

## **ARTICLE XX. SIGN REGULATIONS**

### **Sec. 22-441. Findings; Purpose and Intent; Interpretation.**

- (a) Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this Article is to regulate the size, illumination, movement, materials, location, height, and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the preservation of the character of the various neighborhoods, the creation of an attractive and harmonious community, and protection against interference with the historic character of designated areas, including the downtown district. Recognizing the unique impact of off-premise advertising on public safety, visual aesthetics and quality of life, this Article also restricts new off-premise signs and minimizes the impact of existing off-premise signs. This Article allows adequate communication through signage while encouraging aesthetic quality in the design, location, size, and purpose of all signs. This Article shall not be interpreted in a manner inconsistent with the First Amendment of the United States Constitution's guarantee of free speech. If any provision of this Article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this Article that can be given effect without the invalid provision.
- (b) This Article provides uniform standards for the erection and maintenance of signs. All signs in this Article shall be erected and maintained in accordance with these standards. The general objectives of these standards are to promote health, safety, welfare, convenience and enjoyment of the public. Specifically, these sign regulations are intended to:
- (1) Promote compatibility with the use of the property to which the signs are appurtenant;
  - (2) Promote compatibility with the landscape and architecture of surrounding buildings;
  - (3) Be appropriate to the activity to which they pertain;
  - (4) Ensure that signs are not distracting to motorists; and
  - (5) Ensure that all signs are constructed and maintained in a structurally sound, safe, and attractive condition.
- (c) These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the City Limits. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.
- (d) These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.
- (e) Signs not expressly permitted as being allowed by right or by permit under this Article, by specific requirements in another portion of this Article, by master sign plan or agreement, or otherwise expressly allowed by the City Council or Board of Adjustment are not allowed within the City Limits.

### **Sec. 22-442. Compliance Required; Exceptions.**

- (a) It shall be unlawful for any person to violate the provisions of this Article.
- (b) This Article shall not apply to:

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- (1) The Downtown Historic District (DTH) zoning district or a planned development district if the ordinance establishing or amending the same has specific sign regulations.
  - (2) Signs erected by or on behalf of the City in the operation of its services that include but are not limited to public safety, health and the general welfare.
  - (3) Signs required by federal, state or local law.
  - (4) Signs containing government messages that are approved by the City on any sign, both on and off City property.
  - (5) Signs erected or placed as part of a City activity and/or sponsorship. These include but are not limited to municipal banners, special events, kiosks, monument signs and government awareness signs.
  - (6) Any sign specifically authorized by the City Council as a result of a compromise of litigation or other lawful disputed claim.
  - (7) A sign required to be located by federal, state or local law in order to enforce a property owner's rights.
- (c) Noncommercial message substitution.
- (1) Signs containing noncommercial speech are permitted anywhere that signs regulated by this Article are permitted, subject to the same regulations applicable to the type of sign used to display the noncommercial message. No provision of this Article prohibits an ideological, political or other noncommercial message on a sign otherwise allowed and lawfully displayed under this Article.
  - (2) The owner of any sign allowed and lawfully displayed under this Article may substitute noncommercial speech in lieu of any other commercial or noncommercial speech, with no permit or other approval required from the City solely for the substitution of copy.
  - (3) This section does not authorize the substitution of an off-premises commercial message in place of a noncommercial or on-premises commercial message.

### **Sec. 22-443. Permit Required.**

- (a) Interpretation and administration. The Building Official, or their designee, shall be responsible for interpreting and administering this Article.
  - (b) Sign permit required. No sign, other than those signs allowed without a permit by this Article, shall be erected, placed, attached, secured, altered or displayed to/on the ground, any building, or any structure, until a permit for such sign has been issued by the Building Official.
    - (1) *Permit fees and sign contractors.* Every application for a permit shall be submitted along with a nonrefundable fee in the amount set forth in Appendix A of this Code. A permit may only be issued to a sign contractor that carries at least \$300,000.00 of general liability insurance and provides evidence of such insurance coverage to the Building Official when they submit the permit application.
    - (2) *Permit expiration.* A permit for a sign shall expire if an inspection has not passed within 180 days from the date of issuance of such permit.
    - (3) *Electrical permit.* Where signs contain electrical wiring and connections, an electrical permit must also be obtained in addition to the permit for the sign. No sign shall be erected in violation of the City's electrical code or regulations.
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- (4) *Not to issue to persons previously failing to pay fees.* The City shall not issue a permit under the provisions of this Article to any person, business, entity, organization or activity who has previously failed or refused to pay any fees or costs assessed against him under the provisions of this Article.
- (c) *Applications.* The applicant for a permit shall provide plans, documents and other information required by the Building Official in connection with the application to demonstrate compliance with all regulations, including but not limited to each of the following:
- (1) A plot plan declaring all property lines, setbacks, easements, rights-of-way, other existing signs maintained on the lot and the required distance separation to the closest monument sign in any direction scaled to linear feet;
  - (2) A scaled drawing of the height, width and display area of the proposed sign;
  - (3) A drawing of the lot plan or building facade indicating the proposed location of the sign, specifications, materials and landscaping plan; and Electrical plan and load requirements.
- (d) *Work started without a permit.* No sign requiring a permit may be erected, placed, attached, secured, altered or displayed without first obtaining the required permit. If any work for which a permit is required by this Article has been commenced without first obtaining a permit, the permit fee shall be doubled provided that the Building Official determines the sign meets all applicable regulations. If the Building Official determines the sign does not meet all applicable regulations, or a determination cannot be made, the Building Official is authorized to order the sign be removed.
- (e) *Inspection.* The Building Official is authorized to perform an inspection of all signs as necessary to ensure that the sign has been constructed in accordance with this Article, other applicable ordinances, and the applicable permits. The Building Official shall solely determine the method and time of such inspections.
- (f) *Suspend or Revoke.* The Building Official may suspend or revoke any sign permit issued in error or on the basis of incorrect or false information supplied, or whenever such permit was issued in violation of any provision of this Article, any other ordinance of the City, the laws of the state or the federal government. Any sign that is the subject of a revoked permit shall be immediately removed by the person in control of the sign or the property on which the sign is located.
- (g) *Temporary exemptions.* The Building Official shall have the authority to approve temporary exceptions to the regulations or waive application requirements set forth in this Article in emergency circumstances or in the interest of public safety.
- (h) *Changes.* After a sign permit has been issued by the Building Official, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms and conditions of said sign permit without prior approval by the Building Official.

## **Sec. 22-444. Variances and Appeals.**

### **(a) Variances.**

- (1) Requests for variances to sign regulations shall be made in writing and heard by the Planning and Zoning Commission at a public hearing. An application requesting a variance to the sign regulations may be obtained from Development Services. The application requires written authorization from the property owner before being filed.
- (2) Before the 10th calendar day of the date of the public hearing conducted by the Planning and Zoning Commission, written notice of the public hearing shall be sent by its deposit in the United States mail to each owner, as indicated by the most recently approved municipal tax roll of property within 200 feet of the property on which the variance is proposed. The notice shall

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include a description of the time and place of such hearing, a description of the location of the subject property, and a description of the requested variance. In addition, the notice shall be published in the official newspaper of the City stating the time and place of such hearing, a minimum of 10 calendar days prior to the date of the public hearing.

(3) In order to approve a request for a variance, the Planning and Zoning Commission shall determine that the request meets three of the following four criteria:

(i) The proposed sign shall not adversely impact the adjacent property (visibility, size and the like);

(ii) The proposed sign shall be of a unique design or configuration;

(iii) The variance is needed due to restricted area, shape, topography, or physical features that are unique to the property or structure on which the proposed sign would be erected; or

(iv) The variance will substantially improve the public convenience and welfare and does not violate the intent of this Article.

(4) The applicant, the Director responsible for the Planning and Zoning Commission, or four voting members of City Council may appeal the commission's decision to deny or grant the variance by submitting a written notice of appeal to the Director of Development Services. Any appeal of a decision made on a variance by the Planning and Zoning Commission shall be heard by the City Council and must be submitted within 14 calendar days from the date of the Planning and Zoning Commission's decision on the variance. The appeal will require re-notification of the surrounding property owners and publication in the newspaper in the same manner described in subsection (B), above.

(5) A vote of three-fourths of the Councilmembers present, or four votes, whichever is greater, is required to overturn the Planning and Zoning Commission's decision. The City Council's decision is final.

(b) Appeals of Building Official's interpretation/decision. Any appeal of an administrative interpretation or decision issued in connection with the requirements of this Article must be in writing and received by the Director of Development Services within 15 calendar days after the date of the written notice of such decision. The Director of Development Services shall hear and decide the appeal. An appeal of the Director's decision shall be made to the City Manager. Appeals to the City Manager shall be made in writing within 10 calendar days from the date of the Director's decision and shall be submitted to the City Manager. An appeal of the City Manager's decision shall be made to the Planning and Zoning Commission. Appeals to the Planning and Zoning Commission shall be made in writing within 10 calendar days from the date of the City Manager's decision and shall be submitted to the City Manager. The Planning and Zoning Commission's decision on the appeal shall be final.

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## Sec. 22-445. Nonconforming Signs.

(a) Nonconforming signs.

(1) A nonconforming sign may not be:

- (i) Changed to another nonconforming sign;
- (ii) Structurally altered so as to prolong the life of the sign;
- (iii) Expanded to increase the size;
- (iv) Changed to use a different method or technology to convey a message;
- (v) Re-established after its removal for a period of more than 30 calendar days;
- (vi) Moved in whole or in part to any other location on the same or any other premises unless every portion of such sign is made to conform to all of the regulations of this Article;
- (vii) Re-established after damage or destruction if the estimated expense of reconstruction exceeds 50 percent of its fair market value prior to the time of destruction;
- (viii) Maintained if the sign has fallen to the ground; or
- (ix) Maintained if the sign leans such that the angle between the sign and the ground is 70 degrees or less.

(b) Maintenance. A nonconforming sign may be maintained as follows:

(1) Maintenance operations may be performed on the sign. For purposes of this section, "maintenance operations" means the process of keeping a sign in good repair. Maintenance operations include:

- (i) Cleaning;
- (ii) Painting;
- (iii) Repair of parts with like materials in a manner that does not alter the basic design or structure of the sign, provided that the cost of all repairs performed during any consecutive 365 calendar day period is not more than 60 percent of the cost of erecting a new sign of the same type at the same location; and
- (iv) Replacement of parts with like materials in a manner that does not alter the basic design or structure of the sign, provided that the cost of all replacement of parts performed during any consecutive 365 calendar day period is not more than 60 percent of the cost of erecting a new sign of the same type at the same location. The 365 calendar day period limitation shall not apply to a sign that has been blown down or otherwise destroyed as described in subsection (1) above. Examples of actions that are not maintenance operations and are therefore prohibited include, without limitation:

- (1) Converting a sign from a multiple pole structure to a monopole structure;
- (2) Replacing wooden components with metal components;
- (3) Increasing the area or height of a sign;
- (4) Adding illumination to a nonilluminated sign;

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(5) Adding additional display faces;

(6) Converting a sign to utilize animated display or moveable copy technology, including but not limited to signs featuring Tri-Vision technology; and

(7) Updating the technology in an already existing animated display or moveable copy signs. If a sign is dismantled for any purpose other than an alteration or maintenance operation permitted hereunder, the sign may not be altered, reconstructed, repaired or replaced, and the owner shall remove the sign or bring it into compliance with this Article and all other applicable ordinances.

(2) Ordinary repairs and maintenance, including the removing and replacing of the outer panels are permitted, provided that the panels are replaced with identical panels and that no structural alterations or other work which extends the normal life of the nonconforming sign shall be permitted.

(3) Single panels on multi-panel monument signs for multi-tenant shopping centers may be changed to reflect tenant changes.

(4) A nonconforming sign or sign structure may be removed temporarily to perform sign maintenance or sign repair that is authorized under this Article. In order to preserve the nonconforming sign status, the person removing the sign must inform the Building Official, in writing, before the sign is removed. If the responsible party fails to inform the Building Official, any re-erected sign will be considered a new sign and must comply with the then-existing requirements under this Article.

(5) Notwithstanding any other provision of this Article, any sign that is a legally existing nonconforming sign hereunder may be relocated on the same lot or tract of land if the sign is required to be removed from its present location because the property on which the sign is located is acquired by any governmental agency or other entity which has or could have acquired the property through the exercise of its power of eminent domain or because such removal is necessary to accommodate a City capital improvement project, provided, however, such relocated sign shall be placed to comply with all setbacks and other locational requirements as set forth in this Article.

(6) Change to a conforming sign. A nonconforming sign may be altered to become or be replaced with a conforming sign by right. Once a sign is altered to conform or is replaced with a conforming sign, the nonconforming rights for that sign are lost and a nonconforming sign may not be re-established.

(7) If there is no sign in place on a sign structure or building wall for six consecutive months, the nonconforming rights are lost and a nonconforming sign may not be re-established. If the sign structure is unused for less than six consecutive months, a nonconforming sign may be re-established.

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(c) Nonconforming sign registration and amortization.

- (1) Registration. The operator and/or owner of any nonconforming sign shall register such nonconforming sign and obtain from the City Manager a certificate of nonconforming rights within 12 months after the sign becomes nonconforming or 12 months after the date of publication of the ordinance from which this Article was derived, whichever occurs later. If a sign qualifies as a nonconforming sign and the operator and/or owner registers the sign with the City, the City Manager shall issue a certificate of nonconforming rights. Failure to obtain this certificate of nonconforming rights within the requisite time shall terminate the sign's status as a nonconforming sign and such sign shall be considered an illegal sign.
- (2) Amortization. Any nonconforming sign may be amortized and removed by the City in accordance with applicable law.

**Sec. 22-446. Inspections and Removal.**

- (a) *Inspection.* The building official is authorized to perform an inspection of all signs as necessary to ensure that the sign has been constructed in accordance with this Article, other applicable ordinances, and the applicable permits. The building official shall solely determine the method and time of such inspections.
  - (b) *Removal of neglected signs.* Any sign the City determines is neglected or does not conform to this Article shall be removed by the owner, agent or person having the beneficial use of the land, buildings or structure upon which the sign is located within ten days after written notification to do so from the City. The City may remove or have removed, without notice, and assess the owner for the costs, any sign which is an immediate peril to persons or property.
  - (c) *Removal of illegally erected signs.*
    - (1) Any temporary nuisance sign that is erected, constructed or otherwise displayed, which the City determines to be in violation of this Article, may be removed by City personnel. Any such sign removed by City personnel may be immediately disposed of. The City is not required to notify the permit holder or owner of the sign that it has been picked up or that disposal of the sign is imminent.
    - (2) For permanent signs, the sign must be removed by the permit holder, owner of the sign, or owner of the property on which the sign is located within ten days after the City sends written notice to remove the sign. Upon failure to comply with the notice or to file an appeal of the decision in accordance with this Article, the City is authorized to cause the removal of the sign and assess the permit holder, owner of the sign and/or owner of the property on which the sign is located for all costs associated with removal. The permit holder, owner of the sign, and the owner of the property on which the sign is located shall be jointly and severally liable for such costs.
    - (3) Responsible person. The person(s) physically placing a temporary nuisance sign and/or the owner of a temporary nuisance sign are jointly and severally responsible for the posting and removal of said sign. It is prima facie evidence of a person's ownership of a temporary nuisance sign that the person's name, address, telephone number or other contact information is on a temporary nuisance sign, or the person is otherwise described or identified on the sign.
    - (4) Obligation to remove. The City, at the Building Official's sole discretion, may require the person responsible for a temporary nuisance sign to remove the sign. If so directed, the person responsible for the temporary nuisance sign must remove the sign at their own cost within 24 hours of the City sending notice to remove such sign. The City may provide notice under this section in person, by email, by mail or by telephone. A person's failure to remove a temporary nuisance sign after receiving such notice from the City shall constitute an offense separate from that of the violation of posting the temporary nuisance sign.
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## Sec. 22-447. Prohibited Signs.

Any sign not specifically allowed by this Article shall be prohibited. In addition, the following types of signs are expressly prohibited within the City:

- (a) Any sign not referenced in or governed by this Article.
  - (b) Any sign erected or installed without the issuance of a permit, either prior to or after the adoption of this Article (if a permit was required);
    - (1) Any changeable electronic variable message sign (CEVMS) or light emitting diode (LED) billboards located, relocated or upgraded along a regulated highway;
    - (2) Any sign erected or installed in or over a public right-of-way or access easement, unless permitted within this Article.
    - (2) *Signs imitating traffic or emergency signs.* Signs may not contain any combination of forms, words, colors, or lights, which imitate standard public traffic, regulatory, emergency signs, or signals.
    - (3) *Signs violating other laws or ordinances.* Signs erected in violation of any ordinance adopted by the City or any state or federal law (e.g., traffic visibility requirements, zoning, building code, or electrical code).
    - (4) *Off-premises signs.* Off-premises signs, unless specifically allowed by this Article.
    - (5) *Signs causing a nuisance or hazard because of illumination.* Signs that are illuminated at night may not exceed a maximum luminance level of 750 cd/m<sup>2</sup> or Nits, regardless of the method of illumination.
    - (6) Any sign that emits odor or visible matter;
    - (7) *Signs on sidewalks, curbs, gutters or streets.* Signs attached to or painted on any sidewalk, curb, gutter, or street (except street address numbers).
    - (8) *Moving, flashing, revolving or color changing signs or light strips.* Signs that move (such as flag or inflatable signs), flash light intermittently, change color, revolve, or frame a window or door, unless specifically allowed in this Article.
    - (9) *Signs attached to or painted on a fence, wall or railing.* Signs attached to or painted on the outside of a fence, wall or railing, unless specifically allowed by this Article.
    - (10) Audible signs.
    - (11) Billboards.
    - (12) Pole signs.
    - (13) Revolving signs.
    - (14) Snipe signs.
    - (15) Searchlights and skylights.
    - (16) Sloping roof signs.
    - (17) Temporary nuisance signs.
    - (18) Vehicular signs.
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## Sec. 22-448. Exempt Signs.

A permit shall not be required for the following signs provided that such signs comply with all other applicable provisions of this Article:

- (a) *Traffic.* Traffic or street signs, legal notices, railroad crossing signs, danger, and emergency, temporary or non-advertising signs as may be approved by the City Council or the City manager or his authorized representative.
  - (b) *Signs inside a building.* Signs located inside a building and which are not displayed so as to be visible from outside the building. Signs located in covered mall buildings shall comply with the current building code and electrical code.
  - (c) *Changeable copy.* Copy change only for previously permitted signs designed to provide a changeable copy area.
  - (d) *Government signs.* Flags, insignia, legal notices, or informational, directional or traffic signs which are legally required or necessary to the essential functions of government agencies or any government owned signs on government property or in the public right-of-way.
  - (e) A-frame / sidewalk sign when no larger than six square feet per side. A-frame and sidewalk signs are limited to being displayed during normal business hours. Signs are limited to one sign only to be located within 20' of the entrance and 5' of the building, although not in the public right-of-way.
  - (f) *Flags.*
    - (1) All flags shall comply with Title 4 of the United States Code, when applicable.
    - (2) Flag poles must be located at least 15 feet from any property line.
    - (3) The maximum height of a flag pole on a lot within a residential use is 20 feet. The maximum height of a flag pole on a lot with a nonresidential use is 40 feet.
    - (4) No flag or flag pole may be located within any access or utility easement.
    - (5) A property within a non-residential use may erect a maximum of three flag poles per tract of land. A property within a residential use may erect a maximum of one flag pole per tract of land.
  - (g) *Holiday lights and decorations.*
  - (h) Human signs when located on private property with the consent of that owner. Human signs are prohibited on public property and rights-of-way.
  - (i) *Temporary signs.*
    - (1) One temporary sign may be located on a property with owner consent before an election involving candidates for a federal, state or local office that represent the district in which the property is located or involving an issue on the ballot of an election within the district where the property is located per issue and per candidate. Signs placed before an election shall be no larger than nine (9) square feet in sign area. A sign may remain on the property up to seven (7) days after the election at issue. This subsection does not limit the content on the temporary sign. Snipe signs are prohibited.
    - (2) One additional temporary sign, not exceeding six (6) square feet in sign area, may be located on a property with owner consent if the property is for sale or lease or if an individual unit is for sale or lease. Signs placed under this subsection must be removed within ten (10) days following the date a contract of sale has been executed or a rental agreement has been executed. This subsection does not limit the content on the temporary sign.
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- (3) One additional temporary sign, on a commercial property, no larger than 32 sqft, that meets all the other requirements of this ordinance may be placed on a lot if;
    - a. A commercial building permit has been issued and the property is the subject of an active construction site for said commercial building.
    - b. A certificate of occupancy has been issued for a business located and operating on the lot within the last 30 days.
  - (j) *Window signs.* Window signs shall meet the following regulations:
    - (1) Window signs must not obscure more than 25 percent of the window area per panel.
    - (2) The sign area shall be measured by drawing a rectangular or square box around the sign elements, then multiplying the height by the width. For signs whose shape is irregular, the box must enclose all elements of the sign.
    - (3) Window signs are limited to one (1) sign per window.
    - (4) Illuminated and non-illuminated window signs or its appendages shall not blink, strobe, fade, flash, scroll or move in any manner. Illuminated window signs shall remain static and stationary.
  - (k) *Other signs.* A property owner may place one (1) sign with a sign face no larger than two (2) square feet on the property at any time.

#### **Sec. 22-449. Special Events.**

Signs erected or placed as part of special events shall comply with this section. A sign plan must be submitted to the City for review. No signs may be placed until the plan is approved. The plan shall adhere to the following guidelines:

- (1) Limited to two signs per event on the property where the event or activity occurs or is located and may be located up to the property line.
- (2) Off-premises signs associated with a special event must be located on private property and the event organizer must have written permission from the property owner to place the sign on their property.
- (3) The maximum off-premises sign area is 24 square feet with a maximum height of six feet. A minimum of 20 feet between each approved sign and/or banner is required. Signs and/or banners may not be installed or mounted on an approved sign.
- (4) A maximum of six off-premises signs associated with a special event may be located in the City at a given time.
- (5) Signs shall not be located on residential premises without written consent of the residential property owner and comply with all yard sign provisions.
- (6) All signage associated with a special event may be erected no earlier than seven days prior to the commencement of the event or activity and must be removed within 48 hours after the event or activity concludes.

#### **Sec. 22-450. Signs Allowed; Permit Required.**

- (a) *Awning signs.* Awning signs must meet the following regulations:
    - (1) An awning may extend the full length of the wall of the building to which it is attached and shall be no more than six feet in height and shall not be placed less than eight feet above the sidewalk.
    - (2) The artwork or copy for an awning sign shall not exceed 20 percent of the area of the awning and shall extend for no more than 60 percent of the length of the awning.
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- (3) Awning signs are permitted only in nonresidential zoning districts.
- (b) *Canopy sign.* Canopy signs must meet the following regulations:
- (1) A canopy sign may be attached to, or be an integral part, of the face of a canopy.
  - (2) The artwork or copy on a canopy sign shall not exceed ten percent of the face of the canopy, or a maximum of 25 square feet, whichever is greater.
  - (3) An illuminated stripe may be incorporated into a canopy. The stripe may extend along the entire length of the face of the canopy. The width or thickness of the stripe shall be limited to one-third of the vertical dimension of the face of the canopy. The internal illumination of a canopy is limited to the portions of the canopy face on which a sign or stripe is permitted.
- (4) Canopy signs are permitted only in nonresidential zoning districts.
- (c) Monument signs.
- (1) All monument signs shall be compatible with the colors and aesthetic of the building that is located on the same lot as the sign.
  - (2) No sign shall be placed in or extend beyond the vertical plane of a property line, public street, sidewalk, easement or right-of-way.
  - (3) Any monument sign must be separated by at least 100 feet from any other monument sign on the same property, measured along the right-of-way.
  - (4) *Changeable message signs.* Monument signs may include a maximum area of 32 square feet that incorporates changeable messages or lettering, as defined, in the sign face. Such messages shall not blink, flash, or scroll. Changeable message signs are allowed to change their message a maximum of once every eight seconds.
  - (5) *Street addresses.* On-premises signs shall display the street addresses of the business location it advertises in numbers at least five inches high on each monument sign in legible form within 40 feet of the nearest public roadway. Such numbers shall increase one inch in height for each additional 40 feet, or fractional part thereof, the sign is located from such roadway and utilizes contrasting colors.
  - (6) *Illumination.* Monument signs may be illuminated by a ground lighting source where the light itself and supporting structure are screened from the public right-of-way. Ground lighting must be of one constant color and not pose a traffic concern as determined by the City. Signs may be back-lit using internal lighting.
  - (7) *Properties with single tenants.* A single tenant sign is permitted in nonresidential zoning districts or on a lot within a residential zoning district that contains allowed non-single family uses.
    - (i) A lot is allowed a maximum of one MIS per street frontage.
    - (ii) Maximum display area allowance is 48 square feet.
    - (iii) Maximum height is eight feet.
    - (iv) Maximum width is six feet.
  - (8) *Properties with multiple tenants.* Multiple business signs (MBS) advertising multiple businesses in a multi-tenant complex shall observe the following specific rules and regulations herein contained. Shopping centers and/or office complexes with multiple tenants are permitted to erect monument signs that comply with the following regulations:
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- (i) A multiple business sign shall not be erected, constructed, or maintained within 100 feet of any other sign except for signs on the buildings of the businesses advertised on the multiple business sign and traffic, street or directional signs.
  - (ii) There may be more than one multiple business signs on each street frontage. The minimum distance between each such multiple business sign shall be 250 feet.
  - (iii) A single lot may have a multiple business complex (MBC) sign and a single tenant sign with a minimum separation of 100 feet.
  - (iv) One Unified Development Monument Sign is permitted per street frontage of the development. One additional UDMS is permitted along a street for each additional 750 linear feet, or portion thereof, of street frontage that exceeds 750 linear feet of street frontage.
  - (v) The maximum area of a MBS shall be based on the size of all the lots within the identified development. The maximum area of a MBS for a development zone of five acres or less is 60 square feet. For every whole two acres over five acres, the area of the MBS may be increased by 12 square feet but in no event shall the maximum area of a MBS exceed 168 square feet.
  - (vi) Maximum height shall be 12 feet plus two feet per whole additional two acres up to a maximum of 20 feet
  - (vii) Tenant panels do not require a permit, but a building permit or certificate of occupancy must be issued for the tenant/user.
- (9) *Residential.* Monument signs may be placed on private property within a residential zoning district only at the entrance to subdivisions and shall not be issued before the issuance of a building permit. Monument signs may be placed in the public right-of-way with the approval of the City Engineer.
- (i) May not exceed eight feet in height.
  - (ii) Subdivision entry signs may be attached to a wall at the subdivision entrance or installed as a monument sign.
  - (iii) Attached signs may not project above the top of the wall on which they are attached.
  - (iv) The maximum sign area is 32 square feet for attached signs and may not exceed 96 square feet for a monument sign.
  - (v) Only one monument sign or two attached signs may be placed at each subdivision entrance. A monument sign may have the subdivision name on both sides.
  - (vi) Monument signs may be located in the median at the street entrance if approved by the City in an approved plat, within a developer's agreement, or by separate approval of the planning and zoning commission.
- (d) *Mural.* A mural shall be located above grade and below the roof of the building and may only be located within a nonresidential zoning district. Murals shall not be applied to a roof or other similar cover of a building or structure. The maximum area of a mural shall not exceed the length or height of the exterior wall on which it is painted, drawn or applied. A mural shall not face a residential neighborhood, unless separated by a major thoroughfare.
- (e) *Projecting signs.*
- (1) Signs shall be constructed of noncombustible material.
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- (2) Signs shall not project more than three feet, measured from the building face and shall not be closer than two feet from the back of the curbline.
  - (3) Signs shall be at least eight feet above a sidewalk.
  - (4) Signs may be illuminated in conformance with this Article or other applicable City regulations.
  - (5) Signs shall be compatible in design and aesthetic with the architectural and historic character of the building.
  - (6) Signs shall not exceed 16 square feet per sign face.
- (f) *Wall signs.*
- (1) *Where allowed.* Wall signs shall be limited to buildings located in a nonresidential zoning district or to churches, apartments, schools and other nonresidential uses, with the exception of model homes, located within a residentially zoned district.
  - (2) *Installation requirements.* All signs and their words shall be mounted parallel to the building surface to which they are attached, and shall project no more than 18 inches from that surface, except for projecting signs as allowed in this section. Wall signs shall not extend above the wall or building surface to which the sign is attached. Banner signs shall not be utilized as permanent wall signs, but only as promotional signs as allowed.
  - (3) *Maximum sign area.* Wall signs may be installed on each face of a building described in subsection (1)(a) of this section except for signs located on the side or rear wall of a building where the sign would face an adjacent residential zoning district. Signs shall not, in total, exceed two square feet for every linear foot of the primary facade of the building or lease space, with no one sign exceeding 75 percent of the total allowed square footage. Wall signs mounted to the side or rear of a building shall not exceed one-half (½) the square footage area of signs mounted to the front of the building.

### **Sec. 22-451. General Sign Regulations.**

- (a) *Easements.* No sign shall be located in any easement other than a landscape easement.
  - (b) No sign shall be installed in such a way as to obstruct a motorist's view of oncoming traffic when stopped at an existing drive or at the intersection of two (or more) public streets. The motorist's eye is assumed to be at a point 15 feet from a point determined by the intersecting curblines or the edge of the roadway, whichever is more stringent. Traffic must be visible for a distance of ten times the speed limit on either side of the vehicle parallel to the intersecting roadway. This shall be applied to all public and private approaches affected.
  - (c) Every sign with any type of electrical connection must be listed by a recognized listing agency with a permanent label properly affixed.
  - (d) *Obstructing doors, windows, or fire escapes.* It shall be unlawful to erect, relocate, or maintain a sign in any manner that prevents free ingress to or egress from any door, window or fire escape, or to attach any sign to a standpipe or fire escape.
  - (e) *Signs prohibited on or over public property.* Except as otherwise provided for in this Article, no portion of any sign shall be erected on or over public property, or in the right-of-way of any thoroughfare within the
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City, except for signs in the downtown historic district meeting regulations in Section 6.3 of the Zoning Ordinance. Signs violating this provision shall be considered illegal signs and may be removed and disposed of by the City in accordance with this Article.

(f) *Illumination of signs.*

- (1) No sign shall be illuminated to such intensity or in such a manner as to cause a glare or brightness to a degree that it constitutes a hazard or nuisance.
- (2) Moving, flashing, changing color, beacons, revolving or similarly constructed signs shall not be allowed, except for electronic signs showing time and temperature.
- (3) *Illumination of attached signs.* Attached signs may only be illuminated utilizing internal lighting. Exterior letters with exposed neon lighting are allowed.
- (4) A sign in a residential district, where allowed by this Article, may be illuminated. Any illumination shall be located so as not to produce intense glare or direct illumination across the bounding property line. Internal illumination shall not exceed 40 watts per every 25 square feet or any portion thereof of the sign face.

(g) *Signs attached to a building.* No portion of any type or style of a sign will be allowed to project above the vertical plane of the exterior wall, parapet, mansard or the fascia panels of a canopy upon which they are attached.

(h) *Electrical signs.* Every sign with any type of electrical connection must be recognized by an approved listing agency with a permanent label properly affixed or be designed and assembled by a state-licensed master or sign electrician registered with the City. An electrical permit and approved inspection are required prior to the erection or attachment to the permanent structure.

(i) The area of an individual sign shall be calculated as follows:

(1) Sign face area.

(i) Sign cabinets. The area of sign faces enclosed in frames or cabinets is determined based on the outer dimensions of the frame or cabinet. Only one side of a double-sided sign is counted in determining the area of sign faces. Where the two sides are not of equal size, the larger of the two sides is used for the determination of sign area. The area of multiple-faced signs in which the interior angle formed by the faces is greater than ninety-one degrees (91°) shall be expressed as the sum of the areas of all the faces, except for multiple-faced signs containing faces that are configured back to back, in which case the area of the faces configured back to back will be calculated according to the rule for double-faced signs.

(ii) Round, oval and irregularly shaped signs. To be measured based on the appropriate mathematical formula to obtain the sign area for a circle, an oval or irregularly shaped sign.

(2) Calculating sign area and dimensions.

(i) Signs containing integral background areas. The height and width of a sign containing a clearly defined background area shall be calculated based on the dimensions of the smallest standard geometric shape or combination of geometric shapes capable of encompassing the perimeter of the background area of the sign. In the case of signs in which multiple background areas are separated by open space, sign height and width shall be calculated based on the sum of the dimensions of all separate background areas, calculated as referenced above, but without regard for any open space between the separate background areas.

(ii) Signs without integral background areas. In instances in which a sign consists of individual elements such as letters, symbols, or other graphic objects or representations that are painted, attached to, or otherwise affixed to a surface such as a wall, window, canopy, awning, architectural projection, or to any surface not specifically designed to serve as a sign background and as

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approved by a facade plan, the sign height and width shall be based on the sum of the individual areas of the smallest geometric shape or combination of geometric shapes capable of encompassing the perimeters of the individual elements comprising the sign. Mixed-base lettering may be measured excluding either ascenders or decenters [descenders], but not both.

(iii) Awnings, canopies and marquees. When graphics or sign copy is incorporated into an awning, the sign dimension is determined by computing the area of a standard imaginary geometric shape or combination of shapes drawn around the sign copy area or graphics. When the ends of awnings or marquees are parallel and contain graphics or sign copy, only one side is counted in addition to the sign face area on the front.

(iv) Freestanding height of signs. The overall height of a freestanding sign or sign structure is measured from the lowest point of the ground directly below the sign to the highest point of the freestanding sign or sign structure. Exception: Where a freestanding sign or sign structure along a roadway that has a higher grade level as compared to the grade level directly below the freestanding sign or sign structure, then the freestanding sign or structure's height will be measured from the roadway grade level to the highest point of the freestanding sign or sign structure.

(j) Sign specifications, design, and other requirements.

(1) Compliance with zoning ordinance, International Building Code, National Electrical Code, and other ordinances. All sign structures shall comply with the City's comprehensive zoning ordinance, the International Building Code, the National Electrical Code and all other applicable City ordinances, as they currently exist or may be amended. If the provisions of this Article are more restrictive than another ordinance or code, then the provisions of this Article shall apply.

(2) Visibility. All signs shall observe all visibility requirements. Signs shall not be placed within visibility triangles, corner clips and V.A.M. (visibility, access and maintenance) easements as defined in the City's engineering design standards and regulations for public right-of-way visibility requirements as it currently exists or may be amended. Signs shall not otherwise create a hazard.

(3) Signs erected or placed in specified areas. Unless otherwise permitted in this Article, no person shall post or cause to be posted, attach or maintain any sign upon:

(i) Any City-owned property or public right-of-way without first obtaining an encroachment agreement executed between the City and the property owner;

(ii) Any utility easement. Should a property owner demonstrate to the City engineer and/or franchise utility company that there is no other viable location for a sign other than a utility easement, a sign may be located within the utility easement subject to written approval from the director of engineering and/or franchise utility company and subject to the providing of a letter to the City releasing the City of any liability for repair or replacement of a sign damaged by work occurring within the utility easement;

iii. Any tree, utility pole or structure, street sign, rail or any fence;

iv. Any fence, railing or wall; or

(v) Any sidewalk within the public right-of-way or sidewalk easement, curb, gutter, or street, except for house numbers or fire lane designation.

(3) Signs not to block or interfere with exits or windows, or pedestrian and vehicular traffic. No sign shall be erected to block, partially block or interfere in any way with a required means of exit from any building nor with any window. No sign shall block, interfere or otherwise hinder pedestrian or vehicular traffic on a public sidewalk, a public thoroughfare, a fire lane easement or a driveway.

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(4) Multiple signs on a property or building. The permitting of a sign on a property or building shall not preclude the permitting of other types of signs on a property or building, unless the signs are expressly prohibited in this Article.

(5) Wall signs at closed locations. Where a building owner or lessee has received a permit for a sign and that location ceases operation, the owner of the property where the sign is located shall remove the wall sign and repair the wall to its original condition within 30 calendar days of the last day of operation or wrapped with a neutral color wrap approved by the Building Official for a maximum of six months. The wrap must be applied tightly to the sign. The owner may also print the logo and/or name on the wrap while a new sign is designed and built. At the end of six months, the sign shall immediately be deemed an abandoned sign and the owner shall remove the wall sign and repair the wall to its original condition.

(6) Scope limitation. Signs located within a building, with the exception of window signs, shall not be regulated by this Article.

(k) Changeable copy sign requirements. Changeable copy/electronically activated signs shall be permitted subject to the applicable provisions within the zoning districts in which they are located as well as the following:

(1) Such signs shall display static images for a period of three seconds.

(2) Variable message signs shall not be animated, flash, travel, blink, fade, or scroll. Variable message signs shall transition instantaneously to another static image. Each sign message shall be complete in itself and shall not continue on a subsequent sign message.

(3) In all zoning districts such signs shall come equipped with automatic dimming technology, which automatically adjusts the sign's brightness based on ambient light. Signs existing prior to November 1, 2010 shall only be required to include automatic dimming technology upon any upgrade or retrofit of the existing sign.

(l) Sign illumination. Signs may be illuminated consistent with the following standards:

(1) A sign in any zoning district may be illuminated at night. Signs that are illuminated at night may not exceed a maximum luminance level of 750 cd/m<sup>2</sup> or Nits, regardless of the method of illumination.

(2) Signs that have external illumination, whether the lighting is mounted above or below the sign face or panel, shall have lighting fixtures or luminaires that are fully shielded as defined in the Lighting and Glare Standards of the Comprehensive Zoning Ordinance, as it exists or may be amended.

(3) All illuminated signs must comply with the maximum luminance level of 750 cd/m<sup>2</sup> or Nits at least one-half hour before apparent sunset. All illuminated signs must comply with this maximum luminance level throughout the night, if the sign is energized, until apparent sunrise, at which time the sign may resume luminance levels appropriate for daylight conditions, when required or appropriate.

### **Sec. 22-452. Owners' Associations.**

Many of the single- and multiple-family projects in the City have established separate restrictions through their homeowners' association or property owners' association (association). The provisions of this Article shall not override a provision contained in the restrictions of such association if that provision is more restrictive than this Article. The restrictions of such an association shall not override this Article if the association restrictions are less restrictive. The HOA or property managers association is responsible for enforcing their deed restrictions. Such separate instruments are not binding on the City.

### **Sec. 22-453. Public Safety.**

(a) Nothing in this Article is meant to prevent any public safety organization or agency from setting up and utilizing any type of sign needed on a temporary basis to protect and enhance public safety solely at the discretion of the public agency in the performance of its official duties.

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(b) Federal Bankruptcy Courts will issue orders that allow persons to violate this Article unless public health or safety is involved. It has been determined that the following listed signs impose a safety risk to the residents of the City. Therefore, all debtors and consultants in bankruptcy proceedings shall follow all local rules and regulations regarding these signs:

- (1) Balloons and other floating devices: Not allowed.
- (2) Cloud buster balloon and air devices: Not allowed.
- (3) Moving signs: Not allowed.
- (4) Pennants: Not allowed.
- (5) Audible signs: Not allowed.
- (6) Any sign supported by a fence: Not allowed.
- (7) Vehicle sign: Must follow regulations in this Article.
- (8) Human sign: Must follow regulations in this Article.
- (9) Temporary nuisance sign: Not allowed.

**Sec. 22-454. Civil and Criminal Penalties; Lessees.**

- (a) The City shall have the power to administer and enforce the provisions of this Article as may be required by governing law. Any person violating any provision of this Article is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this Article is hereby declared to be a nuisance.
- (b) For purposes of this Article, the lessee of a property is considered the property owner as to the property if the lessee holds a right to use that exclusive of others (or the sole right to occupy). If there are multiple lessees of a property, then each lessee must have the same rights and duties as the property owner as to the property the lessee leases and that the lessee has the sole right to occupy, and the size of the property must be deemed to be the property that the lessee has the sole right to occupy under the lease. Written authorization from a property owner to place signage on-site may be required.

**Sec. 22-455. Criminal Prosecution.**

It is an offense for any person to violate or cause, allow or permit a violation of any provision of this Article or to commit an act designated as unlawful by this Article, and the person who violates or causes, allows or permits a violation of this Article shall be guilty of a misdemeanor and shall be fined a sum not exceeding \$500.00. Each continuing day's violation under this Article shall constitute a separate offense. The penal provisions imposed under this Article shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state and federal law.

**Sec. 22-456. Civil remedies.**

Nothing in this Article shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this Article and to seek remedies as allowed by law, including, but not limited to the following:

- (a) Injunctive relief to prevent specific conduct that violates the Article or to require specific conduct that is necessary for compliance with the Article, including removal of signs that violate this Article at the expense of the sign owner;
- (b) A civil penalty of up to \$1,000.00 for each day when it is shown that the defendant was actually notified of the provisions of the Article, and after receiving notice, committed acts in violation of the Article or failed to take action necessary for compliance with the Article; and
- (c) Other available relief.

**Sec. 22-457. Other Enforcement.**

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Upon receiving a court order authorizing removal, the City may remove any sign not in compliance with this Article at the sign or property owner's expense. The Building Official may also take necessary action to file a lien against the property to recover the cost of removal if the removal costs are not paid by the sign or property owner within 15 calendar days after the sign or property owner is billed.

### **Sec. 22-458. Definitions.**

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*A-frame/sidewalk sign.* An A-frame sign is made of two pieces of wood, metal or other similar material approved by the Building Official connected at the top by hinges or similar devices and may collapse when the connecting devices are overextended or the two pieces of wood, metal or other similar material are against one another. A sidewalk sign is a freestanding sign with a weighted base which holds a two-sided sign.

*Alter* means to change the size, shape or outline, or type of sign or to change the electrical lighting, except for the replacement of lamps not brighter than the original or the replacement of a surface panel.

*Attach* means to stick, tack, nail or otherwise affix a sign to any object; to paint, stencil, write, or otherwise mark on an object.

*Audible sign* means any sign that emits music, talking, words, or other sound or amplification other than an order board such as those used at a drive-thru facility.

*Awning sign* means any sign attached to an architectural projection that provides weather protection, identity and decoration, and is supported by the building to which it is attached. It is composed of a lightweight rigid or retractable skeleton structure over which a thin cover is attached which may be of fabric or other materials, and may be illuminated.

*Billboard* means any sign that is freestanding, attached to or part of a building, and is an off-premises sign that is designed for a change in copy, so that the characters, letters, display, or illustrations can be changed or rearranged within a fixed sign face.

*Building* means a structure which has a roof supported by columns, wall or air for the shelter, support, or enclosure of persons, animals, goods or movable property of any kind.

*Building Official* means the Building Official for the City or his designee.

*Canopy sign* means any sign that is attached to a roof-like structure which shelters a use such as, but not restricted to, a gasoline pump island or entrance to a structure, and is supported by either one or more columns or by the building to which it is accessory to and is open on two or more sides.

*Changeable message sign* means a sign whose face is designed and constructed in a manner capable of changing messages through a system of removable characters or panels attached to the face of the sign or changed by electronic means.

*Erect* means to build, construct, attach, hang, place, suspend or affix, and shall also include the painting of signs on the exterior surface of a building or structure.

*Facing or surface* means the surface of the sign upon, against or through which the message is displayed or illustrated on the sign.

*Flag/flagpole.* A piece of fabric or other flexible material attached to a ground-supported staff on one end.

*Holiday lights and decorations.* Temporary lights and decorations displayed 45 days or less before a federal, state, or locally recognized holiday.

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*Human sign* means a sign held by or attached to a human being who stands or walks on the ground, on-site at a business location or off-site. A human sign also includes a person dressed in costume, for a commercial purpose of advertising or otherwise drawing attention to an individual, business, commodity, service, activity, or product of a business.

*Illuminated sign* means any sign which has characters, letters, figures, or designs illuminated by electric lights, luminous tubes or other means that are specifically placed to draw attention to, or to provide nighttime viewing of, the subject matter on the sign face.

*Inflatable sign* means any sign manufactured of plastic, cloth, canvas or other flexible or light fabric, inflated with air, secured to the ground, does not float, and does not exceed thirty (20) feet in height.

*Monument sign* means any detached sign made from masonry, concrete materials, wood or plastic, provided that a masonry or metal base is incorporated into the sign, with no separation between the base of the sign and grade.

*Multi-tenant complex* means a group of separate buildings platted as a single subdivision. Buildings may be on separate lots, but are contained within the same subdivision plat.

*Mural* means pictures or artwork painted, drawn or applied on an exterior wall that does not depict or contain advertising, logos or images of a product or service available on-site or off-site. Murals are not used to advertise products or services offered or sold on-site or off-site.

*Neglected sign* means a sign that has any missing panels, burned out lights, missing letters or characters, has rust, has loose parts, has damage, faded from its original color, supports or framework with missing sign or parts, or is not maintained. Neglected signs are prohibited in the City.

*Noncombustible material* means any material which will not ignite at or below a temperature of 1,200 degrees Fahrenheit, and will not continue to burn or glow at that temperature.

*Nonconforming sign* means a sign and its supporting structure which does not conform to all or part of the provisions of this Article, and:

- (a) Was in existence and lawfully erected prior to the effective date of the ordinance from which this Article is derived;
- (b) Was in existence and lawfully located and used in accordance with the provisions of the prior ordinance applicable thereto, or which was considered legally nonconforming there under, and has since been in continuous or regular use; or
- (c) Was in existence, located, and used on the premises at the time it was annexed into the City and has since been in regular and continuous use.

*Off-premises sign* means any sign that displays any message directing attention to a business, product, service, profession, commodity, activity, event, person, institution or other commercial message which is generally conducted, sold, manufactured, produced, offered or occurs elsewhere than on the premises where the sign is located. For purposes of this definition, any portion of a lawfully permitted special event where public streets have been closed to traffic in accordance with this code shall be considered a single premises.

*Pennant* 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.

*Pole sign* means any sign erected on a vertical framework consisting of one or more uprights supported by the ground and where there is a physical separation between the base of the sign and the ground.

*Premises* means a lot or unplatted tract, or a combination of contiguous lots and/or unplatted tracts of land where the lot, tract, or combination of lots and/or tracts is under single ownership and is reflected in the plat record of the City.

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*Projecting sign* means any sign which is attached to and supported by a building or wall and which projects outward from the building or wall, generally at a right angle.

*Public right-of-way* means a dedicated road or street including the easement for that road or street.

*Revolving sign* means any sign that turns, spins, or partially or completely revolves on an axis.

*Roof* means any exterior surface of a structure that has a slope of less than 60 degrees and shall also include the top most portion of any structure.

*Searchlight* or skylight means an apparatus capable of projecting a beam of light in excess of 10,000 peak candlepower.

*Sign* means a structure, sign, display, light device, figure, painting, drawing, message, plaque, poster, billboard, or other object that is designed, intended, or used that includes text or images designed to communicate. Signs located completely within an enclosed building and not exposed to view from a street shall not be considered a sign. Each display surface of a sign or sign face shall be considered to be a sign.

*Sign area* means the space enclosed within the extreme edges of the sign for each sign face, not including the supporting structure or where attached directly to a building wall or surface, the space within the outline enclosing all the characters of the words, numbers, or design.

*Sign contractor* means a general contractor.

*Sign height* means the highest elevation of any part of a sign structure measured from the crown of the current or proposed future street improvement as determined by the City engineer of the street or road for which the sign fronts.

*Sign sight triangle / sight visibility triangle* means the triangle formed at an intersection by intersecting curblines and a non-curbline joining the curblines. The triangle is formed by a motorist's view of oncoming traffic when exiting a private drive or at the intersection of two (or more) public streets. The motorist's eye is assumed to be at a point 15 feet from the edge of the roadway. Traffic must be visible for a distance of ten times the speed limit on either side of the vehicle parallel to the intersecting roadway. No sign shall be placed in or above the triangular area created by the motorist's view described by this subsection. This will include those areas that may pose a pedestrian safety concern as determined by the City.

*Sign, subdivision entry*, means any permanent on-site sign identifying a subdivision located in a residential zoning district.

*Sign, temporary*, means a banner, pennant, poster, or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood, or other like materials and that appears to be intended or is determined by the Building Official to be displayed for a limited period of time.

*Sign, temporary nuisance*, means any temporary sign placed in the public right-of-way and/or on public property that is not otherwise expressly allowed to be located within the public right-of-way and/or public property pursuant to this Article.

*Sign setback* means the horizontal distance between a sign and the front or side property line, as measured from that part of the sign, including its extremities and supports, nearest to any point on any imaginary vertical plane projecting vertically from the front or side property line.

*Snipe sign* means any sign, generally of a temporary nature, made of any material, when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences, or other objects not erected, owned, and maintained by the owner of the sign and without the consent of the property owner or lessee.

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*Sign support* means any pole, post, strut, cable or other structural fixture or framework necessary to hold and secure a sign, providing that said fixture or framework is not imprinted with any picture, symbol or word using characters in excess of one inch in height, nor is internally or decoratively illuminated.

*Sloping roof sign.* A sign that is attached, painted, or drawn on a roof or at the base of a sloping roof element in such a way as to be seen from a public right-of-way.

*Temporary nuisance sign* means any temporary sign placed in the public right-of-way and/or on public property that is not otherwise expressly allowed to be located within the public right-of-way and/or public property pursuant to this Article.

*Temporary sign* means a banner, pennant, poster, or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood, or other like materials and that appears to be intended or is determined by the Building Official to be displayed for a limited period of time.

*Vehicular sign* means a sign painted upon or applied directly to any vehicle, truck, car, bus, trailer, boat, recreational vehicle, motorcycle or any other vehicle; that are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property.

*Wall sign* means any sign attached to or painted on a wall of a building or structure so that the wall forms the supporting structure or becomes the background of the sign and which does not project more than 18 inches from the wall. Neon tubing attached directly to a wall surface shall be considered a wall sign when forming a border for the subject matter, or when directing attention to the subject matter or when forming letters, logos, or pictorial designs.

*Window sign* means any sign, banner, poster or display located on the internal or external surface of the window of any establishment for the purpose of advertising services, products or sales available within such establishment or which announces the opening of such establishment. Neon tubing attached directly to a window surface or window framing shall be considered a wall sign when forming a border for the subject matter, or when directing attention to the subject matter or when forming letters, logos, or pictorial designs.

*Sign width* means the widest dimension determined by the largest measurement of all supports, projections or any part of a sign structure on any horizontal plane.

*Wall* means any exterior surface of a structure that has a slope of 60 degrees or more.

*Zoning district, nonresidential,* means any zoning district designated by the zoning ordinance of the City as NS, CR, CC, BG, LI, HI, PD, FP, DTH, and SBO.

*Zoning district, residential,* means any zoning district designated by the zoning ordinance of the City as AG/30, ED, SF-20/26, SF-10/24, TH, MF, and MH.

**Secs. 22-459—22-480. Reserved.**