

17-7(p) MIXED USE 3: "MIXED-USE COMMUNITY ZONE" (MU-3) - Signage shall be permitted and restricted as in the MU-2 zone, except as follows:

- (1) Wall-mounted banner signs, pennants and streamers shall be permitted for a total maximum area of fifteen percent (15%) of the wall area to which they are attached, with all other restrictions from the MU-2 zone.
- (2) Pole-mounted banner signs shall be permitted, subject to the following:
  - (a) Banner signs shall be a maximum size of two (2) feet by four (4) feet, and there shall be no more than two (2) per pole.
  - (b) Banner signs may not advertise specific businesses or products, goods or services.
  - (c) Pole-mounted banners shall be permitted on light fixtures in parking lots and pedestrian plazas located outside the public right-of-way.
  - (d) Banner poles shall be spaced to be no closer than forty-five (45) feet from each other.
  - (e) The total number of pole-mounted banner signs shall be limited to one (1) for every 3,000 square feet of parking lot or pedestrian plaza.
  - (f) All pole-mounted banner signs shall provide a minimum of eight (8) feet of vertical clearance, and may not encroach into the right-of-way.
  - (g) Pole banners in parking lots located in another zone that are incorporated in an approved final development plan for an MU-3 project are permitted, subject to the same restrictions and requirements applicable to the pole-banner signs for the MU-3 project.
- (3) A-frame or sandwich board type shall be permitted as follows:
  - (a) Maximum size of eight (8) square feet per panel, maximum height 48", maximum width 24";
  - (b) One sign per street frontage, maximum two signs;
  - (c) Placement of sign shall allow for four (4) clear feet of sidewalk width;
  - (d) Sign shall be in place only when business is open;
  - (e) Placement of sign not to restrict egress from parked cars and not over curb line;
  - (f) Shall be maintained in good condition;
  - (g) Shall not be attached to any public utility pole, street light standard or tree;
  - (h) Shall be non-illuminated; and
  - (i) There shall be an annual renewal permit fee, as established under the Code of Ordinances.
- (4) One (1) free-standing business or identification sign per street frontage, per development, shall be permitted. A maximum of two (2) free-standing

signs per development shall be deemed as primary, not exceeding seventy-five (75) square feet per sign. All other free-standing signs shall be considered secondary, and shall not exceed forty (40) square feet per sign. Such signs may be located in or adjacent to the right-of-way (in the median or at each side of the street), subject to written authorization of the Commissioner of Public Works & Development, who shall determine that the signs would not be located in the sight triangle and would not cause a hazard to traffic. Proof of permanent maintenance and an encroachment permit shall be provided by the applicant prior to the issuance of a permit for such a sign located in the right-of-way.

- (5) One (1) project identification sign per building, per street frontage, shall be permitted, not to exceed five percent (5%) of the wall area to which it is attached. Such projecting sign shall extend no lower than eight (8) feet, with a maximum projection from the wall of the building of no more than four (4) feet.
- (6) In addition, and within a designated Entertainment Mixed-Use Project only:
  - (a) In conjunction with an indoor theater: one marquee, not to exceed twenty-four (24) square feet, shall be permitted per theater. Such marquee shall project no more than eight (8) feet from the building face to which it is attached and shall have a minimum clearance of eight (8) feet. In addition, one attraction board per theater may be attached either to one freestanding business sign or to the marquee, not to exceed twenty-four (24) square feet.

17-7(q) EXPANSION AREA ZONES

(1) CONSERVATION DISTRICT (CD), EXPANSION AREA RESIDENTIAL (EAR-1, EAR-2 and EAR-3) and COMMUNITY CENTER (CC) ZONES - Signage shall be permitted and restricted under Article 17-7(m), as for a PUD zone. Construction screening signs shall be permitted within a CC zone as regulated in the B-1 zone.

(a) One free standing identification sign per street frontage, with a maximum of two (2) signs, for a permitted church that is adjacent to a designated interstate highway, the total surface area shall not exceed one and one-half (1½) square feet per linear foot of street frontage, with a maximum of one hundred and fifty (150) square feet in area, with a maximum height of fifteen (15) feet, with a minimum setback of ten (10) feet; in addition, one wall mounted sign a total maximum area of fifteen percent (15%) of the wall area to which it is attached.

(2) ECONOMIC DEVELOPMENT (ED) ZONE - Signage shall be permitted and restricted as in the P1 zone, except as follows:

- (a) Project entrance identification signs shall be for Professional Office Projects, as specifically regulated under Section 17-7(e)(10). All free-standing identification or business signs shall be monument type.
- (b) Signage for extended-stay hotels may be directly, indirectly or internally illuminated. There shall be no more than one (1) wall-mounted business sign per each extended-stay hotel, not to exceed thirty-two (32) square feet in area; and no more than one (1) free-standing monument type business sign, eight (8) feet in height, with a maximum size of thirty-two (32) square feet.

17-8 VARIANCES

17-8(a) AUTHORITY OF THE BOARD OF ADJUSTMENT - The Board of Adjustment shall have the authority to hear and decide on applications for variances to the dimensional requirements contained therein in accordance with Article 7 of this Zoning Ordinance. The Board shall not be authorized to increase the number of permitted signs; and may not permit any sign to be erected or mounted, to incorporate any design feature, information, or copy, nor to permit a design type that is not specifically permitted in the zone in which the sign is to be located; nor to grant any variance which would increase the maximum total permitted sign area on a single lot or building.

17-8(b) FINDINGS REQUIRED FOR VARIANCES - Before granting a variance to the dimensional requirements for a sign, the Board shall find all of the following, which shall be recorded along with any imposed conditions or restrictions in the minutes and records and issued in written form to the applicant to constitute proof of the variance:

- (1) The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or in the same zone.
- (2) The strict application of the provisions of the sign regulations of this Zoning Ordinance would deprive the applicant of a reasonable use of the land or would create unnecessary hardship on the applicant.
- (3) Such special circumstances are not the result of actions of the applicant taken subsequent to the adoption or amendment of the sign regulation of this Zoning Ordinance.
- (4) Reasons that the variance will not adversely affect the public health, safety and welfare, and will not alter the essential character of the general vicinity, and will not cause a hazard or a nuisance to the public.

17-9 NON-CONFORMING SIGNS - A legal non-conforming sign may continue in existence and shall be properly maintained in good condition. These sign regulations shall not be construed to prevent the

strengthening, repair, or restoring to a safe condition of any sign; but a non-conforming sign shall not be:

- (5) (a) changed to another non-conforming sign; except where
  - (b) only the faces or the messages are changed, or where the sign is reduced in height, size or area; structurally altered (except to meet safety requirements) so as to prolong the life of the sign;
  - (c) altered so as to increase the degree of non-conformity of the sign;
  - (d) expanded or enlarged;
  - (e) re-established after its discontinuance for ninety (90) days;
  - (f) moved to a new location on the building or lot.

17-10 DISCONTINUANCE OF ILLEGAL SIGNS - Mobile signs prohibited under 17-5(a) are illegal signs and are subject to immediate enforcement action.

17-11 DISCONTINUANCE OF TEMPORARY SIGNS - Any temporary sign erected or displayed more than 90 days prior to the date of passage of this Article shall be removed forthwith.

17-12 SIGNS AS CONDITIONAL USES - The Board of Adjustment shall have the authority to approve conditional uses for signs which are specifically listed in the zone in question. Such signs shall be subject to all provisions and procedures as set forth in Article 7 for a conditional use permit.

17-13 MAINTENANCE STANDARDS - Every sign, including those signs for which a permit is not required, shall be maintained in good condition at all times.

- (a) Any painted wall sign shall be repainted at least once every three (3) years.
- (b) All signs which contain painted parts shall be kept neatly painted, including metal parts which are not galvanized or of rust resistant materials.
- (c) The Division of Building Inspection shall have the authority to order the repair, repainting, alteration or removal of any sign which constitutes a hazard to the health, safety or public welfare or which is an eyesore to the community by reason of inadequate maintenance, dilapidation or obsolescence.

17-14 PENALTIES FOR VIOLATION - Violation of the provisions of these sign regulations shall constitute a misdemeanor; or, in the alternative, may be punishable by the issuance of a civil citation, which shall be subject to the fines and penalties as set forth in Article 5 for violation of this Zoning Ordinance.