

## CHAPTER 22

# SIGNS, BILLBOARDS, AND OTHER ADVERTISING STRUCTURES

**§ 6-2201. Purpose and Interpretation.** The purpose of this Chapter is to regulate the size, illumination, materials, location, height, and condition of all Signs placed upon private property for exterior observation within the Town to promote the creation of a convenient, attractive and harmonious community, ensure the safety of pedestrians and motorists, and preserve property values. This Chapter is intended to allow adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all Signs. This Chapter shall be interpreted in a manner consistent with the First Amendment of the United States Constitution. If any provision of this Chapter is found to be invalid, such finding shall not affect the validity of other provisions of the Chapter that can be given effect without the invalid provision. *(Formerly § 6-194.0.)*

**§ 6-2202. Definitions.** The following definitions apply throughout this Chapter:

**(1) Area.** The Area of a [Sign](#) designed to be viewed from two directions shall be the area of the largest side. In calculating the area of a Sign, its exterior dimensions shall be used, and open space within the Sign shall be included as part of the Sign's Area. Nevertheless, if the two faces of the Sign are

**(i)** more than two feet apart, or

**(ii)** neither parallel nor at an angle of less than 45°

the Area of the Sign shall be the total area of both sides. The Area of Signs with more than two sides shall be the total area of all sides. A Sign's support structure is not considered when calculating the Area of a Sign. *(Formerly § 6-194.1(a).)*

**(2) Flag.** A piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole or rope and used as a symbol or decoration; this includes pennants. *(Formerly § 6-194.1(b).)*

**(3) Ground Sign.** A Ground Sign is any [Sign](#) which (1) rests directly on the ground or (2) is supported by uprights or braces placed in or upon the ground. Two separate Signs built on the same support structure shall be treated as one Ground Sign. *(Formerly § 6-194.1(c).)*

**(4) Height.** The Height of a [Sign](#) is the vertical distance from the ground to the highest point on the Sign or its support structure. A berm built beneath the Sign shall not be counted as the "ground" for the purpose of calculating the height of a Sign. *(Formerly § 6-194.1(d).)*

**(4) Incidental Signs.** Incidental Signs are [Signs](#) allowed under [§ 6-2203\(a\)](#). They shall not be treated as [Ground Signs](#), [Wall Signs](#), or [Roof Signs](#). *(Formerly § 6-194.1(e).)*

(5) *Location.* Location shall mean the broadest of the following: (i) a [Lot](#), as defined in § 6-401, (ii) multiple Lots, as defined in § 6-401, if spanned by a single commercial enterprise, organization, or entity, or (iii) a discrete shopping center comprised of multiple commercial enterprises. (Formerly § 6-194.1(f).)

(6) ~~Minor~~ *Very Small Signs.* A [Sign](#) not exceeding one square foot in [Area](#) and four feet in [Height](#). (Formerly § 6-194.1(g).)

(7) *Relate.* A [Sign](#) A Relates to a [Location](#) if it directs attention to a business, product, service, or activity conducted, sold or offered at that Location. (Formerly § 6-194.1(h).)

(8) *Roof Sign.* A Roof Sign is any [Sign](#) built upon the roof of any [Building](#) or other [Structure](#). (Formerly § 6-194.1(i).)

(9) *Setback.* The Setback of a [Sign](#) is the minimum distance between any portion of the Sign and any public or private street. (Formerly § 6-194.1(j).)

*Practice Note: With respect to public Streets, the width of the Street is controlled by § 6-401(70).*

(10) *Sign.* Any object, device, display, or structure, or part thereof, visible from a public place, a public right-of-way, any parking area or right-of-way open to use by the general public, or any navigable body of water which is designed and used to attract attention to an institution, organization, business, product, service, event, or location by any means involving words, letters, figures, designs, symbols, fixtures, logos, colors, illumination, or projected images.

For the purposes of clarification, examples of items which do not satisfy the necessary elements of this definition include, but are not limited to, pavement markings, sculptures, architectural elements incorporated into the style or function of a [Building](#), and the display of merchandise for sale on the site of the display or displays which are inside a structure and visible externally only through windows. (Formerly § 6-194.1(k).)

(11) *Temporary Sign.* A Temporary Sign is either of the following:

(i) Any [Sign](#), banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, plastic, or other light materials with or without frames, intended to be displayed for a short period of time, or

(ii) Any Sign which, through the use of wheels or otherwise, is designed to be transported from place to place.

The category of “Temporary Signs” is not mutually exclusive with other categories. For example, a Temporary Sign may also be a Ground Sign. Therefore, a Temporary Sign must meet the requirements for Temporary Signs as well as other requirements which apply to the type of Sign involved. (Formerly § 6-194.1(l).)

**(12) Wall Sign.** A Wall Sign is any [Sign](#) which is attached to a wall or painted on or against a flat vertical surface of a [Structure](#)-, provided that any Sign which qualifies as a Window Sign under § 6-2202(13) shall not be considered a Wall Sign. (Formerly § 6-194.1(m).)

*(13) Window Sign. A Window Sign is any Sign which is hung behind, hung in front of, painted on, or affixed to glass windows or glass doors, being circumscribed entirely by the perimeter of the window or door. For purposes of this definition, “glass” includes substitutes which function similarly to traditional glass.*

**§ 6-2203. Allowed Signs.** Subject to the sections which follow, this section governs what [Signs](#) are allowed in each zoning classification.

**(a)** The following Incidental Signs are allowed in all zoning classifications and do not count against the zoning-specific allowances set forth below in subsections (b), (c), and (d).

**(1) On Property for Sale or Rent.** One ~~Temporary Sign~~ sign of not more than four feet in [Height](#) and nine square feet in [Area](#) on any property for sale or rent, ~~only until the property is sold or rented.~~

**(2) On Property with Building Permit.** ~~One Three signs Temporary Sign~~ of not more than four feet in Height and nine square feet in Area ~~each~~ on any property with an active building permit ~~only while the permit is active (up to a maximum of 24 months).~~

**(3) Made with Certain Materials.** Signs or tablets not more than two square feet in Area that are written into masonry, bronze, or other materials.

**(4) At Subdivision Entrances.** For residential subdivision entrances, one [Ground Sign](#) no more than five feet in Height and forty square feet in Area.

**(5) Near Gasoline Pumps.** Signs affixed to gasoline pumps or protective structures adjacent to such pumps, provided the Sign is not larger than the pump itself.

**(6) Very Small Signs.** Two ~~Minor Signs~~ [Very Small Signs](#) on any one [Lot](#), as defined in § 6-401.

**(7) Flags.** [Flags](#) up to 16 square feet in Area.

**(8) Town Signs.** Signs erected by the Town or required by law.

**(9) Court-Ordered Signs.** ~~Temporary~~ Signs posted or displayed ~~for a short period of time~~ by or under the direction of any public or court officer in the performance of their official duties-

**(10) At Cemetery Plots, etc.** One [Ground Sign](#) or [Wall Sign](#) on any cemetery plot, mausoleum, or aboveground burial vault.

**(b)** In R-1 and R-2 zones, the following Signs shall be permitted:

~~(1) One Wall Sign—no larger than six square feet.~~

~~(2) As an alternative to the Wall Sign permitted under paragraph (b)(1) of this section, one Up to three Temporary Ground Signs—no larger than three square feet in Area and four feet in Height.~~

(c) In ~~R-2 and~~ R-3 zones, the following Signs shall be permitted:

(1) One Wall Sign—no larger than eight square feet.

(2) As an alternative to the Wall Sign permitted under paragraph (b)(1) of this section, one Ground Sign—no larger than eight square feet in Area and five feet in Height:

(3) Up to three Temporary Ground Signs—no larger than three square feet in Area and four feet in Height, but the total number of permanent and Temporary Ground Signs shall not exceed three.

(d) In all other zoning classifications, any combination of Ground, Wall, or Roof Signs is permitted, provided:

(1) On any Lot, Ground Signs within 25 feet of a [Street](#) must be placed at least 100 feet apart except for Grounds Signs authorized above by subsection (a)(10), and

(2) The total Area of Ground and Roof Signs at any [Location](#) shall not exceed 100 square feet in a B-1 zone; 150 square feet in a B-2, A-1, or A-2 zone; or 200 square feet in an M-1 zone. One permanent Ground Sign and one temporary ground sign for each Location and one Wall or Roof Sign per street facing exterior wall for each separate commercial or other enterprise shall be permitted. Additionally, ~~Minor~~ Very Small Signs may be placed throughout the Lot.

(3) Window Signs, provided that not more than 50% of the area of any window or door shall be taken up by Window Signs..

*(Formerly § 6-194.2.)*

#### **§ 6-2204. Location of Signs.**

(a) [Signs](#) greater than 100 square feet in [Area](#) must have a [Setback](#) of at least 25 feet.

(b) All Signs must be placed at the [Location](#) to which they [Relate](#).

*(Formerly § 6-194.3.)*

**§ 6-2205. Drop Down Regulations.** Wherever the principal structure or use of property complies with a more restrictive zoning classification than it is actually zoned, the [Sign](#) regulations for the more restrictive classification shall govern. (Formerly § 6-194.4.)

*Practice Note: The definition of "[Main Building](#)" will inform this section, mutatis mutandis.*

**§ 6-2206. Special Use Permits.** Upon proper application, and after following the process described in [Chapter 23](#), the Council may grant a special use permit authorizing a [Sign](#) which would otherwise be prohibited by this Chapter. The permit may contain such conditions as the Council deems proper.

Nevertheless, the Council restates its holding that the substantive provisions of this Chapter are generally in the Town's best interests, and the Council anticipates that special use permits as authorized by this section will be appropriate only in unusual circumstances. (Formerly § 6-194.5.)

**§ 6-2207. General Limitations.**

(a) No [Sign](#) shall exceed the maximum [Height](#) for [Structures](#) in the relevant zoning classification. No [Ground Sign](#) shall exceed 50% of such maximum Height.

(b) No Sign shall be erected or maintained at any [Location](#) where by reason of its position, wording, illumination, size, shape, or color it may obstruct, impair, obscure, interfere with the view of, or be confused with, any authorized traffic control sign, signal, or device.

(c) No Sign shall contain or make use of any word, phrase, symbol, shape, form, or character so as to interfere with, mislead, or confuse traffic.

(d) No Sign having flashing, intermittent, or animated illumination shall be permitted. However, this prohibition does not extend to electronic message boards in which the flashing, intermittent, or animated illumination itself conveys information.

(e) No illuminated Sign shall be permitted within fifty feet of any residential district unless the illumination is so designed that it does not shine or reflect light onto property in the residential district.

(f) All Signs shall be neatly lettered, spelled correctly, and maintained in good repair.

(Formerly § 6-194.6.)

**§ 6-2208. Temporary Signs.** [Temporary Signs](#) must meet the requirements of this section in addition to all other applicable requirements of this Chapter.

(a) Temporary Signs are allowed for the following periods:

~~(1) For [Signs](#) on property that is for sale or rent, only until the property is sold or rented.~~

~~(2) For Signs on property with an active building permit, only while the permit is active (up to a maximum of 24 months).~~

(3) For Signs on a [Location](#) with a new business, ~~30-90~~ days.

(4) For Signs advertising a one-time event, a maximum of ~~30-90~~ days, ending on the day after the event, at which time the Sign must be removed.

(4) For other Signs, ~~60-90~~ days.

(b) Temporary Signs may be placed on public property only with written permission of the Town Manager.

(c) When a Temporary Sign is removed, it may not be replaced by the same or another Temporary Sign for ~~30-90~~ days.

*(Formerly § 6-194.7.)*

**§ 6-2209. Application.** Except for **Incidental Signs**, [Temporary Signs](#) and ~~Minor Signs~~ **Very Small Signs**, no [Sign](#) shall be installed until a zoning permit is issued in accordance with [§ 6-302](#). The application for a zoning permit to install a Sign must be in the form prescribed by [§ 6-302](#) and must include a sketch of the proposed Sign, along with its support structure. The application shall specify the [Area](#) and [Height](#) of the Sign. The Zoning Administrator or his designated assistant shall promptly process applications for a sign permit and either approve the application, reject the application, or notify the applicant of deficiencies in the application within 20 business days after receipt. Any application that complies with all provision of this Chapter, this Title, the building code, and other applicable laws, regulations, and ordinances shall be approved. If an application is rejected, the Zoning Administrator or his designated assistant shall provide a list of the reasons for the rejection in writing. *(Formerly § 6-194.8.)*