

CITY OF IDAHO SPRINGS PLANNING COMMISSION COMMUNICATION

Meeting Date: August 1, 2018	Page 1 of 2 w/attachment	Overhaul of Municipal Code: Update on Site Plans / PUDs Updated Sign Code
Presented by: Alan Tiefenbach Community Development Planner		

UPDATE TO SITE PLAN AND PLANNED UNIT DEVELOPMENT PROCESS

PUBLIC HEARINGS

At the July 11, 2018 Planning Commission meeting, the Commissioners approved the majority of the second section of the proposed land development code update, except that several Commissioners expressed the desire for all site plans to go to public hearings for better transparency.

As presently written, the Municipal Code allows administrative approval for site plans on properties of less than ½ acre, with properties of between ½ to 2 acres being required to go to the Planning Commission, and properties of 2 acres or more requiring City Council approval. Under the current regulations, smaller developments eligible for administrative approval have a development timeline of approximately 2-3 weeks. If even the smallest developments were required to go to public hearing, this could extend the process 60 to 90 days.

Staff does understand the Commission's concerns that a development on a property of ½ acre could still be a significant development. However, staff has concerns that requiring the simplest projects to go to public hearings could result in a significant amount of time, expense and unpredictability for an applicant. As a compromise, staff proposes allowing building expansions of less than 50% to be approved administratively, with building expansions of greater than 50 percent, any new structures, or any developments on properties zoned Planned Development (formerly called PUD as will be described below) to be required to go through the full public hearing process. The Planning Commission should be aware that the new regulations require mailings to all properties within 300 feet (as directed by the Planning Commission), and posting of signs for all properties proposed for site plans. This requirement allows interested properties to review and comment on the projects.

PROPOSED CHANGES TO THE SITE PLAN AND PUD PROCESS.

Based on the July 11, 2018 discussion and after analysis by staff, staff proposes changes to the Site Plan and PUD processes to reduce concerns and eliminate confusion.

Planned Unit Development

Under the current regulations, Planned Unit Developments can be processed as a Preliminary and Final PUD, or a combination of both into one process. The separation of preliminary and final PUD would be pertinent if a developer wants to rezone to PUD to secure general land entitlements or conceptual design under the Preliminary PUD, but is not far enough along in the design process to bring the complete design to hearing. Once the Preliminary PUD is approved, a Final PUD is required (basically the same as a site plan) prior to development. If a developer knows exactly what they want to construct, they can combine the PUD/Site Plan into one process and bring the complete project to public hearing. The process was written like this because the current regulations allow administrative approval of some site plans and staff wanted to ensure the decision makers had final approval authority on any Planned Unit Developments. However, under this process, the Final PUD and Site Plan are basically the same thing, which can lead to confusion, especially if the Planning Commission wants to require more (or all) site plans to go to public hearing.

As an alternative, staff recommends the regulations adopt a more conceptual Planned Development zone district (versus the very specific Planned UNIT Development). The way the PD works is that it is a zone district in which an applicant can propose site specific regulations to secure preliminary entitlements and design in “sufficient detail to determine the proposed development generally conforms to the intent of the PD at time of development plan”. This process would be comparable to the Preliminary PUD. The PD could include land uses, build-out square footages, general building envelopes and use areas, parking ratios, conceptual architecture and landscaping locations, etc. When an applicant is ready to develop on the property, a complete site development plan would be required to go to public hearing, and staff and the decision makers would review the site plan against the approved PD zoning to ensure it sufficiently meets the intent of the PD. This process is used by many jurisdictions (such as Salida and Jefferson County), except in Jeffco site plans are all approved administratively (staff does not recommend this). Staff has revised the regulations accordingly. Only text that has changed since the July 11, 2018 meeting has been indicated.

Site Plan versus Final Development Plan.

A site plan is a document (a submittal item) which illustrates buildings, landscaping, streets, setbacks, etc. The site plan can be required for numerous processes including variances, platting, rezonings, HPRC review etc. However, the current regulations also use the term “site plan” to describe a development review process which includes other items as well, such as traffic studies, building architecture, etc. To reduce confusion, staff suggests the regulations be slightly revised to use the term “site plan” to refer to a site plan document, and Final Development Plan to refer to the development process which includes the site plan and other submittal materials which are reviewed either administratively or in public hearings. The revised regulations indicate this change accordingly.

SIGN REGULATIONS

Due to the amount of regulatory updates, staff is bringing proposed revisions to the sign code to the August 1, 2018 meeting. The Sign Code is part of the Site and Design Standards that will comprise Section Three of the Land Development Code update (the remainder will be presented to the PC at the September 5, 2018 meeting).

Given the sign code was recently updated to comply with the Reed Vs. Gilbert Supreme Court ruling (regarding regulating content of signs), staff is proposing very little substantive changes. Nearly all of the changes involve removal of duplicative or conflicting information, and rearranging all of the regulations into logical sections and tables. As has been the case with previous sections, staff has only remarked added or deleted text, not the vast amount of rearranging of code.

The most significant substantive change is in regard to the “Sign Plan.” The present regulations provide little benefit to an applicant to get a sign plan approved; the new regulations make the sign plan a flexible process whereby an applicant can propose deviations to the sign code in exchange for a better product, similar to a Planned Development.

COMMISSION ROLE

- Discuss the proposed Planned Development and Final Development Processes, the updated hearing requirements and revised sign code, and offer suggestions or revisions.

ATTACHMENTS

- Revised PD and Site Plan sections of the Land Development Code and proposed sign code.

Sec 20-82. Required Decision Making Process for Development Applications.

Table 20-82-1 indicates the following required review steps for each development process. See Sec 20-91. for a description of each development process.



TABLE 20-82-1: REQUIRED DECISION MAKING PROCESS FOR DEVELOPMENT APPLICATIONS.						
PROCESS	Preapplication Meeting	Administrative approval or recommendation	HPRC ¹	Variance Board	Planning Commission	City Council ²
Annexation	X	X			X	X
Certificate of Appropriateness	X	X	X			Appeal
Conditional Use	X	X			X	X
Planned Unit Developments	X	X			X	X
Rezoning	X	X			X	X
Site-Final Development Plans for building expansions of < 50%.	X	X				
Final Development Plans for building expansions of > = 50%, any new structures, or on properties zoned Planned Development. Final Development Plans Site Development Plans -> 1 acre, < = 5 acres	X	X			X	X
Site Development Plans -> 5 acres	X	X			X	X
Variations	X	X		X		
Vacation of right-of-way	X	X			X	X
Proposals for public projects such as highway development and improvements, airports, mass transit terminals or other major public utilities should refer to the requirements of Chapter 25: Areas and Activities of Statewide Interest.						

Commented [AT1]: At present, simple site plans (now proposed to be called final development plans) on properties less than 1/2 acre are eligible for administrative review – approximately 14 days. Adding Planning Commission and City Council will extend this process to 60-90 days.

¹ HPRC = Historic Preservation Review Commission
² All ordinances, other than emergency ordinances, require a first and second reading by Council.
 1

Table 20-85-1. Submittal requirements by development process.								
	Annexation	Certificate of Appropriateness	Conditional Use	Planned Final Development	Rezoning	Site Final Development Plan	Vacation of ROW	Variance
Annexation Map	X							
Application	X	X	X	X	X	X	X	X
Architectural Elevations		X		X		X		X
Concept Plan		X	X		X		X	X
Cover Letter	X	X	X	X	X	X	X	X
Deposit for Costs.	X	X	X	X	X	X	X	X
Impact Assessment	X		X	X	X	X		
Legal Description	X		X	X	X	X		
Proof of Ownership	X	X	X	X	X	X	X	X
Site Plan				X		X		
Traffic Impact Analysis / Study			X	X	X	X		

Sec 20-86. Description of required submittal materials.

A) Architectural elevations

A scaled architectural drawing in color which includes the following, as applicable.

- 1) Building materials and colors of exterior walls, roofs, doors, and windows.
- 2) Changes in building plane.
- 3) Building heights.
- 4) Location and screening of mechanical equipment.
- 5) Materials boards upon request from staff.

6) Architectural Elevations as part of Planned Development. Architectural elevations submitted as part of a Planned Development should provide sufficient detail in terms of architectural style, materials and massing as to determine the design generally conforms to the intent of the PD during the final development plan process.

B) Site Plan

- 1) All site plans shall be prepared at 24x36 inches with the long dimension being horizontal. Site Plans may be submitted electronically at the discretion of the City Administrator or their

designee. Full sized copies may be requested by staff prior to public meetings. The Plans shall include the following information in the format described (as applicable):

- 2) An information block which shall include the following information:
 - a) Name of the proposed project.
 - b) Name, address, and telephone number of the applicant if different than the owner.
 - c) Parcel size in gross and net acres or square feet.
 - d) Number of potential employees.
 - e) Existing and proposed square footages.
 - f) Uses by square feet at build out.
 - g) Maximum number of dwelling units.
 - h) Dwelling unit densities.
 - i) Percentage of open space and common open space.
 - j) Date of plan preparation, and revision dates.
 - k) For bed and breakfast, motel and hotel uses in the C-1, C-2, C-3, I-1 and L-I zoning districts:
 - (1) Total number, type and density per type of dwelling units.
 - (2) Total bedrooms per each dwelling unit type.
 - (3) Residential density (gross and net).
- 3) The Site Plan shall also include the following (as applicable):
 - a) A neat and legible drawing of the proposed site layout showing the required information at a scale of one (1) inch to 50 feet or larger, or as approved by staff.
 - b) A graphic and written scale.
 - c) A north arrow. The graphic should be oriented with north to the top of the page.
 - d) A legal description of the property.
 - e) The area shown on the site plan shall extend beyond the boundary of the property to uses presently existing within one hundred fifty (150) feet of the property subject to the site plan.
 - f) Watercourses, drainage structures and utility lines with existing topography at a contour

interval of at least five (5) feet within the parcel.

- g) The size, location, and type of all existing and proposed easements or other rights-of-way.
 - h) The location of all common open spaces within the development, together with the proposed method of development, maintenance, and ownership of said common open spaces, together with legal documentation providing for development, maintenance and ownership of said common open spaces.
 - i) Location and dimension of parcel boundaries.
 - j) Fully-dimensioned property lines.
 - k) Existing and proposed building footprints and setbacks of all proposed and existing structures which are to be retained on the site.
 - l) Proposed heights of structures.
 - m) Off-street parking areas and layouts, service areas, and loading areas.
 - n) All existing and proposed improvements and uses, including fences and landscaping features, including length, width, floor area, height, location in relation to lot lines and other structures, and type of construction.
 - o) Location, dimensions and names of proposed, and existing adjoining streets, and internal streets.
 - p) Location of existing and proposed access points.
 - q) Location and dimensions of bicycle/pedestrian/equestrian paths, walkways, and trails shall be shown.
 - r) Proposed landscaping.
 - s) Location and placement of all freestanding signage and walls.
 - t) The location of all existing and proposed fire hydrants or cisterns.
 - u) Existing floodplain limits.
 - v) Estimated demands to be imposed upon public water, sanitary sewer and drainage utility systems by the proposed uses of the property.
 - w) Finished contours at an interval of not greater than two (2) feet in dotted lines.
- 4) Site Plan as part of a Planned Development. Site plans as part of Planned Developments are only required to be conceptual in regard to use areas, easement locations, transportation improvements, parking, access locations, building areas, and landscaping -as long as there is sufficient detail to determine the proposed development generally conforms to the intent of

the PD at time of final development plan.

Sec 20-91. TYPES OF DEVELOPMENT APPLICATIONS

Sec 20-97. Planned ~~Unit~~-Developments (PUD)

A) Intent and purpose.

The Planned ~~Unit~~-Development (PUD) is established as a zone district to provide -greater flexibility in land development and use by allowing an applicant to propose specific use entitlements and development standards to be-based upon a comprehensive, integrated, -plan rather than upon development constraints as applicable to standard zone districts. The intended result is a development that is of higher quality and more desirable than one produced in accordance with the conventional zoning controls. PD, final development plan, annexation, subdivision and/or rezoning may take place at the same time and with a set of documents that will satisfy all requirements.

B) The PUD shall promote and provide:

- 1) Flexibility in design and permit planned diversification in the location of structures;
- 2) Innovative or unique design that would not otherwise be allowed by an existing zone district;
- 3) The efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land use and utilities;
- 4) The combination and coordination of architectural styles, building forms and relationships within the PUD; and
- 5) A higher quality of construction that will be compatible with other developments within the City.

C) Applicability.

The PUD District may be made applicable to any area and to any future land area annexed into the City. The change of a parcel in a zone district to a PUD will constitute rezoning and must be done in accordance with- the rezoning requirements of this section.

D) ~~Sec. 21-154.~~ Uses permitted.

A PUD of any nature (residential, commercial, industrial, public or quasi-public) either as a single use or a combination of uses may be permitted. The Planning Commission and the City Council shall determine the uses allowed in each PUD, and those approved uses shall be stated on the approved PUD.

E) Area.

The minimum land area that will be considered for a PUD District zoning shall be one (1) acre, unless otherwise approved by the Planning Commission. (Ord. 8 §1, 2006)

F) Building and site regulations.

- 1) Lot sizes. Minimum lot areas, lot widths and density shall be determined by the use and design of the PUD.
- 2) Open Space. Minimum unobstructed open space shall be determined by the use and design of the PUD.
- 3) Building setbacks. Building setbacks shall be determined by the use and design of the PUD.
- 4) Building height. Maximum building height shall be determined by the use and design of the PUD. For any building proposed to be taller than 35 feet, the applicant must demonstrate how building height is compatible with the surrounding character and is the minimum height required for the project.
- 5) Parking ratios.

Parking ratios that deviate from the provisions of the Parking and Loading Requirements of this Chapter may be approved if the applicant submits a parking study that demonstrates the parking as proposed is the minimum required without creating additional parking deficiency on neighboring properties or adjacent public right-of-ways or parking facilities. If parking ratio deviations are approved, the approved ratios shall be added as notes to the PUD.

6) Any development standards not addressed in the Planned Development shall revert to the applicable standards of the Land Development Code, the Subdivision Regulations, the Standards and Specifications for Design and Construction or other applicable standards.

~~G) Combination or separate PUD documents.~~

~~An applicant has the option of processing a PUD as a more conceptual Preliminary PUD to secure general concepts and entitlements and Final PUD for the final design as described below, or processing both concurrently as one PUD with only one required Planning Commission and one required City Council meeting. If the applicant is pursuing the latter, the information required for the Preliminary PUD and Final PUD shall be combined onto one PUD document. PUD, site development plan, annexation, subdivision and/or rezoning may take place at the same time and with a set of documents that will satisfy all requirements.~~

H) ~~G)~~ Submittal requirements. Required materials shall be as indicated in the Submittal Requirements by Development Process table provided in this article.

- 1) Site plans submitted as part of Planned Developments are only required to be preliminary and conceptual in regard to use areas, easement locations, transportation improvements, parking, access locations, building areas, and landscaping. There should be sufficient detail to determine the proposed development generally conforms to the intent of the PD at time of final development plan.
- 2) Building elevations may be conceptual in nature and should provide sufficient detail in terms of architectural style, materials and massing to determine the design generally conforms to the intent of the PD at the time of final development plan.

~~3) Deviations from the Land Development Regulation. Any deviations from design or development standards as required by this Code must be described in the cover letter along with the rationale for the deviation and how it is in the spirit of the intent and purpose of the PD.~~

~~Preliminary PUD Building elevations, landscaping locations, parking locations and access points may be conceptual in nature. Building elevations should provide sufficient detail in terms of architectural style, materials and massing as to determine the design generally conforms to the PUD during the site development plan process~~

~~Proposed uses, total uses by square footage at build-out, proposed setbacks and parking ratios can be indicated as notes on the Preliminary PUD.~~

~~Final PUD Required materials shall be as indicated in the Submittal Requirements by Development Process table provided in this article with the addition of the following:~~

~~a) A time schedule for the completion of the project or the phases thereof.~~

~~2) Any deviations from design or development standards as required by this Code must be described in the cover letter along with the rationale for the deviation and how it is in the spirit of the intent and purpose of the PUD.~~

~~H) Notification requirements. Public notification shall occur as indicated in the Required Public Notification by Development Process table provided in this article.~~

~~If processing a preliminary and final PUD separately, full notification requirements for each shall occur as if separate development processes.~~

~~I) Public Hearings. A public hearing shall occur as indicated by the Required Decision Making Process for Development Applications table provided in this article.~~

~~1) If processing a preliminary and final PUD separately, full public hearings for each shall occur as if separate development proposals.~~

~~a) Approval of the preliminary PUD shall be valid for a period of two years only. Upon written application, the Planning Commission may grant an extension of time not exceeding one (1) year for filing the final PUD.~~

J) **Criteria for review and approval.** Criteria for review and approval will be the same as is required for a rezoning with the following additions:

1) Whether the proposed PD adequately mitigates any adverse impacts it causes, including without limitation adverse impacts on traffic, view corridors, noise, property values and the provision of public services.

2) Whether deviations from the zone district requirements and limitations is warranted by virtue of the improved design and/or amenities provided in the PD.

K) Post Approval

1) All approved PDs shall be approved by ordinance. Such ordinance shall include the legal

Commented [PO2]: Under the present PUD regs criteria for approval are not listed.

description of the property, specify in detail the nature of the PUD and clearly specify any and all permit conditions imposed. The ordinance shall be recorded in the records of the County Clerk and Recorder, and the PUD shall run with the described property. All approved PUDs shall be referenced on the zoning district map and a file containing all documents relevant to the application and the resulting permit shall be maintained by the City Clerk.

- a) When approved by the City Council, the applicant shall file two (2) copies of the ~~final plan~~ PD with the City Clerk and record one full sized copy on photographic mylar with the County Clerk and Recorder.

The City Clerk shall cause to be executed and recorded in the office of the County Clerk and Recorder, at the applicant's expense, an instrument in the following form:

Statement of Establishment of Planned Unit Development.

Under the Zoning Regulations of the City of Idaho Springs, on the _ day of , 20_ , a Planned Unit Development of the following described property by Ordinance No. , Series 20 _ . The following described property shall be developed only in accordance with the Planned Unit Development plan on file in the office of the City Clerk of the City of Idaho Springs, Idaho Springs, Colorado. The legal description of the property involved is as follows:

[Insert Legal Description]

Mayor

Attest:
City Clerk

- 2) Amending final PUD plan.

Procedure for amendment shall be the same as that prescribed for plan approval. Should the City Council approve the amendment to the PUD, an amended plan shall be filed and notice thereof recorded in the same manner as the original plan. Minor changes which improve the character of the site plan and do not increase the lot coverage, building density or building height can be made with the written approval of the Planning Commission.

- 3) Successors bound. A change of zoning to PUD shall bind the development of that property so zoned to the PUD plan, regardless of any change in ownership of the subject property.

Sec 20-99 SiteFinal Development Plan (SFDP)

- A) ~~Sec. 21-71.~~ Required.

No building permit shall be issued for new structures, or expansions / additions of more than 20% of the gross floor area of existing structures in a R-3, R-M, C-1, C-2, C-3, I-1, L-1, HD or PUD District until a SFDP meeting the requirements of this Article has been approved for it. (Ord. 8 §1, 2006; Ord. 11 §2, 2007)

- B) ~~Sec. 21-72.~~ Applicability

SFDP review is to ensure compliance with zoning district requirements set forth in this Article and

to provide for the construction and installation of any public improvements needed to serve the proposed uses on the property.

- C) Submittal requirements. Required materials shall be as indicated in the Submittal Requirements by Development Process table provided in this article.
- D) Notification requirements. Public notification shall occur as indicated in the Required Public Notification by Development Process table provided in this article.
- E) Public Hearings. A public hearing shall occur as indicated by the Required Decision Making Process for Development Applications table provided in this article.

- 1) ~~Site-Final development plans for lots-building additions of less than 50% properties up to one acre in size are subject to administrative review and approval by the City Administrator or their designee by the administrative review and referral process listed in this article.~~
- 2) ~~Final development plans for building additions equal to or greater than 50%, new structures, or for development on properties zoned Planned Development (PD) are subject to Planning Commission and City Council review and approval.~~
- 3) ~~Site development plans for properties over one acre and up to five (5) acres in size are subject to Planning Commission review and approval.~~
- 4) ~~Site development plans for properties of greater than five (5) acres and greater are subject to City Council review and approval.~~

5)3) The decision making body shall approve, disapprove or conditionally approve the application.

F) Review and Approval Criteria

- 1) ~~Site-Final development pPlans shall conform to all use and development standards of this Chapter as indicated in Article III. Zoning, Article IV. Development Regulations, and Article VI. Site and Design Standards as well as any underlying Planned Development.~~
- 2) ~~Administrative denial of a site development plan can be appealed to the City Council only at the request in writing of the applicant.~~

G) Effect of approval.

- 1) ~~Site-Final development plans~~ shall run with the described property, and the City Clerk shall maintain a file containing all documents relevant to the application and resulting approval.
- 2) Approval of a ~~site-final~~ development plan shall constitute authorization to construct improvements upon and use the property subject thereto only as provided on the approved site plan. No person shall cause or permit any use of property subject to an approved ~~site-final~~ development plan in any manner not provided for on the site plan, or fail to comply with any of the requirements specified in the approval thereof.

H) Revocation.

Any ~~site-final~~ development plan approval may be revoked by order of the City Administrator or

Commented [AT3]: July 11 PC recommended every FDP go through a public hearing (existing regs only require hearings for SITE PLANS (same process as a FDP in this case) for properties over ½ acre.

Commented [AT4]: If public hearings are required for every Site Plan (now called a FDP) this language goes away.

their designee, following notice to and an opportunity for the owner of the property to be heard, where the property has not been devoted to the approved site plan improvements or uses for a period of more than two (2) years. The City Administrator or their designee has the authority to extend this deadline for one year if the applicant submits sufficient cause for the delay. (Ord. 8 §1, 2006)

I) Rezoning.

Any rezoning of the property after ~~a site-final development~~ plan approval but before the improvements and uses covered by the site development plan approval begin on the property shall automatically terminate and void the site development plan approval unless the City expressly reaffirms the same as part of the rezoning.

J) Amendment of approved ~~site-final~~ development plan.

An application for amendment of an approved and valid ~~site-final~~ development plan approval shall be processed in accordance with the requirements applicable to the consideration of a new application.

ARTICLE VI – SITE AND DESIGN STANDARDS

DIVISION 1 – SIGNS

Sec. 20-121. Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Aggregate surface area. The total area of all permanent signs on a premises.

Animated sign. Any sign using movement or change of lighting to depict action or create a special effect or scene.

Approved plastics. Those plastics having a self-ignition temperature of six hundred fifty (650) degrees Fahrenheit or greater when tested in accordance with the City's standards and a smoke-density rating not greater than four hundred fifty (450) when tested in accordance with the City's standards, in the way intended for use; or a smoke-density rating not greater than seventy-five (75) when tested in the thickness intended for use by the City's standards. Approved plastics shall be classified in accordance with the City's standards.

Architectural detail. Any portion of the exterior surface or facade of a building which is part of its design and decoration, including but not limited to arches and archways, brickwork, capstones, clerestory windows, columns, cornerstones, cornices, dentils, doors and doorways, "eyebrows," fascia, fluting, iron work, lintels, pediments, scroll work, spandrels, stained glass, steps, rosettes, windows and window openings, which help define the architectural nature or style of the structure.

Attention-getting device. Any flag, streamer, spinner, light, balloon or similar device or ornamentation used for purposes of attracting attention to the device.

Authorized agent of the City, authorized agent or agent. The officer or other designated authority, as may be appointed from time to time by the City Council, charged with the administration and enforcement of this Chapter, or his or her designee.

Awning sign. A roof-like cover over a door, entrance, window or service area and that projects from the exterior wall of a building, having on its exterior some type of copy.

Banner sign. Any temporary sign made of fabric or any nonrigid material, excluding pennants, streamers and flags.

Billboard. Sign in excess of fifty (50) square feet in area oriented to an interstate highway. Directional signs, bulletin boards and kiosks are not billboard signs.

Building code. The code, formulated by the International Code Council, as adopted by the City.

Building frontage. The lineal distance from outside edge to outside edge of an enclosed

Commented [PO1]: This is presently a separate Chapter 27": Community Design standards, toward the end of the regs. It discusses community meetings, architecture and landscaping. It is only briefly mentioned in one of the site plan findings.

I propose adding signs, fencing, architecture and landscaping all together in one "site and design standards" Section.

structure adjacent to a public right-of-way occupied by a business.

Bulletin board. A board for posting notices without charge. For purposes of this Chapter, a kiosk is considered a multiple-faced freestanding bulletin board.

Business entity. A single business, regardless of the amount of buildings or square footage of a building or buildings occupied.

Canopy sign. The same as an *awning sign*.

Changeable copy sign. A sign which makes provision for changing letters, numbers and other copy without altering the face or surface of the sign. Signs with messages that change more than eight (8) times a day are considered animated signs.

Combination sign. Any sign incorporating any combination of any signs.

Commission. The Idaho Springs Planning Commission and/or Historic Preservation Review Commission.

Conforming sign. A sign that meets all the standards and regulations established by this Chapter and the building code, as adopted by the City.

Copy. Any graphic, letter, numeral, symbol, insignia, text, sample, model, device or combination thereof.

Curbline. The line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curbline shall be established by the City Surveyor.

Days. Calendar days, unless specifically identified as business days.

Display surface. The area made available by the sign structure for the purpose of displaying the message.

District. The Historic District of the City, as defined in Chapter 22 of this Code. This also refers to Zone II as defined in this Chapter.

Drive-through sign. A sign measuring no more than twenty-four (24) square feet in area, located adjacent or in close proximity to a drive-through lane associated with a business and designed to be visible from a vehicle located within the drive-through lane.

Exterior sign. A sign that is oriented toward and meant to be read from the outside.

Flag. A device, usually made of fabric, of distinctive design that is used as a symbol or signaling device, including any city, state or national flag.

Freestanding sign. A single- or double-faced sign affixed to a self-supporting structure permanently anchored to the ground. The allowable size does not include the supporting structure. Regulations for ground signs concerning design, number allowed and size allowed shall apply to freestanding signs.

Ground sign. A sign that has an architectural base; *e.g.*, a stone base, planter, etc.

Hologram sign. A three-dimensional picture that is made on a photographic film or plate without the use of a camera that consists of a pattern of interference produced by a split coherent beam of radiation.

Home occupation sign. A sign permitted in conjunction with a home occupation. A property owner may apply for one home occupation sign permit per home occupation located on the property. A sign approved in association with a home occupation may not exceed four (4) square feet in area and may not be illuminated, except as may be illuminated indirectly by a light used to illuminate the walk, porch, etc.

H.P.R.C. The Historic Preservation Review Commission, as established and defined in Chapter 22 of this Code.

Interim sign. A sign located temporarily on property in lieu of an allowed, permanent sign until such permanent sign is installed. An interim sign may be located upon any property or business no more than one hundred eighty (180) days.

Interior sign. A sign located on the inside of a building, not affixed to the interior surface of an exterior window and oriented toward the inside of the building. Interior signs are not subject to this Chapter.

Internally illuminated sign. A sign which is illuminated by an internal light source, including neon and other gases.

Kiosk. A multiple-faced freestanding bulletin board.

Legal setback line. The line established by the zoning regulations beyond which a building may not be built. In some instances, a legal setback line may be a property line.

Lighting, illumination (direct lighting). A light source separated from the surface and illuminating the sign surface by means of spotlights or similar fixtures, including pan-channeled lighting.

Marquee. A permanent roofed structure attached to and supported by the building and projecting over a public right-of-way. As an example, a marquee sign is often that structure associated with a theater that extends over the sidewalk and typically contains a changeable copy sign.

Merchandise. Items offered for sale from the business location where displayed. Items of merchandise displayed inside the business or outside the business, but not on the public right-of-way, shall not be considered a sign.

Moveable sign. A sign not permanently placed into the ground, onto a building or in a window. Moveable signs include, but may not be limited to, sandwich board signs and menus.

Noncombustible. As applied to building construction material, a material which, in the form in which it is used, is either one (1) of the following:

1. Material of which no part will ignite and burn when subjected to fire. Any material conforming to the City's standards shall be considered noncombustible within the meaning of this Section.

2. Material having a structural base of noncombustible material as defined in Paragraph (1) above, with a surfacing material not over one-eighth ($\frac{1}{8}$) inch thick which has a flame-spread rating of fifty (50) or less. *Noncombustible* does not apply to surface finish material. Material required to be noncombustible for reduced clearances to flues, heating appliances or other sources of high temperature shall refer to material conforming to Paragraph (1) above. No material shall be classed as noncombustible which is subject to increase in combustibility or flame-spread rating beyond the limits herein established, through the effects of age, moisture or other atmospheric condition. *Flame-spread rating*, as used herein, refers to rating obtained according to tests conducted as specified in the City's standards.

Nonconforming sign. A sign which does not conform to the requirements of this Chapter.

Nonconforming sign, legal. Any sign, as defined in this Chapter, which was legally permitted, installed and maintained prior to March 2, 2007, in compliance with all regulations in effect at the time of installation, that does not conform to all the applicable regulations and restrictions of this Chapter. Any sign for which a variance was duly granted prior to March 2, 2007, shall also be deemed a *legal nonconforming sign*.

Nonstructural trim. The molding, battens, caps, nailing strips, lattice work, cutouts or letters and walkways which are attached to the sign structure.

Obsolete sign. Any sign that is located on the premises of a business that is no longer in operation thirty (30) days or more after the business ceases operations. Interim signs, site development signs and temporary signs are not obsolete signs.

Off-premises sign. A sign that is situated on property other than the property owned or occupied by the sign owner.

Pennant. A series of tapered, usually triangular, flags attached to a single cord or wire, used to attract attention. Pennants are temporary signs.

Pictorial design. Any artistic design containing no text applied directly on an exterior wall, fence, awning, window (either inside or outside) or other structure, which is visible from any public right-of-way-

Pole sign. A sign wholly supported by a sign structure in the ground, with sign clearance of at least eight (8) feet above the ground.

Portable display surface. A display surface temporarily fixed to a standardized sign structure which is regularly moved from structure to structure at periodic intervals.

Portable sign. A changeable copy sign attached to a trailer that is not used in daily operations of the sign owner.

Premises. A lot, parcel, tract or plot of land, together with the buildings and structures thereon.

Principal sign. A sign on a business that encompasses the most square footage of any of the signs on that business.

Projecting sign. A sign, other than a wall sign or marquee, which projects from and is supported by a wall of a building or structure.

Projection. The distance by which a sign extends over the public right-of-way or beyond the building line.

Public right-of-way. The entire width of every dedicated public way, including the traveled portion thereof known as the roadway, a street or an alley, the portion used for sidewalks and the portion between the roadway and the property line.

Public safety sign. A sign used to indicate danger or to serve as an aid to public safety. A *public safety sign* is also an incidental sign and public information sign.

Reflective surface. Any material or device which has the effect of intensifying reflected light, such as Scotchlite, Day-Glo, glass beads and luminous paint, or reflective Mylar.

Roof sign. A sign erected upon or above a roof, but not the parapet, of a building or structure.

Sandwich board sign. A freestanding sign supported by itself in a triangulated fashion.

Sign. Any medium, including its structure and component parts, which is used or intended to be used to attract attention to the communication projected or intended by the medium. Merchandise displayed inside or outside the business but not on the public right-of-way is not considered a sign for purposes of calculating number of signs or total square footage allowed. Merchandise displayed outside the business and on the public right-of-way shall be considered a sign under the provisions of this Chapter. Decorations, such as pictorial designs, sculptures, figurines, trees, landscaping and the temporary lighting thereof, are not signs.

Sign area. The area of the single smallest plane geometric figure which encompasses the facing of a sign, including copy, insignia, background and borders.

Sign owner. The permittee with respect to any sign for which a sign permit has been issued; or, with respect to a sign for which no sign permit is required or for which no sign permit has been obtained, *sign owner* means the person entitled to possession of such sign, the owner, occupant and/or agent of the property where the sign is located.

~~*Sign Review Board. The Variance Board.*~~

Sign structure. Any structure which supports or is capable of supporting any sign as defined in this Chapter. A sign structure may be a single pole and may or may not be an integral part of the building.

Site development sign. A sign located on the same site as a project under active construction; provided however, that no site may display more than two (2) site development signs at one time, each of which may not exceed six (6) square feet in area and must be removed no later than completion of the construction. Site development signs are not interim signs.

Site plan. A site plan to scale of any commercial building and adjacent structures or vacant land, showing the number, size, description and location of all signs therein. Building elevations shall be included in the site plan.

Size, allowable (surface area). The allowable area of a sign which shall be computed by using

the outside dimensions of the face, in the same plane, and one (1) face of a multisided sign, providing all sides are identical. Computation of the allowable sign area shall include all existing signs on the premises. Freestanding or wall-mounted individual letters will be measured using the smallest geometric figure which will enclose all letters or symbols.

Sign Zone. A sign zone district within the City, as described by this Chapter. For clarification, the City is divided into Zone I, Zone II, Zone III and Zone IV for sign control purposes.

Statuary sign. Any sign which is the modeled or sculptured likeness of a living or fictional creature or inanimate object.

Structure. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Surface area. Sign area.

Temporary sign. Any sign, banner, pennant, valance or display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, intended to be displayed for a limited period of time.

Traffic sign. A sign designed to safely direct the flow of traffic, in furtherance of the public safety and welfare, on private or public property.

Unassociated sign. Any sign on a business premises that is not owned or controlled by the business owner, such as signs on vending machines, publication dispensers, dumpsters and like devices. Unassociated signs are not subject to the regulations contained in this Chapter.

Utility locations. Signs placed by public utilities to show the location of underground or other facilities, in the interest of the public safety. These are also incidental signs.

Variance Board. The Idaho Springs Variance Board, as established in ~~Section 21-116~~ Chapter 5 of this Code.

Video sign. An electronic-produced image on a fixed or variable projection video screen. This includes televised images, videotaped images and/or electronic displays.

Walking sign. A sandwich-board-type sign carried on the shoulders of a person or any other type of sign carried, held or moved by a person.

Wall sign. Any sign attached to or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of such wall. This includes signs that are painted on a building or wall.

~~**Yard sign.** A temporary sign designed to be located directly into the ground, measuring no greater than four (4) square feet in size.~~

Sec. 20-122. Intent and Purpose.

The intent and purpose of this Chapter is to establish the necessary criteria, standards and limits on all forms of signing to preserve and enhance the historical integrity of the City; maintain and enhance the aesthetic environment; improve traffic and pedestrian safety; minimize the possible adverse effects of cumulative and disproportionate signs on nearby

Commented [AT2]: Recommend deleting this and calling all signs temporary signs. This has caused a lot of confusion in regard to yard signs versus temporary signs and how many of each you can have.

public and private property; and provide minimum standards to safeguard life, health, property and public welfare by regulating and controlling the design, quality of materials, construction, location, electrification and maintenance of all signs and sign structures within the City, except interior signs.

Sec. 20-~~2123~~. Scope and Authority.

- A. Any authorized agent of the City is hereby authorized and directed to enforce all the provisions of this Chapter.
- B. A sign shall not hereafter be erected, re-erected, constructed, altered, remodeled or changed (not including a change in copy), except as provided by this Chapter and after a permit for the same has been issued. A separate permit shall be required for a sign for each business entity, and a separate permit shall be required for each group of signs on a single supporting structure. In addition, electrical permits shall be obtained for illuminated signs.
- C. The Variance Board may authorize variances from the requirements of this Chapter. A variance shall be considered an extraordinary remedy. When considering a variance from the requirements of the Chapter, the Variance Board shall apply those criteria set forth in Subsection the Variance process as described in Article V E21-142 of this Code.

Commented [PO3]: Existing regs explain all the variance procedure, which is duplicative with the Variance Board section.

~~No sign shall be allowed within the City except as permitted by this Chapter or any variance granted under this Chapter. Except for exempted signs as indicated in this Chapter, a sign permit shall be required prior to the placement of any signage.~~

~~Required generally.~~

~~It is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use or maintain any sign or sign structure in the City, or cause or permit the same to be done, contrary to or in violation of any provisions of this Chapter.~~

Sec. 20-124. Violation; Right of Entry, Notice, Lien, Penalties.

- A. When, in the opinion of the authorized agent of the City, a violation of this Chapter exists that is a cause of imminent danger to the public health, safety or welfare, any such violation may be summarily abated by the City pursuant to Section 16-17 of this Code. Obstruction of traffic devices and public hazards, prohibited by Sections 20-6 and 20-8, respectively, of this Chapter, shall be considered public nuisances that may be so abated.
- B. Public hazard. If the City determines that any sign constitutes a hazard to the health, safety and welfare of the inhabitants of the City, the authorized agent of the City may, at his or her discretion, order such sign to be removed, altered or repaired in such manner as to eliminate the hazard.
- C. Obsolete Signs. The authorized agent of the City may identify and cause the neutralization of the sign copy or the removal of obsolete signs, as appropriate, within a period of no more than thirty (30) days from the date of notice from the City. Neutralization of sign copy can include removal of or covering the copy. Application for a variance shall not extend in any way the period allowed for neutralization or removal as set forth in said notice.

- D. Obstruction of traffic devices. The color or format of a sign shall not be erected or maintained in a manner that would confuse or obstruct the view or interpretation of any official traffic sign, signal or device, or cause any distraction or confusion to motorists or pedestrians so as to cause a hazard.
- E. Right of entry. Whenever necessary to make an inspection to enforce any of the provisions of this Chapter, or whenever the City has reasonable cause to believe that there exists in any building or upon any premises any condition or Chapter violation which makes such a building or premises unsafe, dangerous or hazardous, the authorized agent of the City may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the agent by this Chapter. If such building or premises are occupied, he or she shall first present proper credentials and request entry; or if such building or premises are unoccupied, he or she shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If such entry is refused, the authorized agent shall have recourse to every remedy provided by law to secure entry.
1. When the authorized agent of the City has first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner, occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the authorized agent for the purpose of inspection and examination pursuant to this Chapter.
- F. If a sign is erected or maintained in violation of ~~Section 20-3, requiring permits for signs, 20-32, prohibited signs, 20-51, temporary and seasonal signs or 20-59, off-premises signs~~ this this Chapter, including one (1) located within a public right-of-way, the authorized agent may post notice of such violation upon the premises where such sign is located, requiring removal of the sign within twenty-four (24) hours of such posting, unless it appears from the facts and circumstances and in the judgment of the authorized agent that compliance could not reasonably be reached in such time or that a good faith attempt at compliance is being made; however, in no case shall such time exceed seven (7) days. If the sign owner fails to remove the sign within the specified period, specific authority is granted to the authorized agent to remove the sign or to have it removed, and the City may seek further remedies pursuant to Subsection (G) below.
- G. Violation Abatement Procedure. Except as provided in Subsection (A) above and the notice and removal provisions of Subsection (B) above, if, in the opinion of the authorized agent, a violation of this Chapter exists, the authorized agent shall notify the alleged violator of such violation by first class U.S. mail, postage prepaid, requiring that the violation be corrected, an appeal of the authorized agent's decision filed or a variance for the sign requested within ten (10) days, unless it appears from the facts and circumstances and in the judgment of the authorized agent that compliance could not reasonably be reached in such time or that a good faith attempt at compliance is being made. If such violation is not corrected, an appeal is not filed or a variance for the sign is not requested within the time specified in the notice, the following penalties and remedies shall apply:
1. The authorized agent may cause the immediate removal of any sign which is in violation of this Chapter without further notice. All costs incurred by the City shall be charged against the real property upon which the sign is located, and against its owners.

2. The authorized agent may serve a written stop work order upon any applicant, or other person who commits or assists in any such violation, requiring the correction of any violation of this Chapter.
3. The City Attorney, acting in behalf of the City, may maintain a civil action for such equitable relief as may be necessary to enforce this Chapter. For purposes of such civil actions, any violations of this Chapter are hereby deemed to be public nuisances subject to abatement.
4. If a sign is removed by the City, the authorized agent shall notify the owner of the fact within seventy-two (72) hours of removal and return the sign to the owner upon request and after payment of all charges or fees related to the removal of said sign.
5. Penalty. Any person violating any provisions of this Chapter, upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00). Each day such violation is committed or permitted to continue shall constitute a separate offense.
6. Exclusive remedy. Nothing herein is an exclusive remedy.

Sec. 20-125. Liability.

- A. The provisions of this Chapter shall not be construed as relieving or limiting in any way the responsibility or liability of any person erecting or owning any sign from personal injury or property damage resulting from the placing of the sign, or resulting from the negligence or willful acts of such person or agents, employees or workers in the construction, maintenance, repair or removal of any sign erected in accordance with a permit issued under the provisions of this Chapter. In addition, the provisions of this Chapter shall not be construed as imposing upon the City or its officers, employees, the Planning Commission or the Variance Board any responsibility or liability by reason of the approval of any signs, materials or devices under the provisions of this Chapter.

Sec. 20-126. Permits and Inspections

- A. Application for a sign permit shall be made in writing upon forms furnished by the City. Such application shall contain the location by street and number of the proposed sign structure, as well as the name and address of the owner and the sign contractor or erector.
- B. Each application shall be accompanied by a site plan and detailed drawing or rendering of the proposed sign, delineating the size, shape, lighting and position and scale of the sign in relation to the building from or upon which it will be displayed. A color photograph of the building must accompany each application. Each application must also include details of construction. After approval and installation of the sign, a color photograph shall be submitted to the City for reference purposes. The authorized agent of the City may waive any or all of the above requirements when they are determined to be unnecessary for adequate review of the application.
- C. A sign permit will either be issued or denied within a period of seven (7) days following receipt of the completed application and specified attachments by the City.

D. If a permit is denied, the applicant may appeal to the Variance Board for a variance. ~~in accordance with Section 20-23 above~~

Sec. 20-127. Fees.

A sign permit fee and a plan checking fee, in accordance with the City's fee schedule, shall be paid at the time of application.

Sec. 20-128. Duration.

Sign permits are valid for only ninety (90) days after issuance, and may be once extended for a like period upon request of the permittee prior to expiration. Failure of the permittee to request an extension or to complete the permitted sign prior to expiration of the permit shall require filing for a new permit and payment of an additional fee.

Sec. 20-129. Inspections.

All signs for which a permit is required shall be subject to inspection by the authorized agent of the City. Footing inspections may be required for all signs with footings. All signs containing electrical wiring shall be inspected and are subject to the provisions of the governing electrical code, and the electrical components used shall bear the label of an approved testing agency. The authorized agent may order the removal of any sign that is not maintained in accordance with the provisions of this Chapter. All signs may be reinspected at the discretion of the authorized agent of the City.

Sec. 20-130. Existing nonconforming signs.

- A. Subject to the termination hereinafter provided, any legal nonconforming sign may be continued in operation and maintained after March 2, 2007; provided, however, that no such sign shall be changed in any manner; and provided further that the burden of establishing such sign to be legally nonconforming under this Section rests entirely upon the person claiming a legal nonconforming status for such sign.
- B. When a nonconforming sign becomes obsolete, the right to maintain such sign shall terminate immediately. The sign shall be removed within thirty (30) days from the date of such notice to the property or business owner from the City, as provided in ~~Section 20-9~~ of this Chapter.
- C. Any violation of this Chapter, other than as is existing prior to the enactment of this Chapter, shall terminate immediately the right to maintain a nonconforming sign.
- D. The right to maintain any nonconforming sign shall terminate and shall cease to exist whenever the sign is damaged or destroyed, from any cause whatsoever, and the cost of repairing such damage or destruction exceeds fifty (50) percent of the replacement cost of such sign on the date of such damage or destruction, or whenever the sign becomes obsolete, hazardous or dangerous.
- E. The right to maintain a nonconforming sign which exceeds the maximum square footage restrictions or maximum height limitations contained in this Chapter shall terminate on March 2, 2007, unless it is granted a legal variance prior to that date; provided, however, that any such sign may be reduced in size, lowered or reconstructed to conform to the requirements of this Chapter, even though the sign might still be nonconforming for other reasons.

F. The requirements of Subsection (E) above shall not apply to any sign, the effectiveness of which as an advertising device shall be destroyed or significantly impaired, as defined by nationally recognized advertising industry standards, by required compliance with the requirements of Subsection (E) above. The burden of establishing that the effectiveness of such sign as an advertising device will be destroyed or significantly impaired by such compliance rests entirely upon the person claiming nonconforming status for such sign.

Sec. 20-131-135. Reserved.

Sec. 20-136. Establishment of Sign Zones.

There are hereby established within the City Signage Zones I, II, III and IV, which are described as follows:

1. Signage Zone I.

- a. All areas zoned C-1, C-2, C-3 and PUD, according to the zoning map of the City, except areas so zoned that are located in Zone II as provided in Subparagraph (2)(a) below, and except areas zoned PUD which are of residential usage.

~~(a) Within Signage Zone I, any sign permitted by this Chapter may be erected after obtaining the necessary permit as required by this Chapter.~~

2. Signage Zone II.

- a. This zone is to be known as "The Historic District," and shall correspond with the boundaries of the National Historic District and any other designated historic sites as established in Chapter 21 of this Code.
- b. It is the intention of the City Council that historical areas and buildings continue in existence and be preserved, and that construction of signs within the designated historical area be harmonious with the general outward appearance of the existing buildings of a historical nature in such area.
- c. Any national, state or local historic site created after this Chapter is in effect will be subject to the Zone II requirements.
- d. ~~Within Signage Zone II, the authorized agent of the City will review sign applications for conformance with this Chapter.~~ Removal of signs that have been in place for fifty (50) years or longer requires prior approval of the H.P.R.C., unless such removal has been ordered by the City because the sign to be removed is in violation of this Chapter.

~~e. Within Signage Zone II, any sign permitted by this Chapter may be erected after obtaining the necessary permit as required by this Chapter.~~

3. Signage Zone III.

- a. This zone comprises the entire balance of the City not identified as part of any other zone, including but not limited to all areas zoned residential and all PUD areas of residential usage.

b. Subject to the exemptions contained herein, there shall be no permanent signs of any kind allowed in Zone III, with the exception of home occupation signs and public safety signs.

~~b-c. 6~~

~~i Within Signage Zone III, any sign permitted by this Chapter may be erected after obtaining the necessary permit as required by this Chapter.~~

4. Signage Zone IV.

a. All areas zoned I-1 and L-I, according to the zoning map of the City, except areas so zoned that are located in Zone II as provided in Subparagraph (2)(a) above.

~~i Within Signage Zone IV, any sign permitted by this Chapter may be erected after obtaining the necessary permit as required by this Chapter.~~

Sec 20-137-140 Reserved.

Sec 20-141. Regulations for Specific Types of Signs

Sec. 20-142. Exempted Signs

- A. Exemptions. The following signs shall not require a sign permit and shall not be counted when calculating the number of signs or aggregate square footage allowed. These exemptions shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance and its compliance with the provisions of this Chapter or any other law or ordinance regulating the same:
1. Signs on property for sale. One (1) sign may be placed on the property being offered for sale without obtaining a permit. Such sign may not exceed six (6) square feet in area per face and may have no more than two (2) faces. A permit is required for additional signs on the property and for any sign over six (6) square feet in area. Signs must be removed from the premises within three (3) days after the close of the sale of the property.
 2. Credit Card Signs. Credit card advertisements or current trade association emblems are exempt and may be displayed on doors or windows, provided that they do not exceed one-half (½) square foot per credit card or emblem advertised. Emblems and credit card advertisements larger than said size will be considered a sign and will be subject to the other limitations set forth in this Chapter.
 3. Drive Through Signs. Drive-through signs shall not be counted for the purposes of determining the number of signs or the total square footage of signs allowed. Drive through signs are limited to twenty-four (24) square feet in area each.
 4. Flags. In all zones, flags that are not used as an attention-getting device and that meet the requirements listed below do not require permits.
 - a. Flag poles shall be a maximum height of sixty (60) feet.
 - b. Flags shall have a minimum clearance of eight (8) feet when projecting

over public walkways, a minimum clearance of fifteen (15) feet when projecting over vehicular streets and, when displayed on flag poles, a minimum of twenty (20) feet from top of the pole to average grade, except for residential areas.

- c. In Zone II, there will be only two (2) flags allowed in every twenty-two (2022) lineal feet of business frontage.
 - d. Flags and similar items shall be maintained in a clean and undamaged condition.
 - e. The display of any flags subject to established protocol shall be governed by the relevant protocol.
 - f. All flag poles must meet the construction requirements of this Chapter.
 - g. Flats for which official proportions are established must conform to such proportions.
5. Maintenance. Painting, repainting or cleaning of a sign shall not be considered an erection or alteration which requires a sign permit unless a structural change is made.
 6. Marquees. A permit is not required for the changing of the copy or message on a marquee sign specifically designed for the use of replaceable copy. Internally illuminated signs, other than marquees, shall not be included in this exemption.
 7. Merchandise. No permit is required for merchandise or models of products or services which are incorporated as an integral part of an indoor window display.
 8. Menu board signs. In no case shall a menu board exceed a surface area of twenty-four (24) square feet.
 9. Pictorial designs. No permit is required for items displayed for their artistic or decorative effect, including murals.
 10. Public safety and public information signs. Signs of public nature used to indicate danger or to serve as an aid to public safety do not require permits.

~~11. Real estate Signs.~~

~~12.11.~~ Signs posted by or on the order of a public employee in the performance of his or her duty, or by any other public or quasi-public agency having jurisdiction over the premises, including but not limited to historic organizations and agencies, and signs required by local, state or federal law.

~~13.12.~~ Signs necessitated by considerations of health, welfare or safety. Whenever circumstances arising out of conditions caused by a building site or its occupancy give rise to problems of health, welfare and safety that could be substantially alleviated by the use of a sign, such sign as may be necessary for the purpose involved may be erected and maintained as a temporary sign, not to exceed six square feet in area and to be removed after no longer needed.

~~14.13.~~ Site development signs. 24-33

Commented [AT4]: Deleted. How is this different than a "sign on property for sale?"

14. Seasonal Temporary Signs. 3 seasonal temporary signs of up to 4 square feet each may be located on a property without a permit between September 1st and November 15th.

15. Traffic signs.

16. Unassociated signs.

17. Utility locations signs.

Sec. 20-143. Prohibited signs.

The following signs shall not be permitted, erected or maintained in any Zone in the City, excepting legal non-conforming signs, which may continue only in compliance with Section 20-130 of this Code:

1. Billboard signs.
2. Signs constituting a traffic or pedestrian hazard.
3. Signs which simulate, imitate or conflict with traffic signals or signs.
4. Signs which use luminescent paints, mirrors or other reflective materials, except as permitted in Zone IV.
5. Off-premises signs, except as provided in Sections 20-52, and 20-59 and 20-60 of this Chapter.
6. Motor vehicles or trailers used as signs or sign structures, not including signs permanently attached to motor vehicles or trailers which are being operated or stored in the normal course of business, such as signs on delivery trucks; provided that the primary purpose of such vehicles is not for the display of signs, and that such vehicles are parked or stored in areas appropriate to their use as vehicles. Signs painted on trailers used on construction sites are also exempt, provided that a building permit has been issued for that site and the trailer is not stored in such a way as to act as a sign. Parking such vehicles or trailers other than at the location of the business advertised thereon for the sole purpose of advertising is prohibited.
7. Obsolete Signs.
8. All temporary or portable signs except those permitted by this Chapter.
9. Walking signs.
10. Electronic reader board (changeable copy) signs, except as permitted in Zone IV.
11. Any sign not in accordance with the provisions of this Chapter.

Sec. 20-144. Temporary and seasonal signs.

All temporary signs except seasonal temporary signs shall require a sign permit but shall not be counted when calculating the number of signs or aggregate square footage allowed.

- A. Freestanding temporary signs shall not exceed six (6) square feet in area on each face.
- B. Illumination. In no event shall temporary signs be self-illuminated, luminescent or fluorescent or have any characteristic which will make them glow or shine.
- C. Generally. No business location may have more than fifty (50) square feet of temporary signs displayed at any one (1) time. A temporary sign shall be securely fastened to its supporting structure, window or wall. Temporary signs may remain in place for a period not exceeding sixty (60) days, and may not be replaced for at least thirty (30) days.
~~All temporary signs under twenty four (24) square feet shall contain, in permanent ink or otherwise incorporated into the sign, the name, address and telephone number of the responsible party and the date placed. Notwithstanding the regulations in Section 20-31 of this Chapter, individual temporary signs over twenty four (24) square feet require a sign permit.~~
- D. Number limit. No more than five (5) temporary signs may be located on the exterior of any business, structure or property at any given time.
- E. Temporary signs ~~of rigid material~~ shall not exceed twenty-four (24) square feet in area or six (6) feet in height.
- F. Window Signs. No more than one-third ($\frac{1}{3}$) of any window or wall surface may be covered by temporary signs.
- G. Flexible signs.
 - 1. Support; exception. Every temporary flexible sign (such as cloth or plastic banners) shall be supported and attached with wire rope of at least three-eighths ($\frac{3}{8}$) inch minimum diameter. No strings, fiber ropes or wood slats shall be permitted for support or anchorage purposes. Flexible signs and panels shall be perforated over at least ten (10) percent of their areas to reduce wind resistance.
 - 2. Projection. Flexible signs may extend over public property. Such signs, when extended over a public street, shall maintain a minimum clearance of twenty (20) feet. Flexible signs may extend across a public street only by permission of the City Council and shall be subject to all related laws and ordinances.
- H. Bulletin boards, kiosks and public information signs shall be placed upon the review and approval of the Planning Commission. All conditions of this Chapter shall apply, except placement, which shall be left to the discretion of the appropriate Commission. Bulletin boards, kiosks and public information signs are off-premises signs allowed under this Chapter.
- I. Moveable signs.
 - 1. Moveable signs shall not exceed ten (10) ~~3~~ square feet per face, and shall not

contain more than two (2) faces.

2. Location. All moveable signs must be located upon or directly in front of the property of the sign owner. No moveable sign shall be allowed within the street right-of-way.

J. Canopy and awning signs.

1. Size allowable. Any portion of any awning or canopy containing text shall be treated as a sign.
2. Restrictions. There shall be a minimum clearance of eight (8) feet between the bottom of the awning and the ground at grade.
3. All awning or canopy supports must be set back a minimum of one (1) foot from the public right-of-way or back of the curb. No support may be mounted in the public right-of-way.
4. No awning or canopy is allowed to have ground supports in Zone II.

- K. Interim business signs. Interim signs may remain in place for a maximum of one hundred eighty (180) days, and shall be subject to the maximum sign area limitations of the zone district. No variance may be granted to allow an interim business sign to remain in place for a longer period of time.

Sec. 20-145. Permanent signs. General requirements.

A. Projection; clearance;

1. Clearance from high voltage power lines. Such clearance shall be in accordance with the electrical code adopted by the City.
2. Clearance from fire escapes, exits or standpipes. No sign or sign structure shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit or standpipe.
3. Obstruction of openings. No sign shall obstruct any openings to such an extent that light or ventilation is reduced to a point below that required by the building code.
4. Projection over ~~alleys~~ right of ways. No sign or sign structure shall project into any ~~public alley~~ right of way below a height of fourteen (14) feet above grade, nor project more than twelve (12) inches where the sign structure is located fourteen (14) to sixteen (16) feet above grade. The sign or sign structure may project not more than thirty-six (36) inches into the public alley where the sign or sign structure is located more than sixteen (16) feet above grade.

B. Electronic display signs.

1. Type. Electronic display signs may only be utilized as part of a pole sign, and shall conform to the zone's regulation of pole signs.

Commented [P05]: ADD DIGITAL SIGNS

2. **Timing.** Content of the sign may change no more frequently than every five (5) seconds. The change must be accomplished in such a way that there is no sudden effect which might distract passing motorists and, therefore, create a hindrance to traffic safety. There must be a visual pause of at least one-half (½) second between messages. Messages must remain fixed for a period of at least five (5) seconds and then disappear before the next message appears in view.
3. **Lighting.** The intensity of light from an electronic display sign shall, by automatic sensor, dim in contrast to the surrounding ambient light. Between sunset and sunrise, no electronic display shall have an intensity greater than twenty (20) percent of the sign's maximum intensity.
4. **Restrictions.** Blinking, flickering, varying intensity, flashing light and continuously scrolling messages are prohibited.

C. Illuminated signs.

1. **Shielded lighting.** Lighting sources used for illuminating a sign shall not be visible from the vehicular travel lanes or adjacent public rights-of way. The use of adequate, top-mounted shielding, sufficient that light from sign illuminating devices does not shine directly into the eyes of passing motorists or nearby residences without first being reflected off the sign surface, is required whenever exterior sign lighting is used.
2. **Internal illumination.** Signs constructed of translucent materials and wholly illuminated from within do not require shielding.
3. **Direct lighting or reflective surfaces** shall be arranged so as not to cast glare upon or cause interference with surrounding property or usage of public streets or highways, or to cause a public nuisance.
4. **Subdued lighting.** The intensity of any sign lighting shall not exceed that necessary to illuminate and make legible a sign from the adjacent travel way or closest municipal street or public right-of-way, and the illumination of a sign shall not be noticeably brighter than other lighting in the vicinity.

5. ~~Roof Signs. Illuminated roof signs are only allowed in Sign Zone IV.~~

5-6. The enclosed shell of all electrical signs shall be watertight, except that service holes fitted with covers shall be provided into each compartment of such sign.

Commented [P06]: Moved into sign table

Commented [P07]: Moved into sign table

Marquee Signs. Signs may be placed on, attached to or constructed in a marquee. Such signs shall, for the purpose of determining projection, clearance, height and material, be considered a part of and shall meet the requirements for a marquee as specified in the City's building code.

- D. Merchandise. Merchandise displayed outside the business and on the public right-of-way shall be limited to one (1) display for every twenty-two (22) feet of business frontage, and a maximum size of sixty (60) cubic feet. Exterior displays of merchandise are allowed as provided elsewhere in this Chapter, provided that there is no unreasonable obstruction of pedestrian traffic, as determined by the City.
- E. Off-premises signs. Off-premises signs may be of any type, size and material allowed in the zone where located and shall conform to the regulations for the zone where located. Off-premises signs shall count against the number of signs and aggregate square footage for both the business being advertised and the premises where located.

Commented [PO8]: How about allowing whatever size as long as it stays within the limits of the storefront, and does not impede pedestrian traffic?

Sec. 20-147. Specific Sign Regulations by Sign Zone.

A. Regulations by Zone. In addition to the requirements and limitations set forth in this Chapter, additional requirements and limitations are hereby established for signs by Sign Zone as indicated in the "Specific Sign Regulations by Sign Zone table below:

Table 20-147(a) Specific Sign Regulations by Sign Zone

Commented [PO9]: This table is new, but all the content within it is existing, unless called out by the comments here.

	SIGN ZONE I	SIGN ZONE II ¹	SIGN ZONE III	SIGN ZONE IV
TOTAL SIGNAGE	<u>Allowed square footage (sf) of any type of sign in this table is based upon 2 sf of signage per linear foot of business frontage. Lots with two or more frontages may use all frontages, but no sign can be larger than the frontage size allows.</u>			
WALL SIGNS				
Total number	<u>No limit</u>	<u>No limit</u>	<u>1 allowed for home occupation only</u>	<u>No limit</u>
Max square footage of signage per frontage	120 sf	120 sf	4 sf	120 sf
Additional requirements	<ol style="list-style-type: none"> 1. <u>Wall signs may not extend upward beyond three (3) feet above the eave line of the supporting building.</u> 2. <u>Wall signs shall not exceed the roofline of a building.</u> 3. <u>The thickness of that portion of a wall sign which projects over public property or beyond a legal setback line shall not exceed nine (9) inches.</u> 			
POLE SIGNS				
Total number	1 per premises	<u>Not allowed</u>	<u>Not allowed</u>	1 per premises
Max size	120 sf <u>per face</u> , 2 sides max.			250 sf per face, sides max.
Max height	50 ft.			50 ft.
Setback	<u>10 ft.</u>			<u>10 ft.</u>

Commented [AT10]: This hasn't changed anything, but this is here for clarification.

Commented [PO11]: Not specifically mentioned in existing code, but not allowed because it is not specifically stated it is.

Commented [AT12]: Presently no setback given

¹ No sign shall cover or obscure architectural details of any building.

	SIGN ZONE I	SIGN ZONE II ¹	SIGN ZONE III	SIGN ZONE IV
GROUND SIGNS				
Total number	<u>1 per drive access, two max.</u>	<u>Not allowed</u>	Subdivision identity signs only. 1 allowed at each entrance	<u>1 per drive access, two max.</u>
Maximum height	6 ft. from grade		10 ft. from grade	6 ft. from grade
Max sign area	60 sf on any side, 2 sides total		12 square feet, per side	60 sf on any side, 2 sides total
Setback	<u>Less than 3 ft. high = no setback, greater than 3 ft. high = 5 foot setback</u>			
Additional requirements	Ground signs shall contain an architectural base; e.g., a stone base, planter, etc.			
ROOF SIGNS				
Total number	1 per building	1 per building	<u>Not allowed</u>	1 per building
Max size	30 sf per face, no more than 2 sides	20 sf per face, no more than 2 sides		200 sf per face, no more than 2 sides
Maximum height	No higher than 3 feet. <u>Shall not exceed roof peak or roof surface. Roof signs shall not exceed maximum height of zone district.</u>	No higher than 3 feet. <u>Shall not exceed roof peak or roof surface. Roof signs shall not exceed maximum height of zone district.</u>		No higher than 10 feet above roof peak <u>or roof surface. Roof signs shall not exceed maximum height of zone district.</u>
Additional requirements	Illuminated roof signs are only allowed in Sign Zone IV.			
PROJECTION SIGN				
Total number	1 per building	1 per building	<u>Not allowed</u>	1 per building
Max size	120 sf each side, no more than 2 sides	<u>12 sf each side, no more than 2 sides</u>		120 sf per side, no more than 2 sides
Max height	At least 8' above public right of way. Cannot extend higher than the eave or parapet wall of the principal building. Cannot extend more than five (5) feet from a building wall. The outermost end of a projecting sign may not come within two (2) feet of the parking curb on the street.			
DIRECTIONAL SIGNS				
Total number	<u>One at each driveway entrance</u>	Not allowed	Not allowed	<u>One at each driveway entrance</u>
Max size	6 sf			6 sf.
Max height	3 ft. to top of sign			3 ft. to top of sign
STATUARY SIGNS				
Total number	1 sign per 20 feet of business frontage.	Not allowed	Not allowed	Not allowed
TEMPORARY SIGNS				
Total number	5	5	1	5
Max sign area	<u>Total square footage shall not exceed 50 sf.</u>	<u>Total square footage shall not exceed 50 sf.</u>	<u>6 square feet</u>	<u>Total square footage shall not exceed 4 square feet.</u>
<u>3 seasonal temporary signs of up to 4 square feet each may be located on a property without a permit between September 1st and November 15th.</u>				

Commented [PO13]: Presently no max number listed in this zone.

Commented [PO14]: Not clarified under existing code.

Commented [AT15]: Presently you can have one yard sign of up to 4sf, and 3 of them between Sept and Nov, but you can also have temporary signs, which has been confusing. I recommend deleting "yard" sign from the definition, and just allowing a certain amount of temporary signage in each sign zone.

Sec. 20-148. Sign plan ~~multiple-use buildings.~~

- A. Purpose. The intent of the Sign Plan is to encourage a comprehensive approach to the design, size, number, shape and placement of all signs pertaining to a particular development or building containing multiple businesses. A Sign Plan is voluntary, and is intended to provide an applicant with an alternative to the sign regulations in this Chapter. A Sign Plan is intended to encourage the maximum incentive and latitude to achieve variety and good design. Signs may be allowed in any zone district as part of a Sign Plan, notwithstanding the fact that such signs do not conform to the specific regulations in this Chapter. Exceptions to the regulations contained in this Chapter may include, but are not necessarily limited to, the number of signs, height, location, sign area and illumination. It is the intention of the sign plan provisions to allow for the possibility of innovative, unique approaches to signs.
- B. Application. The owner of a building or buildings which constitute one (1) project or development consisting of multiple businesses and which is under single or unified ownership, or an agent of the owner, may apply for the approval of a sign plan for the property or project with a plan for apportioning permitted signs among the tenants or occupants. The application shall be submitted on a form provided by the City and shall include:
- a. A narrative describing how the Sign Plan meets the review and approval criteria listed below;
 - a-b. The lineal frontage of the building or buildings;
 - b-c. The number of nonresidential tenants or businesses in or proposed for the development;
 - c-d. All existing, as well as proposed, signs;
 - d-e. The proposed number, type, size, height, location, design (including by illustration the materials), method of attachment, lighting and landscaping, if applicable;
 - f. Any other proposed special conditions; and
 - e-g. An application fee as set forth in the City's fee schedule.
- C. Review and approval. Complete applications for sign plans shall be reviewed for approval by the Planning Commission. Such approval shall be granted only where the applicant demonstrates that all of the following conditions will be met:
- a. The proposed sign plan conforms to the purpose all requirements of this Section and all other applicable provisions of this Chapter and other development regulations, standards or requirements adopted by the City, including the Comprehensive Plan.
 - b. Any additional signage in regard to number, square feet or height beyond what would be allowed by right is necessary to achieve good variety and attractive design;
 - c. The proposed sign plan will not result in impacts to adjacent properties which are significantly different in nature, type or extent than impacts caused by signs that are permitted by right in the zone district where the property is located.
 - d. Illumination and size of signs in the program are appropriate for the location, use and character of the neighborhood.
 - e. In Zone II only, the proposed sign plan conforms to the review and approval criteria of Section 22 regarding a Certificate of Appropriateness as outlined in this Code.
- D. Conditions. The Planning Commission may impose appropriate and reasonable, least restrictive conditions on the approval of any Sign Plan or amendment, including but not limited to conditions which alter sign configurations, reduce sign area, relocate signs or require other

design modifications in order to address a legitimate governmental concern of health, safety, and welfare.

D.E. Amendments. An amendment to a Sign Plan is required for any change, including without limitation changes in area, height, location, materials, letter style, color, illumination, method used for structural support or attachment, or sign shape. The submittal requirements and steps for an amendment to a Sign Plan shall be the same as the original Sign Plan.

E.F. Individual limitations. Unless otherwise specifically approved, a sign plan shall be further limited as follows:

- a. No sign shall be placed in such a way that obstructs the view of any other sign in the development or on any neighboring building.
- b. No variance may be granted for signs that do not conform to an approved sign plan.
- c. Where a Sign Plan is silent with regard to sign types, an amendment to a Sign Plan is required for signs requiring a permit except for temporary banners.

20-148—20-150 Reserved

Design, Construction and Maintenance

Sec. 20-151. Design.

- A. Generally. Signs and sign structures shall be designed and constructed to resist wind and seismic forces as specified in this Section. All bracing systems shall be designed and constructed to transfer lateral forces to the foundation. For signs on buildings, the dead and lateral loads shall be transmitted through the structural frame of the building to the ground in such a manner as not to overstress any of the elements thereof. The overturning moment produced from lateral forces shall in no case exceed two-thirds ($\frac{2}{3}$) of the dead-load resisting moment. Uplift due to overturning shall be adequately resisted by proper anchorage to the ground or to the structural frame of the building. The weight of earth superimposed over footings may be used in determining the dead-load resisting moment. Such earth shall be carefully placed and thoroughly compacted.
- B. Wind loads. Signs and sign structures shall be designed and constructed to resist wind forces as specified in the City's building code.
- C. Seismic loads. Signs and sign structures shall be designed and constructed to resist seismic forces as specified in the City's building code.
- D. Combined loads. Wind and seismic loads need not be combined in the design of signs or sign structures; only that loading producing the larger stresses need be used. Vertical design loads, except roof live loads, shall be assumed to be acting simultaneously with the wind or seismic loads.
- E. Allowable stresses. The design of wood, concrete, steel or aluminum members shall conform to the requirements of relevant chapters of the City's building code. Loads, both vertical and horizontal, exerted on the soil shall not produce stresses exceeding those specified in the City's building code. The working stresses of wire rope and its fastenings shall not exceed twenty-five (25) percent of the ultimate strength of the rope or fasteners.

Working stresses for wind or seismic loads combined with dead loads may be increased as specified in the City's building code.

Sec. 20-152. Construction.

- A. Generally. The supports for all signs or sign structures shall be placed in or upon private property, and no part of the sign or structure shall extend into the public right-of-way, except as allowed under Section 20-44 below. All supports and sign structures shall be securely built, constructed and erected in conformity with the requirements of this Chapter.
- B. Materials. Materials of construction for signs and sign structures shall be of the quality and grade as specified for buildings in the building code. In all signs and sign structures, the materials and details of construction shall be designed and built to professional standards and, in the absence of specified requirements, conform with the following:
 - 1. Structural steel shall be of such quality as to conform with standards adopted by the City. Secondary members in contact with or directly supporting the display surface may be formed of light gauge steel, provided that such members are designed in accordance with the specifications of the design of light gauge steel as specified in standards adopted by the City and, in addition, shall be galvanized. Secondary members, when formed integrally with the display surface, shall not be less than No. 20 gauge in thickness. When not formed integrally with the display surface, the minimum thickness of the secondary members shall be No. 12 gauge. The minimum thickness of hot-rolled steel members furnishing structural support for signs shall be one-fourth ($\frac{1}{4}$) inch. Steel pipes shall be of such quality as to conform with standards adopted by the City. Steel members may be connected with one (1) galvanized bolt, provided that the connection is adequate to transfer the stresses in the members.
 - 2. Anchors and supports, when of wood and embedded in the soil or within six (6) inches of the soil, shall be of heartwood of a rot-resistant species or shall be pressure-treated with an approved preservative. Such members shall be marked or branded by an approved agency.
 - 3. Restrictions on combustible materials. Signs may be constructed of any material meeting the requirements of this Chapter. Noncombustible materials must be used when constructing any internally lighted signs.
 - 4. Anchorage. Members supporting unbraced signs shall be so proportioned that the bearing loads imposed on the soil in either direction, horizontal or vertical, shall not exceed the safe values. Braced ground signs shall be anchored to resist the specified wind or seismic load acting in any direction. Anchors and supports shall be designed for safe bearing loads on the soil and for an effective resistance to pullout amounting to a force twenty-five (25) percent greater than the required resistance to overturning. Anchors and supports shall penetrate to a depth below ground greater than that of the frost line. Signs attached to masonry concrete or steel shall be safely and securely fastened thereto by means of metal anchors, bolts or approved expansion screws of sufficient size and anchorage to safely support the loads applied. No wooden blocks, plugs or anchors with wood used in connection with screws or nails shall be considered proper anchorage, except in the case of signs attached to wood framing. No anchor or support of any sign shall be connected to or supported by an unbraced

parapet wall, unless such wall is designed in accordance with the requirements for parapet walls specified for seismic zones in the building code.

5. Display surfaces. Display surfaces in all types of signs may be made of wood, metal, safety glass or approved plastics. Glass thickness and area limitations shall be as set forth in Section 20-45 below.
6. Approved plastics. The authorized agent of the City shall require that sufficient technical data be submitted to substantiate the proposed use of any plastic material and, if it is determined that the evidence submitted is satisfactory for the use intended, its use may be approved.
7. Glass panels.
 - a. An exposed glass panel in any sign shall be of a specified thickness and type, depending on the area of the panel:
 - b. A glass panel up to five hundred (500) square inches in area must be at least one-eighth ($\frac{1}{8}$) inch thick.
 - c. A glass panel more than five hundred (500) and less than seven hundred (700) square inches in area must be at least three-sixteenths ($\frac{3}{16}$) inch thick.
 - d. A glass panel more than seven hundred (700) square inches in area must be at least one-quarter ($\frac{1}{4}$) inch thick.
 - e. Glass panels may be of plain, plate or wired glass, except that those having an area greater than three thousand six hundred (3,600) square inches must be of wired glass.

Sec. 20-153. Maintenance.

- A. All signs and sign support structures, together with all of their supports, braces, guys and anchors, shall be kept in repair and in a proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times. All signs, including signs exempted from these regulations with respect to permits and/or fees, shall be maintained at all times to the satisfaction of the authorized agent of the City. The authorized agent shall have the authority to order the painting, repair or removal of a sign which constitutes a potential danger to the public safety. Such repair or removal shall be completed within thirty (30) days from the date of such notice to the property/business owner from the City.
- B. If the repair or removal order is not complied with in the time allotted in the notice, the authorized agent may cause the sign to be repaired or removed and the cost of said repair or removal shall be charged to the sign owner as provided in Section 20-24 of this Chapter. Application for a variance shall not extend in any way the period allowed for repair or removal.

~~Sec. 20-71. Additional requirements.~~

- B. ~~Projecting Signs. Projecting signs shall not be higher than the eave or parapet wall of the principal building. They must be a minimum of eight (8) feet above grade when located adjacent to or projecting over a pedestrian way. A projecting sign may not extend more than five (5) feet from a building wall. The outermost end of a projecting sign may not come within two (2) feet of the parking curb on the street.~~

~~C. Encroachment. Ground Signs and pole signs. Ground signs shall not project over public property or beyond a legal setback the property lines. Ground signs in excess of three (3) feet in height as measured from the ground to the topmost surface shall be set back a minimum of five (5) feet from the property line to ensure adequate sight distance for exiting traffic.~~

Commented [PO17]: I added setbacks in the table.

~~D. Ground Signs. They Ground signs shall contain an architectural base; e.g., a stone base, planter, etc.~~

Commented [PO18]: Added into sign table

~~E. Wall signs.~~

~~1. Wall signs may not extend upward beyond three (3) feet above the eave line of the supporting building. roofline of a building~~

~~2. Thickness. The thickness of that portion of a wall sign which projects over public property or beyond a legal setback line shall not exceed nine (9) inches.~~

Commented [PO19]: Moved into table

Commented [PO20]: Moved into table

~~Sec. 20-99. Electric and illuminated signs.~~

~~(B) Up to three (3) internally illuminated or backlit signs, including neon signs, are allowed per business.~~

Commented [PO21]: Removed because this is confusing. Are these signs in addition to the other ones, or just illuminated?

~~(A) Projection over streets and sidewalks. Projecting signs must have a minimum clearance of eight (8) feet above grade. No projecting sign may extend more than five (5) feet from the wall which supports it. No projecting sign may be thicker than two (2) feet.~~

~~(B)(A) Height limitations. No sign or sign structure shall exceed the height of the building to which it is associated in Zone II. In Zones I and IV, a sign or sign structure may not exceed fifty (50) feet. Such maximum height includes all supporting structures, as well as the sign proper. This height limitation applies to pole signs, projecting signs and marquees. Ground signs shall not exceed six (6) feet in height as measured from the ground to the topmost surface of the sign. Roof signs shall not exceed three (3) feet in height and, in no case, shall exceed the highest point of the building structure, except that in Zone IV, roof signs may exceed the highest point of the building structure but may not exceed a maximum of ten (10) feet in height. No sign in any Signage Zone may be higher than the limitations listed above except where strict compliance with these regulations would create unusual hardships or exceptional practical difficulties, in which case the City Council may consider granting an exception from the requirements of this Section. However, no such exception shall be granted unless the City Council finds that such exception will not be injurious to the public health, safety or welfare and that unique conditions are presented that are project specific. No application for exception hereunder shall be accepted by the City unless accompanied by the payment of an application fee in an amount set forth in the City's fee schedule.~~