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# **SIGN CODE**

for the  
City of Sioux Falls

## **Shape Places Zoning Ordinance**



**CITY OF  
SIOUX FALLS**

Sioux Falls, South Dakota

CITY OF SIOUX FALLS SIGN CODE

**SIGN AND OUTDOOR ADVERTISING  
CITY OF SIOUX FALLS**

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**GENERAL**

**§ 97.001 POSTING ON PUBLIC PROPERTY.**

No person shall nail, paste, paint or otherwise affix in any manner any sign, advertisement, picture or design whatever upon any bridge, viaduct, sidewalk, parking, parkway, boulevard, crosswalk, curb or street or upon the railing or approaches of any bridge, viaduct or sidewalk or upon any telephone, electric light or fire alarm pole or post.

**§ 97.002 EXEMPTION FOR OFFICIAL GOVERNMENTAL OR UTILITY NOTICES.**

The provisions of this subchapter shall not apply to the posting of official governmental notices or signs nor to the posting of official utility notices or signs.

**§ 97.003 EXCEPTIONS.**

The provisions of this subchapter shall not apply to street address numbers which are painted on the curb directly in front of the appropriate building, provided that the street number is painted as follows: four-inch high black stencil numbers upon a white background no more than two feet in length, with one set of numbers per address. The person painting the street numbers must obtain prior written approval of the property owner or tenant.

**§ 155.001 SIGNS UPON, OVER PUBLIC WAYS.**

Except as otherwise authorized in §160.573 et seq. of this Code, as amended, no sign or supporting structure shall be located upon or over any portion of the dedicated right-of-way of any public street, alley or thoroughfare.

**§ 155.002 MAINTENANCE.**

- (a) All signs, together with all of their supports, braces, guys and anchors, shall be kept in repair and in a proper state of preservation. The display surface of all signs shall be kept neatly painted or posted.
- (b) The director of planning and development services may order the removal of or cause to be removed any sign that is not maintained in accordance with the provisions of this section.

**§ 160.580 SIGN MAINTENANCE**

Signs shall be maintained in a safe and legible condition at all times, including the replacement of defective or damaged parts, painting, repainting, cleaning, and other services required for maintenance of the signs. Unsafe signs shall be removed or brought into compliance immediately upon written notice.

**§ 160.581 ABANDONED SIGNS.**

Abandoned signs shall be removed or brought into compliance within 90 days of written notice from the director of planning and development services.

**§ 160.517 INTERSECTION SAFETY ZONE.**

- (a) No monument style sign or other sign with its face less than eight feet above grade in all DD forms and 12 feet above grade in all other forms or any fence, wall, shrub, evergreen or coniferous tree, or other obstruction to vision exceeding three feet in height above the established street grade shall be erected, planted or maintained within the area of a corner lot that is included between the lines of the intersection streets and a straight line connecting them at points 30 feet distant from the intersection of the right-of-way lines.
- (b) Exception: In the DTPUD, POPUD, or S-2 zoning districts, where the traffic engineer deems that the potential for a traffic hazard is minimal, the requirement for the intersection safety zone may be waived.
- (c) This section does not authorize or prohibit parking strip plantings or landscaping, or require the City Engineer to issue and parking strip permits inconsistent with § 96.010.

**§ 160.518 DRIVEWAY SAFETY ZONE.**

- (a) No monument style sign or other sign with its face less than eight feet above grade in all DD forms and than ten feet above grade for all other forms or any fence, wall, shrub, evergreen or coniferous tree or other obstruction to vision exceeding three feet in height above the established street grade shall be erected, planted or maintained within the area from the curb line to ten feet behind the curb line.
- (b) Exception: In the DTPUD zoning district, where the traffic engineer deems that the potential for a traffic hazard is minimal, the requirement for the intersection vision clearance area may be waived.

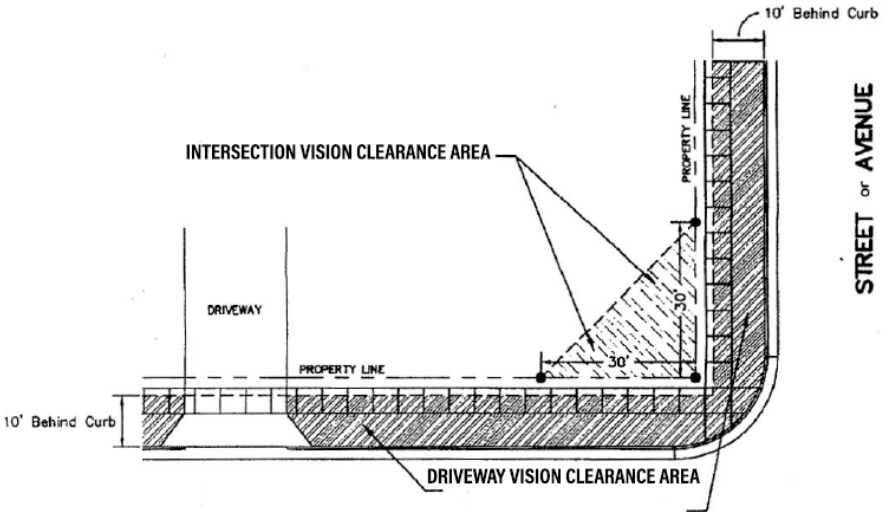
**CITY OF SIOUX FALLS SIGN CODE**

(c) This section does not authorize or prohibit any parking strip plantings or landscaping or require the City Engineer to issue any parking strip permits inconsistent with § 96.010.

**See Figures below for intersection and driveway safety zones.**

**Diagram B**

**VISIBILITY ORDINANCES FOR PROPERTY OWNERS**



**STREET or AVENUE**

**LICENSES**

**§ 155.015 REQUIRED.**

No person shall engage in the activity or business of sign or outdoor advertising by erecting, maintaining, leasing or providing to others ground signs, roof signs, wall signs, projecting signs, marquee signs, portable signs, or changeable signs in the city without first having procured a license from the city council to conduct that activities or business.

**§ 155.016 CHAPTER 110 APPLICABLE.**

The provisions of chapter 110, insofar as the provisions may be applicable and not in conflict, shall apply to and govern the issuance of any license under the provisions of this subchapter.

**§ 150.222 DEFINITIONS.**

*Sign wiring contractor.* Any person licensed by the city having the necessary qualifications to execute the work of manufacturing, maintaining, repairing and installing sockets and luminous gaseous tubes energized by transformers or ballasts, in and on signs and outline lighting on buildings or as decorative lighting inside buildings, but not including connections to the source of a primary electrical power supply.

**§ 150.223 LICENSE REQUIRED**

(c) *Sign wiring contractor.* Except as otherwise provided herein, no person other than an employee, partner or officer of a licensed sign wiring contractor as defined in § 150.222 shall undertake or offer to undertake sign wiring work with or without compensation unless the person obtains a sign wiring contractors license from the city.

**§ 110.028 LICENSES ISSUED BY PLANNING AND DEVELOPMENT SERVICES.**

|   |                      |
|---|----------------------|
| Sign wiring contractor, new .....   | \$200                |
| Renewal.....  | \$100                |
| Advertising signs; includes engaging in the commercial billboard or advertising board business by erecting or maintaining ground, roof, wall or other signs ..... | \$200 (Biennial fee) |

**§ 155.017 INSURANCE.**

Along with the application for a license required by this subchapter, the applicant shall file with the city finance department a certificate of standard form contractor's public liability insurance, covering bodily injuries, including death, with limits of not less than \$100,000 for each person and \$300,000 for each accident and covering property damage with a limit of \$50,000 for each accident.

**§ 155.018 TRANSFERABILITY.**

No license issued under the provisions of this subchapter shall be transferable.

**§ 155.019 BOND REQUIRED.**

As a condition of his or her license, every person who engages in the activity or business of sign or outdoor advertising in the city shall maintain and deliver to the zoning enforcement manager a continuous bond in the penal sum of \$10,000 in a form approved by the city with the licensee as principal on the bond and the city as the obligee for its benefit and that of consumers dealing with the contractor. The bond shall be conditioned upon compliance with the provisions of this chapter and chapter 160 of this Code. Claims upon the bond may be filed by any person damaged by reason of the principals failure to perform his or her obligation under the bond. The bond shall be in addition to all other license bonds. The bond shall be written by a corporate surety authorized to transact business in the state. Suspension or revocation of the license of the principal shall not by itself affect the liability of either the principal or the surety on the bond except that the liability of the surety shall not extend to acts or omissions of the principal occurring after the effective date of his or her license suspension or revocation.

**§ 155.034 VIOLATIONS.**

- (a) Notice of violation. The planning and development services official is authorized to serve a notice of violation or order on the person responsible for the violation of the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

**§ 155.020 PORTABLE SIGNS.**

It shall be the duty of persons engaged in the activity or business of renting or providing portable signs to others to record the date of the transaction, the name of the sign users, and the proposed location of the portable sign and to maintain these records for a period of two years. Furthermore, it shall be their duty to require applicants placing portable signs within city limits to produce a valid permit prior to transfer of the sign. All portable signs must prominently display the name of its owner, whether business or individual.



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**PERMITS AND INSPECTIONS**

**§ 155.030 PERMITS REQUIRED.**

Except as otherwise provided in this subchapter, it shall be unlawful for any person to erect, alter, relocate or maintain within the city any sign without first obtaining an erection permit from the department of planning and development services and making payment of the required fee.

**§ 155.031 PENALTY WHEN WORK BEGUN WITHOUT PERMIT.**

When work for which a permit is required by this subchapter is started or proceeded with prior to obtaining the permit, the fees specified therefor shall be doubled, but payment of the double fee shall not relieve any person from fully complying with the requirements of city ordinances in the execution of the work nor from any other penalties prescribed for the violation of city ordinances.

**§ 155.032 APPLICATION FOR PERMIT.**

- (a) An application for permit required by this subchapter shall be submitted to the department of planning and development services in a form as they may prescribe and shall include the information as may be required for a complete understanding of the proposed work and the other information to show full compliance with this chapter and all other laws and ordinances of the city.
- (b) Action on application. If the planning and development services official is satisfied that the proposed work conforms to the requirements of the code and ordinances applicable thereto, the official shall issue a permit therefor as soon as practicable.
- (c) Validity of permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of this jurisdiction shall not be valid. The issuance of a permit based on the application, sketch, and site plan or other construction documents shall not prevent the planning and development services official from requiring the correction of errors in the application or other data.

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- (d) Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is completed within 180 days after its issuance. If an inspection has not been requested after 180 days of permit issuance and the permit has not been extended, the permit shall expire without notice. The planning and building services official is authorized to grant, in writing, one extension of time for a period of not more than 180 days. The extension shall be requested in writing and justifiable cause demonstrated.
- (e) Suspension or revocation. The planning and development services official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate, or incomplete information or in violation of any ordinance or regulation or any of the provisions of this code.
- (f) Placement of permit. The sign permit or copy shall be kept on file with the applicant until the completion of the project. The sign shall display the sign permit sticker in a prominent location attached to the sign or sign structure.

### **§ 155.033 INSPECTIONS REQUIRED.**

- (a) General. Work for which a sign permit is required shall be subject to inspection by the planning and development services official. Approval as a result of an inspection shall not be construed to be approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible for inspection purposes. Neither the planning and development services official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.
- (b) Inspection requests. It shall be the duty of the holder of the sign permit or their duly authorized agent to notify the planning and development services official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for any inspection of such work that are required by this code. If an inspection has not been requested after 180 days of permit issuance and the permit has not been extended, the permit shall expire without notice.

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- (c) Approval required. The planning and development services official shall make the requested inspections and shall either indicate the portion of the sign work that is satisfactory as completed or shall notify the permit holder or agent of the permit holder wherein the same fails to comply with this code. Any portions that do not comply shall be corrected.

**§ 160.582 PERMITTING PROCESS.**

- (a) Right to approval of permits for conforming signage. If a sign that is the subject of a sign permit complies with all applicable regulations of this Code, the city must issue a permit for the sign.
- (b) Appeal from denial. Denial of any request for a sign permit is an administrative decision and is appealable in accordance with the provisions of § 160.583 [Appeals] of this Code.

**§ 160.583 APPEALS.**

Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the officer from whom the appeal is taken, and with the board of adjustment a notice of appeal specifying the grounds thereof.

**41.010 SIGN PERMIT FEES.**

Before any sign permit shall be issued under the provisions of § 155.030, the applicant shall pay a fee as follows:

|  |      |
|--|------|
| Sign .....   | Fee  |
| Any sign less than 100 square feet .....                                   | \$35 |
| Any sign 100 square feet or greater,<br>but less than 200 square feet..... | \$50 |
| Any sign 200 square feet or greater .....                                  | \$75 |
| Portable sign permit fees.....   | \$20 |

**ON-PREMISES SIGN REGULATIONS**

**§ 160.570 PURPOSE AND INTENT.**

- (a) Signs use private land and the sight lines created by public rights-of-way to inform and persuade the general public by a message. The purpose of this subchapter is to prevent the uncontrolled use of signs.

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(b) These regulations provide standards for the erection and maintenance of on-premises signs. The principal feature of this section is the restriction on the total sign area permissible per site. All signs shall be erected and maintained in accordance with the following standards:

(1) *Substitution of noncommercial message.*

(a) The owner of any sign which is otherwise allowed by this sign ordinance may substitute noncommercial copy in lieu of any other commercial or noncommercial copy. This substitution of copy 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 prevails over any more specific provisions to the contrary.

(b) All noncommercial messages are considered on-premises signs and are entitled to the privileges that on-premise signs receive under this Code.

1. Noncommercial message: Messages not classified as commercial messages, which include, but are not limited to, messages concerning political, religious, social, ideological, public service, and informational topics.
2. Commercial message: Speech or graphics advertising a business, provision, commodity, service, or entertainment.

(2) *Severability.* If any section, subsection, sentence, clause, or phrase of this sign ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this sign ordinance. The city council hereby declares that it would have adopted the sign ordinance in each section, subsection, sentence, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

(c) The general objectives of these standards are to promote safety, welfare, communication, and quality and to achieve the following:

(1) Safety. To promote the safety of persons and property by providing that signs:

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- A. Do not create a hazard due to collapse, fire, collision, decay, or abandonment.
  - B. Do not create traffic hazards by confusing or distracting motorists; or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles; or to see and interpret any official traffic sign, signal, or device.
  - C. Do not create a nuisance to persons using the public rights-of-way.
  - D. Do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height, or movement.
- (2) Communications efficiency. To promote the efficient transfer of information, consistently and predictably, by providing that:
- A. Businesses and services may identify themselves.
  - B. Customers and other persons may locate a business or service.
  - C. No person or group is arbitrarily denied the use of the sight line from public rights-of-way for communication purposes.
  - D. Signs are sized based upon the adjacent streets' class and speed; roadways with higher speeds need to provide information to people in a shorter amount of time, generally warranting more sign allowance.
- (d) Landscape quality and preservation. To protect the public welfare and to enhance the appearance and economic value of the landscape by providing that:
- (1) Similar development "forms" retain the same sign standards.
  - (2) Sign standards represent how the land is developed, consisting of structure form, corridor form, and zoning districts.

### ***Cross-reference:***

*Signs and outdoor advertising, see ch. 155*

## **§ 160.571 SIGN STANDARDS.**

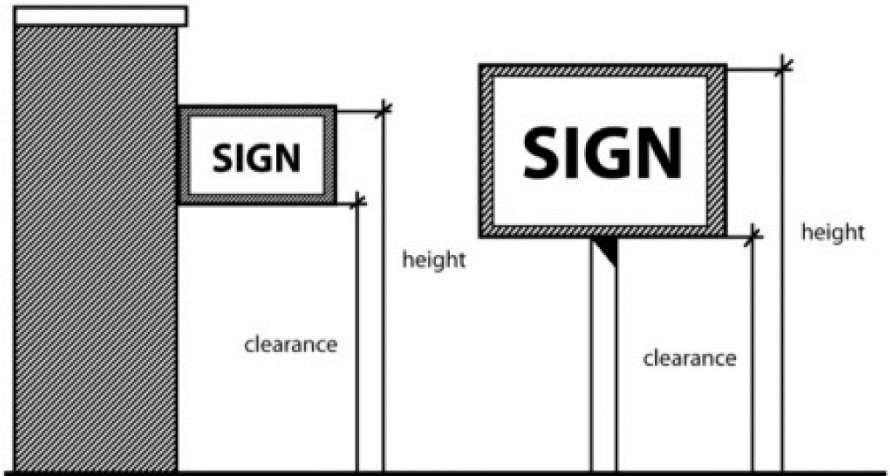
- (a) The sign standards shall apply to every zoning district for the city and its extraterritorial jurisdiction. Sign terminology shall be defined within § 160.005.

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### (b) *Measurement standards.*

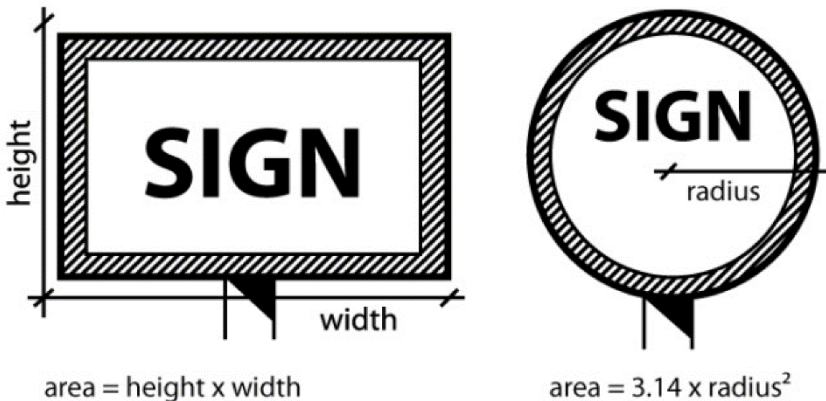
- (1) Sign height shall be measured from the grade (as defined) immediately below the sign.

#### Example of Sign Height



- (2) Sign area shall be measured by the area of the largest single face of the sign within a perimeter which forms the outside shape, including any frame which forms an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one section or module, all areas will be totaled.

#### Example of Sign Area



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- (c) Sign faces. Sign faces that are erected back to back and do not exceed a forty-five-degree ( $45^{\circ}$ ) angle are considered one sign. Sign faces which exceed a forty-five-degree ( $45^{\circ}$ ) angle are considered two signs.



### § 160.572 ALLOWED AND UNAUTHORIZED SIGN TYPES IN EACH DISTRICT.

- (a) Only signs described as allowed herein shall be issued a permit in the following districts [§ 155.030 Permits required]. Except as otherwise provided within the title, it shall be unlawful for any person to erect, alter, relocate, or maintain any sign without first obtaining a sign permit from the department of planning and building services.
- (b) The sign area and height set forth shall apply to all signs on the premises except as provided in § 160.576 [Exemptions]. The signs shall also comply with the requirements of § 160.573 [Regulations and limitations of temporary signs] and § 160.575 [Regulations and limitations for identification signs]. Prohibited signs as described herein, § 160.578 [Prohibited signs], will not be granted sign permits.
- (1) *Open Space, UT [1-2], BCF [4], WM [3] Forms.*
- A. The following signs are allowed within the district:
1. Building sign area of one square foot for each two lineal feet of building frontage.
  2. Freestanding signs in conformance with the provisions below:

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- a. Freestanding signs shall not exceed 40 square feet and eight feet in height per street frontage for lots with street frontage of 100 feet or less and 60 square feet and eight feet in height per street frontage for lots with street frontage exceeding 101 feet.
  - b. One sign shall be allowed per street frontage.
    - i. Freestanding signs shall be located only in a front or side yard.
    - ii. Freestanding signs shall not be located within the vision clearance area, [§ 160.517] or Driveway vision clearance area [§ 160.518] and Signs upon, over public ways [§ 155.001].
    - iii. Freestanding signs shall not rotate.
  3. Allowed temporary and nonpermanent signs are as follows when in conformance with the provisions of § 160.573 [Regulations and limitations of temporary signs] and § 160.574 [Regulations and limitations of changeable signs]:
    - a. Banners.
    - b. Portable signs.
  4. Identification signage when in conformance with the provisions of § 160.575 [Regulations and limitations for identification signs]: Public institution.
- B. The following signs are unauthorized within the district:
1. Roof signs.
  2. Projecting signs.
  3. Window signs.
- (2) *AD [1-4] and DD [1-7] Forms.*
- A. The following signs are allowed within the district:
1. a. Each dwelling unit: A one-square-foot wall sign.
  - b. Bed and breakfast establishment: Signage shall be no more than four square feet in area (either wall or freestanding signage), not to exceed six feet in height, and shall not be illuminated.



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2. Identification signage when in conformance with the provisions of § 160.575 [Regulations and limitations for identification signs]:
    - a. Public institution.
    - b. Residential tract.
  - B. The following signs are unauthorized within the district:
    1. Roof signs.
    2. Projecting signs.
    3. Nonresidential identification signs.
    4. Portable signs.
    5. Window signs.
    6. Banners.
- (3) *NF [1-2] and MD [1-3] Forms.*
- A. The following signs are allowed within the district:
    1. Wall sign area not to exceed total sign area of 50 square feet per frontage.
    2. Freestanding sign area not to exceed total sign area of 50 square feet, six feet in height, and in conformance with the provisions below:
      - a. One sign shall be allowed per street frontage. A second freestanding sign will be allowed for a lot with two or more frontages.
      - b. Freestanding signs are spaced no less than 100 feet apart.
      - c. When a premises has two 88-foot frontages and elects to erect only one freestanding sign, the sign area may be increased by 20%.
      - d. Freestanding signs shall be located only in a front or side yard.
      - e. Freestanding signs shall not be located within § 160.517 [Intersection vision clearance area] or § 160.518 [Driveway vision clearance area].
      - f. Freestanding signs shall not rotate.

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3. Allowed temporary and nonpermanent signs are as follows when in conformance with the provisions of § 160.573 [Regulations and limitations of temporary signs] and § 160.574 [Regulations and limitations of changeable signs]:
    - a. Portable signs.
    - b. Banners.
  4. Identification signage when in conformance with the provisions of § 160.575 [Regulations and limitations for identification signs]:
    - a. Residential tract.
    - b. Nonresidential tract.
    - c. Public institution.
- B. The following signs are unauthorized within the district:
1. Roof signs.
  2. Projecting signs.
  3. Window signs.
  4. Joint tenant.
- (4) *BCF [1-2] and RE1 Forms.*
- A. The following signs are allowed within the district:
1. Building signs in conformance with the provisions below:
    - a. *Wall, roof, and projecting.* Building sign area of one square foot for each two lineal feet of street frontage or one square foot for each lineal foot of building frontage shall be allowed. When a building has multiple frontages, an additional sign area of one square foot for each three lineal feet of street frontage or one square foot for each two lineal feet of building frontage shall be allowed for other street frontages. Allowable sign area is not transferable from one frontage to another.
    - b. Additional building sign standards:
      - i. Projecting sign.

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- (A) May project no more than five feet from the building face.
- (B) Shall have a minimum clearance of ten feet above grade level above any yard or sidewalk and 16 feet above any road, alley, or drive.
- (C) May project no more than five feet above the top of a parapet or roof.
- (D) Shall not project over public rights-of-way.
- ii. Roof sign.
  - (A) Shall rise no higher than five feet above the top of a parapet or roof.
  - (B) Shall be limited to a maximum of 32 square feet in sign area.
- c. Freestanding signs in conformance with the provisions below:
  - i. Freestanding signs shall not exceed a total sign area of 40 square feet and eight feet in height for lots with street frontage of 100 feet or less and 60 square feet and eight feet in height for lots with street frontage exceeding 101 feet.
  - ii. In addition to the allowable signage, one additional freestanding sign will be allowed for each additional 300 linear feet of the street frontage.
  - iii. Monument signs will be permitted a 15% increase in the allowed sign area.
  - iv. Freestanding signs shall be spaced no less than 100 feet apart.
  - v. When a premises has two 88-foot frontages and elects to erect only one freestanding sign, the sign area may be increased by 20%.
  - vi. Freestanding signs shall be located only in a front or side yard.
  - vii. Freestanding signs shall not be located within § 160.517 [Intersection vision clearance area] or § 160.518 [Driveway vision clearance area].

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viii. Freestanding signs shall not rotate.

- d. Allowed temporary and nonpermanent signs are as follows when in conformance with the provisions of § 160.573 [Regulations and limitations of temporary signs] and § 160.574 [Regulations and limitations of changeable signs]:
  - i. Portable signs.
  - ii. Window signs.
  - iii. Banner.
- e. Allowed identification signs are as follows when in conformance with the provisions of § 160.575 [Regulations and limitations for identification signs]:
  - i. Public institution.
  - ii. Nonresidential tract.
  - iii. Joint tenant.
  - iv. Residential tract.

### (5) RE [2-5] & MU [1-3] Forms.

A. The following signs are allowed within the district:

- 1. Building signs in conformance with the provisions below:
  - a. *Wall, roof, and projecting.* A building sign area of one square foot for each one lineal foot of street frontage or two square feet for each one lineal foot of building frontage shall be allowed. Allowable sign area is not transferable from one frontage to another.
  - b. On any RE2, RE3, RE4, MU1, MU2, or MU3 form where multiple tenant strip malls have a building depth over two and a half times the building frontage (width), and the lot has only one street frontage, the building signage will be based on the depth rather than the width, of the building.
  - c. Additional building sign standards:
    - i. Projecting sign.
      - A) May project no more than five feet from the building face.

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(B) Shall have a minimum clearance of ten feet above grade level above any yard or sidewalk and 16 feet above any road, alley, or drive.

(C) May project no more than five feet above the top of a parapet or roof.

(D) Shall not project over public rights-of-way.

ii. Roof sign.

(A) Shall rise no higher than five feet above the top of a parapet or roof.

(B) Shall be limited to a maximum of 32 square feet in sign area.

B. Freestanding signs in conformance with the provisions below with a maximum permitted sign area and height as set forth below:

| <b>Street Frontage</b> | <b>1-50'</b> | <b>51-100'</b> | <b>101-150'</b> | <b>151-200'</b> | <b>201-250'</b> | <b>251-299'</b> | <b>300'</b> |
|------------------------|--------------|----------------|-----------------|-----------------|-----------------|-----------------|-------------|
| Sign area              | 32           | 64             | 96              | 128             | 160             | 192             | 200         |
| Sign height            | 20           | 25             | 25              | 25              | 30              | 30              | 30          |

1. Freestanding signs shall be limited to one per street frontage, except that businesses on frontages of 264 feet or more may erect two freestanding signs. However, the total sign area of both signs may not exceed that allowed for the street frontage.
2. In addition to the allowable signage, one additional freestanding sign will be allowed for each additional 300 linear feet of the street frontage.
3. Freestanding signs shall be spaced no less than 100 feet apart.
4. When a premises has two 88- foot frontages and elects to erect only one freestanding sign, the sign area may be increased by 20%.
5. Freestanding signs shall be located only in a front or side yard.
6. Freestanding signs shall not be located within § 160.517 [Intersection vision clearance area] or § 160.518 [Driveway vision clearance area], herein.
7. Freestanding signs shall not rotate.

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- C. Allowed temporary signs are as follows when in conformance with the provisions of § 160.573 [Regulations and limitations of temporary signs]:
1. Window signs.
  2. Banners.
  3. Portable signs.
- D. Allowed identification signs are as follows when in conformance with the provisions of § 160.575 [Regulations and limitations for identification signs]:
1. Nonresidential tract.
  2. Joint tenant.
  3. Public institution.
  4. Residential tract.

### (6) RE6 Form.

- A. The following signs are allowed within the district:
1. Building signs in conformance with the provisions below:
    - a. *Wall, roof, and projecting.* Building sign area of three square feet for each one lineal foot of street frontage shall be allowed. When a parcel has multiple frontage, an additional sign area of one square foot for each additional one lineal foot of street frontage shall be allowed for other street frontages. No more than three square feet of sign area for each one lineal foot of street frontage shall face any one frontage.
    - b. Additional building sign standards:
      - i. Projecting sign.
        - (A) May project no more than five feet from the building face.
        - (B) Shall have a minimum clearance of ten feet above grade level above any yard or sidewalk and 16 feet above any road, alley, or drive.
        - (C) May project no more than five feet above the top of a parapet or roof.

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(D) Shall not project over public rights-of-way except in the downtown RE6 Form.

ii. Roof sign.

(A) Shall rise no higher than five feet above the top of a parapet or roof.

(B) Shall be limited to a maximum of 32 square feet in sign area.

c. Freestanding signs. With a maximum permitted sign area and height as set forth below:

| <b>Street Frontage</b> | <b>1-100'</b> | <b>101-150'</b> | <b>151-200'</b> | <b>201-300'</b> | <b>300'</b> |
|------------------------|---------------|-----------------|-----------------|-----------------|-------------|
| Sign area              | 32            | 48              | 64              | 80              | 100         |
| Sign height            | 18            | 18              | 18              | 18              | 18          |

i. Freestanding signs shall be limited to one per street frontage, except that businesses on frontages of 264 feet or more may erect two freestanding signs. However, the total sign area of both signs may not exceed that allowed for the street frontage.

ii. Freestanding signs shall be spaced no less than 100 feet apart.

iii. When a premises has two 88-foot frontages and elects to erect only one freestanding sign, the sign area may be increased by 20%.

iv. Freestanding signs shall be located only in a front or side yard.

v. Freestanding signs shall not be located within § 160.517 [Intersection vision clearance area] or § 160.518 [Driveway vision clearance area], herein.

vi. Freestanding signs shall not rotate.

vii. In addition to the allowable signage, one additional freestanding sign will be allowed for each additional 300 linear feet of the street frontage.

B. Allowed temporary signs are as follows when in conformance with the provisions of § 160.573 [Regulations and limitations of temporary signs]:

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1. Portable signs (including sandwich signs) [§ 117.066 Objects allowed in the right-of-way upon notice].
  2. Banners.
  3. Window.
- C. Allowed identification signs are as follows when in conformance with provisions of § 160.575 [Regulations and limitations for identification signs]:
1. Nonresidential.
  2. Public institutional.
- (7) *WM [1-2] Form.*
- A. The following signs are allowed within the district:
1. Building signs in conformance with the provisions below:
    - a. Wall, roof, and projecting. Building sign area of one square foot for each three lineal feet of street frontage shall be allowed. When a parcel has multiple frontage, an additional sign area of one square foot for each additional four lineal feet of street frontage shall be allowed for other street frontages. No more than one square foot of sign area for each three lineal feet of street frontage shall face any one frontage.
    - b. Additional building sign standards:
      - i. Projecting sign.
        - (A) May project no more than five feet from the building face.
        - (B) Shall have a minimum clearance of ten feet above grade level above any yard or sidewalk and 16 feet above any road, alley, or drive.
        - (C) May project no more than five feet above the top of a parapet or roof.
        - (D) Shall not project over public rights-of-way.
      - ii. Roof sign.
        - (A) Shall rise no higher than five feet above the top of a parapet or roof.



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(B) Shall be limited to a maximum of 32 square feet in sign area.

2. Freestanding signs. With a maximum permitted sign area and height as set forth below:

| <b>Street Frontage</b> | <b>1-100'</b> | <b>101-150'</b> | <b>151-200'</b> | <b>201-300'</b> | <b>300'+</b> |
|------------------------|---------------|-----------------|-----------------|-----------------|--------------|
| Sign area              | 37            | 55              | 92              | 107             | 115          |
| Sign height            | 18            | 18              | 18              | 18              | 18           |

- a. Freestanding signs shall be limited to one per street frontage except that businesses on frontages of 264 feet or more may erect two freestanding signs. However, the total sign area of both signs may not exceed that allowed for the street frontage.
- b. Freestanding signs shall be spaced no less than 100 feet apart.
- c. When a premises has two 88-foot frontages and elects to erect only one freestanding sign, the sign area may be increased by 20%.
- d. Freestanding signs shall be located only in a front or side yard.
- e. Freestanding signs shall not be located within the § 160.517 [Intersection vision clearance area] or § 160.518 [Driveway vision clearance area], herein.
- f. Freestanding signs shall not rotate.

3. Allowed temporary signs are as follows when in conformance with the provisions of § 160.573 [Regulations and limitations of temporary signs]:

- a. Portable signs.
- b. Banners.

4. Allowed identification signs are as follows when in conformance with the provisions of § 160.575 [Regulations and limitations for identification signs]:

- a. Nonresidential tract.
- b. Public institution.

B. The following signs are unauthorized within the district:

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1. Window.
2. Joint tenant.

(8) *BCF3 Form.*

- A. The following signs are allowed and authorized within the district:
1. Building signs in conformance with the provisions below:
    - a. Wall, roof, and projecting. Building sign area 1 square foot for each 2 lineal feet of street frontage or 1 square foot for each lineal foot of building frontage shall be allowed. BCF3 forms where multiple tenants have a building depth over two and a half times the building frontage (width), and the lot has only one street frontage, the building signage will be based on the depth rather than the width of the building. When a building has multiple frontages, an additional sign area of 1 square foot for each 3 lineal feet of street frontage or 1 square foot for each 2 lineal feet of building frontage shall be allowed for other street frontages. Allowable sign area is not transferable from one frontage to another.
    - b. Projecting sign.
      - i. May project no more than 5 feet from the building face.
      - ii. Shall have a minimum clearance of 10 feet above grade level above any yard or sidewalk and 16 feet above any road, alley, or drive.
      - iii. May project no more than 5 feet above the top of a parapet or roof.
      - iv. Shall not project over public rights-of-way.
    - c. Roof sign.
      - i. Shall rise no higher than 5 feet above the top of a parapet or roof.
      - ii. Shall be limited to a maximum of 32 square feet in sign area.

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2. Freestanding signs in conformance with the provisions with a maximum permitted sign area and height as set forth below:

| <b>Street Frontage</b> | <b>1-100'</b> | <b>101-150'</b> | <b>151-200'</b> | <b>201-300'</b> | <b>300'+</b> |
|------------------------|---------------|-----------------|-----------------|-----------------|--------------|
| Sign area              | 48            | 64              | 80              | 100             | 120          |
| Sign height            | 20            | 20              | 25              | 25              | 25           |

- a. Freestanding signs shall be limited to one per street frontage except that businesses on frontages of 264 feet or more may erect two freestanding signs. However, the total sign area of both signs may not exceed that allowed for the street frontage.
  - b. In addition to the allowable signage, one additional freestanding sign will be allowed for each additional 300 linear feet of the street frontage.
  - c. Freestanding signs shall be spaced no less than 100 feet apart.
  - d. When a premises has two 88-foot frontages and elects to erect only one freestanding sign, the sign area may be increased by 20%.
  - e. Freestanding signs shall be located only in a front or side yard.
  - f. Freestanding signs shall not be located within § 160.517 [Intersection vision clearance area] or § 160.518 [Driveway vision clearance area].
  - g. Freestanding signs shall not rotate.
3. Allowed temporary and nonpermanent signs are as follows when in conformance with the provisions of § 160.573 [Regulations and limitations of temporary signs] and § 160.574 [Regulations and limitations of changeable signs]:
- a. Portable signs.
  - b. Window signs.
  - c. Banner.
4. Allowed identification signs are as follows when in conformance with the provisions of § 160.575 [Regulations and limitations for identification signs]:

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- a. Public institution.
- b. Nonresidential tract.
- c. Joint tenant.
- d. Residential tract.

B. The following signs are unauthorized with this form: Signs prohibited by this code as noted in § 160.578.

### **§ 160.573 REGULATIONS AND LIMITATIONS OF TEMPORARY SIGNS.**

(a) The regulations and limitations of temporary signs shall be as follows.

- (1) Permits are required for the following temporary signs. Permit fees will cover inspection costs necessary to administer the temporary nature of these signs, on-site inspections and confirming their condition, and that they have been removed within the permitted time frames. Additional inspections will result in citations and fines.
- (2) Temporary signs shall be maintained in a legible condition and secured on each end and shall be in compliance with § 160.517 [Intersection vision clearance area] and § 155.001 [Signs upon, over public ways].
- (3) Temporary signs presently in use that do not comply with these ordinance provisions shall be removed within 30 days of the effective date of this ordinance.

(b) *Portable signs.*

(1) *Generally.*

- A. Except as otherwise provided in this section, portable signs may only be allowed in the UT [1-2], BCF [1-4], NF [1-2], MD [1-3], RE [1-6], MU [1-3], and WM [1-3] Forms. Based upon the lot sizes, setbacks, and impacts to adjacent properties, portable signs are not authorized within the single-family district/form and neighborhood commercial.
  1. Portable signs shall be limited to no more than 32 square feet.
  2. Portable sign permits are allowed up to 60 permit days per calendar year at any one business location. Separate permits shall be required for each sign.

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Permits may be issued for terms of either 15 or 30 days, and permit holders will be charged with the full term of which the permit is issued. Subsequent permits shall not be issued until 30 days have elapsed following the expiration of 15-day permits and 60 days following a 30-day permit. Permits for two or more portable signs may be issued at a particular business location if the permits are of equal duration and run concurrently.

3. *[Portable] inflatable signs.* High-flying, helium, ground, and roof inflatable signs may be displayed under the following conditions.
  - a. Sign area exception: The maximum size of a ground-mounted inflatable will be 15 feet by 30 feet. The maximum size of a roof-mounted inflatable will be 25 feet wide by 30 feet high. The maximum volume of a high-flying inflatable will be 500 cubic feet.
  - b. Inflatable permits are allowed up to 60 permit days per calendar year at any one business location. Separate permits shall be required for each sign. Permits may be issued for terms of seven days, and permit holders will be charged with the full term of which the permit is issued. Subsequent permits shall not be issued until 30 days have elapsed following the expiration of seven-day permits. Permits for two inflatable signs may be issued at a particular business location if the permits are of equal duration and run concurrently.
  - c. Cabling, tie-downs, or tether lines will not be located on or across public property.
  - d. High-flying inflatables will not be located in any airport approach zone and will not interfere with utility lines, antennas, or towers.
4. *[Portable] noninflatable signs.* Noninflatable signs (including but not limited to windfeathers and nongovernmental flags) may only be displayed under the following conditions:
  - a. Shall not exceed 32 square feet in total area per sign.

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- b. Noninflatable permits are allowed up to 60 permit days per calendar year at any one business location. Separate permits shall be required for each sign. Permits may be issued for terms of either 15 or 30 days, and permit holders will be charged with the full term of which the permit is issued. Subsequent permits shall not be issued until 30 days have elapsed following the expiration of 15-day permits and 60 days following a 30-day permit. Permits for two noninflatable signs may be issued at a particular business location if the permits are of equal duration and run concurrently.

### **§ 160.574 REGULATIONS AND LIMITATIONS OF CHANGEABLE SIGNS.**

The regulations and limitations of permitted signs shall be as follows:

- (a) Permits are required for the following changeable signs: banners exceeding 100 square feet per business location whether on building or freestanding sign, and window signs exceeding the 25 square feet exempt by ordinance.
- (b) Permit fees will cover inspection costs necessary to administer the nature of these signs, on-site inspections, and confirming their condition, location, and size. Additional inspections will result in fines.
- (c) Permits are for the sign area and sign location, not for the sign content. Therefore, sign content may change within the same permit based upon approved area and location.
- (d) Changeable signs shall be maintained in a “legible condition” and secured on each end and shall be in compliance with § 160.517 [Intersection vision clearance area], § 155.001 [Signs upon, over public ways], and § 160.518 [Driveway vision clearance area].
- (e) Changeable signs presently in use that do not comply with these ordinance provisions shall be removed within 30 days of the effective date of this ordinance.
  - (1) Changeable signs: Banner.
    - A. Banners shall be permitted under the following conditions in the Open Space, UT [1, 2], MD [1-3], NF [1-2], BCF [1, 2, 3, 4], WM [1-3], MU [1-3] and RE [1-6] Forms:

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1. Permits are not required for banners on a building or freestanding sign, as long as the total square footage area of all the banners at the business location do not exceed 100 square feet.
2. Banners shall only be attached to freestanding signs, building walls, parking lot lights, or streetlights in the RE 6 form [downtown central business zoning district].
3. Banners exceeding a total square footage of 100 square feet will be counted towards the allotted sign area allowed. Freestanding banners will be counted towards freestanding signage and building banners will be counted towards building signage. A sign permit is required for each banner.
4. If a banner is attached to a light pole, it is restricted to 13 square
5. Banners which exceed the total square footage of 100 square feet per business location and up without obtaining a sign permit will result in citations and fines.

### (2) Changeable signs: Window.

- A. Window signs shall be permitted under the following conditions in the BCF [1-2], MU [1-3], and RE [1-6] Forms:
  1. Permits are not required for window signage up to 25 square feet of area per business location. A sign permit shall be required for window signage exceeding the 25 square feet maximum area.
  2. Window signage exceeding a total square footage of 25 square feet will be counted towards the allotted building signage allowed and require sign permits.
  3. Window signage which exceeds the total 25 square footage and without obtaining a sign permit will result in citations and fines.

### (3) Changeable signs: Drive-through signs.

- A. Drive-through signs shall be permitted under the following conditions in the MU [1-3] and RE [1-6] Forms:
  1. Permits are not required for drive-through signage up to 48 square feet of area per order station. A sign permit shall be required for drive-through signage exceeding the 48 square feet area.

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2. Drive-through signage exceeding a total square footage of 48 square feet per order station will be counted toward the allotted freestanding signage allowed and require sign permits.
  3. Drive-through signage which exceeds the total square footage of 48 square feet per order station and without obtaining a sign permit will result in citations and fines.
- (4) Changeable signs: Motor vehicle service stations.
- A. Motor vehicle service station signs shall be permitted under the following conditions in the MU [1-3] and RE [2-5] Forms:
1. Permits are not required for motor vehicle service station signage up to 12 square feet of area per frontage. A sign permit shall be required for motor vehicle services station signage exceeding the 12 square feet area.
  2. Motor vehicle service station signage exceeding a total square footage of 12 square feet per frontage will be counted toward the allotted freestanding signage allowed and require sign permits.
  3. Motor vehicle service station signage which exceeds the total square footage of 12 square feet per order station and without obtaining a sign permit will result in citations and fines.

### **§ 160.575 REGULATIONS AND LIMITATIONS FOR IDENTIFICATION SIGNS.**

- (a) Permits are required for the following: Residential tract identification sign. [in the AD, DD, MD forms]
- (1) Shall be limited to 48 square feet in area and 8 feet in height.
  - (2) A residential tract sign will be allowed only along arterial street frontages at the intersection of the arterial street and collector street and must be in compliance with § 160.517 [Intersection vision clearance area] and § 155.001 [Signs upon, over public ways].
- (b) Permits are required for the following: Nonresidential tract identification signs. [in the RE, BCF1, BCF3, WM & MU forms]
- (1) Shall be limited to 100 square feet in area and 10 feet in height.



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- (2) Signs will not be allowed on lots less than ten acres in size.
- (c) Permits are required for the following: Public institution identification sign. [BCF1, BCF2, BCF3 forms] Places of worship, schools, day care centers, institutional, and public uses.
- (1) Shall be limited to 48 square feet in area and 8 feet in height.
- (2) Subject to:
- A. Two signs per institution.
  - B. Hours of sign illumination shall be from 6:00 a.m. to 10:00 p.m.
  - C. Conformance with § 160.577 [Illumination].
  - D. Use of this subsection prohibits other freestanding signs permitted under § 160.575(b) above.
- (d) Permits are required for the following: Joint tenant tract identification sign. Joint tenant identification signs shall be permitted under the following conditions in the MMU1, MMU2, MMU3, C-4, S-2, PO-PUD, DT-PUD, and V-PUD districts (with the RE5, RE4, RE3, BCF 3 forms).
- (1) Additional joint tenant identification signs are limited to alternative sign plans per § 160.602.
- (2) Joint tenant shall not exceed 200 square feet and 30 feet in height.
- (3) An additional sign will be allowed for each ten acres of subdivision up to a total of four joint signs. Acres calculated within commercial subdivision or subarea.
- (4) Allowed on common property.

### **§ 160.576 EXEMPTIONS.**

The following signs may be allowed in addition to the signs permitted in § 160.572 [Allowed and unauthorized sign types in each district]. Exempt signs do not require the issuance of a sign permit, but must be in conformance with all other state laws and local ordinances.

- (a) *Integral signs*. Integral to the building structure, the sign shall be allowed up to 3 square feet in area.
- (b) *Pennants*. Pennants shall be limited to a maximum sign area of 1 square foot per pennant. Pennants are allowed up to 60 days per calendar year at any one business location.
- (c) *Private traffic direction signs*.

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- (1) Signs directing traffic movement onto and out of a commercial, industrial, institutional, office, recreational, apartment, town houses [in the AD 3-5 forms], and manufactured home park uses may have one 9-square-foot sign, 6 feet in height at each vehicular entrance onto a public way (street or alley). These uses may have two interior traffic directional signs of 6 square feet and 4 feet in height. One additional interior traffic directional sign may be added for each 43,560 square feet of lot area up to a maximum of six interior traffic directional signs.
  - (2) Fifty percent of the sign area of each sign shall be used for traffic information.
- (d) *Public signs.* Signs of a noncommercial nature and in the public interest erected by or on the order of a public officer in the performance of his or her duties shall be allowed through public works based upon the adopted edition of the *Manual of Uniform Traffic Control Devices*.
- Signs of a noncommercial nature and in the public interest erected by the property owner and on the owners property, shall be limited to 6 square feet.
- Where a federal, state, or local law requires a property owner to post a sign on the owner's property to warn of a danger or to prohibit access to the property either generally or specifically, the owner must comply with the federal, state, or local law to exercise that authority by posting a sign on the property.
- (e) *Public utility signs.* Public utility equipment including, but not limited to, utility boxes and utility service equipment, may have attached to them signs not exceeding a total area of 6 square feet, provided the signs do not materially obstruct the vision at any street intersection.
  - (f) *Home occupations.* A one-square-foot wall sign.
  - (g) *Signs in parks.* Signs may be located on parks property [Open 1, Open 2]. Signs shall not exceed a total of 100 square feet.
  - (h) *Noncommercial yard signs.* Noncommercial signs shall not exceed 9 square feet per sign in any residential parcel [DD1-7; AD1-4; MD1-3]. Signs shall not exceed 32 square feet and 8 feet in height in any nonresidential parcel [NF1-2; BCF1-4; RE1-6; MU1-3, WM1-4]. Signs shall be outside of the public right-of-way (see § 155.001 "Signs upon, over public ways"). Each sign may be displayed for up to 90 days per calendar year per property.

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- (i) *Commercial yard signs.* Commercial signs shall not exceed 100 square feet and 8 feet in height per nonresidential parcel [NF1-2; BCF1-4; RE1-6; MU1-3, WM1-4]. Signs shall not exceed 32 square feet and 8 feet in height in any multifamily parcel [MD1-4]. Signs shall not exceed a total of 9 square feet in any residential parcel [DD1-7; AD1-4]. Signs shall be mounted as adhesive wall, freestanding or portable, and maintained in a legible manner as well as secured against overturning and shall be removed upon the completion of the project. The signs may be displayed 60 days prior to and 7 days after the event for which they are intended.
- (j) *Construction fencing screening.* For new construction, remodeling or other modifications during which there is no occupancy of the building and for which fencing of the construction site is provided, screening attached to the fence may bear images of the proposed project along with commercial messages related to the sale, rental leasing or construction of the project, provided that text and numbers shall occupy no more than the larger of the following area:
  - (1) Forty percent of the area of the screening on the construction fence along each street frontage.

### **§ 160.577 ILLUMINATION.**

Regulations regarding the illumination of signs shall be as follows.

- (a) *Shading.* The light from any illuminated sign shall be so shielded, shaded, or directed so that the light intensity shall not adversely affect surrounding or facing premises or safe vision of operators of vehicles on public or private roads.
- (b) *Electronic message sign.*
  - (1) Electronic message sign displays shall be limited to displays which are gradual movements, including, but not limited to, dissolve, fade, scrolling, or traveling. However, sudden movement is prohibited, including, but not limited to, blinking and flashing.
  - (2) All electronic message signs in a NF1 form shall require additional standards as indicated below.
    - A. Electronic message center portion of the sign shall be shut off between the hours of 10:00 p.m. to 6:00 a.m.;

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- B. The electronic message center portion of the sign shall be no more than 30 percent of the total allowable square footage of the wall or freestanding sign;
  - C. All freestanding signs shall be monument in style;
  - D. Freestanding sign faces that include an electronic message center shall be located perpendicular to an arterial or collector street;
- (3) Any permitted signs may be, or may include as an individual component of the total sign area, electronic message signs.
- (4) Electronic messages or graphic displays may be changed at periodic intervals by gradual entry and exit display modes, provided that messages and animation shall be displayed at periodic intervals by various modes, such as fade, dissolve, scrolling or traveling.
- (5) All electronic message signs shall come equipped with automatic dimming controls that automatically adjust the sign's brightness in direct correlation with ambient light conditions.
- (6) No electronic message sign shall exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle (Lux) meter at a preset distance depending on sign area, measured as follows:

| Area of Sign<br>(sq. ft.) | Measurement<br>Distance (ft.) |
|---------------------------|-------------------------------|
| 10                        | 32                            |
| 15                        | 39                            |
| 20                        | 45                            |
| 25                        | 50                            |
| 30                        | 55                            |
| 35                        | 59                            |
| 40                        | 63                            |
| 45                        | 67                            |
| 50                        | 71                            |
| 55                        | 74                            |
| 60                        | 77                            |
| 65                        | 81                            |

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|     |     |
|-----|-----|
| 70  | 84  |
| 75  | 87  |
| 80  | 89  |
| 85  | 92  |
| 90  | 95  |
| 95  | 97  |
| 100 | 100 |

*For signs with an area in square feet other than those specifically listed in the table (e.g., 12 sq. ft., 400 sq. ft., etc.), the measurement distance may be calculated with the following formula:*

Measurement Distance =  $\sqrt{\text{(Area of Sign Sq. Ft. x 100)}}$ .

### **§ 160.578 PROHIBITED SIGNS.**

The following signs are prohibited and shall be removed within the time periods specified:

- (a) *Miscellaneous signs and posters.* The tacking, pasting, or otherwise affixing of signs of a miscellaneous character, visible from a public way, located on walls of buildings, barns, sheds, trees, poles, posts, fences, or other structures is prohibited, and the sign shall be removed upon notice.
- (b) *Painted wall signs.* Painted wall signs shall be prohibited except that existing signs may remain, provided the signs are maintained.

Signs that are not maintained shall be removed or renovated within 60 days upon notice. Painted wall graphics and murals shall be permitted; however, the graphics and/or murals shall not contain any words or graphics advertising a business, product, or service.

- (c) *Parking of advertising vehicles prohibited.* No person shall park any vehicle or trailer on a public right-of-way, or public property, or on private property so as to be visible from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same premises or any other premises. This is not intended to prohibit any form of vehicular signage such as a sign attached to a bus or lettering on a motor vehicle.

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- (d) *Nuisance signs.* Signs that imitate an official traffic sign or signal or that are of a size, location, movement, content, coloring, or manner of illumination that may be confused with or construed as a traffic control device or that hide from view any traffic, street sign, or signal shall be removed upon notice. Signs that cause a safety or health issue to the public, including creating unsafe traffic conditions by confusing or distracting motorists; or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles; or health concerns to occupants of adjacent and contiguous property by their brightness, size, height, or movement.

### **§ 160.579 NONCONFORMING SIGNAGE.**

Any sign existing on the date of adoption of this chapter that does not conform with the provisions of this Code is eligible for characterization as a "legal nonconforming sign" and is permitted to remain except as specified below.

- (a) The sign has been altered in a fashion exceeding the allowed maintenance standards in subsection (d) below or relocated.
- (b) The sign has been brought into compliance with this subchapter.
- (c) The sign is abandoned.
- (d) Nonconforming signs may be maintained, altered, modified, or reconstructed provided that such changes do not increase the overall sign area or height. Nonconforming signs or portions thereof may be removed for maintenance, modifications, or reconstruction so long as they are replaced in their original positions and orientations upon completion of the work. The alteration of a sign via the addition of changeable copy or the addition of an electronic message center shall not constitute a change to the sign structure so long as the overall sign area is not enlarged; a new sign permit will be required for inspection purposes.

## **OFF-PREMISES SIGNS**

### **§ 160.587 PURPOSE AND INTENT.**

- (a) Like on-premises signs, off-premises signs use private land and the sight lines created by public rights-of-way to inform and persuade the public. In an effort to protect the health, safety, and welfare of the general public, the purpose of this chapter is to prevent the uncontrolled use of off-premises signs.

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- (b) To fulfill this purpose, the objectives of these regulations are to preserve the overall landscape quality as well as protect sensitive land uses, protect the value of adjacent lands, and promote the safety of those using the public rights-of-way. To these ends, this subchapter provides for Billboard/Off-Premise Sign Opportunity Overlay District in which off-premise signs shall be located.
- (c) General standards for maintenance, size, illumination, and separation are provided to promote communication efficiency balanced with safety on public ways. Off-premise signs are along roadways with higher volumes of traffic and need to provide information to people in shorter amount of time. Signs cannot create traffic hazards by confusing or distracting motorists or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles.

### **§ 160.588 ESTABLISHMENT OF BILLBOARD/OFF-PREMISE SIGN OPPORTUNITY OVERLAY DISTRICTS.**

- (a) The following section establishes ten (10) Billboard/Off-Premise Sign Opportunity Overlay Districts upon the effective day of this ordinance:
  - (1) Interstate Opportunity Overlay District: Interstate 29 (I-29) bound by Interstate 90 (I-90) and Interstate 229 (I-229); Interstate 90 (I-90) bound by Marion Road and Interstate 229 (I-229); Interstate 229 (I-229) bound by Interstate 90 (I-90) and Interstate 29 (I-29).
  - (2) West 12th Street/East 10th Street/Arrowhead Parkway Opportunity Overlay District: The West 12th Street/East and West 10th Street/Arrowhead Parkway Billboard/Off-Premise Sign Opportunity Overlay District shall comprise the area bound by Skunk Creek on the west and Six Mile Road on the east. This opportunity district also includes portions of West 11th Street bound by South Menlo Avenue and South Phillips Avenue; East 11th Street bound by South Phillips Avenue and South Franklin Avenue.
  - (3) Minnesota Avenue Opportunity Overlay District: Minnesota Avenue bound by West 60th Street North on the north and Interstate 229 on the south.
  - (4) West 41st Street Opportunity Overlay District: West 41st Street bound by South Marion Road on the west to South Minnesota Avenue on the east.

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- (5) North Cliff Avenue Opportunity Overlay District: North Cliff Avenue bound by Interstate 90 on the north and East Rice Street on the south.
  - (6) South Cliff Avenue Opportunity Overlay District: South Cliff Avenue bound by East 10th Street on north and East 26th Street on the south.
  - (7) South Western Avenue Opportunity Overlay District: South Western Avenue bound by West 41st Street on the north and Interstate 229 (I-229) on the south.
  - (8) West 26th Street/South Louise Avenue Opportunity Overlay District: West 26th Street bound by the east side of South Marion Road to South Louise Avenue; South Louise Avenue bound by West 26th Street and Interstate 229 (I-229) on the south.
  - (9) Russell Street Opportunity Overlay District: Russell Street from Interstate 29 on the west to Minnesota Avenue on the east.
  - (10) 60th Street North Opportunity Overlay District: 60th Street North bound by Interstate 29 on the west to North Cliff Avenue on the east.
- (b) Billboard/Off-Premise Sign Opportunity Overlay District Standards: In addition to the general standards, the following standards shall apply:
- (1) Billboard/Off-Premise Sign Opportunity Overlay District changes, expansions, or contractions shall be considered a zoning district change and shall follow the process of a change in zone.
  - (2) A lot contiguous with the right-of-way described as the opportunity district shall be considered in the opportunity district.
  - (3) Any Billboard/Off-Premise Sign Opportunity Overlay District established after October 5, 2015, shall include a separation of 500 feet from any sensitive land use, a separation of 500 feet from any cemetery, and a separation of 500 feet from any historic district.

### **§ 160.591 GENERAL REGULATIONS.**

Off-premises signs are allowed with RE2, RE3, RE4, RE5, WM1, WM2, WM3 and OPEN2 forms subject to the following regulations.



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- (a) (1) Off-premises signs will be allowed a maximum size of 288 square feet except as permitted in § 160.592.  
(2) Exception: In addition to the allowable signage, temporary extensions are allowed; however, they shall not exceed 5% of the overall sign area.
- (b) No more than one sign face per direction of facing; no more than two parallel sign faces on any one sign structure.
- (c) Signs will be allowed a maximum height of 40 feet and a minimum height of 12 feet.
- (d) (1) There will be a minimum setback of 10 feet from any part of the sign.
- (e) No part of the off-premises sign face or structure will be allowed to exist in or overlap into the required side or rear yard setbacks. The signs shall not be located in or overlap into any required buffer yard.
- (f) Similar to basics of measuring of this code, all distances will be measured from the closest point of any part of the sign. The sign shall not be within a 600-foot radius of any other off-premises sign intended to be read from the same right-of-way; the sign shall not be within a 600-foot radius of any other off-premises sign intended to be read from a different right-of-way; the sign shall be no closer than 600 feet from any existing off-premises sign on an interstate highway.
- (g) Off-premises signs shall be maintained in a safe and legible condition at all times, including the replacement of defective or damaged parts, painting, repainting, cleaning, and other services required for maintenance of the signs. Unsafe signs shall be removed immediately or brought into compliance upon written notice.
- (h) Abandoned signs shall be removed or brought into compliance within 90 days of written notice from the director of planning and building services.
- (i) The light from any illuminated sign shall be so shielded, shaded, or directed so that the light intensity shall not adversely affect surrounding or facing premises or safe vision of operators of vehicles on public or private roads.
- (j) Blinking or flashing lights are prohibited. Electronic message signs are permitted. The message shall be static; animation is prohibited.

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- (k) The Interstate 229 corridor includes a variety of residential, commercial, and industrial land uses. In addition, several parks included in the Big Sioux River greenway are adjacent to Interstate 229. The rolling topography provides a unique visual image and character to the city. Therefore, this standard is intended to protect the aesthetic qualities of the Interstate 229 corridor. The total number of off-premises sign structures erected to be read primarily from the Interstate 229 right-of-way shall not exceed 21.
- (l) Billboard identification tag to be no larger than 3.0% in size of the billboard's size allowance.
- (m) When the off-premises sign is located on a property with the OPEN2 form, the principal use must be a cultural facility and the off- premises sign must be located adjacent to an interstate.

### § 160.592 CONDITIONAL USES.

A conditional use permit in conformance with §§ 160.605 through 160.616 must be obtained for off-premises signs over 288 square feet to a maximum of 672 square feet and signs with more than one sign face per direction of facing with RE2, RE3, RE4, RE5, WM1, WM2, WM3, and OPEN2 forms.

## ZONING DEFINITIONS

### § 160.005(b) DEFINITIONS

**BUILDING FRONTAGE.** The linear length of a building facing the right-of-way, excluding canopies and overhangs.

**INTEGRAL.** A [sign] feature that is embedded, extruded, or carved into the material of a building façade, made of bronze, brushed stainless steel or aluminum, or similar material attached to the building façade.

**SIGN.** Any object, device, display or structure, or part thereof, situated outdoors or visible from outdoors, that is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. This definition does not include national or state flags or their emblems or insignia, interior window displays, athletic scoreboards or the official announcements or signs of government.

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**SIGN, ABANDONED.** A freestanding or wall sign that is located on property that has been vacant for a period of six months or more.

**SIGN, ADHESIVE WALL.** A sign composed of vinyl, polypropylene, or other durable material mounted to a building.

**SIGN, ANIMATED.** Employing action, motion or the illusion of motion.

**SIGN AREA.** The area of the largest single face of the sign within a perimeter that forms the outside shape, including any frame that forms an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one section or module, all areas will be totaled.

**SIGN, AUTOMOTIVE FLUID DISPENSER.** Any advertising sign that is attached to an automotive fluid dispenser.

**SIGN, BANNER.** A sign composed of cloth, canvas, fabric, or other lightweight material, secured or mounted so as to allow movement of the sign caused by movement of the atmosphere.

**SIGN, BLINKING OR FLASHING.** Sign where the light illumination alternates suddenly between fully illuminated and fully nonilluminated in a time frame less than four seconds.

**SIGN, BUILDING.** A sign which is attached to the exterior of a structure or building.

**SIGN, CONSTRUCTION.** A temporary sign which identifies the contractors and subcontractors within the construction site.

**SIGN, ELECTRONIC MESSAGE.** Signs containing a computer or digital software generated message or other automated or remote method of changing copy.

**SIGN, FACE (DISPLAY SURFACE).** The entire area of sign on which copy could be placed. See **Sign Area**.

**SIGN, FADE OR DISSOLVE.** A sign where the transition between static message displays are achieved with varying light intensity, where the first message or image gradually reduces light intensity to the point of not being legible, and the subsequent message or image gradually increases intensity to the point of legibility.

**SIGN, FREESTANDING SIGN (GROUND SIGN).** A sign supported by one or more uprights, poles, or braces in the ground, thereby freestanding, and not attached to any building.

**SIGN, GAS PUMP TOPPER.** A sign enclosed within a rigid frame which is attached to the top of a gas pump.

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**SIGN, GROUND.** See **SIGN, FREESTANDING.**

**SIGN, HOME OCCUPATION.** A nonilluminated sign not over one square foot in area attached flat against the dwelling and displaying only the occupant's name and/or address and/or occupation.

**SIGN, ILLUMINATED.** Any sign characterized by the use of artificial light, either projecting through its surface or reflecting off its surface.

**SIGN, INFLATABLE.** A portable sign which through the use of a gas allows it to remain inflated.

**SIGN, INTEGRAL.** Permanent signs which are an integral part of the building's structure, such as the names of buildings, dates of erection, monumental citations, commemorative tablets, and the like.

**SIGN, JOINT TENANT IDENTIFICATION.** Freestanding sign, on common area within an employment center, which identifies the tenants within the center.

**SIGN, MONUMENT.** A ground-mounted, freestanding sign which is attached to the ground or to its base on grade by a solid structure and which structure extends from the ground or base to the sign face at the same or greater width as the sign face.

**SIGN, MURAL.** A sign painted directly onto the surface of a building wall with no words or graphics advertising a business, product, or service.

**SIGN, NONCONFORMING.** Any type of sign that lawfully existed prior to the adoption, revision, or amendment to this title but which fails, by reason of such adoption, revision, or amendment to conform to the present use restrictions of the zoning district in which it is located.

**SIGN, NONINFLATABLE.** A portable sign that is displayed by protruding from the ground, such as spinners, wind feathers, or other light weight material, that allows movement.

**Sign, Nonresidential Identification.** In any nonresidential form, a masonry wall, landscaping, and other similar material or feature may be combined to form a permanent display for campus or tract identification.

**SIGN (OFF-PREMISES).** A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

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***SIGN (ON-PREMISES).*** A sign which directs attention to a business or profession conducted, or to a commodity or service sold, offered or manufactured, or to an entertainment offered on the premises where the sign is located.

***SIGN, PAINTED WALL.*** A sign painted directly on the surface of a building wall.

***SIGN, PARASITIC.*** A sign affixed to a sign structure that is in addition to signs specifically designed for the sign structure.

***SIGN, PENNANTS.*** Any geometric-shaped cloth, fabric, or other lightweight material normally fastened to a stringer and limited to a maximum sign area of one square foot per pennant that is secured or tethered so as to allow movement of the sign caused by movement of the atmosphere.

***SIGN, PERMANENT.*** Signs that exist perpetually; everlasting, especially without significant change.

***SIGN, POLE.*** A freestanding sign attached or suspended from a pole, post, pylon, or pier, which is embedded in the ground. Typically, the poles are left exposed; however, this definition applies even when the poles are skirted or clad.

***SIGN, POLITICAL CAMPAIGN.*** A temporary sign relating to a public election.

***SIGN, PORTABLE.*** Any sign not permanently attached to the ground or building.

***SIGN, PROJECTING.*** A sign that is attached to and projects from a structure or building face.

***SIGN, REAL PROPERTY FOR SALE, RENTAL, OR LEASE.*** A temporary sign which is used exclusively to announce property for sale, rental, open house, or lease of the structure or property on which it is installed.

***SIGN, RESIDENTIAL IDENTIFICATION.*** In any residential form, a masonry wall, landscaping, and other similar material or feature may be combined to form a permanent display for neighborhood or tract identification.

***SIGN, ROOF.*** Any sign erected upon, against, or directly above a roof or on top of the parapet of a building.

***SIGN, SANDWICH BOARD.*** A sandwich board sign, which consists of a portable two-sided A-frame-type sign hinged at the apex to be folded into a sandwich position when transported or stored.

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***SIGN, SCROLLING OR TRAVELING.*** A mode of message transition on an electronic message sign where the message appears to move vertically or horizontally across the display surface.

***SIGN STRUCTURE.*** Any structure which supports, has supported, or is capable of supporting a sign.

***SIGN, TEMPORARY.*** A device, display, structure, or pennant that acts as a sign and is intended to be displayed for a limited time period.

***SIGN, TRAFFIC DIRECTION.*** Signs directing traffic movement onto and out of commercial, industrial, institutional, office, apartment, and manufactured home park uses.

***SIGN, WALL.*** A sign attached to or erected against a wall of a building and projecting no more than 12 inches with the face in a parallel plane to the plane of the building wall.

***SIGN, WINDOW.*** A sign attached or adhered within a window frame which is used to advertise, identify, display, direct, or attract attention.