



## Kent County Department of Planning, Housing, and Zoning

To: Comprehensive Rezoning Update Task Force

From: Bill Mackey, AICP, Director DPHZ

Meeting: Advance copy for future meeting

Subject: Proposed content-neutral sign regulations

### STAFF REPORT

#### **Background**

Currently, the Land Use Ordinance contains sign regulations that are not content neutral. For example, there are specific categories for real estate signs, institutional signs, construction signs, etc. Pursuant to the Supreme Court of the United States case *Reed v. Town of Gilbert*, the Court invalidated sign codes that utilize the content of signage to regulate signs. Jurisdictions across the United States are now undertaking changes to create content-neutral codes, which will change how signage regulations work in a major way.

Many local sign codes across the U.S. include definitions or standards that use references to sign messages or purposes to clarify applicability. While in most cases the local government has no intent to censor protected speech, these “content-based” regulations are not easy to defend against Constitutional challenges. The U.S. Supreme Court’s 2015 decision in *Reed v. Town of Gilbert* re-emphasized the importance of content neutrality in sign regulation and offered some clarity on the types of sign regulations that, if challenged, will likely trigger the highest level of judicial scrutiny (<https://www.planning.org/knowledgebase/signregulation/>).

This is one of the areas where a national consultant who can provide best practices is especially helpful. The ZoneCo team is led by attorney Sean Suder who has put together a proposed new package for signage.

#### **Request**

With a new paradigm approach, the proposed new signage regulations do not track exactly with current regulations. Staff has annotated the attached to indicate where changes are occurring. Gray highlighting indicates new material added. As a next step, the amount of signage permitted overall may be reviewed.

#### **Review**

The 2018 Comprehensive Plan includes signage as a way to support economic development by providing appropriate signage that enhances the streetscape (p. 19) and enhance neighborhood character (p. 31), noting that the County will continue to prohibit new billboards (p. 99). To be effective, signage regulations in the Land Use Ordinance should be adjusted to meet contemporary best practices, while maintaining aspects that address and preserve the unique character of Kent County. The Comprehensive Rezoning

Update is also an ideal time to consider expanding the amount of signage allowed, so local businesses can effectively advertise their presence, attract new customers, and continue to grow and expand over time.

Graphics and matrices are new ways to present regulations. They can make it easier to compare what is allowed across districts. This will be advantageous when adjusting what is allowed.

Please note that the current iteration of the draft proposal includes the existing, allowable signage areas. Signage categories are presented in order to create a more content-neutral approach to the provisions.

### **Recommendation**

Staff recommends that the Task Force consider recommending the new format and approach for the sign regulations in the Land Use Ordinance. A discussion of signage size will follow at a subsequent meeting.

### **Attachment**

- DRAFT proposed sign code with existing signage allowances

c: file

Chapter XX. Signs  
**Purpose and Intent**

**Sec. XX-1. Purpose and Intent**

The purpose of this section is to establish minimum regulations for the design and display of signs. The regulations and standards provide sufficient identification of property while preserving the overall attractiveness of the County. The intent of the County enacting this chapter is as follows:

- A. To encourage the effective use of signs;
- B. To maintain and enhance the aesthetic environment of the County while avoiding visual clutter;
- C. To promote the use of signs to identify buildings and geographic areas;
- D. To improve pedestrian and vehicle traffic safety; and
- E. To promote the compatibility of signs with the surrounding land uses.

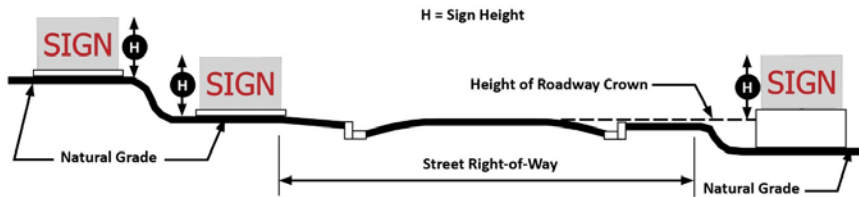
**Commented [WM1]:** From exiting Code – Section 2.1 excluding the sentence: “Incentives are provided for design excellence.”

**Sec. XX-2. Applicability**

The provisions of this chapter shall apply to all signs erected within the County that are directed to be viewed from the outdoors. All erection, construction, reconstruction, enlargement, moving, altering, or converting of signs in the County shall be performed in compliance with the requirements of this chapter.

**Sec. XX-3. How to Measure Sign Dimensions**

(1) Sign Height Measurement



**Commented [WM2]:** This approach allows for the automatic adjustment of height based on topography. A survey will be needed.

- A. The height of a sign shall be measured from the natural grade immediately adjacent to or directly beneath the sign base, which shall not be raised so as to create additional sign height, or the height of the roadway crown of the adjacent street which the sign faces, whichever is higher, to the highest point of the sign structure, including the bracket, supports, and any sign face surrounds. The above diagram illustrates sign height measurement.

(a) Sign Area Measurement

- A. For signs on a background, the entire area of the framework or background of the sign is calculated as the sign area, including any material or color forming the sign face or background used to differentiate the sign from the sign structure against which it is placed. (See diagram “A” below).

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**Sign Location**

- B. For signs consisting of freestanding letters or features attached to a wall, the sign area is calculated as the total area of each individual letter or feature. (See diagram "B" below).
- C. Sign area does not include any supporting framework or bracing unless such framework or bracing is part of the message or sign face. (See diagram "A" below).

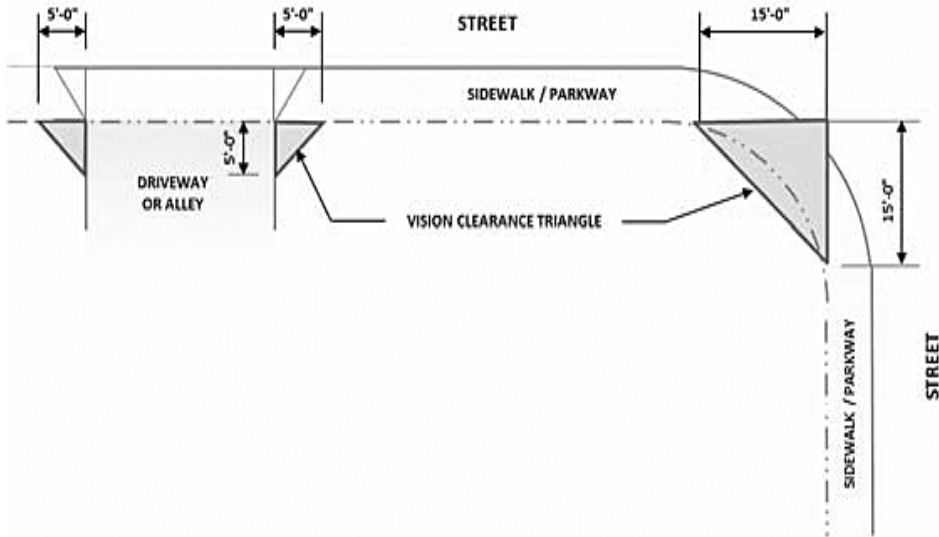
**Commented [WM3]:** This approach to monument signage would allow for large ground-mounted signs in most districts, if individual letters are counted separately for sign area, as opposed to all text being counted together, or each line counted separately.



- D. When two sign faces are placed back-to-back, so that both faces cannot be viewed from any one point at the same time and part of the same sign structure and are not more than 24 inches at its furthest distance apart, the sign area shall be computed by the measurement of one of the faces.

**Sec. XX-4. Sign Location**

- (1) Signs shall not be situated so that they interfere with the movement or visibility for pedestrians, cyclists, motorists, or in any way obstructs views of traffic signals and other traffic devices.
- (2) Signs and their supporting structures shall not interfere with public utility equipment or communication lines/equipment that are either above or below the grade.
- (3) At a minimum, signs shall not be located within the vision clearance triangle. The vision clearance triangle means the triangular area adjacent to the intersection of any street established by measuring a distance of 15 feet from the point of intersection of two streets along the right-of-way of each of the intersecting streets, or a distance of 5 feet from the point of intersection of a street and a driveway and connecting the ends of each measure distance to assure adequate visibility sight lines for vehicular traffic approaching the intersection. *Exception:* Wall signs and any other signs that are placed flat against a building wall are not subject to this requirement.



Chapter XX. Signs  
**Sign Maintenance**

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**Sec. XX-5. Sign Maintenance**

All signs shall be maintained in safe and good structural condition, in compliance with all applicable building and electrical codes, and in conformance with this chapter at all times. Such maintenance includes replacement of all defective bulbs, parts, materials, painting, repainting, cleaning, and other acts required for maintenance of erected signs. If any sign does not comply with the above maintenance and repair standards, the County shall require its removal in accordance with Article XX.

**Sec. XX-6. Removal of Unsafe, Unlawful, or Abandoned Signs**

- (1) Upon written notice by the Zoning Administrator, the owner, person, or firm maintaining a sign shall remove the sign when it becomes unsafe, is in danger of falling, or it is determined by the County to be a nuisance in accordance with County Code Art. XX, or it is deemed unsafe by the County or it is unlawfully erected in violation of any of the provisions of this chapter.
- (2) The County may remove or cause to be removed the sign at the expense of the property owner or authorized agent in the event of the owner of the person or firm maintaining the sign has not complied with the terms of the notice within 30 days of the date of the notice. In the event of immediate danger, the County may remove the sign immediately.

**Sec. XX-7. Permits**

Except for those signs set forth herein which may be erected without obtaining a permit, every person desiring to erect a sign shall first obtain a sign permit and all other permits required by applicable County ordinances.

**Sec. XX-8. Prohibited and Exempt Signs – Generally**

- (1) No sign shall be erected, hung, placed, or painted in any district except as herein provided.
- (2) No sign shall be erected, hung, affixed, painted or otherwise displayed or altered in size or location unless a permit has been issued by the Zoning Administrator.
- (3) Permitted signs for a nonconforming business or industry and cottage industries shall consist of those signs permitted in the “V,” Village District. Signs existing at the time of enactment of this Ordinance and not conforming to its provisions, but which were constructed in compliance with previous regulations shall be regarded as nonconforming signs. Nonconforming signs that are structurally altered, relocated, or replaced shall comply immediately with all provisions of this Ordinance. Nonconforming signs destroyed or damaged by accident or Act of God shall comply immediately with all provisions of this Ordinance.

**Commented [WM4]:** From existing Code, Section 2.3, excluding the clause: “unless otherwise provided by this ordinance.”

**Commented [WM5]:** From existing Code, Section 2.3, with some separately numbered items being combined into one larger item

Chapter XX. Signs  
**Prohibited Signs**

**Sec. XX-9. Prohibited Signs**

Except as otherwise provided by this chapter, the following signs are prohibited within the County:

- (1) Prohibited signs existing as of August 1, 1989 shall be considered nonconforming signs.
- (2) Dilapidated signs, including sign structures.
- (3) Animated signs, including balloons, streamers, air or gas filled figures, signs that move mechanically as a result of human activity, wherever located.
- (4) Beacon sign/search light.
- (5) Electronic message, changeable copy signs, and electronic signs. *Exception:* As expressly permitted in Sec. XX herein below.
- (6) Multi-faced signs (more than two sides) and tri-vision (three-sided) signs.
- (7) Neon (or LED tube or rope lighting resembling neon) window signs larger than 3 square feet in total area.
- (8) Pole signs and pylon signs. *Exception:* Wayfinding signs, freestanding signs, and temporary banner signs, may be permitted as set forth herein below.
- (9) Portable signs. *Exception:* Signs mounted, wrapped or painted on a moving vehicle are permitted so long as the vehicle is currently being utilized for a properly licensed business and, whenever parked and not utilized for said business, is parked at a designated service/loading and unloading area or at the furthest-available parking space from a right-of-way. Alternatively, such a vehicle may be parked behind the business to which it relates if to do so minimizes the view of the portable sign by the public.
- (10) Signs on public rights-of-way other than publicly owned or maintained signs and signs pertaining to railroad crossings.
- (11) A sign containing obscene statements, words, or depictions that are construed to offend public morals or decency.
- (12) Signs that visually simulate an official traffic control device, warning sign, or regulatory sign or which hide from view any traffic control device, signal, or public service sign.
- (13) Signs that emit or utilize in any manner any sound capable of being detected on any traveled road or highway by a person with normal hearing abilities.
- (14) Signs that interfere with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic or which otherwise pose a hazard to traffic due to structural deficiencies in the structure of such signs.
- (15) Signs erected by nailing, fastening, or affixing the sign in any manner to any tree, curb, utility pole, natural feature, fence, street sign, or other structure other than wall signs as permitted herein. *Exception:* Does not apply to temporary banner signs or fence manufacturer placards.
- (16) Signs attached to a fire escape or that obstruct any fire escape, any means of egress or ventilation or shall prevent free passage from one part of a roof to any other part thereof.

**Commented [WM6]:** From existing Code, Section 2.5, un-numbered subsection on Prohibited signs

**Commented [WM7]:** Text does not include the language in the existing code that prohibits "Signs that may move or swing as a result of wind pressure, unless approved by the Planning Commission."

**Commented [WM8]:** The existing Code does not include this exemption; however, neon of two square feet or less is permitted in the Village zoning district.

**Commented [WM9]:** Similar to language in existing code, Section 2.5; however, the provision has been expanded with more description.

**Commented [WM10]:** Similar to language in existing code, Section 2.5

Chapter XX. Signs  
**Exempt Signs**

- (17) Signs that do not conform to County or State building and electrical codes.
- (18) Signs that are in violation of the rules and regulations of any zoning district or zoning overlay district.
- (19) Any sign that is structurally unsound or is a hazard to traffic or pedestrians.
- (20) Any sign that changes color(s), flashes, blinks, oscillates, or intimates movement through lighting effect(s) or the use of video display of any kind, and in any way visible from the right-of-way.
- (21) A sign in the form of a banner, pennant, streamer, ribbon, spinner, balloon, string of lights, or other device that will move in the wind or be moved manually on a lot or parcel.
- (22) A sign painted on the roof of a building or supported by poles, uprights, or braces extending from or attached to the roof of a building or projected above the roof of a building or above the parapet.
- (23) A sign attached to a structure or property such as a fence, wall, antenna, other sign, tree or other vegetation, or to any public structure such as a utility pole, without permission of the owner.
- (24) Outdoor advertising structures, poster panels, billboards, or signs of any other type advertising products or services not available on the premises.

**Commented [WM11]:** Similar to language in existing code, Section 2.5

**Commented [WM12]:** Similar to language in existing code, Section 2.5

**Commented [WM13]:** Similar to language in existing code, Section 2.5

**Sec. XX-10. Exempt Signs**

Other than the following exempt signs, all signs require a permit in accordance with the requirements of this chapter. While exempt signs do not require a permit, they are not exempt from any applicable standards of this chapter and shall be subject to all applicable regulations herein:

**Commented [WM14]:** The existing text in Section 2.4 includes exemptions that are not included in the proposed draft for institutional signs up to 25 square feet in area, real estate signs up to six square feet in area for 14 days, and construction signs up to six square feet in area to be removed 14 days after completion. Removal of these sign types are to provide for a content-neutral signage approach as required by current case law.

- (1) Public signs of a noncommercial nature and in the public interest, erected by, or on the order of a public official.
- (2) Painted signs, decals, or other signs located directly inside or on the window and/or door of the ground floor of a commercial use, if less than 30 percent of the area of a windowpane.
- (3) Door signs if less than 2 square feet in total area and not more than one sign per door.
- (4) Yard Signs – Small (3 square feet or less in total area). *See applicable regulations herein below.*
- (5) One nameplate not more than two square feet in total area.
- (6) Address placards erected for the sole purpose of displaying street numbers as may be required by other ordinances and other signs required by law.
- (7) Up to three flags of any fabric or bunting containing colors, patterns, or symbols; attached to a flagpole as a freestanding structure, or a structure attached to a building or to the roof of a building, on a parcel of record and used for the sole purpose of displaying flags, the height of which shall be measured from the average grade.
- (8) Non-governmental traffic control and directional devices located entirely on private property and are consistent with those found in the manual of uniform traffic control devices in or adjacent to parking areas, and driveways and warning signs located at railroad crossings.

**Commented [WM15]:** From existing Code, Section 2.4, excluding the clause: "such as safety signs, danger signs, trespassing, traffic, memorial plaques, signs of historic interest and the like."



Chapter XX. Signs  
**Defined Sign Terms**

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- (9) Government mandated signs in compliance with the manual of uniform traffic control devices that comply with the requirements of state law for such signs placed or required to be placed by a government entity.
- (10) Menu signs/ordering kiosks placed adjacent to a commercial drive thru, with a maximum of four such signs per property, so long as any ground-mounted menu sign does not exceed 18 square feet and any wall-mounted menu-sign does not exceed nine square feet, as well as drive-thru menu sign accessory panel exchanges.
- (11) Sandwich boards. *See applicable regulations herein below.*
- (12) A limited duration banner sign for a new business for 60 days prior to the installation of a permanent sign. *See applicable regulations herein below.*
- (13) One neon (or LED tube or rope lighting resembling neon) window sign not larger than 3 square feet in total area per individual tenant suite. No blinking shall be allowed.

**Sec. XX-11. Defined Sign Terms**

In addition to the sign types defined below in this chapter, the following defined terms are used in this chapter:

- (1) **Abandoned Sign:** A permanent sign, including the structural supports and electrical connections, that was legally erected as a location sign, but the building has not been used for 6 months or more, is considered abandoned. A sign for a seasonal use is considered abandoned only if the site remains unused for 12 months.
- (2) **Animated Sign:** Any sign that includes action or motion.
- (3) **Common Development:** A parcel or combination of parcels which share a common development plan, or that are dependent upon one another for access, parking, or utilities.
- (4) **Detached Sign:** A sign not attached to or painted on a building, but which is affixed to the ground. A sign attached to a flat surface, such as a fence or wall not a part of a building, shall be considered a detached sign.
- (5) **Directional Sign:** A permanent representation located near the entrance of a common development, which shows the location or address of the unit designations within the common development. Also, a Wayfinding Sign.
- (6) **Double-Faced Sign:** A sign with two parallel faces, back-to-back, and located not more than 24 inches from each other.
- (7) **Electronic Message Center (EMC):** An electrically activated changeable copy sign having variable message and/or graphic presentation capability that can be electronically programmed by computer or handheld device from a remote location.
- (8) **Flat Sign.** A sign affixed directly to or painted on or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and which projects from that surface less than 12 inches at all points. Also, a Wall Sign.
- (9) **Flashing Sign.** An illuminated sign on which the artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use. Any sign that revolves or moves shall be considered a flashing sign.

**Commented [WM16]:** Accessory Sign is in the existing code, but not included in the proposed draft. Projecting Sign is relocated to the new graphics section, and it does not appear in this section.

**Commented [WM17]:** From existing Code, Section 2.2

**Commented [WM18]:** From existing Code, Section 2.2

Chapter XX. Signs  
**Defined Sign Terms**

(10) **Illuminated Sign:** Any sign designed to give forth artificial light, reflect light from another source, or is back lighted by spotlights or flood lights not a part of or attached to the sign itself.

**Commented [WM19]:** From existing Code, Section 2.2

~~(11) **Main Entrance:** The entrance of a building that is intended to be the primary public pedestrian access into and out of the building.~~

**Commented [WM20]:** Term not used elsewhere in the draft proposed code.

~~(12)~~(11) **Marquee Sign:** A covered structure projecting from and supported by the building with independent roof and is erected over a doorway or doorways.

**Commented [WM21]:** From existing Code, Section 2.2

~~(13)~~(12) **Parapet:** A low wall or protective barrier that extends vertically above the roof or uppermost floor of a building or other structure.

~~(14)~~(13) **Pole Sign:** A permanent sign that is mounted on a freestanding pole or other support that is placed on, or anchored in, the ground and that is independent from any building or other structure.

~~(15)~~(14) **Portable Sign:** Any sign not permanently attached to the ground or other permanent structure; or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; balloons used as signs; and signs attached to or painted on vehicles while visible from the public right-of-way, except as provided herein. For the purposes of this chapter, sandwich board signs, banners and pole banners as prescribed herein are not considered portable signs.

~~(16)~~(15) **Primary Vehicle Entrance:** The entrance that provides vehicular access to a property from a street that is intended to be the main vehicular entrance serving the building or common development.

~~(17)~~(16) **Sign:** Any letters, figures, design, symbol, trademark or illuminating device intended to attract attention to any place, subject, person, firm, corporation, public performance, article, machine, or merchandise, whatsoever out of doors for recognized advertising purposes. However, this shall not include any official court or public notices nor the flag, emblem or insignia of a government, school, or religious group when displayed for official purposes. Interior signs, if located on a window or within a distance equal to the greatest dimension of the window and if obviously intended for viewing from the exterior, shall be considered an exterior sign for the purposes of this Ordinance.

~~(18)~~(17) **Sign Area:** That area within a line including the outer extremities, letters, fixtures, characters, and delineations, or within a line including the outer extremities of the framework or background of the sign, whichever line includes the larger area.

**Commented [WM22]:** From existing Code, Section 2.2, additional text addressing sign supports, double-sided signs, and cylindrical sign areas was not included in the draft proposed code.

~~(19)~~(18) **Temporary Sign:** Any sign, banner, pennant, or advertising display intended to be displayed for a limited time period.

## Nonconforming Signs – Use and Maintenance

### Sec. XX-12. Nonconforming Signs – Use and Maintenance

Subject to the restrictions of this chapter, a nonconforming sign may be used, but not expanded or improved unless the sign is made conforming. All nonconforming signs shall be maintained in good condition and repair and may be subject to removal for violations of maintenance standards.

### Sec. XX-13. Nonconforming Signs - Repair and Replacement; Exceptions

Minor repairs and maintenance of nonconforming signs shall be permitted. Structural repairs or changes in the size or shape of a nonconforming sign shall be permitted if the changes do not expand the nonconforming nature of the sign. A nonconforming sign shall not be replaced by another nonconforming sign. *Exceptions:* (i) the substitution or interchange of sign panels, painted boards, or dismountable material on nonconforming signs shall be permitted; (ii) the substitution or interchange of sign lighting types on nonconforming signs shall be permitted; (iii) the substitution, interchange, or replacement of sign base and/or surround materials on nonconforming signs shall be permitted; (iv) a nonconforming sign damaged or destroyed by act of God or by other circumstances beyond the control of the owner of the sign may be repaired or replaced if the repairs do not exceed 100 percent of total replacement cost.

### Sec. XX-14. Relocation of Nonconforming Signs

A nonconforming sign may be relocated for the purposes of road or sidewalk construction, purchases of right-of-way, or other public works or transportation project initiated by the County or other public agency.

### Sec. XX-15. Sign Administration

- (1) Inspection – Signs for which a permit is required may be inspected periodically by the Zoning Administrator for compliance with this and other codes of the County.
- (2) Maintenance – All signs and components thereof shall be kept in good repair and in a safe, neat, clean and attractive condition.
- (3) Removal of Signs – The Zoning Administrator may order the removal of any sign erected or maintained in violation of this code. The Zoning Administrator shall give 30 days' notice in writing to the owner of such signs, or of the building, structure or premises on which such sign is located, to remove the sign or to bring it into compliance. Upon failure to comply with this notice the Zoning Administrator or duly authorized representative may remove the sign at cost to the owner. The Zoning Administrator may remove a sign immediately and without notice if, in his opinion, the condition or location of the sign is such as to present an immediate threat to the safety of the public.
- (4) Abandoned Signs – A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business that it advertises is no longer conducted on the premises. If the owner or lessee fails to remove it, the Zoning Administrator shall give the owner fifteen (15) days written notice to remove it. Upon failure to comply with this notice, the Zoning Administrator, or the Zoning Administrator's duly authorized representative, may remove the sign at cost to the owner. Where a successor to a defunct business agrees to maintain the signs as provided in this code, this removal requirement shall not apply.

Commented [WM23]: From existing Code, Section 2.6

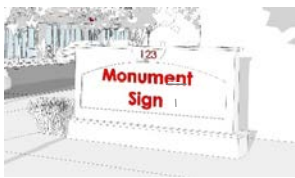


Commented [WM24]: From existing Code, Section 2.6

**Non-Incidental Sign Types**

**Sec. XX-16. Non-Incidental Sign Types**

The following non-incidental sign types are allowed on private property within the County according to the standards and subject to all requirements set forth herein: (a) ground mounted signs; and (b) building mounted signs.

A. Ground Mounted Signs

Sign Type	Definition	Example Graphic
<b>Monument Sign</b>	A two-sided sign attached to a permanent foundation or fastened to a base and not attached or dependent upon any structure, pole, post or similar support.	
<b>Directional or Wayfinding Sign</b>	Signs that direct traffic or pedestrians towards a point of interest that are visible from a public right-of-way.	
<b>Freestanding Sign</b>	A sign which is not attached to a building, and which hangs from a support structure attached to the ground.	

Commented [WM25]: New material except for text of Projecting Sign

Chapter XX. Signs  
**Non-Incidental Sign Types**

B. Building Mounted Signs

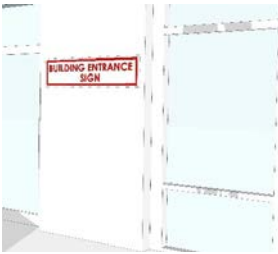


Sign Type	Definition	Example Graphic
<b>Projecting Sign</b>	A sign, other than a wall sign, which projects from and is supported by a wall of a building or structure. The term projecting sign includes a marquee sign.	
<b>Wall Sign or Flat Sign</b>	Any sign attached parallel/flat to a wall, painted on 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. The term wall sign includes a flat sign.	

Commented [WM26]: From existing Code, Section 2.2 Definitions

Chapter XX. Signs  
**Incidental Sign Types**

**Sec. XX-17. Incidental Sign Types**


The following incidental sign types are allowed on private property within the County according to the standards and subject to all requirements set forth herein: (a) building identification signs; (b) safety signs; (c) directional signs; and (d) subdivision identification signs.

Sign Type	Definition	Example Graphic
<b>Building Identification Sign</b>	A sign that is located on a wall immediately adjacent to the entrance of a building.	
<b>Safety Sign</b>	A sign that warns persons against certain activities on private property.	No graphic yet
<b>Directional or Wayfinding Sign</b>	A sign that directs traffic or pedestrians towards a point of interest that are visible from a public right-of-way.	
<b>Subdivision Identification Sign</b>	A monument sign permitted in residential districts which contains only one distinct signage area within the sign face for the purpose of identifying the entrance of a subdivision from a street.	

Chapter XX. Signs  
**Sign Lighting**

**Sec. XX-18. Sign Lighting**

External lighting is the only permitted sign lighting. See example below:

Sign Lighting	Definition	Example Graphic
<b>External Lighting</b>	A type of illumination where the source of light is external to, and independent of, the sign structure, and the illumination radiates toward the message area away from the viewer. This includes goose neck, linear sign lights, and ground mounted spotlights.	

1. The light from any illuminated sign shall be so shaded, shielded or directed that the light intensity or brightness will not be objectionable to surrounding areas.
2. No sign shall have blinking, flashing or fluttering lights or other illuminating device which has a changing light intensity, brightness or color. Beacon lights are not permitted.
3. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices.
4. Neither the direct, nor the reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.
5. No exposed reflective type bulbs and no strobe light or incandescent lamp which exceeds 15 watts shall be used on the exterior surface of any sign so as to expose the face of the bulb, light or lamp to any public street or adjacent property.

**Commented [WM27]:** From existing Code, Section 2.5, unnumbered subsection on illumination

## Electronic Message Center (EMC) and Manual Changeable Copy

### Sec. XX-19. Electronic Message Center (EMC) and Manual Changeable Copy

(1) Electronic message centers shall be permitted as a component of gasoline station signage, quasi-public/institutional uses in accordance with the following standards:

a. No sign containing an electronic message center shall be located within 125 feet of any signalized intersection as measured from the point where the existing right-of-way lines of the intersecting streets meet. In a case where a rounded or cut property corner exists, this measurement shall be taken from the point of the intersection of the existing rights-of-way lines, as extended. The distance shall be measured along the right-of-way line from the point of intersection. (See graphic illustration above.)



b. Any electronic message center that is located within 300 feet of any residential use must automatically turn off between the hours of 11:00 p.m. and 6:00 a.m. daily.

c. An electronic message sequence must be accomplished by means of fading or dissolving but shall not scroll, travel or flash. A transition sequence must be completed in no less than 8 seconds.

d. No portion of any sign may change its message or background in a manner or by a method of display characterized by motion, other than fading or dissolving, or pictorial imagery or depicts action or a special effect to imitate movement, or the presentation of pictorials or graphics displayed in a progression of frames that give the illusion of motion or the illusion of moving objects, moving patterns or bands of light or expanding or contracting shapes.

e. Electronic message centers shall be designed to either freeze the display in one static position, display a full black screen, or turn off in the event of a malfunction.

f. Portable electronic message signs are prohibited. No electronic message center shall be permitted to be included as part of any limited duration sign.

(2) Manual changeable copy signs are permitted only when integrated into signage for a quasi-public/institutional use or as permitted for a gasoline station.

a. Area available for changeable copy shall be limited to 15% of the total sign area. This subsection is not applicable to volunteer fire companies.

Commented [WM28]: This represents a new area of signage regulation.

Commented [WM29]: From existing Code, Section 2.3



Chapter XX. Signs  
**Permitted Signs by District**

Sec. XX-20. **Permitted Signs by District**

(1) The type, total sign area and dimensions permitted on farms in the Agriculture Zoning District (AZD) and bona fide farms in any district are as set forth in the table below:

**Commented [WM30]:** This section reformats the presentation of sign area allowances found in Section 2.5 of the existing Code.

Type, Area and Dimensions	Farms in AZD
<b>Ground Mounted Signs</b>	<b>Permitted as set forth below:</b>
Freestanding Signs (1 total) advertising products raised on the premises and ag industries	16 sq. ft. max.
Identification Sign (1 total)	4 sq. ft. max.
<b>Incidental Signs</b>	<b>Permitted as set forth below:</b>
Building Identification Signs (up to 2 total)	4 sq. ft. max.
Safety Signs	2 sq. ft. max.
Directional Signs	4 sq. ft. max.
Subdivision Identification Sign (1 total)	Not Permitted
<b>Flags</b>	<b>Permitted as set forth below:</b>
Incidental Flags (flags of any Nation, State, County or Municipality)	3 total
<b>Illumination</b>	<b>Permitted as set forth below:</b>
External	Permitted

**Permitted Signs by District**

(2) The type, total sign area and dimensions permitted in the CC, C, C-CA, I, ICA-LDA, EC, and M districts are as set forth in the table below:

Type, Area and Dimensions	CC, C, CCA, I, ICA-LDA, EC, M
<b>Ground Mounted Signs</b>	<b>Permitted as set forth below:</b>
Monument Sign or Freestanding Sign	25 sq. ft. max. and 25 ft. high  Waterfront businesses, 20 sq. ft. max and 20 ft. high, or wall sign (see below)
Identification Sign	For three or more establishments, 65 sq. ft. max.
<b>Building Mounted Signs</b>	<b>Permitted as set forth below:</b>
Wall Sign	Buildings < 20,000 sq. ft., one wall sign per establishment limited to 5% of façade fronting the road, not to exceed 25 sq. ft. or one projecting sign (see below)  Buildings ≥ 20,000 sq. ft., one wall sign per establishment limited to ½ sq. ft. per linear foot of façade fronting the road, not to exceed 100 sq. ft. and uses colors approved by Planning Commission and external illumination only; or one projecting sign (see below)  Waterfront businesses only, 20 sq. ft. max., 20 ft. high max.
Projecting Sign	10 sq. ft. max.
Neon Window Sign	2 sq. ft. max, inside mount only
<b>Incidental Signs</b>	<b>Permitted as set forth below:</b>
Building Identification Signs (up to 2 total)	4 sq. ft. max.
Safety Signs	2 sq. ft. max.
Directional Signs	4 sq. ft. max.
Subdivision Identification Sign (1 total)	10 sq. ft. max.
<b>Flags</b>	<b>Permitted as set forth below:</b>
Incidental Flags (flags of any Nation, State, County or Municipality)	3 total
Non-Incidental Flag	1 total, 15 sq. ft. max., mounted on building façade (not roof) or approved flagpole
<b>Illumination</b>	<b>Permitted as set forth below:</b>
External	Permitted on all signs except neon window signs

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**Permitted Signs by District**

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(3) The type, total sign area and dimensions permitted in the RCD, RC, RR, CAR, CR districts and for non-farms in the AZD are as set forth in the table below:

Type, Area and Dimensions	RCD, RC, RR, CAR, CR and Non-Farms in AZD
<b>Ground Mounted Signs</b>	<b>Permitted as set forth below:</b>
Monument Sign (RC, RCD, RR and CR only)	One at primary vehicle subdivision entrance only (see subdivision identification sign below)
<b>Incidental Signs</b>	<b>Permitted as set forth below:</b>
Building Identification Signs (up to 2 total)	4 sq. ft. max.
Safety Signs	2 sq. ft. max.
Directional Signs	4 sq. ft. max.
Subdivision Identification Sign (1 total)	10 sq. ft. max.
<b>Flags</b>	<b>Permitted as set forth below:</b>
Incidental Flags (flags of any Nation, State, County or Municipality)	3 total
<b>Illumination</b>	<b>Not permitted</b>

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**Permitted Signs by District**

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(4) The type, total sign area and dimensions permitted in the V and IV districts are as set forth in the table below:

Type, Area and Dimensions	V, IV
<b>Ground Mounted Signs</b>	<b>Permitted as set forth below:</b>
Monument Sign or Freestanding Sign	25 sq. ft. max.
<b>Building Mounted Signs</b>	<b>Permitted as set forth below:</b>
Wall Sign	One wall sign per establishment limited to 25 sq. ft. or 5% of the front façade of the establishment, whichever is least; or one projecting sign (see below)
Projecting Sign	5 sq. ft. max.
<b>Incidental Signs</b>	<b>Permitted as set forth below:</b>
Building Identification Signs (up to 2 total)	4 sq. ft. max.
Safety Signs	2 sq. ft. max.
Directional Signs	4 sq. ft. max.
Subdivision Identification Sign (1 total)	10 sq. ft. max.
Neon Window Sign (IV district only)	2 sq. ft. max, inside mount only
<b>Flags</b>	<b>Permitted as set forth below:</b>
Incidental Flags (flags of any Nation, State, County or Municipality)	3 total
Non-Incidental Flag	1 total, 15 sq. ft. max., mounted on building façade (not roof) or approved flagpole
<b>Illumination</b>	<b>Permitted as set forth below:</b>
External	Permitted on all signs except neon window signs
<b>TOTAL SIGN AREA ALLOWANCE</b>	<b>100 sq. ft. max.</b>

**Additional Sign Standards**

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**Sec. XX-21. Additional Sign Standards**

- (1) Incidental flags shall not be used for advertising or commercial promotion.
- (1) All ground mounted signs shall be setback not less than five feet from the right-of-way line.
- (2) No wall sign shall project more than 12 inches from the building façade.
- (3) No projecting sign shall project more than 36 inches from the building façade.
- (4) All building mounted signs shall be mounted not less than nine feet about the grade immediately below the sign.
- (5) All supports and wiring for building mounted signs shall be concealed from public view.
- (6) No ground mounted sign may be taller than eight feet above the grade immediately adjacent to the sign base.
- (7) The total area of all signs on any property at any given time shall not exceed 100 square feet.

## Criteria for Bonus Sign Area

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### Sec. XX-22. Criteria for Bonus Sign Area

To encourage design excellence, the maximum sign area for certain businesses (not including directional signs or signs for home occupations), industries, and agricultural uses, may be increased by the percentages herein. A separate bonus is granted for compliance with each of the criteria and the area is cumulative, but the percentage is based on the original sign area. In no instance shall the sign area exceed 32 square feet except for directory signs.

- A. Detached signs may be increased as follows:
1. Twenty percent when the sign is constructed of solid wood and uses colors approved by the Planning Commission.
  2. Ten percent when a directory sign utilizes uniform coloring and lettering for all establishments listed in the directory except the one major facility.
  3. Twenty percent when the sign is installed in a landscaped planter having an area twice the area of the resultant sign and the entire area is approved by the Planning Commission.
  4. Fifteen\* percent when the sign is not designed or used with illumination, or the sign uses indirect lighting.
  5. Twenty percent when the sign uses a pedestal or monument base and does not exceed 5 feet in height.
- B. Attached signs may be increased as follows, but only if the projection does not exceed 12 inches:
1. Ten percent when all the lettering and background is uniform in style and color for signs in a shopping center or for any three consecutive separate establishments.
  2. Fifteen\* percent if the sign is not designed or used with any illumination or the sign uses indirect lighting.
  3. Five percent if the sign design compliments and utilizes the architectural details of the facade, particularly with respect to historic structures.

Commented [WM31]: From existing Code, Section 2.7