monument or monument type sign when an electronic message center is requested to be installed on an existing pole sign;
 - (d) No electronic message center shall be erected without a light detector/photocell, or a scheduled dimming timer by which the sign's brightness shall be dimmed when ambient light conditions darken; and
 - (e) Electronic message centers shall be turned off no later than 10:00 p.m. in all residentially zoned districts.
4. **Temporary Construction Signs:** during the period of construction, for a multi-lot development, a Temporary Construction Sign may be erected on each perimeter street leading to the interior development, as long as the sign does not exceed thirty-two (32) square feet of display surface and ten (10) feet in height and illumination may be provided as long as it is made by constant light, does not exceed seventy (70) foot candles as measured as a distance of two (2) feet.

During the period of construction, for a single lot development, a Temporary Construction Sign not exceeding six (6) square feet of display surface area may be erected by the owner or occupier of each property. However, the sign may not be placed within the boundaries of any public street, nor any utility easement, or within the site triangle of the intersection of two (2) streets or the intersection of a street and driveway. Such signs may not be used for commercial purposes within the residential zoning district.

SECTION 8. FORBIDDEN LIGHTS AND REPRESENTATIONS: No sign containing facsimiles of traffic control devices of any sort shall be located within one hundred (100) feet of the point of intersection of two (2) or more public streets. No revolving red or blue lights shall be allowed. No sign containing light shall exceed an illumination of seventy (70) foot candles as measured at a two (2) foot distance from the source of the illumination.

SECTION 9. PROHIBITED SIGNS: The following signs are prohibited except as stated below or as otherwise specifically provided hereafter:

1. Outdoor advertising such as off-premise advertising signs (billboards) except as provided under Section 6, paragraph 8(g);
2. Attention-attracting devices with moving parts, flashing and moving lights, and signs using beacons;
3. Snipe signs, portable signs or similar signs that are not permanently affixed to a building, structure or the ground, other than temporary election signs, temporary construction or real estate signs and garage/yard sale signs;
4. Pole signs;
5. Roof signs; and
6. Signs in the public right-of-way; except for governmental signs or standard public signs or approval of the Governing Body.

SECTION 10. SIGNS ALLOWED (NO PERMIT REQUIRED): The following types of signs shall be allowed by these Regulations if located outside the right-of-way, and further, these types of signs will not be included in the computation of aggregate display surface area for other permitted signs:

1. One nameplate attached to the face of the wall of a building, not exceeding four (4) square feet in surface area;
2. Temporary Construction or Real Estate Signs, placed upon property that indicates said property is for sale or rent, not exceeding six (6) square feet of surface area in residential zoned areas and not exceeding thirty-two (32) square feet of surface area in agricultural, office, commercial, and industrial zoned areas;
3. Signs that are not visible from a public street;
4. Tablets built into the wall of a building or other structure utilized for inscriptions, memorials or similar historic or dedicatory purposes;
5. Signs of a warning, directive or instructional in nature erected by any unit of government or any franchised utility;
6. Legal notices required by law to be posted;
7. Sandwich Board Signs: (*Revised Ordinance No. 2324*)
 - (a) Sandwich board signs shall be permitted on the sidewalk that abuts the building of the business;
 - (b) Sandwich board signs may be used during business hours only;
 - (c) No sandwich board sign may contain lights of any kind;
 - (d) Only one (1) sandwich board sign per business shall be allowed;
 - (e) Sandwich board signs shall not exceed nine (9) square feet of display area;
 - (f) The minimum unobstructed path on the sidewalk shall not be less than 36 inches; and
 - (g) Sandwich board signs are allowed only in the Office and Commercial zoning districts.

8. Special Event Signs: (Revised Ordinance No. 2324)
 - (a) Special event signs shall be permitted for a maximum period of four (4) days;
 - (b) Special event signs shall not exceed forty-eight (48) square feet of display surface area; and
 - (c) Special event signs shall not be placed within any public right-of-way or on any public sign or utility pole.

9. Temporary Election Signs: (Revised Ordinance No. 2358)
 - (a) Election signs shall be permitted only for a period of forty-five (45) days prior to an election and shall be removed within ten (10) days following the election;
 - (b) Election signs shall not exceed eight (8) square feet of display surface area and shall not exceed forty-two (42) inches in height, provided that these restrictions shall not apply to lawfully established off-premise signs; and
 - (c) Election signs shall not be placed within any public right-of-way or on any utility poles.

10. Signs located inside a building and either oriented to be primarily visible from inside the building only, or located more than fifteen (15) inches from the window. Signs erected by private parties of a warning, directive or instructional nature and not exceeding three (3) square feet of display surface area, including entrance, exit and restroom signs;
11. Signs attached by the manufacturer and function as labels of commodities;
12. Signs located on accessory equipment or structures, which identify the manufacturer, make or model, and which are limited to fifteen (15) square inches or less for each piece of equipment or structure. By way of example and not by limitation, equipment may include satellite dishes, air conditioners, fence components and similar items;
13. Street address numbers painted on the curb at the property owner's discretion;
14. Directional (i.e. entrance/exit) signs that are less than four (4) square feet; and
15. Garage and/or yard sale signs:
 - (a) Garage/yard sale signs shall be permitted only for a period of three (3) days prior to the sale and shall be removed within two (2) days following the sale;
 - (b) Garage/yard sale signs shall not exceed eight (8) square feet of display surface area and shall not exceed forty-two (42) inches in height; and
 - (c) Garage/yard sale signs shall not be placed within any public right-of-way or on any public signs or utility poles.

SECTION 11. SPECIAL EXEMPTIONS FROM REGULATIONS: Signs that have not been issued a sign permit shall not be located in any zoning district of the City. Provided, that signs which were permitted by the City under previous sign regulations prior to the adoption of these Regulations, or signs which were permitted by the County under previous regulations prior to annexation may continue to exist and receive ordinary maintenance unless and until the use of the sign is discontinued for a period of six (6) months, or the structure of the sign is damaged or destroyed in excess of fifty (50) percent of its value, at which time such sign must be relocated in full conformity with the requirements of this ordinance.

Provided however, any non-conforming sign existing within the corporate City limits at the time of the adoption of these Regulations, which use is not otherwise discontinued or the sign is not damaged or destroyed as provided herein, shall conform to the provisions of these Regulations. Any Sign previously permitted by the County and located on property that is annexed into the corporate City limits subsequent to the adoption of these Regulations shall have ten (10) years from the date of annexation to conform to these Regulations.

SECTION 12. DEFINITIONS: Words and phrases used in these Regulations shall have the meaning set forth in this Section. Words and phrases not defined in this section, but defined in other Ordinances of the City, shall be given the meanings set forth in such Ordinance. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise.

Abandoned Sign: a sign which no longer correctly directs or exhorts any person, advertises a bona fide business, owner, activity conducted or product available on the premises where such sign is displayed.

Awning: a shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework.

Banner: any sign of lightweight fabric or similar material that is mounted to a pole, building, fence or other structure at one (1) or more edges. National flags, state or municipal flags or the official flag of any institution or business shall not be considered banners.

Blinking or Flashing Sign: a sign where the light illumination alternates suddenly between fully illuminated, fully non-illuminated, and then fully illuminated more than once in a time frame of less than a second.

Canopy Sign: any sign that is part of or attached to an awning, canopy or other fabric, plastic or structural protective cover over a door or entrance, window or outdoor service area. A marquee is not a canopy.

Directional (Informational) Sign: a sign providing no advertising of any kind, which provides direction and/or orientation for pedestrian and vehicular traffic.

Display Surface Area: the net geometric area enclosed by the display surface of the sign including the outer extremities of all letters, characters and delineations.

Dissolve: a mode of message transition on an electronic message center accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.

Double-Faced Sign: a sign with two (2) faces, essentially back-to-back.

Double-Sided Signs: shall mean a structure with two (2) parallel and directly opposite signs with their faces oriented in opposite directions.

Electronic Message Center: a sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

Fade: a mode of message transition on an electronic message center accomplished by varying light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

Frame: a complete, static display screen on an electronic message center.

Frame Duration: the amount of time a frame is displayed before changing.

Frame Effect: a visual effect on an electronic message center applied to a single frame to attract the attention of viewers.

Freestanding Signs: shall mean a sign that is principally supported by a structure affixed to the ground, not supported by a building, including signs supported by one or more columns, poles or braces placed in or upon the ground. All freestanding signs shall be of a monument type where the base supporting structure shall be covered at least 30% of the overall sign width.

Identification Sign: sign that identifies a building(s) use or name.

Illegal Sign: a sign which does not meet the requirements of these regulations and which has not received legal nonconforming status.

Name Plate: a sign whose copy is limited to the name and address of a building, institution, person, and/or to the activity or occupation being identified.

Obscene: material is obscene when “(a) the average person, applying contemporary community standards, would find that the work, taken as a whole, appeals to the prurient interest, (b) the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law, and (c) the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.” Miller v. California, 413 US 15 (1973).

Outdoor Advertising Signs (Billboards): shall mean a freestanding sign erected, maintained or used in the outdoor environment for the purposes of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sales or lease of, the property on which it is displayed.

On-Premises Advertising Signs: shall mean a sign erected, maintained or used in the outdoor environment for the purposes of the display of messages appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

Projecting Signs: shall mean a display sign that is attached directly to a building wall that extends more than fifteen (15) inches from the face of the wall.

Sandwich Board Signs: a temporary, portable sign that is not secured or attached to the ground or surface upon which it is located.

Special Event Signs: includes, but is not limited to, signs for sidewalk sales, grand openings or any other special events that do not exceed four (4) days in duration.

Standard Public Signs: shall mean any sign erected by the federal highway department, state highway department, Turnpike Authority, county highway department, or the City.

Temporary Construction Signs: shall mean a construction sign that is not permanently affixed to the ground or to a building where it is located and can be removed from the premises. These signs are usually constructed of materials that are intended to last for at least thirty (30) days. A Temporary Construction Sign shall be located upon the property where the construction work is taking place.

Temporary Election Signs: shall mean a political election sign that is not permanently affixed to the ground or to a building where it is located and can be removed from the premises. These signs are usually constructed of materials that are intended to last for at least thirty (30) days. A Temporary Election Sign shall be located upon private properties only and shall not be placed in the public right-of-ways.

Temporary Promotional Business Sign: shall mean a promotional business sign that promotes a sale or other promotion by a business. These signs are usually constructed of materials that are intended to last for at least thirty (30) days. A Temporary Promotional Business Sign shall be located upon private properties only and shall not be placed in the public right-of-ways.

Temporary Real Estate Sign: shall mean a real estate sign that is not permanently affixed to the ground or to a building where it is located and can be removed from the premises. These signs are usually constructed of materials that are intended to last for at least thirty (30) days. A Temporary Real Estate Sign shall be located on the property for which it is advertising for sale or lease.

Transition: a visual effect used on an electronic message center to change from one message to another.

Wall Signs: shall mean a sign that is painted on or attached directly to the surface of masonry, concrete, frame or other approved building walls, and which extends not more that fifteen (15) inches from the face of the wall.