

## **Article I. GENERAL PROVISIONS**

### **Section 1. Purpose and Findings**

The purpose and intent of the governing authority of the city in enacting this chapter is related to the following objectives:

- A. To enact regulations which promote signs that are subordinate to and in aesthetic harmony with their location on buildings and their surrounding environment; to identify requirements that safeguard life, public health, aesthetic quality and welfare by regulating the location, size, number, illumination, construction, maintenance and quality of materials of all signs and outdoor advertising structures and to eliminate visual clutter and blight within the city.
- B. To promote the safety of persons and property by ensuring that signs do not create traffic or other hazards due to collapse, fire, visual obstruction, decay or abandonment.
- C. To protect property values by regulating excessive visual clutter and ensuring that signage is constructed of quality materials and is well-maintained.
- D. To balance the right of individuals to convey their message with the duty to provide an uncluttered and aesthetic public realm for all members of the community.
- E. To provide for fair and consistent enforcement of the ordinance throughout the city.

### **Section 2. Definitions**

For the purpose of this chapter certain terms and words are hereby defined. Words used in the singular shall include the plural, and the plural the singular; and words in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive.

The phrase "use for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for," and the word "structure" shall include the word "building."

Words not defined herein shall be construed as having the meaning as defined in the Merriam-Webster English Dictionary, 2004 edition.

**Abandoned sign:** a permitted sign or sign structure which was erected in conjunction with a particular use which has been discontinued for a period of at least one hundred eighty (180) days. This excludes temporary periods of remodeling, refurbishment or maintenance of the sign, or temporary vacancy of the property/business where the sign is located.

**Aggregate sign area:** the area of all signs on a parcel, excluding the area of one face of all double-faced signs.

**Animated sign:** a sign with action, motion, or changing colors which requires electrical energy. This definition includes any signs that electronically change the sign face, whether by substitution of copy or scrolling. An electronic sign that maintains a steady sign face without change for no less than six (6) hours is not considered an animated sign. However, any deviation from the minimum six (6) hour change of unchanged copy results in the sign being considered an animated sign. LED signs are considered separately from animated signs.

**Architectural Embellishment:** any modification of a building or attached structures to cause additional notification of the building or advertise the business, including but not limited to enlarged architectural features or projections to the building. Note that linear lighting is considered separately.

**Area of a sign/ Sign area:** the smallest square, rectangle, triangle, circle, or combination thereof, which encompasses one face of the entire sign, inclusive of any border and trim but excluding the base, apron, supports, and other structural members.

**Attached sign:** any sign attached to, applied on, or supported by, any part of a building (such as a roof, wall, canopy, awning, arcade, or marquee) which encloses or covers usable space. Banners and window signs shall not be included in this definition for the purposes of this chapter.

**Awning sign:** a sign located on a roof-like cover extending before a place as a shelter and which may be used in lieu of a wall sign.

**Banner:** any sign, with or without characters, letters, illustrations or ornaments, applied to cloth, paper, or fabric of any kind, with only such material for a backing.

**Billboard sign:** any sign with a sign area exceeding 300 square feet.

**Building façade:** the portion of any exterior elevation of a building extended from grade to the top of the parapet wall or waves and the entire width of the building elevation fronting a public street, excluding alleys and lanes, and which may also be referred to as the building face.

**Channel Letters:** a type of building signage using separate three-dimensional letters that project from the building.

**Changeable copy sign:** a sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or surface of the sign.

**Copy area:** the area of a sign that displays a message, symbol or emblem, and is exclusive of the base, apron, supports, and other structural members of the sign.

**Combined sign area:** see aggregate sign area.

**Directional sign:** a sign containing information relative to the location, distance to, entrance to, and exit from structures or land use activities.

Double-faced sign: a sign which has two (2) display areas placed back to back against each other or where the interior angle formed by the display areas is sixty (60) degrees or less, where one face is designed to be seen from one direction and the other face from another direction.

Feather flag sign: a sign in the shape of a feather or banana that is a part of, or attached to, a pole.

Flag: any fabric or bunting containing colors, patterns, or symbols used to signify a government or other entity or organization.

Freestanding sign: a sign securely affixed to a support structure which is permanently attached to the ground and wholly independent of any building for support, such as monument or pole signs.

Hoist: the half or edge of a flag nearest to the flagpole

Illuminated sign: a sign that has light cast upon the sign from a source either internal to the sign or from an external light source directed primarily toward such sign.

LED Sign: an electronically controlled sign utilizing light-emitting diodes to form a message.

Linear lighting: any linear lighting around windows (either inside or outside the window), building facades, rooflines, doors, signs, and other building structures, or building projections. Linear lighting may include neon tubes, rope lighting, or any source of the lighting that creates the same effect. Linear lighting is not considered a sign for the purposes of this ordinance. Displays that use linear type lighting to create letters or shapes distinct from those described above are considered signs.

Marquee sign: a projecting sign attached to a roofed structure of a building which may project over sidewalks. This definition shall include any hood or stationary awning or permanent construction projecting from the wall of a building above an entrance and extending over a thoroughfare.

Monument sign: a freestanding sign mounted directly upon the ground. Such sign may not be attached to or be a part of or supported by the building in or to which the sign applies. No open spaces which allow a direct line of sight from one side of the sign to the other are permitted in the area beneath the highest point of the sign face.

Non-conforming sign: any sign which does not conform to the provisions of this ordinance that was legal at the time of its erection.

Non-residential district: any parcel which is part of the Clarkston districts RC, NC-1, NC-2, TC, or I.

Parcel: a separate tax unit of real property on county real estate records.

Pennant: any lightweight plastic, fabric, or 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 as a means of attracting attention. May also be several small flags connected to a single line. See spectacular signs.

Permanent sign: any sign attached securely to a building, roof, wall, or canopy or the ground by means of concrete, bolts, metal braces or treated wood and continuing in the same state or without essential change to the sign structure.

Planned center: a group of two or more retail stores, service establishments, offices, industrial buildings, or any other businesses, or combination thereof, consisting of individual buildings or units which are adjacent or abutting one another, and which are planned to serve the public, and which share common amenities or common area, sidewalks, parking areas or driveways, excepting outparcels.

Pole sign: a freestanding sign mounted on one or more poles or pylons set in the ground and of sufficient strength and size to support the advertisement portion of such structure which rests upon or is supported by such poles or pylons.

Portable sign: a mobile, temporary, or non-electrical sign that is mounted on a structure, with or without wheels or skids, and not permanently attached to the ground.

Projecting sign: a sign which is attached to a building wall and which extends at a ninety-degree angle from the face of the building, from the face of such wall. Horizontal projecting sign means any sign which is greater in width than in height. Vertical projecting sign means any sign which is greater in height than in width.

Public art: any special landscape treatment or work of art as ultimately arbitrated by the City Council; public art is not considered a sign for the purpose of this ordinance.

Pylon sign: see Pole sign.

Residential District: any parcel which is part of the Clarkston districts NR-1, NR-2, NR-3, or NR-CD.

Roof sign: a sign attached to or supported by the roof of a building which extends above the immediately adjacent roof line of the building.

Sign: a device or representation for visual communication which is used for the purpose of bringing the subject thereof to the attention of others. The following are not considered signs for the purposes of this chapter: public art, signs bearing only property or post office box numbers, and signs bearing the names of the occupants of the premises.

Sign area: the entire face of a sign and all wall work including illuminated tubing incidental to its decoration. In the case of an open sign made up of individual letters, figures, or designs attached directly to the building or standard, the space between such letters, figures, or designs shall be included as part of the sign area.

Snipe Sign: a sign which is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, posts, poles, stakes, fences, rocks, or to other objects not authorized as part of the sign.

Spectacular sign or device: animated signs, feather flags, streamers, pennants, balloons and other air or gas filled devices, search lights, lasers, beacons, or other light projecting devices.

Streamers: see Pennant.

Temporary sign: any sign used to announce the occasion of a special event, announces the occurrence of a temporal event or activity, which will only be displayed for the duration of the event, or a reasonable time as determined by the Planning and Zoning Board.

Vehicular sign: any sign on a vehicle moving above the ground or any vehicle parked temporarily, secondary to its principle use for transportation. This definition shall not include signs which are being transported to a site of erection, identification signs on commercial vehicles which are used regularly for conducting business, nor does it include signs, lights, or signals used by any authorized emergency vehicle.

Wall sign: a sign fastened or placed upon or parallel to the exterior wall of the structure itself, whether front, rear or side of the structure. Wall signs as regulated by this chapter shall include all flat signs of solid face construction which are placed against a building or other structure and attached to the exterior front, rear, or side wall of any building or structure.

Window sign: a sign installed flush with or on a window and intended to be viewed from the outside.

### **Section 3. Construction Standards**

- A. All signs for which a permit is required under this ordinance shall be constructed and maintained in accordance with the provisions of the city building code.
- B. Every outdoor sign, for which a permit is required, shall be plainly marked with a decal of approval including the permit number issued for the sign or other method of identification as approved by the city. The decal of approval shall be affixed at a location appropriate to the sign, type, location and size.
- C. Signs for which a permit is not required under this ordinance may be posted for a maximum of 60 days unless replaced with another sign of the same material. Any replacement signs may be posted for a maximum of 60 days.

### **Section 4. Illumination**

- A. Illumination for signs shall not cast light on adjacent property or shine in a way as to cause distraction to nearby traffic.
- B. Illumination must be constant and may not change, flash, scroll, or simulate movement. LED lit signs are not considered illumination.
- C. Internal Illumination of signs is limited to channel letters only.
- D. Illumination provided must be a white color (either cool or warm) and may not be any other discernible color.

## **Article II. PERMITTING AND ENFORCEMENT**

### **Section 5. Sign Permits**

- A. All signs, except for those specifically exempted from obtaining a permit by this ordinance, require a permit issued by the City before any sign may be displayed, significantly changed, or erected in the city.
- B. All existing signs which would be required to obtain a permit under this ordinance must register with the city within 90 days of the effective date of this ordinance. Registration of existing signs shall follow the same procedure as permit applications, as described in Section 7; however no permit fee is required for registration.

### **Section 6. Exemptions from Permit Requirements**

- A. The following sign types shall be exempt from the permit requirements of this Article and do not count towards the maximum aggregate sign area limits provided in Section 19:
  - 1. Any sign erected by a public officer arising out of the performance of his/her duties is exempt from the permit requirement. These signs include, but are not limited, to the following: safety signs or notices, danger signs, traffic signs and control devices, memorial plaques, historical markers, street signs, etc.
  - 2. Two (2) freestanding signs per parcel, so long as such sign(s) are less than five (5) feet tall each and not more than six (6) square feet each in area.
  - 3. Numbers displayed for purposes of identifying property address, not to exceed four (4) inches in height in residential districts and ten (10) inches in height in non-residential districts.
  - 4. Seasonal displays located outside of the public right-of-way that are displayed for a maximum period of thirty days no more than twice a year.
- B. Flags. Every parcel may display no more than three (3) flags that shall not count toward the maximum aggregate sign area limits provided in Section 19 without obtaining a permit. Flags must comply with the following regulations:
  - 1. Flagpoles shall not exceed twenty-five (25) feet in height or the height of the primary structure, whichever is less.
  - 2. The dimensions of any flag shall be proportional to the flagpole height such that the hoist side of the flag shall not exceed twenty (20) percent of the vertical height of the flagpole.

3. Flags shall not exceed 24 square feet in area.
4. On officially designated City, county, state, or federal holidays, there shall be no maximum size or number or other limitations on flag display.

## **Section 7. Sign Permit Application Information**

- A. Official sign permit applications shall be provided by the City and filed by the sign owner or the owner's agent with the City. The application asks for all materials needed to verify that the signs in question meet all the requirements of this ordinance.
- B. Additional material may be requested by the Planning and Zoning Board to ensure that the proposed sign will conform to this chapter and other chapters of this Code.

## **Section 8. Fees**

Payment of a sign permit fee shall be required to obtain a permit. The amount of such fee shall be established in a fee schedule as approved by resolution of the Council.

## **Section 9. Time for Consideration of Sign Permit**

- A. The City shall process all sign permit applications within 90 business days of the City's actual receipt of a completed application and associated sign permit fee.
- B. The City shall give notice to the applicant of the decision of the City in writing on or before the 90<sup>th</sup> business day after the City's receipt of the completed application and fee.
- C. If the Planning and Zoning Board requests additional information as set forth in Section 7.B within forty-five (45) days of the applicant submitting his application and required fee, then the application will not be considered complete until such information is submitted.
- D. If the City fails to act within 90 business days of the receipt of completed application and applicable sign permit fee, the permit shall be deemed to have been granted.

## **Section 10. Denial and Revocation**

- A. Procedure:
  1. The Planning and Zoning Board shall approve or deny sign permits within the City.

2. No permits shall be denied or revoked except for due cause as hereinafter defined. "Due cause" is the violation of any of the provisions of this ordinance, state or federal law related to signage, or the submission of an incomplete application or an application containing any false material statements.
3. Violation of any provision of this ordinance will be grounds for terminating a sign permit.
4. The City will revoke a sign permit if it determines that a sign permit was issued based on an incomplete application or an application containing a false material statement, or that a permit has been erroneously issued in violation of this ordinance.
5. Should the Planning and Zoning Board deny a permit, the reasons for the denial are to be stated in writing and delivered by hand to the applicant or mailed by first class mail to the address provided by the applicant on or before the 90<sup>th</sup> business day after the City's receipt of the application and corresponding fee.
6. For any application which is denied and subsequently resubmitted, the re-submittal date shall serve as the date of submission not the date of the original denied submission.

B. Appeal:

1. An individual whose permit application has been denied or an individual whose permit has been revoked has the right to appeal the decision to the City Council. A written notice of an appeal must be filed with the City within 15 calendar days of the Planning and Zoning Board's decision.
2. The appeal shall be considered by the Council at the next City Council meeting held after the city's receipt of the written notice of appeal, provided the notice of appeal is received a minimum of five (5) full business days before the meeting. If the appeal is not heard at said meeting, it shall be heard at the next regular Council meeting.
3. The Council shall make a final decision no later than 45 days following the submission of the notice of appeal.

- C. Any applicant whose permit has been denied or revoked and is dissatisfied with the decision of the City Council may petition for writ of certiorari to the Superior Court of DeKalb County as provided by law.

## **Section 11. Permit Expiration**

- A. A sign permit shall become null and void if the sign for which the permit was issued has not been erected in accordance with the permit application within six (6) months after the date of issuance.
- B. Permit fees will not be refunded for permits which expired due to failure to erect a permitted sign in the allotted time.
- C. Individuals whose original permit expired but who wish to erect a sign at the same location must file a new application and pay the applicable fee.

## **Section 12. Enforcement and Penalties**

- A. All signs shall be maintained in good condition as to present a neat and orderly appearance.
- B. The City may inspect any sign regulated by this chapter or other ordinances to ensure that such sign conforms to this chapter and all other ordinances of the city. Such inspection may be made at any time deemed necessary by the City, so long as the inspection does not violate the protections afforded by the United States Constitution, and is performed in a lawful manner.
- C. If any sign is erected or maintained in violation of any of the provisions of this chapter or other ordinances, the City shall have the power to provide written notice of the violation to the sign owner, the owner of the property on which the sign is located or both. This notice shall include a brief statement of the particulars in which this chapter or other ordinances are violated and the manner in which such a violation is to be remedied.
  - 1. If a sign has been registered with the city, written notice to the registered owner or the person or firm receiving the permit shall be sufficient.
  - 2. If a sign owner cannot be found, the property owner upon whose property the sign is attached will be given written notice of the violation and will be required to perform corrections or removal of the sign will be upon the property owner on whose property the sign is attached.
  - 3. If the city makes a reasonable effort and cannot locate the sign owner or the property owner, then affixing a copy of the notice to the sign, sign structure, or building for a period of ten (10) days shall be sufficient notice to property owner and/or sign owner.
- D. Once notice has been given to either the sign owner or the owner of the property where the sign is located, the sign shall be remedied in accordance with the statement

provided by the city, or removed. Permanent signs are allotted a period of thirty (30) days, and portable signs a period of twenty-four (24) hours to be remedied or removed.

- E. If such violation is not remedied within the specified time, after notice of violation, the sign will be removed by the sign owner, the property owner, or the city. If the city removes the sign, it will be done at the sign owner or property owner's expense, or where appropriate, both. Such expense may be recouped by placing a lien on the subject property in the amount of expenses incurred by the City.
- F. The sign owner or property owner, or where appropriate, both, will be fined for each day of continued violation before the sign is removed. No notice of violation is required before the city issues citations. The fine will not exceed the maximum amount authorized by this Code.
- G. Any sign that poses an imminent threat to public safety may be immediately removed, without notice to the owner.
- H. In order to enforce the requirements of this chapter, the City shall have the rights and obligations provided by state law regarding access to private property and inspections including the right to obtain an inspection warrant should access be denied.
- I. Any person violating any provision of this chapter shall be guilty of an offense and upon conviction, shall be subject to the penalties as provided in section 3.06 of the City Charter and section 1-7 of this Code of Ordinances. Each sign installed, created, erected or maintained in violation of this chapter shall be considered a separate violation, and each day of continued violation for each sign shall be considered a separate offense.
- J. The city may seek affirmative equitable relief in a court of competent jurisdiction to cause the removal or repair of any sign in violation of this chapter or other city ordinance, but a court order shall not be required for the City to exercise its enforcement rights pursuant to this section.
- K. The City may remove any sign or structure illegally placed upon a public right-of-way without notice and may dispose of said sign or structure as deemed proper and expedient. Such removal and disposal of illegally placed signs shall not preclude the prosecution of any person for illegally placing such signs in the public right-of-way.
- L. The City is authorized to remove any illegal sign and to place a lien for the removal cost upon the real property upon which the sign was located prior to the removal.

### **Section 13. Variances**

- A. Variances are limited to the minimum relief necessary to overcome a hardship. In no circumstance should a variance allow a greater number of signs than would be allowed under the provisions of this ordinance. Nor should a variance allow a sign which is prohibited in this ordinance.

- B. A variance from the sign regulations may only be granted where the applicant establishes that a hardship exists which meets the following criteria:
  - 1. Where the visibility of an otherwise conforming sign from the closest public street would be materially impaired by existing vegetation, natural features, structures, or existing signs on another lot; and
  - 2. Placement of the sign in another location on the site would not remedy the visual impediment; and
  - 3. The proposed variance would not create a safety hazard to pedestrians or vehicular traffic; and
  - 4. The visibility impediment is not created by the owner of the subject property.
- C. Variance applications shall be submitted to the City for Council consideration and shall be heard in the same time frame and rules governing appeals under this ordinance.

### **Article III. *PROHIBITED SIGNS***

#### **Section 14. Prohibited Locations and Methods of Erection**

The following types of signs are prohibited in the locations and circumstances described below:

- A. LED signs except within monument signs or window signs in non-residential areas or electronic billboards where expressly permitted;
- B. Permanent detached and attached signs that are not designed to conform to the city-adopted building code for wind pressures, and constructed to receive dead loads as required in the building codes or other ordinances of the City of Clarkston;
- C. Signs that are within public rights-of-way or utility easements, with the exception of publicly owned or maintained signs;
- D. Signs placed on another person's property without that person's express consent;
- E. Signs placed within the Railroad right of way;
- F. Signs that obstruct any door, window, fire escape, fire or emergency exit, or ventilation system;
- G. Signs which interfere with road visibility or obstruct or otherwise interfere with the safe and orderly movement of pedestrian or vehicular traffic.

#### **Section 15. Prohibited Signs Types**

The following types of signs are prohibited throughout the City:

- A. Roof signs;
- B. Pole signs;
- C. Snipe signs;
- D. Portable signs;
- E. Abandoned signs;
- F. Vehicular Signs;
- G. Animated Signs;
- H. Signs which advertise any illegal activity under the laws of the City, the State of Georgia, or otherwise prohibited under federal law;
- I. Signs which pose a hazard to surrounding property or individuals;
- J. Signs that use flashing or blinking lights;
- K. Signs which contain words, pictures, or statements which are obscene, as defined by the Official Code of Georgia Annotated § 16-12-80;
- L. Signs which simulate traffic control or warning signs or hide from view any traffic or street sign, signal, or public service sign;
- M. Signs which emit or utilize in any manner any sound capable of being detected on any public road by a person of normal hearing;

#### **Article IV. *SIGNS ALLOWED IN RESIDENTIAL DISTRICTS***

##### **Section 16. *General Signage in Residential Zoning Districts***

- A. Other than subdivision entrance signs allowed below, parcels located in residential zoning districts are restricted to a combined sign area of fifteen (15) square feet and are forbidden from being illuminated externally or internally.
- B. No individual sign shall exceed six (6) square feet in sign area in a residential zoning district.
- C. Signs in residential districts are restricted in height to no greater than five (5) feet higher than the center line of the adjacent streets.
- D. Residential signs meeting the standards of this section are exempt from permitting requirements and fees.
- E. Holiday displays as permitted in Section 6.A

- F. Flags as permitted in Section 6.B

### **Section 17. Subdivision Entrance Signs:**

- A. Residential subdivisions including multi-family housing consisting of more than two (2) parcels may erect one (1) monument sign at each entrance to the subdivision.
- B. Entrance signs shall be limited to a height of five (5) feet above the grade level of the center line of the adjacent street. The sign shall have a sign area less than twenty five (25) square feet.
- C. Entrance signs must be twelve (12) feet away from the curb.
- D. Entrance signs may be externally illuminated.
- E. Entrance signs shall not count toward the maximum allowable signage on an individual residential parcel.

## **Article V. SIGNS ALLOWED IN NON-RESIDENTIAL DISTRICTS**

### **Section 18. Size and Location Requirements in Non-Residential Districts**

- A. No freestanding sign shall be located within 30 feet of the intersection of two public streets.
- B. Height Measurement: All sign heights in non-residential zoning districts shall be measured from the grade level of the center line of the adjacent street to which the property on which the sign is located has access. If the property is higher than the level of the street, the ground level at the base of the proposed sign shall be used. Corner lots shall use the higher of the adjacent street levels. The level of the ground shall not be altered in such a way as to provide additional sign height.
- C. In planned centers all signs shall be uniform in location, size, and color of lettering and shall be constructed of non-combustible material.

### **Section 19. Maximum combined sign area per parcel**

Parcels may contain more than one freestanding sign, given the following:

- A. Parcels exceeding 60,000 square feet shall be allowed a maximum aggregate sign area of 200 square feet for the entire parcel.

- B. Parcels less than 60,000 square feet but greater than 15,000 square feet shall be allowed a maximum aggregate sign area of 100 square feet for the entire parcel.
- C. Parcels less than 15,000 square feet in size shall be allowed a maximum aggregate sign area of 50 square feet for the entire parcel.
- D. The limits set forth in (A), (B) and (C) of this Section are assessed against the area of all freestanding signs on the parcel but do not count the area of window, wall, awning, billboard, or projecting signs located on the parcel.

## **Section 20. Billboard signs.**

- A. Billboard signs shall not exceed six hundred and seventy two (672) square feet of sign area. Billboard signs shall not exceed fourteen (14) feet in height or forty eight (48) feet in length.
- B. Billboard signs are only permitted on parcels zoned RC, NC-1, NC-2, TC, or I.
- C. Billboard signs shall only be located on parcels adjacent to US Highway 78 or Interstate 285 and shall be oriented only towards those highways.
- D. Electronic billboards must meet all standards set by Georgia Department of Transportation for that type of signage.
- E. No billboard sign shall be located within 1,000 feet of another billboard sign.
- F. No billboard sign shall be located within 500 feet of residential zoned parcels.
- G. No billboard structure shall exceed a height of fifty (50) feet.

## **Section 21. Monument signs.**

- A. Monument signs for planned centers are limited to 100 square feet of total area, which includes both signage and structure, and shall be limited to one (1) such sign per parcel per street frontage and shall not exceed ten (10) feet in height. No more than eight (8) distinct signs may be located on a single planned center monument sign.
- B. Monument signs for single tenant parcels are limited to 80 square feet of total area, which includes both signage and structure, shall be limited to one (1) such sign per parcel per street frontage and shall not exceed eight (8) feet in height.
- C. No more than 25% of the sign face of a monument sign may be changeable copy.
- D. LED signs are permitted within monument signs provided they meet the following requirements:

1. Occupy no more than 20% of the sign façade.
  2. Not flash or simulate movement.
  3. Not change more than once every ten (10) seconds.
  4. Not exceed brightness of more than 0.20 foot-candles above ambient light levels (at measurement conditions) as measured at a distance of 125 feet.
- E. Monument signs shall be constructed of durable materials such as brick, stone, corrosion-resistant metal, wood, and stucco or other similar materials as approved by the Planning and Zoning Board. Materials and colors should match those used on the primary structure. Wood shall only be used if it meets all the following criteria
1. The wood portion of the sign must be created using a sand-blasting or carving technique
  2. The wood must be painted to protect it from moisture, and kept in an orderly appearance
  3. The wood shall not be in contact with the ground

## **Section 22. Wall and Awning Signs.**

- A. Wall and awning signs shall not extend above the parapet wall.
- B. Wall signs shall not project beyond the building face by more than 18 inches. Awning signs shall not project beyond the building face by more than five (5) feet.
- C. Wall and awning signs shall not exceed ten (10) percent of the wall face to which the sign is attached or 300 feet of total sign area, whichever is less. For individual tenant spaces that are connected to a larger multi-tenant building, only the wall area of the tenant space is counted.
- D. The maximum wall or awning sign height shall be ten (10) feet.
- E. Wall signs are only permitted on parcels zoned RC, NC-1, NC-2, TC, or I.
- F. Wall signs must be constructed of non-combustible materials, plastic must have a matte or non-glossy appearance.
- G. Neon signs are permitted as wall signs, but are limited to twenty (20) square feet in total area. Any tube lighting signage shall be deemed a “neon sign” for purposes of this section.

## **Section 23. Projecting Signs**

- A. Projecting signs, including the frames, braces, and supports thereof, shall be designed by a structural engineer or manufacturer, and shall be approved by the building inspector as in compliance with the building code of the city, and shall be constructed of incombustible materials.
- B. Movable parts. Any movable part of a projecting sign such as the cover of a service opening shall be securely fastened by chains, screws, or hinges.
- C. Size limitations. Except by special permission of the Planning and Zoning Board, projecting signs shall be limited to five (5) percent of the building face but no larger than fifty (50) square feet on each side. No Projecting sign shall be less than twelve (12) inches wide.
- D. Location. Every projecting sign shall be placed at least ten (10) feet above the ground, and a distance not greater than four (4) feet from the face of the wall to which it is attached, measuring from the point of the sign nearest to the wall. No projecting sign shall be nearer to the curb line than eight (8) feet. Projecting signs shall not be erected over public driveways, alleys, or thoroughfares.

## **Section 24. Window signs**

- A. Windows signs must not exceed 30% of the window area.
- B. LED signs are permitted as window signs provided they meet the following requirements:
  - 1. Not flash or simulate movement.
  - 2. Not change more than once every hour.
  - 3. Not exceed brightness of more than 0.20 foot-candles above ambient light levels (at measurement conditions) as measured at a distance of 125 feet.

## **Section 25. Architectural Embellishments**

- A. Generally. Architectural embellishments added to a structure for the purpose of conveying a message as to the purpose of the building, or to attract attention to the building, shall be treated as signs, and must comply with the standards set forth in this ordinance. The area of architectural embellishments shall count towards wall sign totals.
- B. Requirements. All applications for approval of architectural embellishments shall meet the following requirements:

1. Architectural embellishments must be consistent with the design of the building and compatible with the surrounding structures.
2. No text, logos, arrows, flags, or banners shall be part of an architectural embellishment. Lighting may be considered an architectural embellishment if it meets the criteria mentioned above.
3. Architectural embellishments shall be applied and constructed strictly in accordance with the plans submitted with the sign application.

## **Article VI. SPECIAL SIGN PROVISIONS**

### **Section 26. Temporary Signs**

- A. Applications for temporary sign permits shall be submitted to the City, along with all appropriate fees. City staff shall determine whether the requested sign conforms to the requirement of this section.
- B. Applications for temporary sign permits shall be submitted no less than twenty (20) days prior to the anticipated use of such sign. The City shall render its decision on any application for a temporary sign within five (5) working days of its receipt by the city or the permit shall be deemed granted. The fee for the sign shall be determined by the fee ordinance of the city.
- C. The applicant for a temporary sign permit should be prepared to submit any of the information required for permanent signs as listed in Section 7 of this chapter should such be requested by the City, including number, dimensions and locations of existing signage on site.
- D. Any person who is dissatisfied with the decision of the City may appeal that decision to the Planning and Zoning Board. Any such appeal shall be delivered to the City within ten (10) days of receipt of the adverse decision of the City or their designee.
- E. The applicant for the temporary sign permit shall be responsible for removing the signs within the time required by this chapter or by the city council. Temporary sign permits shall not be used in lieu of permits required for other signs in this chapter. No temporary sign permit is necessary for the signs exempted from the permit requirement under Section 6.
- F. The following signs are permitted with a temporary sign permit.
  1. Banners are permitted as a temporary sign if they conform to the following standards:
    - a. No banner shall exceed ten (10) percent of the building façade, but shall be no smaller than fifteen (15) square feet in total area;

- b. Each banner must be individually attached to poles, mast arms or other appropriate structures;
  - c. No more than one (1) banner may be displayed upon any lot, parcel or suite/tenant space at any one time;
  - d. Banners may be displayed for a maximum of two (2) weeks at any given time, not to exceed six (6) weeks in any calendar year;
  - e. No banner may be displayed or used upon any lot with another temporary sign including, but not limited to, temporary detached signs and portable display signs;
  - f. If any lot displays a banner, then there shall only be one (1) window sign while the banner is on display;
  - g. All banners shall be maintained in good condition.
2. Signs, including feather flag signs or streamers, advertising a special or weekend event, and directional signs pertaining to these events are permitted in any zoning district, provided that they conform to the following provisions:
  - a. No more than five (5) signs shall be erected which advertise or direct traffic to the event, more than forty-eight (48) hours before the event.
  - b. Signs shall be removed immediately after the event, or within forty-eight (48) hours of being erected, whichever is the shorter period.
  - c. Special event signs may be displayed for a maximum of twenty (20) days in any calendar year.
  - d. No sign shall be placed on another person's property without that property owner's express permission.
  - e. No sign shall exceed four (4) square feet in area.
3. Balloons, gas-filled figures or other novelties are allowed for a period of ten (10) days or less in all zoning districts except NR-1, NR-2, and NR-3. Such signs shall be limited to one (1) per entity or individual, and shall not exceed three (3) cubic feet. No lot shall display more than two (2) such signs per calendar year.
4. A maximum of two (2) temporary subdivision directional signs not to exceed twenty-four (24) square feet are allowed while the project is under construction.

5. A temporary detached sign is permitted in any zoning district for any property under development or construction, however the sign shall not exceed twenty (20) square feet.
6. No more than two (2) temporary signs shall be displayed on any lot in any zoning district at the same time. This provision applies to all signs, regardless of whether a permit is required. This provision is also subject to all other restrictions in this chapter.
7. No temporary sign shall exceed six (6) square feet in sign face area unless otherwise stated in this chapter.
8. One or more temporary flags exceeding the allowed flags set forth in Section 6.B.

## **Section 27. Nonconforming Signs**

- A. Nonconforming signs, which met all legal requirements when erected, may stay in place, provided that within 90 days of the effective date of this ordinance the owner of the non-conforming sign or the owner's agent registers the sign with the city. The registration must contain all the requirements of new sign applications and must specify the sign is non-conforming and state the date the sign was completely installed. If original construction drawings for existing signs cannot be located, a series of color photographs may be provided. A fee is not required for the registration of a non-conforming sign; however failing to register will be considered an offense and may be penalized as any other ordinance violation. Non-conforming signs are permitted until one of the following conditions occurs:
  1. The deterioration or destruction of the sign makes it a hazard or unsightly; or
  2. The sign is damaged to the extent that major repairs are required to repair the sign. The sign may be restored to its previous non-compliant condition provided the cost to repair the sign does not exceed 50% of the replacement cost for a new conforming sign.
- B. No structural repairs except those permitted by Section 27.A, or change in size, shape, or design, shall be permitted except to make a non-conforming sign comply with all requirements of this ordinance.
- C. A non-conforming sign shall not be replaced by another non-conforming sign.
- D. Minor repairs and maintenance of nonconforming signs are permitted, but no changes in size or shape are permitted except to make the sign comply with the requirements of this chapter.