

2.310 SIGNS

2.310.01 Purpose

The purpose of these sign regulations is to provide equitable signage rights, reduce signage conflicts, promote traffic and pedestrian safety, increase the aesthetic value and economic viability of the city, all by clarifying and regulating the location, size, type and number of signs and related matters, in a content-neutral manner.

2.310.02 Definitions

For the purposes of Section 2.310, the following definitions shall apply:

Alteration or Altered: Any change in the size, shape, method of illumination, position, location, construction, or supporting structure of a sign. A change in sign copy or sign face alone shall not be considered an alteration.

Area: The area of a sign shall be the entire area within any type of perimeter or border which encloses the outer limits of any writing, representation, emblem, figure, or character. If the sign is enclosed in a frame or cabinet, the area is based on the inner dimensions of the frame or cabinet surrounding the sign face. When a sign is on a base material and attached without a frame, such as a wood board or plexiglass panel, the dimensions of the base material are to be used. The area of a sign having no such perimeter, border, or base material shall be computed by enclosing the entire area within a parallelogram or a triangle of the smallest size sufficient to cover the entire message of the sign and computing the area of the parallelogram or a triangle. For the purpose of computing the number of signs, all writing included within such a border shall be considered one sign, except for multi-faced signs on a single sign structure, which shall be counted as one sign per structure. The area of multi-faced signs shall be calculated by including only one-half the total area of all sign faces.

Awning: A shelter supported entirely from the exterior wall of a building and composed of non-rigid materials, except for the supporting framework.

Building Face: The single wall surface of a building facing a given direction.

Canopy Sign: A sign hanging from a canopy or eave, at any angle relative to the adjacent wall.

Construct: Build, erect, attach, hang, place, suspend, paint in new or different word, affix, or otherwise bring into being.

Finish Ground Level: The average elevation of the ground (excluding mounds or berms, etc. located only in the immediate area of the sign) adjoining the structure or building upon which the sign is erected, or the curb height of the closest street, whichever is the lowest.

Flashing Sign: A sign any part of which pulsates or blinks on and off, except time and temperature signs and message signs allowed by conditional use.

Free-Standing Sign: A sign supported by one or more uprights, poles or braces placed in or upon the ground, or a sign supported by any structure primarily for the display and support of the sign.

Height: Height is measured from the grade of the curb line lowest to the base of the sign to the highest point of the sign. In the absence of a curb line, the edge of the street pavement shall be used. In the absence of a street pavement, the ground level shall be used to measure the height.

Incidental Signs: A sign which is normally incidental to the allowed use of the property, but can contain any message or content.

Indirect Illumination: A source of illumination directed toward such signs so that the beam of light falls upon the exterior surface of the sign.

Internal Illumination: A source of illumination from within a sign.

Message Sign: A sign which can display and change various messages electronically, including but not limited to time and temperature signs.

Nonconforming Sign: Any sign which lawfully exists prior to the effective date of this chapter but, which due to the requirements adopted herein, no longer complies with the height, area and placement regulations or other provisions of these regulations.

Owner: As used in these regulations, "owner" means owner or lessee of the sign. If the owner or lessee of the sign cannot be determined, then "owner" means owner or purchaser of the land, on which the sign is placed.

Portable Sign: Any sign that is not originally designed to be permanently affixed to a building, structure, or the ground. A sign originally designed, regardless of its current modification, to be moved from place to place.

These signs primarily include, but are not limited to, A-frame or sandwich board signs, signs attached to wood or metal frames and designed to be

self supporting and movable, and also including trailer reader boards. Portable signs are not to be considered temporary signs as defined and used in this chapter.

Projecting Signs: A sign the face of which is not parallel to the wall on which it is mounted, projecting more than 12 inches from a structure.

Real Estate Sign: A sign for the purpose of rent, lease, sale, etc. of real property, building opportunities, or building space.

Roof Line: Either the eaves of the roof or the top of the parapet, at the exterior wall. (A "mansard roof" is below the top of a parapet and is considered a wall for sign purposes.)

Roof Sign: A sign or any portion of which is displayed above the highest point of the roof, whether or not the sign also is a wall sign.

Rotating/Revolving Sign: A sign, all or a portion of which, moves in some manner.

Sign: Any writing, including letter, word, or numeral; pictorial presentation, including mural, illustration or decoration; emblem, including device, symbol or trademark; flag, including banner or pennant; or any other device, figure or similar thing which is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or structure or device; and is used to announce, direct attention to, or advertise; and is visible from any public right-of-way.

Sign Face: Surface of a sign containing the message. The sign face shall be measured as set forth in the definition for "Sign Area."

Temporary Sign: A sign not permanently affixed to a structure on a property. These signs primarily include, but are not limited to, canvas, cloth, or paper banners or posters hung on a building wall or on a permanent pole such as on a freestanding sign support.

Wall Sign: A sign attached to, erected against or painted on a wall of a building or structure, with the exposed face of the sign in a plane approximately parallel to the face of said wall and not projecting more than 12 inches. A sign painted on an awning in which the face of the sign is approximately parallel to and within 3.5 feet of the wall shall also be considered a wall sign.

2.310.03 General Provisions

- A. Conflicting Standards. Signs shall be allowed subject to the provisions of this section, except when these provisions conflict with the specific standards for signs in the subject zone.
- B. Uniform Sign Code. All signs shall comply with the provisions of the Uniform Sign Code of the Uniform Building Code.
- C. Sign Clearances. A minimum of 8 feet above sidewalks and 15 feet above driveways shall be provided under freestanding or wall-mounted signs.

2.310.04 Signs Generally Permitted

The following signs and sign work are permitted in all zones. These signs shall not require a permit, and shall not be included when determining compliance with total allowed area:

- A. Painting, change of sign face or copy and maintenance of signs legally existing on the effective date of this ordinance. If structural changes are made, or there is a change of use, the sign shall conform to these regulations.
- B. Temporary signs that do not exceed 4 in number and a total of 40 square feet in area. No lot may display temporary signs for more than 90 days within a calendar year. This restriction applies to all signs displayed during that period.
- C. Real estate signs not exceeding 6 square feet, which advertise the sale, rental or lease of premises upon which the sign is located. Real estate signs may be used up to two years without a permit.
- D. Signs posted by or under governmental authority including legal notices, traffic, danger, no trespassing, emergency and signs related to public services or safety and civic events.
- E. Incidental signs that do not exceed 8 square feet in area.
- F. Flags on permanent flag poles that are designed to allow raising and lowering of the flags.
- G. Signs within a building.
- H. Signs painted or hung on the inside of a window.
- I. One residential nameplate with a maximum area of 2 square feet.

2.310.05 Prohibited Signs

The following signs are prohibited:

- A. Roof signs.
- B. Signs that emit odor, visible matter, or sound, however an intercom system for customers remaining in their vehicles, such as used in banks and "drive through" restaurants, shall be allowed.
- C. Signs that use or employ side guy lines of any type.
- D. Signs that obstruct any fire escape, required exit, window or door opening used for egress.
- E. Signs closer than 24 inches horizontally or vertically from any overhead power line or public utility guy wire.
- F. The use of a vehicle or trailer parked on a public right-of-way or public property, or on private property so as to be visible from a public right-of-way which has attached thereto or located thereon any sign or advertising device for the basic purpose of advertising products or directing people to a business or activity located on the same or nearby premises. This provision applies where the primary purpose of a vehicle is for advertising purposes and is not intended to prohibit any form of a vehicular sign, such as a sign attached to a motor vehicle which is primarily used for business purposes.
- G. Rotating/revolving signs.
- H. Flashing signs.
- I. Signs that obstruct required vision clearance area or obstruct a vehicle driver's view of official traffic control signs and approaching or merging traffic, or which present a traffic hazard.
- J. Signs that interfere with, imitate, or resemble an official traffic control sign, signal, emergency lights, or appears to direct traffic, such as a beacon light.
- K. Signs attached to any pole, post, utility pole or placed on its own stake and placed into the ground in the public right-of-way.
- L. Message signs.
- M. Signs on unimproved property, unless allowed as a temporary sign.

2.310.06 Residential Signs

The following regulations apply to signs for residential uses:

- A. Maximum Number. Any combination of wall, canopy or freestanding signs not exceeding the sign area and height limitations of this section.
- B. Maximum total sign area for property on which the building or buildings are located:
 - 1. Single-family and two-family (duplex) dwelling - 6 square feet provided total sign area on a freestanding sign shall be limited to a maximum of 4 square feet.
 - 2. Multiple family dwelling - 24 square feet provided total sign area on a freestanding sign shall be limited to a maximum of 18 square feet.
- C. Maximum Sign Height:
 - 1. Wall or canopy sign - 4 feet.
 - 2. Freestanding sign - 4 feet.
- D. Location:
 - 1. Wall, canopy or window sign shall be set back from the property lines of the lot on which it is located the same distance as the building containing the permitted use. A sign flush with the fence (not a projecting sign) shall meet the standards for fences.
 - 2. Freestanding sign shall be placed where fences are allowed.
- E. Illumination. Signs may only be indirectly illuminated and shall not be illuminated between the hours of 11 :00 p.m. and 6:00 a.m.

2.310.07 Commercial and Industrial Signs

- A. Total allowed area. Total allowed area of 40 square feet per sign, except freestanding signs, which may be 60 square feet per sign.
- B. Type, maximum number and size of signs. One freestanding or projecting sign per street frontage, and a total of no more than two wall or canopy signs.
- C. Maximum sign height:

1. Wall and canopy signs shall not project above the parapet or roof eaves.
 2. Freestanding Signs - maximum total height of 15 feet.
 3. Projecting Signs. The maximum vertical height of a projecting sign shall be 4 feet, provided the sign shall not project above the roof line at the wall, or top of the parapet wall.
- D. Location:
1. Wall signs may project up to 12 inches from the building.
 2. Freestanding Signs. No limitation, except the sign shall not project over a right-of-way and shall comply with requirements for vision clearance areas and special street setbacks.
 3. Projecting Sign. Maximum sign projection shall be 5 feet.
- E. Portable Sign. In addition to signs permitted under this section, each business may display a portable sign. The sign shall be limited to a maximum height of 5 feet, with a maximum sign area of 10 square feet. The sign shall be located entirely on private property and shall be displayed only during business hours.

2.310.08 Review Procedures

- A. Permit Required. No property owner, lessee or contractor shall construct or alter any sign without first obtaining a sign permit. Owners of conforming or nonconforming signs existing as of the date of adoption of this ordinance are not required to obtain a permit. Permit fees shall be established from time to time by City Council resolution.
- B. Application Requirements. An application for a sign permit shall be made on a form prescribed by the City. The application shall include a sketch drawn to scale indicating the proposed sign and identifying existing signs on the premises, the sign's location, graphic design, structural and mechanical design and engineering data which ensures its structural stability. The application shall also contain the names and address of the sign company, person authorizing erection of the sign and the owner of the subject property.

The city shall issue a permit for a sign unless the sign is in violation of the provisions of these regulations or other provisions of this ordinance. Sign permits mistakenly issued in violation of these

regulations or other provisions of this ordinance are void. The city may revoke a sign permit if the city finds that there was a material and misleading false statement of fact in the application for the permit.

- C. Design, Construction, and Maintenance. All signs shall be designed, constructed, and maintained according to the following standards:
1. All signs shall comply with the applicable provisions of the Uniform Building Code. The issuance of a sign permit under these regulations does not relieve the applicant of complying with all other permit requirements.
 2. Except for banners, flags, temporary signs, and window signs conforming to the requirements of these regulations, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or other structure by direct attachment to a rigid wall, frame, or structure.
 3. All signs shall be maintained in a good structural condition and readable at all times.
 4. The property owner shall be responsible for its erection and maintenance and its compliance with the provisions of these regulations or other laws or ordinances regulating signs.

2.310.09 Nonconforming Signs

- A. Alteration of Nonconforming Sign Faces. When a nonconforming sign face is damaged or destroyed by fire, flood, wind, or other calamity or act of nature, such sign face may be restored to its original condition provided such work is completed within 60 days of such calamity. A sign structure or support mechanisms so damaged shall not be replaced except in conformance with the provisions of these regulations.
- B. Abandoned Signs. All signs for a business shall be removed within 60 days after that business ceases to operate on a regular basis, and the entire sign structure or structures shall be removed within 6 months of such cessation of operation. Illegal and abandoned signs that are not removed or are erected in violation of this ordinance may be removed by the City of Donald following notice to the property owner. The property owner will be assessed the cost of sign removal if the owner fails to remove the non-conforming, illegal or abandoned sign and the city exercises its authority under this provision.

2.310.10 **Variances:** Any allowance for signs not complying with the standards set forth in these regulations shall be by variance. Variances to this Section shall be processed according to the procedures in Section 3.108 except that the following criteria shall be used to review and decide sign variance applications:

- A. There are unique circumstances or conditions of the lot, building or traffic pattern such that the existing sign regulations create an undue hardship;
- B. The requested variance is consistent with Section 2.310.01;
- C. The granting of the variance compensates for those circumstances in a manner equitable with other property owners and is not a special privilege to any other business. The variance requested shall be the minimum necessary to compensate for those conditions and achieve the purpose of this section;
- D. The granting of the variance shall not decrease traffic safety nor detrimentally affect any other identified items of public welfare;
- E. The variance will not result in a special advertising advantage in relation to neighboring businesses or businesses of a similar nature. The desire to match standard sign sizes (for example, chain store signs) shall not be listed or considered as a reason for a variance; and
- F. The variance request shall not be the result of a self-imposed condition or hardship.