

## ARTICLE VI. SIGN REGULATIONS\*

### Sec. 30.85 Purpose

(A) Signs use private land and the sight lines created by the public rights-of-way to inform and persuade the general public by publishing a message. This article provides standards for the erection and maintenance of private signs. All private signs not exempted as provided below shall be erected and maintained in accordance with these standards except when under the Downtown Urban Design or State Highway 190 Development Standards. The general objectives of these standards are to promote health, safety, welfare, convenience and enjoyment of the public and, in part, to achieve the following:

- (1) Safety. To promote the safety of persons and property by providing that signs:
  - (a) Do not create a hazard due to collapse, fire, collision, decay or abandonment;
  - (b) Do not obstruct firefighting or police surveillance; and
  - (c) Do not create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles or other vehicles, or to read traffic signs.
- (2) Communications efficiency. To promote the efficient transfer of information in sign messages by providing that:
  - (a) Businesses and services may identify themselves;
  - (b) Customers and other persons may locate a business or service;
  - (c) No person or group is arbitrarily denied the use of the sight lines from the public right-of-way for communication purposes;
  - (d) Persons exposed to signs are not overwhelmed by the number of messages presented, and are able to exercise freedom of choice to observe or ignore said messages, according to the observer's purpose.
- (3) Landscape quality and preservation. To protect the public welfare and to enhance the appearance and economic value of the landscape by providing that signs:
  - (a) Do not interfere with scenic views;
  - (b) Do not create a nuisance to persons using the public rights-of-way;
  - (c) Do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height or movement;
  - (d) Are not detrimental to land or property values; and

(e) Contribute to the special character of particular areas or districts within the City, helping the observer to understand the City and orient oneself within it.

(B) Nothing contained in this chapter is intended to favor commercial speech over noncommercial speech. Notwithstanding anything else contained in this chapter, protected noncommercial speech shall be permitted on any sign on which commercial speech is allowed under this chapter and any sign containing protected noncommercial speech shall be deemed to be an on-premises sign.

(Ordinance 4416, sec. 1, adopted 4/17/90; Ordinance 6482, sec. 1, adopted 9/6/11)

### **Sec. 30.86 Definitions**

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section. Terms not defined herein shall have the meaning assigned to them in the Building Code. Terms not defined herein or in the Building Code shall have the meaning customarily assigned to them by the dictionary.

Activity means any person, business, organization or other entity.

Awning means a roof-like structure, temporary in nature, which is not an integral structural part of and is accessory to the building which it serves and is retractable, collapsible or capable of being folded.

Building means a structure which has a roof supported by walls for the shelter, support or enclosure of persons, animals or chattel.

Canopy means a projecting roof-like covering which is a permanent and integral part of the building's structure.

Character means any letter of the alphabet or any numeral.

City means the City of Garland, Texas.

Commission means the Plan Commission of the City.

Expressway means any public right-of-way designated as an expressway or freeway by the ordinances or resolutions of the City, as amended.

Facade means any separate face of a building, including parapet walls and omitted wall lines, or any part of a building which encloses or covers usable space. Where separate faces are oriented in the same direction, or in the directions within forty-five (45) degrees of one another, they are to be considered as part of a single facade.

Height, as applied to a sign, shall be measured as the vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and the average grade within 5 feet of any part of the sign.

Intersection means the junctions of the centerlines of any two (2) public rights-of-way, other than alleyways, crossing at grade, or, where the crossing is separated at grade, the intersection shall be the point at which expressway travel pavements converge or diverge, or the point at which any expressway interchange ramp intersects the expressway travel pavement.

Luminance means the brightness of a sign or a portion thereof expressed in terms of footcandles. For the purpose of this article, luminance shall be determined by the use of an exposure meter calibrated to standards established by the National Bureau of Standards and equipped with a footcandles scale.

Occupancy is the purpose for which a building is used or intended to be used. The term shall also include the building or room housing such use. Change of occupancy is not intended to include change of tenants or proprietors.

Parapet is a low wall or railing which protects the edge of a roof, porch or terrace.

Roofline means the ridge line or the highest portion which is the highest part of a roof.

Setback means the required distance between any point on private land and the nearest point at the edge of the nearest public right-of-way, other than an alley. Where a public way crosses a railroad right-of-way, the setback distance is to be measured from the public right-of-way line extended across the railroad right-of-way.

Sign means any device, flag, light, figure, mural, painting, picture, letter, word, message, symbol, plaque or poster visible from outside the site on which it is located and designed to inform or attract the attention of persons not on that premises, excluding those lights and landscape features which display no words or symbols, and temporary holiday decorations.

Sign area, for freestanding signs, means the area enclosed by the minimum imaginary rectangle of vertical and horizontal lines which fully contains all extremities of the sign, exclusive of its supports. This rectangle is to be calculated from an orthographic projection of the sign viewed horizontally. A viewpoint for this projection is to be taken which gives the largest rectangle of that kind, as the viewpoint is rotated horizontally around the sign. If elements of the sign are movable or flexible, such as a flag or string of lights, the measurement shall be taken when the elements are fully extended and parallel to the plane of view. The sign area for attached signs shall mean the sum of the areas of the minimum imaginary rectangles enclosing each word attached to any particular facade. This definition shall also apply to signs which are composed solely of words which identify a premises and which are attached to freestanding walls not over six (6) feet in height.

Sign, attached means any sign attached to, applied on, or supported by any part of a building (including canopy facia, walls and awnings) which encloses or covers usable space.

Sign band means an architectural element expressly designed to accommodate attached signs on a building.

Sign copy. See definition of “sign.”

Sign, directional means an off-premises sign the content of which is limited exclusively to the identification of a specific site, activity or occupancy located elsewhere, and which tells the location of or route to that site, activity or occupancy.

Sign, freestanding means any detached sign connected to the ground which is not an attached, portable or vehicular sign.

Sign, homebuilder/real estate directional means a directional sign involving real estate which is for sale or lease, open for exhibit, or under development.

Sign, illegal means any sign that was erected in violation of any sign regulation applicable at the time of erection of such sign. Any sign which does not comply with the provisions of this article, or which is not deemed as a nonconforming sign by the Building Official shall be considered an illegal sign.

Sign, illuminated means any sign which is directly lighted by any electrical light source, internal or external. This definition shall not include signs which are illuminated by street lights or other light sources owned by any public agency or light sources which are specifically operated for the purpose of lighting the area in which the sign is located rather than the sign itself.

Sign, marquee means any sign which has interchangeable letters (plastic, metal, magnetic, etc.) and these individual letters are changed manually.

Sign, monument means a freestanding sign the display face of which is contiguous with the ground and not elevated above grade by use of poles, struts, or wires.

Sign, movement control means a sign which directs vehicular or pedestrian movement within or onto the premises on which the movement control sign is located.

Sign, nonconforming means any sign erected legally and in compliance with all sign regulations applicable at the time of erection, but which does not comply with the provisions of this article. It shall be the burden of the owner of a nonconforming sign to prove that the sign was erected legally and in compliance with all sign regulations applicable at the time of its erection.

Sign, off-premises means any sign which is not an on-premises sign.

Sign, on-premises means any sign the content of which relates to the site on which it is located, referring exclusively to the name, location, products, persons, accommodations, services or activities of or on those sites, or the sale, lease or construction of those sites.

Sign, political means any type of nonpremises sign which refers only to the issues or candidates involved in a political election.

Sign, portable means a sign which is easily moved from one location to another, including signs which are mounted on skids, trailers, wheels, legs or stakes and which are not fixed permanently to the ground, and which is not an attached sign, political sign, vehicular sign or a sign which refers solely to the sale or lease of the premises.

Sign, programmable means a sign capable of displaying changing content through still, animated, scrolling or moving messages or images by remote or automatic means without the need to physically touch the sign face. The term includes signs that display messages or images by means of electronic or digital illumination such as cathode ray tubes, light emitting diodes, plasma screens, liquid crystal displays, fiber optics, lasers, and similar technology.

Sign, projecting means any attached sign, other than an awning or canopy, which projects perpendicular from a building and which has one (1) end attached to the building.

Sign, protective means any sign which is commonly associated with safeguarding the permitted uses of the occupancy, including, but not limited to, “Bad Dog,” “No Trespassing,” and “No Solicitors.”

Sign, special purposes means a sign temporarily supplementing the permanent signs on a site.

Sign, vehicular means any sign on a vehicle moving along the ground or on any vehicle parked temporarily, incidental to its principal use for transportation. This definition shall not include signs which are being transported to a site of permanent erection.

Site means a building which houses a single activity and the contiguous grounds and parking areas which exclusively service that building or any number of activities housed by a single building or multiple buildings which share common egress or ingress from a public street or right-of-way as established under [section 30.101](#).

Street means a public right-of-way utilized by the public and shall include such terms as avenue, drive, circle, road, boulevard, highway, but shall not include alleys.

Thoroughfare means any public right-of-way which is eighty (80) feet in width or greater designated as a thoroughfare by the City by ordinance or resolution.

Wind device means any flag, banner, pennant, streamer or similar device that moves freely in the wind. All wind devices are considered to be signs, and are regulated and classified as attached or detached by the same rules as other signs.

Word. For the purpose of this article, one word shall be deemed to be any of the following:

- (1) Any word in any language found in any standard unabridged dictionary or dictionary of slang.
- (2) Any proper noun or any initial.
- (3) Any separate symbol or abbreviation, such as “&,” “\$,” “%,” and “Inc.”
- (4) Any telephone number, street number or commonly used combination of numerals and/or symbols such as “\$5.00” or “50%.”
- (5) Any symbol or logo which is a registered trademark, but which itself contains no word or character.
- (6) Otherwise, each separate character is considered to be a word.

Zoning district, business means any zoning district designated other than residential zoning by the comprehensive zoning ordinance of the City, as amended.

Zoning district, residential means any zoning district designated as a residential district in the comprehensive zoning ordinance as amended.

(Ordinance 4416, sec. 1, adopted 4/17/90; Ordinance 5045, sec. 1, adopted 2/4/97; Ordinance 6482, secs. 2, 3, adopted 9/6/11)

### **Sec. 30.87 General provisions**

(A) The provisions of [sections 30.88](#) through [30.93](#) shall apply to all signs in the City, without regard to zoning.

(B) All signs erected or maintained pursuant to the provisions of this article shall be erected and maintained in compliance with all applicable state laws and with the Building Code, Electrical Code and other applicable ordinances of the City. In the event of conflict between this article and other laws, the most restrictive standard applies.

(C) No sign shall be erected, maintained, placed or otherwise situated in such a manner so as to obstruct or interfere with the minimum sight line standards as provided in [chapter 33](#), transportation of this Code.

(Ordinance 4416, sec. 1, adopted 4/17/90; Ordinance 5045, sec. 1, adopted 2/4/97)

### **Sec. 30.88 Imitation of traffic and emergency signs prohibited**

No person shall cause to be erected or maintained any sign using any combination of forms, words, colors or lights which imitate standard public traffic regulatory, emergency signs or signals.

**Sec. 30.89 Roof signs**

- (A) No sign shall project above the roofline or be attached to a roof of a building.
- (B) Exceptions:
  - (1) Signs may be placed on the first 30" above the roof on a parapet or similar projection which is continuous on two or more sides of the structure.
  - (2) Signs may be placed a maximum of 10 feet above the roof on a parapet or similar projection which is continuous on three or more sides.
  - (3) Signs shall not project above any portion of a parapet or similar projection.

(Ordinance 4416, sec. 1, adopted 4/17/90)

**Sec. 30.90 Signs in rights-of-way prohibited**

- (A) Except as specifically authorized in this article, no sign shall be erected or affixed within or project over any public right-of-way or across the public right-of-way line extended across a railroad right-of-way. This section shall not be construed so as to prohibit the carrying or displaying of signs by any person so long as such sign is not connected or affixed to the real property comprising the public right-of-way, its fixtures and appurtenances. Homeowners' association and crime watch meeting and alert signs and structures in the central area zoning districts may have signs projecting over the public right-of-way. (See [section 30.106](#) and [30.108](#).)
- (B) Signs not exceeding eight (8) square feet in area nor five (5) feet in height pertaining to a garage sale located upon a residential lot may be erected off-premises on private residential property, provided the approval of the owner of such off-premises location shall first be obtained. Such signs shall be prohibited within or projecting over any public right-of-way.

(Ordinance 4416, sec. 1, adopted 4/17/90; Ordinance 5045, sec. 1, adopted 2/4/97)

**Sec. 30.91 Signs on public property**

Except as specifically authorized in this article, no person shall affix, erect, post or attach a sign on any City-owned property. No person shall affix, erect, post or attach any sign or other material to, or paint, stencil or otherwise mark any sidewalk, curb, gutter, street, tree, utility pole, traffic sign, traffic light fixture or equipment, public building, public fence or screening wall, or public structure. This section does not apply to governmental signs displayed under governmental authority or the posting, painting, stenciling, or marking of street address numbers onto curbs. (Ordinance 6455, sec. 2, adopted 4/19/11)

**Sec. 30.92 Floating sign prohibited**

Signs consisting of lighter-than-air or floating devices are prohibited. (Ordinance 4416, sec. 1, adopted 4/17/90)

**Sec. 30.93 Portable signs prohibited**

(A) Portable signs, as is defined in [section 30.86](#), are prohibited, except as provided in subsection (B).

(B) Portable A-frame or sandwich board signs may be located within the Central Area 1 Zoning District, provided:

- (1) Such signs shall not exceed four (4) feet in height nor eight (8) square feet in area per side, with a maximum of two (2) sides per sign;
- (2) A minimum sidewalk width of four (4) feet shall be maintained free from obstructions;
- (3) Such signs may be located in or project over public right-of-way, but shall not be located closer than one (1) foot from the adjacent street curb;
- (4) Such signs shall be limited to one (1) per occupancy and shall only be displayed during business hours; and
- (5) Such signs shall not be illuminated.

(Ordinance 5045, sec. 1, adopted 2/4/97)

**Sec. 30.94 Special purpose signs**

(A) Special purpose political signs regarding an issue or candidate in an election may be erected on private property without limit as to number; provided, that such signs comply with other applicable requirements of this article; and provided further, that the owner or occupant of the property on which sign is displayed:

- (1) Shall not erect or cause to be erected special purpose political signs until forty-five (45) days prior to any primary, general, special or local election;
- (2) Shall remove the signs within ten (10) days after the general, runoff, special, or local election to which a sign pertains or after the termination of a candidacy, whichever occurs first.

(B) Flags, emblems and insignia of a governmental entity are allowed.

(C) Special purpose, temporary construction signs denoting the architect, engineer, contractor, subcontractor or financier and temporary signs denoting the future location of a particular business, retail center or institution are allowed one such construction sign and one such future location sign per street adjacent to the construction site or future location site. No such sign shall exceed thirty-two (32) square feet in area nor extend higher than fifteen (15) feet as measured from ground level; provided, that such signs are located on the premises where construction or

location being advertised is or will be occurring. Such signs shall be removed upon issuance of a certificate of occupancy.

(D) Special purpose freestanding signs for the purpose of identifying the location of or direction to subdivisions or major home builder sites are allowed. Such signs shall be on-premises and shall not exceed one hundred (100) square feet in area, nor extend more than fifteen (15) feet in height, or when located adjacent to a screening wall shall not extend more than twenty (20) feet in height. A home builder with twenty-five (25) lots or more qualifies as a major home builder. One such sign may be allowed for subdivisions, major home builders, sites or developments of thirty (30) acres, or less. One additional sign shall be allowed for each additional thirty (30) acres. Permits for such signs may be granted for a maximum period of six-month intervals, with such signs being removed upon ninety (90) percent completion of the project. No such sign shall be located closer than one hundred (100) feet to a residential dwelling not within the subdivision.

(E) Off-premises, special purpose freestanding directional signs for the purpose of identifying the location of or direction to a subdivision within a residential zoning district are allowed under the following conditions:

- (1) Such signs shall not advertise any site located outside the City limits;
- (2) Such signs shall be located within a one (1) mile radius of the subdivision to which it pertains and shall not be located closer than one hundred (100) feet to a residential dwelling;
- (3) Such signs shall not exceed one hundred (100) square feet in area, nor extend more than fifteen (15) feet in height;
- (4) The maximum number of such signs shall not exceed one (1) sign per fifty (50) lots, or fraction thereof, nor a maximum of two (2) signs per subdivision;
- (5) No such off-premises, special purpose freestanding directional sign shall be erected closer than one hundred (100) feet from any other off-premises sign on the same side of the thoroughfare;
- (6) Permits for such signs may be granted for maximum intervals of twelve (12) months each with such signs being removed when ninety (90) percent of the lots within the subdivision have been developed.

(F) Wind devices, heavier-than-air inflatable, and similar special purpose signs promoting a single-family subdivision or multifamily complex shall be allowed a maximum single use period not to exceed sixty (60) days, with a minimum period between permits of sixty (60) days and a maximum number of three (3) permits per year for a given subdivision or complex.

(G) (1) Wind devices, heavier-than-air inflatables, and similar special purpose signs, other than temporary banner signs, promoting a retail or commercial establishment or center shall be allowed a maximum single use period not to exceed sixty (60) days with a minimum period between permits of sixty (60) days and a maximum number of three (3) permits per year for a given establishment or center.

(2) Temporary banner signs shall be allowed under the following conditions:

(a) Temporary banner signs may have a maximum sign area equal to the square footage of two times the width of the main entrance (front wall) of the building or tenant space occupied by the applicant who intends to display the temporary banner sign, but in no case shall the sign area exceed eighty (80) square feet;

(b) The allowed time period for any individual permit for a temporary banner sign shall not exceed sixty (60) days;

(c) The total number of days for which any business at a single location may have a permit or permits for temporary banner sign(s) shall not exceed one hundred and fifty-six (156) days within a twelve-month period;

(d) Permits may run consecutively; there is no interval between permits required;

(e) Before any permit is issued, a fee of one hundred dollars (\$100.00) must be paid.

(H) Signs that advertise sales, specials, grand openings, or other goods or services available within an establishment may be placed in windows using water soluble paint, appliques or other temporary and removable means provided that no such window sign may:

(1) Be located on the window surface in any manner that obscures more than twenty-five percent (25%) of the visible window area available in the absence of any signs; and

(2) Remain in place more than 60 days in any six-month period.

(Ordinance 4416, sec. 1, adopted 4/17/90; Ordinance 5045, sec. 1, adopted 2/4/97; Ordinance 5858, sec. 1, adopted 11/2/04; Ordinance 6342, sec. 1, adopted 8/18/09)

### **Sec. 30.95 Movement control signs**

Movement control signs may be erected at any activity or on any site, other than a single-family or duplex premises; may be attached or freestanding; and may be erected without limit as to number; provided, that such signs shall comply with other applicable requirements of this article; and:

(1) Freestanding movement control signs shall not exceed six (6) square feet in effective area and shall not exceed three (3) feet in height.

(2) If a movement control sign is an attached sign, the letters shall not exceed four (4) inches in height and the sign area shall not exceed six (6) square feet.

(3) The signs must contain no advertising or identification message.

(Ordinance 4416, sec. 1, adopted 4/17/90)

**Sec. 30.96 Protective signs**

A site may contain not more than two (2) protective signs and one (1) additional protective sign per site for every 450 linear feet abutting a public street, in accordance with the following provisions:

- (1) Each sign shall not exceed one hundred (100) square inches in area;
- (2) Freestanding signs shall not exceed two (2) feet in height;
- (3) Letters shall not exceed four (4) inches in height.

(Ordinance 4416, sec. 1, adopted 4/17/90)

**Sec. 30.97 Sale or lease signs**

A site may contain on-premises attached or freestanding signs for the purpose of advertising the sale or lease of the real property on which such sign is located, subject to the following provisions:

- (1) Signs advertising the sale or lease of residential property shall not exceed eight (8) square feet in area nor five (5) feet in height. The number of such signs shall be limited to one (1) per lot or complex where such lot or complex abuts one (1) street; one (1) additional sign shall be allowed for each additional street.
- (2) Signs advertising the sale or lease of a business property shall not exceed sixteen (16) square feet in area or eight (8) feet in height.

(Ordinance 4416, sec. 1, adopted 4/17/90; Ordinance 5045, sec. 1, adopted 2/4/97)

**Sec. 30.98 Homebuilder/real estate directional signs**

A person may erect and display homebuilder/real estate directional signs on public property, subject to the following provisions:

- (1) Signs may be displayed between the hours of noon Friday and noon of the next following Monday. On weekends when Friday of such weekend is a legal holiday, signs may be displayed between the hours of noon Thursday and noon of the next following Monday. On weekends when the next following Monday is a legal holiday, signs may be displayed between the hours of noon Friday and noon of the next following Tuesday. However, no person may erect signs between the hours of 4:00 p.m. and 6:00 p.m.
- (2) Signs shall not exceed five (5) square feet in area. Except as provided herein, no sign shall exceed thirty-six (36) inches in height as measured from ground level.

- (3) Signs shall not be placed within any median, nor closer than three (3) feet to the curb or edge of the street pavement. Signs shall be spaced a minimum of fifteen (15) feet from any adjacent real estate directional sign.
- (4) Signs of any real estate owner or broker less than one (1) mile from the site advertised shall not be less than 500 feet apart and signs more than a mile from the site advertised shall not be less than 1,500 feet apart. No sign shall be more than three (3) miles from the site advertised.
- (5) A homebuilder/real estate directional sign shall not advertise any site located outside the City limits.
- (6) Signs shall not be placed so as to obstruct the vision of passing motorists, nor placed in medians.
- (7) Dented, faded or unmaintained signs are prohibited.
- (8) Signs shall not be artificially illuminated.
- (9) If a person placing or removing signs stops a vehicle on a street, in other than a legal parking space, he shall use and display emergency flashing or revolving lights, in addition to normal vehicle emergency flashing lights.
- (10) Signs erected or displayed contrary to the provisions of this section may be removed by agents and employees of the City, and either stored or destroyed, without liability to the City or its agents or employees. The owner of any sign confiscated by the City may claim the sign, if it remains in the custody of the City, upon the payment to the City of an administrative fee of five dollars (\$5.00) per sign. The payment of the administrative fee does not work as a defense of any sort to a prosecution under this section.

(Ordinance 4416, sec. 1, adopted 4/17/90; Ordinance 5045, sec. 1, adopted 2/4/97)

### **Sec. 30.99 Vehicular signs**

Vehicular signs are allowed provided:

- (1) No vehicular sign shall remain within twenty (20) feet from a street right-of-way (R.O.W.) on a site on which the business is located other than during actual use of the vehicle to which the vehicular sign is attached for transportation purposes.
- (2) A vehicular sign shall be incidental to the bona fide use, for transportation purposes, of the vehicle to which the vehicular sign is attached. If a vehicle displaying a vehicular sign is not in bona fide use for transportation purposes, the vehicle shall be deemed to be a freestanding sign and subject to all provisions of this article pertaining to freestanding signs. It shall be a rebuttable presumption that a vehicle displaying a vehicular sign is not in bona fide use for transportation if the vehicle is stopped, parked, or allowed to remain at the same location within the site

for any period exceeding twenty-four (24) hours or contains arrows or any directional information relating to the business.

(Ordinance 4416, sec. 1, adopted 4/17/90)

**Sec. 30.100 Government signs**

Nothing in this article shall be construed to prevent or affect the display of a national or state flag, or to limit flags, insignia, legal notices or informational, directional or traffic signs which are legally required or necessary to the essential functions of government agencies. Nothing in this article shall be construed as affecting or limiting the City from displaying signs upon City rights-of-way and City property. (Ordinance 4779, sec. 2, adopted 6/7/94)

**Sec. 30.101 Creation of site**

The Building Official shall not issue a permit for construction, erection, placement, or maintenance of a sign until a site is established for the sign.

**Sec. 30.102 Presumption**

It shall be a rebuttable presumption that a sign was erected, placed, displayed or maintained by the person identified on the sign by name, address, telephone number, or other identifying characteristics, or to whose benefit the sign directly contributes.

**Sec. 30.103 Provisions for business zoning districts**

(A) The provisions of [section 30.104](#) through [30.106](#) apply to all signs in business zoning districts unless the sign is within twenty-five (25) feet of either a residential zoning district boundary or a public park of more than one acre.

(B) Signs within twenty-five (25) feet of either a residential zoning district boundary or a public park of more than one acre shall be governed by the provisions of [sections 30.108](#) through [30.110](#) of this article.

(Ordinance 4416, sec. 1, adopted 4/17/90)

**Sec. 30.104 Programmable signs, changeable images, and sign illumination**

(A) Subject to the other provisions of this chapter, programmable signs are allowed as on-premises, freestanding signs in both business and residential zoning districts. A site may contain no more than one programmable sign except that, in a business zoning district, if the site has frontage on two or more streets or more than 300 feet of frontage on a single street, not more than two programmable signs are allowed both of which shall be monument signs only. A programmable sign is allowed in a residential zoning district only as a monument sign and only on a site that contains and operates as a lawful nonresidential use as allowed by the zoning classification for that site.

(B) No sign shall:

- (1) Display animated, full-motion or other moving images, or display a flashing or blinking image, an image that incorporates intermittent or bursts of illumination, or an image that scrolls, fades, rolls, shades, dissolves or otherwise gives the appearance of movement that is not solely a transition between displays as provided by subsection (3);
- (2) Project an image onto the ground or another object;
- (3) Display an image for a period of less than eight seconds or exceed a period of two seconds during a transition between a complete change of message (other than black-screen);
- (4) Transition from one display to the next in a manner that requires the viewer to read subsequent displays in order to determine the message being conveyed; or
- (5) Include any audio message.

(C) A programmable sign shall be equipped with a properly functioning automatic dimmer to adjust the luminance of the sign relative to ambient light so that at no time shall the sign exceed the luminance limitations of subsection (E). A programmable sign shall be equipped with a properly functioning default mechanism that will cause the sign to revert immediately to a single, fixed, non-transitory image or to a black-screen if the sign malfunctions. The owner of a programmable sign shall provide the Building Official with current, valid contact information for a person who is authorized and able to de-power the programmable sign within four hours of notification in the event of a malfunction.

(D) A sign, including a programmable sign, may not emanate a luminance more than 0.3 footcandles above the natural ambient light level of the location at the time of measurement, as measured from a point 100 feet from the sign face. A sign, including a programmable sign, that is located in a residential zoning district or on a site that is immediately adjacent to a site used as a residence may not emanate a luminance more than 0.2 footcandles above the natural ambient light level of the location at the time of measurement, as measured from the nearest residential property line. A programmable sign that is located in a residential zone shall display only a single, fixed, non-transitory image or a black-screen during the hours of 10:00 p.m. to 6:00 a.m. and shall be oriented so that the sign face is oriented as near as possible in a perpendicular position in relation to the street frontage on which the sign is located.

(E) The sign face(s) of a freestanding sign may be converted to a programmable sign only in a manner that fully conforms to the provisions of this Code. A lawfully existing, nonconforming sign must be made conforming in all respects including, without limitation, setback, sign area, height, and number in order to convert the sign face(s) of the sign to a programmable sign.

(Ordinance 4416, sec. 1, adopted 4/17/90; Ordinance 5045, sec. 1, adopted 2/4/97; Ordinance 6482, sec. 4, adopted 9/6/11)

### **Sec. 30.105 Freestanding signs**

Freestanding signs are permitted in business zoning districts as follows:

(1) Number of freestanding sign.

(a) Only one freestanding sign of any type may be erected on any site, except that:

(i) A site which has more than three hundred (300) feet along a single thoroughfare may have one (1) additional freestanding sign.

(ii) Freestanding signs shall be allowed on each thoroughfare frontage of a site.

(iii) No more than two (2) freestanding signs shall be allowed per thoroughfare.

(iv) In no case shall a site possess more than four (4) freestanding signs, except as provided for in [sections 30.94](#), [30.95](#), [30.96](#), and [30.97](#).

(v) Fast food and drive-through restaurants may have additional sign(s) not exceeding eight (8) feet in height nor fifty-five (55) square feet in area and, if freestanding, located no further than fifteen (15) feet from the building housing that activity.

(vi) Signs not exceeding sixteen (16) square feet and not exceeding six (6) feet in height are allowed for an activity providing engine fuel sales which advertise prices of fuel on premises. No activity shall have more than one such sign per street front. In no case shall such sign be freestanding, except that where a freestanding pole sign exists and is allowed, such sign may be attached to the pole sign support in addition to the sign thereon supported. In no case shall a sign so supported have a distance of less than twelve (12) feet from the ground below as measured from the bottom of the fuel sign to the nearest grade.

(2) Setback.

(a) Freestanding signs of a sign area of fifty (50) square feet or less may be located as near as five (5) feet to the public right-of-way or at the building line if this requires a lesser setback; provided, that said sign does not exceed twenty (20) feet in height.

(b) A freestanding sign with a sign area of eighty (80) square feet or less may be located as near as fifteen (15) feet to the right-of-way; provided, that said sign does not exceed thirty (30) feet in height.

(c) A freestanding sign with a sign area of one hundred fifty (150) square feet or less may be located as near as twenty-five (25) feet to the right-of-way or as near as the building setback line specified by the other provisions of this

article, whichever is further; provided, that it does not exceed a height of thirty-five (35) feet.

(d) No part of a freestanding sign shall be closer than twenty-five (25) feet measured radially to another freestanding sign on an adjacent sign site, nor shall any part of a freestanding sign on the same site be closer than one hundred (100) feet radially to another freestanding sign on that same sign site.

(3) Size and height.

(a) No freestanding sign shall exceed one hundred fifty (150) square feet in sign area or thirty-five (35) feet in height except as herein provided.

(b) Where a freestanding sign is totally within one hundred (100) feet of an expressway right-of-way and is oriented to be visible from that expressway, then the following exceptions apply: The height of such signs set back a minimum of forty (40) feet may be a total of thirty-five (35) feet or thirty (30) feet above the nearest lane of travel of the expressway, whichever is higher.

(c) Freestanding signs may incorporate embellishments or cut-outs; provided, that they shall not exceed twenty (20) percent of the area of the sign face and that they shall not extend beyond the sign face a distance exceeding eighteen (18) inches as measured horizontally.

(d) Any freestanding sign located in such a manner as to allow, or is likely to allow, the passage of vehicular traffic beneath shall have a minimum distance of fourteen (14) feet as measured from the bottom of the sign to the ground immediately below.

(e) Notwithstanding anything else contained in this section, a monument sign may not exceed fifty square feet in sign area nor exceed seven feet in height. A monument sign may not incorporate embellishments or cutouts.

(4) Off-premises signs. Off-premises signs, as defined in [section 30.86](#) of this article, are prohibited.

(Ordinance 4416, sec. 1, adopted 4/17/90; Ordinance 5045, sec. 1, adopted 2/4/97; Ordinance 6482, sec. 5, adopted 9/6/11)

**Sec. 30.106 Attached signs**

Attached signs are permitted in business districts in accordance with the following provisions:

(1) Sign area.

(a) The sign area of an attached sign shall have a maximum square footage of two (2) times the width of the occupant space as measured along main entrance or frontage.

(b) The sign area for attached signs on multistory buildings shall be two times the width of the main building frontage. The sign area for attached signs on tenant spaces within a multistory building which has a public entrance shall be allowed per the attached sign requirements in subsection (1).

(2) Location and height.

(a) Where an activity is located on the first story of a multistory building, an attached sign may not project above the floor level of the second story.

(b) Where an activity is located above the first story of a multistory building, an attached sign may not project above the floor immediately above.

(c) No attached sign shall project a distance greater than eighteen (18) inches from the architectural element to which it is affixed.

Exception: Projection signs shall be permitted within the Central Area 1 Zoning District provided:

(i) Such signs shall be permitted to extend over public property provided such signs do not extend closer than two (2) feet from the adjacent street curb;

(ii) Such signs shall not exceed twelve (12) square feet in area with no dimensions exceeding six (6) feet;

(iii) Vertical clearance below such signs shall not be less than eight (8) feet above any walking surface below and shall not be located over any vehicle traffic areas; and

(iv) Not more than one such sign shall be allowed per occupancy.

(d) Where an attached sign is placed in such a manner as to project a distance greater than two (2) inches into a private driveway or other private area likely to be used by vehicular traffic or where the sign is placed in such a manner as to allow the passage of vehicular traffic beneath it, the sign shall have a minimum distance of fourteen (14) feet measured from the bottom of the sign to the ground immediately below.

(e) Where an attached sign is placed in such a manner as to project a distance greater than two (2) inches into a pedestrian walkway or other area likely to be used by pedestrian traffic or where the sign is placed in such a manner as to allow the passage of pedestrian traffic beneath it, the sign shall have a minimum distance of eight (8) feet; as measured from the bottom of the sign to the ground immediately below.

(Ordinance 4416, sec. 1, adopted 4/17/90; Ordinance 5045, sec. 1, adopted 2/4/97)

**Sec. 30.107 Provisions for residential zoning districts**

The provisions of [sections 30.108](#) through [30.110](#) apply to all signs in any residential district, within twenty-five (25) feet of a residential district boundary, within twenty-five (25) feet of a public park of more than one acre, or where a multifamily residential use occurs within a business zoning district. (Ordinance 4416, sec. 1, adopted 4/17/90)

**Sec. 30.108 General provisions applicable to signs in residential zoning districts**

(A) No portion of an illuminated sign shall have a luminance greater than two hundred (200) footcandles.

(B) No sign nor part of any sign in a residential zoning district shall move, flash, rotate or change its illumination or copy. Marquee signs which meet all the requirements of either the attached or freestanding sign provision are allowed.

(C) An occupant in residential zoning districts may erect only special purpose signs and special purpose political signs, and premises signs, which include movement control signs and protective signs. Temporary holiday decorations are permitted.

(D) The Plan Commission may permit the erection of signs on any legally erected structure in any single-family, duplex, and quadraplex residential subdivisions. Such signs are exempt from compliance with the provisions of [section 30.110](#) of this article. The maximum sign area of such signs shall not exceed forty (40) square feet each per [section 30.106](#). The maximum number of signs permitted for each subdivision shall be two (2) signs per street entrance into the platted subdivision area. The sign height, maximum sign area, location on the site, words, setbacks, a graphic presentation of the sign, and number of signs per subdivision shall be prominently indicated on the plans submitted to the Plan Commission.

Exception: Building inspection may issue permits on subdivision signs according to the above-mentioned criteria and the following:

(1) The signs are attached to screening walls which are not in the right-of-way (R.O.W.).

(2) The signs are not illuminated.

(E) Homeowners' association and crime watch meeting and alert signs not exceeding two and one-half (2 1/2) feet in height nor two (2) square feet in area may be placed on public property at the entrances of the homeowners' association and crime watch areas on the day of the meeting or alert and must be removed the following day by 12:00 p.m.

(Ordinance 4416, sec. 1, adopted 4/17/90; Ordinance 5045, sec. 1, adopted 2/4/97)

**Sec. 30.109 Freestanding signs**

Multifamily and nonresidential sites in residential zones may have freestanding signs subject to the following restrictions:

(1) Number of signs. Each site may have a freestanding sign for each five hundred (500) feet of frontage along a street, other than an alley. In no case shall such site have more than two (2) freestanding signs.

(2) Setback, sign area and height. A minimum setback of five (5) feet is required of all freestanding signs. A minimum setback of ten (10) feet from the public right-of-way is required for signs exceeding ten (10) square feet in sign area or fifteen (15) feet in height. A minimum setback of twenty (20) feet is required for all signs exceeding twenty (20) square feet in sign area or twenty (20) feet in height. No freestanding sign shall exceed fifty (50) square feet in sign area or twenty-five (25) feet in height.

(Ordinance 4416, sec. 1, adopted 4/17/90; Ordinance 5045, sec. 1, adopted 2/4/97)

### **Sec. 30.110 Attached signs**

Attached signs are permitted for multifamily premises and nonresidential uses in residential zoning districts and are subject to the provisions of [section 30.106](#) except that an attached sign shall have a maximum sign area of one-half times the width of the building with a maximum of one hundred sixty (160) square feet. (Ordinance 4416, sec. 1, adopted 4/17/90)

### **Sec. 30.111 Powers and duties of the Building Official**

(A) Generally. The Building Official is hereby authorized and directed to enforce all the provisions of this Code.

(B) Right of entry.

(1) Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever the Building Official or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the Building Official or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official by this Code; provided, that if such building or premises be occupied, he shall first present proper credentials and request entry; and if such building or premises be unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the Building Official or his authorized representative shall have recourse to every remedy provided by law to secure entry.

(2) When the Building Official or his authorized representative shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Building Official or his authorized representative for the purpose of inspection and examination pursuant to this article.

(C) Stop orders. Whenever any work is being done contrary to the provisions of this article, the Building Official may order the work stopped by notice in writing served on any person engaged in the doing or causing of such work to be done, and any such person shall forthwith stop such work until authorized by the Building Official to proceed with the work.

(Ordinance 4416, sec. 1, adopted 4/17/90)

**Sec. 30.112 Permits, applications, fees**

(A) Permits. No person, firm or corporation shall erect, construct, alter, rebuild, enlarge, extend, convert, maintain, replace, relocate, remove or demolish a sign or alter or change words or rearrange neon tubing on a sign or cause the same to be done without first obtaining a separate sign permit for each sign.

(B) The following type of signs are exempted from permitting:

- (1) The changing of words on a sign that is designed with interchangeable words.
- (2) Normal maintenance to replace worn parts and repainting deteriorated paint without word change.
- (3) Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.
- (4) Government signs such as flags, insignia, legal notices or informational, directional or traffic signs which are legally required or necessary to the essential functions of government agencies.
- (5) Special purpose political signs subject to the provisions of [section 30.94](#).
- (6) Nonilluminated temporary construction signs subject to the provisions of [section 30.94](#).
- (7) Signs painted directly on internal or external window surfaces subject to the provisions of [section 30.94](#).
- (8) Nonilluminated movement control signs not exceeding six (6) square feet in effective area; nor three (3) feet in height subject to the provisions of [section 30.95](#).
- (9) Nonilluminated freestanding protective signs not exceeding one hundred (100) square inches in effective area; nor two (2) feet in height subject to the provisions of [section 30.96](#).
- (10) Nonilluminated on-premises signs advertising the sale or lease of a nonbusiness property not exceeding eight (8) square feet in effective area nor five (5) feet in height subject to the provisions of [section 30.97](#).

(11) Nonilluminated, on-premises, freestanding signs advertising the sale or lease of a business property subject to the provisions of [section 30.97](#).

(12) Homeowners' association and crime watch meeting and alert signs.

(13) Garage sale signs.

(14) Homebuilder/real estate directional signs.

(C) Other required permits. Unless otherwise exempted, separate plumbing, electrical and mechanical permits will be required for the above-exempted items.

(D) Application. To obtain a permit, the applicant shall file an application in writing on a form furnished for that purpose. Every such application shall:

(1) Identify and describe the work to be covered by the permit for which application is made.

(2) Describe the land on which the proposed work is to be done by zoning, lot, block, tract, subdivision, and street address, or similar description that will readily identify and definitely locate the proposed work.

(3) Be accompanied by a notarized authorization from the owner of the property when required by the Building Official.

(4) Be accompanied by plans and specifications as required in this Code and all applicable laws and ordinances.

(5) State the valuation of the proposed work.

(6) Be signed by the applicant, or an authorized agent who may be required to submit evidence to indicate such authority.

(7) Give such other information as reasonably may be required.

(E) Plans and specifications. With each application for a permit, not less than two (2) sets of plans and specifications shall be submitted and all drawings, specifications and accompanying data shall bear the name and address of the designer. The structural design of freestanding signs in excess of eight (8) feet in height shall be prepared and designed by an engineer licensed by the state. The plans and specifications for attached signs shall be prepared by an engineer licensed in the state as required by the International Building Code, as adopted by the City.

(F) Fees. The fee for such permit shall be as prescribed by the fee schedule located in [article XV of chapter 30](#) of this Code.

(G) Expiration. Every permit issued under the provisions of this Code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within sixty (60) days from the date of such permit, or if the work authorized by such permit is suspended or

abandoned at any time after the work is commenced for a period of more than one hundred twenty (120) days. Before such work can be recommenced, a new permit shall be first obtained.

(H) Suspension or revocation. The Building Official may, in writing, suspend or revoke a permit issued under provisions of this Code whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any law or ordinance.

(I) Refunds. There shall be no refunds of sign permit fees paid under the terms of this Code, except for the following:

(1) When it is determined that a sign permit was issued due to an error, a full refund may be authorized by the Building Official.

(2) When it is determined that a sign permit cannot be legally issued, any permit fee received may be returned.

(J) Inspections. All signs for which a permit is required shall be subject to inspection by the Building Official.

(1) Pre-inspection. The Building Official, upon receipt of an application for permit for a sign, may make a pre-inspection. The application, plans and specifications, and other data, filed by an applicant for permit shall be reviewed by the Building Official. Such plans may be reviewed by other departments to verify compliance with any applicable laws under their jurisdiction. If the Building Official finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this article and other pertinent laws and ordinances, and that the fees specified in subsection (F) herein have been paid, he shall issue a permit therefor to the applicant.

(2) Final inspection. The Building Official, upon the call of the permit holder, shall make a final inspection after the work is completed. All requests for final inspection shall be made at least twenty-four (24) hours before the inspection is desired.

(3) Responsibility of contractor. It shall be the responsibility of the contractor to ensure that each necessary inspection is requested from the Building Official and to ensure that subsequent stages of construction are not started until said inspection has been conducted and approved. This also includes all subcontractor types of inspections such as electrical, mechanical, plumbing, etc. If it is found, upon inspection by the City, that a contractor has completed a sign without having obtained the necessary inspections and approvals, future permits shall be denied to that contractor pending completion and approval of said inspections.

(K) The provisions of [section 30.104](#) through [30.106](#) apply to all signs in business zoning districts unless the sign is within twenty-five (25) feet of either a nonbusiness zoning district boundary or a public park of more than one acre.

(L) Signs within twenty-five (25) feet of either a nonbusiness zoning district boundary or a public park of more than one acre shall be governed by the provisions of [sections 30.108](#) through [30.110](#) of this article.

(M) Sign contractor registration. Any person installing a sign that requires a permit in the City must register with the Building Inspection Department as a sign contractor. To register with the City as a contractor, application shall be made in the method required for that purpose by the Building Official. The application shall include the contractor's name, local address and telephone number, a copy of the applicant's driver's license, and such other information as may reasonably be required to properly identify the contractor. Such application shall be accompanied by the fee prescribed in the fee schedule located in [article XV of chapter 30](#) of this Code.

(Ordinance 4416, sec. 1, adopted 4/17/90; Ordinance 4619, sec. 13, adopted 8/25/92; Ordinance 5045, sec. 1, adopted 2/4/97; Ordinance 5628, sec. 12, adopted 2/19/02; Ordinance 5977, sec. 7, adopted 3/7/06; Ordinance 6260, sec. 11, adopted 9/2/08)

**Sec. 30.113 Design**

(A) Construction. All signs and their supports shall be built, constructed and erected in conformance with the requirements of all laws and ordinances.

(B) Structural. Signs shall comply with the design standards of the International Building Code as adopted by the City.

(C) Electrical. Signs in which electrical wiring and connections are used shall comply with the requirements of the Electrical Code of the City.

(D) Plumbing and mechanical. Signs in which plumbing or mechanical devices are used shall comply with the requirements of the Plumbing and Mechanical Codes of the City.

(E) Materials. The type of materials used in the construction, wiring, plumbing or mechanical portion of the sign shall conform to the structural codes of the City (Building, Electrical, Mechanical and Plumbing Codes).

(F) Protection. Electrical devices within reach of persons on public property shall be protected by wire glass, safety glass, locked box of metal or wood, or other approved methods. No sign shall be erected nearer than two (2) feet from any telephone cable, electrical street light standard, electrical power poles, or electrical power distribution lines when voltage between conductors is less than three hundred (300) volts. If the voltage between conductors is three hundred (300) volts or greater, clearances shall be maintained as follows:

<u>Voltage of Conductors</u>	<u>Horizontal Clearance in Feet</u>	<u>Vertical Clearance in Feet</u>
300 to 8,700	3	8
8,700 to 15,000	8	8
15,000 to 50,000	10	10

50,000 +

10 plus 9.5 inch per kv in  
excess

10 per 0.5 inch per kv in  
excess

Note: For spans greater than one hundred fifty (150) feet, refer to the National Electrical Safety Code.

(G) Clearance from fire escapes, exits, or standpipes. No sign or its supports shall be erected in such a manner which will interfere in any way with the use of any fire escape, exit or standpipe. No sign or its supports shall be attached to a standpipe or fire escape.

(H) Obstruction of openings in buildings. No sign or its supports shall obstruct any required openings to such an extent that light or ventilation is reduced below that required.

(I) Weatherproofing. All signs shall be constructed so as to prevent the accumulation of water.

(J) Conflict. In the event of a conflict between any applicable ordinance of the City, then the most restrictive code requirements shall apply.

(K) Materials. All freestanding signs shall be constructed of materials that are noncombustible or slow burning (as in the case of plastic insert or facings) and shall be supported by noncombustible material only and finished in a presentable manner. Untreated wood or unpainted or nongalvanized steel supports are specifically prohibited.

(Ordinance 5045, sec. 1, adopted 2/4/97; Ordinance 5628, sec. 12, adopted 2/19/02)

### **Sec. 30.114 Existing signs**

(A) Maintenance of signs. Except as provided in subsections (B) and (C) of this section, any sign or portion of a sign or sign support determined by the City to be unsafe or unsecured, a menace to the public, becomes dangerous to life, limb or property, or an obstruction to the use of any sidewalk or roadway, or interferes with the operation of the Fire Department, or in such dilapidated condition as to be unsightly and, therefore, prejudicial to the public welfare shall be repaired, maintained, or removed.

(B) Nonconforming signs. Except as provided in this subsection, any sign which is designated by the Building Official a nonconforming sign, as defined, shall be permitted to be continued as a nonconforming sign unless such sign is made a conforming sign. Any nonconforming sign which is destroyed, deteriorated, or dilapidated to such extent that the cost of repairing the sign to a condition acceptable by the Building Official is more than sixty percent (60%) of the cost of erecting a new sign of the same type at the same location shall be removed.

(C) Illegal signs. Illegal signs shall be immediately removed upon written notice by the Building Official.

(D) Time limitations. Except as provided in subsection (C) above, any sign which is required by this section to be removed, relocated, or repaired shall be removed, relocated or repaired at the expense of the owner, within ten (10) days of a notice given by the Building Official. Any such

sign not removed, relocated, or repaired, within this time limit may be removed by the Building Official at the expense of the owner of such sign.

(Ordinance 4416, sec. 1, adopted 4/17/90; Ordinance 5045, sec. 1, adopted 2/4/97)

**Sec. 30.115 Variance procedure/Plan Commission**

(A) The Plan Commission created by [section 1 of article XI of the Charter](#), may, for a particular site, authorize variances and exceptions with respect to the provisions of this article.

(B) The Plan Commission shall recommend to the City Council legislation for amendments to this Code in keeping with technological progress with respect to public health, safety and welfare. The Plan Commission may, in specific cases and subject to appropriate conditions, authorize variances and exceptions to the regulations established in this article when the commission has made a finding from the evidence presented that strict compliance with the requirement of this article will result in a hardship or inequity to the applicant in accomplishing the objectives of this article, provided that economic or self-created hardship alone shall not be a sufficient basis for the granting of a variance or exception.

(C) The Plan Commission may hear and decide appeals which allege error in any order, requirement, decision or determination made by the Building Official in the enforcement of this article. A 3/4 vote of the members present is necessary to overrule a decision of the Building Official.

(D) The Plan Commission may require a nonconforming sign to be brought into immediate conformity with all current standards of all ordinances of the City or to be removed when, from the evidence presented, the commission finds the sign to be hazardous to the public or to have been abandoned by its owners.

(E) An appeal may be taken from a decision of the Plan Commission by either the applicant or the City by first filing a motion for rehearing with the Building Official. The motion for rehearing shall be filed within ten (10) days of the date of the decision made which is the basis of the appeal. The motion for rehearing shall specifically state the grounds for the appeal. Any party aggrieved by the decision of the Plan Commission may appeal the decision to the City Council within fifteen (15) days of the date of the decision on the motion for rehearing, where the matter shall be determined on the basis of the substantial evidence rule.

(F) The Plan Commission, in considering an application for a variance, shall consider to what extent, if any, the site for which the applicant seeks a variance differs from adjoining sites, the extent that the hardship or inequity claimed by the applicant is self-created or based upon financial need of the applicant, and the adverse effects that the granting of a variance may or would create.

(Ordinance 4416, sec. 1, adopted 4/17/90; Ordinance 5045, sec. 1, adopted 2/4/97)

**Sec. 30.116 Public hearings provided**

The Plan Commission shall hold a public hearing on any proposed amendment or supplement to this article. After the public hearing is closed, the Plan Commission shall

immediately make its recommendation and report to the City Council. At least fifteen (15) days' notice of the time and place of such hearing shall be published in a newspaper having a general circulation in the City.