

Introduced: February 22, 2022  
Adopted:  
Effective:

**CITY OF CHARLOTTE**  
**ORDINANCE NO. 2022-01**

AN ORDINANCE TO AMEND CHAPTER 82 –  
ZONING ORDINANCE –OF THE CODE OF THE  
CITY OF CHARLOTTE BY AMENDING ARTICLE XXI  
SUPPLEMENTARY REGULATIONS, SECTION 82-  
461 SIGNS TO REVISE SIGN REGULATIONS.

Councilmember \_\_\_\_\_ moved that the following ordinance adopted,

THE CITY OF CHARLOTTE ORDAINS:

**SECTION 1. AMEND SIGN REGULATIONS.** Chapter 82, Article XXI, Section 82-461 Signs, subsections listed below shall hereby be amended by replacing the entirety as follows.

Section 82-461 Signs

(A) Purpose and Intent. The purpose and intent of these regulations is to foster public safety along public and private streets within the community by assuring that all signs are in safe and appropriate locations. Additionally, to promote the creation of an attractive visual environment that promotes a healthy economy by permitting businesses to inform, identify and communicate effectively; and directing the general public through the use of signs while maintaining attractive and harmonious application of signs on the buildings and sites.

Further, to protect and enhance the physical appearance of the community in a lawful manner that recognizes the rights of property owners by encouraging the appropriate design, scale and placement of signs.

Finally, to have administrative review procedures that are the minimum necessary to balance the community's objectives and regulatory requirements. The intent is to ensure consistent enforcement of the sign code; minimize the time required to review a sign application; and provide flexibility as to the number and placement of signs so the regulations are more responsive to business needs while maintaining the community's standards.

(B) Definitions. The following words and phrases used in this Section shall have the following meaning.

**Abandoned Sign.** A sign that no longer advertises or identifies a business establishment, product, use, or activity for a period of at least 180 consecutive days.

**Alteration.** Any change in copy, color, size or shape which changes the appearance of a sign, or a change in the position, location, construction, or supporting structure of a sign.

**Animated Sign.** A sign which has any visible moving part, flashing or osculating lights, visible mechanical movement of any description, or other apparent visible movement achieved by any means that alter the sign's appearance in a manner that is not permitted by these regulations.

**Area of Sign.** Refer to measurement standards in Section (J) Measurement Standards.

**Awning.** A shelter extending from the exterior wall of a building and composed of nonrigid materials except for the supporting framework.

**Awning Sign.** Any sign painted on or attached to or supported by an awning.

**Balloon Sign.** A sign on a balloon's surface or attached in any manner to the balloon.

**Banner Sign.** A temporary, lightweight sign not exceeding 50 sq feet that contains a message which is attached or imprinted on a flexible surface that deforms under light pressure and that is typically constructed of non-durable materials, including, but not limited to, cardboard, cloth, and/or plastic.

**Billboard or Poster Panel Sign.** An off-premises sign.

**Business Unit.** The space within a building occupied by an individual business. The business unit is equivalent to the tenant space in multi-tenant buildings.

**Business.** A company, enterprise, or similar organization designed to provide goods or services to consumers. A business may provide goods or services to the public or cliental on-site, such as with retail sales, or be involved in the administration, production, distribution or storage of goods to be provided at another location, such as with manufacturing. A business may include any commercial, office, institutional or industrial use.

**Canopy.** A freestanding permanent roof-like shelter not attached to or requiring support from an adjacent structure.

**Canopy Sign.** Any permanent sign attached to or constructed underneath a canopy. The signs are below a projecting structure that extends over the

pedestrian walkway which effectively prevents the wall signs from being visible to the pedestrian walking under the canopy. See also **Projecting Sign**.

**Changeable Copy Sign.** A sign or portion thereof on which the copy or symbols change manually through placement of letters or symbols on a panel mounted in or on a track system.

**Comprehensive Sign Plan (CSP).** A coordinated plan of all signs, including exempt and temporary signs for a business, or businesses, located on a development site. The sign plan shall include, but not be limited to, the locations, dimensions, colors, letter styles, and sign types of all signs to be installed on a site.

**Construction Sign.** A nonpermanent sign identifying the persons, firms or business directly connected with a construction project.

**Directional Sign.** A permanent instructional sign located on private property at or near the public right-of-way, directing or guiding vehicular traffic onto the property and/or toward parking or other identified locations on the property.

**Decorative Displays.** Signs or displays including lighting which are a nonpermanent installation celebrating national, state, and local holidays or holiday seasons, including religious holidays.

**Development Identification Sign.** A permanent freestanding sign located on private property at or near the entrance to the site where a group of stores in a shopping center or plaza has a common parking lot to serve all stores.

**Electronic Message Centers.** A portion of a freestanding or ground sign on which the copy or symbols change electronically, either through an automatic programming or other electronic means.

**Freestanding Sign.** Any sign which is permanently affixed in or upon the ground, supported by one or more structural members, with 12 inches or more of clearance between the bottom of the sign face and finished grade.

**Frontage, Primary.** The frontage of any business unit shall include the elevation(s) facing a public street, facing a primary parking area for the building or tenants, or containing the primary public entrance(s) to the building or business units.

**Frontage, Secondary.** The secondary frontage shall include those frontages containing secondary public entrances to the building or business units, and all building walls facing a public street or primary parking area that are not designated as the primary building frontage.

**Footcandle.** A measure of illumination on a surface that is one foot from a uniform source of light of one candle and equal to one lumen per square foot.

**Governmental Sign.** A sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, ordinance or other governmental regulation.

**Grade.** The level of the site at the property line located at the closest distance to the sign.

**Ground Sign.** Any sign which is permanently affixed in or upon the ground, supported by one or more structural elements with less than 12 inches of clearance between the bottom of the sign face and finished grade.

**Historical Sign.** Signs or displays which have historical value to the community as designated by the Planning Commission.

**Illuminated Sign.** Any sign for which an artificial source of light is used in order to make the sign's message readable, including internally and externally lit signs, and reflectorized, glowing or radiating signs.

**Institutional Signs.** A ground sign located on a property being used for an institutional purpose, such as a church, school, or governmental office.

**Logo, Logogram, or Logotype.** An emblem, letter, character, pictograph, trademark, or symbol used to represent any firm, organization, entity, or product.

**Mural.** A picture which is painted or otherwise applied directly onto an exterior surface of a structure. A mural is a sign only if it is related by language, logo, or pictorial depiction to the advertisement of any product or service or the identification of any business.

**Nonconforming Sign.** A sign which was validly installed under laws or ordinances in effect at the time of its installation, but which is in conflict with the current provisions of this Code.

**Off-Premises Sign.** Any sign normally used for promoting an interest other than that of a business, individual, products, or service available on the premises where the sign is located.

**On-Premises Sign.** Any sign used for promoting a business, individual, product or service available on the premises where the sign is located.

**Political and Noncommercial Signs.** A temporary sign designed for the purpose of supporting or opposing a candidate, proposition or other measure at an election or for any other noncommercial expression not related to the advertisement of any product or service or the identification of any business.

**Portable Sign.** Any movable sign not permanently attached to the ground or a building which is easily moved or removed using ordinary hand tools.

**Private Street.** Primary access ways that are intended to provide vehicular access to multiple commercial businesses and/or ownerships and are not dedicated as a public thoroughfare.

**Projecting Sign.** A sign which projects from and is supported by a wall or parapet of a building more than 12 inches, with the display surface of the sign in a plane perpendicular to or approximately perpendicular to the wall. See also **Canopy Sign**.

**Real Estate Sign.** Any temporary sign pertaining to the sale, exchange, lease, rental, or availability of land, buildings, condominium and similar units, or apartments.

**Restaurant Menu Sign.** Any reader board sign for outside display at a restaurant drive-thru or similar.

**Revolving or Rotating Sign.** See “animated sign”.

**Roof Sign.** Any sign erected upon a roof, parapet, or roof-mounted equipment structure and extending above a roof, parapet, or roof-mounted equipment structure of a building or structure.

**Sidewalk Sign.** A temporary sign intended to display messages of a transitory or temporary nature that is placed on the pedestrian walkway.

**Sign.** Any device, structure, fixture, figure, banner, pennant, flag, balloon, poster, handbill, flier, painting, streamer, placard, or similar object consisting of written copy, symbols, logos and/or graphics, designed for the purpose of identifying or bringing attention to an establishment, product, goods, services, or other message to the general public. This definition of sign shall not include any architectural or landscape features that may also attract attention.

**Sign Face.** An exterior display surface of a sign including non-structural trim exclusive of the supporting structure.

**Site.** All the contiguous ground area legally assembled into one development location which is a zoning lot. A zoning lot is defined as a permanent parcel (lot of record), multiple lots of record, or a portion of a lot of record.

**Subdivision Sign.** A ground sign located at the entrance of a residential subdivision and is affiliated with all the properties or residence within the development.

**Temporary Sign.** A sign that due to the materials, sign structure, construction, and similar is intended for temporary use and display. Any sign or sign structure that is not permanently embedded in the ground or or not permanently affixed to a building is considered a temporary sign.

**Unlawful Sign.** Any sign placed without proper approval or permits as required by this Code at the time of sign placement, or any sign placed contrary to the terms or time limits of any permit and any applicable provisions of this Code.

**Vehicle Sign.** Any sign permanently or temporarily attached to or placed on a vehicle or trailer.

**Wall Sign.** Any sign attached to the wall of a building or structure in a plane parallel or approximately parallel to the plane of said wall and does not project more than 12in from the wall. A sign that is painted or applied directly onto the wall of a structure is considered a wall sign.

**Window, Area of.** The area of a single window includes all the window panes in an area that is separated by mullions, muntins, or other dividers which are less than 3 inches wide.

**Window Sign.** Any sign viewable through and/or affixed in any manner to a window or exterior glass door such that it is intended to be viewable from the exterior beyond the sidewalk immediately adjacent to the window.

(C) General Standards. The following standards shall apply to all signs in any Zone District.

1. **Requirement for Permit.** Except as expressly provided herein, it is unlawful for any person to erect, re-erect, alter or relocate any sign without obtaining zoning approval from the Zoning Administrator or Planning Commission when applicable, issuance of a sign permit as required by the Building Official, and payment of any applicable fees.
2. **Changeable copy** by non-electronic means may be utilized on any permitted sign.
3. **Location Requirements.**
  - a. No sign shall be located in, project into, or overhang a public right-of-way or dedicated public easement without permission from the governmental unit controlling the right-of-way or easement except for a permitted Projecting Sign or Canopy Sign.
  - b. No sign shall be placed in a location that obstructs the view of traffic or

pedestrians on streets or sidewalks, or the view of persons entering or exiting the premises. Signs shall not be permitted where they obstruct a motorist's view of regulatory signs, traffic control devices, or street signs.

c. In order to ensure adequate sight distance, a minimum clear vision area shall be maintained in accordance with Section 82-463. Greater clear vision areas may be required by the Michigan Department of Transportation or the Eaton County Road Commission in areas subject to their jurisdiction.

**4. Specific Dimensional Standards.** The dimensional standards and regulations for sign types allowable by Zone Districts are as follows:

<b>Allowable Signs in Zone Districts: R-1, R-2, R-T (Single and Two-Family Residential)</b>					
<b>Sign Type</b>	<b>Number</b>	<b>Area</b>	<b>Height</b>	<b>Duration</b>	<b>Illumination</b>
Wall Sign	One per dwelling unit	maximum 3 sq ft	minimum clearance of 8 feet above grade where abutting sidewalk	permanent	Not permitted
Institutional Sign	one per frontage	maximum 18 square feet. Increase to 32 sq ft if located along state trunk line or major street	5 feet	permanent	permitted in accordance with provisions of Section F
Subdivision Sign	one per entrance	Maximum 32 square feet	5 feet	permanent	permitted in accordance with provisions of Section F
Temporary Sign	one per frontage	maximum 6 sq ft	5 feet	maximum of 120 days, no more than 4 displays per calendar year.	not permitted

Construction Sign	one per project	4.5 sq feet	36 inches	Permitted to be installed 7 days prior to construction and must be removed 7 days after completion or occupancy permit issued	Not permitted
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Allowable Signs in Zone Districts: RM-1, RM-2, and MH (Multi-Family Residential and Mobile Home)					
Sign Type	Number	Sign Area	Height	Duration	Illumination
Wall Sign	One per building and one per Management office	maximum 6 sq ft per sign	minimum clearance of 8 feet above grade where abutting sidewalk	permanent	not permitted
Institutional Sign	one per frontage	maximum 18 square feet. Increase to 32 sq ft if located along state trunk line or major street	5 feet	permanent	permitted in accordance with provisions of Section F
Subdivision	one per entrance	Maximum 32 square feet, reduced to maximum 10 sq ft when abutting single family use	5 feet	Permanent	permitted in accordance with provisions of Section F



		or zone district R-1, R-2, R-T.			
Temporary Sign	one per site	maximum 6 sq ft	5 feet	Limited to a maximum of 120 days, no more than 4 displays per calendar year.	not permitted
Construction Sign	one per project	4.5 sq feet	36 inches	Permitted to be installed 7 days prior to construction and must be removed 7 days after completion or occupancy permit issued	Not permitted
Comprehensive Sign Plan allowable as permitted by the Planning Commission					

Allowable Signs in Zone District: CBD (Central Business District)					
Type	Number	Area	Height	Duration	Illumination
Wall Sign	Subject to limitations of Subsection (E) Sign Type Standards	<u>Primary Frontage:</u> maximum 80% of length of tenant space or building frontage  <u>Secondary Frontage:</u> maximum 80% of length of tenant space or building frontage	minimum clearance of 8 feet above grade	permanent	permitted in accordance with provisions of Section

Projecting Sign	Unlimited, provided adjacent projecting signs shall not be closer than fifteen (15) feet.	Maximum area of eight (8) square feet	Minimum clearance of 8 feet above grade; maximum height of 12 feet above sidewalk or grade; maximum projection 6ft from wall	Permanent	permitted in accordance with provisions of Section
Awning or Canopy signs	Unlimited, provided adjacent awning or canopy signs shall not be closer than ten (10) feet.	maximum area of two (2) square feet	minimum clearance of eight (8) feet above the sidewalk	Permanent	permitted in accordance with provisions of Section
Freestanding or ground sign, including Institutional Signs	one per frontage upon approval by the Planning Commission	32 sq ft	Ground - 5 ft; Freestanding - 20 ft; minimum clearance 8 ft; all must	permanent	Permitted in accordance with provisions of Section
Temporary Sign	One to four	one up to 32 sq ft per parcel; 4 per business up to 8 sq ft		Maximum 14 days, limit of 6 displays per calendar year	

Window Sign	Subject to limitations of subsection (E) Sign Type Standards
Comprehensive Sign Plan allowable as permitted by the Planning Commission	

Allowable Signs in Zone Districts: B-1, OS-1, and MX-1 (Neighborhood Business, Office, and Mixed Use)						
Type	Number	Area	Height	Location	Duration	Illumination
Wall Sign	One per each business unit occupying the building	maximum 100 sq ft or 10% of the front wall area, whichever is less	minimum clearance 8 ft above grade where abutting sidewalk; cannot project beyond highest point of roof or parapet	n/a	Permanent	Permitted in accordance with Section F
Institutional Sign	one per frontage	maximum 32 sq ft	5 feet	Minimum 20 feet from adjacent residential district	permanent	Permitted in accordance with Section F
Ground Sign	one per frontage	Maximum 32 sq ft	5 feet	20 feet from adjacent residential district	permanent	Permitted in accordance with Section F
Freestanding Sign	one per frontage	maximum 64 sq ft	20 feet height;	Minimum	permanent	Permitted in accordance

			minimum clearance 8 ft above grade	100 feet from adjacent residential district		with Section F
Temporary Sign	one to four	one up to 32 sq ft per parcel; 4 per business up to 8 sq ft		Cannot be located on utility poles, street signs, trees, etc	Maximum 14 consecutive days, limit of 6 displays per calendar year	not permitted
Restaurant Menu Sign	two per drive	100 sq ft	96 inches	n/a	permanent	Permitted in accordance with Section F
Window Sign	Subject to limitations of subsection (E) Sign Type Standards					
Comprehensive Sign Plan allowable as permitted by the Planning Commission						

Allowable Signs in Zone Districts: B-2 and B-3 (Business/Commercial)						
Type	Number	Area	Height	Location	Duration	Illumination
Wall Sign, Canopy Sign, or Awning Sign	One per each business unit occupying the building	maximum 100 sq ft or 10% of the front wall area, whichever is less	minimum clearance 8 ft above grade where abutting sidewalk; cannot project beyond highest	n/a	Permanent	Permitted in accordance with Section F

			point of roof or parapet			
Institutional Sign	one per frontage	maximum 32 sq ft	5 feet	Minimum 20 feet from adjacent residential district	permanent	Permitted in accordance with Section F
Ground Sign	one per frontage	maximum 32 sq ft	5 feet	Minimum 100 feet from adjacent residential district	permanent	Permitted in accordance with Section F
Freestanding Sign	one per frontage	maximum 100 sq ft	20 feet height; minimum clearance 8 ft above grade	Minimum 100 feet from adjacent residential district	permanent	Permitted in accordance with Section F
Development Identification Sign	One per shopping center/plaza	150 sq ft	20 feet height; minimum clearance 8 ft above grade	Minimum 100 feet from adjacent residential district	permanent	Permitted in accordance with Section F
Temporary Sign	one to four	one up to 32 sq ft per parcel; 4 per business up to 8 sq		Cannot be located on utility poles, street	Maximum 14 consecutive days, limit of 6 displays	not permitted

		ft		signs, trees, etc	per calendar year	
Restaurant Menu Sign	two per drive	100 sq ft	96 inches	n/a	permanen t	Permitted in accordance with Section F
Window Sign	Subject to limitations of subsection (E) Sign Type Standards					
Comprehensive Sign Plan allowable as permitted by the Planning Commission						

Allowable Signs in Zone Districts: IRO, I-1, I-2 (Industrial)					
Type	Number	Area	Height	Duration	Illumination
Wall Sign	One per each business unit occupying building	maximum 100 sq ft or 10% of the front wall area, whichever is less	minimu m clearan ce 8ft where abutting sidewal k	permanen t	Permitted in accordance with Section F
Ground Sign One per	frontage	80 sq ft	8 feet	permanen t	Permitted in accordance with Section F
Temporary Sign	one to four	one up to 32 sq ft per parcel; 4 per business up to 8 sq ft	n/a	Maximu m 14 consecu tive days, limit of 6 displays per calendar year	Not permitted

<b>Allowable Signs in Zone Districts: PDD (Planned Development District)</b>					
<b>Type</b>	<b>Number</b>	<b>Area</b>	<b>Height</b>	<b>Duration</b>	<b>Illumination</b>
Comprehensive Sign Plan Required	Signs permitted as granted by the Planning Commission in the required Comprehensive Sign Plan.				

(E) Sign Type Standards. The following standards for specific sign types shall apply in addition to the other applicable standards of this ordinance.

1. Wall Signs

- a. Any wall sign or combined length of signs shall not be greater than eighty percent (80%) of the length of the tenant space or the length of the building frontage for single tenant buildings.
- b. The area of any wall sign may be increased by twenty-five percent (25%) when the building is setback at least two hundred (200) feet from the public right-of-way and may be further increased an additional twenty-five percent (25%) for each additional two-hundred (200) feet of setback, up to a maximum increase of one-hundred percent (100%).
- c. Additional wall sign area is permitted for a secondary frontage (see Section B - Definitions) which shall be equal to 100% of the primary sign area allowance.
- d. Additional Wall Signs for Multiple Story Buildings. An additional building sign is permitted on each of the building's primary and secondary frontages according to the following:
  - i. For a building with two (2) floors the additional permitted sign area is 100% of area for each eligible wall.
  - ii. This additional permitted sign area may be increased by 50% in area for each additional building floor.
  - iii. The sign must be placed at the height for which the bonus has been granted.

2. Freestanding or Ground Signs

- a. One additional freestanding or ground sign shall be permitted for every 100 feet of site frontage in excess of 200 feet of lot frontage.
- b. The permitted sign area may be aggregated into fewer and larger signs, at the election of the property owner/ business, provided that the size of any single sign does not exceed the area permitted by more than 100%.
- c. Electronic Message Centers are permitted on a freestanding or ground sign

provided they meet the following requirements:

- i. Only one (1) electronic message center (EMC) is permitted per each street frontage.
- ii. EMC copy cannot change more often than once every 8 seconds and EMC cannot exceed 50% of the total sign area permitted on the site.
- iii. All EMCs are required to have automatic dimming capability that adjusts the brightness to the ambient light at all times of the day and night.
- iv. No single electronic message is permitted to be repeated by flashing more than once every sixteen (16) seconds.

### 3. Temporary Signs

1. Except as described in subparagraphs, (a) and (b), signs that meet the standards of this subsection shall comply with standards listed in C, General Standards, Section 4 Specific Dimensional Standards including, but not limited to, sign area, setback and height for the applicable Zone District.
  - (a) Sidewalk signs shall not exceed 2.5 feet by 3 feet in size and may only be permitted in the Central Business District provided they are located so as not to interfere with pedestrian passage or create a public safety hazard and must be removed at the close of the business day.
  - (b) Temporary signs in shopping centers, plazas or similar multi tenant sites shall be limited to spaces controlled by the tenant and may not be located in any common areas. Temporary signs in such sites are prohibited from being placed in the required front-yard setback.
2. Where an existing permanent sign exists, no single temporary sign on a site shall exceed 10% of the smaller of either the wall sign area or freestanding sign area. The total area of all temporary signs on a site shall not exceed 25% of the smaller of either the wall sign area or freestanding sign area already installed on the site.
3. Temporary signs affixed to the inside of a building's windows are exempt from the provisions of this subsection.
4. A banner sign shall not exceed 50 sq ft, and is permitted to be displayed not more than 15 consecutive days and not more than 6 times per calendar year.
5. Temporary signs are exempt from obtaining a permit prior to installation



but shall be required to be kept in good condition and shall be removed when required per ordinance.

(F) Illumination Standards. Sign illumination shall comply with all of the following requirements:

- (a) Signs shall be illuminated only by steady, stationary shielded light sources directed solely at the sign, or internal to it.
- (b) Use of glaring undiffused lights or bulbs shall be prohibited. Lights shall be shaded so as not to project onto adjoining properties or thoroughfares. (c) Sign illumination that could distract motorists or otherwise create a traffic hazard shall be prohibited.
- (d) Illumination by bare bulbs or flames is prohibited.
- (e) Underground wiring shall be required for all illuminated signs not attached to a building.
- (f) Electronic Message Centers may be permitted subject to Section E - Sign Type Standards

(G) Sign Review Procedures

- 1. Time limits—All sign applications shall be reviewed for compliance with these regulations within ten (10) business days from the time a completed application has been accepted by the zoning administrator.
- 2. All appeals and variances regarding the sign ordinance will be heard by the Planning Commission (see Section H).
- 3. A Comprehensive Sign Plan (CSP) may be submitted that permits consideration of unique conditions, flexibility and creativity. Such CSP is subject to approval by the Planning Commission who may permit additional signs and/or sign area based on the applicant's demonstration of unique characteristics of the design, building, and/or site and appropriate landscaping associated with the freestanding signs.. The approval of a CSP cannot impose more restrictive requirements than permitted by the basic standards. Once a CSP has been approved subsequent applications for specific signs on the site shall be approved administratively when the proposed sign is in compliance with the approved CSP.

(H) Construction and Safety Standards

The construction, erection, safety and maintenance of all signs shall comply with the adopted State Building Code and all of the following:

- 1. Construction and maintenance: Every sign shall be constructed and maintained in a manner consistent with the building, electrical, or other construction code provisions and maintained in good structural condition at all times. All signs shall be kept neatly painted, stained, sealed or preserved including all metal parts and supports.

2. Sign safety: All signs erected, constructed, reconstructed, altered or moved shall be constructed in such a manner and of such materials so that they shall be able to withstand wind pressure of at least twenty (20) pounds per square foot. All signs, including any cables, guy wires or supports shall have a minimum clearance of four (4) feet from any electric fixture, street light or other public utility pole or standard.

#### (I) Maintenance Standards

All signs shall be maintained in accordance with the following:

1. The property owner shall maintain signs in good repair and structurally sound, in compliance with applicable City standards or ordinances, and in compliance with any building code or property maintenance code requirements.
2. If the sign is deemed by the Zoning Administrator or designee to be in an unsafe condition, the owner of the business shall be immediately notified in writing, and shall respond to the City with a plan to correct the unsafe condition, remove the unsafe sign, or cause it to be removed within 30 days. If after 35 calendar days, the conditions have not been corrected through repair or removal, the sign shall be declared a public nuisance and the Zoning Administrator may cause the repair or removal of such sign, at the expense of the property owner or lessee. If the total costs are not paid in full within 60 days of the repairs or removal the amount owed shall be certified as an assessment against the property owner, and lien upon that property as prescribed for unpaid real estate taxes.
3. In cases of imminent emergency, the Zoning Administrator may cause the immediate removal of a dangerous or defective sign without notice.
4. Repair, relettering, or repainting may be done without a permit or without any payment of fees provided that all of the following conditions are met:
  - a. There is no alteration or remodeling to the structure or the mounting of the sign itself;
  - b. There is no enlargement or increase in any of the dimensions of the sign or its structure; and
  - c. The sign is accessory to a legally permitted, conditional, or nonconforming use.

(J) Measurement Standards For all sign types, the following standards are used to determine the size, area, height, and other dimensional standards.

1. Sign Area and Dimensions.
  - a. For a wall sign which is framed, outlined, painted or otherwise prepared and intended to provide a background for a sign display, the area and dimensions shall include the entire portion within such background or frame.
  - b. For a wall sign comprised of individual letters, figures or elements on a

wall or similar surface of the building or structure, the area and dimensions of the sign shall encompass a regular geometric shape (rectangle, circle, trapezoid, triangle, etc.), or a combination of regular geometric shapes, which form, or approximate, the perimeter of all elements in the display, the frame, and any applied background that is not part of the architecture of the building. When separate elements are organized to form a sign, but are separated by open space, the sign area and dimensions shall be calculated by determining the geometric form, or combination of forms, which comprises all of the display areas, including the space between different elements. Minor appendages to a particular regular shape, as determined by the zoning administrator, shall not be included in the total area of a sign.

- c. For a freestanding or ground sign, the sign area shall include the frame, if any, but shall not include:
  - i. A pole or other structural support unless such pole or structural support is internally illuminated or otherwise so designed to constitute a display device, or a part of a display device.
  - ii. Architectural features that are either part of the building or part of a freestanding structure, and not an integral part of the sign, and which may consist of landscaping, building or structural forms complementing the site in general.
- d. When two identical sign faces are placed back-to-back so that both faces cannot be viewed from any point at the same time, and are part of the same sign structure, the sign area shall be computed as the measurement of one of the two faces. When the sign has more than two display surfaces, the area of the sign shall be the area of largest display surfaces that are visible from any single direction.

## 2. Sign Height.

- a. The height of a ground sign or freestanding sign shall be measured from the base of the sign or supportive structure at its point of attachment to the ground, to the highest point of the sign. A freestanding or ground sign on a man-made base, including a graded earth mound, shall be measured from the grade of the nearest pavement or top of any pavement curb.
- b. Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other embellishments.

## 3. Length of Building Frontage

- i. The length of any primary or secondary building frontage shall be the sum of all wall lengths parallel, or nearly

parallel to such frontage.

- ii. For buildings with two or more frontages, the length of the wall and allowable sign area shall be calculated separately for each such building frontage.
- iii. The building frontage for a business unit shall be measured from the centerline of the walls defining the business unit.

#### (K) Exempt Signs

The following signs shall be exempt from regulation under this ordinance:

- 1. Any public purpose or public safety sign and any other notice or warning required by federal, state, or local law, regulation, or resolution, including directional signs.
  - 2. Works of art that do not include a commercial message, including murals.
  - 3. Decorative displays provided that the display does not exceed 75 days. 4.
- Flags of any country, state, municipality, university, college or school.
- 5. Building markers, such as historical designations or construction dates; house or building numbers or names.
  - 6. Historical signs shall not be considered an abandoned sign after review and designation by the Planning Commission following a public hearing as required per Section 82-33A Notice.
  - 7. Signs designed and installed so as to be visible only to patrons of an establishment when they are on the premises of the establishment.
  - 8. Instructional or “way-finding” signs installed by a federal, state, or local unit of government.
  - 9. Time and temperature signs.

#### (L) Prohibited Signs

The following signs are prohibited:

- 1. Abandoned signs, as defined in *Section (B) Definitions*.
- 2. Animated, flashing, rotating signs and festoons as defined in *Section (B) Definitions*, portable changeable copy signs, inflatable signs, tethered balloons,

pennants, flutter flags, searchlights, streamers, exposed light bulbs, strings of lights, and any clearly similar features, except those specifically exempt from regulation as decorative displays.

3. Roof signs, as defined in *Section (B) Definitions*.
4. Signs located on vacant or unused property except permitted billboards, including signs on vehicles when the vehicle is parked at a vacant or unused property.
5. Any sign containing any words, colors, lighting, or symbols that would cause confusion to pedestrian or vehicular traffic because of their resemblance to public safety traffic control or direction signals.
6. Signs located on trees, utility poles, public benches or any other form of public property or within any public right-of way unless explicitly permitted by these regulations.
7. Other signs or similar structures that raise concerns for public safety or welfare substantially similar to those listed above.

#### (F) Non-Conforming Signs

1. Non-conforming signs shall be maintained in good condition pursuant to regulations of Section H Construction and Safety Standards, and of Section I Maintenance Standards.
2. A non-conforming sign shall not be altered, modified or reconstructed except:
  - a. When such alteration, modification or reconstruction would bring such sign into conformity with these regulations;
  - b. Any alteration, modification or reconstruction shall be limited to the replacement of a sign panel, replacing individual letters and logos within the same area, or repainting a sign face. No changes to the structure, framing, erection or relocation of the sign are permitted unless such changes conform to subsection “a” above.
3. Restoration of Damage: If a sign or sign structure which is nonconforming is damaged by any means or in any manner to the extent that the cost of reconstruction or restoration exceeds one half (50%) the value of replacement of the sign or sign structure prior to the damaging occurrence, such structure may be reconstructed or restored only if its use conforms with the provisions of this Ordinance.
4. Repairs to Nonconforming Sign: Repair work may be done to nonbearing walls, fixtures, wiring or plumbing, provided that the structure is not enlarged, extended, moved or structurally altered.

5. Safety Repairs: Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition any structure or part thereof upon order by an official charged with protecting the public safety.

(H) Appeals and variances

The Planning Commission shall hear all appeals from an administrative decision or variance requests with regard to the sign regulations of Section 82-461 as follows:

1. Appeals may be made where an applicant has been aggrieved by a decision made by the Zoning Administrator or designee within 21 days of the decision being rendered. The applicant must submit a written appeal detailing the nature of the appeal. The Planning Commission may affirm, modify, or overturn the decision of the Zoning Administrator upon a hearing at a regular Planning Commission meeting in accordance with Section 82-59.
2. Variances may be granted from the regulations contained herein provided that the Planning Commission shall not permit signs in the right-of-way or in a location that has been determined to be a violation of required site distance or a public safety concern. Any request for a variance must be provided in writing and the hearing will follow the procedures of Section 82-59. A request for a variance shall be the minimum necessary to provide relief to the property owner and the approval for such request shall include the following:
  - a. Specific regulations the variance is requested from and relief sought; and
  - b. Practical difficulty or unique circumstances which necessitate the variance.

**SECTION 3. REPEALER.** Any bylaws, orders, resolutions, ordinances, or parts thereof, inconsistent with this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be constructed to revise any bylaw, order, resolution or ordinance or part thereof, heretofore repealed.

**SECTION 4. SEVERABILITY.** Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

**SECTION 5. EFFECTIVE DATE.** This ordinance shall become effective 20 days after publication.

Second,                      . Motion                      Yea      Nay      Absent                      .

Dated: July 5, 2022

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Michael Armitage, Mayor

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Mary LaRocque, City Clerk