

EXHIBIT A

16-6-13: Signs.

A. *Title.* This Section of the Englewood UDC shall be known and hereafter referred to as the "Englewood Sign Code" or "Sign Code."

B. *General Statement.* The City of Englewood recognizes that signs are a necessary means of visual communication for the convenience of the public, and that it is the right of those concerned to identify their businesses, services or other activities by the use of signs. However, the City is also aware that citizens of Englewood are concerned about adopting and enforcing sound environmental practices, including the strict control of signs, and limiting signs to those that are accessory and incidental to the use on the premises where such signs are located. The City also understands that the economic health of specialized areas of the City, such as the South Broadway commercial corridor, may be enhanced by permitting different sizes and types of signage than those permitted elsewhere in the City. It is to this end that the following goals are set forth and the regulations in this Section are deemed necessary:

1. To protect the public from hazardous conditions that result from signs that are structurally unsafe, obscure the vision of motorists, and/or compete or conflict with necessary traffic signals or other traffic regulatory devices.
2. To encourage signs that are well-designed, legible, constructed of high quality, durable materials appropriate to an urban setting and appropriate to the uses permitted as well as compatible with their surroundings and with the buildings to which they pertain.
3. To provide a reasonable balance between the right of the individual to identify his business and the right of the public to be protected against the visual discord resulting from the unrestricted proliferation of signs and similar devices.
4. To permit and encourage distinctive signage along the South Broadway corridor.
5. To require that signs which advertise or identify a use or a business no longer in operation be removed within a reasonable time.
6. To require that signs which do not comply with the requirements of this Sign Code be terminated within a reasonable period of time.

C. *Scope and Application of this Section.*

1. These regulations shall govern and control the display, construction, erection, alteration, remodeling, enlarging, moving or maintenance of all signs permitted within all zone districts established by this Title and any amendments thereto.
2. This Sign Code shall be administered by the City, which shall have the powers and duties set forth and those necessarily implied to administer and enforce this Sign Code; the City may issue appropriate procedures and forms.
3. Upon application to and issuance by the City of a permit therefore, a sign may be erected, altered and maintained only for a permitted use in the district in which the signs are located; signs shall be located on the same lot as the permitted use unless otherwise provided; however, no sign of any type shall be erected or maintained for or by a one-unit, two-unit, or three-unit residential use, except approved home occupation signs and certain signs for which no permit is required.
4. Nothing herein contained shall be deemed a waiver of the provisions of any other ordinance or regulation applicable to signs. Signs located in areas governed by several ordinances and/or applicable regulations shall comply with all such ordinances and regulations. If there is a conflict between the regulations in this Sign Code and any other ordinance or regulation, the more stringent regulations shall apply.

D. *Permits.*

1. Permit Required.

a. It shall be unlawful to display, erect, construct, relocate or alter (except for copy changes) any sign without first filing with the City an application in writing, paying applicable fees, and obtaining a sign permit, except as provided in Section 16-6-13.E EMC, "Signs Not Subject to Permits," of this Sign Code. If a sign has been displayed, erected, constructed, relocated, or altered without such permit or not in accordance with the terms of such permit, the sign must be removed within five (5) calendar days of official notice.

b. When a sign permit has been issued by the City, it shall be unlawful to change, modify, alter or otherwise deviate from the terms or conditions of said permit without prior approval of the City. A written record of such approval shall be entered upon the original permit application and maintained in the files of the City.

2. Application for Permit.

a. Application for a sign permit shall be made by the owner or tenants of the property on which the sign is to be located, his authorized agent, or a sign contractor licensed by the City of Englewood. Such applications shall be made in writing on forms furnished by the City, and shall be signed by the applicant. In the case of any sign for which special review by the City Manager or designee is not requested, the City shall, within five (5) working days of the date of the application, either approve or deny the application or refer the application back to the applicant in any instance where insufficient information has been furnished.

b. If the City finds that work under any permit issued is not in accordance with the information supplied in the permit application and/or is in violation of this or any other pertinent ordinance; or should it be found that there has been any misrepresentation in connection with the application for the permit; the sign owner or lessee or erector shall be notified of such findings and that the violation must be corrected within five (5) working days of notice. If such correction is not made, the permit shall be revoked and written notice thereof shall be served upon the sign owner or erector. No person shall proceed with any part of such work after such notice is received. The owner or lessee of the sign or the owner of the property on which the sign is located shall have the right to appeal the decision of the City in the manner provided for in Section 16-2-18 EMC.

c. If actual work either on or off-site is not commenced under any sign permit issued within one hundred eighty (180) days from the date of such permit, the permit shall automatically become null and void. Delays that are not a result of willful acts or neglect of the contractor, owner, or person obtaining the permit may be excused and the City may grant an extension of time in which to start or resume operations. All requests for extensions and approval thereof shall be in writing.

d. When any permit has been revoked under the terms of this Section, permit fees shall not be refunded.

3. Plans, Specifications, and Other Data Requested. The application for a sign permit issued by the City shall be accompanied by the following plans and other information: The name, address and telephone number of the owner or persons entitled to possession of the sign and of the sign contractor or erector; the location by street address of the proposed sign structure; complete information as required on application forms provided by the City, including a Zoning Site Plan and elevation drawings of the proposed sign drawn to scale, caption of the proposed sign and such other data as is pertinent to the application; plans indicating the scope and structural detail of the work to be done, including details of all connections, guy lines, supports and footings, and materials to be used; application for an electrical permit for all electrical signs, and the required information for such application; and a statement of value or cost of the sign. In addition, where

special review by the City Manager or designee has been requested, applications shall include scale drawings of building elevations with proposed signage, color and material samples of materials to be used in the proposed signage, and any other materials that the City Manager or designee may require, in writing, which are necessary to evaluate the quality and character of the proposed signage as it relates to the design review criteria for such signs.

4. Permit Fees. A permit fee shall be paid to the City for each sign permit issued under this Section. The permit fee shall be in accordance with the fee schedule established by Council.

5. Identification and Marking of Electrical Signs. Each electrical sign hereafter erected or remodeled shall bear thereon a clearly legible identification plate not exceeding fifteen (15) square inches in area, stating the name of the person, firm or corporation responsible for its construction and erection, with installation date and permit number, and shall be marked with input amperes at full load input.

6. Licensing and Insurance Requirements.

a. Any person, firm, or corporation engaged in the business of installing, erecting, moving or maintaining signs in the City of Englewood shall be duly licensed by the City. A person who has applied for a sign permit and is not engaged in the sign erecting business may be allowed to install, erect, move, or maintain his own sign upon demonstration to the City that he possesses sufficient knowledge and skill and is appropriately insured for public protection. Upon such demonstration, the City may issue a nonrenewable sign contractor's license. Such license will be valid only for the installation, erection or moving of signs as specified on the permit. Within a residential zone district, the homeowner may apply for a nonrenewable sign contractor's license for use on his own property. For such a license, the license fee will be waived.

b. Before any permit is issued for a sign which may require any work over public property, the erector shall furnish to the City a certificate of insurance from a firm with corporate surety, and authorized to do business in the State of Colorado, for public liability and property damage in amounts established by the City of not less than the following and covering the liability of the sign erector with respect to all work performed by him or his agents or employees:

(1) For death or injury to any one person . . . \$100,000.00

(2) Total liability in any one accident . . . 300,000.00

E. *Signs Not Subject to Permits.* The following signs, displayed for non-commercial purposes, may be erected and maintained in all zone districts without a sign permit as otherwise required by Section 16-6-13.D EMC, "Permits," above. Such signs shall be in addition to all other signs permitted in any zone district, providing such signs do not require direct electrical wiring, and conform to setbacks and other physical characteristic requirements of the designated zone districts. Even though permits are not required for the following signs, wall signs shall be located only in the signable area, and window signs shall be counted toward the twenty-five percent (25%) maximum coverage. This restriction shall not apply to holiday decorations, or to short-term advertising as provided in subsection 16-6-13.J.5.f EMC.

No permit shall be required to carry out maintenance to a conforming sign if no structural changes are made.

1. Bulletin Boards. Bulletin boards for public, charitable, or religious institutions, which are not over twelve (12) square feet in area, and which are located on the premises of said institutions.

2. Election Signs. Election signs shall not be posted more than forty-five (45) calendar days prior to the election to which the sign relates, and shall be removed within fifteen (15) calendar days following the election to which the sign relates. Such signs are limited to wall, window, and

ground signs; and shall not be a banner of paper or cloth. Each election sign shall not exceed twelve (12) square feet of total sign area.

3. Flags. Flags of nations or an organization of nations, states, and cities, provided such flag does not exceed thirty-five (35) square feet in area.

4. Holiday Decorations. Signs in the nature of decorations, clearly incidental and commonly associated with any national, local or religious holiday; provided that such signs shall be displayed for a period of not more than sixty (60) consecutive calendar days. Such signs may be of any type, number, area, height, location, illumination, or animation, and shall be located so as not to conflict with traffic regulatory devices and are not subject to the maximum window coverage of twenty-five percent (25%).

5. Ideological Signs. Ideological signs not more than twelve (12) square feet in total sign area. Such signs are limited to not more than two (2) per lot.

6. Illuminated Buildings. Providing no signs, symbols, letters, figures, etc., identifying a name, service, or product, occur on the building or the part of the building that is illuminated.

7. Memorial Signs. Memorial signs or tablets, giving the name of building and date of erection, when cut into any masonry surface or inlaid so as to be part of the building.

8. Private Parking or Traffic Direction Signs. Signs giving parking or traffic directions or restrictions which do not require direct electrical wiring, provided that such signs are limited to: wall and ground signs, not more than two (2) signs per curb cut on the lot and not more than six (6) square feet per face in area, and not more than six feet (6') in height above grade. Not more than one (1) directional sign may be displayed at each curb cut. Such signs may be illuminated from a concealed light source which does not flash, blink or fluctuate, and shall not be animated.

9. Public Signs. Signs required or specifically authorized for a public purpose.

10. Signs Within Buildings. Signs within buildings that are not visible from the public right-of-way or are more than twelve inches (12") from the interior side of a window.

11. Scoreboards. Scoreboards located on athletic fields.

12. Symbols. Symbols or crests of national, state, religious, fraternal, professional, and civic organizations.

13. Vehicle Consumer Information. Signs on cars, trucks, or other vehicles displayed in commercial lots which give information as to price, emissions or mileage as required by State or Federal law of such vehicles. These signs are limited to twenty-five percent (25%) coverage of window area.

14. Works of Art. Works of art that in no way identify a product.

15. Contractor Signs. A sign not more than twelve (12) square feet per face in area and not more than twenty-four (24) square feet in total sign area, which names the contractors or sponsors engaged in construction on the property where the sign is located.

16. Real Estate Signs. Signs that advertise the sale, rental, or lease of the premises upon which said signs are located shall comply with the following standards.

a. Residential uses and any use in the R-1-A, R-1-B, R-1-C, R-2-A, R-2-B, MU-R-3-A, and MU-R-3-B districts shall be permitted one sign of not more than six (6) square feet per face in area. Such signs shall not extend or project over any property line.

b. Commercial and industrial uses in the MU-B-1, MU-B-2, TSA, I-1, and I-2 districts shall be permitted two (2) signs of not more than thirty-two (32) square feet per face in area if the street frontage is more than one hundred feet (100'), or twenty-four (24) square feet if the street frontage is one hundred feet (100') or less. Such signs shall not extend or project over any property line.

17. South Broadway District Identification Banners. City owned and maintained banners affixed to streetlights in the South Broadway right-of-way for the purpose of delineating the various South Broadway Action Plan districts.

F. *Signs Subject to Temporary Permit.* The following signs may be displayed in the designated zone district under the conditions described, upon the City's grant of a temporary sign permit.

1. Special Event Signs.

a. In residential zone districts, special event signs are permitted in addition to all other signs allowed for a permitted use. Such signs shall be limited to one wall or one ground sign, subject to limitations described in this Section and in subsection 16-6-13.H EMC; no more than twelve (12) feet in height, and shall not exceed twelve (12) square feet in area, and shall not be displayed for more than thirty (30) calendar days.

b. In commercial and industrial zone districts, one (1) special event sign may be permitted in addition to all other signs. Such sign shall be limited to wall, window or ground signs, subject to limitations described in subsections 16-6-13.J.3.(A), (E), and (F) EMC. Such sign shall not be more than twenty-four (24) square feet in area and shall not be displayed for more than thirty (30) calendar days.

2. Street Banners. Banners across public thoroughfares announcing events sponsored by the City, Englewood School District, Arapahoe County, or charitable organizations may be authorized by temporary permit by the City. Such street banners shall be installed, removed, and maintained pursuant to City policy.

G. *Prohibited Signs.*

1. The following signs are prohibited in all zone districts and are declared a nuisance by the City:

a. Any ground sign within a triangular area of thirty feet (30') along two (2) sides of an intersection of curbs of two (2) streets, a railroad right-of-way and a street, a driveway and a street, or an alley and a street, which does not have a clear area of seven feet (7') between the grade level and the bottom of the sign unless approved by the City Traffic Engineer.

b. Banners, except as provided in subsections 16-6-13.K EMC, "South Broadway Sign Area," 16-6-13.F.2 EMC, "Street Banners," and 16-6-13.J.5.(F) EMC, "Short Term Advertising Signs," as well as pennants, valances and wind signs.

c. Billboards including, without limitation, any billboards on land transferred to the City by the State of Colorado or any of its agencies.

d. Portable signs.

e. Signs referring to outdoor display of merchandise on public right-of-way except for signs for sidewalk sales pursuant to a public sidewalk sale as defined in this Title.

f. Search lights.

g. Signs on fences.

h. Third-party signs.

i. Wheeled advertising devices, except for permanent signs on licensed vehicles.

j. Balloons and other inflatable devices.

k. Flags exceeding thirty-five (35) square feet maximum in area.

l. Any sign that imitates or resembles an official traffic control device or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or signal.

2. The following signs are prohibited in all areas except in the South Broadway sign area:

a. Animated signs, except barber poles.

- b. Flashing or blinking lights or signs, except for scoreboards and time and temperature devices.
 - c. Roof signs and integral roof signs.
 - d. Wall murals.
- H. *Signs Permitted in R-1-A, R-1-B, R-1-C, R-2-A and R-2-B Zone Districts.* Signs that meet the following criteria may be constructed, displayed, and maintained in the residential districts R-1-A, R-1-B, R-1-C, R-2-A and R-2-B in addition to those permitted in Section 16-6-13.E EMC and for home occupations.
- 1. Permitted Maximum Number.
 - a. *One-Unit, Two-Unit, and Multi-Unit Residential Uses.* For the permitted uses, no signs except as specified in Section 16-6-13.E EMC and subsection 16-6-13.H.5 EMC.
 - b. *Religious Institutions, Educational Institutions, Public Facilities, Hospitals, Clinics and Professional Offices.* For the permitted uses, three (3) signs.
 - c. *Other Lawful Nonresidential Uses.* For the permitted uses, two (2) signs.
 - 2. Permitted Maximum Sign Area.
 - a. *One-Unit, Two-Unit, and Multi-Unit Residential Uses.* For the permitted uses, one (1) square foot, as provided in subsection 16-6-13.H.5 EMC.
 - b. *Religious Institutions, Educational Institutions, and Public Facilities.*
 - (1) For the permitted uses, eighty (80) square feet or as calculated in the table herein (whichever is greater):
- TABLE INSET:

TABLE 16-6-13.1: PERMITTED MAXIMUM SIGN AREA	
Street Frontage	Sign Area/Foot of Street (Sign Area Amounts Are Cumulative)
1 foot to 100 feet	1.5 sq. ft./1 foot
101 feet +	1.0 sq. ft./1 foot

- (2) No single sign face shall exceed one hundred (100) square feet.
- c. *Other Lawful Nonresidential Uses.* For the permitted uses, twenty (20) square feet total with no single sign face to exceed ten (10) square feet.
- 3. Permitted Sign Types.
 - a. *Ground Signs.* Ground signs are permitted only for religious and educational institutions and public buildings. Such signs shall be no more than fifteen feet (15') in height and shall be set back ten feet (10') from the property line and are subject to the limitations described in subsection 16-6-13.G EMC.
 - b. *Marquees, Canopy or Awning Signs.* All signs shall be parallel to the face of the marquee, canopy, or awning upon which such signs are displayed and shall not project above or below the face of the marquee, canopy, or awning, and shall only identify the business by name and/or address.
 - c. *Wall Signs.* Wall signs shall not project more than twelve inches (12") from the face of the building to which it is attached and shall not extend above the roofline of the parapet wall.

d. *Window Signs.* Window signs shall not occupy more than twenty-five percent (25%) of the window in which they are displayed and shall not be displayed in windows above the first floor level.

4. *Permitted Illumination.* All signs described above except home occupation signs may be illuminated, but only from a concealed light source. Signs shall not remain illuminated between the hours of eleven o'clock (11:00) P.M. and seven o'clock (7:00) A.M., except signs permitted for medical services and public services such as police and fire, which are provided on a twenty-four (24) hour basis.

5. *Signs Additionally Allowed.*

a. *Home Occupation Sign.* Home occupation sign not more than one (1) square foot in area, which is affixed to the building, and which is unlighted and unanimated.

I. *Signs Permitted in MU-R-3-A, MU-R-3-B, and TSA Zone Districts.* Signs that meet the following criteria may be constructed, displayed and maintained in the MU-R-3-A, MU-R-3-B, and TSA districts in addition to those permitted in Section 16-6-13.E and subsection 16-6-13.H.5 EMC.

1. *Permitted Maximum Number.*

a. *One-Unit, Two-Unit, Multi-Unit Residential Uses (Four or Fewer Units).* For the permitted uses, no signs except as specified in Section 16-6-13.E EMC and subsection 16-6-13.H.5 EMC.

b. *Multi-Unit Residential Uses of Five or More Units.* For the permitted uses, one (1) sign per street front.

c. *Religious Institutions, Educational Institutions, Public Facilities, Hospitals, Clinics, and Professional Offices.* For the permitted uses, three (3) signs.

d. *Other Lawful Nonresidential Uses.*

(1) MU-R-3-A and MU-R-3-B Districts: For the permitted uses, two (2) signs.

(2) TSA Districts: Signs as permitted in the MU-B-1 District.

2. *Permitted Maximum Sign Area.*

a. *One-Unit, Two-Unit, Three-Unit, and Multi-Unit Residential Uses (Four or Fewer Units).* For the permitted uses, one (1) square foot, as provided in subsection 16-6-13.H.5.

b. *Multi-Unit Residential Uses of Five or More Units.* For the permitted uses, no single sign face to exceed thirty-two (32) square feet.

c. *Religious Institutions, Educational Institutions, Public Facilities, Hospitals, Clinics, and Professional Offices.*

(1) For the permitted uses, eighty (80) square feet or as calculated in the table herein:

TABLE INSET:

TABLE 16-6-13.2: PERMITTED MAXIMUM SIGN AREA	
Street Frontage	Sign Area/Foot of Street (Sign Area Amounts Are Cumulative)
1 foot to 100 feet	1.5 sq. ft./1 foot
101 feet +	1.0 sq. ft./1 foot

(2) No single sign face shall exceed one hundred (100) square feet except as provided in subsection 16-6-13.I.5.b EMC.

d. *Other Lawful Nonresidential Uses.* For the permitted uses, twenty (20) square feet total with no single sign face to exceed ten (10) square feet. Signs for nonresidential uses in the TSA district shall comply with the standards applicable to the MU-B-1 district.

3. Permitted Sign Types.

a. *Ground Signs.* Ground signs are permitted only for religious and educational institutions, public buildings, hospitals, clinics, professional offices, or forty (40) or more residential units. Such signs shall be no more than fifteen feet (15') in height and shall be set back ten feet (10') from the property line and are subject to the limitations described in subsection 16-6-13.G EMC.

b. *Marquees, Canopy, or Awning Signs.* All signs shall be parallel to the face of the marquee, canopy, or awning upon which such signs are displayed and shall not project above or below the face of the marquee, canopy, or awning, and shall only identify the business by name and/or address.

c. *Wall Signs.* Wall signs shall be no greater than twenty feet (20') in height, and shall not project more than twelve inches (12") from the face of the building to which it is attached and shall not extend above the roofline of the parapet wall.

d. *Window Signs.* Window signs shall not occupy more than twenty-five percent (25%) of the window in which they are displayed and shall not be displayed in windows above the first floor level.

4. Permitted Illumination. All signs described above except home occupation signs may be illuminated, but only from a concealed light source. Signs shall not remain illuminated between the hours of eleven o'clock (11:00) P.M. and seven o'clock (7:00) A.M., except signs permitted for medical services and public services such as police and fire, which are provided on a twenty-four (24) hour basis.

5. Signs Additionally Allowed.

a. *Home Occupation Sign.* Home occupation sign not more than one (1) square foot in area, which is affixed to the building, and which is unlighted and unanimated.

b. *High-Rise Building Identification Wall Signs.* For multi-storied buildings in excess of the maximum height permitted in the MU-R-3-B district, additional wall sign area shall be permitted for building identification purposes in conformance with the schedule set forth below. Sign area shall be based upon a square footage factor multiplied by horizontal linear footage of the building facade at the elevation of the facade where the sign is placed.

(1) For signs located from sixty feet (60') to one hundred feet (100') in height, the factor shall be five (5) square feet.

(2) For signs located from one hundred one feet (101') to one hundred fifty feet (150') in height, the factor shall be six (6) square feet.

(3) For signs located one hundred fifty-one feet (151') to two hundred feet (200') in height, the factor shall be seven (7) square feet.

(4) Multi-storied buildings may be permitted identification wall signs of the size provided by subsections (B)(1) through (B)(3) for each building facade visible from a public right-of-way. Wall sign areas permitted by this subsection for one facade may not be used for any facade other than the face for which such allowance is granted. Such signs shall not count against maximum sign area, or maximum number of signs.

c. *Joint Identification Signs.* Joint identification signs are permitted when two (2) or more permitted uses occupy the same parcel or parcels, or building or group of buildings. If joint

identification ground signs are used, no other ground signs may be used. Joint identification signs must contain the name and/or address of the uses to which the sign pertains. The following joint identification signs are in addition to all other signs in terms of maximum sign area and number.

- (1) Permitted Sign Face Area. One (1) square foot of sign area for each two (2) linear feet of street frontage; provided, however, that no single sign shall exceed one hundred (100) square feet per face, and that the total area of joint identification sign shall not exceed two hundred (200) square feet.
- (2) Permitted Maximum Number. One (1) sign for each street frontage.
- (3) Permitted Maximum Height. Fifteen feet (15').

J. *Signs Permitted in Commercial and Industrial Districts.* Signs that meet the following criteria may be constructed, displayed, and maintained in the MU-B-1, MU-B-2, TSA, I-1, and I-2 districts as follows:

- 1. Permitted Maximum Number.
 - a. *For a Lot Having One Permitted Use.*

TABLE INSET:

TABLE 16-6-13.3: SIGNS PERMITTED IN COMMERCIAL AND INDUSTRIAL DISTRICTS	
Street Frontage in Linear Feet	Number of Signs Permitted (Number of Signs is Not Cumulative)
150 feet or less	3
151 feet to 300 feet	4
301 feet or greater	5

- b. *For a Lot Having Two or More Permitted Uses.*

TABLE INSET:

TABLE 16-6-13.4: SIGNS PERMITTED IN COMMERCIAL AND INDUSTRIAL DISTRICTS	
Building Frontage in Linear Feet	Number of Signs Permitted (Number of Signs is Not Cumulative)
150 feet or less	3
151 feet to 300 feet	4
301 feet or greater	5

- 2. Permitted Maximum Sign Area.
 - a. *For a Lot Having One Permitted Use.*
 - (1) For the permitted use, the sign area shall be eighty (80) square feet or as calculated from the table herein, whichever is greater:

TABLE INSET:

TABLE 16-6-13.5: PERMITTED MAXIMUM SIGN AREA	
Street Frontage in Linear Feet	Sign Area/Foot of Street Frontage (Sign Area Amounts Are Cumulative)
1 foot to 100 feet	1.5 sq. ft./1 foot
101 feet to 250 feet	1.0 sq. ft./1 foot
251 feet +	0.4 sq. ft./1 foot

(2) No single sign face shall exceed one hundred (100) square feet in area, except as provided in subsection 16-6-13.J.5, nor shall the total sign area of any use exceed six hundred (600) square feet.

b. *For a Lot Having Two or More Permitted Uses.*

(1) For each permitted use the maximum sign area shall be eighty (80) square feet or as calculated from the table herein whichever is greater:

TABLE INSET:

TABLE 16-6-13.6: PERMITTED MAXIMUM SIGN AREA	
Building Frontage in Linear Feet	Sign Area/Foot of Building Front (Sign Area Amounts Are Cumulative)
1 foot to 100 feet	1.5 sq. ft./1 foot
101 feet +	1.0 sq. ft./1 foot

(2) No single sign face shall exceed one hundred (100) square feet in area, except as provided in subsection 16-6-13.J.5 EMC, nor shall the total sign area of any use exceed six hundred (600) square feet.

3. Permitted Sign Types.

a. *Ground Signs.*

- (1) A maximum of one (1) ground sign is permitted per business, regardless of the number of lots a single business occupies.
- (2) The maximum height of a ground sign shall be twenty feet (20'). The distance between signs on abutting lots shall be not less than the height of the taller sign.
- (3) If there is more than one (1) business in a building or if a group of buildings are associated by ownership, no ground signs are permitted except joint identification signs.
- (4) Where a ground sign has two (2) or more display faces, only one shall be included in determining the area of the sign.
- (5) Ground signs shall not encroach into any public right-of-way.

b. *Marquees, Canopy or Awning Signs.*

- (1) All signs shall be parallel to the face of the marquee, canopy, or awning upon which such signs are displayed and shall not project above or below the face of the marquee, canopy, or awning, and shall only identify the business by name and/or address.
- (2) An encroachment agreement from the City is required for all signs that project over a public right-of-way.

c. *Projecting Signs.*

- (1) Maximum area of the sign shall be twenty-five (25) square feet per face and the maximum height shall be twenty feet (20').
- (2) Such signs shall be located in the "signable area" of the facade of the building, as described in subsection 16-6-13.L.1.c EMC, "Signable Area," and must not obscure major architectural details or extend above the roofline. Such signs shall have a clearance of ten feet (10') from grade level to the bottom of the sign. Maximum projection shall be thirty inches (30") from the building to which it is attached. Where a projecting sign has two (2) or more display faces, all faces shall be included in determining the area of the sign.
- (3) An encroachment agreement from the City is required for all signs that project over a public right-of-way.

d. *Suspended Signs.* Shall not exceed four (4) square feet per face in area; shall be separated by a distance of fifteen feet (15'), and shall have a minimum clearance of seven feet (7') above grade level to the bottom of the sign. Such signs shall be limited in content to identification or address of the business. Suspended signs shall not suspend over or project into a public right-of-way.

e. *Wall Signs.* Wall signs shall be placed only in "signable areas" of a building facade, except as specified in subsection 16-6-13.L.1.c EMC. "Signable Area," of the building means any area of the facade of the building up to the roofline that is free of windows and doors or major architectural detail. Wall signs may not project more than eighteen inches (18") from the supporting wall. Wall signs may not extend above the roofline or parapet wall. Wall signs shall not suspend over or project into a public right-of-way. An encroachment agreement from the City shall be required for all signs that project over a public right-of-way.

f. *Window Signs.*

- (1) Window signs shall not occupy more than twenty-five percent (25%) of the total area of the window in which they are displayed. This twenty-five percent (25%) maximum coverage shall include all signs except short term advertising signs regardless of whether it is counted for sign area allowed or not. Signs displayed twelve inches (12") or less from the interior of windows shall be debited against the square foot area and number of signs allowed a permitted use.
- (2) Window signs are not permitted in windows above the first floor.
- (3) All neon signs connected to an electrical outlet located inside a building are considered "window signs" for the purposes of this Sign Code.

4. Permitted Illumination.

- a. Signs in commercial and industrial zones may be illuminated, but all direct illumination shall not exceed forty (40) watts per bulb.
- b. Goose-neck lamps and other similar lighting fixtures that provide a directed illumination of the sign area, without significant spillover of light onto public sidewalks or rights-of-way, are permitted and encouraged.
- c. Neon-illuminated signs are permitted, subject to all other applicable standards in this Section.
- d. Canopy signs may be back-lit; awning signs shall not be back-lit except for individual letters and business logos.
- e. The following types of illuminated signs are prohibited:

- (1) Signs illuminated with florescent lighting.
 - (2) Any sign displaying flashing or intermittent lights, or lights of varying intensity, except those portions of a sign indicating time and temperature or electronic changeable copy signs with intermittent lights due to the change of copy.
 - (3) Any sign with direct or indirect lighting that causes direct glare into or upon any lot or tract with a residential use that is adjacent to the lot or tract where the sign is located.
5. Signs Additionally Allowed. The following signs are also allowed in commercial and industrial zones subject to the conditions stated.
- a. *Drive-Through Identification Signs.* Each permitted use with a sheltered drive-through facility may have one identification sign attached to the shelter structure. Maximum sign area shall be ten (10) square feet for each lane of the drive-through facility. Such signs shall not count against maximum sign area or number.
 - b. *High-Rise Building Identification Wall Signs.*
 - (1) For multi-storied buildings in excess of the maximum height permitted in the MU-B-1, MU-B-2, I-1, or I-2 districts, additional wall sign area shall be permitted for building identification purposes in conformance with the schedule set forth below.
 - (2) Sign area shall be based upon a square footage factor multiplied by horizontal linear footage of the building facade at the elevation of the facade where the sign is placed:
 - (a) For signs located from sixty feet (60') to one hundred feet (100') in height, the factor shall be five (5) square feet;
 - (b) For signs located from one hundred one feet (101') to one hundred fifty feet (150') in height, the factor shall be six (6) square feet;
 - (c) For signs located one hundred fifty-one feet (151') to two hundred feet (200') in height, the factor shall be seven (7) square feet.
 - (3) Multi-storied buildings may be permitted identification wall signs for each building facade visible from a public right-of-way. Wall sign areas permitted by this subsection for one facade may not be used for any facade other than the facade for which such allowance is granted. Such signs shall not count against maximum sign area and number.
 - (4) Sign text shall be limited to the name of the business only.
 - c. *Identification Signs.* Signs limited to name of occupant, address of premises, and no more than four (4) square feet per sign in area. Such signs are limited to no more than one (1) per street front, and may be illuminated only from a concealed light source. Such signs do not count against maximum sign area or number.
 - d. *Joint Identification Signs.* Joint identification signs are permitted when two (2) or more permitted uses occupy the same parcel or parcels or building or group of buildings or within the same block. If joint identification ground signs are used, no other ground signs may be used. Joint identification signs must contain the name and/or address of the uses to which the sign pertains. The following joint identification signs are in addition to all other signs in terms of maximum sign area and number.
 - (1) Permitted Sign Face Area. One (1) square foot of sign area for each two (2) linear feet of street frontage; provided, however, that no single sign shall exceed one hundred (100) square feet per face, and that the total area of the joint identification sign shall not exceed two hundred (200) square feet.
 - (2) Permitted Maximum Number. One (1) sign for each street frontage.
 - e. *Secondary Signs.* On the rear of the building, each business or use may have one (1) sign identifying the name of the business, the products sold, manufactured or services offered, which

shall not be counted toward the maximum sign area or number. Such secondary sign shall not exceed one-half (1/2) square foot of sign area for each linear foot of the front lot line, or one square foot of sign area for each linear foot of building front for a lot having two (2) or more permitted uses.

f. *Short-Term Advertising Signs.* In addition to other signs allowed in a permitted use, each business or designated use may be permitted short-term advertising signs, provided such signs are limited to window or wall signs. Window signs shall not cover more than twenty percent (20%) of the window area above that specified in subsection 3(F). Wall signs shall not be greater than fifty (50) square feet in area and subject to the limitations of subsection 3(E). All such signs shall require a permit and shall be limited to a two (2) week period. A maximum of six (6) short-term advertising signs shall be permitted per use per calendar year. Such signs shall show the date of installation or display.

g. *Signs Set Back From Public Right-of-Way.* For buildings with building frontage of fifty feet (50') or less: The permitted area of only one (1) sign face may be increased at the rate of one-third of one percent (.0033) for each additional foot of distance beyond the first one hundred feet (100') of building setback and based on the greater of eighty (80) square feet or as calculated in subsection J2, but in no case greater than one hundred (100) square feet. In no case may the increase be more than one hundred percent (100%) of the maximum permitted sign face area and the additional sign area calculated herein shall not count against the maximum sign area and may exceed forty percent (40%) of the signable area. The increase in sign face area will be granted for a sign face that shall be placed at the setback distance as used in the calculation herein.

For buildings with building frontage of fifty-one feet (51') or more: The permitted area of only one (1) sign face may be increased at the rate of one-third of one percent (.0033) for each foot of distance beyond the first one hundred feet (100') of building setback and based on the greater of eighty (80) square feet or as calculated in subsection J2, but in no case greater than one hundred (100) square feet. In no one case may the increase be more than one hundred percent (100%) of the maximum permitted sign face area and the additional sign area calculated herein shall not count against the maximum sign area. This increase in sign face area shall be granted for a sign that shall be placed at the setback distance as used in the calculation herein.

K. *Signs Allowed in South Broadway Sign Area* In addition to those signs permitted pursuant to subsection 16-6-13.J EMC, "Signs Permitted in Commercial and Industrial Districts," the following types and sizes of signs are permitted in the South Broadway sign area, subject to the conditions specified below. In the event of any conflicts between the provisions of subsection 16-6-13.J EMC and this subsection 16-6-13.K EMC, the provisions of this subsection shall govern.

1. Permitted Maximum Number. Same as 16-6-13.J.1 EMC (MU-B-1, MU-B-2 Districts).
2. Permitted Maximum Sign Area.
 - a. *Without City Manager or designee approval.* Same as 16-6-13.J.2 EMC (MU-B-1, MU-B-2 Districts).
 - b. *If signage plan is approved by City Manager or designee:*
 - (1) For a Lot Having One Permitted Use.
 - (a) For the permitted use, the sign area shall be one hundred (100) square feet, or as calculated from the table herein, whichever is greater:

TABLE INSET:

TABLE 16-6-13.7: PERMITTED MAXIMUM SIGN AREA
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Street Frontage in Linear Feet	Sign Area or Volume/Foot of Street Frontage (Sign Area Amounts Are Cumulative)
1 foot to 100 feet	2.0 sq. ft./1 foot
101 feet to 250 feet	1.25 sq. ft./1 foot
251 feet +	0.6 sq. ft./1 foot

(b) No single sign face shall exceed one hundred twenty-five (125) square feet in area, except as provided in subsection 16-6-13.J.5 EMC, nor shall the total sign area of any use exceed six hundred (600) square feet.

(2) For a Lot Having Two or More Permitted Uses.

(a) For each permitted use the maximum sign area shall be one hundred (100) square feet or as calculated from the table herein:

TABLE INSET:

TABLE 16-6-13.8: PERMITTED MAXIMUM SIGN AREA	
Permitted Use Frontage in Linear Feet	Sign Area or Volume/Foot of Building Frontage (Sign Area Amounts Are Cumulative)
1 foot to 100 feet	2.0 sq. ft./1 foot
101 feet +	1.25 sq. ft./1 foot

(b) No single sign face shall exceed one hundred twenty-five (125) square feet in area, except as provided in 16-6-13.J.5, nor shall the total sign area of any use exceed six hundred twenty-five (625) square feet.

3. Permitted Sign Types.

a. *Without Review by the City Manager or Designee.*

(1) Ground Signs. Same as 16-6-13.J.3.a (MU-B-1, MU-B-2 Districts), and explicitly including both pole signs and monument signs, except that the maximum height of a ground, pole, or monument sign shall be twenty-five feet (25') if reviewed and approved by the City Manager or designee.

(2) Marquees, Canopy or Awning Signs. Same as 16-6-13.J.3.b (MU-B-1, MU-B-2 Districts), except that the sign may contain any information regarding events scheduled to occur in the principal building if the sign design is reviewed and approved by the City Manager or designee.

(3) Projecting Signs. Same as 16-6-13.J.3.c (MU-B-1, MU-B-2 Districts), except that: (1) maximum sign area shall be thirty-five (35) square feet per face if the sign design is reviewed and approved by the City Manager or designee; and (2) maximum sign projection shall be forty-two inches (42") from the building to which it is attached if the sign design is reviewed and approved by the City Manager or designee; and (3) no more than one (1) projecting sign may be

installed on each facade of a principal structure street frontage; and (4) the lower edge of each projecting sign that extends over a public right-of-way shall have a clearance of ten feet (10') from grade level to the bottom of the sign.

(4) Suspended Signs. Same as 16-6-13.J.3.d (MU-B-1, MU-B-2 Districts).

(5) Wall Signs. Same as 16-6-13.J.3.e (MU-B-1, MU-B-2 Districts) except that uses which occupy more than twenty thousand (20,000) square feet of gross floor area of a structure per lot and which have more than one hundred feet (100') of South Broadway frontage may be allowed to mount wall signs extending up to five feet (5') above the parapet of the building if the sign design is reviewed and approved by the City Manager or designee.

(6) Window Signs. Same as 16-6-13.J.3.f (MU-B-1, MU-B-2 Districts) except that window signs may include transom signs and window signs may be installed in windows on the second floor of a building if the business on the second floor is a separate permitted use from the business occupying the property on the first floor of the principal building.

b. *If Signage Plan is Approved by the City Manager or Designee.*

(1) Animated Signs. Provided that the animation does not result in a change in appearance of the sign more often than once every two (2) seconds, and that the animation involves a sequence of no more than four (4) distinct images.

(2) Exposed Neon Signs. Provided that the neon tubing is at least thirteen (13) millimeters in diameter.

(3) Flashing or Blinking Lights or Signs. Provided that the lights do not flash or blink more often than once every two (2) seconds. No sign shall be placed, displayed or maintained that imitates or resembles an official traffic control device or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or signal. (1995 MTC Section 606, as amended).

(4) Halo-Illuminated Signs. Provided that the light source is completely hidden and is of a contrasting color to the letters, numbers, or images that they illuminate.

(5) Roof Signs and Integral Roof Signs. Provided that no portion of any roof sign extends more than five feet (5') above the roof line or parapet line of the principal building.

(6) Wall Murals. Provided that only one (1) wall mural shall be approved per principal structure, and that no such mural shall be illuminated.

4. Permitted Illumination.

a. Without City Manager or designee approval: Same as 16-6-13.J.4 (MU-B-1, MU-B-2 Districts).

b. Alternative illumination may be requested if signage plan is approved by the City Manager or designee.

L. *Sign Area Measurement.*

1. Area to be Measured. The area of a sign shall be measured in conformance with the regulations as herein set forth, provided that the structure or bracing of a sign shall be omitted from measurement, unless such structure or bracing is made part of the message or face of the sign.

a. *Sign with Backing.* The area of signs enclosed by a box or outline shall be measured by determining the area of each rectangle which creates the smallest single continuous perimeter enclosing the extreme limits of the display surface or face of the sign; including all frames, backing, face plates, non-structural trim or other component parts not otherwise used for support.

- b. *Signs without Backing.* The area of signs consisting of individual letters or symbols shall be measured by determining the sum of the area of the smallest single continuous rectangle enclosing the extreme limits of each message, including all frames, face plates, non-structural trim or other component parts not otherwise used for support.
- c. *Signable Area.* Signable wall area is a continuous portion of a building facade unbroken by doors or windows or major architectural features. It is calculated by selecting a continuous surface, then drawing an imaginary rectangle within specified height limitations and computing the square foot area of this rectangle. Persons displaying signs attached to a building may determine the "signable area" to be used by choosing any such area on the building facade for the display of signs. If, because of the design of the building, a signable area cannot be identified, the City and the applicant will determine a suitable area for signage.
- d. *Irregular Outline.* In the case of an irregularly shaped sign or a sign with letters and/or symbols directly affixed to or painted on the wall of a building, the area of the sign shall be the entire area within a single continuous rectilinear perimeter of not more than eight (8) straight lines enclosing the extreme limits of writing, representation, emblem or any figure of similar character.
- e. *Multi-Faced Signs.* The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any one point. When two (2) identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two inches (42") apart, the sign area shall be computed by the measurement of one of the faces.
2. *Computation of Volume for Projecting Signs.* Volume is calculated by multiplying width by height by depth. The volume of a projecting sign will be calculated as the volume within the smallest rectangular form that could be constructed to enclose the primary shape of the sign. Where signs are reviewed by the City Manager or designee, that committee may allow minor elements to extend beyond such rectangular form without including them in the sign area calculation, provided that the committee determines that such minor elements add to the design quality without contributing to the perceived mass or size of the sign.
3. *Computation of Height.* The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of: (1) existing grade prior to construction; or (2) the newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.
- M. *Maintenance.* Every sign, including those specifically exempt from this Section in respect to permits and permit fees, shall be maintained in good condition at all times. All signs shall be kept neatly painted, including all metal parts and supports thereof that are not galvanized or of rust-resistant metals. The City shall have inspected and shall have the authority to order the painting, repair, alteration or removal of a sign which is not in conformance with this Sign Code by reason of safety, health, or public welfare, or by reason of inadequate maintenance, dilapidation, or obsolescence.

N. *Prohibited, Hazardous, and Abandoned Signs; Enforcement Procedures.* It shall be unlawful to display, construct, erect, alter, remodel, enlarge, move, or maintain a prohibited sign within the City. It shall furthermore be unlawful to display, construct, erect, enlarge, move, or maintain a hazardous or abandoned sign within the City. See also Section 16-9-5 EMC, "Nonconforming Signs."

1. Notification of Unlawful Signs.

a. *Notice Required.* Notice shall be given by certified mail or personal service to the owner or lessee of such unlawful signs and to the owner of the property on which such unlawful signs are located.

b. *Prohibited Signs.*

(1) Prohibited signs in existence before the effective date of this Sign Code, as described in Section 16-6-13.G EMC, shall be declared a nuisance by the City. The notice shall require that prohibited signs shall be brought into conformance with this Sign Code or be removed within one hundred eighty (180) days after the notice has been received. Signs existing before the effective date of this Sign Code, and that are prohibited in subsections 16-6-13.G.1.(D), (J), and (L) EMC, shall be removed within three (3) years from the date the notice is received.

(2) Prohibited signs erected after the effective date of this Sign Code shall be removed within five (5) calendar days of receipt of official notification from the City.

(3) This subsection shall not be applied to require the removal of any sign for which it is unlawfully required, by Federal or State Constitution or statute, that compensation be paid by the City for sign removal, unless the City elects to pay any compensation lawfully required.

c. *Hazardous Signs.* Hazardous signs are those which, by reason of inadequate maintenance, dilapidation or obsolescence, create an imminent hazard to public health, safety or welfare, as declared by the City; those signs are further declared a nuisance and shall not be displayed or erected within the City. The notice shall require hazardous sign removal within five (5) calendar days.

d. *Abandoned Signs.*

(1) Signs abandoned for a period of thirty (30) days or more shall be declared abandoned signs and a nuisance by the City. Signs for which thirty (30) days or more have passed since the expiration date of the sign's permit shall be deemed abandoned signs by the City, and subject to this subsection.

(2) Abandoned signs shall not be displayed or maintained within the City.

(3) The notice shall require abandoned sign removal within thirty (30) days.

2. Appeals.

a. The owner or lessee of a sign or the owner of the property on which a sign is located who has been notified by the City that such sign is prohibited, abandoned or hazardous may appeal that decision to the City Manager or designee within twenty (20) days of the receipt of such notice, except for hazardous sign appeal which must be within five (5) days. The appeal shall contain the appellant's name and address, the decision being appealed, and a brief explanation why the appellant should not be required to comply with the document appealed. The City Manager or designee may meet informally with the appellant to exchange necessary information and shall issue a decision in writing to the appellant at his address stated in the appeal.

b. If the decision of the City Manager or designee is not satisfactory to said owner or lessee, within fifteen (15) days, he/she may apply for a variance from the Board as provided in Section 16-2-16 EMC, except for hazardous signs in which case the City Manager's decision is final.

3. Failure to Comply with Notice. If the owner or lessee of a prohibited, abandoned or hazardous sign or the owner of the property on which such sign is located fails to comply with notice given pursuant to this Section within the time specified, the City Manager or designee is authorized to cause the action required by this Sign Code, which may include removal of a sign by the City. All costs incurred by the City, plus an administrative cost of fifteen percent (15%) of the direct costs shall be charged against the real property and its owners.

4. Notice of Costs. If the City incurs costs taking action required by this Section, a statement shall be prepared for the entire cost plus fifteen percent (15%) administrative costs, and be mailed by certified mail, return receipt requested, to the owner of the property on which the sign is located with instructions that said statement will be paid in full plus costs within thirty (30) days of said mailing date. The notice shall also inform the property owner that the failure to pay the statement for costs for sign removal within sixty (60) days shall result in an assessment being made against the property that shall constitute a lien pursuant to subsection B. above.

5. Assessments.

a. If the full amount of the statement relating to sign removal for realty is not paid within sixty (60) days, the City Manager shall direct that an assessment be made of the entire amount of the statement plus an additional twenty-five percent (25%) penalty against the specified realty. After assessment, a copy shall be sent to each owner of record of the assessed realty. The assessment shall contain a legal description of the premises, expenses and costs incurred, the date of sign removal, and a notice that the City claims a lien for this amount. The City shall certify such assessment to the County Treasurer who shall collect such assessment in the same manner as ad valorem taxes are collected.

b. From the date of the assessing statement, all assessments shall constitute a perpetual lien against the specified realty and shall have priority over all liens excepting general tax liens and prior special assessments. No delays, mistakes, errors or irregularities in any act or proceeding authorized herein shall prejudice or invalidate any final assessment; but the same may be remedied by the City Manager or designee, as the case may require, upon application made by the property owner or other interested person. When so remedied, the same shall take effect as of the date of the original assessment by the City.

6. Other Remedies. Any unpaid charge plus all costs and penalties shall constitute a debt due the City. The City Attorney shall, at the direction of the City Manager, institute civil suit in the name of the City to recover such charges, cost, and penalties. The City may prevent by injunction and require removal of any sign erected without a permit. These remedies shall be cumulative with all other remedies, including those permitted by Chapter 16-10 EMC, "Enforcement and Penalties," and including prosecution in Municipal Court for each violation of this Chapter pursuant to the provisions and penalties established by Title 1, Chapter 4 EMC. (Ord. 04-5; Ord. 05-25)