

# Draft Sign Code

Yellow (shaded areas in black and white copy) highlights are the significant changes since the Plan Board reviewed the code last year.

## DIVISION 1. - SIGN REGULATIONS

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### **Sec. 30-315 Purpose and intent.**

(a) The objective of this article is to establish requirements for the placement, installation and maintenance of signs, in order to preserve and protect the health, safety, welfare and general well-being of the community's citizens. As the regulation of the placement, construction and maintenance of buildings and structures through zoning is a valid use of the police power, so too is the regulation of the placement, installation and maintenance of signs since such signs in the literal sense must ordinarily be considered structures, and in a practical sense are capable of producing many of the same nuisances as are produced by buildings.

(b) The regulation of the placement, installation and maintenance of signs is further justified by their innate scheme and primary purpose to draw mental attention to them, potentially to the detriment of sound driving practices and the safety of the motoring public to which a majority of signs is oriented. Therefore, it is the intent of this article to regulate the size and location of signs so that their purpose can be served without unduly interfering with motorists and causing unsafe conditions.

(c) Finally, it is the objective of this article to protect and preserve the aesthetic qualities of the community by regulating the placement, installation and maintenance of signs. The fact that such

signs are intended to be seen grants to signs a proportionately greater role than other structures in determining the overall aesthetic quality of the community.

(d) The aesthetic impact of signs is an economic fact which may bear heavily upon the enjoyment and value of property; therefore the regulation of signs is validly justified on the basis of conserving the value of property and encouraging the most appropriate use of land throughout the municipality. Furthermore, it is not irrational for a community's citizens to plan their physical surroundings in such a way that unsightliness is minimized.

(e) With this purpose in mind, it is the intention of this article to authorize the use of signs which are:

- (1) Compatible with their surroundings and appropriate within the parameters of the comprehensive plan.
- (2) Appropriate to the type of activity to which they pertain.
- (3) Expressive of the identity of the individual proprietors or of the community as a whole.
- (4) Large enough to sufficiently convey a message about the owner or occupants of a particular property, the products or services available on such property, or the business activities conducted on such property, yet small enough to preserve and protect the natural beauty of the city and limit distractions to motorists.
- (5) To reduce the concentration of signs which result in clutter and unnecessary distraction to motorists.
- (6) To allow the placement of signs in a manner which would not result in the unnecessary removal of vegetation.
- (7) To regulate the placement, height and size of signs which are compatible to a pedestrian and motorist scale.
- (8) Are necessary to preserve the life and safety of the public, which the city finds to be a compelling interest.

**Sec. 30-316 Definitions.**

*Animated sign* means any sign or device visible from the right-of-way of a public street or highway that contains text or pictorial information that moves or changes, or that uses movement or change of lighting or change of color to depict action or create a special effect or scene.

*Abandoned sign* means a sign or sign structure that has not been used, or a sign or sign structure located on a parcel or parcels that becomes vacant or unoccupied, for a period of 120 consecutive calendar days or more.

*Street Banner sign* means a banner or other flexible sign characteristically suspended along or across any of the public streets of the city, as regulated by this code.

*Change of face* is a sign change in which one of the following changes is made: only the plastic face of an internally lit sign cabinet is exchanged for a new face; or a painted sign is repainted with no overall increase in sign area.

*Commercial message* means a message (including but not limited to pictures, copy, symbols, or sign elements) that proposes a commercial transaction or is related solely to the economic interests of the speaker and its audience. Commercial messages include, but are not limited to, the name of the business, business or brand identification, trademark, logo, or offer of service or product.

*Contractor sign* is a temporary sign erected during construction to inform the public of the developer, contractors, architects, engineers, the nature of the project and/or anticipated completion date.

*Directional Sign or Directory Sign* means any sign which exclusively contains information providing direction or location to any object, place, or area. The term includes, but is not limited to, a sign indicating an avenue of ingress or egress and a sign listing the occupants of a property and their office or suite numbers.

*Electronic sign* means any sign, or portions of a sign, where any light source, including but not limited to incandescent bulbs or light-emitting diodes (LED), constitute the sign text or image. This type of sign includes, but is not limited to, electronic message boards, television screens, plasma screens, digital screens, flat screens, LED screens, video boards, other types of electric and electronic display boards and screens, and holographic displays. Electronic signs include projected images or messages onto buildings or other objects. Signs that are illuminated by light sources only for the purpose of internal or external illumination are not considered electronic signs, nor are non-animated neon signs.

*Freestanding (ground-mounted) sign* means any sign which is mounted on or supported by an upright, uprights or braces in or upon the ground, any sign structure, or a fence or a wall of an accessory building or structure.

*Frontage* means the length of the property line of a lot or tract of land abutting a public street, road, highway, or other right-of-way.

~~*Ground-mounted sign* means any sign which is mounted on or supported by an upright, uprights or braces in or upon the ground, any sign structure, or a fence or a wall of an accessory building or structure.~~

Marquee signs are attached to an architectural feature that projects from the building, such as a marquee of the sort typically associated with a theater or solid structural canopy or awning that extends over the entrance of a building.

Monument sign means a freestanding sign that is supported entirely by its own ground-mounted solid structural base and not by support poles. The base shall be equal to or greater than the length of the sign face including any structure within which the sign is located.

Monument sign means a freestanding sign with a base that is at least 75 percent of the length of the sign face. The sign shall be supported by one of the following methods:

- by a solid structural base, or
- by one or more poles or posts completely surrounded by a non-structural base, which shall be designed and constructed to give the appearance of a solid structural base.

Multiple occupancy means a building or development with more than one separate independent business.

Off-premises sign means any sign (other than a vehicle sign, a public service sign, and a permanent development identification sign for an office, business or industrial subdivision) which advertises business, goods, products, services or facilities which are not manufactured, produced, sold, provided or located on the premises on which the sign is erected or maintained, or a sign which directs persons to a different location than the one upon which the sign is erected or maintained.

Pedestal-type sign means a permanent freestanding sign, no greater than 1 ½ feet by 1 ½ feet in size and up to five feet in height, that advertises products or services provided on the premises.

Pedestrian-oriented signs means a sign used to advertise changing specials such as food items, menus or other promotions; and shall only be used to advertise products or services available or for sale at the site where the sign is located.

Pennant means any flag-like piece of cloth, plastic, or paper attached to any staff, cord, building, or other structure at only one or two edges, the remainder hanging loosely.

Portable sign means any sign except a vehicle sign, which is manifestly designed to be transported from one place to another, whether on a trailer, on its own trailer, on wheels, or otherwise, or which is not owned or leased for a period of more than one year by an owner of the property upon which such sign is erected or maintained. A portable sign may, at the same time, fall within the definition of other types of signs, yet still be a portable sign.

Projecting sign means any sign which is affixed to any building wall or structure and extends more than twelve (12) inches horizontally from the plane of the building wall.

Revolving sign means any sign or other structure so erected or constructed as to periodically change the direction toward which any plane containing part of the sign area is oriented.

Roof sign means any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure. Signs on parapet walls or mansards are not considered wall signs.

Secondary sign means a sign permitted for a development with frontage on more than one public right-of-way.

*Sign* means any letter, number, symbol, figure, character, mark, plane, design, pictorial, stroke, stripe, trademark or combination of these which shall be so constructed, placed, attached, painted, erected, fastened or manufactured for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise whatsoever, which can be seen from the right-of-way of a public street or highway, including window graphics placed inside a window but intended to attract attention of those outside in the public right-of-way.

*Sign area* means the total surface area contained within a square or rectangle any common geometric figure (e.g., parallelogram, triangle, trapezoid, hexagon, ellipse, etc.) which encloses all names, letters, numbers, symbols, pictures, trademarks, logos or other commercial messages or identifications contained in a sign.

*Sign band* means a permanent architectural feature integrated into the façade of a building intended for the placement of sign(s). The measurement of sign area as described in sec. 30-321(b) does not include a sign band.

*Sign structure* means any accessory structure or device the primary purpose of which is to be or to display a sign.

*Snipe sign* means any small sign, generally of a temporary nature, made of any material when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes or fences, or to other objects.

*Spinner* means any device designed to attract attention to the premises upon which it is displayed through mechanical movement or through movement caused by movement of the atmosphere.

*Under-canopy sign* means a sign, no greater than four square feet in area, suspended beneath a canopy, marquee, awning, or other roof projection.

*Vehicle sign* means any sign on or affixed to a motorized vehicle, other than a registered logo, trademark or service mark.

*Wall sign* means any sign mounted on and approximately parallel to the face of a principal building wall and projecting not more than 12 inches from the plane of the wall.

*Window sign* means a sign painted, mounted and/or attached to the inside or outside of a window for display to the public passersby outside the window.

**Sec. 30-317 Permanent signs and structures.**

It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained, display or cause to be displayed or substantially alter or reconstruct, or cause to be substantially altered or reconstructed, any signs, other than temporary signs specifically permitted by this article and signs specifically exempted from this article, which do not conform to the following provisions:

(a) Commercial districts

- (1) Areas in which permitted. Except where otherwise specifically provided, commercial message signs shall be permitted for approved uses only in Office, Business, Industrial, Mixed Use, and Special Use Districts, as established in sec. 30-41, and nonresidential Planned Developments.
- (2) For the purpose of this section, I-75 corridor signage shall be restricted to land designated for non-residential use as established in sec.30-41 land zoned BT within one-fourth mile of the centroid of an I-75 interchange with any arterial roadway.
- (3) General standards – freestanding signs
  - a. Single- and multiple-occupancy buildings and developments.

Sign Type	Number allowed	Sign Area Allowed	Max height
Primary (monument)  <u>See subsection (4) below</u>	1	<u>Frontage up to 50': 32 sq. ft.</u> <u>Frontage 51-100 80': 40 sq. ft.</u> <u>Frontage 81-101' or more: frontage * 0.5</u> <u>Max 120 sq. ft.</u>	10'
Primary (pole)  <u>See subsection (4) below</u>	1	<u>Frontage up to 50': 24 sq. ft.</u> <u>Frontage 51-80' 100': 32 sq. ft.</u> <u>Frontage 81' 101' or more: frontage * 0.4</u> <u>Max 96 sq. ft.</u>	10'
Extra Primary <u>See subsection (4) below</u>	1	<u>60- 75 sq. ft. (monument)</u> <u>50 sq. ft. (pole)</u>	10'
<u>Multiple street frontages</u> <u>See subsection (4) below</u>	1	<u>30 sq. ft. (monument)</u> <u>24 sq. ft. (pole)</u>	8'
Outparcel <u>See subsection (4) below</u>	1	<u>38 sq. ft. (monument)</u> <u>32sq. ft. (pole)</u> <u>Frontage more than 200 :</u> <u>58 sq. ft (monument)</u> <u>48 sq. ft (pole)</u>	8'

- b. There is no minimum setback from the frontage, except in the case of signs located near a driveway or corner. Such signs shall be set back from the property line so as not to conflict with the vision triangle, as determined by the Public Works department. Signs shall not protrude into the right-of-way.
- c. The setback from the side property lines shall be calculated as ten percent of the primary frontage. However, the minimum setback shall be ten feet and the maximum shall be 50 feet.

- d. The height of a freestanding sign shall be measured vertically from the established average grade directly below the sign to the elevation of the highest point of the sign.
- e. The base of a monument sign shall count towards the sign area unless the base area is constructed of brick or stone, or landscaped sufficiently to screen it from view. This applies to up to three feet of the height of the base. A landscape plan is required with the permit application in order to use this provision. At a minimum, the landscape plan shall state the size (in gallons) of the plants, the common and scientific name of the landscape plants, that all plants shall be Florida Nursery Grade 1 or better, healthy, disease-free and pest-free, and hardy for the North Florida region. The landscape plan must state that nursery invoices or labels must clearly specify that Grade Number 1 or better plants were purchased for installation. Plant height shown on the sign elevations shall be the height expected within two years.

(4) Specific standards – freestanding signs

a. Primary signs.

~~1. The primary sign shall be located on the [complete from existing code]~~  
Each development shall be allowed one freestanding signs. A freestanding sign may be a monument sign or a pole-mounted sign. A size bonus is provided for monument signs.

2.

b. Extra primary signs.

1. One additional freestanding sign is allowed on the primary frontage if this frontage is over ~~600~~ 500 linear feet.

2. The extra primary sign must be located at least 50 feet from any other sign.

c. Multiple street frontages

1. A property with frontage on more than one public right-of-way is permitted one freestanding sign on one additional frontage. The owner of the property shall designate which is the primary frontage.

d. Outparcel

- i. A freestanding sign may be permitted on developed outparcels (as defined in sec. 30-23) with an area of 22,500 or more square feet with a minimum street frontage of 150 feet.
- ii. An allowable freestanding sign on a corner outparcel may be located along either one of the street frontages providing it is in compliance with all the requirements of this Code.

(5) *I-75 corridor signs.*

a. In addition to other ground-mounted and wall-mounted signs otherwise allowed by this section, an additional ground-mounted or free-standing sign on a development site (including out-parcels) with a maximum height of 18 feet shall be allowed, provided that the sign face area of such sign in combination with other permitted signs on the site does not exceed a maximum sign area of 300 square feet. Such sign shall be oriented and located to achieve a view-shed from I-75. The location of this sign shall not be limited to properties actually abutting I-75 however no I-75 corridor sign shall be located on any frontage where the adjacent or facing properties are designated single-family on the future land use map.

b. An applicant for this additional ground-mounted sign may apply for a special use permit for an I-75 corridor sign which allows a maximum height above 18 feet. The plan board shall review sign height and the overall site design in order to make the appropriate findings in accordance with article VII and the following special considerations. Under no circumstances may a special use permit be granted for any sign exceeding 90 feet in height. The burden shall be on the applicant to prove by clear and convincing evidence that all requirements of article VII, division 5, are met and that no on-site sign of a height of 18 feet or less can be seen by motorists on I-75 at a distance of one-fourth mile from the nearest exit ramp and that the sign requested is of the minimum height and orientation necessary to achieve such visibility due to special conditions and circumstances relative to topography, vegetation or the built environment. Applicants for the special use permit must include certification by a registered engineer or other reliable documentary evidence of the factual and methodological basis that no on-site ground-mounted or roof-mounted sign of a height of 18 feet or less could be seen as specified above and that the requested sign is of the minimum height and orientation required to establish the clear view-shed above visual obstacles such as topographical conditions, vegetation or built environment. If the applicant cannot prove that such visibility will be achieved within the 90 feet height, then no special use permit shall be issued. In addition, no special use permit for an I-75 corridor sign shall be granted unless the applicant can prove that the special conditions and circumstances do not result from actions of the applicant.

c. Any sign authorized pursuant to a special use permit granted by the terms of this section shall comply with all other standards of this section except as specifically addressed above. In granting any special use permit the plan board may prescribe appropriate conditions and safeguards to ensure the structural integrity and safety of the sign and to landscape and buffer the sign structure.



## (b) Residential districts

(1) *Areas in which permitted.* Except where otherwise specifically provided, signs shall be permitted for approved uses only in Residential Districts, as established in sec. 30-41. A sign in a residential district shall only be used to advertise a non-residential use that is a permitted use by right or by special use permit for that residential district.

## (2) General standards

Sign Type	Number allowed	Sign Area Allowed	Max height
Freestanding	One	Monument: 32 sq. ft. Pole: 24 sq. ft.	8'
Building-mounted	One for the primary use. One for the accessory use (if applicable).	Primary: 24 sq. ft. Accessory: 18 sq. ft.	NA

## (c) Identification signs

(1) In general. No information other than the name of the subdivision or neighborhood name may be shown.

(2) Multiple-family residential developments, community residential homes with more than fourteen residents, mobile home parks

Sign Type	Number allowed	Sign Area Allowed	Max height
Freestanding or Building-mounted	One for each entrance and frontage	Primary entrance: 16 sq. ft. 6 or more units: 24 sq. ft. Other entrance(s): 16 sq. ft.	8'

a. Sign placement shall be regulated by the following provisions:

1. Such signs and structures may be freestanding or building signs.
2. Such signs may be a single sign unit with two faces or a single-faced sign mounted on each side of such entranceway an entrance into such development from an abutting street.

b. Sign measurement shall be regulated by the following provisions:

1. The sign area of such signs shall be measured exclusive of structural elements and decorative features.

c. If the property has more than one frontage but no approved entrance on the additional frontage(s), one additional sign shall be allowed to be placed on one additional frontage.

## (3) Residential subdivision, non-residential subdivision, and neighborhood identification signs

Sign Type	Number allowed	Sign Area Allowed	Max height
Residential subdivisions and Neighborhood signs.	One per entrance; may be one double-sided sign or two single-faced signs on either side of an entrance	Primary entrance: 24 sq. ft. Other entrance(s): 16 sq. ft.	8'
Non-residential subdivisions	One per entrance; may be one double-sided sign or two single-faced signs on either side of an entrance	Six square feet per lot up to a maximum of 96 square feet for a pole sign or a maximum of 115 square feet for a monument sign.	
Minor Subdivisions	One	18 sq. ft. max	

- a. Such signs may, at the sole discretion of the City, be located in the City public right-of-way provided there is compliance with the following restrictions:
1. Maintenance agreement. A maintenance agreement between the City and the owner/developer, a legal entity formed as the subdivision or neighborhood organization/association, or an individual property owner(s) within the subdivision or neighborhood is required. The agreement shall provide that the owner/developer, legal entity, or individual, and its successor or assigns, is responsible for maintaining the sign and the public right-of-way where the sign is located.
  2. Signs and structures with indemnification agreement. If the owner/developer, legal entity, or individual enters into an agreement, in the form provided by the City, indemnifying the City from any liability, the City may allow structures such as walls and/or permanent planters in the City's right-of-way in addition to the signs permitted above.
  3. Signs and structures with no indemnification agreement. If the owner/developer, legal entity, or individual is unwilling or unable to enter into an indemnification agreement with the city, the city may allow the signs permitted above to be placed within the right-of-way.
  4. Location and materials. The location and materials of the sign must be reviewed and receive approval from the director of public works, city traffic engineer and Gainesville Regional Utilities. The sign, whether located in a median strip or along the side of the entrance street, shall be located at least four feet behind the face of the edge of pavement.

## (4) Other sign types

1. Directory signs for large developments. Directional signs are allowed for nonresidential developments with a minimum of 300,000 square feet of floor area. These signs shall be limited to the name of the development and/or the names of the occupants of the development, and shall comply with the following conditions:
  - a. The signs shall not be located within 100 feet of any public right-of-way line.

- b. A single business or activity shall be limited to two square feet per individual sign face.
- c. The directional sign shall not exceed a total area of 50 square feet. Sign area shall be measured in accordance with section 30-318(g).
- d. The maximum height of a directional sign shall not exceed six feet.

(5) Flags and flagpoles. The display of flags shall be limited by the following regulations:

1. A flagpole may be freestanding or building-mounted.
2. No flag may contain a commercial message.
3. Height of flagpoles shall not exceed 25 feet in a residential district.
4. The vertical dimension of the flag shall be a maximum of 20 percent of the height of the flagpole.
5. Freestanding flagpoles shall be set back at least ten feet from any property line.
6. Flag and flagpole standards are as follows:

	Flagpole Height	Recommended Flag Dimensions (h x w)
Residential Zone Districts	15'	3'X5'
	20'	3'X5'
	25'	4'X6'
Nonresidential Zone Districts	20'	4'X6'
	25'	5'X8'
	30'	6'X10'

## (5) General standards – building-mounted signs

a. *Single-occupancy buildings and developments and multiple-occupancy complexes up to two-stories.*

Sign types	Number Allowed	Sign Area
Primary See subsection (6) below	<u>Two, plus one additional building-mounted sign for developments on frontages of 500 linear feet of more.</u>	Single-or multiple-occupancy: <u>Building width * 3</u> Max 200 sq. ft.
<u>Multiple street frontages</u> See subsection (6) below	One for each additional frontage	50 sq. ft. (facing second frontage) 24 sq. ft. (facing third frontage) 24 sq. ft. (facing fourth frontage)
Interior occupant	One	8 sq. ft.
<u>Directional and Directory (exterior)</u>	One	6 sq. ft.
Common area (exterior) See subsection (6) below		See Specific Standards below
Tenant	<u>Two</u>	Tenant: <u>Width of leased space * 1.5</u> Max 100 sq. ft.

b. *Single-occupancy buildings and developments and multiple-occupancy complexes for building greater than 2 stories.*

Sign types	Number Allowed	Sign Area
<u>Primary</u> See subsection (6) below	<u>2 signs plus 1 sign per building façade abutting a street, maximum 4 signs</u>	300 square feet max (inclusive of all primary signs)
<u>Tenant (interior and exterior) Within the building Sign Band area.</u>	<u>Two</u>	Tenant: <u>Width of leased space * 1.5</u> Max 100 sq. ft.
<u>Directional and Directory (exterior)</u>	<u>One</u>	6 sq. ft.
<u>Common area</u> See subsection (6) below		See Specific Standards below

## (6) Specific standards – building-mounted signs

## a. Primary

1. The Primary sign allowance may be used by a combination of wall, window, mansard, parapet, awning, marquee, or canopy signs.
  2. The total aggregate area of all signs shall not exceed the maximum sign area established above.
- b. Multiple-street frontages
1. Where a development has frontage on more than one public right-of-way, one additional building sign is allowed on each frontage.
  2. The maximum building sign area for a sign on a second frontage (e.g. a corner lot) is established above.
  3. The maximum building sign area for signs allowed on a third and fourth frontage (e.g. a development that has public rights of way on three or four sides) is established above.
  4. An occupant of a multi-occupancy development whose leased space is an end unit or otherwise includes more than one exterior wall of the development is permitted one additional exterior wall sign.
- c. Wall
1. Where a wall supporting a building-mounted sign is less than 12 inches back from a right-of-way line, the wall sign may project over the right-of-way, provided it does not project more than 12 inches from the wall.
- d. Window
1. See sec. 30-319 for regulation of exempt window signage.
  2. Graphics or other advertising matter painted or applied or affixed to a window surface shall be calculated as building-mounted signage.
  3. Signs placed within a window that can be seen from the public right-of-way shall be calculated as building-mounted signage.
- e. Awning, Marquee, Mansard, and Parapet
1. Signs are permitted only on awnings, marquees, mansards, or parapets otherwise lawfully permitted or in existence.
  2. Signs shall not extend horizontally beyond the edges of the awning, marquee, mansard, or parapet to which they are attached or from which they are suspended.
  3. Signs shall not project vertically above the roofline.
  4. Such signs under which a pedestrian walkway passes must have at least a nine-foot vertical clearance.
- f. Gas and alternative fuel station canopy
1. Signs on gas and alternative fuel station canopies are not permitted unless the canopy is connected to the principal building, in which case the face of the canopy is considered a part of the face of the principal building.

2. See Article VI for additional regulations for gas and alternative fuel stations.

g. Projecting

1. A sign attached to a wall, parapet, or mansard may be attached as a projecting sign.
2. Projecting signs may project no more than four feet horizontally from the wall.
3. Projecting signs under which a pedestrian walkway passes must have at least a nine-foot vertical clearance.

h. Common Area

1. Certain types of signs may be placed on the common or jointly owned area of a multi-occupancy development, as described below.
2. The common or jointly owned area shall not be included as part of the exterior surface of any one occupancy.
3. Such signs may be wall, window, mansard, or parapet signs only. Such signs may be projecting.
4. The allowable sign area of two or more occupants may be placed on a common or jointly owned area providing:
  - i. The common area is an integral part of all occupants which will be included in the sign.
  - ii. Only one sign, common to all occupants of the common area, may be displayed at each entrance.
  - iii. ~~The common area may not be used to display a sign for any one single occupant, regardless of whether the other occupants agree to placement of the sign.~~
- i. Interior occupant. Each occupant, the individually owned or leased premises of which do not include part of an exterior wall of a principal building, may display one sign on one side of the principal building in which such occupant is located.

Parking Garage Signs: Parking garages are allowed building-mounted signs and projecting signs not exceeding a combined total of 75 square feet in area per side of street frontage. Provided, however, if the parking garage has ground floor retail sales and services, each tenant will be allowed two (2) signs equal to the width of leased space \* 1.5 up to a maximum of 100 square feet. At each vehicle entrance to the parking garage two directional signs (entrance /exit) not exceeding 6 square feet each may be allowed.

**Sec. 30-318 Temporary signs.**

## (a) In general.

- (1) Temporary signs shall be constructed and affixed to the ground, an existing permanent sign, or the building in such a way that will not create any safety hazard, and to comply with Florida Building Code Standards.
- (2) Temporary signs shall not be illuminated.
- (3) Temporary signs that contain a commercial or advertising message are regulated in accordance with this section. Temporary signs that do not contain a commercial message are regulated in accordance with sec. 30-319.
- (4) Temporary signs must be placed on the property for which the advertising is intended. off-premise signs are prohibited.

## (b) Short-term temporary signs.

- (1) Signs that fall in this category include, but are not limited to, signs related to sales events, special events, leasing of rental property, future openings, and grand openings.
- (2) An approved special event permit is required for all short-term temporary signs except signs for leasing of rental property.
- (3) The sign may be posted no earlier than ten days prior to the event or activity and must be removed no later than three days after the event or activity ends, or the sale is completed. The sign may be posted for a total of no more than 21 days.
- (4) A permit for a leasing of the rental property sign must obtain a permit from the Planning and Development Services Department. Each applicant can apply for up to 2 permits per year, and the sign may be posted for a total of 60 days per permit.

(c) Long-term temporary signs.

- (1) Any person or entity whose business has moved to a new location or whose existing signs are being replaced due to damage, destruction, or to make them conforming to this code may apply for a long-term temporary sign.
- (2) Upon submission of a completed application and payment of the fee as set forth in Appendix A to the Code of Ordinances, the city manager or designee shall process the application and send a written acknowledgement to the applicant. The written acknowledgement shall state whether the application is approved or denied and, if denied, shall state the grounds for denial. Grounds for denial shall include, but not be limited to:
  - a. Submittal of incomplete application or failure to pay the fee; or
  - b. Failure to adhere to the requirements of this subsection.
- (3) If approved, the permittee shall throughout the term of the authorization maintain the sign in a safe, neat and clean condition in compliance with all applicable laws and ordinances.

- (4) The authorization shall expire sixty 120 days from its issuance or when permanent signs are installed, whichever occurs first. Authorized signs shall be removed within three days after expiration of the authorization.
- (5) Authorizations cannot be extended or renewed.

Sign location	Maximum area (square feet)	Maximum height (feet)	Setback (feet) from side property line	Maximum number of signs
Residential district	6	4	10	<del>3</del> <u>1</u> per property in single family district <del>3 per driveway in Multi-family districts</del> <u>4 per property in Multi-family developments</u>
Nonresidential district	32	8	15	<del>2 per premises</del> <u>property</u>

(d) Street banners.

- (1) No banner sign or other sign of any type whatever may be erected, constructed or maintained along or across any of the public streets of this city, except across-street and vertical pole banners shall be permitted over or along the streets designated by the city manager and the general manager for utilities within the city. They are authorized to adopt rules regulating the permit application, installation procedures and minimum banner specifications. An application shall be filed with the city manager together with the permit fee. In addition to the permit fee, the applicant shall pay the banner installation fee in an amount prescribed by the general manager for utilities to allow full cost recovery to the city. The following conditions and regulations shall apply:
- a. Application shall be accompanied by complete and accurate description and content of banner(s).
  - b. Messages shall directly relate to a not-for-profit event that is scheduled to occur within the city or unincorporated Alachua County and that will be open to the general public.
  - c. Messages and logos (if any) shall not include or contain:
    1. Any commercial advertising;
    2. Promotion of any for-profit commercial event or enterprise;
    3. Any phone numbers or addresses or references; or
    4. Any traffic directions or traffic signage that may cause a traffic or pedestrian hazard.
  - d. Banners may be installed no more than 14 days prior to the event and shall be removed no later than seven days following the event.





**Sec. 30-319 Signs not requiring a permit.**

The following signs do not require a permit under this article but must meet requirements of this code.

- (a) Signs necessary to preserve life and prevent serious injury. The city finds that the following types of signs are necessary to protect the lives and safety of its citizens, and that such protection is a compelling interest:

Sign type	Max sq. ft.	Max height	Max #	Notes
Address, identification, contact information	6	6'	1 per frontage on a public right-of-way	Characters shall not exceed eight inches in height for nonresidential uses
Direct and guide traffic and parking (building identification maybe included)	6	6'	NA	Example: Parking, entrance, exit, one-way, service, etc.
For safety or caution or to prohibit trespassing	4	6'	NA	Non-illuminated
Warn or caution of the location and direction of underground utility lines	0.5	3'	1 per block face or every 200 feet, whichever is less	Non-illuminated. Signs should not be clustered at street corners unless required because of a directional change to the underground line
On hospital grounds, directing the public to the emergency room- wall-mounted	Lesser of 10 percent of the wall or 100 sq. ft.	N/A	1 for each <u>frontage</u>	<u>At least one sign shall be located on front face of emergency room entry. May include directional arrows. May only read "EMERGENCY" or similar text</u>
On hospital grounds, directing the public to the emergency room- ground-mounted	<u>24</u>	10'	1 for each <u>frontage or entrance</u>	

(b) Signs that contain no commercial or advertising message.

	Maximum area (square feet)	Maximum height (feet)	Setback (feet) from side
Residential district	6	4	10
Nonresidential district	32	8	15

1. Signs pertaining to an event, such as an election, must be removed no later than three days after the event.

(c) Contractor signs and real estate signs.

Sign location	Maximum area (square feet)	Maximum height (feet)	Setback from property line and from driveway	Maximum number of signs
Residential district	6	4'	10'	<u>3</u>
Non-residential district	32	8'	15'	<u>3</u>

- (1) Contractor signs may not be displayed until after the issuance of construction permits by the building official.
- (2) Contractor signs shall be removed no later than three days after the final Certificate of Occupancy is issued.

(d) Additional signs not requiring a permit:

Sign type or location	Max sq. ft.	Max height	Max #	Notes
<u>Open, closed, hours of operation</u> <u>Building-mounted only</u>	<u>4 sq. ft. for each entrance/exit</u>	<u>NA</u>	<u>1 for each entrance/exit</u>	<u>Information pertinent to the business operation</u>
Non-illuminated window signs	<u>12 sq. ft.</u>	<u>NA</u>	<u>NA</u>	<u>Signage in excess of this standard shall be counted as part of the Building mounted signage allowance</u>
Signs on the body of coin-operated vending machines, gasoline pumps, telephone booths and ice vending equipment	NA	NA	NA	

Signs on an umbrella attached to a table at an outdoor eating or drinking place	NA	NA	NA	Table and umbrella must be otherwise lawfully permitted.
Decorative vertical pole banners	18	NA	NA	<del>Shall contain non-commercial message.</del> Pole must be otherwise lawfully permitted and serve a dual purpose such as light poles.
Signs which are a permanent architectural feature of the building or structure	NA	NA	NA	Such as a cornerstone or other identifying letters carved into or embossed on the building, provided such letters are not illuminated apart from the building, are not made of a reflective material and do not contrast in color with the building.
Garage, yard, or estate sales	NA	NA	1	See sec. 22-16(b)(6) Must be on-premises in a residential district

## (e) Pedestrian signs

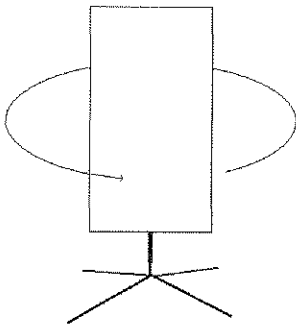
Type	Max area	Max height	Max number	Other
Under-canopy	4	NA	1	Not internally illuminated
Pedestal	2.25	5	See below	Permanently attached to ground Outside of right-of-way and any pedestrian walkway May be internally illuminated
Message board	6	NA	See below	Attached to wall, door, or window May be mounted in a protective frame up to 6 inches deep, and may project into the right-of-way by six inches. May be internally illuminated

- (1) In general.
    - a. The allowable sign area for pedestrian-oriented signs shall not be counted against the total allowable sign area for a development or business.
  - (2) Under-canopy sign.
    - a. Each single-occupancy development and each occupant of a multiple-occupancy development may display one under-canopy sign.
    - b. Minimum 9' vertical clearance under sign
    - c. Shall not be internally illuminated
  - (3) Each single-occupancy development and each occupant of a multiple-occupancy development may display either one message-board sign or one pedestal-type sign.
- (f) Murals and other decorative features.
- (1) Murals and other decorative features which contain no commercial or advertising message may be displayed without limitation as to size, but shall be reviewed by the city manager or designee as provided in sec. 30-323, and approved if the following are not included:
    - a. The name of the commercial occupant.
    - b. Business or brand identification, trademark, logo, address, offer of service or other commercial message.
  - (2) Such items containing information intending to advertise or draw attention to a brand of product or brand of service shall be regulated as a sign.
- (g) Strip lighting.
- (1) Strip lighting shall be permitted if it meets the following requirements:
    - a. it is one inch or less in diameter.
    - b. it is made of neon or some similar material that gives the appearance of neon.
    - c. It contains no name of any commercial occupants, business or product identification, trademark, logo, address, offer of service or other commercial message.
    - d. It does not face any property zoned or developed as single-family residential located within 200 feet.
    - e. All necessary electrical permits are obtained.
    - f. It is separated by at least two feet from any signs so that it would in no way be construed as being part of the total area allowed for the signs.

**Sec. 30-320 Prohibited signs.**

It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained any of the following signs:

- (a) Traffic or pedestrian hazards: No sign shall be erected in such a manner as to obstruct the vision of pedestrians. No signs shall obstruct vision at any street intersection as provided in section 30-341. This section, however, shall not prohibit the erection of a sign which is located at least eight feet above the highest crown of any adjacent street when such sign is mounted upon a sign support structure which does not exceed 8 inches in diameter. Any sign which by glare or method of illumination constitutes a hazard to traffic is prohibited. No sign may use the words "Stop," "Look," "Drive in," "Danger" or any similar word, phrase, symbol or character within ten feet of a public right-of-way or 200 feet of a traffic control device.
- (b) Signs of obscene nature: Signs displaying any statement, word, character or illustration of an obscene nature. The word "obscene" shall be construed consistent with the mandate of *Miller v. California*, 412 U.S. 15(1973).
- (c) Portable sign(s); including sandwich board, "A" frame, and swinger signs.
- (d) Pennant(s)
- (e) Feather, flutter, bow, or twirler flags or signs
- (f) Spinner(s). (See Figure 3.)



- (g) Red and green lights: Red or green lights, except traffic control signals, within ten feet of public right-of-way or 200 feet of traffic control lights, except as provided in sec. 30-317(d)(17).
- (h) Snipe signs: Any small sign, generally of a temporary nature, made of any material when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes or fences, or to other objects, ~~when the advertising matter appearing thereon is not applicable to the present use of the premises upon which such sign is located.~~
- (i) Revolving sign(s).
- (j) Animated sign(s).
- (k) Electronic sign(s).
- (l) Off-premises sign(s), except neighborhood and subdivision signs as regulated in sec. 30-317(c).

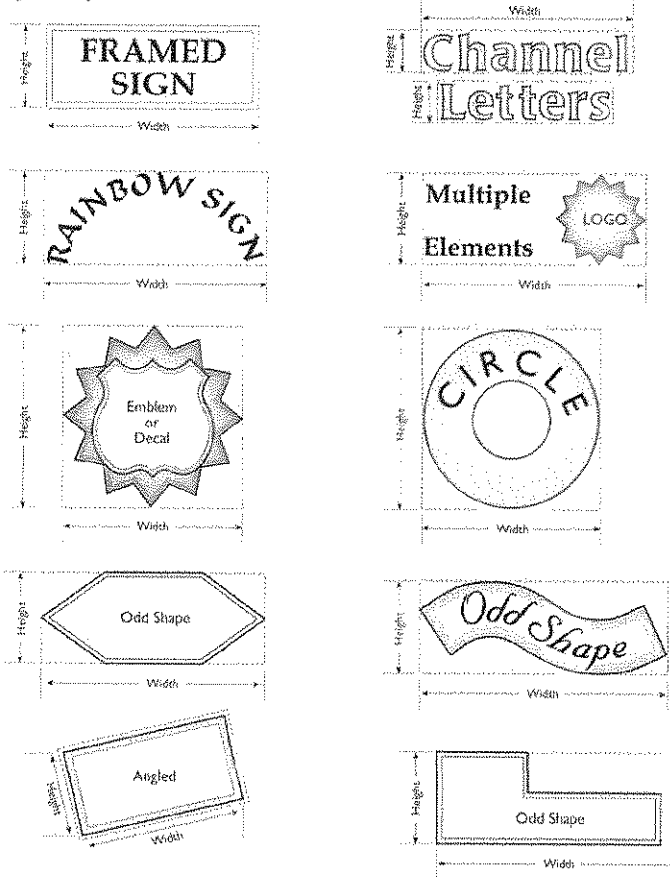
- (m) Vehicle sign(s) with a total sign area on any vehicle in excess of 10 square feet, when parked on a business premises for more than one consecutive hour and located more than 100 feet from any business or business location advertised or named on the vehicle sign.
- (n) Balloons, dancing tubes, and other tethered inflatable promotional devices.
- (o) Flashing, intermittent or color-changing light or lighting located in, on or near a window or transparent door, and intended to be visible from the outside.
- (p) Roof signs.
- (q) Flags or insignia displayed in connection with commercial promotion. See sec. 30-317(e) for permitted uses of flags and insignia.

**Sec. 30-321 General Regulations for all signs**

- (a) Location of signs. It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained a sign which violates the following general regulations:
  - (1) Ingress and egress to buildings. No sign shall be attached to or placed against a building in such a manner as to prevent ingress and egress through any door or window required or designed for access to any building, nor shall any sign obstruct or be attached to a fire escape.
  - (2) Signs on public property and rights-of-way. No sign other than a city sign or other sign of a public nature will be allowed to be erected, placed, replaced, installed or maintained in or on any city property or public right-of-way. The following signs are allowed without permit in the public right-of-way:
    - a. Signs described by the Manual of Uniform Traffic Control Devices;
    - b. Signs required by federal or state law or regulation;
    - c. Signs indicating obstruction of a road;
    - d. Signs placed by a utility indicating where their underground lines are, as provided in subsection (c) of this section;
    - e. Signs placed by a transit company along its routes to indicate stops and routes;
    - f. Informational signs of a utility identifying its poles, lines, pipes or other facilities.
    - g. Signs identifying public property.
- (b) Measurement of signs.
  - (1) Sign height. The height of a Freestanding sign shall be measured vertically from the established average grade directly below the sign to the elevation of the highest point of the sign.
  - (2) Distance between signs. The minimum required distance between signs shall be measured from the closest parts of any two sign areas.
  - (3) Sign area calculation.

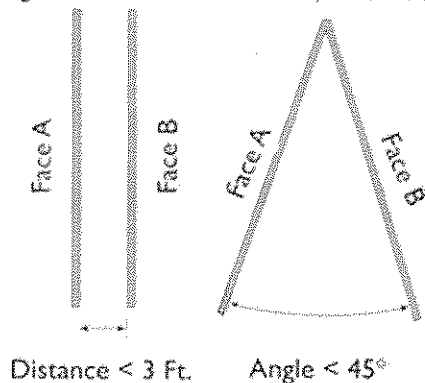
- a. The sign area shall include the entire area within a single continuous perimeter composed of a square or rectangle that encloses the extreme limits of all sign elements including, but not limited to, sign structures or borders, written copy, logos, symbols, illustrations, and contrasting colored background and materials, unless stated otherwise herein. Only the actual sign elements within a sand band shall be calculated as sign area.

Sign Area = Height x Width



- b. Double-faced signs shall be counted as a single faced sign when the two faces are parallel or at an angle of less than 45 degrees. Where the faces are not equal in size, the larger sign face shall be used as the basis for calculating sign area.

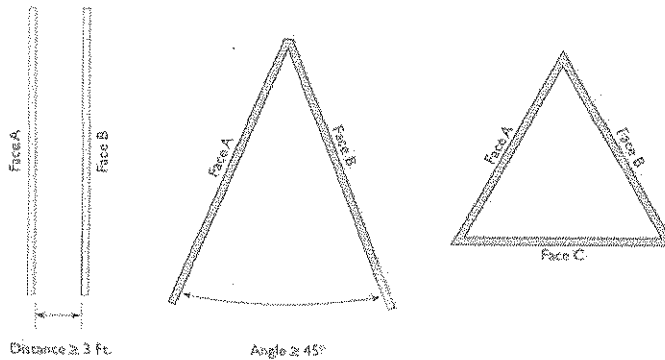
Total Sign Area = Face A or Face B, whichever is larger





- c. Signs with three or more sign faces, or signs with two sign faces with a distance greater than three feet apart or an interior angle equal to or greater than 45 degrees, shall calculate the sign area as the sum of all the sign faces.

Total Sign Area = Sum of All Sign-Faces



- d. Supporting structures such as poles are not included in the sign area calculation provided they are less than 6 inches in width or diameter.

(c) Illumination of signs.

- (1) Signs may be illuminated with a steady light. Illumination that gives the effect of blinking, flashing, or moving is prohibited.
- (2) Any sign illumination shall be designed so that the light does not shine on or increase the light in a property zoned for residential use.
- (3) Colored lights. Colored lights shall be designed to prevent confusion with traffic lights.
- (4) Floodlight illumination. Floodlight illumination of signs is permitted provided that the floodlight or spotlight is positioned so that none of the lights shine onto an adjoining property or in the eyes of motorists or pedestrians.
- (5) Bare-bulb illumination. Bare-bulb illumination of signs is permitted only in districts zoned MU-1, MU-2, BUS, BA, BT, CCD, UMU-1, and UMU-2 W, I-1 and I-2.
- (6) Flame. Flame as a source of light for signs is permitted if adequate fire safety standards as prescribed by the city manager or designee are met.

(d) Signs for specific uses. There are some uses that because of their unique character have special regulations concerning signs that are not applicable to other uses. There are also locations within the city that deserve particular care in signage matters because of the existing or desired character of the area. Signs for the following uses and/or locations have specific regulatory provisions. Where there is conflict between these regulations and the sign regulations for specific uses and/or locations, the regulations for specific uses and/or locations shall prevail.

- (1) Accessory sale of used rental vehicles in the I-1 zoning district. See section 30-69(c)(2)b.4.
- (2) Outdoor gun club in the agriculture zoning district. See section 30-72(f)(6).
- (3) Conservation district. See section 30-73(e)(4).

- (4) Corporate park district for lots of record under 3.5 acres. See section 30-78(d)(1)(b)2.
- (5) Historic preservation/conservation district. New signs within one of the historic districts or for property that is listed on the local or National Register of Historic Places will be approved in accordance with the Historic Preservation Rehabilitation and Design Guidelines.
- (6) Temporary sales and leasing office(s). See section 30-85(c)(1)(e).
- (7) Bed and breakfast establishments. See section 30-101(8).
- (8) Food distribution centers for the needy as a principal use. See section 30-111(4). For this use as accessory to a place of religious assembly, see section 30-91(c)(5).
- (9) Farmers markets. See section 30-115(b)(3).
- (10) Permanent development identification signs and structures. See section 30-188(g).
- (11) Traditional neighborhood development district (TND) requires a comprehensive sign program for the entire TND in section 30-241(j)(1), and separate provisions for different land use categories, as provided in section 30-242.
- (12) Special area plan for College Park. See Appendix A, Section 3, Exhibit B.
- (13) Special area plan for University Heights. See Appendix A, Section 6, Exhibit A.
- (14) Advisory guidelines for City Core sign(s). See Appendix E (see Figures III-31 and III-32).
- (15) Planned development ordinance adopted for a particular location.

(e) Substitution of messages. Notwithstanding anything contained in this chapter or any special area plan to the contrary, any sign erected pursuant to the provisions of this chapter or otherwise lawfully existing with a commercial message may, at the option of the owner, contain a noncommercial message in lieu of a commercial message. The noncommercial message may occupy the entire sign face or any portion thereof. The sign face may be changed from commercial to noncommercial messages provided that the sign is not a prohibited sign or sign-type and provided that the size, height, setback and other criteria contained in this chapter or special area plan code have been satisfied.

**Sec. 30-322. Permit required; inspection; fees.**

- (a) Permit required.
  - (1) It shall be unlawful to erect, cause to be erected, maintain, cause to be maintained, alter or extend any new or existing sign without first obtaining a permit indicating compliance with the provisions and regulations of this article, ~~except as noted below~~. No permit shall be required for the following signs listed in sec. 30-319, provided that such signs are in compliance with the terms and provisions of this article, and provided further that such signs have no electrical parts or usage unless ULI listed.
- (b) Inspection. It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained any sign requiring a permit which has not been inspected at the time of initial installation.

- (c) Fees. Applications for a permit to erect, construct, alter or extend a sign shall be accompanied by a fee in the amount established by the building code as set out in Appendix A.
- (d) Expiration of permit. Any permit issued pursuant to this section shall expire six months after its date of issuance unless the permitted sign is erected or unless its erection is substantially underway.
- (e) Penalty. In addition to other penalties provided by this article, a fee of double the amount specified for a permit shall be charged for any work commenced before a permit therefore has been issued, or renewed after the expiration date.

**Sec. 30-323. Applications for permits.**

All applications for sign permits required by this article shall be filed by the owner, or his/her agent, in the office of the building official, after appropriate development review, upon forms furnished by the city. The applications shall describe and set forth the following:

- (1) The type of sign as defined in this article.
- (2) The actual cost of the sign.
- (3) The street address of the property upon which the sign is to be located and the proposed location of the sign on the property. In the absence of a street address, a method of location acceptable to the city manager or designee shall be used.
- (4) The height, shape and dimensions of the sign structure, if any, and the dimensions and shape of the sign area.
- (5) The name and address of the owner or other person in control or possession of the real property upon which the sign is to be located.
- (6) Written consent of such owner, his/her lessee, or his/her agent, granting permission for the construction, operation, maintenance or display of the sign.
- (7) A plan, sketch, blueprint, blue line print or similar presentation drawn to scale, showing all pertinent structural details, wind pressure requirements, and display materials in accordance with the requirements of the Standard Building Code.
- (8) A map showing all structures, all street frontages, the location of the all existing and proposed sign(s), a north arrow, and all trees having a diameter of 12 inches or more at a height of 4 ½ feet above the ground that will be removed for the construction and display of the sign.
- (9) The name of the sign contractor, if any.
- (10) Any other information reasonably required by the city manager or designee to determine whether such sign is in compliance with the requirements of this article.
- (11) Procedure.
  - a. Investigation/time limits. Upon the receipt of a completed permit application and upon payment of the appropriate permit fee by the applicant, the city manager or designee shall promptly conduct an investigation of the application, the proposed sign and the premises. The city manager or designee shall grant or deny the permit application within 30 days from the date the completed application with application fee was filed with the city manager or designee.

b. Issuance or denial of permit.

1. If, after review and investigation as required herein, the city manager or designee determines that the application meets the requirements contained in this chapter and determines the proposed sign will not violate any building, electrical or other adopted codes of the city, the city manager or designee shall issue the permit.

2. If, after review and investigation as required herein, the city manager or designee determines that one or more reasons for denial exist, the permit shall be denied and the city manager or designee shall make a written report of the denial and the reasons therefore. A copy of the report shall be sent by certified mail to the designated return address of the applicant on the application. The application for a permit shall be denied if it does not comply with the requirements of this chapter; or the proposed sign would violate any building, electrical or other adopted codes of the city.

3. If the application is denied, the applicant may submit a corrected application within 15 days of the notice of denial without additional cost, and staff will review the corrected plan within 15 days. If the applicant does not resubmitted a corrected application within 15 days of the notice of denial, a new sign permit application and fee will have to be submitted, and the city will have an additional 30 days to review the new application.

c. Appeal. The decision of the city manager or designee to grant or deny a sign permit is an administrative decision that can be appealed as provided in section 30-354 of this chapter.

**Sec. 30-324. Nonconforming and abandoned signs**

**[The following subsection consists draft code language that has received only preliminary review by the City Attorney's office and Planning and Development Services staff.]**

(a) *Nonconforming signs.* Any sign not allowed by this article, but for which a permit has previously been issued by the city, shall automatically become a lawful nonconforming sign. The owner of any other sign not allowed by this article, or the owner of any property upon which such sign is located, shall have a period of six months from the effective date of this article to establish to the satisfaction of the building official that such sign was in compliance with the laws and ordinances of the city when it was constructed. The building official shall maintain the list of such signs, which shall continue to be lawful nonconforming signs. At the expiration of the six-month period, all other signs which are not in compliance with the terms of this article shall immediately be removed or brought into compliance with this article.

(b) *Limitations.* All nonconforming signs shall be allowed to remain as originally permitted or constructed subject to permitted to continue as nonconforming uses with the following limitations:

(1) Permanent structural components of a nonconforming sign may not be altered in any way; neither the sign area nor the sign structure of a nonconforming sign may be increased; nor may the height of a nonconforming sign be increased.

(2) Reasonable repair and maintenance of a nonconforming signs is allowed, as provided for herein

- a. Reasonable repair and maintenance means the work necessary to keep the sign in a good state of repair. Reasonable repair and maintenance includes, by way of example and not limitation:
  - i. Changing light bulbs, neon, or other light source;
  - ii. Changing the face of a cabinet sign, or other modification that only involves a change of copy;
  - iii. Replacing cladding or other components that hold a sign face in place;
  - iv. Painting, cleaning, and other maintenance activities that do not affect the type, height, or size of the sign structure; and
  - v. Repairing electrical components.
- b. Reasonable repair and maintenance does not include, by way of example and not limitation:
  - i. Any modification that changes the structure or type of structure, such as conversion of a wooden sign structure to a metal sign structure, or otherwise prolongs the life of the sign structure;
  - ii. Any modification, including the addition of embellishments, that changes the sign area or the height above ground level;
  - iii. Any modification that adds internal or external illumination, or increases the existing illumination.

(3) A nonconforming sign shall be removed or brought into conformance with this sign code if any of the following conditions apply:

- a. Should a nonconforming sign become damaged, destroyed or deteriorated by any means to the extent that it requires more than reasonable repair and maintenance, as described in subsection (1) above, then the sign shall not be repaired or reconstructed except in compliance with this sign code.
  - b. Should the principal structure on the parcel or parcels be demolished or require renovations the cost of which exceed 50 percent of the assessed value of the structure.
  - c. Should a nonconforming sign be moved for any reason, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
  - d. Should the lawful use of the property be changed to another use that is not within the same major group, as identified in the Standard Industrial Classification manual (SIC), as long as it remain otherwise lawful.
- (4) Historic signs. A sign that has been added to the local historic register in accordance with sec. 30-112 shall not be considered a non-conforming sign and shall be exempt from the limitations of this subsection.

(c) Abandoned signs.

(1) Determination.

- a. A sign shall be deemed abandoned if either the sign or the sign structure has not been used, or if the parcel or parcels upon which the sign is located becomes vacant or

unoccupied and exhibits no signs of development activity for a period of 12 months of 120 consecutive calendar days or more.

- b. Development activity, for the purposes of this section, includes but is not limited to the following: building permit, sign permit, development plan review, occupational license, lease, or contract for sale.
- (2) A nonconforming abandoned sign shall be removed or brought into compliance within ~~ten (10)~~ thirty (30) days after it is deemed abandoned.
- (3) An abandoned sign that otherwise conforms to the requirements of this sign code may remain, provided the property owner takes one of the following actions:
- a. Paints over or otherwise conceals the commercial message on the sign;
  - b. Removes the sign face and replaces it with a blank sign face;
  - c. Reverses the sign face and does not illuminate the sign; or
  - d. Utilizes the sign structure to display the message "this space available" or words of similar significance, and the name and telephone number of the owner or the owner's agent, while the premises are vacant. A sign which contains such a message shall be deemed an allowable real estate sign for which a permit shall not be required.

#### **Sec. 30-325. Maintenance of signs**

- a. All signs regulated by this Code, including their supports, braces, guys and anchors, electrical parts, lighting fixtures and all painted and display areas shall be maintained to present a neat, clean appearance and maintained in a safe condition. Painted areas and sign surfaces shall be kept in good condition, and illumination, if provided, shall be maintained in safe and good working order.
- b. Weeds and grass shall be kept cut in front of, behind, underneath and around the base of ground signs for a distance of ten (10) feet, and no rubbish or debris shall be permitted under or near such signs.
- c. Any sign that becomes dilapidated, run down, or a safety hazard shall be removed.

#### **Sec. 30-326. Enforcement.**

(a) Duties of enforcing official. The city manager or designee shall be the enforcing official. The enforcing official is charged with the duty of administering the provisions of this article and securing compliance with it. In furtherance of this responsibility, the enforcing official shall:

- (1) Make such inspections as may be necessary to bring about the purposes and intent of this article and initiate appropriate action to bring about compliance with this article if such inspection discloses any instance of noncompliance.
- (2) Investigate thoroughly any complaints of alleged violations of this article, and indicate clearly in writing as a public record in his/her office the disposition made of such complaints.
- (3) Order in writing as set out below the remedy of all conditions or all violations of the article found to exist in or on any premises.
- (4) State in the violation order a time limit for compliance herewith as hereinafter set out.

(5) Request the assistance of the city attorney and the state attorney in taking appropriate legal action upon the failure of the responsible party to comply with such violation order by the time specified therein.

(b) Right of entry. The enforcing official or his/her agent is authorized and directed to lawfully enter in and upon all premises at reasonable times to determine their condition insofar as the provisions of this article are applicable, and to obtain search warrants when necessary to do so.

(c) Contents of notice of violation. Whenever the enforcing official determines that a violation of this article exists, the official is authorized to issue a citation pursuant to section 2-337 of the Code. Time for compliance shall be as follows:

1. Nonpermanent signs. For all portable signs as defined in section 30-316, unlawful and prohibited signs as specified in section 30-320, temporary signs as defined in section 30-318 and all other signs of a nonpermanent nature, the time may not be less than one hour nor more than 24 hours from the time of such written notice; provided, however, that any condition found to exist in violation of this article which constitutes a hazard to the public safety shall be required to be abated immediately.

2. All other signs. For all signs not specified in subsection (c)1. of this section, the time may not be less than ten days nor more than 90 days from the date of such written notice; provided, however, that any condition found to exist in violation of this article which constitutes a hazard to the public safety shall be required to be abated immediately.

(d) Unauthorized signs in right-of-way. Any sign placed in the public right-of-way in violation of this article shall be deemed to be abandoned and may be removed immediately by an enforcing official or agent. Any sign so removed may be disposed of without notice or compensation. This removal shall not preclude prosecution or imposition of penalties for violation of this article.

(e) The enforcing official or agent may cause any sign or which is a hazard or poses immediate peril to persons or property to be removed immediately at the expense of the owner, lessee or other person having beneficial use of the sign, or the owner or lessee of the land upon which the sign is located.

### **Sec. 30-327. - Severability.**

(a) If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article.

(b) Without diminishing or limiting in any way the declaration of severability set forth in subsection (a), or elsewhere in this article, this code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.

(c) Without diminishing or limiting in any way the declaration of severability set forth in subsection (a), or elsewhere in this article, this code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article or any other law is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article that pertains to prohibited signs, including specifically those signs and sign-types prohibited and not allowed under section 30-316(b) of this article. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of section 30-316(b) is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of section 30-316(b), thereby ensuring that as many prohibited sign-types as may be constitutionally prohibited continue to be prohibited.

(d) If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article and/or any other code provisions and/or laws are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the regulation of off-premises signs in this article.