

ORDINANCE NO. 1729

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF HOLLAND, MICHIGAN, BEING ORDINANCE NO. 1729 OF THE CITY OF HOLLAND TO AMEND SIGN ZONING REGULATIONS IN ARTICLE IX.

The City of Holland hereby ordains:

ARTICLE IX. Signs

Sec. 39-345. Intent and Purpose.

Signs perform an important function in identifying and promoting businesses, services, neighborhoods, events, economic development and other matters of interest to the public. The intent of this Article is to regulate all signs within the City of Holland to ensure that they are appropriate for their respective uses, in keeping with the neighborhood characteristics as recognized and promoted by the City of Holland Master Plan, to prevent traffic hazards, to provide safer conditions for pedestrians, and protect public health, safety, and general welfare by:

- a) Setting standards and providing uniform regulations that permit reasonable use of signs;
- b) Preserving the various characteristics found within the different zone districts and neighborhoods throughout the City of Holland, regardless of sign content. In preserving the character of the various neighborhoods, signage must be scaled appropriately whereby properties with frontage on wide streets with higher speed limits are permitted larger signs than narrow streets with lower speed limits.
- c) Prohibiting the erection of signs in such numbers, sizes, illumination, and locations as may create a hazard to pedestrians and motorists;
- d) Avoiding excessive amounts of signs so that the existing signs provide adequate identification and direction while minimizing clutter, unsightliness, and confusion; and
- e) Establishing a clear process for requiring permits for signs, allowing some signs without permits, and allowing legally nonconforming signs without jeopardizing the useful life of the sign.

Sec. 39-346. General sign provisions.

1. Location

- (a) Signs shall not be placed in, upon, or over a public right-of-way, alley, or other public place; except:
 - 1) With a revocable license approved by the City Council;
 - 2) Flags located in C-1 & C-3 zone districts when appropriately attached to a wall of a building;
 - 3) Temporary moveable freestanding signs located in C-1 & C-3 zone districts with a valid permit.

- (b) No light pole, utility pole, or other supporting member of a building or property shall be used for the placement of any sign unless the owner of the pole or supporting member has given permission for such use and the sign conforms to all requirements of this Article IX.
- (c) A sign shall not be erected in any place where it may, by reason of its position, shape, color, or other characteristic, interfere with, obstruct the view of, or be confused with any authorized traffic signs, signal, or device, or constitute a nuisance.

2. Clearance and Placement

- (a) Any sign not resting directly on the ground, exceeding six (6) square feet in area and set back less than 10 feet from the right-of-way, shall have a minimum clear space of at least eight (8) feet from the bottom of the sign to the ground.
- (b) Projecting signs, awnings, canopies and marquees which extend over the City right-of-way shall have a clear space of eight feet from the bottom of the sign, awning, canopy, or marquee to the ground. A revocable license from City Council is required prior to obtaining a permit.
- (c) Signs shall be affixed flat to the face of the awning or canopy.
- (d) For wall signs, the distance between the face of the wall and the face of the sign shall not be more than twelve (12) inches.
- (e) Wall signs shall be contained within the boundaries of the wall and shall not extend beyond the edge of the wall to which it is affixed, nor extend above the roof line of a building.
- (f) Reader boards are allowed on a wall or a freestanding sign, but not on both signs at one parcel.

3. Maintenance

- (a) All signs shall be maintained free of peeling paint or paper, sun fading, staining, rust, or other conditions which impair the legibility or intelligibility of such sign.
- (b) Any signs permitted by the provisions of this article, including all supports, braces, guys and anchors, shall be maintained in conformance with this article and in such a manner so as not to cause a hazard to the public.

4. Illuminated & Electronic Signs

- (a) Except for moveable freestanding signs, all signs may be internally or externally illuminated. If externally illuminated, the source of the light shall be enclosed and directed to prevent the source of light from shining directly onto traffic or residential property.
- (b) All signs shall comply with the building and electrical codes of the City of Holland. Underground wiring shall be required for all illuminated signs, or signs requiring electrical connections except for permitted temporary signs.

- (c) Signs shall not scroll, flash, blink, oscillate or have any other appearance of movement.
- (d) Electronic reader board signs (a.k.a. EMC's) shall have an instantaneous change between messages, with a minimum seven (7) second delay between displays.
- (e) Electronic reader board signs are not permitted within the C-3 Central Business District.
- (f) Electronic reader board signs are permitted on a wall or freestanding sign, but not on both signs at one parcel.

6. Removal of Signs, Penalty

- (a) If the Building Official, zoning inspector or their authorized representative determines that any sign regulated by this article is unsafe or constitutes a hazard to the public, such as obstructing vision of vehicle drivers or pedestrians, or has been constructed, erected or maintained in violation of the provisions of this article, the official or inspector may remove the sign or require its immediate removal.
- (b) Any sign placed or erected in a public street, alley or right-of-way, or other public place, which is not specifically permitted in such place, shall be deemed an unlawful sign and the department of the City having jurisdiction over the maintenance of such public place shall remove such sign or require its immediate removal. Such removal may be without written or other notice to the owner, lessee or person of the property adjacent to the public street, alley or right-of-way, or other public place upon which such sign is located
- (c) A person who violates or fails to comply with a notice to remove the sign under this section is responsible for a class II civil infraction and is subject to the civil fines set forth in the schedule of fees and charges adopted in Section **2-118** of this Code or any other relief that may be imposed by the court. Each act of violation and each day upon which such violation occurs shall constitute a separate violation.

Sec. 39-347. Prohibited Signs

The following signs are prohibited:

- (a) Strings of light bulbs, pennants, streamers, banners, balloons, or feather signs as permanent signs. Governmental use of such signs is permitted.
- (b) Signs shall not employ any flashing, moving, oscillating, blinking, or variable intensity light, such as rolling, fading, moving or animated parts that are designed to give the appearance of movement.
- (c) Roof signs.
- (d) Billboards and off-premise advertising signs.
- (e) A sign that is advertising for a business that is no longer open at the location where the sign is displayed, shall be considered an off-premise advertising sign 60 days after the business has closed or moved. A business that has been closed for

60 consecutive days must ensure that all of their signs are removed from the property.

- (f) Any vehicle (including trailers) which has the primary function of acting as a sign, unless a temporary sign permit has been issued.
- (g) Any sign not specifically permitted by this article.

Sec. 39-348. Nonconforming signs

- (a) Nonconforming signs may not be expanded, enlarged, or extended; however, said such may be maintained and repaired so as to continue the useful life of the sign.
- (b) A nonconforming sign may be diminished in size or dimension, or the copy of the sign amended or changed without jeopardizing the privilege of the nonconforming use.
- (c) Any nonconforming sign, sign structure, or frame that is substantially destroyed by fire or other casualty loss (50% or more) shall not be restored or rebuilt.
- (d) When 50% or more of a nonconforming sign, sign structure or frame is removed, it shall be replaced only with a sign that conforms with all ordinance requirements.
- (e) A sign that is removed for maintenance or repair, with a permit, shall be re-installed within 90 days or the right of nonconforming use shall be deemed abandoned.
- (f) Moveable freestanding signs and flags are not permitted as nonconforming signs.

Sec. 39-349. Signs Allowed Without a Permit

The following signs may be installed or erected without a permit:

- (a) Government signs.
- (b) Placards.
- (c) Historic markers placed under the authority of the local, state or federal government.
- (d) Address numbers.
- (e) Hours of operation and other similar business information.
- (f) Window signs applied to the interior of the window / door glass.
- (g) Window signs applied to the exterior of the window / door glass where the sign does not exceed 15% of the glass area. Windows that are immediately adjacent, on the same wall face of the same building, may be averaged together.
- (h) Flags at residentially used properties.

(i) Flags at commercially used properties with a maximum size of 15 square feet, with one per business per street frontage. Flags in the C-1 & C-3 zones that extend over the public right-of-way shall be attached to the wall of the building at least six feet above the adjacent grade, shall not project more than 3 feet from the face of the wall, and shall maintain a clear space of 8 feet from the bottom of the flag to the ground.

(j) Signs in residential zone districts subject to the following:

Street Frontage	Number	Total Size	Height
Up to 60 linear ft.	No	12 sq. ft.	6 ft.
Over 60 linear ft.	Limit	24 sq. ft.	6 ft.

(k) Non-commercial signs in non-residential zone districts subject to the following:

Street Frontage	Number	Total Size	Height
Up to 300 linear ft.	No	32 sq. ft.	6 ft.
Over 300 linear ft.	Limit	64 sq. ft.	6 ft.

(l) One temporary sign per special event at non-residentially used properties in residential zone districts, provided that the sign is not displayed for more than two weeks.

(m) Signage with the international symbol of accessibility or van accessible recognized logo for Americans with Disability Act (ADA) compliance and accessibility.

(n) Signs in conjunction with the construction of a new facility or site plan approval for a new construction project, up to 24 square feet in residential zones, and up to 32 square feet in other zones. These signs shall not exceed 6 feet in height. These signs shall be removed at the conclusion of the construction project or upon issuance of the certificate of occupancy, whichever occurs first.

(o) Signs at commercial properties that are intended to direct traffic flow and are less than 6 square feet in area and 6 feet in height.

(p) Temporary signs for advancing a public interest, when authorized by City Council for a prescribed amount of time.

(q) Signs in conjunction with activities of the Downtown Development Authority.

(r) Writing or logos that are an integral part of a fabric umbrella, used primarily to provide shade or cover to customers.

(s) Murals:

(1) Type 1 and Type 2 murals in all districts, subject to the restrictions set forth in this subsection.

(2) Prior to installation of a mural, the property owner or tenant shall apply for a determination of whether the proposed design or representation is a sign, a Type 1 mural or a Type 2 mural and, if the proposed design or representation is a Type 2

mural, whether it complies with the requirements of this subsection.

- a. The application shall be to the Design Review Board (DRB) if the proposed location of the design or representations is on property within the C-3 Downtown Commercial Zone District.
- b. The application shall be to the Director of Community and Neighborhood Services or his/her designee if the proposed location of the design or representations is in any other district.

(3) After the determination:

- a. If the proposed design or representation is determined to be a sign, the applicant shall comply with all further review and requirements of this chapter for signs before creating or installing the sign.
- b. If the proposed design or representations is determined to be a Type 1 mural, no further review or action is necessary before creating or installing the mural.
- c. If the proposed design or representations is determined to be a Type 2 mural, the applicant shall obtain a determination of whether the Type 2 mural complies with all requirements of Subsection (s)(4) of this section before creating or installing the mural.

(4) A Type 2 mural shall be allowed if:

- a. The graphics, words, and/or symbols referencing the establishment, product, or service are limited in scope and dominance, and not readily construed as commercial advertising. References must be subtle and integrated into the overall mural.
- b. For purposes of this subsection, "limited in scope and dominance" shall mean not exceeding 20% of the wall area on which it is located, integrated throughout the mural and not be placed in a concentrated area or manner where it becomes, in essence, a prominent advertisement.
- c. The references to an establishment, product, or service are not in the form of traditional building signage. Traditional signs on the same wall will be reviewed separately under applicable sign requirements.

(5) Where numbers of signs or maximum square footages apply to a particular location, a mural shall not count as a sign nor figure into the allowable sign area.

(6) An aggrieved applicant may file an appeal to the Board of Appeals for review of a decision relating to a mural. The Board of Appeals shall review the decision based on the criteria in this Subsection 39-349 (s).

Sec. 39-350. Sign Permits and Licenses Required

- (a) Except as provided in Section 39-349, a sign permit is required to erect, alter, place, or replace any sign structure, as regulated below and required by this chapter, or by the Holland City Code. A permit is also required for substantial maintenance or repair to an existing non-conforming sign.
- (b) In order to obtain a sign permit, an application shall be filed with the Department of Community & Neighborhood Services on forms provided by the Department.
- (c) A sign erector's license is required for any permanently installed sign with a vertical

height greater than the horizontal distance from any portion of the sign to any property line.

- 1) Application shall be made to the City Clerk, on forms prescribed by the Clerk, and the applicant shall pay the annual fee established by City Council. Applications shall include public liability and property damage insurance documentation in the amounts specified in Chapter 10, from an insurer approved by the Commissioner of Insurance of the state. Every policy of insurance required by this section shall bear an endorsement to the effect that the insurer shall notify the licensee and the City Clerk in writing at least 10 days prior to the expiration of such policy.
- 2) If the licensee shall at any time fail to comply with the provisions of this article or shall fail to comply with any written directions of the Building Official and zoning inspector, based upon the provisions of this article, the Building Official and zoning inspector or authorized representative may proceed with legal action to suspend or revoke the license.

Sec. 39-351. High Density & Non-Residential Uses in Residential, PRD, and Agricultural Zone Districts

The following high density and non-residential uses shall be allowed to have permanent signage, in addition to other signs allowed by this article: residential subdivisions, mobile home parks, multiple-family complexes with six or more units, public lodging facilities as regulated by chapter 26, schools, churches and other non-residential uses permitted in the residential, PRD and agricultural zone districts.

(a) Freestanding signs:

- (1) Number: 2 signs maximum.
- (2) Size: 32 square feet maximum for each sign.
- (3) Location: Signs 16 square feet or less shall be set back 12 feet from all property lines. Signs larger than 16 square feet shall be set back at the minimum building setback for the zone district.
- (4) Height: 6 feet maximum.

(b) Wall signs:

- (1) Number: One per street frontage.
- (2) Size: 12 square feet maximum.

(c) Identification signs for public lodging facilities allowed by Chapter 26:

- (1) One freestanding sign measuring 4 square feet maximum in area and 3 feet tall, located at least 15 feet from all property lines; or
- (2) One wall sign measuring 6 square feet in area affixed flat to the residence.

Sec. 39-352. Education Zone District

All signs in this zone district shall require a permit, unless otherwise exempted. Signs shall have no height or area restrictions, and have a zero setback from the property line. Signs in this zone district are intended primarily to be of such size, scale and location to serve this pedestrian-oriented community.

Sec. 39-353. Commercial, PUD, and Industrial Zone Districts

The following signs shall be allowed:

- (a) **Temporary Signs** such as strings of lights, pennants, streamers, banners, balloons, balloon signs, feather signs and other similar temporary displays are allowed subject to a sign permit provided:
 - (1) They shall not be displayed for more than 14 consecutive days;
 - (2) No more than two (2) permits will be issued per calendar year, per parcel of land;
 - (3) Size & Location: Signs shall comply with yard and height requirements for other signs in the zone district.
 - (4) PUD zone districts shall comply with the yard and height requirements as established for C-2 zones.

- (b) **Permanent Signs** are allowed subject to a sign permit. The chart below represents the type of permanent signs allowed in each zone district, as well as the maximum number, size, placement, required setback and any other district regulations. These signs are allowed in addition to signs in section 39-353 (c) and other sections permitted by this chapter.

	Wall Signs				Freestanding Signs				Awning / Canopy / Marquee Signs			Projecting Signs **			Temporary Moveable Freestanding Signs ***		
	Number	Size	Location		Number	Location	Size	Height	Size	Location	Size	Location	Number / Location	Size	Number	Size	Location
C-1	1 per tenant per street or parking frontage	1 sq ft per foot of building length	Sides of the building facing the street or parking area		1 per parcel	5 foot setback from all property lines	25 sq ft or 50 sq ft*	5 feet maximum	1 sq ft per linear foot of street frontage for each wall where signs are placed	1 per face	6 sq ft	1 per tenant on a wall; 1 per 25 foot section of wall **	1 per ground floor business	30" wide, 48" tall, 30" deep	Placed within 1 foot of the building, only displayed when the business is open. ***	Durable, weather resistant material such as wood, metal, stone, or plastic.	
C-2	No limit on number	10% of the wall area, for each wall where signs are placed	No limit on location	Parcel street frontage is less than 300 feet = 1; more than 300 feet = 2	12 foot setback from all property lines	75 sq. ft. OR up to 100 sq. ft. for properties located along US 31 (excluding business routes) or Chicago Drive East of Waverly Road	25 feet	1 sq. ft. per linear foot of street frontage of the wall where placed	1 per face	6 sq. ft.	1 per tenant on a wall; 1 per 25 foot section of wall **	1 per ground floor business	30" wide, 48" tall, 30" deep	Placed within 1 foot of the building; only displayed when the business is open. ***	Durable, weather resistant material such as wood, metal, stone, or plastic.		
C-3	1 per tenant per street or parking frontage	1 sq ft per foot of building length, for each wall where signs are placed, not to exceed 32 sq ft	Below the sill of the 2nd floor windows	1 per parcel	Shall not impede pedestrian traffic	32 sq ft	6 feet	2 sq ft per linear foot of street or parking lot frontage for each wall where signs are placed	1 per face	6 sq ft	1 per tenant on a wall; 1 per 25 foot section of wall **	1 per ground floor business	30" wide, 48" tall, 30" deep	Placed within 1 foot of the building, only displayed when the business is open. ***	Durable, weather resistant material such as wood, metal, stone, or plastic.		
C-4	No limit on number	10% of the wall area, for each wall where signs are placed	No limit on location	Parcel street frontage is less than 300 feet = 1; more than 300 feet = 2	25 foot setback from all property lines	75 sq. ft. OR up to 100 sq. ft. for properties located along US 31 (excluding business routes) or Chicago Drive East of Waverly Road	25 feet	2 sq. ft. per linear foot of street or parking lot frontage for each wall where signs are placed	1 per face	6 sq. ft.	1 per building wall per tenant **	Not Allowed	Not Allowed	Not Allowed	Not Allowed	Not Allowed	
C-5	1 per tenant per street or parking frontage	1 sq. ft. per foot of building length	No limit on location	1 per parcel	5 foot setback from all property lines	25 sq. ft. or 50 sq. ft.*	5 feet	1 sq. ft. per linear foot of street frontage for each wall where signs are placed	1 per face	6 sq. ft.	1 per tenant on a wall; 1 per 25 foot section of wall **	Not Allowed	Not Allowed	Not Allowed	Not Allowed	Not Allowed	
PUD	<p>The Planning Commission shall set specific criteria for all signs in PUD zones. A permit is required for all signs in this zone district. Applications for a sign or sign type that was not previously approved by the Planning Commission may be administratively approved by Planning Staff or may be referred to the Planning Commission for an amendment to the site plan.</p>																

All signs in the C-3 zone district shall be reviewed and approved by the Design Review Board (DRB) prior to the issuance of a permit. The DRB has the authority to grant additional sign area, waive location requirements for wall & projecting signs, or approve types of signs not specifically allowed by ordinance, if they find that the sign(s) is of appropriate size due to the size, scale or architectural features of the building or surrounding area.

	Wall Signs			Freestanding Signs			Awning / Canopy / Marquee Signs		Projecting Signs **			Temporary Moveable Freestanding Signs ***			
	Number	Size	Location	Number	Location	Size	Height	Size	Location	Number / Location	Size	Number	Size	Location	Construction
I-1 & I-2	No limit on number	10% of the wall area, for each wall where signs are placed	No limit on location	Parcel street frontage is less than 300 feet = 1; more than 300 feet = 2	25 foot setback from all property lines	75 sq. ft.	10 feet	2 sq. ft. per linear foot of street or parking lot frontage for each wall where signs are placed	1 per face	Not Allowed	Not Allowed			Not Allowed	

* **C-1 & C-5 properties with street frontage** and a posted speed limit of 35 miles per hour or less shall have a maximum freestanding sign area of 25 square feet. Properties with street frontage and a posted speed limit greater than 35 miles per hour shall have a maximum freestanding sign area of 50 square feet.

** **Projecting signs** shall not project more than 36" from the face of the wall, shall not extend above the roof or eave, shall be placed below the 2nd story window, shall not exceed 1 sign per tenant for each wall, and shall not exceed 1 sign for each 25 feet of wall length. All projecting signs shall maintain an 8' clearance from the bottom of the sign to the sidewalk below.

*** **Temporary moveable freestanding signs** shall be designed to be placed and removed during business hours. They shall not be illuminated. They shall require an annual permit. The scale and design shall be intended for viewing from the public right-of-way. The sign shall not be attached to a building or secured to or placed in the ground, nor attached or secured to any element including, but not limited to, trees, signs, light poles, planters, or other similar objects. There shall be provided at all times an unobstructed, straight sidewalk aisle of not less than six feet in width. No moveable freestanding sign shall be placed in a manner that obstructs or impedes sidewalk plowing or cleaning, create a visibility hazard for vehicular, bicycle and/or pedestrian traffic. All moveable freestanding signs shall be constructed to be durable and have adequate support to prevent tipping or movement of the sign, and shall not present a tripping hazard to pedestrians. Signs shall be placed within the public right-of-way on the same side of the street or alley and within lot line extensions of the business it promotes or the building the business is located in, or on the parcel of the business it promotes.

(c) **Other Signs.** The following other signs are allowed in addition to temporary and permanent signs, with a sign permit.

- 1) Signs at drive-through restaurant facilities are permitted (where allowed by the zoning ordinance) in addition to other signs with the following conditions:
 - a. 32 square feet maximum size;
 - b. Signs shall not be read from the public right-of-way;
 - c. Speakers shall be directed away from residential uses.

- 2) Neighborhood Commercial District identifier sign.
 - a. The Director of the Community and Neighborhood Services Department or a duly appointed designee shall approve an application for a neighborhood district identifier sign if the following findings are made:
 1. Maximum of 2 signs, of similar design, located in the established neighborhood commercial area;
 2. The neighborhood commercial area shall be comprised of two or more storefront businesses on two or more separate properties;
 3. The size, type and location of the sign(s) is compatible with the neighborhood commercial district in which the sign will be located;
 4. The sign will enhance the identification of the established neighborhood commercial area and benefit all businesses;
 5. Signs shall be located on private property;
 6. Freestanding signs shall not exceed a maximum of 6 feet in height, 25 square feet in area and shall not create a visibility hazard for motorists or pedestrians;
 7. Wall signs shall not exceed a maximum of 25 square feet in area and shall be placed on the front façade or side of a building.

 - b. Notice of the application shall be published and given to all owners as required by MCLA § 125.3502. The procedure for reviewing the application shall be as set forth in MCLA § 125.3502.

 - c. Appeals for decisions made under this section shall go to the Zoning Board of Appeals.

- 3) A directional sign may be installed at commercial complexes for the purpose of directing traffic, in addition to other signs, with the following conditions:
 - a) The parcel shall contain 2 or more commercial / industrial buildings;
 - b) Signs shall be placed at the interior of the parcel and shall not be read from the public right-of-way;
 - c) One sign per parcel;
 - d) 12 square feet maximum size;

Sec. 39-354. C-3 Central Business District – Additional Requirements.

- (a) Except for moveable freestanding signs and murals, all signs, awnings, canopies, and marquees in the C-3 Central Business District must first receive a certificate of appropriateness from the Design Review Board ("DRB") prior to receiving a permit for construction or installation.

- (b) The DRB shall consist of seven members to be appointed by the Downtown Development Authority (DDA). The DDA may act in this capacity if it so chooses.
 - (1) Of the seven members, at least three shall be members of the DDA.
 - (2) If available, the DDA shall appoint up to three members of the DRB who are members of the design profession, such as an architect or designer.
 - (3) If the DDA appoints a DRB, membership on the DRB shall be limited to two consecutive terms of four years each in duration. Initial staggering of terms shall be arranged.

- (c) Prior to the issuance of a certificate of appropriateness, the DRB shall find that all of the following standards are met. These findings shall be documented by the DRB. Findings of the DRB are advisory and may be appealed to the Zoning Board.
 - (1) For purposes of interpretation, the DRB shall use the Secretary of the Interior standards and local design guidelines, as may from time to time be amended, and the context of surrounding buildings and signage in determining whether a proposed sign meets the following standards.
 - a. A sign shall be consistent with the architectural characteristics of the building upon which it is placed.
 - b. A sign shall not in any way obstruct or destroy unique architectural features of the building upon which it is placed nor of surrounding buildings.
 - (2) In the event of a denial of a certificate of appropriateness, the applicant may file an appeal with the Zoning Board for a public hearing. The Zoning Board will make a decision, based upon the standards herewith, regarding the appropriateness of the sign.

- (d) An awning, canopy or marquee shall not project more than 4 feet beyond the face of a building, except that in the case of unique character of the building, the Design Review Board may recommend as appropriate, the projection of an awning, canopy or marquee beyond 4 feet from the face of the building, when installed in accordance with state construction codes.

- (e) Temporary moveable freestanding signs shall be removed from the City sidewalk and / or public-right-of way one hour before a Tulip Time Festival parade and shall not be re-displayed until one hour after such parade.

- (f) The total sign area permitted for all signs on a building in this zoning district shall not exceed two square feet for each linear foot of street or parking lot frontage of that building. For purposes of calculating total signage area, include: existing signage on or about the building on which the proposed sign(s) is (are) to be placed; those signs accessory to uses within that building which may be located on adjacent buildings, structures, or site; and proposed signage, excluding moveable freestanding signs, temporary signs, and open flags.

- (g) Other similar types of signs not specifically listed as permitted in the C-3 Central Business District and not specifically addressed in other provisions of this article may be permitted upon review and approval by the Design Review Board (DRB) for compliance with the following:
 - (1) Determination of most similar specified sign type. The DRB shall review the proposed other sign to determine whether the proposed other sign is similar to

an allowed sign, and determine the most similar specified sign type allowed in the zone district.

(2) Size. The maximum area of such other sign(s) shall not exceed the maximum size permitted for the most similar specified sign type, as determined under Subsection (g)(1).

(3) Number of signs. The maximum number of such other signs shall not exceed the maximum number permitted for the most similar specified sign type, as determined under Subsection (g)(1) less the number of the most similar specified sign type on the property.

(4) Other requirements. Other signs shall satisfy the requirements of Section **39-346 & 39-347**. Appeals from determinations under this Section **39-354** shall be made in accordance with the provisions of Section **39-354 (c)**.

(h) Wayfinding signs may be erected by the DDA, upon approval of the DRB, without a sign permit, under the following conditions:

(1) The purpose of the sign is to describe the location of specific businesses or areas in the C-3 Central Business District;

(2) Such signs shall not contain advertisements for individual business;

(3) Ground-mounted signs shall not exceed six feet in height and 24 square feet in total area.

Sec. 39-355. Units of Measurement

Signs shall be measured as follows:

(a) A single faced sign shall be measured within a single, continuous perimeter composed of either the smallest square, rectangle, or circle which encloses the extreme limits of writing, representation, emblem, logo, frame (if part of the sign) or any other figure of similar character.

(b) Framing around a sign shall be included in the overall sign calculation if it is an *integral material or color to the sign*.

(c) The support structure of a sign shall not be included in the overall area.

(d) A multi-faced sign shall be calculated by measuring each sign face and adding all of them together.

(e) If 2 sign faces are placed back-to-back, this shall be measured and counted as one sign. If one of the sign faces is larger, the sign area shall be calculated using the larger of the 2 faces.

(f) If 2 sign faces are placed back-to-back and separated by more than a 45 degree angle, each face shall be calculated independently, and they shall be counted as a multi-faced sign.

(g) The height of a sign shall be measured as the vertical distance from the highest point of the sign to the grade of the ground immediately beneath the sign.

Sec. 39-356. Adverse impact of article

Any person adversely affected by the provisions of this article, with the exception of those provisions contained in this article relating to licensing and permits, may apply for a variance from the provisions herein according to the procedures set forth in Article **XII** of this chapter, the terms of which are incorporated herein by reference.

Sec. 39-357. Savings Clause

If any section, subsection, sentence, clause or phrase of this sign ordinance is for any reason held to be invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of this sign ordinance. The City Council hereby declares that it would have adopted the sign ordinance in each section, subsection, sentence or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Sec. 39-358. Noncommercial messages on signs

The provisions of this Article **IX** on signs shall not be construed to prohibit the owner of a sign otherwise lawfully constructed or existing under this Article **IX** to display noncommercial messages on a sign in any zone district.

All other provisions of Chapter 39 shall remain in full force and effect.

Approval Date: March 7, 2018

Effective Date: March 28, 2018