I. Welcome And Call To Order

II. Roll Call Of Planning And Zoning Commission Members

III. Opening Remarks

IV. Review Of Tonight’s Agenda Item

V. Public Comments

VI. VI. P.Z 11-19 City Of Wildwood Planning And Zoning Commission C/O Department Of Planning, 16860 Main Street, Wildwood, Missouri 63040

I. – A request to review Section 415.030 Definitions, Section 415.400 Sign Regulations – General, Section 415.410 Sign Regulations for “FP”, “PS”, “NU”, and all “R” Districts, Section 415.420 Sign Regulations for all “C” and “M” Districts, Section 415.430 Subdivision Information Signs, and Section 415.440 Temporary Signs, specifically for the purposes of considering possible changes to certain existing regulations to address comments and concerns from members of the public regarding their timeliness and applicability, and to review recent relevant legal developments regarding the same. (Wards – All)

a. Overview of Department’s January 21, 2020 Presentation to Commission

b. Discussion of the Department and City Attorney’s Proposed Sign Regulations and
Associated Tables
   c. Determination and Consensus on Next Steps
d. Other

Documents:

REVISED SIGN REGULATIONS TABLE WITH CITATIONS.PDF
P.Z. 11-19 CITY OF WILDWOOD - SIGN ORDINANCE.PDF

VII. Closing Remarks And Adjournment

Note on Agenda: The Planning and Zoning Commission will consider and act upon these matters listed above and any such others as may be presented at the meeting and determined appropriate for discussion at that time.

Accessibility and Accommodations for All Groups: The City of Wildwood will provide reasonable accommodations for persons attending Planning and Zoning Commission meetings. Requests for reasonable accommodations should be directed to Jessica Stirmlinger, City Clerk, at 636-458-0440, or via email at jessica@cityofwildwood.com, at least 48 hours prior to the start of the meeting.

If you would like to submit a comment regarding an item on this meeting agenda, please visit the Form Center.
### Table #1 >> Definitions

<table>
<thead>
<tr>
<th>Code Citation</th>
<th>Current Sign Description - Definitions</th>
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<tbody>
<tr>
<td>Chapter 415.030</td>
<td>Sign</td>
<td>Sign</td>
<td>Retains painted signs, which are not currently allowed in Town Center Area, while noting interior signage situated within a building or structure is not subject to regulations, along with clarifying clothing is not a sign.</td>
<td>Eliminate painted signs and clothing references, given it is not installed onto a building, wall, other structure (flat sign type), or utilizes a monument type base for display purposes.</td>
<td>Any identification, description, illustration or device, illuminated or non-illuminated, which is visible to the general public and directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, flag, banner, pennant or placard designed to advertise, identify or convey information. [Ord. No. 2009 §1 — 2, 4, 8-28-2014]</td>
<td>A name, identification, display or illustration, which is affixed to, painted or represented directly or indirectly upon a building, or other outdoor surface which directs attention to or is designed or intended to direct attention to the sign face or to an object, product, place activity, person, institution, organization or business. Signs located completely within an enclosed building, and not exposed to view from a street shall not be considered a sign. Articles of clothing worn by a person shall not be considered a sign. Each display surface of a sign or sign face shall be considered a sign.</td>
</tr>
<tr>
<td>Chapter 415.030</td>
<td>Business</td>
<td>Business</td>
<td>Includes balloons and banners.</td>
<td>Eliminate balloons and banners.</td>
<td>A sign which gives only basic information concerning the existence of a commercial enterprise, service or other activity conducted, sold or offered on the premises upon which the sign is erected</td>
<td>Any sign, balloon or banner that contains text and/or graphics designed proposing or promoting a commercial transaction or directing attention to a business, commodity or service.</td>
</tr>
<tr>
<td>Chapter 415.030</td>
<td>Not Comparable</td>
<td>Freestanding</td>
<td>Includes masts or poles, which are not allowed in the City at this time.</td>
<td>Eliminate masts or poles.</td>
<td>Not Applicable</td>
<td>A sign erected and maintained on a freestanding frame, mast or pole not attached to any building, and not including monument signs.</td>
</tr>
<tr>
<td>Chapter 415.030</td>
<td>Temporary</td>
<td>Temporary</td>
<td>Allows cardboard, wallboard, and plywood as materials for these types of signs.</td>
<td>Eliminate these materials and retain flexible types only.</td>
<td>A sign intended for use for only a limited period of time.</td>
<td>A banner, pennant, poster or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials and that appears to be intended or is determined by the code official to be displayed for a limited period of time (rather than permanently attached to the ground or a structure).</td>
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### Table #2 >> General and Specific Sign Language

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<tr>
<td>Chapter 415.400</td>
<td>Findings, Purpose, and Intent</td>
<td>Findings, Purpose, and Intent</td>
<td>Section A.(2.) appears to be incomplete.</td>
<td>Complete regulation's intention.</td>
<td>Scope Of Provisions: This Section contains the regulations governing the size, number, location, height and width of any sign authorized by the zoning district existing on that property at the time of the permit request. These regulations are supplemented and qualified by the regulations of the particular zoning district in which a sign may be located and additional general regulations appearing elsewhere in this Chapter which are incorporated as part of this Section by reference. This Section shall only authorize the erection of monument signs. All pole signs are prohibited, unless specifically exempted by this Chapter.</td>
<td>Signs not expressly permitted as being allowed by right or by conditional use permit, site-specific ordinance, by specific requirements in other provisions of this Chapter, or otherwise expressly allowed by the City Council or the Board of Adjustment, ... are prohibited.</td>
</tr>
<tr>
<td>Chapter 415.400</td>
<td>Findings, Purpose, and Intent</td>
<td>Findings, Purpose, and Intent</td>
<td>Includes a statement that identifies that “signs containing noncommercial speech are permitted anywhere advertising or businesses are permitted, subject to the same regulations applicable to such signs.”</td>
<td>Define noncommercial speech, as reasonably as possible, while, from a locational aspect, advertising signs and business signs have generally only been authorized in commercial and industrial zoning districts.</td>
<td>None</td>
<td>Signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs.</td>
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(continued on next page)
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<tr>
<td>Chapter 415.030 Definitions and 415.420 (6)</td>
<td>Information</td>
<td>Monument</td>
<td>Requires former information signs, which could be wall or ground-mounted, now can only be ground-mounted.</td>
<td>Retain ‘Information’ Name. Information is defined as: the communication or reception of knowledge or intelligence.</td>
<td>A sign which identifies an on-site residence, non-commercial activity, including historic markers, or a sign conveying cautionary and similar information.</td>
<td>A sign that is permanently affixed to the ground at its base, supported entirely by a base structure at least as wide as the sign face and not mounted on a pole.</td>
</tr>
<tr>
<td>Chapter 415.030 Definitions, 415.410 (2), and 415.420 (7)</td>
<td>Directional</td>
<td>Flat</td>
<td>Requires former directional signs to be placed on a window, wall, or structure (garden wall, fence, and/or boundary wall), but not freestanding.</td>
<td>Retain ‘Directional’ Name or consider the addition of another type = Traffic Sign. Directional is defined as: relating to direction or guidance especially of thought or effort.</td>
<td>A sign identifying entrances, exits, aisles, ramps and similar traffic-related information.</td>
<td>Any sign painted on or attached to and erected parallel to the face of a window, exterior wall of a building or a boundary wall or fence and supported solely by the structure to which it is affixed and not extending more than twelve (12) inches vertically from the face of the structure to which it is attached.</td>
</tr>
<tr>
<td>Chapter 415.420 A (1) b. (7)</td>
<td>Vehicle</td>
<td>Vehicle</td>
<td>New regulations allows them for up to seven hours fifty-nine minutes (7:59 hours) to be staged in the public rights-of-way of Wildwood.</td>
<td>Delete and prohibit vehicle type signs, unless accessory to a conditional type of use or a duly-authorized commercial or industrial activity.</td>
<td>Signs placed on or affixed to vehicles and/or trailers which are parked on a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property are prohibited. However, this is not in any way intended to prohibit signs placed on or affixed to vehicle and trailers, such as permanent lettering on motor vehicles, where the sign is incidental to the primary use of the vehicle or trailer.</td>
<td>Vehicle signs must be covered, if the vehicle is parked on a public right-of-way for more than eight (8) hours during any twenty-four (24) hour period, so that the sign is not visible from a public right-of-way.</td>
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</table>

Therefore, the current wording would seem to encourage noncommercial speech in commercial or industrially zoned areas of Wildwood, but does it exclude residential areas?

The intent is to clarify that signs that contain noncommercial speech (anything other than a business or advertising sign) are restricted no less so than signs that contain commercial speech (i.e., advertising and business signs). This is relevant to a constitutional analysis.

Suggest revising to substantially comport with or refer Section 415.030, as amended, - “Any sign attached to or displayed on a vehicle.”
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<tr>
<td>Chapter 415.420 A. (2.) (a.)</td>
<td>Business - Wall Signs</td>
<td>Business Signs</td>
<td>Eliminates inclusion of logos and other representations as part of the sign’s height calculation, along with deleting the individual, pinned lettering requirement for wall type signs (flat).</td>
<td>Retain the current language.</td>
<td>The outline area of each sign shall not exceed one (1) square foot of area for every linear foot of building length, unless having direct frontage onto a City-designated arterial roadway, which shall allow up to two (2) square feet of area for every linear foot of building length. No attached wall sign shall exceed fifty (50) square feet in outline area. Business signs attached to buildings shall not project beyond the wall of the building more than eighteen (18) inches horizontally. The height of all signs, including logos or other representations, shall not exceed a size of twenty-four (24) inches and be limited to the use of individual letters (pin-on type) only to comprise the representation. No painted signs shall be authorized, unless a gold or silver leaf application is used.</td>
<td></td>
</tr>
</tbody>
</table>

Intent was based upon understanding that logos and other representations on a sign were part of the sign, and, therefore, included within the height limitation.

As to type of lettering, I would simply broaden application of pinned requirement to any symbol, logo or other representation to avoid argument that regulation is content based for only allowing "lettering".

See comments above.

| Chapter 415.030 Definitions, 415.410 (2.), and 415.420 (6.) | Information – Monument – Non-Business | Given restrictions on content neutral regulations, proposed language provides no guidance on the purpose of the sign. | Retain the current language.                                        | See citation above.                                                                 | Retain the current language.                                                                 | See citation above.                                                                 |

See comments above.

| Chapter 415.030 Definitions, 415.410 (2.), and 415.420 (7.) | Directional – Monument – Non-Business | Limits to two (2) signs at access points. Interior signage for larger lots would not be allowed. | Retain the current language.                                        | See citation above.                                                                 | Retain the current language.                                                                 | See citation above.                                                                 |

See comments above.

| Chapter 415.420 A. 8 (m.) | Service Station Canopies | Service Station Canopies | Allows same number of signs, but eliminates the message associated with them, i.e. content neutral. | Reduce the total number from a total of four (4) signs on two (2) sides of any canopy to one (1). | A service station with a canopy may have no more than one (1) sign which may include the name and logo of the business and one (1) sign which may include the words “self-service” and “full service” attached on each of any two (2) sides of the vertical face of the canopy, excluding canopy supports. The outline area of each sign shall not exceed ten (10) square feet in outline area. Each sign shall be a flat sign permanently affixed to the vertical face of the canopy and shall not project above or below the vertical face of the canopy more than one (1) foot. No projection shall be permitted from any other side of the vertical face of the canopy. | Service station style canopies may have no more than two (2) flat signs attached on each of any two (2) sides of the vertical face of the canopy, excluding canopy supports. The outline area of each sign shall not exceed ten (10) square feet in outline area. Each sign shall be a flat sign permanently affixed to the vertical face of the canopy and shall not project above or below the vertex face of the canopy more than one (1) foot. No projection shall be permitted from any other side of the vertical face of the canopy. For purposes of this subsection, the phrase “service station style canopy” shall mean a freestanding, open-air structure typically constructed for the purpose of shielding service station islands from the elements. |

No Objection.
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<tr>
<td>Chapter 415.420 A. 8. (p.)</td>
<td>Sign Replacement Policy</td>
<td>None</td>
<td>Eliminates the City’s Sign Replacement Policy and escrow requirement.</td>
<td>Suggest retention, but need explanation from City Attorney, if prohibited by law.</td>
<td>Sign replacement policy: The Department of Planning shall collect from an applicant receiving zoning authorization for the erection of a wall sign an escrow in an amount not less than five hundred dollars ($500.00) or more than one thousand dollars ($1,000.00) for the purpose to make any necessary repairs to the façade, when the sign is removed, if the owner of the property fails to make these corrections in a timely manner. If repairs are made in a timely manner to the façade of the building, where the sign was formally located, the department shall release this escrow to applicant within seven (7) business days of it receiving a request from the applicant indicating the work has been completed in accord with this item.</td>
<td>Deleted</td>
</tr>
<tr>
<td>Chapter 415.430</td>
<td>Temporary Signs</td>
<td>Subdivision Sign</td>
<td>Renames the type of sign, but retains much of the current requirements.</td>
<td>Suggest adding the word “residentially-zoned” to Subdivision Sign identification and offer a single sign type, but at fifty (50) square feet, not two (2) at a total of fifty (50) square feet.</td>
<td>Subdivisions which include ten (10) or more lots or units shall be permitted a maximum of two (2) subdivision information signs at each main entrance to the subdivision. No such sign shall exceed twenty-five (25) square feet in outline area per facing, exceed a width of ten (10) feet nor extend more than ten (10) feet above the elevation of the adjacent street. The sign may include the name or logo or both of the subdivision. Such signs may be located on any platted lot or common ground of a subdivision and may also be located on any unplatted portion of the subdivision identified as part of a particular development on an approved preliminary subdivision plat or site development plan.</td>
<td>Subdivisions which include ten (10) or more lots or units shall be permitted a maximum of two (2) monument signs at each main entrance to the subdivision. No such sign shall exceed twenty-five (25) square feet in outline area per facing, exceed a width of ten (10) feet nor extend more than ten (10) feet above the elevation of the adjacent street. Such signs may be located on any platted lot or common ground of a subdivision and may also be located on any unplatted portion of the subdivision identified as part of a particular development on an approved preliminary subdivision plat or site development plan.</td>
</tr>
<tr>
<td>Chapter 415.440 E. (4.)</td>
<td>Other Temporary Signs</td>
<td>Decorative Displays</td>
<td>Adds specific criteria for these purposes.</td>
<td>Suggest explanation of enforceability of criteria, given the number of components that could prove difficult to apply.</td>
<td>Decorative displays used for holidays during and for a maximum of thirty (30) days before and seven (7) days after the specific holiday.</td>
<td>During the forty (40) day period of December 1 to January 10, a property owner may place no more than two (2) temporary signs on the property and may use lights that do not exceed one thousand six hundred (1,600) lumens as measured at the property line between the hours of 8am and 10pm to decorate the property even if the lights might be arranged to form a sign. Such sings shall be exempt from the permitting requirements of Section 415.400 of this Code.</td>
</tr>
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Chapter 415.440 E. (5.) a. through g. and (6.)

Temporary Banners

Temporary Banners

Increases the allowable number.

Restrict to one (1) in total, as currently regulated, or eliminate temporary banners, as an allowable sign type within the City.

In the “NU” Non-Urban Residence District and all “C” Commercial Districts, temporary banners (a sign made of flexible materials and supported along two (2) sides, at two (2) or more corners by fixed, rigid supports, such as poles or rods) for special events may be authorized by a permit granted by the Director of Planning.

The use of any temporary banners shall meet the following criteria:

a. The location of the banner shall be limited to the property where the institutional use, business, or similar entity is situated and subject to location approval by the Director of Planning. However, no temporary banner shall be placed within public rights-of-way areas or other publicly held lands; and
b. The property has direct frontage on a City-defined arterial roadway; and
c. The number of banners that may be displayed on the property shall be limited to no more than one (1) representation in total; and
d. The maximum period of display during which the same institutional use, business, or similar entity may maintain a banner on its subject property shall be based upon a period of time not to exceed thirty (30) days when displayed, within any given calendar; and
e. The allowance for up to thirty (30) days for a business or other allowable use to display a temporary banner shall be further governed as follows: no temporary banner can be in place for more than five (5) consecutive days over the allowable thirty-day period of time on the same property; no temporary banners can be displayed at the same property more than six (6) instances per calendar year; an interval of no less than seven (7) days must be provided between the placements of authorized temporary banners on the same property; and no temporary banner shall be allowed to deteriorate, separate from its supports, or otherwise be determined to be a public safety hazard or nuisance; and
f. No banner shall exceed thirty (30) square feet in overall size, nor a total of six (6) feet in height; and
g. The banner’s placement shall be approved by the Department of Planning on a plot plan submitted in conjunction with the required zoning authorization form of the City, on which the applicant shall provide specific time frames relating to its installation and date of removal. Failure of the applicant to obtain the required authorizations, adherence to stipulated timelines, and/or maintenance of said temporary banners does constitute cause for their immediate removal and the issuance of a summons, without the benefit of any warning period of time to be provided.

This was an effort to incorporate in the City’s current regulations to ensure that one (1) temporary sign would be permitted on any property in the City irrespective of content (political, announcement (i.e., baby, graduation, etc.). This is a common theme amongst various model ordinances to ensure that there are available means of communication.
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<tr>
<td>None</td>
<td>Prohibitions</td>
<td>Prohibitions</td>
<td>Retains the scattered nature of current regulations as to where in the code they are cited.</td>
<td>Create a single section for prohibited signs.</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>None</td>
<td>Not Comparable</td>
<td>Graphics</td>
<td>Lacks any visual representations of wordings.</td>
<td>Add graphics to assist users.</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>Multiple Citations</td>
<td>Review Authorities</td>
<td>Review Authorities</td>
<td>Retains current languages regarding Architectural Review Board and Planning and Zoning Commission.</td>
<td>Better define these roles and responsibilities.</td>
<td>Multiple Citations</td>
<td>Multiple Citations</td>
</tr>
<tr>
<td>Chapter 415.400</td>
<td>Lighting Requirements</td>
<td>Lighting Requirements</td>
<td>Retains current languages in this regard.</td>
<td>Add LED lighting sources as well.</td>
<td>Multiple Citations – See Chapter 415.450 Outdoor Lighting Requirements of the City – Types Allowed – Mercury vapor, High pressure sodium, Metal halide, Fluorescent. Quartz, Incandescent greater than 160 watt, Incandescent 160 watt or less, and Glass tubes filled with neon, argon, and/or krypton.</td>
<td>Multiple Citations</td>
</tr>
</tbody>
</table>

No objection.
January 21, 2020

The Honorable City Council
City of Wildwood, Missouri
16860 Main Street
Wildwood, Missouri 63040

The Planning and Zoning Commission has completed its review of this posted request regarding the proposed consideration of changes to the regulations governing certain types of signs in residentially, commercially, and industrially zoned districts of the City and prepared the following recommendation regarding such for City Council’s consideration. This recommendation was completed in accordance with the requirements of Chapter 89 of Missouri Revised Statutes and those regulations of the City relating to public notice, publications, and amendments to the City’s codes (Chapter 415.560 of the City of Wildwood Zoning Ordinance). The details associated with this request, and the Commission’s related action, are as follows:

Petition:  
P.Z. 11-19

Petitioner:  
City of Wildwood Planning and Zoning Commission c/o Department of Planning, 16860 Main Street, Wildwood, Missouri, 63040

Request:  
A request to review Section 415.030 Definitions, Section 415.400 Sign Regulations – General, Section 415.410 Sign Regulations for “FP”, “PS”, “NU”, and all “R” Districts, Section 415.420 Sign Regulations for all “C” and “M” Districts, Section 415.430 Subdivision Information Signs, and Section 415.440 Temporary Signs, specifically for the purposes of considering possible changes to certain existing regulations to address comments and concerns from members of the public regarding their timeliness and applicability, and to review recent relevant legal developments regarding the same.

Zoning District (s):  
All “FP,” “PS,” “NU,” “R,” “C,” and “M” Districts

Wards:  
All

Public Hearing Date:  
June 17, 2019

Work Session #1:  
August 5, 2019

Work Session #2:  
October 7, 2019

Work Session #3:  
October 21, 2019

Date and Vote on
Information Report: November 4, 2019 – Approval of Changes to the City’s Sign Regulations, Consistent with the Fifteen (15) Points Contained in Report by a vote of 8 to 0, with One Abstention: Voting Aye: Deppeler, Helfrey, Lee, Gragnani, Kohn, Beattie, Simpson, and Woerther. Abstention – Mayor Bowlin.

Date and Vote on Letter of Recommendation: January 21, 2020 - TBD
Report: Attachment A
Ordinance: Attachment B

Background Information, including Matrix:
School District: Rockwood
Fire Districts: Eureka, Metro West, and Monarch
Law Enforcement: St. Louis County Police Department – Wildwood Precinct

Copies of the City of Wildwood’s Charter, Master Plan, and Zoning Ordinance are all on file with the City Clerk’s Office.

Respectfully submitted,

CITY OF WILDWOOD PLANNING AND ZONING COMMISSION

Michael Lee, Chair

ATTEST:

Joe Vujnic, Director
Department of Planning

Cc: The Honorable James R. Bowlin, Mayor
Sam Anselm, City Administrator
John A. Young, City Attorney
Kathy Arnett, Assistant Director of Planning and Parks
Travis Newberry, Planner
Department Overview and Discussion >>>

The City Attorney has prepared the proposed Sign Regulations that have been the topic of the Planning and Zoning Commission's study for a number of months. Given the legal framework that municipal Sign Regulations have now been placed under for interpretation and application, the Department believed this approach would be best, with review by the Department of Planning and Planning and Zoning Commission to follow thereafter. The attached Draft Letter of Recommendation reflects the action of the Planning and Zoning Commission leading to the development of these revised Sign Regulations.

In reviewing the draft prepared by the City Attorney in this regard, the Department has identified several areas, which it would like to discuss with the Planning and Zoning Commission, before incorporating them into the revised set of regulations and completing the Letter of Recommendation process. The Department of Planning has structured these comments in table form for ease of discussion. Additionally, the Department has also developed a list of major points regarding this update process of the City's Sign Regulations for the consideration of the Planning and Zoning Commission. This list includes the following items:

1. The format of the regulations remain very similar to the current manner in how the requirements are presented for use.
2. The updated draft regulations carryover much of the same requirements as the current version of these rules for signage.
3. The content-neutral nature of sign names and descriptions has been incorporated into the new regulations.
4. The total number of major types of signs remains relatively unchanged.
5. The Town Center Area's signage is retained in terms of types and specifications.
6. The protections for free speech, always a key component of the City's Sign Regulations, since 1995, have been reinforced, per recent court actions directing such.
7. The protection of public rights-of-way areas and lands is retained in the revised regulations, a key allowance in recent court actions in this regard.

The retention of many of the current regulations and the use of the same type of formatting are positives to the Department, given the City's Sign Regulations have been successful in achieving their goals in regards to visibility, function, and aesthetics.

Identification of Regulations for Further Study >>>

In terms of discussion items relative to these updated regulations, the Department, as noted, has identified a short list of items for the Planning and Zoning Commission's consideration and direction in this regard. The identification of these components of the updated Sign Regulations are for review and discussion purposes and reflect the concerns of the Department of Planning in this regard.
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<tr>
<td>Findings, Purpose, and Intent</td>
<td>Findings, Purpose, and Intent</td>
<td>Section A.(2.) appears to be incomplete.</td>
<td>Complete regulation’s intent.</td>
</tr>
<tr>
<td>Findings, Purpose, and Intent</td>
<td>Findings, Purpose, and Intent</td>
<td>Includes a statement that identifies that “signs containing noncommercial speech are permitted anywhere advertising or businesses are permitted, subject to the same regulations applicable to such signs.”</td>
<td>Define noncommercial speech, as reasonably as possible, while, from a locational aspect, advertising signs and business signs have generally only been authorized in commercial and industrial zoning districts. Therefore, the current wording would seem to encourage noncommercial speech in commercial or industrial zoned areas of Wildwood.</td>
</tr>
<tr>
<td>Business</td>
<td>Business</td>
<td>New definition includes balloons and banner, while also identifying their intent for commercial purposes.</td>
<td>Eliminate balloons and banners.</td>
</tr>
<tr>
<td>Information</td>
<td>Monument</td>
<td>Requires former information signs, which could be wall or ground-mounted, now can only be ground-mounted.</td>
<td>Retain ‘Information’ Name. Information is defined as: the communication or reception of knowledge or intelligence.</td>
</tr>
<tr>
<td>Current Sign Description - Residential</td>
<td>Proposed Sign Description - Residential</td>
<td>Comments</td>
<td>Possible Alterations</td>
</tr>
<tr>
<td>---------------------------------------</td>
<td>----------------------------------------</td>
<td>----------</td>
<td>---------------------</td>
</tr>
<tr>
<td>Directional</td>
<td>Flat</td>
<td>Requires former directional signs to be placed on a window, wall, or structure (garden wall, fence, and/or boundary wall), but not freestanding.</td>
<td>Retain ‘Directional’ Name or consider the addition of another type - Traffic Sign. Directional is defined as: relating to direction or guidance especially of thought or effort.</td>
</tr>
<tr>
<td>Vehicle</td>
<td>Vehicle</td>
<td>New regulations allows them for up to seven hours fifty-nine minutes (7.59 hours) to be staged in the public rights-of-way of Wildwood.</td>
<td>Delete and prohibit vehicle type signs, unless accessory to a conditional type of use or a duly-authorized commercial or industrial activity.</td>
</tr>
<tr>
<td>Business - Wall Signs</td>
<td>Business Signs</td>
<td>Eliminates inclusion of logos and other representations as part of the sign’s height calculation, along with deleting the individual, pinned lettering requirement for wall type signs (flat).</td>
<td>Retain the current language.</td>
</tr>
<tr>
<td>Information</td>
<td>Monument - Non-Business</td>
<td>Given restrictions on content neutral regulations, proposed language provides no guidance on the purpose of the sign.</td>
<td>Retain ‘Information’ Name, with new definition of it. Information is defined as: the communication or reception of knowledge or intelligence.</td>
</tr>
<tr>
<td>Directional</td>
<td>Monument or Flat-Non-Business</td>
<td>Limits to two (2) signs at access points. Interior signage for larger lots would not be allowed.</td>
<td>Retain ‘Directional’ Name, with new definition of it. Directional is defined as: relating to direction or guidance especially of thought or effort.</td>
</tr>
<tr>
<td>Service Station Canopies</td>
<td>Service Station Canopies</td>
<td>Allows same number of signs, but eliminates the message associated with them, i.e. content neutral.</td>
<td>Reduce the total number from a total of four (4) signs on two (2) sides of any canopy to one (1).</td>
</tr>
<tr>
<td>Sign Replacement Policy</td>
<td>None</td>
<td>Eliminates the City’s Sign Replacement Policy and escrow requirement.</td>
<td>Suggest retention, but need explanation from City Attorney, if prohibited by law.</td>
</tr>
<tr>
<td>Temporary Signs</td>
<td>Subdivision Sign</td>
<td>Renames the type of sign, but retains much of the current requirements.</td>
<td>Suggest adding the word &quot;residentially-zoned&quot; to Subdivision Sign identification and offer a single sign type, but at fifty (50) square feet, not two (2) at a total of fifty (50) square feet.</td>
</tr>
<tr>
<td>Other Temporary Signs</td>
<td>Decorative Displays</td>
<td>Adds specific criteria for these purposes.</td>
<td>Suggest explanation of enforceability of criteria, given the number of components that could prove difficult to apply.</td>
</tr>
<tr>
<td>Current Sign Description - Residential</td>
<td>Proposed Sign Description - Residential</td>
<td>Comments</td>
<td>Possible Alterations</td>
</tr>
<tr>
<td>---------------------------------------</td>
<td>----------------------------------------</td>
<td>----------</td>
<td>---------------------</td>
</tr>
<tr>
<td>Temporary Banners</td>
<td>Temporary Banners</td>
<td>Increases the allowable number.</td>
<td>Restrict to one (1) in total, as currently regulated, or eliminate temporary banners, as an allowable sign type within the City.</td>
</tr>
</tbody>
</table>

**Table #3 – Additions**

<table>
<thead>
<tr>
<th>Current Sign Description - Residential</th>
<th>Proposed Sign Description - Residential</th>
<th>Comments</th>
<th>Possible Alterations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prohibitions</td>
<td>Prohibitions</td>
<td>Retains the scattered nature of current regulations as to where in the code they are cited.</td>
<td>Create a single section for prohibited signs.</td>
</tr>
<tr>
<td>Not Comparable</td>
<td>Graphics</td>
<td>Lacks any visual representations of wordings.</td>
<td>Add graphics to assist users.</td>
</tr>
<tr>
<td>Lighting Requirements</td>
<td>Lighting Requirements</td>
<td>Retains current languages in this regard.</td>
<td>Add LED lighting sources as well.</td>
</tr>
</tbody>
</table>

**Summary >>>**

For the purposes of tonight’s discussion, the items identified herein are for consideration, but others may be developed by the Planning and Zoning Commission for inclusion. Additionally, if the discussion leads to recommended changes, the draft Letter of Recommendation should not be acted upon, but delayed to the next meeting of the Planning and Zoning Commission. If any of the Planning and Zoning Commission members have comments or questions regarding this information before tonight’s meeting, please feel free to contact the City Attorney or the Department of Planning at (636) 458-0440. Thank you for your consideration of this information and participation in its discussion.
January 21, 2020

The Honorable City Council
City of Wildwood, Missouri
16860 Main Street
Wildwood, Missouri 63040

The Planning and Zoning Commission has completed its review of this posted request regarding the proposed consideration of changes to the regulations governing certain types of signs in residentially, commercially, and industrially zoned districts of the City and prepared the following recommendation regarding such for City Council’s consideration. This recommendation was completed in accordance with the requirements of Chapter 89 of Missouri Revised Statutes and those regulations of the City relating to public notice, publications, and amendments to the City’s codes (Chapter 415.560 of the City of Wildwood Zoning Ordinance). The details associated with this request, and the Commission’s related action, are as follows:

Petition: P.Z. 11-19
Petitioner: City of Wildwood Planning and Zoning Commission c/o Department of Planning, 16860 Main Street, Wildwood, Missouri, 63040
Request: A request to review Section 415.030 Definitions, Section 415.400 Sign Regulations – General, Section 415.410 Sign Regulations for “FP”, “PS”, “NU”, and all “R” Districts, Section 415.420 Sign Regulations for all “C” and “M” Districts, Section 415.430 Subdivision Information Signs, and Section 415.440 Temporary Signs, specifically for the purposes of considering possible changes to certain existing regulations to address comments and concerns from members of the public regarding their timeliness and applicability, and to review recent relevant legal developments regarding the same.

Zoning District(s): All “FP,” “PS,” “NU,” “R,” “C,” and “M” Districts
Wards: All
Public Hearing Date: June 17, 2019
Work Session #1: August 5, 2019
Work Session #2: October 7, 2019
Work Session #3: October 21, 2019
Date and Vote on Information Report: November 4, 2019 – Approval of Changes to the City’s Sign Regulations, Consistent with the Fifteen (15) Points Contained in Report by a vote of 8 to 0, with One Abstention: Voting Aye: Deppeler, Helfrey, Lee, Gragnani, Kohn, Beattie, Simpson, and Woerther. Abstention – Mayor Bowlin
Date and Vote on
Letter of
Recommendation: January 21, 2020 - TBD
Report: Attachment A
Ordinance: Attachment B
Background Information, including
Matrix: Attachment C
School District: Rockwood
Fire Districts: Eureka, Metro West, and Monarch
Law Enforcement: St. Louis County Police Department – Wildwood Precinct

Copies of the City of Wildwood’s Charter, Master Plan, and Zoning Ordinance are all on file with the City Clerk’s Office.

Respectfully submitted,
CITY OF WILDWOOD PLANNING AND ZONING COMMISSION

Michael Lee, Chair

ATTEST:

Joe Vujnich, Director
Department of Planning

cc: The Honorable James R. Bowlin, Mayor
Sam Anselm, City Administrator
John A. Young, City Attorney
Kathy Arnett, Assistant Director of Planning and Parks
Travis Newberry, Planner
SIGN REGULATIONS AND ENFORCEMENT

Sign regulations remain a challenge for almost any community charged with their development and subsequent enforcement. Much of this challenge relates to how these signs are defined, often by their intended purposes, and the wording associated with them. Signs, for legal purposes, generally cannot be regulated by content or the message they portray or provide, thereby needing to be content neutral (not content-based) in terms of their regulations. These standards are relatively new, originating from a U.S. Supreme Court ruling in June 2015, which allowed what is termed ‘strict scrutiny’ standard to be applied to almost any sign (Clyde Reed, Et. al. v. Town of Gilbert, Arizona, Et. al.). This situation, and concerns raised by Wildwood residents over the course of the last couple of years relative to temporary signs, necessitated the City to consider its regulations in this regard.

Although many view this 2015 U.S. Supreme Court case to severely restrict the authority of cities relative to signs, individual or collective opinions of the individual justices on the court, outside the majority that signed and issued the prevailing opinion on the case, did establish certain components associated with the regulation of signage that do not necessarily trigger the ‘strict scrutiny’ doctrine. These components are summarized below:

1. Rules regulating the size of signs. These rules may distinguish among signs based on any content-neutral criteria, including any relevant criteria listed below.
2. Rules regulating the locations in which signs may be placed. These rules may distinguish between free-standing signs and those attached to buildings.
3. Rules distinguishing between lighted and unlighted signs. 
4. Rules distinguishing between signs with fixed messages and electronic signs with messages that change.
5. Rules that distinguish between the placement of signs on private and public property.
6. Rules distinguishing between the placement of signs on commercial and residential property.
7. Rules distinguishing between on-premises and off-premises signs.
8. Rules restricting the total number of signs allowed per mile of roadway.
9. Rules imposing time restrictions on signs advertising a one-time event. Rules of this nature do not discriminate based on topic or subject and are akin to rules restricting the times within which oral speech or music is allowed.*
10. In addition to regulating signs put up by private actors, government entities may also erect their own signs consistent with the principles that allow governmental speech. See Pleasant Grove City v. Summum, 555 U. S. 460, 467–469 (2009). They may put up all manner of signs to promote safety, as well as directional signs and signs pointing out historic sites and scenic spots.

* Of course, content-neutral restrictions on speech are not necessarily consistent with the First Amendment. Time, place, and manner restrictions “must be narrowly tailored to serve the government’s legitimate, content-neutral interests.” Ward v. Rock Against Racism, 491 U. S. 781, 798 (1989). But they need not meet the high standard imposed on viewpoint- and content-based restrictions.
These rules, as stated by one (1) of the multiple opinions in the Reed v. Gilbert case, will be those benchmarks used by the City Attorney, the Department of Planning, and this Planning and Zoning Commission to determine the compatibility of the City’s current regulations relative to this ruling, and recommended rules, and present possible changes to the Planning and Zoning Commission reflective of this comparison process.

PREVIOUS ACTION >>>

As the April 2019 Municipal Election approached, the Planning and Zoning Commission was advised by legal counsel and the Department of Planning of certain steps that needed to be undertaken to provide guidance to candidates regarding the display of certain types of signage, and to City personnel as to the enforcement of the same. These specific and limited changes were only intended to address this certain set of circumstances relating to living signs and signage allowances within the City’s public rights-of-way areas, but no others. Further discussions and modifications of other sign regulations were noted and identified, but were referred to as areas for future study.

The Commission completed its review of these two (2) regulations relating to these types of signs and forwarded such to the City Council for its consideration and action, given the municipal election cycle was already underway and the need to guard the City and its residents from certain allegations, challenges, or misinterpretations in terms of defining signs, rights-of-way, and their related enforcement. The intent of the recommended revisions was to maintain the balance of the City’s interests of preserving aesthetics and traffic safety in the City, while leaving open ample opportunities for protected speech. Ultimately, the Commission recommended the City’s Zoning Ordinance, part of its Code of Ordinances, be amended to accommodate the two (2) stated, and identified, changes to its Sign Regulations, as set forth below. These two (2) regulations that were to be amended were to read as follows (additions reflected in red type):

Chapter 415. Zoning Regulations
Editor’s Note: Changes to the City’s current regulations are reflected by red type.

Section 415.420. Sign Regulations For All "C" and "M" Districts.
[Ord. No. 1324 App. A §1003.168B, 8-14-2006; Ord. No. 1364 §1, 12-11-2006; Ord. No. 1644 §1, 8-24-2009; Ord. No. 1710 §1, 4-26-2010]
A. Signs in the "C" Commercial Districts, including the "C-8" Planned Commercial District and the "M" Industrial Districts, including the "M-3" Planned Industrial District, shall only be allowed in each district as follows, premised on Architectural Review Board review and action upon them prior to the issuance of a building permit for certain types, as specifically noted herein:

B. Specific regulations and exceptions.
8. Living signs of any kind, including those types used as advertising devices for businesses, organizations or other entities, are prohibited. Nothing contained herein shall be interpreted as prohibiting any person from stopping on any sidewalk or other public place to communicate (verbally, by gesture, or in writing), talk or to make a speech, provided that such person shall not loiter, loaf, wander, stand or remain idle, either alone or in concert with others, in a public place in such a manner so as to obstruct any public street, public highway or public sidewalk or any
other public place or building by hindering or impeding the free and uninterrupted passage of vehicles or pedestrians.

Section 415.440. Temporary Signs.
F. Signage on Public Property Prohibited. No person, except a public officer or employee in the performance of a public duty, shall paint, post, paste, print, nail, stamp, tack or otherwise fasten any card, banner, handbill, sign, sticker, poster or advertisement, notice or advertising device of any kind calculated to attract the attention of the public or cause the same to be done on any curbstone, curb, lamppost, pole, hydrant, bridge, wall or tree, or upon any fixture of the City, or upon or over any public sidewalk, street, alley or other public place except as may be required by ordinance or law, or construct or maintain any sign or sign device upon or over any sidewalk, street, alley or other public place.

Ultimately, the City Council chose not to pursue these changes, as presented to it by the Planning and Zoning Commission and took no action upon its recommendation in this regard. However, thereafter, the City Council was requested by the City Attorney and the Department of Planning to allow for the intended review of these items, along with a number of others, to proceed forward again, despite its past action. The City Council concurred, which led to this current request set forth below.

CURRENT REQUEST >>>

To address these considerations, the Planning and Zoning Commission, with the assistance of the City Attorney and the Department of Planning, posted for hearing the following advertisement for review by the public and all pertinent or impacted parties, and then City Council: P.Z 11-19 City of Wildwood Planning and Zoning Commission c/o Department of Planning, 16860 Main Street, Wildwood, Missouri 63040 – A request to review Section 415.030 Definitions, Section 415.400 Sign Regulations – General, Section 415.410 Sign Regulations for “FP”, “PS”, “NU”, and all “R” Districts, Section 415.420 Sign Regulations for all “C” and “M” Districts, Section 415.430 Subdivision Information Signs, and Section 415.440 Temporary Signs, specifically for the purposes of considering possible changes to certain existing regulations to address comments and concerns from members of the public regarding their timeliness and applicability, and to review recent relevant legal developments regarding the same. (Wards – All)

This advertisement is intended to address concerns that have been raised by the public relative to the City’s regulations and their application, particularly in regards to temporary types, while also allowing the needed review of them against the ever-changing legal precedence being established by local courts, federal appeal courts, and the U.S. Supreme Court. This legal backdrop, which is always susceptible to interpretation, justifies this requested review of the regulations. After this thorough review by City officials and the Planning and Zoning Commission, there may be changes in direction relative to assumed outcomes associated with the current regulations, specifically actions that were thought to be needed may not be appropriate. Conversely, this same review may lead to alterations to the current regulations to allow Wildwood to meet, or exceed, the high legal standards of Missouri and the United States of America relative to content-neutral signage for all of its zoning district designations.
It is important to note the City has not taken a wait-and-see approach to its review of signage over the years. The City has consistently monitored sign regulations of other communities, where New Urbanism is practiced, engaged professionals to assist in reviews, solicited input from the Wildwood business community, reviewed legal decisions relating to this subject matter, and remained flexible relative to consideration of signs that are not currently authorized by the City’s Zoning Ordinance, regardless of the source of these requests. This approach by the City has led to it offering a range of signs for its business and institutional users, but always protecting the character of Wildwood, which is the principle reason why people continue to move here, invest here, and view this City, as one of the premier locations in the St. Louis Region.

Unfortunately, though, the Department’s cursory review of the Sign Regulations, appears to indicate that a small number of the City’s current signs are defined by their purposes, i.e. temporary signs, subdivision types, and others, which need to be compared to the 2015 court ruling and assess if changes are needed in this regard. Other signs, such as wall and monument types, are identified first by location, then size, height, and width. These types of signs require review, but seem less content-based than others. These circumstances, how the Sign Regulations of the City’s Zoning Ordinance are identified, are why the City Council sought this full consideration of them by the Planning and Zoning Commission at this time.

Over the past several months, the Planning and Zoning Commission has conducted a number of Work Sessions to better understand the complexity of sign regulations, not only within the City of Wildwood, but elsewhere across the region and the United States. The members reviewed a number of different sets of regulations, including Gilbert, Arizona’s requirements, given the landmark Supreme Court opinion on signs was associated with this community. This review indicated to the Planning and Zoning Commission that a number of opinions exist regarding certain types of signs, but members did agree changes were necessary and, in many instances, appropriate to improve interpretability, application, and enforcement. To this end, a matrix of proposed changes was created for two (2) main types of signs that would not be described by their intended content or even function, which are ground and wall-mounted types. From that determination, the Planning and Zoning Commission completed the following steps relative to the City’s existing Sign Regulations:

1. The proposed Sign Regulations retain a variety of types, intended to address a range of land use activities and purposes in all of the City’s zoning district designations.
2. The proposed Sign Regulations, besides being divided into ground and wall-mounted types, will also be defined by zoning district designations, as noted above, which includes residential and commercial/industrial categories. Thereafter, all other sign details and specifications will either be addressed by a Planned Residential Development Overlay District (PRD), planned districts (C-8 Planned Commercial District or M-3 Planned Industrial District), a Conditional Use Permit (CUP), exempted, or prohibited.
3. The proposed Sign Regulations would limit the maximum size of a ground-mounted sign in any commercial or industrial district to no more than fifty (50) square feet in overall area.
4. The proposed Sign Regulations would limit the maximum size of a ground-mounted sign in residential district to no more than thirty (30) square feet in overall area.

5. The proposed Sign Regulations would limit the height of lettering, require individual lettering, and offset the placement of lettering a minimum of one (1) inch off the elevation face, where the representation is to be placed, for all wall-mounted types.

6. The proposed Sign Regulations would allow a range of lighting options for representations, except in Town Center Area, where external sources would be retained as the primary type.

7. The proposed Sign Regulations would set height and widths consistent with current requirements for ground-mounted types, which reflects needed visibility of them for vehicles on roadways at differing speeds and placements.

8. The proposed Sign Regulations would set the total number of signs allowed on a single property to be based upon the number of frontages, with no more than two (2) representations allowed in any circumstance.

9. The proposed Sign Regulations would not require adherence to structure setback requirements of the underlying zoning district designation of the property to be met for ground-mounted types, but rather be as approved by the Planning and Zoning Commission. However, the Planning and Zoning Commission cannot require a setback distance greater than the underlying zoning district designation's established requirements.

10. The proposed Sign Regulations would accommodate multiple wall signs on multi-tenant buildings, as well as, on certain other buildings, where their size and frontages dictated such need. However, the number cannot exceed more than two (2) representations.

11. The proposed Sign Regulations would allow fewer exemptions for representations than currently accommodated.

12. The proposed Sign Regulations would prohibit a greater number of representations, including almost all temporary types.

13. The proposed Sign Regulations would only address the on-going condition of materials and their respective deterioration relative to certain free speech type representations.

14. The proposed Sign Regulations would continue to protect the City's public rights-of-way from the placement of any type of signage, except governmental representations.

15. The proposed Sign Regulations would principally place review and authorization of certain types with the Planning and Zoning Commission and not the City's Architectural Review Board (ARB).

These are the major parameters the revised Sign Regulations would be premised upon and reflect the direction of the Planning and Zoning Commission in this regard to its comments, suggestions, and discussion points from the public hearing and the three (3) Work Sessions held on the same.

The Planning and Zoning Commission is requesting the City Council accept these key steps and ensure each member understands the implication of them. These key steps, which were acceptable to the Planning and Zoning Commission, became the guideposts for the development of the regulations in the format acceptable for inclusion in the Zoning Ordinance. The presentation of these key steps, in this format, reflects the need of the City of Wildwood to complete the following outcomes:

1. Address current court precedence and the direction of such decisions relative to signage.
2. Improve language of the current regulations to limit the interpretative nature of them.
3. Eliminate the allowances for certain signage, which is not utilized within the City's boundaries.
4. Apply lessons learned from the application of the current Sign Regulations, after approximately fifteen (15) years of use.
5. Memorialize more of the New Urbanism tenants into the signage that are generally applied by the use of the C-8 Planned Commercial District within the Town Center Area.

Accordingly, the Planning and Zoning Commission is presenting its Letter of Recommendation, with the accompanying changes to the current Sign Regulations of the City of Wildwood. This format will also provide the detail and linkages needed to ensure the City's Sign Regulations are reasonable, defensible, and do not detract from the beauty of this area.

**SUMMARY AND CONCLUSION >>>

With the assistance of the City Attorney and the Department of Planning, these regulations will reflect the changes needed to ensure the City's Sign Regulations are content-neutral and appropriate for this community. The Planning and Zoning Commission does believe the changes are necessary and should be included, so as the needed consistency with case law exists, and the items identified herein this Letter of Recommendation are met. Regular reviews of land use topics, such as signage, is needed to protect the City and its residents from unwanted impacts and legal challenges that can occur.
Attachment B—

Proposed

Ordinance
CHAPTER 415 ZONING REGULATIONS

Section 415.030. Definitions.

A. For the purpose of this Chapter, certain words and phrases are herein defined. Words and phrases defined herein shall be given the defined meaning. Words and phrases which are not defined shall be given their usual meaning except where the context clearly indicates a different or specified meaning.

B. Words used in the present tense shall include the future; the singular number includes the plural and the plural includes the singular; the word "dwelling" includes the word "residence"; the word "shall" is mandatory and not permissive.

C. The following words and phrases are defined:

AGL (ABOVE GROUND LEVEL) - Ground level shall be determined by the average elevation of the natural ground level within a radius of fifty (50) feet from the center location of measurement. The height of all wireless support structures and disguised support structures shall be measured AGL.

AWNING OR CANOPY - A structure partially or entirely supported by or attached to a wall and, which is covered by canvas, cloth, plastic or other similar temporary material, used as a protective cover for a door entrance, window or outdoor service area.

AWNING/CANOPY SIGNS - A sign painted on, printed on or otherwise affixed to the surface of an awning, canopy or similar structural protective cover over a door entrance, window or outdoor service area.

BALLOON - Any non-porous bag of light material filled with heated air, inflatable with continuous airflow or a gas lighter than air that may rise and float in the atmosphere.
BUILDING - A structure that is affixed to the land, has one (1) or more floors, one (1) or more exterior walls and a roof and is designed or intended for use as a shelter.

DEVELOPMENT - The act of changing and the state of a tract of land after its function has been purposefully changed by man including, but not limited to, structures on the land and alterations to the land.

DISTRICT - A part or parts of the unincorporated area of City of Wildwood for which the zoning ordinance establishes regulations governing the development and use of land therein.

FLAG - Any fabric or bunting containing distinctive colors, patterns or symbols used to identify a governmental, political or private entity.

FRONTAGE - That edge of a lot bordering a street.

GRAVESTONE - A stone above ground used for a single burial space.

LOT - A platted parcel of land intended to be separately owned, developed and otherwise used as a unit.

LOT, CORNER - A platted parcel of land abutting two (2) road rights-of-way at their intersection.

LOT (PARCEL) OF RECORD - A lot which is part of a subdivision, the plat of which has been legally approved and recorded in the office of the Recorder of Deeds of St. Louis County or a parcel of land which was legally approved and the deed recorded in the office of the Recorder of Deeds.

PARCEL (TRACT) OF LAND - A separately designated area of land delineated by identifiable legally recorded boundary lines.

PLAT - A subdivision of land legally approved and recorded.
PROPERTY LINE - The legally recorded boundary of a lot, tract or other parcel of land.

RESIDENCE - Any building which is designed or used exclusively for residential purposes, except hotels and motels.

ROADWAY - The entire area within public or private vehicular easement or right-of-way lines, whether improved or unimproved.

SETBACK (BUILDING LINE) - The required minimum distance from a road right-of-way or lot line that establishes the area within which a structure can be erected or placed, except as may be permitted elsewhere in this Chapter.

SIGHT DISTANCE TRIANGLE - The triangular area of a corner lot bound by the property lines and a line connecting the two (2) points on the property lines thirty (30) feet from the intersection of the property lines.

SIGN - Any identification, description, illustration or device, illuminated or non-illuminated, which is visible to the general public and directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, flag, banner, pennant or placard designed to advertise, identify or convey information. A name, identification, display or illustration, which is affixed to, painted or represented directly or indirectly upon a building, or other outdoor surface which directs attention to or is designed or intended to direct attention to the sign face or to an object, product, place activity, person, institution, organization or business. Signs located completely within an enclosed building, and not exposed to view from a street shall not be considered a sign.
Articles of clothing worn by a person shall not be considered a sign. Each display surface of a sign or sign face shall be considered a sign.

SIGN, ADVERTISING - A sign intended to attract general public interest concerning a commercial enterprise, product, service, industry, non-commercial activity or other activity not conducted, sold or offered on the same premises upon which the sign is erected.

SIGN, BUSINESS - A sign which gives only basic information concerning the existence of a commercial enterprise, service or other activity conducted, sold or offered on the premises upon which the sign is erected. Any sign, balloon or banner that contains text and/or graphics designed proposing or promoting a commercial transaction or directing attention to a business, commodity or service.

SIGN, DIRECTIONAL - A sign identifying entrances, exits, aisles, ramps and similar traffic-related information.

SIGN, FLAT - Any sign painted on or attached to and erected parallel to the face of a window, exterior wall of a building or a boundary wall or fence and supported solely by the structure to which it is affixed and not extending more than twelve (12) inches vertically from the face of the structure to which it is attached.

SIGN, FREESTANDING. A sign erected and maintained on a freestanding frame, mast or pole not attached to any building, and not including monument signs.

SIGN, GOVERNMENT - A sign that is constructed, placed or maintained by the federal, state or local government or a sign that is required to be constructed, placed or maintained by the federal, state or local government either directly or to enforce a property owner’s rights.
SIGN, INFORMATION — A sign which identifies an on-site residence, non-commercial activity, including historic markers, or a sign conveying cautionary and similar information.

SIGN, MONUMENT—A sign that is permanently affixed to the ground at its base, supported entirely by a base structure at least as wide as the sign face and not mounted on a pole.

SIGN, PORTABLE—A sign that is not permanently affixed to a building, other unmovable structure or the Any structure without a permanent foundation or otherwise permanently attached to a fixed location, which can be carried, towed, hauled or driven and is primarily designed to be moved rather than be limited to a fixed location regardless of modifications that limit its movability ground.

SIGN, PROJECTION—A sign, other than a flat sign, which projects from and is supported by a wall of a building or structure.

SIGN, TEMPORARY—A banner, pennant, poster or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials and that appears to be intended or is determined by the code official to be displayed for a limited period of time (rather than permanently attached to the ground or a structure)A sign intended for use for only a limited period of time.

SIGN, VEHICLE—Any sign attached to or displayed on a vehicle

STREET—A paved public or private vehicular right-of-way which provides access to abutting properties from the front.

STRUCTURE—Any assembly of material forming a construction for occupancy or use, excepting, however, public utility poles of less than forty-five (45) feet in height and
appurtenances thereto, provided that such utility poles shall not be deemed structures for the purposes of setback regulations, underground distribution or collection pipes or cables and underground or ground level appurtenances thereto, provided that the location of such poles or facilities have been authorized by a conditional use permit, special use permit or other express approval by the City.

**USE** - As utilized in this Chapter, use is any functional, social or technological activity which is imposed or applied to land or to structures on the land.

**YARD** - An open area between the structure setback lines of a lot as established by the regulations of a particular zoning district and the property lines of the same lot.

**YARD, FRONT** - A space extending across the entire front of a lot between the structure setback line as required by the regulations of a particular zoning district and the roadway right-of-way line.

**YARD, REAR** - A space opposite the front yard, extending across the entire rear of a lot between the structure setback line as required by the regulations of a particular zoning district and the rear lot line.

**YARD, SIDE** - A space extending between the structure setback line as required by the regulations of a particular zoning district and the side lot lines measured between the front yard and the rear yard.
Section 415.400. Sign Regulations — General.

A. *Findings, Purpose and Intent; Interpretation.*

1. Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of Section 415.400, et seq., of this Code, as amended, is to regulate the size, color, illumination, movement, materials, location, height and conditions of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of convenient, attractive and harmonious community, protection against destruction of or encroachment on historic convenience to citizens and encouraging economic development. Sections 415.400, et seq., of this Code allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs. Section 415.400, et seq., must be interpreted in a manner consistent with the First Amendment guarantee of free speech.

2. Signs not expressly permitted as being allowed by right or by conditional use permit, sit specific ordinance, by specific requirements in other provisions of this Chapter, or otherwise expressly allowed by the City Council or the Board of Adjustment.

Scope Of Provisions. This Section contains the regulations governing the size, number, location, height and width of any sign authorized by the zoning district existing on that property at the time of the permit request. These regulations are supplemented and qualified by the regulations of the particular zoning district in which a sign may be located and additional general regulations appearing elsewhere in this Chapter which are incorporated as part of
this Section by reference. This Section shall only authorize the erection of monument signs. All pole signs are prohibited, unless specifically exempted by this Chapter.

3. A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein must be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of Section 415.400, et seq., is to establish limitations on signs in order to ensure they are appropriate to the land, building or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interest identified in subsection (A)(1) of this Section.

4. These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.

5. These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the City. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.

6. These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.
7. These regulations are not intended to and do not apply to signs erected, maintained or otherwise posted, owned or leased by this State, the federal government or the City of Wildwood. The inclusion of “government” in describing some signs does not intend to subject the government to regulation, but instead helps illuminate the type of sign that falls within the immunities of the government from regulation.

8. Signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs.”

B. **Sign Permits.**

1. Except as otherwise expressly set forth in this Chapter, no sign shall be erected, constructed, posted, painted, altered, maintained or relocated until a permit has been issued by the Department of Planning. Before any permit is issued, an application, provided by the Department of Planning, shall be filed, together with drawings and specifications as may be necessary to fully advise and acquaint the Department of Planning with the location, construction, materials, manner of illuminating and securing or fastening and the wording or delineation to be carried on the sign. All signs that are to be illuminated by one (1) or more sources of artificial light shall require a separate electrical permit and inspection.

2. Structural and safety features and electrical systems shall be in accordance with the requirements of the City of Wildwood Building Code. No sign shall be approved for use unless it has been inspected by the department issuing the permit and is found to be in compliance with all the requirements of this Chapter and applicable technical codes. Signs found to be in violation of the requirements of this Chapter and/or applicable technical codes and which are determined to be a
danger to public health and safety may, after fifteen (15) days of an inspection
determining said violation and after notification to the property owner, be
dismantled and removed by the City of Wildwood. The expense for such action
shall be charged to the owner of the property on which the sign is erected may be
subject to the provisions of Article IV of Chapter 215 of this Code.

C. Prohibited Signs. Signs are prohibited in all Districts unless:

1. Constructed pursuant to a valid building permit when required under this Code;

and

2. Authorized under the City Code.

CD. Determination Of Sign Area. The following regulations shall govern the determination of
sign area:

1. Outline area of sign.

   a. Monument signs. The outline area of a monument sign shall include the
      area within a continuous perimeter of a plane enclosing the limits of
      writing, representation, logo or any figure or similar character together
      with the outer extremities of any frame or other material or color forming
      an integral part of the display which is used as a background for the sign.
      The area of a monument sign of individually cut out writing, representation,
      logo or any figure or similar character which is not enclosed by framing and
      which projects from a sign support or main body of a sign is the sum of the
      areas of all of the triangles or parallelograms necessary to enclose each writing, representation, logo or any figure or
similar character, including the space between individual letters comprising a word, but not including the space between individual words.

b. **Attached-Flat signs.** The outline area of a **attached-flat** sign shall include the area within a continuous perimeter of a plane enclosing the limits of writing, representation, logo or any figure or similar character together with the outer extremities of any frame or other material or color forming an integral part of the display which is used as a background for the sign. The area of an attached sign of individually cut out writing, representation, logo or any figure or similar character which is not enclosed by framing and which projects from a sign support or main body of a sign is the sum of the areas of all of the triangles or parallelograms necessary to enclose each writing, representation, logo or any figure or similar character, including the space between individual letters comprising a word, but not including the space between individual words **if the words are part of a single-message.** However, any painted area that is part of the common background area of such attached sign shall be included in the outline area of the sign.

2. **Double-faced signs.** For purposes of calculating the outline area of a sign on double-faced signs, only one (1) side of a double-faced sign shall be included in the sign area. For purposes Sections 410.400, et seq., double-faced signs shall include those signs where the sign face is parallel or where the interior angle formed by the faces of a V-shaped sign is sixty degrees (60°) or less. If the two
(2) faces of a double-faced sign are of unequal area, the area of the sign shall be the area of the larger face.

D. **Exclusions.** The provisions of this Section and the following Sections shall not apply to the following structures. However, setback and height requirements for all structures, where applicable, shall be in accord with the regulations of the particular zoning district in which the structure is located.

1. Government Signs. Official traffic or government signs, including memorial plaques and signs of historical interest or signs permitted by the City on its property or public right-of-way.

2. Two flags on a single flag pole located within any “R” Residential Zoning District. Flags of any nation, government or non-commercial organization, provided the square footage of the flag shall not exceed the pole height.

3. Addresses.

4. Scoreboards on athletic fields facing inwards to the audience.

5. Show window signs in a window display of merchandise when incorporated and related in content to such display and not attached to the window, except as noted herein. Painted window signs can also be authorized in the Town Center area on any window, but cannot exceed thirty percent (30%) of the area of glazing where they are to be placed. Said painted window signs can be illuminated, but by external sources only, if the lighting fixtures are placed on the exterior of the building or ground-mounted. A permit for painted window signs shall be required from the City of Wildwood.

7. Signs of less than (10) square feet in outline area indicating the name of building, date of erection, monumental citation, commemorative tablet and the like when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type construction and made an integral part of the occupied structure or mailbox.

8. Barber poles that are not more than six (6) inches in diameter or more than two (2) feet in overall height.

Commented [JYS]: Barber Poles are a particular type of speech.
Section 415.410. Sign Regulations For "FP", "PS", "NU" and All "R" Districts.

A. Signs in the "FP" Floodplain District, "PS" Park and Scenic District, "NU" Non-Urban Residence District and all "R" Residence Districts shall only be allowed in each district as follows:

1. General regulations.

<table>
<thead>
<tr>
<th>Permitted Signs and Regulations</th>
<th>&quot;FP&quot; Floodplain</th>
<th>&quot;PS&quot; Park and Scenic</th>
<th>&quot;NU&quot; Non-Urban Residence</th>
<th>All &quot;R&quot; Residence Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business signs Number</td>
<td>1 for each separate roadway frontage of any land use or development unless further restricted by conditional use permit</td>
<td>Not permitted except by conditional use permit in conjunction with specifically designated uses in the &quot;R-1&quot; District</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Business signs Maximum outline area per sign facing-face (square feet)</th>
<th>16</th>
<th>30</th>
<th>30</th>
</tr>
</thead>
<tbody>
<tr>
<td>Information signs Monument signs maximum outline area per sign facing-face (square feet)</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Directional-Flat signs maximum outline area per sign facing (square feet)</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Maximum height for all monument signs (feet)</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Permitted Signs and Regulations</td>
<td>&quot;FP&quot; Floodplain</td>
<td>&quot;PS&quot; Park and Scenic</td>
<td>&quot;NU&quot; Non-Urban Residence</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>----------------</td>
<td>----------------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td>Maximum width for all monument signs (feet)</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
</tbody>
</table>

2. **Supplementary regulations.**

a. Except as may be specifically noted in these regulations, setbacks for all signs shall be governed by the minimum yard requirements in each particular zoning district.

b. Monument signs shall not exceed the maximum allowed height above ground-elevation AGL. The ground elevation of monument signs shall be measured at the elevation of the adjacent street or elevation of the average finished ground elevation along the side of the building on the property facing the street, whichever is higher.

c. The height of all information signs shall not exceed six (6) feet when located within the minimum front yard setback of each particular zoning district.

d. The height of all directional signs shall not exceed three (3) feet when located within the minimum front yard setback of each particular zoning district.

e. The height of all signs on corner lots shall not exceed three (3) feet above the elevation of the street pavement when located within the sight distance triangle.
f. All signs shall only be illuminated by non-intermittent light sources/ lighting.

gf. Permitted business, information and directional signs may either be a flat sign permanently affixed to the face of a building or a monument in style/ sign. Signs affixed to buildings shall not project above the eave line of the roof.

h. Permitted information or directional signs may be flat signs permanently affixed to a boundary wall or fence. However, other than a horizontal projection of not more than four (4) inches, such signs shall not project beyond the surface of the boundary wall or fence.

i. Any use permitted by right in the "NU" Non-Urban Residence District or any "R" Residence District and requiring more than five (5) parking spaces as defined by Section 415.280, Off-Street Parking and Loading Requirements, shall be permitted one (1) monument or flat attached information sign on the same premises. The portion of such sign consisting of board or surface information outline area shall not exceed fifty (50) square feet in area. A second information flat or monument sign may be authorized by the Planning and Zoning Commission on properties of the same zoning district designations, as identified herein, when the following characteristics exist with regards to the lot where it is to be located: has a minimum of two (2) frontages on City-defined arterial roadways; has a lot size that exceeds ten (10) acres; and has an existing permitted use in place on the site and said activity is under continuous
occupancy and use at the time of the application for the sign permit. The location of all information (monument) signs of this specific type on the subject lot must be considered and approved by the Planning and Zoning Commission on a site development plan.
Section 415.420. Sign Regulations For All "C" and "M" Districts.

A. Signs in the "C" Commercial Districts, including the "C-8" Planned Commercial District and the "M" Industrial Districts, including the "M-3" Planned Industrial District, shall only be allowed in each district as follows, premised on Architectural Review Board review and action upon them prior to the issuance of a building permit for certain types, as specifically noted herein:


   a. General provisions. Subject to other provisions of this Section, each developed lot may have a monument sign facing each roadway on which the lot has frontage regardless of the number of buildings upon the lot. However, each building, regardless of the number of lots upon which it may be located, shall have no more than one (1) monument sign facing each roadway on which its lot or lots has frontage. For the purpose of this regulation, an aggregation of two (2) or more structures connected by a wall, firewall, facade or other structural element, except for a sidewalk, shall constitute a single building. No monument sign shall exceed fifty (50) square feet in outline area per facing; nor exceed a width of ten (10) feet; nor extend more than ten (10) feet above the elevation of the adjacent street or elevation of the average finished ground elevation along the side of the building on the property facing the street, whichever is higher.

   b. Specific regulations and exceptions.

      (1) Monument signs are not permitted in the "C-1" Neighborhood Business District.
(2) The maximum size of monument signs in the "C-2" Shopping District and the "M-1" Industrial District shall be limited to thirty (30) square feet in outline area per facing.

(3) A service station shall be permitted one (1) separate price sign attached to the same structure of, but below, any one (1) permitted freestanding business sign on the lot or lots on which the use may be located. The outline area of such sign shall not exceed twenty (20) square feet per facing.

(43) Portable reader boards (changeable copy sign), banners, inflatable aids, such as cold air balloons, searchlights, flashers, animators or mechanical movement or contrivances of any kind used as an advertising device are prohibited.

(54) No sign shall consist of or contain rotating, vibrating or moving materials, such as paper, cloth or metal, whether attached to a fixed sign or used independent thereof.

(65) Paper posters and signs painted directly on exterior walls, chimneys or other parts of the building are prohibited.

(76) Vehicle signs must be covered if the vehicle is placed on or affixed to vehicles and/or trailers which are parked on a public right-of-way for more than eight (8) hours during any twenty-four (24) hour period so that the sign is not visible from a public right-of-way, where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or
nearly property are prohibited. However, this is not in any way intended to prohibit signs placed on or affixed to vehicle and trailers, such as permanent lettering on motor vehicles, where the sign is incidental to the primary use of the vehicle or trailer.

(8) Living signs of any kind, including those types used as advertising devices for businesses, organizations or other entities, are prohibited.

2. Business signs—attached to wall.

a. General provisions. The outline area of each sign shall not exceed one (1) square foot of area for every linear foot of building length, unless having direct frontage onto a City-designated arterial roadway, which shall allow up to two (2) square feet of area for every linear foot of building length. No attached wall sign shall exceed fifty (50) square feet in outline area. Business signs attached to buildings shall not project beyond the wall of the building more than eighteen (18) inches horizontally. The height of all signs, including logos or other representations, shall not exceed a size of twenty-four (24) inches and be limited to the use of individual letters (pin-on-types) only to comprise the representation. No painted signs shall be authorized, unless a gold or silver leaf application is used.

b. Specific regulations and exceptions.

(1) Each business in the "C-1" Neighborhood Business District one (1) flat business sign shall be permitted for each occupied space of any building shall be limited to one (1) attached flat business sign
on an exterior wall facing a roadway. No such business-flat sign shall exceed twenty (20) square feet. Every sign shall be a such flat sign shall be permanently affixed to the face of the building and shall not be higher than the lowest elevation of the roof. For purposes of this section, the term “occupied space” shall mean any building or part thereof for which a certificate of occupancy shall be issued consistent with Chapter 500 of this Code.

(2) For buildings located on corner lots or lots with double frontage, each business may have one (1) attached-business-flat business sign may be constructed on any two (2) walls of a building that are exterior walls of the particular business-occupied space. Buildings fronting onto a commercial plaza, and adjoining two (2) abutting roadways, may be authorized a third (3rd) sign, but the total square footage of all signage shall not exceed that allowed by a combination of the two (2) permitted signs.

(3) Attached-business signs that are flat signs on walls facing the property line of an adjoining property in the “NU” Non-Urban Residence, “PS” Park and Scenic or any “R” residence district shall not be permitted.

(4) Where a lot or parcel of land is developed with more than one (1) building, interior buildings shall be permitted the same type and number of wall signs as peripheral buildings. The mounting
requirements of the permitted signs shall be the same as any attached business sign.

(5) In buildings containing multiple tenants where public access to individual tenant space is gained via interior entrances, said building shall be allowed no more than one (1) attached business sign on any two (2) walls having roadway frontage. Said attached business signs shall be the same, each identifying either the building or major tenant.

(6) Rooftop signs are prohibited.

(7) Individual letter(s) (exclusive of words), symbol(s) or graphic logo(s) pertaining to a business on premises may be painted or otherwise permanently affixed to the surface of an awning or canopy. The height of these letters, symbols or logos shall not exceed six (6) inches in size. The outline area of the message shall not exceed five percent (5%) of the horizontal projection in elevation of the exterior surface of the awning or canopy. Said message outline area, when utilized as a design accent only as described above, shall not be counted toward the allowable outline area for a business sign. The following requirements shall also apply to signs incorporated onto permitted awnings:

(a) Front lance of awning shall be eight (8) inches to ten (10) inches in length.

(b) All awnings shall be made of canvas, not plastic.
(c) No lighting shall be authorized of the awning from below its horizontal plane.

(d) Awning colors shall be limited to a maximum of three (3) in total.

(e) Shallow-tipped awnings shall be used with a 1:3 slope.

(f) Awnings shall not have side panels associated with them.

(g) Architectural Review Board review and consideration shall be required.

3. Projection signs.

a. General provisions.

(1) Minor types. Each tenant space shall be authorized to install one (1) projection sign. If business activity is located on the ground floor of a building, a maximum size of four (4) square feet shall be authorized for this sign. If the business activity is located on the second (2nd) floor of the building, a maximum size of this sign shall not exceed two (2) square feet in overall area and shall not be counted toward the area of allowable attached signage referenced in Section 415.420(2). All projection signs may be lighted, but by external sources only.

(2) Major types. The City Council, by authorization through a "C-8" Planned Commercial District ordinance for a specific site, may authorize a business that is located in an end-cap unit of a two-story or greater height building a major projection sign. This end-
cap unit shall have direct visibility to an arterial roadway of the State, County or City. For purposes of these regulations, major projection signs are defined as projection signs that shall not exceed thirty (30) square feet in size or ten (10) feet in height and must be lit by external sources only. No major projection sign shall exceed the eave line height of the building where it is to be attached.

b. Specific regulations and exceptions.

(1) Projection signs shall not be placed closer than twenty (20) feet to an adjoining projection sign that is located on the same floor and must be structurally secure in their installation, as authorized by a building permit from the City of Wildwood.

(2) The placement of projection signs shall provide a minimum of eight (8) feet of separation from the bottom of the signboard to the finish grade elevation of the abutting sidewalk.

(3) The type of materials and design of the projection signs shall be reviewed and acted upon by the Architectural Review Board, before any permits shall be issued by the Department of Planning for their erection.

(4) Projection signs (minor types), as determined by the Architectural Review Board as having special character created by its shape, representation, or design in relation to the architectural elements of the building to which it is attached, shall be allowed an additional
thirty percent (30%) of overall area relative to their allowable size referenced in Section 415.420(3)(a).

4. **Sandwich board signs.**
   
a. **General provisions.** Each ground floor tenant space shall be authorized to place a sandwich board type sign in front of its business space during normal business hours, Sunday through Saturday. A maximum size of this sign shall not exceed ten (10) square feet in overall area and shall not be counted toward the allowable attached signage referenced in Section 415.420(2). Sandwich board signs shall not be lighted.

b. **Specific regulations and exceptions.**
   
   (1) Sandwich board signs shall not obstruct the public right-of-way or sidewalk located adjacent to or abutting the business space.

   (2) Sandwich board signs and related support structures shall not exceed a height of four (4) feet, as measured from the surface where they are placed, or thirty (30) inches in width.

   (3) The materials used for sandwich board signs shall be limited to wood and metal only, except the sign face itself. The type of materials and design of the sandwich board signs shall be reviewed and acted upon by the Architectural Review Board, before any permits shall be issued by the Department of Planning for their placement and use.
(4) Sandwich board signs shall have the appearance of an "A" frame construction, but can be either single or double-faced in design style.

5. Advertising signs (billboards).
   a. Advertising signs are permitted only within six hundred sixty (660) feet of any interstate or primary State highway areas zoned "C-8" Planned Commercial or "M-3" Planned Industrial Districts having provisions specifically authorizing advertising signs, provided that no such signs shall be permitted within the boundary of the Town Center District or within five hundred (500) feet outside such boundary. Any authorized sign shall be subject to the following restrictions:
   
   (1) No portion of the sign or sign structure shall exceed ten (10) feet in height from the average ground level determined by the area within a twenty-five (25) foot radius from the base of the sign, nor be located at an elevation causing the top of the sign to be more than fifteen (15) feet above or below the surface elevation of any roadway right-of-way to which the sign would be visible.
   
   (2) No advertising sign may be located closer than two thousand five hundred (2,500) feet from another existing advertising sign or from the boundary of property specifically zoned to permit such off-site signs, nor closer than one thousand five hundred (1,500) feet from the corporate limits of the City. Advertising signs shall also be located no closer than one thousand five hundred (1,500) feet from
any residentially zoned property or residential dwelling. Distances shall be measured by straight linear distance at points on the centerline of the roadway right-of-way to which the sign or district is adjacent.

(3) Lighting of advertising signs shall be prohibited unless expressly approved by terms of a planned zoning ordinance pursuant to Section 415.510 or Section 415.190. Where such lighting is authorized by law, lighting may only be by means of external lighting fully shielded by a translucent material that prevents visibility of the direct light source. The lighting shall cause no direct or indirect measurable light on any adjacent property and shall be shielded to prevent all upward casting of light. For purposes of this Subsection, “measurable light” shall mean more than five-hundredths (0.05) foot-candles. Lighting of off-site signs may be prohibited in the applicable zoning district where lighting would adversely affect neighboring property owners or would create other adverse affects outweighed by the need for lighting. All lighting shall also comply with the additional regulations found in this Code and other City ordinances. (Section 415.450 Outdoor Lighting Requirement of the Zoning Ordinance.)

(4) In addition to any other applicable fees, an inspection fee of five hundred dollars ($500.00) shall be paid upon application for the permit to erect an advertising sign, to cover the costs of the City
related to review for compliance with the additional requirements herein and inspection by the Department of Planning of the as-built sign for conformance with such requirements.

(5) No advertising sign shall be located within fifty (50) feet of any roadway right-of-way.

(6) The regulations of Section 415.400 and the specific regulations set forth in Section 415.420(2)(b)(4—7) shall apply and each advertising sign shall be of monument design no greater than seventy-five (75) square feet in size.

b. If any regulation herein shall be determined to be unlawful, its invalidity shall not affect the enforceability of each and every other lawful provision and restriction.

6. **Information-Monument signs – non-business signs.**

a. **General provisions.** Each lot may have no more than one (1) monument information sign that is not a business sign authorized pursuant to Section 415.420(a)(1) of this Code facing each roadway on which the lot has frontage. Such monument information sign shall not exceed ten (10) square feet in outline area per facing; shall not exceed a width of five (5) feet; and shall not extend more than ten (10) feet above the elevation of the adjacent street or elevation of the average finished ground elevation along the side of the building on the property facing the street, whichever is higher.
b. *Specific regulations and exceptions.* The height of all information monument signs authorized pursuant to this subsection shall not exceed three (3) feet when located within the minimum front yard setback of each particular zoning district.

7. *Directional-Flat or monument signs—non-business signs.*
   
a. *Directional—Each lot may have no more than two (2) flat or monument signs per point of access from a public or private roadway.* Such signs shall not exceed ten (10) square feet in outline area per facing. Monument directional signs shall not extend more than five (5) feet above the elevation of the adjacent street or elevation of the average finished ground elevation along the side of the building facing the street, whichever is higher.

b. *No directional-sign authorized pursuant to this subsection shall be located on or over a public right-of-way without approval of the Department of Public Works.*

c. The height of all directional signs authorized pursuant to this subsection shall not exceed three (3) feet when located within the minimum front yard setback of each particular zoning district.

8. *Supplementary regulations.*
   
a. Except as may be specifically noted in these regulations, setbacks for all signs shall be governed by the minimum yard requirements in each particular zoning district.
b. The height of all signs on corner lots shall not exceed three (3) feet above
the elevation of the street pavement when located within the sight distance
triangle.

c. Permitted information or directional signs may either be monument style
in design or be a flat sign permanently affixed to the face of the building.
When affixed to buildings such signs shall not project above the lowest
elevation of the roof.

d. Permitted information or directional signs may be flat signs permanently
affixed to a boundary wall or fence. However, other than a horizontal
projection of not more than four (4) inches, such sign shall not project
beyond the surface of the boundary wall or fence.

e. All business and advertising signs shall be located as not to impair the
visibility of any official highway sign or marker, while neither shall a
business or advertising sign be so placed in a manner as to
unnecessarily obstruct the visibility of any other business sign.

f. Sign illumination shall be so arranged as not to cast light directly from any
source of illumination on any public right-of-way or on adjoining
properties in the "NU" Non-Urban Residence, "PS" Park and Scenic or
any "R" residence district. All signs shall comply with the requirements of
the City of Wildwood Zoning Ordinance Section 415.450 Outdoor
Lighting Requirements.

g. Signs in the "C-1" Neighborhood Business District shall only be
illuminated by external light sources.
h. On the effective date of this Chapter, no sign shall be animated or flashing, nor shall any sign be illuminated by any other source than shielded, white incandescent lighting or shielded neon tube. Shielding for the purposes of this Subsection shall include opaque or translucent covering which obstructs the direct visibility of the light source.

i. Any development or land use may have a sign displaying time and temperature not to exceed ten (10) square feet in outline area per facing. Such sign may be attached to the same structure of any permitted monument sign on the lot or lots on which the use may be located or may be a flat sign permanently affixed to the face of a building. When affixed to a building such sign shall not project above the eave line of the roof.

j. Signs placed on vending machines, express mailboxes or service station pumps advertising products sold or services offered from the particular machine, mailbox or pump are permitted. However, no vertical or horizontal projection from the surface of the machine, mailbox or pump is permitted. Any other sign placed on the machine shall be considered as an advertising, business, directional or information sign, subject to the regulations of the zoning district in which such sign is located.

k. A restaurant with a drive-up or drive-through food pickup facility may have either one (1) monument or one (1) wall-menu flat sign not to exceed thirty-two (32) square feet in area associated in placement with the order station. No freestanding monument menu sign allowed pursuant to this subsection (k) shall exceed six (6) feet in height or width or be illuminated
in any manner other than from an internal source. Landscaping shall be required in conjunction with these types of signs that is compliant with the Tree Manual/Sustainable Plantings Guide of Chapter 410 of the City of Wildwood Municipal Code.

1. **Kiosks.**

   (1) Kiosks (as defined by Section 415.380(T) "Miscellaneous Regulations") accessory to a business or activity located on the same site shall be authorized no more than two (2) signs in total. No one (1) sign shall exceed twelve (12) square feet in size, nor shall any portion of any figure located thereon the lettering exceed twelve (12) inches in overall height. In addition to other restrictions applicable to all signage, no box or other type of signs not fully integrated into the architecture of the kiosk shall be authorized and all permitted signs shall be constructed with a dark background material and light lettering or symbols. Lettering and symbols must be individually defined, so as not to have a single surface encompassing both message and background.

   (2) Lighting of the permitted signs shall be at levels appropriate for the specific location subject to any limitations in the Outdoor Lighting Requirements, Section 415.450 hereof and the Town Center Plan Architectural Guidelines, except as modified by a site specific ordinance. All sign submittals to the Department of Planning will include an analysis of such lighting for compliance to
Section 415.450 "Outdoor Lighting Requirements" and including a comparison of the type and level of illumination to ensure compatibility with applicable site requirements and signage characteristics of the principal business or activity to which the kiosk is an accessory use on the site. No portion of any light fixture, including the lens, shall protrude below the horizontal plane of the interior ceiling component of the canopy structure.

m. A service station with a style canopy may have no more than two (2) one (1) flat signs which may include the name and logo of the business and one (1) sign which may include the words "self-service" and "full-service" attached on each of any two (2) sides of the vertical face of the canopy, excluding canopy supports. The outline area of each sign shall not exceed ten (10) square feet in outline area. Each sign shall be a flat sign permanently affixed to the vertical face of the canopy and shall not project above or below the vertical face of the canopy more than one (1) foot. No projection shall be permitted from any other side of the vertical face of the canopy. For purposes of this subsection, the phrase "service station style canopy" shall mean a freestanding, open-air structure typically constructed for the purpose of shielding service station islands from the elements.

n. Regulations for any signs may be made more restrictive in the conditions of the ordinance governing a particular "C-8" Planned Commercial District or the "M-3" Planned Industrial District.
Flags. One (1) commercial flag incorporating a business name and/or logo may be flown in conjunction with a flag display. Flag displays are permitted in all "C" Commercial and "M" Industrial Districts. A minimum of two (2) flag poles, including a local, State or national flag in addition to one (1) permitted commercial flag, shall constitute a flag display. All flag lengths, excepting the national flag, shall not exceed ten (10) feet with a pole height not to exceed forty (40) feet. A zoning authorization and building permit is required prior to erecting a flagpole.

Sign replacement policy. The Department of Planning shall collect from an applicant receiving zoning authorization for the erection of a wall sign an escrow in an amount not less than five hundred dollars ($500.00) or more than one thousand dollars ($1,000.00) for the purpose to make any necessary repairs to the façade, when the sign is removed, if the owner of the property fails to make these corrections in a timely manner. If repairs are made in a timely manner to the façade of the building, where the sign was formally located, the department shall release this escrow to applicant within seven (7) business days of it receiving a request from the applicant indicating the work has been completed in accord with this item.


a. General provisions. Each project or development, as defined by its "C-8" Planned Commercial District boundary and where more than five (5) businesses are located, may be authorized to install a display kiosk. These types of kiosks shall be limited to a maximum height of eight (8) feet in
size, a sign board width of no greater than thirty (30) inches, consist of no more than three (3) sides, and be constructed of wood, metal or comparable materials as approved by the Architectural Review Board. Display kiosks may be lighted, but by external sources only, unless otherwise approved by the Architectural Review Board.

b. *Specific regulations and exceptions.*

(1) Display kiosks shall not be placed within the sight distance triangle formed by the intersection of any roadways, streets, alleys, lanes, and other passageways.

(2) The design of these display kiosks shall incorporate a minimum of a twenty-four (24) inch separation between the bottom of the structure and the sidewalk grade where they are installed.

(3) The type of materials and design of the display kiosks shall be reviewed and acted upon by the Architectural Review Board, before any permits shall be issued by the Department of Planning for their erection.
Section 415.430. Subdivision Information Signs.

Subdivisions which include ten (10) or more lots or units shall be permitted a maximum of two (2) subdivision information monument signs at each main entrance to the subdivision. No such sign shall exceed twenty-five (25) square feet in outline area per facing, exceed a width of ten (10) feet nor extend more than ten (10) feet above the elevation of the adjacent street. The sign may include the name or logo or both of the subdivision. Such signs may be located on any platted lot or common ground of a subdivision and may also be located on any unplatted portion of the subdivision identified as part of a particular development on an approved preliminary subdivision plat or site development plan.
Section 415.440. Temporary Signs.

A. *Temporary Subdivision Signs.* The regulations governing temporary signs are permitted on properties located within the City, zoned for residential use, part of a platted subdivision, and for which one or more valid building permits have been issued and are outstanding for new subdivisions under construction, partially or totally, within the City of Wildwood are as follows, subject to the following:

1. *Temporary Subdivision Promotion Signs.*
   
   a. For the purpose of these regulations, a "subdivision promotion sign" is a sign intended to inform the general public about the subdivision under development or about a particular display house in the subdivision.

   b. One (1) temporary subdivision promotion sign, not to exceed fifty (50) square feet in area and not to extend more than ten (10) feet above the elevation of the adjacent street, may be erected at each entrance to the subdivision. No subdivision promotion sign shall be erected within the sight distance triangle. Information contained on the sign shall be pertinent to the subdivision.

   e. Subdivision promotion temporary signs may be erected on each lot on which a display house has been erected, provided that no one (1) sign exceeds fifteen (15) square feet in outline area per facing and that the total area of signs on one (1) lot not exceed forty-five (45) square feet in outline area.

2. *Supplementary regulations.*
a. A sign permit shall be obtained from the City of Wildwood for the erection of each and every subdivision promotion sign. In addition to the normal structural sign permit fee required by the City of Wildwood Building Code, the applicant shall make a cash deposit with the Department of Planning of fifty dollars ($50.00) for a sign in excess of twenty (20) square feet in area and of twenty-five dollars ($25.00) for a sign of twenty (20) square feet or less in area, together with a written consent authorizing the removal of said sign and use of said deposit to be applied against the cost of removal of any such sign by the City of Wildwood or its designee without liability therefore, if such sign is not removed within five (5) days of the expiration of its permit period by the applicant.

b. The subdivision promotion sign shall be removed from the site on which it is located within one (1) year of the date the permit was issued for said sign. Application for one (1) year extensions may be made at any time prior to the last thirty (30) days of the permit period.

c. The subdivision promotion sign for which a permit is required shall bear in one (1) inch letters, on the back or attached to the support structure of said signs as indicated on plans on file for a sign permit, the expiration date of the permit or the extension thereof authorizing the erection of the sign.

B. Temporary Construction Signs. Construction—**Temporary signs** which identify the architects, engineers, contractors or other individuals or firms involved with construction
on a site may be erected during the construction period, but their total number shall be limited to one commercial or industrially zoned properties for which valid building permits have been issued and are outstanding are permitted, provided that there shall be erected no more than two (2) such temporary signs per lot or development, whichever is more restrictive. Each construction site development may have no more than one (1) such sign facing each roadway on which the site has frontage. No construction such temporary sign shall exceed fifty (50) square feet in outline area per facing; nor exceed a width of ten (10) feet; nor extend more than ten (10) feet in height. The signs shall be confined to the property described in the building permits site of the construction and shall be removed no later than fourteen (14) days after completion of all construction on the site or after ninety (90) days of suspension of work. For purposes of this subsection B, completion of construction shall be evidenced by the lack of any open and pending building permits for any property located within the development. The message on a construction sign shall not include any advertisement of any product but may include information announcing the character of the business enterprise or the purpose for which the business is intended.

C—Temporary Signs Announcing Future Use Of Site. Signs announcing the future use of a site, by a use permitted by the regulations of the particular zoning district in which the site is located or by an approved special procedure permit, may be erected not more than six (6) months prior to construction or development of the site. Each site may have no more than one (1) such sign facing each roadway on which the site has frontage. No such sign shall exceed fifty (50) square feet in outline area per facing, exceed a width of ten (10) feet nor extend more than ten (10) feet in height. The signs shall be erected only on the site in question and shall be removed within fourteen (14) days after the completion
of construction of a building on the site in the case of a previously undeveloped site or the occupancy of an existing building or the beginning of the intended use of the site where no building is to be constructed.

DC. Real Estate Signs. Real estate signs advertising the sale, rental or lease of a property or portion thereof may be erected on the property being offered. Each property may have no more than one (1) such sign facing each roadway on which the property has frontage. These signs may be either freestanding or flat wall signs. Such signs shall be confined to the property in question and shall be removed within fourteen (14) days after the sale, rental or lease being advertised. A sign permit shall not be required for real estate signs which are not greater than sixteen (16) square feet in outline area. One temporary sign may be located on a property when:

1. The owner consents and that property is being offered for sale;

2. For a period of sixty (60) days following the date on which a contract of sale has been executed by a person purchasing the property;

4.3. Real estate such temporary signs in the "NU" Non-Urban Residence District or any "R" Residence District on vacant, undeveloped property containing five (5) or more acres in area shall not exceed thirty-two (32) square feet in outline area per facing;

4.2. Other real estate such temporary signs located in the "NU" Non-Urban Residence District and all "R" Residence Districts shall not exceed sixteen (16) square feet in outline area per facing; and.
35. Real-estate. Such temporary signs located in any "C" Commercial District or "M" Industrial District shall not exceed thirty-two (32) square feet in outline area per facing.

E. Other Temporary Signs. The following additional temporary signs are permitted in any zoning district:

1. Temporary signs indicating danger or other public or governmental signs as may be authorized by the Director of Public Works.

2. Public notices and legal notices required by law.

32. Non-commercial signs, including political issue or campaign signs. The maximum area for any one (1) sign shall be sixteen (16) square feet with a total area of thirty-two (32) square feet permitted for each lot or unit. These signs shall be erected only on private property and with temporary materials and shall be removed before such materials deteriorate. Such signs shall be exempt from the permitting requirements of Section 415.400 of this Code.

43. Decorative displays used for holidays during and for a maximum of thirty (30) days before and seven (7) days after the specific holiday. During the forty (40) day period of December 1 to January 10, a property owner may place no more than two (2) temporary signs on the property and may use lights that do not exceed one thousand six hundred (1,600) lumens as measured at the property line between the hours of 8am and 10pm to decorate the property even if the lights might be arranged to form a sign. Such signs shall be exempt from the permitting requirements of Section 415.400 of this Code.
4. A property owner may place and maintain one temporary sign on the property on July 4.

5. In the "NU" Non-Urban Residence District and all "C" Commercial Districts, temporary banners (a sign made of flexible materials and supported along two (2) sides, at two (2) or more corners by fixed, rigid supports, such as poles or rods) for special events may be authorized by a permit granted by the Director of Planning. The use of any temporary banners shall meet the following criteria:

a. The location of the banner shall be limited to the property where the institutional use, business, or similar entity is situated and subject to location approval by the Director of Planning. However, no temporary banner shall be placed within public rights-of-way areas or other publicly held lands; and

b. The property has direct frontage on a City-defined arterial roadway; and

c. The number of banners allowed on any property shall be the same number as business signs per occupied space allowed pursuant to Section 415.420(A)(2)(b)(1) of this Code that may be displayed on the property shall be limited to no more than one (1) representation in total; and

d. The maximum period of display during which the same institutional use, business, or similar entity may maintain a Each banner displayed on its subject property shall be based upon a period of time not to exceed be displayed for no more than thirty (30) days when displayed, within any given calendar year; and
e. The allowance for up to thirty (30) days for a business or other allowable use to display a temporary banner shall be further governed as follows:

- No temporary banner may be in place for more than five (5) consecutive days over the allowable thirty-day period of time on the same property; no temporary banners may be displayed at the same property more than six (6) instances per calendar year; an interval of no less than seven (7) days must be provided between the placements of authorized temporary banners on the same property; and no temporary banner shall be allowed to deteriorate, separate from its supports, or otherwise be determined to be a public safety hazard or nuisance; and

f. No banner shall exceed thirty (30) square feet in overall size, nor a total of six (6) feet in height; and

g. The banner's placement shall be approved by the Department of Planning on a plot plan submitted in conjunction with the required zoning authorization form of the City, on which the applicant shall provide specific time frames relating to its installation and date of removal. Failure of the applicant to obtain the required authorizations, adherence to stipulated timelines, and/or maintenance of said temporary banners does constitute cause for their immediate removal and the issuance of a summons, without the benefit of any warning period of time to be provided.

6. A person exercising the right to place temporary signs on a property as described in this Subsection E must limit the number of signs on the property to four (4).
F. **Signage on Public Property Prohibited.** No person, except a public officer or employee in the performance of a public duty, shall paint, post, paste, print, nail, stamp, tack or otherwise fasten any card, banner, handbill, sign, sticker, poster or advertisement, notice or advertising device of any kind calculated to attract the attention of the public or cause the same to be done on any curbstone, curb, lamppost, pole, hydrant, bridge, wall or tree, or upon any fixture of the City, or upon or over any public sidewalk, street, alley or other public place except as may be required by state, federal or local law, or construct or maintain any sign upon or over any sidewalk, street, alley or other public place. **Right-Of-Way Signage.** Nothing herein shall be implied to permit use of the public right-of-way for signage or other purposes and except as otherwise may be provided by law, no sign regulated by this Chapter shall be permitted on any public property or public right-of-way except as permitted by the Director of Public Works.
Attachment C –

Background Information,

Including Matrix
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<thead>
<tr>
<th>Zoning District Designations</th>
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**PS District**

- **Permits/Signs**
  - To add a new sign or structure.
  - To request variances.
  - To obtain approval for non-conforming structures or signs.

- **Signs/Structures**
  - To add a new sign or structure.
  - To request variances.
  - To obtain approval for non-conforming structures or signs.

**MS District**

- **Permits/Signs**
  - To add a new sign or structure.
  - To request variances.
  - To obtain approval for non-conforming structures or signs.

- **Signs/Structures**
  - To add a new sign or structure.
  - To request variances.
  - To obtain approval for non-conforming structures or signs.

**C-1 District**

- **Permits/Signs**
  - To add a new sign or structure.
  - To request variances.
  - To obtain approval for non-conforming structures or signs.

- **Signs/Structures**
  - To add a new sign or structure.
  - To request variances.
  - To obtain approval for non-conforming structures or signs.

**C-2 District**

- **Permits/Signs**
  - To add a new sign or structure.
  - To request variances.
  - To obtain approval for non-conforming structures or signs.

- **Signs/Structures**
  - To add a new sign or structure.
  - To request variances.
  - To obtain approval for non-conforming structures or signs.

**C-3 District**

- **Permits/Signs**
  - To add a new sign or structure.
  - To request variances.
  - To obtain approval for non-conforming structures or signs.

- **Signs/Structures**
  - To add a new sign or structure.
  - To request variances.
  - To obtain approval for non-conforming structures or signs.

**M-1 District**

- **Permits/Signs**
  - To add a new sign or structure.
  - To request variances.
  - To obtain approval for non-conforming structures or signs.

- **Signs/Structures**
  - To add a new sign or structure.
  - To request variances.
  - To obtain approval for non-conforming structures or signs.

**M-2 District**

- **Permits/Signs**
  - To add a new sign or structure.
  - To request variances.
  - To obtain approval for non-conforming structures or signs.

- **Signs/Structures**
  - To add a new sign or structure.
  - To request variances.
  - To obtain approval for non-conforming structures or signs.

**MF District**

- **Permits/Signs**
  - To add a new sign or structure.
  - To request variances.
  - To obtain approval for non-conforming structures or signs.

- **Signs/Structures**
  - To add a new sign or structure.
  - To request variances.
  - To obtain approval for non-conforming structures or signs.

**PD District**

- **Permits/Signs**
  - To add a new sign or structure.
  - To request variances.
  - To obtain approval for non-conforming structures or signs.

- **Signs/Structures**
  - To add a new sign or structure.
  - To request variances.
  - To obtain approval for non-conforming structures or signs.
Chapter 415. Zoning Regulations

Section 415.400. Sign Regulations — General.

[Ord. No. 1324 App. A §1003.168, 8-14-2006; Ord. No. 1384 §1, 12-11-2006]

A. Scope Of Provisions. This Section contains the regulations governing the size, number, location, height and width of any sign authorized by the zoning district existing on that property at the time of the permit request. These regulations are supplemented and qualified by the regulations of the particular zoning district in which a sign may be located and additional general regulations appearing elsewhere in this Chapter which are incorporated as part of this Section by reference. This Section shall only authorize the erection of monument signs. All pole signs are prohibited, unless specifically exempted by this Chapter.

B. Sign Permits.

1. No sign shall be erected, constructed, posted, painted, altered, maintained or relocated until a permit has been issued by the Department of Planning. Before any permit is issued, an application, provided by the Department of Planning, shall be filed, together with drawings and specifications as may be necessary to fully advise and acquaint the Department of Planning with the location, construction, materials, manner of illuminating and securing or fastening and the wording or delineation to be carried on the sign. All signs that are to be illuminated by one (1) or more sources of artificial light shall require a separate electrical permit and inspection.

2. Structural and safety features and electrical systems shall be in accordance with the requirements of the City of Wildwood Building Code. No sign shall be approved for use unless it has been inspected by the department issuing the permit and is found to be in compliance with all the requirements of this Chapter and applicable technical codes. Signs found to be in violation of the requirements of this Chapter and/or applicable technical codes and which are determined to be a danger to public health and safety may, after fifteen (15) days of an inspection determining said violation and after notification to the property owner, be dismantled and removed by the City of Wildwood. The expense for such action shall be charged to the owner of the property on which the sign is erected.

C. Determination Of Sign Area. The following regulations shall govern the determination of sign area:

1. Outline area of sign.

   a. Monument signs. The outline area of a monument sign shall include the area within a continuous perimeter of a plane enclosing the limits of writing, representation, logo or any figure or similar character together with the outer extremities of any frame or other material or color forming an integral part of the display which is used as a background for the sign. The area of a monument sign of individually cut out writing, representation, logo or any figure or similar character which is not enclosed by framing and which projects from a sign support or main body of a sign is the sum of the areas of all of the triangles or parallelograms necessary to enclose each writing, representation, logo or any figure or similar character, including the space between individual letters comprising a word, but not including the space between individual words.

   b. Attached signs. The outline area of an attached sign shall include the area within a continuous perimeter of a plane enclosing the limits of writing, representation, logo or any figure or similar character together with the outer extremities of any frame or other material or color forming an integral part of the display which is used as a background for the sign. The area of an attached sign of individually cut out writing, representation, logo or any figure or similar character which is not enclosed by framing and which projects from a sign support or main body of a sign is the sum of the areas of all of the triangles or parallelograms necessary to enclose each writing, representation, logo or any figure or similar character, including the space between individual letters comprising a word, but not including the space between individual words if the words are part of a single message. However, any painted area that is part of the common background area of such attached sign shall be included in the outline area of the sign.

2. Double-faced signs. Only one (1) side of a double-faced sign shall be included in the sign area. Double-faced signs shall include those signs where the sign face is parallel or where the interior angle formed by the faces of a V-shaped sign is sixty degrees (60°) or less. If the two (2) faces of a double-faced sign are of unequal area, the area of the sign shall be the area of the larger face.

D. Exclusions. The provisions of this Section and the following Sections shall not apply to the following structures.
However, setback and height requirements for all structures, where applicable, shall be in accord with the regulations of the particular zoning district in which the structure is located.

1. Official traffic or government signs, including memorial plaques and signs of historical interest or signs permitted by the City on its property or public right-of-way.

2. Flags of any nation, government or non-commercial organization, provided the square footage of the flag shall not exceed the pole height.

3. Addresses.

4. Scoreboards on athletic fields.

5. Show window signs in a window display of merchandise when incorporated and related in content to such display and not attached to the window, except as noted herein. Painted window signs can also be authorized in the Town Center area on any window, but cannot exceed thirty percent (30%) of the area of glazing where they are to be placed. Said painted window signs can be illuminated, but by external sources only, if the lighting fixtures are placed on the exterior of the building or ground-mounted. A permit for painted window signs shall be required from the City of Wildwood.


7. Signs of less than (10) square feet in outline area indicating the name of building, date of erection, monumental citation, commemorative tablet and the like when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent type construction and made an integral part of the structure.

8. Barber poles that are not more than six (6) inches in diameter or more than two (2) feet in overall height.

Section 415.410. Sign Regulations For "FP", "PS", "NU" and All "R" Districts.


A. Signs in the "FP" Floodplain District, "PS" Park and Scenic District, "NU" Non-Urban Residence District and all "R" Residence Districts shall only be allowed in each district as follows:

1. General regulations.

<table>
<thead>
<tr>
<th>Permitted Signs and Regulations</th>
<th>&quot;FP&quot; Floodplain</th>
<th>&quot;PS&quot; Park and Scenic</th>
<th>&quot;NU&quot; Non-Urban Residence</th>
<th>All &quot;R&quot; Residence Districts</th>
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<td>Business signs Number</td>
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<tr>
<td>Maximum outline area per facing (square feet)</td>
<td>Same as regulations of district designation following letters &quot;FP&quot; on zoning district maps</td>
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<td>Information signs maximum outline area per facing (square feet)</td>
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<td>Directional signs maximum outline area per facing (square feet)</td>
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<td>Maximum width for all monument signs (feet)</td>
<td>10</td>
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</table>
2. Supplementary regulations.

a. Except as may be specifically noted in these regulations, setbacks for all signs shall be governed by the minimum yard requirements in each particular zoning district.

b. Monument signs shall not exceed the maximum allowed height above ground elevation. The ground elevation of monument signs shall be measured at the elevation of the adjacent street or elevation of the average finished ground elevation along the side of the building on the property facing the street, whichever is higher.

c. The height of all information signs shall not exceed six (6) feet when located within the minimum front yard setback of each particular zoning district.

d. The height of all directional signs shall not exceed three (3) feet when located within the minimum front yard setback of each particular zoning district.

e. The height of all signs on corner lots shall not exceed three (3) feet above the elevation of the street pavement when located within the sight distance triangle.

f. All signs shall only be illuminated by non-intermittent light sources.

g. Permitted business, information and directional signs may either be a flat sign permanently affixed to the face of a building or monument in style. Business signs affixed to buildings shall not project above the eave line of the roof.

h. Permitted information or directional signs may be flat signs permanently affixed to a boundary wall or fence. However, other than a horizontal projection of not more than four (4) inches, such signs shall not project beyond the surface of the boundary wall or fence.

i. Any use permitted by right in the "NU" Non-Urban Residence District or any "RI" Residence District and requiring more than five (5) parking spaces as defined by Section 415.280, Off-Street Parking and Loading Requirements, shall be permitted one (1) monument or flat attached information sign on the same premises. The portion of such sign consisting of board or surface information shall not exceed fifty (50) square feet in area. A second information sign may be authorized by the Planning and Zoning Commission on properties of the same zoning district designations, as identified herein, when the following characteristics exist with regards to the lot where it is to be located: has a minimum of two (2) frontages on City-defined arterial roadways; has a lot size that exceeds ten (10) acres; and has an existing permitted use in place on the site and said activity is under continuous occupancy and use at the time of the application for the sign. The location of all Information (monument) signs of this specific type on the subject lot must be considered and approved by the Planning and Zoning Commission on a site development plan.

[Ord. No. 2009 §§1 — 2, 4, 8-28-2014]

Section 415.420. Sign Regulations For All "C" and "M" Districts.

[Ord. No. 1324 App. A §1003.168B, 8-14-2006; Ord. No. 1364 §1, 12-11-2006; Ord. No. 1644 §1, 8-24-2009; Ord. No. 1710 §1, 4-26-2010]

A. Signs in the "C" Commercial Districts, including the "C-8" Planned Commercial District and the "M" Industrial Districts, including the "M-3" Planned Industrial District, shall only be allowed in each district as follows, premised on Architectural Review Board review and action upon them prior to the issuance of a building permit for certain types, as specifically noted herein:


   a. General provisions. Subject to other provisions of this Section, each developed lot may have a monument sign facing each roadway on which the lot has frontage regardless of the number of buildings upon the lot. However, each building, regardless of the number of lots upon which it may be located, shall have no more than one (1) monument sign facing each roadway on which its lot or lots has frontage. For the purpose of this regulation, an aggregation of two (2) or more structures connected by a wall, firewall, facade or other structural element, except for a sidewalk, shall constitute a single building. No monument sign shall exceed fifty (50) square feet in outline area per facing; nor exceed a width of ten (10) feet; nor extend more than ten (10) feet above the elevation of the adjacent street or elevation of the average finished ground elevation along the side of the building on the property facing the street, whichever is higher.

   b. Specific regulations and exceptions.

      (1) Monument signs are not permitted in the "C-1" Neighborhood Business District.

      (2) The maximum size of monument signs in the "C-2" Shopping District and the "M-1" Industrial
District shall be limited to thirty (30) square feet in outline area per facing.

(3) A service station shall be permitted one (1) separate price sign attached to the same structure of, but below, any one (1) permitted freestanding business sign on the lot or lots on which the use may be located. The outline area of such sign shall not exceed twenty (20) square feet per facing.

(4) Portable reader boards (changeable copy sign), banners, inflatable aids, such as cold air balloons, searchlights, flashers, animators or mechanical movement or contrivances of any kind used as an advertising device are prohibited.

(5) No sign shall consist of or contain rotating, vibrating or moving materials, such as paper, cloth or metal, whether attached to a fixed sign or used independent thereof.

(6) Paper posters and signs painted directly on exterior walls, chimneys or other parts of the building are prohibited.

(7) Signs placed on or affixed to vehicles and/or trailers which are parked on a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property are prohibited. However, this is not in any way intended to prohibit signs placed on or affixed to vehicle and trailers, such as permanent lettering on motor vehicles, where the sign is incidental to the primary use of the vehicle or trailer.

(8) Living signs of any kind, including those types used as advertising devices for businesses, organizations or other entities, are prohibited.

2. Business signs—attached to wall.

a. General provisions. The outline area of each sign shall not exceed one (1) square foot of area for every linear foot of building length, unless having direct frontage onto a City-designated arterial roadway, which shall allow up to two (2) square feet of area for every linear foot of building length. No attached wall sign shall exceed fifty (50) square feet in outline area. Business signs attached to buildings shall not project beyond the wall of the building more than eighteen (18) inches horizontally. The height of all signs, including logos or other representations, shall not exceed a size of twenty-four (24) inches and be limited to the use of individual letters (pin-on types) only to comprise the representation. No painted signs shall be authorized, unless a gold or silver leaf application is used.

b. Specific regulations and exceptions.

(1) Each business in the "C-1" Neighborhood Business District shall be limited to one (1) attached business sign on a wall facing a roadway. No business sign shall exceed twenty (20) square feet. Every sign shall be a flat sign, permanently affixed to the face of the building and shall not be higher than the lowest elevation of the roof.

(2) For buildings located on corner lots or lots with double frontage, each business may have one (1) attached business sign on any two (2) walls of a building that are exterior walls of the particular business. Buildings fronting onto a commercial plaza, and adjoining two (2) abutting roadways, may be authorized a third (3rd) sign, but the total square footage of all signage shall not exceed that allowed by a combination of the two (2) permitted signs.

(3) Attached business signs on walls facing the property line of an adjoining property in the "NU" Non-Urban Residence, "PS" Park and Scenic or any "R" residence district shall not be permitted.

(4) Where a lot or parcel of land is developed with more than one (1) building, interior buildings shall be permitted the same type and number of wall signs as peripheral buildings. The mounting requirements of the permitted signs shall be the same as any attached business sign.

(5) In buildings containing multiple tenants where public access to individual tenant space is gained via interior entrances, said building shall be allowed no more than one (1) attached business sign on any two (2) walls having roadway frontage. Said attached business signs shall be the same, each identifying either the building or major tenant.

(6) Rooftop signs are prohibited.

(7) Individual letter(s) (exclusive of words), symbol(s) or graphic logo(s) pertaining to a business on premises may be painted or otherwise permanently affixed to the surface of an awning or canopy. The height of these letters, symbols or logos shall not exceed six (6) inches in size. The outline area of the message shall not exceed five percent (5%) of the horizontal projection in elevation of the exterior surface of the awning or canopy. Said message outline area, when utilized as a design accent only as described above, shall not be counted toward the allowable outline area for a business sign. The following requirements shall also apply to signs incorporated onto permitted awnings:
(a) Front lance of awning shall be eight (8) inches to ten (10) inches in length.

(b) All awnings shall be made of canvas, not plastic.

(c) No lighting shall be authorized of the awning from below its horizontal plane.

(d) Awning colors shall be limited to a maximum of three (3) in total.

(e) Shallow-tipped awnings shall be used with a 1:3 slope

(f) Awnings shall not have side panels associated with them.

(g) Architectural Review Board review and consideration shall be required.

3. Projection signs.

a. General provisions.

(1) Minor types. Each tenant space shall be authorized to install one (1) projection sign. If business activity is located on the ground floor, a maximum size of four (4) square feet shall be authorized for this sign. If the business activity is located on the second (2nd) floor of the building, a maximum size of this sign shall not exceed two (2) square feet in overall area and not be counted toward the area of allowable attached signage referenced in Section 415.420(2). All projection signs may be lighted, but by external sources only.

(2) Major types. The City Council, by authorization through a "C-9" Planned Commercial District ordinance for a specific site, may authorize a business that is located in an end-cap unit of a two-story or greater height building a major projection sign. This end-cap unit shall have direct visibility to an arterial roadway of the State, County or City. Major projection signs shall not exceed thirty (30) square feet in size or ten (10) feet in height and must be lit by external sources only. No major projection sign shall exceed the eave line height of the building where it is to be attached.

b. Specific regulations and exceptions.

(1) Projection signs shall not be placed closer than twenty (20) feet to an adjoining projection sign that is located on the same floor and must be structurally secure in their installation, as authorized by a building permit from the City of Wildwood.

(2) The placement of projection signs shall provide a minimum of eight (8) feet of separation from the bottom of the signboard to the finish grade elevation of the abutting sidewalk.

(3) The type of materials and design of the projection signs shall be reviewed and acted upon by the Architectural Review Board, before any permits shall be issued by the Department of Planning for their erection.

(4) Projection signs (minor types), as determined by the Architectural Review Board as having special character created by its shape, representation, or design, shall be allowed an additional thirty percent (30%) of overall area relative to their allowable size referenced in Section 415.420(3)(a).

4. Sandwich board signs.

a. General provisions. Each ground floor tenant space shall be authorized to place a sandwich board type sign in front of its business space during normal business hours, Sunday through Saturday. A maximum size of this sign shall not exceed ten (10) square feet in overall area and shall not be counted toward the allowable attached signage referenced in Section 415.420(2). Sandwich board signs shall not be lighted.

b. Specific regulations and exceptions.

(1) Sandwich board signs shall not obstruct the public right-of-way or sidewalk located adjacent to or abutting the business space.

(2) Sandwich board signs and related support structures shall not exceed a height of four (4) feet, as measured from the surface where they are placed, or thirty (30) inches in width.

(3) The materials used for sandwich board signs shall be limited to wood and metal only, except the sign face itself. The type of materials and design of the sandwich board signs shall be reviewed and acted upon by the Architectural Review Board, before any permits shall be issued by the Department of Planning for their placement and use.
(4) Sandwich board signs shall have the appearance of an "A" frame construction, but can be either single or double-faced in design style.

5. Advertising signs (billboards).
   a. Advertising signs are permitted only within six hundred sixty (660) feet of any interstate or primary State highway areas zoned "C-6" Planned Commercial or "M-3" Planned Industrial Districts having provisions specifically authorizing advertising signs, provided that no such signs shall be permitted within the boundary of the Town Center District or within five hundred (500) feet outside such boundary. Any authorized sign shall be subject to the following restrictions:
   
   (1) No portion of the sign or sign structure shall exceed ten (10) feet in height from the average ground level determined by the area within a twenty-five (25) foot radius from the base of the sign, nor be located at an elevation causing the top of the sign to be more than fifteen (15) feet above or below the surface elevation of any roadway right-of-way to which the sign would be visible.
   
   (2) No advertising sign may be located closer than two thousand five hundred (2,500) feet from another existing advertising sign or from the boundary of property specifically zoned to permit such off-site signs, nor closer than one thousand five hundred (1,500) feet from the corporate limits of the City. Advertising signs shall also be located no closer than one thousand five hundred (1,500) feet from any residentially zoned property or residential dwelling. Distances shall be measured by straight linear distance at points on the centerline of the roadway right-of-way to which the sign or district is adjacent.
   
   (3) Lighting of advertising signs shall be prohibited unless expressly approved by terms of a planned zoning ordinance pursuant to Section 415.510 or Section 415.190. Where such lighting is authorized by law, lighting may only be by means of external lighting fully shielded by a translucent material that prevents visibility of the direct light source. The lighting shall cause no direct or indirect measurable light on any adjacent property and shall be shielded to prevent all upward casting of light. For purposes of this Subsection, "measurable light" shall mean more than five-hundredths (0.05) foot-candles. Lighting of off-site signs may be prohibited in the applicable zoning district where lighting would adversely affect neighboring property owners or would create other adverse affects outweighed by the need for lighting. All lighting shall also comply with the additional regulations found in this Code and other City ordinances. (Section 415.450 Outdoor Lighting Requirement of the Zoning Ordinance.)
   
   (4) In addition to any other applicable fees, an inspection fee of five hundred dollars ($500.00) shall be paid upon application for the permit to erect an advertising sign, to cover the costs of the City related to review for compliance with the additional requirements herein and inspection by the Department of Planning of the as-built sign for conformance with such requirements.
   
   (5) No advertising sign shall be located within fifty (50) feet of any roadway right-of-way.
   
   (6) The regulations of Section 415.400 and the specific regulations set forth in Section 415.420(2)(b) (4—7) shall apply and each advertising sign shall be of monument design no greater than seventy-five (75) square feet in size.
   
   b. If any regulation herein shall be determined to be unlawful, its invalidity shall not affect the enforceability of each and every other lawful provision and restriction.

6. Information signs.
   a. General provisions. Each lot may have no more than one (1) monument information sign facing each roadway on which the lot has frontage. Such monument information sign shall not exceed ten (10) square feet in outline area per facing; shall not exceed a width of five (5) feet; and shall not extend more than ten (10) feet above the elevation of the adjacent street or elevation of the average finished ground elevation along the side of the building on the property facing the street, whichever is higher.
   
   b. Specific regulations and exceptions. The height of all information signs shall not exceed three (3) feet when located within the minimum front yard setback of each particular zoning district.

7. Directional signs.
   a. Directional signs shall not exceed ten (10) square feet in outline area per facing.

   Monument directional signs shall not extend more than five (5) feet above the elevation of the adjacent street or elevation of the average finished ground elevation along the side of the building facing the street, whichever is higher.

   b. No directional sign shall be located on or over a public right-of-way without approval of the Department of Public Works.
c. The height of all directional signs shall not exceed three (3) feet when located within the minimum front yard setback of each particular zoning district.

8. Supplementary regulations.

a. Except as may be specifically noted in these regulations, setbacks for all signs shall be governed by the minimum yard requirements in each particular zoning district.

b. The height of all signs on corner lots shall not exceed three (3) feet above the elevation of the street pavement when located within the sight distance triangle.

c. Permitted information or directional signs may either be monument style in design or be a flat sign permanently affixed to the face of the building. When affixed to buildings such signs shall not project above the lowest elevation of the roof.

d. Permitted information or directional signs may be flat signs permanently affixed to a boundary wall or fence. However, other than a horizontal projection of not more than four (4) inches, such sign shall not project beyond the surface of the boundary wall or fence.

e. All business and advertising signs shall be located as not to impair the visibility of any official highway sign or marker, while neither shall a business or advertising sign be so placed as to unnecessarily obstruct the visibility of any other business sign.

f. Sign illumination shall be so arranged as not to cast light directly from any source of illumination on any public right-of-way or on adjoining properties in the "NU" Non-Urban Residence, "PS" Park and Scenic or any "R" residence district. All signs shall comply with the requirements of the City of Wildwood Zoning Ordinance Section 415.450 Outdoor Lighting Requirements.

g. Signs in the "C-1" Neighborhood Business District shall only be illuminated by external light sources.

h. On the effective date of this Chapter, no sign shall be animated or flashing. No shall any sign be illuminated by any other source than shielded, white incandescent lighting or shielded neon tube. Shielding for the purposes of this Subsection shall include opaque or translucent covering which obstructs the direct visibility of the light source.

i. Any development or land use may have a sign displaying time and temperature not to exceed ten (10) square feet in outline area per facing. Such sign may be attached to the same structure of any permitted monument sign on the lot or lots on which the use may be located or may be a flat sign permanently affixed to the face of a building. When affixed to a building such sign shall not project above the eave line of the roof.

j. Signs placed on vending machines, express mailboxes or service station pumps advertising products sold or services offered from the particular machine, mailbox or pump are permitted. However, no vertical or horizontal projection from the surface of the machine, mailbox or pump is permitted. Any other sign placed on the machine shall be considered as an advertising, business, directional or information sign, subject to the regulations of the zoning district in which such sign is located.

k. A restaurant with a drive-up or drive-through food pickup facility may have either one (1) monument or one (1) wall menu sign not to exceed thirty-two (32) square feet in area associated with the order station. No freestanding menu sign shall exceed six (6) feet in height or width or be illuminated in any manner other than from an internal source. Landscaping shall be required in conjunction with these types of signs that is compliant with the Tree Manual/Sustainable Plantings Guide of Chapter 410 of the City of Wildwood Municipal Code.

l. Kiosks.

(1) Kiosks (as defined by Section 415.380(T) "Miscellaneous Regulations") accessory to a business or activity located on the same site shall be authorized no more than two (2) signs in total. No one (1) sign shall exceed twelve (12) square feet in size, nor shall any portion of the lettering exceed twelve (12) inches in overall height. In addition to other restrictions applicable to all signage, no box or other type of signs not fully integrated into the architecture of the kiosk shall be authorized and all permitted signs shall be constructed with a dark background material and light lettering or symbols. Lettering and symbols must be individually defined, so as not to have a single surface encompassing both message and background.

(2) Lighting of the permitted signs shall be at levels appropriate for the specific location subject to any limitations in the Outdoor Lighting Requirements, Section 415.450 hereof and the Town Center Plan Architectural Guidelines, except as modified by a site specific ordinance. All sign submittals to the Department of Planning will include an analysis of such lighting for compliance to Section 415.450 "Outdoor Lighting Requirements" and including a comparison of the type and level of illumination to ensure compatibility with applicable site requirements and signage
characteristics of the principal business or activity to which the kiosk is an accessory use on the site. No portion of any light fixture, including the lens, shall protrude below the horizontal plane of the interior ceiling component of the canopy structure.

m. A service station with a canopy may have no more than one (1) sign which may include the name and logo of the business and one (1) sign which may include the words "self-service" and "full service" attached on each of any two (2) sides of the vertical face of the canopy, excluding canopy supports. The outline area of each sign shall not exceed ten (10) square feet in outline area. Each sign shall be a flat sign permanently affixed to the vertical face of the canopy and shall not project above or below the vertical face of the canopy more than one (1) foot. No projection shall be permitted from any other side of the vertical face of the canopy.

n. Regulations for any signs may be made more restrictive in the conditions of the ordinance governing a particular "C-8" Planned Commercial District or the "M-3" Planned Industrial District.

o. Flags. One (1) commercial flag incorporating a business name and/or logo may be flown in conjunction with a flag display in all "C" Commercial and "M" Industrial Districts. A minimum of two (2) flags, including a local, State or national flag in addition to one (1) permitted commercial flag, shall constitute a flag display. All flag lengths, excepting the national flag, shall not exceed ten (10) feet with a pole height not to exceed forty (40) feet. A zoning authorization and building permit is required prior to erecting flagpole.

p. Sign replacement policy. The Department of Planning shall collect from an applicant receiving zoning authorization for the erection of a wall sign an escrow in an amount not less than five hundred dollars ($500.00) or more than one thousand dollars ($1,000.00) for the purpose to make any necessary repairs to the façade, when the sign is removed, if the owner of the property fails to make these corrections in a timely manner. If repairs are made in a timely manner to the façade of the building, where the sign was formally installed, the department shall release this escrow to applicant within seven (7) business days of their receiving a request from the applicant indicating the work has been completed in accord with this item.


a. General provisions. Each project or development, as defined by its "C-8" Planned Commercial District boundary and where more than five (5) businesses are located, may be authorized to install a display kiosk. These types of kiosks shall be limited to a maximum height of eight (8) feet in size, a sign board width of no greater than thirty (30) inches, consist of no more than three (3) sides, and be constructed of wood, metal or comparable materials as approved by the Architectural Review Board. Display kiosks may be lighted, but by external sources only, unless otherwise approved by the Architectural Review Board.

b. Specific regulations and exceptions.

(1) Display kiosks shall not be placed within the sight distance triangle formed by the intersection of any roadways, streets, alleys, lanes, and other passageways.

(2) The design of these display kiosks shall incorporate a minimum of a twenty-four (24) inch separation between the bottom of the structure and the sidewalk grade where they are installed.

(3) The type of materials and design of the display kiosks shall be reviewed and acted upon by the Architectural Review Board, before any permits shall be issued by the Department of Planning for their erection.

Section 415.430. Subdivision Information Signs.

Subdivisions which include ten (10) or more lots or units shall be permitted a maximum of two (2) subdivision information signs at each main entrance to the subdivision. No such sign shall exceed twenty-five (25) square feet in outline area per facing, exceed a width of ten (10) feet nor extend more than ten (10) feet above the elevation of the adjacent street. The sign may include the name or logo or both of the subdivision. Such signs may be located on any platted lot or common ground of a subdivision and may also be located on any unplatted portion of the subdivision identified as part of a particular development on an approved preliminary subdivision plat or site development plan.

Section 415.440. Temporary Signs.

A. Temporary Subdivision Signs. The regulations governing temporary signs for new subdivisions under construction, partially or totally, within the City of Wildwood are as follows:
1. **Subdivision promotion signs.**
   a. For the purpose of these regulations, a "subdivision promotion sign" is a sign intended to inform the general public about the subdivision under development or about a particular display house in the subdivision.
   b. One (1) subdivision promotion sign, not to exceed fifty (50) square feet in area and not to extend more than ten (10) feet above the elevation of the adjacent street, may be erected at each entrance to the subdivision. No subdivision promotion sign shall be erected within the sight distance triangle. Information contained on the sign shall be pertinent to the subdivision.
   c. Subdivision promotion signs may be erected on each lot on which a display house has been erected, provided that no one (1) sign exceeds fifteen (15) square feet in outline area per facing and that the total area of signs on one (1) lot not exceed forty-five (45) square feet in outline area.

2. **Supplementary regulations.**
   a. A sign permit shall be obtained from the City of Wildwood for the erection of each and every subdivision promotion sign. In addition to the normal structural sign permit fee required by the City of Wildwood Building Code, the applicant shall make a cash deposit with the Department of Planning of fifty dollars ($50.00) for a sign in excess of twenty (20) square feet in area and of twenty-five dollars ($25.00) for a sign of twenty (20) square feet or less in area, together with a written consent authorizing the removal of said sign and use of said deposit to be applied against the cost of removal of any such sign by the City of Wildwood or its designee without liability therefore, if such sign is not removed within five (5) days of the expiration of its permit period by the applicant.
   b. The subdivision promotion sign shall be removed from the site on which it is located within one (1) year of the date the permit was issued for said sign. Application for one (1) year extension may be made at any time prior to the last thirty (30) days of the permit period.
   c. The subdivision promotion sign for which a permit is required shall bear in one (1) inch letters, on the back or attached to the support structure of said signs as indicated on plans on file for a sign permit, the expiration date of the permit or the extension thereof authorizing the erection of the sign.

B. **Temporary Construction Signs.** Construction signs which identify the architects, engineers, contractors or other individuals or firms involved with construction on a site may be erected during the construction period, but their total number shall be limited to no more than two (2) signs per lot or development, whichever is more restrictive. Each construction site may have no more than one (1) sign facing each roadway on which the site has frontage. No construction sign shall exceed fifty (50) square feet in outline area per facing; nor exceed a width of ten (10) feet; nor exceed more than ten (10) feet in height. The signs shall be confined to the site of the construction and shall be removed no later than fourteen (14) days after completion of all construction on the site or after ninety (90) days of suspension of work. The message on a construction sign shall not include any advertisement of any product but may include information announcing the character of the business enterprise or the purpose for which the business is intended.

C. **Temporary Signs Announcing Future Use Of Site.** Signs announcing the future use of a site, by a use permitted by the regulations of the particular zoning district in which the site is located or by an approved special procedure permit, may be erected not more than six (6) months prior to construction or development of the site. Each site may have no more than one (1) such sign facing each roadway on which the site has frontage. No such sign shall exceed fifty (50) square feet in outline area per facing, exceed a width of ten (10) feet nor extend more than ten (10) feet in height. The signs shall be erected only on the site in question and shall be removed within fourteen (14) days after the completion of construction of a building on the site in the case of a previously undeveloped site or the occupancy of an existing building or the beginning of the intended use of the site where no building is to be constructed.

D. **Real Estate Signs.** Real estate signs advertising the sale, rental or lease of a property or portion thereof may be erected on the property being offered. Each property may have no more than one (1) such sign facing each roadway on which the property has frontage. These signs may be either freestanding or flat wall signs. Such signs shall be confined to the property in question and shall be removed within fourteen (14) days after the sale, rental or lease being advertised. A sign permit shall not be required for real estate signs which are not greater than sixteen (16) square feet in outline area.

1. Real estate signs in the "NU" Non-Urban Residence District or any "R" Residence District on vacant, undeveloped property containing five (5) or more acres in area shall not exceed thirty-two (32) square feet in outline area per facing.
2. Other real estate signs located in the "NU" Non-Urban Residence District and all "R" Residence Districts shall not exceed sixteen (16) square feet in outline area per facing.
3. Real estate signs located in any "C" Commercial District or "M" Industrial District shall not exceed thirty-two (32) square feet in outline area per facing.
E. Other Temporary Signs. The following additional temporary signs are permitted in any zoning district:

1. Temporary signs indicating danger or other public or governmental signs as may be authorized by the Director of Public Works.

2. Public notices and legal notices required by law.

3. Non-commercial signs, including political issue or campaign signs. The maximum area for any one (1) sign shall be sixteen (16) square feet with a total area of thirty-two (32) square feet permitted for each lot or unit. These signs shall be erected only on private property and with temporary materials and shall be removed before such materials deteriorate.

4. Decorative displays used for holidays during and for a maximum of thirty (30) days before and seven (7) days after the specific holiday.

5. In the "NU" Non-Urban Residence District and all "C" Commercial Districts, temporary banners (a sign made of flexible materials and supported along two (2) sides, at two (2) or more corners by fixed, rigid supports, such as poles or rode) for special events may be authorized by a permit granted by the Director of Planning.


The use of any temporary banners shall meet the following criteria:

a. The location of the banner shall be limited to the property where the institutional use, business, or similar entity is situated and subject to location approval by the Director of Planning. However, no temporary banner shall be placed within public rights-of-way areas or other publicly held lands; and

b. The property has direct frontage on a City-defined arterial roadway; and

c. The number of banners that may be displayed on the property shall be limited to no more than one (1) representation in total; and

d. The maximum period of display during which the same institutional use, business, or similar entity may maintain a banner on its subject property shall be based upon a period of time not to exceed thirty (30) days when displayed, within any given calendar; and

e. The allowance for up to thirty (30) days for a business or other allowable use to display a temporary banner shall be further governed as follows: no temporary banner can be in place for more than five (5) consecutive days over the allowable thirty-day period of time on the same property; no temporary banners can be displayed at the same property more than six (6) instances per calendar year; an interval of no less than seven (7) days must be provided between the placements of authorized temporary banners on the same property; and no temporary banner shall be allowed to deteriorate, separate from its supports, or otherwise be determined to be a public safety hazard or nuisance; and

f. No banner shall exceed thirty (30) square feet in overall size, nor a total of six (6) feet in height; and

g. The banner’s placement shall be approved by the Department of Planning on a plot plan submitted in conjunction with the required zoning authorization form of the City, on which the applicant shall provide specific time frames relating to its installation and date of removal. Failure of the applicant to obtain the required authorizations, adherence to stipulated timelines, and/or maintenance of said temporary banners does constitute cause for their immediate removal and the issuance of a summons, without the benefit of any warning period of time to be provided.

F. Right-Of-Way Signage. Nothing herein shall be implied to permit use of the public right-of-way for signage or other purposes and except as otherwise may be provided by law, no sign regulated by this Chapter shall be permitted on any public property or public right-of-way except as permitted by the Director of Public Works.
IMLA Sign Code – 6th Rough Draft

This document started as an effort to write a Model Sign Code, but as time passed it became clear that the term “model” might be a bit too ambitious and this draft evolved with comments, suggestions and ideas that can help drafters of their own codes. As time passes IMLA will review cases and efforts by others as we continue to update this document. For the reason that the law continues to be unsettled in many respects this continues to be a “rough draft”.

This Sign Code proposes a content neutral code developed based on the decision of Reed v. Town of Gilbert, ___ U.S. ___, 135 S. Ct. 2218, 192 L. Ed. 2d 236, 2015 U.S. LEXIS 4061, 83 U.S.L.W. 4444, 25 Fla. L. Weekly Fed. S 383 (U.S. 2015). The sign code recognizes that government signs are government speech intended to ensure public safety. These government signs include those described and regulated in the Manual on Uniform Traffic Control Devices and signs that are necessary to identify properties and to implement the laws of the state. The skeleton of this Sign Code derives from the Washington County, Oregon sign regulations which were found to be content neutral by the United States District Court for Oregon, Portland Division in Icon Groupe, LLC v. Washington Cnty., 2015 U.S. Dist. LEXIS 67682 (D. Or. May 26, 2015). Because the skeleton finds its foundation in a County sign code, some provision may not be appropriate for cities or towns and because the drafters have included provisions from cities and towns, some provisions may not work for counties. For those reasons, persons using this document should tailor their product to their community’s interests and needs.

This Sign Code accepts at face value the Supreme Court’s unanimous view that governments may regulate signs. In City of Ladue v. Gilleo, 512 U.S. 43, 48, 114 S. Ct. 2038, 2041-2042, 129 L. Ed. 2d 36, 4243, (U.S. 1994) writing for a unanimous court Justice Stevens explained that “While signs are a form of expression protected by the Free Speech Clause, they pose distinctive problems that are subject to municipalities’ police powers. Unlike oral speech, signs take up space and may obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. It is common ground that governments may regulate the physical characteristics of signs -- just as they can, within reasonable bounds and absent censorial purpose, regulate audible expression in its capacity as noise. See, e. g., Ward v. Rock Against Racism, 491 U.S. 781, 105 L. Ed. 2d 661, 109 S. Ct. 2746 (1989); Kovacs v. Cooper, 336 U.S. 77, 93 L. Ed. 513, 69 S. Ct. 448 (1949).” In Ladue, the Court concluded that the City’s regulation banning almost all residential signs went too far in restricting speech. At the same time the Court noted that its decision did not eliminate the city’s ability to restrict some types of signs: “Nor do we hold that every kind of sign must be permitted in residential areas. Different considerations might well apply, for example, in the case of signs (whether political or otherwise) displayed by residents for a fee, or in the case of off-site commercial advertisements on
residential property. We also are not confronted here with mere regulations short of a ban." *City of Ladue v. Gilleo*, 512 U.S. 43, 58, 114 S. Ct. 2038, 2045, 129 L. Ed. 2d 36, 49, (U.S. 1994). Thus, *Ladue* teaches us that governments may impose limits on some signs and impose regulations short of a complete ban.

In *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490, 507, 101 S. Ct. 2882, 2892, 69 L. Ed. 2d 800, 814815 (U.S. 1981) a majority of the Justices of the Supreme Court concluded that a government could distinguish between commercial and non-commercial speech when regulating signs:

> “Finally, in *Central Hudson Gas & Electric Corp. v. Public Service Comm’n*, 447 U.S. 557 (1980), we held: ‘The Constitution ... accords a lesser protection to commercial speech than to other constitutionally guaranteed expression. The protection available for a particular commercial expression turns on the nature both of the expression and of the governmental interests served by its regulation.’ Id., at 562-563 (citation omitted). We then adopted a four-part test for determining the validity of government restrictions on commercial speech as distinguished from more fully protected speech. (1) The First Amendment protects commercial speech only if that speech concerns lawful activity and is not misleading. A restriction on otherwise protected commercial speech is valid only if it (2) seeks to implement a substantial governmental interest, (3) directly advances that interest, and (4) reaches no further than necessary to accomplish the given objective. Id., at 563-566.

> “Appellants agree that the proper approach to be taken in determining the validity of the restrictions on commercial speech is that which was articulated in *Central Hudson*, but assert that the San Diego ordinance fails that test. We do not agree.”

Despite concluding that San Diego’s ordinance regulating billboard’s survived the *Central Hudson* test, four members of the majority reached the conclusion that the city’s ordinance was facially unconstitutional because it allowed commercial speech at certain locations where it prohibited noncommercial speech. “It does not follow, however, that San Diego’s general ban on signs carrying noncommercial advertising is also valid under the First and Fourteenth Amendments. The fact that the city may value commercial messages relating to onsite goods and services more than it values commercial communications relating to offsite goods and services does not justify prohibiting an occupant from displaying its own ideas or those of others.” *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490, 512-513, 101 S. Ct. 2882, 2895, 69 L. Ed. 2d 800, 818 (U.S. 1981)

In a decision following *Reed*, a federal District Court concluded that *Reed* did not extend to regulation of commercial speech and that the *Central Hudson* standard ought to apply to the city’s regulations, albeit, regulations not involving signs:

> "*Reed* is inapplicable to the present case, for several reasons, including that it does not concern commercial speech. Restrictions on commercial speech are evaluated under *Central Hudson*, using a four-part test:

1. [If the communication is neither misleading nor related to unlawful activity, then it merits First Amendment scrutiny as a threshold matter; in order for the restriction to
withstand such scrutiny, (2) the State must assert a substantial interest to be achieved by restrictions on commercial speech; (3) the restriction must directly advance the state interest involved; and (4) it must not be more extensive than is necessary to serve that interest.


Because Metromedia offers scant support for developing content based regulations of commercial signs, this Sign Code follows an approach designed to create content neutral regulations applicable to all signs, while distinguishing commercial signs from non-commercial signs by prohibiting commercial signs in some locations and regulating forms of commercial signs to limit their numbers while attempting not to stifle economic activity. Where commercial signs are allowed, Metromedia informs the conclusion that non-commercial signs must also be allowed.

On August 16, 2017 and amended October 23, 2017, the Ninth Circuit upheld San Francisco’s ordinance that distinguishes between on-site and off-site advertising and that allows non-commercial speech wherever commercial speech is allowed, noting: “We therefore hold that the distinctions drawn in Article 6 between commercial and noncommercial speech directly advance Defendant’s substantial interests. We find no constitutional infirmity in the ordinance’s failure to regulate every sign that it might have reached, had Defendant (or its voters) instead enacted another law that exhausted the full breadth of its legal authority.” Contest Promotions, LLC v. City & Cty. of S.F., 867 F.3d 1171, 2017 U.S. App. LEXIS 15375 (9th Cir. Cal., Aug. 16, 2017) Under the San Francisco ordinance general advertising signs, like traditional billboards, refer primarily to offsite activities, whereas business signs refer to the activities undertaken on the same premises as the sign. The Code provides that “[n]ew general advertising signs shall be permitted at any location within the City as of March 5, 2002." By contrast, business signs are permitted, subject to other limitations related to neighborhood and development type. Also, see Lamar Central Outdoor, LLC v. City of Los Angeles, 245 Cal. App. 4th 610 *; 199 Cal. Rptr. 3d 620 **; 2016 Cal. App. LEXIS 181 *** for a case upholding the distinction between on-site versus off-site signs. In another case allowing local regulators to distinguish between on-premise and off-premise signs, a federal district court concluded that Austin, TX sign code did so properly. Reagan Nat’l Advert. of Austin, Inc. v. City of Austin, No. 1:17-CV-673-RP, 2019 U.S. Dist. LEXIS 52009 (W.D. Tex. Mar. 27, 2019); and Reagan Nat’l Advert. of Austin, Inc. v. City of Cedar Park, 343 F. Supp. 3d 674 (W.D. Tex. 2018). A similar result obtained in Tennessee federal district court in Roland Dig. Media, Inc. v. City of Livingston, No. 2:17-cv-00069, 2018 U.S. Dist. LEXIS 216200 (M.D. Tenn. Dec. 26, 2018).

In Clark v. City of Williamsburg, No. 2:17-CV-02002-HLT, 2019 U.S. Dist. LEXIS 78385 (D. Kan. May 9, 2019), the court concluded that a regulation exempting political signs and regulating those signs separately was not content neutral and that the provision violated the First Amendment. However, the court concluded that the provision was severable and that the ordinance survived without the “political sign” provision. Adopters should include a severability provision when adopting their sign law.
DIVISION I. - GENERAL PROVISIONS

Findings, purpose and intent; interpretation.

(a) Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this article is to regulate the size, color, illumination, movement, materials, location, height and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment on historic convenience to citizens and encouraging economic development. This article allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs. This article must be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding must not affect the validity of other provisions of this article which can be given effect without the invalid provision.

(b) Signs not expressly permitted as being allowed by right or by special use permit under this article, by specific requirements in another portion of this chapter, or otherwise expressly allowed by the [governing body] or Board of [Adjustment, Appeals, Zoning Appeals].

Comment: Adopters of sign laws should be careful to consider how special permits, conditional uses, variances and other limitations are applied to signs. First Amendment principles dealing with prior restraint of speech may come into play and would need to be addressed. As mentioned throughout the adopters of this Sign Code should review it carefully with their attorney to be sure that they have a sound legal basis for adoption.

(c) A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein must be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs in order to ensure they are appropriate to the land, building or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests identified in subsection (a) of this section.

(d) These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.

(e) These regulations distinguish between portions of the City/County/Town designed for primarily vehicular access and portions of the City/County/Town designed for primarily pedestrian access.
These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the City/County/Town. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.

These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

Comment: The previous sections (a) through (g) were taken directly from the Local Government Association of Virginia’s Model Sign Code with only minor revisions if any and one Comment. In SAMUEL SHAW vs. CITY OF BEDFORD, INDIANA, (USDC SDIN 7/6/2017) 2017 U.S. Dist. LEXIS 104120, the Court reviewed the legislative record that established both the aesthetic and public safety bases for the city’s ordinance. IMLA stresses the need to make a legislative record substantiating the need for the law and specific provisions that are adopted based on the needs of each community.

These regulations are not intended to and do not apply to signs erected, maintained or otherwise posted, owned or leased by this State, the federal government or this City/County/Town. The inclusion of “government” in describing some signs does not intend to subject the government to regulation, but instead helps illuminate the type of sign that falls within the immunities of the government from regulation.

Section 1. Definitions.

1.1 Sign. A name, identification, description, display or illustration, which is affixed to, painted or represented directly or indirectly upon a building, or other outdoor surface which directs attention to or is designed or intended to direct attention to the sign face or to an object, product, place, activity, person, institution, organization or business. Signs located completely within an enclosed building, and not exposed to view from a street, must not be considered a sign. Each display surface of a sign or sign face must be considered to be a sign.

1.1.1 Sign area:

1.1.1.1 the space enclosed within the extreme edges of the sign for each sign face, not including the supporting structure or

1.1.1.2 where attached directly to a building wall or surface, the space within the outline enclosing all the characters of the words, numbers or design.

1.1.2.3 Sign face: The entire display surface area of a sign upon, against or through which copy is placed.

1.1.3 Electric Sign. Any sign containing electric wiring. This does not include signs illuminated by an exterior floodlight source.

1.1.4 Flashing Sign. Any illumined sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of
Code any moving illuminated sign, except digital billboards, must be considered a flashing sign.

1.1.5 Freestanding Sign. A sign erected and maintained on a freestanding frame, mast or pole not attached to any building, and not including ground mounted signs.

1.1.6 Government Sign. A government sign is a sign that is constructed, placed or maintained by the federal, state or local government or a sign that is required to be constructed, placed or maintained by the federal, state or local government either directly or to enforce a property owner’s rights.

Comment: This Sign Code recognizes, as did the Supreme Court in Reed v. Town of Gilbert, ___ U.S. ___, 135 S. Ct. 2218, 192 L. Ed. 2d 236, 2015 U.S. LEXIS 4061, 83 U.S.L.W. 4444 (U.S. 2015), that the government must speak and in doing so is not regulated as private individuals under the First Amendment. While the Government often speaks directly, its speech can often be found in requirements of law that demand members of a community, residents and property owners to post notices to protect the rights afforded by the government. This form of speech finds protection in this Sign Code in recognition of legal requirements that a property owner must post a property against trespassing, solicitors and others to enforce property rights and privacy; or where a property owner must warn of dangers on the property to protect public safety and limit liability such as warning of dangerous animals, high voltage, sinkholes, gun or weapon usage among other dangers. While these postings are sometimes voluntary, all are required by the government to be in a certain form and should constitute the government’s speech (they would not be considered private speech under the axiom: actus me invito factus non est meus actus). However, even if considered private speech the majority in Reed recognized that these types of signs could well survive even the strict scrutiny standard. Compelled speech generally finds little support under First Amendment analysis and in the cases decided by the Supreme Court. Nevertheless, compelled commercial speech such as warning labels on cigarette packaging and requirements imposed by the SEC on business communications affecting investors have been sustained. Here the types of compelled speech that fall within this government speech definition are forms of speech required by law to warn of dangers or to assert rights protected by the law. A community attempting to rely on these forms of compelled speech as with the rest of this Sign Code should only do so after a full review and analysis by its attorney.

1.1.7 Ground Mounted Sign. A sign which extends from the ground, or has support which places the bottom of the sign less than two (2) feet from the ground.

1.1.8 Highway Sign. A Freestanding sign, Integral Sign or Flat Wall Sign that is erected and maintained within the view of motorists who are driving on a highway.

Comment: In Peterson v. Village of Downers Grove, 2016 U.S. Dist. LEXIS 84638 (USDC NDIL June 29, 2016) (see Comment to 1.1.18 below) the court discussed Wall Signs and limitations on size. The case was complicated procedurally, but seems clear to uphold size limitations on wall signs.
1.1.9 Integral Sign. A sign that is embedded, extruded or carved into the material of a building façade. A sign made of bronze, brushed stainless steel or aluminum, or similar material attached to the building façade.

1.1.10 Marquee Sign. A canopy or covering structure bearing a signboard or copy projecting from and attached to a building.

1.1.11 Minor Sign. A sign described in Section 1.3.2 and any sign not larger than [Insert dimension here such as six square feet] that can be removed by hand if abandoned.

1.1.12 Original Art Display. A hand-painted work of visual art that is either affixed to or painted directly on the exterior wall of a structure with the permission of the property owner. An original art display does not include: mechanically produced or computer generated prints or images, including but not limited to digitally printed vinyl; electrical or mechanical components; or changing image art display.

1.1.13 Outdoor Advertising Sign. A sign that advertises goods, products or services which are not sold, manufactured or distributed on or from the premises or facilities on which the sign is located.

Comment: This definition is content based under the literal interpretation of Reed v. Town of Gilbert as it requires one to determine from reading or looking at the sign if a product is being advertised that is not sold, manufactured or distributed on or from the premises. However, based on the concurring opinion of Justice Alito and the opinions of Justice Kagan and Justice Breyer, to say that a majority of the Court would reach the conclusion that defining “outdoor advertising” or “off premise” amounts to a content based restriction seems a stretch.

1.1.14 Portable Sign. Any structure without a permanent foundation or otherwise permanently attached to a fixed location, which can be carried, towed, hauled or driven and is primarily designed to be moved rather than be limited to a fixed location regardless of modifications that limit its movability.

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

1.1.16 Roof Sign. A sign located on or above the roof of any building, not including false mansard roof, canopy, or other fascia.

1.1.17 Temporary Sign. A banner, pennant, poster or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials and that appears to be intended or is determined by the code official to be displayed for a limited period of time (rather than permanently attached to the ground or a structure).

Comment: In SAMUEL SHAW vs. CITY OF BEDFORD, INDIANA, (USDC SDIN 7/6/2017) 2017 U.S. Dist. LEXIS 104120, the definition of “temporary sign” was “not permanently attached to the ground”. The court noted that because these signs were not regulated temporarily, i.e., with any limitations as to how long they can be displayed, the ordinance allowed people to express their viewpoint for as long as they wished. Based on that decision the parenthetical has been added to the definition.
1.1.18 Flat Wall (Façade-Mounted) Sign. A sign affixed directly to or painted on or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and which projects from that surface less than twelve (12) inches at all points.

Note: A regulation that prohibited signs painted on a wall was upheld in Peterson v. Vill. of Downers Grove, 2015 U.S. Dist. LEXIS 167483 (N.D. Ill. Dec. 14, 2015)

1.1.19 Digital Billboard. A sign that is static and changes messages by any electronic process or remote control.

1.1.20 Vehicle Sign. Any sign attached to or displayed on a vehicle.

1.1.21 Code unless otherwise specifically referenced means the Code of the City/County/Town of _____.

1.1.22 Lessee includes a person who rents property for residential purposes.

1.1.23 Snipe sign means any small sign, generally of a temporary nature, made of any material, when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences, or other objects not erected, owned and maintained by the owner of the sign.

Comment: In Act Now To Stop War & End Racism Cool. v. District of Columbia, 846 F.3d 391 *; 2017 U.S. App. LEXIS 1193 **; 96 Fed. R. Serv. 3d (Callaghan) 749; 2017 WL 344321, the Court concluded that regulation limiting the amount of time signs advertising events could be posted on city and utility poles in relationship to the events they advertised were not content based restrictions and survived constitutional review.

1.1.24 Graffiti means any unauthorized inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of public or private property by any graffiti implement, to the extent that the graffiti was not authorized in advance by the owner or occupant of the property, or, despite advance authorization, is otherwise deemed a public nuisance by the City/County/Town. Graffiti includes snipe signs.

1.1.25 Graffiti implement means an aerosol paint container, a broad-tipped marker, gum label, paint stick or graffiti stick, etching equipment, brush or any other device capable of scarring or leaving a visible mark on any natural or manmade surface.

Comment: The definitions of Graffiti and Graffiti Implement are taken from the IMLA Model Graffiti Ordinance. IMLA believes that an adopting jurisdiction should consider adopting anti-graffiti measures as well as addressing signs.

1.1.26 Holiday lights or mini lights mean light fixtures that use bulbs that are sized C6, C7, or C9 or LED bulbs that are 8 mm or smaller.

1.1.26.1 Rope light means a light that has Holiday lights or mini lights inside of a PVC tube.
1.1.26.2 String lights means a lighting fixture that is composed of electrical wiring encased in plastic with sockets for bulb placement.

1.1.27 Flag means a sign made of fabric, bunting, or similar material, attached along one side to a single pole that is either freestanding or attached to a building.

Comment: The definition of “flag” is taken from a decision upholding that definition and regulations involving flags SAMUEL SHAW vs. CITY OF BEDFORD, INDIANA, (USDC SDIN 7/6/2017) 2017 U.S. Dist. LEXIS 104120. In Willson vs. Bel Nor (8th Cir 5/20/2019), the court concluded that a definition that described flags as “any fabric or bunting containing distinctive colors, patterns or symbols used as a symbol of a government or institution” created a content based definition when taken in conjunction with the remainder of the sign ordinance.

1.2 Prohibited Signs.

Signs are prohibited in all Districts unless:

1.2.1 Constructed pursuant to a valid building permit when required under this Code; and

1.2.2 Authorized under this Code.

COMMENT: “This Code” is intended to mean the code of the city and is not intended to be limited to this Sign Code ordinance. If the adopting jurisdiction, intends a different meaning it should make clear in which body of regulations sign construction is regulated.

1.2.3 A property owner may not accept a fee for posting or maintaining a sign allowed under Section 1.3.2 and any sign that is posted or maintained in violation of this provision is prohibited.

1.2.4 In residential zones or on property used for non-transient residential uses, commercial signs are prohibited.

Comment. This provision 1.2.4 may limit home occupations and transient residential uses, so should be considered carefully if adopted. An alternative might be to provide “except for those properties on which a home occupation or a transient residential use has been approved.”

1.3 Authorized Signs.

The following signs are authorized under Section 1.2.2 in every District:

1.3.1 Although these regulations do not apply to signs erected, maintained or posted by the State, federal or this government, these regulations clarify that Government signs which form the expression of that government are allowed in every zoning district and include the signs described and regulated in 1.3.1.1, 1.3.1.2, 1.3.1.3 and 1.3.1 when erected and maintained pursuant to law.

1.3.1.1 Traffic control devices on private or public property must be erected and maintained to comply with the Manual on Uniform Traffic Control Devices adopted in this state and if not adopted by this state with the Manual on Uniform Traffic Control Devices adopted by the
Federal Highway Administration. Because these regulations do not apply to the State, federal or this government, a failure to comply with this provision by those governments does not constitute evidence of negligence or form the basis for a cause of action.

Comment: The Federal Highway Administration has established uniform standards for signs that regulate traffic or that are erected and maintained within road rights of way or adjacent property. These uniform standards are intended to be used by the owners of private property that is open to the public to reduce confusion and limit the risk of accident. While these signs are content specific they serve an extraordinarily important public function.

1.3.1.2 Each property owner must mark their property using numerals that identify the address of the property so that public safety departments can easily identify the address from the public street. Where required under this code or other law the identification must be on the curb and may be on the principal building on the property. The size and location of the identifying numerals and letters if any must be proportional to the size of the building and the distance from the street to the building and in no case larger than [insert size limitation here]. In cases where the building is not located within view of the public street, the identifier must be located on the mailbox or other suitable device such that it is visible from the street.

Comment: The local government should establish a required dimensional limitation on identification signs based on the size of the structure and its distance from the public road if the structure is visible from the public road. The design and dimensions should conform to reasonable standards set to ensure that emergency responders can identify the property if necessary.

1.3.1.3.1 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. If the federal, state or local regulation describes the form and dimensions of the sign, the property owner must comply with those requirements, otherwise, when not defined, the sign shall be no larger than two square feet and located in a place on the property to provide access to the notice that is required to be made. Signs posted under this Section are not snipe signs.

1.3.1.3.2 Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of official or directed duties; provided, that all such signs must be removed by the property owner no more than ten (10) days after their purpose has been accomplished or as otherwise required by law. Signs posted under this Section are not snipe signs.

Comment: As noted in Reed v. Town of Gilbert some content based signs are necessary to protect the public and are likely to survive strict scrutiny. Signs prohibiting trespassing or solicitors; warning of the dangers of “high voltage” or other hidden dangers may be required for a person to assert property rights or to protect a property owner from liability. A local government should establish dimensional limitations, quantity limitations and other regulations designed to ensure the purpose of the sign is
1.3.1.4 The signs described in Sections 1.3.1.1, 1.3.1.2, and 1.3.1.3, are an important component of measures necessary to protect the public safety and serve the compelling governmental interest of protecting traffic safety, complying with legal requirements, serving the requirements of emergency response and protecting property rights or the rights of persons on property.

Comment: These signs as described in Section 1.3.1.4 are the types of signs discussed by Justice Thomas for the majority in Reed v. Town of Gilbert where he wrote: "A sign ordinance narrowly tailored to the challenges of protecting the safety of pedestrians, drivers, and passengers—such as warning signs marking hazards on private property, signs directing traffic, or street numbers associated with private houses—well might survive strict scrutiny." In Reagan Nat'l Advert. of Austin, Inc. v. City of Cedar Park, 343 F. Supp. 3d 674 (W.D. Tex. 2018), the court concluded that traffic safety formed a compelling governmental interest. On the other hand, Willson vs. Bel Nor, (8th Circuit 5/20/2019) notes that traffic safety and aesthetics have never been held to be compelling governmental interests.

1.3.2 Temporary Signs, Generally.

1.3.2.1 Temporary signs allowed at any time:

a) A property owner may place one sign with a sign face no larger than [two (2) square feet] on the property at any time. This Section does not include snipe signs.

Comment: In SAMUEL SHAW vs. CITY OF BEDFORD, INDIANA, (USDC SDIN 7/6/2017) 2017 U.S. Dist. LEXIS 104120, the city's ordinance allowed a residential property owner to display temporary signs that in combination did not exceed 36 square feet and which individually did not exceed 6 square feet and "if "ground-mounted," (which the ordinance defines as any sign that "extends from the ground, or has support which places the bottom of the sign less than two (2) feet from the ground"), the top of the sign cannot exceed 4 feet above the ground and must be located at least 10 feet away from any City right-of-way." The Court in that case considered the restrictions lawful and constitutional. That regulation may be more easily defended that some of the ones that follow. In www.RicardoPacheco.com v. City of Baldwin Park, 2017 U.S. Dist. LEXIS 107256 (USDC CDCA July 10, 2017), the Court found size limitations in the city's ordinance constitutional while finding some other provisions could not survive strict scrutiny for "speaker preference" in the ordinance based on additional signage allowed based on events. The Court offered suggestions for rewriting those provisions.

b) A property owner may place a sign no larger than[ 8.5 inches by 11 inches][ in one window on the property at any time.

1.3.2.2 One temporary sign per [0.25] acre of land may be located on the owner's property for a period of [thirty (30) days] prior to an election involving candidates for a federal, state or local office that represents the district in which the property is located [or an adjacent district] or involves an issue on the ballot of an election within the district where the property is located [or an adjacent district] per issue and per candidate Where the size of the property is smaller than [0.25] acres these signs may be posted on the property
Comment: Political signs represent the highest degree of protected speech and an adopting jurisdiction should exercise extreme caution in limiting a person’s right to express positions on issues or candidates. The time during which the signs may be authorized must not be so short as to prevent the message from being delivered. On the other hand, the government retains the right to regulate the time place and manner of expression and the right to protect property values and aesthetics. The balance weighs in favor of free expression. Nevertheless, reasonable time restrictions are consistent with the First Amendment and reasonable manner restrictions are consistent with the First Amendment. Taken together, a reasonable limit on the size, location and duration of this form of expression can be consistent with the First Amendment. Cases, prior to Reed v Town of Gilbert, generally recognize that 30 days is too little, but a time frame of 60 to 90 days may be sufficient. Some who commented on a draft of this Sign Code suggested an option for people who live next to another voting district who may wish to voice their support for issues or candidates in those districts and alternative language is shown. In www.RicardoPacheco.com v. City of Baldwin Park, 2017 U.S. Dist. LEXIS 107256 (USDC CDCA July 10, 2017), the Court concluded that a provision similar to the one above violated the constitution as a “speaker preference regulation”. A federal court in Kansas concluded that regulating political signs differently from other signs was a content-based restriction. Clark v. City of Williamsburg, No. 2:17-CV-02002-HLT, 2019 U.S. Dist. LEXIS 78385 (D. Kan. May 9, 2019).

1.3.2.3 One temporary sign that is not a snipe sign may be located on a property when:

a. the owner consents and that property is being offered for sale through a licensed real estate agent;

b. if not offered for sale through a real estate agent, when the sign is owned by the property owner and that property is offered for sale by the owner through advertising in a local newspaper of general circulation; and

c. for a period of [15 days] following the date on which a contract of sale has been executed by a person purchasing the property.

Comment: This Section offers an opportunity for signs for a person to put a “for sale” sign on the property in addition to the one temporary sign generally allowed and in addition to other signs that may be allowed. As the ordinance does not regulate content the signs authorized in this section could be used for other purposes. Should the community allow signs for other purposes? By allowing one temporary sign at all times, the community adopting this Sign Code does so. Thus, a person can post a notice of a birth, a special birthday, an anniversary, a wedding or other important event or choose to use the sign for other purposes entirely without any restriction being imposed on its content. The only restriction (aside from the size and location limitations generally applicable to temporary signs) placed on a sign erected under this section consists of the factual determinant of whether the property is being offered for sale.
1.3.2.4 One temporary sign may be located on the owner’s property on [the day prior to and on] a day when the property owner is opening the property to the public; provided, however, the owner may not use this type of sign in a Residential District on more than [two days in a year and the days must be consecutive] and may not use this type of sign in any [Commercial District] for more than [14 days in a year and the days must be consecutive]. For purposes of this Section 1.3.2.4 a year is counted from the first day on which the sign is erected counting backwards and from the last day on which the sign exists counting forward. This Section does not authorize snipe signs.

Comment: This Section offers an opportunity for signs for garage sales, yard sales and the like. Often the state regulates these types of activities by imposing time limits on how often they can be conducted. It might be possible to refer to those state laws to allow for the necessary signage, but without regulating content those signs could be used for other purposes as they may here. Should the community allow signs for other purposes? By allowing one temporary sign at all times, the community adopting this Sign Code does so. Thus, a person can post a notice of a birth, a special birthday, an anniversary, a wedding or other important event or choose to use the sign for other purposes entirely without any restriction being imposed on its content.

1.3.2.5 During the 40 day period December 1 to January 10, a property owner may place [insert number] temporary signs on the property and may use lights that do not exceed [ ] lumens as measured at the property line between the hours of 8AM and 10PM to decorate the property even if the lights might be arranged to form a sign. This Section does not authorize snipe signs.

Comment: If the jurisdiction adopting this language has regulations that address lighting, the language of this section should be amended to include a reference to those lighting regulations that makes the exercise of rights under this section subject to the lighting regulations. In www.RicardoPacheco.com v. City of Baldwin Park, 2017 U.S. Dist. LEXIS 107256 (USDC CDCA July 10, 2017), the Court found Event specific regulations to constitute “speaker preference regulation” violating the constitution without a substantial basis.

1.3.2.6 A property owner may place and maintain one temporary sign on the property on [July 4]. This Section does not authorize snipe signs.

1.3.2.7 A person exercising the right to place temporary signs on a property as described in this Section 1.3.2 must limit the number of signs on the property per[0.25 acre] at any one time to [2] plus a sign allowed in 1.3.2.1(b), or if the property is smaller than [0.25 acres] then no more than [2 signs] plus a sign allowed in 1.3.2.1(b) per principal building on the property.

Comment: This restriction conflicts with the provisions in 1.3.2.2 which allows multiple signs based on the number of issues and candidates that are on a ballot. The law post Reed will likely help to describe how these two rules can be effected. An option might be to amend this Section 1.3.2.7 to read: It is the intent of this Code to limit the aesthetic impact of signs on properties to prevent clutter and protect streetscapes thereby preserving property values and protecting traffic safety, the accumulation of signs adversely affects these goals, property values and public safety, accordingly a person exercising the right to place temporary signs on a property as described in this Section 1.3.2 must limit the number of signs
the property per [0.25 acre] at any one time to [2] plus a sign allowed in 1.3.2.1(b), or if the property is smaller than [0.25 acres] then no more than [2 signs] plus a sign allowed in 1.3.2.1(b) per principal building on the property unless a court having jurisdiction determines that additional signs must be permitted and then the signage must be limited to the fewest signs and the smallest accumulated sign area permissible under the court's determination.

1.3.2.8 The sign face of any temporary sign, unless otherwise limited in this Section 1.3.2 must not be larger than [two (2) square feet].

Comment: Section 1.3.2 allows property owners to place temporary signs on their property during certain time periods and allows the property owner to select whatever message the owner chooses during those periods. This provision complies with both Reed v Town of Gilbert and City of Ladue v. Gilleo, 512 U.S. 43, 114 S. Ct. 2038, 129 L. Ed. 2d 36, 1994 U.S. LEXIS 4448, 62 U.S.L.W. 4477 (U.S. 1994) as it allows a property owner the ability to make use of the property for free expression but in a manner designed to reduce clutter and advance aesthetic interests of the community without any content based limitations.

1.3.3 For purposes of this Section (1.3) the Lessee of a property is considered the property owner as to the property the Lessee holds a right to use exclusive of others (or the sole right to occupy). The terms of a lease or other agreement under which the property is occupied controls in determining whether property is occupied exclusively by a Lessee. If there are multiple Lessees of a property then each Lessee must have the same rights and duties as the property owner as to the property the Lessee leases and has the sole right to occupy and the size of the property must be deemed to be the property that the Lessee has the sole right to occupy under the lease.

1.3.4 Signs not in an enclosed building and not exposed to view from a street or public right of way, public place or other property such as those not visible to a person from a public right of way, public place or other property.

1.3.5 Flags as follows:

1.3.5.1 Single-family Zoning Districts. In a single-family zoning district, [two flags and one flag pole] per premises. Each flag must be a maximum of [15] square feet in area. The flag pole must be a maximum of [25] feet in height or no higher than the highest point of the principal building's roof, whichever is lower. [Flag poles must meet the minimum yard setback requirements for a principal building.]

1.3.5.2 Nonresidential Zoning Districts. In a non-residential zoning district, one flag per [25] feet of frontage on a right-of-way up to a maximum of [six flags and six flag poles] per premises. Each flag must be a maximum of [24] square feet in area. Flag poles must be a maximum of [50] feet in height but no higher than the highest point of the nearest principal building's roof on the premises. [Flag poles must meet the minimum yard setback requirements for a principal building or a minimum of ten feet whichever is more restrictive.]

Optional for Car lots:
1.3.5.3 Small flags at vehicle sales and service establishments. One small flag of no more than one square foot in area may be attached to vehicles on display for sale or rent at vehicle sales and service establishments. Such flag must be no higher than two feet above the height of the vehicle as if it were displayed at grade level.

1.3.6 Vehicle signs must be covered if the vehicle is parked on the same property for longer than [] hours so that the sign is not visible from a public way.

1.3.7 Signs within ballparks and athletic fields. Signs within ballparks and athletic fields as follows:

(1) Scoreboards facing inward to the audience; and

(2) Such other signs as may be affixed to the fence or scoreboard, facing inward to the field of play that are no larger than [32] square feet in area.

Comment: Administrators and adopters need to bear in mind that Section 1.3.4 exempts signs that cannot be seen from the public way or adjacent properties; thus, if constructed so as not to be seen from those areas described in 1.3.4 any sign is permitted.

1.4 Permit required.

1.4.1 In general. A sign permit is required prior to the display and erection of any sign except as provided in section 1.4.6 of this Article.

1.4.2 Application for permit.

(1) An application for a sign permit must be filed with the [Code Official/Zoning Administrator] on forms furnished by that department. The applicant must provide sufficient information to determine if the proposed sign is allowed under this code and other applicable laws, regulations, and ordinances. An application for a temporary sign must state the dates intended for the erection and removal of the sign. An application for any sign must state the date when the owner intends to erect it and provide a bond sufficient to allow the City/County/Town to remove it if it is not properly maintained or if it is abandoned.

(2) The Code Official/Zoning Administrator or designee must promptly process the sign permit application and approve the application, reject the application, or notify the applicant of deficiencies in the application [within ---days after receipt]. Any application that complies with all provisions of this code, the zoning ordinance, the building code, and other applicable laws, regulations, and ordinances must be approved.

3) If the application is rejected, the Code Official/Zoning Administrator must provide a list of the reasons for the rejection in writing. An application must be rejected for non-compliance with the terms of this code, the zoning ordinance, building code, or other applicable law, regulation, or ordinance.
1.4.3 Permit fee. A nonrefundable fee as set forth in the uncodified fee schedule adopted by the City/County/Town Council must accompany all sign permit applications.

1.4.4 Bond. The applicant for any sign except a minor sign must submit a bond in an amount and from an issuer approved by the Code Official to protect the City/County/Town from the cost of removing the sign should it no longer be allowed under the laws of the [county/city/town], state or federal government. If the permit is issued a condition of the permit must be that the bond is maintained and increased or decreased based upon the then current estimates of the costs of removal of the sign. If the sign is removed without cost to the City/County/Town the Code Official must release the bond but may execute upon it should the City/County/Town be held responsible for or incur any cost in removing the sign.

1.4.5 Duration and revocation of permit. If a sign is not installed and a use permit issued within six months following the issuance of a sign permit (or within 30 days in the case of a temporary sign permit), the permit must be void. The permit for a temporary sign must state its duration, not to exceed 30 days unless another time is provided in this code or the zoning ordinance. The City/County/Town may revoke a sign permit under any of the following circumstances:

1. The City/County/Town determines that information in the application was materially false or misleading;
2. The sign as installed does not conform to the sign permit application;
3. The sign violates this code, the zoning ordinance, building code, or other applicable law, regulation, or ordinance; or
4. The Code Official/Zoning Administrator determines that the sign is not being properly maintained or has been abandoned.

1.4.6 Permits not required. A sign permit is not required for signs:

1. Described in Sections 1.3. with a total area of up to [thirty two (32) square feet and a maximum height of eight (8) feet];

Comment: The decision as to which signs should require a permit ought to be carefully considered based on considerations of staffing, control and enforcement. The issue discussed above regarding the total number of signs applies here as well to the total area limitations and the potential conflict addressed.

2. Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of official or directed duties; provided, that all such signs must be removed no more than ten (10) days after their purpose has been accomplished; or
3. Minor signs when no more than [two per parcel].

Note: Additional minor signs are permitted in certain districts with a permit.
1.4.7

**Appeals.** If the Code Official/Zoning Administrator denies a permit the applicant may appeal under [insert here the cite to the provision for appeals from decisions of the Code Official].

**Comment.** This draft does not address the issue of prior restraint that may be affected by a denial of a permit and the requirement of a speedy appeal. This issue is being left to future drafts.

1.5 Specific Sign Regulations by District

The following sign regulations apply to all Use Districts as indicated.

1.5.1 Residential Districts

1.5.1.1 Scope:

This Section (1.5.1) applies to all Residential Districts.

1.5.1.2 Size:

A. When a sign is authorized on a property, the sign must not exceed [two (2) square feet in area]. Where attached dwellings exist on a property the total square footage of signs must not exceed [two square feet per dwelling unit and must not exceed a total of twelve (12) square feet in area per structure].

B. For Residential Developments (including subdivision identification) the maximum size and number of signs that the owner or owners of the residential development may erect and maintain at the entrances to the development must be controlled according to the following:

1. Residential developments four (4) acres or less in area may have a sign or signs with a total area of no more than thirty-two (32) square feet.

2. Residential developments over four (4) acres but less than forty (40) acres in area may have a sign or signs which have a total area of no more than forty-eight (48) square feet.

3. Residential developments of forty (40) acres or more in area may have a sign or signs with a total area of no more than one hundred two (102) square feet.

1.5.1.3 Location:

Permitted signs may be anywhere on the premises, except in a required side yard or within [ten (10) feet] of a street right-of-way.

1.5.1.4 Height:

The following maximum heights must apply to signs:

A. If ground-mounted, the top must not be over [four (4) feet above the ground]; and

B. If building mounted, must be flush mounted and must not project above the roof line.
Comment: A provision allowing for a variance if the property while adjacent to the public right of way but which is hidden by a natural or man-made barrier was considered but rejected due to both aesthetic considerations and concerns that allowing some signs but not all might negatively affect the validity of the provision.

1.5.1.6 Illumination:

Illumination if used must not be blinking, fluctuating or moving. Light rays must shine only upon the sign and upon the property within the premises.

1.5.1.7 The following signs are not allowed: Highway Signs, Portable Signs, Marquee Signs, Digital Billboard, Outdoor Advertising Sign, and Projecting Sign. Temporary signs that might fall within the definition of “highway sign” are not prohibited by this Section provided they comply with Section 1.3.

1.5.1.8 Commercial uses lawfully operating in a Residential District must comply with Sections 1.5.2.7 and 1.5.2.8.

1.5.2 Commercial and Institutional Districts

1.5.2.1 Scope:

This Section (1.5.2) applies to all [insert appropriate titles Commercial Districts and the Institutional District].

1.5.2.2 Number and Size:

For each lot or parcel a sign at the listed size may be authorized:

A. [insert name of district] signs must not exceed [thirty-five (35) square feet]. [For additional standards for the [insert name of district] District see Section [if additional standards apply insert here]].

B. [insert appropriate district titles here: Community Business District (CBD), General Commercial District (GC) and Rural Commercial District (R-COM)] signs must not exceed the following [area requirements based on the speed limit and number of traffic lanes of the adjacent public street):

<table>
<thead>
<tr>
<th>Maximum Speed Limit</th>
<th>No. of traffic lanes</th>
<th>Max. Sq. Footage of sign</th>
</tr>
</thead>
<tbody>
<tr>
<td>30 mph or less</td>
<td>3 or less</td>
<td>32 sq. ft.</td>
</tr>
<tr>
<td>35 mph or more</td>
<td>3 or less</td>
<td>50 sq. ft.</td>
</tr>
<tr>
<td>30 mph or less</td>
<td>4 or more</td>
<td>40 sq. ft.</td>
</tr>
<tr>
<td>35 mph or more</td>
<td>4 or more</td>
<td>72 sq. ft.</td>
</tr>
</tbody>
</table>

C. Two (2) or more lots or parcels having a combined linear frontage of [eighty-five (85) feet] may combine their sign areas allowed by Section 1.5.2.2 B. for the purpose of providing one common free-standing or ground-mounted sign. The sign must not exceed [one hundred fifty (150) square feet]. D. Corner Lots:
Where a lot fronts on more than one street, only the square footage computed for each street frontage must face that street frontage.

E. If not otherwise regulated as to maximum sign area in this code, signs are governed by the following:

<table>
<thead>
<tr>
<th>Maximum Sign Area</th>
<th>Street Frontage</th>
</tr>
</thead>
<tbody>
<tr>
<td>20 sq. ft.</td>
<td>85 ft. or less</td>
</tr>
<tr>
<td>25 sq. ft.</td>
<td>86-90 ft.</td>
</tr>
<tr>
<td>30 sq. ft.</td>
<td>91-99 ft.</td>
</tr>
<tr>
<td>35 sq. ft.</td>
<td>100 ft. or more</td>
</tr>
</tbody>
</table>

F. Commercial Center:

Signs used for Commercial Centers must be allowed as follows:

1. [Only one (1) sign of one hundred fifty (150) square feet must be permitted for centers less than five (5) acres and greater than one (1) acre].

2. [A maximum of two (2) signs of four hundred (400) square feet must be permitted for complexes for five (5) to fifty (50) acres].

3. [A maximum of three (3) signs of four hundred (400) square feet must be permitted for complexes of more than fifty (50) acres].

4. Individual businesses are allowed a face building mounted sign pursuant to Section 1.5.2.2 A. and B.

Comment: To be clear, the limits that are included are from one county’s sign law and should not be used by others without thoughtful consideration as to the specific needs and values of the community.

G. Highway Signs:

Highway signs, [except/including Digital Billboards and Outdoor Advertising Signs], must be permitted only in the [insert appropriate district here, for example: General Commercial (GC) District]. Such signs must not exceed three hundred (300) square feet per face, nor must the face exceed a length of twenty-five (25) feet or a height, excluding foundation and supports, of twelve (12) feet. In determining these limitations, the following must apply:

1. Minimum spacing must be as follows:

<table>
<thead>
<tr>
<th>Type of Highway</th>
<th>Minimum space from Interchange (in feet)</th>
<th>Minimum space between signs on same side of Highway (in feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interstate Hwy</td>
<td>500</td>
<td>1000</td>
</tr>
<tr>
<td>Limited Access (Freeway)</td>
<td>500</td>
<td>1000</td>
</tr>
</tbody>
</table>
(2) For the purpose of applying the spacing requirements of Section (1) above, the following must apply:

(a) Distances must be measured parallel to the centerline of the highway;

(b) Measurements for the spacing between signs must be based on when the construction of the sign:
   i. Received final approval by the Code Official measuring from the first sign to have received that approval; or
   ii. If the Code Official has not given final approval to a sign that will be limited by the spacing requirement once it is constructed, then
       1) Measured from the first sign given a building permit that is not cancelled or void at the time of measurement; or
       2) When no permit has been issued that is still valid, measured from the first fully complete application for a building permit received by the Code Official that has not been cancelled or which is void; and

(c) A back-to-back, multiple signs on one freestanding pole, double-faced or V-type sign must be considered as one sign.

1.5.2.3 Location:

A. Flat Wall Signs may be located on any wall of the building.

B. Freestanding Signs must have a minimum clearance of eight (8) feet six (6) inches above a sidewalk and fifteen (15) feet above driveways or alleys.

C. One Freestanding or Ground-Mounted sign per lot or parcel except as provided in Section 1.5.1.2 B. and 1.5.2.2 F. may be located anywhere on the premises except as follows:

(1) A ground-mounted sign must not be located in a required side yard, rear yard or within five (5) feet of a street right-of-way.

(2) A freestanding sign must not be located in a required side or rear yard. A freestanding sign may project up to the street right-of-way provided there is a minimum ground clearance of eight (8) feet six (6) inches and provided the location complies with the Manual on Uniform Traffic Control Devices.

D. Marquee Signs or signs located on or attached to marquees must have a minimum clearance of not less than [eight (8) feet six (6) inches (8' 6")]. The maximum vertical dimension of signs must be determined as follows:
Height above Grade | Vertical Dimension
---|---
8' 6" up to 10' | 2' 6" high
10' up to 12' | 3' high
12' up to 14' | 3' 6" high
14' up to 16' | 4' high
16' and over | 4' 6" high

E. Wall signs must not extend above the top of a parapet wall or a roofline at the wall, whichever is higher.

F. Permitted highway signs, including digital billboards, may be allowed anywhere on the premises except in a required side yard, rear yard or within twenty (20) feet of a street right-of-way.

G. No portion of a digital billboard must be located within two hundred and fifty (250) linear feet of the property line of a parcel with a residential land use designation or residential use that fronts on the same street and within the line of sight of the billboard face.

1.5.2.4 Height:

A. Ground-mounted signs must not exceed four (4) feet in height from ground level.

B. Freestanding signs must not exceed twenty-eight (28) feet in height from ground level.

C. Highway signs, including digital billboards, must not exceed thirty-five (35) feet in height from ground level.

1.5.2.5 Content:

A. Any of the signs pursuant to this Section (1.5.2) may be changeable copy signs.

B. The primary identification sign as allowed under 1.3.1.2 for each firm must contain its street number. The street number must be clearly visible from the street right-of-way.

1.5.2.6 Illumination:

Must be as provided in Section 1.4.6.

1.5.2.7 Temporary signs if allowed under Section 1.3 and in addition where an establishment is licensed to serve food, the restaurant owner may display a menu that is used in the restaurant and that is no larger than [2 sq.ft.]:

(1) in the window of the restaurant; or

(2) attached to a wall on a portion of a building occupied by the restaurant:
a. if it is enclosed in a casing that is architecturally compatible with the building design and color; and

b. extend no more than three inches in depth away from the wall to which it is attached.

1.5.2.8 Window Signs: Window signs are allowed in all Commercial Districts, but must not exceed [10% of the gross glass area] including menus and:

(1) for public safety purposes where directed by the police must be located on areas of the window to protect the occupants or a police responder;

(2) as required by a licensing agency if the business is required to have a license to operate and the licensing agency restricts or requires window signs.

1.5.3 Industrial

1.5.3.1 Scope:

This Section applies to the Industrial District.

1.5.3.2 Number and Size:

A. One (1) sign for each street frontage, each with a maximum area of five (5) percent of the total square footage of the face of the building facing that street frontage must be permitted.

B. One freestanding or ground-mounted sign not exceeding fifty (50) square feet per lot or parcel.

C. The maximum size and number of signs that the owner or owners of an Industrial Park development may erect and maintain at the entrances to the development must be controlled according to the following:

(1) A maximum of two (2) signs of three hundred (300) square feet per face must be permitted for industrial parks or complexes of less than ten (10) acres;

(2) A maximum of three (3) signs of four hundred (400) square feet must be permitted for complexes of ten (10) acres or more. More than three (3) signs may be approved through [a Type I procedure], provided the total sign area does not exceed twelve hundred (1200) square feet.

1.5.3.3 Location:

Must be as provided in Section 1.5.2.3.

1.5.3.5 Illumination:

Must be as provided in Section 1.5.6.
1.5.3.6 Commercial uses in an Industrial District must comply with Sections 1.5.2.7 and 1.5.2.8.

[1.5.4 Agriculture District

Comment: Many cities and towns will not have Agricultural or similar districts; some Counties may. The language in this Section 1.5.4 provides guidelines that might be considered where uses similar to those included in this type of district prevail.

[1.5.4.1 Scope:

This Section applies to the [insert appropriate language describing rural/agricultural and forestry areas] outside the [insert appropriate designation such as: Urban Growth Boundaries].

[1.5.4.2 Size:

a. Signs other than temporary signs and highway signs must have a maximum area that does not exceed thirty-two (32) square feet per sign.

b. Highway signs must comply with Section 1.5.2.G

c. Temporary Signs must comply with Section 1.3.2.

[1.5.4.3 Location:

a. Signs other than temporary signs and highway signs must be at least twenty-five (25) feet from a right-of-way, and must be at least twenty-five (25) feet from an adjacent lot.

b. Highway signs must be

   a. at least twenty-five feet from a right of way and must be

   b. at least 250 feet from a residence on an adjacent property; and

   c. comply with the distance and spacing requirements of Section 1.5.2.G.

   c. Temporary Signs must comply with Section 1.3.2.

[1.5.4.4 Illumination:

As provided in Section 1.5.6.

[1.5.4.5 Maximum number of signs:

<table>
<thead>
<tr>
<th>Acreage</th>
<th>No. of Signs</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 – 20</td>
<td>2</td>
</tr>
<tr>
<td>21 – 40</td>
<td>3</td>
</tr>
<tr>
<td>41 – 60</td>
<td>4</td>
</tr>
<tr>
<td>61 &amp; over</td>
<td>5</td>
</tr>
</tbody>
</table>
[1.5.4.6 Commercial uses in an Agricultural District must comply with Sections 1.5.2.7 and 1.5.2.8.] 1.5.5

Supplemental Criteria in all Districts

1.5.5.1 Temporary Signs:

Temporary signs are subject to the following standards:

A. Must not on one property exceed a total of [sixteen (16)] square feet in area;

B. Must not be located within any public right-of-way whether dedicated or owned in fee simple or as an easement;

C. Must only be located on property that is owned by the person whose sign it is and must not be placed on any utility pole, street light, similar object, or on public property;

D. Must not be illuminated except as allowed in 1.5.1.6 or 1.5.6 based on the District in which the sign is located; and

E. Must be removed within [ten (10)] days after the election, sale, rental, lease or conclusion of event which is the basis for the sign under 1.3.2 or if a different standard is required in Section 1.3.2 must be removed within the time period required by that Section.

1.5.5.2 Bench Signs:

On street benches provided:

A. The benches must not be higher than four (4) feet above ground;

B. The sign must be limited to [fourteen (14)] square feet in area;

C. The benches are not located closer than five (5) feet to any street right-of-way line;

D. Benches are located in a manner not to obstruct vision;

E. Must be included as part of the total permitted sign area of the premise on which it is located unless located in the public right of way.

1.5.5.3 Integral Signs:

There are no restrictions on sign orientation. Integral sign must not exceed seventy-two (72) square feet per façade. Integral signs may be illuminated externally but must not be illuminated internally.

1.5.5.4 Private Traffic Direction:

Illumination of signs erected as required by the Manual on Uniform Traffic Control Devices must be in accordance with Section 1.5.6. Horizontal directional signs flush with paved areas are exempt from these standards.

1.5.5.5 Original Art Display

Original art displays are allowed provided that they meet the following requirements:
A. Located [designate where they are allowed such as: Urban Growth Boundary];

B. Must not be placed on a dwelling;

C. Must not extend more than six (6) inches from the plane of the wall upon which it is painted or to which it is affixed;

D. Must be no more than sixty-four (64) square feet in size, per lot or parcel;

E. The property owner must not be compensated for the display of the original art or the right to place the original art on site; and F. Must not be illuminated.

Comment: In a case arising from a required development plan submission, a federal court concluded that murals were treated differently from signs thus affecting the content neutral basis for the regulation and making them unconstitutional. Morris v. City of New Orleans, 350 F. Supp. 3d 544 (E.D. La. 2018).

1.5.6 Illumination

No sign can be erected or maintained without a permit or which, by use of lights or illumination, creates a distracting or hazardous condition to a motorist, pedestrian or the general public. In addition:

1.5.6.1 No exposed reflective type bulb, par spot or incandescent lamp, which exceeds [twenty-five (25) Watts,] must be exposed to direct view from a public street or highway, but may be used for indirect light illumination of the display surface of a sign.

1.5.6.2 When neon tubing is employed on the exterior or interior of a sign, the capacity of such tubing must not exceed [three hundred (300) milliamperes] rating for white tubing or [one hundred (100) milliamperes] rating for any colored tubing.

1.5.6.3 When fluorescent tubes are used for the interior illumination of a sign, such illumination must not exceed:

A. Within Residential districts:

Illumination equivalent to [four hundred twenty-five (425) milliamperes] rating tubing behind a Plexiglas face with tubes spaced at least [seven inches,] center to center. B. Within land use districts other than Residential:

Illumination equivalent to [eight hundred (800) milliamperes] rating tubing behind a Plexiglas face spaced at least [nine (9) inches,] center to center.

1.5.6.4 Digital billboards allowed pursuant to Section 1.5.2.2 G must:

A. Display only static messages that remain constant in illumination intensity and do not have movement or the appearance or optical illusion of movement;

B. Not operate at an intensity level of more than [0.3 foot-candles] over ambient light as measured at a distance of [one hundred and fifty (150) feet];
C. Be equipped with a fully operational light sensor that automatically adjusts the intensity of the billboard according to the amount of ambient light;

D. Change from one message to another message no more frequently than once every [ten (10) seconds] and the actual change process is accomplished in [two (2) seconds] or less;

E. Be designed to either freeze the display in one static position, display a full black screen, or turn off in the event of a malfunction; and

F. Not be authorized until the Code Official is provided evidence that best industry practices for eliminating or reducing uplight and light trespass were considered and built into the digital billboard.

1.5.6.5 An applicant for a permit to illuminate a sign must submit a plan to the [Department of City/County/Town to which permits are submitted] showing the illumination plan including the effect of the illumination on any other property that might be affected by the light and how the illumination conforms aesthetically to the site and the neighborhood.

1.5.6.5.1 The application must be reviewed to determine the effect on other properties and the aesthetics of the site and the neighborhood.

1.5.6.5.2 The application must not be approved if the effect on other properties would create adverse results and must not be approved if the plan does not conform to the aesthetics of the neighborhood or the site.

1.5.6.6 In a Residential District the property owner may use string lights or rope lights to decorate the residence as well as natural objects without a permit if the lumens produced do not exceed the requirements in Section 1.3.2.5 and provided:

1.5.6.6.1 String and rope lights must be designed to meet GCFI standards and installed in accordance with the National Electric Code.

1.5.6.6.2 String light bulbs and rope lights must be of standard wattage and designed for outdoor use.

1.5.6.6.3 String and rope light bulbs may only be white or clear. Colored lights are not allowed.

1.5.6.6.4 String and rope lights must be securely hung from a sturdy fixture.

1.5.6.7 Outdoor lighting of eating or drinking establishments, such as restaurants, cafes, coffee houses, and bars must comply with Sections 1.5.6.6.1 through 1.5.6.6.4 and string lights and rope lights may only be used in outdoor patio areas. All string and rope lights must be turned off when the establishment is closed.

1.5.6.8 Automated teller machines. Where Automated Teller Machine (ATM) signs are allowed signs may be placed on the ATM subject to the following requirements:

1.5.6.8.1 The sign must be an integral part of the ATM;
1.5.7 Prohibited Signs

The following signs or lights are prohibited which:

1.5.7.1 Are of a size, location, movement, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal;

1.5.7.2 Contain or consist of banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other similarly moving devices or signs which may move or swing as a result of wind pressure. These devices when not part of any sign are similarly prohibited, unless they are permitted specifically by other legislation;

Comment: In Palmer v. City of Missoula, 2017 U.S. Dist. LEXIS 51368 (USDC MT April 4 2017), the court construed an ordinance prohibiting "wind signs" concluding that the ordinance was not content based and survived constitutional review. The ordinance defined "wind signs" as: an "attention-getting device with or without copy ... fastened in such a manner as to move in the wind." The Court analyzed the complaint under Central Hudson.

1.5.7.3 Have blinking, flashing or fluttering lights or other illuminating devices which exhibit movement, except digital billboards as permitted pursuant to this Code;

1.5.7.4 Are roof signs except as allowed in Section 1.5.5.4;

1.5.7.5 Are visible from a limited access highway except as allowed as Highway signs;

1.5.7.6 Would be an Original Art Display but does not have the permission of the owner of the property on which it is located or is graffiti; or

1.5.7.6 Are portable signs that do not comply with the location, size or use restrictions of this Code.

1.5.7.7 Are Graffiti or Clutter signs.

1.5.8 Procedures

Applications for a sign permit must be processed through [insert appropriate permitting procedure here].

1.5.9 Nonconformity and Modification

1.5.9.1 Except as provided in Section 1.5.9.3 of this Chapter, signs lawfully in existence on the date the provisions of this Code were first advertised, which do not conform to the provisions of this Code, but which were in compliance with the applicable regulations at the time they were constructed, erected, affixed or maintained must be regarded as nonconforming. Provided,
however, a sign constructed during the period of time following the day on which the Supreme Court released its opinion in Reed v. Town of Gilbert, ___U.S.____, 135 S. Ct. 2218, 192 L. Ed. 2d 236, 2015 U.S. LEXIS 4061, 83 U.S.L.W. 4444 (U.S. 2015) and the date the provisions of this Code were first advertised for adoption must not be considered a non-conforming sign unless it conformed to the regulations in effect on the day immediately preceding the release of the Supreme Court’s decision in Reed v. Town of Gilbert, ___U.S.____, 135 S. Ct. 2218, 192 L. Ed. 2d 236, 2015 U.S. LEXIS 4061, 83 U.S.L.W. 4444 (U.S. 2015).

Comment: This section attempts to address two issues common to regulation. 1. The race to vest — often a person who sees a regulation being proposed attempts to establish a vested right before the regulation can take effect where notice and public hearing are required. This race to vest often leads to a flurry of activity that can be difficult to process and allows uses that are considered undesirable to flourish while the government attempts to limit them. Allowing an ordinance to apply to properties based on the date it is first advertised provides a more fair solution allowing the government to provide public notice and give thoughtful contemplation to the issues involved rather than engaging in a race to adopt a measure before its utility is thwarted by a rash of construction and that insures the limited effect on individual property owners and the community as whole that the public process embraces. 2. The effect of a regulated business enjoying a period where there is no regulation due to a court decision. Clearly, the Supreme Court did not aim to eliminate sign regulation; it only sought to eliminate content based sign regulation. Rather than allow the decision in Reed v. Gilbert to extend authority beyond its intent, the Sign Code limits the effect of an unregulated period by recognizing that signs constructed during that period do not deserve protection from the application of the law.

1.5.9.2 For the purpose of amortization, nonconforming signs described in Section 1.5.9. may be continued from the effective date of this Code for a period not to exceed the shorter of the period the signs were allowed under any prior Code or (ten (10) years whichever is less.

1.5.9.3 Signs which were unlawful under the prior Ordinance and which do not conform to this Code must be removed immediately.

1.5.9.3.1 Temporary signs, including snipe signs and graffiti that do not comply with this Code must be removed immediately.

1.5.10 Compliance

Any sign which is altered, relocated, replaced or must be brought immediately into compliance with all provisions of this Code.
Article 4.4  Sign Regulations

Sections

4.401   Purposes and Intent
4.402   Title and Authority
4.403   Exempt Signs
4.404   Prohibited Signs
4.405   Sign Plans and Sign Program
4.406   Review of Sign Applications for Permanent Signs
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4.416   Public Facility/Institutional
4.417   Sign Maintenance
4.418   Nonconforming Signs
4.419   Sign Violations
4.420   State Preemption
4.421   Severability

4.401 Purposes and Intent

It is the purpose of this Article 4.4 to promote the public health, safety and general welfare through reasonable, consistent and non-discriminatory sign standards. The sign regulations in this Article are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the adverse secondary effects of signs. The sign regulations are especially intended to address the secondary effects that may adversely impact aesthetics and traffic and pedestrian safety. The sign regulations are designed to serve substantial governmental interests and, in some cases, compelling governmental interests such as traffic safety and warning signs of threats to bodily injury or death. This Article is not intended to extend its regulatory regime to objects that are not traditionally considered signs for purpose of government regulation.

In order to preserve and promote the Town of Gilbert as a desirable community in which to live, visit, work, play and do business, a pleasing, visually attractive and safe environment is of foremost importance. The regulation of signs within the Town is a highly contributive means by which to achieve this desired end. Further it continues to be the purpose of this Article 4.4 to promote optimum conditions for serving sign owners’ needs and respecting their rights to identification
while balancing the aesthetic and safety interests of the community. The regulation of signs within the Town of Gilbert is necessary and in the public interest, and these regulations have been prepared with the intent of enhancing the visual environment of the Town and promoting its continued well-being, and are intended more specifically to:

A. **Aesthetics.** To maintain and enhance the beauty, unique character, aesthetic environment, and quality of the Town of Gilbert, that will attract commerce, businesses, economic development, residents and visitors; to preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all zoning districts of the Town; to regulate the appearance and design of signs in a manner that promotes and enhances the beautification of the Town and that complements the natural surroundings in recognition of the Town’s reliance on its natural surroundings and beautification efforts in retaining economic advantage for its community; and to assure that the benefits derived from the expenditure of public funds for the improvement and beautification of streets, sidewalks, public parks, public rights-of-way, and other public places and spaces, are protected by exercising reasonable controls over the physical characteristics and structural design of signs.

B. **Traffic and Pedestrian Safety.** To maintain and improve traffic and pedestrian safety through properly located signs; to regulate signs in a manner so as to not interfere with, obstruct the vision of, or distract motorists, bicyclists or pedestrians; to allow for traffic control devices consistent with national standards and whose purpose is to promote roadway safety and efficiency by providing for the orderly movement of road users on streets and roadways, and that notify users of regulations and provide warning and guidance necessary for the safe, uniform and efficient operation of all elements of the traffic stream;

C. **Economic Development.** To promote economic development and the value of non-residential properties, through sensitivity to surrounding land uses and maintaining an attractive community appearance.

D. **Effective Communication.** To encourage signs which are clear and legible; to encourage the effective use of signs as a means of communication;

E. **Historical Character.** To emphasize small town historical character by promoting pedestrian oriented and appropriately scaled signage in the Heritage Village Center Zoning District;

F. **Identification of Goods and Services.** To aid the public and private sectors in identifying the location of goods and services.

G. **Compatibility with Surroundings.** To allow signs that are compatible with their surroundings and aid orientation, while precluding the placement of signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs; to preclude signs from conflicting with the principal permitted use of the site and adjoining sites; and to minimize the possible adverse effect of signs on nearby public and private property;
H. **Reduction of Visual Clutter.** To reduce visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size (area) of signs which compete for the attention of pedestrian and vehicular traffic;

I. **Zoning District Considerations.** To encourage and allow signs that are appropriate to the zoning district in which they are located;

J. **Scale, Integration and Design.** To establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains; to foster the integration of signage with architectural and landscape designs; to provide flexibility and encourage variety in signage, and to relate signage to the basic principles of good design; and to promote the use of signs that positively contribute to the aesthetics of the community, are appropriate in scale to the surrounding buildings and landscape, and advance the Town’s goals of quality development;

K. **Maintenance and Safety.** Except to the extent expressly preempted by state or federal law, to ensure that signs are constructed, installed and maintained in a safe and satisfactory manner, and to protect the public from unsafe signs;

L. **Property Values.** To protect property values by precluding, to the maximum extent possible, sign types that create a nuisance to the occupancy or use of other properties as a result of their physical characteristics such as their size (area), height, number, illumination and movement; and to protect property values by ensuring that the number of signs are in harmony with buildings, neighborhoods, and conforming signs in the area;

M. **Enforcement.** To enable the fair and consistent enforcement of these sign regulations; and to provide standards regarding the non-communicative aspects of signs, which are consistent with local, county, state and federal law.

### 4.402 Title and Authority

A. This Article may be known as the Sign Code of the Town of Gilbert, Arizona.

B. This Article is adopted pursuant to the police power of the Town and State law (A.R.S. § 9-462.01), and the Development Services Director, or his designee is authorized and directed to administer and enforce this chapter.

### 4.403 Exempt Signs

The following signs are exempt from regulation under this Article 4.4:

A. Government Signs, including signs erected by the Town for government purposes.
B. Signs located entirely inside the premises of a building or enclosed space, other than Window Signs.

C. Signs on a vehicle, other than an Unlawful Vehicle Sign.

D. Signs protected by state statute.

E. Traffic Control Device Signs.

4.404 Prohibited Signs

The following signs are prohibited in the Town of Gilbert unless protected by state statute, or otherwise allowed in this Article 4.4 Sign Regulations or Article 4.5012 Temporary Uses.

A. Abandoned Signs.

B. Animated Signs.

C. Balloon Signs.

D. Billboards.

E. Blinking Signs.

F. Flashing Signs.

G. Inflatable Signs.

H. Intermittent Signs.

I. Moving Signs.

J. Offsite Commercial Signs.

K. Pole Signs.

L. Reflective Signs.

M. Rotating Signs.

N. Signs emitting any sound which is intended to attract attention.

O. Signs attached or painted on trees, rocks or natural features.

P. Signs in the right-of-way.
Q. Signs installed, attached or painted on fences.

R. Signs or sign support structures that obstruct means of egress, including any fire escape, any window, any door opening, any stairway, any opening, any exit, any walkway, any utility access or Fire Department connection.

S. Signs that interfere with any opening required for ventilation.

T. Signs resembling Traffic Control Device Signs.

U. Signs with exposed raceways.

V. Snipe or Bandit Signs.

W. Unlawful Vehicle Signs.

4.405 Sign Plans and Sign Program

A. Heritage Sign Plans. A Heritage Sign Plan shall be required for a sign proposed within the Heritage Village Center Zoning District for single or multiple-tenant commercial or office uses, or for a multiple-building complex for a single commercial use. The Redevelopment Commission may approve a Heritage Sign Plan as an alternative to the requirements set forth Section 4.409.B for the Heritage Village Center Zoning District. If requested by an applicant, a Heritage Sign Plan may be administratively approved when the proposed plan complies with all of the requirements set forth in Article 4.4 Sign Regulations. In no event shall consideration for approval be based upon the message content of a sign.

1. Conditions. The Planning Manager may attach conditions, requirements, or standards necessary to assure that the sign structure covered by the Heritage Sign Plan will not be materially detrimental to persons or property.

2. Evaluation Criteria. Heritage Sign Plans shall be evaluated based on the following criteria:

   a. Placement. All sign structures shall be placed where they are visible and legible. Factors to be considered include the location relative to pedestrian movement, traffic movement and access points, site features, other structures, and orientation relative to viewing distances and viewing angles.

   b. Size. All signs shall be no larger than necessary for visibility and legibility. Factors to be considered in determining appropriate size include topography, volume and speed of traffic, viewing distances and angles, proximity to adjacent uses, and placement of display. In the event that the total business Sign Area otherwise allowed in this Article 4.4 does not provide sufficient area for
visibility and legibility for a sign, then the maximum size of Sign Area may be increased but only as necessary to allow for visibility and legibility; however in no event shall the foregoing allow a total business Sign Area to exceed by more than twenty-five (25) percent any maximum area standard otherwise allowed in this Article 4.4.

c. Design Features and Materials. Design features and materials shall be compatible with the architecture, colors, and materials of the structures.

d. Amendments. The Planning Manager may administratively approve minor amendments to a Heritage Sign Plan, where such changes are determined to have little or no visual impact and are consistent with the intent of the original approval. In approving a minor amendment, the Planning Manager shall not base any determination on the message content of a sign.

B. Comprehensive Sign Programs. A Comprehensive Sign Program shall be required for all projects not located within the Heritage Village Center Zoning District and consisting of multi-tenant buildings, nonresidential complexes with multiple buildings, or large-scale mixed-use developments.

A Comprehensive Sign Program provides design compatibility for all signs and integrates sign design with the architecture of the buildings.

The Comprehensive Sign Program shall set forth design standards including, but not limited to sign types, placement, size, design, colors, materials, textures, and method of illumination, as well as provides for vehicle and pedestrian safety through directions and way finding orientation.

If a sign subject to the Comprehensive Sign Program complies with all of the requirements of this Article 4.4, it may be approved administratively by the Planning Manager, as set forth in Section 5.602B.1 Administrative Design Review. In determining approval, the Planning Manager shall not base any approval on the message content of a sign.

C. Master Sign Plans. A Master Sign Plan may be approved as an alternative to the requirements set forth in Section 4.409.B for the uses and developments listed below:

1. Applicability. The Design Review Board may approve a Master Sign Plan for properties not located within the Heritage Village Center Zoning District for the following uses and developments:

   a. Multiple-tenant commercial, office, or employment uses.

   b. A multiple-building complex for a single commercial or employment use in a project exceeding 40 net acres.

   c. Stand-alone office/employment buildings exceeding 100,000 square feet.
Town of Gilbert Land Development Code

   d. Indoor or Outdoor Entertainment and Recreation uses.
   e. Auto malls.
   f. Hospitals.
   g. Hotels and Commercial Lodging having at least 150 guest rooms and a Full Service Restaurant or conference and meeting rooms.
   h. Regional retail shopping malls.

2. Conditions. The Design Review Board may attach conditions, requirements, or standards necessary to assure that the signs covered by the Master Sign Plan will not be materially detrimental to persons or property in the vicinity. In making its determination, the Design Review Board shall not base any condition on the message content of a sign.

3. Evaluation Criteria. Master Sign Plans shall be evaluated based on the following criteria:

   a. Placement. All signs shall be placed where they are visible and legible. Factors to be considered include its location relative to traffic movement and access points, site features, other structures, and orientation relative to viewing distances and viewing angles. Wall Signs may be approved on building walls other than the wall of the space occupied by the tenant in commercial centers in which some tenants have little or no visibility from the street.
   b. Quantity. The number of signs that may be approved within any development shall be sufficient to provide necessary facilitation of internal circulation of vehicular and pedestrian traffic and way finding for safety of the occupants of vehicles and pedestrians. Factors to be considered shall be those that impact safety considerations such as the size of the development and the number of development sub-areas.
   c. Size. All signs shall be no larger than necessary for visibility and legibility. Factors to be considered in determining appropriate size include topography, volume and speed of traffic, viewing distances and angles, proximity to adjacent uses, and placement of display. In no event shall a Master Sign Plan contain a freestanding sign that exceeds by more than fifty (50) percent any maximum height standard permitted by this Article. Consistent with the exemptions set forth in this Article, there shall be no limit on the amount by which a Master Sign Plan may allow a freestanding sign to exceed the height restrictions permitted on the site when the freestanding sign is placed or oriented so as to be visible only internally to the development. In no event shall a Master Sign Plan
contain a wall sign that exceeds by more than twenty-five (25) percent any maximum size (area) standard permitted by this Article. Consistent with the exemptions set forth in this Article, there shall be no limit on the amount by which a Master Sign Plan may allow a wall sign to exceed the size (area) restrictions permitted on the site when the wall sign is placed or oriented so as to be visible only internally to the development itself.

d. Design Features and Materials. Sign design themes and materials shall be compatible with the architecture, colors, and materials of the project.

e. Development Standards. The Design Review Board may not reduce any sign development standard to less than 50 percent of any minimum standard, nor increase any sign development standard by more than one hundred (100) percent of the maximum standard. Notwithstanding the foregoing, the Design Review Board shall not base any decision on the message content of a sign.

f. Amendments. The Planning Manager may administratively approve minor amendments to a Master Sign Plan involving non-communicative activity, where such changes are determined to have little or no visual impact and are consistent with the intent of the original approval.

4.406 Review of Sign Applications for Permanent Signs

All applications for Permanent Signs, except for those applications subject to administrative approval by the Planning Manager as set forth in Section 5.602B.1, Administrative Design Review, shall be considered by the Design Review Board or, in the Heritage District Overlay Zoning District, by the Redevelopment Commission. Approval for a Permanent Sign may be by:

A. A Comprehensive Sign Program; or

B. A Master Sign Plan; or

C. A Heritage Sign Plan; or

D. A separate Administrative Design Review application approved by the Planning Manager.

4.407 General Provisions for Signs

The following general provisions for signs shall apply to this Article and to all lawful conforming and nonconforming signs, unless otherwise indicated in this article.
A. **Viewpoint Neutrality.**

1. Notwithstanding anything in this Article to the contrary, no sign or sign structure shall be subject to any limitation based upon the viewpoint of the message contained on such sign or displayed on such sign structure.

2. Notwithstanding anything in this Article to the contrary, it is the policy of the Town to regulate signs in a manner that does not favor commercial speech over noncommercial speech and does not regulate protected noncommercial speech by message content.

3. Within this Article, any distinction between onsite signs and offsite signs applies only to commercial messages. It does not apply to noncommercial messages.

B. **Substitution of Noncommercial Speech for Commercial Speech.** Notwithstanding anything contained in this Article to the contrary, any sign erected pursuant to the provisions of this Article may, at the option of the owner, contain a noncommercial message in lieu of a commercial message and the noncommercial copy may be substituted in whole or in part at any time in place of the commercial copy. The noncommercial message (copy) may occupy the entire Sign Face or any portion thereof. The Sign Face may be changed from a commercial message to a noncommercial message or from one noncommercial message to another non-commercial message; provided, however, that there is no change in the size, height, setback or spacing criteria contained in this Article.

C. **Administrative Interpretation and Discretionary Approval.**

1. Interpretations of this Article may be made by the zoning administrator pursuant to Section 1.109. All interpretations of this Article are to be exercised in light of the policies, purposes and intent set forth herein.

2. Whenever a sign permit or other approval is subject to discretion, such discretion shall not be exercised as to message content, but instead shall be directed to structural and location factors, including, as applicable:

   a. Whether the location and placement of the sign will endanger motorists;

   b. Whether the sign will cover, blanket or interfere with any prominent view of a structure or façade of historical or architectural significance;

   c. Whether the sign will obstruct views of users or adjacent buildings to side yards, front yards or open space;

   d. Whether the sign will negatively impact the visual quality of a public open space, such as a public recreation facility, square, plaza, park, courtyard and the like.
e. Whether the sign is compatible with building heights of the existing neighborhood;

f. Whether the sign’s lighting or illumination system will cause hazardous or unsafe driving conditions for motorists;

D. **Consent of Legal Owner of Property.** Except as required by state law, no sign may be displayed without the consent of the legal owner of the property on which the sign is mounted or displayed. For purposes of this policy, "owner" means the holder of the legal title to the property and any party and person holding a present legal right to possession, control, or use of the property.

E. **Signs on Public Property.** Except as required by state law or otherwise permitted by this Article, any sign installed or placed on public property shall be deemed illegal and shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the Town shall have the right to recover from the owner or person placing such sign the cost of removal and disposal of such sign.

F. **Placement of Signs.**

1. Permanent Signs shall not project into or over the public right-of-way without first obtaining a license or encroachment permit from the Town.

2. The lowest portion of any sign which extends over an area intended for pedestrian use shall not be less than eight (8) feet above finished grade.

3. The lowest portion of any sign which extends over an area intended for vehicular use shall not be less than fourteen (14) feet above the finished grade.

4. Any sign placed on a sidewalk or other public right of way must comply with this Article and applicable provisions of the Americans with Disability Act.

5. Except for appropriately-placed Traffic Control Device Signs, no sign shall be placed in the sight visibility triangle.

G. **Flagpoles.** Unless otherwise required by state law, for each parcel and development site in residential use with at least one principal structure, one flagpole may be installed and there shall be no limit to the number of flags that may be displayed per flagpole. For each parcel and development site that is over one-half (1/2) acre in size and is in nonresidential use, up to three Flagpoles may be installed. For each additional acre, up to two (2) additional flagpoles may be installed. Up to two (2) flags may be displayed per flagpole. Flagpoles shall be depicted on Final Design Review plans or approved administratively as part of a sign plan. Flagpoles shall not exceed one and one-half (1.5) times the allowed building height for the district in which it is located, but in no event shall a flagpole exceed a height of fifty (50) feet. A building permit shall be required for Flagpoles on nonresidential properties, and for Flagpoles exceeding a height of thirty (30) feet on residential properties.
H. **Flag Brackets and Stanchions.** For each principal structure on a parcel, up to two flag brackets or stanchions may be attached or placed for the display of flags.

I. **Measurement of Sign Size and Height.**

1. **Sign Size (Sign Area).** The area of a sign (“Sign Area”) is measured or calculated as follows (See Appendix 1, Figures 28, for graphic illustrations):
   
a. Background panel signs. Sign copy that is mounted, affixed, or painted on a background panel or area distinctively painted, textured or constructed as a background for the sign copy, is measured as that area contained within the sum of the smallest rectangles, squares, triangles, parallelograms, circles or ellipses that will enclose both the sign copy and the background.

b. Background surface signs. The area of a sign consisting of copy mounted as individual letters or graphics against a wall, fascia, or parapet of a building surface or another surface, that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy, is measured as the sum of the smallest rectangles, squares, triangles, parallelograms, circles or ellipses that will enclose each word, graphic or discrete visual element in the total sign.

c. Illuminated background signs. The area of a sign with copy mounted, affixed, or painted on an illuminated surface or illuminated element or a building or structure, is measured as the entire illuminated surface or illuminated element which contains sign copy.

d. Double-faced signs. If a sign has two (2) display faces, and the interior angle between the two (2) faces is thirty (30) degrees or less, then the Sign Area is one (1) Sign Face only; however, if the two (2) faces are of different sizes or shapes, then the larger is used. If the sign has two (2) display faces, and the interior angle between the two faces is greater than thirty (30) degrees, then the Sign Area is the sum of the areas of the two (2) faces.

e. Multi-faced signs. If a sign has three (3) or more faces, then the Sign Area is equal to fifty (50) percent of the aggregate area of all Sign Faces. The area of each face shall be determined according to subsection (a) or (b) of this section, as applicable.

f. Sculptural and nonplanar signs. The area of a spherical, free form, sculptural or other nonplanar sign is fifty (50) percent of the sum of the areas, using only the four (4) vertical sides of the smallest four-sided polyhedron which will completely enclose the entire sign structure.
2. **Measurement of Sign Height.** The height of a freestanding sign shall be measured as the vertical distance from the average finished grade of the ground below the sign excluding any filling, berming, mounding or excavating solely for the purposes of increasing the height of the sign, to the top edge of the highest portion of the sign. See Appendix 1, Figures 29, for graphic illustrations. The maximum height allowed for a freestanding sign, however, shall not include any architectural embellishment provided the embellishment does not exceed thirty-six (36) inches at the base of the sign and eighteen (18) inches at the top of the sign. For the purposes of this section, average finished grade shall be considered the lower of (a) the lowest elevation where the base of the sign meets ground level; or (b) the top of the curb of the nearest public street adjoining the property upon which the sign is erected; or (c) the grade of the land at the principal entrance to the lot on which the sign is located.

J. **Signs Must Maintain Clearance from Utilities and Shall Not Interfere with Surface and Underground Water or with Drainage.** Signs shall maintain a minimum distance of six (6) feet horizontal clearance and twelve (12) feet overhead clearance from electrical conductors and from all communications equipment or lines. Signs and their supporting structures shall maintain clearance from and noninterference with all surface and underground facilities and conduits for water, sewage, electricity, or communications equipment or lines. Sign placement shall not interfere with surface or underground water or with natural or artificial drainage.

K. **Signs Declared a Nuisance and Repair; Signs Presenting Immediate Peril to Public Health or Safety.** The building official may order the repair of signs declared a nuisance, and with or without notice may cause any structurally unsafe or structurally insecure sign to be immediately removed if the sign presents an immediate peril to the public health or safety.

L. **Tenant Sign Panel and Wall Sign Band Replacement.** Replacement of a tenant sign panel containing the same color, size, design, and style as the original on an approved sign structure with removable panels shall not require a permit. Any tenant panel that is vacant or missing shall be replaced within thirty (30) days.

M. **Wall Sign Fascia Repair.** Where a tenant has vacated a tenant or user suite, the fascia of the accessory wall sign band shall be repaired to its surrounding texture and color within forty-five (45) days of the panel or sign being removed.

N. **Signs Shall Not Be Attached to Certain Property and Shall Not Impair Roof Access.** Signs shall not be attached to standpipes, gutters, drains or fire escapes. Signs shall not be installed so as to impair access to a roof.

O. **Bus Shelter Signage.** Notwithstanding the provisions of Section 4.404, signs in conjunction with bus shelter facilities approved by the Town or other governmental agencies shall be permitted. Development standards, including but not limited to Sign Face area, height, location, etc., shall be determined in accordance with bus shelter design requirements established by the Town Engineer.
4.408 Temporary Signs

Other than as provided below and in subsections 4.408.B through 4.408.H, Temporary Signs shall meet the criteria set forth in Section 4.408.A Temporary Signs: General Criteria and Limitations by Zoning District. A Temporary Sign may be displayed as a ground sign or a wall sign, inclusive of a Window Sign.

A. General Criteria for Temporary Signs. A Temporary Sign is unlawful if it does not meet the criteria established for the zoning district in which the Temporary Sign is located, as set forth and described below in Table 4.408.A, Temporary Signs: General Criteria and Limitations by Zoning District. However, except as otherwise provided below, the general criteria and limitations in this Section 4.408.A do not apply to A-Frame and T-Frame Signs, Banner Signs, Flying Banner Signs, Flags and Umbrella Signs.

| TABLE 4.408.A Temporary Signs: General Criteria and Limitations by Zoning District |
|---------------------------------|------------------|------------------|------------------|
| ZONING DISTRICTS               | Residential Zoning Districts | Non-Residential (Other than Heritage Village Center) Zoning Districts | Heritage Village Center Zoning District |
| Maximum Number of Signs Per Parcel | 4¹ | 4 | 4 |
| Maximum Sign Area² | 6 sq. ft. | 32 sq. ft. | 32 sq. ft. |
| Sign Height Maximum for a Freestanding Sign³ | 4 ft. | 6 ft. | 6 ft. |
| Sign Height Maximum for a Wall Sign (inclusive of a Window Sign⁴) | 6 ft. | 15 ft. | 15 ft. |
| Minimum Setback/ Distance from Right of Way⁵ | 10 ft. | 10 ft. | 10 ft. |

¹ In single-family residential zoning districts, each single family residential use with at least one principal structure may place up to 6 offsite Temporary Signs on private property for the purpose of directing the public to a residential activity (e.g. real estate open house, garage/yard sale, estate sale). Said signs shall be displayed only during the hours that the single family residence is open for public inspection and shall not exceed 6 sq. ft. in area per sign.

² The aggregate maximum sign area was deleted from this table for clarity but there was no effect on how the total square footage is calculated. Multiply the maximum sign area by the maximum number of signs to calculate the aggregate maximum sign area. There is no limit to the number of separate messages that may appear on the allowable surface(s) of any Temporary Sign.

³ Not applicable to signs displayed on Flagpoles.

⁴ Window Signs shall not cover more than 25% of the first floor window area. See Appendix 1, Figures 18, for graphic illustrations.

⁵ Minimum Sign Setbacks are measured from the edge of the property line. Setbacks do not apply to wall signs or signs affixed to a temporary construction fence.
<table>
<thead>
<tr>
<th>ZONING DISTRICTS</th>
<th>Residential Zoning Districts</th>
<th>Non-Residential (Other than Heritage Village Center) Zoning Districts</th>
<th>Heritage Village Center Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Spacing from any Other Sign (Temporary Sign or a Permanent Sign)</td>
<td>15 ft.</td>
<td>15 ft.</td>
<td>15 ft.</td>
</tr>
<tr>
<td>Permit Required</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Incorporation of Florescent Color or Exhibition of Florescence Allowed</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Permission of Owner Required</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Allowed within a Sight Visibility Triangle</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Allowed on Public Sidewalk / Right of Way⁶</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Duration Allowed After Conclusion of an Event if Sign Pertained to an Event</td>
<td>3 days</td>
<td>3 days</td>
<td>3 days</td>
</tr>
<tr>
<td>Lighting or Illumination Allowed</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Movement Allowed</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

⁶ Government Signs displaying government speech are exempt from regulation under this Article 4.4.
B. **A-Frame Signs and T-Frame Signs.** A-Frame Signs and T-Frame Signs are unlawful if they do not meet the criteria and limitations set forth in the following Table 4.408.B A-Frame and T-Frame Signs: Criteria and Limitations.

1. A-Frame Signs and T-Frame Signs are permitted in all zoning districts but may be placed in single-family residential zoning districts only in conjunction with non-residential uses.

2. A-Frame Signs and T-Frame Signs must be located adjacent to the parcel or business advertised thereon, supported by a base of sufficient weight and durability to withstand wind gusts, and maintained in a professional manner free from fading, tearing, and tattering.

3. A-Frame Signs and T-Frame Signs shall not be placed in raised or painted medians, with stakes fastened to or driven into concrete, across the street from the business being advertised, on equestrian or multi-use trails, and must be placed at grade level. See Appendix 1, Figures 16, for graphic illustrations.

<table>
<thead>
<tr>
<th>TABLE 4.408.B. A-Frame and T-Frame Signs: Criteria and Limitations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Number of Signs</td>
</tr>
<tr>
<td>Maximum Width</td>
</tr>
<tr>
<td>Maximum Height</td>
</tr>
<tr>
<td>Minimum Setback/Distance from Roadway</td>
</tr>
<tr>
<td>Maximum Width of Public Sidewalk that the Sign May Obstruct</td>
</tr>
<tr>
<td>Maximum Distance of Sign from Premises(^9)</td>
</tr>
<tr>
<td>Duration</td>
</tr>
<tr>
<td>Allowed on Public Sidewalk / Right-of-Way</td>
</tr>
<tr>
<td>Allowed within a Sight Visibility Triangle</td>
</tr>
<tr>
<td>Lighting or Illumination Allowed</td>
</tr>
<tr>
<td>Permit Required</td>
</tr>
<tr>
<td>Movement Allowed</td>
</tr>
</tbody>
</table>

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7 The provisions of 4.408.B allowing for A-Frame Signs and T-Frame Signs shall be reviewed by the Town Council as soon as reasonably practicable after June 1, 2020, for the purpose of evaluating the effectiveness of A-Frame Signs and T-Frame Signs and to determine whether changes to 4.408.B should be made.

8 The combined total number of A-Frame, T-Frame, and Flying Banner Signs shall not exceed four (4) per business.

9 Signs may be allowed at the perimeter of a multiple-tenant commercial/office complex or employment park, but only pursuant to an approved sign plan.
TABLE 4.408.B. A-Frame and T-Frame Signs: Criteria and Limitations

| Incorporation of Florescent Color or Exhibition of Florescence Allowed | No |

The purchase and placement of A-Frame Signs and T-Frame Signs is not a substantial capital investment in the business being advertised. Upon repeal or modification of the regulations pertaining to these types of Temporary Signs that results in further restricting or prohibiting the same, then such signs shall not be legal non conforming signs and such signs shall comply with all new regulations.
C. **Banner Signs.** Banner Signs are permitted in all zoning districts, but may be placed in single-family residential zoning districts only in conjunction with non-residential uses. Banner Signs are unlawful if they do not meet the criteria and limitations set forth below in Table 4.408.C, Banner Signs: Criteria and Limitations.

<table>
<thead>
<tr>
<th>TABLE 4.408.C Banner Signs: Criteria and Limitations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Maximum Number of Banner Signs Per Parcel/Business</strong></td>
</tr>
<tr>
<td><strong>Maximum Sign Area</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Sign Height Maximum if displayed as a Freestanding Sign</strong></td>
</tr>
<tr>
<td><strong>Minimum Sign Setback if displayed as a Ground Signs</strong></td>
</tr>
<tr>
<td><strong>Minimum Spacing from any Other Sign (Temporary Sign or a Permanent Sign)</strong></td>
</tr>
<tr>
<td><strong>Permit Required</strong></td>
</tr>
<tr>
<td><strong>Incorporation of Florescent Color or Exhibition of Florescence Allowed</strong></td>
</tr>
<tr>
<td><strong>Allowed on Public Sidewalk / Right of Way</strong></td>
</tr>
<tr>
<td><strong>Allowed within a Sight Visibility Triangle</strong></td>
</tr>
<tr>
<td><strong>Duration</strong></td>
</tr>
<tr>
<td><strong>Duration Allowed After Conclusion of an Event if the Sign Pertains to an Event</strong></td>
</tr>
<tr>
<td><strong>Lighting or Illumination Allowed</strong></td>
</tr>
<tr>
<td><strong>Movement Allowed</strong></td>
</tr>
</tbody>
</table>

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10 The square footage limitation is per side for a double-sided Banner Sign or Flying Banner Sign. For example, a 40 square foot limitation means there is a limit of 40 square feet of surface area per side of the double-sided Banner Sign or Flying Banner.

11 Minimum Sign Setbacks are measured from the edge of the property line. Setbacks do not apply to a Banner Sign displayed on walls.

12 Not applicable to signs displayed on Flagpoles.

13 Government Signs displaying government speech are exempt from regulation under this Article 4.4.

14 Movement is allowed for a Flying Banner Sign, but is not allowed for a Banner Sign.
D. **Flying Banner Signs.** Flying Banner Signs are unlawful if they do not meet the criteria and limitations set forth below in Table 4.408.D, Flying Banner Signs: Criteria and Limitations.

1. Flying Banner Signs are permitted in all zoning districts, but may be placed in single-family residential zoning districts only in conjunction with non-residential uses.

2. Flying Banner Signs must be located adjacent to the parcel or business advertised thereon, supported by a base of sufficient weight and durability to withstand wind gusts, and maintained in a professional manner free from fading, tearing, and tattering.

3. Flying Banner Signs shall not be placed in raised or painted medians, with stakes fastened to or driven into concrete, across the street from the business being advertised, on equestrian or multi-use trails, and must be placed at grade level.

<table>
<thead>
<tr>
<th>TABLE 4.408.D Flying Banner Signs: Criteria and Limitations</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Maximum Number of Flying Banner Signs</strong></td>
</tr>
<tr>
<td><strong>Maximum Sign Area</strong></td>
</tr>
<tr>
<td><strong>Sign Height</strong></td>
</tr>
<tr>
<td><strong>Minimum Setback</strong></td>
</tr>
<tr>
<td><strong>Minimum Distance From an Access Drive or Street Intersection</strong></td>
</tr>
<tr>
<td><strong>Minimum Distance from another Flying Banner Sign, A-Frame or T-Frame Sign</strong></td>
</tr>
<tr>
<td><strong>Permit Required</strong></td>
</tr>
<tr>
<td><strong>Allowed on Public Sidewalk / Right of Way¹⁷</strong></td>
</tr>
<tr>
<td><strong>Allowed within a Sight Visibility Triangle</strong></td>
</tr>
<tr>
<td><strong>Duration</strong></td>
</tr>
<tr>
<td><strong>Maximum Width of Public Sidewalk that the Sign May Obstruct</strong></td>
</tr>
</tbody>
</table>

¹⁵ The provisions of 4.408.D allowing for Flying Banner Signs shall be reviewed by the Town Council as soon as reasonably practicable after June 1, 2020, for the purpose of evaluating the effectiveness of Flying Banner Signs and to determine whether changes to 4.408.D should be made.

¹⁶ The combined total number of Flying Banner Signs, A-Frame Signs, and T-Frame Signs shall not exceed four (4) per business.

¹⁷ Government Signs displaying government speech are not subject to Article 4.4.
TABLE 4.408.D Flying Banner Signs:
Criteria and Limitations

<table>
<thead>
<tr>
<th>Lighting or Illumination Allowed</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Movement Allowed</td>
<td>Yes</td>
</tr>
</tbody>
</table>

E. **Sign Walkers.** Sign Walkers are permitted in all zoning districts. Sign Walkers must comply with State law (A.R.S. § 9-499.13) and meet the following criteria and limitations:

1. **Location.** Sign Walkers shall be only located:
   a. 30 feet from a street or driveway intersection measured from the back of the curb or edge of pavement if no curb exists.
   b. 5 feet from the street measured from the back of curb or edge of pavement if no curb exists.
   c. Sign walkers shall yield right-of-way to pedestrians, bicycles and all others traveling or located on the sidewalks.
   d. At grade level.

2. **Prohibited locations.** Sign walkers shall not be located:
   a. In raised or painted medians.
   b. In parking aisles or stalls.
   c. In driving lanes or driveways.
   d. On equestrian or multi-use trails.
   e. So that less than a minimum of 4 feet is clear for pedestrian passage on all sidewalks and walkways, or so as to cause a hazard to pedestrian traffic.
   f. On fences, boulders, planters, other signs, vehicles, utility facilities, or any structure.
   g. Within a minimum distance of 20 feet from any other sign walker.
   h. In a manner that results in sign walkers physically interacting with motorists, pedestrians, or bicyclists.
3. **Display.** Sign shall be:
   
   a. Displayed only when the business is open to conduct business.
   
   b. Held, worn or balanced at all times.

4. **Elements prohibited.** The following shall be prohibited:

   a. Any form of illumination, including flashing, blinking, or rotating;
   
   b. Animation on the sign itself;
   
   c. Mirrors or other reflective materials;
   
   d. Attachments, including, but not limited to, balloons, ribbons, speakers.

F. **Flags.** Unless otherwise required by state law or specified in this Article, no more than two (2) flags may be displayed on a flagpole, from a flag bracket or on a flag stanchion. The Sign Area of a flag displaying a commercial message shall not exceed twenty-four (24) square feet. For the purpose of determining the Sign Area of a flag, only one side of the flag shall be counted. Flags on residential or nonresidential parcels may be externally illuminated. A sign permit is not required for a flag.

G. **Umbrella Signs.** For each table in an outside seating area for a licensed business establishment, one (1) Umbrella Sign per umbrella is allowed. An Umbrella Sign shall not exceed eight (8) feet in height. An umbrella having an Umbrella Sign shall be mounted on or in the table or secured within an umbrella holder adjacent to the table. A sign permit is not required for an Umbrella Sign. Umbrella Signs shall not be counted as part of a Maximum Sign Area for any use.
H. **Temporary Residential Subdivision Signs.** Temporary Residential Subdivision Signs are permitted in single-family residential zoning districts for each builder in a recorded subdivision plat only in conjunction with a valid building permit for a model home complex. Temporary Residential Subdivision Signs are unlawful if they do not meet the criteria and limitations set forth below in Table 4.408.H, Temporary Residential Subdivision Signs: Criteria and Limitations.

| TABLE 4.408.H. Temporary Residential Subdivision Signs: Criteria and Limitations |
|--------------------------------------|-----------------|-----------------|-----------------|
|                                      | Principal Entry(ies) | Model Home Complex | Perimeter Subdivision Open Space |
| Maximum Number of Signs              | 1 per entry        | 1 or more        | 1 per street frontage |
| Maximum Sign Area                   | 32 sq. ft.         | 96 sq. ft.       | 32 sq. ft.        |
| Maximum Height                      | 8 ft.              | 12 ft.           | 8 ft.             |
| Minimum Setback/ Distance from Right of Way\(^{18}\) | 10 ft. (5 ft. if less than 32 sq. ft.) | 10 ft. (5 ft. if less than 32 sq. ft.) | 10 ft. (5 ft. if less than 32 sq. ft.) |
| Aggregate Maximum Sign Area         | 256 sq. ft.        |                  |                  |
| Duration                             | 3 years or until the model home complex is permanently closed, whichever occurs first. |                  |                  |
| Allowed on Public Sidewalk / Right-of-Way | No                |                  |                  |
| Allowed within a Sight Visibility Triangle | No                |                  |                  |
| Lighting or Illumination Allowed    | No                |                  |                  |
| Permission of Owner Required        | Yes               |                  |                  |
| Permit Required                     | Yes               |                  |                  |
| Movement Allowed                    | No                |                  |                  |
| Incorporation of Florescent Color or Exhibition of Florescence Allowed | No |                  |                  |

\(^{18}\) Minimum Sign Setbacks are measured from the edge of the property line. Setbacks do not apply to Wall Signs or signs affixed to a temporary construction fence.
I. **Offsite Temporary Signs on Private Property.** Offsite Temporary Signs are permitted in all zoning districts on unimproved lots or parcels of 10 acres or more subject to criteria and limitations set forth below in Table 4.408.I, Offsite Temporary Signs on Private Property: Criteria and Limitations.

<table>
<thead>
<tr>
<th>Maximum Number of Signs Per Parcel</th>
<th>1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Size of Unimproved Parcel Required</td>
<td>10 acres</td>
</tr>
<tr>
<td>Maximum Sign Area</td>
<td>32 sq. ft.</td>
</tr>
<tr>
<td>Maximum Sign Height</td>
<td>8 ft.</td>
</tr>
<tr>
<td>Minimum Setback/ Distance from any Right of Way(^{19})</td>
<td>10 ft.</td>
</tr>
<tr>
<td>Minimum Spacing from any Other Sign (including any Temporary Sign or Permanent Sign)</td>
<td>100 ft.</td>
</tr>
<tr>
<td>Duration</td>
<td>1 year</td>
</tr>
<tr>
<td>Allowed on Public Sidewalk / Public Right-of-Way</td>
<td>No</td>
</tr>
<tr>
<td>Allowed within a Sight Visibility Triangle</td>
<td>No</td>
</tr>
<tr>
<td>Lighting or Illumination Allowed</td>
<td>No</td>
</tr>
<tr>
<td>Permission of Owner Required</td>
<td>Yes</td>
</tr>
<tr>
<td>Permit Required</td>
<td>Yes</td>
</tr>
<tr>
<td>Movement Allowed</td>
<td>No</td>
</tr>
<tr>
<td>Incorporation of Florescent Color or Exhibition of Florescence Allowed</td>
<td>No</td>
</tr>
</tbody>
</table>

\(^{19}\) Minimum Sign Setbacks are measured from the edge of the property line.
4.409 Permanent Signs

A. General Criteria for Lighting and Changing Message Displays Utilized with Permanent Signs. The following general criteria and limitations for lighting and changing message displays shall apply to Permanent Signs, where indicated.

1. Lighting. The illumination of signs shall meet all regulations as set forth in the Gilbert Municipal Code, Chapter 42, Article II, Section 42-34.

   a. Except for Changing Message Displays and Marquee Signs, any flashing, blinking, reflective, animated, or rotating lights, or signs with an intermittent or varying intensity of artificial illumination, whether deliberate or as a consequence of a defect in the sign or the illumination source, shall be prohibited for any and all signs.

   b. Exposed light sources such as neon, tube, incandescent, light-emitting diode (LED), fluorescent, metal halide, high- or low- sodium bulbs, or mercury vapor light sources may be used as a source of illumination for commercial uses in Commercial, Heritage Village Center, and Gateway Village Center Zoning Districts only. Exposed light tubes and bulbs must be a decorative feature that is consistent with the sign design and compatible with the architectural character of the building. Exposed light tubes and bulbs shall be proportionally sized. Exposed light tubes and bulbs may require administrative approval of a Comprehensive Sign Program, Master Sign Plan or Heritage Sign Plan according to the procedures set forth in Section 5.602B.1 Administrative Design Review, which shall be based upon content neutral and objective criteria. All light sources shall be shielded to prevent illumination trespass onto properties other than where the light source is located. Exposed neon, tube or bulb-type illumination is prohibited in all other zoning districts.

   c. Sign Illumination.

      (1) Permanent Sign on a parcel in residential use: With the exception of an identification sign at the entrance of a residential subdivision, a Permanent Sign located on a parcel in a residential district may not be separately or specially illuminated, unless otherwise specified in this Article.

      (2) Permanent Sign on a parcel in nonresidential use: A Permanent Sign on a parcel in a nonresidential use may be illuminated by internal illumination, internal indirect (halo) illumination, or lit by external indirect illumination, unless otherwise specified in this Article; however, a Permanent Sign may not be illuminated in a manner that leaves the illumination device and/or components exposed to public view except with the use of neon, decorative bulbs or tubing as provided in this Article.
(3) Internal illumination: Any outdoor internally illuminated sign permitted under Article 4.4 shall be constructed with an opaque background and translucent letters or other graphical elements, or with a solid colored background and contrasting letters or graphics.

(4) External indirect illumination: Externally lit signs are permitted to be illuminated only with steady, stationary, directed, and shielded light sources directed solely onto the sign. Light bulbs or tubes (excluding neon, decorative bulbs or tubing) used for illuminating a sign shall not be visible from the adjacent public rights-of-way and residential properties.

(5) Illumination of signs adjacent to single-family residential uses: No sign located within fifty (50) feet of a single-family zoning district shall be internally illuminated.

2. **Manual Changing Message Displays.** One-half (1/2) of the area of the face of a Freestanding Monument or Marquee Sign may be a manual Changing Message Display, subject to the criteria and limitations of this Article.

3. **Electronic Changing Message Displays.** As provided in this article, wall-mounted cabinet signs, marquee, freestanding monument, tower and freeway signs may be an electronic changing message display except in residential zoning districts and subject to the following operational limitations. For non-residential uses in residential zoning districts, one-half (1/2) of the Sign Face of a Freestanding Monument Sign may be an electronic Changing Message Display, subject to the following operation limitations:

   a. **Display:** An electronic Changing Message Display may be in full color.

   b. **Minimum Display Time:** An electronic Changing Message Display shall not change more than once every eight (8) seconds except in Commercial, Heritage Village Center and Gateway Village Center Zoning Districts where unlimited motion is permitted.

   c. **Transition Method:** An electronic Changing Message Display shall change by an instant change method.

   d. **Illumination Levels:** An electronic Changing Message Display shall incorporate photocell/ light sensors, with automatic dimming technology that appropriately adjusts to ambient light conditions at all times of the day and night. Displays shall have a brightness level of no greater than 0.3 foot candles above ambient light conditions at the property line as measured by foot candle meter.
e. Maintenance: Any allowed electronic Changing Message Display that malfunctions, fails, or ceases to operate in its usual or normal programmed manner shall be repaired or disconnected within forty-eight (48) hours by the owner or operator of such sign.

B. **Type of Permanent Signs.** The following types of permanent signs are allowed in one or more of the Town of Gilbert's zoning districts, as more specifically set forth in 4.409.B.1. through B.25. below.

1. **Street Address Signs.**

   a. Street Address Signs for single-family dwellings. Each single family dwelling unit shall be clearly identified by or associated with a street address for first responders to locate the residential unit as necessary to respond to any fire or public safety issue. The sign shall serve as a visible street address and identifier for delivery of mail and official governmental notification. The Street Address Sign shall not exceed three (3) square feet in Sign Area.

   b. Street Address Signs for multi-family dwellings. Each multi-family dwelling unit shall be clearly identified by or associated with a Street Address Sign for first responders to locate the multi-family dwelling unit as necessary to respond to any fire or public safety issue. The sign shall serve as a visible street address and identifier for delivery of mail and official governmental notification. The Street Address Sign may be externally illuminated. The Street Address Sign or Unit and Building Identification Signs shall not exceed six (6) square feet in Sign Area.

   c. Street Address Signs for establishments or other non-residential uses. Each location of a business or non-residential use shall be clearly identified by or associated with a street address for first responders to locate the same as necessary to respond to any fire or public safety issue. The sign shall serve as visible street address and identifier for delivery of mail and official governmental notification. The Street Address Sign may be externally or internally illuminated. The Street Address Sign shall not exceed six (6) square feet in Sign Area.

2. **Unit and Building Identification Signs.**

   a. Unit and building Identification Sign for multi-family dwellings. Each multi-family dwelling unit shall be clearly identified by a Unit and Building Identification Sign for first responders to locate the same as necessary to respond to any fire or public safety issue, unless the unit or building has a Street Address Sign that is specific to that unit or building as opposed to any other unit or building or grouping of same. The Unit and Building Identification Sign shall serve as a visible identifier for delivery of mail and official governmental
notification. The Unit and Building Identification Sign may be externally illuminated. The Sign Area of a Unit and Building Identification Sign shall not exceed six (6) square feet.

b. Unit and Building Identification Sign for businesses and other non-residential uses. Each location of a business or non-residential use shall be identified by a Unit and Building Identification Sign for first responders to locate the same as necessary to respond to any fire or public safety issue, unless the unit or building has a Street Address Sign that is specific to that unit or building as opposed to any other unit or building or grouping of same. The Unit and Building Identification Sign shall serve as a visible identifier for delivery of mail and official governmental notification. The Unit and Building Identification Sign may be externally illuminated. The Sign Area of a Unit and Building Identification Sign shall not exceed six (6) square feet.

3. Wall Signs.

a. Dwelling Unit Wall Signs.

(1) Each single family dwelling unit shall be clearly identified by a Street Address Sign for first responders to locate the residential unit as necessary to respond to any fire or public safety issue.

(2) Each single family dwelling unit may have one (1) permanent wall or ground sign not to exceed three (3) square feet in size and not to exceed two (2) feet in height if placed as a ground sign. This allowed sign is in addition to the required Street Address Sign for a single family dwelling unit.

(3) Each multi-family dwelling unit shall be clearly identified by a Street Address Sign and Unit and Building Identification Sign as applicable for first responders to locate the multi-family dwelling unit or building number as necessary to respond to any fire or public safety issue.

(4) Each individual dwelling unit in a multi-family dwelling unit may have one (1) permanent wall or ground sign not to exceed three (3) square feet in size and not to exceed two (2) feet in height if placed as a ground sign.


(1) Design. Wall Signs shall fit proportionally with building massing and architectural features of the elevation.
(2) Length. The length of a Wall Sign shall not exceed eighty (80) percent of the horizontal length of the exterior building elevation of a tenant suite.

(3) Height. The height of a Wall Sign shall not exceed eighty (80) percent of the vertical dimension of the sign band or wall space on which the sign is placed.

(4) Placement. Wall Signs shall not be located closer to the top of a parapet wall than one-half the vertical dimension of the largest letter or character. Top floor signage located on multi-story buildings may span floor plates.

(5) Wall Signs on building elevations abutting property designated for residential use in the General Plan shall:
   i. Not be illuminated;
   ii. Not exceed sixteen (16) square feet in Sign Area; and
   iii. Be installed no higher than fourteen (14) feet above grade.

(6) Wall Sign Area. The Minimum and Maximum Sign Areas for a Wall Sign shall be determined as set forth below. See Appendix 1, Figures 17A and 17B, for graphic illustrations.
   i. Wall Sign Area: Buildings One-Story in Height.
      1. Minimum Wall Sign Area. Each tenant or user suite shall be permitted a Wall Sign with a Minimum Sign Area of 32 square feet, and such Wall Sign shall be permitted on any exterior wall of the tenant or user suite on the first floor of the building.
      2. Maximum Wall Sign Area. Each tenant or user suite shall be limited to Wall Sign with a Sign Area no greater than the total Sign Allowance Area defined below for (a) the longest building elevation of the tenant or user suite facing the street, or (b) the length of the building elevation of the tenant or user suite where its principal entrance is located.
      3. Sign Allowance Area. Sign Allowance Area under this subsection shall mean "for buildings set back seventy-five (75) feet or less from the right-of-way, one (1) square foot of Sign Area for each one (1) lineal foot of the building elevation adjacent to the suite,” and "for buildings set back
more than seventy-five (75) feet from the right-of-way, one and one-half (1.5) square feet of Sign Area for each one (1) lineal foot of building elevation adjacent to the suite."

4. **Double Sign Allowance Area for Certain Buildings.** Buildings with at least two building elevations facing streets and/or main private circulation drives shall be permitted double (2X) the Sign Allowance Area. Signs may be located on more than two elevations so long as the maximum allowance is not exceeded. In no event shall the Double Sign Allowance Area be used on a single elevation.

5. **Approval.** Approval is required through a Comprehensive Sign Program and/or a Master Sign Plan if the building is a multi-tenant building or otherwise meets the criteria for review and approval set forth in this Article 4.4. under such a program or plan.

ii. **Wall Sign Area: Buildings Two Stories in Height.** Wall Signs on multiple floors of a building two (2) stories in height shall conform to the following criteria.

1. **First Floor.** Individual tenant signs located on the first floor of a building two (2) stories in height shall be subject to the same criteria as tenant signs for a building one story in height, as set forth above.

2. **Second Floor.** Individual tenant signs and building signs located on the second floor of a building two (2) stories in height shall not exceed seventy-five (75) square feet in Sign Area. Individual tenant signs and any building signs may be placed on any approved sign band or wall space on the second floor. The maximum wall Sign Area, including all tenant signs and building signs, shall not exceed fifty (50) percent of the lineal building elevation on the second floor.

3. **Double Sign Allowance Area for Certain Buildings.** Buildings with at least two building elevations facing streets and/or main private circulation drives shall be permitted double (2X) the Sign Allowance Area. Signs may be located on more than two elevations as long as the maximum allowance is not exceeded. In no event shall the Double Sign Allowance Area be used on a single elevation.
4. Approval. Approval is required through either a Comprehensive Sign Program or a Master Sign Plan.

iii. Wall Sign Area: Buildings Three or More Stories in Height. Wall Signs located on buildings three (3) or more stories in height shall be limited to the first floor and the top floor, and shall conform to the following criteria.

1. First Floor. Individual tenant signs located on the first floor shall be subject to the same criteria as tenant signs for a building one story in height, as set forth above.

2. Top Floor. The Sign Area for a Wall Sign on the top floor shall not be counted against the Sign Allowance Area of a Wall Sign on the first floor. Wall Sign located on the top floor are limited to either (i) one (1) building sign and one (1) tenant sign, or (ii) two (2) tenant signs. A Wall Sign located on the top floor shall adhere to the criteria contained in Table 4.409.B.3: Top Floor Sign Area and Height Standards for On-Premise Wall Signs. The Maximum Sign Area for a Wall Sign on the top floor shall not be increased through a Comprehensive Sign Program or Master Sign Plan.

3. Double Sign Allowance Area for Certain Buildings. Buildings with at least two building elevations facing streets and/or main private circulation drives shall be permitted double (2X) the Sign Allowance Area. Signs may be located on more than two elevations as long as the maximum allowance is not exceeded. In no event shall the Double Sign Allowance Area be used on a single elevation.

4. Approval. Approval is required through either a Comprehensive Sign Program or a Master Sign Plan.

c. Wall Signs in Heritage Zoning Districts.

1. Design. Wall Signs shall fit proportionally with building massing and architectural features of the elevation.

2. Length. The length of a Wall Sign shall not exceed eighty (80) percent of the horizontal length of the exterior building elevation of a tenant suite.
(3) Height. The height of a Wall Sign shall not exceed eighty (80) percent of the vertical dimension of the sign band or wall space on which the sign is placed.

(4) Placement. Wall Signs shall not be located closer to the top of a parapet wall than one-half the vertical dimension of the largest letter or character. Top floor signage located on multi-story buildings may span floor plates.

(5) Wall Signs on building elevations abutting property designated for residential use in the General Plan shall:

i. Not be illuminated;

ii. Not exceed sixteen (6) square feet in area; and

iii. Be installed no higher than fourteen (14) feet above grade.

(6) Wall Sign Area. The Minimum and Maximum Sign Areas for a Wall Sign shall be as set forth below.

i. Wall Sign Area: One-Story Buildings.

1. Minimum Sign Area for a Wall Sign. Wall Signs are permitted on any exterior wall of the tenant or user suite on the first floor of the one-story building.

2. Maximum Sign Area for a Wall Sign. Each tenant or user suite shall be limited to a Wall Sign with a Sign Area no greater than the total sign allowance area defined below for (i) the longest building elevation of the tenant/user suite facing the street, or (ii) the length of the building elevation of the tenant or user suite in which its principal entrance is located.

3. Sign Allowance Area. Sign Allowance Area as used in this subsection, Wall Sign Area, shall mean “one and one-half (1.5) square feet in Sign Area for each lineal foot of building elevation adjacent to the suite.”

4. Double Sign Allowance Area for Certain Buildings. Buildings with at least two building elevations facing streets and/or main private circulation drives shall be permitted twice the Sign Allowance Area. Signs may be located on more than two elevations so long as the Double Sign
Allowance Area is not exceeded. In no event shall the Double Sign Allowance Area be used on a single elevation.

ii. Wall Sign Area: Buildings Two Stories in Height. Wall Signs on the floors of a building two (2) stories in height shall conform to the following criteria.

1. First Floor. Individual tenant signs located on the first floor of a building two (2) stories in height shall be subject to the same criteria as tenant signs for a building one story in height, as set forth above.

2. Second Floor. Individual tenant signs may only be placed on the building walls of the space occupied by the tenant. The individual tenant Wall Sign shall not exceed six (6) square feet in area per tenant/user suit. The sign area shall be included in the maximum Wall Sign area set forth above. Wall Signs may be indirectly illuminated or internally illuminated. Lighting fixtures shall be decorative and architecturally compatible with the building. See Guidelines for fixtures in the Heritage District Redevelopment Plan.

3. Double Sign Allowance Area for Certain Buildings. Buildings with at least two building elevations facing streets and/or main private circulation drives shall be permitted double (2X) sign area allowance. Signs may be located on more than two elevations as long as the maximum allowance is not exceeded. In no event shall the Double Sign Allowance Area be used on a single elevation.

4. Approval. Approval is required through a Heritage Sign Plan.

d. Wall Signs for Non-Residential Uses in Residential Zoning Districts

(1) Design. Wall Signs shall fit proportionally with building massing and architectural features of the elevation.

(2) Length. The length of a Wall Sign shall not exceed eighty (80) percent of the horizontal length of the exterior building elevation of a tenant suite.

(3) Height. The height of a Wall Sign shall not exceed eighty (80) percent of the vertical dimension of the sign band or wall space on which the sign is placed.
(4) Placement. Wall Signs shall be placed on an area that is free of architectural details. Wall Signs shall not be located closer to the top of a parapet wall than one-half the vertical dimension of the largest letter or character. Top floor signage located on multi-story buildings may span floor plates.

(5) Wall Signs on building elevations abutting property designated for residential use in the General Plan shall:

i. Not be illuminated;

ii. Not exceed sixteen (16) square feet in area; and

iii. Be installed no higher than fourteen (14) feet above grade.

(6) Wall Sign Area. The minimum and maximum Wall Sign area shall be determined as set forth below. See Appendix I, Figures 17A and 17B, for graphic illustrations.

i. Wall Sign Area: Buildings One or More Stories in Height. Wall Signs shall only be located on one (1) floor of a single-story or multi-story building, and shall meet the following criteria.

1. Minimum Wall Sign area. Each tenant or user suite shall be permitted a Wall Sign with a Minimum Sign Area of thirty-two (32) square feet, and such Wall Sign shall be permitted on any exterior wall of the tenant or user suite on the first floor of the one-story building.

2. Maximum Wall Sign area. Each tenant or user suite shall be limited to a total Wall Sign area no greater than the total Sign Allowance Area, defined below for (a) the longest building elevation of the tenant/user suite facing the street, or (b) the length of the building elevation of the tenant/user suite in which the principal entrance to the business is located.

3. Sign Allowance Area. Sign Allowance Area as used in this subsection shall mean:

a. For buildings set back seventy-five (75) feet or less from the right-of-way, one (1) square foot of Sign Area for each lineal foot of the building elevation adjacent to the suite; and
b. For buildings set back more than seventy-five (75) feet from the right-of-way, one and one-half (1.5) square feet of Sign Area for each lineal foot of building elevation adjacent to the suite.

4. Double Sign Allowance Area for Certain Buildings. A tenant or user suite with at least two building elevations facing streets and/or main private circulation drives shall be permitted twice the Sign Allowance Area ("Double Sign Allowance"). In no event shall the Double Sign Allowance be used on a single elevation.

5. Top Floor. If the top floor of a multi-story building is chosen for the allowable Wall Signs, the top floor Wall Signs are limited to either (i) one (1) building sign and one (1) tenant sign, or (ii) two (2) tenant signs. A Wall Sign on the top floor shall adhere to the criteria contained in Table 4.409.B: Top Floor Sign Area and Height Standards for On-Premise Wall Signs. This Sign Area shall not be increased through a Comprehensive Sign Program or Master Sign Plan.

6. Approval. Approval is required through a Comprehensive Sign Program or Master Sign Plan as set forth in this Article 4.4.

### TABLE 4.409.B.3: Top Floor Sign Area and Height Standards for On-Premise Wall Signs

<table>
<thead>
<tr>
<th>Facing Street Type</th>
<th>Sign Height (Feet) from Finish Floor Level to Top of Sign*</th>
<th>Maximum Allowable Size of Sign Face (Sq. Ft.)</th>
<th>Maximum Letter Height (Inches)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local/Collector</td>
<td>40+</td>
<td>Per Code; or one percent of the area of the elevation to which it is attached, whichever is greater</td>
<td>12</td>
</tr>
<tr>
<td>Arterial</td>
<td>40+</td>
<td>Per Code; or one percent of the area of the elevation to which it is attached, whichever is greater</td>
<td>15</td>
</tr>
<tr>
<td>Freeway</td>
<td>40+</td>
<td>Per Code; or one percent of the area of the elevation to which it is attached, whichever is greater</td>
<td>21</td>
</tr>
</tbody>
</table>

*Unless approved signage spans floor plates
4. **Painted Wall Signs.** In Commercial and the Heritage Village Center Zoning Districts, Painted Wall Signs are permitted on any exterior building wall of the tenant/user suite to which they are appurtenant and shall be limited to an onsite sign. The Sign Area of a Painted Sign shall be included in the Sign Allowance Area for signs in Section 4.409.B. Painted Wall Signs may be indirectly illuminated. Lighting fixtures shall be decorative and architecturally compatible with the building. Recommended Guidelines for appropriate design, materials, and color of fixtures within the Heritage Village Zoning District are set forth in the Heritage District Redevelopment Plan.

5. **Wall Signs at Entrances to Non-Residential Tenant Offices or Suites.** Each non-residential tenant or user suite may have one (1) permanent Wall Sign not to exceed three (3) square feet in area. This allowed sign is in addition to any required Street Address Sign and Unit and Building Identification Sign.

6. **Wall Signs at Entrances to Restaurants.** In addition to any other Wall Sign allowance, a restaurant shall be allowed one (1) Wall Sign installed within ten (10) feet of its main entrance. The Wall Sign shall not exceed six (6) square feet in area and shall not exceed six (6) feet in height. The Wall Sign may be internally or externally illuminated.

7. **Wall Signs at Service and Delivery Entrances.** In addition to any other Wall Sign allowance, a service or delivery entrance shall be allowed one (1) permanent Wall Sign installed within ten (10) feet of its entrance. The Wall Sign shall not exceed six (6) square feet in area and shall not exceed six (6) feet in height. The Wall Sign may be internally or externally illuminated.

8. **Window Signs.** Window Signs are permitted in all zoning districts but may be placed in single-family residential zoning districts only in conjunction with non-residential uses as a permanent Wall Sign, provided that the Window Sign does not cover more than twenty-five percent (25%) of the area of any window. Window Signs may be internally illuminated. A sign permit is not required for a Window Sign as allowed herein. See Appendix 1, Figures 18, for graphic illustrations.

9. **Door Signs.** Door Signs are permitted provided that the Door Sign does not cover more than twenty-five percent (25%) of the area of any door. Door Signs shall not be illuminated. A sign permit is not required for a Door Sign as allowed herein.

10. **Wall-Mounted Cabinet Signs.** Permanent Wall-Mounted Cabinet Signs are allowed in non-residential zoning districts and shall be stylized in shape, rather than rectangular, to reflect the shape of the image printed on the Sign Face or the molded Sign Face, with embossed copy or sign copy or sign copy in relief. Cabinet signs with an electronic message display must be architecturally integrated within the building design and mounted flush with the building wall plane or built into a canopy fascia. In the Heritage Village Center and Gateway Village Center Zoning Districts, wall
mounted cabinet signs with electronic changing message displays must not exceed fifty (50) percent of the sign area allowance set forth in Section 4.409.B. This provision does not apply to Canopy Signs for Service Islands regulated in Section 4.409.B.25, but this provision does apply to Projecting Signs and Projecting Roof Signs.

11. Projecting Signs. In Commercial and the Heritage Village Center Zoning Districts, permanent Projecting Signs are allowed when affixed to the exterior building wall of the tenant/user suite to which they are appurtenant. Projecting Signs shall be located at the customer entry area of the tenant/user suite if blinking, flashing or illumination elements are incorporated. The allowable sign area for a Projecting Sign shall be included in the Maximum Sign Area allowed in Section 4.409.B.3, and when combined with any other Sign Area, shall not exceed the Maximum Sign Area. Projecting Signs may be internally or indirectly illuminated, and may incorporate flashing or blinking elements within the allowable Sign Area. Lighting fixtures shall be decorative and architecturally compatible with the building. Projecting Signs shall be stylized in shape, rather than rectangular, to reflect the shape of the image printed on the Sign Face. Fixtures used to affix the Projecting Sign to building walls shall be decorative and architecturally compatible with the building. Recommended Guidelines for appropriate design, materials, and color of fixtures within the Heritage Village Center Zoning District are set forth in the Heritage District Redevelopment Plan.

12. Projecting Roof Signs. In Commercial and the Heritage Village Center Zoning Districts, permanent Projecting Roof Signs are allowed subject to the same criteria set forth above for Projecting Signs. However, the height of a Projecting Roof Signs shall not exceed the height of a roofline or parapet by more than twenty-five (25) percent of the overall height of the sign. The Planning Commission or the Redevelopment Commission as applicable may approve heights greater than the foregoing twenty-five (25) percent through a Comprehensive Sign Program, Master Sign Plan, Heritage Sign Plan or a Design Review application, only when the proposed plan or application demonstrates that the Projecting Roof Sign is incorporated into the building’s architecture. In no event shall a Projecting Roof Sign incorporated into the building’s architecture exceed the height of the building’s roofline or parapet by more than thirty (30) percent of the overall height of the sign.

13. Suspended Signs. In Commercial and the Heritage Village Center Zoning Districts, one (1) permanent Suspended Sign is allowed for each permitted tenant/user building elevation. The sign shall be suspended from a roof overhang of a covered porch or walkway, which is adjacent to the exterior building wall of the tenant/user suite to which the sign is appurtenant. The Sign Area shall not exceed six (6) square feet. The size of the Suspended Signs shall not be included in the Maximum Sign Area set forth in Section 4.409.B. Suspended Signs may be indirectly illuminated. Lighting fixtures shall be decorative and architecturally compatible with the building. Recommended Guidelines for appropriate design, materials, and color of fixtures within the Heritage Village Center Zoning District are set forth in the Heritage District Redevelopment Plan.
14. Drive-Through Lane Signs. No more than two (2) Drive-Through Lane Signs are allowed for each drive-through lane serving a business establishment. The signs may be either a wall mounted sign or a ground sign. The signs shall be no greater than fifty (50) square feet in area and seven (7) feet in height. A drive-through ground sign shall be constructed with a solid base.

15. Freestanding Sign: Monument Signs.

a. For a nonresidential use in a Residential Zoning District, one (1) onsite Monument Sign is permitted for any lot or parcel with a minimum of one hundred (100) feet of street frontage. One (1) additional Monument Sign is permitted for any lot or parcel with street frontage greater than or equal to 250 feet but less than 400 feet. One (1) additional Monument Sign is permitted for each additional three hundred (300) feet of street frontage. The size of a Monument Sign shall not exceed thirty-two (32) square feet in area and eight (8) feet in height. Monument Signs shall be set back a minimum of three (3) feet from the right-of-way.

b. In Commercial and Public Facility/Institutional Zoning Districts, one (1) onsite Monument Sign is permitted for any lot or parcel with a minimum of 100 feet of street frontage. One (1) additional Monument Sign is permitted for any lot or parcel with street frontage greater than or equal to 250 feet but less than 400 feet. One (1) additional Monument Sign is permitted for each additional three hundred (300) feet of street frontage. The height of a Monument Sign shall be no greater than twelve (12) feet to the top of design embellishments, and the Sign Face shall be located between two (2) feet and ten (10) feet above grade with design embellishments added to the top, sides or bottom of the sign. The size of a Monument Sign shall not exceed sixty (60) square feet in area. Monument Signs shall be set back a minimum of three (3) feet from the right-of-way. Monument Signs shall maintain a minimum spacing of one hundred (100) feet from any other Monument Sign on the same street frontage.

c. In Office and Employment Zoning Districts, one (1) onsite Monument Sign is permitted for any lot or parcel with a minimum of 100 feet of street frontage. One (1) additional Monument Sign is permitted for any lot or parcel with street frontage greater than or equal to 250 feet but less than 400 feet. One (1) additional Monument Sign is permitted for each additional three hundred (300) feet of street frontage. The height of a Monument Sign shall be no greater than twelve (12) feet to the top of design embellishments, and the Sign Face shall be located between two (2) feet and ten (10) feet above grade with design embellishments added to the top, sides or bottom of the sign. The size of Monument Sign shall not exceed sixty (60) square feet in area. Monument Signs shall be set back a minimum of three (3) feet from the right-of-way. Monument
Signs shall maintain a minimum spacing of one hundred (100) feet from any other Monument Sign on the same street frontage.

d. In the Heritage Village Center Zoning District, one (1) onsite Monument Sign is permitted for any lot or parcel. A Monument Sign is permitted to assist in the safe movement of vehicular traffic on a property containing an existing building that exceeds the required build-to lines, as set forth in Section 2.403C: Build-To Lines. The height of a Monument Sign shall be no greater than six (6) feet, and the height measurement includes structural supports, monument base, architectural features of the structure, and nonstructural or decorative trim. The size of a Monument Sign shall not exceed thirty-two (32) square feet in area. Monument Signs shall be set back a minimum of three (3) feet from the right-of-way. Monument Signs shall maintain a minimum spacing of one hundred (100) feet from any other Monument Sign on the same street frontage.

16. Freestanding Sign: Tower Signs. In the Regional Commercial and General Commercial Zoning Districts for retail centers exceeding forty (40) net acres, and in the Office, Employment and Public Facility / Institutional Zoning Districts for sites that both abut a freeway and exceed forty (40) net acres, one (1) onsite Tower Sign is permitted for each five hundred (500) feet of street frontage, provided the total number of all Freestanding Signs, including Monument Signs, shall not exceed one (1) sign per three hundred (300) feet of street frontage. The maximum height of a Tower Sign shall not exceed fifteen (15) feet. The Sign Area of a Tower Sign shall not exceed eighty (80) square feet. The Maximum Sign Area of a Tower Sign may be increased by an additional twenty (20) square feet for the identification of tenants or occupants of suites five thousand (5,000) square feet or less in area. Tower Signs shall be set back a minimum of three (3) feet from the right-of-way. Tower Signs shall maintain a minimum spacing of three hundred (300) feet from any other Freestanding Sign on the same street frontage.

17. Freestanding Sign: Freeway Signs. In the Commercial, Office, Employment and Public Facility / Institutional Zoning Districts for properties that both exceed fifteen (15) acres and abut a freeway identified in the circulation element of the General Plan, one (1) onsite Freeway Sign shall be permitted for each four hundred (400) feet of freeway frontage. The height of the Freeway Sign shall not exceed sixty (60) feet above grade or thirty (30) feet above the grade of the nearest lanes of the adjacent freeway main travel surface, whichever is greater. The maximum size (area) for a Freeway Sign shall not exceed five hundred (500) square feet. The maximum size (area) of a Freeway Sign may be increased by an additional twenty (20) square feet for the identification of the center. Freeway signs shall be set back a minimum of one hundred fifty (150) feet from (i) the right-of-way other than a freeway and (ii) a property line adjacent to property designated for retail or residential use in the General Plan. Freeway Signs shall be located within one hundred (100) feet of the freeway right-of-way and shall be oriented to the freeway. A Freeway Sign shall be considered oriented to a freeway where the Sign Face makes an interior angle of more than thirty
(30) degrees to the freeway. Freeway Signs shall maintain a minimum spacing of four hundred (400) feet from any other Freeway Sign on the same property.

18. **Freestanding Sign: Onsite Traffic Directional Signs.** In the Commercial, Heritage Village Center, Office, Employment, and Public Facility / Institutional Zoning Districts, Onsite Traffic Directional Signs are permitted as necessary to assist in movement of vehicular traffic on a property for the purpose of the safety of both pedestrian and vehicular traffic. The Sign Area of an Onsite Traffic Directional Sign shall not exceed three (3) square feet and the height of Onsite Traffic Directional Sign shall not exceed three (3) feet. An Onsite Traffic Directional Sign shall be set back a minimum of twenty-five (25) feet from the right-of-way, and shall not be located within the required perimeter landscape area. Onsite Traffic Directional Signs shall not be counted as part of a maximum or total sign area for any use.

19. **Freestanding Sign: Residential Subdivision Entry Signs.** A Residential Subdivision Entry Sign at the principal entry or entries to residential subdivisions may have one (1) entry sign on each side of the street. The Maximum Sign Area of the Residential Subdivision Entry Sign shall not exceed twenty-five (25) square feet and the maximum height shall not exceed eight (8) feet. The Residential Subdivision Entry Sign shall be set back a minimum of three (3) feet behind the right-of-way. A Residential Subdivision Entry Sign may be internally or indirectly illuminated. The Residential Subdivision Entry Sign shall be incorporated into the design of an entry wall, which shall be architecturally compatible with other subdivision improvements. Residential Subdivision Entry Sign structures require approval by the Design Review Board as part of the subdivision open space plan. Residential Subdivision Entry Sign structures that are added following the initial development of the subdivision require Administrative Design Review approval.

20. **Freestanding Sign: Multi-Family Complex Entry Signs.** A Multi-Family Complex Entry Sign at the principal entry or entries to a multi-family complex may have one (1) entry sign on each side of the street. The Maximum Sign Area of a Multi-Family Complex Entry Sign shall not exceed thirty-two (32) square feet and the maximum height shall not exceed eight (8) feet. The Multi-Family Complex Entry Sign shall be set back a minimum of three (3) feet behind the right-of-way. A Multi-Family Complex Entry Sign may be internally or indirectly illuminated. A Multi-Family Complex Entry Sign structure shall be architecturally compatible with the complex and shall be approved administratively.

21. **Freestanding Sign: Directory Sign.** In the Commercial, Office, Employment and Public Facility / Institutional Zoning Districts, one (1) Directory Sign is permitted for each four (4) commercial tenants or uses. The Maximum Sign Area of the Directory Sign shall not exceed forty (40) square feet and the maximum height of the Directory Sign shall not exceed eight (8) feet. A Directory Sign shall be set back a minimum of seventy-five (75) feet from any perimeter property line, except where such property line abuts other commercial or employment development and there is a cross-access
between the commercial or employment properties. A Directory Sign shall only be installed onsite within landscape islands or pedestrian areas.

In the Heritage Village Center Zoning District, one (1) Directory Sign is permitted for each four (4) commercial tenants or uses. The maximum size (area) of the Directory Sign shall not exceed six (6) square feet and the maximum height of the Directory Sign shall not exceed six (6) feet. A Directory Sign shall be integrated into the building architecture or located within a courtyard or similar feature of a building.

22. *Awning Signs.* In Commercial and the Heritage Village Center District, an Awning Sign may be located on the valance of an awning. The Sign Area of an Awning Sign, together with the Sign Area of any other allowed lawful and permitted signs for the same building, shall not exceed the limitation for the Sign Allowance Area set forth in Section 4.409.B. Graphics shall be permanently affixed to the awning, and may be silkscreen, painted, cutout lettering heat color transfer, pressure sensitive vinyl films, sewn applique signs, or similar to the foregoing. An Awning Sign may be indirectly illuminated or backlit. An Awning Sign shall not obstruct sidewalks, required accessible paths of travel, or the visibility of other signs. Lighting fixtures shall be decorative and architecturally compatible with the building. Recommended Guidelines for appropriate design, materials, and color of fixtures are set forth in the Heritage District Redevelopment Plan.

23. *Marquee Signs.* In Commercial Zoning District and the Heritage Village Center and Gateway Village Center Zoning Districts, a Marquee Sign may be located on a marquee that is approved by the Planning Commission or the Redevelopment Commission as applicable as part of a Design Review application, a Comprehensive Sign Program, Master Sign Plan or Heritage Sign Plan. A Marquee Sign shall only be affixed on a marquee located at the primary entrance of the tenant/user suite to which it is appurtenant. The Sign Area of the Marquee Sign, together with the Sign Area of any other allowed lawful and permitted signs for the same building, shall not exceed the limitation for the Sign Allowance Area set forth in Section 4.409.B. The colors, materials, and design of a Marquee Sign shall complement the design of the building(s) which it serves. A Marquee Sign may be internally or indirectly illuminated. A Marquee Sign may include a manual or electronic Changing Message Display that is proportional and architecturally integrated with the Marquee structure and building design. A Marquee Sign shall not obstruct sidewalks, required accessible paths of travel, or the visibility of other signs. Lighting fixtures shall be decorative and architecturally compatible with the building, and a marquee sign may incorporate flashing or blinking elements within the permitted Sign Area. Recommended Guidelines for appropriate design, materials, and color of fixtures and the appropriate flashing and blinking frequency within the Heritage Village Center District are set forth in the Heritage District Design Guidelines.

24. *Canopy Signs for Service Islands.* Each service island may have up to two (2) Canopy Signs per service island. The Sign Area of a Canopy Sign shall not exceed twelve (12)
square feet. No part of the sign shall project from a canopy wall by more than six (6) inches. A Canopy Sign shall be vertically centered on the face of the canopy and the height shall not exceed eighty (80) percent of the vertical dimension of the canopy wall on which the sign is placed. The Sign Area of a Canopy Sign shall not count against the Maximum Sign Area allowed for Wall Signs on the parcel.

25. **Historic Markers.** One (1) Historic Marker per parcel is allowed. The Sign Area of a Historic Marker shall not exceed six (6) square feet.

### 4.4010 Residential Zoning Districts

In Residential Zoning Districts, the Permanent Sign types allowed and the applicable permitting plan or program and/or other review process are set forth below in Table 4.4010. Refer to each sign type for criteria and limitations as more specifically set forth in Section 4.409.B.

<table>
<thead>
<tr>
<th>Table 4.4010: Permanent Signs Allowed in Residential Zoning Districts</th>
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<tbody>
<tr>
<td><strong>Sign Type</strong></td>
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<tr>
<td>1. Street Address Signs</td>
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<td>2. Unit and Building Identification Signs</td>
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<tr>
<td>3. Wall Signs at Entrances to Dwelling Units</td>
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<td>4. Painted Wall Signs</td>
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<td>5. Wall Signs at Entrances to Non-Residential Tenant Offices and Suites</td>
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<td>6. Wall Signs at Entrances to Restaurants</td>
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<td>7. Wall Signs at Service and Delivery Entrances</td>
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<td>8. Window Signs</td>
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<td>9. Door Signs</td>
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<td>10. Wall-Mounted Cabinet Signs</td>
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<td>11. Projecting Signs</td>
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<td>12. Projecting Roof Signs</td>
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<td>13. Suspended Signs</td>
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<td>14. Drive-Through Lane Signs</td>
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<td>15. Freestanding Sign: Monument Signs</td>
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<td>16. Freestanding Sign: Tower Signs</td>
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<td>17. Freestanding Sign: Freeway Signs</td>
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<td>18. Freestanding Sign: Onsite Traffic Signs</td>
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<td>19. Freestanding Sign: Residential Subdivision Entry Signs</td>
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<td>20. Freestanding Sign: Multi-Family Complex Entry Signs</td>
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<td>21. Freestanding Sign: Directory Signs</td>
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<td>22. Awning Signs</td>
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<td>23. Marquee Signs</td>
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<tr>
<td>24. Canopy Signs for Service Islands</td>
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<td>25. Historic Markers</td>
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4.4011 Nonresidential Uses in Residential Zoning Districts

For non-residential uses in Residential Zoning Districts, the Permanent Sign types allowed and the applicable permitting plan or program and/or other review process are set forth below in Table 4.4011. Refer to each sign type for criteria and limitations as more specifically set forth in Section 4.409.B.

<table>
<thead>
<tr>
<th>Sign Type</th>
<th>Allowed</th>
</tr>
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<tbody>
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4.4012 Commercial Zoning Districts

In Commercial Zoning Districts, the Permanent Sign types allowed and the applicable permitting plan, program or other review process are set forth below in Table 4.4012. Refer to each sign type for criteria and limitations as more specifically set forth in Section 4.409.B.

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4.4013 Heritage Village Center Zoning District

In the Heritage Village Center Zoning District, the Permanent Sign types allowed and the applicable permitting plan, program or review process are set forth below in Table 4.4013. Refer to each sign type for criteria and limitations as more specifically set forth in Section 4.409.B.

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</table>
4.4014 Office Zoning Districts

In the Office Zoning Districts, the Permanent Sign types allowed and the applicable permitting plan, program or other review process are set forth below in Table 4.4014. Refer to each sign type for criteria and limitations as more specifically set forth in Section 4.409.B.

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4.4015 Employment Zoning Districts

In Employment Zoning Districts, the Permanent Sign types allowed and the applicable permitting plan, program or other review process are set forth below in Table 4.4015. Refer to each sign type for criteria and limitations as more specifically set forth in Section 4.409.B.

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4.4016 Public Facility/Institutional

In Public Facility/Institutional Zoning Districts, the Permanent Sign types allowed and the applicable permitting plan, program or review processes are set forth below in Table 4.416. Refer to each sign type for criteria and limitations as more specifically set forth in Section 4.409.B.

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4.4017 Sign Maintenance

Maintenance of legal signs is allowed and maintenance of the same shall not require a permit. Sign maintenance is the replacement or repair of a part or portion of a sign required by ordinary wear, tear, or damage, with like material, color, and design. Maintenance of legal signs does not include changing the color, size, design, or style of signs. Any sign or component of a sign which is in a damaged or deteriorated condition and constitutes a danger or hazard to public safety shall be promptly repaired or replaced. Surface materials and components shall be kept free of chipping, peeling, fading, cracks, holes, buckles, warps, splinters, or rusting visible from an adjacent property or street. Illuminated signs shall be maintained in good operating condition including prompt removal and replacement of all defective bulbs, light emitting diodes, fluorescent tubes, neon or other inert gas light segments, damaged or deteriorated electrical wiring, and malfunctioning control devices and related circuitry.

4.4018 Nonconforming Signs

It is the intent of this section to recognize that the eventual elimination of nonconforming signs as expeditiously and fairly as possible is as much a subject of health, safety, and welfare as is the prohibition of new signs that would violate the provisions of this Article. The following provisions shall govern nonconforming signs.

A. Non-conforming signs may receive reasonable repairs or alterations to the face, letters, and frame.

B. If a non-conforming sign is structurally changed or is damaged by fire, lack of maintenance, or other causes by more than 50 percent of its reproduction value, or is temporarily or permanently removed by any means, including "acts of God," then such sign shall be rebuilt, repaired, or replaced only in conformance with the provisions of this Article.

C. If a non-conforming sign becomes an abandoned sign, it shall be removed after notice to the property owner, unless in the case of an abandoned sign the property owner establishes facts sufficient to rebut the presumption of abandonment.

D. If a property or development is expanded or modified to add new signage, all nonconforming signs shall be removed or rebuilt to comply with the provisions of this Article.

E. Sign Faces s may be replaced on non-conforming signs.
F. Any change to a property that adds to or changes existing signage shall be prohibited until all non-conforming signs are removed or rebuilt in conformance with this Article. Nothing herein shall prevent the replacement of Sign Faces on a nonconforming sign. Nothing herein shall require that existing signage which does not conform to the restrictions on Cabinet Signs or raceways be brought into conformance where it is demonstrated to the Zoning Administrator that the type of signage permitted by this Article is not structurally feasible.

4.4019 Sign Violations

A. Requirement of Permit. Unless specifically exempted herein, it shall be unlawful for any person to construct, install, attach, place, paint, alter, relocate, or otherwise maintain any sign in the Town without first obtaining a sign permit in accordance with the provisions of this Article.

B. Requirement of Compliance. Signs shall be installed, placed, or maintained in the Town only in compliance with this Article. If provisions of this Article are in conflict with any other Town code, the more restrictive requirement(s) shall apply. Signs maintained contrary to the provisions of this Article are declared to be nuisances and may be abated as provided by law. The responsibility for compliance with this chapter rests jointly and severally upon the sign owner, the permit holder, any and all parties holding the present right of possession and control of the property whereon a sign is located, mounted or installed, and the legal owner of the lot or parcel, even if the sign was mounted, installed, erected or displayed without the consent or knowledge of the owner and/or other parties holding the legal right to immediate possession and control.

C. Permanent Signs.

1. Notice of Violation. Notice of violation of this Article shall be provided by a Code Compliance Officer to one or more of the responsible persons listed in section B above. The time periods provided for correction of the violation shall be:

   a. A ten (10) calendar day written notice shall be provided.

   b. If determined to be in an unsafe condition, a two (2) calendar day written notice shall be provided. If the correction has not been made within forty-eight (48) hours, the building official may have the sign removed if it creates a danger to the public safety or have any necessary repairs or maintenance performed at the expense of the sign owner or owner or lessee of the property upon which the sign is located.

2. Enforcement.

   a. The Code Compliance Manager is authorized to require removal of any sign installed in violation of this Article. In the case of a sign code violation where the
offending sign has been removed by the Code Compliance Officer, the notice shall state the reason for its removal.

b. The Building Official is authorized to remove or require the immediate removal or repair without written notice of any unsafe sign that creates an immediate hazard to persons or property.

c. Recovery of Costs. The costs of removal or repair of a sign by the Town shall be borne by the person who installed the sign, and, if unknown, the owner or lessee of the sign and of the property on which the sign is located. If the Town incurs costs in the removal of repair of a sign, the Town may bring an action in Municipal Court or Superior Court to recover its costs.

D. Temporary Signs—Generally.

1. Notice of Violation.

a. For Temporary Signs, other than A-Frame/T-Frame Signs and Flying Banners which are addressed in Section 4.4019.E below, a two (2) calendar day written notice shall be provided.

b. A notice of violation is not required for a Temporary Sign placed within the right-of-way, and such signs may be removed immediately by the Town at any time and without notice.

2. Enforcement. The Code Compliance Manager may remove or cause to be removed any Temporary Sign which is not removed by the owner.

E. Temporary Signs: A-Frame and T-Frame Signs; Flying Banner Signs.

1. Notice of Violation, Enforcement and Penalties.

a. First Offense.

(1) A two-day written notice of the violation shall be given by the Code Compliance Manager to the owner or lessee of the business to which the sign relates, or, if such violation relates to the spacing requirements set forth in Section 4.408 a written notice shall be given to all owners or lessees of businesses to which the signs relate.

(2) Upon receipt of the notice, the owner or lessee of the business or businesses to which the sign(s) relate shall bring the sign(s) into conformance with this Article.
b. Second Offense.

(1) If the Code Compliance Manager finds that there is a second violation by
the same owner or lessee of a business to which a sign relates within any
twenty-four (24) month period, then no notice shall be required. The
offending A-Frame/T-Frame Sign or Flying Banner Sign shall be subject
to immediate confiscation. For purposes of calculating the twenty-four
(24) month period, the date of the commission of the first offense shall be
used.

(2) If the violation relates to the spacing requirements set forth in Section
4.408, then all signs in violation shall be subject to confiscation
regardless of which sign was placed first.

(3) The Code Compliance Manager shall give notice to the owner or lessee
of the business to which a sign relates that the sign has been confiscated
and that if not claimed within five (5) calendar days from the date of the
notice, the sign shall be disposed of by the Town.

c. Third Offense.

(1) If the Code Compliance Manager finds that there is a third violation by
the same owner or lessee of a business to which a sign relates within any
twenty-four (24) month period, such sign shall be confiscated. For
purposes of calculating the twenty-four (24) month period, the date of the
commission of the first offense shall be used.

(2) If the Code Compliance Manager finds that there is a third violation by
the same owner or lessee of a business to which a sign relates within any
twenty-four (24) month period, A-Frame Signs, T-Frame Signs, and
Flying Banners relating to the business shall not be permitted.

d. Fourth Offense.

(1) If the Code Compliance Manager finds that there is a fourth violation by
the same owner or lessee of a business to which a sign relates within any
24 month period, the owner or lessee of the business shall be guilty of a
Class 1 Misdemeanor but shall be exposed to civil fines only for the
conviction. For purposes of calculating the 24 month period, the date of
the commission of the first offense shall be used.
(2) Upon conviction of a violation of this Article, the court shall order a person who has been convicted of a violation of this section to pay a fine of not less than $500.00 for each count upon which a conviction has been obtained.

4.4020 State Preemption

This Article shall be interpreted and enforced consistent with state law.

4.4021 Severability

A. Generally. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article.

B. Severability where less speech results. Without diminishing or limiting in any way the declaration of severability set forth in subsection (1), above, or elsewhere in this Article, the LDC, the Gilbert Code of Ordinances, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.

C. Severability of provisions pertaining to prohibited signs. Without diminishing or limiting in any way the declaration of severability set forth in subsection (1), above, or elsewhere in this Article, the LDC, the Gilbert Code of Ordinances, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division or any other law is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article that pertains to prohibited signs, including specifically those signs and sign types prohibited and not allowed under Section 4.404, Prohibited Signs, of this Article. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of Section 4.404 is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of Section 4.404 thereby ensuring that as many prohibited sign types as may be constitutionally prohibited continue to be prohibited.
D. **Severability of prohibition on Billboards.** If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division and/or any other code provisions and/or laws are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the prohibition on Billboards as contained in this Article, the LDC, or the Gilbert Code of Ordinances, or any adopting ordinance.