

## 27-900 SIGN CODE (CITY AND COUNTY)

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## SECTION 27-901 GENERAL PROVISIONS

Drafting Note: SCWG February edits complete, to be added here

- A. PURPOSE AND INTENT
- B. INTERESTS
- C. FINDINGS
- D. SAVINGS AND SEVERABILITY
- E. CONFLICTS WITH OTHER PROVISIONS

## SECTION 27-902 APPLICABILITY

### A. APPLICABILITY (NEW)

1. The regulations contained in this article shall apply to, and regulate the display, construction, installation, erection, alteration, use, location, maintenance, and removal of all signs and support structures in all districts unless the sign, item, or activity is expressly exempted from these regulations.
2. No sign shall be located, erected, modified, or maintained except in compliance with the regulations contained in this article.

### B. SIGN PERMIT REQUIRED

1. ~~A sign permit shall be required to erect, place, modify the size or shape, allow the continued placement, or convert any portion of a sign, including a conversion from temporary to permanent or from non-EMC to EMC unless otherwise provided in this article.~~
2. The following **activities** shall not require a sign permit, provided that these exemptions shall not be construed as relieving the owner from the responsibility to comply with the provisions of this Code or any other law or ordinance, including the Uniform Building Code:<sup>1</sup>
  - (a) Changing of the advertising copy or message on an existing approved painted or printed sign, marquee, changeable copy sign or a similar approved sign whether electrical, illuminated, electronic changing message center or nonilluminated painted message which are all specifically designed for the use of replaceable copy;
  - (b) Painting, repainting, cleaning or other normal maintenance and repair of a sign not involving structural changes. Replacement of or a change of a plastic face will be included as an exempt operation;
  - (c) Changes in the content of show window displays and permitted temporary signs;
  - (d) Changing sign—Automatic with no identification of ownership.<sup>2</sup>

### C. EXEMPTIONS<sup>3</sup>

The following ~~signs, items, and~~ operations shall not ~~require a sign permit be considered as creating a sign insofar as requiring the issuance of sign permit or permissibility in a district, but the signs must shall be undertaken be~~ in conformance with this article, ordinances, and regulations of the [city/county], and all other **applicable** building, structural, and electrical laws:

<sup>1</sup> Drafting note: building code not applicable in the County, delete throughout when separating regulations.

<sup>2</sup> Current sections 27-707(a) and 27-1412 SCOD

<sup>3</sup> Current sections 27-707(b), 27-712 (b), Entryway, and SCOD, edited for clarity and compliance with *Reed v. Town of Gilbert (Reed)*.

1. **Internal and Integral Signs**

- (a) ~~Signs not intended for view or readily legible from the public right-of-way or adjacent residential, public, or civic districts or uses.~~

Delete these current provisions:

- (1) House numbers, residential name plates and commercial addresses. House numbers, residential name plates and commercial addresses not exceeding two (2) square feet in area for each residential building;
- (2) Interior signs. Signs located within the interior of any building or stadium, or within an enclosed lobby or court of any building, and signs for and located within the inner or outer lobby, court or entrance of any theater, that are not visible from the public right-of-way. This does not, however, exempt such signs from the structural, electrical or material specifications as set out in this article;

Question about this provision: These types of signs seem like they would be included in the general language of 1(a) but the permitted size seems fairly large and they are counted into the maximum permitted signage. We should either delete this section or move it to a place later in the code where a business owner will see that this is counted against permitted signage.

- (3) Incidental signs. Up to two (2) incidental signs may be attached to a free standing sign structure or to a building wall, but may not be attached perpendicular to the wall. Such signs are restricted to trading stamps, credit cards excepted, official notices of services required by law, or trade affiliations. The area of each sign may not exceed five (5) square feet; the total area of all such signs may not exceed ten (10) square feet and will be subtracted from the allowable sign area;

- (b) ~~Integral signs that are carved into stone or similar material that are integral to the building or plaques that are placed flat against a building. Integral signs shall not exceed four square feet in area~~

Delete these current provisions:

- (1) Memorial signs, plaques, symbols or insignia signs. Memorial signs, plaques, religious symbols, tablets, identification emblems of religious orders or historical agencies, provided that no such memorial sign, symbol, plaque, tablet or identification emblem shall exceed four (4) square feet in sign area, and provided further that all such memorial signs, symbols, plaques, tablets, and identification emblems shall be placed flat against a building. Names of buildings and date of erection when cut into any masonry surface or inlaid so as to be part of the building are also allowed;
- (2) Symbols or insignia signs. Religious symbols, commemorative plaques of recognized historical agencies, or identification emblems of religious orders or historical agencies, provided that no such symbol, plaque, or identification emblem shall exceed four (4) square feet in area, and provided further that all such symbols, plaques and identification emblems shall be placed flat against a building;
- (3) Historical landmark signs. Signs identifying structures or landmarks which have been designated as a historical landmark locally or nationally and not located in the historical district. Each landmark or structure is permitted one monument sign, attached or detached, not greater than four (4) square feet in sign area for the attached sign, eight (8) feet in sign area for the detached sign, and not exceeding eight (8) feet in height;

- (c) ~~Signs that are less than one square foot in area that are affixed to machines, equipment, fences, gates, walls, gasoline pumps, or utility cabinets.~~

- (d) ~~Signs or banners on fences and structures within an arena, park, recreational complex, or athletic field, provided such signs or banners face inward to the arena, park, recreational complex, or athletic field.~~

2. **Bulletin Board**

~~Notice bulletin boards. Notice b~~Bulletin boards not over 24 square feet in area for ~~medical, public, charitable or religious institutions public, civic, and institutional uses~~ where the same are the primary use located on the premises.

Drafting question: Is this sign type still necessary? Should it be included in the maximum permitted signage on the site?

3. **Flags and Insignia**

~~Flags, or pennants. The Any flags, emblems or insignia of any nation, political subdivision, corporate flag, corporation, or any other entity or business provided it is affixed to a permanent flagpole or structure.~~

Drafting question: Bearing in mind that content-neutral regulations will allow flags with commercial content, do we want to limit the total number of flags on a site in general or by district?

4. **Property Signs**

(a) Neighborhood Watch Area

(1) ~~All developed properties within a N~~neighborhood watch area signs may be posted on property within residential, residential professional and public zoning districts provided that the total area of all neighborhood watch signs on a developed parcel post a sign provided by the neighborhood watch organization. Neighborhood watch signs shall be posted on private property. ~~do not exceed 16 square feet in sign area.~~

(2) ~~may~~Wall signs, not exceeding 16 square feet in sign area, shall be placed flat against the wall of a building. ~~or detached if they do~~

~~(2)(3)~~~~Freestanding signs shall~~ not exceed eight feet in height and ~~are shall be~~ placed at least one foot behind all property lines. ~~A detached neighborhood watch~~The maximum height for a freestanding sign located within a clear vision area (Section xx.xxx) is ~~must not exceed thirty six (36) inches. in height if it is placed within a clear vision area at the intersection of streets, streets and alleys or streets and driveways. Please see sections 27-615 and 27-618 of the unified zoning regulations for the definition and illustration of clear vision areas at intersections.~~

Drafting question: is there a maximum sign size for the freestanding neighborhood watch sign?

~~(b) Warning signs. Signs warning the public of the existence of danger, but containing no advertising material, of a size as may be necessary, to be removed upon subsidence of danger;~~ Drafting question: Is anybody going to check the sign code to make sure this is okay? Was there an enforcement issue in the past?

~~(b) No trespassing or no dumping signs. Perimeter Signs~~

~~Property owners may post up to four perimeter No trespassing or no dumping~~ signs not to exceed one and one-half (1½) square feet in area per sign, ~~and not exceeding four (4) in number per lot, except that special~~The director may grant permission ~~may be obtained from the sign administrator~~ for additional signs ~~under proven with evidence of~~ special circumstances.;

Drafting question: do we want to limit this to rural districts, specific locations, or specific uses? Do we want to add spacing requirements or limit the signs to property frontage on a public street?

5. **Public Signs**

(a) ~~Official public signs approved by a governmental body with jurisdiction over issues such as traffic safety, pedestrian safety, schools, railroads, or public notice, as well as signs required by the Manual of Uniform Traffic Controls.~~

~~(b) Signs and notices required to be displayed, maintained, or posted by law or by any court or governmental order, rule, or regulation.~~

~~(c) Public signs and notices provided for the convenience and safety of the community as approved by the Director.~~

Delete these current provisions:

- (1) Governmental regulatory signs. Governmental regulatory signs for control of traffic and other regulatory purposes, street signs, danger signs, railroad crossing signs, and signs of public service companies indicating danger and aids to service or safety which are erected by or on the order of a public officer in the performance of his or her public duty;
- (2) Public service signs (notices). Official notices or other public service information posted by public officers or employees in the performance of their duties;
- (3) Public signs. Signs required or specifically authorized for a public purpose by any law, statute or ordinance; which may be of any type, number area, height above grade, location, illumination, or animation required by the law, statute or ordinance under which the signs are erected;
- (4) In addition, the sign administrator may authorize the placing of directional signs at appropriate street intersections or other locations for the convenience of the motoring public; such signs shall pertain to places of general interest such as schools, hospitals, public buildings, airports, fairgrounds and other similar public service facilities.

~~(b)(d) Bench signs. Bench signs on benches, controlled or authorized by the Billings MET. Indemnification clause or proof of liability insurance may be required by the city;~~

## 6. Seasonal Displays

- (a) ~~Holiday decorations or seasonal signs. Signs of a primarily decorative nature, clearly incidental and customary and commonly associated with any national, local or religious holiday, provided that such signs shall be displayed for Seasonal displays that might include incidental signage may be displayed a~~ period of not more than 60 consecutive days nor more than 60 days ~~total~~ in any one ~~calendar~~ year.
- (b) ~~Incidental signs included in seasonal displays. Such signs~~ may be of any type, number, area, height, illumination, or animation, and shall be set back 10 feet from all ~~boundary property~~ lines of the lot. ~~provided that a~~ clear area shall be maintained to a height of 72 inches, within 55 feet of the intersection of two streets, a railroad and a street and a street and driveway, as measured from the property line.

Drafting question: can we just reference the clear vision area here or are these sizes different?

## 7. Vehicle Signs

Lettering or symbols applied directly onto or flush-mounted magnetically to a motor vehicle operating in the normal course of business.

## 8. Window Signs

A sign installed inside a window for purposes of viewing outside the premises.

Drafting question: are there limitations on this exemption? Very few communities allow unlimited window signage.

## Current regulations that are moving to another section:

- (a) Nonexempt signs for direction or instruction. Signs in excess of eight (8) square feet in area which provide traffic direction or instruction to the public shall be allowed in any zone, provided such signs are located entirely on the property to which they pertain.

We will rename these as Access Point Signs and allow them for non-residential uses in residential districts, mixed-use districts, and non-residential districts.

- (b) Garage sale signs. Garage sale signs not exceeding four (4) square feet in sign area;

We will include these in Section 27-907, Temporary Signs.

## D. PROHIBITED SIGNS<sup>4</sup>

The following types of signs and sign structures are ~~expressly~~ prohibited in all districts, except as otherwise provided by this article.

### 1. Distracting, Interfering, or Confusing Signs

- (a) ~~Animated and Intensely Lighted Signs. No signs shall be permitted Non-electronic message displays signs~~ that are animated by means of flashing, scintillating, blinking, traveling lights, displaying video, or any other means not providing constant illumination ~~(unless specifically permitted in special sign districts)~~. Electronic message displays may be allowed provided they ~~do not flash, scintillate, blink, show motion borders or traveling lights or display video comply with the standards in Section 27-904~~.
- (b) Signs ~~that contain or are an imitation of an official traffic or emergency sign or signal or~~ which, by reason of their size, ~~location~~, movement, content, coloring or manner of illumination, may be confused with or construed as a traffic control sign, signal or device, or the light of an emergency or road equipment vehicle, or which hide from view any traffic or street sign or signal or device.
- (c) ~~Signs with a lighting or control mechanism that causes radio, radar, cellular, wireless, or other electronic signal interference.~~

### 2. External Movement and Light Projecting Signs

- (a) ~~Swinging Signs~~: Signs installed on an arm or spar, that is not, in addition, permanently fastened to an adjacent wall or upright pole. See **section 27-709(i)**.
- (b) ~~Signs that Operate~~ or employ visible moving parts or any portion of which moves, or give the illusion of motion ~~except as permitted in this article~~;
- (c) ~~Signs that Emit~~ audible sound, odor or visible matter; or
- (d) ~~Signs that are light projecting or operate or employ any motion picture projection or video projection in conjunction with any advertisements.~~

Abandoned signs: Such business signs that advertise an activity, business, product or service no longer conducted or available on the premises on which the sign is located. <sup>5</sup>

### 3. **Unightly visible frames, or angle iron:**

Visible angle iron frames or structures to support projecting signs.<sup>6</sup>

## E. PROHIBITED LOCATIONS

~~Signs and sign structures are prohibited in the following locations:~~

### 1. Improper Location

<sup>4</sup> Current Sections 27-708 general sign standards, 27.706(d) Medical Corridor, Entryway sign standards, and 27-1413 Shiloh Corridor.

<sup>5</sup> We will address abandoned signs in Section 27-910, Installation and Maintenance.

<sup>6</sup> We will move this to Section 72-904.E, Design.



- (a) ~~In the right-of-way or on other public property without approval of the city. For the purposes of this article, when the right-of-way is not clearly identified, signs shall be placed at least five feet from any edge of street or curb, or beyond any visible utility or sidewalk.~~
- (b) ~~Placed on private property without the consent of the owner or authorized agent of the owner of such property.~~
- (c) ~~Located in or overhanging a utility easement.~~
- (d) ~~Within a clear sight triangle.~~
- ~~(e)~~(e) ~~Attached to utility poles, other utility or public infrastructure structures or equipment, or wireless communication facilities.~~

2. **Creation of Hazardous Condition**

- (a) ~~Signs that create conflict with traffic control signs, signals, or various private signs resulting in vehicular or pedestrian safety hazards, including any sign placed at any location where it may, by reason of its size, shape, design, location, content, coloring, or manner of illumination, constitute a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers, by obscuring or otherwise physically interfering with any official traffic control device, or that may be confused with an official traffic control device.~~
- (b) ~~Signs that creates a danger to the public during periods of inclement weather or high winds due to their location or the manner in which they are placed.~~
- (c) ~~Signs that create a hazard due to collapse, fire, collision, decay, abandonment, or other safety considerations.~~
- (d) ~~Signs that obstruct firefighting or fixed police surveillance via photographic or video technology.~~
- (e) ~~Signs that are improperly mounted or installed, such as signs attached to a standpipe, gutter drain, unbraced parapet wall, or fire escape, unless the safety of such sign and such mounting have been verified in writing by a structural engineer licensed to practice in the state.~~

3. **Parking of Advertising Vehicles ~~prohibited:~~**

No person shall park any vehicle or trailer on a public right-of-way or public property or on private property so that it is visible from the public right-of-way and which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby property or any other premises. This section is not intended to prohibit any form of vehicular signage such as a sign attached to a bus or lettered on a motor vehicle, or company vehicle signs.

4. **Fence or Wall Signs**

~~Non-exempt signs that~~ ~~are~~ painted on or attached to any fence or any wall which is not structurally a part of a building, ~~except to identify a residence or residence structure by means of posting the name of the occupant or structure, and the street address;~~



**F. PROHIBITED SIGNS AND LOCATIONS BY ZONE DISTRICT**

Drafting question: The current regulations include additional lists of prohibited signs by district. We have addressed most of those signs in the prohibited signs/prohibited locations sections above. We will identify permitted sign types by zone district in Section 27-905 and the specifically prohibited signs will not be allowed in those tables. Additionally, many of the signs listed as prohibited are temporary and we will address temporary signs specifically in Section 27-907.

Is there a reason to also maintain a prohibited signs list for these districts? We have included them below, edited to reflect the generally prohibited sign types, temporary signs, and some lighting types that will be addressed in the temporary use section, for your review and discussion.

**1. Medical Corridor and South 27<sup>th</sup> Street Corridor<sup>7</sup>**

~~The following signs are prohibited:~~

- ~~(a) Strobe lights,<sup>8</sup>~~
- ~~(b) Searchlights;~~
- ~~(c)(a) Balloon signs;<sup>9</sup>~~
- ~~(d) Portable signs;~~
- ~~(e) Flashing neon signs;~~
- ~~(f) Third party signs;~~
- ~~(g)(b) Billboards;~~
- ~~(h) Flashing incandescent lamps;~~
- ~~(i) Vehicles used as signs (provided that this provision shall not be construed as prohibiting the identification of a healthcare services entity or provider);~~
- ~~(j) Signs projecting into rights of way;~~
- ~~(k)(c) Window signs;~~
- ~~(l) Signs which by coloring, shape, wording or location resemble or conflict with traffic control signs or devices;~~
- ~~(m) Signs that create a safety hazard for pedestrian or vehicular traffic;~~
- ~~(n) p. Signs attached to or placed on a motor vehicle or trailer parked on public or private property, provided that this provision shall not be construed as prohibiting the identification of a firm or its product on a vehicle operating during the normal course of business;~~
- ~~(o) q. Any electronic reader board sign or animated sign that is otherwise prohibited by the city sign code.~~

**6-2 Montana Avenue Sign District (Sec. 27-743)**

~~The following signs are prohibited:~~

- ~~(a) New billboards, or off-premise third party signs.~~

<sup>7</sup> Current Section 27-706(d), edited as shown.

<sup>8</sup> We've deleted strobe lights and search lights from this list because they are not signs. We will include strobe and search lights in the temporary use section and prohibit in the Medical Corridor district/successor district.

<sup>9</sup> Balloon and portable signs are typically temporary sign types. We will move this prohibition to Section 27-907, Temporary Signs.

- (b) Portable signs;<sup>10</sup>
- (c) Electronic message centers.
- (d) Changeable copy signs, except for the use on a theater marquee.
- (e) Rotating signs.
- ~~(f) Intermittent or flashing lights.~~
- ~~(g)(f)~~ Above peak roof signs unless a roof sign had previously been on the building.
- ~~(h)(g) Streamers and pennants.~~

### 7.3. Interchange/Entryway Signs

The following signs are prohibited:

- (a) Beacons;<sup>11</sup>
- ~~(b) Wind-driven sign, except flags as defined in this section;~~<sup>12</sup>
- ~~(c) Strings of lights not permanently mounted to a rigid background, except those exempt under the following section;~~
- ~~(d) Inflatable signs and tethered balloons;~~
- ~~(e) Portable signs;~~
- ~~(f) Animated signs;~~
- ~~(g)(b)~~ Above-peak roof signs;
- ~~(h) Banner signs;~~
- ~~(i) Abandoned signs;~~
- ~~(j) Snipe signs or signs attached to trees, telephone poles, public benches, streetlights or placed on any public property or public right-of-way; and~~
- ~~(k)(c)~~ Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said signs (this does not apply to signs or lettering on buses, taxis, or vehicles operating during the normal course of business).

### 8.4. Shiloh Corridor Overlay (Section 27-1413)

The following signs are prohibited in all zones unless otherwise specifically permitted.

- ~~(a) Sign which by coloring, shape, wording or location resemble or conflict with traffic control signs or devices.~~
- ~~(b) Signs that create a safety hazard for pedestrian or vehicular traffic.~~
- ~~(c) Flashing signs.~~
- ~~(d) Portable signs.~~
- ~~(e) Portable reader boards.~~
- ~~(f) Portable electric signs.~~

<sup>10</sup> Portable signs and streamers/pennants will be addressed in Section 27-907, Temporary Signs.

<sup>11</sup> Beacons will be addressed in the temporary use section.

<sup>12</sup> (b) – (e) and (h) will be addressed in Section 27-907, Temporary Signs.

~~(g)~~ Banner signs.

~~(h)~~ Signs attached to or placed on a vehicle or trailer parked on public or private property, provided that this provision shall not be construed as prohibiting the identification of a firm or its product on a vehicle operating during the normal course of business. Franchised buses and taxis are exempt from these provisions.

~~(i)~~ Roof signs.

~~(j)~~(a) Video boards.<sup>33</sup>

~~(k)~~(b) Billboards.

~~(l)~~(c) Painted signs on buildings, including those attached on or to the surface of windows.

## G. PROHIBITED CONTENT

Current standard in prohibited signs section: Bear or contain statements, words or pictures of an obscene, pornographic, immoral character, or which contain advertising matter which is untruthful;

(Proposed standard) ~~No sign shall be approved or disapproved based on the content or message it displays, except that the following content, without reference to the viewpoint of the speaker, shall not be displayed on signs:~~

- ~~1. Text or graphics that is harmful to minors as defined by state or federal law;~~
- ~~2. Text or graphics that are obscene, fighting words, defamation, incitement to imminent lawless action, or true threats, as such words and phrases are defined by controlling law;~~
- ~~3. Text or graphics that present a clear and present danger due to their potential confusion with traffic control signs;~~
- ~~4. Signs that provide false information related to public safety (e.g., signs that use the words "stop" or "caution" or comparable words, phrases, symbols, or characters) that are presented in a manner as to confuse or imply a safety hazard that doesn't exist; or~~
- ~~5. Text or graphics that provide false or misleading information in violation of the code.~~

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<sup>33</sup> How is this defined?

**SECTION 27-903 MEASUREMENT AND CALCULATION**

- A. **SIGN AREA**
- B. **HEIGHT AND CLEARANCE**
- C. **SIGN SPACING AND SETBACKS**

**SECTION 27-904 GENERAL REGULATIONS FOR PERMANENT, ON-PREMISE SIGNS**

- A. **FREESTANDING SIGNS**
- B. **ATTACHED SIGNS**
- C. **ILLUMINATION FOR NON-ELECTRONIC MESSAGE DISPLAYS**
- D. **ELECTRONIC MESSAGE DISPLAY SIGNS**
- E. **SIGN DESIGN**

**SECTION 27-905 SIGN REGULATIONS BY ZONE DISTRICT**

- A. **NEIGHBORHOOD**
- B. **MIXED-USE AND COMMERCIAL**
- C. **CBD**
- D. **INDUSTRIAL**
- E. **HISTORIC**
- F. **MEDICAL CORRIDOR AND SOUTH 27<sup>TH</sup>**
- G. **MONTANA AVENUE**
- H. **EBURD**
- I. **SPECIAL SIGN DISTRICTS**

**SECTION 27-906 SIGN REGULATIONS BY USE**

- A. **SERVICE STATION**
- B. **SHOPPING CENTER**
- C. **INSTITUTIONAL**

**SECTION 27-907 TEMPORARY SIGNS**

- A. **GENERALLY**
- B. **REGULATIONS FOR TEMPORARY SIGNS**
- C. **PERMITTED TEMPORARY SIGNS BY ZONE DISTRICT**

**SECTION 27-908 OFF-PREMISE SIGNS**

**SECTION 27-909 NON-CONFORMING SIGNS**

**SECTION 27-910 INSTALLATION AND MAINTENANCE**

## SECTION 27-911 VIOLATIONS AND SIGN REMOVAL

## SECTION 27-912 ADMINISTRATION AND INSPECTION

## SECTION 27-913 DEFINITIONS

Provisions from the Montana Ave. Sign District (MT Ave SD) are shown in blue highlight.

Provisions from the Interchange/Expressway Districts (I/E) are shown in green highlight.

Provisions from the Shiloh Corridor Overlay District (SCOD) are shown in yellow highlight.

Provisions from the Medical Corridor Permit Zoning District (MCPZD) are shown in grey highlight.

Provisions from the East Billings Urban Revitalization District (EBURD) are shown in pink (or your preferred name for this color) highlight.

The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them:

**Ambient light monitor:** A device that is attached to an electronic message display that measures on a continuous basis the brightness of light surrounding the sign. The monitor is connected to the system that controls the brightness of the electronic message display. The brightness is then automatically adjusted based on the measured ambient light.

**Animated sign:** Any sign that uses movement or change or lighting to depict action or create a special effect or scene.

**Architectural blade sign:** A wall sign or projecting sign with no legs or braces, on a structure or building larger than three (3) stories and designed to look as a part of the building structure, rather than something suspended from or standing on the building.

**Area of sign:** The entire area of a sign including the area within a perimeter which forms the outside shape including the frame, forming an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. The frame of a sign may be excluded from the area where such frame conveys no message and is constructed or affixed for aesthetic reasons beyond the necessary supports.

For computing the areas of any wall or canopy sign which consists of letters mounted or painted on a wall or canopy, the area shall be deemed to be the area of the smallest rectangular figure which can encompass all of the letters. (See below subsection E for calculation of sign area.)

**Awning, canopy or marquee:** A roof-like shelter detached or extending from part or all of a [structure].

**Awning or canopy sign:** Any sign that is a part of or attached to any awning, or canopy over a door, entrance, window, or outdoor service area, which does not extend horizontally beyond the limits of the canopy.

**Awning sign** [description also located in sign type regs] A sign that is mounted, painted, or otherwise applied on or attached to an awning or canopy.

**Balloon sign:** Means any sign that is a balloon, inflatable figure, or inflatable structure. For purposes of this article, balloon signs do not include passenger hot air balloons used for air travel.

**Banner sign:** Any sign (other than an official flag) made of cloth, paper, or fabric of any kind, which is used to attract attention, whether or not imprinted with words or characters.

**Beacon:** Any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same lot as the light source; also, any light with one (1) or more beams that rotate or move.

**Billboard/third party advertiser:** A sign that advertises products or services not sold or distributed on the premises on which the sign is located.

**Building marker:** Any sign indicating the name of a building, date, or other incidental information about its construction. A sign that is cut into a masonry surface or made of bronze or other permanent material.

**Building frontage:** The linear length of a building facing the public access or right-of-way.

**Bulletin board** means a sign which identifies an institution or organization on the premises on which it is located and which contains the name of the institution or organization, the names or individuals connected with it, or general announcements of events or activities or similar messages.

**Canopy sign:** Any sign that is a part of or attached to any awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area, and which does not extend horizontally beyond the limits of the canopy.

**Canopy or marquee sign:** Any sign attached to, constructed in or on a canopy or marquee or across a series of canopies or marquees located on the same building face.

**Canopy sign** [description also located in sign type regs] A sign with individual alphanumeric characters and/or logos that is mounted on top of a permanent canopy.

**Changeable copy sign:** A sign whose informational content can be changed or altered by manual or electric, electro-mechanical or electronic means. Changeable signs include the following types:

1. **Manually activated:** Signs whose alphabetic, pictographic or symbolic information content can be changed or altered by manual means.
2. **Electrically activated:** Signs whose alphabetic, pictographic or symbolic informational content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments. Electrically activated signs include the following two (2) types:
  - a. **Fixed message electronic signs:** Signs whose basic informational content has been pre-programmed to include only certain types of information projections, such as time, temperature, predictable traffic conditions or other events subject to prior programming.
  - b. **Computer controlled variable message electronic signs:** Signs whose informational content can be changed or altered by means of computer-driven electronic impulses.

**Copy:** The wording or message on a sign surface either in permanent or removable letter or panel form.

**Copy:** The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.

**Directional/informational sign:** An on-premise sign giving directions, instructions or facility information and which may contain the name or logo of an establishment but no advertising copy, e.g., parking or exit and entrance signs. The sign may contain a logo provided that the logo may not comprise more than twenty (20) percent of the total sign area.

**Director:** The planning director of the county or his/her designee.

**Electronic message display:** A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

**Electronically changeable message sign** means a computer programmable, microprocessor controlled electric display utilizing a means of illumination (light bulb, LED, fiber optics, etc) upon which alphanumeric characters, graphics, electronic animations, symbols and words can be displayed. Message and symbols that have the capability of alternating, traveling and animating along with any other of a variety of change, appear and disappear methods are allowed. This definition does not include video boards.

**Facade.** The exterior face of a building, including but not limited to the wall, windows, windowsills, doorways, and design elements such as expression lines. The front facade is any building face adjacent to the front lot line.

Flag: Any fabric, banner or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision or other entity.

Flashing: The repetitive display of a single image (full or partial) interrupted by any other color, image or lack thereof at an interval of less than five (5) seconds. Motion borders fitting this definition are specifically included. See subsection 27-708(1).

Flashing sign means an electrical sign or portion thereof which changes light intensity in a brief, brilliant, or sudden and transient outburst of light causing a steady on and off, glittering, sparkling, or scintillating pattern.

Free-standing signs: Any sign supported by uprights or braces permanently placed upon the ground, and not attached to any building.

Freestanding sign: Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure, including monument signs.

Frontage: The length of the property line of any one (1) premises along each public right-of-way it borders excluding alleys and serviceways.

Lot frontage. The horizontal distance between the side lot lines, measured at the front lot lines.

[*Related general definition* Lot frontage: That portion of the lot nearest the public street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to public streets shall be considered frontage, and yards shall be provided as indicated in BMCC sections 27-308 and 27-309, District Regulations.]

Ghost signs: Faded painted advertisements painted prior to 1935.

Ground level means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the sign and property line or, when the property line is more than five (5) feet from the sign, between the sign and a line five (5) feet from the sign.

Government sign: Any temporary or permanent sign erected and maintained by the city, county, state or federal government for traffic direction or for designation of or direction to any school, hospital, historical site or public service, property or facility.

Height of sign: The vertical distance measured from the finish ground level grade to the highest point of the sign. Exaggerated or artificial berming to increase height of sign shall not be permitted.

Height of sign: The vertical distance measured from the highest point of the sign to the crown of the adjacent street, not including the interstate highway.

[*Related general definitions:* Grade (adjacent ground elevation): The lowest point of elevation of the finished surface of the ground, or the lowest point of elevation of the finished surface of the ground between the exterior wall of the building and the property line, if it is less than five (5) feet distance from the wall. In cases where walls are parallel to and within five (5) feet of a public sidewalk, alley or other public way, the grade shall be the elevation of the sidewalk, alley, or public way. Height: The vertical distance from the highest point of a structure to the "grade", excluding permissible height exceptions in BMCC section 27-310.]

Identification sign: A sign which is limited to the name, address and number of a building, institution or person and to the activity/service carried on in the building or institution, or the occupancy of the person.

Individual business means one business on one parcel provided that the parcel is not part of a multiple business complex; and also provided the parcel is not part of a group of multiple contiguous parcels under the same ownership.

Interstate corridor: means the area of the city which is within six hundred sixty (660) feet of the nearest edge of the right-of-way of a designated interstate highway and which area is not in a residential zone or used for residential purposes.

Lighting: Flashing action (animation). Neon and incandescent lamps may flash in the following ways.

- (1) Alternating. One (1) section comes on as another goes off.
- (2) Scintillating. Random sections go on and off with part of the lighting on at all times.



(3) Chasing. One (1) section comes on at a time and is followed by one section going off at a time. Part of the sign is on at all times.

(4) Sweeping (filling). The lighting sections individually go on until all of the sections are on, then the entire group goes off and then the process is repeated.

(5) On-off action. Not allowed. Lighting that goes all on and then all off.

**Lot:** Any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record, that is recognized and intended as a unit for the purpose of transfer or ownership.

[*Related general definition* Lot: A tract of land, no matter how legally described whether by metes and bounds, Certificate of Survey and/or by lots and block designation as in a recorded plat.]

**Maintain:** To permit a sign, structure or any part of each to continue or to repair or refurbish a sign, structure or any part of either.

**Maintenance:** For the purposes of this chapter, the cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the structure of the sign.

**Medical campus:** means a definable area owned, developed, occupied, and used by the owner for medical and medical related services, even though the area consists of two (2) or more city blocks, provided however, the blocks are contiguous.

**Monument sign:** A sign mounted directly to the ground with maximum height not to exceed six (6) feet.

**Monument sign** means a sign and supporting structure constructed as a solid structure or one that gives the appearance of a continuous, non-hollow, unbroken mass.

**Multiple businesses** include businesses that may be located in a single building or in multiple buildings on a single site.

**Nameplates:**

(1) **Commercial nameplate:** A nonelectric sign identifying only the name and occupation or profession of the occupant of premises on which the sign is located.

(2) **Residential nameplate:** A nonelectric sign identifying only the name and address of the occupant.

**Neighborhood watch sign:** Neighborhood watch is a national program based upon the idea that community members can prevent or help deter crimes in their neighborhoods. The neighborhood watch program is administered by local law enforcement. A neighborhood watch sign is a sign obtained through the local law enforcement agency that is posted on property within a residential or public zoning district.

**Nonconforming sign (legal):** Any advertising structure or sign which was lawfully erected and maintained prior to such time as it came within the purview of this article and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this article, or a nonconforming sign for which a special permit has been authorized.

**Nonconforming sign:** A sign that was erected legally but does not comply with subsequently enacted sign restrictions and regulations.

**Nonconforming sign:** A sign which was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations.

**Off-premise/billboard electronic displays:** An off-premise/billboard electronic display is a sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means and which directs attention to a business, activity, products, commodity, service, entertainment or communication which is not conducted, sold, or offered at the premises on which the sign is located, or which does not pertain to the premises upon which the sign is located. An electronic off-premise/billboard display shall not include any other visual effects including but not limited to animation, motion pictures, video, holograms, moving parts or the illusion of movement and shall not include any audible sound.

Off-premise/billboard sign: A sign which directs attention to a business, activity, products, commodity, service, entertainment or communication which is not conducted, sold, or offered at the premises on which this sign is located, or which does not pertain to the premises upon which the sign is located.

On-premise sign: means any sign identifying or advertising a business, activity, goods, products or services located on the premise where the sign is installed and maintained.

Owner: A person recorded as such on official records and including duly authorized agent.

Parcel: A single tract or parcel of land, no matter how legally described whether by metes and bounds, certificate of survey, and/or by lot or lots and block designation as in a recorded plat, which at the time of applying for a building permit is designated by its owner or developer as the tract to be used, developed or built upon as a unit of land under single ownership or control and assigned to the particular use for which the building permit is being secured and having frontage on or access to a public street over an easement approved by the city engineer.

Parcel: A single tract or parcel of land, no matter how legally described whether by metes and bounds, certificate of survey, and/or by lot or lots and block designation as in a recorded plat, that at the time of applying for a building permit is designated by its owner or developer as the tract to be used, developed or built upon as a unit of land under single ownership or control and assigned to the particular use for which the building permit is being secured and having frontage on or access to a public street over an easement approved by the city engineer.

Penthouse: A structure on top of a building roof such as houses, an elevator shaft, or similar form.

Portable sign: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.

Premises: An area of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

Primary public entrance: means an entrance to a business which is open to the public during its normal and customary hours of operations and the entrance is used as the primary ingress and egress to the business by the public.

Principal building: A structure accommodating the principal use to which the property is devoted. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages and other clearly accessory uses shall not be considered principal buildings.

[*Related general definition* Building, principal: The primary building or use on a lot that accommodates the principal use to which the premises are devoted.]

Projecting signs: means a sign other than wall sign which is suspended from or supported by a building or wall and which projects more than twelve (12) inches.

Projecting sign: A sign, other than a flat wall sign, which is attached to and projects from a building, wall, or other structure not specifically designed to support the sign. Supports shall be covered in a neat and orderly fashion.

Projecting sign: A sign, other than a flat wall sign, which is attached to and projects from a building, wall or other structure not specifically designed to support the sign. Supports shall be covered in a neat and orderly fashion. Guy wire support is prohibited.

Projecting sign [description also in sign type regs] A projecting sign is attached to and projects from a building face or hangs from a support structure attached to the building face. Sign faces are typically perpendicular to the building face, but may be at an angle greater than forty-five (45) degrees from the facade. The sign may be vertically or horizontally oriented.

Public right-of-way width: The perpendicular distance across a public street measured from property line to property line. When property lines on opposite sides of the public street are not parallel, the public right-of-way width shall be determined by the city engineer.

**Pylon/ground sign:** Any sign supported by structures or supports that are placed on or anchored in, the ground that are independent from any building or structure, including monument signs.

**Roof sign:** Means a sign erected, constructed and maintained upon, or connected to any roof of any building with the principal support on the roof structure. This definition excludes architectural blade signs.

**Roof sign, above-peak:** Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

**Roof sign, integral:** Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.

**Roof sign [description also in sign type regs]** A roof sign consists of individual letters or elements erected on the roof of a building.

**Scale.** The relative size of a building, street, sign, or other element of the built environment.

**Setback:** The distance from the property line to the nearest part of the applicable building, structure or sign, measured perpendicularly to the property line.

*[Related general definition]* Setback: That distance measured from the lot or property line to a supporting point(s) or wall(s) of a structure or building.]

**Setback.** The horizontal distance from a lot line inward, beyond which a structure may be placed. Structures or other impervious surfaces are not permitted within a setback, unless specifically permitted in this article. Refer to Figure 27-1805-1, Build-to Zone vs. Setback Line.

**Shopping center or mall:** A shopping center is a mix of retailing land and service uses offering both essential and nonessential goods and services, with at least five (5) stores or one hundred thousand (100,000) square feet, and that attracts consumers from a region-wide market area.

**Sign:** Any identification, description, illustration or device illuminated or nonilluminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard or temporary sign designed to advertise, identify or convey information, with the exception of window displays and national flags. For the purpose of removal, signs shall also include all sign structures.

**Sign:** Any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

**Sign administrator:** The city administrator or his or her designated representative.

**Sign area** means the entire area within any type of perimeter or border which may enclose the outer limits of any writing, representation, emblem, figure or character. The area of the sign having no such perimeter or border shall be computed by enclosing the entire area with parallelograms, triangles or circles of the smallest size sufficient to cover the entire area of the sign and computing the area of these parallelograms, triangles or circles. The area computed shall be the maximum portion or portions which may be viewed from any one direction.

**Sign height:** The vertical distance measured from the highest point of the sign to the crown of the adjacent street.

**Street:** A public way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, land, place, or however otherwise designated which has been dedicated to or acquired for public use and extends the full width between right-of-way lines.

**Street:** A public way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, place, or however otherwise designated which has been dedicated to or acquired for public use and extends the full width between right-of-way lines.

**Street:** A public way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place or however otherwise designated which has been dedicated to or acquired for public use and which extends the full width between right-of-way lines.

[*Related general definition* Street: A public way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place, or however otherwise designated which has been dedicated to or acquired for public use and which extends the full width between right-of-way lines, which includes areas acquired or prescribed through an easement]

**Street frontage:** The length of the property line of any one (1) premises along each public right-of-way it borders excluding alleys, serviceways and the interstate highway.

**Support structure(s)** means posts or columns and their anchors and bolts that structurally support the sign attached to it.

**Suspended sign:** A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

**Temporary/portable sign:** A sign advertising on an interim basis special business sales, new business openings, special events, goods, products, services, or facilities located on premise. A temporary sign is differentiated from a permanent sign in that a permanent sign is attached to a building or structure or affixed in the ground. A temporary/portable sign is mobile and free-standing. Any electrical temporary sign shall comply with all city electrical codes.

**Temporary sign:** A non-permanent sign erected and maintained for a specific limited period of time.

**Three-sided sign** means a sign with three (3) faces.

**Two-sided sign** means a sign with two (2) faces.

**Under canopy sign:** A sign suspended below the ceiling or roof of a canopy.

**Unlawful sign:** A sign which contravenes this article or which the administrator may declare as unlawful if it becomes dangerous to public safety by reason of dilapidation or abandonment or a nonconforming sign for which a permit required under a previous sign code was not obtained.

**Use:** The purpose for which a building, lot, sign or other structure is arranged, intended, designed, occupied or maintained.

**Video:** Means the display of a succession of single images at a rate of 20 frames per second or higher.

**Wall sign** means any sign painted on, mounted on, attached to or erected against the wall of a building and approximately paralleled to the face of a principal building wall and projecting not more than 12 inches from the plane of the wall. Street graphic on the outside of a window is considered a wall sign.

**Wall sign:** Any sign attached parallel to, painted on the wall surface or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface. Wall signs shall not exceed 22 inches in depth measured from the face on the wall on which the sign is mounted.

Wall signs [description also located in sign type regs], also known as flat or band signs, are mounted directly to the building face to which the sign is parallel.

**Wind-driven sign:** Any sign consisting of one or a series of two or more banners, flags, pennants, ribbons, spinners, streamers or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind or breeze.

**Window sign:** Any sign, pictures, symbol or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

Window sign [description also included in sign type regs ] A window sign is posted, painted, placed, or affixed in or on a window exposed for public view or is a sign hung inside the building facing the window for public view.

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**SECTION 27-914    HEADING 1**

Body 1

**A.    HEADING 2**

Body 2

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**(a)    Heading 6**

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**i.    Heading 9**