

21-125 PERMITS FOR SIGNS AND FEES

21-125.1 Permits. Except as hereinafter provided, before any sign within the sign jurisdiction of the City is erected, enlarged, altered, rebuilt, or relocated, a Permit shall be obtained from the Building Department. Routine maintenance or changing of parts designed for changes shall not be considered an alteration provided such change does not alter the surface area, height, or otherwise make the sign nonconforming. Upon transfer of ownership or use of a sign, the transfer shall be reported to the Building Department and a Sign Transfer Permit for the sign shall be obtained. Fees for the Permits required herein shall be as provided below.

21-125.2 Signs Not Subject To a Permit. The following signs shall not be subject to a Permit:

A. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.

B. Legal notices, identification, informational, or directional signs erected by governmental bodies.

C. Signs not exceeding one square foot directing and guiding traffic and parking on private property, but bearing no information advertising a product or service of or identifying the property on which it is situated.

D. Decals and/or logos affixed to windows or door glass panels, such as those indicating membership in a business group or identifying credit cards accepted at an establishment which do not advertise a product or service of or identify the property on which it is situated.

E. Handicapped Parking Space or Towing Notice signs as permitted by the Illinois Vehicle Code.

F. Private Drive Signs - On-premise private drive sign limited to one per driveway entrance, not exceeding one square feet in area per sign.

G. Public Signs - Signs erected by government agencies or utilities, including traffic, utility, safety, railroad crossing and identification signs for public facilities.

H. Security and Warning Signs - On-premise signs regulating the use of the premises, such as "no trespassing", "no hunting" and "no soliciting" signs that do not exceed one sign per street frontage one square feet in area on residential

properties and one sign per street frontage three square feet in area on nonresidential properties.

I. Temporary Signs as defined within Section 21-126.12 J

21-125.3 Fees for Sign Permit and Sign Transfer Permit. The City Clerk shall collect the following fees for Permits issued or transferred, which said fees shall be paid prior to the issuance or transfer of the Permit.

On-Premise Sign Permit Fees:

Sign without Electronic Message Center: \$50.00 per sign plus \$.25 per sq. ft. of sign face area*

Sign with Electronic Message Center: \$100 per sign plus \$.25 per sq. ft. of sign face area*

Existing Sign Relocation: \$50.00

Existing Sign Alteration: \$50.00 plus \$.25 per sq. ft. for additional sign face area*, if any

Off-Premise Sign Permit Fees:

Sign without Electronic Message Center: \$50.00 plus \$.25 per sq. ft. of sign face area* at time of initial Permit and \$50.00 annual Permit Fee thereafter, payable May 1st of each year, except Signs subject to 21-126.19 (k)

Sign with Electronic Message Center: \$100.00 plus \$.25 per sq. ft. of sign face area* at time of Initial Permit and \$100.00 Annual Permit Fee thereafter, payable May 1st of each year, except Signs subject to 21-126.19 (k)

*FOR PURPOSES OF PERMIT FEE CALCULATIONS SIGN FACE AREA SHALL INCLUDE ALL SIGN FACE AREA, INCLUDING BOTH SIDES OF A DOUBLE SIGN.

Sign Transfer Permit Fee:

\$50.00 per sign

The fees for the Permits above-described shall not be charged or collected from an applicant under the following circumstances:

1. The work is being done for the use of a governmental entity; and
2. The applicant shall file a written declaration with the City that said fees have not and will not be included in any payment to any contractor or other person; and
3. The applicant shall apply for and obtain all necessary Permits and otherwise fully comply with the Ordinances of the City, unless exempted therefrom by any law of the State of Illinois or of the United States.

21-126 SIGN REGULATIONS

21-126.1 Jurisdiction and Scope

The Sign Regulations herein apply to all signs situated within the corporate limits of the City of Mt. Vernon, Illinois and within one and one-half miles of said corporate limits as the limits may exist from time to time. The sign regulations established by this Ordinance include regulations for maximum surface area of signs, maximum number of signs, permitted sign types, and maximum height of signs. Standards are established for each Zoning District. Signs may be erected, altered, and maintained only for a permitted use in the Zoning District in which the signs are located. Except for permitted off-premises signs, all signs shall be located on the same parcel of land as the permitted use which they identify or advertise. No variance (including but not limited to any variance for height, area, size, or setback requirements) of the Sign Regulations, except as expressly stated within 21-126.12 B(1), shall be permitted.

21-126.2 Administration

The Sign Regulations herein shall be administered and enforced by the City Manager as Zoning Administrator and/or staff members designated by the City Manager or City Council of the City of Mt. Vernon.

21-126.3 Definitions

Abandoned Sign - A sign that no longer identifies or advertises an ongoing business, product, location, service, idea, or activity conducted on the premises on which the sign is located or a sign having no sign copy or a sign in disrepair or an off-premise sign for which the permit has expired.

Alteration – A change in the size, height, or shape, or type of an existing sign. A change only to the copy or color of an existing sign is not an alteration. Changing or

replacing a sign face or panel is not an alteration if no change in size, height, or type accompanies said change or replacement.

Animated Sign - A sign employing actual motion, the illusion of motion, or light and/or color changes achieved through mechanical, electrical, or electronic means. Animated signs, which are differentiated from changeable signs as defined herein, include the following types:

1) **Environmentally Activated:** Animated signs or devices motivated by wind, thermal changes, or other natural environmental input. Said signs include spinners, streamers, pinwheels, pennants on a string, and/or other devices or displays that respond to naturally occurring external motivation.

2) **Mechanically Activated:** Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.

3) **Electrically Activated:** Animated signs producing the illusion of movement by means of electronic, electrical, or electromechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:

a) **Flashing:** Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For the purposes of this ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds four (4) seconds.

b) **Patterned Illusionary Movement:** Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

Architectural Projection - Any projection from a building that is decorative and/or functional and not intended for occupancy and that extends beyond the face of an exterior wall of a building but that does not include a sign, sign face, or sign copy as defined herein. See also: Awning; Back-lit Awning; and Canopy (Attached and Freestanding).

Awning - An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable.

Awning Sign - A sign displayed on or attached flat against the surface or surfaces of an awning. See also: Wall or Fascia Sign. An awning that contains a "sign" section or copy area shall comply with the applicable sign area requirements for parallel

signs (see Table 3) contained in this Code. Only the sign or copy area displayed on an awning shall be used to determine the permitted sign area – the entire awning shall not be included in a Sign Area calculation. Refer also to Sections 21-126.4 and 21-126.5 for visual reference examples.

Back-lit Awning - An awning comprised of covering material exhibiting the characteristic of luminosity obtained by means of a source of illumination contained within its framework.

Banner - A flexible substrate on which copy or graphics may be displayed.

Banner Sign - A sign utilizing a banner as its display surface.

Billboard - See: Off-Premise Sign.

Building Facade - That portion of any exterior elevation of a building extending vertically from grade to the top of a parapet wall or eaves and horizontally across the entire width of the building elevation.

Building Sign – A sign that is applied or affixed to a building.

Candela – The basic unit of measurement of light in SI (metric) units.

Candela per square meter (cd/m²) – The SI (metric) unit used to describe the luminance of a light source or of an illuminated surface that reflects light. Also referred to as Nits.

Candle or Candlepower - Synonymous with Candela, but in English, not SI, terms.

Canopy (Attached) - A multi-sided overhead structure or architectural projection supported by attachment to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and/or soffit of an attached canopy may be illuminated by means of internal or external sources of light. Similar to a Marquee.

Canopy (Freestanding) - A multi-sided overhead structure supported by columns, but not enclosed by walls. The surface(s) and or soffit of a freestanding canopy may be illuminated by means of internal or external sources of light.

Canopy Sign - A sign affixed to the visible surface(s) of an attached or freestanding canopy. Such signs may be internally or externally illuminated. Similar to a Marquee Sign. Refer also to Sections 21-126.4 and 21-126.5 herein for visual reference examples.

Changeable Sign - A sign with the capability of content change by means of manual or remote input; changeable signs include the following types:

1) Manually Activated - Changeable sign whose message copy or content can be changed manually on a display surface.

2) Electrically Activated - Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also: Electronic Message Center.

Cladding – A non-structural covering designed to conceal the actual structural supports of a sign. See also pole or pylon cover.

Conforming Sign – A sign that is legally installed in conformance with all prevailing jurisdictional laws and ordinances.

Copy - The graphic content or message of a sign.

Copy Area of Sign - The actual area of the sign copy as applied to any background. Copy area on any individual background may be expressed as the sum of the geometrically computed shape or shapes encompassing separate individual letters, words, or graphic elements on the background. See Sections 21-126.5 and 21-126.6 for computational methodology.

Directional Sign - Any sign that is designed and erected solely for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic; such signs have no copy advertising a product, service, or site.

Display Time – The amount of time a message and/or graphic is displayed on an Electronic Message Sign.

Dissolve – A mode of message transition on an Electronic Message Sign accomplished by varying the light intensity or pattern, in which the first message gradually appears to dissipate and lose legibility with the gradual appearance and legibility of the second message.

Double-faced Sign - A sign with two faces, back to back.

Dynamic Frame Effect – An Electronic Message Sign frame effect in which the illusion of motion and/or animation is used.

Electric Sign - Any sign activated or illuminated by means of electrical energy.

Electronic Message Center or Sign (EMC) - An electrically activated changeable

sign whose variable message and/or graphic presentation capability can be electronically programmed by computer from a remote location. Also known as an EMC. EMCs typically use light emitting diodes (LEDs) as a lighting source. (See also following terms principally associated with Electronic Message Centers: Display Time, Dissolve, Dynamic Frame Effect, Fade, Frame, Frame Effect, Scroll, Transition, Travel)

Exterior Sign - Any sign placed outside a building.

Facade - See Building Facade.

Fade – A mode of message transition on an Electronic Message Sign accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

Fascia Sign - See Wall Sign

Flashing Sign - See Animated Sign.

Font – A set of letters, numerals, symbols, or shapes conforming to a specific set of design criteria.

Foot Candle – An English unit of measurement of the amount of light falling upon a surface (illuminance). One foot candle is equal to one lumen per square foot. Can be measured by means of an illuminance meter.

Foot Lambert – An English unit of measurement of the amount of light emitted by or reflecting off a surface (luminance) equivalent to 3.4262591 candelas per square meter.

Frame – A complete, static display screen on an Electronic Message Sign.

Frame Effect – A visual effect on an Electronic Message Sign applied to a single frame. See also Dynamic Frame Effect.

Freestanding Sign - A sign principally supported by one or more columns, poles, or braces placed in or upon the ground. May also be referenced as a Ground or Monument Sign. Refer also to Sections 21-126.4 and 21-126.5 for visual reference examples.

Frontage (Property) - The length of the property line(s) of any single premise along either a public way or other properties on which it borders.

Frontage (Building) - The length of an exterior building wall or structure of a single premise along either a public way or other properties that it faces.

Ground Sign - See Freestanding Sign

Illuminance – The amount of light falling upon a real or imaginary surface, commonly called “light level” or “illumination”. Measured in foot candles (lumens/square foot) in the English system, and lux (lumens/square meter) in the SI (metric) system.

Illuminated Sign - A sign characterized by the use of artificial light, either projecting through its surface(s) [Internally or trans-illuminated]; or reflecting off its surface(s) [Externally illuminated].

Listed Sign (Listing Label Number) – A sign manufactured and labeled in accordance with specifications promulgated by a recognized testing laboratory designed to assure compliance with applicable American National Standards (ANSI) and/or the National Electric Code (NEC).

Luminance – The light that is emitted by or reflected from a surface. Measured in units of luminous intensity (candelas) per unit area (square meters in SI measurement units or square feet in English measurement units.) Expressed in SI units as cd/m^2 , and in English units as foot lamberts. Sometimes also expressed as “nits”, a colloquial reference to SI units. Can be measured by means of a luminance meter.

Lux – The SI (metric) unit for illuminance. One lux equals 0.093 foot candles.

Mansard - A roof-like facade comparable to an exterior building wall. See Section 21-126.5 for visual reference

Marquee - See Canopy (Attached).

Marquee Sign - See Canopy Sign.

Multiple-Faced Sign - A sign containing three (3) or more faces.

Nit – A photometric unit of measurement referring to luminance. One nit is equal to one cd/m^2 .

Non-Conforming Sign - A sign that was legally installed by permit in conformance with all sign regulations and ordinances in effect at the time of its installation, but which no longer complies with subsequently enacted laws and ordinances having jurisdiction relative to the sign.

Non-Conforming Use – A continued and lawful use of property, including a sign lawfully installed in accordance with laws or ordinances prevailing at the time of installation.

Off-Premise Sign – A permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of, products or services sold on, or the sale or lease of, the property on which it is displayed.

On-Premise Sign - A sign erected, maintained or used in the outdoor environment for the purpose of the display of messages appurtenant to the use of, products or services sold on, or the sale or lease of, the property on which it is displayed.

Parallel Sign – See Wall Sign

Parapet - The extension of a building facade above the line of the structural roof.

Perpendicular Sign – See also Freestanding Sign; see also Projecting sign;

Pole Cover or Pylon Cover – An enclosure designed to conceal poles and/or other structural supports of a sign. See also Cladding.

Pole Sign - See Freestanding Sign.

Political Sign - A temporary sign intended to advance a political statement, cause, or candidate for office.

Portable Sign - Any sign structure erected for an indefinite period not permanently attached to the ground that can be removed without the use of tools. (Temporary Signs as hereinafter defined are erected for a restricted or fixed period as provided within the Sign Regulations.)

Projecting Sign - A sign other than a Wall Sign that is attached to or projects more than eighteen (18) inches from a building face or wall or from a structure whose primary purpose is other than the support of a sign. Refer also to Section 21-126.4 for visual reference example.

Pylon Sign – See Freestanding Sign.

Real Estate Sign - A temporary sign advertising the sale, lease, or rental of the property or premises upon which it is located.

Roof Line - The uppermost line of the roof of a building or, in the case of an extended facade or parapet, the uppermost point of said facade or parapet.

Roof Sign - A sign mounted on the main roof portion of a building or on the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such building. Signs mounted on mansard facades, pent eaves, and architectural projections such as canopies or marquees shall not be considered to be roof signs. Refer also to Sections 21-126.4 and 21-126.5 for visual reference examples of roof signs, and comparison of differences between roof and fascia signs.

Scroll – A mode of message transition on an Electronic Message Sign in which the message appears to move vertically across the display surface.

SI (International System of Units) – The modern metric system of measurement;

abbreviated SI for the French term “Le Systeme International d’Unites.”.

Sign - Any device whose essential purpose and design is to convey either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations.

Sign Copy – The physical sign message including any words, letters, numbers, pictures, and symbols.

Sign Structure - Any structure designed for the support of a sign.

Sign Area - The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. (The area of any double-sided or “V” shaped sign shall be the area of the largest single face only.) The area of a sphere shall be computed as the area of a circle. The area of all other multiple-sided signs shall be computed as fifty (50) percent of the sum of the area of all faces of the sign. See Sections 21-126.5 and 21-126.6 for computational methodology for various sign area configurations.

Sign Copy - The letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign.

Sign Face - The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural thematic or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border. Refer to Sections 21-126.5 and 21-126.6 for sign face computational illustrations.

1. In the case of panel or cabinet type signs, the sign face shall include the entire area of the sign panel, cabinet or face substrate upon which the sign copy is displayed or illustrated, but not open space between separate panels or cabinets.

2. In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure, the sign face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn closest to the edge of the letters or separate graphic elements comprising the sign copy, but not the open space between separate groupings of sign copy on the same building or structure.

3. In the case of sign copy enclosed within a painted or illuminated border, or displayed on a background contrasting in color with the color of the building or structure, the sign face shall comprise the area within the contrasting background, or within the painted or illuminated border.

Site – The ground area legally designated as a zoning lot, which may be categorized as a permanent parcel (a lot of record), multiple lots of record, or a portion of a lot of

record.

Special Event Sign – A temporary sign pertaining to any civic, patriotic, or special event of general public interest.

Temporary Sign – A sign erected for a restricted or fixed period that is not permanently embedded in the ground or not permanently affixed to a building or not permanently affixed to a sign structure.

Transition – A visual effect used on an Electronic Message Sign to change from one message to another.

Travel – A mode of message transition on an Electronic Message Sign in which the message appears to move horizontally across the display surface.

Under Canopy Sign or Under Marquee Sign - A sign attached to the underside of a canopy or marquee.

V Sign - A sign containing two faces of equal size, positioned at an interior angle subtending less than one hundred seventy-nine degrees (179°) at the point of juncture of the individual faces.

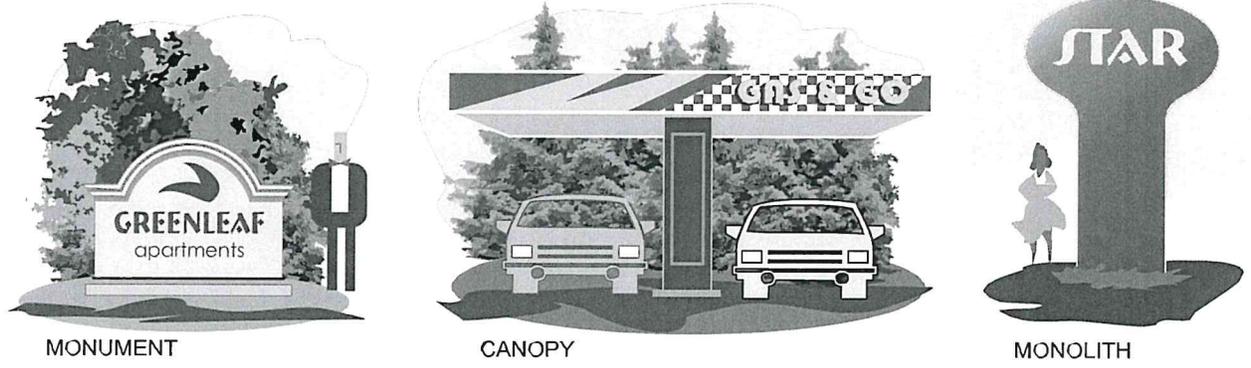
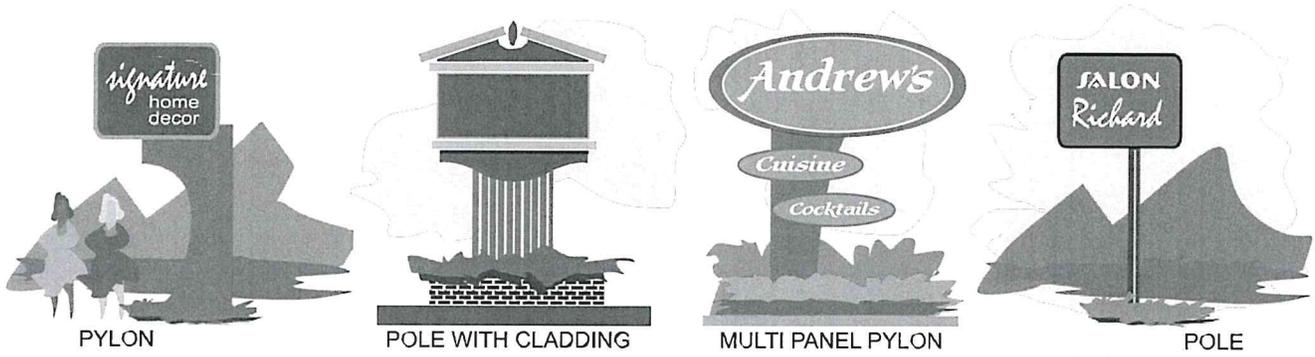
Wall or Fascia Sign - A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than eighteen (18) inches from the building or structure wall. Also includes signs affixed to architectural projections that project from a building provided the copy area of such signs remains on a parallel plane to the face of the building facade or to the face or faces of the architectural projection to which it is affixed. Refer also to Sections 21-126.4 and 21-126.5 for visual reference examples, and comparison examples of differences between wall or fascia signs and roof signs.

Window Sign - A sign affixed to or placed adjacent to the surface of a window with its copy visible to the exterior environment.

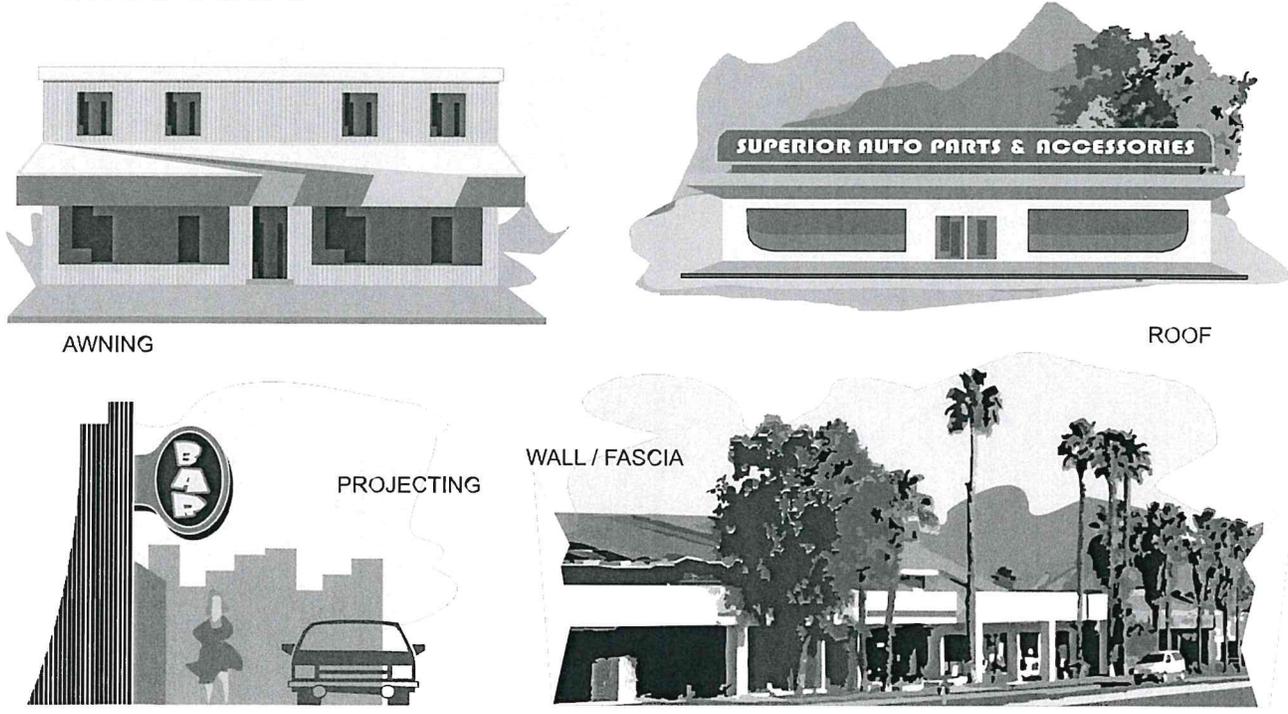
21-126.4: Typical On-Premise Sign Types

FREESTANDING SIGNS

usually perpendicular to viewer's line-of-sight. May be double or multi faced and contain thematic embellishment and integral covers or cladding to conceal structural supports.



BUILDING SIGNS



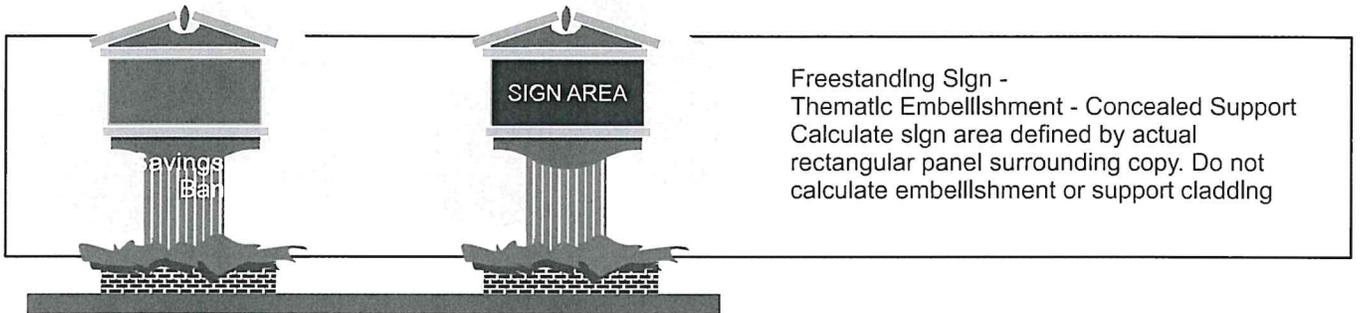
WALL / FASCIA



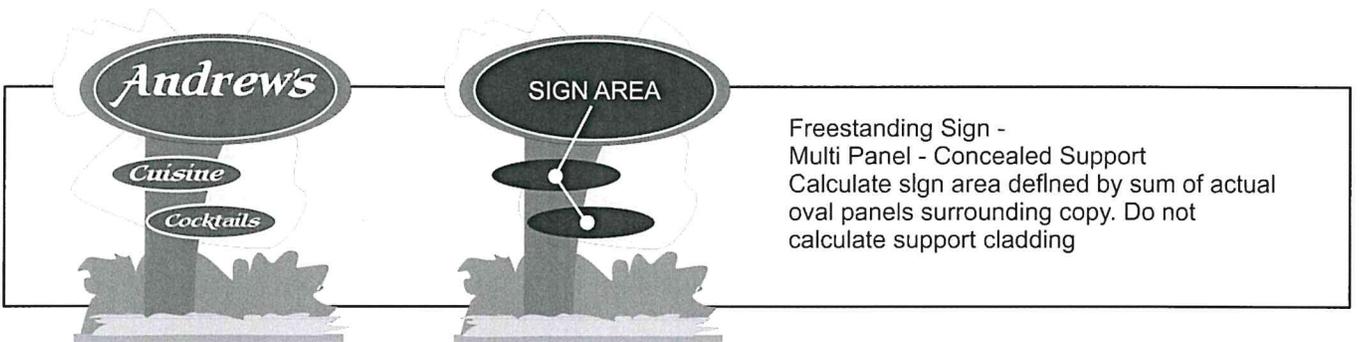
21-126.5: Sign Area Computational Methodology / Ground Signs



Freestanding Sign - Exposed Pole Support
Calculate sign area defined by actual rectangular panel surrounding copy.



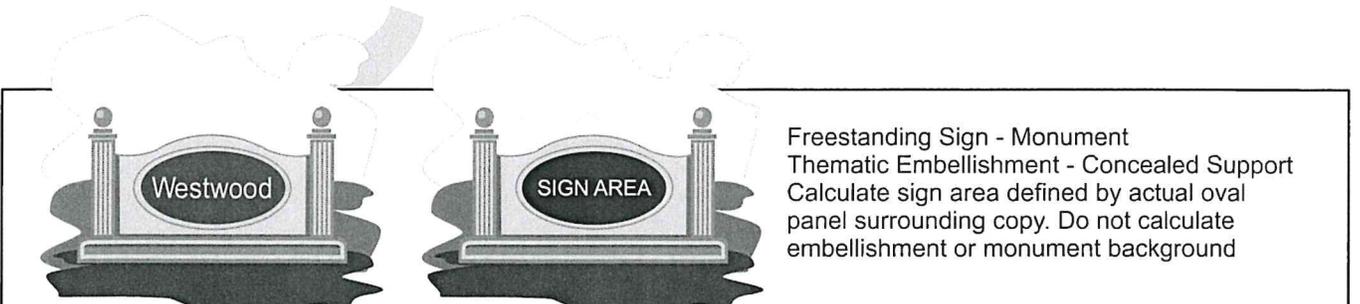
Freestanding Sign - Thematic Embellishment - Concealed Support
Calculate sign area defined by actual rectangular panel surrounding copy. Do not calculate embellishment or support cladding



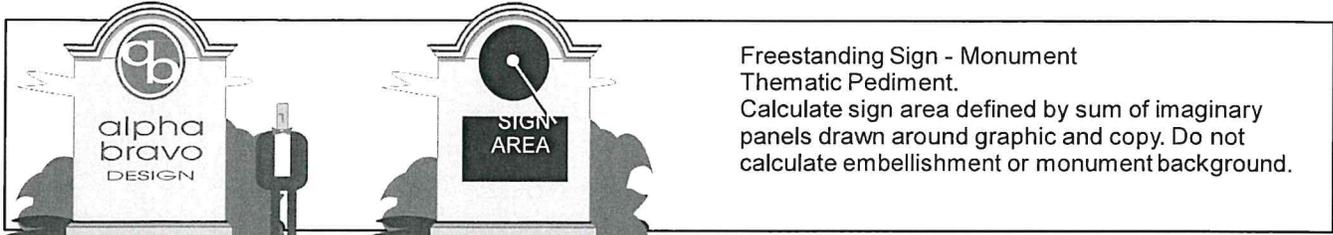
Freestanding Sign - Multi Panel - Concealed Support
Calculate sign area defined by sum of actual oval panels surrounding copy. Do not calculate support cladding



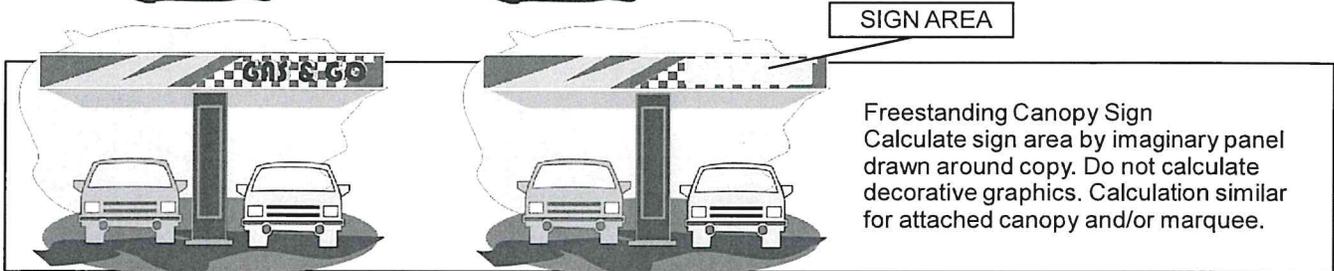
Freestanding Sign - Monument Thematic Embellishment - Concealed Support
Calculate sign area defined by imaginary panel drawn around copy. Do not calculate embellishment or monument background



Freestanding Sign - Monument Thematic Embellishment - Concealed Support
Calculate sign area defined by actual oval panel surrounding copy. Do not calculate embellishment or monument background

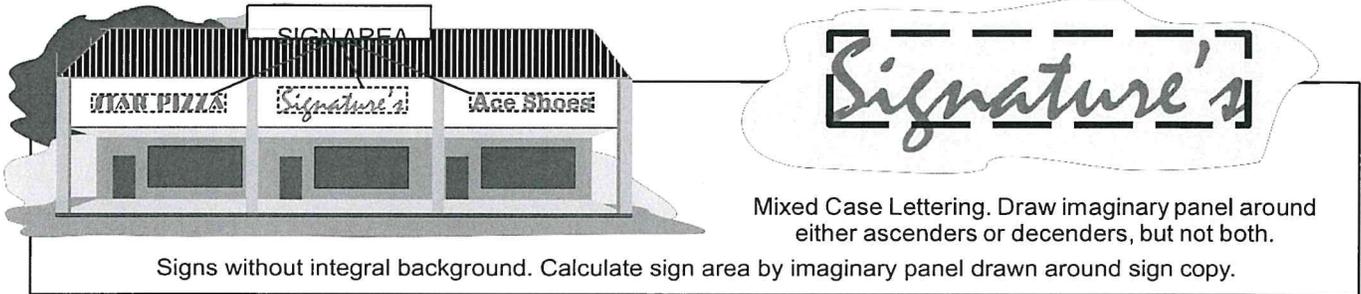


Freestanding Sign - Monument
Thematic Pediment.
Calculate sign area defined by sum of imaginary panels drawn around graphic and copy. Do not calculate embellishment or monument background.



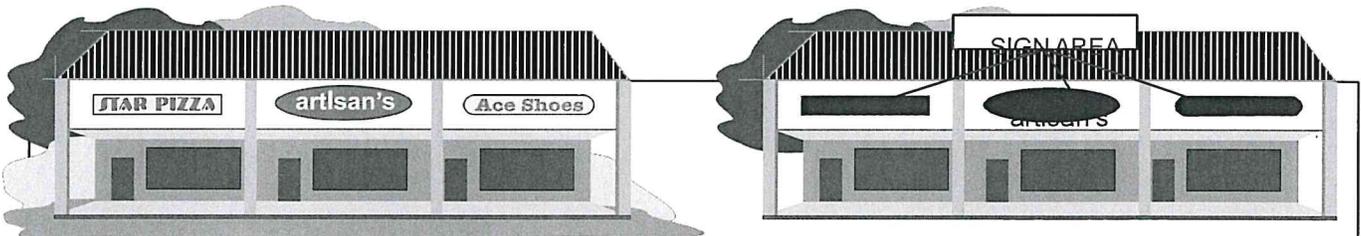
Freestanding Canopy Sign
Calculate sign area by imaginary panel drawn around copy. Do not calculate decorative graphics. Calculation similar for attached canopy and/or marquee.

Wall / Fascia Signs

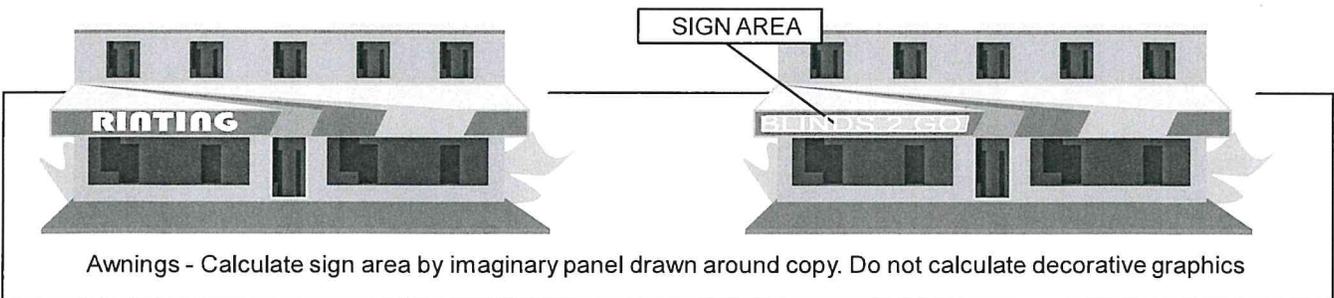


Mixed Case Lettering. Draw imaginary panel around either ascenders or decenders, but not both.

Signs without integral background. Calculate sign area by imaginary panel drawn around sign copy.

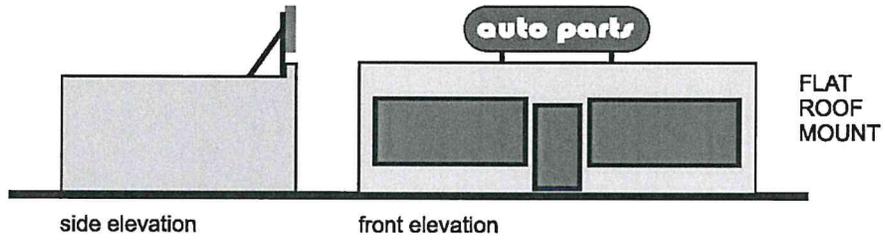
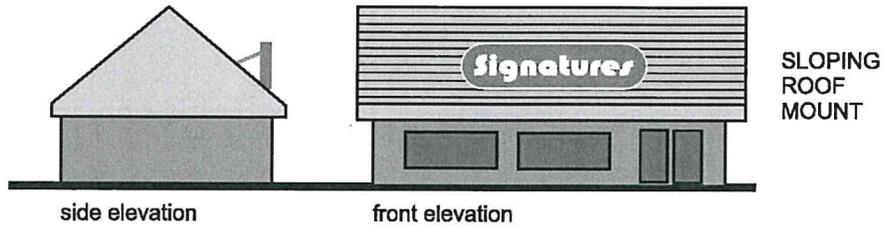


Signs with integral background panel. Calculate sign area by area of actual background panel surrounding sign copy.

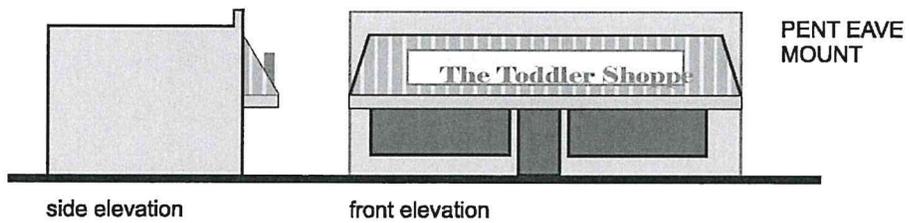
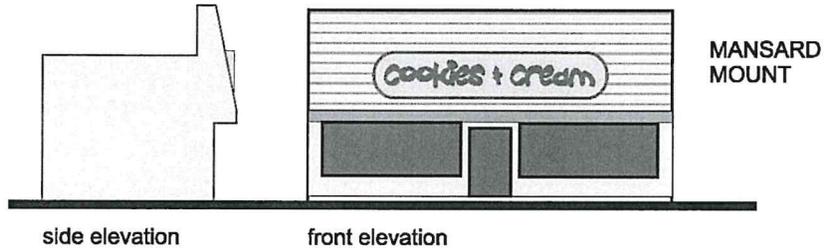
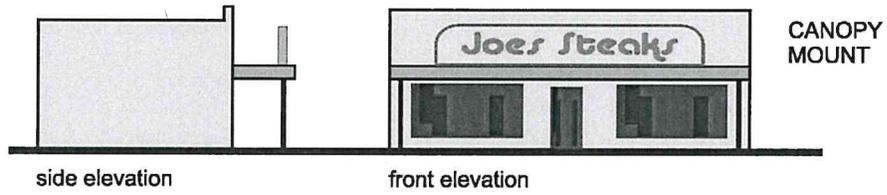


Awnings - Calculate sign area by imaginary panel drawn around copy. Do not calculate decorative graphics

ROOF SIGNS



**Fascia Signs on Roof-Like Projections
NOT ROOF SIGNS**



21-126.6: Sign Face Area

A. Sign cabinets. The area of sign faces enclosed in frames or cabinets is determined based on the outer dimensions of the frame or cabinet

B. Double sided signs. Only one (1) side of a double sided sign is counted in determining the area of sign faces. Where the two (2) sides are not of equal size, the larger of the two (2) sides is used for the determination of sign area. The area of multiple-faced signs in which the interior angle formed by the faces is greater than ninety-one degrees (91°) shall be expressed as the sum of the areas of all the faces, except for multiple-faced signs containing faces that are configured back to back, in which case the area of the faces configured back to back will be calculated according to the rule for double- faced signs.

C. Round, Oval & Irregularly shaped signs. To be measured based on the appropriate mathematical formula to obtain the sign area for a circle, an oval or irregularly shaped sign.

D. Calculating Sign Area

1. Signs containing integral background areas: The area of a sign containing a clearly defined background area shall be calculated based on the area of the smallest standard geometric shape or combination of geometric shapes capable of encompassing the perimeter of the background area of the sign. In the case of signs in which multiple background areas are separated by open space, sign area shall be calculated based on the sum of the areas of all separate background areas, calculated as referenced above, but without regard for any open space between the separate background areas.

2. Signs without integral background areas: In instances in which a sign consists of individual elements such as letters, symbols, or other graphic objects or representations that are painted, attached to, or otherwise affixed to a surface such as a wall, window, canopy, awning, architectural projection, or to any surface not specifically designed to serve as a sign background, the sign area shall be based on the sum of the individual areas of the smallest geometric shape or combination of geometric shapes capable of encompassing the perimeters of the individual elements comprising the sign.

E. Awnings and marquees. When graphics or sign copy is incorporated into an awning, the sign area is determined by computing the area of a standard imaginary geometric shape or combination of shapes drawn around the sign copy area or graphics. When the ends of awnings or marquees are parallel and contain graphics or sign copy, only one side is counted in addition to the sign face area on the front.

21-126.7: Height of Signs

A. The overall height of a freestanding sign or sign structure is measured from the lowest point of the ground directly below the sign to the highest point of the freestanding sign or sign structure.

B. Exception: Where a freestanding sign or sign structure is mounted along a roadway that has a higher grade level as compared to the grade level directly below the freestanding sign or sign structure, then the freestanding sign or structure's height will be measured from the roadway grade level to the highest point of the freestanding sign or sign structure. See Figure A.

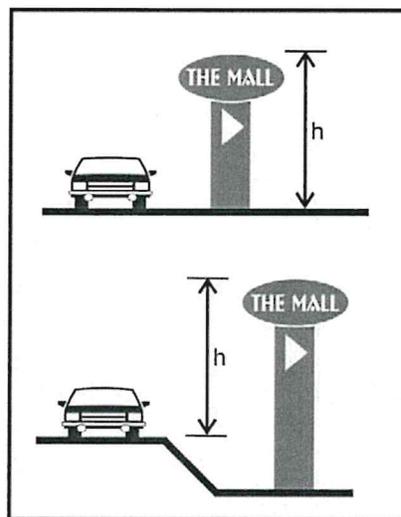


Figure A

21-126.8: Prohibited Signs (Also see Regulations for each Zoning District)

The following signs (which term includes sign structures) are prohibited in all Zoning Districts, except as noted:

- A.** Signs containing strobe lights, revolving lights, or search lights.

- B.** Abandoned signs and abandoned sign structures which remain upon a premises for more than sixty days from date the sign or sign structure becomes abandoned;

- C.** Signs placed on or painted on a motor vehicle or trailer parked with the primary purpose of providing signage not otherwise allowed by the Sign Regulations;

Prohibited is any sign displayed on a parked trailer or truck or other vehicle where the primary purpose of the vehicle is to advertise a product, service business, or other activity. The use of business logos, identification, or advertising on vehicles primarily, actively, and regularly used for business and/or personal transportation is not prohibited.

D. Signs that imitate or resemble official traffic lights, signs or signals or signs that interfere with the effectiveness of any official traffic light, sign or signal.

E. Mechanically Moving Signs – An environmentally activated sign or other display with actual mechanical motion powered by natural, manual, mechanical, electrical or other means, including but not limited to pennants, streamers, spinners, propellers, and search lights.

F. Flashing Signs – See Definitions within 21-126.3. As provided within said Definitions, a sign that has a change rate or dwell time of four (4) seconds or longer is not a flashing sign.

G. Animated signs and Roof signs in all Residential Zoning Districts. Illuminated signs on single family or two family residential sites and on individual dwelling units of multifamily complexes or manufactured home parks.

H. Posters and Handbills affixed to any structure (except a permitted sign structure), tree, other natural vegetation, rocks, utility pole or other pole.

I. Roof signs, except for those permitted by Conditional Use in Non- Residential Zoning Districts. See 21-126.11 B(3)

J. Simulated Traffic Signs and Obstructions - Any sign or sign structure which may be confused with, or obstruct the view of, any authorized traffic sign or signal, or which obstructs the sight-distance triangle at any road intersection or which unlawfully extends into the public right-of-way.

K. Any portable sign as defined within 21-126.3.

L. Signs Adversely Affecting Safety. Signs which prevent free ingress or egress from any door, window, fire escape, or that prevent free access from one part of a roof to any other part. No sign other than a safety sign shall be attached to a stand-pipe or fire escape.

M. Sign Emissions- No sign which emits smoke, visible vapors, particles, sound or odor shall be permitted. Open flames used to attract public attention to a place of

business or to an advertising sign shall not be permitted.

N. Mirrors. No mirror device shall be used as part of a sign.

O. Inflatable Signs except as a temporary sign.

P. Projecting Signs and Permanent Banners except within a Business Zoning District.

Q. Any sign upon or within a public right of way or extending into a public right of way, unless specifically permitted by 21-126.12 B or C.

R. Any sign within a Zoning District not allowed as a permitted sign or as a conditional use sign within said District. Where the Sign Regulations are silent, or where the Sign Regulations do not provide a basis for concluding that a sign is allowed, said sign is prohibited.

S. Any sign constructed of plywood, particle board, or similar construction material and of 2x4, 4x4, 4x6, 6x6 wood support structure or similar size or type support; the size of which sign is larger than eight (8) square feet or which has an exposed (i.e. distance between bottom of sign and ground) support structure greater than twenty four (24) inches in height.

T. Any sign requiring a Permit but for which no Permit has been obtained or any sign which is not placed and maintained in accordance with the Sign Regulations.

U. Any sign not legally installed in conformance with all Sign Regulations and Ordinances in effect at time of installation; any nonconforming sign for which the nonconformity status ceases as provided within 21-126-16.

21-126.9: Removal of Prohibited Signs

Any sign prohibited by the Sign Regulations shall be taken down and removed by the owner, agent or person having the ownership, possession, or use of the sign or building, structure or premises upon which the sign may be found upon written notice from the City Manager or other authorized designee of City to remove the sign; upon failure to comply with such notice within the time specified in such notice, which time shall not be less than five (5) days unless public health or safety requires immediate removal, the City Manager or other authorized designee of City is hereby authorized to cause removal of such sign by any remedy, including but not limited to injunction; and any expense incident thereto, including reasonable attorney fees,

shall be paid by the owner, agent or person having the ownership, possession, or use the sign or of the building, structure or premises to which the sign is attached. Such owner, agent or person shall also be subject to a fine in the amount of five hundred dollars by reason of the existence of the prohibited sign. Nothing herein shall restrict the City from immediately removing without notice any sign that creates an imminent threat to public health or safety or from immediately removing without notice any sign placed upon or within any right-of-way of City or upon any property of City without the written consent of City except a sign subject to 21-126.12 C; in which event City shall have no liability to, nor make any compensation to, the owner of or to the party placing the sign and said owner or party shall be subject to all other penalties and remedies as provided within the Sign Regulations.

21-126.10: Signs in R-1, R-2, R-M2, R-MH & R-3 Residential Zoning Districts

Signs in Residential Zoning Districts shall conform to the regulations of this Section.

A. Single Family or Two Family Residential Sites: Each single family or two family (each unit) residential site is permitted signs not to exceed eight (8) square feet in total sign area and no sign shall exceed six (6) feet in height. Permitted signs include, but are not limited to: home occupation signs as permitted by Article 21 of the Revised Code of Ordinances, Section 21-124-1 (Definition of Home Occupation), non-commercial lawn signs, real estate signs, and political signs. The signs shall be only temporary signs, window signs, or wall signs that project not more than four (4) inches from the building wall. Trees, rocks or other naturally occurring landscape features may not be used to support a residential sign. No sign shall be illuminated. No off-premises sign is permitted. No on-premises sign with commercial copy, except a home occupation sign, is permitted because no commercial or business activity except a home occupation is permitted on a single family or a two family residential property.

B. Multi-family Dwelling Complexes, Manufactured Home Parks, and Legal Subdivisions: Multi-family dwelling complexes, manufactured home parks, and legal subdivisions are permitted a freestanding sign not to exceed forty eight (48) square feet in sign area and not to exceed fifteen (15) feet in height for each separate street frontage occupied by the multi-family dwelling complex site, manufactured home park site, or legal subdivision site; directional signs are also permitted provided that no directional sign shall exceed six (6) square feet in sign area and eight (8) feet in height (if freestanding). Wall signs are also permitted upon a permanent building (but not a manufactured home) within a multi-family dwelling complex or manufactured home park not to exceed five (5) percent of the area of the façade in elevation view upon which they are placed. If permitted by the multi-family dwelling complex or manufactured home park, the occupants of each dwelling unit within the multi-family dwelling complex or manufactured home park are permitted signs not to exceed eight (8) square feet in total sign area as provided within paragraph A above.

C. Permitted Non-residential Use Sites in a Residential District: Permitted non-residential use sites in a Residential District are permitted a freestanding sign not to exceed forty-eight (48) square feet in sign area and not to exceed fifteen (15) feet in height for each separate street frontage occupied by the permitted use. Wall signs are also permitted not to exceed five (5) percent of the area of the façade in elevation view upon which they are placed. In lieu of one or more of the freestanding signs described above, a permitted non-residential use site in a Residential Zoning District is allowed one sign on each separate street frontage for a directory of tenants engaged in professional and/or commercial activity on the site; the area of such sign shall not exceed sixty-four (64) square feet and the height shall not exceed fifteen (15) feet. Directional signs are also permitted provided that no directional sign shall exceed six (6) square feet in sign area and eight (8) feet in height (if freestanding). Permitted non-residential uses in a Residential District are permitted temporary signs as provided within 21-126.12, paragraph J "Temporary Signs".

D. Electronic Message Centers: Electronic Message Centers (EMC) are prohibited upon all single family and two family sites and upon all multifamily dwelling complexes, manufactured home parks and legal subdivisions within Residential Zoning Districts; Electronic Message Centers (subject to size and height requirements as permitted by conditional use or for type of sign) are allowed for permitted non-residential use sites only with a Conditional Use Permit, except that a Conditional Use Permit shall not be required within the R-3 Zoning District. (Also see 21-126.14.) Animated signs are prohibited in all Residential Districts. Roof signs are prohibited in all Residential Districts. Any sign type not specifically permitted is prohibited.

Table 1 – Signs in Residential Districts

	TYPES OF SIGNS ALLOWED	NUMBER OF SIGNS ALLOWED	PERMITTED SIGN AREA	MAXIMUM HEIGHT (IF APPLICABLE)
SINGLE FAMILY, TWO FAMILY, AND MULTI-FAMILY DWELLING UNIT (NO ILLUMINATED SIGNS)	WINDOW, WALL, OR TEMPORARY	ANY NUMBER SO LONG AS THE TOTAL SF OF ALL SIGNS DOES NOT EXCEED 8 SF	8 SF TOTAL	6'0"
MULTI-FAMILY COMPLEXES, MANUFACTURED HOME PARKS, LEGAL SUBDIVISIONS, EXCLUDING INDIVIDUAL DWELLING UNITS (NO ELECTRONIC MESSAGE CENTERS)	FREESTANDING	ONE PER EACH STREET FRONTAGE	48 SF PER SIGN	15'0"
	WALL	ONE OR MORE PER BUILDING FAÇADE NOT TO EXCEED TOTAL PERMITTED SIGN AREA	5% OF FAÇADE TOTAL PER FAÇADE	-----
	DIRECTIONAL	UNLIMITED	6 SF PER SIGN	8'0"
PERMITTED NON-RESIDENTIAL USES	FREESTANDING	ONE PER EACH STREET FRONTAGE	48 SF PER SIGN, EXCEPT ONE 64 SF DIRECTORY SIGN	15'0"
	WALL	ONE OR MORE PER FAÇADE NOT TO EXCEED TOTAL PERMITTED SIGN AREA	5% OF FAÇADE TOTAL PER FAÇADE	-----
	DIRECTIONAL	UNLIMITED	6 SF PER SIGN	8'0"
	ELECTRONIC MESSAGE CENTERS ARE ALLOWED ONLY BY CONDITIONAL USE ON PERMITTED NON-RESIDENTIAL USE SITES, EXCEPT EMC ARE A PERMITTED SIGN ON NON-RESIDENTIAL USE SITES IN A R-3 DISTRICT			

21-126.11: Standards in A-G, F-P, B-1, B-2, B-3, B-PL, I-1, I-2, I-A, IPCA-PUD Zoning Districts

Signs in Agricultural, Flood Plain, Business, and Industrial Zoning Districts hereinafter collectively called “Non-Residential Zoning Districts” shall conform to the regulations of this Section.

A. Temporary signs are permitted only as provided within 21-126.12, J. “Temporary Signs”.

B. Permanent Signs in Non-Residential Zoning Districts are permitted and regulated by reference to types noted below.

(1) Freestanding Signs:

a. Freestanding signs include Pylon, Pole with Cladding, Multi Panel Pylon, Pole, Monument, Canopy and Monolith (See 21-126.4)

b. Freestanding signs, regardless of type or combination of types, shall be limited to one (1) per site held in single and separate ownership, plus for a site that has frontage on more than one (1) street, one (1) such sign shall be permitted for each additional separate street frontage; and if a site has individual street frontage that exceeds three hundred (300) lineal feet on said street, one (1) such sign on such frontage shall be permitted for each multiple of three hundred (300) lineal feet of frontage for each separate street frontage. Freestanding signs are reduced if a site has Projecting Signs; see B(6) below.

Unless otherwise regulated by specific reference herein, the area and height above grade of any freestanding sign shall not exceed the amounts specified in Table 2 below.

Table 2 – Freestanding Signs in Non-Residential Zoning Districts* Values indicated are maximum limits on sign size height A = Sign Area in Square Feet / H = Height in Lineal Feet					
A-G, F-P, B-1, B-2, B-PL		B-3, IPCA-PUD		I-1, I-2, I-A	
A	H	A	H	A	H
50	22	100	40	78	26
72	26	125	50	112	30
98	30	200	60	153	36
128	34	250	70	200	42
162	38	300	80	253	48
200	42	350	90	312	54
		375	100	378	60
		400	110	450	66
		450	120		

*USE OF PROJECTING SIGNS IN BUSINESS ZONING DISTRICTS WILL REDUCE ALLOWANCES FOR FREESTANDING SIGNS: SEE 21-126.11 B (6)

(2) Building Signs:

a. Building signs include wall or fascia signs, roof signs, canopy signs, awning signs, and projecting signs. Building signs for a site, regardless of type, or combination of types, are collectively limited in total area to the percentage as stated within Table 3. A building sign type is also subject to restrictions forth particular sign type as herein provided; particular restrictions shall supersede general regulations.

b. The total area of all building signs applied to any given façade with frontage on a street shall not exceed the area computed as a percentage of the building facade in elevation view, including window and door areas and cornices to which they are affixed or applied in accordance with Table 3. Building signs shall be allowed on all sides of the structure provided

that facades that do not have frontage on a street shall only be permitted 10 percent of the building façade in elevation view.

c. In the case of a shopping center or a group of stores or other multi-use or multi-tenant uses on a lot held in single and separate ownership, provisions relating to the total area of building signs permitted on a premises shall apply with respect to the façade of and for each building, separate store, separate storefront, or separate use. Only wall signs shall be permitted for individual establishments within a Shopping Center or for each building, separate store, separate storefront, or separate use.

Table 3 – Building Signs	
Distance of sign from street frontage or adjacent Zoning District	If façade has street frontage percentage of building elevation façade permitted for sign area
0 to 100 feet	Fifteen (15%)
101 to 300 feet	Twenty (20%)
Over 301 feet	Twenty-Five (25%) If façade is not on street frontage then sign is limited to ten percent (10%) of façade in elevation view

(3) Roof Signs, Special Considerations:

a. Roof signs are permitted by Conditional Use in Non-Residential Zoning Districts and are in lieu of other building signs. For permitted roof sign area, see Table 3 above for building signs. The height of any roof sign above the highest architectural point of the building to which it is mounted shall not exceed the percentage of the vertical dimension of the building facade parallel to the sign in accord with sections (1) and (2) below. Measurements shall be computed from the highest building point to the top of the sign.

1. Business Zoning District - Twenty-five (25) percent.
2. Agricultural or Flood Plain Zoning District – Twenty-five (25) percent
3. Industrial Zoning District - Forty (40) percent.

b. The area calculation for any roof sign whose orientation on a roof may be other than parallel to an individual building facade shall be computed with reference to the building facade that most closely parallels the orientation of such sign.

(4) Canopy Signs (Also Marquee Signs and Signs on Architectural Projections): Special Considerations

a. Canopy Signs, Marquee Signs and Signs on Architectural Projections are signs that are mounted to either structures that project off the face of the building more than eighteen (18) inches or signs that are mounted to a freestanding structure not attached to a building that creates a canopy or covering over an area below.

b. Signs affixed or applied in an essentially flat plane to the face of a building or freestanding canopy, marquee, or architectural projection provided that the copy area of any such sign, as defined herein, does not exceed an area equal to forty (40) percent of the product of the height and length of the face area of the canopy, marquee, or architectural projection to which such sign is affixed or applied, or fifteen (15) percent of the building façade to which it is attached, whichever is greater.

(5) Awning Signs

Graphics affixed or applied to the face or side surfaces of an awning or backlit awning are permitted provided that the copy area of any such sign copy or graphic, as defined herein, does not exceed an area in accordance with Table 3 for building signs, to which the awning is attached.

(6) Projecting Signs (Prohibited except in Business Zoning Districts)

a. Projecting signs are permitted only within Business Zoning Districts and only in lieu of any permitted freestanding signs on any given property frontage; in the case in which a premises is permitted either freestanding or projecting signs on any one frontage, projecting signs may be substituted for any of the permitted freestanding signs on such frontage, provided that the requirements herein specifically relating to size, height, and extension of projecting signs are met.

b. Projecting signs shall be limited to one (1) per building facade on which any such sign is mounted except for a use that fronts on more than one (1) street, in which case, one (1) such sign shall be permitted per facade for each separate street frontage. In the case of a building in which any individual facade exceeds two hundred (200) lineal feet, one (1) such sign shall be permitted for each two hundred (200) lineal feet of such facade or multiple thereof on each separate street on which such facade fronts.

c. The area of any projecting sign shall not exceed one (1) square foot per every two (2) lineal feet of the building facade on which such sign is mounted, except that no such sign shall be larger in area than one hundred (100) square feet.

d. No projecting sign shall extend in a vertical dimension above the highest architectural point of the facade to which it is mounted in excess of twenty-five (25) percent of the vertical dimension of the facade itself.

e. Projecting signs extending over a public sidewalk shall be limited to a projection distance not to exceed two-thirds ($2/3$) of the width of the sidewalk.

Table 4 – Signs in Non-Residential Districts

ALL USES	TYPES OF SIGNS ALLOWED	NUMBER OF SIGNS ALLOWED	PERMITTED SIGN AREA	MAXIMUM HEIGHT (IF APPLICABLE)
	TEMPORARY (SEE SECTION 21-126.12, PARAGRAPH J. "TEMPORARY SIGNS)	ANY NUMBER SO LONG AS TOTAL SF FOR ALL SIGNS DO NOT EXCEED 50 SF	50 SF TOTAL	6' "0"
	FREESTANDING (BUT SEE 21-126.11 (B) 6: PROJECTING SIGNS IN BUSINESS DISTRICTS)	ONE FOR EACH SITE OR ONE FOR EACH 300' OF EACH SEPARATE STREET FRONTAGE	SEE TABLE 2	SEE TABLE 2
	BUILDING SIGNS (which collectively includes all permitted wall, fascia, roof, canopy, awning, and projecting signs)	ANY NUMBER SO LONG AS TOTAL COLLECTIVE SIGN SF DOES NOT EXCEED PERMITTED SIGN AREA	SEE 21-126.11 B (2), TABLE 3, AND REGULATIONS FOR SPECIFIC SIGN TYPE	SEE REGULATION FOR EACH SPECIFIC SIGN TYPE
	DIRECTIONAL	UNLIMITED	FREESTANDING 6 SF WALL 16 SF	8'0" _____
ELECTRONIC MESSAGE CENTERS ARE SUBJECT TO 21-126.14				
Sexually Oriented Business – which businesses are permitted only within I-1 Zoning District – are subject to 21-126.13				

21-126.12: Additional Regulations in All Districts.

A. Total Square Footage

Unless specifically exempted within express language of the Sign Regulations, the square footage of any sign placed or erected upon a property shall be included in the total square footage of signage allowed upon a property. Any sign requiring a Sign Permit which is not specifically permitted by the Sign Regulations is prohibited, unless granted by a Conditional Use as provided within Section 21-127.

B. Sign placement and Setback

(1) No sign not forming part of or attached to a structure, except a directional sign, shall be placed closer than one-half of the minimum yard requirement required for structures within the applicable Zoning District, except that within the B-2 Zoning District the minimum setback from a right-of-way or adjoining property shall be ten (10) feet and within the B-3 Zoning District, the minimum setback from the right-of-way or adjoining property shall be ten (10) feet. Notwithstanding the foregoing setback requirements, the City Manager may grant a variance in a setback requirement if the required setback requirement cannot be met under circumstances where a building or other permanent structure, lawfully placed and meeting setback requirements at time of construction, no longer has available space to comply with setback requirements because of the creation, extension, or widening of public right-of-way or similarly occurring condition after the date of placement of the building or structure; in that event, upon a written request, the City Manager may grant by issuance of a written Permit (which Permit shall be filed with the City Clerk), a reduction in setback up to two-thirds (2/3) of the distance between the building or structure and the then existing right-of-way; no other variances shall be granted. In no event shall any sign obstruct the clear view of vehicular traffic of any street or access or the clear view of any sign regulating vehicular or pedestrian traffic.

(2) All signs and sign structures must be erected and attached totally on or within the site or property to which they refer, and no sign shall be placed upon any property without the written consent of the owner(s) of the property.

(3) No sign, including any part of the support and foundation, shall be placed within the right-of-way of any street, alley, or public way, nor upon any public property without the written approval of the City Council, except as specifically permitted within paragraph C below.

(4) In addition to the other requirements stated within the Sign Regulations, placement of a sign shall be subject to review and approval or disapproval by the City Manager or designee of the City Manager

based upon compliance with the following clearance requirement:

(i). Vision clearance areas: Vision clearance areas are triangular-shaped areas located at the intersection of any combination of rights- of-way, alleys or driveways. The sides of the triangle extend thirty (30) feet from the intersection of the right-of-way, alley or driveway in either/each direction. No sign shall be installed within this clear sight triangle, notwithstanding any other provision of the Sign Regulations.

(ii) Vehicle area clearances: In areas outside of rights-of-way, when a sign or awning extends over an area in which vehicles travel or are parked, the bottom of the structure must be at least fourteen (14) feet above the ground. Vehicle areas include driveways, alleys, parking areas, and loading and maneuvering areas.

(iii) Pedestrian area clearances. When a sign or awning extends more than twelve (12) inches over a sidewalk, walkway, or other space used by pedestrians, the bottom of the structure must be at least eight (8) feet above the ground.

(iv) Clearances from fire escapes, means of egress or standpipes. Signs, sign structures and awnings are prohibited from being erected in any manner that interferes in any way with the free use of any fire escape, means of egress or standpipe. Attaching signs, sign structures or awnings to a fire escape is prohibited.

(v) Obstruction of windows and ventilation. Signs, sign structures and awnings are prohibited from being installed in any way that obstructs any building openings to such an extent that light, ventilation or exhaust are reduced to a level below that required by either the Building Code, Plumbing Regulations, Heating and Ventilating Regulations or Housing and Maintenance Regulations or other applicable State or local Code.

C. Signs extending into the right-of-way.

The following signs are permitted to extend into the right-of-way:

- (1) Projecting signs over a public sidewalk are permitted only within the B-1 Zoning District.
- (2) Awnings and marquees projecting over a public sidewalk are permitted only within the B-1 Zoning District.
- (3) One (1) A-frame sign is permitted for each site only within the B-1 Zoning

District (to be counted within the sign area of permitted freestanding signs) if it meets the following standards:

- a. The sign is entirely outside the surface street or roadway used or available for use for vehicular traffic;
- b. The sign is no larger than ten (10) square feet;
- c. The sign does not obstruct a continuous through pedestrian wheel chair access zone of at least six (6) feet in width.
- d. The sign does not obstruct pedestrian or wheelchair access from the sidewalk to any of the following:
 - i. transit stop areas;
 - ii. designated disabled parking spaces;
 - iii. disabled access ramps; or
 - iv. building exits including fire escapes.

e. A sign described herein which fails to comply with the provisions of this subsection C shall be removed or modified by the owner. In addition, the City, in its sole determination, may require signs extending into the right-of-way to be modified or removed if streets are widened, or other improvements are made in the right-of-way which result in the creation of unsafe or non-compliant conditions or because of other public need. The modification, removal, or moving shall be at the owner's expense. The owner shall modify or remove or move the sign within 30 days from receipt of written notice from City if the sign was permitted and lawful at the time of its placement or upon written 5 day notice if the sign was not permitted or not lawful at the time of its placement or immediately if a threat to public safety. If the owner fails to do so then the City may remove the sign with no compensation or liability to owner and owner shall pay all costs, including reasonable attorney fees, incurred by City.

D. Freestanding Signs

Freestanding signs shall not extend into the right-of-way.

E. Fascia or Wall Signs

(1) Vertical extensions: Fascia or wall signs may not extend above the top of the building wall upon which they are mounted.

(2) Horizontal extensions: Fascia or wall signs may not extend more than eighteen (18) inches out from the wall or structure to which they are attached; provided said signs shall not extend more than four (4) inches

on single family and two family residential sites.

F. Pitched Roof Signs

(1) Vertical extensions: A pitched roof sign may not extend above the roofline.

(2) Placement and angle. Pitched roof signs must be parallel to the building face. They may not extend beyond the building wall. See illustrations in Section 21-126.5.

(3) Support structures: Support structures must be designed so that there is no visible support structure above the sign.

G. Projecting Signs

Placement: Projecting signs are not allowed on rooftops or on pitched roofs. Projecting signs are allowed only within Business Zoning Districts. No projecting sign shall extend over a right-of-way unless it is located in the B-1 Zoning District (see C above).

H. Directional Signs

(1) General standards: Directional signs that meet the standards of this subsection are allowed in all Zoning Districts except R-1, R-2, R-3, R-M2, or R-MH, and are not counted in the total square footage of permanent signage allowed on any property or site. Directional signs shall be free standing or fascia (wall). Freestanding directional signs may be up to six (6) square feet in area and eight (8) feet in height; Fascia directional signs may be up to sixteen (16) square feet in area.

(2) Directional signs within the R-1, R-2, R-3, R-M2, and R-MH Zoning Districts are permitted only as provided within 21-126.10 above.

(3) Directional signs in any Zoning District may have internal or external illumination.

I. Banners

(1) Banners used as permanent signs or erected using a sign structure not meeting the definition of temporary sign are allowed in Non-Residential Zoning Districts and will be included in the total square footage allowed on the site. Temporary banners are regulated under J below.

(2) Permanent banners are subject to the standards for either fascia signs or projecting signs depending on how the banner is supported or anchored.

J. Temporary Signs

(1) In all Residential Zoning Districts upon sites used for single family or two family dwellings or on the individual dwelling units within a multi-family complex or manufactured home park, temporary signs are permitted as provided within 21-126.10 above. Temporary signs are counted in the total square footage of signage allowed on any particular site. Temporary signs shall not have external or internal illumination.

(2) On properties within a Residential Zoning District having a Permitted Non-Residential Use or Multi-Family Use (except the individual dwelling units as described within (1) above) and on properties within a Non-Residential Zoning District, signs that meet the regulations and definitions herein for Temporary Signs are not counted in the total square footage of permitted permanent signage allowed on any particular site. Signs that do not meet the regulations herein for Temporary Signs are regulated as a permanent sign. Temporary signs for a site shall be collectively limited to a total sign area of fifty (50) square feet and no sign shall exceed six (6) feet in height (if applicable), whether said sign or signs shall be a banner, wall, fascia, freestanding or combination thereof. Temporary signs may have external or internal illumination.

(3) Temporary sign has reference to sign type, not to the sign copy; a temporary sign may be a commercial sign, a real estate sign, political sign, special event sign, or any other copy (except as restricted by the Zoning District). No temporary sign, except political signs upon residential property (which are subject to State law pre-emption), shall be displayed longer than thirty (30) days. A temporary sign must comply with any regulation that applies to all signs generally (e.g. setback, vision clearance, etc.). A temporary sign that does not meet the regulations of this subsection J is prohibited; such sign must meet the Sign Regulations and is subject to the restrictions for permanent signs.

21-126.13: Sign Regulations for Sexually Oriented Business

Notwithstanding any other provision of the Sign Regulations of Section 21-126, signs for a sexually oriented business shall also be subject to the following provisions (which provisions shall supersede any other condition or similar provisions):

A. Only the following signs are permitted:

1. One freestanding, illuminated or non-illuminated, with one or two sides permitted having total square footage not exceeding 75 square feet for one side or 150 square feet for two sides, with a maximum height of 25 feet measured from top of the sign and minimum ground clearance of 10 feet measured from bottom of the sign and with a minimum setback from a

public right-of-way and adjoining property of 10 feet.

2. One wall sign, illuminated or non-illuminated, having total square footage not exceeding 75 square feet and having a maximum height of 25 feet measured from top of sign.

B. The display surface shall: (a) not contain any flashing light; (b) be a flat plane, square or rectangular in shape; (c) not contain any photographs, silhouettes, drawing or pictorial representation in any manner; (d) Each letter forming a word shall be of a solid color and each letter shall be of the same print, type, size and color; the background behind such lettering on the display surface shall be of a uniform and solid color.

C. No exterior shall have flashing lights, search lights, spot lights, photographs, silhouettes, drawings or pictorial representations in any manner.

D. No exterior portion of the establishment shall be painted any color other than an achromatic color.

E. No sign shall be a flashing, moving or constant motion sign.

F. No sexually oriented business shall have an off-premises sign, nor permit an off-premises sign of another sexually oriented business on its property.

G. No variance of sign provisions is permitted.

21-126.14: Electronic Message Centers

A. Electronic Message Centers (EMC) are permitted in Residential Zoning Districts as only provided within Section 21-126.10, paragraph D; Electronic Message Centers are permitted within all Non-Residential Zoning Districts.

B. Additional general EMC regulations:

(1) An EMC sign may be a portion of a building sign or freestanding sign, or may comprise the entire sign area.

(2) All EMC signs shall have automatic dimming controls, either by photocell (hardwired) or via software settings, in order to bring the EMC lighting level at night into compliance with "Sign Illumination Standards" of Section 21-126.15.

(3) In Residential Zoning Districts, where permitted, EMC signs shall have a minimum display time of eight (8) seconds. The transition time between messages and/or message frames shall be limited to three (3)

seconds and these transitions may employ fade, dissolve, and/or other transition effects; however, the following EMC display features and functions are prohibited: continuous scrolling and/or traveling, flashing, spinning, rotating, and similar moving effects, and all dynamic frame effects or patterns of illusionary movement or simulating movement.

(4) In Non-Residential Zoning Districts, all EMC display features and functions are permitted, with the exception of (a) flashing, which is prohibited and (b) full motion video or film display via an electronic file imported into the EMC software or streamed in real time into the EMC. See Definitions, 21-126.3

21-126.15: Sign Illumination Standards

Signs may be illuminated consistent with the following standards:

A. A sign in any zoning district may be illuminated at night except as provided within Section 21-126.10 as to single family and two family residential sites and individual dwelling units of multi-family dwelling complex or of a manufactured home park, or except as provided by another ordinance or provision of law. Signs that are illuminated at night may not exceed a maximum luminance level of seven hundred fifty (750) cd/m² or Nits, regardless of the method of illumination.

B. Signs that have external illumination, whether the lighting is mounted above or below the sign face or panel, shall have lighting fixtures or luminaires that are fully shielded.

C. All illuminated signs must comply with the maximum luminance level of seven hundred fifty (750) cd/m² or Nits at least one-half hour before Apparent Sunset, as determined by the National Oceanic and Atmospheric Administration (NOAA), US Department of Commerce, for the specific geographic location and date. All illuminated signs must comply with this maximum luminance level throughout the night, if the sign is energized, until Apparent Sunrise, as determined by the NOAA, at which time the sign may resume luminance levels appropriate for daylight conditions, when required or appropriate.

21-126.16: Nonconforming Signs

A. Nonconforming permanent signs are subject to Article 21, Section 21-108 of the Revised Code of Ordinances in addition to the regulations herein. Nonconforming temporary signs shall be removed or changed in accordance with the provisions herein.

B. Permanent signs and sign structures that are moved, removed, replaced, or structurally altered shall be brought into compliance with the Sign Regulations of Article 21, Section 21-126. However, a nonconforming sign required to be moved

because of public right-of-way improvements having an amortized life remaining under Article 21, Section 21-108.7, of more than five (5) years may be re-established and maintained until expiration of its remaining amortized life. Removable faces or sign panel inserts in a cabinet style sign may also be changed, and such change does not constitute a structural alteration nor trigger loss of nonconforming status.

C. Nonconforming temporary signs must be removed on or before April 30, 2018. Nonconforming permanent signs whose nonconformity (e.g. transition time, illuminance, display time, etc.) can be remedied without structural alteration or remedied by adjustment of an existing sign control or mechanism shall be brought into compliance by April 30, 2018. Failure to remove a sign or remedy a nonconformity by April 30, 2018 shall constitute a violation of the Sign Regulations and the sign shall thereafter be a prohibited sign.

D. Ownership. The status of a nonconforming sign is not affected by changes in ownership.

E. Once a sign is altered to conform or is replaced with a conforming sign or the amortized period under Article 21, Section 21-108.7 expires, the nonconforming rights for that sign are lost and a nonconforming sign may not be re-established.

F. Nonconforming sign status shall cease:

(1) For any sign that meets the definition of abandoned sign.

(2) Except as provided within this Section, when a sign or sign structure is removed or destroyed, the replacement sign and sign structure must comply with Sign Regulations of Article 21, Section 21-126, although a nonconforming sign or sign structure may be removed temporarily to perform only sign maintenance or sign repair.

21-126.17: Electrical Regulations Applying to all signs

A. All electric signs, outline lighting systems and skeleton neon lighting systems shall be manufactured and installed in compliance with NFPA 70: the National Electric Code (NEC) Edition adopted by City and any required electrical work shall be performed by a licensed electrician.

B. The Listing label number for all signs shall be provided on the Sign Permit Application, or, if the sign has not been manufactured yet, through Nationally Recognized Testing Laboratory (NRTL) validation: A NRTL file number from the sign manufacturer shall be provided for all electric signs on the Sign Permit Application.

C. Any sign which fails to comply with the provisions of this Section shall not receive, nor continue to receive, electrical power and shall be disconnected, or may be ordered to be disconnected, as an immediate health and safety threat; said sign shall also be subject to removal at owner's expense as a nuisance if not repaired or removed after a 5 day written notice to the owner.

21-126.18: Maintenance Requirements

A. Signs, sign structures and awnings, together with their supports, braces, guys, anchors and electrical components shall be installed and maintained in accordance with any applicable Code and with the requirements of the manufacturer of the sign, and shall always be maintained in a proper state of repair. The City Manager or designee of the City Manager may order the removal of any sign, sign structure or awning that is not maintained as required.

B. Dangerous Structures and Equipment

(1) Signs, sign structures or awnings that are dangerous must be taken down and removed or made safe as the City Manager or designee of the City Manager deems necessary. Signs may be deemed dangerous for one or more of the following reasons:

- a. Whenever a sign structure or its foundation, a sign's attachments to a building, or a building to which a sign is attached is damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability is materially less than it was before the damage;
- b. Whenever any portion or member of a sign, sign structure or awning is likely to fail, or become detached or dislodged, or to collapse and thereby injure persons or property;
- c. Whenever any portion or member of a sign, sign structure or awning is likely to partially or completely collapse as a result of any cause, including, dilapidation, deterioration, or decay; faulty construction or wiring; or removal, movement or instability of any portion of the ground or building necessary for supporting such structure;
- d. Whenever a sign, sign structure or awning is structurally or electrically unsafe or otherwise hazardous to human life or safety by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment;

(2) All signs, sign structures and awnings determined after inspection to be dangerous, must be abated by repair, rehabilitation, demolition or removal;

21-126.19 Off-Premise Signs

Off-premise (third party or outdoor advertising) signs are prohibited in all Residential Zoning Districts. Except as provided within paragraph (k) below, no off-premise sign of any type shall be erected or maintained in Zoning Districts A-G, F-P, B-1, B-2, B-3, B-PL, I-1, I-2, I-A and IPCA-PUD without obtaining a Conditional Sign Permit, without paying the initial Sign Permit Fee and each annual Sign Permit Fee, and without complying with each of the following conditions (a) through (j):

- (a) Off-premise signs on the same street facing the same traffic flow shall not be placed closer together than 300 feet (figure 6)

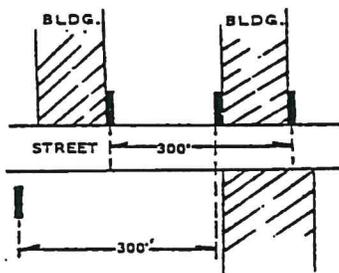


Figure 6

- (b) Off-site signs can be double-faced and each side shall be considered as facing traffic flowing in the opposite direction (figure 7)

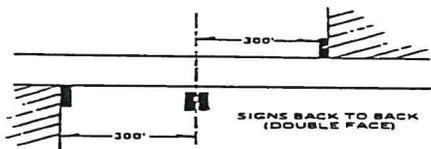


Figure 7

- (c) At the intersection of two streets, double or single faced signs at right angles to and, therefore, facing traffic on street A may be situated closer than 300 feet to a similarly

positioned sign across the street at right angles to and, therefore, facing traffic on street B. (figure 8)

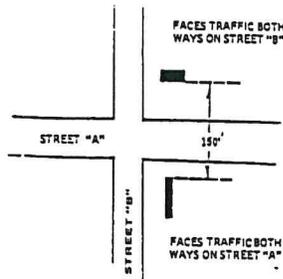
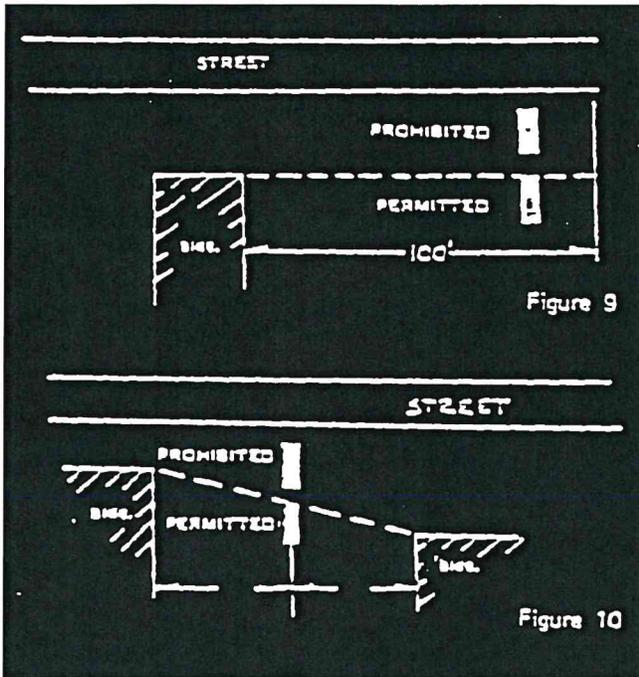


Figure 8

- (d) In B-1 and B-2 Zoning Districts, signs shall not exceed 200 square ft. per side, with a 30' maximum height.
- (e) In all other Zoning Districts, signs shall not exceed 600 square ft. per side with a maximum height of 30'.

Structures for off-premise signs shall be of vertical (cantilever) construction and where the back is visible it shall be suitably painted or otherwise covered to present a neat and clean appearance.

- (f) The area around off-premise signs shall be kept clean and all shrub brush, tall grass, etc. shall be cleared away to a distance of at least five feet to the rear and sides of structure, as well as to the front property line, and if on a corner property site, to both property lines.
- (g) Site directional signs shall conform to all the requirements for off-site third party signs.
- (h) No part of any off-premise sign structure shall be closer to any street line than the front line of the nearest building within 100 feet, nor closer than the building setback line in any case. (Figure 9)
- (i) When an off-premise sign is erected between two buildings that are within 100 feet of the structure, no part of said structure shall be erected closer to any street line than a line drawn from the nearest front corner of the two buildings. (Figure 10)



- (j) No off-premise sign or freestanding sign that is freeway oriented and within 660 feet of the edge of the freeway shall be more than 25 feet above the grade of the freeway or 50 feet above the grade of the site of the sign. The measurement that is higher is to prevail as the height limit.
- (k) An off-premise freestanding sign may be erected upon property zoned B-2, B-3, or B-PL without obtaining a Conditional Sign Permit if all of the following conditions are met:
- (1) The sign must be a sign type and comply with all of the Sign Regulations relating to said sign and to the Zoning District within which the sign is situated; neither the number of signs nor the sign area shall be increased and the property upon which the sign is situated shall be limited to the specific signs permitted by the Sign Regulations.
 - (2) The sign constituting the off-premises sign under this paragraph (k) shall display only commercial or non-commercial messages appurtenant to the use of, products or services sold on, or the sale or lease of the property on which the sign is situated or upon property immediately contiguous to the property on which the sign is situated.
 - (3) Not more than 50% of the sign face shall display messages not appurtenant to the use of, products or services sold on, or the sale or lease of, the property on which the sign is situated.

(4) Upon failure of the sign to comply with any of the foregoing conditions, the display of messages upon the sign not appurtenant to the use of, products or services sold on, or the sale or lease of, the property on which the sign is situated shall be removed or a Conditional Sign Permit for an off-premises sign shall be obtained.

(5) A written sign lease, agreement, or other consent executed by all persons owning the sign or displaying messages upon the sign shall be provided to the City Manager and shall be filed with the City Clerk; said lease, agreement, or consent shall identify the property upon which the sign is situated and the adjoining contiguous property by PIN numbers and shall include a copy of the sign permit for the freestanding sign being used as an off-premises sign pursuant to this paragraph (k); upon making the required filing as stated herein and upon the City Manager determining that the properties and sign comply with the provisions of this subparagraph (k), the City Manager shall issue a written Permit (which Permit shall be filed with the City Clerk) authorizing use of the sign as an off-premises sign for the limited purposes as stated herein.

(6) If the above conditions are not met, then a Conditional Sign Permit must be obtained.

(7) Any off-premises sign erected upon property zoned B-2, B-3, or B-PL which fails to comply with the conditions as provided herein or fails to obtain a Conditional Sign Permit shall be a prohibited sign.

21-127 CONDITIONAL SIGN PERMIT

21-127.1 Conditional Sign: A Conditional Sign is a sign permitted only with a conditional use and includes off-premise signs, on-premise signs specifically described within the Sign Regulations as requiring a conditional use, or an additional on-premise sign not otherwise permitted by the Sign Regulations but which may be appropriate because of a special circumstance or condition unique to a specific property. After compliance with appropriate safeguards and these procedures specified herein and payment of the applicable permit fee, the City Council may permit as a Conditional Sign within a Zoning District precise sign types which are not prohibited and which are described within the Sign Regulations (21-126) for the particular Zoning District.

21-127.2 Conditional Sign Permit: A Conditional Sign Permit is hereby defined to be legal authorization to erect or place a Conditional Sign pursuant to authorization of the City Council and in compliance with the procedures specified herein. The Permit shall be restricted to the specific sign (excluding language content) and to the specific location for which the Conditional Sign Permit is granted.

21-127.3 Procedure for Conditional Sign Permit: The Board of Appeals established by this Article shall hear and recommend such Conditional Signs as permitted within the Sign Regulations, shall hear and decide such questions as are involved in determining whether Conditional Signs should be granted, and shall recommend Conditional Signs with such conditions and safeguards as are appropriate under this Ordinance, or shall recommend denial of Conditional Signs when not in harmony with the purpose and intent of this Ordinance.

21-127.4 **Application and Procedure:** A Conditional Sign shall not be recommended by the Board of Appeals unless and until:

21-127.4.1 A written application for a Conditional Sign is submitted, indicating the section of this Ordinance under which the Conditional Sign is sought and stating the need or basis on which it is requested and providing a description of the proposed sign and the location (including a legal description or Real Estate Tax Property Index Number and street address) of the proposed sign and indicating the zoning classification of the location. Application shall be made on forms obtained from the City Clerk.

21-127.4.2 Notice shall be given not less than 15 or more than 30 days in advance of the public hearing. The petitioner, his agent, or attorney shall cause such notice to be given in each of the following ways:

- a. The owner of the property for which the conditional sign is sought, or his agent, shall be notified by mail as to the time, date, and place of public hearing;
- b. Notice of such hearing indicating the date, time, place, legal description or Real Estate Tax Property Index Number of the property for which the conditional sign is sought, the common street address, description of the proposed conditional sign, and the zoning classification of the property shall be printed in a newspaper of general circulation within Mt. Vernon;
- c. Notice of such hearing indicating the date, time, place, legal description or Real Estate Tax Property Index Number of the property for which the conditional sign is sought, the common address, description of the proposed conditional sign, and the zoning classification of the property shall be posted at the City Hall and in a prominent place on the property for which the conditional sign is sought;
- d. The notice required herein to be posted upon the property affected shall be in the following form:
 1. The basic form of notice shall be furnished by the City, shall be a metal or other permanent sign with the main panel thereof being not less than 18 inches by 24 inches in bold black or other conspicuous color. Such sign shall remain the property of the City. The petitioner shall pay to the City a deposit of \$50, which shall be refunded after the hearing and after the petitioner shall return the metal sign to the City. In the

event that the petitioner shall not return the metal sign, then the petitioner shall forfeit the deposit.

2. The notice shall bear the legend "PROPOSED CONDITIONAL SIGN - THIS PROPERTY," and shall have printed thereon the words "FOR INFORMATION PHONE 618/242-5000." The notice shall further have affixed thereto a copy of the notice which is published which shall be typed and shall further have a plastic cover to protect such notice from the weather.

3. The notice shall be posted so as to be conspicuous and visible from the road or street nearest the principle structure on the property; and, if there is no structure, then from the principle road or street adjacent thereto. If the lot is a corner lot or through lot as defined by the Zoning Ordinance of the City of Mt. Vernon then such notice shall be posted on each side of the lot facing the street or road. In no event shall the notice be posted more than 10 feet or less than 5 feet from each such street or road.

- e. Proof that each of the notices required herein has been given shall be provided by the petitioner by delivering an authentic certificate of publication of the notice published in a newspaper of general circulation and providing a verified certificate of posting and mailing as to the other notices required herein.

21-127.4.3 A public hearing shall be held. Any party may appear in person, or by agent or attorney.

21-127.5 **Findings:** The Board of Appeals shall make a finding that it is empowered under the section of this Ordinance described in the application to recommend to the City Council the Conditional Sign and that the granting of the Conditional Sign will not adversely affect the public interest.

Before any conditional sign permit shall be recommended by the City Council, the Board of Appeals shall make written findings certifying compliance with the specific requirements governing individual signs and certifying that satisfactory provision and arrangement have been made concerning the following:

21-127.5.1 Proposed exterior lighting with reference to glare; traffic safety; economic effect; and compatibility and harmony with properties in the district.

21-127.5.2 General compatibility with adjacent properties and other property and signs in the district.

21-127.6 **Final Decision**: After receiving the recommendation of the Board of Appeals, the City Council shall grant or deny the application for Conditional Sign.

21-128 **DELETED**