

**CHAPTER 154: SIGN ORDINANCE  
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## GENERAL PROVISIONS

### §154.01 PURPOSE.

The purpose of this chapter shall be to:

- (A) Coordinate the type, placement, and physical dimensions of signs within the different zoning districts;
- (B) Recognize the commercial communication requirements of all sectors of the business community;
- (C) Encourage the innovative use of design;
- (D) Promote both renovation and proper maintenance;
- (E) Allow for special circumstances;
- (F) Guarantee equal treatment under the law through accurate record keeping and consistent enforcement;
- (G) Protect and promote property values of the community; and
- (H) Improve the appearance and aesthetic quality of the community.

(Ord. G-01-92, passed 1-21-92)

### §154.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AREA OF SIGN.** The area in square feet of the smallest, simplest, single geometric figure which encloses the area which forms the outside shape of the sign face.

**AUCTION SIGN.** A temporary sign which announces the date, time and other information relative to an auction on a property.

**CONSTRUCTION SIGN.** Any sign announcing the names of architects, engineers, contractors or other individuals or firms involved with the construction, alteration, or repair of a building project or announcing the character of the building enterprise or the purpose for which the project is intended.

**DEVELOPMENT PARCEL.** A combined use of parcels and/or lots in singular and/or common ownership which has shared development characteristics, such as but not limited to parking, access, and/or service areas.

**DIRECTION SIGN.** Any sign which serves solely to designate the location or direction of any area or place.

**DIRECTORY SIGN.** A sign which provides a listing of uses or tenants within a particular building or complex of buildings.

**FACADE.** Any face of a building which faces a street, private roadway, parking lot, or pedestrian walkway.

**FLASHING SIGN.** Any sign which flashes or appears to flash by a powered light source.

**FREE-STANDING SIGN.** A sign that is erected on a frame, mast or pole which is not attached to a building.

**HEIGHT OF A SIGN.** The distance between the lowest grade level within two feet of either side of a sign, and the highest part of the sign or its supporting structure.

**LINEAL.** A distance in any direction along frontage on both sides of a street and cross streets. This term does not apply to signs located on parallel streets.

**MARQUEE SIGN.** A sign designed and/or constructed as an integral part of a marquee or giving the appearance of being an integral part of a marquee. Marquee signs shall also include canopy and awning signs.

**MOBILE SIGN.** A sign which is designed to be moved from one location to another, and is not permanently affixed to the ground or to a structure that is permanently affixed to the ground.

**NONCOMMERCIAL OPINION SIGN.** A sign which expresses an opinion or other point of view, and does not contain information or advertising for any business, product, good, service, entertainment, or other commodity. A sign which meets the definition of "sign", including an on-premise sign or and off-premise sign, shall not be considered a noncommercial opinion sign.

**OFF-PREMISE SIGN.** Any sign which identifies or directs attention to a product, service, or activity or business not conducted on the premises on which the sign is located.

**ON-PREMISE SIGN.** Any sign which identifies or directs attention to a product, service, activity or business conducted on the premises on which the sign is located.

**POLITICAL CAMPAIGN SIGN.** A temporary sign on behalf of candidates for public office or measures on election ballots.

**PROJECTING SIGN.** A sign other than a wall sign which is attached to and projects from a structure or building face and does not project above the roof line or the cornice wall.

**SIGN.** Any identification, description, symbol, illustration or device which is in view of the general public and which identifies or directs attention to a person, place, product, service, activity, institution or business.

**TOP ROOF LINE.** The principle top edge of the roof of a building.

**WALL SIGN.** Any sign attached or affixed to the wall of a building which projects no more than 12 inches from the wall surface.

(Ord. G-01-92, passed 1-21-92; Am. Ord. Z-01-09-16, passed 10-19-01)

#### **§154.03 REQUIREMENT OF PERMIT.**

An improvement location permit shall be required before the erection, construction, placing or locating of all signs regulated by this chapter, except as otherwise exempted in this chapter.

(Ord. G-01-92, passed 1-21-92)

#### **§154.04 RESERVED.**

#### **§154.05 MAINTENANCE AND REMOVAL.**

- (A) All signs, including, but not limited to, those signs for which permits are required, shall be maintained in a good state of repair, including replacement of defective parts, painting, cleaning and other acts required for the maintenance of said sign.
- (B) The Division of Community and Economic Development shall have the right of entry in order to inspect all signs for compliance with the provisions of this ordinance.
- (C) When any sign is not maintained within the provisions of this chapter or determined otherwise unsafe, the Division of Community and Economic Development, or their authorized representative, shall send written notice to the owner of the property on which the sign is located to remove, repair or alter the sign. If said sign is not removed, repaired, or altered within 90 calendar days, the Division of Community and Economic Development, or their authorized representative, can cause the sign to be removed, repaired, or altered at the expense of the owner of the property in accordance with the provisions of this chapter and as set forth under §154.99.

(Ord. G-01-92, passed 1-21-92) Penalty, see §154.99

#### **§154.06 MISCELLANEOUS PROVISIONS.**

- (A) No sign or part thereof shall be erected or maintained except in conformance with the provisions of this

chapter.

- (B) Signs may be illuminated by an external light source, provided that the source shall be effectively concealed from view. Signs which incorporate in any manner any flashing, moving or revolving illumination are not permitted except as provided in this chapter and provided that the illumination of any sign shall not exceed 300 foot lamberts as measured at any point on the property line upon which the sign is located.
- (C) No sign shall blink or flash, nor be illuminated by any device so as to appear to blink or flash, except as otherwise expressly provided in this chapter.
- (D) No sign shall be erected upon, maintained in, encroach upon or overhang any public right-of-way without the approval of the Board of Public Works, except as expressly provided in this chapter and state and federal law as amended. However, all other applicable standards of this chapter shall apply.
- (E) The area of a V-type sign not exceeding an angle of 60° is calculated on one face of the sign only.
- (F) No sign shall be painted on or attached to rocks, trees, or any other natural object, except monument signs.
- (G) Sign regulations for uses permitted by the Board of Zoning Appeals, and/or nonconforming uses shall be as follows:
  - (1) Pursuant to the restrictions and regulations for the signs in the district in which located; or
  - (2) A wall and/or free standing sign of up to 32 square feet in area. A free standing sign shall neither exceed six feet in height nor have a front and side yard setback of less than five feet.
  - (3) This division shall not have precedent over any direct stipulations imposed by the Board of Zoning Appeals.
- (H) Strings of light bulbs are prohibited, unless as decorations associated with a recognized legal holiday or city festival, in no case to be permitted beyond a 45-day period, and consistent with all other regulations in this chapter.
- (I) One mobile sign per development parcel may be located in CM2, CM3, CM4, IN1, IN2 and IN3 districts. Such sign shall be permitted up to two times a calendar year not to exceed 30 days per permit. Such sign shall be located a minimum of five feet from any lot line and shall not exceed 32 square feet in area.
- (J) In all nonresidential zoning districts, a roof sign may be permitted as an alternative to a permitted free-standing

sign under the following conditions:

- (1) The business for which the roof sign is sought offers no feasible opportunity for placement of a free-standing sign as otherwise authorized within the zoning district;
  - (2) The roof signs shall not be higher than the district height limitation for buildings;
  - (3) All such roof signs shall be finished in such a manner that the visual appearance from all sides is that they are a part of the building itself;
  - (4) A sign on a sloping roof must be a minimum of one foot below the top roof line;
  - (5) The permitted roof sign shall be no larger in area than the free standing sign permitted in the zoning district in which said sign is to be located;
  - (6) Such sign shall not be located closer than 60 feet to a residential district.
- (K) (1) On-premises free-standing signs shall be located a minimum of 100 feet from all residentially zoned districts.
- (2) A free-standing sign may be installed less than 100 feet from a residentially-zoned district provided the sign height and square footage is reduced in direct proportion to the distance the sign is located from a residential district. In no event shall a sign be permitted closer than 25 feet to a residentially-zoned district;
- (L) Unless the term “lineal” as defined and used in this chapter is specifically stated in any particular division, the means of measurement shall be determined on a radial basis.
- (M) Radial measurements as used in this chapter shall start from the center of the sign base at grade, and extend outward in a circular manner for the distance specified.
- (N) Lineal measurements as used in this chapter shall start from the center of the sign base at grade as projected at a right angle to the nearest right-of-way line, and then extend as specified. Where the center of the sign base is equidistance from two or more right-of-way lines, the more restrictive limitation shall be applied.
- (O) As used in this chapter, the “central business district” shall be defined as that area bounded by the old Penn Central railroad right-of-way to the south (located south of Baker Street), Clay Street to the east, Van Buren Street to the west, and the river to the north. The Central Business District has a unique identity and contains

special physical conditions found nowhere else in the city. Because the Central Business District is such a unique and individual environment, it is not in the best interest of the revitalization efforts that are ongoing in this area to permit off-premises signs. Therefore off-premises signs as defined in this chapter shall not be permitted in the Central Business District.

- (P) Off-premises signs located within a 350 foot radius from any city or county residential district, church, school, health care facility, or from any historic district (or property eligible for historic designation) shall require Board of Zoning Appeals approval prior to the issuance of an Improvement Location Permit. Applicants should refer to §157.103(W) for specific details and procedure.

(Ord. G-01-92, passed 1-21-92)

## PERMITTED SIGN DISTRICT PROVISIONS

### §154.15 RESIDENTIAL DISTRICTS.

AR, R1, R2, R3, and RP zoning districts. One on-premise non-illuminated wall sign is permitted. Such sign shall not exceed one square foot in area, and may be used to identify block parents, the name(s) of the premises or occupants thereof, or to provide similar information. Additional signs as allowed under §154.06(G), §154.30, or §154.31 shall also be permitted.

(Ord. G01-92, passed 1-21-92; Am. Ord. Z-01-09-16, passed 10-19-01)

### §154.16 OFFICE DISTRICT.

#### (A) CM1 zoning district.

- (1) One on-premises wall sign for each main building, not to exceed 50 square feet, limited to identifying the building or activity being conducted on the premises, is permitted per street frontage.
- (2) One on-premises free-standing sign per entrance, identifying the name of the office park or activity conducted within the district shall be permitted. Such sign shall not exceed 32 square feet in area, shall have a maximum height of six feet, and shall be permitted with a five foot setback from the front lot line. Such sign shall not face any residential district 50 feet away.
- (3) If there is more than one building, a freestanding directory sign is permitted for each building. Such sign shall be located in the interior of the development with a maximum height of six feet and may not exceed 50 square feet in total area.

(B) Any proposed sign other than as permitted above shall be subject to City Plan Commission review as part of the development plan process. The sign regulation in division (A) above may be modified by the Plan Commission with the granting of development plan approval in conformance with the other requirements of the CM1 district and other development plan procedures.

(C) **Pre-existing Signs.** Any sign that was legally erected in this district prior to November 6, 1986 shall be deemed to have received Plan Commission approval as herein required and shall not be a nonconforming sign. Such sign may be converted without Plan Commission approval for new tenants, as long as the location and copy area remains the same or less than that of the pre-

existing sign.

(Ord. G-01-92, passed 1-21-92)

### §154.17 BUSINESS DISTRICTS.

#### (A) CM2 zoning district.

- (1) On-premises wall sign(s) on building facades, attached to the face of the building, or mansard roof or substantially parallel thereto and not projecting beyond or above the roof or top of the cornice wall, are permitted. The copy area of such wall sign(s) per building facade shall not exceed 100 square feet.
- (2) One on-premises free-standing sign per development parcel per street frontage is permitted.
  - (a) The free-standing sign shall not exceed 100 square feet in area and not exceed 35 feet in height. Such sign may be located a minimum of five feet from any front and side lot line.
  - (b) See §154.06(K) for residential spacing requirements.
- (3)
  - (a) In lieu of the sign permitted in division (A)(2) above, one on-premises projecting sign is permitted. The projecting sign may project from a building a maximum of six feet and may project into a required front yard. Such sign shall have a minimum ground clearance of eight feet above the walk or grade below. The maximum area of such sign shall be 40 square feet.
  - (b) Where more than one business is located on the development parcel, the on-premises projection signs shall be combined, and resultant sign shall not exceed 75 square feet in total area.
- (4) One on-premises marquee sign may be attached to the marquee but not extend into or over the public right-of-way, provided such signs do not exceed five feet in height and may extend as long as the marquee. Those signs projecting above or below the marquee shall be erected at a 90° angle to the building, and shall project no more than six feet with a minimum clearance of eight feet above the walk or grade below. The sign shall not project above the cornice or roof of the building.
- (5) Off-premises signs not exceeding 100 square feet in total area are permitted except in the Central Business District.
  - (a) Each off-premises sign may contain a

maximum of two sign faces facing the same direction as long as the total sign area is not exceeded and the two faces are not separated by more than 12 inches distance.

- (b) Such signs shall be no closer than 15 feet to the front lot line, and shall not exceed 35 feet in height.
- (c) Such sign shall be spaced at least 300 lineal feet from any other off-premises sign.
- (d) Subject to §154.06 such off-premises signs shall not be located within a 125 foot radius nor within 300 lineal feet from any city or county residential district or from any church, school, health care facility, historic district (or property eligible for historic designation). Such off-premises sign shall not be located closer than 150 lineal feet from any city or county office district.
- (e) A double-faced off-premises sign or a V-type off-premises sign not exceeding an angle of 60° and not further than 12 inches at the closest point between the two faces shall be exempt from the spacing requirements between such two sign faces only.

(B) **SC zoning district.** In the SC zoning district, only on-premises signs are permitted.

- (1) Except as provided herein, all signs shall be attached to a building and shall not project above the top of the building to which they are attached. Signs attached to a building shall be substantially parallel thereto and shall not project more than one foot from the face thereof. All signs must show only the name and use of the store or premises for which they are erected or the identification for the entire commercial area. The copy area of wall signs per store facade shall not exceed 25% coverage of the wall surface or the square footage of a free-standing sign in that district, whichever is less.
- (2) One on-premises free-standing sign identifying the entire commercial area and not exceeding the maximum square footage in area or height as provided in this section may be permitted on each public street abutting the perimeter of such district. If the frontage along a public street exceeds 800 feet, there may be two free-standing signs permitted but not located closer than 500 feet from any other free-standing sign. In addition, any single user commercial pad area within the district which has an area of one acre or more shall be permitted one on-premises free-standing sign, not exceeding 35 square feet in area and four feet in height. Conforming signs are permitted in the required front

yard but not closer than five feet from the front property line. The maximum square footage and height for signs in each district shall be:

<b>SC DISTRICT ON-PREMISE SIGN SQUARE FOOTAGE AND HEIGHT REQUIREMENTS</b>	
SC1	Area: 200 square feet
	Height: 35 feet
SC2 and SC3	Area: 300 square feet
	Height: 40 feet
SC4	Area: 400 square feet
	Height: 50 feet

- (3) One on-premises marquee sign may be attached to the marquee but not extend into or over the public right-of-way, provided such signs do not exceed five feet in height and may extend as long as the marquee. Those signs projecting above or below the marquee shall be erected at a 90° angle to the building, and shall project no more than six feet with a minimum clearance of eight feet above the walk or grade below. The sign shall not project above the cornice wall or roof of the building.
- (4) Any proposed signs other than as permitted above shall be subject to Plan Commission review and approval as part of the development plan process. The sign regulations in divisions (B)(1), (2), and (3) above may be modified by the Plan Commission with the granting of Development Plan approval in conformance with all other requirements of the applicable Development Plan procedures.
- (5) Pre-existing Signs. Any on-premises sign that was legally erected in this district prior to November 6, 1986 shall be deemed to have received Plan Commission approval as herein required and shall not be a nonconforming sign. The sign may be converted without Plan Commission approval for new tenants, as long as the location and copy area remains the same or less than that of the pre-existing sign.

(C) **CM5 zoning district.** In the CM5 zoning district only on-premises signs are permitted.

- (1) One on-premises marquee sign may be attached to the marquee but not extend into or over the public right-of-way, provided such signs do not exceed five feet in height and may extend as long as the marquee. Those signs projecting above or below the marquee shall be erected at a 90° angle to the building, and shall project no more than six feet. The sign shall not project above the cornice wall or

roof of the building.

- (2) On-premises wall signs on building facades attached to the face of the building, or mansard roof or substantially parallel thereto and not projecting above or beyond the roof or top of the cornice wall, are permitted. Such wall signs shall project not more than 12 inches from the facade of the building. The copy area of such wall signs per building facade shall be as follows:

- (a) If the sign is located up to 50 feet height above the sidewalk, it shall not exceed 50 square feet;
- (b) If the sign is located over 50 feet but less than 100 feet above the sidewalk, it shall not exceed 100 square feet;
- (c) If the sign is located over 100 feet above the sidewalk, it shall not exceed 300 square feet.

- (3) One on-premises free-standing sign per development parcel per street frontage is permitted. Such sign shall not exceed 100 square feet in area and shall have a maximum height of 35 feet, and shall be located a minimum of five feet from the front lot line and five feet from the side lot line.

- (4) See §154.06(K) for residential spacing requirements.

- (5) Strings of light bulbs may be used and signs may blink or flash, except for the area covered by the Calhoun Street sign regulations set forth in §§154.75 et seq. Signs having electronically changing copy area shall not exceed the provisions of divisions (C)(1) and (2) above.

- (6) Signs located in the Calhoun Street Transit Mall shall comply with the Calhoun Street sign regulations of §§154.75 et seq. as well as this chapter. In the event of conflict between this subchapter and the said Calhoun Street sign regulations, the Calhoun Street sign provisions will apply.

**(D) CM3 and CM4 zoning districts.**

- (1) On-premises wall signs on the building facades or mansard roof, substantially parallel thereto, and not projecting beyond the roof or top of the cornice wall, are permitted. The copy of such wall signs per building facade shall not exceed 30% coverage of the wall face, or 250 square feet whichever is less.

- (2) One on-premises free-standing sign per development parcel per street frontage is permitted.

- (a) The free-standing sign shall not exceed 250 square feet in area and a maximum height of 50 feet.
- (b) The signs shall be no closer than five feet to the front property line and no closer than five feet to the side property line.
- (c) See §154.06(K) for residential spacing requirements.

- (3) In lieu of the sign permitted in division (D)(2) above, one on-premises projecting sign for each business may project from the building a maximum of six feet and shall not project above the roof line or top of a cornice wall. The sign shall have a minimum clearance of eight feet above the walk or grade below, and a maximum area of 50 square feet. Where more than one business is located on the development parcel, the on-premises projecting signs shall be combined. The combined sign shall not exceed 100 square feet in total area.

- (4) One on-premises marquee sign may be attached to the marquee but not extend into or over the public right-of-way, provided such signs do not exceed five feet in height and may extend as long as the marquee. Those signs projecting above or below the marquee shall be erected at a 90° angle to the building, and shall project no more than six feet with a minimum clearance of eight feet above the walk or grade below. The sign shall not project above the cornice wall or roof of the building.

- (5) Off-premises signs are permitted as follows:

- (a) Subject to §154.06, off-premises signs not exceeding 100 square feet in area are permitted except in the Central Business District. Each off-premises sign may contain a maximum of two sign faces facing the same direction as long as the total sign area is not exceeded and the two faces are not separated by more than a 12 inch distance. Such sign shall be no closer than 15 feet to the front lot line and shall not exceed 35 feet in height. Such sign shall be spaced at least 300 lineal feet from any other off-premises sign in any direction along frontage on both sides of a street and cross streets. Such off-premises sign shall not be located within a 125 foot radius nor within 300 lineal feet from any city or county residential district or from any church, school, health care facility, historic district (or property eligible for historic designations). The off-premises sign shall not be located closer than 150 lineal feet from any city or county office district.

(b) (i) In lieu of division (D)(5)(a) above, and subject to §154.06, off-premises signs not exceeding 300 square feet in total area are permitted except in the Central Business District. Each off-premises sign may contain a maximum of two sign faces facing the same direction as long as the total area is not exceeded and the two faces are not separated by more than a 12 inch distance. Such sign shall be no closer than 20 feet to the front lot line, and shall not exceed 35 feet in height. The sign shall be spaced at least 500 lineal feet from any other off-premises sign in any direction along frontage on both sides of a street and cross streets.

(ii) The off-premises sign shall not be located within a 125 foot radius nor within 300 lineal feet from any city or county residential district or from any church, school, health care facility, historic district (or property eligible for historic designation). Such off-premises sign shall not be located closer than 150 lineal feet from any city or county office district.

(c) A double-faced off-premises sign or a V-type off-premises sign not exceeding an angle of 60° and no further than 12 inches at the closest point between the two faces, shall be exempt from the spacing requirements between the two sign faces only.

(Ord. G-01-92, passed 1-21-92)

**§154.18 INDUSTRIAL DISTRICTS.**

**(A) IN1, IN2, and IN3 zoning districts.**

(1) On-premises wall signs, attached to the face of the building, or mansard roof or substantially parallel thereto and not projecting above or beyond the roof or top of the cornice wall, are permitted. The copy area of such wall signs per building facade shall not exceed 30% coverage of the wall face or 300 square feet, whichever is less.

(2) One on-premises free-standing sign on each street frontage per development parcel is permitted.

(a) The sign shall not exceed 300 square feet in area and 50 feet in height.

(b) The sign shall be located no closer than five

feet from the front lot line and five feet from the side lot line.

(c) See §154.06(K) for residential spacing requirements.

(3) One on-premises marquee sign may be attached to the marquee but not extend into or over the public right-of-way, provided such signs do not exceed five feet in height and may extend as long as the marquee. Those signs projecting above or below the marquee shall be erected at a 90° angle to the building, and shall project no more than six feet with a minimum clearance of eight feet above the walk or grade below. The sign shall not project above the cornice wall or roof of the building.

(B) In lieu of the sign permitted in divisions (A)(2) and (3) above, one on-premises projecting sign for each business may be substituted. The projecting sign may project from the building a maximum of eight feet and shall not project above the roofline or top of a cornice wall. The sign shall have a minimum clearance of eight feet above the walk or grade below and a maximum area of 40 square feet.

**(C) Off-premises signs are permitted as follows:**

(1) (a) Subject to §154.06 off-premises signs not exceeding 100 square feet in total area are permitted except in the Central Business District. The sign shall be no closer than 15 feet to the front lot line and shall not exceed 35 feet in height. The sign shall be spaced at least 300 lineal feet from any other off-premises sign in any direction along frontage on both sides of a street and cross streets.

(b) The sign shall not be located within a 125 foot radius nor within 300 lineal feet from any city or county residential district or from any church, school, health care facility, historic district (or property eligible for historic designation). The off-premises sign shall not be located closer than 150 lineal feet from any city or county office district.

(2) (a) In lieu of division (C)(1) above, and subject to §154.06, off-premises signs not exceeding 300 square feet in total area are permitted except in the Central Business District. The sign shall be no closer than 20 feet to the front lot line and shall not exceed 35 feet in height. Such sign shall be spaced at least 500 lineal feet from any other off-premises sign in any direction along frontage on both sides of a street and cross streets.

- (b) The off-premises sign shall not be located within a 125 foot radius nor within 300 lineal feet from any city or county residential district or from any church, school, health care facility, historic district (or property eligible for historic designation). The off-premises sign shall not be located closer than 150 lineal feet from any city or county office district.
- (3) (a) In lieu of divisions (C)(1) and (2) above, and subject to §154.06, off-premises signs not exceeding 675 square feet in area are permitted except in the Central Business District. The signs shall be no closer than 30 feet to the front lot line, shall not exceed a height of 35 feet and shall be spaced at least 1,000 lineal feet from any other off-premises sign in any direction along frontage on both sides of a street and cross streets.
- (b) Such off-premises signs shall not be located within a 250 foot radius nor within 500 lineal feet from any city or county residential district or from any church, school, health care facility, historic district (or property eligible for historic designation). The off-premises sign shall not be located closer than 150 lineal feet from any city or county office district.
- (4) A double-faced off-premises sign or a V-type off-premises sign not exceeding an angle of 60° and no further apart than 12 inches at the closest point between the two faces shall be exempt from the spacing requirements between such two sign faces only.

(Ord. G-01-92, passed 1-21-92)

#### **§154.19 PLANNED DISTRICTS.**

The Planned Districts addressed by the zoning code covers all districts which require a development plan to be approved by the Plan Commission. These districts shall include CM1 and SC2. In order for any special sign treatment to be approved in these districts, the developer shall submit a “master sign program” for that development for the approval of the Plan Commission.

- (A) The planned program shall include the following information for each sign:
  - (1) Size of sign face;
  - (2) A rendering of each sign type including height;
  - (3) Lighting; and

## OTHER SIGN PROVISIONS

### §154.30 OTHER PERMITTED SIGNS.

The following signs shall be permitted in the areas specified if they comply with all the requirements of this chapter. The following signs shall not require a permit, unless otherwise noted:

- (A) **Residential districts.** In all residential zoning districts on-premises free-standing signs not exceeding 20 square feet in area nor five feet in height, and no closer than 10 feet to any lot line identifying multiple family housing complexes, neighborhood associations and subdivision areas at each entrance, shall be permitted; provided, that if the sign is a part of an approved landscape screen, then the copy area shall not exceed 32 square feet, nor six feet in height. Signs within a required front yard may be located only at the entrance from a major street to the multiple housing complex or subdivision area. No more than two signs may be located at any entrance.
- (B) **Subdivision identification sign.** In any nonresidential zoning district, a subdivision identification sign at each entrance, shall be permitted under the following conditions:
- (1) One sign per main entrance is permitted. The area of the sign, including support structure, shall not exceed 75 square feet.
  - (2) It shall not be located closer than five feet to the front lot line and five feet from the side lot line.
  - (3) The height of such signs shall not exceed five feet, with the height to be determined by a measurement from the ground level at the lowest grade level within two feet of either side of the sign.
  - (4) Such sign shall only be for the identification of the subdivision.
- (C) In any zoning district, the following signs shall be permitted for churches and schools and shall require a permit.
- (1) One on-premises free-standing sign per street frontage, the area of the sign not to exceed 50 square feet including the sign structure, and a height not to exceed seven feet. Signs shall not be located closer than five feet to the front lot line and five feet from the side lot line.
  - (2) Additionally, one on-premises wall sign is permitted with the area of the sign not exceeding 32 square feet.
- (3) One temporary sign not exceeding 32 square feet in area and five feet in height is permitted for a maximum of seven days for an event. The sign shall not be located closer than five feet to the front lot line and five feet from the side lot line.
- (D) In any zoning district, the following on-premises signs shall be permitted:
- (1) Official signs authorized by a government or subdivision thereof, including traffic, directional, and warning signs, public notices, and proclamations erected or displayed in discharge of any government function, or where required by law, ordinance or regulation;
  - (2) Flags or banners of any government or subdivision thereof, or of any educational, charitable, religious, political, civic or service organization;
  - (3) Historical or commemorative plaques or tablets;
  - (4) Memorial plaques, tablets, or building cornerstones, when cut or carved into a masonry surface, or when made of incombustible material and made an integral part of the building or structure it identifies;
  - (5) Street names and numbers;
  - (6) Reflectors and other safety signs or devices used to mark driveways, towers, airport approaches, and other potentially dangerous structures or situations; as well as warning signs for underground public utilities are permitted;
  - (7) Murals, exclusive of any sign copy area, painted on the wall of a building, fence, or similar structure shall be permitted;
  - (8) Historically significant signs may be exempted from the provisions of this chapter after being reviewed and approved by the Historic Preservation Review Board and in conformance with any historic preservation ordinance adopted by the city;
  - (9) Information and/or direction signs are not to exceed six square feet in area and three feet in height which direct traffic within a premises or which identify the location of rest rooms, telephone, freight entrances and the like are permitted. The sign may include the name of the business or its logo.
  - (10) Temporary institutional signs, not to exceed 32 square feet in area announcing a campaign drive or other event of a civic, philanthropic, education or

religious organization are permitted. These signs shall be permitted not more than 30 days prior to the event and shall be removed within seven days after the event.

- (11) Warning signs, warning the public against hunting, fishing, trespassing, dangerous animals, swimming and the like are permitted, provided the area of such signs not exceed four square feet and height not exceeding three feet.

- (12) Noncommercial opinion signs shall be permitted in any zoning district. The signs shall conform to following standards and limitations:

(a) In a residential zoning district, such signs shall not exceed 12 square feet in area and four feet in height. Two wall or freestanding signs shall be permitted per lot or development parcel. The sign may be located in a required yard.

(b) In any other zoning district, such signs shall not exceed 32 square feet in area and six feet in height. One wall or freestanding sign shall be permitted per lot or development parcel. This sign shall be permitted in addition to other permitted signage. The sign may be located in a required yard.

(c) No such sign shall be located within the "corner visibility sight areas" as defined in §99.022 of the City Code.

- (E) **Service stations.** The following signs are permitted on the premises used as service stations in addition to those sign otherwise permitted in the zoning district in which such service stations are located:

- (1) Signs are permitted on either face of the gas pump not to exceed a total copy area of four square feet each side per motor fuel dispenser;
- (2) One additional on-premises wall sign per street frontage not exceeding six square feet of area each is permitted;
- (3) One additional on-premises canopy sign per canopy face, except if it faces an abutting city or county residential or office district, not to exceed 50 square feet per face;
- (4) One two faced sign per street frontage, identifying self service, full service and gas prices, each face not to exceed 50 square feet in area.

- (F) **Commercial districts.** In any commercial district, two

on-premises free-standing signs each not to exceed 20 square feet in area or one on-premises free standing sign not to exceed 32 square feet in area functioning as menu boards are permitted in conjunction with an eating establishment utilizing ordering from vehicle; provided, any sign shall not exceed six feet in height, and shall not be permitted in the required front or side yard of the district in which it is located.

- (G) **Vehicles.** Signs painted, printed or mounted on vehicles which are incidentally displayed on any vehicle in connection with the use of such vehicle for transportation purposes, are permitted, provided such vehicles are licensed and operable.

(Ord. G01-92, passed 1-21-92; Am. Ord. Z-01-09-16, passed 10-19-01; Am. Ord. Z-13-02, passed 6-29-02)

### §154.31 TEMPORARY SIGNS.

The following temporary signs shall be permitted with specific regulations as set out below and shall not require a permit:

- (A) **Real estate signs.** In any zoning district, at such time that the property is placed on the market, one on-premises real estate sign may be erected on each street frontage of a premises, identifying an offer for the sale, rent or lease of all or part of the premises on which it is located. Such sign shall be removed within seven days after closing the sale, renting or leasing of the property, and under the following conditions:

- (1) In any residential district, such real estate sign shall not exceed six square feet of area. It may be located in a required yard. Its height is not to exceed four feet.
- (2) In any other zoning district, such real estate sign shall not exceed 32 square feet in area. It may be located in a required yard. Its height is not to exceed eight feet.

- (B) **Auction signs.** In any zoning district, an auction sign is permitted. The area of the sign shall not exceed 32 square feet and a height of six feet. The sign is permitted for 21 days prior to the event and must be removed within five days after the event.

- (C) **Decorations.** Holiday decorations for religious or national holidays are permitted. Such decorations may blink, flash or move and may be located in a required yard, provided, however, that no such holiday decoration shall interfere with traffic or present any other hazard to the safety or welfare of the public.

- (D) **Construction signs.** One temporary construction sign per street frontage shall be permitted at a construction site to identify the nature of the construction and those persons or firms associated within, including

contractors, architects, finance companies and owners. The signs shall not exceed 16 square feet of area and six feet in height when located in residential districts. In any other zoning districts, if such sign is located within 100 feet of any residential district along side and front lot line it shall not exceed 64 square feet of area and 12 feet in height. If such sign is located more than 100 feet from any residential district along side and front lot line, it shall not exceed 128 square feet in area and 20 feet in height. Such signs may be located five feet or more from the front lot line. If such sign is located in a residential district under development that consists of five acres or more, then the sign shall not exceed 128 square feet in area and 20 feet in height.

(E) **Wall signs in commercial districts.** In all business and industrial zoning districts, temporary wall signs not to exceed 32 square feet in area identifying special sales and openings, shall be permitted on the premises of commercial establishments for no more than 60 days in any calendar year.

(F) **Garage sale signs.** In all residential districts, a garage sale sign is permitted in connection with a garage sale, yard sale, carport sale, home moving or other similar sale. This sign shall not exceed four square feet in area nor three feet in height and may be located in the required front yard. It may be placed no more than seven days prior to the garage sale and shall be removed as soon as the garage sale is over.

(G) **“Business moving sign”.** In all nonresidential districts, a sign announcing moving of a business to a new location is permitted for a period of 60 days. The sign shall not exceed 32 square feet in area and eight feet in height.

(H) **Banners and the like.** Banners, pennants and flags shall be permitted for nonprofit civic activities only.

(I) **Political campaign signs.** In any zoning district, political campaign signs on behalf of candidates for public office or measures on election ballots shall be permitted. The signs shall conform to the following standards and limitations:

- (1) In a residential zoning district, such signs shall not exceed 12 square feet in area and four feet in height. The signs may be located in a required yard.
- (2) In any other zoning district, such signs shall not exceed 32 square feet in area and six feet in height. Such signs shall be permitted in addition to other permitted signage. The signs may be located in a required yard.
- (3) No such sign shall be located within the “corner

visibility sight areas” as defined in §99.022 of the City Code.

- (4) Political campaign signs shall only be permitted during the same year of any primary, general, special, or other election. All such signs shall be removed promptly after the conclusion of any general or special election.

**§154.32 SPECIAL SIGN DISTRICT.**

In any nonresidential district, occupants of 60% or more of the street frontage of any block face, may petition the City Plan Commission for the formation of a special sign district for the purpose of defining an area of particular historical, ethnic, cultural or entertainment atmosphere. Those occupants shall present proposed sign criteria to the City Plan Commission for review and approval.

(Ord. G-01-92, passed 1-21-92)

**§154.33 VARIANCE PROCEDURE.**

(A) **Use variance.** The Board of Zoning Appeals shall approve or deny variances of use from the terms set forth here. The Board may impose reasonable conditions as a part of its approval, however, a variance may be approved under §154.33 only upon a determination in writing that:

- (1) Approval will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
- (3) The need for the variance arises from some condition peculiar to the property involved;
- (4) The strict application of the terms of the chapter will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
- (5) The approval does not interfere substantially with the comprehensive plan adopted by the city.

(B) Variance from development standards. The Board of Zoning Appeals shall approve or deny variances from the development standards set forth here. A variance may be approved under §154.33 only upon a determination in writing that:

- (1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;

- (2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
- (1) The strict application of the terms of the zoning code will result in practical difficulties in the use of the property.

(Ord. G-01-92, passed 1-21-92)

**ENFORCEMENT**

(Ord. G-01-92, passed 1-21-92)

**§154.50 CONFORMITY.**

It shall be illegal for any sign to be placed, erected or constructed except as provided in this chapter. Any person, firm or corporation violating any provisions of this chapter, or failing to comply with any order or regulation made hereunder shall be in violation and subject to all penalties thereof.

(Ord. G-01-92, passed 1-21-92)

**§154.51 NONCONFORMING SIGNS.**

Reasonable repairs, alterations and conversions may be made to nonconforming signs as long as location, height and area is the same or less than as that of a nonconforming sign or meets the requirements of this chapter. However, in the event that any such sign is hereafter damaged by any means whatsoever, including an act of God, and the damage exceeds 50% of the replacement value according to certified documentation such sign may be restored, reconstructed, altered or repaired only in conformance with the provisions of this chapter.

(Ord. G-01-92, passed 1-21-92)

**§154.52 ENFORCEMENT.**

- (A) It shall be the duty of the Division of Community and Economic Development to enforce the provisions of this chapter in the manner and form with the powers provided by this chapter and any and all other provisions of this code, and as provided in the laws of the state.
- (B) All departments, officials and employees of the city who are vested with the city or have authority to issue permits or licenses shall not issue any permit or license for any sign which would conflict with the provisions of this chapter.

(Ord. G-01-92, passed 1-21-92)

**§154.53 FILING FEES.**

- (A) Applications for improvement location permits shall be paid to and collected by the Division of Community and Economic Development per fees established by the City Plan Commission.
- (B) No part of any filing fee paid pursuant to this chapter shall be returnable to the applicant or petitioner.

## CALHOUN STREET MALL

### §154.75 PURPOSE; INTENT.

The purpose of this subchapter is to promote the public health, safety and welfare of the citizens of the city by establishing standards and regulations for signs within the Calhoun Street Sign District boundaries as referenced in §154.77. It is the intent of this subchapter to provide for adequate business identification, advertising, and communication while creating a more positive economic and business environment through the protection of property values, the preservation of architectural integrity of the buildings, and the enhancement of the physical appearance of the area.

(‘74 Code, §3.5-1) (Ord. G-35-84, passed 11-27-84)

### §154.76 APPLICATION OF PROVISIONS.

All signs within the Calhoun Street Sign District shall be governed by the standards and regulations set forth in this subchapter.

(‘74 Code, §3.5-2) (Ord. G-35-84, passed 11-27-84)

### §154.77 ESTABLISHMENT OF SIGN DISTRICT.

The area of Calhoun Street between Berry Street and Washington Street shall be known as the Calhoun Street Sign District. The boundaries of this district shall be more particularly described as follows: Subdivisions 1, 2, 3, 4, 5, 6 of lot 106, lots 107, 108, 128, 129, 130, 131 and the east 20 feet of lots 132, 167, 168, 188, 189 and 190 of Original Plat; lots 1, 2, 3, 4, 5, 6, 7, of Wolke's Subdivision; lots 1, 2, 3, 4, 5, 6, 7, 8 of Schmitt's Subdivision, and shall extend to the center line of all contiguous public rights-of-way of said lots. See attached map made a part hereof but not reproduced in this code of ordinances.

(‘74 Code, §3.5-3) (Ord. G-35-84, passed 11-27-84)

### §154.78 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AWNING.** A roof-like cover extending before a building that is not permanently affixed to the building.

**CERTIFICATE OF APPROVAL.** A document showing that a sign proposal has met the Sign Review Board's approval.

**SIGN.** Any name, identification, description, display, logo or symbol which is affixed to, hung on, painted, represented

directly or indirectly upon a building (including a window/door area) or structure which is in view of the general public and which directs attention to a person, place, product, activity, institution, organization, or business. Included within the definition of “sign” are the following types of signs:

- (1) **AWNING SIGN.** Any sign which is located on an awning.
- (2) **BANNER SIGN.** Any sign made of lightweight material either enclosed or not enclosed in a rigid frame, which may allow the movement of the sign by the air.
- (3) **BUILDING IDENTIFICATION SIGN.** Any sign which states only the name of the building itself and is an integral part of the architecture.
- (4) **BUSINESS IDENTIFICATION SIGN.** Any sign which identifies the person, the establishment, the principal product and/or service available at a business.
- (5) **CONSTRUCTION SIGN.** Any sign giving the names of architects, contractors, financiers and others responsible for the construction on the site where the sign is placed.
- (6) **COPYRIGHTED SIGNS.** Any sign offering information or incidental services such as VISA, MasterCard, AAA, FSLIC, and the like.
- (7) **DIRECTORY SIGN.** Any sign on which the names and locations of occupants are given.
- (8) **FREESTANDING SIGN.** Any sign which is not attached to a building but is supported on poles, frames or other similar structures. The sign may or may not be portable.
- (9) **OFF-PREMISES SIGN.** Any sign located on premises other than those of the business or activity it is intended to describe or identify.
- (10) **PERMANENT SIGN.** Any sign intended to be erected and maintained for more than 30 days.
- (11) **PROJECTING SIGN.** Any sign which projects from and is supported by or attached to a wall, roof or canopy of a building.
- (12) **REAL ESTATE SIGN.** Any sign which is used to offer for sale or lease the property upon which the sign is located.
- (13) **ROOF SIGN.** Any sign erected entirely upon or over the roof of any building and supported solely on the roof structure.
- (14) **TEMPORARY SIGN.** Any sign that is erected and maintained for not more than 30 days, except for

temporary business identification signs which shall be allowed for 60 days.

- (15) **TRADEMARK SIGN.** Any sign which shows registered trademarks or portrayals of specific commodities.
- (16) **WALL or FLAT SIGN.** Any sign attached to and erected parallel to the building face. This includes individual letters applied to the building face.
- (17) **WINDOW/DOOR SIGN.** Any permanent sign painted, gold-leafed or attached onto the glass area or installed behind a window for viewing through the window from the outside of the premises.

(\*74 Code, §3.5-4) (Ord. G-35-84, passed 11-27-84)

**§154.79 SIGN CLASSIFICATION; DESIGN STANDARDS.**

(A) Permitted signs; no certificate of approval necessary.

- (1) **Building identification signs.** One sign per building, provided the sign does not exceed three square feet in area.
- (2) **Construction signs.** One sign per building or site which is under construction, structural alteration or repair, provided the sign shall not exceed nine square feet in area. Signs shall be removed within seven days after completion of construction, structural alteration or repair.
- (3) **Copyrighted signs.** These shall be aggregated together and placed in an unobstructive location on a window or door area of a business.
- (4) **Plaques.** Commemorative or historical plaques not to exceed three square feet in area.
- (5) **Public signs.** Commemorative or historical plaques not to exceed three square feet in area.
- (6) **Real estate signs.** One sign per property for sale, rent, lease or exchange of property, not to exceed nine square feet in area. Signs shall be removed within seven days of agreement concerning sale, rent, lease or exchange of property.
- (7) **Temporary signs.**
  - (a) Special event. Nonelectric temporary signs, easels, and the like, for use during a special Mall-wide event such as an art show, bargain days or the like shall be allowed only during the event or sale. Signs must be constructed in a sturdy fashion and placed so as not to impede pedestrian circulation. Signs must be

taken inside at the end of such business day during the event.

- (b) Window signs and displays. Any sign/display temporarily attached to the window and displayed to call attention to a temporary sale of merchandise, change in status of business, grand opening, or the like.
- (c) Business identification sign. Any temporary sign erected while a business is undergoing construction or renovation which prohibits placement of a permanent sign until a later date. The temporary sign may not exceed the anticipated size of the permanent sign. If a temporary business identification sign should remain longer than 60 days, a certificate of approval shall be required.

(B) Permitted signs; certificate of approval necessary.

- (1) A certificate approval is required for all signs not permitted by division (A) above, and not prohibited by division (C) below.
- (2) Permitted signs shall only identify the person, establishment, principal product and/or service available on the premises which contains the sign.
- (3) Illumination of signs is permitted. Lighting source, design and placement shall be compatible with the sign and business type.
- (4) Wall or flat signs shall meet the following criteria:
  - (a) One permanent sign per establishment unless the business is located on a corner lot, then one sign per street frontage.
  - (b) The sign shall not protrude more than 12 inches from the building face.
  - (c) The sign shall be compatible with the architectural detailing (such as windows, pilasters, cornices, decorative work) of the building on which it is located.
  - (d) Where a signboard area exists, the sign shall be placed on the signboard area between the ground floor and second story.
  - (e) Businesses on upper floors shall be limited to a nonluminous wall sign not to exceed four square feet in area.
- (5) Window/door signs shall meet the following criteria:

- (a) One permanent sign shall be allowed per window or door.
  - (b) The area of a permanent window sign will be limited to 25% of each window area, except in the case of a door sign which may be 50% of the glass area.
- (6) Awnings and awning signs shall meet the following criteria:
- (a) Awnings shall be made of canvas, vinyl-coated canvas, woven acrylic or other suitable outdoor fabric. Metal, plastic or other rigid materials are prohibited unless an integral part of the original design of the building.
  - (b) Signs must be painted, printed, stamped upon, or otherwise made integral to the awning.
- (c) The lower edge of any awning shall be at least seven feet above the sidewalk.
- (d) An awning or awning sign shall not project more than six feet from the building facade.
- (7) Directory signs shall meet the following criteria:
- (a) One permanent sign per building.
  - (b) The sign shall be flush-mounted and no larger than four square feet.
- (C) **Prohibited signs.** The following sign types are prohibited by this subchapter in the Calhoun Street Sign District:
- (1) Projecting signs.
  - (2) Roof signs.
  - (3) Billboards and other off-premises signs.
  - (4) Freestanding signs, except as parts of a special event.
  - (5) Signs that are painted directly on a building surface.
  - (6) Blinking, flashing or moving signs other than barber poles.
  - (7) Banner signs, except those that are an integral part of the Mall's banner pylons.
  - (8) Obsolete signs; any sign which advertises or relates to a business no longer on the premises shall be required to be removed within one month of the time the business vacates the building. The owner of the building shall be

responsible for accomplishing this.

- (9) Trademark signs, unless the trademark represents the principal product or service sold or conducted on the premises.

('74 Code, §3.5-5) (Ord. G-35-84, passed 11-27-84)

#### **§154.80 NONCONFORMING SIGNS.**

- (A) **Legal nonconforming signs.** Any sign located within the Calhoun Street Sign District on the effective date hereof is permitted to remain, provided the sign was authorized by any necessary permits or a variance prior to the date of the passage of this subchapter, if one was required under any other applicable law.
- (B) **Loss of legal nonconforming status.** Notwithstanding division (A) above, a sign that is prohibited by this subchapter or that does not conform to the standards set forth in this subchapter shall immediately lose its legal status if:
  - (1) The sign is altered in any way in structure or copy (except for changeable copy signs and normal maintenance).
  - (2) The sign is relocated.
  - (3) The sign is replaced.
  - (4) The sign has not been repaired or properly maintained within one month after notice to that effect has been given by the Director of Community Development and Planning or a designated representative.

('74 Code, §3.5-6) (Ord. G-35-84, passed 11-27-84)

#### **§154.81 CERTIFICATE OF APPROVAL REQUIRED FOR CERTAIN SIGNS; APPLICATION.**

- (A) All signs within the Calhoun Street Sign District that were not affixed to buildings on the effective date of this subchapter shall require a certificate of approval unless they are exempt under §154.80(A). Furthermore, a certificate of approval is required before:
  - (1) An existing sign can be altered or relocated.
  - (2) A new sign can be constructed and installed.
- (B) Application for a certificate of approval shall be made to the Department of Community Development and Planning. The application shall be forwarded to the Sign Review Board for consideration at the next regularly scheduled meeting. To help the Board in reviewing the

application, the applicant shall submit the following:

- (1) Plans showing the placement of the sign on the building on which it will be located.
- (2) A rendering of the sign, drawn to scale, showing the area, dimensions, materials, color and character of the sign.
- (3) A photograph showing the building in which the sign will be located and the neighboring buildings.
- (4) A cross-section showing the method of fastening or supporting the sign.
- (5) In the case of an awning or awning sign, the vertical distance between the awning to the building facade must be known.

(C) **Review of application.** In reviewing the application, the Sign Review Board shall consider the following:

- (1) The compliance of the sign with the provisions of this subchapter.
- (2) The clarity and legibility of the sign's message.
- (3) The relationship and compatibility of the sign with the character of the building on which it will be located.
- (4) The relationship and compatibility of the sign with adjacent structures and public spaces.

(D) Once the sign application has been reviewed and approved by the Sign Review Board, a certificate of approval will be issued. Approval may be limited by conditions that the Board deems necessary to carry out the intent of this subchapter.

(E) If the Board denies a sign application, a certificate of approval will not be issued. The Board must state its reasons in writing and advise the applicant.

(\*74 Code, §3.5-7) (Ord. G-35-84, passed 11-27-84) Penalty, see §154.99

**§154.82 SIGN REVIEW BOARD.**

(A) **Creation.** A sign review board is hereby created and established by this subchapter. The word Board when used in §154.82 shall be construed to mean the Sign

Review Board.

(B) **Membership.**

- (1) The Board shall consist of five members appointed by the Mayor. Members shall be residents of the city or property owners and/or tenants within the Calhoun Street Sign District. One member shall also be a member of the City Plan Commission, two members shall own or lease property within the Calhoun Street Sign District, and two members-at-large shall be knowledgeable in sign design, graphic arts or a related field. No member shall be employed by the city.
- (2) Terms of Board members shall be staggered as follows: Two members for three years, two members for two years and one member for one year commencing on \_\_\_\_\_ and expiring on \_\_. Thereafter, voting members shall each serve for a term of three years. A vacancy shall be filled through appointment by the Mayor only for the unexpired duration of the term.
- (3) Members of the Board shall serve without compensation.

(C) **Organization.**

- (1) The Board shall elect from its members a chairperson and vice-chairperson, who shall serve for one year and may be reelected.
- (2) The Board shall hold regular meetings, at least monthly, except when it has no business pending. Special meetings may be called in a manner determined by the Board in its rules.
- (3) Technical assistance to the Board shall be provided by the Department of Community Development and Planning.
- (4) All meetings of the Board shall be open to the public and a public record of the Board's resolutions, proceedings and actions shall be kept.
- (5) The Board shall adopt rules consistent with this subchapter for the transaction of its business. The rules shall include, but not be limited to, the following:
  - (a) Time and place of regular meetings.
  - (b) A procedure for the calling of special meetings.
- (6) An official action of the Board shall require the consensus of a majority of its members. A quorum

of three members must be present for the Board to take action.

- (7) Any person or party aggrieved by a decision or action taken by the Board shall be entitled to a review by the Common Council.

- (D) The Board shall have the power and duty to hear and decide sign proposals within the Calhoun Street Sign District. The Board shall be concerned with those elements of sign design and installation as set forth in this subchapter and the design manual adopted by the Board.

('74 Code, §3.5-8) (Ord. G-35-84, passed 11-27-84)

#### **§154.83 ENFORCEMENT OF PROVISIONS.**

It shall be the duty of the Director of Community Development and Planning or a designated representative to report possible violations hereof to the City Attorney.

('74 Code, §3.5-9) (Ord. G-35-84, passed 11-27-84)

#### **§154.99 PENALTY.**

- (A) Any person, whether as principal, agent, owner, lessee, tenant, contractor, builder, architect, engineer or any other party who violates any provision of this chapter, shall be fined not less than \$25 nor more than \$300 for each offense. Each day of the existence of any violation of the chapter shall be a separate offense.

- (B) The erection, construction, enlargement, conversion, moving or maintenance of any sign and the use of any sign which is continued, operated or maintained contrary to any provisions of this chapter, is hereby declared to be a nuisance and in violation of this chapter and unlawful unless otherwise permitted in this chapter. The Division of Community and Economic Development, in the name of the city and/or its Corporation Counsel, may institute a suit for injunction in the Circuit Court or any Superior Court of the county to restrain any person or governmental unit from violating any provision of this chapter and to cause such violation to be prevented, abated or removed. Such action may also be instituted by any property owner who may be especially damaged by the violation of any provision of this chapter.

- (C) The remedies provided for in this chapter shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

(Ord. G-01-92, passed 1-21-92)