

CHAPTER 11 ZONING DISTRICTS AND DISTRICT PROVISIONS

ORDINANCE 1141 SIGNS

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ORDINANCE 1141 SIGNS

Section 1141.01: PURPOSE AND INTENT. Signs have an impact on the character and quality of the environment as a prominent part of the scenery and their suitability or appropriateness helps to set the tone of the City. The purpose of this ordinance is to protect, ensure, maintain and regain the natural and scenic beauty and attractiveness of the roadside throughout the City and to promote the general welfare, health, safety and aesthetics within the City of Kimball through the establishment of comprehensive standards, regulations, and procedures governing the erection, use, and/or display of devices, signs, or symbols serving as visual communicative media to persons. The provisions of this ordinance are intended to encourage creativity, a reasonable degree of freedom of choice, an opportunity for effective communication, and a sense of concern for the visual amenities on the part of media of the type regulated by this ordinance, while at the same time assuring that the public is not endangered, annoyed, or distracted by the unsafe, disorderly, indiscriminate or unnecessary use of such communicative facilities. This Sign Ordinance is not intended to have content-based restrictions and will not be applied to restrict content.

Section 1141.02: OBJECTIVES.

- (1) To assure compatibility of signs with surrounding land usage, conserve property values in all districts, protect the public investment in streets and highways, promote the safety and recreational value of public travel, and strengthen the economy of the city.
- (2) To preserve and protect public beauty, distinctive character, and integrity of historic sites, landmarks, and unique local features by forbidding signs which detract from this objective due to excessive size, height, number, visual impact, undesirable location, improper maintenance, spacing, or illumination.
- (3) To promote traffic safety by eliminating the proliferation of small, hard-to-read, and distracting signs along heavily traveled roads.
- (4) To reduce conflict among private signs and lighting, and between private and public signs and lighting.

Section 1141.03: DEFINITIONS.

- (1) Sign: Any writing, pictorial presentation, number, illustration or decoration, flag or other device that is used to announce, direct attention to, identify, advertise, or otherwise make anything known. The term “sign” shall not be deemed to include the terms “building” or “landscaping,” or any architectural embellishment of a building not intended to communicate information.
- (2) Awning Sign: A sign constructed of flexible translucent or fabric-type material that incorporates a written message or logo on the exterior.

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- (3) Balloon Sign: A sign consisting of a bag made of lightweight material supported by helium, hot or pressurized air which is greater than twenty-four 24 inches in diameter.
- (4) Banner: Attention-getting device which is of a nonpermanent paper, cloth, vinyl or plastic like consistency used to promote a specific community event.
- (5) Ballpark Sign: A sign (1) securely attached to the outfield fences of a ballpark, (2) whose content can only be viewed from the 'in-play' side of the fencing, (3) whose size does not cause it to extend in any direction beyond the boundaries of the fencing that supports it, (4) that poses no danger of cuts or other injury to persons using said ballpark for its intended purposes, and (5) that does not otherwise interfere with persons using said ballpark for its intended purposes.
- (6) Billboard: A free standing sign which directs attention to a business, commodity, service or entertainment not exclusively related to the premises or lot where such a sign is located or to which it is affixed. For purposes of this sign ordinance, easements and other appurtenances shall be considered to be outside such premises or lot and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off-premise sign.
- (7) Central Business District: For purposes of this Sign Ordinance, the B1-Highway Commercial / Business zone shall contain a district referred to as the Central Business District and also referred to as the CBD. The CBD is described as follows: that part of the B1-Highway Commercial / Business zone bounded by the centerline of Spruce Avenue on the north; the centerline of Oak Street on the east; the centerline of Elm Street on the west; and the southerly boundary of the B1-Highway Commercial / Business zone on the south.
- (8) Canopy: A roof like cover often of fabric, plastic, metal or glass on a support which provides shelter over a doorway.
- (9) Construction Sign: Any non-illuminated sign that displays information regarding the construction or development of the site on which it is displayed.
- (10) Directional Sign: A sign intended to facilitate the safe movement of pedestrians and vehicles into, out of, and around the site on which the sign is located.
- (11) Dynamic Sign: Any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to physically or mechanically replace the sign face or its components. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink," or any other method or technology that allows the sign face to present a series of images or displays.
- (12) Freestanding Sign: Any sign not affixed to a building including but not limited to a ground sign or monument sign.

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- (13) **Flashing Sign:** A directly or indirectly illuminated sign which exhibits changing light or color effect by any means so as to provide intermittent illumination which includes the illusion of intermittent flashing light by means of animation. Also any mode of lighting which resembles zooming, twinkling, or sparkling.
- (14) **Height of Freestanding Sign:** Actual distance from the average horizontal grade at the base of the sign to the highest point of the sign, including any structure or architectural component of the sign.
- (15) **Illuminated Sign:** Any sign which has characters, letter figures, designs, or outlines illuminated by electric lights or luminous tubes as part of the sign proper or by indirect lighting.
- (16) **Marquee:** Any permanent roof like structure projecting beyond a building or extending along and projecting beyond the wall of that building generally designed and constructed to provide protection from the weather.
- (17) **Mobile Sign (Portable Sign):** Any sign designed or intended to be moved or transported by trailer or on wheels. A sign may be a mobile sign even if it has wheels removed, was designed without wheels, or is attached temporarily to the ground, a structure, or other sign.
- (18) **Monument Sign:** Any free standing sign in which the entire base of the sign structure is in contact with the ground, providing a solid and continuous background for the sign.
- (19) **Off-premise Sign:** Any sign which directs the attention of the public to a business, activity conducted, or product sold or offered at a location not on the same premises or lot where such sign is located. For purposes of this sign ordinance, easements and other appurtenances shall be considered to be outside such premises or lot and any sign located or proposed to be located in an easement or other appurtenance shall be considered an off-premise sign.
- (20) **On-premises Sign:** A sign which directs attention to a business, commodity, service or entertainment related to the premises or lot where such sign is located or to which it is affixed.
- (21) **Painted Sign:** Any sign painted directly on to the outside wall or roof of a building or on a fence, rock, or similar structure or feature in any zoning district.
- (22) **Pole Sign:** See Pylon Sign.
- (23) **Portable Sign:** See Mobile Sign.
- (24) **Projecting Sign:** Any wall sign that protrudes horizontally more than one (1) foot from the wall to which it is attached.
- (25) **Pylon Sign:** Any freestanding sign which has its supportive structures anchored in the ground and which has a sign face elevated above ground level by poles or beams and with the area below the sign face open.

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- (26) Sandwich Board Sign: Any freestanding sign which is composed of two pieces of flat, rigid material in the shape of a square or rectangle that are hinged at the top and whose bottom edges rest on the ground so as to create a triangular shape when being displayed.
- (27) Shimmering Signs: A sign which reflects an oscillating, sometimes distorted, visual image.
- (28) Temporary Sign: Any sign that is not permanently affixed to the ground, a sign that is not permanently affixed to any other permanent structure that is in turn affixed to the ground, or a sign that is capable of being moved by mechanical or non-mechanical means, including sandwich board signs.
- (29) Wall: Any structure which defines the exterior boundaries or courts of a building or structure and which has a slope of sixty (60) degrees or greater with the horizontal plane.
- (30) Wall Sign: Any building sign attached parallel to, but within eighteen (18) inches of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one (1) sign surface.
- (31) Window Sign: Any sign placed on the interior of a window or painted on a window such that it can be read from the outside of the building.

Section 1141.04: GENERAL PERFORMANCE STANDARDS.

- (1) The only signs allowed in the City of Kimball are those signs described in the following sections of this Sign Ordinance: Section 1141.07: Required Signs; Section 1141.08: Signs Not Requiring a Sign Permit; and Section 1141.09: Signs Requiring a Sign Permit.
- (2) Signs which require a building permit must also apply for that permit separately and are subject to the separate building code rules and fee schedule. In addition, all signs which require electricity shall be subject to the State's electrical code and electrical service wiring shall be buried or concealed.
- (3) Signs shall not obstruct the view of traffic or pedestrians, nor block the signage of any neighboring property owner at the time of installation.
- (4) No sign part, including cut out letters, shall project more than 6 inches from the building wall except as otherwise approved with a sign permit.
- (5) No privately-owned sign may be placed within 10 feet of roadway or pedestrian rights of way.
- (6) No sign shall be permitted to obstruct any window, door, fire escape, stairway or opening intended to provide light, air, ingress or egress for any building or structure.
- (7) Vehicle Sales Signs shall not exceed 12 inches in height.
- (8) No signs are allowed along interior side or rear lot lines if such line borders a residential district.

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- (9) No signs shall be located on the roof of any building.
- (10) Signs may be indirectly illuminated with non-glare lighting not exceeding .4 candle meter directed at the sign and not casting light on any adjoining property, with no exposed light source or fixture and only if the light source is fully concealed and defused and does not cast glare onto any adjoining properties.
- (11) The City requires professional and aesthetically pleasing mounting structures made specifically for sign mounting. Such structures may be of painted steel or treated wood frames, brick or decorative block. Landscaping around free-standing signs is strongly encouraged. Mounting structures which are not specifically designed for sign mounting may be removed by the City after a warning notice to the property owner.
- (12) Every sign, including but not limited to those signs for which no permits or permit fees are required, shall be maintained in a safe, presentable and good structural material condition at all times, including the replacement of defective parts, painting, repainting, cleaning, and maintaining the immediate surrounding premises in a clean, sanitary, and inoffensive condition, free of obnoxious substances, rubbish, weeds or other non-manicured vegetation. All signs shall be maintained in good repair. Signs in good repair are not corroded, do not have deteriorated paint or missing letters, numbers or other parts of their message, and do not have loose members, broken parts, or similar deterioration.
- (13) No person shall maintain or permit to be maintained on any premises owned or controlled by him any sign which is in a dangerous or defective condition or which is not in good repair.
- (14) Signs on rocks are prohibited.
- (15) If a freestanding sign or sign structure is constructed so that the sign faces are not constructed so as to be back to back, the angle shall not exceed ten degrees. If the angle is greater than ten degrees, the total area of both sides of the sign added together shall not exceed the maximum allowable sign area.
- (16) All lighting related to signs shall conform to requisite district standards in regards to lighting and glare.
- (17) Dynamic Signs or Displays.
 - a. Findings: Based on studies related to the use of dynamic sign displays and driver distraction, the City finds that dynamic signs, as defined by this Section have a unique potential to create driver distraction, a major cause of traffic crashes. As a result, the City has adopted special regulations that relate to such signs. These regulations shall apply to all dynamic signage in the City, whether new or existing, conforming or non-conforming at the time of adoption of this Ordinance.
 - b. Regulations governing Dynamic Sign Displays
 - (1) Dynamic sign displays shall have messages that change instantaneously, and do not face, dissolve, blink, or appear to simulate motion in any way. Prohibited blinking signs shall include signs which are displayed as

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continuous solid messages for less than the time required by subpart (4) of this subsection below. The exception to this regulation is the allowance of messages that appear to scroll horizontally across the sign, but are otherwise in compliance with the requirements of this ordinance.

- (2) Dynamic sign displays shall not be permitted in any AG-Agricultural zone; R1-Urban Residential zone; R2-Multi-Family Residential zone; R3-Mobile Home zone; and I1-Industrial zone.
- (3) Dynamic sign displays shall not be oriented in any direction in which the sign display can be viewed from an R1, R2, R3- Residential District.
- (4) Dynamic sign displays shall be permanent signs.
- (5) No dynamic sign display shall change more than one time per eight (8) second period.
- (6) Dynamic sign displays shall be no brighter than other illuminated signs in the same district.
- (7) Dynamic sign displays shall be designed to freeze the display in the event of malfunction, and the owner shall discontinue the display immediately upon malfunction, or upon notice from the City that the display violates the City's regulations.
- (8) No dynamic sign display shall be permitted to be located in a yard or on the side of a building which abuts a residentially zoned parcel.

Section 1141.05: NON-CONFORMING OR ABANDONED SIGNS. Non-Conforming or Abandoned Signs: Non-conforming or Abandoned signs shall be subject to the requirements of Sections 1001.01 – 1001.05 of the Zoning Ordinance.

Section 1141.06: PROHIBITED SIGNS.

- (1) Flashing signs, off premises signs, billboards, and beacons or search lights are prohibited.
- (2) No sign shall be placed, erected, or maintained on fences, trees, power and light poles, or the supports thereof, except as allowed for special events.
- (3) No sign shall, by reason of its location, color, illumination, or intensity, obstruct vision of drivers or pedestrians or obscure visibility of any traffic control device, sign, or signal. Illumination must be effectively shielded so as not to impair vision of any operator of a motor vehicle. Illumination with flashing lights is prohibited in all zones. Any sign which imitates or resembles an official traffic sign or signal or which bears the words "Stop," "Caution," "Danger," "Warning," or similar words is prohibited.
- (4) Any sign which bears or contains statements, words or pictures of an obscene, pornographic, or immoral character is prohibited.
- (5) Any sign which emits audible sound, odor, or visible matter is prohibited.

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- (6) No signs shall be painted directly on any building.
- (7) No sign shall display any moving parts or simulate motion, have animation, or moving pictures.

Section 1141.07: REQUIRED SIGNS. A minimum of one address sign identifying the correct property number as assigned by the City is required on each principal building in all districts. Such sign must be of sufficient size to be legible from the nearest street but shall not exceed 9 square feet in area. The numbers shall be metal, glass, plastic or durable material and the numbers must not be less than 3 ½ inches in height, in contrasting color to the base or made of some reflective material and so placed to be easily seen from the street.

Section 1141.08: SIGNS NOT REQUIRING A SIGN PERMIT. The following signs, if constructed as permanent signs with maintenance free/permanent finish material (including non-changeable lettering or numbering except as specifically allowed herein) and in compliance with the Building Code as adopted by the City and other requirements herein, are permitted in any district, unless otherwise specified, without separate review or permit by the City (other than a building permit, if required):

- (1) Integral Building Signs: Names of buildings, dates of erection, monumental citations, and commemorative tablets when made a permanent and integral part of the building.
- (2) Directional Signs: Traffic control or informational traffic signs in conformance with public traffic sign standards displayed for purposes of direction, public safety, or convenience including signs identifying rest rooms, freight entrances, etc.
- (3) Real Estate Signs: Properties that are for sale, rent, or lease may display a sign for the purpose of advertising the lease, rent, or sale of property. Only 1 such sign shall be permitted per street and side- street frontage (i.e. corner lots may have one sign on each street frontage) and each sign shall not exceed 6 square feet in area and 4 feet in height in residential districts and 12 square feet in area and 5 feet in height in other districts. The sign shall be removed within 14 days after the closing of the sale, rental or lease of the property, weather permitting.
- (4) Construction Signs: Sites where there is an open building permit may display one freestanding or wall sign placed during construction, not exceeding 32 square feet in area and 8 feet in height, identifying parties involved in construction, owner's name, intended use or describing the construction process, but not including the advertisement of any product unrelated to the construction project. Any construction sign shall be removed within 5 days following completion of construction or within two years of the issuance of the building permit whichever is sooner.
- (5) Non-commercial Signs: Noncommercial signs of any size or number, whether announcing a campaign, drive or event of a political, civic, philanthropic, educational, or religious nature, may be posted in any number from 46 days before the state primary in a state general election year until ten days following the state general election. In a non-state general election year, such signs shall be limited to 1 free standing or wall sign not exceeding 6 square feet in total surface area and 5 feet in height which may be posted 30 days prior to the event advertised and must be removed within 10 days following the event.

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- (6) Off-street Parking Signs: One wall or free-standing sign, not exceeding 6 square feet in area per entrance to a parking facility announcing the intended uses, conditions of parking, and the name of the parking facility.
- (7) Development Signs: One sign not to exceed 32 square feet in area and 8 feet in height per residential development at the entrance to display the name of the development.
- (8) Temporary Signs: In industrial and commercial districts, no more than one (1) on-premises or off-premises temporary sign not exceeding 64 square feet in area (but meeting all visibility, safety and public nuisance provisions outlined in the Standards section) may be displayed at a time and is allowable for up to 30 days. All portable signs are considered temporary signs and may only be used within the specified time limits. In industrial and commercial districts, temporary wall signs are allowed as long as they do not cause the total wall sign areas or façade coverage limits to be exceeded and as long as they are removed or replaced at least every 30 days.
- (9) Private Sales Event Sign: Garage sale signs will be permitted in conjunction with the occasional (not more than 2 times per year and 3 days per time) sale of household goods and materials from private residences, but they may not exceed 4 square feet in area or 3 feet in height and may only be posted on private property with the permission of the owner – no such signs are allowed in public right of way or on utility poles.
- (10) Identification Signs: Single family to 4-plex identification signs (such as address and/or name plates identifying the occupants) are permitted if not exceeding 3 square feet in area and 4 feet in height and identification signs for multi-family buildings of 5 or more units if not exceeding 24 square feet in area and 5 feet in height.
- (11) Government Signs:
 - a. Signs of a public, non-commercial nature including safety signs, danger signs, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques and the like, when these signs are erected by or on order of a public officer or employee in the performance of official duty.
 - b. The City Council may approve and/or construct community directory signs for the purpose of providing information and directions for private and/or public property. Such signs shall be considered a class of Government Signs, and shall be subject to the following conditions:
 1. The City shall determine design, location, materials, lighting, and all other aspects of the sign.
 2. With the approval of the property owners, such signs may be located upon private property, even where the sign does not necessarily relate to the use of the property on which it is located.
 3. Such signs may be located upon public property or right of way, provided that the sign does not interfere with safe traffic circulation and visibility, nor interfere with the visibility of official traffic signs.

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4. The City shall establish policy guidelines for the purpose of considering the display of names of entities to be identified on the directory.
5. Such signs may be considered a public streetscape improvement, and construction and maintenance may be funded through any combination of appropriate City funds, donations, assessments, or other methods.

Section 1141.09: SIGNS REQUIRING A SIGN PERMIT.

- (1) Free standing signs. One on-premises free standing sign is allowed per principal building for all home occupations, churches, commercial businesses, industrial businesses, public institutions, and public recreational facilities.
 - a. In the R-1, R-2, and R-3 Districts free standing signs shall not exceed 9 square feet in area and 5 feet in height (including mounting structure).
 - b. For Commercial and Industrial Districts, the following free-standing signs are allowed:
 1. Free standing monument signs may be permitted up to 120 square feet of sign area and 8 feet in height.
 2. Free standing signs not exceeding 12 feet in height may be permitted up to 100 square feet in sign area.
 3. Free standing signs in excess of 12 feet in height may be permitted up to 80 square feet in sign area. No free-standing sign may exceed 15 feet in height in the Central Business District or 25 feet in all other Commercial and Industrial Districts. Signs greater than 15 feet in height shall have decorative bases / support structures made from brick, stone, masonry, or similar materials for a minimum of the bottom 1/3rd of the height of the sign.
 4. For parcels with street frontage in excess of 100 lineal feet, a second on premises free standing sign not exceeding 35 square feet in area or 8 feet in height may be allowed along the street frontage which exceeds 100 lineal feet when in receipt of a Conditional Use Permit, except in the Central Business District, where only one free standing sign is allowed.
- (2) Wall signs. One on-premises wall sign is allowed on the street frontage for all home occupations, churches, commercial businesses, industrial businesses, public institutions, and public recreational facilities.
 - a. The signs shall be placed on the side of the building facing the street.
 - b. In the R-1, R-2, and R-3 Districts wall signs are permitted up to 9 square feet in area.
 - c. In the Commercial and Industrial Districts, the following wall signs are allowed:

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1. One wall sign may be allowed per business entrance in approved multitenant buildings provided it is part of a comprehensive sign plan.
 2. Signs attached to or made a part of awnings or canopies must be at least 7.5 feet above grade.
 3. The total number of wall signs shall not exceed 15% of any building façade.
- (3) Electronic, Dynamic Signs and Displays, and Changeable Message Signs. Up to 30% of the square footage of one sign per parcel located in the B1-Highway Commercial / Business District which is not part of the Central Business District may have changeable commercial messages. Such changeable messages must be maintained to the same standards as required for permanent sign messages or they will fall under the nuisance provisions outlined in this Ordinance and be subject to removal by the City.

Section 1141.10: ADMINISTRATION.

- (1) No signs other than those defined as permitted signs pursuant to Section 1141.08 shall be erected without a permit issued by the City.
- (2) Applications for sign permits shall be made to the City Zoning Administrator on forms provided by the City and shall include a site plan, detailed sketch, sign plans, and a fee as set by the City Council from time to time. The permit will be void if the sign is not constructed within 90 days of approval.
- (3) A comprehensive sign plan may be presented as one permit request for business premises which occupy a shopping center, industrial park, or scenic area development. Such a plan shall include the location, size, height, lighting and orientation of all signs.
- (4) A double fee will be charged if a non-allowed sign is erected without first obtaining a permit if such sign is subsequently approved. If such sign is not approved, it shall be removed by the owner within 5 days of notice from the City. Failure to remove the sign shall be cause for the City to remove such sign and to charge the property owner for such removal.
- (5) Any sign which violates any provision of this Ordinance, including but not limited to the maintenance and repair; dangerous or defective signs; traffic and visibility and safety; any other provisions outlined above; or any temporary sign(s) located on a premises longer than the time allowed by this ordinance shall be considered a public nuisance and prohibited and failure of the owner to repair or remove such sign after notice by the City shall be cause for the City to remove such sign and to charge the property owner for such removal.

Section 1141.11: SEVERABILITY. If any section, subsection, clause, or phrase of this sign ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Chapter. The City Council hereby declares that it would have adopted the sign ordinance in each section, subsection, sentence, or phase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.