

## ATTACHMENT 1

Below are the potential changes in ~~RED~~ and BLUE, to the Ordinance

### **Sec. 106-10. - Signs exempt from regulations or permits.**

(a) *Exempt signs.* The following signs shall be exempt from regulation under this Code:

- 1) Any public notice, or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance;
- 2) Any sign that is not legible from a distance of more than three feet beyond the lot line of the lot or parcel on which such sign is located;
- 3) Works of art that do not include a commercial message;
- 4) Holiday lights and decorations with no commercial message;
- 5) Decorative landscape lighting;
- 6) Traffic control signs on private property, such as "Stop," "Yield," and similar signs, the face of which meet state or city standards and which contain no commercial message of any sort;
- 7) Address and postbox numerals;
- 8) Government signs erected by the city, county, state, or federal government in furtherance of their governmental responsibility;
- 9) Legal notices;
- 10) Memorial signs or tablets and building markers displayed on public or private buildings and tablets or headstones in cemeteries;
- 11) Signs prepared by or for the local, state or federal government marking sites or buildings of historical significance;
- 12) Signs on windows;
- 13) Addresses no larger than ten square feet;
- 14) Signs on operable vehicles except as prohibited in section 106-11;
- 15) Permanent signs on fences that are made of wood, masonry or other material and not part of a building, at outdoor athletic and sports fields and tracks; outdoor entertainment establishments; and in and around areas of public gathering such as the Wurstfest grounds, the Fair grounds, schools, churches and parks.
- 16) Inflatable signs and tethered balloons.
- 17) Pennants; streamers; flags; fluttering, undulating, or moving signs not part of a permanent sign and not a banner.
- 18) Beacons.
- 19) On-premise signs that are not free standing, such as wall signs, except as expressly regulated by this chapter.

(b) *Signs not requiring a permit.* The signs listed below may be erected without a sign permit provided that standards of this section are met.

- (1) *A-frame signs.* A-frame signs no taller than four feet nor wider than three feet with a maximum area per side of 12 square feet not in a right-of-way or easement, not obstructing a public sidewalk, except as provided for in chapter 114, and abutting the advertised businesses.

(2) *Construction site.* In addition to other signs permitted by this chapter, construction site signs are allowed. These signs shall not exceed a total of 100 square feet. Such signs shall be removed within one week following completion of the construction.

(3) *Directional.* Any sign used only to direct vehicles or pedestrians to public facilities or hospitals/emergency care facilities.

(4) *Special sale signs.*

a. "For Sale" signs placed on vehicles, provided that the area of the sign does not exceed two square feet.

b. "Garage Sale" signs not larger than four square feet on the site of a garage sale.

(5) "No Trespassing" or "Posted". These signs shall be allowed subject to the following standards:

a. They shall not exceed four square feet in area.

b. They shall be located on private property.

c. There shall be not more than one per 100 feet of property line.

(6) *Parking and traffic.* These signs shall conform to the Manual of Uniform Traffic Control Devices, as published by the U.S. Department of Transportation, Federal Highway Administration. These signs shall not exceed four square feet in area and may be placed on private property to direct and guide traffic and parking on the same private property. Such signs shall not include advertising visible from any location outside of the property on which the sign appears.

(7) *Political.* Temporary signs advertising political parties or candidates for election or signs that otherwise provide for freedom of expression unrelated to any commercial endeavor may be erected or displayed and maintained on private property provided that they conform to state law and:

a. Are no larger than 36 square feet;

b. Are no taller than eight feet;

c. Are not illuminated;

d. Have no moving elements;

e. Are placed with the consent of the property owner;

f. Are not placed on or within public rights-of-way, on public property or within visibility triangles; and

g. Are displayed within 90 days prior and ten days following the election for which they are intended.

(8) *Real estate.* In addition to other signs allowed by this chapter, on-premises real estate signs are permitted in compliance with the following standards:

- a. On a lot or parcel used or zoned for one or two dwellings:
  1. No more than one sign per street and adjacent to a street.
  2. The sign may not be illuminated.
  3. The sign shall not exceed eight square feet in area.
  4. The sign(s) shall be removed within 30 days of the property sale, lease, or issuance of certificate of occupancy.
  5. One additional sign may be allowed to advertise an open house, and may be placed on the property no sooner than five days before the open house and removed no later than one day after the event.
- b. On a lot or parcel used or zoned for multifamily or non-residential purposes:
  1. One sign allowed per 200 feet of street frontage, but not less than one sign per lot or parcel.
  2. No sign may be larger than 50 square feet.
  3. The sign(s) shall be removed within 30 days of the property sale, lease, or issuance of certificate of occupancy.
- c. No sign may be placed in public or private street right-of-way or on public property.

(9) *Service entrance.* A sign for building identification provided the sign area does not exceed four square feet.

(10) *Signs along streets, public ways, or railroads.* Signs along streets, public ways, or railroads, as follows:

- a. Permanent signs, including: public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.
- b. Bus stop signs erected by a public transit company. No advertising is permitted at bus stops except for a single sign no larger than two square feet that advertises the bus stop.
- c. Informational signs of a public utility regarding its poles, lines, pipes, or facilities;
- d. Canopy, projecting, and suspended signs projecting over a public right-of-way in conformity with the conditions of this Code.

- e. Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.
- f. Special event signs in state rights-of-way, subject to approval of a permit issued by the state department of transportation.
- g. Temporary signs no larger than 64 square feet and approved and erected as part of a community-wide special event that has been approved by the planning director.
- h. Special event or other signs approved by the city council in accordance with chapter 114.

(11) *Home occupation signs.* In one or two-family zoned areas, one non-illuminated identification sign that is physically attached to the exterior of the structure, with a sign area no larger than four square feet.

(12) *Light pole mounted banners.*

~~(13) *Subdivision entry signs.* Subdivision entry signs are allowed at any entrance into a subdivision, subject to the following standards:~~

- ~~a. Subdivision entry signs must be a monument sign, or a sign on a screening or decorative wall, subject to the definition of this Code, and may contain a maximum of 40 square feet per sign face with a maximum height of six feet;~~
- ~~b. Subdivision entry signs must be constructed of masonry, stone, brick, wood or other material(s) compatible with surrounding development.~~
- ~~c. Subdivision entry signs must be setback a minimum of five feet from the property line outside of the required sight triangle and located outside of any drainage easement and not in public or private right of way.~~
- ~~d. Subdivision entry signs must provide a landscaped area equal to twice the area of the sign face, providing one, five gallon shrub for every ten square feet of landscaped area.~~
  - ~~1. One of the following irrigation methods shall be used to ensure the survival of the required plant material in the landscaped areas:~~
    - ~~A.—Conventional system. An automatic or underground irrigation system that may be a conventional spray or bubbler type heads.~~
    - ~~B.—Drip or leak pipe system. An automatic or underground irrigation system in conjunction with a water saving system such as a drip or a leaky pipe system.~~
    - ~~C.—Temporary and above ground watering. Landscape areas utilizing xeriscape plants and installation techniques, including~~

~~areas planted with native grasses, wildflowers and trees may use a temporary and above ground system, and shall be required to provide irrigation for the first three growing seasons.~~

~~D. — No irrigation shall be required for undisturbed natural areas or undisturbed trees.~~

~~2. The owners of the landscaped property shall be responsible for the maintenance of the landscaped area.~~

~~(14)~~ (13) *Personal temporary signs no larger than eight square feet with no commercial message on a premise with a one or two family dwelling. Examples: new baby, school athlete, cheerleader, honor student, and birthday party.*

~~(15)~~ (14) *Garage or yard sale signs. "Garage" or yard sale signs no larger than eight square feet in any zoning district.*

(Ord. No. 2008-78, § 1(Exh. A), 12-15-08; Ord. No. 2011-05, § 1, 1-10-11)

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#### **Sec. 106-14. - Permanent on-premises sign regulations.**

(a) *Sign dimensional standards.* **No Changes to Table**

(b) *Design requirements.*

(1) *Monument signs and low-profile pole signs.* Monument signs or low-profile pole signs are the only permanent on-premise freestanding sign allowed, except on properties with IH 35 where pole signs are also permitted.

a. *Monument signs.*

1. Monument signs shall have only two sign faces.
2. The structure of monument signs shall be constructed of materials and colors compatible with those utilized on the primary building's facade.
3. Monument signs located on the same property must be spaced a minimum of 100 feet apart from other freestanding signs for which a permit is required.
4. A shared monument sign is encouraged. Such a monument sign must be located on one of the properties included in the sign text.

b. *Low-profile pole signs.*

1. Low-profile pole signs are permitted on any property as an alternative to permitted pole or monument signs.

2. Low profile pole signs may have only two sign faces.
3. Low-profile pole signs located on the same property must be spaced a minimum of 100 feet apart from other freestanding signs for which a permit is required.
4. A shared low-profile sign is encouraged. Such a sign must be located on one of the properties included in the sign text.
5. In the C-1B, C-2, C-2A, C-3, C-4, C-4A, C-4B, MU-A, MU-B, M-1, M-1A, M-2, M-2A districts (non-residential uses only): For properties in excess of 500 feet of frontage, additional sign square footage is allowed as determined in the above chart. The cumulative square footage of allowed signs may be distributed between the maximum number of allowed signs with no one sign exceeding 100 square feet in size.

(2) *Landmark signs.* To be recognized and designated as landmark signs, an individual sign must be approved by the procedures adopted by the historic landmark commission. To be considered for designation, these signs shall exhibit such a unique character, design, or historical significance to be recognized as such to the community.

(3) *Pole signs on properties with IH 35 frontage.* Pole signs are permitted on properties with IH 35 frontage, and which have commercial or industrial zoning provided they meet the following requirements:

- a. Height limit shall be 40 feet. For signs on properties with IH 35 frontage, additional height may be allowed.
  1. This additional allowance will be determined by measuring the difference between the elevation of the property at the proposed location of the sign and the elevation of IH 35 main travel lanes.
  2. Determination of the elevational difference shall be measured by projecting a perpendicular line from the center line of the proposed location of the sign to the IH 35 main travel lanes section nearest the sign.
  3. The allowance will only apply for properties and sign locations that are determined to be lower in elevation than the IH 35 main travel lanes, as measured by b. above.
- b. Maximum area shall be 400 square feet per face.
- c. Pole sign shall have only two sign faces.
- d. Properties with IH 35 frontage may have only one pole sign for each 400 feet of frontage. Poles signs shall be spaced a minimum of 300 feet apart.
- e. All signs shall maintain a minimum clearance from electric power lines of ten feet horizontally and 15 feet vertically or as otherwise may be required by the utility provider. Any relocation of power lines to provide this clearance will be at the expense of the sign owner. Such signs are allowed in addition to permitted signage on the tract.

(4) *Governmental flags.* Flags of the United States, the state, the city, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction are permitted in all zoning districts provided that they meet the following requirements:

- a. United States flags shall be flown in accordance with the protocol established by the Congress of the United States for the Stars and Stripes, Title 4, Chapter 1—The Flag.
- b. Governmental flags shall not exceed the maximum height and size as provided for in table 106-13.1 of section 106-13. The overall measurement of the flag pole shall not exceed 25 feet in height as measured from the base of the pole to the top regardless of where the governmental flag pole is located.
- c. When a flagpole is located on the top of a roof, the placement and attachment of the pole shall meet the building code for wind and structural loading requirements. The plan design criteria shall provide the proposed location, attachment method to the structure and wind load resistance. A building permit shall be required for this type of installation.
- d. Within zoning districts C-1B, C-2, C-2A, C-3, C-4, C-4A, C-4B, MU-A, MU-B, M-1, M-1A, M-2, M-2A districts (non-residential uses only) ground mounted flag poles can exceed the 25-foot height limit but shall not exceed the maximum building height as allowed in that district.

(5) *High profile monument signs on properties with Loop 337, SH 46, FM 306, FM 725 and Business 35 Frontage.* High profile monument signs are permitted on properties with Loop 337, SH 46, FM 306, FM 725 and Business 35 frontage, and which have commercial or industrial zoning provided they meet the following requirements:

- a. Height limit shall be 28 feet. For signs on properties with Loop 337, SH 46, FM 306, FM 725 and Business 35 frontage, additional height may be allowed.
  1. This additional allowance will be determined by measuring the difference between the elevation of the property at the proposed location of the sign and the elevation of the main lanes of Loop 337, SH 46, FM 306, FM 725 and Business 35.
  2. Determination of the elevation difference shall be measured by projecting a perpendicular line from the center line of the proposed location of the sign to the center line of the main lanes of Loop 337, SH 46, FM 306, FM 725 and Business 35 nearest the sign.
  3. The allowance will only apply for properties and sign locations that are determined to be lower in elevation than the main lanes of Loop 337, SH 46, FM 306, FM 725 and Business 35, as measured by b. above.
- b. Maximum area shall be 225 square feet per face.
- c. High profile monument signs shall have only two sign faces.
- d. Properties with Loop 337, SH 46, FM 306, FM 725 and Business 35 frontage may have only one high profile monument sign for each 300 feet of frontage. High profile

monument signs shall be spaced a minimum of 300 feet apart. If a property or commercial or industrial subdivision has less than 300 feet of frontage on Loop 337, SH 46, FM 306, FM 725 and Business 35 a high profile monument sign shall not be permitted.

e. All signs shall maintain a minimum clearance from electric power lines of ten feet horizontally and 15 feet vertically or as otherwise may be required by the utility provider. Any relocation of power lines to provide this clearance will be at the expense of the sign owner. Such signs are allowed in addition to permitted signage on the tract.

f. Alternative construction methods, may be considered by the planning director as long as the sign construction is compatible with the architectural design of the primary building or master architectural design of the commercial or industrial subdivision.

(6) *Municipal wayfinding signs.* Notwithstanding any conflicting provisions the city shall allow directional signs, including subdivision directional signs, consistent with the city's wayfinding sign program, as may be amended from time to time. The location, design, construction, installation and maintenance of these signs shall be the responsibility of the city.

(7) *Multi-tenant signs.* Developments containing two or more businesses, whether in a single building or multiple buildings, shall share a sign structure for advertisement of multiple businesses located within the development. This provision is applicable to businesses located on the same lot upon which the sign is located as well as to businesses located upon different lots within the development. Such signs shall comply with the following:

a. The lot or lots involved must be contiguous with one another, and constitute a single cohesive development;

b. The sign(s) must be located on a lot that one of the advertised businesses occupies;

c. The sign shall be designed in the overall architectural style of the buildings within the development;

d. The signs may be any sign type that is otherwise allowed by this chapter;

e. Private streets within the boundaries of the development are treated as public rights-of-way for purposes of determining allowable signage;

f. Individual pad or lease sites, defined in the approved site plan, are treated as separate lots for purposes of determining allowable signage;

1. Businesses shall not be allowed advertising on both the multiple tenant (shared) sign and another free standing business identification sign;

2. Monument signs, used as multi-tenant signs for developments with four or more tenants, may have an allowable sign area not to exceed 64 square feet.

g. In addition to signage that would otherwise be allowed on a lot for business identification purposes, one additional monument sign not exceeding five feet in height and 32 square feet in area may be located at each intersection of public roadways and/or

private roadways for purposes of directing traffic to various areas and businesses within the development;

h. All other provisions of this chapter shall be applicable to this sign category, including but not limited to, allowed number based on road frontage (multiple lot developments are treated as a single lot for this purpose), allowable size as a function of zoning district, spacing, illumination, materials, etc.

(8) Subdivision entry signs. Subdivision entry signs are allowed at any entrance into a subdivision, subject to the following standards:

a. Subdivision entry signs must be a monument sign, or a sign on a screening or decorative wall, subject to the definition of this Code, and may contain a maximum of 40 square feet per sign face with a maximum height of six feet;

b. Subdivision entry signs must be constructed of masonry, stone, brick, wood or other material(s) compatible with surrounding development.

c. Subdivision entry signs must be setback a minimum of five feet from the property line outside of the required sight triangle and located outside of any drainage easement and not in public or private right-of-way.

d. Subdivision entry signs must provide a landscaped area equal to twice the area of the sign face, providing one, five-gallon shrub for every ten square feet of landscaped area.

1. One of the following irrigation methods shall be used to ensure the survival of the required plant material in the landscaped areas.

A. Conventional system. An automatic or underground irrigation system that may be a conventional spray or bubbler type heads.

B. Drip or leak-pipe system. An automatic or underground irrigation system in conjunction with a water-saving system such as a drip or a leaky-pipe system.

C. Temporary and above-ground watering. Landscape areas utilizing xeriscape plants and installation techniques, including areas planted with native grasses, wildflowers and trees may use a temporary and above ground system, and shall be required to provide irrigation for the first three growing seasons.

D. No irrigation shall be required for undisturbed natural areas or undisturbed trees.

2. The owners of the landscaped property shall be responsible for the maintenance of the landscaped area.

(c) *Electronic message sign.* **No Changes to This Section**