

Sec. 3-50. Sign code.

(a) *Preamble.* The city council finds that a lack of a comprehensive, constitutionally sound sign code regulating signs in the City of New Hope constitutes an emergency threatening public health, safety and welfare. Among the city's concerns are:

(1) Signs could be erected without regard to the manner in which the size, number, or location of the signs interferes with traffic sight lines, endangering or distracting drivers and pedestrians alike, thereby causing traffic hazards.

(2) Signs could be constructed in a manner or of materials that are structurally unsound and vulnerable to collapse, endangering persons or property in the vicinity of the signs. The following code is adopted as section 3-50 of the New Hope City Code.

(b) *Findings, title, purpose, intent and effect.*

(1) Findings. The city council hereby finds as follows:

a. Exterior signs have substantial impact on the character and quality of the environment.

b. Signs provide an important medium through which individuals may convey a variety of messages.

c. Signs can create traffic hazards, aesthetic concerns and detriments to property values, thereby threatening the public health, safety and welfare.

d. The city's zoning regulations have included the regulation of signs in an effort to provide adequate means of expression and to promote the economic viability of the business community, while protecting the city and its citizens from a proliferation of signs of a type, size, location and character that would adversely impact upon the aesthetics of the community and threaten the health, safety and welfare of the community. The regulation of the physical characteristics of signs within the city has had a positive impact on traffic safety and the appearance of the community.

(2) Code. Sections 3-50 through 3-50(n) shall be known, cited and referred to as the "New Hope Sign Code" except as referred to herein, where it shall be known as the "sign code."

(3) Purpose and intent. It is not the purpose or intent of this sign code to regulate the message displayed on any sign; nor is it the purpose or intent of this Code to regulate any building design or any display not defined as a sign, or any sign which cannot be viewed from outside a building. The purpose and intent of this Code is to:

a. Regulate the number, location, size, type, illumination and other physical characteristics of signs within the city in order to promote the public health, safety and welfare.

b. Maintain, enhance and improve the aesthetic environment of the city by preventing visual clutter that is harmful to the appearance of the community.

c. Improve the visual appearance of the city while providing for effective means of communication, consistent with constitutional guarantees and the city's goals of public safety and aesthetics.

d. Provide for fair and consistent enforcement of the sign regulations set forth herein under the zoning authority of the city.

(4) Effect. A sign may be erected, mounted, displayed or maintained in the city if it is in conformance with the provisions of this Code. The effect of this Code, as more specifically set forth herein, is to:

a. Allow a wide variety of sign types in commercial zones, and a more limited variety of signs in other zones, subject to the standards set forth in this sign code.

b. Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this sign code.

c. Prohibit signs whose location, size, type, illumination or other physical characteristics negatively affect the environment and where the communication can be accomplished by means having a lesser impact on the environment and the public health, safety and welfare.

d. Provide for the enforcement of the provisions of this sign code.

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

(d) *Rules and definitions*.

(1) Rules. The language set forth in the text of this sign code shall be interpreted in accordance with the rules of construction prescribed in chapter 1 except for the following provisions:

(2) Definitions.

Abandoned sign means any sign and/or its supporting sign structure which remains without a message or whose display surface remains blank for a period of one year or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Signs applicable to a business temporarily suspended because of a change in ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one year or more. Any sign remaining after demolition of a principal structure shall be deemed abandoned. Signs which are present because of being legally established nonconforming signs or signs which have required a conditional use permit or a variance may also be subject to the definition of abandoned sign.

Awning means a roof-like cover, often of fabric, plastic, metal or glass, designed and intended for protection from weather or as a decorative embellishment, and which projects from a wall or roof of a structure primarily over a window, walk or the like. Any part of an awning which projects over a door shall be counted as an awning.

Awning sign means a building sign or graphic printed on or in some fashion attached directly to the awning material.

Balloon sign means a sign consisting of a bag made of lightweight material supported by helium, hot or pressurized air which is greater than 24 inches in diameter.

Banner means attention getting devices which resemble flags and are of a paper, cloth, plastic, or plastic-like consistency.

Bench sign means any sign located on the back of a courtesy bus bench placed on or adjacent to a public right-of-way.

Billboard means any off premise sign having an area of more than 300 square feet.

Building sign means any sign attached or supported by any building.

Cabinet sign means any wall sign that is not channel or individually mounted letter construction.

Canopy means a roof-like cover, often of fabric, plastic, metal, or glass on a support, which provides shelter over a doorway.

Canopy sign means any sign that is a part of or attached to a canopy made of fabric, plastic, or structural protective cover over a door or entrance. A canopy sign is not a marquee and is different from service area canopy signs.

Changeable copy sign, manual means a sign or portion thereof that has a reader board for the display of text information in which each alphanumeric character, graphic or symbol is defined by objects not consisting of an illumination device and may be changed or rearranged manually or mechanically with characters, illustrations, letters or numbers that can be changed or rearranged without altering the face or surface of the sign structure.

Changeable copy sign, electronic means a sign or portion thereof that displays electronic, nonpictorial text information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the display area. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic displays. Electronic changeable copy signs include projected images or messages with these characteristics onto buildings or objects. Electronic changeable copy signs do not include official signs.

Changeable copy sign, graphic means a sign or portion thereof that displays electronic, static images, static graphics or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LEDs), fiber optics, light bulbs or other illumination devices within the

display area where the message change sequence is accomplished immediately or by means of fade, re-pixelization or dissolve modes. Electronic graphic display signs include computer programmable, microprocessor controlled electronic or digital displays. Electronic graphic display signs include projected images or messages with these characteristics onto buildings or other objects.

Commercial speech means a speech advertising a business, profession, commodity, service or entertainment.

Elevation means the view of the side, front, or rear of a given structure(s).

Elevation area means the area of all walls that face any lot line.

Erect means the activity of constructing, building, raising, assembling, placing, affixing, attaching, creating, painting, drawing or any other way of bringing into being or establishing.

Flag means any fabric or similar lightweight material attached at one end of the material, usually to a staff or pole, so as to allow movement of the material by atmospheric changes and which contains distinctive colors, patterns, symbols, emblems, insignia, or other symbolic devices.

Flashing sign means a directly or indirectly illuminated sign which exhibits changing light or color effect by any means, so as to provide intermittent illumination which includes the illusion of intermittent flashing light by means of animation or mode of lighting which resembles zooming, twinkling or sparkling.

Freestanding sign means any sign which has supporting framework that is placed on, or anchored in, the ground and which is independent from any building or other structure.

Grade means the grade shall be construed to be the final ground elevation after construction. Earth mounding criteria for landscaping and screening is not part of final grade for sign height computation.

Height of sign means the height of sign shall be computed as the vertical distance measured from the base of the sign at grade to the top of the highest attached component of the sign.

Illuminated sign means any sign which contains an element designed to emanate artificial light internally or externally.

Legally established nonconforming sign means any sign and its support structure lawfully erected prior to the effective date of this Code which fails to conform to the requirement of this Code. A sign which was erected in accordance with a variance granted prior to the adoption of this Code shall be deemed to be a legal conforming sign. A sign which was unlawfully erected shall be deemed to be an illegal sign.

Light projection sign means signs that project an image or message via light onto a surface of a building or structure.

Marquee means any permanent roof-like structure projecting beyond a theatre building or extending along and projecting beyond the wall of that building, generally designed and constructed to provide protection from the weather.

Marquee sign means any building sign painted, mounted, constructed or attached in any manner on a marquee.

Monument sign means any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign and which has a height exceeding eight feet.

Multiple tenant site means any site which has more than one tenant, and each tenant has a separate ground level exterior public entrance.

Multi-vision sign means any sign composed in whole or part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image and, when properly functioning, allows on a single sign structure the display at any given time one of two or more images.

Noncommercial speech means a dissemination of messages not classified as commercial speech which include, but are not limited to, messages concerning political, religious, social, ideological, public service and informational topics.

Official sign means signs of a public noncommercial nature, including public notification signs, safety signs, traffic signs, and direction to public facilities signs when erected by or on behalf of a public official or employee in the performance of official duty.

Off-premise sign means a commercial speech sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same lot where sign is located. For purpose of

this sign code, easements and other appurtenances shall be considered to be outside such lot and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off-premise sign.

On-premise sign means a sign that directs attention to an establishment, person, activity, goods, products or services located on the premises where the sign is installed.

Owner means in the case of a lot, the legal owner of the lot as officially recorded by Hennepin County, and including fee owners, contract for deed purchasers and ground lessees. In the case of a sign, the owner of the sign including any lessees.

Pennant sign means attention getting devices which resemble flags and are of a paper, cloth, plastic, or plastic-like consistency.

Pole sign means any freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level by pole(s) or beam(s) and with the area below the sign face open.

Portable sign means any sign which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support is converted to another sign, or attached temporarily or permanently to the ground sign. This characteristic is based on the design of such a sign.

Projecting sign means any sign which is affixed to a building or wall in such a manner that its leading edge extends more than two feet beyond the surface of such building or wall face.

Public notices means official notice posted by public officers, employees or their agents in the performance of their duties, or as directed by such officers, employees or agents.

Public street right-of-way means the entire right-of-way of any public street.

Pylon sign means any freestanding sign which has its supportive structure(s) anchored in the ground and which has a sign face elevated above ground level by pole(s) or beam(s) and with the area below the sign face open.

Residential district means any district zoned for residential uses.

Roof means the exterior surface and its supporting structure on the top of a building or structure. The structural makeup of which conforms to the roof structures, roof construction and roof covering sections of the International Building Code.

Roof line means the upper most edge of the roof or in the case of an extended facade or parapet, the upper most height of said facade.

Roof sign means any sign erected and constructed wholly on and above the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

Roof sign, integral means any building sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, so that no part of the sign extends vertically above the highest portion of the roof and so that no part of the sign is separated from the rest of the roof by a space of more than six inches.

Rotating sign means a sign or portion of a sign which in any physical part or in total turns about on an axis, rotates, revolves or is otherwise in motion, including without limitation a multi-vision sign.

Shimmering sign means a sign which reflects an oscillating or distorted visual image.

Sign area means the area within the marginal lines created by the sign face which bears the advertisement or, in the case of messages, figures or symbols attached directly to the part of the building, which is included in the smallest geometric figure which can be made to circumscribe the message, figure or symbol displayed thereon.

Sign face means the surface of the sign upon, against, or through which the message of the sign is exhibited.

Sign structure means any structure including the supports, uprights, bracing, and framework which supports or is capable of supporting any sign.

Site means a lot or combination of contiguous lots which are intended, designated and/or approved to function as an integrated unit.

Stringer means a line of string, rope, cording or an equivalent to which is attached a number of pennants.

Suspended sign means any building sign that is suspended from the underside of a horizontal plane surface sign and is connected to this surface.

Temporary sign means a sign erected for an event occurring for a period of time not exceeding ten calendar

days.

Total site signage means the maximum permitted combined area of all signs allowed on a specific property.

Video display sign means a sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames that gives the illusion of motion, including, but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes, not including electronic changeable copy signs. Video display signs include projected images or messages with these characteristics onto buildings or other objects.

Visible means capable of being seen by a person of normal visual acuity (whether legible or not) without a visual aid.

Wall means any structure which defines the exterior boundaries or courts of a building or structure and which has a slope of 60 degrees or greater with the horizontal plane.

Wall sign means any building sign attached parallel to but within two feet of a wall painted on the wall surface of 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.

Window sign means any building 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.

The definitions set forth in this subsection 3-50(d)(2) are in addition to the definitions set forth in chapter 4-2 of the New Hope City Code which shall apply to this section 3-50 except that in the event of a conflict between the Sections, the definitions in this section shall apply.

(e) *Permit required.* No sign shall be erected, altered, improved, reconstructed, maintained or moved in the city without first securing a permit from the city:

(1) The content of the message or speech displayed on the sign shall not be reviewed or considered in determining whether to approve or deny a sign permit.

(2) Application for an administrative permit shall be filed by the property owner or designated agent with the city, on forms to be provided by the city.

(3) Application for a permit shall contain the following information unless waived by the city:

- a. Names and addresses of the applicant owners of the sign and lot.
- b. Address at which any signs are to be erected.
- c. Lot, block and addition at which the signs are to be erected and the street on which they are to front.
- d. Type and size of sign (e.g., wall sign, pylon sign).
- e. A site plan to scale showing the location of lot lines, building structures, parking areas, existing and proposed signs and any other physical features.
- f. Inventory of existing on-site signage (size, height, location).
- g. Plans, location and specifications and method of construction and attachment to the buildings or placement method of the ground.
- h. Copy of stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction in the amount required by this and all other laws and codes of the city.
- i. Written consent of the owner or lessee of any site on which the sign is to be erected.
- j. Any electrical permit required and issued for the sign.
- k. A detailed description of any electronic or electrical components that are proposed to be added to the sign.
- l. Other information to demonstrate compliance with this and all other codes of the city.

(4) The sign permit application shall be accompanied by a fee. Fees for the review and processing of sign permit applications shall be imposed in accordance with the fee schedule established by chapter

14 of the City Code. The fee for comprehensive sign plan review shall be identical to site and building plan review.

(5) The city shall notify the applicant, in writing, of an incomplete application within 15 days of the date of submission.

(6) The city shall review the application and related materials and shall determine whether the proposal is in compliance with all applicable evaluation criteria, codes and applicable performance standards set forth in this Code within 60 days of submission of a complete application. If the work authorized under a permit has not been completed within 60 days after the date of issuance, the permit shall be null and void.

(7) No permit or renewal shall be approved or issued unless the sign and all other signs on the premises of the applicant are in compliance with the regulations of the New Hope Sign Code section 3-50 et. al.

(8) All signs, including electrical wiring, supporting structure, guy wires or chains, shall be properly maintained and kept in safe condition. A sign or sign structure which is deteriorated, unsafe, defaced or otherwise altered shall be repaired, repainted or replaced by the permit holder or property owner on which the sign is located.

(f) *Permit not required.* The following signs shall not require a permit and are allowed in addition to those signs allowed by subsection 3-50(k) of this Code. These exemptions however shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance and its compliance with the provisions of this Code or any other law or code regulating the same.

(1) The changing of the display surface on an existing painted or poster display sign only. This exemption however shall apply only to poster replacement and/or on site changes involving sign painting elsewhere than directly on a building.

(2) Temporary signs six square feet or less in size, not to exceed three feet in height, only in residential zoning districts. Said temporary sign shall not be erected for more than ten calendar days.

(3) All noncommercial speech signs of any size posted in any number from August 1 in a state general election year until ten days following general election, and 13 weeks prior to any special election until ten days following the special election.

(4) Official signs.

(5) Flags or emblems of a national, federal or state government or memorial signs thereof, displayed on private property.

(6) One on-premise temporary sign shall be allowed per street frontage when a building is offered for sale or lease, provided that:

a. Within the R (residential) districts, no sign shall exceed 12 square feet in area and six feet in height for single-family, two-family, townhouse, and quadraminium units; or 32 square feet in area or eight feet in height for multi-family or institutional uses.

b. Within all other zoning districts and in those cases where a parcel of land exceeds ten acres, regardless of its zoning, no sign shall exceed 64 square feet in area or ten feet in height.

(g) *Prohibited signs.* The following signs are prohibited:

(1) Any sign, signal, marking or device which purports to be or is an imitation of or resembles any official traffic control device or railroad sign or signal, or emergency vehicle signs, or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.

(2) All signs over 300 square feet in area.

(3) All off-premise signs greater than six square feet in area.

(4) Changeable copy signs, except as specifically allowed by subsection 3-50(k).

(5) Content classified as "obscene" as defined by Minn. Stat. § 617.241.

(6) Flashing, rotating, moving, shimmering or animated signs.

(7) Portable signs, banners, pennants, ribbons, streamers, strings of light bulbs, spinners or similar

devices except as allowed by subsections 3-50(j)(8) and 3-50(k).

(8) Roof signs.

(9) Signs painted, attached or in any other manner affixed to trees or similar natural surfaces, or attached to fences, utility poles, bridges, towers, or other public structures.

(10) Video display signs.

(11) Signs painted directly onto a building wall surface.

(12) Light projection signs.

(h) *Violations.* Any person who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of any of the provisions of this chapter shall, upon conviction thereof, be a petty misdemeanor, punishable by a maximum fine of \$300.00. Persons violating this section may be fined in addition to other penalties for code violations allowed by this Code. Any sign violation of this section may be subject to immediate removal by the city, at the expense of the owner, without notice to the property owner or owner of the sign, if different than the property owner. Each day that the violation continues is a separate offense.

(1) This chapter shall be administered and enforced by the building official. The building official may institute in the name of the city appropriate actions or proceedings against a violator.

(2) Inspection. All signs for which a permit is required shall be subject to inspection by the building official.

(3) The city reserves the right to require the removal at the owner's expense of any sign when the requirements of this section are not completely followed and adhered to, or if a sign is not properly maintained or falls into a state of disrepair. The city shall not have any obligation or liability to replace any sign when removed by the city.

(i) *Substitution.* The owner of any sign which is otherwise allowed by this sign code may substitute noncommercial copy in lieu of any other commercial or noncommercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary.

(j) *General regulations.*

(1) All permanent freestanding signs requiring a permit shall be set back ten feet from any property line. No permanent freestanding sign may be placed in the traffic triangle of any corner lot. The traffic triangle is defined as the corner formed by the intersection of two streets or the rights-of-way of a railway intersecting a street. The 20 feet shall be in the form of an isosceles triangle with the two equal 20-foot sides formed by and measured along the property lines and the third side formed by a straight line connecting the corners of each 20-foot point as measured along the property line.

(2) Temporary freestanding signs in residential zoning districts not requiring a permit as described in subsection 3-50(f) of this Code shall be set back a minimum of ten feet from the back of the curb unless a sidewalk is present at the sign location, in which case the sign must be set back behind the sidewalk. On all corner lots, temporary freestanding signs not requiring a permit shall not be permitted within 20 feet of any corner formed by the intersection of two streets or the rights-of-way of a railway intersecting a street. The 20 feet shall be from the back of the curb of the intersecting streets or railway right-of-way and the third side formed by a straight line connecting the corners of each 20-foot point as measured along the property lines.

(3) All building and electrical codes are applicable. All signs shall be wired to conform to subsection 3-22(a)(2) of this Code. Sign structures shall be designed to withstand a 50 psf snow load and 90 psf wind pressure.

(4) The installation of electrical signs shall be subject to the state's electrical code. Electrical service to a freestanding sign shall be underground.

(5) No sign shall be attached or be allowed to hang from any building until all necessary wall and roof attachments have been approved by the building official.

(6) No signs, guys, stays or attachments shall be erected, placed or maintained on trees nor interfere with any electrical light, power, telephone or telegraph wires or the supports thereof.

(7) Illuminated signs shall be shielded to prevent lights from being directed at oncoming traffic in such brilliance that it impairs the vision of the driver. Illuminated lights shall not interfere with or obscure traffic signs or signals. Glare from illuminated signs shall not exceed one foot candle at the centerline of an adjoining public street or one foot candle at the property line of an adjoining residential use.

(8) Temporary signs as permitted within the specific zoning district.

a. The use of banners, pennants, temporary signs and similar devices shall require a permit valid for no more than ten consecutive days and shall expire automatically after said period. Upon the permit expiration, the applicant shall cease to display any and all signs permitted by the permit unless the applicant has obtained a new permit for said signage.

b. No more than five permits per business shall be granted during any 12-month period. If two permits are obtained in succession by any applicant per subsection 3-50(j)(8)a, both permits shall be counted for the purpose of determining the yearly limitations of this subsection.

c. The area of banner, pennant, temporary sign or similar device shall not exceed the area allowances for the specific zoning district in which the sign is located.

d. Permits for any temporary sign pursuant to this section shall be issued only to owners, tenants or their respective agents of commercial or industrial property. Applications must be submitted to the city building official on a form approved by the city a minimum of one business day prior to the special or promotional event when the signs will be used.

e. Temporary sign standards.

1. All temporary signs must be located on the premises where the event is occurring.

2. Not more than one banner, pennant, temporary sign or similar device shall be displayed for an individual business at any one time.

3. Signage shall not exceed 50 square feet.

4. In the event sign permits are simultaneously held by multiple tenants in a multiple occupancy building, the signs must be located at least 200 feet apart.

5. No temporary signs allowed by this section shall be erected or temporarily placed within a public street right-of-way or upon public lands, easements or rights-of-way. Temporary signs must be located on private property. Freestanding signs shall be set back a minimum of 15 feet from the street curb. The setback shall be measured from the back of curb to that portion of the sign nearest to the curb.

f. Temporary signs permitted by subsection 3-50(f) of this Code shall be exempt from the requirements of this section.

g. Violation of any conditions of this section will result in a forfeiture of additional sign permits for the property under this section for a period of 12 months from the date of violation. The permit forfeiture shall be in addition to any other penalties for code violations allowed by this Code.

(9) No sign or sign structure shall be erected or maintained that prevents free ingress or egress from any door, window or fire escape. No sign or sign structure shall be attached to a standpipe or fire escape.

(10) A freestanding sign or sign structure constructed so that the faces are not back to back, shall not have an angle separating the faces exceeding 20 degrees unless the total area of both sides added together does not exceed the maximum allowable sign area for that district.

(11) At least one address sign identifying the correct property number as assigned by City of New Hope shall be required on each principal building in all districts. The address number shall be at least six inches in height for commercial and industrial buildings and shall be at least four inches in height for residential buildings.

(12) The area within the frame of a sign shall be used to calculate the square footage, except that the width of a frame exceeding 12 inches shall constitute a sign face, and if such letters or graphics be mounted directly on a wall or fascia or in such way as to be without a frame, the dimensions for calculating the square footage shall be the area extending six inches beyond the periphery formed around such letters or graphics bounded by straight lines connecting the outermost points thereof. Each

surface utilized to display a message or to attract attention shall be measured as a separate sign and shall be calculated in the overall square footage. Symbols, flags, pictures, wording, figures or other forms of graphics painted on or attached to windows, walls, awnings, freestanding structures, suspended by balloons, or kites or on persons, animals, or vehicles are considered a sign and are included in calculating the overall square footage.

(13) The top of a sign, including its superstructure, if any, shall be no higher than the roof of the building to which such sign may be attached.

(14) The area around freestanding signs shall be landscaped with plantings and maintained in such a manner to accent and enhance the sign while remaining sensitive to the natural features of the site.

(15) Projecting signs may be allowed in commercial districts provided that:

a. There is a minimum of eight feet of clearance under the base of the sign to the ground below.

b. The sign does not project more than five feet beyond the wall to which it is mounted, may not project over any vehicular drive aisle or traveled portion of a public or private street and may not project over a public right-of-way.

c. The area of the projecting sign is not more than 50 percent of the maximum area allowed for an individual wall sign in the respective zoning district in subsections 3-50(k)(2) and 3-50(k)(3) of this Code.

(k) *District regulations.* In addition to the signs allowed by subsection 3-50(f) of this Code, the following signs shall be allowed within the specific zoning districts:

(1) Within the R-1, R-2, R-3, R-4 and R-5 Districts, the following additional regulations apply:

a. Except for the uses specified in subsection 3-50(f) of this Code, one sign shall be allowed provided that:

1. The total area of the sign shall not exceed 16 square feet.

2. One freestanding sign shall be limited to a maximum height of eight feet.

b. In addition to the sign allowed by subsection 3-50(k)(1)a of this Code, monument signs shall be allowed for a subdivision or multiple family site having not less than five lots or dwelling units at its entrance from a street defined by the New Hope Transportation Plan provided that:

1. Not more than one sign shall be allowed per lot street frontage.

2. The area of each sign shall not exceed 48 square feet.

3. Freestanding signs shall be limited to a maximum height of eight feet.

4. Except for those signs established under the provisions of subsection 3-50(k)(1)d, the sign shall not be illuminated.

5. For sign(s) requiring regular long-term maintenance, the sign(s) shall be located on separate or common space of sufficient size and area to accommodate said structure:

i. An association, deed restriction, or ownership involving all the properties within the subdivision shall be required for the sign(s). The association shall own and be responsible for the upkeep, perpetual maintenance, taxes, insurance, utilities and other costs associated with the sign(s) and the site upon which it is located.

ii. The association rules or bylaws, or similar legal document, shall specify how the aforementioned sign responsibilities will be delegated and paid for. Such legal document shall be subject to the review and approval of the city attorney.

iii. Separate or common space outlots for signs shall be considered and planned for at the time of preliminary plat application and be included in the final plat. The subdivision development contract between the city and the developer shall specify the designated use of the outlot(s), its ownership and the respective responsibilities regarding the outlot.

6. The area around the sign shall be landscaped in such a manner to accent and

enhance the sign while remaining sensitive to the natural features of the site. Detailed site and landscape plans shall be included with each sign permit application and shall be subject to approval by the city building official.

7. The design and construction of area identification signs shall be done with the highest quality materials and workmanship to keep maintenance and upkeep costs to a minimum and to minimize the potential for vandalism. Signs are to be aesthetically pleasing when designed and constructed. The sign shall be compatible with nearby structures in the area. Detailed construction plans and a materials list shall be included with each sign permit application and shall be subject to approval by the city building official.

c. Additional signs shall be allowed upon approval of a final plat for a subdivision having not less than five lots provided that:

1. One sign shall be allowed per project or subdivision or one sign for each frontage to a major collector or arterial street, whichever is greater.
2. The area of the sign shall not exceed 32 square feet.
3. Freestanding signs shall be limited to a maximum height of eight feet.
4. The sign shall not be displayed for a period to exceed 24 months from the date a permit is issued for the sign or until building permits have been issued for 85 percent of the lots or dwelling units within the subdivision, whichever is less restrictive.

d. Government buildings and structures, public, quasi-public or private recreation buildings, public parks and recreation areas, public and private educational institutions limited to accredited elementary, middle or senior high schools, and religious institutions such as churches, chapels, temples and synagogues shall be allowed the following signs:

1. Not more than two wall signs shall be permitted on the front wall. The combined total area of such sign or signs shall not exceed the lesser of 15 percent of the area of the front face (including doors and windows), or 250 square feet.
2. For each principal building on a lot, there shall not be more than one freestanding monument sign except on a corner lot where two signs, one facing each street, shall be permitted. No such signs shall exceed 100 square feet in area. Monument signs may not exceed 12 feet in height.
3. One changeable copy sign per property, provided it meets the following:
 - i. Changeable copy signs may be a wall, freestanding or monument sign provided it meets the sign area, height, and setbacks of the respective zoning district.
 - ii. The images and messages displayed on changeable copy signs must be static and the transition from one static display to another must be instantaneous without any special effects with the exception of a scrolling monochromatic message on a single color dark background.
 - iii. Changeable copy signs may change their message no more than once every five seconds.
 - iv. The illuminated face of a changeable copy sign shall be no closer than 100 feet from any residential use unless they are screened from the adjoining residential property.
 - v. Illumination of the sign face does not exceed 500 lumens per square foot of the sign face measured one foot from the sign face.
 - vi. Certification from the sign manufacturer shall be provided stating that full illumination of the sign will not exceed 500 lumens per square foot at the sign face measured one foot from the sign face.
 - vii. Glare from illuminated signs shall not exceed one foot candle measured at the centerline of a public street or at the property line of an adjoining residential property.

viii. Changeable copy signs shall not be permitted as window signs.

4. Temporary signage is subject to the provisions of subsection 3-50(j)(8) of this Code.

(2) Within the R-0 and R-B districts the following additional regulations shall apply:

a. All residential use regulations in accordance with subsection 3-50(k)(1).

b. All commercial use regulations as follows:

1. The total area of all signs displayed on a lot shall not exceed 15 percent of the total building facade fronting not more than two public streets.

2. One freestanding sign is allowed per lot. The area of a freestanding sign may not exceed 100 square feet each side with a maximum height of 30 feet.

3. For single occupancy buildings, not more than two wall, canopy or marquee signs shall be permitted on a building, except in the case of a corner lot or through lot where wall signs may be installed on two facades fronting a public street. The area of individual signs shall not exceed 100 square feet.

4. One changeable copy sign per property provided it meets the following:

i. Changeable copy signs may be a wall, freestanding or monument sign provided it meets the sign area, height, and setbacks of the respective zoning district.

ii. The images and messages displayed on changeable copy signs must be static and the transition from one static display to another must be instantaneous without any special effects with the exception of a scrolling monochromatic message on a single color dark background.

iii. Changeable copy signs may change their message no more than once every five seconds.

iv. The illuminated face of a changeable copy sign shall be no closer than 100 feet from any residential zoning district unless they are screened from the adjoining residential property, or they are limited to operation between 6:00 a.m. and 11:00 p.m.

v. Illumination of the sign face does not exceed 500 lumens per square foot of the sign face measured one foot from the sign face.

vi. Certification from the sign manufacturer shall be provided stating that full illumination of the sign will not exceed 500 lumens per square foot at the sign face measured one foot from the sign face.

vii. Glare from illuminated signs shall not exceed one foot candle measured at the centerline of a public street or at the property line of an adjoining residential property.

viii. Changeable copy signs shall not be permitted as window signs.

5. Temporary signage subject to the provision of subsection 3-50(j)(8) of this Code.

(3) Within the LB, CB and I districts the following additional regulations shall apply:

a. The total area of all signs displayed on a lot shall not exceed 15 percent of the total building facade fronting not more than two public streets.

b. One freestanding sign is allowed per lot. The area of a freestanding sign may not exceed 100 square feet each side with a maximum height of 30 feet. Freestanding signs abutting a freeway or freeway frontage road shall not exceed 200 feet in area.

c. Wall signs. For single occupancy buildings, not more than two wall signs per building, except in the case of a corner lot or through lot where wall signs may be installed on two facades fronting a public street. The area of individual signs shall not exceed the lesser of 15 percent of the front face of the principal commercial or industrial building or 250 square feet.

d. Awing or canopy signs. Letters may be painted or otherwise affixed to any permissible

awning or canopy as follows:

1. Location. Signs shall be limited to one sign per canopy fascia fronting onto a street.
 2. Height. The canopy sign shall not project above or below the physical dimensions of the awnings or canopy fascia.
 3. Maximum signage. Awning and canopy signage shall not exceed 16 square feet per sign. Awning and canopy signage shall be included in calculating the maximum sign area of the permissible wall sign.
- e. Accessory signs to gas sales in conjunction with automobile service stations or convenience stores are permitted in addition to the signs permitted under subsection 3-50(k)(3) of this Code.
1. Gasoline and price sign. One sign (single or double faced) per frontage on a public street, suitable for apprising persons of the total price per gallon. The area of such price sign shall not exceed 16 square feet on either side. Each such sign shall be affixed to the standard of a ground sign or light fixture, and shall state the total price. No sign posting an incomplete price or less than the total sales price is permitted.
 2. Signs denoting operating instructions associated with self-service gas facilities including gas pump, air supply and car washes are exempt from the maximum sign area standards of subsection 3-50(k)(3) of this Code.
- f. One changeable copy sign provided it meets the following:
1. A changeable copy sign may be a wall, freestanding or monument sign provided it meets the sign area, height, and setbacks of the respective zoning district.
 2. The images and messages displayed on changeable copy signs must be static and the transition from one static display to another must be instantaneous without any special effects with the exception of a scrolling monochromatic message on a single color dark background.
 3. Changeable copy signs may change their message no more than once every five seconds.
 4. The illuminated face of a changeable copy sign shall be no closer than 100 feet from any residential zoning district unless they are screened from the adjoining residential property.
 5. Illumination of the sign face does not exceed 500 lumens per square foot of the sign face measured one foot from the sign face.
 6. Certification from the sign manufacture shall be provided stating that full illumination of the sign will not exceed 500 lumens per square foot at the sign face measured at the sign face.
 7. Glare from illuminated signs shall not exceed one foot candle measured at the centerline of a public street or at the property line of an adjoining residential property.
 8. Changeable copy signs shall not be permitted as window signs.
- g. Window signs shall not exceed 33 percent of the total area of the window in which they are displayed.
- h. Temporary signage subject to the provision of subsection 3-50(j)(8) of this Code.
- i. Signs accessory to multiple occupancy business and industrial uses, including shopping centers. When a single principal building is devoted to two or more businesses or industrial uses, a comprehensive sign plan for the entire building or shopping center shall be submitted and shall include the information required by subsection 3-50(k)(3)(i)(1) of this Code to permit a determination as to whether or not the plan is consistent with subsections 2 through 3 of section 3-50(k)(3)(i). No permit shall be issued for an individual use except upon a determination that it is consistent with a previously or concurrently approved comprehensive sign plan. The effect of said comprehensive sign plan is to allow and require the owner of multiple occupancy structures to determine the specific individual sign requirements for the tenants of his building. As sign locations, size and other sign details may be of some significant importance in lease

arrangements between owner and tenant, it is the city's intention to establish general requirements for the overall building only, thus providing a building owner with both the flexibility and responsibility to deal with his individual tenants on their specific sign needs.

1. *Comprehensive sign plan information.* The applicant shall prepare a written and graphic comprehensive sign plan for submission to the city. Said plan shall include, but not be limited to the following information:

- i. Sign location (both wall signs and freestanding signs).
- ii. Sign area.
- iii. Sign height.
- iv. Scaled building elevations.
- v. Scaled floor plan that outlines tenant bays.
- vi. Identification of sign design.
- vii. Sign construction drawings (sections).

viii. The council, planning commission and city staff may request additional information from the applicant concerning the application or may retain expert opinions at the expense of the city, or may require as a condition of proceeding with its consideration that the applicant furnish expert opinion and data at the expense of the applicant.

2. *Wall signs.*

i. Maximum area. The total allowable sign area for a multiple occupancy structure shall not exceed 15 percent of the combined wall surfaces on walls which abut streets in business or industrial zoning districts. No individual tenant identification sign may exceed 100 square feet in area.

ii. No multiple occupancy structure may display more than two overall building signs. Said overall building signs shall fall within the maximum wall sign area for multiple occupancy buildings.

iii. Tenant signs. Individual tenants located within multiple occupancy structures shall be permitted to display individual signs, if they have separate exterior entrances to their use or they are tenants in a shopping center, in which case, not more than one sign may be displayed. A tenant occupying a corner location fronting two streets may display signs to both street frontages.

iv. Changeable copy wall signs are permitted subject to the provisions of subsection 3-50(k)(3)f of this Code.

3. *Freestanding sign.*

i. Shopping centers. Shopping centers containing more than four separate distinct occupancies may erect one freestanding sign per street frontage, not to exceed two freestanding shopping center signs per site (single or double faced).

a. Each ground sign may not exceed 200 square feet in area, nor 30 feet in height. In lieu of multiple freestanding signs, the shopping center may have a single freestanding sign not to exceed 300 square feet in area nor 30 feet in height.

b. Changeable copy signs are permitted subject to the provisions of subsection 3-50(k)(3)f of this Code.

ii. Other multiple occupancies.

a. Multiple occupancy structures other than shopping centers, or shopping centers having four or less separate and distinct occupancies, may erect one ground sign in accordance with the provisions of subsection 3-50(k)(3)b of this Code and may identify each separate and distinct occupancy on said ground sign.

b. Changeable copy signs are permitted subject to the provisions of subsection 3-40(k)(3)f of this Code.

iii. Single occupancy freestanding satellite sites. Not more than one freestanding sign shall be permitted per satellite site.

a. Freestanding signs shall not exceed 100 square feet in area.

b. Freestanding signs shall not exceed 30 feet in height.

c. Changeable copy signs are permitted subject to the provisions of subsection 3-50(k)(3)(f) of this Code.

(l) *Nonconforming signs and sign structures.* Signs and sign structures found to be nonconforming with the provisions of this Code as of May 30, 2008 shall be subject to the following provisions:

(1) Prohibitions. A nonconforming sign may not be:

a. Changed to another nonconforming sign.

b. Structurally altered except to bring into compliance with the provisions of this sign code.

c. Expanded.

d. Re-established after its removal for 30 days.

e. Re-established after damage of more than 50 percent of sign replacement cost after a period of 180 days.

(2) Maintenance. Normal maintenance, such as painting, repairing without removal, cleaning, maintaining, electrical wiring and appurtenances on site and changing or repairing fasteners or guy wires or chains shall be permitted on any legal nonconforming sign.

(m) *Sign variance.* Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions of this section, the city council has the power to vary the requirements of this section in harmony with the general purpose and intent hereof, so that the public health, safety and general welfare may be secured and substantial justice done. When considering a variance, the city council shall make a finding of fact and grant approval based upon the following conditions:

(1) Unique conditions. That the conditions involved are unique to the particular parcel of land or use involved.

(2) Variance purpose. That the purpose of the variance is not based exclusively upon a desire to increase the value or income potential of the business involved.

(3) Cause of hardship. That the alleged difficulty or hardship is caused by this sign code and has not been created by any persons presently having an interest in the parcel.

(4) Effect of variance. That the granting of the variance will not be detrimental to the public welfare or injurious to other land or improvements to the neighborhood.

(5) Impairment of light and air. That the variance will not impair an adequate supply of light and air to adjacent property.

(6) Impairment of police and fire functions. That the variance will not impair or substantially increase the congestion of the public streets, or interfere with the function of the police and fire departments of the city.

(n) *Review procedures and informational requirements.*

(1) Sign application. The applicant must complete and submit a sign permit application for approval by the city council.

(2) Permit issued if application is in order. The city building official, upon the filing of an application for a permit, shall examine such plans, specifications and other data and the premises upon which it is proposed to erect the sign. If it appears that the proposed structure is in compliance with all requirements of this chapter and all other laws and ordinances of the city, the permit shall be issued. If the work authorized under a permit has not been completed within 60 days after the date of issuance, the permit shall be null and void.

(3) City council approval. When this chapter requires city council approval for a sign, the application

shall be processed in accordance with the procedural and substantive requirements of the New Hope Zoning Ordinance for a conditional use permit.

(Ord. No. 08-03, § 2, 5-27-2008)