



Sec. 28-125. - Off-premise digital signs.

- (a) Off-premise digital signs are prohibited within the jurisdiction of the city, provided however, that the director may issue fifteen (15) off-premise digital sign permits as authorized by this ordinance. All such off-premise digital signs shall be subject to this section and all other relevant provisions of this chapter.
- (b) Sign operators installing, testing, or maintaining off-premise digital signs shall comply with the following requirements:
 - (1) The dwell time, defined as the interval of change between each individual message, shall be at least ten (10) seconds, and a change of message must be accomplished within one (1) second or less. The dwell time shall not include the one (1) second or less required to change a message.
 - (2) The digital sign shall contain a default mechanism that will freeze the sign in one (1) position if a malfunction occurs.
 - (3) The digital sign may not display light of such intensity or brilliance to cause glare or otherwise impair the vision of the driver, or results in a nuisance to the driver.
 - a. Digital sign light intensity exceeding the following intensity levels (nits) constitutes "excessive intensity or brilliance":

Intensity Levels (NITS)		
Color	Daytime	Nighttime
Red Only	<u>3,150</u> withheld	<u>withheld</u> 1,125
Green Only	<u>withheld</u> 6,300	<u>withheld</u> 2,250
Amber Only	<u>withheld</u> 4,690	<u>withheld</u> 1,675
Full Color	<u>withheld</u> 7,000	<u>withheld</u> 2,500

- b. Prior to the issuance of a sign permit, the applicant shall provide written certification from the sign manufacturer that the light intensity has been factory pre-set not to exceed seven thousand (7,000) NITS and that the intensity level is protected from end-user manipulation by password-protected software or other method as deemed appropriate by the director.
- (4) The digital sign shall not be configured to resemble a warning or danger signal or to cause a driver to mistake the digital sign for a warning or danger signal.
- (5) Off-premise digital sign faces may have dimensions of up to three hundred (300) square feet or up to six hundred seventy-two (672) square feet in accordance with conversion table 1 and table 2.
- (6) A digital sign is subject to all existing restrictions on light intensity or brilliance contained in Chapter 35 of the Unified Development Code, including but not limited to subsection 35-612(p)(6).



- (7) A digital sign must not resemble or simulate any lights or official signage used to control traffic in accordance with the 2003 Manual on Uniform Traffic Control Devices, with Revision No. 1 published by the Federal Highway Administration (FHWA).
 - (8) A digital sign must be equipped with both a dimmer control and a photocell, which automatically adjusts the display's intensity according to natural ambient light conditions.
 - (9) Except for a sign that qualifies as nonconforming under section 28-139, a digital sign must comply with sign face size restrictions set forth in section 28-142. A nonconforming sign may not be enlarged beyond its present size without forfeiting its nonconforming status.
 - (10) A digital sign may not be within two thousand (2,000) feet of another off-premise digital sign facing the same traveled way. In no case shall an off-premise digital sign be in a line of sight with another off-premise digital sign. Spacing requirements for off-premise digital signs in relation to other classifications of signs shall comply with section 28-136.
 - (11) The height of a digital sign must comply with section 28-137. On existing structures that qualify as nonconforming under section 28-139, digital sign displays may replace the existing static display.
- (c) Digital sign classifications.
- (1) Existing sign means a currently erected sign whose components need only minimal modification to display digital signs. Sign operators may replace the sign faces of existing signs with digital sign faces subject to the conversion ratios of table 1 or table 2.
 - (2) New sign means a digital sign erected on a site devoid of a sign or a digital sign placed on a currently erected sign structure supporting a sign that requires significant modification to support a digital sign. Sign operators may replace the sign faces of new signs with digital sign faces subject to the conversion ratios of table 1 or table 2 and the relocation provisions of section 28-97. In no event shall a new digital sign be constructed in an area prohibited by current zoning district boundaries.
 - (3) Corridor sign means an existing sign that qualifies as nonconforming sign under section 28-139 and whose components need only minimal modification to display digital signs. Sign operators may replace the sign faces of existing nonconforming signs with digital sign faces subject to the conversion ratios of table 1 or table 2.
- (d) An off-premise digital sign permit shall be issued for existing signs, new signs, and corridor signs subject to the conversion ratios of table 1 or table 2 and section 28-93. All applications for an off-premise digital sign permit must identify the number of demolition permit numbers for off-premises signs set out in table 1 or table 2. The off-premise digital sign permit may be issued only after removal of the existing registered off-premises signs in accordance with the conversion ratios in table 1 or table 2. Demolitions occurring prior to the effective date of this section shall not be allowed to be counted for removal purposes under this subsection.
- (e) The city, through appropriate personnel, may exercise its police powers to protect public health, safety, and welfare by requiring emergency information to be displayed via digital signs. Upon notification, the sign operators shall display in appropriate sign rotations: Amber Alert emergency information or emergency information regarding terrorist attacks, or natural disasters. Emergency information messages are to remain in rotation according to the designated issuing agencies protocols.

TABLE 1
CONVERSION REQUIREMENTS
FOR DIGITAL BULLETIN DISPLAYS (Up to 672 sq. ft. per structure)

Square Feet	# of structures	Structure Description	Requires Faces to be	Removals Sq. Ft.	New Digital Sign Bulletin Faces To Gain	Sq. Ft. Permitted



			Removed	Removed	(Up to 672 sq. ft. per structure)	
(72 sq. ft) 8-Sheet.	19	19 single face structures	19	1,368	1	672
	9	9 double face structures	18	1,296	1	672
	5	5 quad structures	20	1,440	1	672
(288 sq. ft.) 30-Sheet	3	2 double face structures/ 1 single face structure	5	1,440	1	672
	5	5 double face structures	10	2,880	2	1,344
(300 sq. ft.) 10 x 30	3	2 double face structures/ 1 single face structure	5	1,500	1	672
	6	4 double face structures/ 2 single faced structures	10	3,000	2	1,344
(378 sq. ft.) 10.6 x 36	4	4 single face structures	4	1,512	1	672
	4	4 double face structures	8	3,024	2	1,344
(400 sq. ft.) 10 x 40	4	4 single face structures	4	1,600	1	672
	4	4 double face structures	8	3,200	2	1,344
(672 sq. ft.) 14 x 48	3	3 single face structures	3	2,016	1	672
	3	3 double face structures	6	4,032	2	1,344



		structures				
(1,200 sq. ft.) 20 x 60	1	1 single face structure	1	1,200	1	672
	1	1 double face structure	2	2,400	2	1,344

**TABLE 2
CONVERSION REQUIREMENTS
FOR DIGITAL POSTING DISPLAYS (Up to 300 Sq. Ft. per structure)**

Square Feet	# of structures	Structure Description	Requires Faces to be Removed	Removals Sq. Ft. Removed	New Digital Sign Bulletin Faces To Gain (1 digital sign face per structure)	Sq. Ft. Permitted
(72 sq. ft) 8-Sheet.	8	8 single face structures	8	576	1	300
	12	8 single face structures/ 4 double face structures	16	1,152	2	600
(288 sq. ft.) 30-Sheet	2	2 single face structures	2	576	1	300
	2	2 double face structures	4	1,152	2	600
(300 sq. ft.) 10 x 30	2	2 single face structures	2	600	1	300
	2	2 double face structures	4	1,200	2	600
(378 sq. ft.) 10.6 x 36	2	2 single face structures	2	756	1	300
	3	3 double face structures	6	2,268	3	900



(400 sq. ft.) 10 x 40	2	2 single face structures	2	800	1	300
	2	2 double face structures	4	1,600	2	600

Notes for Table 1 and Table 2:

1. Structures larger than 10 x 40 are not permitted to be used for digital sign posting sized units (three hundred (300) sq. ft.).
2. Any other sign display size will be permitted at the lower designated classification as noted above.
3. All signs permitted to be used to meet the conversion ratios must be physically completed sign structures with a complete sign face. No partially erected/completed signs may be used to meet the conversion ratios.
4. Only one (1) digital sign face shall be allowed per structure.

(Ord. No. 2007-12-06-1247, § 5, 12-6-07; Ord. No. 2012-03-08-0170, § 5, 3-8-12)

We are not proposing changes to any Sections EXCLUDED HERE (sections excluded for brevity) (SNIP)

Sec. 28-241. - Provisions applicable to nonresidential zoning districts.

- (a) The number and size of signs allowed in nonresidential zoning districts shall be based on Tables 2 and 3 of this Article and the street classification as specified in the Major Thoroughfare Plan, Article IV of the Unified Development Code and the definitions included in this chapter.
- (b) Local streets.
 - (1) Freestanding signs.
 - a. One (1) freestanding sign per platted lot is permitted; provided, however, on lots with frontage on more than one (1) street, one (1) sign shall be allowed on each street on which the lot has frontage.
 - b. The sign shall be set back a minimum of five (5) feet from the street right-of-way and ten (10) feet from all interior side lot lines.
 - (2) Attached signs. The aggregate area of all attached signs shall not exceed twenty-five (25) percent of a building facade or fifty (50) square feet for each occupancy that has a separate and distinct public entrance, whichever is greater.
- (c) Arterials Type A and B/Commercial Collectors
 - (1) Freestanding signs.
 - a. One (1) freestanding sign per platted lot is permitted; provided, however, on lots with frontage on more than one (1) street, one (1) sign shall be allowed on each street on which the lot has frontage. Additional freestanding signs are permitted with a minimum spacing of every one hundred fifty (150) linear feet. Additional freestanding signs shall not exceed



- seventy-five (75) percent of the allowable height and size set out in Tables 2 and 3 of this article, except as described in subsection 28-241(c)(1)b. below.
- b. Where the primary use of a lot is automobile sales, one (1) freestanding sign shall be permitted for each one hundred fifty (150) linear feet of street frontage in accordance with Table 2. The maximum height and size for all allowed signs on lots where the primary use is automobile sales shall be in accordance with Table 2 or 3, whichever applies. On lots with frontage on more than one (1) street, the same shall apply for each street.
 - c. Signs shall be set back a minimum of ten (10) feet from street rights-of-way if the height of the sign exceeds twenty-five (25) feet. Signs shall be set back a minimum of ten (10) feet from side or rear lot lines if the adjacent property is zoned residential or is used for residential.
- (2) Attached signs. The aggregate area of all attached signs shall not exceed twenty-five (25) percent of a building facade or seventy-five (75) square feet for each occupancy that has a separate and distinct public entrance, whichever is greater.
- (d) Expressways.
- (1) Freestanding signs.
 - a. One (1) freestanding sign per platted lot is permitted; provided, however, on lots with frontage on more than one (1) street, one (1) sign shall be allowed on each street on which the lot has frontage. Additional freestanding signs are permitted with a minimum spacing of every one hundred fifty (150) linear feet. Additional freestanding signs shall not exceed seventy-five (75) percent of the allowable height and size set out in Tables 2 and 3 of this Article, except as described in subsection 28-241(c)(1)b. below.
 - b. Where the primary use of a lot is automobile sales, one (1) freestanding sign shall be permitted for each one hundred fifty (150) linear feet of street frontage in accordance with Table 2. The maximum height and size for all allowed signs on lots where the primary use is automobile sales shall be in accordance with Table 2 or 3, whichever applies. On lots with frontage on more than one (1) street, the same shall apply for each street.
 - c. Signs shall be setback a minimum of ten (10) feet from street rights-of-way if the height of the sign exceeds twenty-five (25) feet. Signs shall be set back a minimum of ten (10) feet from side or rear lot lines if the adjacent property is zoned residential or is used for residential.
 - (2) Attached signs. The aggregate area of all attached signs shall not exceed twenty-five (25) percent of a building facade or one hundred (100) square feet for each occupancy that has a separate and distinct public entrance, whichever is greater.
- (e) Special regulations for nonresidential zoning districts.
- (1) Menu boards. Menu boards shall be oriented to internal vehicular traffic and shall not be directed to traffic on adjacent streets.
 - (2) Fuel price signs. In addition to other authorized signs, service stations shall be allowed one (1) sign on each pump island identifying only the type and price of fuels. Each sign shall not exceed eight (8) square feet in area. If attached to a freestanding sign, the area of the fuel price sign shall be counted toward the allowable area for the freestanding sign.
 - (3) Wall signs. Wall signs shall project no more than eighteen (18) inches perpendicular from the wall. Signs on a wall of a building which is on the property line may project eighteen (18) inches over the property line.
 - (4) Projecting signs. Projecting signs may extend into the public right-of-way from the building facade for a maximum distance of eight (8) feet or a distance equal to two-thirds (2/3) the width of the abutting sidewalk, whichever distance is greater. However the horizontal clearance between any portion of the sign and the curb line shall not be less than two (2) feet. Projecting



signs shall not exceed one hundred fifty (150) square feet in sign area and shall be a minimum of eight and one-half (8½) feet above the adjacent sidewalk.

- (5) Awning, canopy, marquee signs. These signs shall comply with the latest adopted International Building Code for construction requirements.
- (6) Incidental signs. Incidental signs may be erected on any platted lot without limit to number, provided the signs do not exceed thirty-two (32) square feet in area or eight (8) feet in height.
- (7) Digital displays. On-premises digital displays shall be permitted subject to the following requirements:
 - a. Intensity.

1.

The digital sign may not display light of such intensity or brilliance to cause glare or otherwise impair the vision of the driver, or results in a nuisance to the driver.

a. Digital sign light intensity exceeding the following intensity levels (nits) constitutes "excessive intensity or brilliance":

<u>Table 4. Intensity Levels (NITS)</u>		
<u>Color</u>	<u>Daytime</u>	<u>Nighttime</u>
<u>Red Only</u>	<u>withheld</u>	<u>withheld</u>
<u>Green Only</u>	<u>withheld</u>	<u>withheld</u>
<u>Amber Only</u>	<u>withheld</u>	<u>withheld</u>
<u>Full Color</u>	<u>withheld</u>	<u>withheld</u>

~~All digital displays shall be illuminated at a level no greater than 0.3 footcandles over ambient light levels for the location and time and shall employ light cutoff devices such as, but not limited to, louvers in order to minimize light escaping above the horizontal plane. Footcandle readings shall be measured at ground level at the distances shown in Table 4.~~

TABLE 4

<u>Sign size (square feet)</u>	<u>Distance from source</u>
<u>0 to 100</u>	<u>400 feet</u>
<u>101 to 350</u>	<u>450 feet</u>
<u>351 to 650</u>	<u>200 feet</u>
<u>Over 651</u>	<u>250 feet</u>

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2. ~~As measured from the nearest residential property line, the maximum light emanation from an adjacent digital sign display shall be 0.2 footcandles.~~
 3. A digital display sign must be equipped with both a dimmer control and a photocell which automatically adjusts the display's intensity according to natural ambient light conditions to comply with Intensity Levels of Table 4.
 4. The digital display shall contain a default mechanism to turn the sign off in case of malfunction or shall be manually turned off within twenty-four (24) hours of a reported malfunction.
- b. Digital display standards.
1. Use of full-motion video is prohibited on displays greater than thirty-two (32) square feet.
 2. Use of flashing, strobing or scrolling line-travel text such as, but not limited to, "ticker-tape" is prohibited.
 3. Use of sound is prohibited.
- c. Digital display placement.
1. No more than one (1) two-sided digital display per each freestanding sign structure shall be permitted.
 2. No more than one (1) two-sided digital display may be permitted for each street frontage for an individual premise.
 3. Minimum spacing between digital display signs shall be two hundred (200) feet.
- d. Sign dimensions.
1. Digital displays shall be permitted at heights and areas in accordance with Table 2.
 2. In no case shall a digital display exceed three hundred seventy-five (375) square feet nor exceed sixty (60) feet in overall height.
- e. Existing signs. All digital displays, as defined, lawfully in existence prior to the effective date of Ordinance No. 2010-06-24-0618 shall conform to the provisions of this subsection within one (1) year of June 24, 2010; provided however, that incandescent or monochrome LED signs using a single display color and which are used exclusively to display text, including time and temperature signs, shall be excluded from the requirements of this provision.