

Chapter 111 SIGNS

ARTICLE I. IN GENERAL

Sec. 111-1. Definitions.

Words and phrases used in this chapter shall have the meanings set forth in this section. Words and phrases not defined in this section but defined in the zoning ordinance of the town shall be given the meanings set forth in such ordinance. Principles for computing sign area and sign height are contained in article III of this chapter.

Animated sign means any sign, or part of a sign, that uses any movement or change of lighting or color to depict action or create a special effect or scene. (Prohibited)

Awning/canopy sign means any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy. (Prohibited)

Banner means any sign of lightweight fabric or similar material that is intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to paper, plastic or fabric of any kind. Banners can be either a freestanding sign or a wall sign.

Beacon means any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move. (Prohibited)

Bench sign means any sign painted on or otherwise attached to a bench or other seat placed on or off a public right-of-way or meant to be seen by the public. (Prohibited)

Billboard means a freestanding sign larger than 60 square feet used for the display of posters or printed or painted advertising matter. (Prohibited)

Canopy/awning sign. See *Awning/canopy sign*.

Changeable copysign means a sign on which the message changes more than eight times per day. (Prohibited)

Drive-through sign means a wall or freestanding sign at a drive-through facility.

Flag means any fabric or bunting containing distinctive colors, patterns, or symbols.

Flashing sign means a sign, the illumination of which is not kept constant in intensity at all times when in use and which exhibits marked changes in lighting effects. (Prohibited)

Freestanding sign means any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

Grade, for the purpose of measuring sign height, means the natural ground level at a sign's proposed location unless such ground level is lower than the centerline of the adjoining street in which case height shall be measured from the centerline elevation of the adjoining street. (See section 111-79.)

Illuminated sign, external, means a sign illuminated by an external light source directed primarily toward such sign. Such source cannot be a device that changes color, flashes, or alternates.

Illuminated sign, internal, means a sign illuminated by an internal light source. (Prohibited)

Kiosk means a small, freestanding structure requiring a building permit which may have more than two surfaces. (Prohibited)

Lot means a parcel of land that is of sufficient size to meet minimum zoning requirements for lot area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning regulations.

Marquee or *marquee sign* means any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather. Any sign attached to, in any manner, or made a part of a marquee.

Moving sign means a sign which revolves, rotates, swings, undulates, or otherwise attracts attention through the structural movement of parts. (Prohibited)

Mural means a graphic displayed on the exterior of a building, generally for the purposes of decoration or artistic expression, or depicting a scene or event of natural, social, cultural, or historic significance. (Prohibited)

Nonresidential zoning district. The following are considered nonresidential zoning districts within this chapter: O-I, E-I, M-1, M-2, C-1, C-2, C-3, PUD, and LUC.

Out-of-store marketing device means any device upon which a sign is placed which is intended to display messages outside of a primary building on a site zoned for commercial uses. Examples of out-of-store marketing devices include fuel pumps, menu boards, bank ATM units, newspaper racks, drink machines, ice boxes, and phone booths.

Pennant or *streamer* means 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. (Prohibited)

Permanent sign means any sign which, when installed, is intended for permanent use. Each lot shall be allowed only one permanent freestanding sign of a type and construction as to not be easily or readily removed from the lot on which it has been erected.

Permit means a sign permit reviewed, approved, and issued by the Town of Tyrone.

Portable sign means any sign which is designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support constructed without wheels is converted to an A- or T-frame sign. Sandwich board signs, balloons used as signs, umbrellas used for advertising and signs attached to or painted on vehicles which prevent the vehicle being used in its intended purpose and that are legible from the public right-of-way are also considered portable signs. (Prohibited)

Principal building means the building in which the principal use of the lot is conducted. 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.

Public sign means:

- (1) Any sign erected for the benefit of the public by a governmental entity for informational purposes including, but not limited to, identifying or providing direction to public telephones, restrooms, locating hazardous or dangerous areas, conditions, events, or identifying the location of underground utility facilities;
- (2) A sign erected by a governmental agency to denote the name of any thoroughfare; to point out the route to any town, educational institution, public building, historic place, hospital, or other use, facility, or attraction; to direct and regulate traffic; and to denote any railroad crossing, bridge or other transportation facility for the convenience and safety of the general public.

Residential zoning district. The following are considered residential zoning districts within this chapter: AR, CR-1, CR-2, CR-3, R-52, R-50, R-48, R-46, R-44, R-42, DR-15, MPH, TR, and RMF.

Roof sign means any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure. (Prohibited)

Seasonal display means any item displayed for the purpose of celebrating a specified cultural, or religious event (e.g., Christmas, Easter, Thanksgiving, July 4th, New Year's, Hanukkah, Kwanzaa).

Sidewalk, sandwich, or A-frame sign means a sign which is normally in the shape of an "A" or some variation thereof and which is usually two-sided.

Sign means any device, fixture, placard, or structure affixed to, or suspended by, a stationary object, building, or the ground that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

Suspended sign means any sign used in a multi-tenant building which is suspended from any part of the building.

Temporary sign means any sign that is used temporarily and is not permanently mounted.

Town manager means the person, officer or official whom the mayor and council has designated for the enforcement of this chapter, or his designee.

Wall sign means any sign attached parallel to a wall, painted on the wall surface, 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. No wall sign shall extend more than six inches from any wall, building, or structure.

Window sign means any sign, picture, symbol, or combination thereof, that is placed within ten feet inside a window or upon the window panes or glass either inside or outside the building, and is visible and legible from the exterior of the structure.

(Ord. No. 2009-006, § 1(6-6-3), 5-21-2009)

Sec. 111-2. Title.

This chapter shall hereafter be known and cited as the "Town of Tyrone Sign Ordinance."

(Ord. No. 2009-006, § 1(6-6-1), 5-21-2009)

Sec. 111-3. Purpose and intent.

- (a) The mayor and town council understand that signs are an integral part of the ability of every person to exercise their right to freedom of speech. It is, however, important to understand that there is a fundamental need to protect the town as a whole from the unchecked proliferation of unregulated signage. It is with this understanding in mind that the mayor and town provide the following purposes for the regulation of signage:

- (1) To encourage the effective use of signs as a means of communication in the town;
- (2) To maintain and enhance the aesthetic environment and the town's ability to attract sources of economic development and growth;
- (3) To improve pedestrian and traffic safety;
- (4) To minimize the possible adverse affects of signs on nearby public and private property;
- (5) And to enable the fair and consistent enforcement of these sign restrictions.

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- (b) This chapter is adopted under the zoning authority of the town in furtherance of the more general purposes set forth in the zoning ordinance.

(Ord. No. 2009-006, § 1(6-6-2), 5-21-2009)

Sec. 111-4. Violations, penalties.

- (a) *Illegal signs.* No person shall erect on any premises owned or controlled by him/her any sign which does not comply with the provisions of this chapter.
- (b) *Dangerous, defective condition.* No person shall maintain or permit to be maintained on any premises owned or controlled by him any sign which is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the sign or the owner of the premises, or as otherwise provided for in this chapter.
- (c) *Separate violations.* Each sign installed, created, erected, or maintained in violation of this chapter shall be considered a separate violation when applying the penalty portions herein.
- (d) *Public nuisance.* Any violation of this chapter is hereby declared to be a public nuisance.
- (e) *Misdemeanor.* In case any sign or other device covered by this chapter is, or is proposed to be, erected, constructed, altered, converted or used in violation of any provision of this chapter, the town manager shall cause a citation to issue. Additionally, the town may seek an injunction for a continuing violation or take other appropriate action to prevent such unlawful erection, construction, alteration, conversion, or use to correct or abate such violation.

(Ord. No. 2009-006, § 1(6-6-21), 5-21-2009)

Sec. 111-5. Prohibited signs and devices.

The following signs shall be prohibited under this chapter. Such signs include, but are not limited to:

- (1) Animated or flashing signs;
- (2) Rotating, animated signs, or any sign which requires either natural or artificial wind current or energy for motion or gives the appearance of movement;
- (3) Portable or trailer display signs when not attached to a motor vehicle;
- (4) Signs on courtesy benches, trash cans, and similar devices on which advertising is displayed;
- (5) Search lights, beacons, or similar devices;
- (6) Roof signs;
- (7) Pennants, streamers;
- (8) Attention-getting devices, including but not limited to balloons (including all inflatable air signs) and lights, shall not be used to attract attention to any sign or business. This includes neon tubing or bare bulb lights encircling a window or outlining the structure;
- (9) Signs or other advertising structures that contain obscene or indecent material.
 - a. Material is obscene if either, or both, of the following apply:
 1. To the average person, applying contemporary community standards, taken as a whole, it predominantly appeals to the prurient interest, that is, a shameful or morbid interest in nudity, sex, or excretion; or

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2. The material depicts or describes, in a patently offensive way, sexual conduct specifically defined as follows:
 - (i) Acts of sexual intercourse, heterosexual or homosexual, normal or perverted, actual or simulated;
 - (ii) Acts of masturbation;
 - (iii) Acts involving excretory functions or lewd exhibition of the genitals;
 - (iv) Acts of bestiality or the fondling of sex organs of animals; or
 - (v) Sexual acts of flagellation, torture, or other violence indicating a sadomasochistic sexual relationship.
 - b. Material is indecent if the sign depicts the following portions of human anatomy:
 1. Any portion of the female breast below the top of the areola;
 2. Any portion of the male or female pubic hair, anus, cleft of the buttocks, vulva and genitals;
 - (10) No lettering, logos or other graphics are allowed on any awning, canopy (including a gasoline canopy), marquee, umbrella or other similar devices;
 - (11) Kiosks;
 - (12) Changeable copy signs;
 - (13) All signs attached to light poles, power poles or trees (when in the right-of-way);
 - (14) Any privately-owned sign located within or partially within a road right-of-way;
 - (15) Billboards; and
 - (16) Murals.

(Ord. No. 2009-006, § 1(6-6-15), 5-21-2009)

Sec. 111-6. Prohibited placements of posters, signs and advertisements.

- (a) This chapter is adopted with knowledge of the presence of O.C.G.A. § 16-7-58 which provides for the regulation of posters, signs and advertisements in the state. O.C.G.A. § 16-7-58 is set out in subsection (b) of this section. This chapter shall be enforced while giving full effect to O.C.G.A. § 16-7-58.
- (b) It shall be unlawful for any person to place posters, signs, or advertisements:
 - (1) On any public property or building, unless the owner thereof or the occupier as authorized by such owner has given permission to place such posters, signs, or advertisements on such property; provided, however, that signs within the rights-of- way of public roads shall be governed by O.C.G.A. § 32-6-51;
 - (2) On any private property unless the owner thereof or the occupier as authorized by such owner has given permission to place such posters, signs, or advertisements on such property; and, provided, further that no municipal, county, or consolidated government may restrict by regulation or other means the length of time a political campaign sign may be displayed or the number of signs which may be displayed on private property for which permission has been granted; or
 - (3) On any property zoned for commercial or industrial uses if the placement of such posters, signs, or advertisements conflicts with any zoning laws or ordinances.

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- (c) Any poster, sign, or advertisement placed in violation of subsection (b)(1) of this section is declared to be a public nuisance, and the officials having jurisdiction of the public property or building, including without limitation law enforcement officers, may remove or direct the removal of the same.
 - (d) Each poster, sign, or advertisement placed in violation of this section shall constitute a separate offense.
 - (e) Any person who violates this section shall be punished the same as for littering under O.C.G.A. § 16-7-43.
- (Ord. No. 2009-006, § 1(6-6-24, exhibit A), 5-21-2009)

Secs. 111-7—111-30. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. GENERALLY

Sec. 111-31. Nonconforming signs.

- (a) *Nonconforming existing signs.* A freestanding or wall sign for which a sign permit was issued which was in existence on May 21, 2009, or which was constructed in accordance with the ordinances and other applicable laws in effect on the date of its construction, but which by reason of its size, height, location, design or construction is not in conformance with the requirements of this chapter, shall be considered a nonconforming sign. Such a sign shall be allowed to remain in place and be maintained (provided that no action is taken which increases the degree or extent of the nonconformity) until there is a change of business name (single business), a change of complex name (multi-business), or the sign and/or supporting structure is totally destroyed as a result of vandalism or any act of the owner or any person acting on behalf of the owner. In the case of a change of ownership where the business name and existing signage (face and structure) remain the same, said sign shall be allowed to remain in place.
- (b) *Lapse of nonconforming sign permit.* A nonconforming sign permit shall lapse and become void under the same circumstances as those under which any other sign permit may lapse and become void.

(Ord. No. 2009-006, § 1(6-6-22), 5-21-2009)

Sec. 111-32. Inspection.

A representative of the town shall inspect each sign or other advertising structure regulated by this chapter from time to time for the purpose of ascertaining whether such structure is safe and lawful. If a sign is deemed to be in need of repair, the owner shall have ten days from the date of written notice from the town in which to repair or remove such sign. Missing letters from a raised letter or changeable copy sign, peeling paint from a painted sign, burned out/inoperative light emitting devices, etc., shall constitute a need for repair.

(Ord. No. 2009-006, § 1(6-6-13), 5-21-2009)

Sec. 111-33. Removal of unlawful or dangerous signs.

- (a) *Removal.* The town may order the removal of any sign in violation of this chapter by written notice to the permit holder; or, if there is no permit holder, then to the owner of the sign; or, if the sign owner cannot be

found or cannot be determined, then to the sign erector and any party that procured the erection of the sign. If a permit has been issued, such notice shall operate to revoke the permit.

- (b) *Procedure following removal order.* If the sign is not removed within 14 days after the order of removal (or 14 days after the date any appeal becomes final), the town shall remove or cause to be removed the sign and to collect the costs thereof as provided below.
- (c) *Removal without notice.* The town shall remove any sign in violation of this chapter, without giving notice to any party, if:
 - (1) Said sign is upon the public right-of-way or upon other public property; or
 - (2) Said sign poses an immediate safety threat to the life or health of any members of the public.
- (d) *Reclamation/fees.* Following such removal or repair, the town may collect the costs as set by the mayor and council for any reclaimed signs. Signs not claimed will be destroyed after 14 days.

(Ord. No. 2009-006, § 1(6-6-23), 5-21-2009)

Sec. 111-34. Variances.

- (a) Standards. Variances shall be limited to the minimum relief necessary to overcome the hardship. No variance shall be granted to allow a greater number of signs than would be allowed if the hardship did not exist. A variance from compliance with the sign regulations of this chapter shall be limited to the following hardship situations:
 - (1) Where visibility of a conforming sign from the public street and within 50 feet of the proposed sign would be substantially impaired by existing trees, plants, natural features, signs, existing buildings or structures on a different lot; and
 - (2) Placement of the sign elsewhere on the lot would not remedy the visual obstruction; and such visibility obstruction was not created by the owner of the subject property; and the variance proposed would not create a safety hazard to traffic.
- (b) Variance applications shall be submitted to the town council and shall be heard under the same time frames and rules governing appeals under this chapter.

(Ord. No. 2009-006, § 1(6-6-91), 5-21-2009)

Secs. 111-35—111-56. Reserved.

DIVISION 2. PERMITS

Sec. 111-57. Permits required.

- (a) *Applications for signage.* Applications for sign permits required by this chapter shall be filed with the town during normal business hours and shall include the following:
 - (1) The name, street address, and phone number of the owner of the property where the sign is to be installed, along with a site plan showing the proposed location of the sign on the property.
 - (2) If the applicant is not the owner of the property, a signed and notarized authorization by the property owner shall be included with the application.

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- (3) A description of the type of sign to be erected which shall include a schematic drawing of the sign indicating overall dimensions (height, width, square footage, shape, and number of faces).
 - (4) All applications for signage shall be on a form provided by the town.
 - (b) *Review and notification.* Review of an application deemed to be complete by the town and notification to the applicant of either approval or denial shall in no case extend for a period of time exceeding 30 days from the date of the town's receipt of the completed application. Notification to the applicant can be made either by certified mail, return receipt requested, by fax to the number provided on the application, or by hand delivery on or before the 30th day after the town's receipt of the application. Should the process exceed 30 days, it shall be deemed that the application is approved and the town shall issue a permit to the applicant. Issuance of a permit shall in no way prevent the town from later declaring the sign to be illegal if the structure fails to substantially comply with the specifications submitted in the application or some new information of illegality is discovered.
- (Ord. No. 2009-006, § 1(6-6-11), 5-21-2009)

Sec. 111-58. Signs which require no permit.

- (a) *Public signs.* Signs erected by a public officer in the performance of his duties, including but not limited to public notices, safety signs, danger signs, traffic and street signs, memorial plaques, and historical markers, shall be exempt from the provisions of this chapter.
- (b) *Exempt signs.* The following types of signs shall be exempt from the permit requirements of section 111-57 and shall not count toward the maximum aggregate sign area limits provided in sections 111-124, 111-157, and 111-159:
 - (1) Numerals displayed for the purpose of identifying property location not to exceed eight inches in height;
 - (2) Seasonal displays located outside the public right-of-way;
 - (3) Flags (see sections 111-128 and 111-163);
 - (4) Signs at the rear entrance of a business not to exceed one square foot;
 - (5) Window signs (see sections 111-126 and 111-159);
 - (6) Door signs not to exceed one square foot;
 - (7) Banners in residential zoning districts;
 - (8) Out-of-store marketing device (see section 111-162);
 - (9) Residential freestanding signs (see section 111-124); and
 - (10) Nonresidential temporary signs (see section 111-157(e)).

(Ord. No. 2009-006, § 1(6-6-14), 5-21-2009)

Sec. 111-59. Denial, revocation, suspension and appeal.

- (a) *Compliance.* The town shall deny all applications for signs that do not comply with this chapter. Written notification to the applicant listing the reasons for denial shall be provided as set forth in section 111-57(b).
- (b) *Revocation of permits and certificates.* The town may revoke a sign permit or certificate of compliance in those cases where an administrative determination has been duly made that false statements or

misrepresentations existed as to material facts in the application or plans upon which the permit of approval was based.

- (c) *Suspension of permits and certificates.* The town may suspend a sign permit or certificate of compliance where an administrative determination has been duly made that an error or omission on the part of either the permit applicant or a government agency existed in the issuance of the permit or certificate. A new permit or certificate shall be issued in place of the incorrect permit or certificate after correction of the error or omission.
- (d) *Appeals.* Any individual whose application has been denied or a permittee whose permit has been revoked may appeal the decision of the town manager to the mayor and council upon filing a written notice of an appeal with the town clerk within ten business days of notification of denial or revocation. Such appeal shall be considered by the mayor and council at the next council meeting held after the town's receipt of the written notice of appeal, provided that the notice of appeal is received a minimum of five full business days before the meeting. If the appeal is not heard at such meeting, it shall be heard at the next regular meeting of the mayor and council thereafter. In the event an individual whose permit has been denied or revoked is dissatisfied with the decision of the town council, he may petition for writ of certiorari to the superior court as provided by law.

(Ord. No. 2009-006, § 1(6-6-12), 5-21-2009)

Secs. 111-60—111-76. Reserved.

ARTICLE III. CONSTRUCTION AND MAINTENANCE STANDARDS

Sec. 111-77. Sign location.

- (a) *Obstructions to doors, windows, or fire escapes.* No sign shall be erected, relocated or maintained so as to prevent free ingress or egress from any door, window, or fire escape.
- (b) *Signs not to constitute traffic hazard.* No sign or part thereof, except authorized traffic signs, shall be located in any state, county or town right-of-way. No sign may be located any closer than 20 feet from an intersection as measured from the intersection of the two rights-of-way.

(Ord. No. 2009-006, § 1(6-6-31), 5-21-2009)

Sec. 111-78. Measurement of sign area.

The area of a sign shall mean and shall be computed as the entire area within the continuous perimeter enclosing the limits of all writing, representation, emblem, or any figure or similar character. This shall also include any open spaces or colors forming an integral part of the display or used to differentiate such.

(Ord. No. 2009-006, § 1(6-6-32), 5-21-2009)

Sec. 111-79. Measurement of sign height.

- (a) The height of a sign shall be computed as to the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of:
 - (1) Existing grade prior to construction; or

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- (2) The newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.
 - (b) In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is greater.
 - (c) Where the normal grade is below the normal grade of a public street, the sign base can be raised to the elevation of the normal grade of the street before the height limitations are applied (surveyor's certificate required).

(Ord. No. 2009-006, § 1(6-6-33), 5-21-2009)

Sec. 111-80. Construction standards.

- (a) *Town codes.* All signs permitted under this Code shall be constructed and maintained in accordance with the applicable town building codes. The town may remove, after due notice per section 111-33, any sign which shows neglect or becomes dilapidated.
- (b) *Face of sign shall be smooth.* No sign or other advertising structure shall be constructed so as to have nails, tacks, or wires protruding therefrom.
- (c) *Illumination of signs.* Signs, when illumination is permitted, may only be illuminated externally.
- (d) *Maintenance.* Landscaping, weeds, and grass shall be kept cut in front of, behind, underneath, and around the base of ground signs.

(Ord. No. 2009-006, § 1(6-6-34), 5-21-2009)

Secs. 111-81—111-103. Reserved.

ARTICLE IV. LOCATION RESTRICTIONS

DIVISION 1. GENERALLY

Sec. 111-104. Zoning districts.

- (a) *Signs by zoning district.* Sign standards by district apply to all zoning districts in the town. The districts are defined herein as being either residential or nonresidential.
- (b) *Residential zoning districts.* Residential zoning districts allow for both residential and nonresidential uses and as such will be governed by the respective articles of this chapter based on the approved use. For all unimproved residential property, the residential sign regulations shall apply. For all nonresidential uses permitted in residential zoning districts, the sign regulations for those uses shall be determined to be under division 3, Nonresidential Districts, of this article.
- (c) *Nonresidential zoning districts.* Nonresidential zoning districts allow for both nonresidential and residential uses and as such will be governed by the respective articles of this chapter based on the approved use. For all unimproved nonresidential property the single business sign regulations shall apply (see section 111-157).

For all residential uses permitted in the nonresidential zoning district, the sign regulations for those uses shall be determined to be under division 2, Residential Districts, of this article.

(Ord. No. 2009-006, § 1(6-6-41), 5-21-2009)

Secs. 111-105—111-121. Reserved.

DIVISION 2. RESIDENTIAL DISTRICTS

Sec. 111-122. Scope.

The provisions of this division apply in residential zoning districts.

Sec. 111-123. Signs allowed within residential zoning districts.

The following signs shall be allowed in all residential zoning districts:

- (1) Freestanding signs (see section 111-124);
- (2) Window signs (see section 111-126);
- (3) Signage during construction (see section 111-127);
- (4) Flags (see section 111-128);
- (5) Numerals displayed for the purpose of identifying property location not to exceed eight inches in height;
- (6) Seasonal displays located outside the public right-of-way; and
- (7) Banners.

(Ord. No. 2009-006, § 1(6-6-61), 5-21-2009)

Sec. 111-124. Residential freestanding signs.

- (a) *Number, size and height of signs.* Lots located in a residential zoning district shall be allowed no more than four freestanding signs not to exceed six square feet each sign. Signs shall not exceed four feet in height. Sign structures shall not exceed five feet in height. For purposes of determining the maximum height of signs and sign structures, the measurements shall be taken from the grade level of any adjacent street or the grade level of the lot, whichever is higher. Banners shall not be exempt from this section. The freestanding signs allowed in this section shall be temporary signs as that term is defined in this chapter. However, one of the four signs allowed in this section may be a permanent sign. No permit shall be required.
- (b) *Subdivision signs.* Notwithstanding anything herein to the contrary, the sign area of signs at the entrance of a subdivision shall be limited to 40 square feet and six feet in height. If used in conjunction with a wall, the wall shall not exceed five feet in height. The decorative facade, including post and/or columns, shall not exceed seven feet in height. No more than two signs shall be allowed to be placed at each entrance of a subdivision. Signs shall be placed on common property under the ownership of the home owners association (HOA) and shall not be allowed to be on private property. A permit shall be required.
- (c) *Banners.* Banners shall not be more than 24 square feet in size to be displayed not more than 30 days in a calendar year. No banner shall be mounted so as to extend above the horizontal plane of the roof where the

building wall and roof meet and shall not extend more than four feet above grade when mounted on the ground. There shall be only one banner displayed at a time. No permit shall be required.

- (d) *Multi-family parcels.* For any multi-family residential property, the number of allowable freestanding signs shall not exceed eight signs not more than six square feet each. Such developments shall also be entitled to two permanent signs at the entrance to the development as regulated in subsection (b) of this section. The property owner shall be responsible for all signage posted on the property. Notwithstanding any provisions within this section to the contrary, signs within the DR-15 zoning district shall be regulated in the same manner as single-family residential zoning districts are regulated. For purposes of this chapter, a DR-15 zoning district shall not be considered to be a multifamily zoning district. A permit shall not be required.

(Ord. No. 2009-006, § 1(6-6-62), 5-21-2009)

Sec. 111-125. Wall signs.

Wall signs in residential districts shall be prohibited.

(Ord. No. 2009-006, § 1(6-6-63), 5-21-2009)

Sec. 111-126. Window signs.

Window signs shall be allowed in all residential districts and shall not cover more than 25 percent of the area of each window in which a sign is placed. Window signs may be placed in no more than four windows of the residential structure.

(Ord. No. 2009-006, § 1(6-6-64), 5-21-2009)

Sec. 111-127. Signage during construction.

- (a) *Number, size and height of sign.* One temporary sign shall be allowed on construction sites. A permit shall be required.
- (1) *Duration.* Said sign shall be allowed beginning with the issuance of a land disturbance permit and ending with the issuance of a certificate of occupancy/completion or installation of a permanent sign, whichever occurs first.
- (2) *Size.* Said sign shall not exceed 12 square feet in area or five feet in height.
- (3) *Construction.* Said sign may be a permanent sign as that term is defined in this chapter. Any permanent sign constructed consistent with this section shall not exceed the duration restrictions in subsection (a)(1) of this section.
- (b) *Additional sign.* This sign is in addition to those signs listed in section 111-124.

(Ord. No. 2009-006, § 1(6-6-65), 5-21-2009)

Sec. 111-128. Flags.

Flagpoles shall not exceed 35 feet in height. The flags' dimensions shall be proportional to the pole such that the hoist side of the flags is not more than 35 percent of the vertical height of the flagpole.

(Ord. No. 2009-006, § 1(6-6-66), 5-21-2009)

Secs. 111-129—111-154. Reserved.

DIVISION 3. NONRESIDENTIAL DISTRICTS

Sec. 111-155. Scope.

The provisions of this division apply in nonresidential zoning districts.

Sec. 111-156. Signs allowed within nonresidential zoning districts.

The following signs shall be allowed in all nonresidential zoning districts:

- (1) Freestanding signs (see section 111-157);
- (2) Wall signs (see section 111-158);
- (3) Window signs (see section 111-159);
- (4) Banners (see section 111-160);
- (5) Signage during construction (see section 111-161);
- (6) Out-of-store marketing device (see section 111-162);
- (7) Flags (see section 111-163);
- (8) Suspended signs (see section 111-164);
- (9) Sidewalk, sandwich, and A-frame signs (see section 111-157); and
- (10) Awning/canopy signs (see section 111-165).

(Ord. No. 2009-006, § 1(6-6-71), 5-21-2009; Ord. No. 2013-03, § 1, 2-7-2013)

Sec. 111-157. Freestanding signs.

- (a) *Number, height and dimensions.* Unless otherwise provided herein, each parcel is allowed one permanent freestanding sign, not to exceed six feet in height, ten feet in width and not more than 40 square feet in area.
- (b) *Multiple businesses parcel.* Each parcel containing multiple businesses shall be entitled to display one permanent freestanding sign. Individual business names are included in the total square footage. The maximum area of the sign shall not exceed seven feet in height, ten feet in width, and not more than 60 square feet in area.
- (c) *Illumination; permit.* Freestanding signs may be externally illuminated. A permit shall be required.
- (d) *Drive-through signs.* Signs as part of a drive-through facility, not visible or legible by the traveling public shall not be regulated by this chapter; however, no individual drive-through sign may exceed 40 square feet.
- (e) *Temporary signage.* Each parcel containing a single business shall be allowed not more than eight aggregate square feet of temporary signage. Each parcel containing multiple businesses shall be allowed not more than 12 aggregate square feet of temporary signage. No temporary sign shall be greater than four feet in height. A permit shall not be required. Sidewalk, sandwich, and A-frame signs may be used as the temporary signage as described in this section. The limitation on aggregate maximum square feet for temporary signage applies

to sidewalk, sandwich, and A-frame signs. Sidewalk, sandwich, and A-frame signs may only be displayed during business hours.

- (f) *Subdivision entrance/exit signs.* Notwithstanding anything herein to the contrary, the area of signs at the entrance/exit of a subdivision shall be limited to 40 square feet and six feet in height. If used in conjunction with a wall, the wall shall not exceed five feet in height. The decorative facade, including posts and/or columns, shall not exceed seven feet in height. No more than two signs shall be allowed to be placed at each entrance of a subdivision. Signs shall be placed on common property under the ownership of the property owners association (POA) and shall not be allowed to be on private property. A permit shall be required.

(Ord. No. 2009-006, § 1(6-6-72), 5-21-2009)

Sec. 111-158. Wall signs.

Wall signs shall be located on the principal building only. A permit shall be required.

- (1) *Number.* One wall sign shall be permitted for every street-facing wall of a structure, provided that said wall is on a side of the structure that is considered a front yard for setback purposes. In the case of structures which contain multiple businesses, each business is allowed a sign.
- (2) *Location.* No wall sign shall be placed on any roof or on top of any structure. In addition, no part of a wall sign shall be at an elevation higher than 25 feet above the average ground level elevation along the side of the building on which the wall sign is installed. If a building has two or more stories, no signs shall be installed at a level above the bottom of the second floor windows, unless the building is a multi-tenant office or multi-tenant commercial structure wherein tenants have primary, direct access from their space to the outside. This access must include outside walkways and stairways properly designed for public use.
- (3) *Construction.* All wall signs shall be safely and securely attached to the building wall, subject to the approval of the building official.
- (4) *Size/calculation.* The allowable front wall sign area for each building shall not exceed one-and-one-half square feet per linear foot of the front length of the building or portion thereof occupied. If the linear frontage of a building or portion thereof occupied is 100 feet or less, the maximum size of a wall sign is 70 square feet. If the linear frontage of a building or portion thereof occupied is in excess of 100 feet, the maximum size of a wall sign is 150 square feet. If the sign is a panel or box, the total area including background is included. If a sign consists of individual letters, each attached directly to a building or structure, the area of the sign shall be measured by the area of the smallest rectangle or series of contiguous rectangles which enclose all the letters.

(Ord. No. 2009-006, § 1(6-6-73), 5-21-2009; Ord. No. 2013-03, §§ 2, 3, 2-7-2013)

Sec. 111-159. Window signs.

No more than 50 percent or 35 square feet, whichever is less, of the total available advertising space (glass area) shall be used to display window signs. No window signs are allowed above the first floor unless the building is a multi-tenant office or commercial structure wherein tenants have primary direct access from their space to the outside. This access must include outside walkways and stairways properly designed for public use. In no case shall any window signs be installed above the level of the second floor windows. No permit shall be required.

(Ord. No. 2009-006, § 1(6-6-74), 5-21-2009)

Sec. 111-160. Banners.

Banners shall be allowed for a period not exceeding 21 days, with not more than four such 21-day periods being permitted per calendar year.

- (1) *Size.* Banners shall not be more than 32 square feet. A permit shall be required.
- (2) *Height.* No banner shall be mounted so as to extend above the horizontal plane of the roof where the building wall and roof meet or shall not extend more than five feet above grade when on the ground.

(Ord. No. 2009-006, § 1(6-6-75), 5-21-2009; Ord. No. 2013-03, § 4, 2-7-2013)

Sec. 111-161. Signage during construction.

(a) *Number, size and height of sign.* One temporary sign shall be allowed on construction sites. A permit shall be required.

- (1) *Duration.* Said sign shall be allowed beginning with the issuance of a land disturbance permit and ending with the issuance of a certificate of occupancy/completion or installation of a permanent sign, whichever occurs first.
- (2) *Size.* Said sign shall not exceed 16 square feet in area or five feet in height.
- (3) *Construction.* Said sign may be a permanent sign as that term is defined in this chapter. Any permanent sign constructed consistent with this subsection shall not exceed the duration restrictions in subsection (a)(1) of this section.

(b) *Additional sign.* This sign is in addition to the signs allowed in section 111-157.

(Ord. No. 2009-006, § 1(6-6-76), 5-21-2009)

Sec. 111-162. Out-of-store marketing device.

One sign shall be allowed on an out-of-store marketing device. Said sign shall not exceed two square feet. The height of the sign shall not be more than two feet above the device. No permit shall be required.

(Ord. No. 2009-006, § 1(6-6-77), 5-21-2009)

Sec. 111-163. Flags.

Flagpoles shall not exceed 70 feet in height. Flag dimensions shall be proportional to the pole such that the hoist side of the flag is not more than 35 percent of the vertical height of the flagpole.

(Ord. No. 2009-006, § 1(6-6-78), 5-21-2009)

Sec. 111-164. Suspended signs.

In a multi-tenant commercial or office building, in addition to all other permitted signs, one suspended sign per entrance used shall be allowed to identify the location of each tenant's premises. A permit shall be required. Suspended signs shall adhere to the following:

- (1) Does not exceed three square feet in area;

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- (2) Is uniform in size, material, color and shape and is placed in an equivalent location to such other signs located on the same building; and
 - (3) Maintains a minimum of nine feet of clearance between the bottom of the sign and the walkway below.

(Ord. No. 2009-006, § 1(6-6-79), 5-21-2009)

Sec. 111-165. Awning/canopy signs.

Signage on awnings or canopies shall be limited to 20 percent of allowable wall sign area for the wall upon which said awning signage is contemplated.

(Ord. No. 2013-03, § 5, 2-7-2013)