

ORDINANCE NO. 2277-12

By the Plan Commission

ORDINANCE REPEALING AND RECREATING SECTION 15.16 OF THE MUNICIPAL SIGN CODE

The Common Council of the City of Brookfield do ordain as follows:

PART 1. Chapter 15.16, the Sign Code, is repealed and recreated to read as follows:

15.16.010 Purpose.

It is declared that the regulation of signs within the city is necessary and in the public interest to:

- A. Protect property values within the city;
- B. Preserve the beauty and the unique character of the city by aesthetically complementing the development which a sign identifies;
- C. Promote a healthy and properly designed business environment;
- D. Safeguard the general public from damage and injury which may be caused by the faulty and uncontrolled construction of signs within the city;
- E. Protect against hazards to vehicular traffic movement through improper placement of signs;
- F. Promote the public safety, welfare, convenience and enjoyment of travel and the free flow of traffic within the city. (Ord. 1803 § 1 (part), 2001)

15.16.020 Requirement of conformity.

It shall be illegal for a sign to be erected, constructed, repaired, altered, located or maintained in the city, except as provided in this chapter.

- A. All new signs constructed or maintained contrary to the provisions of this chapter are declared to be illegal.
- B. Any person or entity violating any provisions of this chapter or failing to comply with any orders or regulations made hereunder shall be subject to the penalties hereof and those otherwise provided by law. (Ord. 1803 § 1 (part), 2001)

15.16.030 Definitions.

As used in this chapter:

“Abandoned sign” means a sign or portion of a sign structure located on a property which becomes vacant and is unoccupied for a period of sixty (60) days or more, any sign or structure which pertains to a time, event or purpose which no longer applies or a sign which no longer directs attention to a business, activity or service offered or product sold on the premises.

“Area of sign” means that area enclosed by one continuous line, connecting the extreme limits or edges of writing, representation or similar figures or characters together with any material forming an integral part of the display or forming the backing surface or background on which the message or symbols are displayed on a sign. The area shall be determined using the largest sign area or silhouette visible at any one time from any point. This area does not include the main supporting sign structure, but other ornamental attachments are to be included in determining area of sign.

“Awning sign” means a fireproof space frame structure with translucent flexible reinforced vinyl, canvas or similar material covering designed in awning form, but whose principal purpose and use is signage. Only the portion of the awning which has sign copy may be internally illuminated by fluorescent or other light sources in fixtures approved under national and local electrical codes.

“Banner sign” means any sign intended to be hung either with or without frames, possessing characters, letters, illustrations or ornamentations applied to paper, plastic, fabric or similar flexible material of any kind. National flags, flags of political subdivisions and symbolic flags of any institution or business shall not be regulated as banner signs for the purpose of this chapter.

“Board” means the plan review board of the city.

“Building front foot” means the maximum building width measured at grade on a straight line parallel to the street on which the building is addressed.

“Business front foot” means the lineal distance of the building space occupied by the particular business measured on a straight line parallel to the street. Where a business does not parallel a street, the front foot shall be measured along the exterior of the building space occupied by the particular business.

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

“Contractor sign” means any sign giving the name or names of principal contractors, subcontractors, architects and lending institutions responsible for construction on the site where the sign is placed, together with other pertinent information included thereon. (See Section [15.16.280\(E\)](#) of this chapter.)

“Development sign” means any sign used to identify future residential or nonresidential development or such a development under construction. (See Section [15.16.280\(B\)](#) of this chapter.)

“Electronic message board” means a type of changeable copy sign whose message or display is presented with patterns of lights or other means that may be changed at intermittent intervals by an electronic process.

“Fascia” means a parapet-type wall used as part of the fascia of a flat roofed building and projecting not more than six feet from the building face immediately adjacent thereto. Such a wall shall enclose at least three sides of the projecting flat roof and return to a parapet wall or the building.

“Flag” means a banner sign, as defined above.

“Free-standing sign” means any sign which is supported by structures or supports in or upon the ground and independent from any building.

“Grand opening sign” means a sign which calls attention to a new business or the announcement of a change in ownership of a business.

“Height of sign” means the overall height of a sign and/or the supporting structure of a sign, where applicable, measured from the nearest adjacent road grade at the edge of the pavement to the highest point of the sign and/or supporting structure of the sign.

“Holders of permit” means, collectively, the owner(s) of the premises on which a sign is located and the lessee(s) of the premises to which such sign pertains, all of whom must sign the application for a sign permit. (See Sections [15.16.060](#) through [15.16.130](#) of this chapter.)

“Illegal sign” means any sign, except the following:

1. A sign allowed by this chapter and not requiring a permit;
2. A sign allowed by this chapter carrying a valid permit;
3. A sign not allowed by this chapter, but which has been legalized by variance and proper permit granted.

“Legal nonconforming sign” means a sign that met code regulations when it was originally erected, either by adherence to a previous sign ordinance or by a variance granted to that ordinance, but which does not comply with all the present regulations of this chapter.

“Maintenance” means the replacing or repairing of a part or portion of a sign made unusable by ordinary wear, tear or damage beyond the control of the owner or the reprinting of existing copy without changing the wording, composition or color of the copy.

“Master identification sign” means a freestanding sign which identifies a MTCB, as defined in this section, or center. See Section [15.16.150](#) of this chapter.

“Master sign program” means the establishment of an identification program for any multitenance operation within the city, including, but not limited to, office parks, industrial parks and multitenance office and retail buildings. The intent of a master sign program is to give a uniform theme of size, color and style to signs in such a development. Each sign covered by a master sign program must be permitted separately. (See Section [15.16.270](#) of this chapter.)

“Meaningful open space,” means the area around the base of a sign, determined to be necessary for aesthetics and safety by the board. Meaningful open space shall be no less than two hundred fifty (250) square feet and shall be landscaped with a variety of plantings, including year round plants, and grass or groundcover per site development standards.

“Multiple tenant commercial building (MTCB)” means a commercial development in which there exists a number of separate commercial activities in which there are appurtenant facilities, such as parking or pedestrian mall, and which is designed to provide a single area in which the public can obtain varied products and services. Distinguishing characteristics of a MTCB may, but need not, include common ownership of the real property upon which the center is located, common wall construction and multiple-occupant commercial use of a single structure. For the purpose of this chapter, MTCB shall also include separate parcels sharing common walls and facilities, but not necessarily common owners. MTCB can be office, retail or mixed use in character.

“New Suburban” means a development style where buildings are oriented toward the street with at least one major pedestrian entrance connected to the street/pedestrian way. No parking is located in the area between the building and the street.

“Off-premises sign” means a sign which is not appurtenant to the use of the property or to a product sold or a service offered upon the property where the sign is located and which does not identify the property where the sign is located as a purveyor or source of the merchandise or services advertised upon the sign.

“Parapet wall” means a wall extending above the plate line of the building.

“Pennant” means a tapered or dove-tailed banner, sign, streamer or flag, with or without any representation or writing thereon.

“Permanent sign” means any sign which is intended to be and is so constructed as to be lasting and enduring, remaining unchanged in character, condition (beyond normal wear) and position, and in some permanent manner affixed to the ground, wall or building.

“Planned development” means a collection of like-use buildings, residential, office or industrial in nature, designed and constructed contemporaneously and in close proximity to each other as part of a single integrated project, including, but not limited to, residential subdivisions and office or industrial parks.

“Plate line” means the point at which any part of the main roof structure first touches or bears upon an external wall.

“Political sign” means a temporary sign supporting a candidacy for office or urging action or commenting on any other public policy matter.

“Portable sign” means any sign not permanently attached to the ground or a building or designed to be permanently attached to the ground or a building, including, but not limited to, trailorized signs and vehicles.

“Projecting sign” means any sign other than a wall sign affixed to any structure, building or wall whose leading edge extends beyond such structure, building or wall.

“Residential corridor” means a geographic area which predominately features homes. Commercial properties located on streets which transition from commercial to residential shall be subject to the provisions of Section [15.16.190\(C\)\(10\)](#).

“Roof line” means the highest point of the main roof structure or highest point on a parapet, but shall not include cupolas, pylons, projections or minor raised portions of the roof.

“Roof sign” means a sign extending above the roof line.

“Sale, lease and rent sign” means a temporary sign which indicates that some premises or vacant land are for sale, lease or rent.

“Sandwich board” means a two-sided portable sign constructed of wood, cardboard or similar rigid material generally displayed outside of a commercial establishment to identify a product or service.

“Seasonal sign” means a sign for seasonal commercial establishments, including, but not limited to, garden centers, Christmas tree lots and fruit and vegetable stands.

“Shingle sign” means a sign used to identify a business whose front is under a roof overhand, covered walkway, covered porch or open lattice walkway.

“Sign” means any device for visual communications and the structure which supports it which is used or is intended to attract the attention of the public when the display of this device is visible beyond the boundaries of the property upon which the display is made. The term “sign” shall not include any flag, badge or insignia of the United States, the state of Wisconsin, Waukesha County, city of Brookfield or foreign countries or official historic plaques.

“Streamer” means the same as pennant, as defined in this section.

“Temporary sign” means sign constructed of cloth, canvas, wood, light fabric, cardboard, wallboard, plastic or other like materials, with or without frames, and any type of sign not permanently attached to the ground, wall or building which is permitted for display for a limited period of time only. (See Section [15.16.280](#) of this chapter.)

“Tenant directory board” means any sign on which the names of occupants or the uses of a building is given, including, but not limited to, those utilized at office buildings, retail centers and other MTCBs.

“Traffic directional sign” means a sign designed and located solely for the purpose of relieving traffic congestion and directing and promoting the safe flow of traffic.

“Wall sign” means any sign painted on or attached to and erected parallel to the face of or erected and confined within the limits of the exterior wall of any building and supported by such wall or building and which displays only one advertising surface. This definition includes signs composed of individual letters or symbols.

“Window sign” means any sign placed inside or upon a window facing the outside of a building and which is usually intended to be seen from the exterior of the building. Signs displayed on glass panels which are integral to doors visible from the exterior of the building will be considered to be window signs for purposes of this chapter. (Ord. 2156-08 § 1, 2008; Ord. 2022-05 § 1, 2005; Ord. 1803 § 1 (part), 2001)

15.16.040 Legal nonconforming signs.

A. Signs which were erected prior to 1989 and which were nonconforming as of the effective date of the ordinance codified in this chapter shall be removed or brought up to the requirements of this chapter.

15.16.050 Removal of signs.

A. The Zoning & Building Administrator is authorized to remove any illegal sign as defined by this chapter.

B. Before taking action to require removal of any illegal sign, the Zoning & Building Administrator shall give a written compliance notice to the holders of the permit for the sign or, if no permit has been issued, to the owner(s) of the premises on which such sign is located and to the lessee(s) of the premises to which such sign pertains. The notice shall state the reasons and grounds for removal, specifying the deficiencies or defects in such sign with reasonable definiteness, and the violations charged, if any. Such notice shall specify what repairs, if any, will make the sign conform to the requirements of this chapter and specify that the sign must be removed or made to conform with the provisions of this chapter within the compliance period provided below. Service of notice shall be made on the parties specified above as follows:

1. By delivering personally copies of the notice to the parties; or
2. By leaving a copy of the notice with any person in charge of the premises; or
3. In the event that no such person can be found on the premises, by affixing a copy of the notice in a conspicuous position at an entrance to the premises and by the certified mailing of copies of the notice to the post office addresses of the holders of the permit as specified in the application for the permit, if any, or to the last known post office addresses of the parties specified above.

C. Compliance Period.

1. The compliance period for permanent signs shall be ten days.
2. The compliance period for temporary signs shall be forty-eight (48) hours.

D. Re-erection of any sign or any substantially similar sign on the same premises after a compliance notice has been issued shall be deemed a continuance of the original violation.

E. If the holders of the permit or the owner(s) and lessee(s) of the premises upon which the sign is located have not demonstrated to the satisfaction of the Zoning & Building Administrator that the sign has

been removed or brought into compliance with the provisions of the chapter by the end of the compliance period, the Zoning & Building Administrator shall issue municipal citations to the owner and/or tenant.

F. Removal. The Zoning & Building Administrator is authorized to cause the removal of any sign adjudged to be illegal by a court of competent jurisdiction if the court so orders. The actual cost and expense of any such removal by the Zoning & Building Administrator shall be borne by the holders of the permit or, if no permit had been issued, by the owner(s) of the premises on which the sign is located and the lessee(s) of the premises to which such sign pertains. All such parties shall be jointly and severally liable for such cost and expense and subject to the penalties provided by the provisions of this chapter.

G. Violators shall be subject to Chapter 1.12. Each act of violation shall be subject to a forfeiture of no less than fifty dollars (\$50.00) per day. (Ord. 1803 § 1 (part), 2001)

15.16.060 Permit—Required when.

A. A sign permit shall be required before the erection, re-erection, construction, alteration, placement, maintenance or location of all signs, except as otherwise provided in this chapter. Where signs are illuminated electrically, a separate electrical permit shall be obtained as required by the electrical code (Chapter 15.08 of this code).

B. A permit shall not be required for the following signs or activities; provided, however, that such signs or activities shall be subject to any and all applicable provisions of this chapter:

1. Name plate signs for single-family residences, pursuant to Section [15.16.140](#);
2. Any permanent, building mounted sign four square feet or less in area unless otherwise prohibited by this chapter;
3. Repainting of signs without changing wording, composition or colors, or minor nonstructural repairs of signs (except electrical repair);
4. Relocation of signs if required by the city;
5. Political signs as permitted under Section 15.16.280D;
6. Certain window signs only as permitted under Sections [15.16.230](#) and 15.16.280H;
7. Residential sale and lease signs six square feet or less in area;
8. Address markers/signs;
9. Flags, pursuant to Section [15.16.180](#);
10. Signs located in the interior of any building or structure.

C. Nothing contained herein shall prevent the erection, construction, alteration, placement, maintenance or location of official traffic, fire and police signs, signals, devices and markings of the state and the city or other public authorities, or the posting of notices required by law. (Ord. 1803 § 1 (part), 2001)

15.16.070 Permit—Application and expiration.

A. All applications to obtain a sign permit shall be made on a form furnished by the Zoning & Building Administrator. All such applications shall be signed by the owner(s) of the premises on which the sign is to be located and the lessee(s) of the premises to which the sign pertains, which signatures shall indicate agreement to be bound by the terms of this chapter. Throughout this chapter, these owner(s) and lessee(s) may be referred to collectively as holders of the permit, as defined herein. No permit under this chapter shall be issued to any person or entity other than the owner and lessee of a premises as provided herein, it being intended that no sublessee (or the equivalent) of a premises shall be entitled to obtain a permit hereunder.

B. Requirements of Plans. Five copies of specifications, plans, color renderings or other pictorializations of nonresidential signs shall be submitted with the application for each sign in excess of four square feet in area. Such submissions shall detail the size of the sign; the method of attachment or support; the location of the proposed sign; the location of any building(s) on the premises and any other signs located or proposed to be located on the premises or within one hundred fifty (150) feet of the proposed sign; the materials to be used; and the name, address and profession of the person designing plans and specifications for such sign. Plans for supports for any sign subject to excessive stress as determined by the Zoning & Building Administrator shall be accompanied by structural computations. Sufficient data shall be submitted to show that the supporting surface and other members of an existing building to which the sign is to be attached are in good condition and are adequate to support the load, including the proposed sign.

C. Permit Fees.

1. In conjunction with the filing of an application for a sign permit, the applicants must tender a fee in accordance with the following schedule:

Total Square Footage of Sign	Application	Renewal/ Inspection
	Fee	3-Year Fee
0 through 25 square feet	\$50.00	\$30.00
26 through 50 square feet	\$75.00	45.00
51 through 100 square feet	\$100	45.00
101 square feet and over	125.00	45.00
Temporary signs	25.00	
New master sign program	50.00	

Amendment or exception to an existing master sign program 50.00

Variances or appeals 150.00

2. The owner of a legal nonconforming sign which has been removed or brought into conformance with the terms of this chapter shall not be required to pay a fee in order to obtain a permit for the replacement or conforming sign.

3. Where work for which a permit is required by this chapter is begun before a permit has been obtained, the fees above specified shall be quadrupled, but the payment of such quadrupled fee shall not relieve any persons from complying fully with the requirements of this chapter in the execution of the work or from any penalties prescribed herein.

4. Sign permits must be renewed every three years and the fee indicated above tendered in accordance therewith. If re-erection, alteration, maintenance or some other activity requires the issuance of a new sign permit less than three years from the issuance of the previous permit for that sign, the calculation of the three-year renewal period for that sign permit shall date from the issuance of the last permit. Renewal fees not paid by February 28th of a given year shall be charged a late payment fee of ten dollars (\$10.00). Fees not paid by November 20th will be placed on the tax rolls for the appropriate property with a surcharge of ten percent.

D. Procedure.

1. All applications for sign permits shall be reviewed initially by the Zoning & Building Administrator who may issue permits for temporary signs and such other signs which, pursuant to this chapter, can be issued without review by the board. The Zoning & Building Administrator shall have the authority to deny such permits if the proposed signs do not comport with the requirements of this chapter.

2. Should the Zoning & Building Administrator conclude, in his discretion, that the board should review an application for a sign permit, or should this chapter require such review for a particular sign, the application will be forwarded to the board for review of its next regularly scheduled meeting subject to established agenda length limits. The board may vote to recommend approval or disapproval of the application based on the following factors:

a. The exterior architectural presentation and functional plan of the proposed sign will be not so at variance with or so similar to the exterior architectural presentation and functional plan of signs already constructed or in the course of construction in the area, or so out of harmony with the area, as to potentially contribute to substantial depreciation in the property values of the area;

b. The proposed sign conforms to the location, size and style requirements set forth in this chapter;

- c. The proposed sign conforms to the city's long range planning for the area as set forth in the city's master plan as that term is defined in Section 62.23(3), Wisconsin Statutes, or relevant portions thereof;
 - d. The proposed sign shares similar architectural or building material features of the principal building.
3. The board may establish guidelines, with the confirmation of the plan commission, which further define and interpret this chapter. Those guidelines, if any, shall be made available to all sign applicants.
4. After the board has voted to recommend approval or disapproval of a sign application, or if it declines to do so, it shall forward its minutes containing this recommendation to the plan commission for consideration at its next regularly scheduled meeting subject to established agenda length limits. In reviewing the board recommendation, the plan commission may consider the factors enumerated in subsection (D)(2) of this section and any other guidelines established in accordance with subsection (D)(3) of this section.
5. Upon approval or disapproval of a sign application by the plan commission, it shall forward its minutes containing this decision to the council for ratification or disapproval at its next regularly scheduled meeting subject to established agenda length limits. Upon ratification or disapproval by the council, the application shall be returned to the Zoning & Building Administrator, who shall issue approved permits or notify applicants of disapproval of their application and the reasons therefor. (Ord. 1803 § 1 (part), 2001)

15.16.080 Construction requirements.

- A. Wind Pressure and Dead Load Requirements. All signs shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area and shall be constructed to receive dead loads as required in the building code or other ordinances of the city.
- B. Lighting. Illumination shall be so installed to avoid any glare or reflection into any adjacent property, or onto a street or alley to create a traffic hazard as determined by the Zoning & Building Administrator. Signs located in residential corridors shall install devices to turn off lights prior to ten p.m. (Ord. 1803 § 1 (part), 2001)

15.16.090 Prohibited lighting, movement and signs.

- A. Lighting. Bare light bulbs shall not be permitted. No flashing, blinking or rotating lights shall be permitted for either permanent or temporary signs other than for time and temperature signs if so permitted by the board. (See Section 15.16.240). No exposed neon shall be permitted.
- B. Action Signs. No sign shall be permitted which moves by any means, except flags as permitted in Section [15.16.180](#) and time and temperature signs as permitted by the board pursuant to Section [15.16.240](#) and electronic message boards as permitted by the board pursuant to Section 15.16.160.

C. Prohibited Signs. It is unlawful to erect or maintain the following signs:

1. Electronic message boards
2. Portable signs;
3. Projecting signs;
4. Off premises signs;
5. Roof signs;
6. Pennants or streamers; excluding those regulated in Section [15.16.280 J](#).
7. Sandwich boards, unless permitted by the board in PDD or special neighborhood districts;
8. Abandoned signs/structures. (Ord. 1803 § 1 (part), 2001)

15.16.100 Building street number signs required.

Every building or group of buildings must be identified by a street number. Height of numbers shall be approved by the board, based on sign size and location. (Ord. 1803 § 1 (part), 2001)

15.16.110 Location requirements.

All address numbers shall be located horizontally, as an inset to the sign base. Numbers shall be a minimum of six inches tall.

A. Obstruction of Exits. No sign shall be constructed or maintained so as to obstruct any door, window, stairway or fire escape of any building.

B. Signs Prohibited Within or in Proximity to Limits of Any Street or Highway.

1. No sign shall be erected, placed, located or maintained within the limits of any street or highway. Street or highway limits include all the dedicated rights-of-way, encompassing the travelled portion of the highway, the shoulders, ditches and adjacent dedicated areas. This prohibition applies to freestanding signs and those placed on trees, utility poles, fence post stakes and all other structures within the highway limits.
2. Failure to comply with the provisions of this section shall be a violation of Section 86.19, Wisconsin Statutes, as well as this chapter.
3. Any sign in violation of this section shall be removed without notice by the department of public works, inspection services or the police department.
4. This prohibition shall not apply to signs placed within the limits of streets or highways by duly constituted municipal, county or state authorities for the guidance or warning of traffic, as provided in Section 86.19(1) and (4), Wisconsin Statutes, or to mail boxes and paper boxes.

5. No sign shall be erected, placed, located or maintained at or near the intersection of any streets so as to obstruct free and clear vision or at any location where, by reason of position, shape and color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or which makes use of the words “stop,” “look,” “danger” or other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.

C. Construction Over Public Property. No person or entity shall erect or cause to be erected any sign which projects over any public sidewalk, street, alley or public place. (Ord. 1803 § 1 (part), 2001)

15.16.120 Inspections.

Unless waived by the Zoning & Building Administrator, all signs for which a permit is required shall be subject to the following inspections:

A. Electrical inspection on all illuminated signs;

B. Site inspection to insure that the sign has been constructed according to an approved application and a valid sign permit;

C. Inspection on a yearly basis to insure that the sign continues to conform to the permit and has been adequately and properly maintained. (Ord. 1803 § 1 (part), 2001)

15.16.130 Sign maintenance.

Each sign, including those specifically exempt from the permit requirements of this chapter, shall be maintained in good structural condition at all times. All signs shall be kept neatly painted, including all metal parts and supports thereof that are not galvanized or of rust-resistant material. The Zoning & Building Administrator shall have the authority at any time to inspect and order the painting, repair, alteration or removal of a sign which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence or change in local conditions. The Zoning & Building Administrator shall follow the procedure of notification concerning such maintenance or removal as outlined in Section [15.16.050](#). (Ord. 1803 § 1 (part), 2001)

15.16.140 Permitted signs by use.

A. Single-Family Residence. A single-family residence is allowed a name plate sign not to exceed three square feet in area.

B. Public Uses, Institutional Uses, Schools and Churches.

1. The total permanent sign area allowed for public uses, institutional uses, schools and churches shall be determined by the board.

2. One-half of the freestanding sign area allowed by the board may be a changeable copy sign. See Section [15.16.160](#).

C. Residential Subdivisions, Condominiums and Apartment Complexes. Residential subdivisions, condominiums and apartment complexes are allowed entryway signs or markers if approved by the

board. Proponents of such developments shall follow the application procedures outlined in Section [15.16.070](#) and if such entryway signs or markers are requested in that application, the Zoning & Building Administrator must forward the application to the board in accordance with the procedures therein.

D. Multiple Tenant Commercial Buildings (MTCB). All applicants for a single sign for an MTCB must file an application for such sign with the Zoning & Building Administrator. The administrator may forward the request to the board for further consideration.

E. Planned Developments. All applicants for an entryway sign or marker or any other single sign for a planned development must file an application for such sign with the Zoning & Building Administrator, which application must be forwarded to the board for consideration pursuant to the procedures outlined in Section [15.16.070](#).

F. Theatre freestanding signs may include a changeable copy sign component if approved by the board after receipt of an application therefore from the Zoning & Building Administrator, pursuant to Section [15.16.070](#).

G. All other establishments or locations where signs may be utilized which are not covered specifically by this section are governed by Sections [15.16.150](#) through [15.16.250](#). (Ord. 1803 § 1 (part), 2001)

15.16.150 Master identification signs.

A. The purpose of the master identification sign is to advertise a center. Therefore, a minimum of thirty three (33) percent of the sign must be devoted to center identification, rather than individual tenants for multitenant commercial buildings. No individual tenants sign face may be larger than the center identification.

B. Application for a master identification sign must be made to the Zoning & Building Administrator, who shall forward it to the board for consideration, pursuant to the procedure outlined in Section [15.16.070](#).

The following entities may make such application:

1. Retail MTCB or centers of five or more individual tenants or at least fifty thousand (50,000) square feet of building area;
2. Office MTCB or centers of five or more tenants having exterior entrances;
3. Office parks and industrial parks (see Section 15.16.190B);
4. Developments that have multiple entry points (ex: churches, schools), Where multiple buildings are used, along with multiple uses and a need to direct traffic within the campus exists;
5. Commercial uses which abut I-94 right of way may apply for a free standing main identification sign which faces I-94 in addition to a freestanding sign at the entrance to the site. This sign application must be forwarded to the board for review.

C. MTCBs or centers of four or less tenants may not make application for a master identification sign except as provided in subsection (B)(1) of this section.

D. Architecture of Master Identification Signs.

1. Master identification signs must be architecturally integrated with the principal building on the property. The following considerations must be made when designing a master identification sign:

a. The base of the sign must be constructed of masonry or aluminum products. The tone and texture of the base shall reflect the principal building construction as close as possible. The base of the sign must be equal or larger in width to the sign face.

b. The color scheme of the sign shall follow the color scheme of the principal building.

c. Architectural features (such as sills, piers, reveals, capstones, medallions, etc.) which are part of the architectural makeup of the building shall be incorporated into the sign.

d. The sign face shall be constructed of aluminum, masonry or similar products. Polycarbonate backgrounds shall be prohibited, unless this can not be achieved (i.e. changeable copy), in which case the Plan Review Board shall approve.

2. The plan review board may approve, deny or request changes to a sign, based on the architecture of that sign.

E. Area of Master Identification Signs.

1. MTCBs or centers under one hundred thousand (100,000) square feet of building area may be permitted one freestanding sign of no more than one hundred fifty (150) square feet in area for retail and one hundred (100) square feet in area for office, subject to board approval.

2. MTCBs or centers between one hundred thousand (100,000) and five hundred thousand (500,000) square feet of building area may be permitted one freestanding sign per arterial street of one hundred fifty (150) square feet in area each, or one sign per building or center of two hundred twenty-five (225) square feet in area ($150 \times 1.5 = 225$), subject to board approval.

3. Determination of signage area for MTCBs or centers over five hundred thousand (500,000) square feet of building area shall be determined by the board.

F. Master identification signs shall meet meaningful open space requirements.

G. The board shall not approve any master identification sign greater than twenty (20) feet in height for retail or sixteen (16) feet in height for office or mixed use, except for centers over five hundred thousand (500,000) square feet in building area, which height shall be subject to board discretion considering the factors set forth in Section [15.16.190\(C\)\(3\)](#).

H. No freestanding signs other than the master identification sign(s) allowed pursuant to this section will be permitted for any MTCB or center; provided, however, that any tenant (but not more than four tenants per MTCB or center) may be identified on such master identification sign, such identification to be subject to all terms, conditions, restrictions and other requirements of this chapter which apply to such sign. The portion of the sign dedicated to the center name must be a minimum of 33% of sign face. No tenant panel may be larger than the sign face which identifies the center. If a tenant's name is part of the MTCB or center name, the tenant's name may not be repeated elsewhere on the sign. (Ord. 1803 § 1 (part), 2001)

15.16.160 Changeable copy signs.

A. The computation of sign area for changeable copy signs shall be included in the total permitted sign area allowed for the building or development where changeable copy signs are permitted by this chapter and/or by the board.

B. Changeable copy signs must be integrated into the freestanding sign for such building or development.

C. In addition to the uses specifically enumerated elsewhere in this chapter, changeable copy signs may be permitted for businesses of a seasonal nature, public uses, institutional uses, schools, churches, and theatres if approved by the board to be justified at such location and for such use. Changeable copy signs shall not be permitted for retail use.

D. Where changeable copy signs are allowed, the following restrictions apply in all cases, subject to further restriction as may be imposed by the board to particular applications:

1. There shall be only one changeable copy sign on each lot or parcel of land;
2. The sign may be double-faced;
3. Each sign shall be permanently installed or located;
4. Each sign shall be placed in such a manner so as to not interfere with, confuse or present any hazard to traffic;
5. The changeable copy portion of the sign must be no greater than fifty (50) percent of total sign face area and must occupy a secondary position to the name of tenant. (Ord. 1803 § 1 (part), 2001).

15.16.170 Tenant directory boards.

Exterior tenant directory boards for the purpose of guiding pedestrians to individual businesses within a MTCB or center are allowed, subject to the provisions hereof. Letters on a tenant directory board identifying occupants may not exceed three inches in height. Reorganization of a tenant directory board may be done for purposes of appearance or clarity. Changes in the structure, style or design of a tenant directory board or to add or delete the name of an occupant shall be allowed unless such tenant directory board is a legal nonconforming sign, in which case such tenant directory board must first be brought into

compliance with all of the provisions of this chapter. Tenant directory boards must be attached to the building or located within 10' of the front entrance of the building. (Ord. 1803 § 1 (part), 2001)

15.16.180 Flags.

Pursuant to Section [15.16.060\(B\)\(9\)](#), a sign permit is not required for flags; provided, that the flags conform to the requirements set forth in this chapter. This section is not intended to include pennants or streamers, which are prohibited by Section [15.16.090\(C\)\(6\)](#) or to regulate the flying of government flags.

- A. Maximum area of a flag shall be twenty-four (24) square feet.
- B. Flags may be suspended on a pole no higher than thirty-five (35) feet.
- C. The flag must display only the name and/or logo of the business, building or building complex over which it is displayed. Only one flag may be displayed per business, building or building complex.
- D. The flag pole shall be located in a setting of meaningful open space, as defined in this chapter. (Ord. 1803 § 1 (part), 2001)

15.16.190 Freestanding signs.

A. All applications for freestanding signs shall be filed with the Zoning & Building Administrator and forwarded to the board for consideration pursuant to the procedure outlined in Section [15.16.070](#). A freestanding sign may be permitted by the board for the following uses:

- 1. One sign per building site for public uses, institutional uses, schools and churches;
- 2. Commercial establishments as restricted below.

B. Architecture of freestanding signs.

- 1. Freestanding signs must be architecturally integrated with the principal building on the property. The following considerations must be made when designing a master identification sign:
 - a. The base of the sign must be constructed of masonry or aluminum products. The tone and texture of the base shall reflect the principal building construction as close as possible.
 - b. The color scheme of the sign shall follow the color scheme of the principal building.
 - c. Architectural features (such as sills, piers, reveals, capstones, medallions, etc.) which are part of the architectural makeup of the building shall be incorporated into the sign.
 - d. The sign face shall be constructed of aluminum, masonry or similar products. Polycarbonate backgrounds shall be prohibited unless this can not be achieved (i.e. changeable copy), in which case the plan review board shall approve.

2. The plan review board may approve, deny or request changes to a sign, based on the architecture of that sign and/or size relation to other signs in general area of sign.

C. Placement and Construction Requirements.

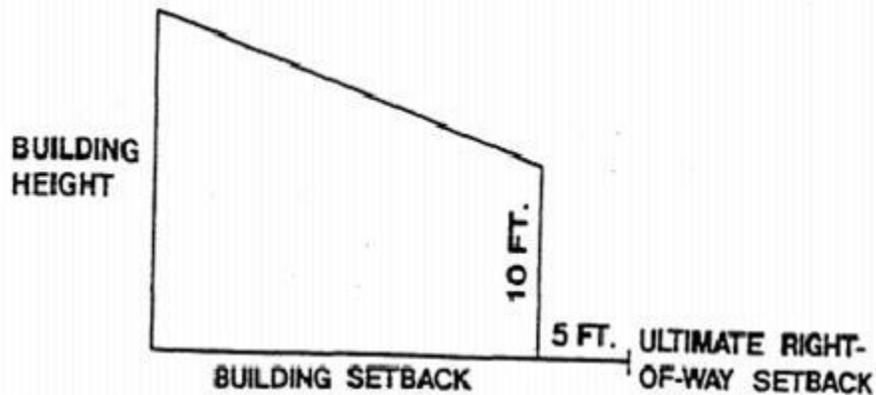
1. One freestanding sign shall be permitted. It shall be permanent in construction and subject to the requirements of the building code as determined, imposed and inspected by the Zoning & Building Administrator.

2. The sign may be single, double, triple, or quadruple-faced if so permitted by the board.

3. The height of a freestanding sign shall be regulated and approved by the board in consideration of the location of the proposed sign; the height, size, appearance, number and location of other signs in the vicinity of the proposed sign; the propriety of the proposed sign with respect to a master sign plan, if any; and such other facts as the board deems appropriate.

4. The allowable height of a freestanding sign at a particular site is to be established by drawing a line from the height of the building at setback to a theoretical wall of ten feet at the property line. A freestanding sign must be of no greater height than what can be placed within the area of the resulting geometric figure (see Figure 1 below). However, In no event shall the height of such sign be greater than sixteen (16) feet for office, retail or mixed use and twenty (20) feet for master identification signs. Dimensions shall be provided by the applicant. An offset of no less than five feet from the ultimate right-of-way line should be maintained. Notwithstanding anything herein to the contrary, all signs which were legal conforming signs under Ordinance 1214 as of its effective date of January 19, 1988, but which do not comply with the height limitations set forth herein, shall be deemed legal nonconforming signs with respect to height only and, notwithstanding the provisions of Section [15.16.040](#), may exist indefinitely unless other provisions of this chapter require that a new permit be obtained.

Figure 1. Sign Height/Setback Standards



5. The area of a freestanding sign shall be regulated and approved by the board in consideration of the factors enumerated in subsection (C)(3) of this section and shall be computed as either .6 square feet times the lineal front foot of the lot line or .8 square feet times the building front foot, whichever is greater, to a maximum of one hundred fifty (150) square feet for retail and one hundred (100) square feet for office or mixed use, as permitted by the board. Should the board approve both a freestanding sign and a wall sign, for a given building or center, the area permitted must be apportioned between these signs.
6. A freestanding sign must identify the individual business, building or building complex only by name or by name and principal service offered where the name does not identify the principal service offered. The sign may identify up to four businesses that occupy the same building and may identify the availability of an automatic teller machine on the site.
7. The sign shall be located in an area of meaningful open space, which shall be appropriately landscaped, including some year-round plantings.
8. Freestanding signs located on the subject property or adjoining or abutting properties must be at least one hundred fifty (150) feet apart.
9. The sign structure or post of a freestanding sign must be wrapped in or constructed of a material compatible with the materials utilized in the construction of the building to which the sign refers. The base of the sign must be equal in width to the sign face. The sign must also be architecturally compatible with the building to which it refers.
10. Freestanding signs which are located in residential corridors shall be constructed of materials which are complimentary to the style and texture of surrounding development. These areas shall use earthen tones and understated sign packages. (Ord. 1803 § 1 (part), 2001)

15.16.200 Shingle signs.

- A. Shingle signs shall be allowed without the necessity of obtaining a permit; provided, that any such sign is a part of a master sign program and, provided further, that such sign is in compliance with all other applicable provisions of this chapter.
- B. One shingle sign may be allowed for each business front and shall be adjacent to the business which it identifies.
- C. The shingle sign shall be suspended from a roof overhang, covered walkway, covered porch or open lattice walkway. No part of a shingle sign shall extend beyond the edge of the overhang. Signs placed parallel to the street may be attached to the fascia. A minimum clearance of six feet eight inches must be maintained between the bottom of the sign and the nearest grade or sidewalk. The size of a shingle sign may not exceed one square foot in area.
- D. The shingle sign must display only the name of the individual business, building or building complex which it identifies. (Ord. 1803 § 1 (part), 2001)

15.16.210 Traffic directional signs.

- A. All permits for traffic directional signs shall be issued by the Zoning & Building Administrator upon approval of a proper application therefor.
- B. No more than one single-faced, double-faced or four-sided freestanding sign shall be permitted for each driveway. No traffic directional sign shall be affixed to a pole or structure greater than five feet in height.
- C. The area of each side of a traffic directional sign shall not exceed six square feet. If a driveway is shared by two or more businesses or premises and each such business or premises would be permitted one traffic directional sign, pursuant to this chapter, such signs may be incorporated into one eight-square-foot traffic directional sign affixed to a pole or structure no greater than five feet in height.
- D. Twenty-five (25) percent of the area of each side of a traffic directional sign may be used for the business name or logo.
- E. Traffic directional signs may be approved administratively. (Ord. 1803 § 1 (part), 2001)

15.16.220 Wall signs.

- A. All applications for wall signs shall be processed in accordance with Section [15.16.070](#).
- B. A wall sign may identify the individual business, building or building complex only by name or by name and principal service offered where the name does not identify the principal service offered.
- C. Total Area.
 - 1. The area of a permitted wall sign shall be computed as 0.6 square feet times the lineal front foot of the lot line or 0.8 square feet times the building front foot, whichever is greater, to a maximum of one hundred fifty (150) square feet for retail or one hundred (100) square feet for office or mixed use.
 - 2. The maximum allowable area of wall signs for retail centers shall be computed as 1.5 square feet per lineal foot of business frontage.
 - 3. Individual wall signs submitted to the board in conjunction with a master sign program shall be permitted a minimum area of thirty (30) square feet to a maximum area of one hundred fifty (150) square feet, subject to board approval. (See Section [15.16.270](#) of this chapter.)
 - 4. Total permitted sign area allowed for a building or center may be apportioned between two wall signs or a wall sign and a freestanding sign if permitted pursuant to Section [15.16.190](#). Where a changeable copy sign is permitted pursuant to Section [15.16.160](#), the area of the changeable copy sign must be included in the total computation of allowable signage.
- D. Placement.

1. A wall sign may not project more than twelve (12) inches from the wall surface.
2. A wall sign must be placed on an exterior wall of the business which the sign identifies.
3. No part of a wall sign shall extend more than four feet above the plate line nor shall a wall sign extend above a roofline, except when it is erected on a parapet wall or fascia which extends above the roofline of a flat roof on at least three sides of a building.
4. A wall sign may be allowed on a roof surface only if the roof surface is within twenty-five (25) degrees of vertical, such as a mansard roof, and only if the Zoning & Building Administrator deems that such use is acceptable. (Ord. 2162-08 § 1, 2008; Ord. 1803 § 1 (part), 2001)

15.16.225 New suburban design building signage.

- A. All applications for signs shall be processed in accordance with Section [15.16.070](#).
- B. A sign may identify the individual business, building or building complex only by name or by name and principal service offered where the name does not identify the principal service offered.
- C. Number of Signs. Building may have up to three wall signs. If a freestanding/monument sign can be located on the site, wall signs are limited to two.
- D. Area of Signs.
 1. The maximum area of permitted wall signs shall be computed as 0.5 square feet times the lineal front foot of each building elevation on which a sign will be placed.
 2. The total of all signage on the site may not exceed two hundred (200) square feet.
 3. The maximum freestanding/monument sign size shall be computed as 0.5 square feet times the lineal front foot of the building elevation where the sign will be placed.
- E. Owners of new suburban design buildings may choose to comply with Section [15.16.220](#) rather than this section if it provides a preferred sign package. (Ord. 2156-08 § 2, 2008)

15.16.230 Window signs.

Permanent window signs do not need a permit if less than ten percent of the window is covered. If greater than ten percent of the window is covered, a sign permit must be obtained pursuant to the procedures outlined in Section [15.16.070](#). No permanent window sign shall be approved if a wall sign is in place. In no instance may more than twenty-five (25) percent of the window space be covered by window signs. All window signs which are to be illuminated must be inspected and approved by the electrical inspector. (Ord. 1803 § 1 (part), 2001)

15.16.240 Time and temperature signs.

Application for time and temperature signs shall be made to the Zoning & Building Administrator, who shall forward it to the board pursuant to the procedures outlined in Section [15.16.070](#). (Ord. 1803 § 1 (part), 2001)

15.16.250 Informational signs.

Signage developed for purely informational reasons, except menu boards as more fully described below, shall be allowed without the necessity of obtaining a permit so long as such signs comply with all other applicable provisions of this chapter. Such signs must be no greater than four square feet in area. Examples of informational signs are signs indicating separate buildings or services on a premises, e.g., body shop, car wash, drive-up window. Informational signs consisting of menu boards may exceed four square feet in area, provided, however, that no menu board, regardless of size, may be erected unless a permit is first obtained pursuant to Section [15.16.070](#). (Ord. 1803 § 1 (part), 2001)

15.16.260 Signs on vehicles.

A. Signs placed on or affixed to vehicles and/or trailers, which are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way, for longer than two consecutive hours, where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property are prohibited. This provision shall not prohibit signs placed on or affixed to vehicles and/or trailers, such as lettering on motor vehicles, where the sign is incidental to the primary use of the vehicle or trailer.

B. No permit shall be required for signs placed on or affixed to vehicles and/or trailers.

C. Persons aggrieved by the provisions of this section may apply for a variance by complying with the procedures set forth in Section [15.16.300](#). The board of zoning appeals shall review such requests for variances based upon the criteria and procedures set forth in Section [15.16.300](#) along with the following criteria:

1. Hardship created because of the lack of alternative parking;
2. A variance would not be adverse to the public health, safety and welfare; and
3. The variance would not be detrimental to the community and particularly the surrounding neighborhood. (Ord. 1803 § 1 (part), 2001)

15.16.270 Master sign program.

A. All MTCBs and planned developments, including, but not limited to, office parks, industrial parks, office centers, retail centers and office and limited business structures, churches and schools which have a campus, must have a master sign program if more than one sign will be erected in conjunction with such building, development or center, as defined in this chapter.

B. An application for a master sign program must first be filed with the Zoning & Building Administrator, who shall forward it to the board for consideration, pursuant to the procedures outlined in Section [15.16.070](#).

C. Each individual sign proposed in accordance with an approved master sign program must be applied for and permitted separately in accordance with this chapter and in no event shall any recommendation or approval of a master sign program be deemed an approval of or a permission to construct any particular sign under that program. All applications for permits for such individual signs must be filed with the Zoning & Building Administrator for approval under the terms and conditions of the previously approved master sign program.

D. A master sign program, as presented to the Zoning & Building Administrator and the board, shall include the following components:

1. An aesthetically developed theme on color, size and style; no more than three colors shall be allowed;
2. A proposed location of all signs for the building, development or center; where possible, signs shall be centered over tenant spaces;
3. The proposed size of individual signs which may be expressed in maximums and minimums for purposes of the proposed master sign program, but which must be proposed in exact terms when application is made for such individual signs after approval of the program;
4. Categories of signs proposed which may include some or all of the following:
 - a. Master identification sign (see Sections [15.16.030](#) and [15.16.150](#) of this chapter),
 - b. Tenant identification signs:
 - i. Tenant identification signs at individual tenant entrances in an office center may not exceed four square feet in area if permitted.
 - ii. Retail tenants occupying not less than twenty (20) percent of an office and limited business structure with individual entrances to the exterior may be allowed tenant identification similar to tenants in retail centers. In both instances, the area of such signage shall not exceed 1.5 times the lineal front foot of the space occupied,
 - c. Tenant/directory board for an office center or office and limited business structure (see Section [15.16.170](#) of this chapter),
 - d. Entrance markers,
 - e. Traffic directional signs (see Section [15.16.210](#) of this chapter),
 - f. Wall signs for retail centers (see Section [15.16.220](#) of this chapter),
 - g. Such other signs as requested by the applicant;
5. Type of signage proposed, i.e., individual letters, box, etc.;

6. Blueprints, drawings and written policies governing the color, size, style, location and other features of the proposed signs.

E. The board, in its discretion, will consider the type and location of the building site, the proposed tenant mix, the size of the development and such other factors as it deems appropriate in evaluating a master sign program. (Ord. 1803 § 1 (part), 2001)

15.16.280 Temporary signs.

A. All permits for temporary signs shall be issued by the Zoning & Building Administrator upon approval of a proper application therefor. Permits for temporary signs shall be issued by the director of Zoning & Building Administrator only when the sign is specifically allowed by this chapter. A temporary sign permit shall be issued only for the period of active use of the sign. Temporary signs shall be permitted in all zones unless otherwise specified and may not be illuminated. Unless otherwise specified in this chapter or in the permit as issued by the Zoning & Building Administrator, permits for temporary signs shall expire after thirty (30) days. Any temporary sign erected without a permit or for which the permit has expired may be removed by the Zoning & Building Administrator without notice.

B. Development Signs.

1. A development may have one development sign on each street which the development abuts. Each sign must be placed on the property being developed.
2. Each development sign may not exceed thirty-two (32) square feet in area. This sign may be single or double-faced and may be perpendicular or parallel to the street.
3. Each sign may not exceed eight feet in height.
4. Even if the permit for such signs has not yet expired, all development signs shall be removed within ten days after the completion of a nonresidential development or, in the case of a residential development, after ninety (90) percent of the units are sold or rented. The Zoning & Building Administrator shall have the authority to cause such sign(s) to be removed if, in his discretion, a nonresidential development has been completed or, upon information and belief, ninety (90) percent of the units of a residential development have been sold or rented. In effecting such removal, the Zoning & Building Administrator shall follow the notice procedures outlined in Section [15.16.050](#). After total completion of the development, such signs may be removed without notice.

C. Sale, Lease and Rent Signs.

1. Premises or vacant land for sale, lease or rent may be allowed one temporary sign on each street which the premises or land abuts. Each sign must be placed on the property being sold, leased or rented. The sign(s) may be single or double-faced.
2. Nonresidential signs will be originally permitted for one hundred eighty (180) days. Permits may be renewed for periods up to ninety (90) days only until the premises is at least ninety (90)

percent occupied or vacant space of two thousand (2,000) square feet or less remains to be sold, leased or rented. Upon ninety (90) percent occupancy or less than two thousand (2,000) square feet of vacant space remaining, the sign must be removed within seven days. The Zoning & Building Administrator shall have the authority to cause such sign(s) to be removed if, in his discretion or upon information and belief, the premises is at least ninety (90) percent occupied or less than two thousand (2,000) square feet of vacant space remains to be sold, leased or rented. In effectuating such removal, the Zoning & Building Administrator shall follow the procedures outlined in Section [15.16.050](#).

3. Permitted sign area for nonresidential sale, lease or rent signs is as follows:

- a. Parcels containing less than ten acres are allowed sign(s) not exceeding twelve (12) square feet in area each.
- b. Parcels containing ten acres or more are allowed sign(s) not exceeding sixteen (16) square feet in area each.
- c. The height of each nonresidential sale, lease or rent sign may not exceed five feet.

4. Residential sale, lease or rent signs may be no larger than six square feet in area and five feet in height and need not obtain a permit. See Section [15.16.060\(B\)\(7\)](#).

D. Political Signs.

1. The sign area of a political sign displayed in other than residential zoning districts shall not exceed thirty-two (32) square feet. The sign area of such signs displayed in residential zoning districts shall not exceed six square feet. In any zoning district, such signs may be freestanding and shall not exceed six feet in height.

2. Political signs shall not be displayed on any building or grounds that are owned, operated or maintained by any public agency, or on any city owned post or traffic control device or on any pole, post or appurtenance owned or operated by any utility. Such signs shall be located only on private property with the owner's consent. Where the land is vacant, such consent shall be indicated by the owner's signature on the sign or verified verbally or in writing by owner to Inspection Services staff. One sign per candidate or matter shall be allowed on each street which the individual property abuts. A sign may be single or double faced.

3. Any illegal signs or unusable signs due to wear, tear or damage shall be removed without notice by the director of administration.

4. No permit shall be required for political signs. See Section [15.16.060\(B\)\(5\)](#).

E. Contractor Signs.

1. Contractor signs shall be not more than six square feet in area per contractor, subcontractor, architect or lending institution and may be freestanding. Such signs may be single or double-faced. Pursuant to Section [15.16.060\(B\)\(2\)](#), no permit is required for such a sign.
2. Contractor signs may not exceed six feet in height.
3. All contractor signs may be consolidated on one sign, the area of which consolidated sign is to be calculated at six square feet per contractor, subcontractor, architect or lending institution listed, to a maximum area of twenty-four (24) square feet. All contractor signs may also be incorporated within the development sign and subject to the restrictions set forth in subsection B of this section. In the event such consolidation or incorporation occurs, a sign permit must be obtained through the procedure outlined in subsection A of this section.
4. Contractor signs must be removed within seven days from the first occupancy of the premises. The Zoning & Building Administrator shall have the authority to cause such signs to be removed if, in his discretion or upon information and belief, the first occupancy of the premises has occurred or the work done by the contractor, subcontractor or architect, or financing by the lending institution has been completed. In effectuating such removal, the Zoning & Building Administrator shall follow the procedures outlined in Section [15.16.050](#). After completion of all work done at the site, all contractor signs may be removed without notice.

F. Grand Opening Signs.

1. All permits for grand opening signs shall be issued by the Zoning & Building Administrator upon approval of a proper application therefor and shall be subject to reasonable size and location limitations as are established by the Zoning & Building Administrator.
2. Grand opening signs shall not be displayed more than ten days and may be removed by the Zoning & Building Administrator without notice after the expiration of such time period.
3. Only one grand opening sign shall be allowed per business.

G. Banners.

1. All permits for banners shall be issued by the Zoning & Building Administrator upon approval of a proper application therefor.
2. Banners may not exceed thirty (30) square feet in area.
3. No business shall be issued sign permits for more than four banners in any year.
4. There may be no more than two banners erected, per site, at one time.
5. Banners erected at multitenant commercial business common areas must advertise events at the MTCB, not single-store events.

6. Horizontal banners may not exceed 8' in height, vertical banners may not exceed 12' in height.

H. Temporary Window Signs.

1. Temporary window signs are allowed for all commercial uses and do not require a permit.

2. In no instance may more than twenty-five (25) percent of the total glass area of window space be covered by temporary window signs. The area of such signs shall not be deducted from the total area of signs allowed for a particular premises or business, but the total area of all window signs at such premises or business shall not exceed the total sign area allowed for such use.

3. Temporary window signs must be placed behind a glass surface and may not be placed in unglazed openings. Temporary window signs shall not contain internal lighting.

I. Seasonal Signs. Signs for seasonal commercial establishments shall be permitted if so approved by the Zoning & Building Administrator upon application therefor. The area of such signs shall not exceed thirty-two (32) square feet. In the discretion of the Zoning & Building Administrator, the temporary permit for a seasonal sign shall be granted for the term of the season instead of the regular thirty (30) day period.

J. Decorative Seasonal/Holiday Banners. Banners which do not advertise specific events at a property, but are used for decorative display may be permitted for a period of ninety (90) days if approved by the plan commission. (Ord. 2022-05 § 2, 2005; Ord. 1982-04 §§ 2, 3, 2004; Ord. 1803 § 1 (part), 2001)

15.16.290 Noncommercial signs permitted.

Any sign authorized or otherwise permitted under this chapter shall be allowed to contain noncommercial copy in lieu of any other copy. (Ord. 1803 § 1 (part), 2001)

15.16.300 Sign variances.

A. Purpose. Sign variances are intended to allow flexibility in sign regulations while fulfilling its purpose. Nothing in this section, however, is intended to permit the erection or maintenance of signs which create the potential of public harm or for which there is no public benefit or which are in conflict with the city's master plan or relevant portions thereof.

B. Procedure.

1. Any applicant who desires a variance from any provision or requirement of this chapter may request an oral hearing before the board of zoning appeals by submitting a written request therefor to the city clerk not less than ten days before the next regularly scheduled meeting of the board. A fee of one hundred fifty dollars (\$150.00) shall be required of the applicant at the time that a request for a hearing before the board is made.

2. The board of zoning appeals shall review such requests for variances using the following criteria:

a. Area Enhancements.

i. The sign as proposed will not result in an undue concentration of signage which renders it difficult or confusing to read existing signs.

ii. The proposed sign is unique and of exceptional design or style so as to enhance the area.

b. Site Difficulties. Unusual site factors preclude the construction of a sign in accordance with this chapter which would be visible to the roadway adjacent to the site frontage.

3. Should the board of zoning appeals find that a variance should be granted, the application will be forwarded to the Zoning & Building Administrator with directions to issue a permit in accordance with its decision. If the board finds that a variance should not be granted, it shall inform the applicant of the reasons for such decision, in writing, within ten days of the date of such decision. (Ord. 1803 § 1 (part), 2001)

15.16.310 Illegal signs for which permits have been issued.

Any sign erected during the period commencing on January 19, 1988 and ending on the effective date of the ordinance codified in this section which did not comply with the provisions of this chapter (as then in effect) at the time such sign was erected but for which a sign permit hereunder was issued by the city, whether by mistake or otherwise, and which does not presently comply with this code shall be treated as a legal nonconforming sign for all purposes under this chapter. (Ord. 1803 § 1 (part), 2001)

15.16.320 Permit revocation.

The Zoning & Building Administrator shall have the authority to revoke any sign permit upon determination that the sign authorized by the permit has been constructed or is being maintained in violation of the permit or the provisions of this chapter.

A. Notice of the decision of the Zoning & Building Administrator to revoke a sign permit and the reasons therefore shall be served upon the holders of the permit as follows:

1. By delivering personally copies of the notice to the holders of the permit or to one of their officers; or

2. By leaving a copy of the notice with any person in charge of the premises; or

3. In the event that no such person can be found on the premises, by affixing a copy of the notice in a conspicuous position at an entrance to the premises and by the certified mailing of copies of the notice to the post office addresses of the holders of the permit specified in the application for the permit.

B. The holders of the permit may appeal to the board the decision of the Zoning & Building Administrator to revoke the permit. This appeal must be filed within fifteen (15) days from the date when the notice was served. The board shall consider this appeal at its next regularly scheduled meeting subject to established agenda length limits. The decision of the board shall be final.

C. If no appeal has been taken by the end of the fifteen (15) day appeal period, or if the board has upheld the decision of the Zoning & Building Administrator on appeal, the permit is deemed revoked and the sign is illegal. The Zoning & Building Administrator then shall initiate the procedure for the removal of the illegal sign. (Ord. 1803 § 1 (part), 2001)

PART II. All ordinances and parts of ordinances contravening the provisions of this ordinance are hereby repealed.

ADOPTED AND APPROVED _____ February 7 _____, 2012

Kelly Michaels, City Clerk

Steven V. Ponto, Mayor

Published: February 16, 2012