

8. New Business

- a. At the March 2008 Planning Commission meeting proposed work shop items were discussed for the upcoming year. These items were identified with a priority numbering system for discussion and consideration by the Commission. The City Council approved these work shop items with the general time frame that was discussed, with the exception that they would like to work on amending the ordinance sooner rather than later for Signs/Electronic Billboards to prevent any potential issues. The following is potential language that would help to have a more comprehensive sign ordinance. This language is by no means a final draft, it is being presented for the Commission to look over, discuss, and make any needed changes to. A copy of this language will also be given to the City Council for their review and comment. When the Planning Commission feels comfortable with the language it will then be worked into the existing ordinance and related zoning districts, they may direct staff to notice a public hearing for an ordinance amendment.

PERFORMANCE STANDARDS

---GENERAL---

X.X *Signs*

- A. Findings, Purpose, and Intent.
 1. Findings. The City hereby finds as follows:
 - a. Exterior *signs* have a substantial impact on the character and quality of the environment.
 - b. *Signs* provide an important medium through which individuals may convey a variety of messages.
 - c. *Signs* can create traffic hazards, aesthetic concerns, and detriments to property values, thereby threatening the public health, safety, and welfare.
 2. Purpose and Intent. It is not the purpose or intent of these sign standards to regulate the message displayed on any *sign*; nor is it the purpose or intent of this Ordinance to regulate any building design or any display not defined as a *sign*, or any *sign* which cannot be viewed from the outside of a *building*. The purpose and intent of this Section is to:

- a. Regulate the number, location, size, type, illumination, and other physical characteristics of *signs* within the City in order to protect and promote the public health, safety, and welfare.
- b. Maintain, enhance, and improve the aesthetic environment of the City by preventing visual clutter that is harmful to the appearance of the community.
- c. Improve the visual appearance of the City while providing for effective means of communication, consistent with constitutional guarantees and the City's goals of public safety and aesthetics.
- d. Provide for fair and consistent enforcement of the sign regulations set forth herein under the zoning authority of the City.

B. General Provisions.

1. Size. No *sign* shall exceed 128 square feet in area. See Section 7.1(B)(9) for measurement of area.
2. Regulations. Except as hereinafter provided, no *signs* shall be *erected* or maintained at any angle to a *building* or *structure* so that the *sign* extends or projects over the *street* or highway. No *sign* which is *erected* or maintained flat against any *building* or *structure* shall extend or project more than twelve inches from the *building*.
3. Electrical *Signs*. Electrical *signs* must be installed in accordance with the current electrical code and a separate electrical permit from the State must be obtained prior to placement.
4. All flashing, revolving and intermittently lighted *signs* and all *portable signs* are prohibited, except as specifically allowed in this section.
5. *Temporary signs* pertaining only to the construction, sale, or rental of the premises are allowable provided they do not exceed nine (9) square feet in any District and are removed within thirty (30) days of the completion of construction, sale, or rental.
6. *Temporary signs*, including *banners*, streamers and *portable signs*, are allowed for special events such as grand openings and promotions provided they are not in place longer than fourteen (14) days.
 - a. *Portable signs* must be placed twenty (20) feet back from the Highway 210 / Highway 10 Intersection; and
 - b. four (4) feet of clear space must be maintained in the center of the sidewalk for the passage of pedestrians.
7. Prohibited *Signs*. The following *signs* are prohibited *signs*:
 - a. Any *sign*, signal, marking or device which purports to be or is an imitation of or resembles any official traffic control device or railroad sign or signal, or emergency vehicle signal, or which attempts to direct the movement of traffic or which hides from view or interferes with effectiveness of any official traffic-control device or any railroad sign or signal.
 - b. All off-premise advertising.
 - c. *Signs* painted, attached, or in any other manner affixed to *trees*, rocks, or similar natural surfaces, or attached to public utility poles, bridges, *towers*, or similar public *structures*.

8. *Setbacks*. Permanent *signs* can be allowed up to the *right-of-way* as long as there are no safety or maintenance concerns as determined by the *Zoning Administrator*.
9. *Area*. The area within the frame shall be used to calculate the square footage. If such letters or graphics are mounted directly on a wall of fascia or in such way as to be without a frame, the dimensions for calculating the square footage shall be the area within the periphery around such letters or graphics in a plane figure bounded by straight lines connecting the outermost points thereof. Each surface utilized to display a message or to attract attention shall be measured as a separate *sign* and shall be calculated in the overall square footage. Symbols, flags, pictures, wording, figures, or other forms of graphics painted on or attached to windows, walls, *awnings*, free-standing *structures*, suspended by balloons or kites or on persons, animals, or vehicles are considered a *sign* and are included in calculating the overall square footage.
10. *Canopies, Marquees, and Fixed Awnings*. Canopies, *marquees*, and fixed *awnings* are an integral part of the *structure* to which they are attached. Where allowed, they shall meet the following requirements and the applicable square footage requirements.
 - a. An *awning*, *canopy*, or *marquee* may not extend out from the *building* more than thirty (30) inches.
 - b. *Awnings*, canopies, or *marquees* may have no part of the *structure* other than supports nearer to the ground surface than seven (7) feet.
 - c. Below *Marquee*. No *sign*, either illuminated or non-illuminated, may project below a *marquee*.
11. *Illumination*. External illumination for *signs* shall be so constructed and maintained so that the source of light is not *visible* from the public *right-of-way* or neighboring residential properties.
12. *Height*. The top of a *sign*, including its superstructure, if any, shall be no higher than fifty percent (50%) of the roof elevation of the *building* to which such *sign* may be attached or thirty (30) feet above ground level, whichever height is less. *Freestanding signs* shall not exceed an overall height of thirty (30) feet from ground level.
13. *Non-commercial speech*. Notwithstanding any other provision of this Ordinance, all *signs* of any size containing *Non-commercial speech* may be posted in any number from August 1 in a (state) general election year until ten (10) days following the (state) general election and thirteen (13) weeks prior to any special election until ten (10) days following the special election.

C. Specific Regulations by *Zoning District*.

1. Residential Districts.

- a. Within residential *Zoning Districts* one (1) *sign* per primary *structure* is allowed, with a permit, with a maximum *sign* area of eight (8) square feet.

- b. The following types of *signs* are not permitted in residential *Zoning Districts*:
 - i. *Awning signs*
 - ii. *Balloon signs*
 - iii. *Digital Display Signs*
 - iv. *Flashing signs*
 - v. *Marquee signs*
 - vi. *Pole signs*
 - vii. *Pylon signs*
 - viii. *Neon signs*
 - ix. *Scrolling signs*
 - x. *Shimmering signs*
2. Business Districts.
- a. Within the Commercial District (C), *signs* are permitted as follows:
 - i. Each property is allowed one *freestanding sign* so long as the *sign's* placement does not create a safety hazard by obstructing lines of sight or pedestrian corridors.
 - ii. For *corner lots*, one *freestanding sign* conforming to these standards is allowed on each roadway.
 - iii. Maximum *sign* area of a single *sign* is one hundred twenty-eight (128) square feet.
 - iv. Up to ten percent (10%) of any *principal structure* facade area which directly abuts and lies generally parallel with the road *right-of-way* or publicly traveled roadway may be dedicated to signage.
 - v. The maximum *sign* area for the side of the *principal structure* not *abutting* the road *right-of-way* or publicly traveled road is twenty-four (24) square feet.
3. Industrial Districts. Within the Industrial District (I), *signs* are permitted as follows:
- a. Each property is allowed one *freestanding sign* so long as the *sign's* placement does not create a safety hazard by obstructing lines of sight or pedestrian corridors.
 - b. For *corner lots*, one *freestanding sign* conforming to these standards is allowed on each roadway.
 - c. Maximum *sign* area of a single *sign* is one hundred twenty-eight (128) square feet.
 - d. Up to ten percent (10%) of any *principal structure* facade area which directly abuts and lies generally parallel with the road *right-of-way* or publicly traveled roadway may be dedicated to signage.
 - e. The maximum *sign* area for the side of the *principal structure* not *abutting* the road *right-of-way* or publicly traveled road is twenty-four (24) square feet.

- D. Required Permits. No *sign* shall be *erected*, altered, reconstructed, or moved in the City without first securing a permit from the City. The content of the *sign* shall not be reviewed or considered in determining whether to approve or deny a sign permit.
- E. Non-conforming Signs. It is recognized that *signs* exist within the *Zoning Districts* which were lawful before this Ordinance was enacted, which may be prohibited, regulated, or restricted under the terms of this chapter or future amendments. It is the intent of this Ordinance that *non-conforming signs* shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other *signs* or uses prohibited elsewhere in the same district. It is further the intent of this sign ordinance to permit *legally established nonconforming signs* existing on the effective date of this Ordinance, or amendments thereto, to continue as *legally established nonconforming signs* provided such *signs* are safe, are maintained so as not to be unsightly, and have not been abandoned or removed subject to the following provisions:
1. No *sign* shall be enlarged or altered in a way which increases its nonconformity.
 2. Should such *sign* or *sign structure* be destroyed by any means to an extent greater than fifty percent (50%) of its replacement cost and no sign permit has been applied for within one hundred eighty (180) days of when the property was damaged, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
 3. Should such *sign* or *sign structure* be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the *Zoning District* in which it is located after it is moved.
 4. No existing *sign* devoted to a use not permitted by the zoning ordinance in the *Zoning District* in which it is located shall be enlarged, extended, or moved except in changing the *sign* to a *sign* permitted in the *Zoning District* in which it is located.
 5. When a *structure* loses its status as a legal *non-conforming structure*, all *signs* on the property shall be brought into conformance with this ordinance within sixty (60) days.
- F. Substitution Clause. The *owner* of any *sign* which is otherwise allowed by this Ordinance may substitute non-commercial copy in lieu of any other commercial or non-commercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of *commercial speech*

over *non-commercial speech*, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provisions to the contrary.

The following proposed definitions would be used to administer the ordinance:

1. *Sign*. Any letter, word or symbol, poster, picture, statuary, reading matter or representation in the nature of advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed or constructed, including all associated brackets, braces, supports, wires and *structures*, which is displayed for informational or communicative purposes.
2. *Sign face*. The surface of the *sign* upon, against, or through which the message of the *sign* is exhibited.
3. *Sign height*. The height of a *sign* shall be computed as the vertical distance measured from the grade immediately below the *sign* to the top of the highest attached component of the *sign*.
4. *Sign structure*. Any *structure* including the supports, uprights, bracing and framework which supports or is capable of supporting any *sign*.
5. *Sign, Abandoned*. Any *sign* and/or its supporting *sign structure* which remains without a message or whose display surface remains blank for a period of one (1) year or more, or any *sign* which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. *Signs* applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one (1) year or more. Any *signs* remaining after demolition of a *principal structure* shall be deemed to be abandoned. *Signs* which are present because of being legally established nonconforming *signs* or *signs* for which a Conditional Use Permit or a *variance* have been approved shall also be subject to the definition of *abandoned sign*.
6. *Sign, Awning*. A *building sign* or graphic printed on or in some fashion attached directly to the *awning* material.
7. *Sign, Balloon*. A *sign* consisting of a bag made of lightweight material supported by helium, hot, or pressurized air which is greater than twenty-four (24) inches in diameter.
8. *Sign, Building*. Any *sign* attached or supported by any *structure* used or intended for supporting or sheltering any use or occupancy.
9. *Sign, Canopy*. Any *sign* that is part of or attached to a *canopy*, made of fabric, plastic, or structural protective cover over a door or entrance. A *canopy sign* is not a *marquee* and is different from service area *canopy signs*.
10. *Sign, changeable copy*. 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*. *Changeable copy signs* do not include *signs* upon which characters, letters or illustrations change or rearrange only once in a twenty-four (24) hour period.
11. *Sign, Directory*. A *sign erected* at an intersection that lists the residences or businesses that reside along the intersecting roadway.
12. *Sign, Flashing*. A directly or indirectly *illuminated sign* which exhibits changing light or color effect by any means, so as to provide intermittent illumination which includes the illusion of intermittent flashing light by means of animation. Also any mode of lighting which resembles zooming, twinkling, or sparkling.

13. *Sign, freestanding.* Any *sign* which has a supporting framework that is placed on, or anchored in, the ground and which is independent from any *building* or other *structure*.
14. *Sign, Illuminated.* Any *sign* which contains an element designed to emanate artificial light internally or externally.
15. *Sign, legally established nonconforming.* Any *sign* and its support *structure* lawfully *erected* prior to the effective date of this ordinance which fails to conform to the requirements of this ordinance. A *sign* which was *erected* in accordance with a *variance* granted prior to the adoption of this ordinance and which does not comply with this ordinance shall be deemed to be a *legally established nonconforming sign*. A *sign* which was unlawfully *erected* shall be deemed to be an illegal *sign*.
16. *Sign, Marquee.* Any building *sign* painted, mounted, constructed or attached in any manner, on a *marquee*.
17. *Sign, Off-premise.* A *sign* which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same premises where such *sign* is located. For purposes of this ordinance, *easements* and other appurtenances shall be considered to be outside such plated parcel of land and any *sign* located or proposed to be located in an *easement* of other appurtenance shall be considered an *off-premise sign*.
18. *Sign, On-premise.* A *sign* which identifies an establishment, person, activity, goods, products or services located on the premises where the *sign* is installed.
19. *Sign, Pole.* See *pylon sign*.
20. *Sign, Portable.* Any *sign* which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such *sign* may be removed and the remaining chassis or support is converted to another *sign* or attached temporarily or permanently to the ground since this characteristic is based on the design of such *sign*.
21. *Sign, Projecting.* Any *sign* which is affixed to a *building* or wall in such a manner that its leading edge extends more than two (2) feet beyond the surface of such *building* or wall face.
22. *Sign, Pylon.* Any *freestanding sign* which has its supportive *structure(s)* anchored in the ground and which has a *sign face* elevated above ground level by pole(s) or beam(s) and with the area below the *sign face* open.
23. *Sign, Rotating.* A *sign* or portion of a *sign* which turns about on an axis.
24. *Sign, Shimmering.* A *sign* which reflects an oscillating sometimes distorted visual image.
25. *Sign, Wall.* Any *building sign* attached parallel to, but within two (2) feet 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.
26. *Sign, Window.* Any *building 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 or glass and is *visible* from the exterior of the window.