

**ORDINANCE NO. 991**

**AN ORDINANCE AMENDING THE WESTWOOD ZONING CODE, AS AMENDED, BY REPEALING AND REPLACING IN ITS ENTIRETY SECTION 9 OF THE CODE OF THE CITY OF WESTWOOD, KANSAS.**

**WHEREAS**, the City of Westwood, Kansas initiated the changes to Section 9 of the Zoning Ordinance regarding electronic signs and other necessary changes to the sign code; and

**WHEREAS**, a public hearing on the City's request was held before the Planning Commission of the City of Westwood, Kansas, on the 4<sup>th</sup> day of June 2018; and

**WHEREAS**, said Planning Commission has recommended that said amendments to the zoning ordinance of the City of Westwood, Kansas, be approved.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WESTWOOD, KANSAS:**

**SECTION ONE:** That the zoning ordinance, Section 9 of Chapter 16 of the Code of the City of Westwood, Kansas, be repealed and replaced in its entirety as follows:

**9.1 Purpose, Definitions, Prohibited Signs**

**9.1.1 General Regulations**

Signs shall be permitted in the various districts in accordance with the following regulations, which shall apply to all signs that are visible from beyond the lot line. Signs not authorized by the provisions of this chapter are not authorized.

**9.1.2 Statement of Purposes and Objectives**

The Westwood governing body declares that the purpose of this article is to protect, preserve, and promote the health, safety, general welfare, and beauty of the City, by regulating the location, size, placement, physical materials, and illumination of signs. The City further intends to regulate signage in order to promote economic development and protect property values from the effect of visual blight, and to promote the rights of individuals to convey messages through temporary signs, while preventing the unrestricted proliferation of signs, both permanent and temporary. The City finds that certain signs, by their quantity, size, placement, appearance, or other characteristics, can create a hazard to traffic by blocking the view of and distracting motorists and others, particularly with respect to signs in the rights-of-way of the City. The City further finds that the rights of way of the City are subject to ongoing street, sidewalk, and other infrastructure and utility construction and repair, and are subject to digging, excavation, and other construction activities at any time. The City also finds that the rights of way are widely used for such subsurface purposes as fiber optic lines, natural gas lines, and other structures, and placing signs or other structures in the rights-of-way could interfere with or damage such structures. The City finds that the use of the rights of way is also subject to statutory and other legal rights and interests including, but not limited to, use of the rights of way by certain utilities or other providers of goods or services to the public. The City intends to promote the substantial governmental goals of safety and aesthetics, but not to impair protected Constitutional rights, including freedom of speech.

**9.1.3 Definitions**

**Animated Sign:** any device such as flashing, blinking, rotating, or moving action intended to attract the attention of the public to an establishment or to a sign.

**Awning:** a temporary shelter, supported entirely from the exterior wall of a building, and composed of a non-rigid material, except for a rigid, stationary supporting framework.

**Back-Lighted Sign:** a sign with concealed illumination, which provides backlighting that silhouettes the message.

**Banner:** a temporary sign printed on fabric or other pliant material.

**Billboard:** an outdoor freestanding panel or advertising structure which stands over three feet above ground or above grade at its base and which advertises a product or service, relays a message to the public, or carries an advertising message.

**Building:** a roofed and walled structure.

**Building, Multi-Tenanted:** a building, or a group of two or more attached buildings under unified control or ownership, housing two or more tenants.

**Business Facade:** the architectural front of a building, relating to a particular business, lying between the ground level of the pedestrian walkway and the lowest level of the roofline.

**Complex:** a group of two or more buildings with two or more tenants, developed in a related manner and under unified control and ownership.

**Detached Sign:** any sign located on the ground or on a structure or support located on the ground and not attached to any building.

**Directional Sign:** any sign directing traffic to a location or event.

**Dissolve:** a mode of message transition on an EMC accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.

**Electronic Message Center (EMC):** A sign that utilizes computer-generated messages or some other electronic means of changing copy including LED, LCD or similar displays.

**Externally Illuminated Sign:** any sign which is partially or completely illuminated by a light source which is shielded so that the light source is external to the sign and not visible.

**Facade:** the principal face or front of a building.

**Fade:** a mode of message transition on an EMC accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

**Flashing Sign:** any sign which is internally or externally illuminated by flashing, flowing, alternating or blinking lights.

**Ground Sign:** a freestanding sign, not more than five feet in height, supported by uprights, braces, columns, poles, or other vertical members which are not attached to the building.

**Height of Sign:** the vertical distance, measured from the average grade of the sign foundation or point of sign support to the highest point on the sign. The average grade shall be determined by deriving the average elevation of property extending fifteen feet from all sides of the proposed sign location.

**Identification Sign:** a sign giving the name and address of a building, business, development or establishment. Such signs may be wholly or partially devoted to a readily recognizable symbol.

**Illuminated Channel Cut Letter Signage:** Dimensional lettering with internal illumination.

**Internally Illuminated Sign:** any sign (other than illuminated channel cut letter signage) illuminated by diffused light through a translucent material so that the light source is not directly discernable.

**Memorial Sign or Tablet:** a sign cut into a masonry or rock surface that is a part of a building, or a bronze, or similar material, tablet inset into such building.

**Monument Sign:** a freestanding sign made of brick, natural stone materials, concrete, metal, wood, or plastic, which harmonizes with the architecture of the building or complex it serves, and is constructed of materials consistent with the building. The monument sign copy area must be attached in a continuous fashion to a proportionate base. The proportionate base must be continuous and the width of the base must be at least one half of the width of the widest part of the sign.

**Nonconforming Sign:** any advertising structure or sign which has been erected and maintained prior to such time as it came within the purview of this article and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this article, or a non-conforming sign for which a special use permit has been issued.

**Off-Site Sign:** any sign which directs the attention of the public to any goods, merchandise, property (real or personal), business, service, entertainment, or amusement conducted, produced, bought, sold, furnished, or offered on any premises other than where the sign is located.

**Parcel:** a tract of land comprised of one or more lots or portions thereof zoned for a single dwelling or for a single business single business development under common ownership.

**Permanent Sign:** any wall, monument or other sign that is fixed, lasting, stable, enduring, not subject to change, and generally opposed to temporary, but not always meaning perpetual.

**Pole Mounted Banner Sign:** A temporary sign printed on fabric or other pliant material, mounted to a street light or utility pole, typically within the city right of way.

**Pole Sign:** a freestanding sign, more than five feet in height, supported by uprights, columns, poles, or other vertical members which are not attached to a building.

**Portable Sign:** any sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to an A-frame or sandwich frame sign, balloons or other gas or air-filled objects used as commercial signs; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

**Projecting Sign:** any sign extending more than one foot from the face of the building to which it is attached.

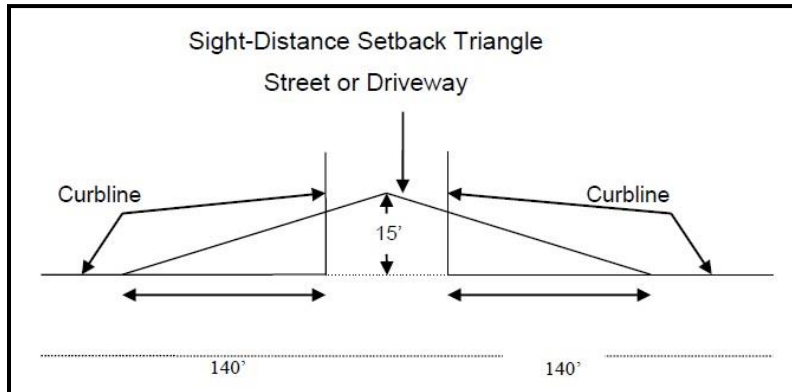
**Public Right-of-way:** the area on, below, or above public streets, alleys, bridges, and parkways, and the area immediately adjacent thereto, that is, the dedicated roadway area.

**Roof:** the cover of a building including roofing and all other materials and construction (such as supporting members) necessary to carry and maintain it on the walls or uprights.

**Roof Sign:** any sign constructed and maintained partially or wholly upon or over the roof eave of a building, or the eave of a false roof.

**Scroll:** a mode of message transition on an EMC where the message appears to move across the display surface.

**Sight Distance Triangle:** the two areas of all corner lots within the triangles formed by a short leg 15 feet in length and a long leg 140 feet in length, both distances measured along the curb line or edge of the pavement.



**Sign:** any posting, board, symbol, or other physical or material device which communicates or functions as an announcement, message, attracting device, declaration, demonstration, display, illustration, identification, description, insignia, symbol, or logo which is used to transmit a message, is used to advertise or promote, or which directs attention to any idea, cause, opinion, business, product, activity, service, place, institution, or person, or which functions as a device for solicitation, or anything on which a message is displayed. A sign includes any supporting structure appurtenant thereto when the same is in public view.

**Sign Area Calculation:** the entire area within a single continuous perimeter enclosing all elements of a sign that form an integral part of the display including the perimeter border. Signs with more than one face shall be taken as one face only for purposes of determining size area only. Each sign shall have no more than two faces.

**Sign Maintenance:** the normal care and minor repair necessary to retain a safe, attractive, uniformly lit (if applicable), and finished structure, brackets or surface. Repainting or repairing copy or logo shall be considered maintenance if the information, product or service remains the same and if the sign is to serve the identical establishment using the same business firm name as before the change.

**Sign Structure:** the supports, uprights, braces and framework of a sign.

**Structure:** that which is built or constructed; an edifice or building of any kind.

**Temporary Sign:** any sign that is intended for a temporary period of posting on public or private property, and is typically constructed from nondurable materials, including paper, cardboard, cloth, plastic, and/or wall board, and which may have a plastic, metal, or wooden support, or which does not constitute a structure subject to the City's Building Code or Zoning provisions.

**Tenant:** one who holds or possesses a house, building, land or tenement by any right or title, whether in fee, for life, for years, at will, or otherwise.

**Transition:** a visual effect used on an EMC to change from one message to another.

**Travel:** a mode of message transition on an EMC where the message appears to move horizontally or vertically across the display surface.

**Wall Sign:** any vertical sign attached flat against the surface of a wall, awning, or facade (other than a false roof facade), of a building, but not projecting horizontally from the vertical surface more than twelve inches or above the vertical surface.

**Window Sign:** any sign which is displayed in, attached to or applied to the exterior or interior of any transparent glass or acrylic plastic surface that could be considered a window.

#### **9.1.4 Prohibited Signs**

All signs not expressly permitted within this ordinance or exempted herein are prohibited in the City. Such prohibited signs include, but are not limited to:

- A. Animated signs.
- B. Billboards.
- C. Electrically lighted signs that create a nuisance to neighboring property owners and/or the general public. A nuisance is defined as any electrically lighted sign which gives offense to or endangers life or health, causes pollution such as light pollution, obstructs the reasonable and comfortable use and enjoyment of the property of another, interferes with the rights of citizens whether in person, property, or enjoyment of property or comfort, annoys or causes trouble or vexation, is offensive or noxious, or works hurt, inconvenience, or damage. To constitute a nuisance, the interference must be both substantial and unreasonable.
- D. Electronic Message Centers (EMC's) with the exception of installations noted in 9.3.1.E
- E. Flashing or blinking signs, including excessive change in the color of the illumination.
- F. Off-site signs.
- G. Pole signs.
- H. Portable signs.
- I. Roof signs.
- J. Any sign attached to a tree, fence, or utility pole except warning signs issued and properly posted by the utility company having ownership or control of said utility pole, and also excepting any signs required by governmental or legal authority.
- K. Any illuminated awnings.

*(Ord No. 942)*

#### **9.1.5 Severability**

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this ordinance and/or any other code provision and/or laws or ordinances are declared invalid or unconstitutional by a judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the validity of any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this ordinance, including, but not limited to, the prohibitions contained herein, and further including, but not limited to, the prohibition on billboards as contained herein.

## **9.2 Regulations Applicable to All Districts**

### **9.2.1 Sign Permit**

- A. Except as provided herein, or as may be provided by other ordinances or resolutions of the City, it shall be unlawful for any person to erect, install, alter, move or replace any new or existing sign without first obtaining a permit and making payment of the sign permit fee as established in the City fee schedule on file in the City Clerk's Office. A permit is not required for ordinary maintenance and repair of a sign, nor is a permit or fee required to post temporary signs.
- B. Any person desiring to erect a sign for which a permit is required shall submit to the Building Official an application upon a form to be provided by the City that shall contain the following information:
  - 1. Name, address, and telephone number of the applicant;
  - 2. Location of the building, structure, or lot to which or upon which the sign is to be attached or erected;
  - 3. Position of the sign in relation to nearby building or structures, streets and sidewalks;
  - 4. Drawing of the sign, showing elevation or elevations of the sign at a scale of one half inch to the foot, or larger, showing the sign, including structural supports, height to bottom of the sign, as well as material, color, and lighting;
  - 5. Length of time the sign will be displayed;
  - 6. Written consent of the owner of the building, structure or land to which or on which the sign is to be erected; and
  - 7. Such other information as the Building Official shall require showing full compliance with this and all other laws and ordinances of the City.
- C. It shall be the duty of the Building Official, upon filing of an application for a sign permit, to review the application and to conduct such other investigation as is necessary to determine the accuracy of the application and reach a decision within fourteen days of the application being completed and filed with the City. If it shall appear that the applicant has provided the information requested in the application, and that the proposed sign will comply with the ordinances of the City, the Building Official shall forward the sign permit to the Planning Commission for a review of the sign. The Building Official shall record and maintain all documents pertaining to sign permits. Notwithstanding the above, signs may be approved as part of a comprehensive site plan review or otherwise as part of a zoning procedure provided that any such signs meet the criteria set forth herein.
- D. If the Building Official determines that the proposed sign is not in compliance with all requirements of this chapter or any other laws or any other ordinances of the City, the Building Official shall not issue the requested permit, and shall notify the applicant of such denial and the reason therefore within fourteen days of the application being completed and filed with the City.
- E. If the Building Official finds that a sign meets the criteria herein for approval, and is not a type of sign that requires specific planning commission approval, then the Building Official shall issue a permit.
- F. Any applicant aggrieved by a decision of either the Building Official shall be entitled to an appeal to have said decision reviewed by the Governing Body. Said appeal must be taken within thirty days of the decision from which an appeal is taken. The Governing Body shall hear such appeal at the earlier of its next regularly scheduled meeting or the passage of twenty days from the decision from which an appeal is taken.
- G. All rights and privileges acquired under the provisions of the chapter, or any amendments thereto, are revocable at any time by the City for cause, and all such permits shall contain this provision.

### **9.2.2 Signs Exempt from Permit Requirement**

The following signs are exempt from the permit process and are not subject to this ordinance:

- A. Street markers, traffic signs, warning signs, and other appropriate or mandatory signs displayed by the City or other governmental subdivision in the exercise of the police power to assure the public health, safety, and welfare;
- B. Any sign required by the City's Building or Fire Codes or other governmental authority;
- C. Official notice by public officers or employees in the performance of their duties; and
- D. Signs required or specifically authorized by statute or ordinance, or otherwise required by law.

### **9.2.3 Exceptions to Permit Process**

The following types of signs are exempt from permit requirements but must be in conformance with all other requirements of this article:

- A. Temporary signs;
- B. Memorial signs or tablets not in excess of four square feet;
- C. Name plate signs for single-family dwellings; and
- D. In the district zoned for retail sales, temporary window signs which do not exceed ten percent of the area of the window in which the sign is placed.

### **9.2.4 Traffic Hazards**

No sign shall be constructed at the intersection of any street in such a manner as to obstruct the free and clear vision of motorists, or any location where, by reason of the position, shape or color, said sign may interfere with obstruct the view or be confused with any authorized traffic signal or device.

### **9.2.5 Maintenance and Inspection**

All signs now or hereinafter erected shall at all times be kept in good repair and structurally safe. Any sign which may be at any time deemed to be in disrepair or unsafe by the Building Official shall be removed and costs of the removal paid by the owner.

### **9.2.6 Public Rights of Way**

With the exception of City of Westwood pole mounted banner signs, no sign, including any part of a sign or sign structure, shall be located within the public right-of-way, except approved directional and traffic control signs, or except as permitted under the regulations herein. No sign, or sign structure, shall be erected or maintained over, across, or upon any sidewalk or street except as provided herein or otherwise as required or permitted by law.

### **9.2.7 Temporary Signs**

- A. The City enacts this Ordinance to establish reasonable regulations for the posting of informational signs on public and private property. Recognizing that temporary signs, left completely unregulated, can become a threat to public safety as a traffic hazard, and a detriment to property values as an aesthetic nuisance, the City intends to:
  - 1. Protect the rights of all individuals to convey their message through temporary signs and at the same time recognize the right of the public to be protected against the unregulated proliferation of signs;
  - 2. further the objectives of the City's comprehensive plan;
  - 3. protect the health, safety, and welfare;
  - 4. reduce traffic and pedestrian hazards;
  - 5. protect property values by minimizing the possible adverse effects and visual blight caused by signs;
  - 6. promote economic development; and
  - 7. ensure the fair and consistent enforcement of the temporary sign regulations specified hereinafter.
- B. Temporary signs may be posted on property in all zoning districts of the City, subject to the following requirements:
  - 1. The total square footage per parcel for temporary signage in any district, in the aggregate, shall not exceed eighteen square feet, with no individual sign exceeding six square feet. The area of a sign is to be calculated as set forth above
  - 2. Signs shall not exceed three feet in height measured from the average grade at the base of the sign.
  - 3. No sign shall obstruct or impair access to a public sidewalk, public or private street or driveway, traffic control sign, bus stop, fire hydrant, or any other type of street furniture, or otherwise create a hazard, including a tripping hazard.
  - 4. No sign shall be illuminated or painted with light reflecting paint.

5. A sign shall only be posted with the consent of the property owner or occupant.
  6. A temporary sign may be posted for a period of up to ninety days, at which time the sign shall be removed or replaced.
  7. Signs shall not be posted on trees, utility poles, and other similar structures within the rights of way.
- C. The removal or replacement of temporary signs shall be governed by the following regulations:
1. The person who posted or directed the posting of the sign is responsible for the removal or replacement of that sign.
  2. If the person does not remove or replace the sign in accordance with these regulations, then the property owner or occupant of the building or lot where the sign is posted is responsible for the sign's removal or replacement.
  3. If the Building Official finds that any sign is posted in violation of these regulations on public property, the Building Official is authorized to remove any such signs. If the Building Official finds that any sign is posted in violation of these restrictions on private property, the Building Official shall give written notice to the person who has posted or directed the posting of the sign. If that person fails to remove or replace the sign so as to comply with the standards herein within 72 hours after such notice, such sign may be removed by the Building Official.

#### **9.2.8 Sign Area Calculations**

- A. The area for monument signs shall include the sign panel but not the sign base on which it is mounted or the structural elements or frames that form the perimeter of the panel.
- B. If a wall sign is contained within a panel, the sign area calculation shall be the area of the panel. If the sign consists of individual letter, symbols, or words, either painted or mounted on the wall, the area shall be the smallest rectangular figure that can encompass all of the letters, words, logos, or symbols.

#### **9.2.9 Setback**

No sign, except approved directional signs, shall be placed within the required sight-distance setback triangle (see diagram in definitions), unless specifically authorized by the Planning Commission.

#### **9.2.10 Permanent Signs Secured**

Permanent signs shall be secured fastened to the ground or to some other substantial supporting structure so that there is virtually no danger that either the sign or the supportive structure may be moved by the wind or other forces of nature and cause injury to persons or property. Sign structures may be required to have a building permit, at the discretion of the Building Official.

#### **9.2.11 Projecting Signs**

- A. No sign projecting at right angles from a building wall shall extend over a street, alley, sidewalk, or other property, or within eighteen inches of the curb line or automobile parking area, except for signs over privately owned sidewalks. No projecting sign shall be so constructed that the lowest overhanging part thereof is less than nine feet above the level of any private sidewalk.
- B. Projecting signs shall be securely attached to the building or structure by bolts, anchors and guys or non-corrosive metals or plated metals.

#### **9.2.12 Wall Signs**

- A. Any wall sign:
  1. Shall not project or extend more than twelve inches from the face of the wall surface, or eighteen inches above the awning, provided that the awning is at least a minimum of eighteen inches below the parapet.
  2. Shall not exceed twenty square feet in area.
  3. Shall not extend above, below or beyond the wall surface on which mounted.
  4. Must be placed only on flat wall areas where the sign touches the wall surface continuously on all sides.



- B. Wall surfaces shall not be leased for outdoor advertising to persons other than the tenant.

#### **9.2.13 Illuminated Signs**

Illuminated signs shall not constitute a traffic hazard. Lighting shall be directed away and shielded from normal traffic view.

#### **9.2.14 Obscene Materials**

Obscene signs, flags, banners, or any sign of any type are prohibited. "Obscene" is defined as any material that:

- A. the average person, applying contemporary community standards, would find that, taken as a whole, appeals to the prurient interest; and
- B. the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law; and
- C. the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

#### **9.2.15 Substitution of Messages**

Subject to the landowner's consent, a noncommercial message of any type may be substituted for any duly permitted or allowed commercial message or duly permitted or allowed noncommercial message, provided that the sign or sign structure is legal without consideration of the message content. This substitution of message may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a parcel or land use, nor does it affect the requirement that a sign structure or mounting device be properly permitted. This provision does not allow for the substitution of an offsite commercial message in place of an onsite commercial message.

### **9.3 Regulations Applicable to Specific Districts**

#### **9.3.1 Residential Districts R-1(A), R-1(B), R-1(C), R-1(D), R-1(E)**

The following signs shall be permitted in residential districts:

- A. Non-illuminated temporary signs not requiring a permit, as described in Article 9.2.7, Temporary Signs.
- B. Building address numbers visible from the public right-of-way, shall not exceed 8 inches in height, and/or numbers painted on the curb not to exceed 4 inches in height.
- C. Ground signs for the purpose of guiding pedestrian and vehicular traffic to parking lots shall be permitted, provided that such signs do not identify tenants.
- D. Each church, school, and other public building, single or multi-tenanted, allowed in the residential district, shall be allowed one non-illuminated, or externally illuminated sign, not to exceed 5 feet in height, along the frontage of each public street abutting the property. The copy on the sign may be changed from time to time provided that the structure of the sign is not changed from that approved. Signs in such areas shall be subject to review by the Planning Commission as set forth hereinabove.
  - 1. Buildings or complexes with less than 100 feet of street frontage shall be restricted to signs not exceeding 20 square feet in area per face, and be limited to two faces per sign.
  - 2. Buildings with more than 100 feet of street frontage shall not exceed 30 square feet of area per face and be limited to two faces per sign, and one non-illuminated wall sign, not to exceed 15 feet in area.
- E. Churches and Schools allowed in the residential district shall be permitted one Electronic Message Center (EMC). EMC's shall be submitted to the planning commission for specific approval. Details, including siting, materials, size, display brightness (measured at 35' and at the property lines), display type, frequency of message transitions, and method of method transition shall be submitted.
  - 1. EMC's shall be sited, detailed, and programmed so as not to be a nuisance or hazard to pedestrians, motorists, or neighbors.

- a. Brightness: Brightness on electronic message boards shall be limited to no more than 0.3 footcandles over ambient lighting conditions when measured at a distance of 35'. EMC's shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions.
  - b. EMC's shall be limited to 0 footcandles over ambient conditions when measured at the property lines.
2. Permitted EMC's shall be monument signs only. All requirements of monument signs shall apply. The area of the electronic display shall not exceed 12 square feet per face, and be limited to two faces per sign. The total area of the sign shall not exceed 30 square feet per face, and be limited to two faces per sign.
  3. No more than one EMC installation is permitted per property.
  4. On all EMC's, only the static display of messages is permitted with at least 15 seconds between changes in display and no more than 1 second for transitions. Messages shall be changed only through dissolving or fading Transition Methods. No scrolling, travelling, flashing, or animated transitions are allowed
  5. EMC's shall be placed so that the sign face is perpendicular to the street they are addressing. On corner lots, the applicant shall indicate which street the sign will be addressing.
  6. EMC's shall be set back 150 feet from adjacent property lines parallel to the sign face, and 15' feet from the right of way perpendicular to the sign face.

### **9.3.2 Office and Professional Districts; C-O**

The following signs shall be permitted in office and professional districts:

- A. Any sign allowed in the residential districts.
- B. Each building or complex, single or multi-tenanted, shall be allowed one non-illuminated or indirectly illuminated monument sign, not to exceed 5 feet in height, along the frontage of each dedicated public street abutting the property. Such sign shall identify only the name of the building or complex and list the tenant(s) housed therein.
  1. Buildings or complexes with less than 100 feet of street frontage shall be restricted to signs not exceeding 20 square feet in area per face, and be limited to two faces per sign.
  2. Buildings or complexes with more than 100 feet of street frontage shall not exceed 30 square feet area per face and be limited to two faces per sign.
- C. In addition to the monument sign(s), each business or commercial establishment shall be permitted one non-illuminated, illuminated channel cut letter, or indirectly illuminated wall, projecting, or awning sign along the frontage of each dedicated public street abutting the property. The total area of each sign shall not exceed 10 percent of the area of the business facade on which it is placed, and the facade must be continuous with the tenant's gross leasable floor area.
- D. In addition to the wall, projecting, or awning sign referenced above, each business or commercial establishment shall be permitted window signage, the area of which will be calculated against the gross allowable wall sign area.

### **9.3.3 Retail and Business Districts; CP-1, C-1, P-1,**

The following signs shall be permitted in retail and business districts:

- A. Any sign allowed in the residential districts and the office and residential districts.
- B. Each building or complex, single or multi-tenanted, shall be allowed one non-illuminated or indirectly illuminated, monument sign, not to exceed 5 feet in height along the frontage of each dedicated public street abutting the property. Such sign shall identify only the name of the building or complex and list the tenant(s) housed therein.
  1. Buildings or complexes with less than 100 feet of street frontage shall be restricted to signs not exceeding 20 square feet in area per face and limited to two faces per sign.
  2. For multi-tenanted retail buildings or complexes, with 8 or more storefronts or tenant spaces, the owner may double the allowable area for one street frontage by either doubling the area of the sign, not to exceed 5 feet in height, or by doubling the number of signs on one street frontage.

- C. In addition to the monument sign(s), each business or commercial establishment shall be permitted one non-illuminated, illuminated channel cut letter, or indirectly illuminated wall, projecting, or awning sign. The total area of each sign shall not exceed 10 percent of the area of the business facade on which it is placed, and the facade must be continuous with the tenant's gross leasable floor area. Business establishments having frontage on more than one dedicated public street may have the aforementioned wall or awning sign on each frontage.
- D. Ground signs specifically for the purpose of guiding and directing vehicular traffic shall be permitted in parking districts.
- E. Notwithstanding any other provisions herein, in any district zoned for retail sales, a tenant or property owner may have an additional temporary sign for cumulative periods not to exceed fourteen days in any calendar year, and such sign shall be no larger than 32 square feet. A no-fee permit shall be required for such additional temporary sign.

**9.3.4 Planned Commercial Districts**

Signs shown on the approved final development plan or approved amended development plan shall be permitted in planned commercial districts.

**9.4 Sign Standards Applicable to New and Existing Multi-Tenanted Office Buildings, Multi-Tenanted Retail Buildings, and Multi-Tenanted Complexes**

**9.4.1 Site Plan Review**

Nothing in this ordinance is intended to supersede the plan review process provided in the City's ordinances and regulations. The development of consistent graphics to avoid confusion, to comply with health and safety concerns, and to avoid visual clutter and pollution may be considered as part of the plan review process. However, nothing in the plan review shall be construed to override the requirements set forth herein.

**9.4.2 Compliance**

- A. The standards shall be within the regulations set out by this Ordinance.
- B. Such standards shall run with all leases or sales of portions of the development. The sale, subdivision, or other partition of the site does not exempt the project or portions thereof from complying with these regulations.
- C. With respect to projects which require a plan review, sign permits shall not be issued until after approval of the design standards by the Planning Commission as part of the plan review process. A copy of the approved sign standards shall be kept on file in the Office of the City Clerk for reference in the issuance of sign permits.
- D. The Planning Commission shall follow the additional criteria set forth herein.

**9.4.3 Nonconforming Signs**

All existing non-conforming signs which exist at the time of the adoption of this amendment may remain and further provided that no changes in the basic structure, source of illumination, location of appearance shall be made in such signs and further provided that if the business to which the sign is related should move to another site, which move creates in effect an off-site advertising sign, then such device shall be removed or otherwise brought into full conformance with this title.

**9.4.4 Permit Fees**

Sign permit fees are calculated as shown on the appropriate fee schedule at the Office of the City Clerk. If any sign is installed or placed on any property prior to receipt of a sign permit, the specified permit fee shall be doubled. However, payment of the doubled permit fee shall not relieve any person of any other requirements or penalties of this section.

**9.4.5 Appeal**

Any person aggrieved by the terms of this section may seek an appeal before the Governing Body within thirty days of the decision by the City Building Official by which the person is aggrieved. The Governing Body shall meet and decide the appeal at the earlier of its next regularly-scheduled meeting or the passage of twenty days from the appeal being filed, unless the applicant shall request or agree to a continuance of the matter. The status quo shall be maintained during any approval or appeal process.

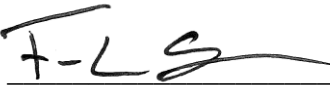
**SECTION TWO:** All other ordinances of said City in conflict herewith are hereby amended to conform to the provision of this Ordinance.

**SECTION THREE:** This ordinance shall take effect and be in force from and after its adoption and publication as required by law.


**PASSED and APPROVED** on this 14th day of June, 2018



  
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John M. Yé, Mayor

  
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Frederick L. Sherman, City Clerk

APPROVED AS TO FORM:

  
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Ryan B. Denk, City Attorney