SANDY SPRINGS
GEORGIA

CITY COUNCIL AGENDA ITEM

TO: Mayor & City Council **DATE:** August 29, 2011

FROM: John McDonough, City Manager

AGENDA ITEM: An Ordinance to Amend Article 33, Signs, of the Sandy Springs Zoning Ordinance

MEETING DATE: For Submission onto the September 6, 2011, City Council Work Session Meeting Agenda

BACKGROUND INFORMATION: (Attach additional pages if necessary)

See attached:

Memorandum
Mark-up of Article 33

APPROVAL BY CITY MANAGER: JM *APPROVED*

_____ *NOT APPROVED*

PLACED ON AGENDA FOR: 9/6/11

CITY ATTORNEY APPROVAL REQUIRED: (✓) *YES* ( ) *NO*

CITY ATTORNEY APPROVAL: SM

REMARKS:

SANDY SPRINGS
GEORGIA

To: John McDonough, City Manager

From: Nancy J. Leathers, AICP, Acting Director of Community Development

Date: August 23, 2011 for Submission onto the September 6, 2011 City Council Work Session

Subject: TA11-003, An Ordinance to Amend Article 33, Signs, of the Sandy Springs Zoning Ordinance

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Please find enclosed a proposed text amendment titled An Ordinance to Amend Article 33, Signs, of the Sandy Springs Zoning Ordinance, with corresponding mark-up.

Background:
The Mayor and City Council have found that the existing provisions related to standard informational signs do not address the size and design needs of the real estate community as it relates to advertising properties that are for sale or lease.

Discussion:
At the August 2, 2011 Mayor and City Council meeting, the Council directed staff to prepare an amendment to allow for additional types of informational signage.

Planning Commission Recommendation:
The amendment was heard at the August 18, 2011 Planning Commission hearing. The Commission recommended deferral of up to 90 days to allow staff to fine tune the language and to analyze separately residential and commercial signage as it relates to standard informational signs.

Alternatives:
The Mayor and City Council could choose to amend or not approve the changes prepared by staff.

Tentative Schedule:
Mayor and City Council – September 6 and 20, 2011.

cc: Wendell K. Willard, City Attorney
Cecil McLendon, Assistant City Attorney

MARK-UP OF ARTICLE 33 PER TA11-003

REVISED VERSION ADOPTED BY MAYOR AND CITY COUNCIL, JANUARY 16, 2007
WITH SUBSEQUENT AMENDMENTS

ARTICLE XXXIII

SIGNS

SECTION 1: GENERAL PROVISIONS.

This Article shall hereafter be known and cited as the "City of Sandy Springs Sign Ordinance."

SECTION 2: PURPOSE AND FINDINGS.

A. Purpose

This Article was enacted with the following purposes:

1. To protect the rights of individuals and businesses to convey their messages through signs;

2. To encourage the effective use of signs as a means of communication;

3. To promote economic development;

4. To improve traffic and pedestrian safety as it may be affected by distracting signs;

5. To prevent the destruction of the natural beauty and environment of the City;

6. To protect the public health, safety, and general welfare;

7. To restrict the continued existence of abandoned or non-conforming signs unless in compliance with the terms of this Article and to eliminate, over time, all non-conforming signs;

8. To ensure the fair and consistent enforcement of sign standards; and

9. To make it easier, quicker, and more economically efficient to apply for a sign permit.

B. Findings (amended 04/21/09, TA09-002, Ord. 2009-04-19)

1. The City of Sandy Springs finds that signs are a proper use of private property, are a means of personal free expression and a necessary component of a commercial environment. As such, signs are entitled to the protection of the law. In the absence of regulation, however, the number of such signs tends to proliferate, with property owners desiring ever increasing numbers and sizes of signs, leading to cluttered and aesthetically blighted thoroughfares. In addition, the competition among competing sign owners for visibility of their signs contributes to safety hazards for both vehicles and pedestrians and undermines the sign owners' original purpose of presenting a clear message of its idea or identification of its premises.

2. Unsafe, cluttered and aesthetically blighted thoroughfares is a potential problem throughout the City, but an actual, on-going problem for the entirety of Roswell Road. Numerous studies have been done, beginning in the early 1990's, regarding traffic safety considerations and sign visibility problems on the Roswell Road corridor. Sandy Springs Revitalization Inc. sprang directly from these concerns and has provided significant input into Fulton County and Sandy Springs planning processes. The Livable Centers Initiative in which Sandy Springs participated also supports stringent sign controls along the Roswell Road corridor. Because of the extremely congested nature of Roswell Road and the multiplicity of businesses along its commercial lengths, the City finds it imperative that signs along that corridor be within the driver's vision while attending to traffic so as to distract drivers for the minimal length of time from concentration on the roadway. In addition to height limits, the competing interests requiring signage on that corridor necessitate appropriate size limitations that will support visibility of all signs, not just a favored few. And it is imperative that all signs, but particularly those on Roswell Road, contain no distracting features, such as movement, either actual or simulated, changing light patterns, electronic reader boards or other distracting features.

3. Regulation of the size, height, number and spacing of signs throughout the City is necessary to protect the public safety, to assure compatibility of signs with surrounding land uses, to enhance the business and economy of the City, to protect the public investment in the streets and highways, to maintain the tranquil environment of residential areas, to promote industry and commerce, to eliminate visual clutter and blight, to provide an aesthetically appealing environment, and to provide for the orderly and reasonable display of advertising for the benefit of all the City's citizens.

4. The City further finds that there is a substantial difference between signs erected by public authority and signs erected by private citizens or businesses. Signs erected by public authority are virtually all erected for the purpose of maintaining the public safety either through

direct control of traffic or through provision of such type signage as street signs which enable the traveling public to know where they are located and to find where they are going. As such, with the exception of signs identifying government buildings or facilities, virtually all government signs are erected purely for public safety purposes. Moreover, their use in the public right-of-way is necessary to ensure their visibility to the motoring public. The City Council finds that public utility signs are frequently of the same nature as those signs erected by governmental entities in that they provide necessary information to safeguard the public from downed power lines and from street excavations. Even where signs serve a propriety purpose, such as identifying markings on utility polls, those signs are marked primarily for the purpose of benefiting the public generally through identification of locations where there may be temporary losses of power.

5. The City finds that some signage has a single targeted function and that identification of such signage by description is impossible without referring to its function. For instance, address numerals are used for the sole purpose of locating addresses, which is of benefit to persons looking for those addresses and is essential to public safety personnel responding to emergencies. While such signage is referenced based upon the function it serves within the context of this ordinance, the bulk of the provisions of this ordinance are unrelated to the content of the speech provided and allow maximum expressive potential to sign owners.

6. The City finds that advances in technology utilizing LED components results in signs much brighter in appearance for LED signs than for signs not utilizing LED technology. Studies show, particularly during non-daylight hours, that attention given by drivers to such signs is measurably longer than attention given to non-LED signs. These findings have been reported by such diverse agencies as the Virginia Tech Transportation Institute in its March 22, 2007 report on Driving Performance and Digital Billboards and the Wisconsin Department of Transportation in its December 1994 Milwaukee County Stadium Variable Message Sign Study. As a result of these and other studies, the City has determined that use of LED technology on outdoor signage in the City along thoroughfares of various categories is detrimental to the public safety, particularly, but not limited to the Roswell Road Corridor where extreme congestion requires driver distraction be kept to a minimum.

7. The City finds that gas station signage serves the important function of providing information which effects traffic flow in and out of the stations, thereby limiting merging and exiting of the primary traffic flow. Importantly, theses locations are generally located on arterial and collector streets with higher traffic flows. Further, the City finds that it is appropriate for gas stations to use changeable copy as part of the normal permitted signage for each development.

SECTION 3: DEFINITIONS.

Words and phrases used in this Article shall have the meanings set forth in this section. Words and phrases not defined in this section, but defined in the zoning ordinance of the City of Sandy Springs, shall be given the meanings set forth in such ordinance. All other words and

phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this Article.

Abandoned sign (amended 04/21/09, TA09-002, Ord. 2009-04-19)**.** Any sign that contains or exhibits broken panels, visible rust, visible rot, damaged support structures, or missing letters or which is otherwise dilapidated, unsightly, or unkempt, and for which no person accepts maintenance responsibility. Also, any sign associated with a business that has ceased operations for sixty (60) days or more.

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

Audible sign. Any sign which emits a sound which is audible or emits a signal which can be converted into audible sounds, whether by radio or other means.

Awning/canopy sign. Any sign that is a part of, or attached to, an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Banner. A sign other than a flag with or without characters, letters, illustrations or ornamentation applied to cloth, paper, or fabric that is intended to be hung either with a frame or without a frame. Neither flags nor canopy signs are considered banners.

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

Billboard. A freestanding sign with an area of more than seventy-two (72) square feet.

Changeable copy sign. Any sign that incorporates changing lights, lettering, or images to form a sign message or messages, whether such changes are accomplished electronically or manually.

City Council. The City Council of the City of Sandy Springs.

City. The City of Sandy Springs.

Director. The Director of the Department of Community Development, or his or her designee for a particular purpose.

Directory sign. A single sign for multiple businesses, offices, professionals, industries, or other entities located within a planned center.

Drive-through/drive-in facility. A location where products and/or services are distributed to, or business is transacted with, a person seated in a motor vehicle.

Entry Wall Sign (added 04/21/09, TA09-002, Ord. 2009-04-19)**.** Any single faced sign attached to or erected and confined within the limits of an exterior wall generally along the perimeter of a development.

Fall zone. An area equal to one hundred thirty-three percent (133%) of the height of the structure in every direction.

Flag. Any fabric or bunting containing colors, patterns, or symbols used as a symbol of a government or other entity or organization.

Flashing sign. A sign, the illumination of which is not kept constant in intensity at all times when in use and which exhibits marked changes in lighting effects.

Freestanding sign (deleted 04/21/09, TA09-002, Ord. 2009-04-19)**.**

Gas station (added 04/21/09, TA09-002, Ord. 2009-04-19). A business engaged, as a primary purpose, in the retail dispensing of motor vehicle fuels to the public.

Illuminated sign, External. A sign illuminated by an external light source. Such source cannot be a device that changes color, flashes or alternates.

Illuminated sign, Internal. A sign illuminated by an internal light source. Such source cannot be a device that changes color, flashes, or alternates.

Internal Signs (added 04/21/09, TA09-002, Ord. 2009-04-19). Freestanding sign not visible from public rights-of-way that is adjacent to internal entrance drive(s) serving a commercial development or subdivision with more than one identifiable section as shown on a recorded plat for the purpose of directing traffic.

LED sign (added 04/21/09, TA09-002, Ord. 2009-04-19). An electronically controlled sign utilizing light-emitting diodes to form some or all of the sign message.

Lot (deleted 04/21/09, TA09-002, Ord. 2009-04-19).

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

Monument sign (added 04/21/09, TA09-002, Ord. 2009-04-19). A freestanding sign mounted directly upon the ground and not attached to or a part of or supported by a building and designed in such a manner that the base of the sign face is flush with the supporting solid base which is flush with the ground. The base shall be at least as wide as the sign.

Moving sign. A sign which revolves, rotates, swings, undulates, or otherwise attracts attention through the structural movement of parts.

Multi-tenant. One or more buildings, located on a single premise, containing two (2) or more separate and distinct individual establishments, which occupy separate portions of the building and which are physically separated from each other by walls.

Obscene. Material is obscene if to the average person, applying contemporary community standards, taken as a whole, it predominantly appeals to the prurient interest, that is, a shameful or morbid interest in nudity, sex or excretion; the material taken as a whole lacks serious literary, artistic, political or scientific value; and the material depicts or describes, in a patently offensive way, sexual conduct specifically defined as: (A) acts of sexual intercourse, heterosexual or homosexual, normal or perverted, actual or simulated; (B) acts of masturbation; (C) acts involving excretory functions or lewd exhibition of the genitals; (D) acts of bestiality or the fondling of sex organs of animals; or (E) sexual acts of flagellation, torture, or other violence indicating a sadomasochistic sexual relationship.

Out-of-store marketing device (amended 04/21/09, TA09-002, Ord. 2009-04-19). An out-of-store marketing device is any facility or equipment which is located outside of a primary building on a site zoned for non-residential uses, which is used for the primary purpose of providing a product or service without the owner's or agent's immediate presence, and which is manufactured to include a color, form, graphic, illumination, symbol, and/or writing thereon to communicate information regarding the product or service provided thereby to the public. Examples of out-of-store marketing devices include: fuel pumps, bank ATM units, vending machines, newspaper racks, drink machines, ice boxes, and phone booths. Where signs integral to such out-of-store marketing devices are too small to be legible to the traveling public from rights-of-way and are otherwise non-removable without damage to the equipment's surface, they do not require a permit and are not

subject to overall sign limitations for the lot on which they appear.

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

Permanent sign. Any sign which, when installed, is intended for permanent use. A permanent freestanding sign shall be of a type and construction as not to be easily or readily removed from the lot on which it has been erected.

Permit. A sign permit reviewed, approved, and issued by the City Department of Community Development.

Permittee. The person and/or entity owning or leasing the land on which the sign is erected or for which an application has been submitted.

Person. A natural or legal person, including a firm, organization, partnership, trust, and corporation.

Portable sign. A sign which is not permanently affixed to the ground or to a structure, including but not limited to signs on trailers or signs mounted or painted on vehicles which are parked in such a manner as to serve the purpose of a sign.

Principal building. The building in which the principal use of the lot is conducted. Non-residential lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other structures with clearly accessory uses shall not be considered principal buildings.

Projecting sign. Any sign which is projected from the wall of a building or structure.

Public sign. Any sign erected by a governmental entity.

Roof sign. Any sign erected and constructed wholly on and over the roof of a building, or supported by the roof structure.

Sign face. That part of a sign that is or can be used for advertising purposes.

Sign. Any device, fixture, placard, or structure affixed to, supported by, or suspended by a stationary object, building or the ground that uses any color, form, graphic, illumination, symbol, or writing to communicate information of any kind to the public.

Sign, Cantilever. **A sign, not exceeding six (6) square feet on any side, with a sign hanging or suspended below a rigid horizontal support member which is not more than four (4) inches by four (4) inches, with one (1) end of the horizontal member attached to a vertical support member which is not more than four (4) inches by four (4) inches, and a structure height not exceeding six (6) feet.**

Signs during Vacancy (added 04/21/09, TA09-002, Ord. 2009-04-19). Signs permitted for developments with vacant lots, units, and/or tenant spaces.

Sign, Expanded Informational. **A Standard Informational Sign in all respects, except it may have an area of not greater than six (6) square feet and a height not greater than five (5) feet.**

Sign, Mobile (added 04/21/09, TA09-002, Ord. 2009-04-19). A sign which is attached to, mounted on, pasted on, painted or drawn on any vehicle (whether motorized or drawn), which is placed, parked or maintained at one particular location for the express purpose and intent of promotion.

Sign, Standard Informational ~~***sign***~~. A sign with an area of not greater than four (4) square feet, with a sign face made for short term use, containing no reflecting elements, flags, or

projections and which, when erect, stands at a height not greater than three (3) feet and is mounted on a stake or metal frame with a thickness or diameter not greater than one and one-half (1 ½) inches.

Suspended sign. A sign which is suspended from an eave or soffit of a building.

Temporary sign. Any sign that is not permanently mounted.

Tri-Vision sign (added 04/21/09, TA09-002, Ord. 2009-04-19). A sign designed with a series of triangular slats that mechanically rotate in sequence with one another to show three different sign messages in rotation.

Wall sign (amended 04/21/09, TA09-002, Ord. 2009-04-19). Any sign attached parallel to a wall, painted on the wall surface or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building and which displays only one sign surface. No wall sign shall extend more than twelve (12) inches from any wall, building, or structure.

Window sign. Any sign that is placed inside a window or upon the window panes or glass, either inside or outside the building, and is visible from the exterior of the structure.

SECTION 4: POWERS AND DUTIES OF PERSONNEL.

The Director is hereby authorized and directed to administer and enforce this article, unless otherwise specifically provided by resolution of the City of Sandy Springs City Council.

SECTION 5: APPLICABILITY.

The standards of this Article shall apply to all signs erected within the corporate limits of the City.

SECTION 6: PERMIT REQUIRED.

Except where specifically not required by the standards of this Article, it shall be unlawful for any person to post, display, materially change, or erect a sign in the City without first having obtained a sign permit. Notwithstanding the foregoing, signs which are not visible from a public right-of-way or from neighboring properties shall not be subject to the standards of this Article.

SECTION 7: FEES REQUIRED.

No permit shall be issued until the appropriate application has been filed with the Director and fees, as set from time to time by Resolution of the City Council, have been paid.

SECTION 8: APPLICATION CONTENT.

Applications for sign permits required by this Article shall be filed in duplicate by the person owning the subject lot, or the owner's agent, in the office of the Director upon forms furnished by that office. The application shall describe and set forth the following:

1. The type and purpose of the sign as defined in this Article.

2. The value of the sign.

3. A survey to scale showing the street address of the property upon which the subject sign is to be located, the proposed location of subject sign on subject property, the distance of the proposed sign from the subject property's boundaries, and all existing structures or buildings on the subject property.

4. (amended 04/21/09, TA09-002, Ord. 2009-04-19) The square foot area per sign and the aggregate square foot area of all signs if there is more than one (1) sign.

5. The name(s) and address(es) of the owner(s) of the real property upon which the subject sign is to be located.

6. Written consent of the owner of the property, or his/her agent, granting permission for the placement, maintenance, size, and height of the subject sign to be placed on the property.

7. For wall signs: Two sets of building elevations.

8. The name, address, telephone number, and business license number of the sign contractor. All applicants for signs which incorporate electricity must obtain an electrical permit.

9. Sign details, including a proposed color scheme of sign, and scaled elevation of the size and height of the proposed sign from ground level and adjacent street level.

10. The zoning district in which the subject property is located, and a statement of compliance with all requirements of the zoning district.

SECTION 9: APPLICATION REJECTION.

A. Incomplete; False

The Director shall reject any application that is incomplete, that contains false material statements or omissions, or that is for a sign which would violate any standard within this Article within thirty (30) business days of receipt of said application. The Director may reject at anytime prior to the expiration of the thirty (30) day period, if the application is incomplete or contains false material statements or omissions, by returning the application to the applicant.

B. Processing Time; Denial

The City shall process all complete and accurate sign permit applications within thirty (30) business days of the City's actual receipt of a complete and accurate application and upon remittance of the appropriate sign permit fee. The Director shall give notice to the applicant of his/her decision by hand delivery or by mailing such notice by certified mail, return receipt requested, to the address on the permit application on or before the thirtieth (30th) business day. If the decision of the Director is to deny the application, the decision shall state the grounds upon which the denial is based. Failure of the City to act within the thirty (30) day period shall be deemed a denial of the permit. If notice is mailed in conformity with this Section, notice shall be deemed to have been given upon the date of mailing. Any application meeting the standards of this Article will be granted. Any application not meeting the standards of this Article will be denied.

C. Appealable

A rejection pursuant to this Section shall be appealable pursuant to the procedures for Zoning Appeals outlined in the Sandy Springs Zoning Ordinance. However, notwithstanding the foregoing, a final decision will be rendered within sixty (60) days from date an appeal is filed. If a final decision is not rendered within the sixty (60) day period, the decision sought to be appealed shall be affirmed.

D. Resubmission

A rejected application later resubmitted in conformity with this Article shall be deemed to have been submitted on the date of resubmission, instead of the original submission date. An application which is resubmitted shall meet all the standards for an original application.

SECTION 10: PERMIT REVOCATION.

Should it be determined that a sign permit was issued pursuant to an application containing a false material statement or omission, the Director shall revoke said permit and the subject sign shall be immediately removed. A revocation pursuant to this Section shall be appealable pursuant to the procedures for Zoning Appeals outlined in the City's Zoning Ordinance. However, notwithstanding the foregoing, a final decision will be rendered within sixty (60) days from date an appeal is filed. If a final decision is not rendered within the sixty (60) day period, the decision sought to be appealed shall be affirmed. The permit for any sign not meeting the standards of this Article will be revoked.

SECTION 11: OVERLAY DISTRICT.

So long as an application conforms to the standards and procedures of this Article, the applicant is exempted from any additional standards and procedures set forth in Articles 12A and 12B of the City Zoning Ordinance.

SECTION 12: VARIANCE.

A. Limitations

The Board of Appeals shall be allowed to grant variances to this Article pursuant to subsection D. below, provided that no variance shall be granted as to the height or size of a sign which exceeds the maximum height or size permitted for the subject property.

B. Timing

The Board of Appeals shall hear and decide upon a variance within seventy-five (75) days of the submission of a complete and accurate application on the filing deadline adopted by Mayor and City Council.

C. Procedure

Except as modified by this Article, the procedures for requesting a variance from the standards of this Article shall be the same procedures as that for seeking a variance from the City's ordinances regulating zoning.

D. Standards

The standards which shall be considered for granting a variance from the standards of this Article shall be only the following:

1. The topography of the lot on which the sign is located or to be located renders it impossible to comport with the strict standards of this Article.

2. The natural features of the lot on which the sign is located or to be located, or of the land immediately adjacent to the lot, impairs the visibility of the sign such that it cannot be seen.

SECTION 13: SUSPENSION, REVOCATION.

A. Violation

Violation of any provision of this Article shall be grounds for terminating the permit granted by the City to the Permittee or the person or entity erecting the sign. No permit shall be suspended, revoked or canceled except for due cause, as hereinafter defined, and until after the Permittee is granted a public hearing before the City council.

B. Hearing

The Permittee shall be given ten (10) days written notice of the time, place, and purpose of the hearing, with a statement of the reason for the suspension, revocation, or canceling of such permit and/or license. "Due cause" is the violation of the standards of this Article. The termination of the permit does not in any way preclude the person or persons alleged to have violated the standards of this Article from being tried under Section 19(F) of this Article or preclude the City from taking any other action authorized by this Code and/or any action authorized by law.

SECTION 14: EXPIRATION DATE.

A sign permit shall become null and void if the sign for which the permit was issued has not been installed and completed within six (6) months after the date of issuance; provided, however, that where an applicant can demonstrate that a commercial entity was timely engaged to construct the permitted sign, but the fabrication has not yet been completed, one (1) ninety (90) day extension may be granted by the Director. No refunds shall be made for a permit after the permit is issued. If later an individual desires to erect a sign at the same location, a new application for the sign must be processed and another fee paid in accordance with the fee schedule applicable at such time.

SECTION 15: CITY OCCUPATION TAX CERTIFICATE, PUBLIC LIABILITY INSURANCE REQUIRED.

It shall be unlawful for any person to engage in the business of erecting or maintaining signs within the City, unless and until such entity shall have obtained a City occupation tax certificate and a certificate of insurance from an insurance company authorized to do business in the state evidencing that the entity has in effect public liability and property damage insurance in the sum of twenty-five thousand dollars ($25,000.00) for property damage for any one (1) claim, and public liability insurance in an amount not less than one hundred thousand dollars ($100,000.00) for injuries, including accidental death to one (1) person. The certificate of insurance shall state that the insurance carrier shall notify the City thirty (30) days in advance of any termination and/or restriction of the coverage, including nonrenewal, cancellation, and nonpayment of any premium.

SECTION 16: IDENTIFICATION LABELS; INSPECTION; NOTICE.

A. Identification Labels

With each sign permit, the Director shall issue a sticker bearing the same number as the permit with which it is issued. It shall be the duty of the Permittee or his agent to affix such sticker to the sign in the lower right hand area so it is easily seen. The absence of a proper sticker shall be prima facie evidence that the sign has been, or is being, erected or operated in violation of the standards of this Article.

B. Inspection

The Director shall inspect all existing signs in the City to determine if such signs conform

to the standards of this Article. Identification stickers shall be provided for all signs in order to identify existing conforming and nonconforming signs.

SECTION 17: SIGNS WHICH REQUIRE NO PERMIT.

The following shall not count toward the total amount of signage allowed and no permit is required so long as all standards in this Article are met, including those set forth below:

1. Numerals displayed for the purpose of identifying property location not to exceed eight (8) inches in height;

2. Flags;

3. Window signs;

4. Door signs not to exceed one (1) square foot in size and not more than one (1) sign per door; and

5. Standard Informational Signs,– **Expanded Informational Signs, and Cantilever Signs as allowed** in all districts.

SECTION 18: PROHIBITED SIGNS AND DEVICES.

The following types of signs are prohibited in the City:

A. Balloons, streamers or air or gas filled figures.

B. Signs consisting in whole or in part of a series, line, or row of lights, whether supported by cables or other physical means, within one hundred fifty (150) feet of a street and visible therefrom. Notwithstanding the foregoing, holiday lights and decorations displayed not more than thirty (30) days before a holiday shall be exempted from this Section.

C. Promotional beacons, search lights or laser lights or images.

D. Audible signs.

E. Signs in a public right of way, other than those belonging to a government, public service agency, or railroad.

F. Signs mounted or located on a tree, utility pole, or other similar structure.

G. Roof signs and signs which extend vertically above any portion of a roof or parapet of the applicable wall.

H. Portable signs, including signs attached to any parked vehicle or trailer, so as to be visible from a public right-of way.

I. Signs which depict obscene material.

J. Signs which advertise an activity which is illegal under federal, state or local laws.

K. Signs not in good repair, in violation of codes, or containing or exhibiting broken panels, visible rust, visible rot, damaged support structures, or missing letters.

L. Abandoned signs.

M. Animated signs, flashing signs, and changeable copy signs which change more than once per twenty-four (24) hours within one hundred fifty (150) feet of a road right of way.

N. Signs which contain or are an imitation of an official traffic sign or signal or contain the words "stop," "go," "slow," "caution," "warning," or similar words in such a manner as to resemble official traffic control signs.

O. Projecting Signs.

P. Any sign utilizing LED technology and/or components, except those where the LED technology is the internal light source as defined by this ordinance for an opaque faced area of the sign.

SECTION 19: VIOLATIONS; PENALTIES.

A. Noncompliance

No person shall erect on any premises owned or controlled by that person any sign which does not comply with the standards of this Article.

B. Dangerous or Defective

No person shall maintain or permit to be maintained on any premises owned or controlled by that person any sign which is in a dangerous or defective condition. Any such sign shall be removed or repaired by the Permittee of the sign, the owner of the premises, or as otherwise provided for in this Article.

C. Separate Violation

Each sign installed, created, erected or maintained in violation of this Article shall be considered a separate violation when applying the penalty portions herein.

D. Public Nuisance

Any violation of this Article is hereby declared to be a public nuisance.

E. Notice

The Director shall give the Permittee ten (10) to thirty (30) days written notice, based on the practical considerations of completing measures to comport with the standards of this Article, to correct the deficiencies or to remove the sign(s) which is in violation of this Article. If the Permittee refuses to correct the deficiencies or remove the sign, the Director will have the sign removed at the expense of the Permittee.

F. Citations

If any sign or other device covered by this Article is, or is proposed to be, erected, constructed, altered, converted or used in violation of any provision of this Article, the Director shall issue a citation. Additionally, the City may seek an injunction for a continuing violation or take other appropriate action to prevent such unlawful erection, construction, alteration, conversion or use to correct or abate such violation. Any violation of this Article shall be an offense, and the violator shall be subject to a fine of up to one thousand dollars ($1,000.00), imprisonment for up to sixty (60) days, or by both such fine and imprisonment.

SECTION 20: NONCONFORMING SIGNS.

A. Maintained (amended 04/15/08, RZ08-004, Ord. 2008-04-16)

A nonconforming sign shall not be replaced by another nonconforming sign, except that the substitution or interchange of poster panels, painted boards, or dismountable material on nonconforming signs shall be permitted provided that said replacement does not constitute a material change to the sign. All nonconforming signs shall be maintained in good repair.

B. Repairs; Material Change (amended 04/21/09, TA09-002, Ord. 2009-04-19)

Minor repairs and maintenance of nonconforming signs shall be permitted; provided. however, no structural repairs or changes in the size or shape of a nonconforming sign shall be permitted except to make the sign comply with the standards of this Article. To the extent that any sign allowable hereunder is damaged or destroyed by act of God or by other circumstances beyond control of owner of sign then such sign may be repaired without regard to the restrictions of this paragraph. The replacement of an existing sign face utilizing LED technology is expressly prohibited.

C. Grandfathering

Nonconforming signs may stay in place until one of the following conditions occurs:

1. The advertised business ceases at that location;

2. The deterioration of the sign or damage to the sign makes it a hazard or renders it dilapidated, unsightly, or unkempt; or

3. The sign has been damaged to such extent that more than minor repairs or a material change is required to restore the sign. No structural repairs or change in shape or size shall be permitted except to make the sign comply with all standards of this Article. To the extent that any sign allowable hereunder is damaged or destroyed by act of God or by other circumstances beyond control of owner of sign then such sign may be repaired without regard to the restrictions of this paragraph.

SECTION 21: REMOVAL OF UNLAWFUL OR DANGEROUS SIGNS.

A. Removal.

The City may order the removal of any sign in violation of this Article by written notice to the permit holder; or if there is no permit holder, then to the owner of the sign; or if the sign owner cannot be found or cannot be determined, then to the sign erector and any party that procured the erection of the sign. If a permit has been issued, such notice shall operate to revoke the permit.

B. Procedure Following Removal Order.

If the sign is not removed within the time allowable pursuant to Section 19 the City shall remove or cause to be removed the sign and collect the costs thereof as provided below.

C. Removal without Notice.

The City shall have removed any sign in violation of this Article, without giving notice to any party, if:

1. Said sign is upon the public right-of-way or upon other public property; or

2. Said sign poses an immediate safety threat to the life or health of any members of the public.

D. Removal after Court Determination (amended 04/21/09, TA09-002, Ord. 2009-04-19).

Other than signs located in a public right-of-way and signs constituting an immediate

threat to the life or health of the public, a sign shall be removed by the City after a final determination by a court that the sign is unlawful and should be removed. If the Permittee or owner fails to remove the sign the sign may be immediately removed and disposed of by the City.

SECTION 22: SIGN LOCATION.

A. Obstructions to Doors, Windows or Fire Escapes.

No sign shall be erected, relocated, or maintained so as to prevent free ingress or egress from any door, window, or fire escape.

B. Signs Not to Constitute Traffic Hazard.

No sign or any part thereof, except authorized traffic signs, shall be located in any government right-of-way. No sign may be located any closer than twenty (20) feet to an intersection as measured from the intersection of the two (2) rights-of-way.

C. Setback (amended 04/20/10, TA10-, Ord. 2010-04-10).

Unless a more restrictive setback is specified in conditions of zoning or otherwise in this Article, all signs shall set back at least ten (10) from the right-of-way or twenty (20) feet from the edge of pavement if a private street and no sign shall project over the right-of-way. In the Overlay Main Street District all signs shall set back at least three (3) feet from the right-of way. Temporary banners shall be exempt from the setback requirements, but shall not encroach upon the right-of-way.

SECTION 23: MEASUREMENT OF SIGN AREA.

A. Size Generally

The area of a sign shall be computed as the area within the smallest continuous polygon comprised of not more than eight (8) straight lines enclosing the limits of a sign face, together with any sign face cabinet or frame or material, texture, or color forming an integral part of the sign face used to differentiate the sign face from the structure upon which it is placed. If polygons established around wall signs located on the same street oriented wall are within twenty-four (24) inches or less of one another, then the area of the sign shall be measured within one continuous polygon.

B. Structure

The computation of the area of a sign face shall not include the structure, supports, or uprights on which the sign face is placed or any portions of a sign structure that are not intended to contain any message or idea and are purely structural or decorative in nature, other than those

parts contained within the polygon that delimits the sign face.

C. Changeable Copy Signs (amended 04/21/09, TA09-002, Ord. 2009-04-19)

For any signs on which the words, letters, figures, symbols, logos, fixtures, colors, or other design elements routinely change or are intended to be changed from time to time, the sign face area shall include the entire area within which any words, letters, figures, symbols, logos, fixtures, colors, or other design elements may be placed, together with any frame or material, texture or coloring forming an integral part of the sign face or used to differentiate the sign face from the structure upon which it is placed. Such changeable copy signs cannot flash, and if located within one hundred fifty (150) feet of a road right of way, may not change more than once per twenty-four (24) hours. The changeable copy portion of an allowed sign shall not exceed 75% of the overall sign area. No LED lighting shall be permitted as part of a changeable copy display. No changeable copy display shall scroll or simulate movement in any manner. Changeable copy displays shall remain constant in lighting, color, and all other changeable variables allowed by technology.

D. Multi-Faced Signs

For multi-faced signs, when the sign face surfaces are back to back, or where the interior angle formed by the faces is forty-five (45) degrees or less, the area of the sign shall be taken as the areas on the largest side. For all other multi-faced signs, the area of the sign shall be the total area on all sides that can be viewed at one time from any angle.

SECTION 24: MEASUREMENT OF SIGN HEIGHT.

The height of a sign shall be computed as the distance from the base of the sign structure at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of: (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is greater. Where the normal grade is below the normal grade of a public street, the sign base can be raised to the elevation of the normal grade of the street before the height limitations are applied (surveyor's certificate required).

SECTION 25: CONSTRUCTION STANDARDS.

A. Building Codes

All signs permitted under this code shall be constructed and maintained in accordance with the applicable City building codes. The City may remove after due notice any sign which

shows neglect or becomes dilapidated.

B. Faces

The face of sign shall be flat, with protrusions of no more than two (2) inches to allow for the texture of the sign and words, letters, figures, symbols, logos, fixtures, colors, or other design elements. No sign or other advertising structure shall be constructed so as to have nails, tacks, or wires protruding therefrom.

C. Illumination

Signs, when illumination is permitted, may be illuminated internally or externally. Each individual tenant shall be allowed one (1) window sign using exposed neon tubing not to exceed four (4) square feet in area and less than 25% of the aggregate window area.

D. Landscaping (amended 04/21/09, TA09-002, Ord. 2009-04-19)

Landscaping and grass shall be maintained in front of, behind, underneath, and around the base of monument signs.

SECTION 26: RESTRICTIONS BASED ON LOCATION.

If not otherwise stated, any sign not specifically allowed in a zoning district as provided under this Section shall be prohibited in that district, except as otherwise provided for under this Article. The following standards govern signs within specific zoning districts.

A. Agricultural District

1. Monument Signs (amended 04/21/09, TA09-002, Ord. 2009-04-19).

   a. One (1) maximum thirty-two (32) square foot, monument sign per business or institutional lot shall be permitted for each street on which the lot has frontage.
   b. One (1) maximum thirty-two (32) square foot, entry wall or monument sign or two (2) single-faced entry wall or monument signs not to exceed sixteen (16) square feet each for each side of a platted single family subdivision entrance. Subdivisions with more than one (1) identifiable section, as shown on an approved preliminary plat, may be allowed internal monument signs of sixteen (16) square feet on one (1) side of the entrance to each section.
   c. Monument signs shall have a maximum height of six (6) feet, shall not be internally illuminated. Except for gas stations, changeable copy shall not be permitted.

2. Window Signs. Not more than three (3) window signs per lot shall be allowed and shall not be larger than six (6) square feet or cover more than twenty-five percent (25%) of the area of each window in which a sign is placed, whichever is less. Such signs shall not be illuminated.

3. Signs during Construction. One (1) additional sign shall be allowed during construction. The sign shall not be internally illuminated, shall not exceed twelve (12) square feet in area and five (5) feet in height, and shall be allowed beginning with the commencement of construction and ending with the issuance of a Certificate of Occupancy or installation of a permanent sign, whichever occurs first.

4. Flag (amended 04/21/09, TA09-002, Ord. 2009-04-19). Each lot may display no more than three (3) flags and/or flagpoles. The flagpole shall not exceed thirty-five (35) feet in height. Flag size shall not be more than twenty (20) square feet.

5. Banner. Banners shall be allowed for a period not exceeding fourteen (14) days with no more than three (3) such fourteen (14) day periods being permitted per calendar year per lot. Banners shall not be more than twenty-four (24) square feet. No banner shall be mounted so as to extend above the horizontal plane of the roof where the building wall and roof meet or shall not extend more than five (5) feet above grade when on the ground.

6. Standard Informational Sign. Each lot may display two (2) Standard Informational Signs without a permit, **one (1) of which may be an Expanded Informational Sign or a Cantilever Sign.** ~~except that d~~**D**uring a political election, **however,** between the date of qualification and final determination on each ballot issue or candidate, each lot may display an unlimited number of Standard Informational Signs**, only one (1) of which may be an Expanded Informational Sign or a Cantilever Sign.**~~.~~

7. Signs during Vacancy (added 04/21/09, TA09-002, Ord. 2009-04-19). Developments in which there are vacant lots, units, and/or tenant spaces shall be entitled to one such sign per access-providing street frontage of the development. Signs during Vacancy shall not exceed 16 square feet in area, shall have a maximum height of five (5) feet, and shall not be internally illuminated. Signs during Vacancy shall be allowed for a period not exceeding ninety (90) days with no more than two (2) such 90-day periods being permitted per calendar year per lot. Any development with a permit for a Sign during Vacancy shall be prohibited from having Standard Informational Signs**, Expanded Informational Signs, Cantilever Signs** and/or Banners during the 90-day permit period.

8. Internal Signs (added 04/21/09, TA09-002, Ord. 2009-04-19). Internal signs are permitted adjacent to internal entrance drive(s) serving the development. Subdivisions with more than one identifiable section as shown on a recorded plat may be allowed Internal Signs of 16 square feet on one side of the entrance to each section. The maximum height permitted for Internal Signs shall be five (5) feet. Internal signs shall not be legible from the public right-of-

way.

B. Single Family Residential, CUP and NUP Districts

1. Monument Signs (amended 04/21/09, TA09-002, Ord. 2009-04-19).

a. One (1) maximum thirty-two (32) square foot, monument sign per lot occupied with an institutional use shall be permitted for each street on which the lot has frontage.

b. One (1) maximum thirty-two (32) square foot, entry wall or monument sign or two (2) single-faced entry wall or monument signs not to exceed sixteen (16) square feet for each side of a platted single family subdivision entrance shall be permitted for each street on which the lot has frontage. Subdivisions with more than one (1) identifiable section, as shown on an approved preliminary plat, may be allowed internal identification monument signs of sixteen (16) square feet on one (1) side of the entrance to each section.

c. Monument signs shall have a maximum height of six (6) feet, not be internally illuminated. Except for gas stations, changeable copy shall not be permitted.

2. Window Signs (deleted 04/21/09, TA09-002, Ord. 2009-04-19).

3. Signs during Construction. One (1) additional sign shall be allowed during construction. The sign shall not be internally illuminated, shall not exceed twelve (12) square feet in area and five (5) feet in height, and shall be allowed beginning with the commencement of construction and ending with the issuance of a Certificate of Occupancy or installation of a permanent sign, whichever occurs first.

4. Flag (amended 04/21/09, TA09-002, Ord. 2009-04-19). Each lot may display no more than three (3) flags and/or flagpoles. The flagpole shall not exceed thirty-five (35) feet in height. Flag size shall not be more than twenty (20) square feet.

5. Banner. Banners shall be allowed for a period not exceeding fourteen (14) days with no more than three (3) such fourteen (14) day periods being permitted per calendar year per lot. Banners shall not be more than twenty-four (24) square feet. No banner shall be mounted so as to extend above the horizontal plane of the roof where the building wall and roof meet or shall not extend more than five (5) feet above grade when on the ground.

6. Standard Informational Signs. **Each lot may display two (2) Standard Informational Signs without a permit, one (1) of which may be an Expanded Informational Sign or a Cantilever Sign. During a political election, however, between the date of qualification and final determination on each ballot issue or candidate, each lot may**

display an unlimited number of Standard Informational Signs, only one (1) of which may be an Expanded Informational Sign or a Cantilever Sign.~~Each lot may display two (2) Standard Informational Signs without a permit, except that during a political election, between the date of qualification and final determination on each ballot issue or candidate, each lot may display an unlimited number of Standard Informational Signs.~~

7. Signs during Vacancy (added 04/21/09, TA09-002, Ord. 2009-04-19). Developments in which there are vacant lots, units, and/or tenant spaces shall be entitled to one such sign per access-providing street frontage of the development. Signs during Vacancy shall not exceed 16 square feet in area, shall have a maximum height of five (5) feet, and shall not be internally illuminated. Signs during Vacancy shall be allowed for a period not exceeding ninety (90) days with no more than two (2) such 90-day periods being permitted per calendar year per lot. Any development with a permit for a Sign during Vacancy shall be prohibited from having Standard Informational Signs**, Expanded Informational Signs, Cantilever Signs** and/or Banners during the 90-day permit period.

8. Internal Signs (added 04/21/09, TA09-002, Ord. 2009-04-19). Internal signs are permitted adjacent to internal entrance drive(s) serving the development. Subdivisions with more than one identifiable section as shown on a recorded plat may be allowed Internal Signs of 16 square feet on one side of the entrance to each section. The maximum height permitted for Internal Signs shall be five (5) feet. Internal signs shall not be legible from the public right-of-way.

C. Apartment and Townhouse Residential Districts

1. (amended 04/21/09, TA09-002, Ord. 2009-04-19) One (1) maximum thirty-two (32) square foot entry wall or monument sign or two (2) single-faced entry wall or monument signs not to exceed sixteen (16) square feet for each side of the development's entrance shall be permitted for each street on which the multi-family property or property occupied with an institutional use has up to and including five hundred (500) linear feet of frontage. The sign shall have a maximum height of six (6) feet (see exception), shall not be internally illuminated. Except for gas stations, changeable copy shall not be permitted. Notwithstanding the foregoing, monument signs on arterial streets may be ten (10) feet in height.

2. Window Signs. Not more than three (3) window signs per unit (as defined in the City's Zoning Ordinance) shall be allowed and shall not be larger than six (6) square feet or cover more than twenty-five percent (25%) of the area of each window in which a sign is placed, whichever is less. Such signs shall not be illuminated.

3. Signs during Construction. One (1) additional sign shall be allowed during construction. The sign shall not be internally illuminated, shall not exceed twelve (12) square feet in area and five (5) feet in height, and shall be allowed beginning with the commencement of construction and ending with the issuance of a Certificate of Occupancy or installation of a permanent sign, whichever occurs first.

4. Flag (amended 04/21/09, TA09-002, Ord. 2009-04-19). Each lot may display no more than three (3) flags and/or flagpoles. The flagpole shall not exceed thirty-five (35) feet in height. Flag size shall not be more than twenty (20) square feet.

5. Banner. Banners shall be allowed for a period not exceeding fourteen (14) days with no more than three (3) such fourteen (14) day periods being permitted per calendar year per lot. Banners shall not be more than twenty-four (24) square feet. No banner shall be mounted so as to extend above the horizontal plane of the roof where the building wall and roof meet or shall not extend more than five (5) feet above grade when on the ground.

6. Awning/canopy signs. Awning/canopy signs may be displayed. A permit is required. The signs shall be deducted from allocated wall sign area. The area of the sign shall not exceed ten percent (10%) of the area of the awning or canopy.

7. Standard Informational Signs. **Each lot may display two (2) Standard Informational Signs without a permit, one (1) of which may be an Expanded Informational Sign or a Cantilever Sign. During a political election, however, between the date of qualification and final determination on each ballot issue or candidate, each lot may display an unlimited number of Standard Informational Signs, only one (1) of which may be an Expanded Informational Sign or a Cantilever Sign.**~~Each lot may display two (2) Standard Informational Signs without a permit, except that during a political election, between the date of qualification and final determination on each ballot issue or candidate, each lot may display an unlimited number of Standard Informational Signs.~~

8. Signs during Vacancy (added 04/21/09, TA09-002, Ord. 2009-04-19). Developments in which there are vacant lots, units, and/or tenant spaces shall be entitled to one such sign per access-providing street frontage of the development. Signs during Vacancy shall not exceed 16 square feet in area, shall have a maximum height of five (5) feet, and shall not be internally illuminated. Signs during Vacancy shall be allowed for a period not exceeding ninety (90) days with no more than two (2) such 90-day periods being permitted per calendar year per lot. Any development with a permit for a Sign during Vacancy shall be prohibited from having Standard Informational Signs**, Expanded Informational Signs, Cantilever Signs** and/or Banners during the 90-day permit period.

9. Internal Signs (added 04/21/09, TA09-002, Ord. 2009-04-19). Internal signs are permitted adjacent to internal entrance drive(s) serving the development. Subdivisions with more than one identifiable section as shown on a recorded plat may be allowed Internal Signs of 16 square feet on one side of the entrance to each section. The maximum height permitted for Internal Signs shall be five (5) feet. Internal signs shall not be legible from the public right-of-way.

D. O-I District

1. Monument Signs (amended 04/21/09, TA09-002, Ord. 2009-04-19).

   a. One (1) maximum thirty-two (32) square foot, monument sign shall be permitted for each street on which the lot has up to and including five hundred (500) feet of frontage. The sign shall have a maximum height of eight (8) feet (see exception), shall not be internally illuminated. Except for gas stations, changeable copy shall not be permitted.
   b. One (1) maximum sixty-four (64) square foot, monument sign shall be permitted for each street on which the lot has more than five hundred (500) linear square feet and up to one thousand (1,000) linear feet of frontage. The sign shall have a maximum height of eight (8) feet (see exception), shall not be internally illuminated. Except for gas stations, changeable copy shall not be permitted.
   c. One (1) maximum seventy-two (72) square foot, monument sign shall be permitted for each street on which the lot has more than one thousand (1,000) linear feet of frontage (excludes spin sites and out-parcels). The sign shall have a maximum height of eight (8) feet (see exception), shall not be internally illuminated. Except for gas stations, changeable copy shall not be permitted.
   d. Notwithstanding the foregoing, monument signs on arterial streets may be ten (10) feet in height.

2. Wall signs are permitted on street-facing walls (including windows and doors). Businesses without a street on which there is frontage, but which have exterior entrances to the building, are entitled to one wall sign on the exterior wall of the business. Wall sign(s) shall not exceed the smaller of five percent (5%) of the applicable wall area or one hundred eighty (180) square feet, confined to the upper thirty (30) feet of the facade. Wall signs shall not have changeable copy unless approved as a marquee sign.

3. Internal Signs (amended 04/21/09, TA09-002, Ord. 2009-04-19). Internal signs are permitted adjacent to internal entrance drive(s) serving the development. Subdivisions with more than one identifiable section as shown on a recorded plat may be allowed Internal Signs of 16 square feet on one side of the entrance to each section. The maximum height permitted for Internal Signs shall be five (5) feet. Internal signs shall not be legible from the public right-of-way.

4. Window Signs. Window signs are allowed without a permit and shall not occupy in the aggregate more than twenty-five percent (25%) of the window area. Such signs shall not be illuminated.

5. Awning/canopy Signs. Awning/canopy signs may be displayed. A permit is required. The signs shall be deducted from allocated wall sign area. The area of the sign shall not

exceed ten percent (10%) of the area of the awning or canopy.

6. Flags. Each lot may display no more than three (3) flags and/or flagpoles. Flagpoles shall not exceed sixty (60) feet in height. Flag size shall not be more than fifty (50) square feet.

7. Standard Informational Signs. **Each lot may display two (2) Standard Informational Signs without a permit, one (1) of which may be an Expanded Informational Sign or a Cantilever Sign. During a political election, however, between the date of qualification and final determination on each ballot issue or candidate, each lot may display an unlimited number of Standard Informational Signs, only one (1) of which may be an Expanded Informational Sign or a Cantilever Sign.**

~~Each lot may display two (2) Standard Informational Signs without a permit, except that during a political election, between the date of qualification and final determination on each ballot issue or candidate, each lot may display an unlimited number of Standard Informational Signs.~~

8. Banners. Banners shall be allowed for a period not exceeding fourteen (14) days with no more than three (3) such fourteen (14) day periods being permitted per calendar year per lot. In the case of lots which contain multiple businesses, each business shall be allowed a banner. Banners shall not be more than thirty-two (32) square feet. No banner shall be mounted so as to extend above the horizontal plane of the roof where the building wall and roof meet and shall not extend more than five (5) feet above grade when on the ground.

9. Signs during Construction (added 04/15/08, RZ08-004, Ord. 2008-04-16) (amended 04/21/09, TA09-002, Ord. 2009-04-19). One (1) additional sign shall be allowed during construction. The sign shall not be internally illuminated. The sign shall be allowed beginning with the commencement of construction and ending with the issuance of a Certificate of Occupancy or installation of a permanent sign, whichever occurs first. The sign shall not exceed the maximum monument sign allowed on the lot.

10. Signs during Vacancy (added 04/21/09, TA09-002, Ord. 2009-04-19). Developments in which there are vacant lots, units, and/or tenant spaces shall be entitled to one such sign per access-providing street frontage of the development. Signs during Vacancy shall not exceed 16 square feet in area, shall have a maximum height of five (5) feet, and shall not be internally illuminated. Signs during Vacancy shall be allowed for a period not exceeding ninety (90) days with no more than two (2) such 90-day periods being permitted per calendar year per lot. Any development with a permit for a Sign during Vacancy shall be prohibited from having Standard Informational Signs**, Expanded Informational Signs, Cantilever Signs** and/or Banners during the 90-day permit period.

E. Mixed Use District

1. Monument Signs (amended 04/21/09, TA09-002, Ord. 2009-04-19).

a. One (1) maximum thirty-two (32) square foot, monument sign shall be permitted for each street on which the lot has up to and including five hundred (500) feet of frontage. The sign shall have a maximum height of eight (8) feet (see exception), shall not be internally illuminated. Except for gas stations, changeable copy shall not be permitted.

b. One (1) maximum sixty-four (64) square foot, monument sign shall be permitted for each street on which the lot has more than five hundred (500) linear square feet and up to one thousand (1,000) linear feet of frontage. The sign shall have a maximum height of eight (8) feet (see exception), shall not be internally illuminated. Except for gas stations, changeable copy shall not be permitted.

c. One (1) maximum seventy-two (72) square foot, monument sign shall be permitted for each street on which the lot has more than one thousand (1,000) linear feet of frontage. The sign shall have a maximum height of eight (8) feet (see exception), shall not be internally illuminated. Except for gas stations, changeable copy shall not be permitted.

d. One (1) maximum thirty-two (32) square foot, monument sign per spin site or out-parcel which is identified on a site plan approved pursuant to a single zoning case. The sign shall have a maximum height of eight (8) feet (see exception), shall not be internally illuminated. Except for gas stations, changeable copy shall not be permitted.

e. Monument signs on arterial streets may be ten (10) feet in height.

2. Wall Signs (amended 04/21/09, TA09-002, Ord. 2009-04-19). Wall signs are permitted on street-facing walls (including windows and doors). Businesses without a street on which there is frontage, but which have exterior entrances to the building, are entitled to one wall sign on the exterior wall of the business. Wall sign(s) shall not exceed the smaller of five percent (5%) of the applicable wall area or one hundred eighty (180) square feet, confined to the upper thirty (30) feet of the facade. Wall signs shall not have changeable copy unless approved as a marquee sign.

3. A tenant that has over 50,000 square feet of gross floor space and has independent leased space within a shopping center shall be allowed wall signs not to exceed five percent (5%) of the applicable wall area or three hundred (300) square feet, whichever is smaller.

4. Menu Sign (amended 04/21/09, TA09-002, Ord. 2009-04-19). One sign oriented toward the drive-thru lane, not legible from the public right-of-way, such sign not to exceed six (6) feet in height.

5. Banners. Banners shall be allowed for a period not exceeding fourteen (14) days with no more than three (3) such fourteen (14) day periods being permitted per calendar year per lot. In the case of lots which contain multiple businesses, each business shall be allowed a banner. Banners shall not be more than thirty-two (32) square feet. No banner shall be mounted so as to extend above the horizontal plane of the roof where the building wall and roof meet and shall not extend more than five (5) feet above grade when on the ground.

6. Signs during Construction (amended 04/21/09, TA09-002, Ord. 2009-04-19). One (1) additional sign shall be allowed during construction. The sign shall not be internally illuminated. The sign shall be allowed beginning with the commencement of construction and ending with the issuance of a Certificate of Occupancy or installation of a permanent sign, whichever occurs first. The sign shall not exceed the area of the maximum monument sign allowed on the lot.

7. Out of Store Marketing Device (amended 04/21/09, TA09-002, Ord. 2009-04-19). Out of store marketing devices are allowed.

8. Flags. Each lot may display no more than three (3) flags and/or flagpoles. Flagpoles shall not exceed thirty-five (35) feet in height. Flag size shall not be more than twenty (20) square feet.

9. Suspended Signs. In a multi-tenant commercial or office building, in addition to all other permitted signs, one (1) suspended non-illuminated sign per entrance used shall be allowed. Suspended signs shall adhere to the following: not exceed three (3) square feet in area; be uniform in size, material, color and shape and is placed in an equivalent location to other such signs located on the same building; be suspended from the eave or soffit of the building; and maintain a minimum of seven (7) feet clearance between the bottom of the sign and the walkway below.

10. Window Signs. Window signs are allowed without a permit and shall not occupy in the aggregate more than twenty-five percent (25%) of the window area.

11. Awning/canopy Signs. Awning/canopy signs may be displayed. A permit is required. The signs shall be deducted from allocated wall sign area. The area of the sign shall not exceed ten percent (10%) of the area of the awning or canopy.

12. Standard Informational Signs. Each lot having one (1) business may display two (2) Standard Informational Signs **without a permit, one (1) of which may be an Expanded Informational Sign or a Cantilever Sign.** ~~and e~~**E**ach lot having more than one (1) business may display four (4) Standard Informational Signs without a permit, **one (1) of which may be an Expanded Informational Sign or a Cantilever Sign.** ~~except that d~~**D**uring a political election, **however,** between the date of qualification and final determination on each ballot issue or candidate, each lot may display an unlimited number of Standard Informational Signs**, only one (1) of which may be an Expanded Informational Sign or a Cantilever Sign**.

13. Signs during Vacancy (added 04/21/09, TA09-002, Ord. 2009-04-19). Developments in which there are vacant lots, units, and/or tenant spaces shall be entitled to one such sign per access-providing street frontage of the development. Signs during Vacancy shall not exceed 16 square feet in area, shall have a maximum height of five (5) feet, and shall not be internally illuminated. Signs during Vacancy shall be allowed for a period not exceeding ninety (90) days with no more than two (2) such 90-day periods being permitted per calendar year per lot. Any development with a permit for a Sign during Vacancy shall be prohibited from having Standard Informational Signs**, Expanded Informational Signs, Cantilever Signs** and/or Banners during the 90-day permit period.

14. Internal Signs (added 04/21/09, TA09-002, Ord. 2009-04-19). Internal signs are permitted adjacent to internal entrance drive(s) serving the development. Subdivisions with more than one identifiable section as shown on a recorded plat may be allowed Internal Signs of 16 square feet on one side of the entrance to each section. The maximum height permitted for Internal Signs shall be five (5) feet. Internal signs shall not be legible from the public right-of-way.

F. Commercial and Industrial Park Districts

1. Monument Signs (amended 04/21/09, TA09-002, Ord. 2009-04-19).

a. One (1) maximum thirty-two (32) square foot, monument sign shall be permitted for each street on which the lot has frontage up to and including five hundred (500) feet of frontage. The sign shall have a maximum height of eight (8) feet (see exception). Except for gas stations, changeable copy shall not be permitted.

b. One (1) maximum sixty-four (64) square foot, monument sign shall be permitted for each street on which the lot has more than five hundred (500) linear square feet and up to one thousand (1,000) linear feet of frontage. The sign shall have a maximum height of eight (8) feet (see exception). Except for gas stations, changeable copy shall not be permitted.

c. One (1) maximum seventy-two (72) square foot, monument sign shall be permitted for each street on which the lot has more than one thousand (1,000) linear feet of frontage (excludes spin sites and out-parcels). The sign shall have a maximum height of eight (8) feet (see exception). Except for gas stations, changeable copy shall not be permitted.

d. One (1) maximum thirty-two (32) square foot, monument sign per spin site or out-parcel which is identified on a site plan approved pursuant to a single zoning case.

e. Monument signs on arterial streets may be ten (10) feet in height.

2. Wall Signs. Wall signs are permitted on street-facing walls (including windows and doors). Businesses without a street on which there is frontage, but which have exterior entrances to the building, are entitled to one (1) wall sign on the exterior wall of the business. Wall sign(s) shall not exceed five percent (5%) of the applicable wall area or one hundred eighty (180) square feet, whichever is smaller. Wall signs shall not have changeable copy unless approved as a marquee sign.

3. A tenant that has over fifty thousand (50,000) square feet of gross floor space and has independent leased space within a shopping center shall be allowed wall signs not to exceed five percent (5%) of the applicable wall area or three hundred (300) square feet, whichever is smaller.

4. Menu Sign (amended 04/21/09, TA09-002, Ord. 2009-04-19). One sign oriented toward the drive-thru lane, and not legible from the public right-of-way, such sign not to exceed six (6) feet in height.

5. Banner. Banners shall be allowed for a period not exceeding fourteen (14) days with no more than three (3) such fourteen (14) day periods being permitted per calendar year per lot. In the case of lots which contain multiple businesses, each business shall be allowed a banner. Banners shall not be more than thirty-two (32) square feet. No banner shall be mounted so as to extend above the horizontal plane of the roof where the building wall and roof meet, or shall not extend more than five (5) feet above grade when on the ground.

6. Signs during Construction (amended 04/21/09, TA09-002, Ord. 2009-04-19). One (1) additional sign shall be allowed during construction. The sign shall not be internally illuminated. The sign shall be allowed beginning with the commencement of construction and ending with the issuance of a Certificate of Occupancy or installation of a permanent sign, whichever occurs first. The sign shall not exceed the maximum monument sign allowed on the lot.

7. Out of Store Marketing Device (amended 04/21/09, TA09-002, Ord. 2009-04-19). Out of store marketing devices are allowed.

8. Flags. Each lot may display no more than three (3) flags and/or flagpoles. Flagpoles shall not exceed sixty (60) feet in height. Flag size shall not be more than fifty (50) square feet.

9. Suspended Signs. In a multi-tenant commercial or office building, in addition to all other permitted signs, one (1) suspended non-illuminated sign per entrance used shall be allowed. Suspended signs shall adhere to the following: not exceed three (3) square feet in area; be uniform in size, material, color and shape and is placed in an equivalent location to other such signs located on the same building; be suspended from the eave or soffit of the building; and maintain a minimum of seven (7) feet clearance between the bottom of the sign and the walkway below.

10. Window Signs. Window signs are allowed without a permit and shall not occupy in the aggregate more than twenty-five percent (25%) of the window area.

11. Awning/canopy Signs. Awning/canopy Signs may be displayed. A permit is required. The signs shall be deducted from allocated wall sign area. The area of the sign shall not exceed ten percent (10%) of the area of the awning or canopy. The area of an Awning/canopy Sign shall be deducted from the allowable area of a Wall Sign.

12. Standard Informational Signs. **Each lot having one (1) business may display two (2) Standard Informational Signs without a permit, one (1) of which may be an Expanded Informational Sign or a Cantilever Sign. Each lot having more than one (1) business may display four (4) Standard Informational Signs without a permit, one (1) of which may be an Expanded Informational Sign or a Cantilever Sign. During a political election, however, between the date of qualification and final determination on each ballot issue or candidate, each lot may display an unlimited number of Standard Informational Signs, only one (1) of which may be an Expanded Informational Sign or a Cantilever Sign.**~~Each lot having one (1) business may display two (2) Standard Informational Signs, and each lot having more than one (1) business may display four (4) Standard Informational Signs without a permit, except that during a political election, between the date of qualification and final determination on each ballot issue or candidate, each lot may display an unlimited number of Standard Informational Signs.~~

13. Signs during Vacancy (added 04/21/09, TA09-002, Ord. 2009-04-19). Developments in which there are vacant lots, units, and/or tenant spaces shall be entitled to one such sign per access-providing street frontage of the development. Signs during Vacancy shall not exceed 16 square feet in area, shall have a maximum height of five (5) feet, and shall not be internally illuminated. Signs during Vacancy shall be allowed for a period not exceeding ninety (90) days with no more than two (2) such 90-day periods being permitted per calendar year per lot. Any development with a permit for a Sign during Vacancy shall be prohibited from having Standard Informational Signs**, Expanded Informational Signs, Cantilever Signs** and/or Banners during the 90-day permit period.

14. Internal Signs (added 04/21/09, TA09-002, Ord. 2009-04-19). Internal signs are permitted adjacent to internal entrance drive(s) serving the development. Subdivisions with more than one identifiable section as shown on a recorded plat may be allowed Internal Signs of 16 square feet on one side of the entrance to each section. The maximum height permitted for Internal Signs shall be five (5) feet. Internal signs shall not be legible from the public right-of-way.

G. Industrial Districts

1. Billboards. Within industrial districts (M-1 and M-2), freestanding signs shall not exceed six hundred seventy-two (672) square feet and shall be located according to the following

standards:

a. Along, and oriented toward, State numbered primary routes or national highways only;
b. At least five hundred (500) feet from all residential or AG-1 zoning districts;
c. Minimum one hundred (100) foot setback from right-of-way;
d. Minimum of one thousand five hundred (1500) feet from any other Billboards or Freestanding Sign, except Standard Informational Signs, **Expanded Informational Signs or Cantilever Signs**;
e. The lot on which the billboard is located shall have sufficient area to accommodate the Fall Zone, and excepting the sign, no buildings, structures, or appurtenances shall be contained in the Fall Zone;
f. Maximum of thirty-five (35) feet in height; and
g. In compliance with applicable height standards for the district in which located.

2. Monument Signs (amended 04/21/09, TA09-002, Ord. 2009-04-19).

a. One (1) maximum thirty-two (32) square foot, monument sign shall be permitted for each street on which the lot has up to and including five hundred (500) feet of frontage. The sign shall have a maximum height of eight (8) feet (see exception). Except for gas stations, changeable copy shall not be permitted.
b. One (1) maximum sixty-four (64) square foot, monument sign shall be permitted for each street on which the lot has more than five hundred (500) linear square feet and up to one thousand (1,000) linear feet of frontage. The sign shall have a maximum height of eight (8) feet (see exception). Except for gas stations, changeable copy shall not be permitted.
c. One (1) maximum seventy-two (72) square foot, monument sign shall be permitted for each street on which the lot has more than one thousand (1,000) linear feet of frontage (excludes spin sites and out-parcels). The sign shall have a maximum height of eight (8) feet (see exception). Except for gas stations, changeable copy shall not be permitted.
d. One (1) maximum thirty-two (32) square foot, monument sign per spin site or out-parcel which is identified on a site plan approved pursuant to a single zoning case.
e. Monument signs on arterial streets may be ten (10) feet in height.

3. Wall Signs. Wall signs are permitted on street-facing walls (including windows and doors). Businesses without a street on which there is frontage, but which have exterior entrances to the building, are entitled to one wall sign on the exterior wall of the business. Wall

sign(s) shall not exceed five percent (5%) of the applicable wall area or one hundred eighty (180) square feet, whichever is smaller. Wall signs shall not have changeable copy unless approved as a marquee sign. Notwithstanding the foregoing, an anchor tenant that has over fifty thousand (50,000) square feet of gross floor space within a shopping center shall be allowed wall signs not to exceed five percent (5%) of the applicable wall area or three hundred (300) square feet, whichever is smaller.

4. Menu Sign (amended 04/21/09, TA09-002, Ord. 2009-04-19). One sign oriented toward the drive-thru lane, and not legible from the public right-of-way, such sign not to exceed six (6) feet in height.

5. Banner. Banners shall be allowed for a period not exceeding fourteen (14) days with no more than three (3) such fourteen (14) day periods being permitted per calendar year per lot. In the case of lots which contain multiple businesses, each business shall be allowed a banner. Banners shall not be more than thirty-two (32) square feet. No banner shall be mounted so as to extend above the horizontal plane of the roof where the building wall and roof meet or shall not extend more than five (5) feet above grade when on the ground.

6. Signs during Construction (amended 04/21/09, TA09-002, Ord. 2009-04-19). One (1) additional sign shall be allowed during construction. The sign shall not be internally illuminated. The sign shall be allowed beginning with the commencement of construction and ending with the issuance of a Certificate of Occupancy or installation of a permanent sign, whichever occurs first. The sign shall not exceed the maximum monument sign allowed on the lot.

7. Out of Store Marketing Device (amended 04/21/09, TA09-002, Ord. 2009-04-19). Out of store marketing devices are allowed.

8. Flags. Each lot may display no more than three (3) flags and/or flagpoles. Flagpoles shall not exceed sixty (60) feet in height. Flag size shall not be more than fifty (50) square feet.

9. Suspended signs (amended 04/21/09, TA09-002, Ord. 2009-04-19). In a multi-tenant commercial or office building, in addition to all other permitted signs, one (1) suspended non-illuminated sign per entrance used shall be allowed for each tenant. Suspended signs shall adhere to the following: does not exceed three (3) square feet in area; is uniform in size, material, color, and shape and is placed in an equivalent location to other such signs located on the same building; is suspended from the eave or soffit of the building; and maintains a minimum of seven (7) feet clearance between the bottom of the sign and the walkway below.

10. Window Signs. Window signs are allowed without a permit and shall not occupy in the aggregate more than twenty-five percent (25%) of the window area.

11. Awning/canopy Signs. Awning/canopy signs may be displayed. A permit is

required. The signs shall be deducted from allocated wall sign area. The area of the sign shall not exceed ten percent (10%) of the area of the awning or canopy. The area of an Awning/canopy Sign shall be deducted from the allowable area of a Wall Sign.

12. Standard Informational Signs. **Each lot having one (1) business may display two (2) Standard Informational Signs without a permit, one (1) of which may be an Expanded Informational Sign or a Cantilever Sign. Each lot having more than one (1) business may display four (4) Standard Informational Signs without a permit, one (1) of which may be an Expanded Informational Sign or a Cantilever Sign. During a political election, however, between the date of qualification and final determination on each ballot issue or candidate, each lot may display an unlimited number of Standard Informational Signs, only one (1) of which may be an Expanded Informational Sign or a Cantilever Sign.**~~Each lot having one (1) business may display two (2) Standard Informational Signs, and each lot having more than one (1) business may display four (4) Standard Informational Signs without a permit, except that during a political election, between the date of qualification and final determination on each ballot issue or candidate, each lot may display an unlimited number of Standard Informational Signs.~~

13. Signs during Vacancy (added 04/21/09, TA09-002, Ord. 2009-04-19). Developments in which there are vacant lots, units, and/or tenant spaces shall be entitled to one such sign per access-providing street frontage of the development. Signs during Vacancy shall not exceed 16 square feet in area, shall have a maximum height of five (5) feet, and shall not be internally illuminated. Signs during Vacancy shall be allowed for a period not exceeding ninety (90) days with no more than two (2) such 90-day periods being permitted per calendar year per lot. Any development with a permit for a Sign during Vacancy shall be prohibited from having Standard Informational Signs**, Expanded Informational Signs, Cantilever Signs** and/or Banners during the 90-day permit period.

14. Internal Signs (added 04/21/09, TA09-002, Ord. 2009-04-19). Internal signs are permitted adjacent to internal entrance drive(s) serving the development. Subdivisions with more than one identifiable section as shown on a recorded plat may be allowed Internal Signs of 16 square feet on one side of the entrance to each section. The maximum height permitted for Internal Signs shall be five (5) feet. Internal signs shall not be legible from the public right-of-way.

H. Sandy Springs Overlay District (amended 04/21/09, TA09-002, Ord. 2009-04-19)

Notwithstanding any other provisions in this Article, the following standards shall apply to monument signs and wall signs located in the Sandy Springs Overlay District. In the event the standards set forth in this Section 26.H conflict with any other standards in this Article, the standards set forth in this Section shall take precedence.

1. Monument Signs (amended 04/21/09, TA09-002, Ord. 2009-04-19).

a. One (1) maximum thirty-two (32) square foot, monument sign shall be permitted for each street on which the lot has up to and including five hundred (500) feet of frontage. The sign shall have a maximum height of six (6) feet. Except for gas stations, changeable copy shall not be permitted.

b. One (1) maximum sixty-four (64) square foot, monument sign shall be permitted for each street on which the lot has more than five hundred (500) linear square feet and up to one thousand (1,000) linear feet of frontage. The sign shall have a maximum height of eight (8) feet (see exception d.). Except for gas stations, changeable copy shall not be permitted.

c. One (1) maximum seventy-two (72) square foot, monument sign shall be permitted for each street on which the lot has more than one thousand (1,000) linear feet of frontage (excludes spin sites and out-parcels). The sign shall have a maximum height of eight (8) feet (see exception d.). Except for gas stations, changeable copy shall not be permitted.

d. Notwithstanding the foregoing, monument signs on Roswell Road, Hammond Drive, or Abernathy Road may be ten (10) feet in height.

2. Wall Signs (amended 04/21/09, TA09-002, Ord. 2009-04-19).

a. Wall signs are permitted on street-facing walls (including windows and doors). Businesses without a street on which there is frontage, but which have exterior entrances to the building, are entitled to one wall sign on the exterior wall of the business. Wall sign(s) shall not exceed the smaller of five percent (5%) of the applicable wall area or one hundred eighty (180) square feet, confined to the upper thirty (30) feet of the facade. Wall signs shall not have changeable copy unless approved as a marquee sign.

b. Notwithstanding the foregoing, any business which is not represented on a monument sign may have two wall signs which shall meet the following standards:

i. The street facing wall sign shall not exceed five percent (5%) of the applicable wall area.

ii. The non-street facing wall sign shall not exceed five percent (5%) of the applicable wall area.

iii. The total of both signs shall not exceed 225 square feet.

vi. Wall signs may be incorporated into a retaining wall or other site hardscape feature.

c. In lieu of any free-standing signs, a shopping center (defined as containing four or more tenants) shall be permitted one additional wall sign. The allowable sign area shall be 5% of the applicable wall area, not to exceed 180 square feet, whichever is less.

I. Mobile Home Park District

1. Monument Signs (amended 04/21/09, TA09-002, Ord. 2009-04-19).

a. One (1) maximum thirty-two (32) square foot, entry wall or monument sign or two (2) single-faced entry wall or monument signs not to exceed sixteen (16) square feet for each side of a mobile home park entrance, identifying the name of the mobile home park, shall be permitted for each street on which the lot has frontage.

b. One (1) maximum thirty-two (32) square foot monument sign per property occupied with an institutional use shall be permitted for each street on which the lot has frontage.

c. Monument signs for non-residential uses located in a mobile home park shall have a maximum height of ten (10) feet, shall not be internally illuminated. Except for gas stations, changeable copy shall not be permitted.

2. Wall Signs. Permitted non-residential uses may have wall signs on street-facing walls. Businesses without a street on which there is frontage, but which have exterior entrances to the building, are entitled to one (1) wall sign on the exterior wall of the business. Wall signs(s) shall not exceed five percent (5%) of the applicable wall area or one hundred eighty (180) square feet, whichever is smaller. Wall signs shall not have changeable copy unless approved as a marquee sign.

3. Window Signs. Not more than three (3) window signs shall be allowed per mobile home and shall not be larger than six (6) square feet or cover more than twenty-five percent (25%) of the area of each window in which a sign is placed, whichever is less.

4. Signs during Construction (amended 04/21/09, TA09-002, Ord. 2009-04-19). One (1) additional sign shall be allowed during construction. The sign shall not be internally illuminated. The sign shall be allowed beginning with the commencement of construction and ending with the issuance of a Certificate of Occupancy or installation of a permanent sign, whichever occurs first. The sign shall not exceed the maximum monument sign allowed on the lot.

5. Flag (amended 04/21/09, TA09-002, Ord. 2009-04-19). Each lot may display no more than three (3) flags and/or flagpoles. The flagpole shall not exceed thirty-five (35) feet in height. Flag size shall not more be than twenty (20) square feet.

6. Banner. Banners shall be allowed for a period not exceeding fourteen (14) days with no more than three (3) such fourteen (14) day periods being permitted per calendar year per lot. Banners shall not be more than twenty-four (24) square feet. No banner shall be mounted so as to extend above the horizontal plane of the roof where the building wall and roof meet or shall not extend more than five (5) feet above grade when on the ground.

7. Standard Informational Signs. **Each lot may display two (2) Standard Informational Signs without a permit, one (1) of which may be an Expanded Informational Sign or a Cantilever Sign. During a political election, however, between the date of qualification and final determination on each ballot issue or candidate, each lot may display an unlimited number of Standard Informational Signs, only one (1) of which may be an Expanded Informational Sign or a Cantilever Sign.**

~~Each lot may display two (2) Standard Informational Signs without a permit, except that during a political election, between the date of qualification and final determination on each ballot issue or candidate, each lot may display an unlimited number of Standard Informational Signs.~~

8. Signs during Vacancy (added 04/21/09, TA09-002, Ord. 2009-04-19). Developments in which there are vacant lots, units, and/or tenant spaces shall be entitled to one such sign per access-providing street frontage of the development. Signs during Vacancy shall not exceed 16 square feet in area, shall have a maximum height of five (5) feet, and shall not be internally illuminated. Signs during Vacancy shall be allowed for a period not exceeding ninety (90) days with no more than two (2) such 90-day periods being permitted per calendar year per lot. Any development with a permit for a Sign during Vacancy shall be prohibited from having Standard Informational Signs**, Expanded Informational Signs, Cantilever Signs** and/or Banners during the 90-day permit period.

9. Internal Signs (added 04/21/09, TA09-002, Ord. 2009-04-19). Internal signs are permitted adjacent to internal entrance drive(s) serving the development. Subdivisions with more than one identifiable section as shown on a recorded plat may be allowed Internal Signs of 16 square feet on one side of the entrance to each section. The maximum height permitted for Internal Signs shall be five (5) feet. Internal signs shall not be legible from the public right-of-way.

SECTION 27: REINSTALLATION OF EXISTING WALL SIGNS (added 11/20/07, RZ07-035, Ord. 2007-11-67).

Any existing wall sign removed as a part of a renovation project for a shopping center (defined as containing four or more tenants) shall be permitted to be reinstalled, subject to the following standards:

1. The shopping center owner shall obtain the appropriate building and development permits prior to the commencement of the renovation project in accordance with all City standards and regulations.

2. The shopping center owner shall provide to the City photographs detailing the dimensions of the existing wall signs prior to removal.

3. Reinstallation shall only be allowed for wall signs with a valid existing sign permit.

4. Reinstallation shall only be allowed for wall signs with square footages not exceeding seven percent (7%) of the applicable wall area.

5. No alteration of any kind shall be made to the wall signs proposed for reinstallation.

6. (amended 04/21/09, TA09-002, Ord. 2009-04-19) During construction, each tenant shall be allowed to display a banner in lieu of a permanent sign. The banner size shall be no greater than thirty-two (32) square feet. Tenants shall be required to obtain a temporary sign permit for the banner.

7. The banner shall be permitted with the commencement of construction and removed with the issuance of a Certificate of Occupancy or reinstallation of the removed wall sign, whichever occurs first.

8. Any wall sign removed without prior identification from the City as a legal existing wall sign will be subject to all of the sign standards established in this Article.

SECTION 28: REMOVAL OF ABANDONED SIGNS (added 04/21/09, TA09-002, Ord. 2009-04-19).

Any sign associated with a business which has ceased operations for sixty (60) days or more shall be removed by the property owner of record within two (2) weeks of notification from the Department of Community Development. The Department of Community Development shall be required to provide official written notification to the property owner indicating the type and location of sign(s) which require removal.

SECTION 29: SEVERABILITY.

Should any article, section, clause, or provision of this Article be declared by a court of competent jurisdiction to be invalid, such action shall not affect the validity of the ordinance as a whole or any part hereof other than the part so declared to be invalid, it being the intent of the City Council of the City that each article, section, clause, and provision hereof be severable.

MARK-UP OF ARTICLE 33 PER TA11-003