

**Proposed Zoning Ordinance Amendments**  
**Article 12 – Signs**  
**September 12, 2018**

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 — Zoning Ordinance, be amended by deleting the existing Article 12 – Signs, and inserting in its place a new Article 12 – Signs as presented in the document titled “Proposed Amendments to the Portsmouth Zoning Ordinance: Article 12 – Signs”, dated September 12, 2018.

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

\_\_\_\_\_  
Jack Blalock, Mayor

ADOPTED BY COUNCIL:

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Kelli L. Barnaby, City Clerk

Proposed Amendments to the Portsmouth Zoning Ordinance  
Article 12 – Signs  
September 12, 2018

## Article 12 Signs

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### Section 10.1210 Purpose and Intent

- 10.1211 The purpose of this Article is to regulate the type, number, location, size and **illumination** of **signs** on private property in order to maintain and enhance the character of the city’s commercial districts and residential neighborhoods and to protect the public from hazardous and distracting displays.
- 10.1212 This Article is intended to permit **signs** only as **accessory uses** to a permitted **use** on the same **lot** and not as **principal uses** on a **lot**. When a principal commercial **use** or activity is not open to the public or has been abandoned, all allowed accessory **signs** shall be removed regardless of their content.
- 10.1213 This Article is not intended to regulate the content of **signs** except as follows:
- 10.1213.10 When a **sign** is allowed because it is necessary to identify a **building** address or for safe access to or egress from the **lot**, only that relevant message may be presented.
- 10.1213.20 A **sign** that advertises a product or service not available on the **lot** (an “off-premise **sign**”) is not permitted. However, when a **sign** is permitted as accessory to a commercial **use**, the **sign** may contain a noncommercial message instead of a commercial message.

## Section 10.1220 General Sign Regulations

### 10.1221 Sign Permits

- 10.1221.10 No **sign** shall be erected without a **sign** permit issued by the **Code Official** except in accordance with the provisions of this Ordinance or a decision by the Board of Adjustment.
- 10.1221.20 No **sign** permit will be issued for any premises on which there is an outstanding violation of any part of this Ordinance.
- 10.1221.30 In the Historic District, a **sign** that violates any requirement of this Article, including the design standards set forth in Section 10.1274, shall require a Certificate of Appropriateness from the **Historic District Commission (HDC)** under Section 10.630, in addition to the **sign** permit issued by the **Code Official**.
- 10.1221.40 Any **sign** located within a public right of way, including a **projecting sign** that extends over the public right of way, requires City Council approval and license in accordance with Chapter 8 of the municipal code.

### 10.1222 Signs Not Requiring A Permit

The following **signs** are permitted without a **sign** permit and shall not be included in the calculation for aggregate signage on a **lot**:

- 10.1222.10 **Signs** required, or deemed necessary for the public welfare and safety, by a municipal, state or federal agency, such as traffic control devices
- 10.1222.20 **Signs** with a **sign area** up to 4 square feet containing only content of a general directive or informational nature such as the following:
- (a) Identifying a **building** address or unit number;
  - (b) Directing or guiding to entrances, exits or parking areas;
  - (c) Identifying handicapped parking, no parking, or loading areas;
  - (d) Identifying or directing to a public service facility or accommodation;
  - (e) Identifying an official inspection station;
  - (f) Notices concerning restrictions on access to private property (e.g., no trespassing, no hunting, etc.).
- 12.1222.21 All such **signs** shall be located so as not to create a traffic safety hazard or to block line of sight from a motor vehicle.
- 12.1222.22 A **freestanding sign** under this provision shall comply with the height standards for freestanding signs in Section 10.1223.33.

- 12.1222.23 A **sign** pertaining to public parking in a private parking lot that has been authorized under a permit from the Department of Public Works is exempt regardless of **sign area**.
- 10.1222.30 One building identification sign per **lot**, composed of either (a) unpainted letters carved into, embedded in or embossed on the material of the **building** wall above the first **story** with a **sign area** up to 12 square feet; or (b) a metal plaque affixed to the **building** wall no more than 5 feet above ground level, with a **sign area** up to 4 square feet. Such signs are typically used to provide historical information about the **building** such as the name of the **building** or the date of its construction.
- 10.1222.40 Miscellaneous **signs** mounted on a wall, window or door at a **building** entrance, provided that (a) there shall be only one group of such **signs** per entrance; (b) each group of such **signs** shall not exceed 4 square feet in area (measured as a single **sign** in accordance with Section 10.1252) and shall be placed within 3 feet of the entrance; (c) no individual **sign** in the sign group shall exceed one square foot in area; and (d) no letter, character, image or graphic shall be more than 2 inches in height. The intent of this provision is to allow for the provision of information that is not intended to be read from more than 3 feet from the **sign**, including but not limited to **restaurant** menus, credit card stickers, hours of operation, owner and contact information, etc.
- 10.1222.50 **Internal signs**.
- 10.1222.60 Illuminated **signs** more than 3 feet behind any window or opening through which they might be visible from private or public right of way.
- 10.1222.70 Flags of the United States, the State of New Hampshire or the City of Portsmouth that have been officially adopted by law or ordinance, limited in number and size as follows:
- 10.1222.71 Each **lot** may have up to 3 flags (free-standing or attached to a **building**) that are up to 24 sq. ft. in area (per flag) in Sign Districts 1, 2 and 3, and up to 60 sq. ft. in Sign Districts 4, 5 and 6.
- 10.1222.72 In addition to the above, each **dwelling unit** or condominium unit on a **lot** may have up to one flag not exceeding 6 sq. ft. in area attached to the **dwelling unit** or condominium unit.
- 10.1222.80 **Signs** on registered motor vehicles that are used in the ordinary conduct of a business, but not including **signs** on vehicles that are parked on, or in view of, a **street** when the vehicle is not actively being used in the conduct of business.

- 10.1222.90 Low wattage or low voltage temporary **decorative lighting** and displays used for holidays, festivals and special events, provided they do not pose a safety or nuisance problem due to **light trespass** or **glare**.

## 10.1223 Temporary Signs

- 10.1223.10 The following **temporary signs** are allowed without a **sign** permit and shall not be included in the calculation for aggregate signage on a **lot**:
  - 10.1223.11 One **temporary sign** placed on a **lot** while the **lot** (or a **dwelling unit** or commercial unit on the **lot**) is being offered for sale or lease by a real estate agent or through advertising in a local newspaper of general circulation, and for a period of 14 days following the date on which a contract of sale or lease has been executed, but not to exceed a total of 90 days.
  - 10.1223.12 **Temporary signs** placed on a **lot** that is under active development, to be removed within 14 days after issuance of the first certificate of occupancy.
  - 10.1223.13 **Temporary signs** placed on a **lot** for a period of 60 days prior to, and 7 days after, an election involving candidates for a federal, state or local office that represents the district in which the **lot** is located.
- 10.1223.20 The following **temporary signs** are allowed with the issuance of a **sign** permit:
  - 10.1223.21 One **temporary sign** placed on a **lot** for more than 90 days while the **lot** (or a **dwelling unit** or commercial unit on the **lot**) is being offered for sale or lease.
  - 10.1223.22 **Temporary signs** placed on a **lot** that is under active development for more than 14 days after issuance of the first certificate of occupancy, but not to exceed 60 days after the issuance of said certificate.
- 10.1223.30 The following provisions apply to all **temporary signs** whether requiring a **sign** permit or allowed without a permit:
  - 10.1223.31 The maximum **sign area** of a **temporary sign** allowed by this section shall be as follows:

Sign District 1 or 2	6 sq. ft.
Sign District 3	16 sq. ft.
Sign District 4, 5 or 6	32 sq. ft.

10.1223.32 The maximum height of a **temporary freestanding sign** shall be as follows:

Sign District 1, 2 or 3	4 ft.
Sign District 4, 5 or 6	12 ft.

10.1223.33 A **temporary freestanding sign** shall comply with the required **setback** for the applicable **sign** district as set forth in Section 10.1253. In Sign District 1 a **temporary freestanding sign** shall be set back at least 7 feet from any **lot line**.

10.1223.35 **Temporary signs** shall not be illuminated in any way.

10.1223.36 A property owner may not accept a fee for posting or maintaining a **temporary sign** allowed by this Section 10.1223, and any **sign** that is posted or maintained in violation of this provision is not authorized.

#### 10.1223.40 Special Event Signs

In addition to other permanent and **temporary signs** allowed by this Article, one **sign** may be placed on a **lot** immediately preceding and during a special event on that **lot**, subject to the following conditions:

10.1223.41 A **sign** permit for the special event **sign** shall be obtained from the **Code Official**. Only one permit for a special event sign shall be issued for a lot in any 3-month period.

10.1223.42 A **lot** may have one special event **sign** for one consecutive 7-day period every 3 months, for a maximum of 4 special event **signs** per year. If a special event **sign** permit is not used in one quarter it shall not be carried over to the next quarter.

10.1223.43 The special event **sign** shall not be limited to size or location, but shall not be placed in such a manner as to create a traffic safety problem.

10.1223.44 The special event **sign** shall be removed at the end of the event.

#### 10.1224 Signs Prohibited in All Districts

The following **signs** are prohibited in all **sign** districts:

10.1224.10 **Animated signs**.

10.1224.20 **Signs** that move or flash, or give the appearance of such motion (for example, by means of traveling lights). Beacons, rotating and flashing

lights are prohibited except where such lighting devices are deemed necessary for the public safety and welfare by federal, state or municipal authorities.

- 10.1224.30 **Banners, pennants** or flags (except as permitted by Section 10.1222.80) which are **signs** under the definition of “**sign**” herein.
- 10.1224.40 Balloons or other inflated devices displayed more than one day per month.
- 10.1224.50 **Mobile signs**.
- 10.1224.60 **Signs** mounted, attached or painted on vehicles, trailers or boats, except as permitted by Section 10.1222.90.
- 10.1224.70 Any **sign** emitting sound.
- 10.1224.80 Any **sign** projected via **illumination** on the exterior of any **structure**, or on or above a surface such as a **driveway, sidewalk** or **street**, regardless of the technology used to project the **sign**. This prohibition shall not apply where the **structure** or surface on which the **sign** is projected is within the same **lot** as the **principal use** to which the **sign** is accessory.
- 10.1224.90 Any **sign** advertising a product or service not provided on the **lot** on which the **sign** is located (“off-premise sign”).

#### 10.1225 Maintenance of Signs

- 10.1225.10 All **signs** and **sign structures** shall be properly maintained and kept in a neat and proper state of maintenance and appearance.
- 10.1225.20 Any **sign** of any type and located within any district which is found by the **Code Official** to be in a state of disrepair, illegible or dangerous, shall be repaired or removed.
- 10.1225.30 Upon failure to comply with an order to repair or remove a **sign** within thirty days, the **Code Official** is authorized to cause removal of the **sign** at the expense of the owner of the property on which the **sign** is located.

#### Section 10.1230 Sign Districts

- 10.1231 The City is hereby divided into sign districts for the purpose of establishing standards for the number, type, size, location and **illumination** of **signs**.

These sign districts are **overlay districts**. A property shall be subject to the regulations of both the sign district and the underlying zoning district.

10.1232 Unless otherwise specified by ordinance, the sign districts shall correspond to underlying zoning districts as follows:

<b>Sign Districts</b>	<b>Underlying Zoning Districts</b>
Sign District 1	All Rural and Residential Districts Natural Resource Protection
Sign District 2	Mixed Residential Office Mixed Residential Business Waterfront Business Character District 4-L1 Character District 4-L2
Sign District 3	Character District 4-W Character District 4 Character District 5
Sign District 4	Business Office Research
Sign District 5	General Business Gateway Neighborhood Mixed-Use Corridor Gateway Neighborhood Mixed-Use Center
Sign District 6	Industrial Waterfront Industrial Airport Districts

10.1233 In order to address the characteristics of a specific area or its surroundings, an area may be changed to a different sign district than specified in Section 10.1232 following the same procedures as for a change in the underlying zoning district. (For example, a portion of the General Business district may be changed from Sign District 5 to Sign District 2 in order to protect an **adjacent** neighborhood from excessive light.)

10.1234 Any **sign** not specifically allowed in a sign district is not permitted.



## Section 10.1240 Permitted Sign Types

10.1241 The types of **signs** permitted in each **sign** district shall be as set forth in the following table, except as otherwise provided herein.

**Table of Permitted Sign Types**

	Sign District					
	1	2	3	4	5	6
<b>Freestanding sign</b>	N	P	P	P	P	P
<b>Wall sign</b>	P	P	P	P	P	P
<b>Projecting sign</b>	P	P	P	P	P	P
<b>Parapet sign</b>	N	N	N	N	P	P
<b>Roof sign</b>	N	N	N	N	P	P
<b>Awning sign</b>	N	P	P	P	P	P
<b>Marquee sign</b>	N	P	P	P	P	P
<b>Canopy sign</b>	N	N	N	P	P	P
<b>Changeable or animated signs</b>						
<b>Animated sign</b>	N	N	N	N	N	N
<b>Changeable sign</b>	N	P	P	P	P	P

P = Permitted N = Prohibited

10.1242 Each side of a **building** facing a **street** may have one **parapet sign** (if permitted by Section 10.1241) or one **wall sign** above the **ground floor**.

10.1243 Only one **freestanding sign** shall be permitted per **lot**, except that a **lot** with more than one driveway may have one **freestanding sign** at the site's primary **driveway** and one smaller **freestanding sign** at each additional **driveway** complying with the area and height standards in Section 10.1251.30.

## Section 10.1250 Sign Dimensional Standards

### 10.1251 Sign Area

10.1251.10 The maximum **aggregate sign area** shall be as follows:

	Sign District					
	1	2	3	4	5	6
Per linear foot of <b>building frontage</b> per <b>establishment</b>	0.5	1.0	2.0	1.5	1.5	2.0

10.1251.20 The maximum **sign area** for individual **signs** shall be as follows:

	Sign District					
	1	2	3	4	5	6
<b>Freestanding sign</b>	n/a	20	20	100	100	150
<b>Wall sign</b>	4	16	40	200	200	100
<b>Projecting sign</b>						
<b>Ground floor use</b>	2	16	12	16	16	16
<b>Upper-floor use</b>	n/a	0	8	8	8	8
<b>Parapet sign</b>	n/a	n/a	n/a	n/a	100	150
<b>Roof sign</b>	n/a	n/a	n/a	n/a	200	100
<b>Awning sign</b>	n/a	16	20	20	20	20
<b>Marquee sign</b>	n/a	16	20	20	20	20
<b>Canopy sign</b>	n/a	n/a	n/a	20	20	20

All dimensions in square feet

n/a = not applicable (sign type not permitted)  
n.r = no requirement

10.1251.30 When a **lot** has more than one **freestanding sign**, the **freestanding sign** at the site's primary **driveway** shall comply with the maximum **sign area** specified in Section 10.1251.20 and the maximum **sign height** specified in Section 10.1253.10; and the **freestanding signs** at other driveways shall comply with the following standards:

Sign District	On same street as primary driveway		On different street from primary driveway	
	Maximum Sign Area	Maximum Sign Height	Maximum Sign Area	Maximum Sign Height
2	10 sq. ft.	5 ft.	10 sq. ft.	5 ft.
3	10 sq. ft.	5 ft.	20 sq. ft.	5 ft.
4	20 sq. ft.	12 ft.	40 sq. ft.	12 ft.
5	40 sq. ft.	12 ft.	75 sq. ft.	15 ft.
6	40 sq. ft.	12 ft.	75 sq. ft.	15 ft.

10.1251.40 A **sign** projected via **illumination** on the exterior of a **structure**, or on or above a surface such as a **driveway, sidewalk** or **street**, shall comply with the **sign area** requirements for a **wall sign**.

## 10.1252 Measurement of Sign Area

10.1252.10 **Sign area** shall be measured in one of the following ways, at the applicant's discretion:

- (a) the area that can be enclosed by one polygon with no more than eight sides; or
- (b) the area that can be enclosed by a circle, oval, triangle or rectangle, or any two such shapes.

10.1252.20 The **sign area** of a **freestanding sign** shall include all structural supports whether or not they contribute through shape, color or otherwise to the **sign**'s message, except as follows:

10.1252.21 The base of a **monument sign**, up to one foot above the ground, shall not be included in the computation of **sign area** provided that such base is not illuminated in any way.



Height of base is less than one foot –  
**Not included in sign area**



Height of base is one foot –  
**Not included in sign area**



Height of base is greater than one foot –  
**Included in sign area**

10.1252.22 The vertical supports of a **pole sign** shall not be included in the computation of **sign area**, provided that (1) the total width of all such supports is less than one-third of the width of the **sign**, and (2) the supports are not illuminated in any way.



Total width of supports is less than 1/3 of the width of the sign –  
**Not included in sign area**



Total width of supports is greater than 1/3 of the width of the sign –  
**Included in sign area**



Width of support is greater than 1/3 of the width of the sign –  
**Included in sign area**



**Width of support is approximately 1/3 of the width of the sign**

- 10.1252.30 For a **sign** that is painted or engraved on, or otherwise applied directly to, a **building** or other **structure**, the **sign area** shall include any background of a different color, material or appearance from the remainder of the wall or **structure**, and shall include all related text, images and graphics.
- 10.1252.40 The **sign area** of a **canopy sign** shall include all text and symbols, whether or not illuminated, and all illuminated areas; but shall not include non-illuminated areas that are distinguished from the background only by color stripes.
- 10.1252.50 The **sign area** of a **projecting sign** shall not include the area of supporting brackets with no text, images or graphics.
- 10.1252.60 Where a **sign** has two faces that are parallel or where the interior angle formed by the faces is 45 degrees or less, only one display space shall be measured in computing total **sign area**.
- 10.1252.70 The **sign area** of a spherical, free-form, sculptural or otherwise non-planar **sign** shall be equal to 75 percent of the areas of the 4 vertical sides of the smallest rectangular box that will encompass the **sign**.
- 10.1252.80 **Decorative lighting** on a **building** or **structure**, including neon and other **accent lighting**, and any illuminated **building** panel, shall be considered a **wall sign** for the purposes of this section, and shall be counted as part of the aggregate **sign area** allowed.

## 10.1253 Sign Height and Setback

- 10.1253.10 The maximum and minimum heights and minimum **setbacks** for **signs** in each sign district shall be as set forth in the following table, except as otherwise provided herein.

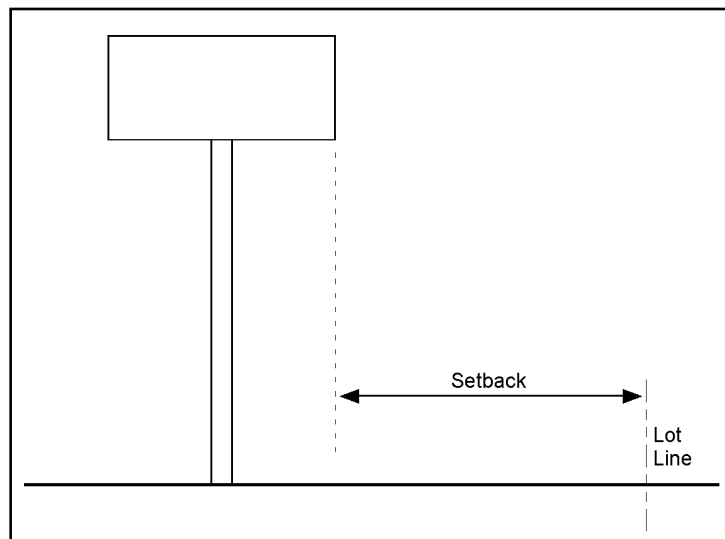
**Table of Sign Height and Setback Requirements**

	Sign District					
	1	2	3	4	5	6
<b>Projecting sign</b>						
Minimum clearance (ground to bottom of <b>sign</b> )	7	7	7	7	7	7
<b>Freestanding sign</b>						
Minimum <b>setback</b> from <b>lot line</b>	n/a	5	5	20	10	20
Maximum height (ground to top of <b>sign</b> )	n/a	7	12	20	20	20

All dimensions in feet

n/a = not applicable (sign type not permitted)

- 10.1253.20 Where a **driveway** intersects with a **street**, no **sign** shall be erected or maintained between the heights of 2.5 feet and 10 feet above the edge of pavement grades within the area bounded by (a) the side lines of the **driveway** and **street** and (b) lines joining points along said side lines 20 feet from the point of intersection.
- 10.1253.30 The height of a **freestanding sign** shall be measured with respect to the elevation of the centerline of the **adjacent** public right-of-way.
- 10.1253.40 The **setback** of a **sign** from a **lot line** shall be measured as the shortest horizontal distance from the **lot line** to the any part of the **sign**, whether or not such part of the **sign** is at ground level.



10.1253.50 A **projecting sign** shall project no closer than 1 foot to the edge of the vehicular travel way, if any.

## Section 10.1260 Sign Illumination

### 10.1261 Types of Illumination

10.1261.10 **Signs** may only be illuminated as set forth in the following table, except as otherwise provided herein.

**Table of Sign Illumination Requirements**

	Sign District					
	1	2	3	4	5	6
<b>External illumination</b>	N	P	P	P	P	P
Halo lettering	N	P	P	P	P	P
<b>Internal illumination</b>						
<b>Freestanding sign</b>	N	P	N	P	P	P
<b>Wall sign</b>	N	P	P	P	P	P
<b>Projecting sign</b>	N	N	N	N	N	N
<b>Parapet sign</b>	n/a	N	N	N	P	P
<b>Roof sign</b>	n/a	N	N	N	P	P
<b>Awning sign</b>	n/a	N	P	N	P	P
<b>Marquee sign</b>	n/a	N	P	N	P	N
<b>Canopy sign</b>	n/a	n/a	n/a	P	P	P
<b>Direct illumination</b>	N	N	P	P	P	P

P = Permitted N = Prohibited n/a = not applicable (sign type not permitted)

10.1261.20 **Temporary signs** shall not be illuminated.

10.1261.30 **Signs** in the Historic District shall be illuminated only by **external illumination**, notwithstanding anything to the contrary in Section 10.1261.

### 10.1262 Hours of Illumination

**Signs** shall not be illuminated between 11:00 p.m. and 6:00 a.m., except that **signs** may be illuminated during the operation of a **use** or activity that is open to customers or the public, and for not more than one hour after the activity ceases.

### 10.1263 Illumination Standards

10.1263.10 A light source for **external illumination** of a **sign** shall be mounted and shielded so that said light source is not visible three feet above grade at the **lot line** and so that the lighting is confined to the area of the **sign**.

10.1263.20 A light source for **internal illumination** of a **sign** constructed of translucent materials and wholly illuminated from within shall not require shielding.

- 10.1263.30 A **sign** or its illuminator shall not by reason of its location, shape or color interfere with pedestrian or vehicular traffic or be confused with or obstruct the view or effectiveness of any official traffic signal or traffic marking.
- 10.1263.40 **Illuminance** of the **sign** face shall not exceed the following standards:
- 10.1263.41 **External illumination:** 50 **foot-candles** as measured on the **sign** face.
- 10.1263.42 **Internal illumination:** 5,000 **nits** (candelas per square meter) during daylight hours, and 500 **nits** between dusk and dawn, as measured at the **sign**'s face.
- 10.1263.43 **Direct illumination:** 5,000 **nits** during daylight hours, and 500 **nits** between dusk and dawn, as measured at the **sign**'s face.
- 10.1263.50 Light sources shall utilize energy efficient fixtures to the greatest extent practicable. Light fixtures including bulbs or tubes used for **sign illumination** shall be selected and positioned to achieve the desired brightness of the **sign** with the minimum possible wattage, while ensuring compliance with all applicable requirements of this Ordinance.
- 10.1263.60 A **sign** using **direct illumination** shall consist only of letters, numbers and other common typographical characters, all of which shall be in no more than three colors against a dark background, and the total illuminated area shall not exceed 30 percent of the total area of the **sign**.

## Section 10.1270 Additional Sign Regulations

### 10.1271 Signs on More Than One Façade of a Building

- 10.1271.10 A **use** in a **building** with more than one exterior wall facing a **street** may have **signs** on each such wall.
- 10.1271.20 An **establishment** with a public entrance on a side of the **building** not facing a **street** may have **signs** on that side as well as on the street-facing wall(s).
- 10.1271.30 Regardless of the location of **signs**, the maximum **sign area** per establishment shall be based only on the **building frontage** as defined in Section 10.1290.

### 10.1272 Roof Signs

- 10.1272.10 A **roof sign** shall be parallel to the main façade of the **building** on which it is mounted,

- 10.1272.20 A **roof sign** on a pitched, hip, gambrel or **mansard roof** shall not extend above the elevation midway between the level of the eaves and the highest point of the roof. A **roof sign** is not permitted on a flat roof.
- 10.1272.30 The maximum height of a **roof sign** shall not exceed the lesser of 36 inches or 25% of the vertical height of the roof.

### 10.1273 Marquee Signs

- 10.1273.10 All text, images and other graphics on a **marquee sign** shall be displayed on the outside vertical faces of the **marquee**, and shall be no more than 1.5 feet tall.
- 10.1273.20 The **sign area** of a **marquee sign** shall be included in the maximum **aggregate sign area** allowed for the **lot**.

### 10.1274 Relation of Sign to Building Façade in the Historic District

In the Historic District, a **wall sign** or **projecting sign** should align with some horizontal element on the façade. For example, the top of the **sign** may align with the top of the window, the bottom of the **sign** may align with the bottom of the window, the bottom of **sign** may align with the top of the lintel, etc.

### 10.1275 Interim Signs

An interim **sign** may be erected while awaiting arrival of a permanent **sign** for which a **sign** permit has been issued. -The interim **sign** shall conform to the same dimensional and other requirements as the approved permanent **sign** and shall be allowed only until the permanent **sign** is installed or for 60 days, whichever is the shorter period of time. A **sign** permit for an interim **sign** must be obtained from the **Code Official**.

## Section 10.1280 Nonconforming Signs

- 10.1281 A **nonconforming sign** or **sign structure** shall be brought into conformity with this Ordinance if it is altered, reconstructed, replaced, or relocated. For the purpose of this provision, the alteration of a **sign** or **sign structure** includes any change in size, shape, materials or technology. A change in text or graphics is not an **alteration** or replacement for purposes of this subsection.
- 10.1282 **Nonconforming signs** must be maintained in good condition. Maintenance required by this Subsection shall include replacing or repairing of worn or damaged parts of a **sign** or **sign structure** in order to return it to its original state, and is not a change or modification prohibited by Subsection 10.1281.
- 10.1283 A **nonconforming sign** shall be removed, made conforming, or replaced with a conforming **sign** if 50 percent or more of the **nonconforming sign**



is blown down, destroyed, or for any reason or by any means taken down, altered, or removed.

- 10.1284 A **nonconforming sign** shall be removed if the use of the **nonconforming sign**, or the property on which it is located, has ceased, become vacant, or been unoccupied for a continuous period of 8 months or more. An intent to abandon is not required as the basis for removal under this section.

## Section 10.1290 Sign Definitions

### **Aggregate sign area**

See under **sign area**.

### **Animated sign**

A **sign** that uses movement or a change of lighting to depict action or create a special effect or scene. See also **changeable sign**.

### **Awning**

A cloth, plastic or other nonstructural covering that either is permanently attached to a **building** or can be raised or retracted to a position against the **building** when not in use.

### **Awning sign**

A **sign** that is painted on or otherwise applied or attached to an **awning**. An **internally illuminated** awning shall be considered an **awning sign** whether or not it contains any text or graphics.

### **Banner sign or banner**

A **sign** that consists of text or other graphic elements on a non-rigid material either enclosed or not enclosed in a rigid frame and secured or mounted to allow motion caused by the atmosphere. See also **temporary sign**.

### **Building frontage**

The maximum horizontal width of the **ground floor** of a **building** that approximately parallels and faces a public **street** or right of way.

- (a) Where an individual occupant's main entrance faces a **driveway** or **parking lot**, the width of the occupant's **ground floor** space facing the occupant's entrance shall be considered that occupant's separate and distinct **building frontage**.
- (b) Where two or more **uses** occupy the **ground floor** of a **building**, the portion of the **building frontage** occupied by each **use** will be that **use**'s separate and distinct **building frontage** for the purpose of calculating allowed **sign area**.
- (c) A **corner lot** or **through lot** shall be considered to have a separate and distinct **building frontage** on each **street**.
- (d) When a **building** is not parallel to the **street**, or has a front wall that is angled or curved, the **building frontage** shall include any portion of the front wall that is oriented at an angle of 30 degrees or less from the **front lot line**.

**Canopy**

A freestanding **structure** constructed of rigid materials, providing protective cover over an outside service area.

**Canopy sign**

A **sign** attached to, affixed to or otherwise mounted on a **canopy**.

**Changeable sign**

A **sign** or portion thereof with characters, letters or symbols that can be changed, whether electronically or manually without altering the face or surface of the **sign**. A **sign** on which the message changes more than once per day shall be regulated as an **animated sign**. A **sign** on which the only changes are mechanical or electronic indication of time or temperature is not considered a **changeable** or **animated sign**.

**Direct illumination**

**Illumination** of a **sign** by light emitted directly from a **lamp**, luminary or reflector, and not diffused through translucent materials or reflected or projected from an external source. Examples include, but are not limited to, **signs** using luminous gas-filled tubes (e.g., neon) or light-emitting diodes (LED). (See also **external illumination**, **externally illuminated sign**, **internal illumination**, **internally illuminated sign**.)

**External illumination**

Illumination of a **sign** by a source of light not contained within, or on the surface of, the **sign** itself. (See also **direct illumination**, **externally illuminated sign**, **internal illumination**, **internally illuminated sign**.)

**Externally illuminated sign**

A **sign** that is illuminated by a light source that is not contained within, or on the surface of, the **sign** itself

**Freestanding sign**

A **sign** that is permanently erected in a fixed location and supported by 1 or more columns, upright poles or braces extended from the ground or from an object on the ground, or that is erected on the ground, where no part of the **sign** is attached to any part of a **building**, **structure**, or other **sign**. Examples include, but are not limited to, **monument signs** and **pole signs**.

**Halo lettering.**

An **externally illuminated sign** in which light sources are placed out of direct view behind opaque **sign** elements (letters or graphics), creating a glow around the sign elements.

Halo Lettering



**Internal sign**

A **sign** that is not intended to be viewed from outside the property, and that is located so as not to be visible from any **street** or from any **adjacent lot**. Examples include, but are not limited to, **signs** in the interior areas of **shopping centers**, non-illuminated **signs** inside a **building** and more than 3 feet inside any window or door, and **signs** located completely within a **building** and not visible from outside the **building**.

**Internal illumination**

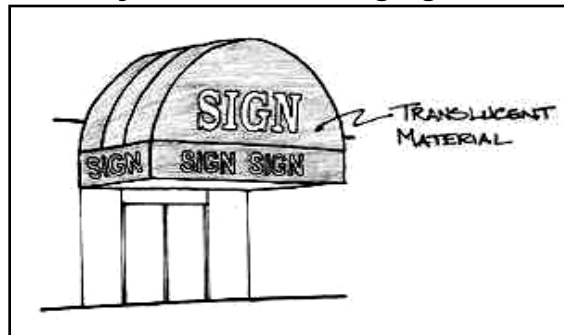
**Illumination** of a **sign** by light that is diffused through a translucent material from a source within the **sign**. (See also **direct illumination**, **external illumination**, **externally illuminated sign**, **internally illuminated sign**.)

**Internally illuminated sign**

A **sign** that is illuminated by light from a source within the **sign** through a translucent material. (See also **direct illumination**, **external illumination**, **externally illuminated sign**, **internal illumination**, **halo lettering**.)

Examples of **internally illuminated signs** include:

- (a) **Internally illuminated** translucent **sign**, which may have opaque surfaces with translucent letters or translucent surfaces with opaque letters. An opaque surface with translucent letters is preferred to a translucent surface with opaque lettering.
- (b) **Internally illuminated awning signs**.



- (c) **Internally illuminated** channel letters.



**Marquee**

A **structure** other than a roof that is attached to, supported by and projecting from a **building**, and that provides shelter for pedestrians.

**Marquee sign**

A **wall sign** that is mounted on or attached to a **marquee**.

**Mobile sign**

A **sign** on a trailer or other wheeled apparatus, whether or not self-propelled, that is not permanently affixed to the ground. (See also: **temporary sign**.)

**Monument sign**

A **freestanding sign** constructed of a solid material and mounted on a solid base that is placed directly on the ground.

**Nit**

A unit of luminance, equal to one candela per square meter.

**Parapet**

An extension of a vertical **building** wall above the line of the structural roof.

**Parapet sign**

A **wall sign** attached to the face of a **parapet**.

**Pennant sign** or **pennant**

See **banner sign**.

**Parapet sign**

A **sign** attached to a **parapet wall**, with its face parallel to the plane of the **parapet wall** and extending no more than 18 inches from such wall.

**Pole sign**

A **freestanding sign** that is permanently supported in a fixed location by a **structure** of poles, uprights or braces from the ground and not supported by a **building** or base **structure**.

**Projecting sign**

A **sign** attached to and projecting from the wall of a **building** with the face of the **sign** at an interior angle of more than 45 degrees to the **building** wall to which it is attached.

**Roof sign**

A **sign** that is located:

- (a) above the level of the eaves on pitched or gambrel roofs;
- (b) above the roof deck of a **building** with a flat roof; or
- (c) above the top of the vertical wall of a **building** with a **mansard roof**.

**Sign**

Any symbol, design or device used to identify or advertise any place, business, product, activity, service, **person**, idea or statement. Any representation that is illuminated and consisting wholly or in part, of text, images or graphics shall be considered a **sign**. **Signs** need not include text, and may consist of stripes, spots, or other recognizable designs, shapes or colors. Displays comprising of merchandise, figurines, mannequins, decorations and other similar articles, arranged inside a **building** and visible outside of a window, shall not be considered a **sign**.

**Sign area**

The total surface area of a **sign** display, including all text, images and graphics, and any distinctive surface, board, frame or shape on or within which the text, images and graphics are displayed.

**Aggregate sign area**

The total **sign area** of all **signs** on a **lot** or **building**, as indicated by the context, excluding the area of **freestanding signs** allowed by Article 12.

**Sign band**

A painted stripe or otherwise distinct scheme which indicates the **establishment's** logo by use of certain colors or patterns.

**Temporary sign**

A **sign**, other than a **mobile sign**, that is not permanently affixed to a **building** or **structure** or permanently mounted in the ground, and that pertains to an activity or event of limited duration. (See also **mobile sign**.)

**Wall sign**

A **sign** attached to, erected against or hanging from the wall of a **building**, with the face in a parallel plane to the plane of the **building** wall, and extending no more than 18 inches from such wall. A **wall sign** may also be inside of a **building** if it is illuminated and visible through the window from a private of public right of way.