

Sec. 64-2451. - Purpose.

In support and furtherance of its findings and determination that the historical, cultural, and aesthetic heritage of the City of Milton, Georgia is among its most valued and important assets and that the preservation of this heritage is essential to the promotion of the health, prosperity, and general welfare of the people;

In order to maintain historic structures and to protect and enhance local historical and aesthetic attractions to residents and tourists and thereby promote and stimulate business;

In order to enhance the opportunities for federal or state tax benefits under relevant provisions of federal or state law; and

In order to provide for designation, protection, preservation, and rehabilitation of historic properties and to participate in federal or state programs to do the same;

The Milton City Council, Milton, Georgia hereby declares it to be the purpose and intent of this article to establish a uniform procedure for use in providing for the identification, protection, enhancement, perpetuation, and use of places, properties, sites, buildings, structures, objects, and landscape features having special historical, cultural, archeological, or aesthetic interest or value, in accordance with the provisions of the article.

(Ord. No. 10-06-65, § 1, 6-25-2010)

Sec. 64-2452. - Definitions.

[The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Application for designation means a formal request in writing in a form specified by the historic preservation commission that the historic preservation commission consider a property for possible designation as a historic property or historic district.

Building means any structure with a roof, designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind.

Certificate of appropriateness means a document evidencing approval by the historic preservation commission of an application to make a material change in the appearance of a designated historic property or of a property located within a designated historic district.

Contributing means a building, structure, object, site or work of art that adds to the historic architectural qualities or archaeological values for which the district is significant because it was present during the period of significance, relates to the documented significance of the district, and possesses historic integrity or is capable of yielding important information about the period of significance.

Designation means a decision by the City of Milton to designate a property as a "historic property" or as a "historic district" and thereafter prohibit all material change in appearance of such property or within such district prior to the issuance of a certificate of appropriateness by the Historic Preservation Commission of the City of Milton.

Design Review Board (DRB) means a Board consisting of seven City of Milton residents, and business owners who review all plans for development in the City, except for single family residences for compliance with the standards of the Zoning Ordinance prior to the approval of a building permit, primary variance and land disturbance permit and for both the residential and nonresidential structures for a demolition permit.

Exterior architectural features means the architectural style, general design, and general arrangement of the exterior of a building, structure, or object, including but not limited to the kind or texture

of the building material and the type and style of all windows, doors, signs, and other appurtenant architectural fixtures, features, details, or elements relative to the foregoing.

Exterior environmental features means all aspects of the landscape or the development or appearance of a site which affect the historical character of the property.

Historic means belonging to the past; of what is important or famous in the past; A historic resource should be at least 50 years old, and should retain a high degree of integrity that is comprised of seven qualities: location, design, setting, materials, workmanship, feeling, and association.

Historic district means a geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, works of art, or objects, or a combination thereof, which (1) have special character or special historical or aesthetic interest or value; (2) represent one or more periods or styles or architecture typical of one or more eras in the history of Milton, Fulton County, Georgia, or the nation; and (3) cause such area, by reason of such factors, to constitute a visibly perceptible section of the City of Milton. A district may also comprise individual elements separated geographically but linked by association or history. A historic district shall further mean an area designated by the Milton City Council as a historic district pursuant to the criteria established in subsection [64-2454](#)(b) of this article.

Historic property means an individual building, structure, site, or object designated by the Milton City Council as a historic property pursuant to the criteria established in subsection [64-2454](#)(c) of this article.

Material change in appearance means a change that will affect the exterior architectural or environmental features of a historic property or any building, structure, site, object, or landscape feature within a historic district, such as:

- (1) A reconstruction or alteration of the size, shape, or façade of a historic property, including but not limited to, relocation of any doors or windows or removal or alteration of any architectural features, details, or elements;
- (2) Demolition or relocation of a historic structure;
- (3) Commencement of excavation for construction purposes;
- (4) A change in the location or removal of advertising visible from the public right-of-way; or
- (5) The erection, alteration, restoration, or removal of any building or structure within a historic property or district, including but not limited to walls, fences, steps and pavements, or other appurtenant features, except exterior paint alterations.

Non-contributing means a classification applied to an individual property located within a designated historic district, signifying that the property does not contribute to the distinctive character of the district. Such properties are subject only to the provisions of this chapter regarding new construction, including general landscape character, and only when the amount of new construction equals or exceeds twenty-five percent (25%) of the land area or building ground floor area of the property at the time of its identification as noncontributing.

Non-historic means the resource does not meet the criteria for local landmark designation and therefore does not have potential for designation.

Object means a material thing of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

Site means the location of a significant event, a prehistoric or historical occupation or activity, or a building or structure, whether standing, ruined, or vanished where the location itself maintains historical, or of archeological value regardless of the value of any existing structure.

Structure means a work of interdependent and inter-related parts in a definite pattern of organization. A manmade object; it may be large or small in scale.

(Ord. No. 10-06-65, § II, 6-25-2010)

Sec. 64-2453. - Creation of a historic preservation commission.

(a)

Creation of the historic preservation commission. There is hereby created a commission whose title shall be "Milton Historic Preservation Commission" (hereinafter ("HPC")).

(b)

HPC members: Numbers, appointment, terms, and compensation. The HPC shall consist of seven members appointed by the Milton City Council with each appointing one member whose term will be four years, but shall be subject to reappointment for concurrent terms. All members shall be residents of the City of Milton and shall be persons who have demonstrated special interest, experience, or education in history, architectural history, or the preservation of historic resources. Each appointee shall reside anywhere **within the limits of the City of Milton**, and not be bound to a councilperson's respective council district.

~~One member of the Milton Design Review Board ("DRB"), as designated by the DRB, shall serve as an ex-officio member of the HPC.~~

~~In addition, two ex-officio members may be appointed to the HPC by majority vote of the HPC and will serve at the discretion of the HPC. These additional ex-officio members are not required to own property in the city limits, and do not need to be residents of the City of Milton, but have expressed interest in the surrounding communities and are regarded as valuable sources of information by consensus of the official members of the HPC. Ex-officio members of the HPC shall not have voting rights and shall not be counted for the purpose of determining whether a quorum of HPC members exists at any HPC meeting.~~

To the extent an individual is available and willing to serve in the City of Milton, at least one official, voting HPC member shall be appointed from among professionals in the disciplines of architecture, history, architectural history, planning, archeology, building construction, real property appraisal, or related professions.

HPC members shall not receive a salary, although they may be reimbursed for expenses with the prior approval of the city manager.

(c)

Statement of the HPC's powers. The HPC shall be authorized to:

(1)

Prepare and maintain an inventory of all property within the City of Milton having the potential for designation as historic;

(2)

Recommend to the Milton City Council specific districts, sites, buildings, structures, or objects to be designated by ordinance as a historic property or a historic district;

(3)

~~Consider for approval proposals/recommendations for possible rezoning of property to the historic ("H") zoning designation as provided for in subsection 64-2454(d)(2)a., based on historic value to the community and otherwise in accord with the requirements of the historic ("H") zoning designation in the Milton Zoning Code.~~

- (4) Review applications for Certificates of Appropriateness, and grant or deny same in accordance with the provisions of this article;
- (5) Recommend to the Milton City Council that any designation of a historic property or historic district be revoked or removed;
- (6) Restore or preserve any historic properties acquired by the City of Milton, subject to funding availability and with the prior approval of the Milton City Council;
- (7) Promote the acquisition by the City of Milton of facade easements and conservation easements as appropriate, in accordance with the provisions of the Georgia Uniform Conservation Easement Act of 1992 (O.C.G.A. §§ 44-10-1 through 44-10-5);
- (8) Conduct educational programs on historic properties located within the City of Milton and on general historic preservation activities;
- (9) Make such investigations and studies of matters relating to historic preservation including consultation with historic preservation experts, as the Milton City Council or the HPC itself may, from time to time, deem necessary or appropriate for the purposes of preserving historic resources;
- (10) Research local, state, federal, or private funds for historic preservation, and make recommendations to the Milton City Council concerning the most appropriate use of any funds acquired;
- (11) Recommend to the Milton City Council possible historic resource incentive programs for their review;
- (12) Submit to the Historic Preservation Division of the Georgia Department of Natural Resources a list of designated historic properties or historic districts;
- (13) Perform historic preservation activities as the official agency of the Milton Historic Preservation Program;
- (14) ~~Retain~~ persons with professional expertise to carry out specific tasks, as needed, subject to approval by the Milton City Council;
- (15) Receive donations, grants, funds, or gifts of historic property and acquire and sell historic properties provided the Milton City Council has provided prior consent to do so and all state and local laws regarding local government property disposition are followed. The receipt of donations, grants, funds, or gifts shall be accepted only if such acceptance does not violate the City of Milton Code of Ethics;
- (16) Review and make comments to the Historic Preservation Division of the Georgia Department of Natural Resources concerning the nomination of properties within its jurisdiction to the National Register of Historic Places;
- (17) Participate in private, state, and federal historic preservation programs and with the approval of the Milton City Council enter into contractual agreements to do the same; and
- (18) ~~Recommend to the Milton City Council such sites, buildings, structures, or objects that shall be considered a "historical site of interest" and by Milton City Council resolution shall adopt such designation. The Milton City Council will provide and appropriate historical marker to be displayed at the designated site.~~

- (d) *HPC's power to adopt rules and standards.* The HPC shall adopt rules and standards for the transaction of business and for consideration of applications for designations and certificates of appropriateness, such as by-laws and design guidelines not inconsistent with this article. The HPC shall have the flexibility to adopt such rules and standards without amendment to this article. The HPC shall provide for the time and place of regular meetings and a method for the calling of special meetings, consistent with the Georgia Open Meetings Act. The HPC shall select such officers as it deems appropriate from among its members. A quorum shall consist of a majority of voting members. All rules shall be ratified by the Milton City Council before becoming effective.
- (e) *Conflict of interest.* The HPC shall be subject to all conflict of interest laws set forth in the Georgia Statutes and in the City of Milton Charter.
- (f) *HPC's authority to receive funding from various sources.* The HPC shall have the authority to accept donations and shall ensure that these funds do not displace appropriated governmental funds. The HPC shall be subject to and comply with the Milton Ethics Code.
- (g) *Records of HPC meetings.* A public record shall be kept of the HPC's resolutions, proceedings, and actions. Reports to the Milton City Council will also be made on a regular and timely basis.
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- (Ord. No. 10-06-65, § III, 6-25-2010)

Sec. 64-2454. - Recommendation and designation of historic properties.

- (a) *Preliminary research by HPC.*
- (1) HPC's mandate to conduct a survey of local historical resources: The HPC shall compile and collect information on historic resources with the City of Milton. Records shall be stored in the City of Milton storage area.
- (2) HPC's power to recommend districts and buildings to the Milton City Council for designation: The HPC shall present to the Milton City Council recommendations for historic districts and properties. ~~The HPC shall consider for approval proposals/recommendations for possible rezoning of property to the historic ("H") zoning designation as provided for in subsection (d)(2)a., based on historic value to the community and otherwise in accord with the requirements of the historic ("H") zoning designation in the Milton Zoning Code.~~
- (3) HPC's documentation of proposed designation: Prior to the HPC's recommendation to the Milton City Council of a property or district for historic designation, the HPC shall prepare a report for nomination consisting of:
- a. A detailed physical description of the proposed historic property or historic district; and
 - b. A statement of the historical, cultural, architectural, and/or aesthetic significance of the proposed historic property or historic district; and
 - c. A map showing district boundaries and classification (i.e., contributing, noncontributing) of individual properties therein, or showing boundaries of individual properties; and
 - d. A statement justifying the boundaries of the proposed property or district; and

e.

Representative photographs of the proposed property or district.

(b)

Designation of historic district.

(1)

Criteria for selection of historic districts: A historic district is a geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, works of art, or objects, or a combination thereof, which (1) have special character or special historical or esthetic interest or value; (2) represent one or more periods or styles or architecture typical of one or more eras in the history of Milton, the State of Georgia, or the nation; and (3) cause such area, by reason of such factors, to constitute a visibly perceptible section of the City of Milton. A district may also comprise individual elements separated geographically but linked by association or history. A historic district is deemed worthy of preservation by reason of value to the nation, the State of Georgia, or the City of Milton for one or more of the following reasons:

a.

It possesses an outstanding example of structures representative of its era; or

b.

It contains the few remaining examples of a past architectural style or type over 50 years old; or

c.

It is a place associated with an event or persons of historic or cultural significance to the City of Milton, State of Georgia, or the region; or

d.

It is the site of natural, archeological, or aesthetic interest that contributes to the cultural or historical development and heritage of the municipality, county, state, or region.

(2)

Boundaries of a historic district: Boundaries of a historic district shall be included in the separate ordinances designating such districts and shall be shown on the official zoning map of the City of Milton, Georgia.

(3)

Evaluation of properties with historic districts: individual properties within historic districts shall be classified as:

a.

Contributing (contributes to the district); or

b.

Noncontributing (Does not contribute to the district as provided for in subsection (b)(1) of this section).

(c)

Designation of historic property.

(1)

Criteria for selection of historic properties: An individual building, structure, site or object deemed worthy of preservation by reason of value to the nation, the State of Georgia, or the City of Milton for one or more of the following reasons:

a.

It is an outstanding example of a structure representative of its era; or

b.

It is one of the few remaining examples of a past architectural style or type over 50 years old; or

c.

It is a place associated with an event or persons of historic or cultural significance to the City of Milton, State of Georgia, or the region; or

d.

It is the site of natural, archeological, or aesthetic interest that contributes to the cultural or historical development and heritage of the municipality, county, state, or region.

(2)

No building, structure, site or object shall be eligible to be designated as a historic property unless it existed on the same property since the incorporation of the City of Milton.

(d)

~~Historic ("H") zoning designation.~~

~~(1)~~

~~Purpose: This base zoning designation allows for a historic property to be used, protected, renovated and preserved. It may allow a specific, previous use to continue in a structure where that use would be considered nonconforming as defined in the Milton Zoning Code. Creation of the historic ("H") zoning designation shall be in accord with the ordinary procedures and processes for zoning district creation in the City of Milton, and the final decision regarding the components and uses authorized by and in the historic ("H") zoning district shall remain exclusively with the Milton City Council.~~

~~(2)~~

~~Approval process:~~

~~a-~~

~~Designation is proposed per subsection 64-2424(e)(1) followed by formal approval of the HPC, except that when the proposal originates in the HPC or the Milton City Council no additional HPC approval shall be required prior to commencement of the formal zoning process;~~

~~b-~~

~~The property owner shall follow the process for rezoning as established by article 28 [XIV] of the zoning chapter.~~

(e)

~~Requirement for adopting an ordinance for the designation of historic districts, historic properties, and historic zoning.~~

~~(1)~~

~~Application for designation of historic districts, properties ~~or historic zoning~~: Proposals may be submitted by the Milton City Council, via majority vote, or by the HPC via a majority of that commission, or:~~

~~a.~~

~~For historic districts—A historical society, neighborhood association, or the owners of a group of properties;~~

~~b.~~

~~For historic properties—A historical society, neighborhood association, or the property owner;~~

~~c.~~

~~For a historic zoning designation—A historical society, neighborhood association, or the property owner.~~

(2)

Required components of a designation ordinance: Any ordinance designating any property or district as historic shall:

a.

List each property in a proposed historic district or describes the proposed individual historic property;

b.

Set forth the name(s) of the owner(s) of the designated property or properties;

c. Require that a certificate of appropriateness be obtained from the HPC prior to any material change in appearance of the designated property; and

d. Require that the property or district be shown on the official zoning map of the City of Milton, Georgia and kept as a public record to provide notice of such designation.

(3)

Require public hearings: The HPC and the Milton City Council shall hold a joint public hearing at a special or regular HPC meeting on any proposed ordinance for the designation of any historic district or property. Notice of the hearing shall be published in at least three consecutive issues of the newspaper utilized by Milton as the legal organ, and written notice of the hearing shall be mailed not less than ten or more than 20 days prior to the date set for the public hearing. A notice sent via the United States mail to the last-known owner of the property shown on the City of Milton tax digest and a notice sent via attention of the occupant shall constitute legal notification to the owner and occupant under this section.

(4)

Notification of historic preservation division: No less than 30 days prior to making a recommendation on any ordinance designating a property or district as historic, the HPC must submit the report, required in subsection [64-2454\(a\)\(3\)](#), to the historic preservation division of the department of natural resources.

(5)

Recommendations on proposed designations: A recommendation to affirm, modify or withdraw the proposed ordinance for designation shall be made by the HPC within 15 days following the joint public hearing and shall be in the form of a resolution to the Milton City Council.

(6)

Milton City Council action on the HPC's recommendation: Following receipt of the HPC recommendation, the Milton City Council may adopt the ordinance for designation as proposed, may adopt the ordinance with any amendments it deems necessary, or reject the ordinance.

(7)

Notification of adoption of ordinance for designation: Within 30 days following the adoption of the ordinance for designation by the Milton City Council, the owners and occupants of each designated historic property, and the owner(s) and occupants of each building, structure, or site located within a designated historic district, shall be given written notification of such designation by the Milton City Council, which notice shall apprise said owners and occupants of the necessity of obtaining a certificate of appropriateness prior to undertaking any material change in appearance of the historic property designated or within the historic district designated. A notice sent via the United States mail to the last-known owner of the property shown on the City of Milton tax digest and a notice sent via United States mail to the address of the property to the attention of the occupant shall constitute legal notification to the owner and occupant under this article.

(8)

Notification of other agencies regarding designation: The HPC shall notify all necessary agencies within the City of Milton of the ordinance for designation.

(9)

Moratorium on applications for alteration or demolition while ordinance for designation is pending: If an ordinance for designation is being considered, the hpc shall notify the permitting division of the community development department. No permit of any kind shall be issued for work which would constitute a material change in the appearance of a structure, site, or landscaping within the designated area until the proposed ordinance is enacted or rejected by the city council. The HPC must recommend via resolution an ordinance for designation to the city council within 45 days of the permitting division denying a building permit based on the moratorium.

(Ord. No. 10-06-65, § IV, 6-25-2010)

Sec. 64-2455. - Application to HPC for certificate of appropriateness.

(a)

Approval of material change in appearance involving historic properties. After the designation by ordinance of a historic property or of a historic district, no material change in the appearance of such historic property, or of a contributing or noncontributing building, structure, site or object within such historic district shall occur or be permitted to be made by the owner or occupant thereof unless or until the application and approval of a certificate of appropriateness. Certificates of appropriateness for material changes in historic properties and material changes to contributing buildings, structures, sites, or objects in historic districts shall be issued by the HPC in accord with the process set forth below. A certificate of appropriateness for noncontributing buildings, structures, sites or objects within a historic district shall be considered by the DRB after a public hearing and otherwise in accord with ordinary and normal DRB processes and procedures. A building permit shall not be issued without a certificate of appropriateness.

A certificate of appropriateness shall be required before construction can begin even in cases where a building permit is not required.

(b)

Submission of plans to HPC. An application for a certificate of appropriateness shall be accompanied by drawings, photographs, plans and documentation required by the HPC.

(c)

Interior alterations. In its review of applications for certificates of appropriateness the HPC shall not consider interior arrangement or use having no effect on exterior architectural features.

(d)

Technical advice. The HPC shall have the power to seek technical advice from outside its members on any application.

(e)

Public hearings on applications for certificates of appropriateness, notices, and right to be heard. The HPC shall hold a public hearing at which each proposed certificate of appropriateness is discussed. Notice of the hearing shall be published in the newspaper utilized by Milton as the legal organ and written notice of the hearing shall be made by the HPC to all owners and occupants of the subject property. The written and published notice shall be provided in the same manner and time frame as notices as required by the Georgia Zoning Procedures Law.

The HPC shall provide the property owner and/or applicant an opportunity to be heard at the certificate of appropriateness hearing.

(f)

Acceptable HPC response to applications for certificates of appropriateness.

HPC action: The HPC may (i) approve the application for a certificate of appropriateness as proposed; (ii) approve the certificate of appropriateness with any modifications it deems necessary; or (iii) reject it.

(1)

The HPC shall approve the application and issue a certificate of appropriateness if it finds that the proposed material change(s) in the appearance would not have a substantial adverse effect on the aesthetic, historic, or architectural significance and value of the historic property or the historic district. In making this determination, the HPC shall consider, in addition to any other pertinent factors, the following criteria:

a.

Reconstruction, alteration, new construction or renovation: Whether the proposed actions conform in design, scale, building material, setback and site features and to the United States Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

b.

Relocation:

1.

The historic character and aesthetic interest of the building, structure, or object contributes to its present setting;

2.

Whether there are definite plans for the area to be vacated and what the effect of those plans on the character of the surrounding area will be;

3.

Whether the building, structure, or object can be moved without significant damage to its physical integrity;

4.

Whether the proposed relocation area is compatible with the historical and architectural character of the building, structure, site, or object.

c.

Demolition:

1.

The historic, scenic, or architectural significance of the building, structure, site, or object;

2.

The importance of the building, structure, site, or object to the ambiance of the area;

3.

The difficulty or impossibility of reproducing such a building, structure, site, or object because of its design, texture, material, detail, or unique location;

4.

Whether the building, structure, site, or object is one of the last remaining examples of its kind in the neighborhood or the city;

5.

Whether there are definite plans for use of the property if the proposed demolition is carried out, and what the effect of those plans on the character of the surrounding area would be;

6.

Whether reasonable measures can be taken to save the building, structure, site, or object from collapse;

7.

Whether the building, structure, site, or object is capable of earning reasonable economic return on its value.

(g)

Undue hardship. When, by reason of unusual circumstances, the strict application of any provision of the ordinance would result in the exceptional practical difficulty or undue economic hardship upon any owner of a specific property, the commission, in passing upon applications, shall have the power to recommend to the Milton Mayor and City Council to vary or modify strict provisions, so as to relieve such difficulty or hardship; provided such variances, modifications, interpretations shall remain in harmony with the general purpose and intent of said provisions, so that the architectural or historical integrity, or character of the property, shall be conserved and substantial justice done. In granting variances, the Milton Mayor and City Council may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the purpose of this article. An undue hardship shall not be a situation of the person's own making.

(h)

Deadline for approval or rejection of application for certificate of appropriateness.

(1)

The HPC shall approve or reject an application for a certificate of appropriateness within 45 days after the filing thereof by the owner or occupant of a historic property, building, structure or site. Evidence of approval shall be by a certificate of appropriateness issued by the HPC. Notice of the issuance or denial of a certificate of appropriateness shall be sent by United States certified mail to the applicant and all other persons who have requested such notice in writing filed with the HPC.

(2)

Should the HPC fail to approve or reject an application for certificate of appropriateness within 45 days the application shall be deemed automatically approved.

(i)

Necessary action to be taken by HPC upon rejection of application for certificate of appropriateness.

(1)

In the event the HPC rejects an application, it shall state its reasons for doing so, and shall transmit a record of such actions and reasons, in writing, to the applicant. The HPC may suggest alternative courses of action it thinks proper if it disapproves of the application submitted. The applicant, if he or she so desires, may make modifications to the plans and may resubmit the application at any time after making said modifications.

(2)

In cases where the application covers a material change in the appearance of a structure which would require the issuance of a building permit, the rejection of the application for a certificate of appropriateness by the HPC shall be binding upon the building inspector or other administrative officer charged with issuing building permits and, in such a case, no building permit shall be issued.

(j)

Requirement of conformance with certificate of appropriateness.

(1)

All work performed pursuant to an issued certificate of appropriateness shall conform to the requirements of such certificate. In the event work is performed not in accordance with such certificate, the HPC may request that the city obtain a cease and desist order from the appropriate tribunal and all work shall cease.

(2)

The Milton City Council may, of its own initiative or at the request of the HPC, initiate any appropriate action or proceeding in a court of competent jurisdiction to prevent any material change in appearance of a designated historic property, except those changes made in compliance with the provisions of this ordinance or to prevent any illegal act or conduct with respect to such historic property.

(k)

Certificate of appropriateness void if construction not commenced.

(1)

A Certificate of appropriateness shall become void unless construction has commenced within six months of date of issuance.

(2)

A certificate of appropriateness shall expire after 18 months unless said certificate is renewed. A certificate may be renewed for a single 18-month period. A renewal must be sought prior to the expiration of the original certificate.

(l)

Recording an application for certificate of appropriateness. The HPC shall keep a public record of all applications for certificate of appropriateness, and of all the HPC's proceedings in connection with said application. These records shall be maintained at city hall.

(m)

Acquisition of property. The HPC may, where such action is authorized by the Milton City Council and is reasonably necessary or appropriate for the preservation of a historic property, enter into negotiations with the owner for the acquisition by gift, purchase, exchange, or otherwise, to the property or any interest therein. If property is conveyed based upon the efforts of the HPC, the property interest shall be conveyed in the name of the City of Milton, Georgia.

(n)

Appeals. Any person adversely affected by any determination made by the HPC relative to the issuance or denial of a certificate of appropriateness may appeal such determination to the Milton City Council. Any such appeal must be filed with the Milton City Council within 15 days after the issuance of the determination pursuant to subsection (g) of this section. The Milton City Council may approve, modify, or reject the determination made by the HPC, if the governing body finds that the HPC abused its discretion in reaching its decision. Appeals from decisions of the Milton City Council may be taken to the Superior Court of Fulton County via a writ of certiorari.

(Ord. No. 10-06-65, § V, 6-25-2010)

Sec. 64-2456. - Maintenance of historic properties; Building and zoning code provision.

(a)

Ordinary maintenance or repair. Ordinary maintenance or repair of any exterior architectural or environmental feature in or on a historic property to correct deterioration, decay, or to sustain the existing form, and that does not involve a material change in design, material, or outer appearance thereof, does not require a certificate of appropriateness.

(b)

Failure to provide ordinary maintenance or repair. Property owners of historic properties or properties within historic districts shall not allow their buildings to deteriorate by failing to provide ordinary maintenance or repair. The HPC shall be charged with the following responsibilities regarding deterioration by neglect:

(1)

The HPC shall monitor the condition of historic properties and existing buildings in historic districts to determine if they are being allowed to deteriorate by neglect. Such conditions as broken windows, doors and openings which allow the elements and vermin to enter, and the deterioration of a building's structural system shall constitute failure to provide ordinary maintenance or repair.

(2)

In the event the HPC determines a failure to provide ordinary maintenance or repair, the HPC will notify the owner of the property and set forth the steps which need to be taken to remedy the situation. The owner of such property will have 30 days in which to do this. A building permit may be required to accomplish the necessary remedial measures.

(3)

In the event that the condition is not remedied in 30 days, the owner shall be sanctioned as provided in [section 64-2457](#) of this article and, upon approval of the Milton City Council, the HPC may perform such maintenance or repair as is necessary to prevent deterioration by neglect. The owner of the property shall be liable for the cost of such maintenance and repair performed by the HPC and shall reimburse the City of Milton for same. In the event reimbursement does not occur, the Milton City Council shall have the right to recover same using all available legal means, including the placement of liens on the property in accordance with law.

(c)

Affirmation of existing building and zoning codes. Nothing in this article shall be construed as to exempt property owners from complying with existing city or county building and zoning codes.

(Ord. No. 10-06-65, § VI, 6-25-2010)

Sec. 64-2457. - Penalty provisions.

A person, firm, corporation or other entity commits an offense if he/she/it violates this article. Each day the offense continues constitutes a separate offense. The following penalties, which are nonexclusive, and the exercise of one or more of which shall not preclude exercise of the others, shall be imposed on those persons or entities found to have violated this article:

(1)

The same penalties as set forth in the zoning chapter of the city for all violations of requirements set forth in the said zoning chapter; or

(2)

The penalties set forth in [chapter 12](#) of the Code of Ordinances of the city for nonzoning violations.

(3)

Restrictions on future development. If a historic property is demolished or relocated without a certificate of appropriateness, or in the event the plans are changed for the property from which the resource was removed without approval of the changed plans by the HPC, then the following restrictions, in addition to any other penalties or remedies set forth in this article, shall be applicable to the site where the structure or property was formerly located:

- a.** No building or other permits will be issued for construction on the site, with the exception of a permit to restore such structure or property after obtaining a certificate of appropriateness, for a period of five years after the date of such demolition or removal.
- b.** No permits shall be issued by the city for any curb cuts on the site for a period of five years from and after the date of such demolition or removal.
- c.** No parking lot for vehicles shall be operated whether for remuneration or not on the site for a period of five years from and after the date of such demolition and removal.
- d.** The owner of the site shall maintain the site in a clean and orderly state and shall properly maintain all existing trees and landscaping on the site. When these restrictions become applicable to a particular site, the building official shall cause to be filed a verified notice thereof in the Real Property Records of Fulton County and such restrictions shall then be binding on future owners of the property.

(4)

Civil action. As an additional remedy in addition to the penalties stated above, the city attorney for the City of Milton or his or her designee shall have the power to take all necessary civil action to enforce the provisions hereof and to request appropriate legal or equitable remedies or relief.

(Ord. No. 10-06-65, § VIII, 6-25-2010)

DIVISION 1. - GENERALLY

[Sec. 64-2241. - Definitions.](#)

[Sec. 64-2242. - Purpose and findings.](#)

[Sec. 64-2243. - Director's duty to administer and enforce.](#)

[Sec. 64-2244. - Applicability.](#)

[Sec. 64-2245. - Severability.](#)

[Secs. 64-2246—64-2264. - Reserved.](#)

Sec. 64-2241. - Definitions.

Words and phrases used in this article shall have the meanings set forth in this section. Words and phrases not defined in this section, but defined in the city zoning ordinance, shall be given the meanings set forth in such ordinance. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this article.

Abandoned sign means any sign that contains or exhibits broken panels, visible rust, visible rot, damaged support structures, or missing letters or which is otherwise dilapidated, unsightly, or unkempt, and for which no person accepts maintenance responsibility.

Animated sign means any sign, or part of a sign, that uses any movement or change of lighting or color to depict action or create a special effect or scene.

Audible sign means any sign which emits a sound which is audible or emits a signal which can be converted into audible sounds, whether by radio or other means.

Awning/canopy sign.

(1)

The term "awning/canopy sign" means any sign that is a part of, or attached to, an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service area.

(2)

The term "awning/canopy sign" does not include a marquee.

Banner means a sign other than a flag with or without characters, letters, illustrations or ornamentation applied to cloth, paper, vinyl or fabric that is intended to be hung either with a frame or without a frame. Neither flags nor canopy signs are considered banners.

Beacon means any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

Billboard means a freestanding sign with an area of more than 120 square feet and not to exceed 12 feet in height.

Changeable copy sign means any sign that incorporates changing lights, lettering, or images to form a sign message or messages, whether such changes are accomplished electronically or manually.

City means the City of Milton, Georgia.

City council means the City Council of the City of Milton, Georgia.

Director means the director of the community development department, or his or her designee.

Fall zone means an area equal to 133 percent of the height of the structure in every direction.

Flag means any fabric or bunting containing colors, patterns, or symbols used as a symbol of a government or other legal entity or legally organized organization.

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.

Freestanding sign means any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure. A permanently affixed sign which is wholly independent of a building for support.

Graffiti means unauthorized writing or drawing on the facade of any building, sign, path, accessory structure, wall, fence, or other site element.

Illuminated sign, external, means a sign illuminated by an external light source. Such source cannot be a device that changes color, flashes or alternates.

Illuminated sign, internal, means a sign illuminated by an internal light source. Such source cannot be a device that changes color, flashes, or alternates.

Kiosk means a small structure with one or more sides that is used to vend merchandise or services.

Lot means a parcel of land that is of sufficient size to meet minimum zoning requirements for lot area, coverage, and use and that can provide such yards and other open spaces as required by the zoning standards.

Marquee or marquee sign means any permanent rooflike structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Monument means a freestanding sign with a base width of not less than the width of the sign face.

Moving sign means a sign which revolves, rotates, swings, undulates, or otherwise attracts attention through the structural movement of parts.

Multitenant means one or more buildings, located on a single premises or development, containing two or more separate and distinct individual establishments, which occupy separate portions of the building and which are physically separated from each other by walls.

Obscene. Material is obscene if to the average person, applying contemporary community standards, taken as a whole, it predominantly appeals to the prurient interest, that is, a shameful or morbid interest in nudity, sex or excretion; the material taken as a whole lacks serious literary, artistic, political or scientific value; and the material depicts or describes, in a patently offensive way, sexual conduct specifically defined as:

- (1) Acts of sexual intercourse, heterosexual or homosexual, normal or perverted, actual or simulated;
- (2) Acts of masturbation;
- (3) Acts involving excretory functions or lewd exhibition of the genitals;
- (4) Acts of bestiality or the fondling of sex organs of animals; or
- (5)

Sexual acts of flagellation, torture, or other violence indicating a sadomasochistic sexual relationship.

Pennant or streamer means any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.

Permanent sign means any sign which, when installed, is intended for permanent use. A permanent freestanding sign shall be of a type and construction as not to be easily or readily removed from the lot on which it has been erected.

Permit means a sign permit reviewed, approved, and issued by the city community development department.

Permittee means the person or entity owning or leasing the land on which the sign is erected or for which an application has been submitted.

Person means a natural or legal person, including a firm, organization, partnership, trust, and corporation.

Portable sign means a sign which is not permanently affixed to the ground or to a structure including, but not limited to, signs on trailers or signs mounted or painted on vehicles which are parked in such a manner as to serve the purpose of a sign.

Principal building means the building in which the principal use of the lot is conducted. Nonresidential lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other structures with clearly accessory uses shall not be considered principal buildings.

Projecting sign means any sign which is suspended or projected from the wall, eave, or soffit of the building.

Public sign means any sign erected by a governmental entity.

Roof sign means any sign erected and constructed wholly on and over the roof of a building, or supported by the roof structure.

Sign means any device, fixture, placard, or structure affixed to, supported by, or suspended by a stationary object, building or the ground that uses any color, form, graphic, illumination, symbol, or writing to communicate information of any kind to the public.

Sign face means that part of a sign that is or can be used for advertising purposes.

Sign kiosk means a kiosk that contains signs.

Standard informational sign means a sign with an area of not greater than four square feet, with a sign face made for short-term use, containing no reflecting elements, flags, or projections and which, when erect, stands at a height not greater than three feet and is mounted on a stake or metal frame with a thickness or diameter not greater than 1½ inches.

Temporary sign means any sign of nonpermanent nature. All such signs shall be removed within three calendar days after the purpose of which the sign is intended to advertise has been accomplished.

Wall sign means any sign attached parallel to a wall, painted on the wall surface or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building and which displays only one sign surface. Wall signs shall be flush with the wall, building, or structure to which it is mounted or affixed, except as otherwise set forth herein.

Water tower means a tower or standpipe serving as a reservoir to deliver water at a required head, whether in use, no longer in use or an architectural feature.

Window sign means any sign that is affixed to the exterior of the window or window panes or within five feet of the interior of the window or window panes and is visible from the exterior of the structure.

(Ord. No. 09-04-40, art. 33, § 3, 4-27-2009)

Sec. 64-2242. - Purpose and findings.

(a)

Purpose. This article was enacted with the following purposes:

- (1) To protect the rights of individuals and businesses to convey their messages through signs;
- (2) To encourage the effective use of signs as a means of communication;
- (3) To promote economic development;
- (4) To improve traffic and pedestrian safety as it may be affected by distracting signs;
- (5) To prevent the destruction of the natural beauty and environment of the city and to ensure the harmony and compatibility of the character of the area including its physical appearance, natural setting, informal landscaping, and preserve the historic character of the city;
- (6) To encourage and ensure that development that is context-sensitive in design and materials compliments and is compatible and sensitive with the existing character of the area through its proportion, scale, design, style, placement, position, and architectural qualities that further the distinct values of the city;
- (7) To protect the public health, safety, and general welfare;
- (8) To restrict the continued existence of abandoned or nonconforming signs unless in compliance with the terms of this article and to eliminate, over time, all nonconforming signs;
- (9) To ensure the fair and consistent enforcement of sign standards; and
- (10) To make it easier, quicker, and more economically efficient to apply for a sign permit.

(b)

Findings. This article was enacted with the following findings in mind:

- (1) The city finds that signs are a proper use of private property, are a means of personal free expression and a necessary component of a commercial environment. As such, signs are entitled to the protection of the law. In the absence of regulation, however, the number of such signs tends to proliferate, with property owners' desiring ever increasing numbers and sizes of signs, leading to cluttered and aesthetically blighted thoroughfares. In addition, the competition among competing sign owners for visibility of their signs contributes to safety hazards for both vehicles and pedestrians and undermines the sign owners' original purpose of presenting a clear message of its idea or identification of its premises.
- (2) The city further finds that the regulation of the size, height, number and spacing of signs is necessary to protect the public safety, to ensure compatibility of signs with surrounding land uses, to enhance the business and economy of the city, to protect the public

investment in the streets and highways, to maintain the tranquil environment of residential areas, to promote industry and commerce, to eliminate visual clutter and blight, to provide an aesthetically appealing environment, and to provide for the orderly and reasonable display of advertising for the benefit of all the city's citizens.

(3)

The city further finds that there is a substantial difference between signs erected by public authority and signs erected by private citizens or businesses. Signs erected by public authority are virtually all erected for the purpose of maintaining the public safety either through direct control of traffic or through provision of such type signage as street signs which enable the traveling public to know where they are located and to find where they are going. As such, with the exception of signs identifying government buildings, virtually all government signs are erected purely for public safety purposes. Moreover, their use in the public right-of-way is necessary to ensure their visibility to the motoring public. The city commission finds that public utility signs are frequently of the same nature as those signs erected by governmental entities in that they provide necessary information to safeguard the public from downed power lines and from street excavations. Even where signs serve a propriety purpose, such as identifying markings on utility polls, those signs are marked primarily for the purpose of benefiting the public generally through identification of locations where there may be temporary losses of power.

(4)

The city further finds that some signage has a single targeted function and that identification of such signage by description is impossible without referring to its function. For instance, address numerals are used for the sole purpose of locating addresses, which is of benefit to persons looking for those addresses and is essential to public safety personnel responding to emergencies. Subdivision signs at the entrances to subdivisions favor a similar purpose in enabling both the traveling public and emergency personnel to quickly locate subdivision entrances for the purpose of either visitation or responding to emergency calls. While such signage is referenced based upon the function it serves within the context of this ordinance, the bulk of the provisions of this article are unrelated to the content of the speech provided and allow maximum expressive potential to sign owners.

(5)

The city further finds that most of the city is unique when compared to surrounding areas in terms of the rural, pastoral and equestrian nature of its land uses. Examination of such factors as the lack of sewerage of the majority of its land area, the resulting minimum lot size, the lack of commercial development outside overlay districts and purposefully developed commercial corridors and the large number of agricultural and related uses such as horse farms set the city apart from the more commercialized and developed municipalities which surround it. The preservation of this atmosphere and lifestyle was a major factor in the drive to incorporate the city as its own unique city. Accordingly, the city determines that it has a substantial government interest in striking a proper balance between the right of freedom of expression in terms of the time, place and manner of signage with the need to preserve the pristine character of the city.

(Ord. No. 09-04-40, art. 33, § 2, 4-27-2009)

Sec. 64-2243. - Director's duty to administer and enforce.

The director of the community development department is hereby authorized and directed to administer and enforce this article, unless otherwise specifically provided by an ordinance of the city council.

(Ord. No. 09-04-40, art. 33, § 4, 4-27-2009)

Sec. 64-2244. - Applicability.

The standards of this article shall apply to all signs erected within the city's corporate limits. This includes those areas that have been or will be annexed into the city corporate limits.

(Ord. No. 09-04-40, art. 33, § 5, 4-27-2009)

Sec. 64-2245. - Severability.

Should any article, section, clause, or provision of this article be declared by a court of competent jurisdiction to be invalid, such action shall not affect the validity of the ordinance as a whole or any part hereof other than the part so declared to be invalid, it being the intent of the city council that each article, section, clause, and provision hereof be severable.

(Ord. No. 09-04-40, art. 33, § 27, 4-27-2009)

Secs. 64-2246—64-2264. - Reserved.

DIVISION 2. - PERMITS

[Sec. 64-2265. - Required.](#)
[Sec. 64-2266. - Fees.](#)
[Sec. 64-2267. - Application.](#)
[Sec. 64-2268. - Rejection.](#)
[Sec. 64-2269. - Revocation.](#)
[Sec. 64-2270. - Variance.](#)
[Sec. 64-2271. - Suspension; termination.](#)
[Sec. 64-2272. - Expiration date.](#)
[Secs. 64-2273—64-2291. - Reserved.](#)

Sec. 64-2265. - Required.

Except where specifically not required by the standards of this article, it shall be unlawful for any person to post, display, materially change, or erect a sign in the city without first having obtained a sign permit. Notwithstanding the foregoing, signs which are not visible from a public right-of-way or from neighboring properties shall not be subject to the standards of this article.

(Ord. No. 09-04-40, art. 33, § 6, 4-27-2009)

Sec. 64-2266. - Fees.

No permit shall be issued until the appropriate application has been filed with the director and fees, as set from time to time by ordinance of the city council, have been paid.

(Ord. No. 09-04-40, art. 33, § 7, 4-27-2009)

Sec. 64-2267. - Application.

- (a) *Contents.* Applications for sign permits required by this article shall be filed in duplicate by the person owning the subject property, or the owner's agent, in the office of the director of community development upon forms furnished by that office. The application shall describe and set forth the following:

(1)

- (2) The type and purpose of the sign as defined in this article;
 - (3) The value of the sign;
 - (4) A survey to scale showing the street address of the property upon which the subject sign is to be located, the proposed location of subject sign on subject property, the distance of the proposed sign from the subject property's boundaries, and all existing structures or buildings on the subject property;
 - (5) The square foot area per sign and the aggregate square foot area if there is more than one sign face;
 - (6) The name and address of the owner of the real property upon which the subject sign is to be located;
 - (7) The property owner's written consent, or his or her agent, granting permission for the placement, maintenance, size, and height of the subject sign to be placed on the property;
 - (8) For wall signs, two sets of building elevations;
 - (9) The name, address, telephone number, and business license number of the sign contractor. All applicants for signs which incorporate electricity must obtain an electrical permit;
 - (10) Sign details, including a proposed color scheme of sign, and scaled elevation of the size and height of the proposed sign from ground level and adjacent street level; and
 - (11) The zoning district in which the subject property is located, and a statement of compliance with all requirements of the zoning district.
- (b) *Other zoning requirements.* So long as an application conforms to the standards and procedures of this article, the applicant is exempted from any additional standards, other than standards relating to color, and procedures relating to signs in this zoning ordinance.

(Ord. No. 09-04-40, art. 33, § 8, 4-27-2009)

Sec. 64-2268. - Rejection.

- (a) *Incomplete, false statements.* The director shall reject any application that is incomplete, that contains false material statements or omissions, or that is for a sign which would violate any standard within this article within 30 business days of receipt of said application. The director may reject at anytime prior to the expiration of the 30-day period, if the application is incomplete or contains false material statements or omissions, by returning the application to the applicant.
- (b) *Processing time; notice; denial.* The city shall process all complete and accurate sign permit applications within 30 business days of the city's actual receipt of a complete and accurate application and upon remittance of the appropriate sign permit fee. The director shall give notice to the applicant of his or her decision by hand delivery or by mailing such notice by certified mail, return receipt requested, to the address on the permit application on or before the 30th business day. If the decision of the director is to deny the application, the decision shall state the grounds upon which the denial is based. Failure of the city to act within the 30-day period shall be deemed a denial of the permit. If notice is mailed in conformity with this section, notice shall be deemed to have been given upon the date of mailing. Any application meeting the standards of this article will be granted. Any application not meeting the standards of this article will be denied.

- (c) *Appealable.* A rejection pursuant to this section shall be appealable pursuant to the procedures for zoning appeals outlined in this zoning ordinance. However, notwithstanding the foregoing, a final decision will be rendered within 60 days from date an appeal is filed. If a final decision is not rendered within the 60-day period, the decision sought to be appealed shall be affirmed.

- (d) *Resubmission.* A rejected application later resubmitted in conformity with this article shall be deemed to have been submitted on the date of resubmission, instead of the original submission date. An application which is resubmitted shall meet all the standards for an original application.

(Ord. No. 09-04-40, art. 33, § 9, 4-27-2009)

Sec. 64-2269. - Revocation.

- (a) Should it be determined that a sign permit was issued pursuant to an application containing a false material statement or omission, the director shall revoke said permit and the subject sign shall be immediately removed. A revocation pursuant to this section shall be appealable pursuant to the procedures for zoning appeals outlined in this zoning ordinance.

- (b) However, notwithstanding subsection (a) of this section, a final decision will be rendered within 60 days from the date an appeal is filed. If a final decision is not rendered within the 60-day period, the decision sought to be appealed shall be affirmed. The permit for any sign not meeting the standards of this article will be revoked.

(Ord. No. 09-04-40, art. 33, § 10, 4-27-2009)

Sec. 64-2270. - Variance.

- (a) *Limitations.* The board of zoning appeals shall be allowed to grant variances to this article.
- (b) *Timing.* The board of zoning appeals shall hear and decide upon a variance within 80 days of the submission of a complete and accurate application.
- (c) *Procedure.* Except as modified by this article, the procedures for requesting a variance from the standards of this article shall be the same procedures as that for seeking a variance from the city's ordinances regulating zoning.
- (d) *Standards.* The standards which shall be considered for granting a variance from the standards of this article shall be only the following:
- (1) Relief to this article may only be granted where existing foliage or structures bring about a hardship whereby a sign meeting the maximum letter size, square footage and height requirements cannot be read from an adjoining road;
 - (2) The application of the particular provision of this zoning ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public; or
 - (3) Conditions resulting from existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements can not be read from adjoining public road.

(Ord. No. 09-04-40, art. 33, § 11, 4-27-2009; Ord. No. 09-06-44, art. XXXIII, § 11, 6-15-2009)

Sec. 64-2271. - Suspension; termination.

(a)

Violation. A violation of any provision of this article shall be grounds for terminating the permit granted by the city to the permittee or the person or entity erecting the sign. No permit shall be suspended, revoked or canceled except for due cause, as hereinafter defined, and until after the permittee is granted a public hearing before the city council.

(b)

Hearing. The permittee shall be given ten days' written notice of the time, place, and purpose of the hearing, with a statement of the reason for the suspension, revocation, or canceling of such permit and license. The term "due cause" means the violation of the standards of this article. The termination of the permit does not in any way preclude the person alleged to have violated the standards of this article from being tried under [section 64-2297](#) or preclude the city from taking any other action authorized by this Code or any action authorized by law.

(Ord. No. 09-04-40, art. 33, § 12, 4-27-2009)

Sec. 64-2272. - Expiration date.

(a)

A sign permit shall become null and void if the sign for which the permit was issued has not been installed and completed within six months after the date of issuance; provided, however, that where an applicant can demonstrate that a commercial entity was timely engaged to construct the permitted sign, but the fabrication has not yet been completed, one 90-day extension may be granted by the director.

(b)

No refunds shall be made for a permit after the permit is issued. If later an individual desires to erect a sign at the same location, a new application for the sign must be processed and another fee paid in accordance with the fee schedule applicable at such time.

(Ord. No. 09-04-40, art. 33, § 13, 4-27-2009)

Secs. 64-2273—64-2291. - Reserved.

DIVISION 3. - ADDITIONAL PROVISIONS

[Sec. 64-2292. - Business license tax certificate, public liability insurance required.](#)

[Sec. 64-2293. - Identification labels; inspection; notice.](#)

[Sec. 64-2294. - Signs requiring no permit.](#)

[Sec. 64-2295. - Prohibited signs and devices.](#)

[Sec. 64-2296. - Violations; penalties.](#)

[Sec. 64-2297. - Nonconforming signs.](#)

[Sec. 64-2298. - Removal of unlawful or dangerous signs.](#)

[Sec. 64-2299. - Sign location.](#)

[Sec. 64-2300. - Measurement of sign area.](#)

[Sec. 64-2301. - Measurement of sign height.](#)

[Sec. 64-2302. - Construction standards.](#)

[Sec. 64-2303. - Restrictions based on location.](#)

[Secs. 64-2304—64-2322. - Reserved.](#)

Sec. 64-2292. - Business license tax certificate, public liability insurance required.

It shall be unlawful for any person to engage in the business of erecting or maintaining signs within the city, unless and until such entity shall have obtained a city occupation (business license) tax certificate and a certificate of insurance from an insurance company authorized to do business in the state evidencing that the entity has in effect public liability and property damage insurance in the sum of \$25,000.00 for property damage for any one claim, and public liability insurance in an amount not less than \$100,000.00 for injuries, including accidental death to one person. The certificate of insurance shall state that the insurance carrier shall notify the city 30 days in advance of any termination or restriction of the coverage, including nonrenewal, cancellation, and nonpayment of any premium.

(Ord. No. 09-04-40, art. 33, § 14, 4-27-2009)

Sec. 64-2293. - Identification labels; inspection; notice.

(a)

Identification labels. With each sign permit, the director shall issue a sticker bearing the same number as the permit with which it is issued. It shall be the duty of the permittee or his or her agent to affix such sticker to the sign in the lower right hand area so it is easily seen. The absence of a proper sticker shall be prima facie evidence that the sign has been, or is being, erected or operated in violation of the standards of this article.

(b)

Inspection. The director shall inspect all existing signs in the city to determine if such signs conform to the standards of this article. Identification stickers shall be provided for all signs in order to identify existing conforming and nonconforming signs.

(Ord. No. 09-04-40, art. 33, § 15, 4-27-2009)

Sec. 64-2294. - Signs requiring no permit.

The following shall not count toward the total amount of signage allowed and no permit is required so long as all standards in this article are met, including the following:

- (1) Numerals displayed for the purpose of identifying property location not to exceed eight inches in height;
- (2) Flags;
- (3) Window signs where allowed;
- (4) Door signs not to exceed one square foot in size and not more than one sign per door; and
- (5) Temporary standard informational signs in all districts.

(Ord. No. 09-04-40, art. 33, § 16, 4-27-2009)

Sec. 64-2295. - Prohibited signs and devices.

The following types of signs are prohibited in the city, whether or not they can be seen from the road:

- (1) *Unidentified signs.* Any sign not specifically identified in this article as a permitted sign.
- (2) *Balloons and streamers.* Fringe, twirling, A-Frame, sandwich-type, sidewalk or curb-type signs, portable display signs, balloons, streamers or air or gas filled figures and other similar temporary signs, except where permitted in [section 64-2303](#)

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- (3) *Beacons; search lights; lasers.* Promotional beacons, search lights or laser lights or images.
- (4) *Audible signs.*
- (5) *Signs in right-of-way.* Signs in a public right-of-way, other than those belonging to a government, public service agency, or railroad.
- (6) *Signs on tree, utility pole or water tower.* Signs mounted on a utility pole, water tower or other similar structure, architectural features, traffic signal or traffic control box and cell towers.
- (7) *Roof signs.* Roof signs and signs which extend vertically above any portion of a roof or parapet of the applicable wall.
- (8) *Portable signs.* Portable signs, including signs attached to any parked vehicle or trailer, so as to be visible from a public right-of-way, except that signs posted in the window of a vehicle, totaling one square foot shall be permitted but not when parked within a nonresidential district or AG-1 (Agricultural) developed with a nonresidential use with the intent to sell that vehicle.
- (9) *Obscene signs.* Signs which depict obscene material.
- (10) *Illegal activity signs.* Signs which advertise an activity which is illegal under federal, state or local laws.
- (11) *Signs not maintained.* Signs not in good repair, in violation of codes, or containing or exhibiting broken panels, visible rust, visible rot, damaged support structures, or missing letters.
- (12) *Abandoned signs.*
- (13) *Animated; flashing signs.* Animated signs, flashing signs, rotating signs, and changeable copy signs.
- (14) *Imitation traffic signs.* Signs which contain or are an imitation of an official traffic sign or signal or contain the words "stop," "go," "slow," "caution," "warning," or similar words in such a manner as to resemble official traffic control signs.
- (15) *Graffiti.*
- (16) *Sign kiosks.*
- (17) *Signs attached/painted to natural objects.* Signs attached to trees; signs painted on or otherwise attached to rocks or any natural objects.
- 18) *Signs attached to fences. Signs attached fences or walls.***

(Ord. No. 09-04-40, art. 33, § 17, 4-27-2009)

Sec. 64-2296. - Violations; penalties.

- (a) *Noncompliance.* No person shall erect on any premises owned or controlled by that person any sign which does not comply with the standards of this article.
- (b) *Dangerous or defective condition.* No person shall maintain or permit to be maintained on any premises owned or controlled by that person any sign which is in a dangerous or defective condition. Any such sign shall be removed or repaired by the permittee of the sign, the owner of the premises, or as otherwise provided for in this article.
- (c) *Separate violation.* Each sign installed, created, erected or maintained in violation of this article shall be considered a separate violation when applying the penalty portions herein.
- (d) *Public nuisance.* Any violation of this article is hereby declared to be a public nuisance.
- (e) *Notice.* The director shall give the permittee from one to 14 calendar days written notice, based on the urgency of the particular situation and the practical considerations of completing measures to comport with the standards of this article, to correct the deficiencies or to remove the sign which is in violation of this article. If the permittee refuses to correct the deficiencies or remove the sign, the director will have the sign removed at the expense of the permittee.
- (f) *Citations.* If any sign or other device covered by this article is, or is proposed to be, erected, constructed, altered, converted or used in violation of any provision of this article, the director shall issue a citation. Additionally, the city may seek an injunction for a continuing violation or take other appropriate action to prevent such unlawful erection, construction, alteration, conversion or use to correct or abate such violation. Any violation of this article shall be an offense, and the violator shall be subject to a fine of up to \$1,000.00 per day or imprisonment for up to 60 days, or by both such fine and imprisonment.

(Ord. No. 09-04-40, art. 33, § 18, 4-27-2009)

Sec. 64-2297. - Nonconforming signs.

- (a) *Maintained.* A nonconforming sign shall not be replaced by another nonconforming sign, except that the substitution or interchange of poster panels, painted boards, or dismountable material on nonconforming signs shall be permitted. All nonconforming signs shall be maintained in good repair.
- (b) *Repairs; material change.* Minor repairs and maintenance of nonconforming signs shall be permitted; however, no structural repairs or changes in the size or shape of a nonconforming sign shall be permitted except to make the sign comply with the standards of this article. To the extent that any sign allowable hereunder is damaged or destroyed by an act of God or by other circumstances beyond control of the owner of the sign, then such sign may be repaired without regard to the restrictions of this subsection.
- (c)

Grandfathering. Legal nonconforming signs may stay in place until one of the following conditions occurs:

- (1) The advertised business ceases at that location;
- (2) The deterioration of the sign or damage to the sign makes it a hazard or renders it dilapidated, unsightly, or unkempt; or
- (3) The sign has been damaged to such extent that more than minor repairs or a material change is required to restore the sign. No structural repairs or change in shape or size shall be permitted except to make the sign comply with all standards of this article. To the extent that any sign allowable hereunder is damaged or destroyed by an act of God or by other circumstances beyond control of the owner of the sign then such sign may be repaired without regard to the restrictions of this subsection.

(Ord. No. 09-04-40, art. 33, § 19, 4-27-2009)

Sec. 64-2298. - Removal of unlawful or dangerous signs.

- (a) *Removal.* The city may order the removal of any sign in violation of this article by written notice to the permit holder; or if there is no permit holder, then to the owner of the sign; or if the sign owner cannot be found or cannot be determined, then to the sign erector and any party that procured the erection of the sign. If a permit has been issued, such notice shall operate to revoke the permit.
- (b) *Procedure following removal order.* If the sign is not removed within the time allowable pursuant to a removal order, the city may remove or cause to be removed the sign and collect the costs therefor.

(Ord. No. 09-04-40, art. 33, § 20, 4-27-2009)

Sec. 64-2299. - Sign location.

- (a) *Obstructions to doors, windows or fire escapes.* No sign shall be erected, relocated, or maintained so as to prevent free ingress or egress from any door, window, or fire escape.
- (b) *Signs not to constitute traffic hazard.* No sign or any part thereof, except authorized traffic signs, shall be located in any government right-of-way. No sign may be located any closer than 20 feet to an intersection as measured from the intersection of the two rights-of-way.
- (c) *Setback.* Unless a more restrictive setback is specified in conditions of zoning or otherwise in this article, all signs shall set back the greater of ten feet from the right-of-way or 20 feet from the edge of pavement if a private street and no sign shall project over the right-of-way.

(Ord. No. 09-04-40, art. 33, § 21, 4-27-2009)

Sec. 64-2300. - Measurement of sign area.

- (a) *Size generally.* The area of a sign shall be computed as the area within the smallest continuous polygon comprised of not more than eight straight lines enclosing the limits of a sign face, together with any sign face cabinet or frame or material, texture, or color forming an integral part of the sign face used to differentiate the sign face from the structure upon which it is placed. If polygons established around wall signs located on the same street oriented wall are within 24 inches or less of one another, then the area of the sign shall be measured within one continuous polygon.
- (b)

Structure. The computation of the area of a sign face shall not include the structure, supports, or uprights on which the sign face is placed or any portions of a sign structure that are not intended to contain any message or idea and are purely structural or decorative in nature, other than those parts contained within the polygon that delineates the sign face.

(c)

Multifaced signs. For multifaced signs, when the sign face surfaces are back-to-back, or where the interior angle formed by the faces is 45 degrees or less, the area of the sign shall be taken as the areas on the largest side. For all other multifaced signs, the area of the sign shall be the total area on all sides that can be viewed at one time from any angle.

(d)

Three-dimensional signs. Three-dimensional signs shall not exceed two inches from surface.

(Ord. No. 09-04-40, art. 33, [§ 22](#), 4-27-2009)

Sec. 64-2301. - Measurement of sign height.

The height of a sign shall be computed as the distance from the base of the sign structure 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.

(Ord. No. 09-04-40, art. 33, [§ 23](#), 4-27-2009)

Sec. 64-2302. - Construction standards.

(a)

Building codes. All permanent signs permitted under this Code shall be constructed and maintained in accordance with the applicable city building codes. For any sign that is greater than eight feet in height (as measured from grade) and greater than 32 square feet in area, the permittee must submit, with its application, detailed structural design drawings of the sign and its foundations. Such drawings must include the foundation, supporting structure and sign face and must be certified by a licensed professional structural engineer. The certifying engineer must also be able to provide an insurance certificate indicating it carries a minimum of \$1,000,000.00 of professional liability insurance. The city may remove, after reasonable notice, any sign which shows structural faults, neglect, or becomes dilapidated.

(b)

Faces. The face of the sign shall be flat, with protrusions of no more than two inches to allow for the texture of the sign and words, letters, figures, symbols, logos, fixtures, colors, or other design elements. No sign or other advertising structure shall be constructed so as to have nails, tacks, or wires protruding therefrom. Sign faces shall be made out of wood or other material which has the appearance of carved, distressed, or sandblasted wood.

(c)

Illumination. Signs may be externally illuminated where permitted pursuant to this article. Colored lighting is prohibited. Where external illumination is permitted for freestanding signs, the source of illumination shall be screened from the view of the general public with shrubs.

(d)

Construction of bases. Except in the overlay districts, freestanding signs shall have a base not less than one-third the width of the sign face. Base must also be wood or brick or stone or have the appearance of wood, brick or stone or other materials which are compatible with the main structure as approved by the community development department director.

(e)

Landscaping. Landscaping and grass shall be maintained in front of, behind, underneath, and around the base of freestanding signs.

(Ord. No. 09-04-40, art. 33, [§ 24](#), 4-27-2009)

Sec. 64-2303. - Restrictions based on location.

If not otherwise stated, any sign not specifically allowed in a zoning district as provided under this section shall be prohibited in that district, except as otherwise provided for under this article. The following standards govern signs within specific zoning districts.

(1)

Permitted in all zoning districts.

a.

Signs during construction. One sign shall be allowed during construction. A permit shall be required. The sign may be externally illuminated, shall not exceed 12 square feet in area and five feet in height, and shall be allowed beginning with the commencement of construction and ending with the issuance of the last certificate of occupancy or two years, whichever one shall first occur. Thereafter, the permittee may reapply for a renewal permit subject to same termination conditions as set forth in this subsection.

b.

Temporary standard informational sign. Each lot and/or development may display one standard informational sign not exceeding four square feet without a permit except that during a political election or referendum, between the date of qualification of the candidate or the referendum question and final determination on each ballot issue or candidate, each lot may display an unlimited number of standard informational signs.

c.

Banners. Banners shall be allowed for a period not exceeding ten consecutive days with no more than four such ten-consecutive-day periods being permitted per calendar year per lot.
In addition, each new business shall be allowed a banner for 30 consecutive days starting from the issuance of the certificate of occupancy. All banners mounted on the ground must be supported on all sides by a metal or pvc frame. Banners shall not be more than 24 square feet. A permit shall be required. No banner shall be mounted so as to extend above the horizontal plane of the roof where the building wall and roof meet or shall not extend more than five feet above grade when on the ground.

d.

Real estate signs. One sign per road frontage during the sale or lease of property. A permit shall be required. The sign shall be externally illuminated. The sign shall not exceed 9 square feet on major arterial roads, and 6 square feet on all other roads.
Major arterial roads include:

(2)

Agricultural district.

a.

Within the agricultural district, standards for freestanding signs are as follows:
1.

One maximum 32-square foot, freestanding sign per business or institutional lot shall be permitted for each street on which the lot has frontage.

2. One maximum 32-square foot, freestanding sign or two single-faced freestanding signs not to exceed 16 square feet each for each side of a platted single-family subdivision entrance.
3. Freestanding signs shall have a maximum height of six feet from finished grade, and may be externally illuminated, and the light shall be screened from view with evergreen plantings as approved by the community development department director. Signs shall not have changeable copy.
4. Flag. Each development may display no more than one flag and flagpole and, in addition, each single family detached residential lot within each development may display not more than one flag and flagpole. The flagpole shall not exceed 25 feet in height. Flag size shall not be more than 24 square feet.
5. Each residence may display up to 12 square feet of signage with no single sign greater than four square feet.

(3)

Single-family residential, CUP and NUP districts. Within the single-family residential, CUP and NUP districts, standards for freestanding signs are as follows:

1. One maximum 32-square foot, freestanding sign per business or institutional lot shall be permitted for each street on which the lot has frontage.
2. One maximum 32-square foot, freestanding sign or two single-faced freestanding signs not to exceed 16 square feet each for each side of a platted single-family subdivision entrance.
3. Freestanding signs shall have a maximum height of six feet from finished grade, and may be externally illuminated, the light shall be screened from view with evergreen plantings as approved by the community development department director and shall not have changeable copy.
4. Flag. Each lot may display no more than one flag and flagpole. The flagpole shall not exceed 20 feet in height. Flag size shall not be more than 24 square feet.
5. Each residence may display up to 12 square feet of signage with no single sign greater than four square feet.
6. Each subdivision may post one banner, maximum 24 square feet, 5 feet tall, for a maximum of 40 days, during graduation season (starting from the beginning of May to mid June). A permit is not required.

(4)

Apartment and townhouse residential districts.

a.

Within the apartment and townhouse residential districts, standards for freestanding signs are as follows:

1. There shall be one freestanding sign per right-of-way frontage and it shall be located at the project entrance.
2. Maximum height shall be six feet from finished grade.
3. The maximum size shall be 32 square feet.
4. Signs shall not have changeable copy.
5. Signs may be externally lighted. The light shall be screened from view with evergreen plantings as approved by the community development department director.
6. The freestanding sign structure shall be constructed of the same material as the predominant material of the principal building.
7. Sign faces shall be made out of wood or other material which has the appearance of carved, distressed, or sandblasted wood as approved by the community development department director.
8. Flags. Each development may display no more than one flag and flagpole. The flagpole shall not exceed 25 feet in height. Flag size shall not be more than 24 square feet.
9. Each residence may display up to 12 square feet of signage with no single sign greater than four square feet.
10. Each development may post one banner, maximum 24 square feet, 5 feet tall, for a maximum of 40 days, during graduation season (starting from the beginning of May to mid June). A permit is not required.

b.

Wall signs.

1. Businesses may have no more than two wall signs. Corner buildings may have an additional wall sign.
2. One sign shall be flush against the wall. The maximum size shall be 12 square feet.
3. A second sign, if used, shall be perpendicular or oblique to the wall. The maximum size shall be two square feet.
4. Signs shall be one unit as opposed to individually mounted letters.
- 5.

Wall signs shall not have changeable copy.

6. If illuminated, signs may be externally lighted and directed downward.

7. Wall sign shall not cover architectural features or details and not extend beyond the roof line or outer edges of the building.

8. Sign faces shall be made out of wood or other material which has the appearance of carved, distressed, or sandblasted wood as approved by the community development department director.

c. Window signs. Not more than three window signs per development shall be allowed and shall not be larger than four square feet or cover more than five percent of the area of each window in which a sign is placed, whichever is less. Such signs shall not be illuminated.

(5)

O-I districts. Within the office-institutional districts, standards for signs are as follows:

a.

Billboards. Within office-institutional (O-I) districts, freestanding signs shall not exceed 120 square feet and shall be located according to the following standards:

1. Along, and oriented toward, state-numbered primary routes or national highways only;
2. At least 500 feet from all residential or AG-1 zoning districts;
3. Minimum 50-foot setback from right-of-way;
4. Minimum of 1,500 feet from any other billboards or freestanding sign, except standard informational signs;
5. The lot on which the billboard is located shall have sufficient area to accommodate the fall zone, and except for the sign, no parking areas, pedestrian areas, roadways, buildings, structures, or appurtenances shall be contained in the fall zone;
6. Maximum of 12 feet in height; and
7. In compliance with applicable height standards for the district in which located.

b.

Freestanding signs.

1. There shall be one freestanding sign per right-of-way frontage and it shall be located at the project entrance.
2. Maximum height shall be six feet from finished grade.
3. The maximum size shall be 32 square feet.
4. Signs shall not have changeable copy.

5. Signs may be externally lighted. The light shall be screened from view with evergreen plantings as approved by the community development department director.
6. The freestanding sign structure shall be constructed of the same material as the predominant material of the principal building.
7. Sign faces shall be made out of wood or other material which has the appearance of carved, distressed, or sandblasted wood as approved by the community development department director.
8. Flag. Each development may display no more than one flag and/or flagpole. The flagpole shall not exceed 25 feet in height. Flag size shall not be more than 24 square feet.

c.

Wall signs.

1. Businesses may have no more than two wall signs. Corner buildings may have an additional wall sign.
2. One sign shall be flush against the wall. The maximum size shall be 12 square feet.
3. A second sign, if used, shall be perpendicular or oblique to the wall. The maximum size shall be two square feet.
4. Signs shall be one unit as opposed to individually mounted letters.
5. Wall signs shall not have changeable copy.
6. If illuminated, signs may be externally lighted and directed downward.
7. Wall sign shall not cover architectural features or details and not extend beyond the roof line or outer edges of the building.
8. Sign faces shall be made out of wood or other material which has the appearance of carved, distressed, or sandblasted wood as approved by the community development department director.

(6)

Mixed-use districts. Within the mixed-use districts, standards for signs are as follows:

a.

Freestanding signs.

1. There shall be one freestanding sign per right-of-way frontage and it shall be located at the project entrance.
2. Maximum height shall be six feet.
3. The maximum size shall be 32 square feet.
4. Signs shall not have changeable copy.

5. Signs may be externally lighted. The light shall be screened from view with evergreen plantings as approved by the community development department director.
6. The freestanding sign structure shall be constructed of the same material as the predominant material of the principal building.
7. Sign faces shall be made out of wood or other material which has the appearance of carved, distressed, or sandblasted wood as approved by the community development department director.
8. Flag. Each development may display no more than one flag and flagpole and, in addition, each single-family detached residential lot within each development may display not more than one flag and flagpole. The flagpole shall not exceed 25 feet in height. Flag size shall not be more than 24 square feet.
9. Each residence may display up to 12 square feet of signage with no single sign greater than four square feet.

b.

Wall signs.

1. Businesses may have no more than two wall signs. Corner buildings may have an additional wall sign.
2. One sign shall be flush against the wall. The maximum size shall be 12 square feet.
3. A second sign, if used, shall be perpendicular or oblique to the wall. The maximum size shall be two square feet.
4. Signs shall be one unit as opposed to individually mounted letters.
5. Wall signs shall not have changeable copy.
6. If illuminated, signs may be externally lighted and directed downward.
7. Wall signs shall not cover architectural features or details and not extend beyond the roof line or outer edges of the building.
8. Sign faces shall be made out of wood or other material which has the appearance of carved, distressed, or sandblasted wood as approved by the community development department director.

(7)

Commercial and industrial park districts (M-1A). Within the commercial and industrial park districts, standards for signs are as follows:

a.

Billboards. Within commercial (C-1) and industrial park (M-1A) districts, freestanding signs shall not exceed 120 square feet and shall be located according to the following standards:

- 1.

- 2. Along, and oriented toward, state-numbered primary routes or national highways only;
- 3. At least 500 feet from all residential or AG-1 zoning districts;
- 4. Minimum 50-foot setback from right-of-way;
- 5. Minimum of 1,500 feet from any other billboards or freestanding sign, except standard informational signs;
- 6. The lot on which the billboard is located shall have sufficient area to accommodate the fall zone, and except for the sign, no parking areas, pedestrian areas, roadways, buildings, roadways, structures, or appurtenances shall be contained in the fall zone;
- 7. Maximum of 12 feet in height; and
- 8. In compliance with applicable height standards for the district in which located.

b.

Freestanding signs.

- 1. There shall be one freestanding sign per right-of-way frontage and it shall be located at the project entrance.
- 2. Maximum height shall be six feet from finished grade.
- 3. The maximum size shall be 32 square feet.
- 4. Signs shall not have changeable copy.
- 5. Sign may be externally lighted. The light shall be screened from view with evergreen plantings as approved by the community development department director.
- 6. The freestanding sign structure shall be constructed of the same material as the predominant material of the principal building.
- 7. Sign faces shall be made out of wood or other material which has the appearance of carved, distressed, or sandblasted wood as approved by the community development department director.
- 8. Flag. Each development may display no more than one flag and flagpole. The flagpole shall not exceed 25 feet in height. Flag size shall not be more than 24 square feet.

c.

Wall signs.

- 1. Businesses may have no more than two wall signs. Corner buildings may have an additional wall sign.
- 2.

- 3. One sign shall be flush against the wall. The maximum size shall be 12 square feet or three percent of the wall area.
- 4. A second sign, if used, shall be perpendicular or oblique to the wall. The maximum size shall be two square feet.
- 5. Signs shall be one unit as opposed to individually mounted letters.
- 6. Wall signs shall not have changeable copy.
- 7. If illuminated, signs may be externally lighted and directed downward.
- 8. Wall signs shall not cover architectural features or details and not extend beyond the roof line or outer edges of the building.
- 9. Sign faces shall be made out of wood or other material which has the appearance of carved, distressed, or sandblasted wood as approved by the community development department director.

(8)

Industrial districts. Within industrial districts, standards for signs are as follows:

a.

Billboards. Within industrial districts (M-1 and M-2), freestanding signs shall not exceed 120 square feet and shall be located according to the following standards:

- 1. Along, and oriented toward, state-numbered primary routes or national highways only;
- 2. At least 500 feet from all residential or AG-1 zoning districts;
- 3. Minimum 50-foot setback from right-of-way;
- 4. Minimum of 1,500 feet from any other billboards or freestanding sign, except standard informational signs;
- 5. The lot on which the billboard is located shall have sufficient area to accommodate the fall zone, and except the sign, no parking areas, pedestrian areas, roadways, buildings, structures, or appurtenances shall be contained in the fall zone;
- 6. Maximum of 12 feet in height; and
- 7. In compliance with applicable height standards for the district in which located.

b.

Freestanding signs.

- 1. There shall be one freestanding sign per right-of-way frontage and it shall be located at the project entrance.
- 2. Maximum height shall be six feet from finished grade.
- 3.

- 4. The maximum size shall be 32 square feet.
- 5. Signs shall not have changeable copy.
- 6. Signs may be externally lighted. The light shall be screened from view with evergreen planting as approved by the community development department director.
- 7. The freestanding sign structure shall be constructed of the same material as the predominant material of the principal building.
- 8. Sign faces shall be made out of wood or other material which has the appearance of carved, distressed, or sandblasted wood as approved by the community development department director.

c.

Walls signs.

- 1. Businesses may have no more than two wall signs. Corner buildings may have an additional wall sign.
- 2. One sign shall be flush against the wall. The maximum size shall be 12 square feet.
- 3. A second sign, if used, shall be perpendicular or oblique to the wall. The maximum size shall be two square feet.
- 4. Signs shall be one unit as opposed to individually mounted letters.
- 5. Wall signs shall not have changeable copy.
- 6. If illuminated, signs may be externally lighted and directed downward.
- 7. Wall signs shall not cover architectural features or details and not extend beyond the roof line or outer edges of the building.
- 8. Sign faces shall be made out of wood or other material which has the appearance of carved, distressed, or sandblasted wood as approved by the community development department director.

(9)

Mobile home park districts. Within mobile home park districts, standards for signs are as follows:

a.

Freestanding signs.

- 1. There shall be one freestanding sign per right-of-way frontage and it shall be located at the project entrance.
- 2. Maximum height shall be six feet from finished grade.
- 3. The maximum size shall be 32 square feet.
- 4. Signs shall not have changeable copy.

5. Signs may be externally lighted. The light shall be screened from view with evergreen plantings as approved by the community development department director.
6. The freestanding sign structure shall be constructed of the same material as the predominant material of the principal building.
7. Sign faces shall be made out of wood or other material which has the appearance of carved, distressed, or sandblasted wood as approved by the community development department director.
8. Each residence may display up to 12 square feet of signage with no single sign greater than four square feet.

b.

Wall signs.

1. Businesses may have no more than two wall signs. Corner buildings may have an additional wall sign.
2. One sign shall be flush against the wall. The maximum size shall be 12 square feet.
3. A second sign, if used, shall be perpendicular or oblique to the wall. The maximum size shall be two square feet.
4. Signs shall be one unit as opposed to individually mounted letters.
5. Wall signs shall not have changeable copy.
6. If illuminated, signs may be externally lighted and directed downward.
7. Wall signs shall not cover architectural features or details and not extend beyond the roof line or outer edges of the building.
8. Sign faces shall be made out of wood or other material which has the appearance of carved, distressed, or sandblasted wood as approved by the community development department director.

(Ord. No. 09-04-40, art. 33, [§ 25](#), 4-27-2009)

[Secs. 64-2304—64-2322](#) - Reserved.

DIVISION 4. - OVERLAY DISTRICTS

[Sec. 64-2323. - This division takes precedence.](#)
[Sec. 64-2324. - State Route 9 Overlay District signs.](#)
[Sec. 64-2325. - Crabapple Crossing Overlay District signs.](#)
[Sec. 64-2326. - Birmingham Crossing Overlay District signs.](#)

[Sec. 64-2323.](#) - This division takes precedence.

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Edits shown in Red

RZ11-17 – Sign Ordinance - Working Draft for PC Work Session on Wednesday, August 24, 2011

The standards and requirements of this division shall take precedence over citywide standards and requirements within the boundaries of the given overlay district.

(Ord. No. 09-04-40, art. 33, § 26, 4-27-2009)

Sec. 64-2324. - State Route 9 Overlay District signs.

- (a) All freestanding signs shall be monuments with the width of the base equal to the width of the sign face. The structure/base should match the principal building materials.
- (b) Multitenant developments are allowed one primary monument for the overall development which shall not exceed a maximum surface area of 48 square feet and a maximum height of 12 feet.
- (c) Multitenant developments on corner lots are allowed an additional monument sign on the secondary street at the project entrance which shall not exceed a maximum surface area of 24 square feet and a maximum height of four feet.
- (c) For multi tenant developments:
- Each tenant is allowed one, maximum 24 square foot banner, per the time limits stated in Section _____.
 - The banner shall be placed on the storefront or wall space of the subject business.
 - If building location renders installation on the wall not visible from the road, a (administrative)?? variance may be applied for to allow the banner to be installed on the ground. The variance shall condition the banner placement to a specific location on the development.
 - All ground mounted banners shall be installed on a frame, with a vertical orientation.
 - No more than four ground mounted banners may be displayed on a lot at one time.
- (d) Single tenant sites and outparcels are limited to one monument which shall not exceed a maximum surface area of 32 square feet and a maximum height of six feet.
- (e) Gas stations, convenience stores, discount warehouses and similar facilities that sell gasoline may have an additional 24 square feet of surface area and not to exceed six feet in height.
- (f) Two or more businesses that share a single tenant space are limited to one monument signs which shall not exceed a maximum surface area of 32 square feet and a maximum height of six feet.
- (g) Monument signs shall be set back a minimum ten feet from the public right-of-way and shall be a minimum of 35 feet from any other identification monument.
- (h) Each place of business is allowed a maximum of two wall signs.
- (i) Wall signs shall face public streets and pedestrian parking areas.
- (j) Wall signs shall not exceed 100 square feet or five percent of the applicable wall area, whichever is less. The length of the sign shall not exceed ten times the height of the sign.
- (k) Permanent and temporary signs in windows shall not exceed five percent of the aggregate window area and shall not block visibility from outside the store. The allowable signage of five percent may

be placed in one or more window panels. The area of the doors and spandrell glass panels are excluded from the calculation of the applicable sign area.

- (l) The following information may be permanently displayed in windows or glass doors and is exempt from the five percent limit: street address, required to be posted by local, state or federal governments. The lettering for this information shall be four inches tall or as required by fire prevention code. Also exempt are store hours and security information.
- (m) Window signs with neon, fluorescent, LED lighting or tube lights are prohibited, **except for one, four square foot neon or LED sign, indicating whether the business is open or closed. The sign is not allowed to blink, flash, rotate, etc. A permit is not required for this sign.**
- (n) Wall signs shall be flush against the wall, not cover architectural features or details, and not extend beyond the roof line or outer edges of the building.
- (o) Awnings and canopy signs with names are considered signs and may be substituted for monument or wall signs. If substituted, they shall be included in the maximum size calculations.
- (p) The architectural color standards of the district apply only to the sign structure not to the sign face. See the following table.

Permitted Colors for Sign Structure	
The following numbers refer to the Pantone Matching System, an international color matching system	
<i>White</i>	<i>Reds</i> 168C, 181C, 483C, 484C, 675C, 1685C, 4975C
<i>Browns, Beiges and Tans</i> 462C to 468C; 4625C to 4685C, 469C, 474C, 475C; 4695C to 4755C 478C, 719C to 724C 725C to 731C 476U to 482U 719U to 725U 726U to 732U	<i>Red-Browns</i> 1154U, 1395 1405U

- (q) Prohibited sign types.
(1)

Rotating, projecting, pylon, pole, portable, changeable copy signs, flashing, animated, sandwich, blinking, fluctuating, and electronic/manual reader boards, changeable copy signs and neon are prohibited.

(2)

Vehicles with lettering or graphics greater than two inches in height identifying or promoting a business or commercial activity shall not be parked or stored within 100 feet of the curb of any public right-of-way. This standard does not apply to vehicles used regularly for delivery, pick-ups, service calls, or transporting customers, except that such vehicles shall not be parked within 50 feet of the curb of any public right-of-way after hours if the vehicles are visible from the public right-of-way.

(3)

Posters, placards, flashing, animated, blinking, fluctuating, electronic/manual reader boards, and changeable copy signs are prohibited.

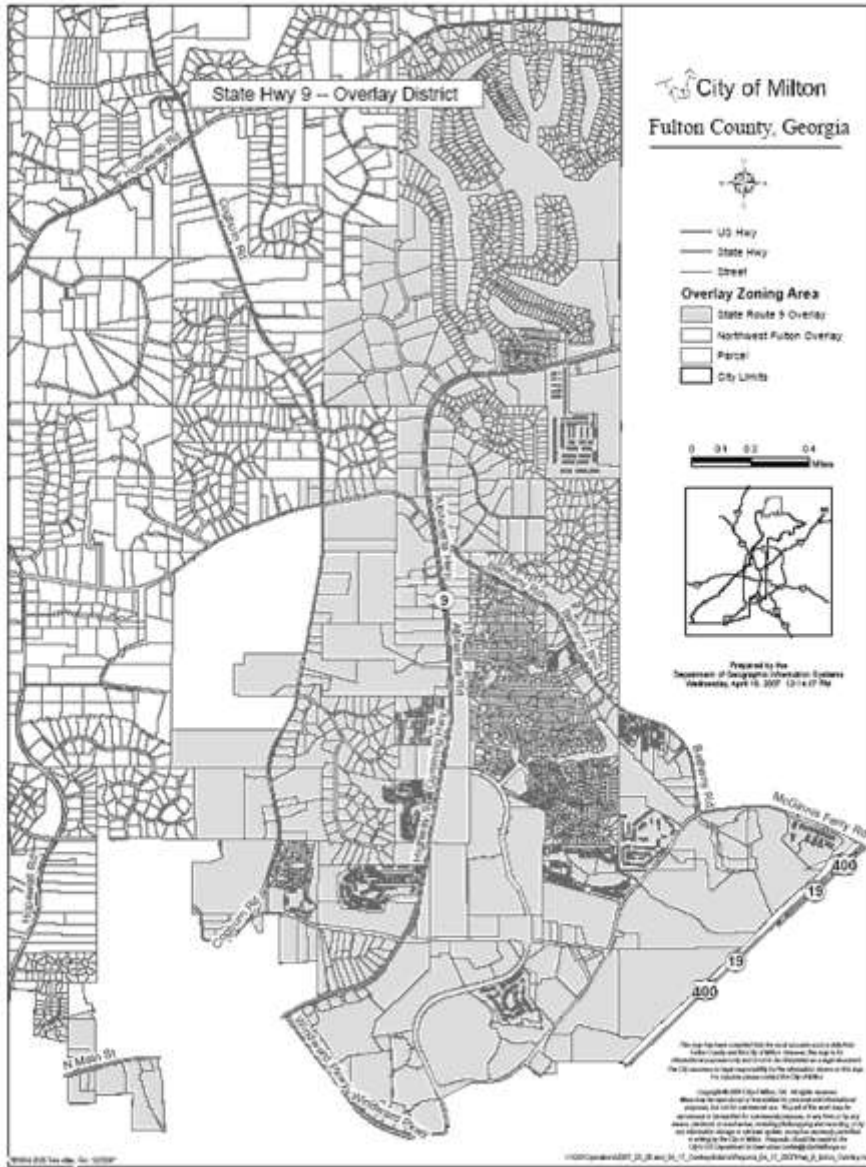
(r)

Wall signs may be internally illuminated.

(s)

Monument signs shall be externally illuminated.

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STATE ROUTE 9 OVERLAY DISTRICT MAP.

(Ord. No. 09-04-40, art. 33, § 26.1, 4-27-2009)

.....
Sec. 64-2325. - Crabapple Crossing Overlay District signs.

(a)

Freestanding signs.

(1)

All signs must meet the following standards:

a.

Signs shall not have changeable copy including, but not limited to, scrolling, rotating, flashing, nor computerized changeable copy. Theatres, schools, churches, parks and gas stations may have changeable copy that is changed manually.

b.

If illumination is used, the sign shall be externally illuminated. The light shall be screened from view with evergreen plantings as approved by the community development department director.

c.

The sign structure shall be constructed of wood, brick or stone or a material which has the appearance of wood, brick, or stone as approved by the community development department director and to the extent possible shall be the same material as the predominant material of the principal building.

d.

The sign face and sign letters shall be made out of wood, a material which has the appearance of carved, distressed, or sandblasted wood or stone as approved by the community development department director. Plastic inserts are prohibited.

e.

The sign shall be supported either on one side or on both sides (i.e., shingle sign).

(2)

Nonresidential multitenant building and development.



- a.
- b. The maximum height shall be eight feet from finished grade.

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Edits shown in Red

The maximum size of the sign area shall be 32 square feet.

- c. There shall be one sign per right-of-way frontage and it shall be located at the project entrance.

- (3) Nonresidential single tenant building.



- a. Maximum height shall be six feet from finished grade.
- b. The maximum size of the sign area shall be 20 square feet.
- c. There shall be one sign per right-of-way frontage and it shall be located at the project entrance.

- (4) Residential uses.

- a. Maximum height shall be six feet from finished grade.
- b. Each residential development may have a maximum of two 12 square foot signs not to exceed 24 square feet or one 16 square foot sign per entrance.

- (b) *Wall signs.*

- (1) Wall signs shall not have changeable copy.
- (2) If illuminated, wall signs shall be externally illuminated and directed downward.
- (3)

Wall sign shall not cover architectural features or details and not extend beyond the roof line. Wall signs can hang from the building.

(4)

Wall sign faces shall be made out of wood or other material which has the appearance of carved, distressed, or sandblasted wood as approved by the community development department director.

(5)

A businesses may have one wall sign. The sign can be flush against the wall or it can hang from the building. The size shall be three percent of the applicable wall area. Corner buildings may have an additional wall sign.

(6)

A business may have an additional sign perpendicular to the wall with a maximum sign area size of two square feet.



(c)

Sign structure colors. Refer to the following table for sign structure colors for the Crabapple Crossroads.

Permitted Colors for Sign Structure	
The following numbers refer to the Pantone Matching System, an international color matching system	
1807C	497
2C-7C	553
289C	5536
316C	539
401-405C	548
407-412C	5467
423C	5743U
424-425C	5747U
448-450C	5757U
4485U	5773U
4495C	5815U
451C	5835
4505C	625U
4515-4525C	627U
455C	Warm Grey 5-7C
462U	Warm Grey 8-11
464U	
476U	
478U	
484C	
4491C	

(d)

Prohibited sign types. Lollypop signs, monument signs, temporary window signs, signs placed in the interior of a window with the intent of being viewed by those outside of the building. Rotating, projecting, pylon, poles, portable, flashing, animated, sandwich, blinking, functionality, and electronic needs, boards, chargeable copy signs and neon are prohibited.

(e)

Window signs. Any sign within five feet of a window is considered a window signs, for the purposes of application of this section.

.....



CRABAPPLE CROSSROADS OVERLAY DISTRICT MAP.

(Ord. No. 09-04-40, art. 33, § 26.2, 4-27-2009)

.....
Sec. 64-2326 - Birmingham Crossing Overlay District signs.

(a)

Freestanding signs.

(1)

All signs must meet the following standards:

a.

Signs shall not have changeable copy including scrolling, rotating, flashing, or computerized changeable copy.

b.

If illumination is used, the sign shall be externally illuminated. The light shall be directed downwards.

c.

The sign structure shall be constructed of wood, brick or stone and to the extent possible shall be the same material as the predominant material of the principal building.

d.

The sign face shall be made out of wood, a material which has the appearance of carved, distressed, or sandblasted wood or stone as approved by the community development department director. Plastic inserts are prohibited.

e.

The sign shall be supported either on one side or on both sides (i.e., shingle sign).

(2)

Nonresidential multitenant building and development.



- a.
- b. The maximum height shall be eight feet from finished grade.

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Edits shown in Red

The maximum size of the sign area shall be 32 square feet.

- c. There shall be one sign per right-of-way frontage.

(3)

Nonresidential single tenant building.

- a. Maximum height shall be six feet from finished grade.
- b. The maximum size of the sign area shall be 20 square feet.
- c. There shall be one sign per right-of-way frontage.

(4)

Residential uses.

- a. Maximum height shall be six feet from finished grade.
- b. The maximum size shall be 16 square feet.
- c. Each residential development may have a maximum of one sign per entrance.

(b)

Wall signs.

- (1) Wall signs shall not have changeable copy.
- (2) Wall signs shall be externally illuminated and directed downward.
- (3) Wall sign shall not cover architectural features or details and not extend beyond the roof line.
- (4) Wall sign faces shall be made out of wood or other material which has the appearance of carved, distressed, or sandblasted wood as approved by the community development department director.
- (5) A business may have one wall sign. The sign can be flush against the wall or it can hang from the building. The size shall be three percent of the applicable wall area. Corner buildings may have an additional wall sign.
- (6) A business may have an additional sign perpendicular to the wall with a maximum sign area size of two square feet.



- (7) A portion of the wall sign can be placed on an overhang or a canopy.
- (8) Any sign within five feet of a window is considered a window sign for the purposes of application within this section.

(c)

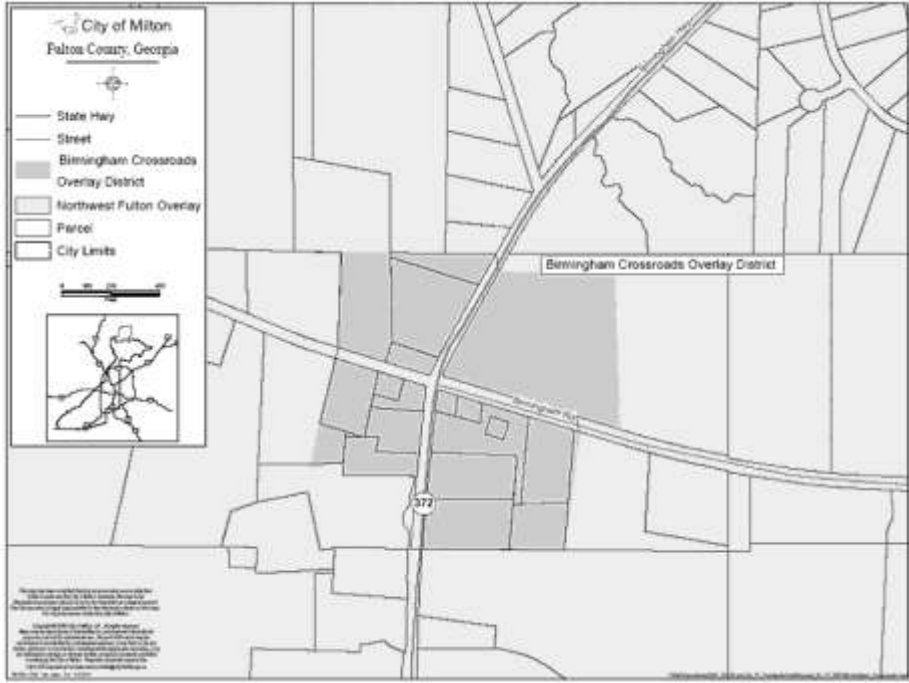
Sign structure colors. Refer to the following table for sign structure color in the Birmingham Crossroads Overlay.

Permitted Colors for Sign Structure	
The following numbers refer to the Pantone Matching System, an international color matching system	
1807C	4975
2C-7C	553
289C	5363
3316	539
401-405C	548
407-412C	5467
412C	5743U
415-419C	5747U
423C	5757U
424-425C	5773U
448-450C	5815U
4485U	5835U
4495C	625U
451C	627U
4505C	Warm Grey 5-7C
4515-4525C	Warm Grey 8-11
455C	
462U	
464U	
476U	
478U	
484C	
491C	

(d)

Prohibited sign types. Lollypop signs, temporary window signs, signs placed within five feet of an exterior window with the intent of being viewed by those outside of the building, internal illumination of plastic faced signs, electronic or flashing reader signs, exposed neon, changeable copy, ground "monument" signs. Rotating, projecting, pylon, poles, portable flashing, animated, sandwich, blinking, functionality, and electronic needs, boards, chargeable copy signs and neon are prohibited.

.....



BIRMINGHAM CROSSROADS OVERLAY DISTRICT MAP.

(Ord. No. 09-04-40, art. 33, § 26.3, 4-27-2009)

DIVISION 5. – OTHER SIGN REQUIREMENTS

[Sec. 64-2327. – Community Identification Banners.](#)

[Sec. 64-2328. - Master Signage Plan.](#)

[Secs. 64-2329 – 64-2345. - Reserved.](#)

Sec. 2327. – Community Identification Banners

a. Background

The Milton City Council revised the City of Milton Sign Ordinance on April 19, 2007. Among the stated purposes, the Sign Ordinance seeks to encourage the effective use of signs as a means of communication, and to promote economic development within the City. As a City, Milton is unique when compared to surrounding areas in terms of the mostly rural, pastoral and equestrian nature of its land uses, and the sign ordinance serves to promote and protect this character.

Currently, the Sign Ordinance prohibits any signage posted or overhanging the right of way, except for signage posted by public authority for the purpose of maintaining the public safety. However, the use of a community type of identification sign could strengthen the sense of uniqueness without compromising the rural, pastoral and equestrian nature of the City. Following the review of the Sign Ordinance, staff has concluded that a City Policy should be established to address when and where it would be appropriate to construct community identification signs (community id signs).

b. Definition

Community identification signs, in terms of this policy, are banners displayed on City owned light poles, in the City right of way designed to acknowledge distinct and unique commercial areas in the City.

c. Purpose

This policy is consistent with the Sign Ordinance and does not, in and of itself, necessitate any changes to the Municipal Code regarding signage. It is intended to:

1. Provide guidance as to when and where the installation of community id signs would be appropriate.
2. Ensure that community id signs do not:
 - a) Create visual clutter, or
 - b) Create traffic or pedestrian safety hazards, or
 - c) Detract from a city wide sense of community unity, but build on community identify and image.

The Public Works Department and the Community Development Department shall administer the provisions of this Policy.

d. Policy

1. Community id signs should be considered for the purpose of identifying the following established or unique areas of the City:
 - a) Crossroads (as defined in the Overlay)
 - b) Birmingham Crossing (as defined in the Overlay)
 - c) Highway 9 Commercial Corridor area
2. The Community id signs will help beautify these areas and reflect community recognition and pride, as well as local activities and events.
3. These signs will only be allowed within the public right of way and only the City will erect them pursuant to the City's sign ordinance, and shall, subsequently, retain ownership of them. However, business organizations, or other private groups, such as a merchants association or a local chamber of commerce, may request the City to consider the placement of a community id sign based on a promise to donate funding necessary to construct and maintain the sign.
4. Community id signs may be installed at an entry, crossroads, or other focal point of a community or business area. They should not, however, be used to try to define specific boundaries of a community. Because community id signs will occupy space within the public right of way, they have the propensity to add to visual clutter if allowed on every street. For this reason, it is preferable to confine them to larger

thoroughfares that are ideally non-residential in character. Community id signs should therefore be allowed only on arterial and major collector streets as defined by the City of Milton Comprehensive Plan.

5. Community id signs shall:

- a) Not create traffic, pedestrian or other safety hazards;
- b) Comply with State traffic guidelines;
- c) To the extent possible, be integrated with traffic calming devices, and the existing streetscape;
- d) Be compatible with the areas in which they are being proposed, in terms of the size, type, massing, proportions and location.

6. All community id signs and supporting structures shall be securely installed and maintained in a good state of repair.

e. Review Process

- 1. All proposals to install community id signs shall undergo a comprehensive review, including the Department of Community Development, Building Plan Review, and Public Works. The City will review these signs for size scale, mass, and context, and their potential impacts on traffic operations. Proposals must include a description of the location, scale drawing of the proposed banner and elevation, a project budget, and a maintenance agreement.
- 2. The City of Milton Design Review Board will review the signage proposal, the location of the signs and grant final recommendation to the proposed designs and location to the Mayor and City Council. The Mayor and City Council shall approve the final signage proposal and location. At least one public hearing before the mayor and City Council shall be held to explain the project to residents, businesses, and property owners.
- 3. In general, the City will not approve the installation of a community id sign unless it is being proposed by a substantial number of persons or a group, such as a business association, merchants association, local chamber of commerce, which is willing to fund the fabrication, installation, and maintenance of the signs.

f. Removal of signs

- 1. Community id signs may be removed by or on behalf of the City for reasons of blight, poor maintenance or public safety and welfare. Removal should only occur after the surrounding community has been notified and given an opportunity for input, unless the Community Development Director or Public Works Director determines that the presence of the sign creates a safety hazard.
- 2. The Mayor and City Council reserves the right to remove the sign(s) without cause.

g. Other considerations

- 1. The Director of Public Works, or Director of Community Development, or the Design Review Board, or the Mayor and City Council may impose appropriate conditions on proposed Community id signs, as required to reduce visual cluster or visual blight, and to maximize pedestrian and vehicular traffic.
- 2. The criteria set forth in the program represent minimum standards.

Sec. 64-2328 – Master Signage Plan

a. Purpose

1. A Master Sign Plan is an administrative permit which establishes standards (size, design, location, etc.) for all exterior signs associated with a multi-tenant / multi-building development. The master sign plan shall ensure long term aesthetic compatibility of signage throughout the development. All specific requirements of the master sign plans must be met in conjunction with the Overlay signage requirements of the City of Milton.

2. The goal of a Master Sign Plan is to:
 - a) Adequately and effectively communicate business identity and type to the public;
 - b) Promote consistency among signs within a development, thus creating visual harmony between signs, buildings, landscaping and other components of the property;
 - c) Enhance the compatibility of signs with the architectural and site design features within a development;
 - d) Encourage signage that is in character with planned and existing uses, thus creating a unique sense of place.
 - e) Protect the community from sign clutter and visual blight resulting from excessive and redundant signs.

b. Applicability

1. A Master Sign Plan is required for all multiple-tenant buildings, all multi-building or multi-occupant commercial or office developments, and all mixed use developments.

c. Approval Authority

1. A Master Sign Plan is reviewed by the City of Milton Department of Community Development, and approved by the Director of Community Development. It is reviewed as part of the rezoning/use permit or site plan review process.

d. Application requirements

1. The applicant shall develop a master sign plan for all sign elements in the development based on the sign requirements established in Section 16 of the City of Milton Zoning Ordinance. A master sign plan application shall be a written and/or illustrated document to depict the proposed signs, which shall include the following:
 - a) Proposed sign palette, which may include:
 - 1) Entryway sign
 - 2) Primary multi tenant freestanding signs
 - 3) Secondary multitenant freestanding signs
 - 4) Single tenant/outparcel freestanding signs
 - 5) Office/industrial park project freestanding sign
 - 6) Residential development freestanding signs
 - 7) Tenant directory freestanding signs

- 8) Directional freestanding signs
 - 9) Temporary standard informational signs
 - 10) Real estate signs
 - 11) Temporary banners
 - 12) Signs during construction
 - 13) Wall signs
 - 14) Shingle signs
 - 15) Window signs/graphics
 - 16) Awning/canopy signs
 - 17) Tenant informational signs
- b) Site plan of the entire development/area showing the location of all proposed signs included in the sign palette;
 - c) Size and number of all proposed signs, including maximum area, letter height, number, height, etc.;
 - d) Color and style palette for a signs, including context of where signs are to be placed on any given façade;
 - e) Type of illumination proposed (external, internal, etc.);
 - f) Landscaping and/or ornamental structures including fences, fountains, public art, ground cover and other landscaping element that are intended to complement the proposed sign palette and design;
 - g) Location map;
 - h) Photos of property as it appears from the street;
 - i) Any other information as required by the Zoning Ordinance.

A separate sign permit will be required for all non exempt signs (as indicated in the City of Milton sign ordinance).

e. Design Guidelines

1. The sign design guidelines are designed to help ensure quality signs that communicate their message in a clear fashion; however, the "guidelines" are not as strict as sign "standards." The review authority may interpret the design guidelines with some flexibility in their application to specific signs/projects, as not all design criteria may be workable or appropriate for each sign or project. In some circumstances, one guideline may be relaxed to facilitate compliance with another guideline determined by the review authority to be more important in the particular case. The overall objective is to ensure that the spirit and intent of the design guidelines are followed. The signs in **bold** print are new, not currently allowed.
2. Signs by type:
 - a) **Entryway sign.** Means a ground sign which is placed on the perimeter of a mixed use development, community or historic area to identify the name of the community and/or interior projects. Such signs may flank both sides of the entrance and may include ground or landscape wall sign types.
Allowances: TBD





- b) Primary multitenant freestanding signs. *Multitenant* means one or more buildings, located on a single premises or development, containing two or more separate and distinct individual establishments, which occupy separate portions of the building and which are physically separated from each other by walls. *Freestanding sign* means any permanent sign supported by structures or supports that are placed on, or anchored in the ground and that are independent from any building or other structure. Provides formal identification of the entire project to arterial traffic. It is designed to maximize visibility to vehicular traffic in all directions. All freestanding signs must be setback at least 10 feet from the right of way. The freestanding sign structure shall be constructed of the same material as the predominant material of the principal building. Except for Highway 9, the sign faces shall be made out of wood or other material which has the appearance of carved, distressed or sandblasted wood. In the Highway 9 Overlay, all free standing signs shall be monuments with the width of the base equal to the width of the sign face. All freestanding signs shall be externally illuminated.

Allowances: TBD



- c) Secondary multitenant freestanding signs. Means as stated above, only smaller. Allowed for multi-tenant development on corner lots. Must be placed on the secondary street at the project entrance. Shall be monument sign.

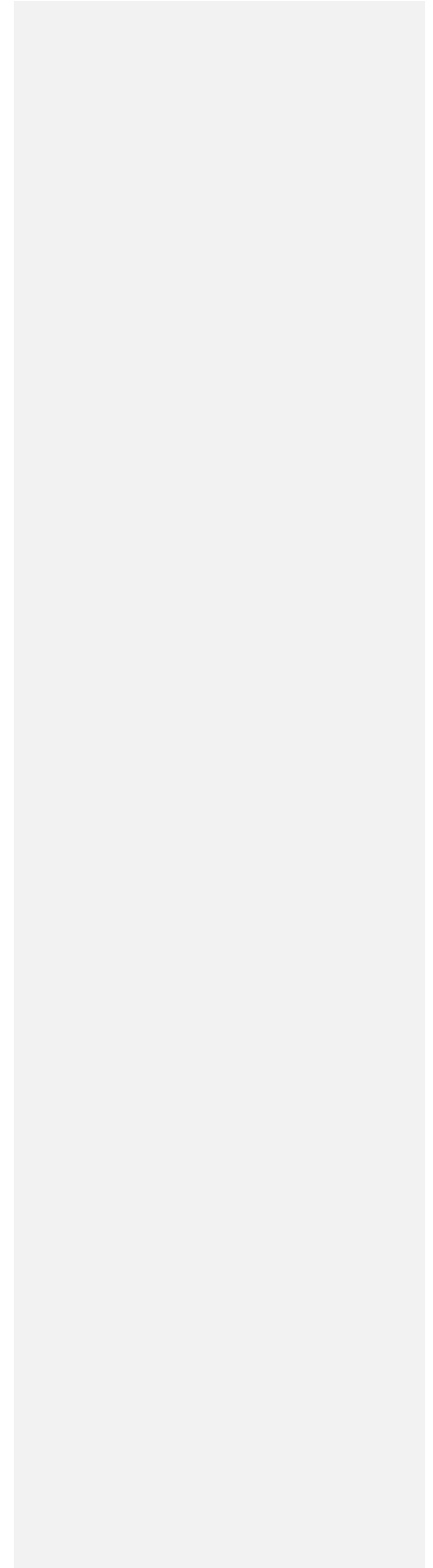
Allowances: TBD



- d) Single tenant/outparcel freestanding signs. Means as stated in #2, only for single tenant sites and platted outparcels. Shall be monument type sign; externally illuminated.
Allowances: Per the sign ordinance





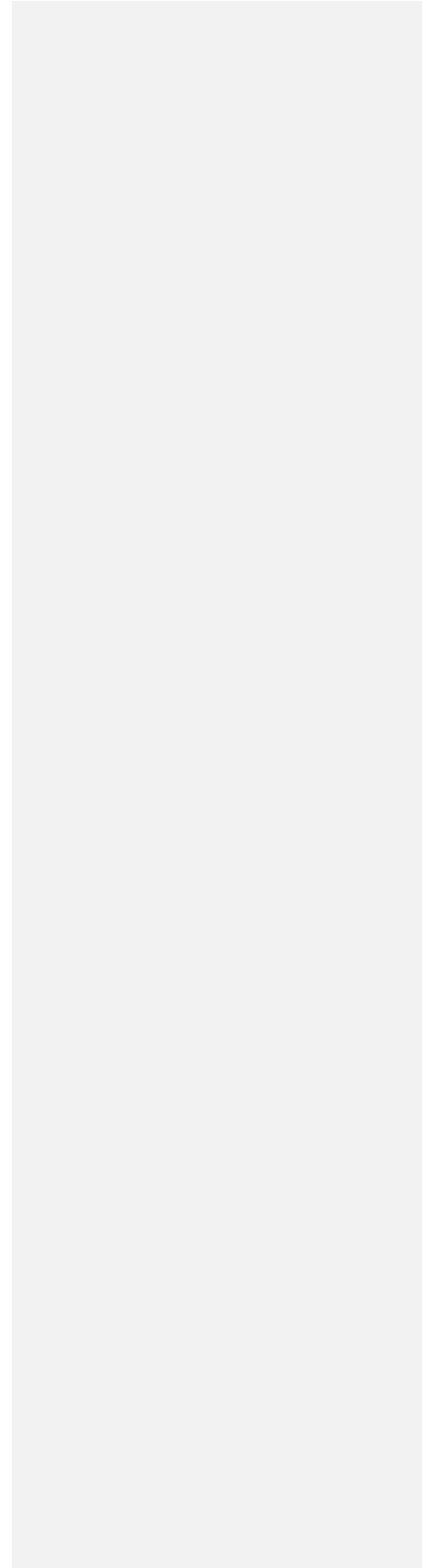


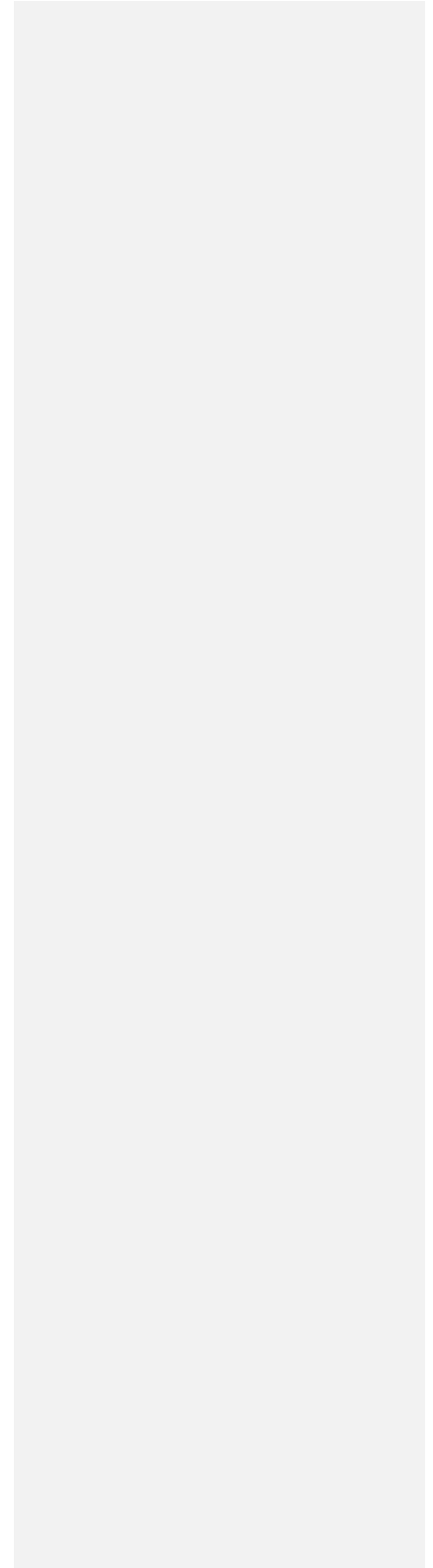


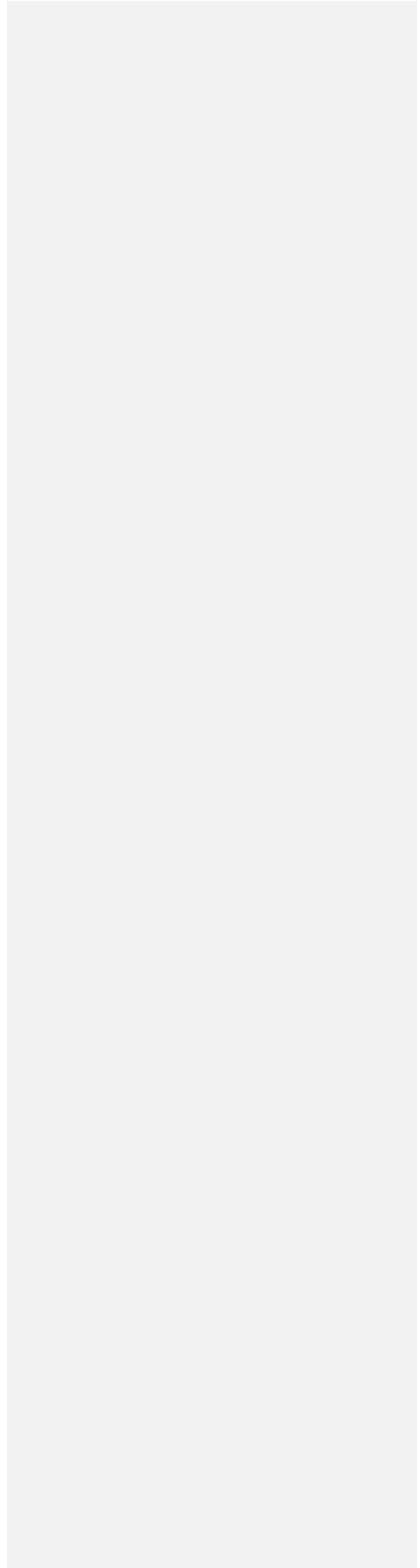
- e) Office /industrial park project identification freestanding signs. Means a ground sign that identifies a platted office park or industrial park. These signs would be located at the entrance to the park.
Allowances; TBD



- f) Residential development freestanding signs. A ground sign that is placed at the entrance to single family or multifamily developments only in order to identify the name of the development.
Allowances: Per the sign ordinance









- g) **Secondary residential development freestanding signs.** A pillar type ground sign that indicates a change in residence type in mixed use developments; signage indicating amenities in a residential development

Allowances: TBD



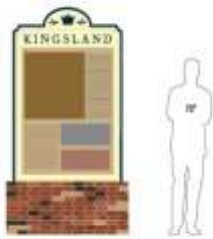
- h) **Tenant directory freestanding signs.** Means a ground sign which provides a listing of the names of businesses, activities, addresses, locations, uses or places within a building or complex of buildings for the purpose of identification only. These signs are placed internal to the development or community, and cannot be read from the right of way.

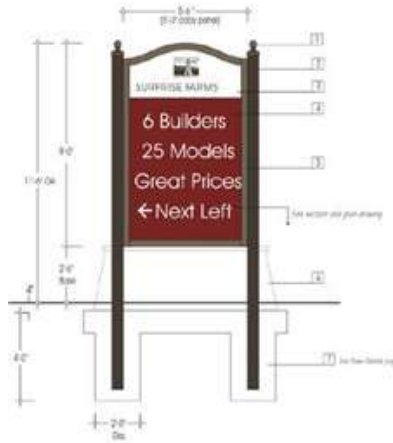
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RZ11-17 – Sign Ordinance - Working Draft for PC Work Session on Wednesday, August 24, 2011

Allowances: TBD





- i) **Directional freestanding signs.** Means signs used at driveways to improve public safety and to enhance public access to the site from public streets. Used to direct pedestrian or vehicular traffic on a parcel. These signs shall be externally illuminated. Maximum height shall be three (3) feet. Allowances: TBD





- j) Temporary standard informational signs. Means a sign with an area of not greater than four square feet, with a sign face made for short-term use, containing no reflecting elements, flags, or projections and which, when erect, stands at a height not greater than three feet and is mounted on a stake or metal frame with a thickness or diameter not greater than 1½ inches. No permit is required for these signs.
- Allowances: 4 square feet in all zoning districts; max 5 feet in height. 3 max per residential lot. 1 max per commercial lot.



k) **Real estate signs.** Means temporary freestanding signs which indicate that a tenant space, building or vacant lot is currently for sale, lease or rent.

Allowances: One sign per road frontage; max height 5 feet

- 6 square feet on major arterial roads; 4 square feet all other







- l) Temporary banners. Banner means a sign other than a flag with or without characters, letters, illustrations or ornamentation applied to cloth, paper, vinyl or fabric that is intended to be hung either with a frame or without a frame. Neither flags nor canopy signs are considered banners. (Canopy signs are counted toward wall signage).

Allowances: Per sign ordinance





- m) Signs during construction. Means a temporary, freestanding sign that shall be allowed beginning with the commencement of construction and ending with the issuance of the last Certificate of Occupancy, or two years, whichever one shall first occur. Thereafter, the permittee may reapply for a renewal permit subject to same termination conditions as above. The sign shall be externally illuminated.
Allowances: 12 square feet, max 5 feet high

- n) Wall signs. Means any sign attached parallel to a wall, painted on the wall surface or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building and which displays only one sign surface. Wall signs shall be flush with the wall, building, or structure to which it is mounted or affixed, except as otherwise set forth herein.
Allowances: Per Sign Ordinance



- o) **Shingle signs.** Means a sign suspended from a roof overhang of a covered porch or walkway or attached to a building wall fascia, which identifies the tenant of the adjoining space. These signs are installed perpendicular to the wall.

Allowances: 2 square feet per business



- p) **Window signs/graphics.** *Window sign* means any sign, **cut-out letters, painted text or graphics, window film, or other text or visual presentation** that is affixed to the exterior of the window or window panes or within five feet of the interior of the window or window panes and is visible from the exterior of the structure.

Allowances: Per Sign Ordinance

- q) **Awning/canopy signs.** The term "awning/canopy sign" means any sign that is a part of, or attached to, an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service area. The term "awning/canopy sign" does not include a marquee. May be substituted for monument or wall signs. If substituted they shall be included in the maximum size calculations.

Allowances: Per the sign ordinance

- r) **Tenant informational signs.** Means signs intended primarily for the convenience of the public or to ensure the orderly operation of the site, including but not limited to signs designating restrooms, address numbers, hours of operation, business directories, help wanted, public telephone, and instructions regarding parking, whether a store is open or closed, conditions of sale, or acceptable credit cards. Neon signs are prohibited, except for one, 4 square foot sign, in the Highway 9 Overlay.

Allowances: 12 square feet max



Custom Text and Logo

Custom Room Name	Suite 101
Custom Room Name	Suite 201
Custom Room Name	Suite 301
Custom Room Name	Suite 401
Custom Room Name	Suite 501
Custom Room Name	Suite 601
Custom Room Name	Suite 701
Custom Room Name	Suite 801
Custom Room Name	Suite 901



s) PROHIBITED SIGNS

The following types of signs are prohibited in the Master signage plan:

- (1) *Unidentified signs.* Any sign not specifically identified in this article as a permitted sign.
- (2) *Balloons and streamers.* Fringe, twirling, A-Frame, sandwich-type, sidewalk or curb-type signs, portable display signs, balloons, streamers or air or gas filled figures and other similar temporary signs, except where permitted in section 64-2303.
- (3) *Beacons; search lights; lasers.* Promotional beacons, search lights or laser lights or images.
- (4) *Audible signs.*
- (5) *Signs in right-of-way.* Signs in a public right-of-way, other than those belonging to a government, public service agency, or railroad.
- (6) *Signs on tree, utility pole or water tower.* Signs mounted on a utility pole, water tower or other similar structure, architectural features, traffic signal or traffic control box and cell towers.
- (7) *Roof signs.* Roof signs and signs which extend vertically above any portion of a roof or parapet of the applicable wall.
- (8) *Portable signs.* Portable signs, including signs attached to any parked vehicle or trailer, so as to be visible from a public right-of-way, except that signs posted in the window of a vehicle, totaling one square foot shall be permitted but not when parked within a nonresidential district or AG-1 (Agricultural) developed with a nonresidential use with the intent to sell that vehicle.
- (9) *Obscene signs.* Signs which depict obscene material.
- (10) *Illegal activity signs.* Signs which advertise an activity which is illegal under federal, state or local laws.
- (11) Signs attached to fences.
- (11) *Signs not maintained.* Signs not in good repair, in violation of codes, or containing or exhibiting broken panels, visible rust, visible rot, damaged support structures, or missing letters.
- (12) *Abandoned signs.*
- (13) *Animated; flashing signs.* Animated signs, flashing signs, rotating signs, and changeable copy signs.
- (14) *Imitation traffic signs.* Signs which contain or are an imitation of an official traffic sign or signal or contain the words "stop," "go," "slow," "caution," "warning," or similar words in such a manner as to resemble official traffic control signs.
- (15) *Graffiti.*
- (16) *Sign kiosks.*
- (17) *Signs attached/painted to natural objects.* Signs attached to trees; signs painted on or otherwise attached to rocks or any natural objects.

[Secs. 64-2329—64-2345.](#) - Reserved.