

**151.185 PURPOSE.**

(A) Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this Code is to regulate the size, color, illumination, movement, materials, location, height and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment on historic convenience to citizens and encouraging economic development. This Code allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs. This Code shall be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this Code is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this Code which can be given effect without the invalid provision.

(B) Signs not expressly permitted as being allowed by right, by specific requirements in another portion of this chapter, or otherwise expressly allowed by the City or Board of Adjustment and Appeals shall be considered prohibited by this code.

(C) A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein shall be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this Code is to establish limitations on signs to ensure they are appropriate to the land, building or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests identified in Subsection (A) of this Section.

(D) These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.

(E) These regulations distinguish between portions of the City designed for primarily vehicular access and portions of the City designed for primarily pedestrian access.

(F) These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the City. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.

(G) These regulations do not eliminate all the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

(H) These regulations are not intended to and do not apply to signs erected, maintained or otherwise posted, owned or leased by this State, the federal government or this City. The inclusion of "government" in describing some signs does not intend to subject the government to regulation, but instead helps illuminate the type of sign that falls within the immunities of the government from regulation.

**151.186. DEFINITIONS.**

*Sign.* A name, identification, description, display or illustration, which is affixed to, painted or represented directly or indirectly upon a building, or other outdoor surface which directs attention to or is designed or intended to direct attention to the sign face or to an object, product, place, activity, person, institution, organization or business. Signs located completely within an enclosed building, and not exposed to view from a street, shall not be considered a sign. Each display surface of a sign or sign face shall be considered to be a sign.

*Sign Area:* The entire area within a single continuous perimeter enclosing the extreme limits of the actual sign surface. This excludes any supports, uprights, or structures on which any sign is supported unless such supports, uprights, or structures are an integral part of the display or sign. Where the sign is double-faced, the sign area shall be calculated by measuring only one of the faces, meaning that the maximum sign area allowed shall be permitted on each face of the sign. In the instance a sign has more than two sides, all faces shall be limited to the total area permitted on a double-faced sign, meaning that the total sign area allowed for a single sign face will decrease with additional faces above two.

*Electric Sign.* Any sign containing electric wiring. Including, but not limited to; LED, fluorescent tubes and neon lighting. This does not include signs illuminated by an exterior floodlight source.

*Electronic Message Board.* A sign that can electronically display any static message and can change messages by any electronic process or remote control. For the purpose of this Code, this definition will cover all electronic signage which is able to change messages including digital billboard signs in addition to signs using alpha-numeric systems.

*Flashing Sign.* Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this Code any moving illuminated sign, except electronic message boards, shall be considered a flashing sign.

*Freestanding Sign.* A sign erected and maintained on a freestanding frame, mast, pole or pylon not attached to any building, rising at least 7 feet from the ground and not including ground mounted signs.

*Government Sign.* A government sign is a sign that is constructed, placed or maintained by the federal, state or local government or a sign that is required to be constructed, placed or maintained by the federal, state or local government either directly or to enforce a property owner's rights.

*Ground Mounted Sign.* A sign erected and maintained on a freestanding frame, mast, pylon or walls not attached to any building, rising up to 7 feet from the ground.

*Highway Sign.* A *Freestanding Sign*, *Integral Sign* or *Façade Mounted Wall Sign* that is erected and maintained within the view of motorists who are driving on designated routes through the City.

*Integral Sign.* A sign that is embedded, extruded or carved into the material of a building façade. A sign made of bronze, brushed stainless steel or aluminum, or similar material attached to the building façade.

*Marquee Sign.* A canopy or covering structure bearing a signboard or copy projecting from and attached to a building.

*Original Art Display/Mural.* A hand-painted work of visual art that is either affixed to or painted directly on the exterior wall of a structure with the permission of the property owner. An original art display does not include: mechanically produced or computer-generated prints or images, including but not limited to digitally printed vinyl; electrical or mechanical components; or changing image art display.

*Outdoor Advertising Sign.* A sign which advertises goods, products or services which are not sold, manufactured or distributed on or from the premises or facilities on which the sign is located.

*Portable Sign.* Any structure without a permanent foundation or otherwise permanently attached to a fixed location, which can be carried, towed, hauled or driven and is primarily designed to be moved rather than be limited to a fixed location regardless of modifications that limit its movability.

*Projecting Sign.* A sign, other than a wall sign, which projects over eighteen (18) inches from and is supported by a wall of a building or structure.

*Roof Sign.* A sign located on or above the roof line of any building, not including false mansard roof, canopy, or other fascia.

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

*Wall (Façade-Mounted) Sign.* A sign affixed directly to or painted on or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and which projects from that surface less than eighteen (18) inches at all points.

*Window Sign.* A sign attached to, placed upon, or painted on the interior or exterior of a window or door of a building and which is intended for viewing from the exterior of such building.

*Vehicle Sign.* A sign attached to or displayed on a vehicle.

#### **151.187 PROHIBITED SIGNS.**

(A) Signs are prohibited in all Districts unless:

- (1) Constructed pursuant to a valid sign permit when required under this Code; or
- (2) Authorized under this Code.

(B) A property owner may not accept a fee for posting or maintaining a sign allowed under Subsection 151.188(B) and any sign that is posted or maintained in violation of this provision is prohibited.

(C) All signs within the public right-of-way except those erected by the State, federal or this government are prohibited.

(D) In residential zones or on property used for non-transient residential uses, commercial signs are prohibited.

(E) The following signs or lights are prohibited which:

- (1) Are of a size, location, movement, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal;
- (2) Contain or consist of banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other similarly moving devices or signs which may move or swing as a result of wind pressure. These devices when not part of any sign is similarly prohibited, unless they are permitted specifically by other legislation;
- (3) Have blinking, flashing or fluttering lights or other illuminating devices which exhibit movement, except electronic message boards as permitted pursuant to this Code;
- (4) Are roof signs;
- (5) Are freeway-oriented signs except as allowed as highway signs;
- (6) Would be an Original Art Display but does not have the permission of the owner of the property on which it is located or is graffiti;
- (6) Are portable signs that do not comply with the location, size or use restrictions of this Code;
- (7) Are projecting as defined in this Code, except for in the Downtown Business (B3) and Major Recreation (MR) Districts;
- (8) Are outdoor advertising signs as defined in this Code; or
- (9) Signs which obstruct the vision of pedestrians, cyclists, or motorists traveling on or entering on to public streets.

#### **151.188 AUTHORIZED SIGNS.**

The following signs are authorized under 151.187 (A)(2) in every District and do not require a sign permit unless noted:

(A) Although these regulations do not apply to signs erected, maintained or posted by the State, federal or this government, these regulations clarify that Government signs are allowed in every zoning district which form the expression of this government when erected and maintained and include the signs described and regulated in 151.188 (A)(1), (A)(2), (A)(3) and (A)(4) when erected and maintained pursuant to law. Government signs not described in

Divisions 151.188 (A)(1), (A)(2), (A)(3) and (A)(4) below shall follow the regulations of the underlying zoning district and be approved by the Zoning Administrator pursuant to a valid sign permit prior to construction.

(1) *Traffic control devices* on private or public property shall be erected and maintained to comply with the Manual on Uniform Traffic Control Devices adopted in this state and if not adopted by this state with the Manual on Uniform Traffic Control Devices adopted by the Federal Highway Administration.

(2) *Address signs*; each property owner shall mark their property using numerals that identify the address of the property so that public safety departments can easily identify the address from the public street. Where required under this code or other law, the identification shall be on the curb and may be on the principal building on the property. The size and location of the identifying numerals and letters, if any, shall be proportional to the size of the building and the distance from the street to the building. In cases where the building is not located within view of the public street, the identifier shall be located on the mailbox, street curb or other suitable device such that it is visible from the street.

(3) Where a federal, state or local law requires a property owner to post a sign on the owner's property to warn of a danger or to prohibit access to the property either generally or specifically, the owner shall comply with the federal, state or local law to exercise that authority by posting a sign on the property.

(4) *Flags* that have been adopted by the federal government, this State or local government may be displayed as provided under the law that adopts or regulates its use and as provided in Subsection 151.188(F).

(5) The signs described in Divisions 151.188 (A)(1), (A)(2) and (A)(3) are an important component of measures necessary to protect the public safety and serve the compelling governmental interest of protecting traffic safety, serving the requirements of emergency response and protecting property rights or the rights of persons on property.

(B) Temporary Signs, Generally.

(1) Temporary signs allowed at any time:

(a) A property owner may place signs with a sign face no larger than four (4) square feet and four (4) feet tall on the property at any time up to a maximum of thirty-two (32) square feet per parcel.

(b) A property owner may place a sign no larger than four (4) square feet in any window on the property at any time.

(2) Temporary signs permit required:

(a) Any temporary sign or total signage which exceeds the standards set forth in 151.188(B)(1) shall require a temporary sign permit and be subject to the following standards:

(1) In all non-residential districts, temporary signs shall be subject to the size standards set forth in Subsection 151.194(F) of this Code; and

(2) The duration of time for which a temporary sign may be erected, shall be requested by the applicant and approved by the Zoning Administrator up to a maximum of one hundred and twenty (120) consecutive days. If not requested by the applicant and approved by the Zoning Administrator, it shall not be installed for more than sixty (60) consecutive days.

(2) Additional temporary signs may be located on the owner's property for a period of forty-six (46) days prior to and up to ten (10) days after an election involving candidates for a federal, state or local office that represents the district in which the property is located or involves an issue on the ballot of an election within the district where the property is located per issue and/or per candidate.

(3) One temporary real estate sign may be located on a property when:

(a) the owner consents and that property is being offered for sale through a licensed real estate agent;

(b) if not offered for sale through a real estate agent, when the sign is owned by the property owner and that property is offered for sale by the owner through advertising in a publication of general circulation, either in print or otherwise;

(c) for a period of seven (7) days following the date on which a contract of sale has been executed by a person purchasing the property;

(d) shall not be illuminated by an external or internal light source; and

(e) shall be limited to eight (8) square feet in size in Residential Districts and thirty-two (32) square feet in size in non-Residential Districts.

(C) For purposes of this Code the lessee of a property is considered the property owner as to the property the lessee holds a right to use exclusive of others (or the sole right to occupy). If there are multiple lessees of a property, then each lessee shall have the same rights and duties as the property owner as to the property the lessee leases and has the sole right to occupy and the size of the property shall be deemed to be the property that the lessee has the sole right to occupy under the lease.

(D) Signs not in an enclosed building and not exposed to view from a street or public right-of-way, public place or other property such as those not visible to a person from a public right-of-way, public place or other property.

(F) Flags as follows:

(1) Residential Zoning Districts. In a single-family zoning district, two (2) flags and one (1) flag pole is permitted per premises. Each flag shall be a maximum of fifteen (15) square feet in area. The flag pole shall be a maximum of twenty-five (25) feet in height or no higher than the highest point of the principal building's roof, whichever is lower. Flag poles shall be setback 10 feet from the public right-of-way and shall not be erected in any easement.

(2) Nonresidential Zoning Districts. In a non-residential zoning district, one flag per twenty-five [25] feet of frontage on a right-of-way up to a maximum of six (6) flags and six (6) flag poles per premises. Each flag shall be a maximum of twenty-four (24) square feet in area. Flag poles shall be a maximum of fifty (50) feet in height but no higher than the highest point of the nearest principal building's roof on the premises. Flag poles shall meet the minimum yard setback requirements for a principal building or a minimum of ten feet whichever is more restrictive.

(G) Project Signs. One (1) temporary unilluminated sign, which identifies the name of the project, architect, engineer, contractor and/or financing, may be installed at a construction site in any District for the period of construction only. No temporary sign permit is required. Such a sign shall not exceed thirty-two (32) square feet in area and shall be removed within seven (7) days following the issuance of a certificate of occupancy. All project signs shall comply with all applicable lot and setback requirements for the District in which it is within.

(H) Directional Signs. Permanent directional signs are authorized in all districts subject to the following standards:

- (1) One (1) sign is permitted per curb-cut on a parcel;
- (2) At least 50% of a sign face shall be related to the directional message;
- (3) Sign face shall be no larger than eight (8) square feet maximum; and
- (4) Sign shall be no taller than four (4) feet maximum height.

(I) Nameplates. One nameplate sign is permitted per parcel not to exceed two (2) square feet. Multi-tenant buildings shall be permitted one nameplate per occupant.

#### **151.189 PERMIT REQUIRED.**

(A) *In general.* A sign permit is required prior to the display and erection of any sign except as provided in Subsection 151.189(E) of this Section.

**(B) Application for permit.**

(1) An application for a sign permit shall be filed with the Zoning Administrator on forms furnished by that department. The applicant shall provide sufficient information to determine if the proposed sign is allowed under this code and other applicable laws, regulations, and ordinances. Each application for a sign permit shall contain the following information:

- (a) Correct legal description of the tract of land upon which the sign presently exists or is proposed to be located;
- (b) Location of sign on said parcel;
- (c) The manner of construction;
- (d) Dimensions of the sign;
- (e) Materials used in the sign;
- (f) Complete description and sketch or photograph of the sign; and
- (g) Fees as set forth in the City's adopted fee schedule.

- (2) An application for a temporary sign shall state the dates requested for the erection and removal of the sign.
- (3) The Zoning Administrator or designee shall promptly process the sign permit application and approve the application, reject the application, or notify the applicant of deficiencies in the application. Any application that complies with all provisions of this code, the zoning ordinance, the building code, and other applicable laws, regulations, and ordinances shall be approved.
- (4) If the application is rejected, the Zoning Administrator shall provide a list of the reasons for the rejection in writing. An application shall be rejected for non-compliance with the terms of this code, the zoning ordinance, building code, or other applicable law, regulation, or ordinance.

**(C) Permit fee.** A nonrefundable fee as set forth in the uncodified fee schedule adopted by the City shall accompany all sign permit applications.

**(D) Duration and revocation of permit.** If a sign is not installed within one hundred and eighty (180) days following the issuance of a sign permit, the permit shall be void. The permit for a temporary sign shall state its duration, not to exceed sixty (60) days unless requested by the applicant and approved by the Zoning Administrator up to a maximum of one hundred and twenty (120) days. The City may revoke a sign permit under any of the following circumstances:

- (1) The City determines that information in the application was materially false or misleading;
- (2) The sign as installed does not conform to the sign permit application;
- (3) The sign violates this code, the zoning ordinance, building code, or other applicable law, regulation, or ordinance; or
- (4) The Zoning Administrator determines that the sign is not being properly maintained or has been abandoned.

**(E) Permits not required.** A sign permit is not required for signs:

- (1) Described in Section 151.188 with a sign area of up to four (4) square feet and a maximum height of four (4) feet for freestanding signs, unless specifically noted in the Section; or
- (2) Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of official or directed duties; provided, that all such signs shall be removed no more than ten (10) days after their purpose has been accomplished.

**(F) Appeals.** If the Zoning Administrator or designee denies a permit the applicant may appeal under 151.016 to the Board of Adjustment and Appeals.

**Specific Sign Regulations by District**

The following sign regulations shall apply to all Use Districts as indicated.

**151.190 RESIDENTIAL DISTRICTS.**

**(A) Scope.** This Section (151.190) shall apply to all Residential Districts; Planned Residential Development (PRD), Low-Density Residential (R1A), Urban Residential (R1B), Old Shakopee Residential (R1C), Medium-Density Residential (R2), Multiple-Family Residential (R3), High-Density Residential (R4), Rural Residential (RR) and Sewer Rural Residential (SRR).

(B) *Size.*

(1) When a sign is authorized on a property, the sign shall not exceed four (4) square feet in area. Total sign square footage shall not exceed thirty-two (32) square feet on a single parcel. Where attached dwellings exist on a property the total square footage of signs shall not exceed a total of thirty-two (32) square feet in area per structure.

(2) For Residential Developments (including subdivision or area identification) the maximum size and number of area identification signs that the owner or owners of the residential development may erect and maintain at the entrances to the development shall be controlled according to the following:

(a) Residential developments four (4) acres or less in area may have a sign or signs with a total area of no more than thirty-two (32) square feet.

(b) Residential developments over four (4) acres but less than forty (40) acres in area may have a sign or signs which have a total area of no more than forty-eight (48) square feet.

(c) Residential developments of forty (40) acres or more in area may have a sign or signs with a total area of no more than ninety-six (96) square feet. Permitted signs may be anywhere on the premises, except within ten (10) feet of a street right-of-way.

(C) *Height.* The following maximum heights shall apply to signs:

(1) If ground-mounted, the top shall not exceed four (4) feet above the ground;

(2) If sign is a subdivision or area identification sign, the top shall not exceed six (6) feet above the ground; and

(2) If building mounted, shall be flush mounted and shall not project above the roof line.

(D) *Illumination.* Illumination, if used, shall not be internal to the sign, blinking, fluctuating or moving. Light rays shall shine only upon the sign and upon the property within the premises. Area identification signs may be lit internally subject to the standards provided in 151.194(E).

(E) The following signs are prohibited in addition to those listed in 151.187: Highway Signs, Portable Signs, Marquee Signs, Electronic Message Board Signs, and Projecting Signs.

(F) *Institutional and recreational signs.* A place of worship, government facility, public institution or recreation facility shall be permitted to erect signs in Residential Districts subject to the following standards.

(1) Wall signs shall be permitted subject to the following standards:

(a) shall not exceed forty-eight (48) square feet in area on a façade;

(b) shall not project above the roofline;

(c) shall only face right-of-way; and

(d) may be lit internally or externally, subject to the standards set in 151.194(E).

(2) Freestanding signs shall be permitted, subject to the following standards:

(a) One sign per driveway entrance up to a maximum of two (2) per structure;

(b) shall not exceed thirty-two (32) square feet in size;

(c) shall be setback at least ten (10) feet from any property line;

(d) shall be a maximum of eight (8) feet in height; and

(e) may be lit internally or externally, subject to the standards set in 151.194(E).

### **151.191 COMMERCIAL AND MAJOR RECREATION DISTRICTS**

(A) *Scope.* This Section (151.191) shall apply to all Commercial Districts; Neighborhood Commercial (NC), Highway Business (B-1), Community Commercial (CC) and Central Business District (B3). In addition, this Section shall apply to the Major Recreation (MR) District.

(B) *Number and Size.* For each lot or parcel a sign at the listed size may be permitted:

(1) In all Commercial Districts and the Major Recreation (MR) District, any applicable sign shall follow the standards set forth in the Design Standards table in Section 151.196.

(2) Two (2) or more parcels having a combined linear frontage on a single right-of-way of three hundred (300) feet at a minimum may combine their sign areas permitted in 151.196.

(3) Corner Lots: Where a lot fronts on more than one street, only the square footage computed for each street frontage shall face that street frontage.

(4) *Business complex and commercial center signs.*

(a) In the Central Business (B3) and Neighborhood Commercial (NC) Districts, business complex and commercial center signs shall be allowed as follows:

1. Shall be allowed up to thirty-two (32) square feet per tenant, for any side of the building; and
2. Total allowable signage for a business complex is to be calculated using the above requirements. Placement of wall signs for business complexes may be allowed on front and non-front walls at the discretion of the property owners so long as the total amount of signage does not exceed the allowable amount of signage established above.

(b) In the Highway Business (B1), Community Commercial (CC) and Major Recreation (MR) Districts, business complex and commercial center signs shall be allowed as follows:

1. Walls signs shall be allowed a maximum of one-hundred and twenty (120) square feet or one (1) square foot per foot of lot frontage, whichever is less, per tenant for the front of the building;
2. Wall signs shall be allowed up to seventy-five percent (75%) of the maximum allowed size on the front façade per tenant for a side of the building other than the front; and
3. Total allowable signage for a business complex is to be calculated using the above requirements. Placement of wall signs for business complexes may be allowed on front and non-front walls at the discretion of the property owners so long as the total amount of signage does not exceed the allowable amount of signage established in divisions (B)(6)(b)1. and (B)(6)(b)2. above.

(5) *Highway Signs.*

Highway signs, [except Electronic Message Boards and Outdoor Advertising Signs], shall be permitted only in the Highway Business (B1) and the Major Recreation (MR) zoning districts on parcels which directly abut or are partially or entirely within five hundred (500) feet from right-of-way which has been identified as a Principal Arterial by the City. Such signs may be freestanding or located on a building façade with frontage oriented toward the designated right-of-way. Highway signs shall not exceed one hundred and seventy-five (175) square feet per face, nor shall the sign face exceed a length of twenty-five (25) feet or a height, excluding foundation and supports, of twelve (12) feet. In determining these limitations, the following shall apply:

(a) Minimum spacing shall be as follows:

1. Highway signs are permitted on parcels which:
  - a. Directly abut right-of-way identified as a Principal Arterial by the City;
  - b. Partially or entirely within five hundred (500) feet from right-of-way identified as a Principal Arterial by the City; or
  - c. Partially or entirely within seven hundred and fifty (750) feet from right-of-way identified as a Principal Arterial by the City where an interchange is present.
2. Signs shall be placed at a minimum of two hundred (200) square feet apart from another highway sign.

(b) For the purpose of applying the spacing requirements of Division 'a' above, the following shall apply:

1. Distances shall be measured parallel to the centerline of the highway;
2. Measurements for the spacing between signs shall be based on when the construction of the sign:
  - i. Received final approval by the Zoning Administrator measuring from the first sign to have received that approval; or
  - ii. If the Zoning Administrator has not given final approval to a sign that will be limited by the spacing requirement once it is constructed, then
    - a. Measured from the first sign given a building permit that is not cancelled or void at the time of measurement; or

b. When no permit has been issued that is still valid, measured from the first fully complete application for a building permit received by the Code Official that has not been cancelled or which is void; and

3. A back-to-back, multiple signs on one freestanding pole, double-faced or V-type sign shall be considered as one sign.

(c) Highway signs shall not be allowed *in addition* to permitted freestanding signs, rather the highway sign definition solely expands upon the standards set for freestanding or wall signs on certain parcels.

(6) *Awnings.*

- (a) All portions of any sign shall be at least eight (8) feet above any sidewalk;
- (b) Shall not project over five (5) feet from building façade;
- (c) Supports shall not extend down onto public property; and
- (d) Any signage located on an awning shall be considered wall signage and count toward maximum permitted wall signage.

(7) *Area Identification Sign.* Area identification signs shall be permitted subject to the following standards:

- (a) One monument style sign shall be permitted in addition to freestanding signage;
- (b) Shall not exceed sixty (60) square feet;
- (c) Shall be located at a primary entrance to project area;
- (d) Shall be a maximum of ten (10) feet in height;
- (e) Maintenance of signage shall conform to standards set in subsection 151.195(D);
- (f) Shall be setback a minimum of 10 feet from any right-of-way.

(C) *Location.*

(1) Flat Wall Signs may be located on any wall of the building limited to the following standards;

(a) in the Highway Business (B1), Community Commercial (CC), Neighborhood Commercial (NC) and the Major Recreation (MR) Districts:

1. Wall signs are permitted on the front or non-front walls at the discretion of the property owner and shall be limited to the standards set in the Design Standards table, 151.196.

(b) in the Downtown Business (B3) District:

1. Wall signs may be allowed on either the front or non-front walls at the discretion of the property owner and shall be limited to thirty-two (32) square feet.

(2) Freestanding Signs shall have a minimum clearance of eight (8) feet above a sidewalk and fifteen (15) feet above driveways or alleys.

(3) One Freestanding or Ground-Mounted sign per lot or parcel is permitted except as provided in Subsection 151.191(B)(7) and may be located anywhere on the premises except as follows:

(a) A ground-mounted monument or a freestanding sign shall not be located within ten (10) feet of a right-of-way, five (5) feet from any lot line or within an easement.

(b) Any ground-mounted or freestanding sign is prohibited in the Downtown Business District (B3).

(4) *Marquee Signs and Projecting Signs.* Marquee and projecting signs are permitted in the Downtown Business (B3) and Major Recreation (MR) Districts. Sign standards for marquee and projecting signs are set in the Design Standards table, Section 151.196.

(a) Marquees and projecting signs shall have a minimum clearance of not less than eight (8) feet.

(b) The maximum vertical dimension of signs shall be determined as follows:

Height above Grade	Vertical Dimension
8' up to 10'	2' 6" high
10' up to 12'	3' high
12' up to 14'	3' 6" high
14' up to 16'	4' high
16' and over	4' 6" high

(5) Wall signs shall not extend above the top of a parapet wall or a roofline at the wall, whichever is higher.

(6) Permitted highway signs, including electronic message boards, may be located anywhere on the premises except within twenty (20) feet of a right-of-way, ten (10) feet from any lot line or within an easement.

(7) Electronic message boards are permitted in the Neighborhood Commercial (NC), Community Commercial (CC), Highway Business (B1) and Major Recreation Districts (MR) subject to the following standards:

- (a) Electronic message boards are permitted to be up to thirty-two (32) square feet in area; and
- (b) May be integrated into larger sign face or stand alone. If integrated into larger sign face, may take up to thirty-two (32) square feet and shall be counted toward total permitted area for signage.
- (c) No portion of an electronic message board shall be located within two hundred and fifty (250) linear feet of the property line of a parcel with a residential land use designation or residential use that fronts on the same street and within the line of sight of the sign face.

(D) *Height.*

- (1) Ground-mounted signs shall not exceed six (6) feet in height from ground level.
- (2) Freestanding signs shall not exceed thirty (30) feet in height from ground level in the Highway Business (B1), Neighborhood Commercial (NC), and Community Commercial (CC) zoning districts and thirty-five (35) feet in height in the Major Recreation (MR) zoning district.
- (3) Highway signs, including electronic message boards, shall not exceed forty (40) feet in height from ground level in the Highway Business (B1), Community Commercial (CC) zoning districts and Major Recreation (MR) zoning district.

(E) *Content.*

- (1) Any of the signs pursuant to this Section 151.191 may be changeable copy signs.

(F) *Illumination.* Shall be as provided in Subsection 151.194(E).

**151.192 INDUSTRIAL, OFFICE AND BUSINESS PARK.**

(A) *Scope.* This Section shall apply to the Light Industry (I1), Heavy Industry (I2), Office (B2) and Business Park (BP) Districts.

(B) *Number and Size.*

- (1) Up to two (2) wall signs for each street frontage, with a total combined maximum area of five (5) percent of the total square footage of the face of the building facing that street frontage shall be permitted.
- (2) One (1) freestanding or ground-mounted sign not exceeding one hundred and twenty-five (125) square feet per lot or parcel.
- (3) The maximum size and number of signs that the owner or owners of an Industrial or Business Park development may erect and maintain at the entrances to the development shall be controlled according to the following:
  - (a) A maximum of two (2) signs of one hundred and fifty (150) square feet per face shall be permitted for industrial parks or complexes of less than ten (10) acres; and
  - (b) A maximum of three (3) signs of one hundred and fifty (150) square feet shall be permitted for complexes of ten (10) acres or more. More than three (3) signs may be approved through a Planned Unit Development.
- (4) Business complex signs shall be as provided in 151.191(B)(4)(b).

(C) *Location.* Shall be as provided in Subsection 151.191(C).

(D) *Height.* Shall be as provided in Subsection 151.191(C) except for freestanding signs which shall be limited to 12 feet in height.

(E) *Illumination.* Shall be as provided in Subsection 151.194(E).

**151.193 AGRICULTURAL PRESERVATION DISTRICT STANDARDS**

(A) *Scope.* This Section Shall apply to the Agricultural Preservation (AG) and those districts which have no zoning designation established as of the adoption of this ordinance.

(B) *Size.*

- (1) Signs shall have a maximum area that does not exceed forty-eight (48) square feet per sign.

(C) *Location.*

(1) Signs shall be at least twenty (20) feet from a right-of-way and shall be at least twenty (20) feet from an adjacent lot.

(D) *Illumination.* As provided in Subsection 151.194(E).

(J) *Maximum number of signs.*

Acreage	No. of Signs
0 – 20	2
21 – 40	3
41 – 60	4
61 & over	5

**151.194 SUPPLEMENTAL CRITERIA FOR ALL DISTRICTS**

(A) *Temporary Signs.* Temporary signs are subject to the following standards:

- (1) Any temporary signage which does not conform to the size requirements of 151.188(B) or is not covered by any other provision of this Code, shall require a temporary sign permit;
- (2) Any temporary signage requiring a temporary sign permit shall conform to the size standards set forth in 151.194(F);
- (3) Shall not be located within any right-of-way whether dedicated or owned in fee simple or as an easement;
- (4) Shall only be located on property that is owned by the person whose sign it is and shall not be placed on any utility pole, street light, similar object, or on public property;
- (5) Shall not be illuminated except as allowed in 151.190(D) or 151.194(E) based on the District in which the sign is located;
- (5) Shall be removed within fourteen (14) days after the election, sale, rental, lease or conclusion of event which is the basis for the sign under Subsection 151.188(B) or if a different standard is required in Subsection 151.188(B) shall be removed within the time required by that Section; and
- (6) If temporary signage exceeds the standards set forth in Subsection 151.194(F) then it shall be regulated by the standards for permanent signage of the underlying zoning district.

(B) *Integral Signs.* There are no restrictions on sign orientation including whether it is freeway-oriented. Integral signs shall not exceed seventy-two (72) square feet per façade. Integral signs may be illuminated externally but shall not be illuminated internally.

(C) *Private Traffic Direction.* Illumination of signs erected as required by the Manual on Uniform Traffic Control Devices shall be in accordance with Subsection 151.194(E). Horizontal directional signs flush with paved areas are exempt from these standards.

(D) *Original Art Display.* Original art displays may be permitted administratively when they meet the following requirements:

- (1) Located in the Highway Business (B1), Community Commercial (CC), Neighborhood Commercial (NC) and Major Recreation (MR) zoning districts;
- (2) Shall not be placed on a dwelling;
- (3) Shall not extend more than six (6) inches from the plane of the wall upon which it is painted or to which it is affixed;
- (4) Shall be no more than sixty (60) square feet in size, per parcel;
- (5) Compensation will not be given or received for the display of the original art or the right to place the original art on site;
- (6) Shall not be illuminated; and
- (7) Sign permit has been applied and paid for, per the adopted City Fee Schedule.

(E) *Illumination*. No sign shall be erected or maintained which, by use of lights or illumination, creates a distracting or hazardous condition to a motorist, pedestrian or the public. In addition:

- (1) No exposed reflective type bulb, par spot or incandescent lamp, which exceeds twenty-five (25) Watts, shall be exposed to direct view from a public street or highway, but may be used for indirect light illumination of the display surface of a sign.
- (2) When neon tubing is employed on the exterior or interior of a sign, the capacity of such tubing shall not exceed three hundred (300) milliamperes rating for white tubing or one hundred (100) milliamperes rating for any colored tubing.
- (3) When fluorescent tubes or LED lighting is used for the interior illumination of a sign, such illumination shall not exceed:
  - (a) Within Residential Districts: Internal illumination is prohibited for signs in all Residential Districts except for area identification signs which shall not exceed; a luminance of 5,000 NITS between sunrise and sunset and 125 NITS during nighttime hours.
  - (b) Within Non-Residential Districts: Sign illumination shall not exceed a luminance of 5,000 NITS between sunrise and sunset and 250 NITS during nighttime hours.
- (4) Electronic message boards allowed pursuant to 151.191(C)(7) shall:
  - (a) Display only static messages that remain constant in illumination intensity and do not have movement or the appearance or optical illusion of movement;
  - (b) Not operate at an intensity level of more than 0.3 foot-candles over ambient light as measured at a distance of one hundred and fifty (150) feet;
  - (c) Be equipped with a fully operational light sensor that automatically adjusts the intensity of the billboard according to the amount of ambient light;
  - (d) Change from one message to another message no more frequently than once every eight (8) seconds and the actual change process is accomplished in two (2) seconds or less;
  - (e) The images and messages displayed shall be complete in themselves, without continuation in content to the next image or message or to any other sign;
  - (f) Be designed to either freeze the display in one static position, display a full black screen, or turn off in the event of a malfunction; and
  - (g) Not be permitted until the Zoning Administrator is provided evidence that best industry practices for eliminating or reducing uplight and light trespass were considered and built into the electronic message board.

(F) If not otherwise regulated as to maximum sign area in this code, signs are governed by the following standards.

Maximum Sign Area	Street Frontage
24 sq. ft.	85 ft. or less
32 sq. ft.	86-90 ft.
40 sq. ft.	91-99 ft.
48 sq. ft.	100 ft. or more

**151.195 NONCONFORMITY, MODIFICATION AND ENFORCEMENT**

(A) Signs lawfully in existence on the date the provisions of this Code were first advertised for adoption by this Council, which do not conform to the provisions of this Code, but which were in compliance with the applicable regulations at the time they were constructed, erected, affixed or maintained shall be regarded as nonconforming and shall be regulated as a nonconforming use under 151.017 of this Code.

(B) *Compliance*. Any sign which is altered, relocated or replaced shall be brought immediately into compliance with all provisions of this Code.

(C) *Enforcement Procedures*. The following actions may be taken when an illegal sign is erected or identified by the City.

- (1) The property owner shall be notified via certified mail that the illegal signage is to be removed by a date certain.

(2) If the signage has not been removed within 10 days of receipt of notice or within a time frame identified by said notice, the violation shall be reported to the appropriate city department for citation and subsequent prosecution if required.

(3) (a) The city may at any time and without notice impound signs that have been installed on public property or within any public right-of-way or easement.

(b) The sign owner may retrieve the signs according to the following:

1. A fee shall be paid to the city consistent with the fees established in the city's adopted fee schedule relative to the applicable staff person's hourly rate for time to impound said sign(s). For each subsequent impoundment in a calendar year, the specified fee shall be doubled;

2. The sign may be retrieved from a designated impound area during routine business hours and within 10 days from the date of impounding. After 10 days, the city will dispose of the sign; and

3. The city may not be held liable for any damage to impounded signs.

(4) If construction or installation of the sign has not commenced within one hundred and eighty (180) days (or thirty (30) days in the case of a temporary sign permit) from the date of issuance of the permit, said permit shall become void. There shall be no refund of permit application fee for a voided sign permit.

(D) *Maintenance*. In the instance that an area identification sign is erected in any zoning district, the party responsible for future maintenance of said sign shall be identified at the time of application. The identified party shall be responsible for all maintenance for the duration of time in which the sign is installed. The responsible party may be changed subsequently with the written approval of both parties and notification to the City.

(D) *Variance*. An applicant or property owner may appeal the requirements of this Code by applying for a Variance, the request shall meet the criteria outlined for a Variance in Subsection 151.015(B) of this Code. A Variance application shall conform to the guidelines outlined in Subsection 151.015(C). In addition to the criteria outlined in Subsection 151.015(B), the Board of Adjustment and Appeals shall consider the following criteria:

(1) The Variance will allow a sign that relates in size, shape, materials, color, illumination and/or architectural character of the building or property on which the sign will be located; or

(2) The Variance will allow a sign of exceptional, unique or creative design or style which will enhance the surroundings and/or the property on which the sign will be located.

(E) *Planned Unit Development (PUD)*. Signage standards of the most conventional zoning district to a proposed PUD shall be considered presumptively appropriate. These standards may be departed from, in doing so, a signage plan shall be submitted and shall be considered as part of the approval process for the PUD rezoning and final development plan.