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**17.75.100 PURPOSE:** The enforcement of this chapter will enable the following goals to be met:

1. To provide for the safety, health, and welfare of the citizens of the community, including pedestrian and automobile travelers, by minimizing distractions, obstructions, and other hazards that may be caused by the display of signs;
2. To preserve the natural, historic, and scenic beauty of the community;
3. To encourage the effective and creative use of signs as a means of communication within the city through enhanced architecture and design of signs within the city;
4. To maintain and enhance the aesthetic environment and the city’s ability to attract sources of economic development and growth;
5. To minimize the possible adverse effects of signs on nearby public and private property;
6. To provide for a reasonable display of signs, without interference from other signage, in a fair and equitable manner; and
7. To enable the fair and consistent enforcement of these sign regulations.

**17.75.101 DEFINITIONS:** For use in this chapter, the following terms are defined:

1. Abandoned (Obsolete) Sign – Any sign that advertises a business, lessee, owner, product, service, or activity that is no longer located on the premises where the sign is displayed.
2. Banner - Any sign comprised of flexible plastic, fabric or other similar material, temporarily displayed to advertise a specific event or activity.
3. Billboard - Any sign that advertises or displays goods, products, services, or facilities which are located elsewhere than on the premises upon which such sign is displayed.
4. Clear Zone – An area at a street intersection in which nothing shall be erected, placed, planted, or allowed to grow in such a manner as to impede vision or exceed a height of 2 ½ feet above street grade, measured from the point of intersection of the public right-of-way, 25 feet in either direction along the right-of-way lines (See Chart B in Chapter 17.10 of the Zoning Code).
5. Directional Sign – Any on-premise sign that includes information assisting in the flow of vehicular or pedestrian traffic such as enter, exit, one way, no-parking, etc.
6. Double-faced Sign - A sign structure with two parallel and directly opposite sign faces located not more than two feet apart.
7. Electronic Message Sign – A sign that displays a changing message or copy through the use of an electronically controlled and illuminated medium. Message or copy includes words, logos, or symbols that can change to provide different information. Electronic message signs include, but are not limited to computer signs, electronic reader boards, time and temperature signs, and other electronic signs as determined by the Development Department. May include, but not limited to illuminated signs.

8. Erect - To build, construct, attach, hang, suspend, or affix a sign, including the painting of wall signs.
9. Existing Sign – A sign that was installed according to all applicable ordinances and regulations before the effective date of this ordinance.
10. Facing or Surface - The surface of the sign upon, against, or through which the sign's message is displayed or illustrated.
11. Frontage, Building - Those portions of the buildings on a particular property which are parallel to and adjacent to the lot frontage.
12. Frontage, Lot - Those portions of a lot or building site which are adjacent to and abut a public street (typically the front lot line). For the purpose of determining the maximum sign area, public alleys, easements, pedestrian walkways, etc. shall not be considered lot frontages.
13. Freestanding Sign - Any sign supported by a foundation, uprights, or braces; placed upon the ground; and not attached to any building. Freestanding signs include ground signs, monument signs, pylon signs, pole signs and other similar signs as determined by the Development Department.
14. Grade - The average level of the finished surface of the ground immediately below the sign and all overhanging parts. The grade shall be the existing grade or finished construction grade exclusive of any filling, berming, mounding, or other alteration solely for the purpose of increasing sign height. If the grade has been artificially altered to gain sign height, the sign height shall be measured from the nearest elevation of unaltered ground.
15. Ground Sign – A sign suspended or supported by one or more uprights or braces anchored in the ground with no more than twenty-four (24) inches clearance from the bottom of the sign to the ground below. For classification, ground signs may not exceed six (6) feet in height in residential zones and eight (8) feet in height in commercial or industrial zones.
16. Height - The height of a sign shall be computed as the distance from the base of the sign at the existing normal or average grade to the top of the highest attached component or part of the sign, including the structural elements.
17. Identification Sign - Any sign that is limited to the name, address, and number of a building, premises, institution, or person, to the activity carried on within the building or institution, or to the occupancy of the person.
18. Illuminated Sign - Any sign that has characters, letters, figures, designs, or outline illuminated by electric lights or luminous tubes as a part of the sign. Includes electronic message signs.
19. Incidental Sign - A sign containing general information that has a purpose secondary to the use of the lot on which it is located. Such sign shall not contain nor project a commercial message and shall only state such directives as "Private / No Parking," "Entrance," "Loading Only," and "Telephone."
20. Interior Sign – Any sign inside a building, not attached to a window or door that is not legible from beyond the property line of the lot or parcel where such sign is located.
21. Mansard Roof – A sloped roof or roof-like façade, architecturally able to be treated as a building wall. Often constructed to increase the roof height or appeal.
22. Multi-faced Sign – A sign that has more than two sides or faces. This includes three-dimensional (3-D) signs and/or other signs of irregular shape where there are more than two faces for the sign.
23. Nonconforming Sign - Any sign that does not conform to the requirements of this chapter.
24. Obsolete Sign – See "Abandoned Sign."

25. Off-premise Sign – A commercial sign that advertises goods, services, or another business that are not sold or operated on the premises.
26. Permanent Sign - A sign constructed of durable materials, permanently affixed to the ground or a building, intended to exist for the duration of time that the use or occupation is located on the premises, and meeting all relevant building code requirements.
27. Projecting Sign - Any sign that is attached to and extends more than twelve inches from a building wall or other structure.
28. Promotional Sign – Any sign, informational display, or other advertising device, with or without a structural frame, which is placed and maintained for a limited (temporary) period of time, including but not limited to banners, flags, pennants, sandwich boards, umbrellas, searchlights, balloons, tents, and signs on trailers, unless specifically permitted elsewhere in this chapter.
29. Right-of-Way (ROW) – The portion of land dedicated to public use for pedestrian and vehicular movement and the area of utilized for the placement of public utilities. This area includes passageways such as public streets and alleys, pedestrian walkways, sidewalks, the land encompassing these areas, and other areas owned or controlled by the City of Burlington.
30. Sandwich Board (A-frame) Sign – A moveable sign that is not secured or attached to the ground or surface upon which it is located. Such a sign is indented to promote specials, sales, etc. for a business or property and is placed directly upon the ground.
31. Sign - Any structure or medium primarily intended to be used to direct attention from a public right-of-way and/or to promote or advertise a business, product, service, subject, idea, premises or thing when visible from the public right-of-way. The term “sign” includes, but is not limited to, all reading matter, letters, pictorial representations, emblems, trademarks, inscriptions, logos, commercial sculptures, and patterns, whether affixed to a building, located within a building, or separate from a building.
32. Structure Trim - The molding, battens, capping, nailing strips, latticing and platforms that are attached to the sign structure.
33. Temporary Sign – See “Promotional Sign.” A sign not intended, designed, or constructed for permanent display, unless expressly permitted by this Chapter.
34. Wall Sign - A sign painted on any exterior wall of any building or other structure, or attached to and erected parallel to the wall, and supported throughout its entire length by the building or structure.
35. Window Sign – A sign that is affixed to, painted on, or directly displayed from any window. Window signs are visible from and intended to be viewed from the right-of-way and may be located on the inside or the outside of a window. Such signs are calculated and regulated as wall signs.

**17.75.102 PERMIT REQUIREMENTS:** It is unlawful for any person to erect, alter, relocate, display or cause the same to be done within the City any sign or other advertising structure as defined in this chapter, without first obtaining a sign permit, making payment of the fee required by number three (3) of this section, and holding the City harmless from any liability incurred as a result of the installation of the sign or advertising structure. Illuminated signs shall be subject to the provisions of the Electrical Code and the permit fees required there under. In addition to remedies provided for a violation of this chapter, a double permit fee may be assessed for noncompliance with this section. The following processes are required in order to obtain a sign permit:

1. **Permit Application:** Application for sign permits shall be obtained from the City. Information that is required to show compliance with this chapter and all other ordinances of the City shall be provided on the application.

2. **Permit Issuance:** It is the duty of the City, upon the filing of an application for a sign permit, to examine and review such plans and specifications and to issue a permit if they are in compliance with the provisions of this chapter and the municipal code.
3. **Permit Fees:** Every applicant, before being granted a sign permit, shall pay to the City the sign permit fee as established by resolution of the City Council. The required encroachment permit fee shall be paid to the City prior to granting any associated sign permit.

**17.75.103 EXEMPTIONS:** The permit requirements, district signage regulations, and design requirements sections of this chapter do not apply to the following signs; provided however, said signs are subject to all other provisions of this chapter, unless otherwise noted.

1. Building numbers and nameplates identifying the address and/or occupant of a property. Such numbers or name shall not be used in conjunction with a Home Occupation or advertising a business. Building numbers are required by City code to be located on all buildings, visible from the public right-of-way.
2. Real estate signs which advertise the sale, rental, or lease of the premises upon which they are located, provided that such signs do not exceed eight (8) square feet in area in residential zoning districts or thirty-two (32) square feet in all other zoning districts. Such signs shall not be placed within the public right-of-way or located within clear zones. New subdivisions shall be allowed one thirty-two (32) square foot sign at each entrance into the subdivision noting the developer or seller contact and lots for sale. Such sign shall be removed at build-out of such subdivision.
3. Signs denoting the architect, engineer, contractor, lending institution or future occupant, limited to one each, placed upon work under construction. Such signs shall not exceed eight (8) square feet in area in residential zoning districts or thirty-two (32) square feet in all other zoning districts. Such sign shall not be displayed more than five (5) days prior to the beginning of construction and shall be removed prior to occupancy of the structure. Freestanding signs shall not exceed a height of six (6) feet in residential zones and eight (8) feet in all other zones.
4. Occupational signs denoting only the name and profession of an occupant in a commercial building or public institutional building. Such signs shall not exceed two (2) square feet in area per occupant, nor exceed a total of sixteen (16) square feet for all signs. Such signs shall only be placed as wall signs.
5. Sandwich board (A-frame) signs located in the C-3, Central Business District that are no greater than four (4) feet in height and thirty (30) inches in width. Only one such sign is allowed for each lot or property provided it does not have another freestanding sign. Signs shall only be located upon the property for which it advertises or directly in front of such property. Such signs shall not obstruct any pedestrian pathways.
6. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or similar materials.
7. Traffic or other municipal signs, legal notices, railroad crossing signs, danger and temporary, emergency or non-advertising signs as may be approved by the City Council. Such signs may be displayed on public right-of-way.
8. Signs or notices that are required to be displayed, maintained or posted, by law, or by any court or governmental order, rule or regulations. Such signs may be displayed on public right-of-way.
9. Official flags or emblems, of a nation, state, city, educational institution, or non-profit organization. Such flags or emblems are not to be considered as signs. On a lot on which one or more official flags are displayed, one private flag displaying the name and/or logo of the business or organization located on that lot may also be displayed provided that its height, location, and area do not exceed those of any official flag; provided the height of a

private flag shall be a maximum of twenty-five (25) feet and the size shall be a maximum of fifteen (15) square feet.

10. Signs applied directly onto the body of a car, bus, truck, trailer or other vehicle if such vehicle is operated in the normal course of a business and not used primarily to display such sign. Such vehicles shall not remain static or parked in the same place for more than three days (3), during a normal business week. Such signs located on a vehicle or trailer associated number (3) of this section shall be exempt of this requirement.
11. Signs on a business premises indicating the desired vehicular traffic flow such as "Enter," "Exit," "Park," "No/Parking," etc. providing such signs do not exceed five (5) square feet in area per sign. Signs may identify the business by name, recognized emblem, or insignia provided the name, emblem or insignia does not exceed twenty percent (20%) of the total sign area and such copy is nonchangeable. Such signs may be a maximum of five (5) feet in height. Only those signs that are associated with a driveway leading to the property from a public right-of-way may include business copy.
12. Signs announcing or supporting political candidates or issues placed on a ballot in connection with any national, state, or local election; provided such signs are placed no earlier than 90-days prior to such election and are removed no later than seven (7) days after such election. Each property shall be allowed a maximum of two such signs for each candidate or issue on their property. Those lots with two lot frontages shall be allowed an additional sign and properties with 500-feet of lot frontage or greater shall be allowed one additional sign. Such signs shall not exceed eight (8) square feet in area in residential zoning districts and thirty-two (32) square feet in all other zoning districts.
13. Holiday lights and decorations, not to include promotional signs. Such decorations may be placed on or over public right-of-way only when an encroachment permit is granted.
14. Yard sale signs not exceeding a total of four (4) square feet in area for all signs; or auction signs not exceeding a total of four (4) total signs with a maximum of four (4) square feet for each sign. Such signs shall be displayed for a maximum period of one (1) week. No person shall display such sign on the property of another person without having first obtained the consent of the owner of such property. Such off-premise signs may be displayed for a maximum of seventy-two (72) hours.
15. Home occupation signs that do not exceed four (4) square feet and are not illuminated. Only one such sign shall be permitted per property and ground signs shall not exceed four (4) feet in height. See Section 17.30.406.
16. Temporary signs that do not exceed five (5) square feet in area pertaining to drives or events of civic, philanthropic, charitable, educational, or religious organizations, provided that such signs are displayed only during the event and not more than thirty (30) days before the event, and are removed not more than three (3) days after the event. There shall be a maximum of two (2) such signs per property.
17. Works of art that do not include any commercial messages. These works of art, including but not limited to sculptures, fountains, statues, and murals, must not represent or be largely associated with the business or operation that they are constructed for. Allowable works of art are not displayed to advertise any commercial, professional, retail or other business-related activity.
18. Congratulatory signs or announcements are limited to one sign per property, with a maximum size of thirty-two (32) square feet, and a maximum 72-hour display period.
19. Athletic fields and similar recreation area signage are permitted in addition to other permitted signage addressed herein, so long as said signs are intended to be viewed primarily from the playing field and spectator area and not from the public right-of-way. Said athletic field and similar recreation area signage shall not exceed 25-foot in height and the maximum total exempt sign area for such fields and recreation areas shall not exceed

three hundred (300) square feet. This signage is not counted towards the total allowable signage for the lot or property upon which it is located.

20. Signs located within a building that are not intended to be viewed from the public right-of-way. Signs within a stadium, arena, open-air theater, shopping center, or other building or structure that are only seen by persons within such structure.
21. On-premises signs offering “drive-up” service and/or items available, such as a menu board, may be excluded from the total allowable sign area permitted for the zone within which it is located. Any commercial message on such sign shall not be intended to be viewed from the public right-of-way.
22. Traffic, street, and other municipal and state signs that are placed by a city, state, or federal entity.
23. Signs not visible beyond the boundaries of the lot or property upon which they are situated or from any public right of way.
24. Existing signs of historic significance, such as plaques, painted words, or other significant “signs,” on buildings that were constructed prior to the adoption of the zoning code for the City of Burlington in 1959.
25. The following signs shall be allowed, based upon City staff approval, and are intended to serve a greater community good by showcasing historical places and other significant events taking place within the City.
  - a. Community special event signs or banners approved by the city council.
  - b. Commemorative plaques, signs, flags, or monuments placed by historical or civic organizations that do not display a commercial message.

**17.75.104 DISTRICT SIGNAGE REGULATIONS:** All signage located on a property or lot shall be applied towards the total allowed signage for such property or lot, unless such signage is otherwise exempt, as stated herein. The total allowed signage for a property or lot in each zoning district is as follows:

1. **R-1, R-2, R-3 (Residential Zoning Districts)**

- a. Permitted uses, conditional uses, and special uses, shall be permitted one freestanding, non-illuminated identification sign per property with a surface area not exceeding four (4) square feet. Such sign shall not exceed four (4) feet in height
- b. Church, school, other institution and public buildings shall be permitted (100) one hundred square feet of signage. A maximum of fifty (50) square feet may be used for an (illuminated) freestanding sign and the remaining signage shall be used in conjunction with and/or attached to the principal building. The height of any freestanding sign is not to exceed six (6) feet and shall not be within fifty (50) feet of an adjoining lot used and/or zoned for residential purposes.

State licensed public or private schools located in the area designated by subsection 6 of this section may be permitted to have up to two hundred fifty (250) square feet of total signage. No freestanding sign shall exceed twenty-five (25) feet in height or be located within fifty (50) feet of an adjoining lot used and/or zoned for residential purposes. Signs that cannot meet this setback requirement shall be a maximum of six (6) feet in height. All such schools may have electronic message signs.
- c. Subdivisions shall be permitted two identification signs per entrance. Surface areas shall not exceed ten (10) square feet of sign copy and may display only the name of the subdivision. The total area of sign, including structural supports, decorative uprights, etc., shall not exceed fifty (50) square feet, with a maximum of

two supports and/or decorative uprights per sign. Signs shall not exceed six (6) feet in height and may be indirectly illuminated.

- d. Mobile home parks shall be permitted one identification sign not exceeding ten (10) square feet per entrance, displaying only the name and address of the park. Signs shall not exceed six (6) feet in height and may be indirectly illuminated.
- e. Nonconforming uses, other than residential, shall be permitted a maximum of forty (40) square feet of signage. A maximum twenty (20) square feet of such signage may be illuminated and the height of a freestanding sign shall not exceed six (6) feet.
- f. Electronic message signs are prohibited within these districts unless associated with a state licensed public or private school located within these districts. When located on school property, such signs must be located a minimum of one hundred (100) feet from an adjoining lot used and/or zoned for residential purposes.

2. **R-4 (Multi-family Residential Zoning District)**

- a. Signs as permitted and regulated in the R-1, R-2, and R-3 districts subject to the following modification: For multiple-family dwelling buildings and/or complexes: a maximum of two (2) freestanding signs, not to exceed six (6) feet in height, with a total surface area of sign copy not exceeding two (2) square feet for each dwelling unit contained in the building or complex. A maximum total of thirty-two (32) square feet in surface area per building and a total of one hundred (100) square feet per complex is allowed.

Surface areas shall not exceed ten (10) square feet of sign copy. The total area of sign, including structural supports, decorative uprights, etc., shall not exceed fifty (50) square feet, with a maximum of two supports and/or decorative uprights per sign. Such signs shall indicate only the name and/or address of the building or complex and the name and location of the management thereof.

- b. Signs may be illuminated.
- c. Electronic message signs are prohibited within this district unless associated with a state licensed public or private school located within this district. When located on school property, such signs must be at least one hundred (100) feet from any other residential property.

3. **C-1 and C-2 (Commercial Districts)**

- a. The total surface area of all signs on a lot shall not exceed two (2) square feet for each lineal foot of building frontage, or one (1) square foot for each lineal foot of lot frontage, whichever results in the larger surface area. However, the maximum total surface area of all permitted signs for each property shall not exceed two hundred (200) square feet in C-1 districts and three hundred (300) square feet in C-2 districts.
- b. Properties that have more than one lot frontage shall be permitted an additional fifty (50) square feet of signage, if frontages allow, for a maximum total of two hundred fifty (250) square feet in C-1 districts and three hundred fifty (350) square feet in C-2 districts.
- c. Signs shall not exceed the height of the wall to which they are attached, and freestanding signs shall not exceed twenty-five (25) feet in height in a C-1 area or forty (40) feet in height in a C-2 area. In no case shall a freestanding sign be greater than twenty-five (25) feet in height if the sign is located within fifty (50) feet of a residential zoning district boundary.

- d. One additional freestanding sign shall be permitted when the lot frontage exceeds five hundred (500) feet for that property. An additional freestanding sign shall also be allowed for each additional two hundred fifty feet (250) feet of lot frontage beyond five hundred (500) feet of lot frontage.
- e. Signs may be illuminated.

4. **C-3 (Central Business District)**

- a. The surface area of all permitted signs on a lot shall not exceed two (2) square feet for each lineal foot of building frontage or one (1) foot for each lineal foot of lot frontage, whichever results in the larger surface area. However, the maximum total surface area of all permitted signs for any property shall not exceed two hundred (200) square feet for each lot frontage.
- b. When establishments border more than one frontage, the sign area for each frontage shall not exceed in square footage the amount as computed for the frontage on which the sign is located. One-half of the signage for one frontage may be applied to an (adjacent) frontage for the same lot.
- c. No more than one projecting sign for each property street frontage shall be permitted. Such sign shall be a minimum height of eight (8) feet above grade. An encroachment agreement is required for any sign that projects into the public right-of-way.
- d. Signs shall not exceed the height of the wall to which they are attached, and freestanding signs shall not exceed forty (40) feet in height. In no case shall a freestanding sign be greater than twenty-five (25) feet in height if the sign is located within fifty (50) feet of a residential zoning district boundary.
- e. One additional freestanding sign shall be permitted when the lot frontage exceeds five hundred (500) feet for that property. An additional freestanding sign shall also be allowed for each additional two hundred fifty feet (250) feet of lot frontage beyond five hundred (500) feet of lot frontage.
- f. Signs may be illuminated.

5. **M-1 and M-2 (Industrial Districts)**

- a. The total surface area of all signs on a lot shall not exceed two (2) square feet for each lineal foot of building frontage, or one (1) square foot for each lineal foot of lot frontage, whichever results in the larger surface area. However, the maximum total surface area of all permitted signs for each lot shall not exceed three hundred (300) square feet.
- b. For large lot-large manufacturing complexes with lots larger than five (5) acres in area and buildings with a combined gross floor area of greater than three (3) acres, one square foot of signage is allowed for each one thousand (1,000) square feet of building area or as stated in section (a) above, whichever results in the larger sign surface area. However, the maximum total surface area of all permitted signs for such properties shall not exceed seven hundred fifty (750) square feet.
- c. Signs shall not exceed the height of the wall to which they are attached, and freestanding signs shall not exceed forty (40) feet in height. In no case shall a freestanding sign be greater than twenty-five (25) feet in height if the sign is located within fifty (50) feet of a residential zoning district boundary.
- d. One additional freestanding sign shall be permitted when the lot frontage exceeds five hundred (500) feet for that property. An additional freestanding sign shall also

be allowed for each additional two hundred fifty feet (250) feet of lot frontage beyond five hundred (500) feet of lot frontage.

e. Signs may be illuminated.

6. **C-1, C-2, M-1 and M-2 (that are located as described):**

[Located adjacent to Roosevelt Avenue between the railroad tracks north of Mt. Pleasant Street and Mason Road, adjacent to Mt. Pleasant Street between Dehn Street and the City's western border, adjacent to Winegard and Kirkwood Streets between Cottonwood and the City's western border, adjacent to Sylvania Drive, adjacent to Agency Street between a point six hundred feet east of the Columbus Drive right-of-way and the City's western border, and adjacent to Division Street between Terrace Avenue and Roosevelt Avenue.

Those commercial and industrial properties that are located along the Roosevelt Avenue (US 61) corridor or specified adjacent streets are in high traffic areas that often have higher speed limits. Additional signage is allowed in these areas in order to clearly identify and distinguish such properties.

- a. The total surface area of all signs on a lot shall not exceed three (3) square feet for each lineal foot of building frontage or two (2) square feet for each lineal foot of lot frontage, whichever results in the larger sign surface area. When properties border more than one frontage, the sign area, for each frontage, shall not exceed in square footage the amount as computed for the frontage on which the sign is located.
- b. Signs shall not exceed the height of the wall to which they are attached, and freestanding signs shall not exceed fifty (50) feet in height. In no case shall a freestanding sign be greater than twenty-five (25) feet if height if the sign is located within fifty (50) feet of a residential zoning district boundary.
- c. One additional freestanding sign shall be permitted when the lot frontage exceeds five hundred (500) feet for that property. An additional freestanding sign shall also be allowed for each additional two hundred fifty feet (250) feet of lot frontage beyond five hundred (500) feet of lot frontage.
- d. Signs may be illuminated.

7. **SP-1 (Special Airport)**

- a. The total surface area of all signs on a lot shall not exceed two (2) square feet for each lineal foot of building frontage, or one square foot for each lineal foot of lot frontage, whichever results in the larger surface area. However, the maximum total surface area of all permitted signs for each property shall not exceed two hundred fifty (250) square feet.
- b. Signs shall not exceed the height of the wall to which they are attached, and freestanding signs shall not exceed twenty-five (25) feet in height and shall comply with provisions of Section 17.30.60 of this Zoning Code.
- c. Signs may be illuminated.

**17.75.105 FREESTANDING SIGNS:** Such signs are limited to one sign for each lot, except as elsewhere prohibited or permitted. All freestanding signs shall meet the design criteria as stated in section 17.75.118. All non-exempt freestanding signs located on one lot or property must be located a minimum of one hundred (100) feet from any other non-exempt freestanding sign on such property. All freestanding signs must be located a minimum of ten (10) feet from all side property lines.

**17.75.106 WALL SIGNS:** Wall signs shall not project beyond the ends or top of the wall to which they are attached. A wall sign shall not project more than twelve (12) inches beyond the face of the building and shall be a minimum of eight (8) feet above the ground when projection is in excess of four (4) inches and sign is located above a walkway. A wall sign that extends more than six (6) inches from a building and projects over the public right-of-way shall be required to obtain an encroachment permit prior to placing such sign.

A sign that is displayed in a window shall count towards the total allowed signage for a property if it identifies, represents, or describes the business or property upon which it is located. Temporary commercial advertising on such windows shall be required to obtain a temporary (promotional) sign permit if the advertising covers greater than fifty percent (50%) of such window(s).

**17.75.107 PROJECTING SIGNS:** Projecting signs, including the frames, braces, and supports thereof, shall be in compliance with the Building Code and Electrical Code of the City, and may be double-faced. The lettering or advertising designs to be illuminated shall not be composed of glass, but may be of other transparent or semitransparent material. Any removable part shall be securely fastened. V-shaped signs must be constructed with a roof and ceiling. Signs that project into public right-of-way shall obtain an encroachment permit. Such signs shall project no closer than two (2) feet from any curb line, measured horizontally.

**17.75.108 ROOF SIGNS:** Roof signs, when designed by a licensed engineer based on sign size and building/roof construction and in compliance with the City's building codes, are permitted. No electronic message signs shall be constructed on the roof of a building.

The surface area in square feet of signage on a mansard roof cannot exceed three (3) square feet for each lineal foot of mansard roof. Signage shall not extend above the top of the mansard roof or protrude below the bottom of the mansard roof. The bottom of any sign placed on a mansard roof shall be at least ten (10) feet above grade. No roof sign shall exceed the allowed maximum height of building in feet, for the district in which it is located, as stated on Table 17.30.20.

**17.75.109 CANOPY, MARQUEE AND AWNING SIGNS:** Any identification sign located on a canopy, marquee, awning, or similar structure shall be attached to the face thereof. Such sign shall not extend vertically or horizontally beyond the limits of the canopy, marquee, awning, or similar structure to which it is attached. All signs shall maintain a vertical clearance of not less than eight (8) feet above the ground surface grade directly below the sign. No such sign shall project closer to a curb line than two (2) feet, measured horizontally. Such signage shall be included in the total allowable sign area for each property. In order to construct a canopy, marquee or awning which projects over public right-of-way greater than six (6) inches from a building, the owner of the property on which such sign is to be located shall obtain an encroachment permit.

**17.75.110 ELECTRONIC MESSAGE SIGNS:** Electronic message signs shall be in compliance with the Building Code and Electrical Code of the City. Such signs are subject to the following conditions:

1. Such signs shall not blink, flash, project or show live action or taped video. Signs shall not advertise, promote, or otherwise display any goods, services, or other businesses that are not sold or operated on the premises.
2. Such signs are only allowed in commercial and industrial zoning districts unless otherwise stated within this regulation.
3. Such signs shall be located a minimum of one hundred (100) feet from an adjoining lot used and/or zoned for residential purposes and time and temperature only signs shall require a minimum of fifty (50) feet separation from residential areas (excluding the C-3 district in both cases).

4. Transitions should be modest or discreet in order to reduce any negative effects or distractions on traffic. Words, symbols, or other copy may transition in any manner that does not produce blinking and/or flashing.
5. Such signs shall be conscious of pedestrian and automobile distraction and safety in the manner in which words and/or symbols are presented.
6. Sign copy shall not change more than once per three seconds.
7. A property is allowed one electronic message sign for each allowed freestanding sign a property is allowed, whether such electronic message signs are placed on the building, are freestanding, or are any other type of sign.
8. Only one electronic message sign shall be allowed upon each freestanding sign (may be double sided). Only one electronic message sign shall be allowed upon each building side as a non-freestanding sign and no such sign shall be placed above the height of the wall or building it is attached to.

**17.75.111 PROMOTIONAL (TEMPORARY) SIGNS:** Promotional signs are permitted for all grand openings and nonresidential land uses, subject to the following conditions:

1. Temporary sign permits are required for all promotional signs prior to their installation.
2. No more than four (4) permits shall be issued for promotional signs for the same business or location within one calendar year, with a maximum total of 60 days allowed for all issued permits at one location or property. This applies to each individual tenant of a multiunit business or industrial complex.
3. Promotional signs shall be erected and maintained in a safe manner for a predetermined period of time not to exceed thirty (30) days and shall be removed within three (3) days of termination of the advertised activity, event, service or sale as stated on the permit.
4. Promotional signs are permitted in addition to the allowed existing signage and shall be limited to a maximum of ten (10) such signs and a total of two hundred (200) square feet for each temporary sign permit granted.
5. Promotional signs may be located over public right-of-way if placed at least eight (8) feet above sidewalks and fourteen (14) feet above vehicle travel-ways if the City grants an encroachment permit. Such signs shall not be attached to City fixtures, light poles or utility poles without written permission.
6. Promotional signs shall only advertise for the business or property upon which they are located and may not be located off-site.
7. Promotional signs shall not flash, but may be illuminated if not directed at or disruptive of surrounding property or traffic.

**17.75.112 BILLBOARD SIGNS:** Billboards shall not be erected within fifty (50) feet of any residential zone, shall be set back at least twenty-five (25) feet from all property lines, and shall not exceed twenty (20) feet in height above grade. Only one (1) such sign shall be allowed per lot or property.

**17.75.113 INCENTIVE SIGNAGE:** In an effort to further the goals of Section 17.75.100 of this regulation, incentives are offered to businesses that take additional consideration of the design and quality of their permitted signage.

1. All ground signs constructed as part of this incentive signage shall meet the design criteria as stated in Section 17.75.118. Properties must meet all other requirements of this sign regulation in order to be eligible for this incentive signage.

2. All ground signs shall be required to be constructed of material including brick, stone, or similar decorative materials. These materials shall be required to comprise at least 50% of the uprights, braces, or other supports of the ground sign.
3. Landscaping shall be used in conjunction with all ground signs that are constructed as part of this section. Shrubs, vegetative plantings, landscape material and/or other decorative features shall be utilized. Landscaping shall be maintained throughout the life of the sign.
4. Any commercial or industrial zoned property that has a lot frontage equaling or exceeding two hundred fifty (250) feet shall be allowed two (2) ground signs based on the following conditions:
  - a. No freestanding sign shall be located on such property that exceeds eight (8) feet in height (including pole signs).
  - b. No ground signs shall exceed eight (8) feet in height or one hundred (100) square feet in area.
  - c. All signs on such property shall count towards the total allowed signage.
5. Any commercial or industrial zoned lot or property shall be allowed an additional one hundred (100) square feet of signage, in addition to what is allowed at their current location, if the following conditions are met:
  - a. The total lot frontage for the lot or property shall equal or exceed two hundred fifty (250) feet.
  - b. All freestanding signs shall be placed as ground signs, not exceeding eight (8) feet in height, and shall meet the design requirements of this chapter.
  - c. No more than three (3) total ground signs shall be located on such lot or property.

**17.75.114 PROHIBITED SIGNS:** The following signs are prohibited from being located or erected within any zoning district within the City of Burlington.

1. **Unsafe and Unlawful Signs:** All signs regulated under this chapter which are determined to be (1) unsafe, (2) insecure, (3) a nuisance or (4) constructed, erected, or maintained (including appearance and legibility) in violation of this chapter or any City ordinance, shall cause written notice thereof to be given to the property owner and/or sign installer. Such notice shall include a statement explaining the alleged violations and deficiencies, an order to repair or remove the sign, an explanation of the consequences of failure to comply with the order, and a time period for compliance. Failure to comply with the order may cause removal of the sign at the expense of the property owner, in addition to other remedial actions prescribed herein. The owner may appeal the order, within five (5) days of receipt thereof, to the Construction Board of Appeals if the order concerns the safety, security or physical construction of the sign. Requests for variances and appeals for specific orders regarding size, location, or area computation, etc., shall be made to the Zoning Board of Adjustment. The appeal effectively extends the order pending the Board's decision.
2. **Traffic Hazard, Obstructions, and Illumination:** No sign shall be erected or maintained in such a manner as to obstruct free and clear vision to, from, or upon any public roadway, including at any driveway or other location where vision may be obstructed while entering onto a public roadway or frontage road). No sign shall be erected or maintained at any location where, by reason of position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device; or which makes use of the words "STOP," "LOOK," "DRIVE-IN" or any other word, phrases, symbols or characters as to interfere with, mislead, or confuse traffic.

Whenever any sign is illuminated, the light or lights shall be shaded or concealed so that they will not interfere with the vision of motor vehicle operators or shine directly on adjoining property. Illuminated signs, including any light source, shall not (intermittently) blink, flash,

or otherwise distract automobile traffic in such a manner as to create a traffic hazard. The mechanical components of a sign may not move, nor may the electrical components of a sign operate so as to simulate movement, except textual messages may change instantaneously or sequentially. For the purpose of this section, the word "sign" includes those devices and displays located within a building that are intended to be viewed from the public right-of-way.

3. **Obsolete Signs:** Any sign that advertises a business, event, or activity no longer being conducted, or a product or service no longer offered on the premises, and/or associated sign structures and supports shall be considered an obsolete sign, unless otherwise determined by the City to be a historic/exempt sign. However, permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed obsolete unless the premises remains vacant for a period of six (6) months or more.

Any sign that becomes obsolete or is obsolete at the time of adoption of these regulations shall be removed by the owner or agent of the property upon which such sign may be found within thirty (30) days after written notification. Failure to comply with the order within the time specified shall be considered a violation of this chapter and in addition may result in removal of the sign at the expense of the property owner. Obsolete signs shall include all nonconforming signs not meeting all applicable requirements of these regulations.

4. **Sign attached to trees or poles:** Any sign attached to utility poles, traffic signs, poles, control stations, trees, or natural features, unless otherwise allowed in this regulation.
5. **Sign located within the Public Right-of-Way:** Any sign placed in the public right-of-way, upon public sidewalks, or on any other City owned property, unless expressly permitted elsewhere in this chapter.
6. **Signs located within the "Clear Zone,"** unless expressly approved by the City. This requirement includes sign posts, guides or supports.
7. **Moving Signs:** Signs that physically move by means of mechanical moving parts.
8. **Off-premise Signs:** Not allowed, except as billboards, which must follow the requirements of Section 17.75.112 Billboards and all other applicable requirements of this chapter.
9. **Vehicle Sign:** Any sign attached to or placed on a vehicle or trailer parked on public or private property. This provision does not apply to the identification of a firm, business, or its products; or political candidates or issues on a vehicle operating during the normal course of business. Such vehicle shall be operational and utilize identified parking spaces when not in service. Municipal buses and taxis are exempt from this provision.

**17.75.115 NONCONFORMING SIGNS:** Nonconforming signs, other than billboards, that are otherwise lawful on the effective date of the ordinance codified in this chapter may be continued until they are required to be removed as provided in this section, unless otherwise stated within this regulation.

1. No person may engage in activity that causes an increase in the extent of nonconformity of a nonconforming sign. Without limiting the generality of the foregoing, no nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition. No illumination may be added to any nonconforming sign.
2. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this chapter.
3. If the size or configuration of a lot or building is changed, signs on the resulting property or properties shall be required to comply with the sign regulations applicable to the modified or newly created property or properties.

4. The message of a nonconforming sign may be changed so long as this does not create any new nonconformities.
5. Subject to the other provisions of this section, nonconforming signs may be repaired and renovated so long as the cost of such work does not exceed, within any twelve-month period, fifty percent (50%) of the replacement value of such sign.
6. Alterations or additions, other than permitted above, to any signage on property containing nonconforming signs shall be prohibited until complete compliance with all the provisions of this chapter is obtained.
7. If a nonconforming sign other than a billboard advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered obsolete and shall be removed by the property owner within thirty (30) days of receipt of written notice ordering such removal.
8. If a billboard remains blank for a continuous period of one hundred eighty (180) days, that billboard shall be deemed obsolete and shall, within thirty (30) days after such obsolescence, be altered to comply with this chapter or be removed by the sign owner, owner of the property where the sign is located, or other person having control over such sign. For purposes of this section, a sign is "blank" if:
  - a. It advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating, being offered, or conducted; or
  - b. The advertising message the sign displays becomes illegible in whole or substantial part; or
  - c. The advertising copy paid for by a party other than the sign owner or promoting an interest other than the rental of the sign has been removed.
9. On any lot that contains one or more nonconforming signs, the erection and display of new signs shall be prohibited until all nonconforming signs have been removed.

#### **17.75.116 LIABILITY AND ENFORCEMENT:**

1. **Liability:** This chapter shall not be construed as relieving or lessening the responsibility of any person owning, building, altering, constructing, removing, or moving any sign in the city for damages to anyone injured or damaged, either in person or property, by any defect or action therein; nor shall the city or any agent therefore assume the liability by reason of issuance of a permit or inspection authorized in this chapter. Any person who erects, alters, relocates, displays, or causes the same to be done within the City any sign or other advertising structure, as allowed or not allowed in this chapter, shall hold the City harmless from any liability incurred as a result of the installation of the sign or advertising structure.
2. **Removal of Signs:** The enforcing official and/or designated city staff shall order compliance with this chapter or, without prior notice, may remove any sign erected or installed in violation of this chapter under the following circumstances:
  - a. When in the sole discretion of city staff a sign presents an immediate threat to the safety of the public (including, but not limited to traffic hazards);
  - b. When a sign is illegally placed within the public right-of-way, attached to a utility pole or city traffic sign, upon public sidewalks or roadway, or on any public building or structure when such facilities are located on public property or within public easements;
3. **Abandoned Signs:** Any sign determined to be abandoned by the City shall be required to be removed upon receipt of notice by the City and/or underlying property owner that their sign is deemed abandoned;

4. **Disposal of Signs:** When a sign has been removed by the City as authorized by subsection (2) (a) and (b) of this section, city staff may take the following actions:
  - a. The City shall hold a sign for a period of fourteen days. After fourteen days the city may dispose of the sign without prior notice to the sign owner. Sign owners wishing to reacquire possession of removed signs are subject to an impoundment fee of ten dollars per sign.
  - b. In addition, for signs with fair market value including and exceeding five hundred dollars, the city shall provide notice by mail as follows:
    - i. Sign Owner: The mailing address of the sign owner, if the City can determine such address after reasonable efforts in investigation. "Reasonable efforts" shall include investigation efforts that take no longer than one-half hour of staff time.
    - ii. Underlying Property Owner: If the address of the sign owner cannot be reasonably ascertained, the City shall mail the notice to the underlying real property owner, as identified in the record of the County Assessor's Office.

**17.75.117 COMPUTATION OF SIGN AREA:** The area of a sign shall be computed as follows:

1. The area of a sign is that area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, logo, or figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the necessary exposed supports or uprights on which the sign is placed.
2. The area of a sign composed of words or characters applied directly to a building or wall shall be computed as the area within a regular geometric shape that encloses the words or characters.
3. The area of double-faced signs shall be the area of one sign face if the two faces are of equal area, or as the area of the larger face if the two are of unequal area.
4. Signs that are not double faced shall be calculated as the area for each side of the sign, whether the sign has one face or more than one face.
5. The area of a back-lit translucent canopy or other lighted translucent figure shall be computed as the maximum visible total surface area.

**17.75.118 DESIGN REQUIREMENTS:**

1. All signs shall be designed and constructed to withstand wind pressure and dead loads as required by the adopted Building Code for the City of Burlington.
2. Uprights, braces, or other supports of any ground sign shall not extend further than three (3) feet on either side of the rectangular area enclosing the sign copy, unless otherwise approved.
3. Ground signs may not exceed six (6) feet in height for residential land uses and eight (8) feet in height for commercial or industrial land uses, unless otherwise stated herein.
4. Permanent signs shall be designed to fit the character of the area in which they are placed and the design, appearance, color scheme, and character of the building to which they are associated.
5. Signs shall be designed to be a maximum size based on the type of sign that is constructed. Further size limitations may be stated within the District Signage Regulations of this chapter.

Sign Description	Size Regulations	
	Max Size (sf)	Roosevelt Ave <sup>1</sup>
Awning / Canopy	50	50
Electronic Message / Reader Board	50	75
Marquee / Projecting	100	100
Ground	100	150
Billboard	200	200
Freestanding / Pole	200	250
Roof	300	300
Wall	300	350

<sup>1</sup> Signs located on properties directly adjacent to and having frontage along Roosevelt Avenue may be allowed greater size dimension based on the following size requirements.

**17.75.119 VARIANCE:** Requests for variances or appeals from the requirements of this chapter are to be filed with the Zoning Board of Adjustment for the City of Burlington, Iowa.