

## ARTICLE 13 SIGNS

### 13.1

#### **Purpose**

The purpose of this Article is to:

- A. Protect each person's Constitutional right to freedom of speech;
- B. Protect the public health, safety, convenience, comfort, and general welfare

### 13.2

#### **Intent**

This Article regulates the time, place, and manner in which signs are displayed to achieve the following:

- A. Protect property values and create a more attractive economic and business climate;
- B. Enhance and protect the physical appearance of the community;
- C. Preserve the scenic and natural beauty of designated areas;
- D. Limit distractions and obstructions that may hinder vehicular and pedestrian safety;
- E. Reduce hazards that may be caused by signs overhanging or projecting over the public rights-of-way in a potentially hazardous manner;
- F. Provide more open space;
- G. Curb the deterioration of the natural environment and enhance community development.

### 13.3

#### **Exempt Signs**

The following signs shall be exempt on the basis that they implement a compelling government interest in protecting the health, safety, and welfare of persons and property, and shall not require permits:

- A. Temporary or permanent signs erected and maintained by a city, county, state, or federal government or official agency thereof for traffic direction or for direction to or identification of a government facility or event.
- B. Any official sign of a governmental agency pertaining to the general health, safety, or welfare of the public, or any other sign required by law, ordinance, or governmental regulation.
- C. Historical markers and other signs of a similar purpose.

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- D. One (1) sign denoting the name and address of the occupants of the premises, not to exceed two (2) square feet in size, or in the case of a farm or estate or residential community, not to exceed twenty (20) square feet.
- E. Identification sign containing the names of various civic organizations.
- F. Signs directing and guiding traffic and parking on private property, not exceeding two (2) square feet and bearing no advertising material. Two (2) such signs are permitted per entrance or exit. Signs shall not be placed within the right-of-way of any street and used by businesses occupying the premises and may include the business name, address and logo.

EXCEPTION: signs directing and guiding traffic for hospitals (as defined in Article 2) may exceed the size and number provisions set forth herein, so long as the signs do not obstruct traffic views or constitute other similar traffic hazards.

- G. One (1) business sign for a permitted home occupation; non-illuminated, not exceeding two (2) square feet in size and mounted flat against the principle building. (See Section 7.2.4 (E)).
- H. Flags, emblems and insignias of national, state or local political subdivisions. Flags which are considered to be home flags that are placed to show spirit, pride, or some type of season or activity. (NOTE: pennants and streamers are not included in this subsection).
- I. Beacons and searchlights for emergency health or safety purposes.
- J. One (1) sign advertising the sale, lease, or rental of the premises upon which the sign is located. Such a sign shall not exceed ten (10) square feet in size, except in all residential districts (GR, NCR, TND), where the size of the sign shall not be more than six (6) square feet. Such signs shall not be subject to other temporary sign regulations set forth in this Ordinance, nor shall they require a sign or building permit.
- K. An owner or agent of an existing, conforming sign may alter the content of the sign without obtaining a new sign permit, so long as the alterations do not materially alter the physical structure of the sign. Material alterations shall include any alterations that add more than one (1) foot in height to the originally permitted sign, more than one (1) square foot of area to the originally permitted sign face, and/or any alteration to the sign, sign structure, or sign location, including illumination and lighting elements or additional sign faces.
- L. Temporary signs (as defined herein) advocating a political candidate, political party, or other ballot issue for an upcoming primary, general, or runoff election. No such sign may partially or wholly obstruct traffic and other public safety signs, nor shall they be placed or constructed in a manner that is hazardous to public safety, as defined herein.

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M. Off-premise signs may be located on private property announcing or relating to a campaign, drive, or event of a civic, philanthropic, educational or religious organization providing that they are non-profit (501.C.3) agencies. All signs permitted under this section shall be no more than four (4) square feet in size (no more than three (3) banner type signs per event shall be permitted) and shall not be erected or otherwise installed any more than 21 days in advance of the event or conclusion of the particular campaign or drive and shall be removed within three (3) days after the event or conclusion of the particular campaign or drive. Prior to placement of signs for any of the above listed groups, a sign placement application form shall be submitted to Planning and Zoning. Failure to submit a sign placement application form shall result in immediate removal of signs. Also, any signs not removed by the deadline are subject to immediate removal by Planning and Zoning.

### 13.4

#### **Prohibited Permanent and Temporary Signs**

The regulations contained in this Section shall apply to all use districts. Prohibited permanent and temporary signs include:

- A. Any sign which constitutes a traffic hazard or a detriment to public safety, or may be confused with a traffic control signal or device or the light of an emergency or road equipment vehicle.
- B. Signs which make use of words, symbols, phrases or characters in such a manner as to interfere with, mislead or confuse traffic.
- C. Any sign which obstructs the view of vehicular traffic.
- D. Signs located in the sight triangle.
- E. Mobile or portable signs.
- F. Except as otherwise provided in this article, off-premise signs, including billboards.

EXCEPTION: Upon application and approval, an off-premise sign(s) may be permitted for a specified period of limited duration not more than sixty (60) consecutive days.

- G. Signs attached to any tree or utility pole.
- H. Any sign located in a public right-of-way, except those listed in Section 13.3 (A-C)
- I. Signs, except for safety purposes, attached to a fire escape or any door or window giving access to any fire escape.
- J. Blinking, flashing, moving, rotating, or intermittent lighting signs, excluding time and temperature signs.

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- K. Window signs (including approved temporary signs and signs drawn or painted directly on a window surface) visible from any public or private street or highway that occupies more than twenty (20%) percent of the window surface.
- L. Streamers, tag signs, banners, posters, pennants, ribbons, spinners, beacons, searchlights, or other similar devices shall not be permitted or attached to any other sign except in accordance with Section 13.3 (I) (Exempt Signs).
- M. Signs attached to the face of accessory buildings, except those attached to automatic teller machines or similar structures.

### 13.5

#### General Provisions

The regulations contained in this section shall apply to all signs (temporary and permanent) and all use districts, unless otherwise indicated.

- A. A sign permit shall be required for the construction, erection, relocation or alteration of any sign, unless specifically exempted in this Ordinance.
- B. All wiring, fittings, and materials used in construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the National Electric Code.
- C. All signs pertaining to the election of political officials or ballot issues shall be removed within three (3) weeks following election day by the candidates, their campaign committees, or other persons responsible for the posting of campaign material.
- D. A business may use to advertise, where otherwise permitted, not more than one (1) free-standing sign per premise and two wall mounted signs on the building (per business) shall be used to advertise, where permitted. A business, school or church with a combined total of 1800 linear feet or road frontage on more than one arterial street may have one additional free-standing sign provided that the minimum distance between free-standing signs is 1000 linear feet and one is located on each arterial frontage. If the business located at the premises is a new-car, sales dealership, selling more than one make of automobile, then such business shall be permitted additional free-standing sign(s) up to a maximum of three (3) signs on the premises only if there are at least two street frontages; only if such added sign(s) are mandated under the franchise agreement with the manufacturer; and only so long as the added sign(s) are placed as follows: (1) a maximum of no more than two signs per street front; and (2) the minimum distance between the two signs is at least 175 linear feet. Any sign above permitted shall be restricted to the same premises at which a business is located and may contain the name, address and type of establishment and one (1) trademark, trade name or service mark. General product advertising or lists of specific goods or services shall be prohibited. The Danville-Boyle County Board of Adjustments shall be permitted to issue a conditional use permit for additional wall-mounted signage for the aforementioned businesses which will be restricted to and allow the use of no more than one (1) trademark, trade name

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or service mark on each individual sign only under the following conditions: the business where the sign is proposed must be under the ownership of one entity or individual person; the request for a conditional use permit must be accompanied by a letter from the parent entity of the business which justifies why more than one trademark, trade name or service mark is required and discloses the portion of the contract with the business that requires such; no more than two (2) wall mounted signs containing such trademarks, trade names or service marks shall be permitted on each of two sides of the building; and the size of the signs may be as large as, but shall not exceed, sixteen (16) square feet each, or, added together, they may be as large as, but shall not exceed, five percent (5%) of the area of the building face on which they are mounted, whichever size is greater.

- E. In a building, grouping of buildings or premises with multiple business occupants, signage should be apportioned on the basis of square footage of building space occupied or other suitable method of equitable apportionment. Failure to satisfactorily apportion available signage between tenant(s) shall not be considered a hardship reason for requesting a variance to allow additional signage on a premises.
- F. Neon lighting and tubing may be used on or as permitted signs, but not to outline buildings or structures or ornamental features by use of exposed neon tubing.
- G. Every sign, whether requiring a permit or not, shall be maintained in a safe, presentable and good structural condition at all times, including replacement of parts and painting and cleaning of said sign and related structures, such as poles.
- H. The administrative official or an appointed designee may immediately cause to be removed any sign or sign structure deemed to be a danger or defective or which may, in the opinion of the administrative official, be dangerous to persons or property.
- I. All signs which are attached to buildings shall be affixed in such a way that no part of the sign shall extend more than twelve (12) inches away from the surface of the building in any direction and shall be securely attached to said building, except for signs attached to a mansard roof which shall not extend more than twelve (12) inches above the parapet line of the building and the outermost horizontal point of the roof.
- J. Awning signs may be used in lieu of, but not in addition to, wall signs for an individual establishment. If illuminated, such awning sign shall have lighting concealed from view.
- K. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public street, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.

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## 13.6

### Permitted Temporary Signs

#### 13.6.1

#### DURATION

Temporary signs as permitted by this Ordinance may be erected for a period not to exceed sixty (60) consecutive days, except as otherwise dictated in this Article. A single extension for up to an additional sixty (60) consecutive days may be permitted by the Planning Director upon application and demonstration of reasonable justification by the agent or owner of the temporary sign. No materially similar sign may be granted to the same applicant for one (1) year, dated from the time the original temporary permit is issued, except as otherwise noted in this Ordinance.

#### 13.6.2

#### TEMPORARY SIGN PROVISIONS

Except as otherwise provided in this Article, temporary signs allowed by this Ordinance are listed below, subject to the following requirements:

- A. The area of each non-portable temporary sign shall be no greater than fifty (50) square feet nor more than fifteen (15) feet above ground.
- B. A temporary sign permit and payment in full of any associated fees shall be required prior to the placement of each temporary sign.
- C. The sign must be located on the premises to which the advertisement relates, except where noted elsewhere in this Article. This includes construction signs and commercial real estate signs.
- D. No more than two (2) temporary signs shall be simultaneously allowed per premise.
- E. The administrative official shall maintain a record of all temporary sign permits. The sign owner or agent shall remove the approved temporary signage within ten (10) days of the end of the total display period.
- F. Temporary on-premises signs shall not be located within five (5) feet of dedicated rights-of-way nor within fifty (50) feet of all intersection streets rights-of-way and meet all other setback requirements of the zone in which the sign is located.
- G. The following shall be considered temporary on-premises signs:
  1. Temporary sign announcing or relating to sales campaigns, drives, or events of a civic, philanthropic, educational or religious organization.
  2. Temporary sign relating to the future tenants of the premises where the sign is located. Total display period shall not exceed six (6) months in one (1) calendar year.
  3. Temporary sign that contains a message relating to construction work in progress or upcoming on-site where sign is located, including identification of persons or businesses engaged in the development or construction of the

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site. Total display period shall not exceed sixty (60) days plus the construction period.

### 13.7 **Measurement of Sign Area**

The size of the sign shall be computed by multiplying the vertical length and horizontal length of the frame(s). Structural members not used for advertising shall not be included in computation.

### 13.8 **Sign Setback Requirement**

Signs and outdoor advertising structures, where permitted, shall be set back from the establishment right-of-way line of any street or highway at least five (5) feet, except for the following modifications:

- A. For every square foot by which such a sign or outdoor advertising structure exceeds fifty (50) square feet of sign area, the setback shall be increased by one (1) foot but need not exceed fifty (50) additional feet.
- B. At the intersection of any state or federal highway with an arterial or collector street, the setback of any sign or outdoor advertising structure shall not be less than fifty (50) feet from the establishment right-of-way of each highway or street.

### 13.9 **Special Yard Provisions**

Signs and advertising structures, where permitted, shall be erected or placed in conformity with the side and rear yard requirements of the district in which located. Exception: no sign or advertising structure shall be erected or placed closer than fifty (50) feet of a side or rear lot line in any residential district.

### 13.10 **No Signs in Easements**

No sign is permitted in any easement.

### 13.11 **Violations - Signs**

Any sign installed, erected or maintained in violation of this Ordinance, the administrative official or a duly appointed designee shall notify the owner, agent or person having beneficial use of the building, structure, or lot upon which the sign may be found, in writing, to alter such sign and sign structure so as to comply with this Ordinance within seven (7) days. Upon failure to comply with such notice within the time specified, the administrative official is hereby authorized to cause removal of such sign and sign structure (including poles, lights, and other associated equipment), and any expense incident thereto shall be paid by the owner of the building, structure, or lot to which such signs are attached, along with any other applicable penalties.

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## Violations – Sign Permits

In case any sign shall be installed, erected, or maintained without first obtaining a sign permit shall be assessed a 100% penalty of the scheduled sign permit fee, over and above the fee itself.

13.13

## Nonconforming Signs

Nonconforming signs and sign structures shall, unless otherwise noted in this Article, be treated as nonconforming situations and shall fall under the provisions of Article 6 (Nonconforming Situations) of this Ordinance.

13.14

## Additional Sign Regulations

The following sign regulations pertain to specific permitted or conditional uses and are in addition to the sign regulations established hereinabove. Unless otherwise noted, sign regulations concerning each permitted or conditional use are valid in all regulating districts, regardless of whether the use is permitted by right or by condition.

Unless specifically prohibited by the regulations of this or another Ordinance, all uses are allowed appropriate signage. In cases where a specific use is not listed, the Planning Commission, upon the advice of the Planning Director, shall interpret this Ordinance in such a way that the unlisted use follows the sign guidelines of the use listed that most closely matches both function and scale of operation.

13.14.1

### HOME OCCUPATIONS

A. One business sign for a permitted home occupation, non-illuminated, not exceeding two (2) square feet in size and attached flat against the principle building.

13.14.2

### SINGLE-FAMILY RESIDENTIAL AND SIMILAR DEVELOPMENT

Two subdivision development identification signs not exceeding sixty-four (64) square feet combined in size of permanent construction.

13.14.3

### MULTI-FAMILY RESIDENTIAL AND SIMILAR DEVELOPMENT

- A. Two development identification signs not exceeding sixty-four (64) square feet combined in size of permanent construction.
- B. One identification sign not exceeding twenty (20) square feet in size for multifamily dwellings and setback at least twenty (20) feet from the front lot line.

13.14.4

### OFFICE, CIVIC, AND MIXED USE STRUCTURES IN GR, NCR, DT, TND DISTRICTS

- A. One identification sign for each individual business, not to exceed forty (40) square feet or 5% of the wall area to which it is attached, whichever is greater, indicating only the name and address of the building and the name of the

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occupant. If a free-standing ground sign, the same size limitations shall apply. Pole signs or other forms of free-standing, elevated signs shall not be permitted.

- B. Two development identification ground signs (where applicable) not exceeding sixty-four (64) square feet combined in size of permanent construction.

One non-illuminated business sign for each tenant or lessee, limited to two (2) square feet in size, mounted on the face of the building.

### 13.14.5

#### **OFFICE, CIVIC, AND MIXED USE STRUCTURES IN NCC DISTRICTS**

- A. One identification sign for each individual business, not to exceed forty (40) square feet or 5% of the wall area to which it is attached, whichever is greater, indicating only the name and address of the building and the name of the occupant. If a free-standing sign, the same size limitations shall apply. Height shall not exceed twenty (20) feet.

- B. Two development identification ground signs not exceeding sixty-four (64) square feet combined in size of permanent construction;

OR

One development freestanding identification sign displaying only the name and address of the project, not to exceed sixty-four (64) square feet in size and not to exceed twenty (20) feet in height.

- C. One non-illuminated business sign for each tenant or lessee, limited to two (2) square feet in size, mounted on the face of the building.

### 13.14.6

#### **OFFICE, CIVIC, AND MIXED USE STRUCTURES IN HC AND RC DISTRICTS**

Provisions shall be identical to those listed for Commercial Uses in HC and RC Districts.

### 13.14.7

#### **BED AND BREAKFAST FACILITIES AND BOARDING HOUSES (ALL DISTRICTS)**

- A. One business sign, non-illuminated, not exceeding two (2) square feet in size and attached flat against the principle building.
- B. One free-standing sign, not exceeding nine (9) square feet in size and not exceeding five (5) feet in height.

### 13.14.8

#### **DAY CARE CENTERS IN GR, NCR, DT, AND TND DISTRICTS**

- A. One non-illuminated business sign, limited to forty (40) square feet in size, mounted on the face of the building.

One free-standing sign, not exceeding nine (9) square feet in size and not exceeding five (5) feet in height.

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**13.14.9**

**DAY CARE CENTERS IN ALL OTHER DISTRICTS**

- A. One non-illuminated business sign, limited to forty (40) square feet in size, mounted on the face of the building.
- B. One free-standing sign, not exceeding sixty-four (64) square feet in size and not exceeding twenty-five (25) feet in height.

**13.14.10**

**RECREATION FACILITIES (NONSTRUCTURAL)**

Includes parks, ball fields, outdoor pool facilities, golf courses, and related accessory structures.

- A. Signs shall not exceed sixty-four (64) square feet in size, and shall not exceed twenty-five (25) feet in height.
- B. Signs shall be non-illuminated.
- C. Signs may exceed sixty-four square feet in size and/or may be illuminated upon obtaining a Conditional Use Permit from the Board of Adjustment.

**13.14.11**

**RECREATION FACILITIES (STRUCTURAL)**

Includes enclosed recreation facilities such as fitness centers and gymnasiums, amusement parks and facilities, and other similar structures or activities.

- A. One business identification sign, not to exceed forty (40) square feet or 5% of the wall area to which it is attached, whichever is greater, indicating only the name and address of the building and the name of the management. If a free-standing sign, the same size limitations shall apply. Height shall not exceed twenty-five (25) feet.
- B. One building identification sign per building structure, non-illuminated, not exceeding two (2) square feet in size and attached flat against the building.
- C. Other directional and informational signs are permitted, so long as they are not visible to areas outside the property boundaries.

**13.14.12**

**GENERAL COMMERCIAL USES (OUTSIDE HC AND RC DISTRICTS)**

- A. Permitted signs shall advertise only the premises on which located.
- B. Wall signs at least twelve (12) feet above ground level shall be permitted, limited to two signs for each business, tenant or lessee, provided that the height of lettering shall not exceed two (2) feet except that this maximum may be exceeded if the area within the maximum dimensions of the sign does not exceed 3% of the exposed building face. No more than one (1) such sign may be mounted to a building side.
- C. Two subdivision development identification ground signs not exceeding sixty-four (64) square feet combined in size of permanent construction;

OR

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One subdivision development freestanding identification sign displaying only the name and address of the project, not to exceed sixty-four (64) square feet in size and not to exceed twenty (20) feet in height.

### 13.14.13

#### GENERAL COMMERCIAL USES IN HC AND RC DISTRICTS

- A. Permitted signs shall advertise only the premises on which located.
- B. One free-standing identification sign may be erected for each separate premise, not to exceed thirty (30) feet in height. Sign area shall be no more than fifty (50) square feet in area and setback from the right-of-way line from any street at least five (5) feet. Sign area may be extended to a total of 100 square feet, provided that the provisions of Section 13.8 are met.
- C. Wall signs at least twelve (12) feet above ground level shall be permitted, limited to two signs for each business, tenant or lessee, provided that the height of lettering shall not exceed two (2) feet except that this maximum may be exceeded if the area within the maximum dimensions of the sign does not exceed 3% of the exposed building face. No more than one (1) such sign may be mounted to a building side.
- D. A business, school or church with a combined total of 1,800 linear feet of road frontage on more than one arterial street may have one (1) additional free-standing sign provided that the minimum distance between free-standing signs is 1000 linear feet and is located on an arterial frontage.

### 13.14.14

#### INDUSTRIAL USES

- A. One identification sign for each individual business, tenant or lessee per right of way not to exceed forty (40) square feet or 5% of the wall area to which it is attached, whichever is greater, indicating only the name and address of the building and the name of the occupant. If free-standing, the same size limitation shall apply. Height shall not exceed twenty-five (25) feet.
- B. Wall signs at least twelve (12) feet above ground level shall be permitted, limited to two signs for each business, tenant or lessee, provided that the height of lettering shall not exceed two (2) feet except that this maximum may be exceeded if the area within the maximum dimensions of the sign does not exceed 5% of the exposed building face. No more than one (1) such sign may be mounted to a building side.
- C. In a planned industrial park in an IBD District, one free-standing identification sign displaying only the name and address of the park may be erected, not to exceed three hundred (300) square feet in size. Such signs shall have a maximum height of forty (40) feet.
- D. A business, school or church with a combined total of 1,800 linear feet of road frontage on more than one arterial street may have one (1) additional free-standing sign provided that the minimum distance between free-standing signs is 1000 linear feet and is located on an arterial frontage.