

CITY OF ASHTON SIGN CODE

Section 1. TITLE

This ordinance shall be known as the City of Ashton Sign Code Ordinance and may be so cited and plead.

Section 2. PURPOSE

This ordinance regulates signs which are visible from streets or which are visible from one site to another. The purpose of the ordinance is to provide reasonable and necessary regulations for the design, construction, placement and maintenance of signs in order to protect the public health, safety and general welfare of the community. The regulations for signs have the following specific objectives:

- (1) To ensure that signs are designed, constructed, installed and maintained to assure public and traffic safety;
- (2) To reflect and support the desired character and development patterns of the community;
- (3) To provide for adequate and effective signs without dominating the visual landscape;
- (4) To balance the needs of business with the desire to preserve and enhance the visual character of the City; and
- (5) To promote and enhance the City's development as a regional center for business and recreation.

The regulations allow for a variety of sign types and sizes. The sign standards are intended to allow for signs with adequate visibility to streets that abut the site, but not necessarily to streets farther away.

Section 3. DEFINITIONS AND INTERPRETATIONS

As used in this ordinance, words in the present tense include the future; the singular number includes the plural and the plural number includes the singular; unless the context clearly indicates the contrary. The word "shall" is mandatory and not discretionary; the word "may" is permissive; and the term "this ordinance" shall mean the text of this ordinance and all accompanying attachments and amendments. As used in this ordinance, unless the context requires otherwise, the following words and phrases shall mean:

Abandoned Sign means a sign for which there is no valid sign permit or a sign structure without a sign face for more than 90 days and which no application exists.

Accessory Use means a use or activity, such as vending merchants, coffee stands and similar uses that is a subordinate part of the primary use on a developed lot. In general, the primary use of the site is not carried on in an accessory structure. An accessory structure may be attached or detached.

Alteration means the modification of the size, shape, or height of a sign, also includes replacement of sign structure materials with other comparable materials, such as the replacement of wood parts with metal parts. This does not include normal maintenance and repair of an existing sign.

Animated Sign means any sign that incorporates movement by electric, mechanical or kinetic means, including but not limited to: rotation, revolving or wind activation of all or a portion of sign; or incorporating flashing or intermittent light for sign illumination, including rotating or intermittent lighting in windows and on buildings. This definition does not include Time, Date and Temperature signs as defined in this Section.

Awning Sign means any sign or graphic, which is displayed on or is part of a fabric or other structural awning.

Banner means a sign made of any lightweight, non-rigid material such as plastic, fabric, or other flexible material with no enclosing framework.

Billboards are only those freestanding sign structures which are identified in Attachment No. 1

Building Directory Sign means a sign designed to be read on-premise and providing the name, address number or location of the occupants of a building or buildings.

Business Complex means a development on one lot with three or more business tenants located on the lot or in a building that is a minimum of 30,000 gross square feet. Business complex tenants include retail shops, executive or administrative services, medical services, restaurants, professional offices, personal services establishments, and similar uses.

Canopy Roof means a permanent, decorative porch or walkway cover other than an awning, which is attached to a building or is detached.

Canopy Sign means any sign or graphic displayed on a canopy.

Clear Vision Area means the area in which no sign, structure or device is permitted to dangerously limit the visibility of persons in motor vehicles on streets or alleys as defined by the

City Zoning Ordinance.

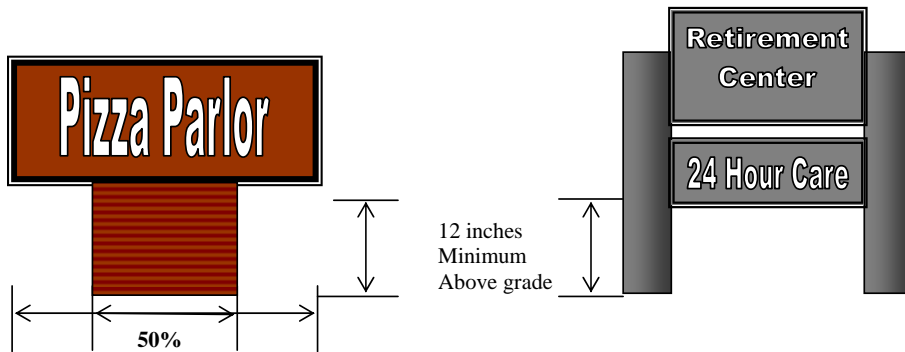
Copy means any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other business activity.

Directional Sign means an on-premise sign designed to be read by a person already on the premises and used only to identify and locate an office, entrance, exit, telephone or similar place, service or route.

Dominant Façade means that portion of a building façade providing the primary public entrance, which may or may not face the public street. For businesses located on the interior of a building or above the first story of a building, the building elevation providing public access shall be considered the dominant façade.

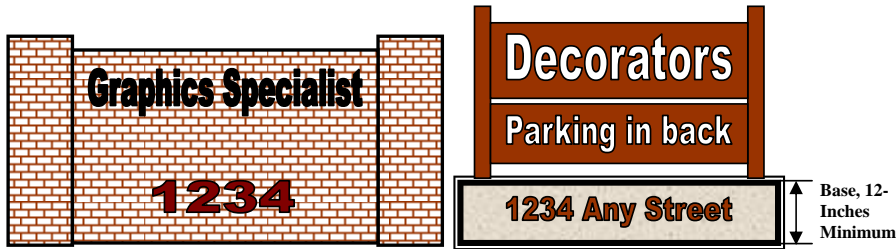
Freestanding Sign means a sign erected on a freestanding frame and not attached to any building. *Ground-mounted, monument* and *pole* signs are specific types of freestanding signs and are further described below;

Ground Mounted Sign means a freestanding sign with a 12 inch minimum vertical solid base directly and continuously connected to at least 50% of the sign face width or, is borne by two or more supports which are a minimum of 12-inches but less than 8-feet above grade.



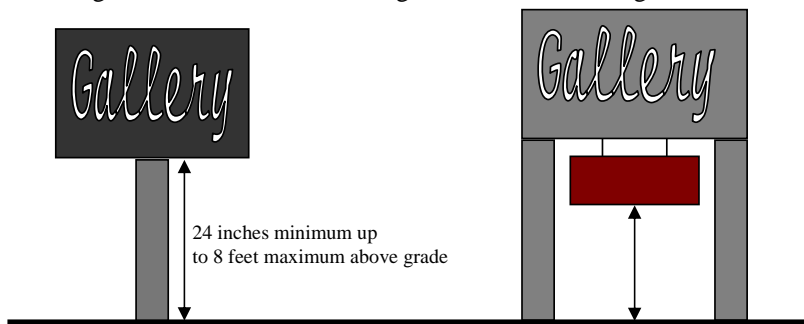
Monument Sign means a freestanding sign that has a solid supporting base equal to or greater than the width of the sign face, generally made of stone or concrete, with no separations between

the sign and base. The supporting base shall be a minimum 12-inch vertical height.



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Monument Sign means a freestanding sign that has a solid supporting base equal to or greater than the width of the sign face, generally made of stone or concrete, with no separations between the sign and base.

Pole Sign means a freestanding sign connected to the ground by one or more supports, where any portion of the lower edge of the sign device is separated vertically from the ground by air a distance of 8-feet or greater than 24 inches in height as measured from grade.



Flag, Advertising means a piece of cloth having a distinctive size, color and design, used for advertising which is to call public attention to, especially to increase sales.

Flag, Patriotic means a piece of cloth having a distinctive size, color and design, used for displaying love and dedication to the United States of America, the State of Idaho, Fremont County or armed forces such as Army, Navy, Marines, Prisoners of War, etc.

Grade, Finished means the curb line or in the absence of a curb line, the edges of the street pavement of the primary access street frontage for all freestanding signs. Finished grade for signs mounted on buildings shall be the sidewalk, alley or ground directly below said sign.

Graphic or Mural means any painted design, colored bands, stripes, patterns, outlines or other graphic art techniques, excluding exposed illumination such as neon and fiber optics, installed or painted on a building.

Height, Sign means the vertical distance from finished grade to the top of the highest attached

component of the freestanding sign. Any berming, filling or excavating for the purpose of placing the sign shall be computed as part of the sign height. All other signs shall be measured from the lowest element of the sign to the highest element of the sign, including decorative elements.

Illegal Nonconforming Sign means a sign not in conformance with the City of Ashton Sign Code Ordinance adopted June 6, 2007.

Illuminated Sign means a sign, which contains or consists of lights or a light source further described below;

Exposed illumination means a light source that is seen such as neon, fiber optics and bare bulbs.

External illumination means an external light source directed to illuminate the exterior surface of the sign.

Internal illumination means a source of illumination from within a sign.

Opaque means any material which does not allow light to pass through it.

Translucent means any material which allows light to pass through it but is not transparent.

Lot means a legally created parcel of land of a size, which meets zoning requirements and allows for setbacks, yards and other open spaces as required by city zoning regulations.

Model means any three dimensional object displayed for advertising purposes including, but not limited to, graphics, logos, models of people, bottles, animals, buildings, ships, and aircraft; sculpture; vehicles; hot air balloons.

Non-Conforming Sign means an existing sign, lawful at the time it was erected, but which does not conform to the requirements of this Code.

Permanent Sign means any sign intended to be used for a period greater than 30 consecutive days.

Principal Use means any commercial or industrial enterprise or public or private non-profit entity or business as allowed by the City of Ashton Zoning Ordinance.

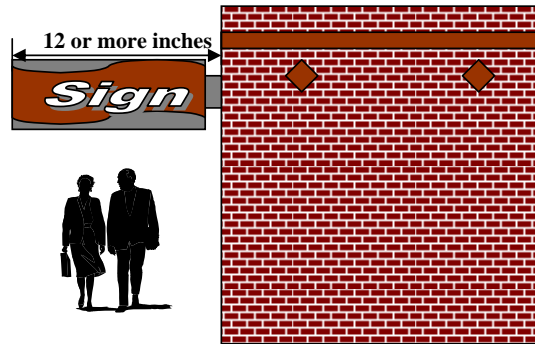
Principal Use Building means the building in which the principal use of the lot is conducted. Lots with multiple principal uses may have multiple principal buildings. Storage buildings,

garages and other accessory structures or uses shall not be considered as the principal use building.

Principal Identity Sign means a freestanding sign, which identifies the principal use conducted on the lot where the sign is located.



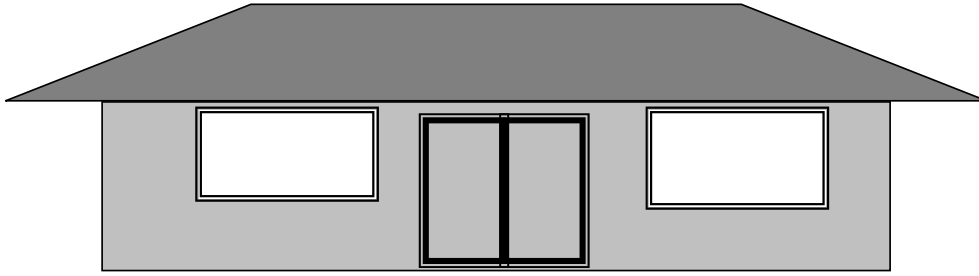
Projecting Sign means a sign attached to and projecting from a structure, building or wall greater than 12 inches and is perpendicular or nearly perpendicular to the building or wall.



Roofline means the top edge of a roof or building parapet; excluding any cupolas, chimneys, or other projections.

Roof Sign means a sign, which is affixed on the slope of the roof or projects higher than the roof line or roof eave. Signs on parapet walls or mansards are considered wall signs.





Setback means the horizontal distance from the property line to the sign, measured at the closest points of each other.

Shopping Center means a development consisting of one or more lots sharing appurtenant facilities, such as driveways, parking and pedestrian walkways; and is designed to provide the public with varied products and services at a single location.

Major Shopping Center means a development consisting of a minimum of two anchor or major tenants and the building is over 30,000 square feet in gross floor area or the lot for the development is six acres or more.

Minor Shopping Center means a development consisting of a minimum of three tenants and the building is a maximum of 30,000 square feet in gross floor.

Sign means all or part of any object, structure or device intended to be viewed by the public for advertisement or identification of a business, location, object, person, institution, organization, product, service or event by means including words, pictures, logos, symbols, colors, motion, illumination or projected images. This definition includes the face upon which a sign message is displayed and any freestanding structure for the display of signs.

Sign Area means the total area used for the display of a sign as defined in this Section. See Section 12, Measurements to determine the sign area for specific types of signs.

Sign Band means a continuous portion of the building façade that is unbroken by doors or architectural building features, located between the upper and lower limits as defined in this ordinance.

Sign District means a specified boundary within the City, as designated by City Council and incorporated into the Sign District Map, which is attached to and made a part of this ordinance. See Appendix A

Sign Maintenance means the normal care needed to keep a sign functional, such as cleaning, painting, oiling, changing the light bulbs, and fixing or replacing broken or worn parts. Repairs may be made with the sign in position or with the sign removed.

Street Frontage means the width of a legal tax lot measured along the line separating the lot from a street.

Suspended Sign means a sign, which is attached to the underside of a canopy or awning and is supported by the canopy or awning.

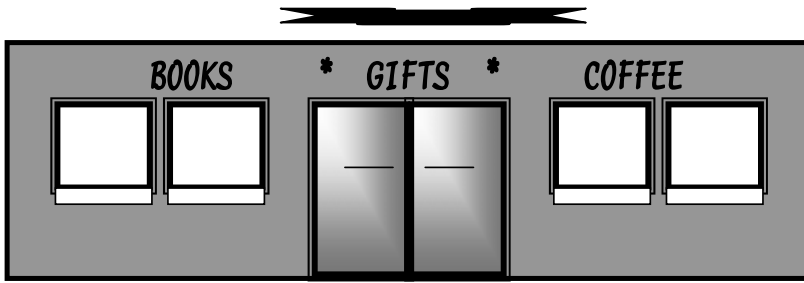


Temporary Sign means any sign that is not a permanent sign. Temporary signs include, but are not limited to, signs designed to be transported, including signs with wheels; signs supported by A- or T-frames; balloons used as signs; signs attached to or painted on vehicles parked and visible from the public right-of-way; and pennants.

Time, Date and Temperature Sign means a sign that accurately displays the current time, date and/or temperature. No copy or commercial message is allowed.

Wall Sign means any sign painted on or attached parallel to and within 12 inches of a building wall.





Window Sign means a sign, which is attached to, painted on, or etched on a window. ~~This definition also includes door signs.~~ or door designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window glass panes and is visible from the exterior of the window. This term does not include merchandise displays.



Section 4. APPLICABILITY

- (1) Sign Permits required. To ensure compliance with the regulations of this Ordinance, a

Sign Permit shall be required for the following:

- (a) All existing signs; and
 - (b) All new signs; and
 - (c) Alterations to an existing signs; and
 - (d) Any relocation of a sign; and
 - (e) Works of art, graphics and murals on a building.
- (2) Sign Standards. The sign standards provided in this Ordinance are intended to apply to signs in each Sign District in the City. Only signs authorized by this Ordinance shall be allowed.
- (3) Sign District Boundary. The location of a Sign District boundary line shall follow the following guidelines:
- (a) A Sign District boundary line shall be located at the centerline of a public street or alley right-of-way or shall be one lot deep.
 - (b) In cases where a ~~tax~~ lot has more than one Sign District abutting the lot, the placement and orientation of the Principal Identity sign shall determine the Sign District regulations that apply. In cases where no Principal Identity sign is installed, the dominant Sign District shall be determined to be that Sign District where the dominant building façade faces.
- (4) New or Amended Sign Districts. If a new Sign District is created or a Sign District is amended after the enactment of this Ordinance, the Director shall have the authority to make determinations as to the applicability of appropriate sign regulations in compliance with Section 2 (Purpose) until this Ordinance is amended
- (5) Amending a Sign District. The City Council of the City shall be authorized to approve an amendment of a Sign District.

Section 5. **SIGNS EXEMPT FROM PERMITS**

The following signs shall be allowed in all Sign Districts and are exempt from permits but may be subject to regulations. These exemptions shall not relieve the sign owner of the responsibilities of sign placement and maintenance, or from other provisions of this ordinance or any other law or ordinance regulating the same.

- (1) **Patriotic Flags.** Flags mounted on a pole and installed in the ground or on a building are exempt. ~~provided that the pole and sign do not exceed the maximum height allowed per the Zoning Ordinance.~~

~~————— No more than three flags per tax lot under 6 acres in size shall be displayed and no more than 6 flags per tax lot over 6 acres in size shall be displayed. There shall be no limit as to the number of flags that can be displayed on the cemetery parcel.~~

- (2) **Public service and official signs.**

- (a) Official signs. Official and legal notices required by a court or governmental agency;
- (b) Signs in the public right-of-way. Signs that are part of and accessory to bus shelters, transit shelters, pay phones, trash receptacles, and other similar uses.

- (3) **Exempt signs with size and number limitations.**

- (a) Affiliation signs. Signs that provide notices of service (e.g., trade affiliations, credit cards accepted) provided the signs are attached to the structure. Signs or notices shall not exceed one and one-half square foot in area for each sign, and no more than three signs are allowed for each building or freestanding sign.
- (b) Changeable copy sign. Signs with manually changeable copy/text (e.g., chalkboard) limited to one sign per business not to exceed three square feet in area and shall not be internally illuminated.
- (c) Gasoline pump signs. Signs identifying the brand, type, and octane rating provided the signs are not internally illuminated and do not exceed two square feet for each pump face.
- (d) Name plaques. Commemorative plaques, tables, dates of construction, and the like when carved on stone, concrete, or similar materials or made of bronze, aluminum, or other similar permanent material. Signs shall not exceed two square feet in area and shall not be internally illuminated.

- (e) Neighborhood watch signs. Signs located in residential neighborhoods that are designated official neighborhood watch areas and limited to three square feet in area and are not illuminated.
- (f) Site address for nonresidential uses. Limited to two for each street address, subject to the following standards:
 - (A) Individual numbers and letters shall be a minimum of six inches and not more than 12 inches in height.
 - (B) One address sign shall be placed on the principal identity sign structure and one on the principal building and shall face and/or be visible to the primary access street.
- (g) Time, date and/or temperature signs. Time, date and/or temperature signs provided the sign does not exceed a maximum sign area of 10 square feet and shall comply with the placement requirements of Section 14. A time, date and temperature sign shall not be permitted in Sign District 5 or in any residential zone
- (h) Vehicle-oriented safety and directional signs. Signs solely for the purpose of guiding traffic, parking, and loading on private property and limited to 4 square feet in area and 4 feet in height. Signs may include the name or logo of the business within a maximum area of two square feet. No other advertising copy or logos shall be allowed.
- (i) Interior building signs. Signs that are not legible and/or intended to be legible from the outside of a building. Strobe lights and other flashing lights shall not be construed as an exempt sign or device when such sign or device is visible from the exterior of the building.
- (j) Public ball field fence signs. Interior fence signs at public ball fields shall not exceed 12 feet in height and are not illuminated.
- (k) Signs for Open Lot Sales. Signs identifying commodities for outdoor sales of commodities such as building materials, vehicles, storage buildings, pickup canopies, manufactured homes, recreational vehicles, and carports provided that the sign is firmly attached to the item. Signs shall not exceed 2 square feet per sign, 1 sign per commodity and shall not be illuminated.
- (l) Window signs - changeable. Example: signs showing weekly specials (grocery) or movies (provided they are not "X" rated). Signs intended to be permanent are

NOT exempt.

- (4) Exempt Signs Limited by Size and Period of Display. The following exempt signs shall comply with the provisions of Table A-1.

Table A-1					
Signs Limited by Size and Period of Display – No Permit Required					
Sign Type	Maximum Number	Maximum Sign Area	Maximum Height	Time Limit	Additional Requirements
Special Event	1 per lot	4 square feet	4 feet	2 weeks prior to and removed within 7 days after event	Illumination prohibited
Construction	1 per lot	6 square feet in residential zones 32 square feet in all other zones	4 ft. in residential zones 8 ft. in all other zones	2 weeks prior to and removed within 7 days after completion of project	Illumination prohibited
Real Estate	1 per lot	6 square feet in residential zones 32 square feet in all other zones	4 ft. in residential zones 8 ft. in all other zones	Removed within 7 days after listing period or upon sale/lease	Illumination prohibited
Political	None	6 square feet in residential zones 16 square feet in all other zones	4 ft. in residential zones 5 ft. in all other zones	60 days prior to and removed within 7 days after election	Illumination Prohibited
Hand Carried	None	None	None	None	None
Holiday Decorations	None	None	None	60 days prior to and removed within 30 days after the holiday	Shall contain no advertising message

Section 6. TEMPORARY SIGNS

The following temporary signs for a land development project or special event of a limited duration shall be allowed with a permit.

- (1) Land development sign. A land development sign shall be allowed on a parcel for a development project provided the sign complies with the following:
 - (a) Parcels less than 4 acres may display one non-illuminated sign up to 32 square feet in area and 8 feet in height.
 - (b) Parcels over 4 acres may display a maximum of two non-illuminated signs, each sign may be up to 64 square feet in area and 8 feet in height.
 - (c) The sign may be installed up to two weeks prior to and removed within 7 days after the completion of the development project or within one year of issuance of the permit, whichever occurs first.
- (2) Special event sign. A special event sign may be displayed on a lot pertaining to an event occurring on the lot, such as the initial opening of a new business, change in management or other similar events provided the sign complies with the following:
 - (a) One non-illuminated sign up to 32 square feet in area and 5 feet in height may be displayed per lot.
 - (b) A special event sign may be displayed a maximum of thirty continuous days. Special even signs must be removed within 7 days.
 - (c) Not more than two special event sign permits shall be issued per lot overlapping in dates of use.
 - (d) A special event sign may be a banner or a temporary freestanding sign.

Section 7. PROHIBITED SIGNS

The following signs or devices are prohibited, and may neither be erected nor maintained:

- (1) Any sign or portion of a sign placed so that it obstructs any fire escape, stairway or standpipe; interferes with exits through any window; obstructs any door or required exit from any building; or obstructs any required light or ventilation.

- (2) Fluttering, spinning, windblown or inflatable devices including three-dimensional models, pennants, propeller discs and banners that are not exempt.
- (3) Benches which display or contain signs.
- (4) Signs attached to or painted on vehicles visible from the public right-of-way unless the vehicle is used for transport in the normal day-to-day operations of the business.
- (5) Roof signs.
- (6) Signs or devices, including searchlights, spot lights and holograms, which contain or are illuminated by flashing, chasing, or intermittent effects and/or signs, that have any movement or are animated signs. This provision shall not prohibit Time, Date and/or Temperature signs as defined in this ordinance.
- (7) Signs or structures which may pose a hazard to pedestrians or vehicular traffic, including but not limited to signs which obstruct the clear view of pedestrians and drivers, and signs interfering with the effectiveness of traffic signs or signals.
- (8) Signs in the public right-of-way except those permitted in accordance with this ordinance.
- (9) Signs affixed to trees, utility poles, fences or other similar structures unless otherwise permitted in this ordinance.
- (10) Abandoned signs. Abandoned signs as defined in Section 3 shall be removed at expiration of the sign permit
- (11) All other signs that are not expressly exempt from regulation and expressly permitted by this ordinance.
- (12) Exposed illumination.

Section 8. ADMINISTRATION OF SIGN PERMITS

The issuance of a sign permit shall be based on plans which demonstrate full compliance with all provisions of this section and other applicable City, State or Federal regulations.

- (1) Applications. Applications for all signs covered by this ordinance shall be submitted on forms provided by the City. Any sign or graphic, which cannot be clearly defined, shall

be administratively assigned to an appropriate sign category and those standards applied. The completed application shall be accompanied by the specified fee and the following information:

- (a) Name and address of the property owner, sign owner, sign manufacturer and sign installer.
 - (b) Drawings showing the design, location, content, and dimensions of the sign, including graphics or murals and the design and dimensions of any measures used to support the sign or used to affix the sign to the building or structure.
- (2) Approval and Inspection. After a review of the application shows that the sign meets this ordinance, city laws, rules and regulations, state laws, rules and regulations, the applicant shall receive a permit to construct and install the approved sign. The approved sign shall be constructed and installed within 6 months of the approval date.
- (3) Revocation of Permits. Sign permits shall be revoked if a sign is found to be in violation of this ordinance. Sign permits mistakenly issued in violation of this ordinance are void. The sign permit shall be null and void if sign installation is not completed within six months or the signs are not in conformance with the approved permit.
- (4) Appeals. Any decision of the Planning and Zoning Administrator or Designee may be appealed within 30 days of the final decision to the City of Ashton Planning & Zoning Commission. A decision of the Planning & Zoning Commission, ~~which shall~~ will be made within 45 days of the appeal. **Any decision of the Planning & Zoning Commission may be appealed within 30 days of the final decision to the Ashton City Council following the appeals process in place for matters of Council.**

Section 9. COMPREHENSIVE SIGN PLAN

A Comprehensive Sign Plan is intended to integrate the signs proposed for a development project with the design of the structures, into a unified architectural statement. A Comprehensive Sign Plan provides a means for defining common sign regulations for multi-tenant projects, to encourage maximum incentives in the design and display of multiple signs and to achieve, not circumvent the intent of this Ordinance.

- (a) Applicability. A Comprehensive Sign plan shall be required for all Major Shopping Centers. A Comprehensive Sign Plan may be submitted for a Minor Shopping Center or Business Complex. Signs shall comply with the provisions of this ordinance and this Section.
- (b) Approval Authority. The City Planning & Zoning Commission shall approve a

Comprehensive Sign Plan.

- (c) Application Requirements. An application for a Comprehensive Sign plan shall include all information and materials required as follows:
 - (A) Location: identification of sign locations on the buildings and on the property.
 - (B) Materials: description of the type of sign and sign materials including construction materials and proposed lighting if any. Any graphics, murals, neon lighting or outline lighting must be specified on the signage plan.
 - (C) Size: itemization of sign size or sign band area at identified locations.
 - (D) Letter style: description of dominant letter style and letter height to be used on the signs. Modifications to the lettering style to accommodate federally registered trademarks will be allowed, however, the Planning & Zoning Commission may limit the logo size.
 - (E) Color scheme: listing of the colors to be used on each sign.
- (d) Revisions to Comprehensive Sign Plans. The Planning & Zoning Commission may approve revisions to a Comprehensive Sign plan if the intent of the original approval is not affected. Revisions that would substantially deviate from the original approval shall require the approval of a new Comprehensive Sign Plan.
- (e) Comprehensive Sign Plan Standards. A Comprehensive Sign Plan shall comply with the following standards:
 - (A) The signs shall enhance the overall development, be in harmony with, and relate visually to other signs included in the Comprehensive Sign plan, to the structures and/or developments they identify, and to the surrounding development;
 - (B) The Comprehensive Sign plan shall accommodate future revisions that may be required because of changes in use or tenants; and
 - (C) The Comprehensive Sign Plan shall comply with the standards of this Ordinance, except that flexibility may be allowed with regards to sign area, number, location, and/or height to the extent that the Comprehensive Sign Plan will enhance the overall development and will more fully accomplish the purposes of this Ordinance.

- (1) Wall Signs.
 - i. Number. A Principal Identity sign shall be allowed on the dominant building façade providing public access.
 - ii. Size. The sign area allowed shall be as allowed in the Sign District in which the development is located.
 - iii. Maximum Sign Height. If the wall on which the sign is located is within 50 lineal feet of a public street, the maximum height, including a group of signs or sign cabinets, shall not exceed 36 inches. In no case shall a sign or group of signs or sign cabinet exceed 60 inches in height.
 - iv. Secondary Wall Signs. A secondary wall sign must face or be visible to either a public right-of-way or the on-site parking area.
 - v. Maximum Size for Secondary Wall Sign. The permitted size of any secondary wall sign is 50 percent of the size permitted for the primary wall sign. In no case shall the maximum sign area exceed 100 square feet.
- (2) Freestanding Signs.
 - i. **Minor Shopping Center and Business Complex.**
 - a. Number. One freestanding Principal Identity sign shall be permitted for the entire development. Freestanding Principal Identity signs on individual tax lots located within the development are not allowed.
 - b. Size. Such sign may be a maximum of 11 feet in height and a maximum of 80 square feet in area.
 - c. Additional Freestanding Sign. One additional Principal Identity freestanding sign may be permitted when there is a minimum of two access streets. The access streets shall be a minimum of 500 lineal feet in length each. The signs shall be separated by a minimum of 300 lineal feet.
 - d. The freestanding signs shall be either a monument or

ground mounted type sign and shall be designed to blend with the architectural integrity of the center or complex.

ii. **Major Shopping Centers.**

- a. Number. One freestanding Principal Identity signs shall be permitted for the entire development. Freestanding Principal Identity signs on individual tax lots located within the development are not allowed except as allowed below.
- b. Size. Such sign may be a maximum of 15 feet in height and a maximum of 120 square feet in area.
- c. Additional Freestanding Sign. One additional freestanding Principal Identity sign may be permitted when there is a minimum of two access streets. The property shall be a minimum of 500 lineal feet in length each. The signs shall be separated by a minimum of 300 lineal feet.
- d. Pad Sites or Individual Tax Lots. In lieu of the additional Principal Identification sign, each pad located within a major shopping center may have one freestanding sign. The sign shall not exceed 5-feet in height and 40 square feet in area.

Section 10. **COMPLIANCE WITH ORDINANCE PROVISIONS**

It shall be unlawful for any person or entity to construct, improve, alter, install, ~~repair~~ or relocate any sign without a permit issued in accordance with this ordinance. The City may impose additional requirements deemed necessary to promote the health, safety, and general welfare of the public. Where conditions set forth herein is less restrictive than comparative conditions imposed by any other provision of this ordinance, by provision of any other local ordinance resolution, regulation, or by provision of state statute or administrative regulation, the more restrictive shall govern.

Section 11. **FEES**

Fees for permits and applications shall be set by Resolution of the City Council.

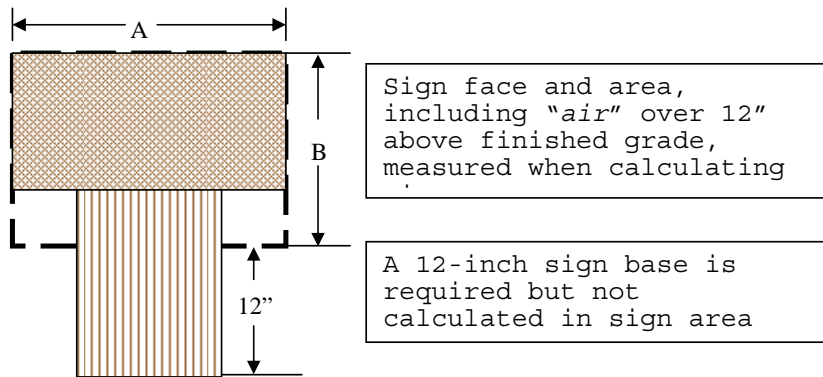
Resolution # 07-02

Section 12. MEASUREMENTS

The following criteria shall be used in measuring a sign or building façade in order to determine compliance with this ordinance:

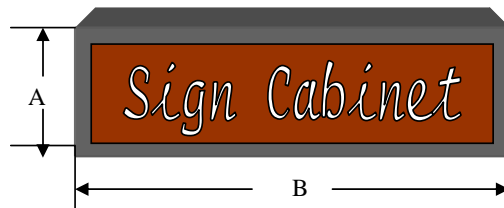
(1) Measurements.

- (a) Sign area, freestanding signs. The sign area shall be the extreme outer dimension of the freestanding structure. The first 12 inches in vertical height of a supporting base are not calculated in the overall sign area, however, all remaining area above the 12 inch minimum base requirement shall be calculated, including the air space.



TOTAL AREA = (A)(B)

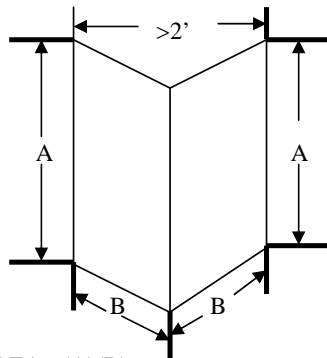
- (b) Sign Area, Cabinet. The sign area is determined by calculating the measurements of the outer dimensions of the frame or cabinet surrounding the sign.



TOTAL AREA = (A) (B)

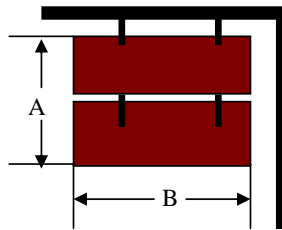
- (c) Backed (double-faced) signs. When two sign faces supported by the same sign

structure are placed back-to-back, or the distance between each sign face does not exceed two feet at any point, the signs shall be regarded as a single sign. The sign area shall be the area of the larger sign.



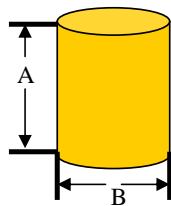
TOTAL AREA= (A)(B)

- (d) Multiple cabinets. For freestanding and projecting signs that contain multiple cabinets on one structure, the modules together are counted as one sign face in order to compute the sign area.



TOTAL AREA= (A)(B)

- (e) Round or three-dimensional signs. Where a sign consists of one or more three-dimensional objects (i.e., balls, cubes, clusters or objects, sculpture, or statue-like trademarks), the sign area shall be measured as their maximum visible surface area from any vantage point.



TOTAL AREA = (A) (B)

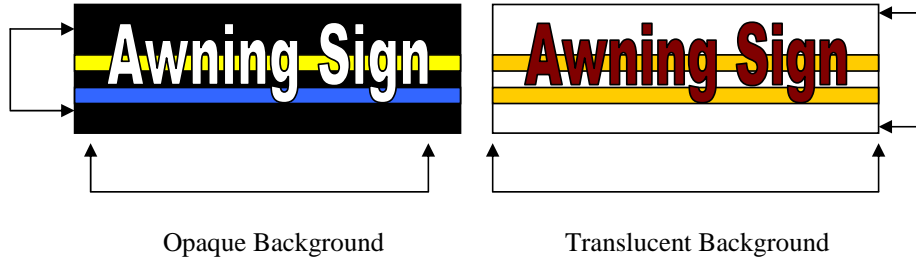
- (f) Individual sign elements. When signs are constructed of individual elements, the

area of all sign elements, which together convey a single, complete message, shall be considered as a single sign. The sign area is determined by calculating the area of an imaginary rectangle drawn around the sign elements. Sign elements will be measured as one unit when the distance between the elements is less than two times the dimension of each element.



TOTAL AREA = (A) (B) + (C) (D)

- (g) Supporting framework or bracing on sign mounted to the building that is clearly incidental to the display itself shall not be computed as sign area.
- (h) Signs on awnings and canopies. When signs are incorporated into the awning, or canopy, the sign area is determined by computing the area of an imaginary rectangle drawn around the sign copy including all translucent areas of an illuminated awning or canopy. When the ends of awnings, and canopies are parallel and contain signs, only one side is counted in addition to the sign on the front, however, when a canopy is a freestanding structure, all sign faces shall be calculated.



Opaque Background

Translucent Background

- (2) Height of Freestanding Signs. The overall height of a freestanding sign or sign structure is measured from the average finished grade at the base of the sign to the highest points of the sign structure.
- (3) Clearances. Clearances are measured from the finished grade directly below the sign to the bottom of the sign structure.

- (4) Corner signs. Diagonal corner signs that face more than one street must be assigned to a street frontage by the applicant. The sign must meet all standards for the street frontage it is assigned to.
- (5) Measurement of Dominant Façade. The portion of a principal buildings dominant façade shall be calculated using the width of the first story exterior wall as described. Exterior wall dimensions shall be measured at the base of the ground floor, excluding screening walls, fences, etc. Alcoves, entryways and extruding portions shall be measured through as though along a flat wall of a building. Only the dominant façade shall be used for sign area calculations. The total sign area for the entire building may not exceed the total sign area allowed based on the dominant façade.
- (6) Measurement of Street Frontage. Street frontage shall be measured along the property line abutting the street right-of-way where access to the site is obtained.

Section 13. SIGNS DISTRICT BOUNDARIES

Sign District boundaries are as defined in Appendix A Sign District Map, attached to and incorporated into this Ordinance. Sign permits will be issued for signs allowed within a Sign District or for signs meeting standards outlined in Section 6. Signs exempted under Section 5 of this ordinance require no permit. Installation of signs without a permit is a violation of this ordinance.

Section 14. TYPE OF SIGNS PERMITTED IN EACH SIGN DISTRICT

Refer to Section 15 for Standards for Specific Types of Signs and Section 16 for General Requirements for signs allowed in Tables A-D.

Table A SPECIFIC SIGNS PERMITTED IN SIGN DISTRICT 1		
Primarily a highway commercial use area, applies to all land as set forth in the City of Ashton Zoning Map corresponding with areas marked HCZD.		
(1) FREESTANDING SIGNS		
(a) Principal Identity Sign. Allowed. See Section 15 for Standards and Section 16 for General Requirements including illumination. (A) Principal Buildings 30,000 gross square feet in area or less or lots less than 6 acres in size may have one monument or ground-mounted type sign. Said sign may be up to 11-feet in height including the minimum 12-inch base and a total area of 80 square feet. More than one sign may be allowed. See Section 15. (B) Principal Buildings over 30,000 gross square feet in area or lots less over 6 acres in size may have one monument or ground-mounted type sign. Said sign may be up to 15-feet in height including the minimum 12-inch base and a total area of 120 square feet. More than one sign may be allowed. See Section 15. (C) Exception. A pole type sign may be allowed only when it can be shown that it is physically impractical to install a monument or ground-mounted type sign in compliance with this ordinance. A pole sign shall be located in a clear vision area only and shall not exceed 64 square feet in total area and 16-feet in height.		
(b) Building Directory	Allowed	See Section 15 for Standards and Section 16 for General Requirements including illumination
(c) Drive-Up Menu Board	Allowed	See Section 15 for Standards and Section 16 for General Requirements including illumination
(d) Billboard Sign	Allowed	See Section 15 for Standards and Section 16 for General Requirements including illumination
(2) BUILDING SIGNS		
(a) Awning or Canopy	Allowed	(a-d): <u>Sign area</u> . The maximum combined sign area shall not exceed 1 ½ square feet for each lineal foot of the width of the dominant façade up to 200 square feet. In order to accommodate narrow dominant facades, a minimum of 30-square feet shall be allowed. See Section 15 for Standards and Section 16 for General Requirements including illumination
(b) Projecting Sign	Allowed	
(c) Wall Sign	Allowed	
(d) Window Sign	Allowed	
(e) Building Directory	Allowed	See Section 15 for Standards and Section 16 for General Requirements including illumination
(f) Drive-Up Menu Board	Allowed	See Section 15 for Standards and Section 16 for General Requirements including illumination
(g) Roof Sign	Not Allowed	
(h) Suspended Sign	Allowed	See Section 15 for Standards and Section 16 for General Requirements including illumination
(i) Billboard	Not Allowed	
(3) OTHER SIGNS		
(a) Temporary Signs	Allowed	See Section 6
(b) Exempt Signs	Allowed	See Section 5

Table B SPECIFIC SIGNS PERMITTED IN SIGN DISTRICT 2 Primarily an industrial or commercial use area applies to all land as set forth in the City of Ashton Zoning Map corresponding with areas marked IZD.		
(1) Freestanding Signs		
(a) Principal Identity. Allowed See Section 15 for Standards and Section 16 for General Requirements including illumination. (A) Principal Buildings 30,000 gross square feet in area or less or lots less than 6 acres in size may have one monument or ground-mounted type sign. Said sign may be up to 11-feet in height including the minimum 12-inch base and a total area of 80 square feet. More than one sign may be allowed. See Section 15. (B) Principal Buildings over 30,000 gross square feet in area or lots less over 6 acres in size may have one monument or ground-mounted type sign. Said sign may be up to 15-feet in height including the minimum 12-inch base and a total area of 120 square feet. More than one sign may be allowed. See Section 15. (C) Exception. A pole type sign may be allowed only when it can be shown that it is physically impractical to install a monument or ground-mounted type sign in compliance with this ordinance. A pole sign shall be located in a clear vision area only and shall not exceed 64 square feet in total area and 16-feet in height.		
(b) Building Directory Sign	Allowed	See Section 15 for Standards and Section 16 for General Requirements including illumination
(c) Drive-Up Menu Board	Allowed	See Section 15 for Standards and Section 16 for General Requirements including illumination
(d) Billboard Sign	Not Allowed	See Section 15 for Standards and Section 16 for General Requirements including illumination
(2) Building Signs		
(a) Awning or Canopy	Allowed	(a-d): <u>Sign area</u> . The maximum combined sign area allowed on a building shall not exceed 1 ½ square feet for each lineal foot of the width of the dominant façade up to 150 square feet. In order to accommodate narrow dominant facades, a minimum of 30-square feet shall be allowed. See Section 15 for Standards and Section 16 for General Requirements including illumination
(b) Projecting Sign	Allowed	
(c) Wall Sign	Allowed	
(d) Window Sign	Allowed	
(e) Building Directory Sign	Allowed	See Section 15 for Standards and Section 16 for General Requirements including illumination
(f) Drive-Up Menu Board	Allowed	See Section 15 for Standards and Section 16 for General Requirements including illumination
(g) Roof Sign	Not Allowed	
(h) Suspended Sign	Allowed	See Section 15 for Standards and Section 16 for General Requirements including illumination
(i) Billboard Sign	Not Allowed	
(3) Other Signs		
(a) Temporary Signs	Allowed	See Section 6
(b) Exempt Signs	Allowed	See Section 5

Table C		
SPECIFIC SIGNS PERMITTED IN		
SIGN DISTRICT 3		
Primarily the downtown business area, applies to all land as set forth in the City of Ashton Zoning Map corresponding with areas marked CCZD.		
(1) FREESTANDING SIGNS		
(a) Principal Identity	Allowed	<u>Sign area and height.</u> A monument or ground-mounted type sign may have up to 32 square feet of sign area and a maximum of 5 feet in sign height. A pole type sign is prohibited.
(b) Building Directory	Allowed	See Section 15 for Standards and Section 16 for General Requirements including illumination
(c) Drive-Up Menu Board	Allowed	See Section 15 for Standards and Section 16 for General Requirements including illumination
(d) Billboard Sign	Not Allowed	
(2) BUILDING SIGNS		
(a) Awning or Canopy	Allowed	(a - d): <u>Sign area.</u> The maximum combined sign area shall not exceed 1 ½ square feet for each lineal foot of the width of the dominant façade up to 100 square feet. In order to accommodate narrow dominant facades, a minimum of 30-square feet shall be allowed. Only the dominant façade shall be measured when determining sign area allowances. See Section 15 for Standards and Section 16 for General Requirements including illumination
(b) Projecting Sign	Allowed	
(c) Wall Sign	Allowed	
(d) Window Sign	Allowed	
(e) Building Directory	Allowed	See Section 15 for Standards and Section 16 for General Requirements including illumination
(f) Drive-Up Menu Board	Allowed	See Section 15 for Standards and Section 16 for General Requirements including illumination
(g) Roof Sign	Not Allowed	
(h) Suspended	Allowed	See Section 15 for Standards and Section 16 for General Requirements including illumination
(i) Billboard Sign	Not Allowed	
(3) OTHER SIGNS		
(a) Temporary Signs	Allowed	See Section 6
(b) Exempt Signs	Allowed	See Section 5

**Table D
SPECIFIC SIGNS PERMITTED IN
SIGN DISTRICT 5**

Primarily a residential use area, applies to all land as set forth in the City of Ashton Zoning Map corresponding with areas marked LDRZD & HDRZD.

(1) FREESTANDING SIGNS

(a) Principal Identity Sign	Allowed	<p>(A and B): <u>Number, area and height</u>. One monument or ground-mounted type sign may have up to 32 square feet of sign area and a maximum of 5 feet in height. Sign shall be allowed in lieu of a building sign.</p> <p>(C): <u>Number, area and height</u>. A monument or ground mounted type sign for the purposes of identifying the multi-family dwelling or subdivision shall be allowed. The sign may be up to 32 square feet in area and 5 feet in height and shall be located at the principal entrances to the subdivision. Not more than two such signs shall be allowed. The freestanding sign shall be allowed in lieu of building signs listed below (See 2).</p> <p>(D): <u>Number, area and height</u>. A home occupation shall be allowed one sign. The sign shall not exceed 1 ½ square feet and 4 feet in height.</p> <p>(A-D) Pole type signs are prohibited. See Section 15 for Standards and Section 16 for General Requirements including illumination</p>
(A) Commercial and professional uses allowed in a residential zone		
(B) Residential Care and Emergency Facilities		
(C) Multi-family Dwellings of 10- units or more and Subdivisions		
(D) Home Occupations allowed in a residential zone		

(b) Building Directory	Not Allowed
(c) Drive-Up Menu Board	Not Allowed
(d) Billboard Sign	Not Allowed

(2) BUILDING SIGNS

(a) Awning or Canopy	Not Allowed	
(b) Projecting	Not Allowed	
(c) Wall	Allowed	<p>(c - d) <u>Sign area</u>. The maximum combined sign area shall not exceed 12-square feet for each principal use building in lieu of a principal identity sign. Wall and window signs shall be allowed in lieu of a freestanding sign listed above (See 1).</p> <p>(c- d) See Section 15 for Standards and Section 16 for General Requirements including illumination</p>
(d) Window Sign	Allowed	
(e) Building Directory	Not Allowed	
(f) Drive-Up Menu Board	Not Allowed	
(g) Roof Sign	Not Allowed	
(h) Suspended Sign	Not Allowed	
(i) Billboard Sign	Not Allowed	

(3) OTHER SIGNS

(a) Temporary Signs	Allowed	See Section 6
(b) Exempt Signs	Allowed	See Section 5

Section 15. STANDARDS FOR SPECIFIC TYPES OF SIGNS

- (1) Awning and Canopy Signs. Awning and canopy signs shall be allowed for nonresidential uses. Awning and canopy signs may be permitted only as an integral part of the awning or canopy to which they are attached or applied. Where allowed by Section 14 Tables A-D, awning and canopies shall comply with the following requirements.
 - (a) Location. Signs may be placed only on awnings or attached canopies that are located on the sign band of the first story façade, see Section 16. Awnings and canopies shall not interfere with trees or traffic signs.
 - (b) Maximum number and area. The sign area on the awning or canopy shall be deducted from the sign area permitted on the building.
 - (c) Clearance and Projection. The awning or canopy supporting structure shall maintain a clearance of eight feet above a public right-of-way or finished grade. The valance shall maintain a seven-foot clearance. An awning or canopy shall not extend more than five feet from the building or within 2 feet from the street curb, whichever is less. An awning shall not project more than 12 inches above the roofline. Posts or columns beyond the property line will not be permitted.
 - (d) Lighting. Illumination shall comply with Section 16.
- (2) Building Directory Signs. Building Directory signs shall be allowed for multi-tenant nonresidential buildings. Where allowed by Section 14, Tables A-D, building directory signs shall comply with the following requirements.
 - (a) Location. Building Directory signs shall be located on the sign band of the first story façade or adjacent to the parking lot, see Section 16. The sign shall not be legible from a public street or right-of-way.
 - (b) Maximum number, area and height. Not more than one freestanding building directory sign shall be displayed per lot. Not more than one wall-mounted building directory sign shall be displayed per building. The sign area shall not exceed 20 square feet when installed on a building or 32 square feet and eight feet in height if freestanding.
 - (c) Lighting. Illumination shall comply with Section 16.
- (3) Drive-Up Menu Board Signs. Drive-up menu board sign shall be allowed for drive-up service oriented businesses only. Where allowed by Section 14, Tables A-D, drive-up menu board signs shall comply with the following requirements.

- (a) Location. Wall-mounted signs shall be located on the sign band of the first story façade, see Section 16. A freestanding sign shall be adjacent to the building on the lot provided the sign is not legible from a public street or right-of-way. Accessory uses may display a drive-up menu board sign on the accessory structure only.
 - (b) Maximum number, area and height. Not more than two signs shall be displayed per business. When two signs are displayed the maximum sign area allowed for each separate sign is 20 square feet and 8 feet in height if freestanding. The maximum sign area for a single sign is 40 square feet.
 - (c) Lighting. Illumination shall comply with Section 16.
- (4) Billboards. Where allowed by Section 14, Tables A-D, billboard signs shall comply with the following requirements
- (a) The maximum number of billboards, as described in this section, allowed within the City limits and the City Impact Area is 5. The inventory of billboards existing on the date of adoption of this ordinance is attached hereto as Attachment 1. No new billboard may be erected unless it replaces an existing billboard at a location that is a minimum of 1500 lineal feet from any existing billboards. Billboards must have existed within the Ashton City limits or City of Ashton Impact Area as of June 6, 2007 in order to be included in the maximum number allowed.
 - (b) Where applicable, evidence must be provided of a State issued permit in accordance with the **Idaho Motorists Information Act of 1971**. [see if Idaho has an act similar to this one]
 - (c) All billboards erected or moved after the effective date of this ordinance shall be located in Sign Districts 1 highway commercial zoned properties only.
 - (d) Billboards shall be freestanding on a metal frame and shall not be installed on any building.
 - (e) All billboards shall be spaced a minimum of 1500 lineal feet apart.
 - (f) The sign face shall not exceed the maximum size permitted by the State issued permit or 10 ½ feet in vertical height and 24 feet in horizontal length, whichever is less. Extensions beyond the sign face shall not be permitted.
 - (g) The billboard shall not exceed 24 feet in height, as measured from finished grade,

however, if a variance is granted the maximum height shall not exceed 35 feet.

- (h) Internally illuminated and/or animated billboards are prohibited. External illumination shall comply with Section 16. Electrical wiring to the billboard shall be located underground.
 - (i) All billboards erected or moved shall be installed behind the legal setback line of each parcel of property as determined by the Zoning Ordinance of the City of Ashton.
 - (j) All structural supports for billboards shall be constructed of steel.
 - (k) Only flat, single-faced or double-faced billboards shall be permitted. As used in this section, “double-faced” means a billboard with two display surfaces visible to traffic from two directions of travel. A “single-faced” billboard means a sign with one display surface visible from one direction of travel.
- (5) Principal Identity Sign. Where allowed by Section 14, Tables A-D principal identity signs shall comply with the following requirements.
- (a) Sign Type. A Principal Identity sign shall be either a monument or ground-mounted type sign.

Exception: In sign Districts 1 and 2 a pole type sign may be permitted. A pole type sign is permitted only in a clear vision area and only when it is physically impractical to install a freestanding monument or ground-mounted type of sign in compliance with this code.

- (b) Number. One Principal Identity sign may be allowed for the principal use conducted on the tax lot provided the tax lot has a primary access street frontage.

Exception: Two freestanding principal identity signs may be allowed as follows:

- (A) In Sign District 1 and 2 only, a tax lot with street frontage on two or more arterial streets may install one additional principal identity sign provided that both streets have an “arterial” street designation and the signs are separated by a minimum of 300 lineal feet.
- (B) Individual lots or pads that are part of a Shopping Center or Business Complex shall be, for the purposes of this section, defined as one tax lot and freestanding signs are subject to the requirements specified in Section 9, Comprehensive Sign Plans.

- (c) Location. The freestanding sign shall be located and oriented to the principal access street frontage adjoining the public access street.
 - (d) Setback. No freestanding sign shall be located within ten feet of a lot line that abuts another lot. Freestanding signs are not permitted in a rear yard setback.
 - (e) Maximum area. Sign area derived by the length of one street frontage shall not be transferred to another street frontage or combined in order to create a larger sign.
 - (f) Design Requirements. The sign shall be either a monument or ground-mounted type sign except a pole type sign may be used where allowed in Tables A-D. The sign shall be composed of vertical mounted modular cells or letters. The site address shall be located on the freestanding structure and shall be visible to the primary access street.
 - (g) Lighting. Illumination shall comply with Section 16.
 - (h) Placement. Principal Identity signs shall be located adjacent to the street frontage providing public access to the site. See Section 16 for additional placement requirements. (See location above)
- (6) Projecting Sign. Where allowed by Section 14, Tables A-D, a projecting sign shall comply with the following requirements.
- (a) Location. A projecting sign shall be placed only on the sign band of the first story façade, see Section 16. The sign may not extend above the windowsill of a second story building or above the roof eave and/or roofline.
 - (b) Clearance. A minimum clearance of eight feet between the bottom of the sign and the finished grade below the sign is required. At alleys when no curb exists a minimum height of 14 feet between the bottom of the sign and the finished grade below the sign is required.
 - (c) Projection from wall. Where a building is built to the property line for its entire frontage, the projecting sign may extend from the building over a public sidewalk a maximum of 42 inches and the sign structure shall be no wider than 36 inches.
 - (d) Maximum number, area and height. Only one sign shall be allowed per business. The sign area shall not exceed 20 square feet and shall be deducted from the sign area allowed on a building.

- (e) Supporting structure. Sign supports and brackets shall be compatible with the design and scale of the sign.
 - (f) Lighting. Illumination shall comply with Section 16.
- (7) Suspended Sign. Where allowed by Section 14, Tables A-D, a suspended sign shall comply with the following requirements.
- (a) Location. Suspended signs shall be placed only under an attached awning or canopy on the first story façade for businesses with direct exterior pedestrian access.
 - (b) Clearance. A minimum 7-foot clearance is required.
 - (c) Maximum number, area and height. Only one sign shall be allowed per establishment. The sign shall not exceed six square feet in sign area.
 - (d) Lighting. Suspended signs shall not be internally illuminated.
- (8) Wall Sign. Where allowed by Tables A-D, a wall sign shall comply with the following requirements.
- (a) Location. Wall signs shall only be placed on the sign band of the first story façade, See Section 16. The sign shall not be placed to obstruct any portion of a window, doorway, transom, or other architectural detail.
 - (b) Maximum number, area and height. The number and sign area of wall signs allowed per building shall be consistent with Section 14. The sign area of each wall sign shall be deducted from the maximum sign area permitted on the building.
 - (c) Projection from wall. The sign shall not project from the surface upon which it is attached more than required from construction purposes and in no case more than 12 inches.
 - (d) Lighting. Illumination shall comply with Section 16.
- (9) Window Signs. Where allowed by Tables A-D, window signs shall comply with the following requirements.
- (a) Location. Window signs shall be allowed in the window of a first and second story

building.

- (b) Maximum number, area and height. The number allowed per building shall be as allowed in each Sign District. See Section 14. The sign area of each window sign shall be deducted from the maximum sign area permitted on the building. Illuminated window signs shall not exceed 15 percent of the window area in which they are displayed.
- (c) Lighting. Illumination shall comply with Section 16.

ATTACHMENT NO. 1

CITY OF ASHTON BILLBOARD INVENTORY JUNE 2007		
<u>No</u>	<u>Orientation</u>	<u>Identifying Landmark/Business</u>
1	Hwy 20 S	Pond's Lodge
2	Hwy 20 S	Bank of Idaho
3	Hwy 20 S	Ott's Place
4	Hwy 20 S	Les Schwab

Section 16. GENERAL REQUIREMENTS(1) Placement.

- (a) All Signs. Except as otherwise allowed, all signs shall be located on the lot where the business is conducted.
- (b) Building Signs. All signs, including exempt and temporary signs, installed on the building shall be placed on the sign band. A sign band is the continuous portion of the building façade that is unbroken by doors or architectural building features, located between the upper and lower limits defined as follows:

(A) Upper Limit.

The upper limit shall be the windowsill of the second story or in the absence of a windowsill or second story, one-half the distance between the roof eave or roofline immediately above the lintel, awning, canopy or window head of the first story. In no case shall the any element of the sign be placed higher than 24 feet on the building, as measured from finished grade immediately below such sign.

(B) Lower Limit.

The lower limit shall be 5 feet above finished grade on the first story.

- (C) Signs installed on the exterior building façade may be placed below the designated sign band when the Building Official can be assured that the public is satisfactorily protected from the sign and the sign is entirely over private property.

- (2) Pedestrian area clearance. When a sign extends over a sidewalk, walkway, or other space accessible to pedestrians, the bottom of the sign structure must maintain a minimum eight-foot clearance as measured from the bottom of the sign structure to the ground directly below the sign. Exceptions are prohibited.

- (3) Clear vision area. A clear vision area is a triangular-shaped area located at the intersection of any combination of streets or alleys. The clearance height of the clear vision area is from 24 inches above grade to eight feet above grade. The sides of the triangle extend as follows:

- (a) In all commercial and industrial zones the minimum distance shall be 15 feet. However, at the intersection of an alley and a street, the distance shall be 10 feet.

- (b) In all residential zones, the minimum distance shall be in relationship to street right-of-way widths as follows, except at intersections of an alley and a street in a residential zone, the minimum distance shall be 15 feet:

<u>Right-Of-Way Width</u>	<u>Clear Vision Measurement</u>
80 feet and more	20 feet
60 feet	30 feet
50 feet	40 feet

- (c) The support pole structure for a freestanding sign shall be no greater than a combined total diameter of 12 inches.
- (4) Signs extending over the public right-of-way. The City Engineer or Building Official may require signs which are extending into newly created public right-of-way to be modified or relocated when streets are widened, or other improvements are made in the public right-of-way. The modification or moving will be at the owner’s expense. If the sign must be moved, and it is in the right-of-way is moved and it is a nonconforming sign it must be brought into conformance when the sign is re-erected.
 - (5) Clearance from high voltage power lines. No sign or part of a sign support may interfere with any electrical light, power telephone or telegraph wires or supports thereof. All signs must be sufficiently clear of high voltage power lines so those signs can be safely erected and maintained. Signs shall be located not less than six feet horizontally or 12 feet vertically from overhead electrical conductors which are energized in excess of 750 volts.
 - (6) Sign illumination. The artificial illumination of signs, either from an internal or external source, shall be designed to eliminate negative impacts on surrounding right-of-way and properties. The following standards shall apply to all illuminated signs:
 - (a) No sign or light source shall create an unduly distracting or hazardous condition to a motorist, pedestrian or the general public. Colored lights or colored sign faces shall not be used at a location or in a manner so as to be confused or construed as traffic control devices;
 - (b) External light sources shall be directed and shielded to limit direct illumination of any object other than the sign;
 - (c) Internally illuminated signs and signs with exposed light sources are prohibited in all residential zoned properties and Sign District 4 and 5, except internally illuminated signs used for 24-hour emergency medical facilities provided the sign

complies with paragraph (e);

- (d) Signs shall not have blinking, flashing, or fluttering lights, or other illuminating devices that have a changing light intensity, brightness or color. Time, Date and Temperature signs may have lights changing only to show changes in time, date and temperature.
- (e) When a sign is internally illuminated, including awnings and canopies, the sign copy shall be lighter than the sign background. The background shall use a predominance of deep-toned color or shall be opaque when the light source is on.

(7) Design, Construction, Inspection, and Maintenance

- (a) Design. All signs shall be designed, constructed, inspected and maintained in compliance with this ordinance and current State of Idaho Structural Specialty Code including any applicable City, State and Federal Code, Rule, Law or Regulation.
- (b) Maintenance. All signs and all components thereof, including without limitation supports, braces, and anchors, shall be maintained in a state of good repair.
- (c) Materials. Except those signs listed in Section 5, Exempt Signs, all signs shall be constructed of permanent materials and permanently affixed to a structural support in the ground or on the building.
- (d) Supports. All sign permit applications shall include the specific support details. The design of this support will be reviewed by the Building Official for compliance with the current edition of the State of Idaho Structural Specialty Code. The Building Official may require a design prepared by a state-licensed engineer.

Section 17. NONCONFORMING SIGNS

- (+) Signs made non-conforming by the adoption of this Sign Code Ordinance (City of Ashton Development Code, Title 17, Appendix A). The owners of any lot or other premises on which exists a sign that did not conform with the requirements of the City of Ashton Sign Code adopted June 6, 2007, or for which there is no valid sign permit shall be obligated to remove such sign or to bring such sign into conformity with this ordinance on the adoption of this ordinance. Such signs that are not removed or brought into conformance will be deemed illegal and subject to the enforcement procedures of this ordinance. ~~The following signs, as they are configured as of the date of passage of~~

~~this ordinance, have been determined to be illegal, non-conforming signs under this sub-paragraph:~~

- (2) Except as otherwise provided herein, permanent signs in existence on the effective date of this ordinance, which are not in conformance with the provisions of this ordinance shall be regarded as non-conforming signs.
- (3) The owners of any ~~tax~~ lot or other premise on which exists a non-conforming signs shall be obligated to remove such sign or to bring such sign into conformity with the requirements of this ordinance when one of the following conditions occur:
 - (a) Whenever the sign is damaged by more than 50 percent of its total replacement value or destroyed from any cause whatsoever. Or;
 - (b) Whenever a request is made for a permit to alter or relocate the existing sign. Or;
 - (c) Whenever there is a request to change the name of the business. Or;
 - (d) Whenever a business sells and it's principal use changes.
- (4) The requirements contained in Section 17(c) apply to require compliance with this Sign Code, except as follows:
 - (a) Multiple Tenant Signs. The substitution or change of tenant sign faces on sign structures containing multiple tenant sign panels are not subject to Section 17(3)(c) and (d), as long as the supporting sign structure is not replaced or relocated. The new sign face or panel must comply with the background color and illumination requirements of this ordinance. This exception from compliance, however, does not apply when there is a name change of the business complex, shopping center etc. upon which the multiple tenant sign is located.
 - (b) Public Safety. A nonconforming sign may be structurally altered where such alteration is necessary for public safety; however, this exception does not apply when the sign has been damaged by more than 50 percent of its total replacement value or destroyed from any cause whatsoever.
 - (c) Reconstruction Due To Public Project. A nonconforming sign may be reconstructed if moved for construction or repair of public facilities and if such reconstruction is completed within one year after completion of the public project at the location of the sign.”
 - (d) For the purposes of subsection 4(a) only, “multiple tenant sign” means a sign

structure that identifies either through the use of sign faces or panels more than two businesses located within the shopping center, business complex, etc.

- (5) A nonconforming sign face may be replaced, if all of the following conditions are met:
- (1) the sign area is not increased in size or relocated,
 - (2) the new sign face complies with the color and illumination requirements in this ordinance, and
 - (3) none of the situations listed in Section 17(3) exist.
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- (6) An owner of a non-conforming sign, who wishes to bring the sign closer into conformance with this code, may petition for a variance from the need to bring the sign into total compliance. If in the opinion of the Director, the improvement is appropriate, a variance may be granted.
- (7) Historic Landmarks
Signage on designated historic landmark buildings shall be reviewed and approved by the State of Idaho Historical Society prior to submitting the application to the City of Ashton for review and approval.

Section 18. VARIANCE CRITERIA

Applicants for a sign permit or an applicant owning or leasing a sign that is not in compliance with the provisions of this ordinance may seek a variance to the provisions of this ordinance by filing a sign variance application with the City of Ashton.

Variance requests will not be granted for prohibited signs and/or construction and maintenance standards. Approval of a sign variance shall become void if the work approved by such variance is not commenced and completed within 6 months of the approval date.

- (1) Variance Criteria. The variance will not be granted unless the applicant can establish that:
 - (a) Special conditions exist which are peculiar to the land, structure or building involved and are not applicable to other lands, buildings or structures in the same zone. The City may attach such conditions to granting all or a portion of any variance necessary to achieve the purpose of this ordinance, and;
 - (b) The strict interpretation of the provisions of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zone under the terms of the ordinance, and;
 - (c) The special conditions and circumstances do not result from the actions of the applicant and such conditions and circumstances do not merely constitute pecuniary hardship or inconveniences, and;
 - (d) Granting the variance will meet the objectives of the ordinance and not be injurious to the neighborhood or otherwise detrimental to the public welfare, and;
 - (e) The request will be the minimum variance necessary to alleviate the special hardships or practical difficulties faced by the applicant in meeting the requirements of this ordinance.

Section 19. ENFORCEMENT

- (1) Violations. A violation of any provision of this ordinance shall be a Class A Infraction. Each day shall be a separate violation. Violations will be enforced through the Ashton Civil Infraction Procedure.

- (2) Confiscation. Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeit to the public -and subject to confiscation. The city shall have the right to recover from the owner or person placing such a sign all costs of removal and disposal of such sign, in addition to other remedies within this ordinance.

- (3) Violation Declared A Nuisance. The location, erection, construction, maintenance, repair, alteration or use of a sign in violation of this ordinance is declared a nuisance and shall be abated in either the manner provided for in this ordinance or in the same manner as all other nuisances.

Section 20. SEVERABILITY

If any part, section, subsections, sentence or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 21. REPEAL

This ordinance shall be effective June 6, 2007.