Chapter 11 - SIGNS [69]

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FOOTNOTE(S):

(69) ***Editor's note—*** *Ord. No. 3389-11-2006, §§ 1, 2, adopted Nov. 6, 2006, repealed chapter 11, sections 11-1—11-5, 11-31, 11-32, 11-46—11-53, 11-66—11-71, 11-91—11-95, 11-106—11-113, 11-136—11-157, 11-161—11-165, 11-176—11-181, 11-201—11-207, 11-226—11-234, in its entirety and replaced it with a new chapter 11, sections 11-1—11-14. Former chapter 11 pertained to similar material and derived from Ord. No. 1560-9-90, § I, adopted Sept. 10, 1990; Ord. No. 1867-1-94, § I, adopted Jan. 3, 1994; Ord. No. 1930-6-94, § I, adopted June 20, 1994; Ord. No. 1948-8-94, § I, adopted Aug. 15, 1994; Ord. No. 2030-7-95, § I, adopted July 17, 1995; Ord. No. 2257-9-97, § I, adopted Sept. 8, 1997; Ord. No. 2318-2-98, §§ I—IV, adopted Feb. 16, 1998; Ord. No. 2699-7-2001, § I, adopted July 16, 2001; Ord. No. 2735-10-2001, § I, adopted Oct. 15, 2001; Ord. No. 2906-02-2003, § I, adopted Feb. 17, 2003; 2926-04-2003, § I, adopted April 7, 2003; Ord. No. 2946-06-2003, § 1, adopted June 16, 2003; Ord. No. 3004-12-2003, § 1, adopted Dec. 1, 2003; Ord. No. 3047-04-2004, §§ 1, 2, adopted April 19, 2004; Ord. No. 3108-08-2004, § I, adopted Aug. 16, 2004.* *(Back)*

(69) ***Cross reference—*** *Buildings and building regulations, ch. 4; land development regulations, ch. 6; licenses and business regulations, ch. 7.* *(Back)*

ARTICLE I. - DEFINITIONS

Sec. 11-1. - Definitions.

Sec. 11-1. - Definitions.

For the purpose of this chapter, the following words shall have the following definitions ascribed to them, except where the context clearly indicates a different meaning:

Animation. The rapid display of a sequence of images of 2-D or 3-D artwork or model positions

in order to create an illusion of movement.

Building code. The Building Code adopted in the current Lewisville City Code.

Building official. The building official or his designee.

City. The City of Lewisville, Texas.

City manager. The city manager or his designee.

Corner lot. A lot which has at least two adjacent sides abutting for their full lengths on a public street or right-of-way, provided the interior angle at the intersection of such two sides is less than 135 degrees.

Display surface. The area made available by the sign structure for the purpose of displaying the message.

Electric sign. Any sign containing electrical wiring, but not including signs illuminated by an exterior light source.

Flashing. A rapid rhythmic light in which the total duration of the light in each period is clearly shorter than the total duration of the darkness and in which the occurrences of light are all of equal in less than four seconds in duration.

I-35 E. corridor. The land situated within 130 feet from the Interstate 35 East rights-of-way that is adjacent and contiguous to the rights-of-way within the city.

Lot frontage. The dimension of a lot or portion of a lot abutting on a street.

Multi-tenant center. A platted commercial center having four or more tenants.

Mural. A picture or graphic illustration applied directly to any surface, which may or may not advertise or promote a particular business, service, or product. Murals and building decorations used or intended to be used to attract attention to subject matter for advertising purposes shall be considered a sign and shall conform to the requirements of this chapter.

Notice. Notice required by this chapter shall be sufficient if it is affected by personal delivery, registered or certified mail, return receipt requested, or depositing the notice in the United States mail.

Off-premise signs. A sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service, or product not principally located or primarily manufactured or sold on the premises where the sign is located.

Old Town Center district. The Old Town Center district is defined as all land located within the area bounded by the following: Beginning at the southeast corner of the intersection of West Church Street and North Charles Street, running easterly along the southern rights-of-way of Church Street to the southwest corner of the intersection of East Church Street and North Kealy Street, then southerly along the western rights-of-way of Kealy Street to the north property line of Lot 1A, Block A of the Christian Community Action Addition, then westerly along the North property line of Lot 1A to the Northeast corner of Lot 1R, Block A of the MHJ Sonic Addition, then westerly along the north property line of Lot 1R to the easterly rights-of-way of South Mill Street, continuing westerly across South Mill Street to the western rights-of-way of South Mill Street, then southerly to the northwest corner of Elm Street and South Mill Street, then westerly along the northern rights-of-way of Elm

Street to the northeast corner of the intersection of Elm Street and South Charles Street, then northerly along the eastern rights-of-way of Charles Street to the southeast corner of the intersection of North Charles Street and West Church Street.

Old Town design district. The Old Town design district is defined as all land located within the area bounded by the following: Beginning at the southeast corner of the intersection of West College Street and the North Stemmons Freeway (Interstate 35 East) frontage road, running easterly along the southern rights-of-way of College Street to the southwest corner of the intersection of East College Street and the railroad rights-of-way, formerly owned by M.K.T., then southerly along the western railroad rights-of-way to the northwest corner of the intersection with Purnell Street, then westerly along the northern rights-of-way of the Purnell Street to the northeast corner of the intersection with the South Stemmons Freeway (Interstate 35 East) frontage road, then northerly along the eastern rights-of-way of the Stemmons Freeway frontage road to the southeast corner of the intersection of the Stemmons Freeway frontage road and College Street.

On-premise. The area of real property designated as a lot on a final plat approved by the city and filed with the county clerk's office, or an unplatted tract of land as shown on an abstract.

On-premise sign. A sign which advertises or directs attention to a business, product, service, or activity which is available on the premises where the sign is located.

Person. Any person, firm, partnership, corporation, company, organization, or business entity of any kind.

Prohibited sign. Any sign listed in section 11-12 herein, signs that do not comply with this or other applicable ordinances, and signs that are otherwise prohibited.

Scrolling. Sliding text, images or video across a monitor or display horizontally or vertically which does not change the layout of the text or pictures, or incrementally moves (pans or tilts) the user's view across what is apparently a larger image that is not wholly seen such as to scroll credits, while leaving the background stationary.

Sign. Any medium, including its structure and component parts, which is used or intended to be used to attract attention to the subject matter for advertising purposes other than paint on the surface of a building.

Sign area. The entire area made available by the sign structure for the purpose of displaying the message. The sign area as defined shall be used in determining the allowable square footage of signs.

Sign plan. A plan showing the following information:

(1) Building locations, dimensions and elevations;
(2) Size, location, and type of both existing and proposed signs;
(3) Nearest street intersections and driveway locations;
(4) Zoning designation;
(5) Name of applicant, sign owner, and sign constructor or erector;
(6) Corner "clear vision areas," if applicable; and
(7) Engineering data on signs and/or sign structures exceeding 20 feet in height or when required to ensure compliance with this chapter.

Sign structure. Any structure, which supports or is capable of supporting any sign. A sign structure may be a single pole and may or may not be an integral part of the building.

Structure. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Temporary sign. A sign that does not have a permanent foundation, does not meet the requirements of a permissible sign under this chapter, and is intended to be displayed for a limited period of time.

Undeveloped property. A property for which a certificate of occupancy has not been issued by the building official on the property, or a residential property for which a certificate of final acceptance has not been issued by the city.

Unified development. Multiple lots with the same subdivision name or multiple lots, which were depicted on the same final plat.

Vehicle. Any device in, upon, or by which any person or property is or may be transported.

Wall exterior. The exterior boundaries of a building that has a slope of 60 degrees or greater with the horizontal plane.

(Ord. No. 3389-11-2006, §§ 1, 2, 11-6-06; Ord. No. 3421-03-2007, § 1, 3-5-07; Ord. No. 3662-03-2009, § 1, 3-2-09)

ARTICLE II. - GENERAL PROVISIONS

Sec. 11-2. - Purpose.
Sec. 11-3. - Applicability.

Sec. 11-2. - Purpose.

The purpose of this chapter is to permit signs that will not, by their size, location, and construction endanger the public health and safety of individuals, or confuse, mislead, or obstruct the vision necessary for traffic safety, or decrease the value of surrounding properties. Also, this chapter is intended to create a more aesthetically pleasing community to both visitors and residents by preventing the over-concentration and improper placement of signs and by requiring all signs to be properly maintained.

(Ord. No. 3389-11-2006, §§ 1, 2, 11-6-06)

Sec. 11-3. - Applicability.

The terms and conditions of this chapter shall apply to all signs located within the city, with the exception of city-owned message/reader board signs. City-owned message/reader board signs shall be exempt from the requirements of this chapter.

ARTICLE III. - PERMIT REQUIREMENTS

Sec. 11-4. - Permit required to erect or install a sign.

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(a) *Permit required.* No sign, other than those exceptions listed in section 11-11 of this chapter, shall be erected, re-erected, constructed, altered, or maintained, except as provided by this chapter and after a permit for the same has been issued by the building inspection division of the community development department. Except in the Old Town design district or Old Town Center district, re-facing an existing legal sign shall not require a permit. A separate permit shall be required for a sign for each business entity, and a separate permit shall be required for each group of signs on a single sign structure. In addition, electrical permits shall be obtained for interior or exterior lighting. Application for a permit required under this chapter shall be made upon forms furnished by the building inspection division of the community development department. Such application shall contain the location by street and number of the proposed sign structure, as well as the name and address of the sign owner and the sign contractor or erector. The building official may require the filing of plans or other pertinent information where in his opinion such information is necessary to ensure compliance with this chapter.

(b) *To whom issued.* No permit for the erection of any sign, with the exception of banner and vertical pole banner signs, shall be issued to any person other than those registered and insured in the city in accordance with this chapter.

(c) *Not to issue for prohibited locations.* No permit shall be issued under this chapter for any sign in a zoning district where signs are prohibited by this chapter.

(d) *Fees.* The fees for sign permits shall be set forth in the City Code, article VIII, section 2-201; provided however, the fee for a sign permit for a sign, which conforms to the requirements of this chapter but was constructed without a permit, shall be twice the cost of the standard permit fee.

(e) *Appeal from denial.* Any applicant for a sign permit whose request is denied by the building inspection division of the community development department, for noncompliance with this chapter, may appeal such decision to the city council by submitting an appeal request to the city secretary within ten calendar days from the date of the denial notification. The decision of the city council shall be final.

(f) *Expiration of permit; renewal.* Any permit issued pursuant to this chapter shall become null and void if the work authorized is not commenced within 60 days from the date of issuance, or if the work is suspended or abandoned for a period of 120 days at any time after the work is commenced. Before such work can be recommenced, a new permit shall be obtained and the fees shall be the same as required for the original permit, except that no plan-check fee will be charged provided no changes have been made to the original plans.

(g) *Suspension, revocation.* The building official may, in writing, suspend or revoke a permit issued pursuant to this chapter whenever such permit is issued in error or issued on the basis of incorrect information or where the work is done in violation of any ordinance, regulation, or any provision of this chapter.

(h) *Enforcement authority.* The building official is hereby authorized and directed to enforce all the provisions of this chapter.

(i) *Right of entry.* Upon presentation of proper credentials, the building official may enter, at reasonable times, any building, structure, or premises in the city to perform any duty required

by this chapter.

(Ord. No. 3389-11-2006, §§ 1, 2, 11-6-06; Ord. No. 3421-03-2007, § 1, 3-5-07)

ARTICLE IV. - LICENSE REQUIREMENTS

Sec. 11-5. - Sign contractor requirements.

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(a) *License required.* No person shall install, erect, or maintain any sign or contract for such service until a license has been approved and issued by the building official. The fees for an original issuance and annual renewal are set forth in the current City Code, article VIII, section 2-201. Such license shall be renewed on January 1 of each year.

(b) *Bond required.* A sufficient surety bond or proof of sufficient liability insurance, payable to the city, in the sum of $5,000.00 shall be required. The bond or insurance policy shall be for the use and benefit of the city and any person having a cause of action arising out of the erection, construction, enlargement, alteration, maintenance, or conversion of signs which are in violation of the provisions of this chapter. The bond or insurance policy shall fully indemnify and hold the city harmless from all costs or damages arising out of any real or asserted claim or cause of action against it and from all costs and damages arising out of any wrongs or injuries for damages, either real or asserted, claimed against it that may be occasioned by negligence or fault of the principal of the bond or insurance policy, his agents, servants, subcontractors, or employees, by reasons of the work done under authorization or a permit issued to the principal. The bond or insurance policy shall further condition that the liability of the surety under the bond or insurance policy shall cease and terminate of its own force and effect one year from the date of execution, save and except for expenses, losses, claims for damages, judgments, or other costs which may arise or be incurred or sustained by any person against the principal by reason of failure to comply with the provisions of this chapter.

(c) *Expiration of license.* Any license issued under the terms of this chapter shall expire 30 days after the annual renewal fee becomes due and payable, unless such fee is paid before the expiration of the 30-day period.

(d) *Renewal.* Any licensee under this section who fails to pay the annual renewal fee for a renewal of the required license within 30 days of the date the same becomes due shall be required to pay as a renewal fee twice the amount of the annual fee.

(e) *Cancellation.* A license issued pursuant to this section may be cancelled by the city council upon the recommendation of the building official based on violations of this chapter. Conviction in a court of competent jurisdiction of a violation of any provision of this chapter shall constitute prima facie evidence for cancellation. Any license cancelled by the city council shall not be renewed until all such violations have been corrected. Upon correction of the violations, the license may be renewed, provided the licensee furnishes an additional bond to guarantee compliance with this chapter in the amount of $5,000.00 for two years following the renewal of the license.

(f) *Improper use of license.* It shall be unlawful for any licensee to allow his name or license to be used by any other person, directly or indirectly, for the purpose of obtaining a permit or for

performing work under such license.

(Ord. No. 3389-11-2006, §§ 1, 2, 11-6-06)

Lewisville, Texas, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 11 - SIGNS >> ARTICLE V. - INSPECTION REQUIREMENTS >>

ARTICLE V. - INSPECTION REQUIREMENTS

Sec. 11-6. - Inspection requirements.

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(a) *Inspections.* All signs for which a permit is required shall be subject to inspection.

(1) Footing inspections may be required for all signs having footings.

(2) All signs containing electrical wiring shall be subject to the provisions of the governing electrical code, and the electrical components used shall bear the label of an approved testing agency.

(3) The building official may order the removal of any sign that is not maintained in accordance with the provisions of this chapter.

(4) All signs may be re-inspected at the discretion of the building official.

(b) *Engineering certification.* An engineering certification is required at the time of permit application to verify the location of any sign in the I-35E corridor. Final inspection and approval of any sign will not be accepted without a second engineering certification, dated after the erection of the sign, giving a final verification of the location of the sign.

(Ord. No. 3389-11-2006, §§ 1, 2, 11-6-06)

Lewisville, Texas, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 11 - SIGNS >> ARTICLE VI. - SIGN SPECIFICATIONS AND DESIGN >>

ARTICLE VI. - SIGN SPECIFICATIONS AND DESIGN

Sec. 11-7. - Sign specifications and design.

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(a) *Construction of sign supports.* The supports for all signs or sign structures shall be placed in or upon private property and shall be securely built, constructed, and erected in conformance with the requirements of this chapter.

(b) *Wind resistance.*

(1) Signs and sign structures shall be designed and constructed to resist wind forces as specified in this section.

(2) All bracing systems shall be designed and constructed to transfer lateral forces to the foundations.

(3)

For signs on buildings, the dead and lateral loads shall be transmitted through the structural frame of the building to the ground in such a manner as not to overstress any of the elements thereof.

(4) The overturning moment produced from lateral forces shall in no case exceed two-thirds of the dead-load resisting moment.

(c) *Anchoring.* Uplift due to overturning shall be adequately resisted by proper anchorage to the ground or to the structural frame of the building. The weight of earth superimposed over footings may be used in determining the dead-load resisting moment. Such earth shall be carefully placed and thoroughly compacted.

(d) *Wind loads.*

(1) Signs and sign structures shall be designed to resist wind forces as specified in the current city building code. Copies of all sections referenced herein will be furnished upon request to the building inspection division of the community development department.

(2) Vertical design loads, except roof live loads, shall be assumed to be acting simultaneously with the wind loads.

(e) *Allowable stresses.*

(1) The design of wood, concrete, steel, or aluminum members shall conform to the requirements of the current city building code.

(2) Loads, both vertical and horizontal, exerted on the soil shall not produce stresses exceeding those specified in the current city building code.

(3) The working stresses of wire rope and its fastenings shall not exceed 25 percent of the ultimate strength of the rope or fasteners.

(4) Working stresses for wind loads combined with dead loads may be increased as specified in the current city building code.

(f) *Generally.*

(1) Materials of construction for signs and sign structures shall be of the quality and grade as specified for buildings in the current city building code.

(2) In all signs and sign structures the materials and details of construction shall, in the absence of specified requirements, conform to the provisions of this chapter.

(g) *Structural steel.* Structural steel shall be of such quality as to conform to the current city building code. Secondary members in contact with or directly supporting the display surface may be formed of light gauge steel, provided such members are designed in accordance with the specifications of the design of light gauge steel as specified in the current city building code and in addition shall be galvanized. Secondary members, when formed integrally with the display surface, shall be not less than 0.024 inch in thickness. When not formed integrally with the display surface, the minimum thickness of the secondary members shall be 0.10 inch. The minimum thickness of hot-rolled steel members furnishing structural support for signs shall be one-fourth inch, except that, if galvanized, such members shall be not less than one-eighth inch thick. Steel pipes shall be of such quality as to conform to the current city building code.

(h) *Wood preservation.* Anchors and supports when of wood and embedded in the soil shall be pressure treated with an approved preservative. Such members shall be marked or branded by an approved agency.

(i) *Restrictions on combustible materials.* Freestanding signs and low profile/monument signs may be constructed of any material meeting the requirements of this chapter. Wall signs, projecting signs, and awning, canopy and/or marquee signs shall be of noncombustible materials, except as provided in subsection 11-7(j).

(1) No combustible materials other than approved plastics shall be used in the construction

of electric signs.

(2) Roof signs may be constructed of combustible materials on roofs of noncombustible construction.

(3) Non-electric wall signs may be constructed of combustible materials on walls allowed to be of unprotected combustible construction.

(j) *Nonstructural trim.* Nonstructural trim may be composed of wood, metal, approved plastics, or any combination thereof.

(k) *Anchorage.*

(1) Signs attached to masonry, concrete, or steel shall be safely and securely fastened thereto by means of metal anchors, bolts, or approved expansion screws of sufficient size and anchorage to support safely the loads applied.

(2) No wooden blocks or plugs or anchors with wood used in connection with screws or nails shall be considered proper anchorage, except in the case of signs attached to wood framing.

(l) *Display surfaces.*

(1) Display surfaces in all types of signs located outside of the Old Town design district and the Old Town Center district shall be made of metal, masonry, wood, glass or approved plastics.

(2) Display surfaces in all types of signs located within the Old Town design district and the Old Town Center district shall be made of wood, molded polyurethane, metal or masonry with painted, vinyl, engraved or mounted letters. Materials or paints that are extremely bright, fluorescent or neon in color shall not be permitted on permissible signs located within the Old Town design district or the Old Town Center district; however, limited use of neon lighting on signs is allowed. Only colors similar to or comparable to the palette certified by the National Trust for Historic Preservation shall be allowed.

(m) *Approved plastics.* The building official shall require that sufficient technical data be submitted to substantiate the proposed use of any plastic material and if it is determined that the evidence submitted is satisfactory for the use intended, he may approve its use.

(n) *Clearance of conductors, etc.* The following illustrates the requirements of this chapter:

Clearance of	Communication Conductors and Cables, Guys, Messengers, Lightning Protection Wires, Neutral Conductors and Supply Cables (ft)	Supply Line Conductors and Street Lighting Conductors Open Supply Line Conductors (Voltages are Phase to Ground)			
		0 to 750 V (feet)	750V to 8.7 kV (feet)	8.7 to 22 kV (feet)	22 to 50 kV (feet)
Buildings					
Horizontal:					
To walls and projections	3	5	5	6	7
To unguarded windows	3	5	5	6	7
To balconies and areas accessible to pedestrians[1]	3	5	5	6	7
Vertical:					
Above or below roofs or projections not accessible to pedestrians[1]	3	10	10	10	11

Above or below balconies and roofs accessible to pedestrians[1]	8	[3]15	15	15	16
Above roofs accessible to truck traffic[4]	18	18	20	20	21
Above roofs accessible to vehicles, but not subject to truck traffic[4]	10	[3]15	20	20	21
Signs, chimneys, radio and television antennas, tanks, and other installations not classified as buildings or bridges[2]					
Horizontal	3	5	5	6	7
Vertical above or below	3	5	8	8	9

[1]A roof, balcony, or area is considered accessible to pedestrians if the means of access is through a doorway, ramp, stairway, or permanently mounted ladder.

[2]The required clearances shall be increased to allow for the movement of motorized signs and other movable attachments.

[3]This clearance may be reduced to 12 feet for supply conductors limited to 300 volts to ground if more than 25 feet measured in any direction from a swimming pool, swimming area, or diving platform.

[4]For the purpose of this rule, trucks are defined as any vehicles exceeding eight feet in height.

(o) *Maintenance.* All signs and sign structures, together with all of their supports, braces, guys, and anchors shall be kept in repair and proper state of preservation. The display surface of all signs shall be kept neatly painted or posted at all times. Should the building official find that any such sign or sign structure is not so maintained, is unsafe, or insecure, or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of this chapter, a written notice and order shall be given to the permittee or owner thereof. Such notice and order shall contain the following:

(1) The street address and description sufficient for identification of the location of such sign.

(2) A statement that the building official has found such sign to be in violation of this chapter or other laws, codes, or ordinances governing signs, together with a general description of such conditions found to cause such sign to be in violation of this chapter or other laws, codes, or ordinances governing signs.

(3) A statement of action required to be taken as determined by the building official:

a. If such action has not begun within ten working days after such notice or completed within 20 working days after commencement, the city may issue citations or the city may maintain, repair, alter, or remove such sign to effect compliance. The cost incurred by the city for such work shall be assessed against the sign owner, the owner of the property upon which such sign is located, or the permittee.

b. The building official may cause any sign, which in his opinion, is an immediate danger to persons or property to be removed summarily and without notice.

(p) *Nonconforming signs.* Any sign legally in existence at the time of enactment of this chapter is considered legally nonconforming and remains so as long as it is not enlarged or replaced. Any nonconforming sign, not located in the Old Town design district or Old Town Center district, that is enlarged, expanded, replaced, or modified shall be made to conform to the

specific requirements of this chapter. Any nonconforming sign located in the Old Town design district or the Old Town Center district that is altered, enlarged, expanded, replaced, modified, or re-faced shall be made to conform to the specific requirements of this chapter. Any nonconforming sign whose sign area is 50 percent damaged or destroyed shall be made to conform to this chapter or shall be removed. Nonconforming signs whose use has been discontinued shall be removed.

(q) *Visibility at intersections.*

(1) No sign shall obstruct the view in any direction at the intersection of a street or with an alley or driveway.

a. Vision at all intersections where streets intersect at or near right angles shall be clear at elevations between two and one-half feet and nine feet above the street grade, within a triangular area formed by extending the two curb lines from their point of intersection, as illustrated below in figure 1, 45 feet and connecting these points with an imaginary line, thereby making a triangle. If there are no curbs existing, the triangular area shall be formed by extending the property lines from their point of intersection 25 feet and connecting these points with an imaginary line, thereby making a triangle.

b. The aforementioned restrictions also apply to streets, which do not intersect at right angles, except that the 45 feet and the 25 feet dimensions shall not necessarily be minimum requirements. In such cases, the city traffic engineer or his designee shall have the authority to vary such requirements, as he deems necessary to provide safety for both vehicular and pedestrian traffic.

(2) Setbacks for all other sign locations are provided for in other sections of this chapter. Setbacks shall be measured from the leading edge of the sign to the property line.

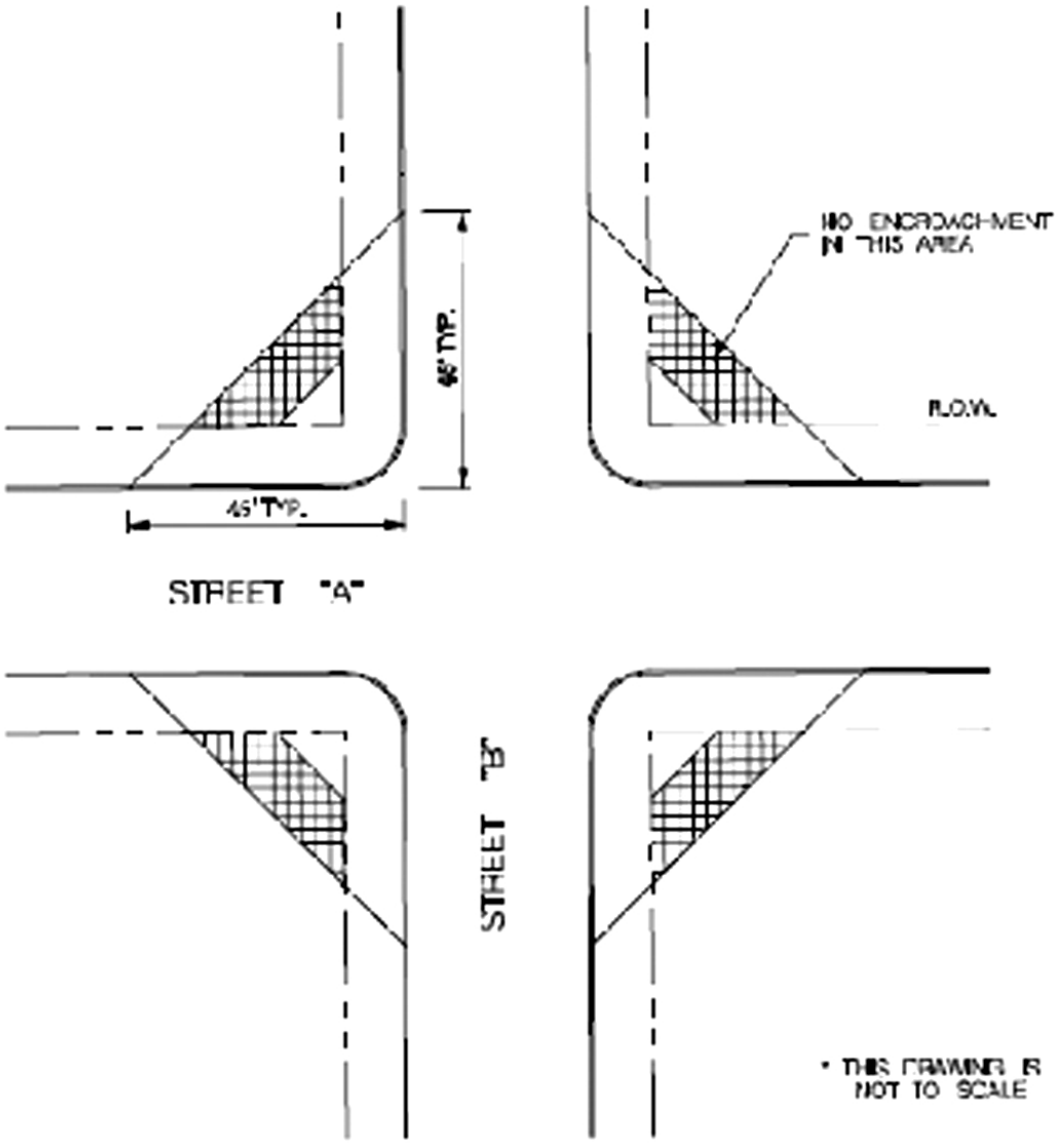


Figure 1

(r) *Consent required of property owner.* A sign shall not be placed on any property without written consent of the owner or the owner's authorized agent.

(s) *Identification of manufacturer, installer.* Each sign shall be identified by a label, nameplate, or trademark identifying the manufacturer and/or installer of the sign, except those signs that do not require the submittal of a sign plan.

(t) *New signs restricted.* Sign plans shall not be approved for new signs where an illegal sign exists on the premises.

(u) *Sexually-oriented businesses.*

(1) Any sign advertising a sexually-oriented business shall conform to all the requirements of this chapter and shall not advertise, either graphically or verbally, either by explicit or literal expression, connotation or implied reference, any specified sexual activity or specified anatomical area.

(2) Because of the objectionable characteristics, and a deleterious effect upon the quality of life in surrounding neighborhoods that a sexually-oriented business may produce, the allowable square footage of such signs are limited to 150 square feet total per building.

(v) *Projection and clearance.*

(1) Signs shall conform to the clearance and projection requirements of this chapter.

a. *Clearance from power lines.* Signs shall conform to the power line clearance table in subsection 11-7(n) or the latest revision of the current city electrical code.

b. *Clearance from fire escapes, exits, or standpipes.* No sign or sign structure shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit, standpipe, or fire department connection.

c. *Obstruction of openings.* No sign shall obstruct any opening to such an extent that light or ventilation is reduced to a point below that required by the current city building code.

(2) Signs erected within five feet of an exterior wall in which there are openings within the area of the sign shall be constructed of noncombustible material or approved plastics.

(Ord. No. 3389-11-2006, §§ 1, 2, 11-6-06; Ord. No. 3421-03-2007, § 1, 3-5-07)

ARTICLE VII. - ELECTRICAL AND OTHER ILLUMINATED SIGNS

Sec. 11-8. - Electrical and other illuminated signs.

Sec. 11-8. - Electrical and other illuminated signs.

(a) *Types approved.* Four types of sign lighting are approved for use in the city unless otherwise provided in this chapter:

(1) Internal lighting, which means a source of illumination entirely within the sign which makes the contents of the sign visible at night by means of light being transmitted through a translucent material but wherein the source of the illumination is not visible; except that, internal lighting is prohibited in the Old Town design district and Old Town Center district. For purposes of this section, LED lights are considered internal lighting and prohibited in the Old Town design district and the Old Town Center district.

(2) Internal-indirect lighting, which is a source of illumination entirely within the sign (generally a freestanding letter) which makes the sign visible at night by means of lighting the background upon which the freestanding character is mounted. The character itself shall be opaque, and thus will be silhouetted against the background. The source of illumination shall not be visible. Internal-indirect lighting, however, is prohibited in the Old Town design district and Old Town Center district.

(3) Indirect lighting, a source of external illumination located a distance away from the sign, which lights the sign, but which is itself not visible to persons viewing the sign from any normal position of view.

(4) Neon light (electrical discharge tubing), a source of external illumination located on a noncombustible surface approved by the current city electrical code. Exposed neon lighting can only be used as lettering, or straight-line perimeter trim. The straight-line perimeter trim is limited to no more than two lights.

(b) *Shielding of illumination source.* The light from any light source intended to illuminate a sign shall be so shaded, shielded, or directed so that the light intensity or brightness shall not adversely affect surrounding or facing premises, nor adversely affect safe vision of

pedestrians or operators of vehicles moving on public or private streets, driveways, or parking areas.

(c) *Permits, inspections required.* Permanently wired electrical signs must have permits and be inspected.

(Ord. No. 3389-11-2006, §§ 1, 2, 11-6-06; Ord. No. 3421-03-2007, § 1, 3-5-07)

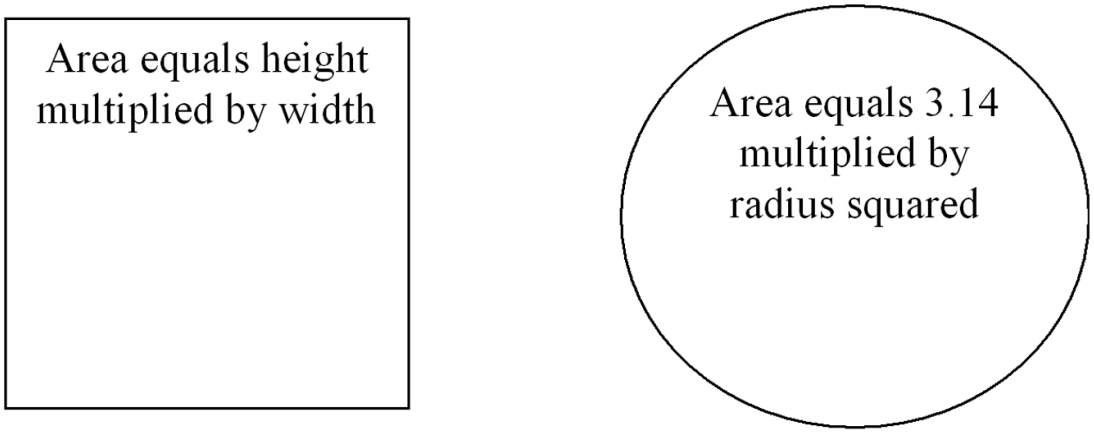
ARTICLE VIII. - MEASUREMENT OF SIGN AREA AND HEIGHT

Sec. 11-9. - Measurement of sign area and height.

Sec. 11-9. - Measurement of sign area and height.

(a) The area of a sign shall be measured as follows:

(1) For signs in the shape of a square, rectangle, circle, or similar standard geometric shape, the area shall be calculated by using the standard mathematical formula (height multiplied by width, 3.14 multiplied by radius squared, etc.).



Standard Shapes

(2) For signs whose shape is irregular, the area shall be measured by enclosing the sign elements with intersecting lines. This method of measurement shall be used for wall signs with individually mounted letters.

Irregular Shapes

(3) The area of a spherical, cylindrical or other three-dimensional sign shall be measured by calculating the area of a two-dimensional drawing of the largest elevation of the sign.

(4) The height of all signs shall be measured from the top edge of the sign and/or support structure to the average finished grade of the ground below the sign and/or support

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

(5) Where a sign has two faces, the area of the largest sign face shall be used to determine the area of the sign provided the two faces are within five degrees of parallel. Where a sign has two or more faces that are greater than five degrees from parallel, the sign area shall either be calculated as the sum of the area of each face, or the sign will constitute two signs.

(Ord. No. 3389-11-2006, §§ 1, 2, 11-6-06)

ARTICLE IX. - PERMISSIBLE SIGNS LOCATED OUTSIDE OF THE OLD TOWN DESIGN DISTRICT AND THE OLD TOWN CENTER THAT REQUIRE A PERMIT

Sec. 11-10. - Permissible signs located outside of the Old design district and the Old Town Center that require a permit.

Sec. 11-10. - Permissible signs located outside of the Old design district and the Old Town Center that require a permit.

(a) *Awning, canopy, and/or marquee signs.*

Awning, Canopy, and/or Marquee Signs

(1) Definition. Awning, canopy, and/or marquee sign shall mean a sign that is mounted to an awning, canopy, or marquee.

(2) Awning, canopy, and/or marquee signs are permissible subject to the following conditions:

a. *Time.* An awning, canopy, or marquee sign shall not be constructed or erected prior to the issuance of sign permit.

b. *Place.* Awning, canopy, and marquee signs are allowed in all commercial zones

and are in addition to any other sign allowed by this chapter.

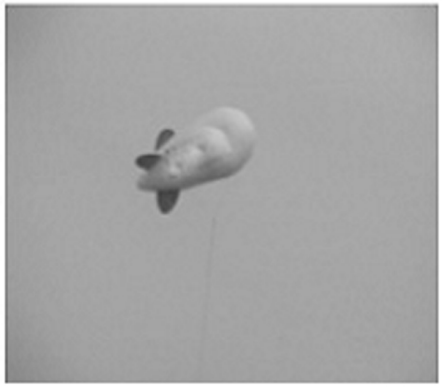
c. *Manner.*

i. Two square feet of signage for each linear foot of awning, canopy, or marquee. Only one surface shall be measured.

ii. The sign must be placed on the side of the awning, canopy, or marquee from which it draws its allowable square footage, and may not extend above, below, or beyond the awning, canopy, or marquee.

(b) *Grand opening signs.*

a

b. 

c.

c. cont.

d.

d. cont.

Balloons, Balloon Signs, Inflatable Signs, and Pennants and/or Streamers

(1) *Definitions:*

a. Balloon shall mean any object filled with air or similar gases placed to draw attention to a business, product, service, or premise, regardless of whether it contains an advertised message.

b. Balloon sign shall mean any object filled with lighter than air gases designed to advertise any product or premise. Balloon signs may contain an advertised message.

c. Grand opening shall mean a commemoration that promotes the opening of a new business.

d. Inflatable sign shall mean any object, the structure of which holds its shape through the use of a continuous operation fan which supplies ambient air to the structure. Inflatable signs may contain an advertised message.

e. Pennants and streamers shall mean any device made of cloth, canvas, plastic, foil, or any flexible material that moves or is designed to move freely in the wind, with or without a frame, or other supporting structure, used for the purpose of advertising or drawing attention to a business, commodity, service, sale, or product.

(2) *Grand opening sign permit.* A grand opening sign permit will be issued for balloons, balloon signs, inflatable signs, and pennants and streamers. Signage in this group may not be issued a permit separately. This group of signs is permissible subject to the following conditions:

a. *Time.* Balloons, balloon signs, inflatable signs, and pennants and streamers shall not be installed, constructed, or erected prior to the issuance of a grand opening sign permit. This sign group is allowed one time per new business location, for a maximum period of 14 consecutive days.

b. *Place.* This sign group is allowed in all commercial zones and is in addition to any other sign allowed by this chapter. Signs in this group may not be located in required parking spaces, driveways, fire lanes, or rights-of-way.

c. *Manner.*

1. *Balloon:*

(i) The permittee shall provide the building official with wind loading diagrams and graphs showing stress on rigging and attach points in 25 mile-per-hour and 50 mile-per-hour wind conditions.

(ii) Rigging ropes or straps must have adequate certified strength to withstand loads shown on a 50 mile-per-hour wind chart.

(iii) No balloon or any similar device may be used or installed that could create a potential safety hazard of any type.

(iv) All balloon devices shall conform to flame retardant requirements set forth in the current fire code.

(v) No balloon shall exceed 60 feet in height from ground elevation.

2. *Balloon sign.* Balloon signs must be mounted to the building or ground (i.e. the balloon sign itself must be touching the building or ground) and must be fastened by a minimum of two separate tethers.

(i) The permittee shall provide the building official with wind loading diagrams and graphs showing stress on rigging and attach points in 25 mile-per-hour and 50 mile-per-hour wind conditions.

(ii) An emergency deflation port must be installed and must be operational from ground or roof level.

(iii) Rigging ropes or straps must have adequate certified strength to withstand loads shown on a 50 mile-per-hour wind chart.

(iv) No balloon sign, or any similar device may be used or installed that could create a potential safety hazard of any type.

(v) All balloon signs and devices shall conform to flame retardant requirements set forth in the city fire code.

(vi) No balloon sign shall exceed 60 feet in height from ground elevation.

3. *Inflatable sign.* Inflatable signs must be mounted to the building or ground (i.e. the inflatable itself must be touching the building or ground). All lighted inflatable signs shall be subject to electrical inspections and fees and must meet the current city electrical code.

(i) The permittee shall provide the building official with wind loading diagrams and graphs showing stress on rigging and attach points in 25 mile-per-hour and 50 mile-per-hour wind conditions.

(ii) An emergency deflation port must be installed and must be operational from ground or roof level.

(iii) All motors and lighting equipment used must be approved by Underwriter's Laboratories and the current city electrical code.

(iv) Rigging ropes or straps must have adequate certified strength to withstand loads shown on a 50 mile-per-hour wind chart.

(v) No inflatable sign should provide roof loads in excess of 15 pounds per square foot static.

(vi) No inflatable sign, internal and/or external lighting, or any similar device may be used or installed that could create a potential safety hazard of any type.

(vii) All inflatable signs or devices shall conform to flame retardant requirements set forth in the current city fire code.

(viii) All inflatable signs shall not exceed 60 feet in height from the ground.

4. *Pennants and streamers.*

(i) The permittee shall provide the building official with wind loading diagrams and graphs showing stress on rigging and attach points in 25 mile-per-hour and 50 mile-per-hour wind conditions.

(ii) Rigging ropes or straps must have adequate certified strength to withstand loads shown on a 50 mile-per-hour wind chart.

(iii) No pennants and streamers or any similar device may be used or installed that could create a potential safety hazard of any type.

(iv) All pennants and streamers or similar devices shall conform to flame retardant requirements set forth in the current city fire code.

(v) No pennants and streamers shall exceed 60 feet in height from ground elevation.

(c) *Banner sign.*

Banner Sign

(1) *Definitions.* Banner sign shall mean a flexible material such as cloth, paper, vinyl, etc. on which a sign is painted or printed.

(2) Banner signs are permissible subject to the following conditions:

a. *Time.* A banner sign shall not be installed, constructed, or erected prior to the issuance of a sign permit. Banner signs are allowed for a maximum period of 30 consecutive days with 30 days between each period, two times per 12-month period.

b. *Place.* Banner signs are allowed in all commercial zones and are in addition to any other sign allowed by this chapter. Banner signs must be firmly anchored or secured to the building structure.

c. *Manner.* Banner signs are allowed up to 50 square feet aggregate total. All banner signs shall be kept in good repair.

(d) *Business park entry sign.*

Business Park Entry Sign

(1) Definition. A business park entry sign is a low profile/monument or wall sign.

(2) A business park entry sign is allowed on the same lot as an individual low profile/monument sign and shall have no effect on the number and size of signs allowed on a property in accordance with this chapter. A business park entry sign is permissible subject to the following conditions:

a. *Time.* A business park entry sign shall not be installed, constructed, or erected prior to the issuance of a sign permit. A business park entry sign permit will not be issued until the final plat is approved and public improvement construction has been completed by the developer and accepted by the city.

b. *Place.* A business park entry sign is permissible on a non-residentially zoned

property with unified development. A business park entry sign shall be setback three feet from all property lines. The number of business park entry signs is limited to three street entrances

c. *Manner.* Two signs indicating the main name or logo of the development, as depicted on the final plat, will be allowed. The maximum area of a business park entry sign shall be 50 square feet. A business park entry sign is limited to six feet in height.

(e) *Construction sign.*

Construction Sign

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

(2) Construction signs are permissible subject to the following conditions:

a. *Time.* A construction sign shall not be installed, constructed, or erected prior to the issuance of a sign permit. A construction sign shall not be erected until a building permit has been issued and shall be removed within 14 days after the issuance of a certificate of occupancy.

b. *Place.* One construction sign shall be allowed per building site.

c. *Manner.* The sign shall not exceed 32 square feet in area and shall not exceed 20 feet in height measured from grade.

(f) *Directional sign.*

Directional Sign

(1) Definition. Directional sign shall mean a sign limited to directional messages, principally for pedestrian or vehicular traffic.

(2) Directional signs are permissible subject to the following conditions:

a. *Time.* A directional sign shall not be installed, constructed, or erected prior to the issuance of a sign permit.

b. *Place.* Directional signs shall be allowed in all commercial and multifamily zones. On-premise entrance, exit and directional signs are allowed pursuant to an approved sign plan.

c. *Manner.* Such signs shall not exceed four feet in height from finished grade and six square feet in sign area.

(g) *Freestanding sign.*

Freestanding Sign

(1) Definition. Freestanding sign shall mean any non-movable sign, which is supported by one or more uprights, poles, or braces affixed in or upon the ground. This does not include signs affixed to a building.

(2) Freestanding signs are permissible, in addition to wall and/or low profile/monument signs, subject to the following conditions:

a. *Time.* A freestanding sign shall not be installed, constructed, or erected prior to the issuance of a sign permit.

b. *Place.* Freestanding signs shall be allowed in all commercial and multifamily zones. On-premise entrance, exit, and directional signs are allowed pursuant to an approved sign plan.

c. *Manner.*

1. The following sign regulations shall apply in the OD, MD, MF1, MF2, MF3, PU, and PK districts:

One freestanding sign is allowed in addition to other signage and shall conform to the following:

Such sign shall not exceed 100 square feet in area, 25 feet in height and shall be set back a minimum of ten feet from any property line.

2. The following sign regulations shall apply in the LC, GB, AO, LI, HI, WH and PUD zoning districts:

(i) For platted lots or tracts of land of one acre or less, one freestanding sign not to exceed 150 square feet.

(ii) For platted lots or tracts of land greater than one acre but less than five acres, one freestanding sign not to exceed 250 square feet or two signs not to exceed an aggregate total of 300 square feet.

(iii) For platted lots or tracts of land greater than five acres, one freestanding sign not to exceed square feet, or three freestanding signs not to exceed an aggregate total of 450 square feet.

(iv) Maximum height of freestanding signs of 150 square feet or less shall be 30 feet measured from finished grade.

(v) Maximum height of freestanding signs of more than 150 square feet shall be 40 feet measured from finished grade.

(vi) Freestanding signs shall be set back from any property line a minimum of ten feet.

(vii) All signs in the I-35E corridor shall have a height not to exceed 60 feet.

3. Multi-tenant center freestanding signs are in addition to wall and/or low profile/monument signs and shall conform to the following:

(i) For platted lots or tracts of land less than one acre, one freestanding sign not to exceed 150 square feet.

(ii) For platted lots or tracts of land greater than one acre but less than five acres, two signs not to exceed 150 square feet each, or one sign not to exceed 250 square feet.

(iii) For platted lots or tracts of land greater than five acres but less than 15 acres, no more than two signs with an aggregate total not to exceed 600 square feet; no single sign can exceed 300 square feet.

(iv) For platted lots or tracts of land greater than 15 acres but less than 25 acres, no more than three signs with an aggregate total not to exceed 1,000 square feet; no single can exceed 350 square feet.

(v) For platted lots or tracts of land greater than 25 acres, no more

than three signs with an aggregate total not to exceed 1,200 square feet; no single sign can exceed 400 square feet.

(vi) Maximum height of freestanding signs of 150 square feet or less shall be 30 feet measured from finished grade.

(vii) Maximum height of freestanding signs of more than 150 square feet shall be 40 feet measured from finished grade.

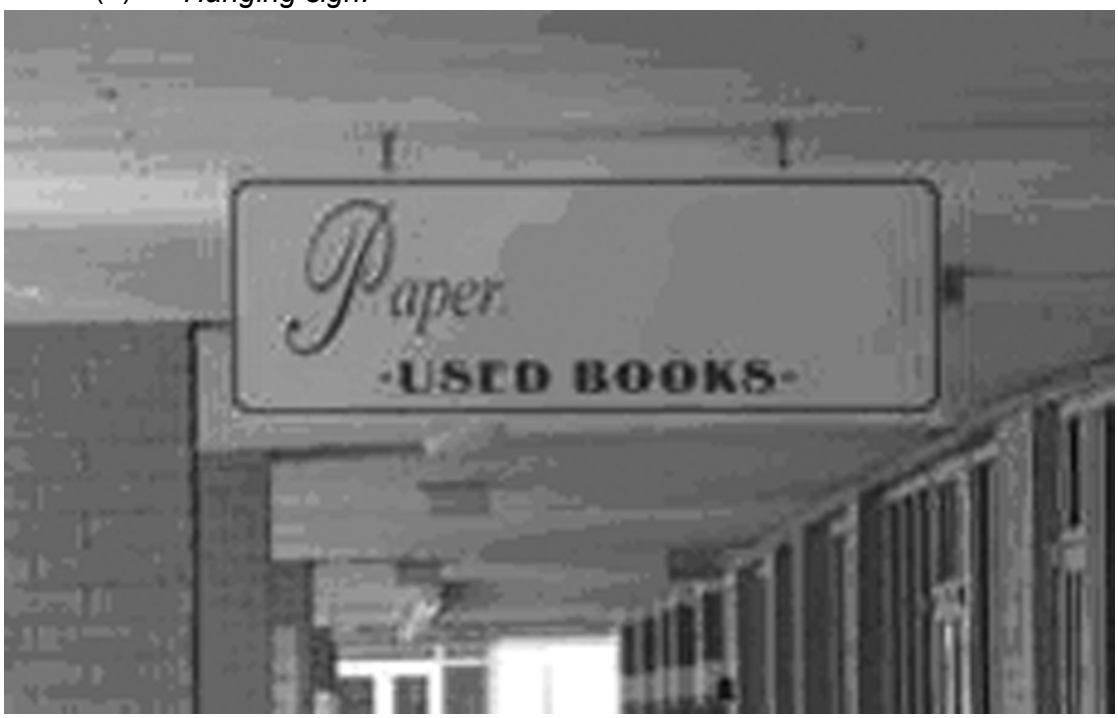
(viii) No single tenant may exceed 150 square feet for one sign.

(ix) Freestanding signs shall be set back from any property line a minimum of ten feet.

4. *Existing site with free standing sign(s).* A low profile variable message electronic reader board monument sign, using the criteria established under section 11-10(j) low profile/monument sign, provided that an existing free-standing sign be removed from the site. Under this provision, the replacement shall be on a one-for-one basis.

5. *New site or existing site with no free-standing signs present.* A low profile variable message/electronic reader board monument sign is allowed, using the criteria established under section 11-10(j), low profile/monument sign, however, no free-standing signs will be allowed on the site.

(h) *Hanging sign.*



Hanging Sign

(1) Definition. Hanging sign shall mean any sign suspended under an awning, canopy, or marquee.

(2) Hanging signs are permissible subject to the following conditions:

a. *Time.* A hanging sign shall not be installed, constructed, or erected prior to the issuance of a sign permit.

b. *Place.* Hanging signs shall be allowed in all commercial zones. Hanging signs are designed for installation under an awning or canopy above the sidewalk. There shall be a minimum clearance of seven feet between the sidewalk surface and the bottom of the sign.

c. *Manner.*

1. Hanging signs shall have a maximum height of one foot and be no longer than a maximum of 50 percent of the awning or canopy width.
2. Hanging signs shall be aligned perpendicular with the building entrance.

(i) *Kiosk sign.*

Kiosk Sign

(1) Definition. A kiosk sign is a free-standing structure located in the city rights-of-way that features the city identification panel at the top of each structure and displays directional information as set forth in the current city kiosk sign program and agreement. All kiosk panels shall be limited to directional only.

(2) Kiosk signs are permissible subject to the current city kiosk sign program and agreement and upon the issuance of a sign permit:

a. *Time.* See the current city kiosk sign program and agreement.

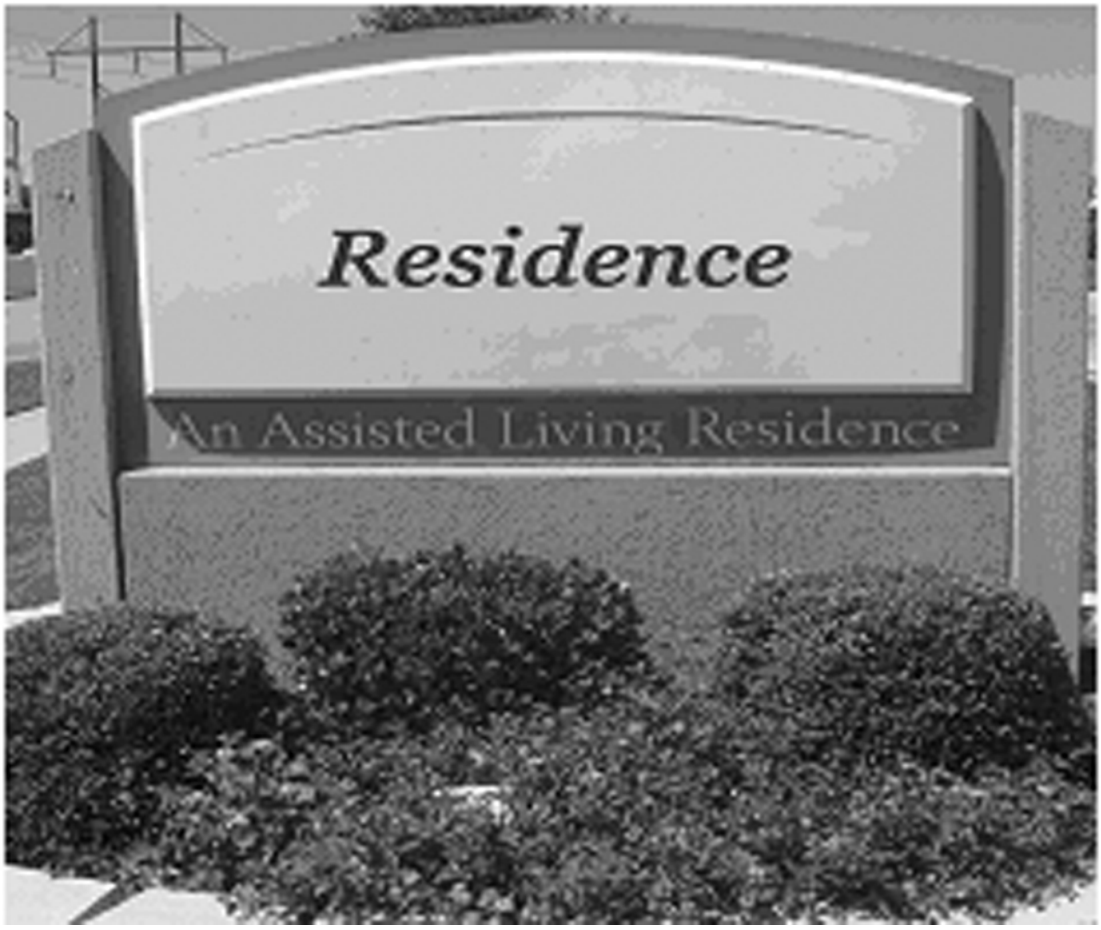
b. *Place.*

(1) Kiosk signs shall only be located in city rights-of-way. Kiosk sign locations shall be those locations approved by the city council (see current kiosk sign location map).

(2) Kiosk signs shall be constructed in accordance with the current city kiosk sign program and agreement.

c. *Manner.* Kiosk signs shall be placed in accordance with the current city kiosk sign program and agreement.

(j) *Low profile/monument sign.*



Low Profile/Monument Sign

(1) Definition. Low profile/monument sign shall mean a freestanding sign not exceeding six feet in height measured from the finished grade to the top of the sign.

(2) Low profile/monument signs are permissible subject to the following conditions:

a. *Time.* A low profile/monument sign shall not be installed, constructed, or erected

prior to the issuance of a sign permit.

b. *Place.* Low profile/monument signs shall be allowed in all commercial zones (for multifamily zones, MF1, MF2, and MF3, see (p) subdivision identity signs). Low profile/monument signs shall not be closer than three feet to property lines measured from the leading edge of the sign.

c. *Manner.*

1. Incorporation of berms with low profile/monument signs is allowed but may not exceed the six feet in height limitations nor obstruct visibility.
2. The following sign regulations shall apply in the OD, MD, PU, and PK districts:

   Low profile/monument signage: one square foot of signage for each linear foot of one exterior wall, measured horizontally.
3. The following sign regulations shall apply in the LC, GB, AO, LI, HI, WH and PUD zoning districts:

   Low profile/monument signage: One and one-half square feet of signage for each linear foot of one exterior wall, measured horizontal.
4. The low profile/monument sign must be placed on the side of the building from which it draws its allowable square footage. Total square footage may be used as wall signs or may be used as roof and low profile/monument signs with a corresponding reduction of wall signage. No wall sign shall project above the highest point of the building, excluding any roof top mechanical structures, chimney, elevator shafts, ventilators, or other such facilities.
5. Variable message electronic reader boards (single tenant) are permitted within the allowable sign area of a low profile/monument sign subject to the following:
   (i) Variable message electronic reader boards shall not be animated, flash, or scroll.
   (ii) The sign characters of variable message electronic reader boards shall have a minimum height of four inches and a maximum height of ten inches.
   (iii) Variable message electronic reader boards shall remain static for not less than seven seconds.
   (iv) Variable message electronic reader boards are permitted to display time, date and temperature remaining static for not less than four seconds.

(k) *Model complex sign.*

Model Complex Sign

(1) Definition. Model complex signs shall apply to residential and multifamily projects located on the project site.

(2) Model complex signs are permissible subject to the following conditions:

a. *Time.* A model complex sign shall not be installed, constructed, or erected prior to the issuance of a sign permit. Signs shall be removed when the model complex ceases to be used as a model.

b. *Place.* Minimum setback not less than ten feet measured from the leading edge of the sign.

c. *Manner.* One sign per model not to exceed six square feet. Two directional signs

not to exceed four square feet each. One sign per complex not to exceed 32 square feet. Maximum height of signs not to exceed 20 feet. Signs may not obstruct visibility.

(l) *Off-premise real estate sign.*

Off-Premise Real Estate Sign

(1) Definition. Off-premise real estate signs are intended to be used for the advertising of lots that need traffic to be directed to the lot for sales purposes.

(2) Off-premise real estate signs are permissible subject to the following conditions:

a. *Time.* An off-premise real estate sign shall not be installed, constructed, or erected prior to the issuance of a sign permit. Off-premise real estate signs shall

be removed within 14 days after the subdivision has been built out or if construction within the subdivision ceases for a period of three months.

b. *Place.* Off-premise real estate signs shall be set back from all property lines a minimum of ten feet measured from the leading edge of the sign.

c. *Manner.*

1. Five off-premise real estate signs not exceeding 20 square feet per sign, shall be allowed per subdivision. Off-premise real estate signs shall not exceed 25 feet in height measured from grade.
2. Off-premise real estate signs shall require landowner permission prior to permitting.
3. Off-premise real estate signs shall have no effect on the number and size of signs allowed on a property in accordance with this chapter.

(m) *Projecting sign.*

Projecting Sign

(1) Definition. Projecting sign shall mean a sign that is wholly or partly dependent upon a building for support and projects more than 12 inches from such building.

(2) Projecting signs are permissible subject to the following conditions:

a. *Time.* A projecting sign shall not be installed, constructed, or erected prior to the issuance of a sign permit.

b. *Place.* Projecting from an elevation of a building.

c. *Manner.* Projecting signs shall not exceed a maximum area of 15 square feet per sign face. There shall be no more than two sign faces. Maximum projection shall be five feet, maximum thickness shall be two feet, and the lowest point of any sign, which extends over an area intended for vehicular use, shall not be less than 14 feet above the finished grade below it. The lowest point of any sign, which extends over an area intended for pedestrian use, shall not be less than

seven feet above the finished grade below it.

(n) *Real estate sign.*

Real Estate Sign

(1) Definition. Real estate sign shall mean a sign intended to advertise the financing, development, sale, transfer, lease, exchange, or rental of real property.

(2) Real estate signs are permissible subject to the following conditions:

a. *Time.* A real estate sign shall not be installed, constructed, or erected prior to the issuance of a sign permit.

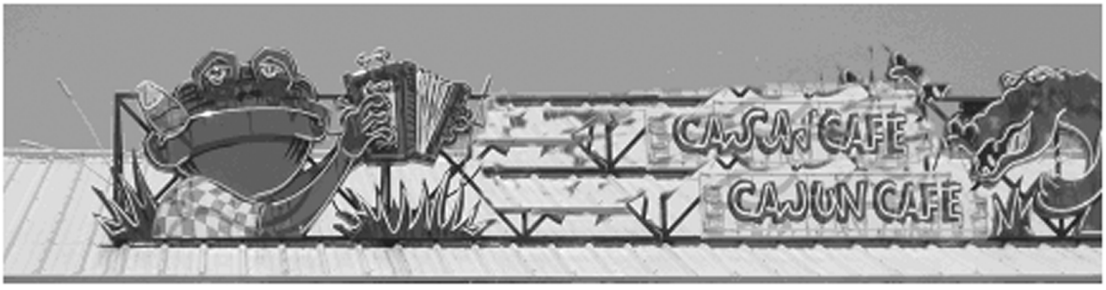
b. *Place.* Real estate signs are allowed on lots or parcels of land. Setbacks shall be a minimum of ten feet from all property lines measured from the leading edge of the sign.

c. *Manner.*

1. For lots or parcels of one to five acres, one sign per street frontage, not to exceed 16 square feet per sign may be allowed and shall not exceed 15 feet in height measured from grade.

2. For lots or parcels greater than five acres, two signs not to exceed 32 square feet per sign or one sign not to exceed 64 square feet and not to exceed a maximum height of 25 feet measured from grade.

(o) *Roof sign.*



Roof Sign

(1) Definition. Roof sign shall mean a sign on or above a roof of a building or structure.

(2) Roof signs are in conjunction with wall, low profile/monument, and freestanding signs. Roof signs are permissible subject to the following conditions:

a. *Time.* A roof sign shall not be installed, constructed, or erected prior to the issuance of a sign permit.

b. *Place.* Roof signs shall be allowed in all commercial districts. Roof signs may be placed on the roof of any building in commercial zones.

c. *Manner.*

1. The following sign regulations shall apply in the OD, MD, PU, and PK districts:

One square foot of signage for each linear foot of one exterior wall, measured horizontally. The sign must be placed on the side of the building from which it draws its allowable square footage. Total square footage may be used as wall signs or may be used as roof and low profile/monument signs with a corresponding reduction of wall signage. No sign shall project above the highest point of the building, excluding any roof top mechanical structures, chimney, elevator shafts, ventilators, or other such facilities.

2. The following sign regulations shall apply in the LC, GB, AO, LI, HI, WH and PUD zoning districts:

One and one-half feet of signage for each linear foot of one exterior wall, measured horizontal. The sign must be placed on the side of the building from which it draws its allowable square footage. Total square footage may be used as wall signs or may be used as roof and low profile/monument signs with a corresponding reduction of wall signage. No sign shall project above the highest point of the building, excluding any roof top mechanical structures, chimneys, elevator shafts, ventilators, or other such facilities.

(p) *Subdivision identity signs.*

Subdivision Identity Signs

(1) Definition. A subdivision identity sign is a permanent sign, which generally identifies a residential development and refers to the platted name of the subdivision.

(2) Subdivision identity signs are permissible subject to the following conditions:

a. *Time.* A subdivision identity sign shall not be installed, constructed, or erected prior to the issuance of a sign permit. A sign permit shall not be issued to erect or place a subdivision identity sign on a property until a final plat has been

approved and accepted by the city for development of the property.

b. *Place.* At each street entrance of the platted subdivision.

c. *Manner.*

1. The following sign regulations shall apply in single-family residential districts:

Two wall or low profile/monument signs indicating the name of the subdivision are allowed at each street entrance of the platted subdivision.

(i) Such sign shall not exceed 40 square feet each. This type of sign shall be erected as an integral element of a screening wall or as a low profile/monument sign.

(ii) In no case shall such sign be allowed, constructed, or erected in such a manner or location as to obstruct visibility.

2. The following sign regulations shall apply in the MF-1, MF-2, MHP, and MHS zoning districts:

One wall, low profile/monument, or freestanding sign indicating the name of the subdivision is allowed per street entrance of the platted subdivision and shall not exceed 40 square feet in size.

(i) Low profile/monument signs shall not be closer than three feet to property lines measured from the leading edge of the sign. Incorporation of berms with low profile/monument signs is allowed but may not exceed the six feet in height limitations nor obstruct visibility.

(ii) Freestanding signs shall have a minimum setback of ten feet from all property lines and a maximum height of 18 feet measured from finished grade.

(q) *Wall sign.*

Wall Sign

(1) Definition. Wall sign shall mean any sign attached to or painted on a wall, parapet, or facade of a building or structure, with the exposed face of the sign in a plane parallel to the plane of such wall.

(2) Wall signs are permissible, in addition to low profile/monument and freestanding signs, and are subject to the following conditions:

a. *Time.* A wall sign shall not be installed, constructed, or erected prior to the issuance of a sign permit.

b. *Place.* The exterior wall elevation of any building in a commercial area.

c. *Manner.*

1. The following sign regulations shall apply in the OD, MD, PU, and PK

districts:

Wall and/or low profile/monument signage: One square foot of signage for each linear foot of one exterior wall, measured horizontally. The sign must be placed on the side of the building from which it draws its allowable square footage. Total square footage may be used as wall signs or may be used as roof and low profile monument signs with a corresponding reduction of wall signage. No wall sign shall project above the highest point of the building, excluding any roof top mechanical structures, chimney, elevator shafts, ventilators, or other such facilities.

2. The following sign regulations shall apply in the LC, GB, AO, LI, HI, WH and PUD zoning districts:

Wall and/or and low profile/monument signage: One and one-half square feet of signage for each linear foot of one exterior wall, measured horizontal. The sign must be placed on the side of the building from which it draws its allowable square footage. Total square footage may be used as wall signs or may be used as roof and low profile/monument signs with a corresponding reduction of wall signage. No wall sign shall project above the highest point of the building, excluding any roof top mechanical structures, chimneys, elevator shafts, ventilators, or other such facilities.

(Ord. No. 3389-11-2006, §§ 1, 2, 11-6-06; Ord. No. 3421-03-2007, § 1, 3-5-07; Ord. No. 3662-03-2009, §§ 3, 4, 3-2-09; Ord. No. 3861-05-2011, §§ 1, 2, 4-18-11)

ARTICLE X. - PERMISSIBLE SIGNS LOCATED IN THE OLD TOWN DESIGN DISTRICT THAT REQUIRE A PERMIT

Sec. 11-11. - Permissible signs located in the old town design district that require a permit.

Sec. 11-11. - Permissible signs located in the old town design district that require a permit.

(a) *Building facades.*

(1) *Primary facade.* On the primary building facade, as determined by the property owner, of a building that is occupied by a single business there shall be only one of the following sign types: a wall sign; a low profile/monument sign; or a projecting sign.

(2) *Secondary building facade.* Wall signs shall be limited to one wall sign per secondary facade and a maximum of 25 square feet in size per sign.

(b) *Banner sign.*

Banner Sign

(1) Definition. Banner sign shall mean a flexible material such as cloth, paper, vinyl, etc. on which a sign is painted or printed.

(2) Banner signs are permissible subject to the following conditions:

a. *Time.* A banner sign shall not be installed, constructed, or erected prior to the issuance of a sign permit. Banner signs are allowed for a maximum period of 30 consecutive days, two times per calendar year.

b. *Place.* Banner signs are in addition to any other sign allowed by this chapter. Banner signs must be firmly anchored or secured to the building structure.

c. *Manner.* Banner signs are allowed up to 20 square feet aggregate total. All banner signs shall be kept in good repair.

(c) *Construction sign.*

Construction Sign

(1) Definition. Construction sign shall mean a temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors and similar individuals or firms having a

role or interest with respect to the structure or project.

(2) Construction signs are permissible and subject to the following conditions:

a. *Time.* A construction sign shall not be installed, constructed, or erected prior to the issuance of a sign permit. A construction sign shall not be erected until a building permit has been issued and shall be removed within 14 days after the issuance of a certificate of occupancy.

b. *Place.* One construction sign shall be allowed per building site.

c. *Manner.* The sign shall not exceed 32 square feet in area and shall not exceed ten feet in height measured from grade.

(d) *Directional sign.*

Directional Sign

(1) Definition. Directional sign shall mean a sign limited to directional messages, principally for pedestrian or vehicular traffic.

(2) Directional signs are permissible upon approval by the Old Town design review committee and subject to the following conditions:

a. *Time.* A directional sign shall not be installed, constructed, or erected prior to the issuance of a sign permit.

b. *Place.* One on-premise entrance, exit and directional sign shall be allowed at each driveway location with a minimum setback of three feet from the property line. On-premise entrance, exit and directional signs are allowed pursuant to an approved sign plan.

c. *Manner.* Such signs shall not exceed two feet in height from finished grade and four square feet in sign area.

(e) *Kiosk sign.*

Kiosk Sign

(1) Definition. A kiosk sign is a free-standing structure located in the city rights-of-way that features the city identification panel at the top of each structure and displays directional information as set forth in the current city kiosk sign program and agreement. All kiosk panels shall be limited to directional only.

(2) Kiosk signs are permissible upon approval by the Old Town design review committee and subject to the current city kiosk sign program and agreement and upon the issuance of a sign permit:

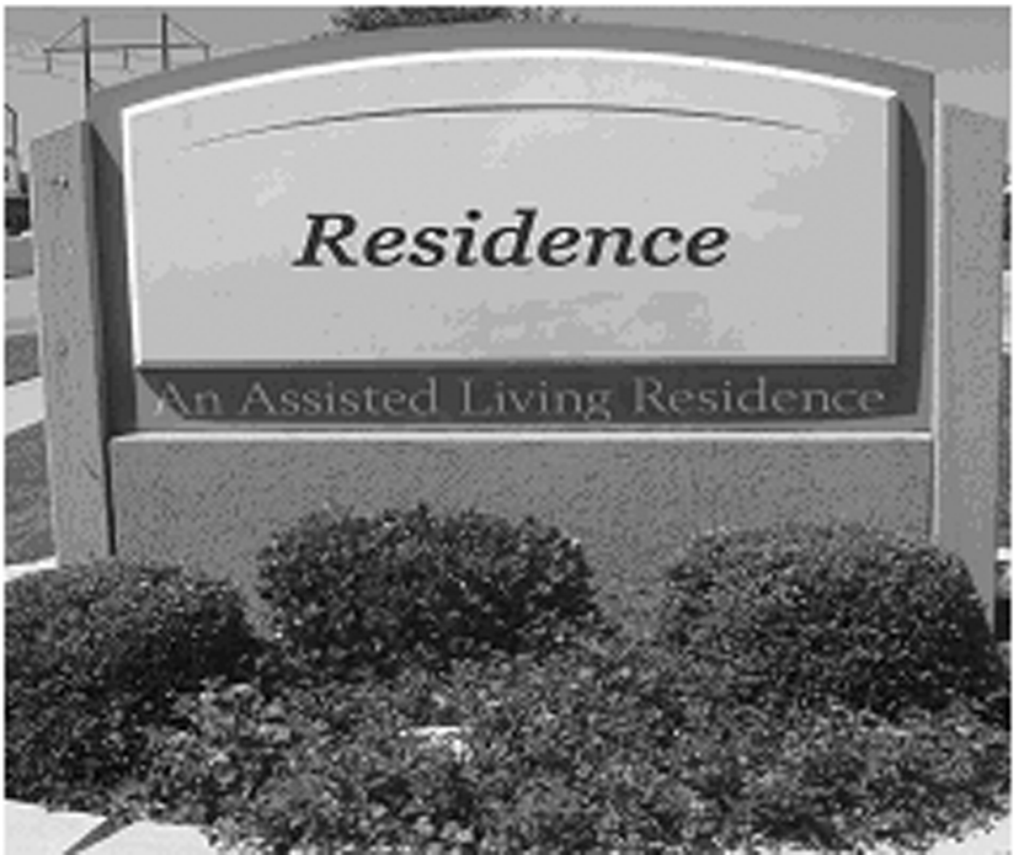
a. *Time.* See the current city kiosk sign program and agreement.

b. *Place:*

1. Kiosk signs shall only be located in city rights-of-way. Kiosk sign locations shall be those locations approved by the city council (see current kiosk sign location map).
2. Kiosk signs shall be constructed in accordance with the current city kiosk sign program and agreement.

c. *Manner.* Kiosk signs shall be placed in accordance with the current city kiosk sign program and agreement.

(f) *Low profile/monument sign.*



Low Profile/Monument Sign

(1) Definition. Low profile/monument sign shall mean a freestanding sign not exceeding four feet in height measured from the finished grade to the top of the sign.

(2) Low profile/monument signs are permissible upon approval by the Old Town design review committee and subject to the following conditions:

a. *Time.* A low profile/monument sign shall not be installed, constructed, or erected prior to the issuance of a sign permit.

b. *Place.* If the property is zoned in a zoning district that allows zero foot front and zero foot side yard setbacks, then the monument sign is allowed to be located at the property line. However, no part of a low profile/monument sign shall extend beyond the property lines. If the property is not zoned in a zoning district that allows zero foot front and zero foot side yard setbacks, then the sign shall not be closer than three feet to the property lines measured from the leading edge of the sign.

c. *Manner:*

1. Such signs shall be a maximum of 40 square feet in area.
2. The low profile/monument sign must be placed on the side of the building

designated at the primary facade.

(g) *Model complex sign.*

Model Complex Sign

(1) Definition. Model complex signs shall apply to residential and multifamily projects located on the project site.

(2) Model complex signs are permissible upon approval by the Old Town design review committee and subject to the following conditions:

a. *Time.* A model complex sign shall not be installed, constructed, or erected prior to the issuance of a sign permit. Signs shall be removed when the model complex ceases to be used as a model.

b. *Place.* Minimum setback not less than ten feet measured from the leading edge of the sign.

c. *Manner.* One sign per model not to exceed six square feet. Two directional signs not to exceed four square feet each. One sign per complex not to exceed 32 square feet. Maximum height of signs not to exceed ten feet. Signs may not obstruct visibility.

(h) *Off-premise real estate sign.*

Off-Premise Real Estate Sign

(1) Definition. Off-premise real estate signs are intended to be used for the advertising of lots that need traffic to be directed to the lot for sales purposes.

(2) Off-premise real estate signs are and subject to the following conditions:

a. *Time.* An off-premise real estate sign shall not be installed, constructed, or erected prior to the issuance of a sign permit. Off-premise real estate signs shall be removed within 14 days after the subdivision has been built out or if construction within the subdivision ceases for a period of three months.

b. *Place.* Off-premise real estate signs shall be set back from all property lines a minimum of ten feet measured from the leading edge of the sign.

c. *Manner:*

1. Three off-premise real estate signs not exceeding 20 square feet per sign, shall be allowed per subdivision. Off-premise real estate signs shall not

exceed ten feet in height measured from grade.

2. Off-premise real estate signs shall require landowner permission prior to permitting.

3. Off-premise real estate signs shall have no effect on the number and size of signs allowed on a property in accordance with this chapter.

(i) *Projecting sign.*

Projecting Sign

(1) Definition. Projecting sign shall mean a sign that is wholly or partly dependent upon a building for support and projects more than 12 inches from such building.

(2) Projecting signs are permissible upon approval by the Old Town design review committee and subject to the following conditions:

a. *Time.* A projecting sign shall not be installed, constructed, or erected prior to the issuance of a sign permit.

b. *Place.* Projecting from an elevation of a building and only from the primary building facade. No wall sign shall project above the highest point of the building, excluding any rooftop mechanical structures, chimneys, elevator shafts, ventilators or other such facilities.

c. *Manner.* Projecting signs shall have a maximum area of 30 square feet in size. The maximum projection shall be six feet and the maximum thickness shall be five feet. The lowest point of any sign, which extends over an area intended for vehicular use, shall not be less than 14 feet above the finished grade below it. The lowest point of any sign, which extends over an area intended for pedestrian use, shall not be less than seven feet above the finished grade below it.

(j) *Real estate sign.*

Real Estate Sign

(1) Definition. Real estate sign shall mean a sign intended to advertise the financing, development, sale, transfer, lease, exchange, or rental of real property.

(2) Real estate signs are permissible and subject to the following conditions:

a. *Time.* A real estate sign shall not be installed, constructed, or erected prior to the issuance of a sign permit.

b. *Place.* Real estate signs are allowed on lots or parcels of land. Setbacks shall be a minimum of ten feet from all property lines measured from the leading edge of the sign. In the event that a building is located closer than ten feet to the front property line, a real estate sign shall be allowed within the required ten feet setback from the front property line. A real estate sign shall be placed in a location so as not to obstruct visibility from intersections or driveways.

c. *Manner:*

1. For lots or parcels of one to five acres, one sign per street frontage, not to exceed 16 square feet per sign may be allowed and shall not exceed ten feet in height measured from grade.

2. For lots or parcels greater than five acres, two signs not to exceed 32 square feet per sign or one sign not to exceed 64 square feet and not to exceed a maximum height of 15 feet measured from grade.

(k) *Tenant signs.*

(1) Definition. Tenant signs are signs in addition to the signage allowable in the primary building facade requirements as described above and are allowed only when multiple tenants exist in a single building, and each tenant has an individual and separate exterior entrance.

(2) Tenant signs are permissible upon approval by the Old Town design review committee and subject to the following conditions:

a. *Time.* A tenant sign shall not be installed, constructed, or erected prior to the issuance of a sign permit.

b. *Place.* Attached to either a primary or secondary building facade. No tenant sign

shall project above the highest point of the building, excluding any rooftop mechanical structures, chimneys, elevator shafts, ventilators or other such facilities.

c. *Manner.* Tenant signs shall have a maximum area of 12 square feet in size. Each tenant is allowed one tenant building sign, which shall be a wall sign or a projecting sign.

(l) *Wall sign.*

Wall Sign

(1) Definition. Wall sign shall mean any sign attached to or painted on a wall, parapet, or facade of a building or structure, with the exposed face of the sign in a plane parallel to the plane of such wall.

(2) Wall signs are permissible upon approval by the Old Town design review committee and subject to the following conditions:

a. *Time.* A wall sign shall not be installed, constructed, or erected prior to the issuance of a sign permit.

b. *Place.* The exterior wall elevation of a commercial building. No wall sign shall project above the highest point of the building, excluding any rooftop mechanical structures, chimneys, elevator shafts, ventilators or other such facilities.

c. *Manner:*

1. Wall signs on a primary building facade shall be a maximum of 50 square feet in size.
2. Wall signs on a secondary building facade shall be a maximum of 25 square feet in size.

(Ord. No. 3389-11-2006, §§ 1, 2, 11-6-06; Ord. No. 3421-03-2007, § 1, 3-5-07; Ord. No. 3509-11-2007, § 1, 11-5-07)

ARTICLE XI. - PERMISSIBLE SIGNS LOCATED WITHIN THE OLD TOWN CENTER DISTRICT THAT REQUIRE A PERMIT

Sec. 11-12. - Permissible signs located within the old town center district that require a permit.

Sec. 11-12. - Permissible signs located within the old town center district that require a permit.

(a) *General provisions.*

(1) *Primary facade.* On the primary building facade, as determined by the property owner, of a building there shall be only one of the following sign types: awning, canopy, and/or marquee sign; wall sign; low profile/monument sign; or projecting sign.

(2) *Secondary building facade.* On the secondary building facade, signs shall be limited to one secondary entrance sign.

(3) *Other signs.* Each building in the Old Town center district may also have three additional signs. The other three types of signs may be one each of a hanging sign, sandwich board sign, window sign, or banner sign.

(b) *Awning, canopy, and/or marquee signs.*

Awning, Canopy and/or Marquee Signs

(1) Definition. Awning, canopy, and/or marquee sign shall mean a sign that is mounted to an awning, canopy, or marquee.

(2) Awning, canopy, and/or marquee signs are permissible upon approval by the Old Town design review committee and subject to the following conditions:

a. *Time.* An awning, canopy, or marquee sign shall not be constructed or erected prior to the issuance of sign permit.

b. *Place.* Awning, canopy, and marquee signs are allowed in the Old Town center district.

c. *Manner.* Projecting signs shall have a maximum area of 20 square feet in size.

(c) *Banner sign.*

Banner Sign

(1) Definition. Banner sign shall mean a flexible material such as cloth, paper, vinyl, etc. on which a sign is painted or printed.

(2) Banner signs are permissible and subject to the following conditions:

a. *Time.* A banner sign shall not be installed, constructed, or erected prior to the issuance of a sign permit. Banner signs are allowed for a maximum period of 30 consecutive days, two times per calendar year.

b. *Place.* Banner signs are in addition to any other sign allowed by this chapter. Banner signs must be firmly anchored or secured to the building structure.

c. *Manner.* Banner signs are allowed up to 20 square feet aggregate total. All banner signs shall be kept in good repair.

(d) *Construction sign.*

Construction Sign

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

(2) Construction signs are permissible and subject to the following conditions:

a. *Time.* A construction sign shall not be installed, constructed, or erected prior to the issuance of a sign permit. A construction sign shall not be erected until a building permit has been issued and shall be removed within 14 days after the issuance of a certificate of occupancy.

b. *Place.* One construction sign shall be allowed per building site.

c. *Manner.* The sign shall not exceed 32 square feet in area and shall not exceed ten feet in height measured from grade.

(e) *Directional sign.*

Directional Sign

(1) Definition. Directional sign shall mean a sign limited to directional messages, principally for pedestrian or vehicular traffic.

(2) Directional signs are permissible upon approval by the Old Town design review committee and subject to the following conditions:

a. *Time.* A directional sign shall not be installed, constructed, or erected prior to the issuance of a sign permit.

b. *Place.* One on-premise entrance, exit and directional sign shall be allowed at each driveway location with a minimum setback of three feet from the property line. On-premise entrance, exit and directional signs are allowed pursuant to an approved sign plan.

c. *Manner.* Such signs shall not exceed two feet in height from finished grade and four square feet in sign area.

(f) *Hanging sign.*

Hanging Sign

(1) Definition. Hanging sign shall mean any sign suspended under an awning, canopy, or

marquee.

(2) Hanging signs are permissible upon approval by the Old Town design review committee and subject to the following conditions:

a. *Time.* A hanging sign shall not be installed, constructed, or erected prior to the issuance of a sign permit.

b. *Place.* Hanging signs are designed for installation under an awning or canopy above the sidewalk. There shall be a minimum clearance of seven feet between the sidewalk surface and the bottom of the sign.

c. *Manner:*

1. Hanging signs shall have a maximum height of three feet and be no longer than a maximum of 50 percent of the awning or canopy width.

2. Hanging signs shall be aligned perpendicular with the building entrance.

(g) *Kiosk sign.*

Kiosk Sign

(1) Definition. A kiosk sign is a free-standing structure located in the city rights-of-way that features the city identification panel at the top of each structure and displays directional information as set forth in the current city kiosk sign program and agreement. All kiosk panels shall be limited to directional only.

(2) Kiosk signs are permissible upon approval by the Old Town design review committee and subject to the current city kiosk sign program and agreement and upon the issuance of a sign permit:

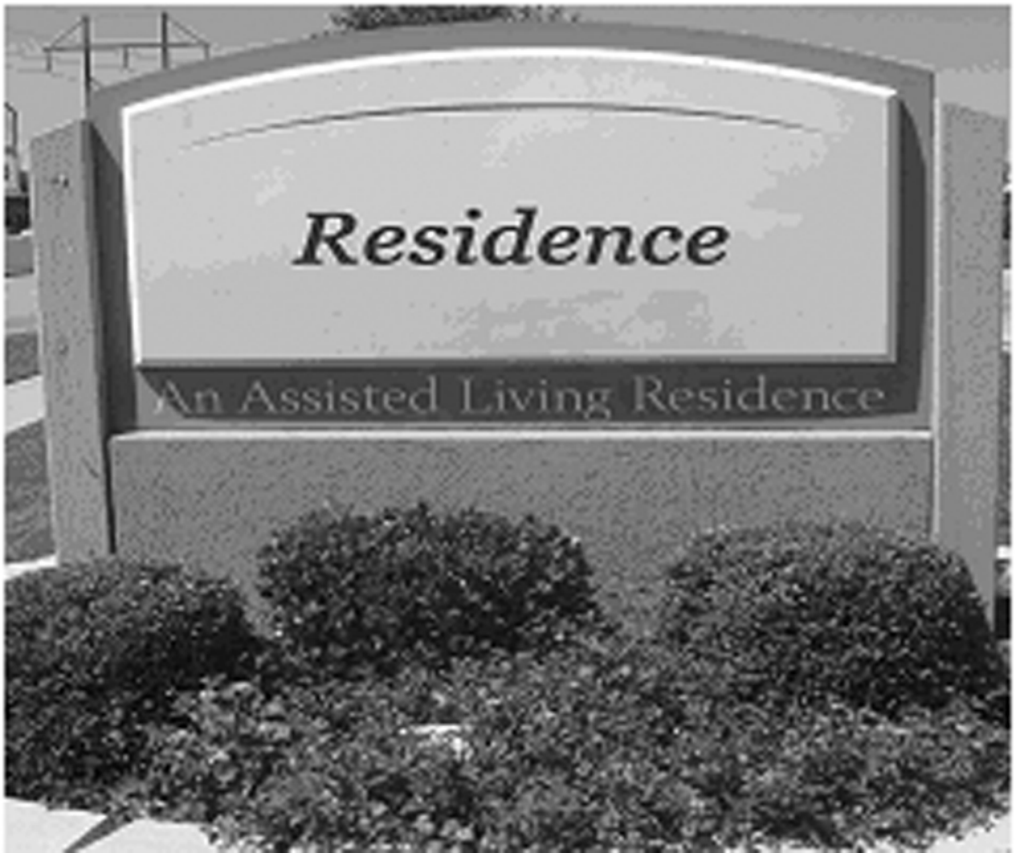
a. *Time.* See the current city kiosk sign program and agreement.

b. *Place.*

1. Kiosk signs shall only be located in city rights-of-way. Kiosk sign locations shall be those locations approved by the city council (see current kiosk sign location map).
2. Kiosk signs shall not be allowed in medians. In addition, kiosk signs shall be constructed in accordance with the current city kiosk sign program and agreement.

c. *Manner.* Kiosk signs shall be placed in accordance with the current city kiosk sign program and agreement.

(h) *Low profile/monument sign.*



Low Profile/Monument Sign

(1) Definition. Low profile/monument sign shall mean a freestanding sign not exceeding four feet in height measured from the finished grade to the top of the sign.

(2) Low profile/monument signs are permissible upon approval by the Old Town design review committee and subject to the following conditions:

a. *Time.* A low profile/monument sign shall not be installed, constructed, or erected prior to the issuance of a sign permit.

b. *Place.* If the property is zoned in a zoning district that allows zero foot front and zero foot side yard setbacks, then the monument sign is allowed to be located at the property line. However, no part of a low profile/monument sign shall extend beyond the property lines. If the property is not zoned in a zoning district that allows zero foot front and zero foot side yard setbacks, then the sign shall not be closer than three feet to the property lines measured from the leading edge of the sign.

c. *Manner.*

1. Such signs shall be a maximum of 40 square feet in area.

2. The low profile/monument sign must be placed on the side of the building designated at the primary facade.

(i) *Model complex sign.*

Model Complex Sign

(1) Definition. Model complex signs shall apply to residential and multifamily projects located on the project site.

(2) Model complex signs are permissible upon approval by the Old Town design review committee and subject to the following conditions:

a. *Time.* A model complex sign shall not be installed, constructed, or erected prior to the issuance of a sign permit. Signs shall be removed when the model complex ceases to be used as a model.

b. *Place.* Minimum setback not less than ten feet measured from the leading edge of the sign.

c. *Manner.* One sign per model not to exceed six square feet. Two directional signs not to exceed four square feet each. One sign per complex not to exceed 32 square feet. Maximum height of signs not to exceed ten feet. Signs may not

obstruct visibility.

(j) *Off-premise real estate sign.*

Off-Premises Real Estate Sign

(1) Definition. Off-premise real estate signs are intended to be used for the advertising of lots that need traffic to be directed to the lot for sales purposes.

(2) Off-premise real estate signs are permissible and subject to the following conditions:

a. *Time.* An off-premise real estate sign shall not be installed, constructed, or erected prior to the issuance of a sign permit. Off-premise real estate signs shall be removed within 14 days after the subdivision has been built out or if construction within the subdivision ceases for a period of three months.

b. *Place.* Off-premise real estate signs shall be set back from all property lines a minimum of ten feet measured from the leading edge of the sign.

c. *Manner:*

1.

Three off-premise real estate signs not exceeding 20 square feet per sign, shall be allowed per subdivision. Off-premise real estate signs shall not exceed ten feet in height measured from grade.

2. Off-premise real estate signs shall require landowner permission prior to permitting.

3. Off-premise real estate signs shall have no effect on the number and size of signs allowed on a property in accordance with this chapter.

(k) *Projecting sign.*

Projecting Sign

(1) Definition. Projecting sign shall mean a sign that is wholly or partly dependent upon a building for support and projects more than 12 inches from such building.

(2) Projecting signs are permissible upon approval by the Old Town design review committee and subject to the following conditions:

a. *Time.* A projecting sign shall not be installed, constructed, or erected prior to the issuance of a sign permit.

b. *Place.* Projecting from an elevation of a building and only from the primary building facade. No wall sign shall project above the highest point of the building, excluding any rooftop mechanical structures, chimneys, elevator shafts, ventilators or other such facilities.

c. *Manner.* Projecting signs shall not exceed an area of 15 square feet in size per sign face. There shall be no more than two sign faces. The maximum projection shall be five feet and the maximum thickness shall be five feet. The lowest point of any sign, which extends over an area intended for vehicular use, shall not be less than 14 feet above the finished grade below it. The lowest point of any sign, which extends over an area intended for pedestrian use, shall not be less than seven feet above the finished grade below it.

(l) *Real estate sign.*

Real Estate Sign

(1) Definition. Real estate sign shall mean a sign intended to advertise the financing, development, sale, transfer, lease, exchange, or rental of real property.

(2) Real estate signs are and subject to the following conditions:

a. *Time.* A real estate sign shall not be installed, constructed, or erected prior to the issuance of a sign permit.

b. *Place.* Real estate signs are allowed on lots or parcels of land. Setbacks shall be a minimum of ten feet from all property lines measured from the leading edge of the sign, provided however that in the event a building is located closer than ten feet to the front property line, one real estate sign may be placed on the interior of a window that is adjacent to a city street.

c. *Manner.* For lots or parcels of one to five acres, one sign per street frontage, not to exceed 16 square feet per sign may be allowed and shall not exceed ten feet in height measured from grade.

(m) *Sandwich board signs.*

(1) Definition. Sandwich board signs shall be any sign of A-frame construction designed for placement on the sidewalk in front of the place of business being advertised, sandwich board signs are generally two sided.

(2) Sandwich board signs are permissible upon approval by the Old Town design review committee and subject to the following conditions:

a. *Time.* A sandwich board sign shall not be installed, constructed, or erected prior to the issuance of a sign permit.

b. *Place.* A sandwich board sign shall be placed in such a fashion as to maintain a clear pedestrian route along the sidewalk in accordance with appropriate federal or state accessibility standards.

c. *Manner.* A sandwich board sign shall have a maximum area of six square feet in size per sign face and no more than two feet in width.

(n) *Secondary entrance signs.*

(1) Definition. Secondary entrance signs are allowed only on a secondary building facade.

Each building shall have only one secondary entrance sign. A secondary entrance sign is only allowed on a secondary building facade with an entrance that is accessible to the public and facing an alleyway, right of way, or parking lot. A tenant sign and a secondary entrance sign shall not be installed on the same facade.

(2) Secondary entrance signs are permissible upon approval by the Old Town design review committee and subject to the following conditions:

a. *Time.* A secondary entrance sign shall not be installed, constructed, or erected prior to the issuance of a sign permit.

b. *Place.* No secondary entrance sign shall project above the highest point of the building, excluding any rooftop mechanical structures, chimneys, elevator shafts, ventilators or other such facilities.

c. *Manner.* Secondary entrance signs shall have a maximum area of 12 square feet in size. The secondary entrance sign shall be a wall sign or projecting sign.

(o) *Tenant signs.*

(1) Definition. Tenant signs are signs allowed in addition to the signage allowable in the primary building facade requirements as described above and are allowed only when multiple tenants exist in a single building, and each tenant has an individual and separate exterior entrance. A tenant sign and a secondary entrance sign shall not be installed on the same facade.

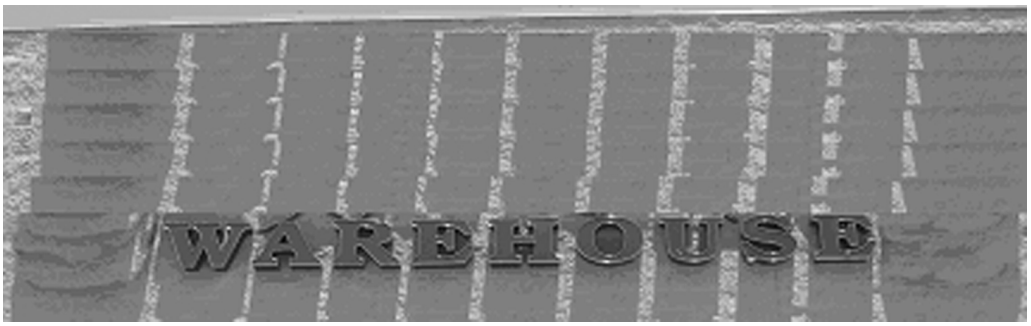
(2) Tenant signs are permissible upon approval by the Old Town design review committee and subject to the following conditions:

a. *Time.* A tenant sign shall not be installed, constructed, or erected prior to the issuance of a sign permit.

b. *Place.* Attached to either a primary or secondary building facade. No tenant sign shall project above the highest point of the building, excluding any rooftop mechanical structures, chimneys, elevator shafts, ventilators or other such facilities.

c. *Manner.* Tenant signs shall have a maximum area of twelve square feet in size. Each tenant is allowed one tenant sign, which shall be a wall sign or a projecting sign.

(p) *Wall sign.*



Wall Sign

(1) Definition. Wall signs shall mean any sign attached to or painted on a wall, parapet, or facade of a building or structure, with the exposed face of the sign in a plane parallel to the plane of such wall.

(2) Wall signs are permissible upon approval by the Old Town design review committee and subject to the following conditions:

a. *Time.* A wall sign shall not be installed, constructed, or erected prior to the issuance of a sign permit.

b. *Place.* The exterior wall elevation of a commercial building. No wall sign shall

project above the highest point of the building, excluding any rooftop mechanical structures, chimneys, elevator shafts, ventilators or other such facilities.

c. *Manner.* Wall signs on a primary building facade shall be a maximum of 50 square feet in size.

(q) *Window signs.*

(1) Definition. Window signs shall be any sign that is applied or attached to the exterior or interior of a window or within one foot of the interior of the window. A window sign does not include merchandise or models of products or services incorporated in window display.

(2) Window signs are permissible upon approval by the Old Town design review committee and subject to the following conditions:

a. *Time.* A window sign shall not be installed, constructed, or erected prior to the issuance of a sign permit.

b. *Place.* Applied or attached to the exterior or interior of a window or within one foot of the interior of the window.

c. *Manner.* A window sign is limited to a maximum of 30 percent coverage of the total glass area of the window on which it is placed.

(Ord. No. 3389-11-2006, §§ 1, 2, 11-6-06; Ord. No. 3421-03-2007, § 1, 3-5-07; Ord. No. 3509-11-2007, § 1, 11-5-07)

ARTICLE XII. - PERMISSIBLE SIGNS THAT DO NOT REQUIRE A PERMIT

Sec. 11-13. - Permissible signs that do not require the issuance of a sign permit.

Sec. 11-13. - Permissible signs that do not require the issuance of a sign permit.

(a) *Building or other decorations.* Temporary holiday or festival decorations shall not be considered a sign as defined in this chapter. Temporary holiday or festival items can only be used during normal calendar holidays. All electrical decorations require a permit under the electrical code.

(b) *Exemption.* Some signs shall not require a sign permit. These exemptions shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of this chapter or any other law or ordinance regulating the same. All exempt signs or devices shall not be used or installed in any manner that may result in a potential safety hazard of any type. The following signs and devices shall not require a sign permit:

(1) Official traffic signs, signals or devices.

(2) Zoning change signs.

(3) Window signs, except for directly wired electrical signs and those allowed in the Old Town Center district.

(4) Customary identification signs, which indicate name, type of business and/or hours of operation attached to or painted on a building or window and not exceeding three square feet in size.

(5) Real estate signs of six square feet or less that are located on the premises that are for

sale, rent, or lease.

(6) Change of copy or message on legally established signs.

(7) Garage sale signs; provided however, that only one sign is allowed on the property where the sale is taking place and that sign may not to exceed two square feet. Garage sale signs at any location remote from the sale site are prohibited. Although garage sale signs do not require a sign permit, a permit to conduct the garage sale is required pursuant to section 7-202 of the City Code.

(8) Governmental signs.

(c) *Flags.*

Flags

(1) Definitions:

a. Flag shall mean a piece of fabric, cloth, plastic, vinyl, canvas, leather, or other similar material attached to a staff cord on one end generally used as a symbol of a nation, state, city, or other local government entity. Flags of this type shall be classified as non-regulated.

b. Flagpole shall mean a staff or pole designed specifically to fly a flag. Cell towers, antennas, monopoles, or similar structures, not primarily designed for use as a flagpole, shall not be allowed for use as a flagpole.

(2) Flags on residential properties are not regulated by this chapter.

(3) Flags on nonresidential properties are permissible subject to the following conditions:

a. *Time.* No restrictions.

b. *Place.* Flags are allowed in all zoning districts.

c. *Manner.*

1. Flagpole height, size of flag, and number of flags are not regulated by this chapter.

2. If at least two non-regulated flags (i.e., national, state, municipal or other governmental entity flags) are present, one flag bearing a corporate logo, not to exceed the size of the non-regulated flags, is allowed on the property in multifamily and commercial zones and shall be attached to a flagpole as defined by this chapter.

(d) *Ideological sign.*

(1) Definition. Ideological sign shall mean a sign communicating a message or ideas for noncommercial purposes, and which does not constitute any of the following: construction sign, directional sign, billboard, on-premise sign, real estate sign, political sign, model complex sign, garage sale sign, and/or banner sign.

(2) Ideological signs are permissible subject to the following conditions:

a. *Time.* Ideological signs shall be allowed in all commercial and single-family

residential zones.

b. *Place.* On-premise.

c. *Manner.* Ideological signs shall not exceed six square feet in sign area.

(e) *Political signs.*

Political Signs

(1) Definitions.

Political sign shall mean a sign that contains primarily a political message.

Political message shall mean pertaining to any national, state, county or local election.

(2) A political sign shall not require a sign permit and is exempt from this chapter except for the following requirements:

a. *Time.*

1. Political signs located on private real property must be removed within 30 calendar days after the election is decided.
2. Political signs located on property other than private real property may be erected no earlier than 60 calendar days before the election and must be removed no later than 30 calendar days after the election. The city may remove any political sign on property other than private real property remaining beyond 30 calendar days after the election, and a $5.00 fee shall be charged for each sign retrieved from the city.

b. *Place.*

1. Political signs may be placed on private real property with the consent of the property owner.
2. Political signs may not be placed in roadway medians, but may be placed

in the city parkway between the curb and property line provided they do not create a safety hazard of any type.

3. Political signs may not be placed on city-owned property such as city parks, fire stations, police stations, libraries, city hall, etc.
4. Political signs may not be placed in the state rights-of-way.
5. Political signs shall not be installed in any manner that may result in a potential safety hazard of any type.
6. These restrictions do not apply to existing billboard signs upon which political advertising may be placed.

c. *Manner.*

1. The signs shall not exceed 36 square feet aggregate total for any lot.
2. A sign shall not exceed 36 square feet in city right-of-way.
3. Political signs shall be in addition to any other sign allowed in this chapter.
4. Political signs shall be kept in repair and proper state of preservation.
5. Political signs shall not be more than eight feet high.
6. Political signs shall not be illuminated.
7. Political signs shall not have any moving parts.

(f) *Vehicle signage.*

Vehicle Signage

(1) Definition. Vehicle sign shall mean a sign that is attached, painted, or placed in or on a motorized vehicle.

(2) Vehicle signs are subject to the following conditions:

a. *Time.* No restrictions.

b. *Place.* All vehicles used in actual delivery service or company functions.

c. *Manner.* Vehicles must have a current license tag, inspection sticker, and be operative at all times. The parking of a vehicle, trailer, or device in such a manner as to constitute a sign is prohibited.

(g) *Vertical pole banner sign.*

Vertical Pole Banner Sign

(1) Definition. Vertical pole banner sign shall mean a type of sign located on a vertical light pole on a platted lot or public property that is not otherwise allowed as a freestanding sign and shall be limited to cloth, flexible plastic, vinyl, or similar material (i.e. no cardboard, wood, rigid plastics, etc.).

(2) Vertical pole banner signs are permissible subject to the following conditions:

a. *Time.* Vertical pole banner signs do not require a permit. All existing vertical pole banner signs will be required to conform with this section within one year from the effective date of this chapter.

b. *Place.* Vertical pole banner signs shall be mounted on lighted metal poles in

commercial zones and on public property.

c. *Manner.*

1. Horizontal and/or vertical supports are required and shall be made of metal.
2. No vertical pole banner sign may exceed 24 square feet in size.
3. Minimum height of the pole shall be 18 feet tall measured from grade to the top of the pole and must be used for lot lighting.
4. Minimum height for placement of a vertical pole banner sign shall be at least 12 feet measured from grade to the bottom of the sign.
5. Aggregate total square footage for vertical pole banner signs shall be a maximum of 300 square feet per platted lot.

d. *Exception.* Minimum height of the pole and sign shall not apply to city-owned vertical pole banner signs located in rights-of-way and city-owned property.

(h) *Sandwich board sign.*

(1) *Definition:* A sign of A-frame or similar design intended for placement in the pedestrian area in front of the business being advertised.

(2) Sandwich board signs are permissible subject to the following conditions:

a. *Time.* Displayed during business hours only.

b. *Place.* Ten feet from the main entrance outside of the rights-of-way and cannot block or impede accessibility.

c. *Manner.* Cannot exceed two feet in width or a total of six square feet.

(Ord. No. 3389-11-2006, §§ 1, 2, 11-6-06; Ord. No. 3861-05-2011, § 3, 4-18-11; Ord. No. 3904-11-2011, § 1, 11-7-11)

ARTICLE XIII. - PROHIBITED SIGNS

Sec. 11-14. - Prohibited signs.

Sec. 11-14. - Prohibited signs.

The following signs are prohibited:

(1) *Signs advertising illegal activities.* A sign which advertises activities that are illegal under federal, state, or local law.

(2) *Flashing, etc. signs.*

a. A flashing, scrolling, or animated sign or sign with intermittent or varying intensity of illumination or color, whether deliberate or as a consequence of a defect in the sign or the illumination source, except for a sign indicating the time, date, and temperature (which shall be considered part of either a free standing, wall, or low profile/monument type of sign).

b. A sign, display, or device that changes its message or copy by programmable electronic or mechanical processes, an electronic image on a digital display and a changeable electronic variable message sign are prohibited pursuant to this

subsection if said sign, display or device is illuminated by flashing, intermittent or moving lights or contains or displays animated, moving video or scrolling messages.

c. *Exception.* Variable message electronic reader boards signs are allowed when permitted and installed in accordance with this [chapter].

(3) *Off-premise signs.* A sign which advertises or directs attention to a business, product, service, or activity which is available at a location other than the premises where the sign is located.

a. Real estate signs that conform to the requirements of this chapter are allowed.

b. Off-premise signs moved, removed, or demolished for any reasons other than natural disaster may not be reconstructed.

(4) *Portable displays.* A display that is temporarily fixed to a standardized advertising structure, which is regularly moved from location to location at periodic intervals, with or without wheels.

(5) *Signs on public property or utility easements.* Any sign, whether temporary or permanent, that is placed on public property or recorded utility easements, including public rights-of-way, without city council approval, shall be removed without notice.

(6) *Signs on retaining walls, fences, rocks, or natural features.* A sign erected, placed, or painted upon retaining walls, fences, rocks, or natural features.

(7) *Lighted signs in single-family and two-family (duplex) zoning districts.* A sign which is illuminated, either externally or internally.

(8) *Temporary point of sale signs.* A sign placed to draw attention to a business or its service that does not have a permanent foundation, does not meet the requirements of a permissible sign under this chapter, and is intended to be displayed for a limited period of time.

(9) *Signs or banners on a pole.* A sign or banner constructed and/or located on a pole that does not meet the requirements of this chapter.

(10) *Weekend directional signs.* A sign that is not installed in a permanent fashion and is used to identify, direct, sell, promote, and otherwise advertise homes and real estate for sale, lease, or rent. Such signs include, but are not limited to, real estate signs installed by use of a stake, tripod, sandwich board, or other temporary means.

Prohibited Signs

(11) [*Other signs.*] Any other signs not referenced herein or governed by this chapter are prohibited.

(Ord. No. 3389-11-2006, §§ 1, 2, 11-6-06; Ord. No. 3563-05-2008, § 1, 5-5-08; Ord. No. 3662-03-2009, § 2, 3-2-09)