

Chapter 21 Signs

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10:21: 1 Purpose and Objectives

A. The purpose of these sign regulations is to encourage the effective use of signs as a means of communication in the town; to maintain and enhance the aesthetic environment and the town's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign restrictions. Accordingly, the town adopts these regulations to provide for a healthy business environment considering safety aspects while maintaining those aesthetic qualities reflective of the natural surroundings. This chapter is adopted under the zoning authority of the town in furtherance of the more general purposes set forth in this zoning title. It supersedes all previous ordinances or sections pertaining to the same.

B. The goals to be achieved by these regulations are:

1. To establish a permit system to allow a variety of types of signs in commercial and industrial zones and a limited variety of signs in other zones, subject to the standards and the permit procedures of this chapter;
2. To allow certain signs that are small, unobtrusive and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this chapter, but without a requirement for permits;
3. To provide for temporary signs without commercial messages in limited circumstances in the public right of way;
4. To prohibit the construction of any new off premises signs throughout the town;
5. To prohibit all signs not expressly permitted by this title;
6. To stimulate harmony within the community while allowing for competitive opportunities and protection of property values to preserve a healthy business environment and a sustainable economy;
7. To create a town image that reflects the surrounding natural scenic grandeur;
8. To establish a visual management corridor along our scenic Highways
9. Provision for the safety of pedestrians and motorists and promotion and protection of the public welfare; and
10. To provide for the enforcement of the provisions of this chapter.

10:21: 2 General Requirements:

- A. A sign may be erected, placed, established, painted, created or maintained in the town only in conformance with the standards, procedures, exemptions and other requirements of this chapter.
- B. Sign Approval: Except as otherwise provided, it shall be unlawful and an infraction to erect or maintain any sign or outdoor advertising structure in the town of Apple Valley without first obtaining the approval of the planning commission for said sign or advertising structure, the giving of which shall be based upon the provisions of this title. Said approval shall not be required for exempt signs that meet the requirements of this title.
- C. Variances: Any person or entity desiring a waiver or modification of the requirements of this chapter as applied to a sign that such person owns, leases, or in which such

person holds some other beneficial interest, may apply to the town council for a variance in accordance with this title.

D. Appeals: Any person aggrieved by a decision of the planning commission may appeal in writing within fifteen (15) days of said decision pursuant to this title.

10:21: 3 Definitions:

Words and phrases used in this chapter shall have the meanings set forth in this section. Words and phrases not defined in this section but defined in this zoning title shall be given the meanings set forth in such title. 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 chapter.

ANIMATED SIGN: Any sign that uses movement or change of lighting to depict action or create a special effect or scene. A sign on which the message changes more than eight (8) times per day.

BANNER: Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business, shall not be considered banners.

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

BILLBOARD: A freestanding sign that exceeds the maximum allowable dimensions of freestanding signs as set forth in this title.

BUILDING INSPECTOR: The building inspector of the town or his or her designee.

BUILDING MARKER: Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

BUILDING SIGN: Any sign attached to any part of a building, as contrasted to a freestanding sign.

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.

CHANGEABLE COPY SIGN: A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign.

COMMERCIAL MESSAGE: Any sign wording, logo, or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service, or other commercial activity.

FLAG: Any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of government, political subdivision or other official entity.

FREESTANDING SIGN: Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

IDENTIFICATION SIGN: Any sign which indicates the business name or official entity.

INCIDENTAL SIGN: A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking", "entrance", "loading only", "telephone" and other similar directives. No sign with a commercial message shall be considered incidental.

LOT: Any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record that is recognized and intended as a unit for the purpose of transfer of ownership.

MARQUEE: 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.

MARQUEE SIGN: Any sign attached to, in any manner, or made a part of a marquee.

NONCONFORMING SIGN: Any sign that does not conform to the requirements of this chapter.

PENNANT: 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 series, designed to move in the wind. Individual pennants shall not measure more than eight inches by fifteen inches (8" x 15") triangle.

PERSON: Any association, company, corporation, firm, organization, or partnership, singular or plural, of any kind.

PORTABLE SIGN: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs connected to A- or T-frames; menu

and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right of way, unless said vehicle is used in the normal day to day operations of the business.

PRINCIPAL BUILDING: The building in which is conducted the principal use of the lot on which it is located. Zone lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages and other clearly accessory uses shall not be considered principal buildings.

PROJECTING SIGN: Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches (6") beyond the surface of such building or wall.

RESIDENTIAL SIGN: Any sign located in a district zoned for residential uses that contains no commercial message.

ROOF SIGN: Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure and extending vertically above the highest portion of the roof.

ROOF SIGN, INTEGRAL: Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches (6").

SETBACK: The distance from the property line to the nearest part of the applicable building or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

SIGN: Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

STREET: A strip of land or way subject to vehicular or pedestrian traffic that provides direct or indirect access to property, including, but not limited to, alleys, avenues, boulevards, courts, drives, highways, lanes, places, roads, terraces, trails or other thoroughfares.

STREET FRONTAGE: The distance for which a lot line adjoins a public street, from one lot line intersecting said street to the farthest distant lot line intersecting the same street.

SUSPENDED SIGN: A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

TEMPORARY SIGN: Any sign that is used only temporarily and is not permanently mounted. The signs shall be removed when the event advertised is complete or within six (6) months of installation.

TIME/TEMPERATURE SIGN: An animated sign on which the only copy that changes is an electronic or mechanical indication of time or temperature.

WALL SIGN: Any sign attached parallel to, but within six inches (6") of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

WINDOW SIGN: Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

ZONE LOT: A parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage and use, and that can provide such yards and other open spaces as required by zoning regulations.

10:21: 4 Permit Process:

A. Permits In General: The approval of the planning commission shall be evidenced by a permit issued by the building inspection division. All signs shall be constructed and all permits shall be issued in accordance with the provisions of the uniform building code.

B. Permit Requirements:

1. A permit is required if a sign requiring a permit under the provisions of this chapter is to be placed, constructed, erected, or modified on a zone lot. The owner of the lot shall secure a sign permit prior to the construction, placement, erection, or modification of such a sign in accordance with the requirements of this section.
2. The property owner shall maintain in force, at all times, a sign permit for such sign in accordance with this section.
3. No sign permit of any kind shall be issued for an existing or proposed sign unless such sign is consistent with the requirements of this chapter.

C. Off Premises Permits: Permits for off premises nonconforming signs shall be renewed on an annual basis. Applications for permits, or for the renewal of permits, shall require the applicant to disclose the owner of the sign and the owner of the property

on which the sign is or will be located, all relevant dates in regard to expiration of any lease or lease option, the date and cost of construction of the sign, the date and cost of any modification of the sign, the fair market value as appraised for property tax purposes, the date the sign will be depreciated for federal income tax purposes, the cost of operating the sign, and any other information reasonably required by the planning commission.

D. Revocation: A permit may be revoked and a sign removed pursuant to this code if the applicant for a permit makes a false or misleading statement in the permit application or renewal.

E. Permit Procedures: The following procedures shall govern the application for and the issuance of all sign permits under this chapter:

1. Application for Permit: All applications for sign permits shall be submitted to the building inspector on an application form provided by the building inspector. Any sign requiring a conditional use permit shall make application for planning commission review. Planning commission shall set the conditions for the signage in question. Any appeal of the planning commission decision shall go before city council.

2. Fees: Each application for a sign permit shall be accompanied by the applicable fees set forth in this section, which shall be established by the town council from time to time by resolution.

3. Completeness: Within fifteen (15) days of receiving an application for a sign permit, the building inspector shall review it for completeness. If the building inspector finds that it is complete, the application shall then be processed. If the building inspector finds that it is incomplete, the building inspector shall, within such fifteen (15) day period, send a notice to the applicant of the specific ways in which the application is deficient, with appropriate references to the applicable sections of this chapter.

4. Action on Plan:

a. Approve or Reject: The building inspector shall either:

(1) Approve the proposed plan if the sign as shown on the plan and the plan itself conforms in every respect with the requirements of this chapter; or

(2) Reject the proposed plan if the sign as shown on the plan or the plan itself fails in any way to conform to the requirements of this chapter. In the case of a rejection, the building inspector shall specify in the rejection the section or sections of this chapter with which the plan is inconsistent.

b. Permits to Construct or Modify: Signs identified in this chapter as requiring a permit, may be installed or created only in accordance with a duly issued and valid sign construction permit from the building inspector. Such permits shall be issued only in accordance with the following requirements and procedures:

(1) Permit For New Sign Or Sign Modification: An application for construction, creation or installation of a new sign or for modification of an existing sign shall be accompanied by detailed drawings to show the dimensions, design, structure and location of each particular sign then in effect for the zone lot. One application and permit may include multiple signs on the same zone lot.

(2) Inspection: The building inspector shall cause an inspection of the zone lot for which each permit for a new sign or for modification of an existing sign is issued during the six (6) month period after the issuance of such permit or at such earlier date as the owner may request. If the construction is not substantially complete at the time of inspection, the permit shall lapse and become void. If the construction is substantially complete, but not in full compliance with this chapter and applicable codes, the building inspector shall give the owner or applicant notice of the deficiencies and shall allow an additional thirty (30) days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse. All records on permitted signs shall be kept and maintained at the city offices by the building inspector.

c. Term of Permit; Renewable: The owner of a zone lot containing signs requiring a permit under this chapter shall at all times maintain in force a sign permit for such property. Sign permits shall be issued for individual zone lots, notwithstanding the fact that a particular zone lot may be included with other zone lots in a common signage plan. Sign permits shall be issued for twelve (12) months. Signs shall be automatically renewed so long as no changes have occurred or the sign permit has not lapsed.

(1) Initial Sign Permit: An initial sign permit shall be issued by the building inspector covering the period from the date of the inspection of the completed sign installation, construction, or modification through the last day of the calendar year.

(2) Lapse Of Sign Permit: A continuing sign permit shall lapse if not renewed or if the business license for the premises lapses, is revoked or is not renewed. A sign permit shall also lapse if the business activity on the premises is discontinued for a period of one hundred eighty (180) days or more and is not renewed within thirty (30) days of a notice from the city to the last permittee, sent to the premises, that the sign permit will lapse if such activity is not renewed.

(3) Assignment of Sign Permits: A current and valid sign permit shall be freely assignable to a successor as owner of the property or holder of a business license for the same premises, subject only to filing such application as the building inspector may require and paying any applicable fee.

F. Fee Schedule: The fees for sign permits and plans shall be as established by resolution by the town council. This fee schedule may be modified from time to time by resolution.

10:21: 5 Classifications of Sign:

Every sign erected or proposed to be erected within the town shall be classified by the planning commission in accordance with the definitions of signs contained in this chapter. Any sign which does not clearly fall within one of the classifications shall be placed in the classification which the sign, in view of its design, location, and purpose, most clearly approximates in the opinion of the planning commission.

10:21: 6 Prohibited Signs:

In addition to any sign not specifically permitted or allowed in accordance with this chapter, the following signs are prohibited:

- A. Billboards; Off Premises Signs: No outdoor off premises advertising signs shall be constructed or erected after the effective date hereof. Any replacement sign shall conform to all provisions of this chapter. This subsection is not meant to prohibit temporary signs off premises advertising yard sales, open houses, or other similar residential related activities.
- B. Others Specified: All signs not expressly permitted or allowed under this chapter or exempt from regulation hereunder in accordance with this chapter, are prohibited in the town. Such signs include, but are not limited to:
 - 1. Beacons.
 - 2. Billboards.
 - 3. Strings of lights not permanently mounted to a rigid background, except those exempt in this chapter.
 - 4. Inflatable signs and tethered balloons.
 - 5. Faded, torn or stained flags are prohibited.
 - 6. Signs designed for emitting sound, smoke, or steam.

7. Natural object used as a sign. No sign shall be painted on or affixed to any natural object in its natural location such as, but not limited to, a boulder, tree, or cliff face.

8. Vehicle signs. Signs affixed upon a vehicle, trailer or the like, parked conspicuously so as to attempt to direct attention to a place of business in an effort to circumvent the provisions of this chapter. This shall apply to vehicles parked on either public or private property. This shall not be construed as to prohibit customized automobile license plates.

9. Signs which bear or contain statements, words or pictures of an obscene or pornographic character (as defined by the U.S. supreme court in Miller vs. California, 413 U.S. 15, 24 (1973)), and anything that demeans or otherwise degrades religions, races, sexes or ethnic groups.

10:21: 7 Exempt Signs:

The following signs shall be exempt from permit regulation under this chapter:

A. No Permit Required: The following signs shall be allowed without a sign permit under the noted conditions and shall not be included in the determination of type, number or area of signs allowed on premises. Any other signs exceeding the conditions specified in this section (i.e., number, size, type, or area), shall require a permit as prescribed in this chapter. Exempt signs are subject to the provisions of this chapter regarding the safety, maintenance, and repair of signs. Exempt signs shall be compatible with the overall purpose and intent of these regulations.

1. Public notices; warnings: Any public notice or warning required by a valid and applicable federal, state or local law, regulation or ordinance.

2. Interior signs: Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet (3') beyond the lot line of the zone lot or parcel on which such sign is located.

3. Holiday lights, decorations: Holiday lights and decorations with no commercial message.

4. Traffic control signs: Traffic control signs on private property, such as stop, yield and similar signs, the face of which meet department of transportation standards and which contain no commercial message.

5. Construction signs: One non-illuminated sign per construction project not to exceed eight (8) square feet in area, nor six feet (6') in height, used to indicate owner, general contractor, architect, and other pertinent construction data. Such signs shall be erected no more than five (5) days prior to the beginning of construction for which a

valid building permit has been issued, shall be confined to the construction site, and shall be removed within five (5) days of completion.

6. Directional or instructional signs: Signs not to exceed four (4) square feet in area, used to identify restrooms, public telephones, walkways or signs providing direction such as parking lot entrance and exit signs and those of similar nature. Such signs shall be located entirely on the property to which they pertain and shall not in any way advertise or otherwise mention a business. Such signs shall be either wall mounted or freestanding. If freestanding and such sign is located adjacent to a primary street, it shall be placed at the driveway or sidewalk entrance to the property closest to the item being identified. Freestanding directional signs shall not exceed three feet (3') above grade. If wall mounted, no portion of such sign shall be placed higher than eight feet (8') above grade. Directional or instructional signs visible from the public right of way shall not exceed two (2) such signs per business or business center.

7. Flags:

a. Flags flown on a temporary basis for purposes of honoring national or civic holidays.

b. Any official flag, pennant, or emblem of any nation, state, city or other political unit, provided all such flags or emblems shall not exceed twenty five feet (25') in height.

10:21: 8 Sign Standards:

All signs requiring permit approval shall comply with the following standards and regulations and these standards and regulations shall be considered minimum requirements in reviewing all applications for sign permits:

A. Materials: All signs shall be constructed of permanent materials.

B. Attachment: All signs shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure except for banners, flags, temporary signs, and window signs.

C. Visibility: No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision of traffic or create a safety hazard.

D. Signs on Private Property: Signs shall be allowed on private property in the city in accordance to specifications set forth in this chapter.

E. Signs in The Public Right of Way: No signs shall be allowed in the public right of way, except as listed hereafter. Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the city shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

1. Permanent Signs: Permanent signs, including:

a. Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information such as chamber of commerce at each city entrance, and direct or regulate pedestrian or vehicular traffic;

b. Bus stop signs erected by a public transit company;

c. Information signs of a public utility regarding its poles, lines, pipes or facilities; and

d. Awning, projecting and suspended signs projecting over a public right of way in conformity with the conditions of this chapter.

2. Temporary Signs: Temporary signs in accordance with this chapter, meeting the following requirements:

a. No Commercial Message: Such signs shall contain no commercial message; and

b. Emergency Signs: Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right of way.

F. Fire Escapes: No sign shall be erected in such a manner that any portion of the sign or its support, will interfere with the use of any fire escape, exit, or standpipe, or obstruct any required stairway, door, ventilator, or window.

G. Utility Lines: No sign shall be erected or maintained which has less horizontal or vertical clearance from communication lines and energized electrical power lines than that prescribed by the laws of the state of Utah or rules and regulations duly promulgated by agencies thereof.

H. Clearance: No sign shall be erected in such a manner that any portion of the sign or its support will extend over a public or private walkway with a minimum clearance of less than twelve feet (12').

I. School Zones: No sign shall be erected within twenty feet (20') of a school zone except for those signs designated in this section.

10:21: 9 Unlawful Signs, Removal, and Indemnification:

A. Compliance with Code: All signs shall be maintained in good structural condition, in compliance with the appropriate detailed provisions of the building code relating to design, structural members, and connections. Signs shall also comply with the provisions of the national electrical code and additional construction standards hereinafter set forth in this section.

B. Abandoned Signs: Any sign, including all structural, support and other componential elements, which is located on a property, premises or structure which:

1. Becomes vacant and unoccupied for a period of one hundred eighty (180) days or more,
2. Pertains to a time, event or purpose which no longer applies, or
3. Pertains to an occupant or business different from the resident occupant or business

shall be deemed to have been abandoned. Abandoned signs shall be removed according to the provisions of this section.

C. Dangerous or Defective Signs: No person shall maintain or permit to be maintained on any premises owned or controlled by him, any sign which is in a dangerous or defective condition. Dangerous or defective signs shall be removed in accordance with this section.

D. Unlawful Signs:

1. Any sign displayed, erected, installed, suspended, attached, moved, enlarged, replaced, converted or altered after the effective date hereof, which does not comply with the provisions of this title, shall be deemed unlawful. Any work in progress on such sign shall be ordered by the planning commission or designee to cease immediately and said sign shall be removed in accordance with the provisions of this section.

2. Signs which are not in compliance with this chapter and are therefore considered unlawful according to this section and which continue to be in noncompliance according to the provisions of these sign regulations, shall be deemed unlawful, and shall be removed according to the provisions of this section.

E. Removal Of Signs: The planning commission or designee shall cause to be removed any sign not in compliance with safety or maintenance standards, abandoned signs, dangerous or defective signs, or unlawful signs. The planning commission or

designee shall prepare a notice which shall describe the sign and specify the violation involved and which shall state that if the sign is not removed or the violation is not corrected within fifteen (15) days, the sign shall be removed in accordance with the provisions of this section.

1. Notices: All notices shall be mailed by certified mail to the owner of the property on which the sign is located, the owner of the sign and the occupant of the property. If any such person is unknown or cannot be found, notice shall be mailed to such person's last known address, if any, and shall be posted on said sign or on the premises.

2. Time Periods: Any time periods provided in this section shall be deemed to commence on the date of the certified mailing. If more than one notice is sent by certified mail, the date of the first notice mailed shall apply. Signs may be required to be removed as a condition of a conditional use permit without further notice.

3. Appeal: The sign owner or property owner on whose property the sign is located may appeal the determination ordering removal or compliance by filing a written notice of appeal with the planning commission within fifteen (15) days after mailing of the notice pursuant to this chapter.

4. Emergency Abatement: Notwithstanding the above, in cases of emergency, the planning commission or designee may cause the immediate removal of a dangerous or defective sign without notice.

10:21:10 Disposal of Signs:

A. Authority: Any sign removed by abatement by the planning commission or designee pursuant to the provisions of this chapter shall become the property of the town and may be disposed of in any manner deemed appropriate by the town. The cost of removal and disposal shall be considered a debt owed to the town by the owner of the sign and the owner of the property, and may be recovered in an appropriate court action by the town. The cost of removal and disposal shall include all incidental expenses incurred by the town in connection with the sign removal and disposal.

B. Emergency Removal: When it is determined by the planning commission or designee that said sign would cause an imminent danger to the public safety, and contact cannot be made with the sign owner or property owner, no written notice shall have to be served. In this emergency, the planning commission or designee may correct the danger, all costs being charged to the sign owner and property owner.

C. Sale of Signs: If it shall be necessary for the planning commission or designee to remove a sign pursuant to the provisions hereof, and it should be practical to sell or salvage any material derived in the aforesaid removal, the planning commission may sell the same at private or public sale at the best price obtainable, and shall keep an account of the proceeds thereof. Such proceeds, if any, shall be used to offset the

costs of removal to be charged to the sign owner or property owner. The town may file suit in court to collect any excess over such proceeds and the cost of such removal shall be levied as an assessment against the property on which the sign is located.

10:21:11 Area and Height Computation:

The following principles shall control the computation of sign area and sign height:

- A. Single Faced Signs: The area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.
- B. Multifaced Signs: The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two (2) identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than twenty four inches (24") apart, the sign area shall be computed by the measurement of one of the faces.
- C. Height: The height of a sign shall be computed as the distance from the base of the sign 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 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 lower.

- D. Maximum Total Permitted Sign Area For Zone Lot: The permitted sum of the area of all individual signs on a zone lot shall be computed by applying the formulas provided in this chapter to the lot frontage, building frontage, or wall area, as appropriate, for the zoning district in which the lot is located. Lots fronting on two (2) or more streets are allowed the permitted sign area for each street frontage. However, the total sign area that is oriented toward a particular street may not exceed the

portion of the lot's total sign area allocation that is derived from the lot, building, or wall area frontage on that street.

10:21:12 Sign Standards table for Residential, Industrial and Commercial

Sign Type	Residential Zones	Size And Number Allowable	Industrial And Commercial Zones	Size And Number Allowable
Animated	Prohibited	X	Conditional use permit (commercial zones only)	Conditional use permit
Permitted (industrial zone only)	Contact city for size and number			
Banner	Allowed	5 percent wall area 1 per building	Allowed	5 percent wall area 1 per building 12 foot clearance
Beacon	Prohibited	X	Prohibited	X
Billboard	Prohibited	X	Prohibited	X
Building marker	Allowed	4 square feet	Allowed (industrial zone only)	4 square feet
Permitted (commercial zones only)	Contact city for size and number			
Canopy	Prohibited	X	Permitted	25 percent of vertical surface of canopy 12 foot clearance
Changeable copy	Prohibited	X	Permitted	64 square feet
Flag	Allowed	16 foot clearance 18 foot height	Allowed	16 foot clearance 18 foot height
Freestanding	Permitted	32 square feet	Permitted	64 square feet 25 foot height

		5 foot height 10 foot setback		10 foot setback
Identification	Allowed	5 percent total wall area	Allowed	20 percent total wall area
Incidental Marquee	Allowed Prohibited	6 square feet X	Allowed Conditional use permit (commercial zones only)	64 square feet Conditional use permit
Permitted (industrial zone only)	Contact city for size and number			
Pennant	Prohibited	X	Allowed	2 per building 12 foot clearance
Portable	Permitted	20 square feet	Allowed	20 square feet
Projecting	Prohibited	X	Permitted	40 square feet 12 foot clearance
Residential	Allowed	20 square feet	Allowed	20 square feet
Roof	Prohibited	X	Permitted	40 square feet 1 per principal building
Roof/integral	X	X	Permitted	40 square feet 2 per principal building
Suspended	Prohibited	X	Permitted	20 percent total wall area 1 per entrance 12 foot clearance
Temporary	Allowed	32 square feet	Allowed	32 square feet per 50 foot frontage
Time/temperature	X	X	Conditional use permit (commercial	Conditional use permit

zones only)

Permitted (industrial zone only)	Contact city for size and number			
Wall	Allowed	1 per building	Allowed	20 percent total wall area
Window, permanent	Allowed	20 percent total area	Allowed	20 percent total area
Window, temporary	Allowed	1 per building 20 percent total area	Allowed	No limitation

Notes:

1. Total Signage:

a. **Residential Zone:** Total area of all signs, except building markers and flags, shall not exceed 64 total square feet.

b. **Commercial Zone:** Total area of all signs, except building markers and flags, not to exceed 300 total square feet; and should be less than 10 percent of ground floor area.

c. **Industrial Zone:** The total area of all signs, except building markers and flags, shall not exceed 300 square feet. The total sign area shall not exceed 10 percent of ground floor area of the principal building.

2. **Typical Setback:** Typical setbacks in residential and commercial zones shall be 10 feet unless otherwise specified.

3. **Sign Location In Intersections:** Signs shall be located such that there is at every street intersection, a clear view between heights of 3 feet and 10 feet within a triangular area formed by the corner and points on the curb 30 feet from the intersection or entranceway.

4. **Lots Fronting Two Or More Streets:** Lots fronting on 2 or more streets are allowed the permitted signage for each street frontage, but signage cannot be accumulated and used on 1 street in excess of that allowed for lots with only 1 street frontage.

5. **Total Wall Area:** Total wall area shall be computed without using window area.

10:21:13 Nonconforming Signs:

Except as otherwise provided herein, the owner of any zone lot or other premises on which exists a sign that does not conform with the requirements of this chapter or for which there is no current and valid sign permit shall be obligated to remove such sign or, in the case of a nonconforming sign, to bring into conformity with the requirements of this chapter.

A. Signs Existing On Effective Date: For any sign existing in the city on the effective date hereof, an application for a sign permit must be submitted to the building inspector before the expiration of six (6) months from the effective date hereof. For any sign on property annexed later, applications for sign permits shall be submitted within six (6) months of the effective date of the annexation or within such period as may be established in an annexation agreement between the city and the landowner. Signs that are the subject of applications received after the applicable date set forth in this section shall be subject to all of the terms and conditions of this chapter and shall not be entitled to the protection of this chapter.

B. Nonconforming Existing Signs; Permits and Terms:

1. Permit Issued: A sign that would be permitted under this chapter only with a sign permit, but which was in existence on the effective date hereof or a later date when the property is annexed to the city, and which was constructed in accordance with the ordinances and other applicable laws in effect on the date of its construction, but which by reason of its size, height, location, design or construction is not in conformance with the requirements of this chapter, shall be issued a nonconforming sign permit if an application in accordance with subsection A of this section is filed within six (6) months of the above date or within six (6) months of property annexation.

2. Term: Such permit shall allow the signs subject to such permit, which were made nonconforming by the adoption of this chapter, to remain in place and be maintained for a period ending no later than five (5) years; provided, that no action is taken which increases the degree or extent of the nonconformity. Such signs are also subject to the provisions of subsection B4 of this section. A change in the information on the face of an existing nonconforming sign is allowed; however, any nonconforming sign shall either be eliminated or made to conform with the requirements of this section when any proposed change, repair or maintenance would constitute an expense of more than twenty five percent (25%) of the lesser of the original value or replacement value of the sign.

3. Lapse of Nonconforming Sign Permit: A nonconforming sign permit shall lapse and become void under the same circumstances as those under which any other sign permit may lapse and become void.

4. Sign Removal Required: A sign that was constructed, painted, installed or maintained in conformance with a permit under this chapter, but for which the permit has lapsed or for which the time allowed for the continuance of a nonconforming sign has expired, shall immediately be removed by the property owner, including the supporting structure, upon the city's request.

10:21:14 Violations and Remedies:

- A. Specified Violations: Any of the following shall be a violation of this chapter and shall be subject to the enforcement remedies and penalties provided by this chapter, by this zoning title and by state law:
1. To install, create, erect or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zone lot on which the sign is located;
 2. To install, create, erect, or maintain any sign requiring a permit without such permit;
 3. To fail to remove any sign that is installed, created, erected or maintained in violation of this chapter, or for which the sign permit has lapsed; or
 4. To continue any such violation. Each such day of a continued violation shall be considered a separate violation when applying the penalty portions of this title.
- B. Separate Violation: Each sign installed, created, erected, or maintained in violation of this chapter shall be considered a separate violation when applying the penalty portions of this title.
- C. Specified Remedies For Enforcement: Any violation of this chapter or of any condition or requirement adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceedings pursuant to state law. A violation of this chapter shall be considered a violation of this zoning title. The remedies of the city shall include the following:
1. Issuing a stop work order for any work on any signs on the same zone lot;
 2. Seeking an injunction or other order of restraint or abatement that requires the removal of the sign or the correction of the nonconformity;
 3. Imposing any penalties that can be imposed directly by the city under this zoning title;
 4. Seeking in court the imposition of any penalties that can be imposed by such court under this zoning title; and

5. In the case of a sign that poses an immediate danger to the public health or safety, taking such measures as are available to the city under the applicable provisions of this zoning title and building code for such circumstances;

6. Reimbursement of enforcement costs from the property owner, including attorney fees; and

7. The city shall have such other remedies as are and as may from time to time be provided for or allowed by state law for the violation of this zoning title.

D. Cumulative Remedies: All such remedies provided herein shall be cumulative. To the extent that state law may limit the availability of a particular remedy set forth herein for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation.

10:21:15 Signs Permitted in the Industrial Zone:

A. Permitted signs:

1. Freestanding signs allowed:

a. Residential freestanding signs are allowed in the industrial zone with a permit, provided that the residential type sign shall contain no commercial message with the exception of a commercial message drawing attention to a legal matter related to the residence.

b. Incidental signs are allowed without a permit.

c. Any other type of freestanding sign is allowed in the industrial zone only with a permit.

d. Number, dimensions and location of freestanding signs provided in the table in section 20:21:16 of this chapter.

2. Wall mounted signs:

a. Banners are allowed only with a permit, one per building, provided:

(1) Vertical clearance from sidewalk or private drive or parking shall be twelve feet (12');

b. Building markers are allowed without a permit, one per building, provided the building marker may include only the building name, date of construction or

historical data on historic site; and must be cut or etched into masonry, bronze or similar material.

c. Canopy signs are allowed with a permit, one per building, provided:

(1) Vertical clearance from sidewalk or private drive or parking shall be twelve feet (12');

(2) Vertical clearance from public streets shall be twelve feet (12').

d. Identification signs are allowed without a permit, one per building.

e. Incidental signs are allowed without a permit.

f. Pennant signs are allowed without a permit, two (2) per building, provided:

(1) Vertical clearance from sidewalk or private drive or parking shall be twelve feet (12') to sixteen feet (16');

(2) Vertical clearance from public streets shall be twelve feet (12').

g. Projecting signs are allowed only with a permit, one per building, provided:

(1) Vertical clearance from sidewalk or private drive or parking shall be twelve feet (12');

(2) Vertical clearance from public streets shall be twelve feet (12').

h. Roof signs are allowed only with a permit, one per principal building.

i. Roof integral signs are allowed only with a permit, two (2) per principal building.

j. Suspended signs are allowed only with a permit, one per entrance, provided vertical clearance from sidewalk or private drive or parking shall be twelve feet (12').

k. Temporary signs are allowed only with a permit, as provided in section 10:21:8 of this chapter.

l. Wall signs are allowed only with a permit.

m. Window signs are allowed only with a permit.

n. Number, dimensions and location of wall mounted signs as provided in the table in section 10:21:16 Of this chapter.

3. Miscellaneous signs:

a. Flags are permitted without a permit, provided that the requirements of this section, subsection 10:21:7 of this chapter and the table in section 10:21:16 of this chapter are met.

b. Number, dimensions and location of miscellaneous signs as provided in the table in section 10:21:16 of this chapter.

c. Banners are allowed only with a permit, provided:

(1) Vertical clearance from sidewalk or private drive or parking shall be twelve feet (12');

(2) Vertical clearance from public streets shall be sixteen feet (16') with a maximum height of not more than eighteen feet (18').

B. Sign characteristics in the industrial zone:

1. Animated, changeable copy, and illumination with exposed bulbs or neon is prohibited.

2. Signs with internal illumination and external illumination are permitted.

C. Prohibited signs in the industrial zone:

1. Portable signs.

D. Total sign area in the industrial zone:

1. The total area of all signs, except building markers and flags, shall not exceed two hundred (200) square feet.

2. The total sign area shall not exceed two percent (2%) of ground floor area of the principal building.

10:21:16 Sign Standards Table for Residential and Commercial Zones:

Sign Type	Residential Zone	Size And Number Allowable	Commercial Zone	Size And Number Allowable
Animated	Prohibited	X	Conditional use permit	Conditional use permit

Banner	Allowed	5 percent wall area 1 per building	Allowed	5 percent wall area 1 per building 12 foot clearance
Beacon	Prohibited	X	Prohibited	X
Billboard	Prohibited	X	Prohibited	X
Building marker	Allowed	4 square feet	Allowed	4 square feet
Canopy	Prohibited	X	Permitted	25 percent of vertical surface of canopy; 12 foot clearance
Changeable copy	Prohibited	X	Permitted	64 square feet
Flag	Allowed	16 foot clearance 18 foot height	Allowed	16 foot clearance 18 foot height
Freestanding	Permitted	32 square feet, 5 foot height 10 foot setback	Permitted	64 square feet 25 foot height 10 foot setback
Identification	Allowed	5 percent total wall area	Allowed	20 percent total wall area
Incidental	Allowed	6 square feet	Allowed	64 square feet
Marquee	Prohibited	X	Conditional use permit	Conditional use permit
Pennant	Prohibited	X	Allowed	2 per building 12 foot clearance
Portable	Permitted	20 square feet	Allowed	20 square feet
Projecting	Prohibited	X	Permitted	40 square feet 12 foot clearance
Residential	Allowed	20 square feet	Allowed	20 square feet
Roof	Prohibited	X	Permitted	40 square feet 1/principal building
Roof/integral	Prohibited	X	Permitted	40 square feet 2/principal

Suspended	Prohibited	X	Permitted	building 20 percent total wall area 1/entrance 12 foot clearance
Temporary	Allowed	32 square feet	Allowed	32 square feet/50 foot frontage
Wall	Allowed	1 per building	Allowed	20 percent total wall area
Window, permanent	Allowed	20 percent total area	Allowed	20 percent total area
Window, temporary	Allowed	1 per building 20 percent total area	Allowed	No limitation
Total Signage	64 square feet	Less than 10 percent of ground floor area not to exceed 300 square feet except building markers/flags		

Notes:

Signs shall be located such that there is at every street intersection, a clear view between heights of 3 feet and 10 feet within a triangular area formed by the corner and points on the curb 30 feet from the intersection or entranceway.

Lots fronting on 2 or more streets are allowed the permitted signage for each street frontage, but signage cannot be accumulated and used on 1 street in excess of that allowed for lots with only 1 street frontage.

Total wall area shall be computed without using window area.

10:21:17 Sign Standards Table for Visual Corridor and Industrial Zones:

	Visual Corridor	Industrial
Freestanding:		
Area	36 square feet	80 square feet
Height	12 feet	12 feet
Setback	10 feet	10 feet

	Number permitted per feet of street frontage	1 per 100	1 per 200
Building:			
Banner		5 percent of wall area	5 percent of wall area
Building marker		4 square feet	4 square feet
Canopy		25 percent of vertical surface of canopy	25 percent of vertical surface of canopy
Identification		10 percent total wall area	5 percent total wall area
Marquee		10 percent total wall area	5 percent total wall area
Projecting		36 square feet	40 square feet
Roof		36 square feet	40 square feet
Roof integral		36 square feet	40 square feet
Suspended		10 percent total wall area	5 percent total wall area
Temporary		8 square feet	8 square feet
Wall		10 percent total wall area	5 percent total wall area
Window		20 percent total area	20 percent total area
Miscellaneous:			
Flag		36 square feet	60 square feet
Portable		20 square feet	20 square feet

Except as otherwise provided herein, the owner of any zone lot or other premises on which exists a sign that does not conform with the requirements of this chapter or for which there is no current and valid sign permit shall be obligated to remove such sign or, in the case of a nonconforming sign, to bring into conformity with the requirements of this chapter.

- A. Signs Existing On Effective Date: For any sign existing in the city on the effective date hereof, an application for a sign permit must be submitted to the building inspector before the expiration of six (6) months from the effective date hereof. For

any sign on property annexed later, applications for sign permits shall be submitted within six (6) months of the effective date of the annexation or within such period as may be established in an annexation agreement between the city and the landowner. Signs that are the subject of applications received after the applicable date set forth in this section shall be subject to all of the terms and conditions of this chapter and shall not be entitled to the protection of this chapter.

B. Nonconforming Existing Signs; Permits And Terms:

1. Permit Issued: A sign that would be permitted under this chapter only with a sign permit, but which was in existence on the effective date hereof or a later date when the property is annexed to the city, and which was constructed in accordance with the ordinances and other applicable laws in effect on the date of its construction, but which by reason of its size, height, location, design or construction is not in conformance with the requirements of this chapter, shall be issued a nonconforming sign permit if an application in accordance with subsection A of this section is filed within six (6) months of the above date or within six (6) months of property annexation.

2. Term: Such permit shall allow the signs subject to such permit, which were made nonconforming by the adoption of this chapter, to remain in place and be maintained for a period ending no later than five (5) years; provided, that no action is taken which increases the degree or extent of the nonconformity. Such signs are also subject to the provisions of subsection B4 of this section. A change in the information on the face of an existing nonconforming sign is allowed; however, any nonconforming sign shall either be eliminated or made to conform with the requirements of this section when any proposed change, repair or maintenance would constitute an expense of more than twenty five percent (25%) of the lesser of the original value or replacement value of the sign.

3. Lapse Of Nonconforming Sign Permit: A nonconforming sign permit shall lapse and become void under the same circumstances as those under which any other sign permit may lapse and become void.

4. Sign Removal Required: A sign that was constructed, painted, installed or maintained in conformance with a permit under this chapter, but for which the permit has lapsed or for which the time allowed for the continuance of a nonconforming sign has expired, shall immediately be removed by the property owner, including the supporting structure, upon the city's request.