

Chapter 6 - ADVERTISING AND SIGNS

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Sec. 6-1. - Short title.

This chapter shall hereafter be known and cited as the "sign ordinance".

(Ord. No. 0-18-08, art. 1, 7-17-08)

Sec. 6-2. - Definitions.

- (a) For purposes of this chapter, certain words are hereby defined. Words used in the present tense shall include the future, the singular shall include the plural, and the plural shall include the singular. The word "shall" is mandatory and not discretionary. The word "person" includes a firm, corporation, association, trust or partnership or other entity. The word city shall mean the City of Fayetteville, Georgia.
- (b) Unless otherwise indicated, the following words and terms shall have the meaning ascribed herein:

Advertising device means any structure or device erected or intended for the purposes of displaying advertising or any object for attracting attention situated upon, above, or attached to real property.

Animated sign means any sign, or attention-getting device, with action, motion, changing colors, or having characteristics that require electrical or mechanical energy, including wind-activated elements such as spinners and aerial devices.

Area of sign. Only one face of a double-faced sign, as defined herein, bearing identical copy on each side shall be used in computing the area, otherwise both sides shall be used in computing area.

- (1) Ground sign/monument sign. The area of a ground sign shall mean and shall be computed as the entire area within a continuous perimeter, enclosing the limits of all writing, representation, emblem, or any figure or

similar character, together with any frame, other material, open space, or color forming an integral part of the display or used to differentiate such sign from the background upon which it is placed. The supports or structure upon which any sign is supported shall be included in determining the sign area whenever such supports are designed in such a manner as to form an integral part of the display; however, provided that the area of the frame shall not be included in computing the area when the frame is composed of stone or brick and provided the frame contains or has attached no copy, words, writing, letters, or advertisement, but may not be internally illuminated, and provided that the surface area of the frame that is parallel to the display of the sign is no greater than 100 percent of the area of the sign displayed. A ground sign may include individual letters, numbers, figures, mounted on a surface composed of stone or brick or other permanent structures; called monument signs. The area of monument signs shall be computed as provided for wall signs.

- (2) Wall sign. The area of a wall sign shall mean and shall be computed using the smallest contiguous square, circle, rectangle, triangle, or combination thereof, that would encompass the external limits of the writing, representation, emblem, or other display, together with any material or color forming any integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. When a wall sign is formed by placing individual letters, numbers, or figures on the wall, without a distinguishing background, the area shall be determined by a contiguous perimeter drawn around all letters, numbers, figures, trademark, or other symbols, enclosing the limits of writing. Any letters, numbers, figures, trademarks, or graphics separated by 36 inches or more shall be considered two separate signs.
- (3) Three dimensional sign. The area of a three dimensional sign shall be determined by a contiguous perimeter drawn around the three dimensional sign enclosing the limits of the three dimensional sign; said perimeter to be drawn around the vertical plane through the sign which creates the perimeter with the largest area. The three dimensional sign shall be treated as a double sided sign for purposes of sign area; therefore, the area of the above described perimeter shall be doubled, which product shall be the area of the sign for purposes of this sign ordinance.

Awning and canopy sign means a sign imposed or painted upon any roof-like structure that provides either permanent or temporary shelter for adjacent walkways or entrances to a building or property. Awning and canopy signs are prohibited, except see section 6-6(5), Main Street Historic District signs.

Banner means a sign with or without characters, letters, illustrations, or ornamentation, applied to cloth, paper, plastic or fabric of any kind with only such material for backing, the same being characteristically mounted from temporary ground supports, hung or displayed against building surfaces or suspended in midair at both ends across streets, passageways, and other areas visible to the general public. See special temporary signs.

Bench sign means any sign attached to or painted upon a bench or other seat placed in the public view and meant to be for public use or viewing. Bench signs are prohibited.

Building face projection means the facade area of a building, generally parallel to the street, excluding roofs, covered sidewalks, or facade areas which are perpendicular to the street. For applicants located in a planned center, the building face projection shall be that portion of the front facade that the applicant occupies.

Building line means a line established in general, parallel to the front street line, between which line and the street no part of a building shall project.

Changeable copy sign means a sign on which panels of copy may be changed manually in the field, or boards or backgrounds upon which changeable letters or changeable panels may be placed.

Designated agent means a person who is licensed as a real estate broker or sales person by the State of Georgia, and who is contracted with the owner(s) of land to sell, lease or manage said land or parts thereof.

Double-faced sign means a sign which has two display areas against each other, where one face is designed to be seen from one direction and the other face from another direction, and where the two display areas are no more than 19 inches apart at any location on the displays.

Entrance sign means any monument sign placed at the intersection of a public street and a private entryway into an apartment complex, or condominium complex.

Erect means to build, construct, attach, paint, hang, place, replace, suspend, or affix or fabricate a sign, which shall also include painting of wall sign or other graphics.

Exposed neon means neon tubing left uncovered or exposed to view on exterior of structure or a building. Exposed neon is prohibited.

Flag sign means flag or flags on a pole, but does not include "feather flag" signs. Flag signs are exempt from permitting requirements.

Flashing sign means a sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits marked changes in lighting effects, or displays visible movement achieved by electrical, electronic or mechanical means, or displays an optical illusion of movement by means of a design that presents a pattern capable of giving the illusion of motion or changing of copy, or with lights or illuminations that flash, move, rotate, scintillate, blink, flicker, or vary intensity or color. Illuminated signs shall not be considered as flashing signs. Flashing signs are prohibited except for authorized public safety uses.

Ground sign means a permanently affixed sign, which is wholly independent of a building for support.

Height of a ground sign or monument sign means the vertical distance from the base of the sign at normal grade to the top of the highest component of the sign. Normal grade shall be the predominant grade after construction, exclusive of any filling, berming, mounding or excavating for the purpose of locating or elevating the sign. Base shall be where the sign support meets, or should meet, the normal grade. Signs with a height of greater than six feet are prohibited, except that the structure of the monument may extend to seven feet above normal grade.

Illuminated sign, external means a sign illuminated by an external light source not mounted to the sign and directed toward such sign.

Illuminated sign, internal means a sign illuminated by an internal light source.

Lot means a parcel of land which meets all requirements of the city, including zoning and subdivision requirements, for a legally developable lot for the zoning district in which it is located, meets all of the minimum size, dimension, road frontage and other requirements for a developable lot within its zoning district, and which may be developed or used for purposes consistent with those permitted within its zoning district.

Mobile sign means any sign which is mounted or designed for mounting on wheels, or which is mounted or designed for mounting on a towed vehicle, and the primary purpose of which is advertising. Mobile signs are prohibited.

Monument sign means a freestanding sign mounted directly upon the ground and not raised by vertical supports.

Multiple frontage lots means those lots that have frontage on two or more public streets.

Neon means a lamp or tube filled with electrically charged gas thereby creating a light source.

Neon accents means neon lighting around windows (inside or outside the window), building facades, rooflines, doors, signs, and other building structures, building projections or designs upon buildings. Neon accents are prohibited.

Non-residential zoning means a lot zoned for commercial, office, retail, professional, industrial, and institutional or government use, including RP zoning. For purposes of this chapter those lots zoned for mixed residential and commercial use shall be considered "non-residential zoning".

Nonconforming sign means signs, which, on July 15, 1991, the effective date of the original sign ordinance, which were approved or legally erected under previous sign restrictions, and which became or have become nonconforming with respect to the requirements of the original sign ordinance or this ordinance.

Obscene means obscene material as defined by O.C.G.A. § 16-12-80 and as may be amended or superceded or judicially interpreted from time to time.

Outparcel means a lot carved from a planned center which is in compliance with all city requirements and ordinances for legal stand-alone lot on which a freestanding building is constructed which building meets all city setback requirements.

Pennant and streamers mean several small flags connected to a single line. See spectacular signs.

Planned center, office, commercial, or industrial means a group of two or more retail stores, service establishments, offices, industries, or any other businesses, or combination thereof, consisting of individual buildings or units which are adjacent or abutting one another, and which are planned to serve the public, and which share common amenities or common area, sidewalks, parking areas or driveways, excepting outparcels.

Portable sign means any sign which is not permanently affixed, including, but not limited to, signs mounted, painted or affixed on vehicles parked in such a manner as to serve the purpose of an advertising device, or not routinely parked at the immediate premises of the business or entity indicated, advertised or identified by said sign. Portable signs are prohibited, except for authorized public safety use.

Public Street is as defined in Sec. 94-3 of this code.

Roof sign means any sign, graphic, or advertising device erected or maintained wholly or partially on or over the roof of a building. This requirement does not include those signs that may be mounted on parapets or mansards, which may extend above the roofline. Roof signs are prohibited.

Shopping center is a planned center.

Sidewalk, sandwich sign, or A-frame sign means a moveable sign not permanently secured or attached to the ground or surface upon which it is located.

Sidewalk, sandwich and A-frame signs are prohibited, except see section 6-6(5), Main Street Historic District Signs.

Sign means any surface, frame, letter, figure, character, mark, plane, point, design, picture, stroke, stripe, reading matter, material, fabric, device, object, three dimensional object, or display which bears lettered, numbered, pictorial, or sculptured matter, designed to convey information visually or to draw attention and which is exposed to public view (excluding those objects which qualify as "architectural enhancement" pursuant to the city's art and architectural advisory committee ordinance Code sections 94-194.1 through 94-194.6). For the purpose of this chapter, the term "sign" shall not include those devices located entirely within a building or structure, unless such devices are considered window signs; additionally the term "sign" shall include all structural members used to erect or mount same, and any company colors, trademarks, service marks, brand names, logos, symbols, or roof shapes, which are generally used by the company in the design of its buildings, and are generally used, or identified, as trade styles or other identifying marks or symbols of the company's business, per subsection 94-320(4) of the zoning ordinance.

Sign face means the part of a sign that is or can be used for display of message.

Special temporary sign means a temporary sign or banner for use during time allowed per section 6-6 of this chapter.

Spectacular sign or device means animated signs, feather flags, streamers, pennants, balloons and other air or gas filled devices, search lights, lasers, beacons, or other light projecting devices. Spectacular signs or devices are prohibited, except for balloons, see section 6-6(5), Main Street Historic District Signs.

Stake sign means any temporary sign supported by uprights which are placed into the ground, and not supported by or suspended from any building with signable area not greater than five square feet. Stake sign may not be more than five feet high to the top of the sign component, when placed and standing in ground. A stake sign may not be placed within the right-of-way.

Subdivision sign means a monument sign placed at the intersection of two public roads where one of the roads is the main thoroughfare into and out of a commercial or residential subdivision.

Swinging or projecting sign means a sign projecting perpendicularly more than 12 inches from the outside wall or walls of any building or supports upon which it is located.

Temporary sign means a sign of nonpermanent nature.

Tenant directional sign means a sign within a property zoned as a shopping center or planned center, and not designed or placed so as to be read from a public road. Such signs shall be uniform as to color, graphic style, size and color.

Traffic instructional sign means a sign used to give direction or specific instruction to motorist or pedestrians upon or near roads, streets, parking, sidewalks, within public areas (privately or government owned) in which the public is generally invited to enter or transverse. (These areas are more specifically described in subsection 6-3(10). Such sign shall contain only instructional information related to vehicular and pedestrian traffic control. The size, shape, color, height, location and lettering of traffic instructional and control signs shall be substantially similar to that used by the Georgia Department of Transportation and the City of Fayetteville. Traffic instructional sign is a traffic control device under the jurisdiction of the city's police chief.

Trailer sign. See: Mobile sign. Trailer signs /mobile signs are prohibited.

Unit means a portion of a planned center which by city ordinances and codes may be occupied by a single use or tenant, and which is segregated from other uses or tenants within the planned center by 360 degrees of vertical walls (may include doors and windows) and a floor and a ceiling, and which has a separate entrance to the outside.

Vehicle sign means any sign painted, drawn or affixed to or on a vehicle including an automobile, truck or trailer.

Wall sign means a sign applied to or mounted to the wall or surface of a building or structure, the display surface of which does not project more than 15 inches from the outside face of the wall of such building or structure, and does not extend above the highest horizontal line of the wall. The vertical surface of a canopy is not a wall for purposes of this chapter; however, see variances, section 6-13.

Window sign means any type of sign located entirely within the interior of a building or structure, and placed near a window or door, the letters, numbers, pictorial or sculptured matter of which is visible from the exterior of the premises.

(Ord. No. 0-18-08, art. 1, 7-17-08)

Sec. 6-3. - Purpose.

The mayor and council find that:

- (1) Proper regulation of signs is a necessary prerequisite to a peaceable, orderly, and safely designed business environment.
- (2) An improperly regulated sign environment imposes health and safety dangers to the public.
- (3) The result of effective sign regulation will be to lessen hazardous conditions, confusion, and visual clutter, caused by the proliferation, improper placement, illumination and excessive height and size of signs that compete for the attention of pedestrian and vehicular traffic, and impede vision of traffic, traffic controls signs, and devices.
- (4) Uncontrolled and unlimited signs may result in a roadside clutter that impedes the flow of information thereby defeating the purpose of signage, and that impedes the flow of information from traffic signs and signals thereby creating hazards to drivers and pedestrians.
- (5) Uncontrolled and unlimited signs degrade the aesthetic attractiveness of the natural and manmade attributes of the community and thereby undermine the economic value of tourism, visitation, and permanent economic growth.
- (6) Through proper regulation of signs, the attractiveness and economic well being of the City of Fayetteville will be enhanced as a place to live, work and conduct business.
- (7) Signs provide an important medium through which individuals may convey a variety of noncommercial and commercial messages. However, left unregulated, signs can become a threat to public safety as well as a traffic hazard. Such signs may also constitute an aesthetic nuisance and be a detriment to property values and the city's public welfare. The mayor and council intend by enacting this chapter to:
 - a. Balance the rights of individuals to convey their message through signs and the right of the public to be protected against the unrestricted proliferation of signs;
 - b. Further the objectives of the city's comprehensive plan;
 - c. Protect the public health, safety, welfare, and aesthetics of the city;
 - d. Reduce traffic and pedestrian hazards;
 - e. Maintain the historical image of the city;

- f. Protect property values by minimizing the potentially adverse effects and visual blight caused by signs;
 - g. Promote economic development; and
 - h. Ensure the fair and consistent enforcement of sign regulations.
- (8) Further, the city has an obligation and a right to protect the rights of adjoining landowners to adequate light and air, to promote desirable living conditions and the sustained stability of neighborhoods, to protect property against blight and deprivation, and encourage the most appropriate use of land, buildings, and other structures throughout the city.
- (9) Accordingly, in consideration of the city's rights and obligations to promote traffic safety, to preserve property values, to provide for the convenience and enjoyment of public travel, to eliminate annoyance to travelers, to attract tourists, residents and industry, to serve the public health, safety and morals, to advance the general prosperity of the community, and to serve the general welfare, the city hereby imposes the regulations contained in this chapter.
- (10) The city council finds that there is a compelling state interest in the city and state being able to safely regulate the speed, direction and flow of vehicular and pedestrian traffic in and around public roads, streets and sidewalks, and quasi-public roads, streets and sidewalks in private property where the general public, invited by the owner, routinely and customarily to enters, transverses, and parks by vehicle and/or by foot. The city has a compelling state interest in the public safety and welfare of motorist and pedestrians in these areas, the safe and expedient access of public safety vehicles such as police, fire and rescue equipment to such areas. The city has a compelling state interest to regulate vehicular and pedestrian traffic such as to prevent or minimize collisions and the injury or death to persons caused thereby, or the damage to property, both public and private. Therefore, the city determines that there is a compelling state interest in the city's police chief regulating the type, traffic control message and placement of all traffic control signs and devices in the areas described above. The city also has a compelling state interest in insuring that private entities are not allowed to display in the areas described above, signs that imitate or emulate traffic instructional and control signs, devices or messages in such a way as may reasonably be mistaken by the public as true traffic control signs or devices, and thereby could reasonably be expected to cause a motorist or pedestrian to make an improper maneuver which will place the motorist or pedestrian or other motorist or pedestrian in danger of collision or injury due to such improper maneuver. Therefore, the city has a compelling state interest in regulating such signs in the areas described above which imitate or emulate a traffic instructional and control sign or device and which may reasonably be confusing to motorists or pedestrians in these areas.

(Ord. No. 0-18-08, art. 1, 7-17-08)

Sec. 6-4. - Administration.

The provisions of this chapter shall be administered by the city manager of the City of Fayetteville, Georgia, or his designee.

(Ord. No. 0-18-08, art. 1, 7-17-08)

Sec. 6-5. - Sign permit required.

- (a) Required. Except where specifically excluded by other provisions of this chapter, it shall be unlawful for any person, firm or corporation to post, display, substantially change, change or modify sign face or face panels, alter, or erect, reconstruct, replace or reset a sign or advertising device in the City of Fayetteville, Georgia without first having obtained an authorization to erect a sign and thereafter a permit in the manner prescribed herein.
- (b) Application for permits. Application for authorization to erect a sign shall be made upon forms provided by the city manager, and shall contain or have attached thereto the following information:
 - (1) Name, address and telephone number of the property owner and applicant;
 - (2) Address of building, structure, or lot to which or upon which the sign is to be attached or erected;
 - (3) Position of the sign in relation to nearby buildings or structures and other signs. Setbacks from rights-of-way, property lines and easements;
 - (4) One accurate scale drawing of the sign plans, specifications, and method of construction and attachment to the building or ground for the sign as well as a scale drawing of the site showing driveways, structures, existing and proposed signs and any other limiting site features;
 - (5) Name of person, firm, corporation, or association erecting the sign;
 - (6) Name of business or activity at the address where the sign is to be erected if any;
 - (7) Complete calculations establishing the area of sign;
 - (8) Such other information as the city manager shall require to show full compliance with this and all other ordinances of the city;
 - (9) Written consent of the owner of the building or lot upon which the sign is to be erected; and
 - (10) A written description of all other signs located on the lot indicating the sign type, size and placement.
- (c) Fees. Fees for authorizations and permits shall be as fixed from time to time by the city council.
- (d) Notification. The city shall process all sign authorization and permit applications within 45 days of the city's actual receipt of a completed application and a sign authorization and permit fee. The city shall give notice to the applicant of the decision of the city by hand delivery, by mailing to the address on the authorization and permit application, or by fax as provided on the application on or before the 45th day after the city's receipt of the completed application. Notice shall be deemed to have been given upon the date of mailing (if mailed), date of faxing (if faxed), or date of hand delivery (if hand delivered). If the city fails to act within the 45-day period, applicant shall notify the clerk of the city in writing of the failure and the city council shall meet within ten days of the clerk's receipt of such notice and shall issue or deny the authorization to erect a sign. Upon failing to so act, the authorization to erect the sign shall automatically be granted; however, the final permit procedure must be followed by the applicant.
- (e) Denial. In the event the city manager determines or learns at any time that the applicant has not properly completed the application for authorization to erect the proposed sign, he shall promptly notify the applicant of such fact and shall automatically deny the application. In the event the city manager determines that

all requirements for approval of the application for authorization have not been met, he shall then deny the application.

- (f) Issuance of an authorization. Upon the filing of an application for an authorization and permit and the payment of all necessary fees as required by this section, the city manager or his designee shall examine all plans and specifications submitted and the premises upon which the proposed sign is to be erected, and if it shall appear that the proposed sign is in compliance with all the requirements of this chapter and all other ordinances and laws of the city, and if a business, that the business has registered and paid any tax due pursuant to the city's occupation tax chapter, he/she shall then issue an authorization to erect the sign pursuant to the application and any conditions placed upon the authorization by the city. If the work authorized thereby has not been completed within 180 days after the date of issuance and a final permit has not been requested in writing, the authorization shall become null and void and no final permit may be issued.
- (g) Appeal procedure. Any applicant who is dissatisfied by a decision of the city manager may appeal such decision to the city council. Such appeal shall be in writing and shall be filed with the city manager within ten days of the decision being appealed. The city council will schedule the matter for hearing within 45 days of the appeal being filed and at such meeting may continue the matter ten days for further investigation affirm, reverse, or modify the determination of the city manager. The city council shall make its final determination on the appeal within ten days of the close of the hearing.
- (h) Within ten days after completion of the erection of a sign pursuant to an approved application and an authorization to erect, and within 180 days of the issuance of an authorization, the applicant shall deliver to the city manager a written request for a final permit along with current and dated color photographs of each face of the sign (at least three inches by five inches in size) and a signed affidavit that the photographs are current and accurate photographs of the sign's faces as of the date on the photographs, that the sign was and is erected as described in the application as conditioned and authorized by the city, including the size, location, building materials, height and lighting. Within ten business days of the filing of a request for a final permit, the city manager shall issue the final permit or deny the final permit because of the applicant's failure to properly and timely submit the written request for final permit, failure to properly and timely document the request, or failure to properly and timely erect the sign as described in the application conditioned and authorized by the city. Notification of a denial shall be effectuated pursuant to subsection (d) above, and the applicant shall have the appeal rights as provided at subsection (g). Failure of the city manager to approve or deny the application for a final sign permit within said ten business days of the applicant properly and timely filing with the city a fully and properly documented application for final permit shall constitute an approval of the final permit.
- (i) An applicant who has failed to complete the erection of a sign within 180 days of the issuance of an authorization or who fails to request a final permit within ten days of erection of a sign pursuant to an authorization or who fails to apply for a final permit within 180 days of the issuance of an authorization or who's request for a final permit is denied, shall remove the sign or parts of the sign within 30 days of notice from the city manager to remove the sign or parts of the sign. Failure to so remove the sign shall constitute a separate ordinance violation for each day that the sign or part of the sign is not removed from the proposed site

and upon conviction, the applicant and/or owner or tenant of the sign site shall be guilty of an ordinance violation and shall be subject to fines or imprisonment as authorized by the city's Charter.

- (j) Furthermore, if the sign or part of the sign is not removed within said 30 days, the city may remove the sign or part of the sign and charge the applicant and/or owner of the site the cost of removal and disposal.

(Ord. No. 0-18-08, art. 1, 7-17-08)

Sec. 6-6. - Regulated signs.

(a) General regulations.

- (1) Changeable copy shall be limited to ground signs, but cannot be used on entrance or subdivision signs.
- (2) Notwithstanding any other provision of this sign chapter, no sign, whether permitted as a regulated sign or an exempt sign, shall be permitted within 100 feet of the intersection of any state highway with any other state highway or major thoroughfare without the prior approval of the city manager or designee of the City of Fayetteville. Considering such application, the council shall approve such a location only upon a determination that the proposed sign will not potentially obstruct the view of motorists or pedestrians so as to prevent their safety in traversing the intersection.
- (3) Any sign authorized by this chapter is allowed to contain noncommercial copy or commercial copy, except for traffic instructional signs.
- (4) Traffic instructional signs shall be placed by the owner at such locations and for such purposes as required by the city's chief of police. A traffic instructional sign plan shall be submitted to the city for approval by the city's police chief with the master signage plan for planned centers, shopping centers, office or industrial complex, or subdivision.
- (5) All signs or advertising devices not specifically permitted in a zoning district as a sign exempt from permitting section 6-12 shall be regulated signs, which are prohibited except as provide for under this chapter and upon issuance of a permit by the city. The city manager or his designee is authorized to issue sign permits for any sign that meets the standards and limitations set forth herein.
- (6) Ground signs, as defined in subsection 6-2(b), which are permanent shall be permitted in non-residential zoning districts.
- (7) Wall signs, as defined in subsection 6-2(b), shall be permitted in non-residential zoning districts.

(b) Non-residential allowable signs. In non-residential zoning districts, signs shall be permitted as herein provided:

- (1) Ground signs. Such property may contain one or more ground signs as defined in subsection 6-2 (b).
 - a. Platted lots with a single building shall be permitted a maximum of one (1) one thirty-five (35) square foot ground sign for each public street frontage.

- b. All ground signs shall be located within a landscaped area. No ground sign shall be permitted to encroach in a parking area to such extent that the remaining parking spaces fail to meet the minimum standards of the zoning ordinance for off-street parking.
- c. No ground sign shall have a height greater than six feet above normal grade.
- d. A ground sign shall not be located within ten feet of a street right-of-way or within 50 feet of any other sign, structure, or building except temporary signs.
- e. Changeable copy shall not exceed 20 percent of the area of the sign face.
- f. Ground signs are allowed only on lots upon which there is a building which is currently occupied pursuant to a current and valid city certificate of occupancy or which is currently being developed under an active City of Fayetteville building permit.

(2) Wall signs. Such property may contain one or more wall signs as defined in subsection 6-2(b).

- a. Platted lots with a single building shall be permitted two (2) wall signs not to exceed the lesser of one and one-half (1.5) square feet per linear foot of building frontage or one hundred fifty (150) square feet total.
- b. When calculating their allowed square footage, calculations shall be based on the facade with the primary entrance and/or architectural features of the building. Otherwise, the facade used shall be that facade which faces the public road of the greatest capacity. The classification of streets per section 94-135 of the zoning ordinance shall be the basis for determining street capacity. If the linear footage of the façade with the primary entrance is at least 50% less than the linear footage of the opposite wall, then an average of the two measurements shall be used to determine the allowed square footage.
- c. The maximum area for a single wall sign shall not exceed 150 square feet.
- d. Only one (1) wall sign is allowed per wall.
- e. Wall signs are allowed only upon a building which is currently occupied pursuant to a current and valid city certificate of occupancy or which is currently being developed under an active City of Fayetteville building permit.

(3) Planned centers.

- a. Ground Signs
 - 1. Planned center developments shall be permitted a maximum of one (1) forty-five (45) square foot ground sign for each street frontage.
 - 2. No ground sign shall have a height greater than six feet above normal grade.

3. Changeable copy shall not exceed 20 percent of the area of the sign face.
4. Ground signs are allowed only on lots upon which there is a building which is currently occupied pursuant to a current and valid city certificate of occupancy or which is currently being developed under an active City of Fayetteville building permit.
5. Planned center developments may apply for a landscape wall sign in lieu of a standard ground sign. Such signage shall be consistent with the architecture and materials of the planned center, and shall be subject to approval by the City Manager or his/her designee.
6. Planned center developments shall also be permitted an entrance sign. Such signs shall be either one double-sided ground sign located at each entrance of the development, each side of which shall not exceed 35 square feet signage area, per section 6-2, or two one-sided signs, each sign not to exceed 35 square feet signage area, per section 6-2. The only permitted text on entrance signs shall be the name and street number of the planned center. The height of the sign shall not exceed six feet. All such signs shall be placed on private property and may not be placed within ten feet of a right-of-way.

b. **Wall Signs**

1. Each planned center building with entrances accessible by multiple tenants such as an office building or similar use shall be permitted two (2) wall signs not to exceed the lesser of one and one-half (1.5) square feet per linear foot of building frontage or one hundred fifty (150) square feet total. Only one (1) wall sign is allowed per wall.
2. Each building or unit with a separate entrance with multiple treated facades, not accessible by other tenants located in a planned center, shall be permitted two (2) wall signs not to exceed the lesser of one and one-half (1.5) square feet per linear foot of building frontage or one hundred fifty (150) square feet total. Only one (1) wall sign is allowed per unit wall.
3. The maximum area for a single wall sign shall not exceed 150 square feet.

c. No permits shall be issued for buildings or units in a planned center unless and until a master signage plan for the planned center has been submitted and approved by the city manager or his designee. The master signage plan shall indicate how all signage will be consistent in:

1. **Lighting.**

2. Colors.
 3. Fonts.
 4. Building materials.
 5. Location in relation to the primary building.
 6. Proportions.
- d. Tenant Directional Signs. Each planned center development shall be allowed additional directional signage as follows:
1. Maximum sign size is twenty-four (24) square feet.
 2. Maximum sign panel per tenant is 6 square feet
 3. Maximum sign height is six (6) feet.
 4. Setback from the right-of-way is zero (0) feet.
 5. Two signs are allowed per internal intersection of private drives or public streets within the project and shall not be allowed on state routes or arterial roads.
 6. All developments proposing directional signage must submit a uniform design, to include all sign locations, architectural materials and sign elevations for the entire development to the City Manager or his/her designee for review and approval. All signs shall have a uniform background color and material, but may include business logos.
- e. A non-subdivided industrial, office or commercial complex with multiple tenants shall be permitted one double-sided sign at the complex entrance, each side of which shall not exceed 24 square feet signage area, per Section 6-2, or two one-sided signs, each sign not to exceed 24 square feet signage area, per Section 6-2. The height of the sign shall not exceed six feet.
- (4) Other non residential signs allowed
- a. Each legal city lot in non-residential zoning districts shall be entitled to one stake sign, which may not be placed within a right-of-way.
 - b. Lots in non-residential zoning districts shall be entitled to one temporary single-face ground sign up to 24 square feet. The required permit may be issued for no longer than one year. For properties outside of the Main Street Historic District, the sign may not be placed within ten feet of a right-of-way.
 - c. Window signs are permitted, except see limitations in Main Street Historic District signs. Window signs are not calculated as part of the overall signage allowed per property and must meet the sign material requirements of this chapter.
 - d. A lot zoned C-3 or C-4, containing a licensed business which provides and utilizes a vehicle drive-through permitted by definition in the zoning ordinance or by a special exception granted by the planning and zoning commission or city council, at which the public transacts business, may display one additional permitted single faced ground sign not to exceed 35 square feet, in addition

to the signage allowed in section 6-6 located adjacent to the drive-through lane with a font size no larger than three inches, and the message face of which is directed towards the motorist passing through the drive through lane.

e. Special temporary signs are permitted but only under the following conditions and requirements:

- (1) Prior to use of such special temporary signs, and the erection and placement of any such temporary signs, an application for an annual permit shall be filed with the city manager or his authorized designee. Such signs shall be specifically described as to their construction, composition, and specific dates of display for that calendar year. Application for permit shall be approved or denied (with grounds therefore) in writing within 30 days of city receipt of complete application sent to applicant at address shown on application.
- (2) A lot or unit shall be allowed a maximum of six (6) special event signs per year, each of which shall be valid for 14 consecutive days.
- (3) The maximum size allowance for all such signs used for an event shall be a total of 30 square feet.
- (4) All such signs may be attached to the exterior wall or walls of a building or beneath a canopy or attached to the ground. Outside of the Main Street Historic District, no such sign shall be placed within ten feet of the street right-of-way. In all districts, no such sign shall be placed in any manner as to obstruct the view of motorists or pedestrians.
- (5) All such signs shall be professionally made and properly maintained. Temporary signs shall not appear to be ripped, frayed, or in generally poor condition resulting from extended use.
- (6) Temporary sign frames and related mounting hardware shall be removed when a sign is not permitted for display.
- (7) The owner of a planned center may apply to the city for one (1) common area sign, no larger than 30 square feet, to be used for special events and promotions for the planned center and its tenants located within the planned center. The common area sign shall be consistent with the architecture of the planned center and shall provide for removable sign panels. It shall be the responsibility of the planned center owner to coordinate with tenants on the use, maintenance and appearance of the common area sign.
- (8) All special temporary signs shall comply with all other applicable regulations and conditions as set forth in this chapter.

(5) Main Street Historic District signs.

The purpose of the Main Street Historic District Sign Ordinance is to ensure the district's signage is harmonious in proportion, form, color, and materials to the character of the historic district. Visual relatedness is crucial to the goal of an integrated Main Street, and signs play a key role in helping to preserve the historical district's sense of time and place, and achieve the desired effect of charm and compatibility. The ordinance allows businesses to maintain their individual identities, and also become identified with the downtown historic district as a whole. To resolve the technical and aesthetic questions of signage, and encourage high quality in design, a Main Street Historic District Design Handbook containing appropriate sign/design examples is attached as Exhibit "A" to Ordinance No. 0-25-98, and is incorporated herein by reference.

- a. **Applicability.** This section shall apply only to those building structures and uses within the geographical boundaries of the Main Street Architectural Overlay District, as established and defined in section 94-186 of the city's zoning ordinance.
- b. **Compatibility.** As to signs, buildings, structures, and uses within the Main Street Architectural Overlay District, when a provision of this section conflicts with any section in the balance of chapter 6 of the Code, the provision of this section shall control. Otherwise, to the extent reasonably possible, the provisions of this section shall be interpreted consistent with the provisions of the balance of chapter 6 of this Code.
- c. **Signage standards.**
 - (1) **General.** Signage shall complement the architectural details of the building, and shall not violate or otherwise obscure the architecture of the building to which it is attached. Signs, lettering, or boxed graphics shall not cut across columns, cornices, windowsills, arches or balconies, nor extend above the roofline of any building to which it is attached.
 - (2) **Lettering, size, and construction.** Letters can be painted or mounted directly on a signboard, storefront, wall or window, if in proportion to the storefront. Lots in the Main Street Architectural Overlay District are allowed the same amount of signage as lots outside of the Main Street District. Inside the Main Street District businesses may also utilize canopy signs, hanging or suspended signs, menu signs and sandwich signs. Acceptable lettering materials include wood, stone, synthetic stone, metal, vinyl, dimensional plastic, acrylic, or high-density polystyrene foam. The overall design of all signage shall be compatible with the turn-of-the-century theme. The typeset or lettering used shall be taken from, or compatible with, the typeset choices listed in the Typeset & Color Guide for Main Street Signage. Decorative borders and/or embellishments are encouraged. (See Main Street Historic Design Handbook for examples.)

- (3) **Materials.** Signs may be constructed of concrete, brick, wood, stone, metal, glass, or synthetic materials that have the same appearance of the aforementioned natural materials due to their finish. All materials shall be compatible with the building's architecture, and should be colorfast and resistant to corrosion. Signs shall be professionally finished in accordance with the material selected, whether by sanding, painting, staining and/or sealing, with the edges of the sign framed out and/or sealed.
- (4) **Lighting.** All signs in the historic district, whether ground signs or wall signs, shall only be illuminated by an external light source, and through craftsmanship and materials, shall reflect downtown district design aesthetics. (See Main Street Historic Design Handbook for examples.)
- (5) **Colors.** Signs, and all lettering, symbols, and embellishments contained therein, shall be furnished in colors either contained in or consistent with the Typeset & Color Guide for Main Street Signage or from any commercially available historic color palette.
- (6) **Awnings and canopies.** Decorative awnings or canopies over doors or windows are permitted in the Main Street area, and shall not be calculated as part of total signage area. Professionally applied lettering or symbols may be incorporated into the awning or canopy valance/drop flap, but are restricted to 20 percent of the awning field. Awnings or canopies shall clear sidewalks by seven feet in height, and project no more than six feet from the building. Canvas or synthetic look-alike canvas, is the only material permitted for decorative awnings and canopies. Metal or vinyl may be approved for functional awnings or canopies if the overall design is consistent with Main Street's turn-of-the-century theme. Awnings/canopies may not be backlit.
- (7) **Hanging or suspended signs.** Hanging, suspended, or projecting signs are permitted in the historic area, and shall clear sidewalks by seven feet in height, and project no more than 36 inches from the building. Hanging or suspended signs should project from the wall at a 90-degree angle. Hanging or suspending signs over driveways, alleys, or parking areas is prohibited. Hanging, suspended, or projecting signs shall be limited to a maximum size of six (6) square feet, and if double-sided, shall be calculated as only one sign. One hanging, suspended, or projecting sign per business street frontage is permitted, and shall be calculated as part of the total signage area allowed under section 6-6. Attractive hardware for hanging is encouraged. (See Main Street Historic Design Handbook for examples.)
- (8) **Sandwich board signs (a.k.a. A-frame signs).** Movable sandwich signs, or A-frame signs, may be used in the

historic district one per building or unit. A sandwich board sign shall have a maximum height of four feet, and a maximum area of eight square feet on one side, and through design, paint, lettering, and materials, shall conform to Main Street Historic District aesthetic standards. Sandwich board signs shall not be placed off-site or displayed in such a way as to block or hinder pedestrian traffic. Sandwich board signs may be placed upon public sidewalks, but must leave a minimum of five feet width of sidewalks clear of obstructions for pedestrian traffic. Each building or unit at its main public entrance, used exclusively by said building or unit shall be permitted one sandwich board sign. The sandwich board sign must be placed only on the sidewalk in front of said building or unit or in the front yard of the building or unit. Such signs must be placed in front of the building or unit within 20 feet of the main public entrance of said building or unit. Sandwich board signs shall not be included within the overall amount of signage allowed.

- (9) Display box. A sign located within ten feet of the main public entrance used exclusively by the relevant building or unit as part of the total signage allowed. A display box shall have a clear face to protect the sign from the weather and be constructed to coordinate with the building design.
- (10) Window signs. Interior window signs, bearing lettered, numbered, or pictorial matter, shall not exceed 25 percent of the total window area exposed to public view. Window signs shall not be included within the overall amount of signage allowed.
- (11) Special temporary signs. Special temporary signs will be permitted in the Main Street district, and are encouraged to conform to Main Street Historic District aesthetic standards.
- (12) Air and gas filled devices. Under the following guidelines, balloons are permitted to be used as a temporary enhancement to special temporary signs/displays or sandwich boards in the Main Street Historic District.
 - a. Deflated or unsightly displays shall be removed immediately
 - b. Balloons must be no larger than 12" in length or diameter
 - c. Maximum number of balloons per unit or lot = 3
 - d. Maximum length of tether = 24"
 - e. Non-metallic balloons only
 - f. All displays shall conform to the Main Street Historic District sign ordinance aesthetic standards.

- (13) Ground signs. Ground signs may hang or suspend from a horizontal support that is affixed to the ground by vertical post.
- (d) Residential allowable signs. In residential zoning districts, signs shall be permitted as following subject to the provisions herein provided:
- (1) Two stake signs per lot in residential zoning districts not placed within the rights-of-way.
 - (2) Subdivisions shall be permitted either one double-sided ground sign located at the entrance of the subdivision, but not within ten feet of the public right-of-way, each side of which shall not exceed 35 square feet signage area, per section 6-2, or two one-sided signs, each sign not to exceed 35 square feet signage area, per section 6-2. The height of the sign shall not exceed six feet. All subdivision signs shall be placed on private property and may not be placed within ten feet of a right-of-way.
 - (3) Subdivision homeowner associations may have one 25 square feet changeable copy or glass covered sign located adjacent to the entrance to the subdivision's intersection with the public right-of-way and located within the common area owned by the homeowner's association but not interfering with sidewalks or streets, and the message face directed toward motorist and pedestrians who have entered the subdivision. These signs may not be placed on individual lots. The homeowner association sign shall be the responsibility of the elected officials of the homeowner's association. Subdivisions without elected homeowner association officers must have a designated person responsible for the sign.
 - (4) The owner or the owner's designated agent (but not both at the same time) of a subdivision under development in which the owner of the subdivision owns one or more subdivision lots may obtain a permit, effective for up to one year, to display within the subdivision under development one temporary double-sided ground sign with no more than 24 square feet of sign face per side. A planned center with one out-parcel is not a subdivision for purpose of this paragraph. The sign may not be placed within ten feet of a right-of-way.
 - (5) A lot zoned residential (excluding R-P zoning) which is not within a subdivision platted pursuant to the city's subdivision regulations, and which is three acres or more in size, may display a permitted temporary, double-sided ground sign, with a sign face not more than 24 square feet per side. The required permit may be issued for no longer than one year. The sign may not be placed within ten feet of a right-of-way.
 - (6) Apartment complex, condominium complex, or other building with multiple residential dwelling units shall be permitted one double-sided sign at the complex entrance, each side of which shall not exceed 24 square feet signage area, per Section 6-2, or two one-sided signs, each sign not to exceed 24 square feet signage area, per Section 6-2. The height of the sign shall not exceed six feet.

(Ord. No. 0-18-08, art. 1, 7-17-08)

Sec. 6-7. - Construction and maintenance requirements.

- (a) No sign shall be constructed in such a manner which will hinder vehicle traffic or pedestrians or block any entrances or exists from any sidewalk or building or any windows, doors, fire escapes. Each sign shall be securely erected and free of any protruding nails, tacks and wire.
- (b) No sign shall be constructed with any type material, finished letters, characters or surface that will reflect sunlight or any other type of light of such an intensity to hinder vehicle traffic or in any way create a nuisance to the surrounding area.
- (c) A sign containing wood in its structure, face or frame or any part thereof shall be painted or stained.
- (d) No wall sign or its supports shall protrude more than 15 inches from the wall on which it is mounted.
- (e) All signs shall be constructed in such a manner and fastened in such a way to prevent movement by wind action.
- (f) No wood, metal or any other type of supports for ground signs shall be less than four by four inches in size for each support or less than three inches in diameter if circular.
- (g) Wood signs shall be framed on the two sides attached to the supports, except for hanging and projecting signs allowed in the Main Street Architectural Overlay Zoning District. Supports can be considered framing if the sign is so designed with supports as part of framing on both sign face areas.
- (h) UL, FM or similar approval is required where applicable.
- (i) All signs shall be constructed and maintained in accordance with the provisions of the building code as adopted and from time to time amended by the city.
- (j) The illumination of internally illuminated signs shall not exceed 20 foot candles of incandescent light measured at a distance of ten feet from such structure; provided, however, the same may not exceeded the maximum incandescent light measurement of City Code section 94-322
- (k) Externally illuminated signs shall be lighted so that no lights are positioned in such a manner that light glares or shines into the eyes of motorists or pedestrians as to create a hazardous or dangerous condition.
- (l) No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends or top of the wall to which it is attached.
- (m) All special temporary signs shall be securely installed, and shall meet all applicable safety standards as prescribed by the city's current building code or electrical code.
- (n) All signs at the entrance of complexes shall be placed on private property and may not be placed within ten feet of a right-of-way.
- (o) Except for subdivision signs described in this chapter, all signs must be placed upon a lot, as defined in the city's zoning ordinance and the subdivision regulations. No sign may be placed on any lot, which lot does not meet the minimum lot requirements of the zoning ordinance and subdivision requirements.
- (p) No message or advertisement may be displayed on any portion of the structural supports of any sign.
- (q) All signs regulated by this chapter shall be kept clean, neatly painted, and free from all electrical and mechanical hazards, including, but not limited to, faulty wiring and loose connections, and the premises surrounding the signs shall be

maintained by the owner in a sanitary and inoffensive condition, free and clear of all weeds, rubbish, and debris.

- (r) No sign shall be illuminated either internally or externally, in any residential district zoned except that entrance signs and subdivision signs may be externally illuminated from dusk until dawn.

(Ord. No. 0-18-08, art. 1, 7-17-08)

Sec. 6-8. - Enforcement.

Citations for violation of this chapter may be issued by the city manager or his/her designee, or a police officer of the city. The citation shall be returnable to and tried before the municipal court of the city. Any person, firm, or corporation violating any provisions of this chapter may, upon conviction, be fined in an amount, and/or imprisoned for such term as authorized by the city's Charter. Each day said violation shall continue shall constitute a separate offense.

(Ord. No. 0-18-08, § 1, 7-17-08)

Sec. 6-9. - Prohibited signs and advertising devices.

The following signs and advertising devices are prohibited in all zoning districts of the city:

- (1) Air and gas filled devices, except see Main Street Historic District signs;
- (2) Awning and canopy signs, except see Main Street Historic District signs;
- (3) Banners unless permitted as special temporary signs;
- (4) Bench sign;
- (5) Sign which displays obscene text, copy, message, pictures, forms or structures;
- (6) Flashing, blinking, traveling signs or lights, except for authorized public safety;
- (7) Portable, mobile or trailer signs, except for authorized public safety;
- (8) Roof signs;
- (9) Sidewalk, sandwich signs, and A-frame signs, except see section 6-6(5), Main Street Historic District signs;
- (10) Signs on a public right-of-way or on city property except exempt traffic control signs and devices;
- (11) Signs which contain or are in imitation of an official traffic control sign or signal or contain the words "stop," "go," "slow," "danger," "detour," "speed limit," "yield" or similar words intended to direct or regulate traffic;
- (12) Signs affixed to utility poles, trees, street markers, and fence posts or placed on any curb, sidewalk, fence, hydrant, bridge or other surface located on public property or over or across any public street;
- (13) Signs that advertise or promote illegal activities;

- (14) Signs that are erected, located or maintained in such a manner as to interfere with safe and free ingress or egress of any door or emergency exit or fire escape;
- (15) Spectacular signs, including feather flag signs;
- (16) Swinging or projecting signs, except see section 6-6(5), Main Street Historic District signs;
- (17) Signs which obstruct sight of motorist or pedestrians so as to create safety hazards for motorists or pedestrians;
- (18) Vehicle signs with a total sign area in excess of ten square feet, when the vehicle:
 - a. Or any part of the vehicle is parked within 100 feet of any street right-of-way, and the vehicle is not being actively loaded or unloaded, and there are other available and accessible locations on or about the occupancy advertised where the vehicle can be parked, which are not within 100 feet of a street right-of-way and visible from such; and
 - b. Is visible from the street right-of-way that the vehicle is within 100 feet; and
 - c. Is not regularly used in the conduct of the business advertised on the vehicle; a vehicle used primarily for advertising, and not for the purpose of providing transportation for owner, employees, inventory, merchandise, supplies or materials of the occupancy advertised on the vehicle, shall not be considered a vehicle used in the conduct of business. Vehicle may not be used for off-premises storage of inventory, merchandise, supplies, or materials.
- (19) Any sign, including banners, not painted or manufactured by a professional artist or sign designer;
- (20) All signs not specifically permitted or allowed by this chapter.

(Ord. No. 0-18-08, art. 1, 7-17-08)

Sec. 6-10. - Nonconforming signs.

Nonconforming signs may continue in existence subject to the following restrictions:

- (1) No change may be made in the location, shape, height, size, or design of any nonconforming sign, or replacement of or change in the face or message panel of a nonconforming sign except to bring the sign into compliance with the provisions of this chapter, and a sign permit granted.
- (2) A nonconforming sign may not be reconstructed, replaced, or reset if it is removed by the owner or agent for the owner for any reason.
- (3) Any sign erected in violation of this chapter may be removed from any public right-of-way by duly authorized employees of the city, and the responsible party may be cited for such violation.
- (4) No additional sign or advertising device shall be erected on the same lot with an existing nonconforming sign until the nonconforming sign has been removed or brought into conformity with this chapter.

- (5) No sign permit may be granted to any applicant, where there exists on the subject lot a nonconforming sign, as defined in this chapter, an illegal sign, an unpermitted sign, a damaged sign, a sign in need of repair or painting, or a sign in violation of section 6-15 of this chapter.
- (6) A nonconforming sign may not be replaced by another nonconforming sign except where changed conditions beyond the control of the owner render the sign nonconforming or warrant the sign's repair.
- (7) A nonconforming sign may not be expanded or altered in any manner that increases the degree of nonconformity.

(Ord. No. 0-18-08, art. 1, 7-17-08)

Sec. 6-11. - Removal of certain signs.

- (a) Any sign which has become dilapidated, or any sign which, due to poor maintenance or neglect, has become a visual blight, or by its condition and state of repair is deemed to be dangerous, and any sign which has been erected in a manner which fails to meet the requirements of this chapter as a legal or a recognized nonconforming sign may be removed by the city manager provided some reasonable attempt has been made to have such sign removed by the owner thereof, and provided further that such removal can be made without damage to any property or sign, except for the cutting or severing of supports for the sign at or near the ground or its attachment to any wall or structure. Any sign removed under the foregoing provision shall be stored by the city at the expense of the sign owner or landowner upon which the sign is located.
- (b) In the case of a sign which cannot be removed without risk of property damage and in the case of signs removed and stored as provided herein, the city manager shall cause notice of the same to be mailed to the owner of the sign if the same may be determined or to the owner of the property upon which said sign be located of the impending action pertaining to said sign. Owners shall be given 30 days from the date of receipt of such notice to take appropriate remedial action.
- (c) If the permittee or property owner fails to remove or alter the structure so as to comply with the standards herein set forth within 30 days after such notice, the permit for such sign shall be revoked and the permittee or property owner shall be subject to the penalties set forth in section 6-12 of this chapter.
- (d) After notification as herein prescribed, the city manager shall cause such signs to be removed and disposed of in the manner provided by law for the disposition of abandoned personal property.
- (e) No sign removed after the provisions hereof shall be returned to the owner until all expenses incurred in the removal and storage of the same has been paid.

(Ord. No. 0-18-08, art. 1, 7-17-08)

Sec. 6-12. - Exempt signs.

The following signs and advertising devices are exempt from the permit requirements of this chapter but must in all respects otherwise comply with this chapter:

- (1) Window signs, as allowed by this chapter.

- (2) Flags (flag poles shall be considered as an "accessory structure" under the city's zoning ordinance as to the location and site of flag poles).
- (3) Two stake signs per lot in residential zoning districts as provided in this chapter.
- (4) One stake sign per lot in non-residential zoning districts, as provided in this chapter.
- (5) All other signs must be permitted by the city before displaying, or they are prohibited.

(Ord. No. 0-18-08, art. 1, 7-17-08)

Sec. 6-13. - Variances.

- (a) The city manager can authorize, upon application in specific cases, such variance from the terms of this chapter as will not be contrary to the public interest when, due to special conditions, a literal enforcement of the provisions of this chapter will in an individual case result in extreme and unusual hardship, so the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done. The mere existence of a nonconforming sign or advertising device shall not constitute a valid reason to grant a variance. A variance may be granted in an individual case of extreme and unusual hardship not self-imposed upon a finding by the city manager that the following conditions exist:
 - (1) There exist extraordinary and exceptional conditions pertaining to the property in question resulting from its size, shape, or topography which are not applicable to other lands or structures in the area;
 - (2) A literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other similar properties in the city;
 - (3) Granting the variance requested will not confer upon the property of the applicant significant privileges which are denied to other similar properties in the city;
 - (4) The requested variance will be in harmony with the purpose and intent of this chapter and will not be injurious to the neighborhood or to the general welfare;
 - (5) The variance is not a request to permit a type of sign which otherwise is not permitted in the zoning districts involved;
 - (6) The cause for the need for the variance is not created by the applicant, the owner, lessor, or successor in ownership or occupancy;
 - (7) Signs may be displaced upon the vertical surface of a canopy only by a variance, upon the applicant reducing the number or square footage of ground or wall signs authorized by this chapter for the lot in question, so as to reasonably set-off for the additional signs.
- (b) All requests for such variances shall be in written form and filed with the city manager. The city manager shall make a decision on a complete application within 30 days of the city manager's receipt of the application and shall mail the decision to the applicant at the address shown on the application. The writing shall state the basis of the decision. An applicant dissatisfied with the city manager's decision shall appeal to the city council pursuant to the appeal procedure at subsection 6-5(g).

- (c) No change may be made in the location, shape, color, height, size, copy or text of any sign subject to a variance unless the sign is brought into compliance with the provisions of this chapter and a sign permit is granted.
- (d) A change in the owner, lessor, lessee, or user of property served by a sign subject to a variance shall negate the variance, and the sign shall be removed or brought into compliance with the provisions of this chapter and a new sign permit granted.
- (e) A sign subject to a variance may not be reconstructed, replaced or reset if it is removed for any reason.
- (f) When a sign under a variance has been razed or damaged by any cause, naturally occurring or otherwise, the sign shall not be re-established:
 - (1) If the value of the sign as damaged is 50 percent or less of the value of the signs prior to the damage; or
 - (2) If the estimated cost of repairing the above ground portion of the sign is more than the value of the sign in its damaged condition.
 - (3) Value shall be established by the city manager or his/her designee and shall be based upon the value of the sign's materials above ground with no allowance for the intrinsic value of the sign or the value of the right to have a sign at that location.

(Ord. No. 0-18-08, art. 1, 7-17-08)

