

ORDINANCE AMENDING SIGN ORDINANCE

SUMMARY: ORDINANCE AMENDING ARTICLE X, SIGNS AND OUTDOOR ADVERTISING DISPLAYS, OF THE CITY OF HENDERSON'S ZONING ORDINANCE

WHEREAS, it has been determined by the Board of Commissioners that certain provisions of the City's sign ordinance should be revised and amended; and

WHEREAS, the amendments were submitted to the Henderson-Henderson County Planning Commission, and at its meeting on February 6, 2008 the planning commission made its recommendation which is contained in a letter, with attachments, dated February 7, 2008, a copy of which is attached hereto and made a part hereof, marked Exhibit "A".

NOW, THEREFORE, BE IT ORDAINED by the City of Henderson, Kentucky, that Article X, *Signs and Outdoor Advertising Displays*, of Appendix A of the City's Code of Ordinances known as *The Zoning Regulations of the City of Henderson, Kentucky* be and is hereby amended as follows:

ARTICLE X. SIGNS AND OUTDOOR ADVERTISING DISPLAYS*

***Editor's note:** Ord. No. 26-99, adopted Sept. 14, 1999, completely repealed the provisions of former §§ 10.01--10.11 and replaced them with the similar provisions of §§ 10.01--10.19 as currently set out herein. Former §§ 10.01--10.11 derived from Ord. No. 11-89, § 1, adopted July 25, 1989; Ord. No. 26-91, § 1, adopted Aug. 27, 1991; and Ord. No. 12-99, § 1, adopted April 14, 1999.

Sec. 10.01. Purposes.

The purposes of these sign regulations are: to encourage the effective use of signs as a means of communication in the city; to maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; to enable the fair and consistent enforcement of these sign restrictions; and to facilitate emergency services.

(Ord. No. 26-99, § 1, 9-14-99)

Sec. 10.02. Applicability effect.

A sign may be erected, placed, established, painted, created, or maintained in the city only in conformance with the standards, procedures, exemptions, and other requirements of this article.

The effect of this article as more specifically set forth herein, is:

- To establish a permit system to allow a variety of types of signs in commercial and industrial zones, and a limited variety of signs in other zones, subject to the standards and the permit procedures of this article;
- To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this article, but without a requirement for permits;
- To prohibit all signs not expressly permitted by this article; and
- To provide for the enforcement of the provisions of this article.

(Ord. No. 26-99, § 1, 9-14-99)

Sec. 10.03. Definitions and interpretation.

Words and phrases used in this article shall have the meanings set forth in this section. Words and phrases not defined in this section but defined in the zoning ordinance of the city shall be given the meanings set forth in such ordinance. Principles for computing sign area and sign height are contained in section 10.04. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this article.

Abandoned sign. Any sign that is no longer useful or has ceased to be maintained.

Air Inflated sign: A sign which maintains shape by air pressurization, including air puppets.

Animated sign. Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

Appurtenance sign. Any sign that is an integral part of an essential appurtenance necessary to the use of the premises, such as a menu board or gas pump.

Banner. Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Beacon. Any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same zone lot as the light source; also, any light with one (1) or more beams that rotate or move.

Billboard. A sign with a minimum square footage of one hundred (100) square feet, that is affixed to or erected upon a freestanding framework designed or intended to be used for posting information not pertaining directly to the use of the premises on which it is located.

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

Building sign. Any sign attached to any part of a building, as contrasted to a freestanding sign.

Canopy sign. Any sign that is part of or attached to an awning, canopy, or other fabric,

plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Changeable copy sign. A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight (8) times per day shall be considered an animated sign and not a changeable copy sign for the purposes of this article. A sign on which the only copy that changes is an electronic or mechanical indication of the time and temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for the purposes of this article.

Election sign. Any sign advertising a candidate or candidates for public elective office, or a political party, or signs urging a particular vote on a ballot issue.

Festoons. A sign consisting of a string of ribbons, small flags or pinwheels. Festoon sign shall also include balloons or umbrellas used for advertising.

Flag. Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of the national government, state or municipal government or the official symbol of any institution or business.

Flashing sign: ~~Any lighted or electrical sign which emits light in sudden transitory bursts. A sign having an illumination of which is not kept constant in intensity at all times when in use~~

Historic sign. A sign that is designated by the city manager as having historic and/or architectural significance.

Illegal sign. ~~A sign erected after the adoption of this article which is not in conformance with the provisions of this article. which was not in compliance with the regulations in effect at the time the sign was erected.~~

Incidental sign. A sign, generally informational, that has a purpose secondary to the use of the zone of the lot on which it is located, such as "no parking", "entrance", "loading only", "telephone", and other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental. For the purpose of this definition, logos shall not be considered a commercial message. Maximum area of incidental sign shall not exceed sixteen (16) square feet.

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

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

Marquee sign. Any sign attached to, in any manner, or made a part of a marquee.

Nonconforming sign. Any permanent sign that was erected or displayed prior to the adoption of this article that does not conform with the requirements herein.

Off-premises sign. Any sign not located on the premises of the business, activity or use to which the sign relates.

Official sign. Public signs erected by or on behalf of a governmental body or hospital to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.

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

Permanent freestanding sign. Any sign used for an indefinite period of time which is supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

Permanent inflatable sign. Any sign used for an indefinite period of time which maintains its shape by air pressurization.

Portable sign. Any changeable copy sign not permanently attached to the ground or other permanent structure, and, including, but not limited to, signs designed to be transported by means of wheels; balloons used as signs; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

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

Projecting sign. Any sign affixed to a building or wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of such building or wall.

Residential sign. Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of the zoning ordinance.

Roof sign. Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

Roof sign, integral. Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

Rotating sign. A sign which turns on its axis.

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

Sign. Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

Snipe sign. A sign which is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, or fences, or to other objects, including advertising, company identifications,

services offered, etc.

Street. A strip of land or way subject to vehicular traffic (as well as pedestrian traffic) that provides direct or indirect access to property, including, but not limited to, alleys, avenues, boulevards, courts, drives, highways, lanes, places, roads, terraces, trails, or other thoroughfares.

Street frontage. The distance for which a lot line of a lot adjoins a public street, from one (1) lot line intersecting said street to the furthest distant lot line intersecting the same street.

Suspended sign. A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Temporary sign. Any sign that's usefulness is for a limited period of time and is not permanently mounted, including but not limited to menu and sandwich boards, project signs, political signs, real estate signs, special events signs and outdoor advertising consisting of displays of merchandise or product, but excluding election signs.

Wall sign. Any sign attached parallel to, but within six (6) inches of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one (1) sign surface.

Window sign. Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

(Ord. No. 26-99, § 1, 9-14-99)

Sec. 10.04. Computations.

The following principles shall control the computation of sign area and sign height.

(a) *Computation of area of individual signs.* The area of a sign face (which is also the sign area of a wall sign or other sign with only one (1) face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any canopy or marquee or any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself. See figures 10.04(a)(1) and 10.04 (a)(2).

(b) *Computation of area of multi-faced signs.* The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any one (1) point. When two (2) identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart at the furthest point, the sign area shall be computed by the measurement of one (1) of the faces.

(c) *Computation of height.* The height of a sign shall be computed as the distance

from the base of the sign at the normal grade to the top for the highest attached component of the sign. Normal grade shall be construed to be the lower of:

- (1) Existing grade prior to the construction; or
- (2) The newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower.

(Ord. No. 26-99, § 1, 9-14-99)

Section 10.05. Permits required.

If a sign requiring a permit under the provision of this article is to be placed, constructed, erected, or modified on a lot, the owner of the lot shall secure a sign permit prior to the construction, placement, erection, or modification of such a sign in accordance with the requirements of section 10.17.

No sign permit of any kind shall be issued for an existing or proposed sign unless such sign is consistent with the requirements of this article (including those protecting existing signs) in every respect.

(Ord. No. 26-99, § 1, 9-14-99)

Section 10.06. Design, construction, and maintenance.

All signs shall be designed, constructed, and maintained in accordance with the following standards:

- All signs shall comply with applicable provisions of the Kentucky Building Code and the National Electrical Code adopted by the City of Henderson.
- Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this article, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.
- All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this Code, at all times.
- When any sign becomes defective or dangerous, as determined by the Code Administrator, the Code Administrator has the power and authority to remove or cause to have removed such sign when the owner or agent has failed to comply within the time specified by the Code Administrator to repair or make that sign safe or has failed to satisfy the Code Administrator that the sign is not defective or

dangerous. The owner or agent of the sign must bear the full costs of such removal and will be billed accordingly. If the Code Administrator determines that the sign is of possible immediate danger to persons or vehicles that may be passing nearby, the Code Administrator may place or cause to have placed signs or barriers indicating such danger.

(Ord. No. 26-99, § 1, 9-14-99)

Section 10.07. Signage site plan.

No permit shall be issued for an individual sign requiring a permit unless and until a signage site plan for the lot on which the sign will be erected has been submitted to the code administrator and approved as conforming with this section.

(a) *Signage site plan.* For any lot on which the owner proposes to erect one (1) or more signs requiring a permit, the owner shall submit to the code administrator a signage site plan containing at a minimum the following:

- An accurate plot plan of the lot;
- Location of buildings, parking lots, driveways, and landscaped areas on such lot;
- Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the lot(s) included in the plan under this article; and
- An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not, except that incidental signs need not be shown.

(b) *Limit on number of permanent freestanding signs.* The signage site plan, for all lots with individual or multiple uses, shall limit the number of permanent freestanding signs to a total of one (1) for each street on which the lots included in the plan have frontage and may provide for shared or common usage of such signs when multiple uses occupy one lot. Billboards, as regulated under section 10.11 of this article, shall not be considered a permanent freestanding sign.

(c) *Consent.* The signage site plan shall be signed by all owners or their authorized agents in such form as the code administrator shall require.

(d) *Procedures.* A signage site plan shall be included in any development plan, site plan, planned unit development plan, or other official plan required by the city for the proposed development and shall be processed simultaneously with such other plan.

(e) *Binding effect after approval of a signage site plan.* No sign shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provision of this article. In case of any

conflict between the provisions of such a plan and any other provision of this article, the ordinance shall control.

(Ord. No. 26-99, § 1, 9-14-99)

Section 10.08. Signs in the public right-of-way.

No signs shall be allowed or permitted in the public right-of-way except for official signs, emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way, hanging banners across or along streets and sidewalks, and sandwich board signs in Central Business District as defined below; or in accordance with section 20-1 of the City of Henderson Code of Ordinances.

(a) In order to promote general events of a civic and public nature in the CBD Zone, any person, firm, corporation or organization in charge of events of a civic and public nature may hang a banner in an area designated below vertically, on cantilevered arms, pennants, flags or banners from utility poles equipped by the city for such purposes, to publicize an event or season or generally promoting the community, providing the subsequent guidelines are followed.

(b) Generally, it shall be unlawful for any person to suspend any banner across or along any street, sidewalk or other public way of the city for the purpose of advertising a person's candidacy for public office or for any other purpose.

(c) Banners for commercial advertisements reflecting price, a business, or product promotion of goods or services are prohibited. The banners may reflect only one theme at any given time within a district.

(d) Guidelines in Central Business District Zone

1. Banners hanging over any street ~~in CBD zone.~~

(i) Application. Applications for a permit must be submitted to the Code Department thirty (30) days prior to the day the banners are to be installed. Application may take the form of a letter from the Chairman or Executive Director of the sponsoring organization and must contain the name of the person, firm corporation or organization sponsoring the event; the dates the banner(s) are to be installed and remain above the street.

(ii) Material and dimensional requirements. The banner crossing streets must be made of heavyweight, water-resistant material with air pockets, cut in, and contain at least ten heavy duty reinforced grommets. The banner shall measure 25 feet long and four feet high.

(iii) Review process. The application will be reviewed by the Code Administrator and Public Works Director to insure that the design and materials are satisfactory.

2. Permit for pole banners.

(i) Application. Applications for a permit must be submitted to the Code Department thirty (30) days prior to the day the banners are to be installed. Application may take the form of a letter from the Chairman or Executive Director of the sponsoring organization and must contain the name of the person, firm, corporation, or organization sponsoring the event, and the dates the banner(s) are to be installed and remain above the street.

a. Material and dimensional requirements. Banners must be constructed of heavyweight, water-resistant fabric. Size of banners are restricted to 24 inches by 48 inches in order to fit the installed brackets. The banner shall be constructed to fit the mounting hardware where the banner can be mounted by slipping the banner arms through the sewn, looped top and bottom of the banner. The loops must be three inches in order to slip over the banner arms. The design shall be the same on both sides of the banner.

3. Sandwich board signs. A sandwich board is a free standing A-frame sign.

(i) One sandwich board sign shall be permitted per building façade if a projecting sign does not protrude from the façade.

(ii) Sandwich board signs shall be no taller than 36-72 inches from grade and no wider than 24 30 inches. Such signs must be secured by a chain or cable in order to remain standing; and shall not have moving parts or be illuminated in any manner. Both faces of the sign must have advertising. No blank faces are allowed.

(iii) Such signs can only be placed on a sidewalk (excluding paver area) that has a minimum of eight feet in width. In no instance shall such signs occupy an area that limits any portion of the useable sidewalk to less than five contiguous feet; or interfere with pedestrian or automobile traffic.

(iv) No portion of any sandwich board sign shall be placed further than 36 inches from the face of the building. The useable sidewalk above shall be 5' from the beginning of sidewalk (edge of brick pavers).

(iv) Sandwich board signs may be partially placed on the brick pavers adjacent to the sidewalk to the extent of up to one-half (1/2) of the width of the sign with the remainder

being on the sidewalk.

(v) Sandwich board signs shall only advertise hours of operation, an event or promotion, or a menu. The sign must be displayed in front of the business for which it is advertising. No off-site advertising is allowed.

(vi) The sandwich board sign can only be displayed during business hours, and must be removed when the business is closed. These signs shall be removed from the public right-of-way at any time that weather conditions render the presence of such signs a hazard (i.e. high wind conditions, snow, ice, etc.)

(vii) The sign must be constructed of weather resistant materials and shall be maintained in good repair. ~~Sandwich board signs shall not be constructed of cardboard, OSVB or non-marine grade plywood.~~ Sandwich board signs cannot be anchored to the sidewalk, attached or chained to poles, or other structures or appurtenances. Such signs shall be weighted.

(viii) The sandwich board sign may have no protruding features attached. Protruding features may include, but are not limited to balloons, ribbons, flags and other similar objects as determined by the Code Administrator.

(ix) The Code Department shall be entitled to request removal or remove any sandwich board sign in the right-of-way if the sign is considered to be a nuisance.

(x) A sign permit must be obtained from the Code Department before any sandwich board sign can be placed on the public right-of-way.

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

(Ord. No. 26-99, § 1, 9-14-99)

Section 10.09. Signs exempt from regulation under this article.

The following signs shall be exempt from regulation under this article:

- (a) Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance;
- (b) Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three (3) feet beyond the lot line of the lot or parcel on which such sign is located;
- (c) Appurtenance sign;
- (d) ~~Official signs;~~ (e) Holiday lights and holiday decorations with no commercial message;
- (e) ~~(f)~~ Historic signs;
- (f) ~~(g)~~ Traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meet department of transportation standards and which contain no commercial message of any sort;
- (g) ~~(h)~~ Flags, as defined; ~~and~~
- (h) ~~(i)~~ Window signs not exceeding fifty (50) percent of the total area of the window and which provide adequate visibility for security and public safety.
- (i) ~~(j)~~ Election signs, provided however that in no instance shall such signs be placed closer to the pavement edge than twenty (20) feet in all zoning districts, with the exception of residential districts, where they may be placed a minimum of ten (10) feet from the pavement edge; but may in no instance be located in the public right-of-way except in accordance with section 20-1 of the Code of Ordinances.
- (j) Signs displayed on trucks, buses, trailers or other vehicles that are being operated in the normal course of a bona fide business or transportation service.

(Ord. No. 26-99, § 1, 9-14-99)

Section 10.10. Signs prohibited under this article.

All signs not expressly permitted under this article or exempt from regulation hereunder in accordance with the previous section are prohibited in the city and shall be removed within ninety (90) days of the effective date of this article. Such signs include, but are not limited to:

- (a) Abandoned signs;
- (b) Beacons;
- (c) ~~Permanent~~ Inflatable signs, ~~and~~ tethered balloons; and air puppets, except air puppets may be allowed by permit;
- (d) Flashing signs;
- (e) Portable signs;
- (f) Animated signs, except in Highway Commercial Zone;

- (g) Snipe signs;
- ~~(h) Signs attached to trees, utility poles and/or traffic signals;~~
- (h) ~~(+)~~ Signs advertising an activity, business product, or service no longer conducted on the premises upon which the sign is located;
- (i) Changeable copy signs; except in Highway Commercial Zone;
- (j) ~~Moving message signs; and (k) Rotating signs;~~
- (k) It is a violation of this article for a person to fasten, place, paint, or attach in any way any sign, handbill, poster, advertisement, or notice of any kind, whether political or otherwise, or cause the same to be done in or on any public curbstone, lamp post, telephone pole, telegraph pole, electric light or power pole, hydrant, bridge, culvert public drinking fountain, public trash container, courtesy benches, rest station building, tree, or in or on any portion of any public sidewalk, street or sign, except as specifically permitted within this chapter.
- (l) All signs placed upon private property must have the written consent of the owner or his agent. If the application is made by a person other than the owner in fee, it shall be accompanied by a verified written statement by the person making the application that the sign is authorized by the owner in fee and that the applicant is authorized to make application

(Ord. No. 26-99, § 1, 9-14-99)

Section 10.11. Billboards.

- (a) A billboard may be erected in the Highway Commercial (H-C) district or Heavy Industrial (M-2) district only.
- (b) A billboard must be mounted on a painted steel monopole structure.
- (c) A billboard may contain either one (1) or two (2) faces. Multiple display area may be placed on each face. On two-faced billboards, the faces shall be either:
 - (1) Back-to-back not more than ten (10) feet apart; or
 - (2) A V-type unit whose faces are not farther than fifteen (15) feet apart at the farthest point between the back of the two (2) faces.

The maximum area per face shall not exceed six hundred and seventy two (672) square feet, and the maximum area for all faces shall not exceed one thousand three hundred and forty-four (1,344) square feet. The area of a face shall be computed by means of the smallest square, circle, rectangle, or triangle that will encompass its extreme limits exclusive of base supporting members which bear no message.

- (d) An embellishment, which is a temporary addition to the display area on which a

continuation of the advertising message is placed, is permitted provided the total area of the embellishment does not exceed ten (10) percent of the maximum area per face of 672 square feet, for a maximum total of 67.2 square feet. In no instance shall an embellishment cause the maximum height of a face to exceed the maximum height otherwise allowed in subsection (f) herein by more than four (4) feet.

(e) Billboards which are located on the same side of the street or roadway shall be no less than six hundred (600) feet apart as measured from the closest point of each billboard. In no instance shall a billboard be closer than three hundred (300) feet from another billboard as measured from the closest point of each billboard.

(f) The minimum height of a billboard shall be fifteen (15) feet above grade as measured from the bottom of the face, and the maximum height of a billboard shall be forty (40) feet above grade as measured from the top of the face.

(g) No part of a billboard shall extend closer than fifty (50) feet from the front property line of a site. No part of a billboard shall extend closer than fifteen (15) feet to any principal or accessory structure. Minimum side yard and rear yard setbacks shall be as follows:

Adjacent Zoning	Side Setback	Back Setback
Agriculture (AG)		
General Business (GB)		
Central Business District (CBD)	25 Ft.	25 Ft.
Neighborhood Business District (NB)		
Residential (R-1, R-2, R-3IC, R-4, R-PUD, R-MH, R-O)		
Highway Commercial (H-C)		
Industrial (M-1, M-2)	10 Ft.	25 Ft.

(h) Digital display (LED) billboards are permitted provided they do not constitute a flashing sign as defined herein.

(i) ~~(h)~~ A billboard may not be erected or placed until a permit has been issued. Application for permits shall be provided in the form as established by the city manager.

(Ord. No. 26-99, § 1, 9-14-99)

Section 10.12. Temporary signs.

1. Temporary signs are allowed on lots under the following conditions:

(a) Two (2) temporary signs will be allowed per lot, except in Residential-1, Residential-2, Residential-3, Residential-4, Residential-Planned Unit Development and Residential Manufactured Homes zones where four (4) temporary signs will be allowed per lot.

- (b) Temporary signs may in no instance be placed closer to the pavement edge than twenty (20) feet in all zoning districts, with the exception of residential districts where they may be placed a minimum of ten (10) feet from the pavement edge, but may in no instance be located in the public right of way except in accordance with section 20-1 of the Code of Ordinances.
- (c) Temporary signs may not be located in the vision sight triangle as defined by Section 4.09, Article IV of the Code of Ordinances.
- (d) Any sign attached to or affixed to the property in such a way as to make it not easily movable will not be considered a temporary sign and must obtain a permit for erection.
- (e) Temporary signs may be erected for the duration of the usefulness of the sign.
2. Temporary signs which advertise or promote a political campaign or the expression of ideas or beliefs shall be subject to the following regulations:
- (a) Such signs shall be limited to a 32 square feet in area per sign face with the bottom of the sign to be no higher than two feet from ground level.
3. Temporary signs which advertise the sale, lease, or development of real property, shall be subject to the following regulations:
- (a) Such signs may be erected at the time of the commencement of the sale of the real property and may be maintained for a period not to exceed ten days after completion of the sale, at which time such signs shall be removed.
- (b) Such signs shall not exceed six square feet in area per sign face, except however such signs located in GB, HC, M-1 and M-2 with frontage over 200 feet shall not exceed 32 square feet in area per sign face.
- (c) No more than one sign shall be permitted for each 200 feet of the lot or tract upon which the sign is to be located abuts upon a public right-of-way.
- ~~(d) Such signs may be located within ten feet of a street right of way line.~~
4. Temporary signs which advertise construction services and services related thereto shall be subject to the following regulations.
- (a) Such signs shall not exceed 32 square feet in area per sign face.
- (b) Such signs shall be erected no more than 30 days prior to the beginning of construction.
- (c) Such signs shall be removed within ten (10) days after completion of construction.
- ~~(d) Such signs shall be located within ten feet of a street right of way line.~~
5. Temporary signs which advertise or promote business events, special sales, “under new management”, “going out of business,” “grand opening” and similar announcement shall be subject to the following regulations:
- (d) Such signs may consist of wall signs, banners, and other similar signs which are

approved by the Code Administrator as being in compliance with the intent and provisions of this chapter.

- (e) Such signs shall not exceed 32 square feet in area per sign face.
 - (f) Each property or tenant shall be limited to two such signs. Such signs shall be located on the site being advertised.
 - (g) Such signs shall not be erected for a period of more than 30 days.
6. Temporary signs that are used for any special occasion or business Grand Opening such as: Banners, poster, pennants, flags (excluding government, political subdivision, or other official designated flags of an institution or business), wind signs (gas, cold air or hot air balloons; streamers; and rotating devices, fastened in such a manner to move upon being subjected to pressure by wind or breeze) fixed balloons or similar devices which are not solely affixed to a window or the principal façade and portable signs on wheels or freestanding shall be permitted in all commercial zoning districts for a 30 day period not to exceed 3 times per calendar year.
 7. Temporary signs which advertise or promote general events shall also be in compliance with all other applicable codes.
 8. Temporary signs which advertise or promote circuses or carnivals or other special events shall not exceed 32 square feet and shall be erected within twenty (20) days of the event and removed within ten days following the event, and shall otherwise comply with the provisions of all other applicable codes. Each special event is limited to two such signs on the property the special event is being held on.
 9. Temporary signs which advertise or promote yard sales may only be erected the day before the sale and shall be removed on the day following the sale. Such signs shall not exceed six square feet per sign face. Such signs may be located within ten feet of a street right-of-way line.
 10. Temporary signs placed on the inside of windows of retail and service commercial uses, such as food stores, drug stores, furniture stores, general merchandise stores, dry cleaners, service stations and new and used car/truck sales to advertise sales and special events are permitted without permits or fees. Such signs may not be illuminated.
 11. Temporary signs, when permitted may not be used for a period to exceed thirty (30) days and not more than three permits may be issued for any site or use in any calendar year.

Section 10.13. Permanent freestanding sign placement.

- (a) One (1) permanent freestanding sign may be erected on a lot for each street on which the lot has frontage, provided that the sign(s) erected are set back a minimum of twelve (12) feet from the right-of-way line no part of the sign shall be placed on the public right-of-way or public easement.
- (b) If a lot has two (2) road frontages, then a free standing sign which is one and one half (1½) times the allowable square footage for that zone may be placed on the lot instead of two

(2) signs, and shall be shown on a land use restriction to be recorded.

(Ord. No. 26-99, § 1, 9-14-99)

Section 10.14. Central Business District/subdivision sign placement.

(a) In the Central Business District, where buildings may be built up to the street right-of-way line, overhanging and projecting signs shall be permitted, provided that no projection sign shall project from the face of the building or structure over a street right-of-way, alley, or other public space more than ten (10) feet, but in no case shall any such sign project beyond a line drawn perpendicular upward from two (2) feet inside the curb line. A clear space of not less than ten (10) feet shall be provided below all parts of such signs. Projecting signs shall be securely attached to the building or structure. A hold harmless agreement, acceptable to the city manager shall be provided to the code administrator prior to a sign permit being issued.

(b) Subdivision sign.

(1) One (1) entry sign, a permanent, indirectly illuminated or non-illuminated ground sign shall be allowed at each side of each entrance of a subdivision.

(2) The top of the entry sign shall be no higher than eight (8) feet above ground level.

(Ord. No. 26-99, § 1, 9-14-99)

Section 10.15. Maximum height of signs.

Maximum sign heights shall be as follows for permanent freestanding signs:

Zoning District	Maximum Height
Residential Districts (R-1, R-2, R-3 IC, R-4, R-PUD)	Not Permitted
Residential Office Districts(R-O)	5 Ft.
Residential Manufactured Home (R-MH)	5 Ft.
Neighborhood Business (NB)	20 Ft.
General Business District (GB)	25 Ft.
Central Business District (CBD)	25 Ft.
Highway Commercial District (H-C)	30 Ft.*
Industrial Districts (M-1, M-2)	30 Ft.*
Agricultural Districts (AG)	25 Ft.

*Except Billboards--See Section 10.11(d) and (f).

(Ord. No. 26-99, § 1, 9-14-99)

Section 10.16. Maximum square footage.

Maximum sign square footages for signs are as follows:

(a) *Permanent freestanding signs.*

Zoning District	Maximum Size
Residential Districts (R-1, R-2, R-3 IC, R-4, R-PUD)	Not permitted, provided however that in the event a conditional use permit is approved by the board of zoning adjustment, a sign will be permitted in accordance with Residential Office District standards.
Residential Office Districts (R-O)	25 Sq. Ft.
Residential Manufactured Home (R-MH)	40 Sq. Ft.
Neighborhood Business (NB)	40 Sq. Ft.
General Business District (GB)	75 Sq. Ft.
Central Business District (CBD)	75 Sq. Ft.
Highway Commercial District (H-C)	100 Sq. Ft.
Industrial Districts (M-1, M-2)	100 Sq. Ft.
Agricultural Districts (AG)	75 Sq. Ft.

(b) *Permanent--Other signs.*

Zoning District	Maximum Size
Residential Districts (R-1, R-2, R-3 IC, R-4, R-PUD)	4 Sq. Ft.*
Residential Office Districts (R-O)	16 Sq. Ft.

Residential Manufactured Home (R-MH)	10 Sq. Ft.
Neighborhood Business (NB)	10% of surface area of wall on which signage is located
General Business District (GB)	10% of surface area of wall on which signage is located
Central Business District (CBD)	10% of surface area of wall on which signage is located
Highway Commercial District (H-C)	25% of surface area of wall on which signage is located
Industrial Districts (M-1, M-2)	10% of surface area of wall on which signage is located
Agricultural Districts (AG)	10% of surface area of wall on which signage is located

*See also Section 2.01 Home Occupation as defined in this article.

(c) *Temporary signs.*

Zoning District	Maximum Size
Residential Districts (R-1, R-2, R-3 IC, R-4, R-PUD)	16 Sq. Ft.
Residential Office Districts (R-O)	16 20 Sq. Ft.
Residential Manufactured Home (R-MH)	16 20 Sq. Ft.
Neighborhood Business (NB)	16 25 Sq. Ft.
General Business District (GB)	32 25 Sq. Ft.
Highway Commercial District (H-C)	32 25 Sq. Ft.
Industrial Districts (M-1, M-2)	32 25 Sq. Ft.
Agricultural Districts (AG)	32 25 Sq. Ft.
Central Business District (CBD)	32 25 Sq. Ft.

(Ord. No. 26-99, § 1, 9-14-99)

Section 10.17. General permit procedures.

The following procedures shall govern the application for, and issuance of, all sign permits under this article, and the submission and review of the signage site plan.

(a) *Applications.* All applications for a sign permit of any kind and for approval of

a signage site plan shall be submitted to the code administrator.

(b) *Fees.* Each application for a sign permit or for approval of a signage site plan shall be accompanied by the applicable fees.

(c) *Completeness.* Within ten (10) business days of receiving an application for a sign permit or a signage site plan, it shall be reviewed for completeness. If the code administrator finds that it is complete, the application shall be processed. If the code administrator finds that it is incomplete, a notice of the specific ways in which the application is deficient shall be sent to the applicant within five (5) business days, with appropriate references to the applicable sections of this article.

(d) *Action.* Within five (5) business days of the submission of a complete application for a sign permit, a sign permit shall be issued if the application conforms in every respect with the requirements of this article.

No permit for a sign shall be issued if the application fails in any way to conform with the requirements of this article. In case of a denial, the applicant shall be informed as to the section or sections of the ordinance or applicable plan with which the application is inconsistent.

(Ord. No. 26-99, § 1, 9-14-99)

Section 10.18. Permits to construct or modify signs.

Signs shall be erected, installed or created only in accordance with a duly issued and valid sign construction permit from the code administrator. Such permits shall be issued only in accordance with the following requirements and procedures.

(a) *Permit for new sign or for sign modification.* An application for construction, creation, or installation of a new sign or for modification of an existing sign's height, area or placement shall be accompanied by detailed drawings to show the dimensions, design, structure, and location of each particular sign, to the extent that such details are not contained on a signage site plan then in effect for the lot. One application and permit may include multiple signs on the same lot.

(b) *Duration of permit.* The code administrator shall cause an inspection to be made of the lot for which each permit for a new sign or for modification of an existing sign is issued during the sixth month after issuance of such permit or at such earlier date as the owner may request. If the construction is not substantially complete at the time of inspection, the permit shall lapse and become void. If the construction is substantially complete but not in full compliance with this article and applicable codes, the owner shall be given notice of the deficiencies and shall be granted an additional thirty (30) days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse.

(Ord. No. 26-99, § 1, 9-14-99)

Sec. 10.19. Nonconforming signs.

Permanent signs and billboards that are conforming at the time of the adoption of this article but which become nonconforming as a result of the requirements of this article because of size, placement, type or number of signs on the lot or building shall comply with the following requirements.

- (a) No such nonconforming sign may be enlarged or structurally altered in a way which increases its nonconformity, but any portion thereof may be altered to decrease its nonconformity. The change in the text or color of a sign shall not be deemed to be an increase in its nonconformity.
- (b) No nonconforming sign shall be relocated unless such relocation creates a conforming situation.
- (c) Should a nonconforming sign or a portion of a nonconforming sign be damaged it may be repaired but not to exceed the size and height of the original sign and not in a manner which alters the original design of the sign structure.
- (d) No nonconforming sign shall be allowed to remain after ~~sixty (60)~~ one hundred eighty (180) days of inactivity on the premises upon which the sign is located.
- (e) No nonconforming off-premises sign shall be allowed to remain after the purpose to which the sign relates has been discontinued for a period of sixty (60) days.
- (f) Whenever any sign that does not comply with the provisions and regulations of this article collapses, or if the sign is removed from its location, except for normal maintenance, the sign may not be replaced or reconstructed except in full compliance with all of the provisions and regulations of this chapter. However, if such a sign is removed or destroyed other than by intentional means of the owner, the sign may be reconstructed provided the owner make application to reconstruct within six months of the date of removal or destruction, but the sign may not be enlarged, extended, or moved.
- (g) If a nonconforming sign that was permitted at the time it was installed is required to be moved due to deed restrictions or encroachment over property boundaries that existed at the time of the original installation, or due to a taking or condemnation for public roadway improvements, and such taking is limited to only a portion of the sign, then the sign may be moved the minimum distance necessary at an angle perpendicular to the property line at the point of encroachment or taking of condemnation to comply with the deed restriction or property boundary, as long as it can be maintained on the same site, and provided that no dimensional changes are made relative to height, square footage, or total usable area.
- (h) The Code Administrator has the power and authority to remove or cause to have removed any and all signs that have been determined to be a traffic hazard when the owner or agent responsible for the maintenance of the sign has failed to eliminate such traffic hazards within two weeks from the date the written notice is mailed by the Code Administrator. The owner or agent must bear the full costs of such removal

and will be billed accordingly.

(Ord. No. 26-99 & 1,9-14-99)

Section 10.20 Signs constituting a nuisance/abatement.

- (1) The following signs shall constitute a nuisance:
 - a. A sign in a dilapidated or unsafe condition or in a condition of disrepair.
 - b. A sign which advertises a business or a product which is no longer in existence or being sold.
 - c. A sign which remains in place following the period of time within which the sign was to have been removed.
 - d. A sign which is in nonconformance with the provisions as set forth in this chapter.
- (2) Whenever the Code Administrator shall deem such a nuisance to exist, the Code Administrator shall issue a notice to the parties hereinafter stated, and such notice shall:
 - a. Be in writing;
 - b. Specify the identity of the sign and its location;
 - c. Request the nuisance to be abated; and
 - d. Advise the party(ies) that they have ten (10)days to abate the nuisance by removal or repair, as the case may be, or to make a written demand for a hearing before the Board of Adjustment, or else the nuisance will be removed and abated by the City at the owner's expense.
- (3) The notice shall be sent by registered mail, return receipt requested, to the last known address of the owner of the property whereon the nuisance is located, as it appears on the current tax assessment roll. Where the owner of the property is not the occupant thereof, such notice shall also be mailed to the occupant. The notice shall also be sent to the owner of the sign if the owner of the sign is not the owner or occupant of the property. If the owner's address is not known or cannot readily be ascertained, the notice to him to abate may be given by attaching such notice to the sign. If the latter method of service is used, the Code Administrator shall make an affidavit attesting to such facts.
- (4) In the event the owner, occupant, and owner of the sign fail to abate such public nuisance within the time as set forth above following receipt of notice, the Code Administrator is hereby authorized, empowered and directed to remove same and dispose of it.
- (5) Any interested party may appeal the decision of the Code Administrator by appealing to the Board of Zoning Adjustment. If an appeal is taken within the three-day period, the determination of the Code Administrator is stayed pending the proceedings before the Board of Zoning Adjustment. If no appeal is taken within

this time period, the Code Administrator shall have the right to cause the sign to be removed and disposed of in any manner as he may provide.

- (6) The cost of the removal and disposal shall be accounted for by the Code Administrator. The owner and occupant of the property upon which the sign is located and the owner of the sign shall be jointly and severally liable for reimbursement of such cost. In the event the full amount due the City for such service is not paid by such persons within thirty (30) day after the disposal of the nuisance, then and in that case, the Code Administrator shall provide information to the City's Finance Department which includes the cost and expense incurred for the work, the date the work was done, and the location of the property on which the work was done. The Finance Department shall have recorded a sworn statement in the County Clerk's Office. The recordation of a sworn statement shall constitute a lien and privilege on the property, and shall remain in full force and effect for the amount due in principal and interest, plus attorney fees and court costs, if any, for collection, until final payment has been made. Sworn statements recorded in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and shall be full notice to every person concerned that the amounts due constitutes a charge against the property designated or described in the statement and that the same is due and collectable as provided by law.
- (7) The city shall be entitled to recover from the responsible party or parties the total cost of removal and disposal, plus interest thereon, and all reasonable attorney fees and other costs incurred by the city by reason of the collection upon and enforcement of the responsible party or parties' liability hereunder, and the lien which secures same. Interest shall accrue on such costs at the legal rate of eight percent (8%) per annum.

All ordinances or parts of ordinances in conflict herewith are hereby repealed and superseded to the extent of such conflict.

This ordinance shall become effective upon its legal adoption.

Document on file in the City Clerk's office.