

## **CHAPTER 6. SIGN REGULATIONS**

### **Sec. 13-6(a). Intent. (sec numbers to be determined by Munis)**

The purpose of this chapter is to provide comprehensive regulations for signs with the Town of Byhalia to eliminate confusing, distracting and unsafe signs; assure the efficient transfer of information; and, enhance the visual environment of the town. It is declared that the regulation of signs within the town is necessary and in the public interest:

- (1) To protect property values within the town;
- (2) To protect the general public from damage or injury caused by, or partially attributable to the distractions obstructions which result from improperly designed or situated signs;
- (3) To provide a pleasing overall environmental setting and community appearance which is deemed vital to the continued economic attractiveness of the town;
- (4) To improve the legibility and effectiveness of commercial and governmental signs;
- (5) To allow signs appropriate to the planned character of each zoning district;
- (6) To promote the public safety, welfare, convenience and enjoyment of the unique character of the Town of Byhalia.

### **Sec. 13-6(b). General.**

All signs erected on any lot in all districts of the town, except official, traffic and street signs, shall conform to the provisions of this chapter, unless otherwise provided for in this chapter. The following regulations shall apply to signs in all districts:

- (1) No sign shall be erected as to prevent free ingress or egress from any door, window or fire escape, and no sign of any kind shall be attached to a fire escape.
- (2) No business sign or outdoor advertisement sign shall be erected in the town unless it is in compliance with the regulations and permitted for the district in which it is to be located as set forth in this chapter.
- (3) No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where, by reason of position, it may interfere with or obstruct the view of traffic site lines or traffic control devices. No sign shall be erected within the sight triangle as defined in this chapter.
- (4) The illumination of any sign within fifty (50) feet of and facing a residential zone lot line shall be diffused or indirect and designed to prevent direct rays of light from shining into adjoining residential districts.
- (5) Reserved.
- (6) Garage sale, yard sale, and like signs shall not be erected on public property right-of-way and may be erected on private property only with the permission of the property owner. Signs shall be promptly removed immediately after the event to which it refers.
- (7) Portable signs are prohibited within the Town of Byhalia limits. Any existing trailer or portable sign located within the town limits is a nonconforming sign and subject to the provisions for nonconforming use.

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- (8) Temporary advertising signs, banners, displays, posters, etc., shall be permitted for a short duration only. These signs may be erected after obtaining a permit. Temporary advertising signs may not be displayed more than twice a year and for no longer than fifteen (15) days each time. Temporary signs are required to be attached to the posts of an existing sign or to the wall of the business being advertised. No permit fee shall be required if the advertising is for a nonprofit organization advertising civic events for the citizens of Byhalia. All temporary signs, fee or no fee, require a permit from the office of planning and development. Failure to remove any temporary advertising sign, banner, display or poster within the time requirements set forth herein is punishable by a fine to the permit holder in an amount not to exceed twenty-five dollars (\$25.00) per day of such violation. Each day the temporary advertising sign, banner, display or poster is not removed within the time frame set forth herein shall constitute a separate violation.
  - (9) Signs in or on windows shall not exceed twenty (20) percent of any single window area; provided, however, that where more than one (1) business or use occupies a single building, only that portion of the window area associated with the separate business may be computed for purposes of this provision.
  - (10) Each non-English language sign shall provide an English translation text of the sign permitted on the establishment. The lettering shall be readable from the public street on which the property fronts to facilitate emergency response by public safety personnel.
  - (11) Community entrance signs shall not exceed thirty-two (32) square feet for main entries; and shall not exceed sixteen (16) square feet for secondary entries. These signs shall not exceed twelve (12) feet in height from the natural grade and shall be placed on the subdivision/community property only, not to exceed four (4) per subdivision/community. It shall be replaced with signage not to exceed sixteen (16) feet after seventy (70) percent of said subdivision/community is built out. These signs shall advertise the subdivision/community and all associated builders; it shall not advertise amenities for said subdivision/community. The office of development shall require developers/builders, at their discretion, to replace the signage if the sign is deteriorating or is broken.
  - (12) Off-site community locator signs shall not exceed thirty-two (32) square feet. These signs shall not exceed twelve (12) feet in height from the natural grade. They shall not exceed two (2) per subdivision/community and shall be placed within two (2) miles of said subdivision/community. They must be located within five hundred (500) feet of an intersection. They shall be permitted through the office of development for one hundred dollars (\$100.00) for the first year with a fifty dollar (\$50.00) annual renewal thereafter.

### **Sec. 13-6(c). Exempt signs.**

The following types of signs are exempted from all the provisions of this chapter and shall be allowed in addition to all other signs allowed by this chapter. Any signs which exceed the provisions of this section shall comply with the other section of this chapter:

- (1) Public signs. Signs erected by, or on the order of a public officer in the performance of his public duty, such as safety signs, danger signs and traffic signs.
  - (2) Historical markers. Historical marks are recognized by local, state or federal authorities.
  - (3) Nameplates mounted on buildings or mail boxes not exceeding one (1) square foot in size.
  - (4) Traffic directional signs not exceeding four (4) square feet in size and located at least one (1) foot from the right-of-way.
  - (5) Signs in or on windows not exceeding twenty (20) percent of the window area.
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- (6) Advertising sale or lease of real estate. The sign area of one (1) face shall not exceed twelve (12) square feet in the A agricultural district. In all other districts the sign area of one (1) face shall not exceed eight (8) square feet. The sign shall be located on the lot advertised only.
  - (7) Signs not exceeding eight (8) square feet in size, located at least one (1) foot from the street right-of-way.
  - (8) Petroleum products and dispensers which are within view of a public way shall be permitted to display information required by law and in addition, the brand name and type of product being dispensed, so long as such signs do not extend beyond the face of the dispenser.

#### **Sec. 13-6(d). Illumination.**

Illuminated signs shall adhere to the following provisions and restrictions in addition to those requirements stated in this chapter:

- (1) The light for or from any illuminated sign shall be so shaded, shielded or directed that the light intensity will not be objectionable to surrounding areas.
- (2) No colored lights shall be used on any sign at any location in any manner so as to be confused with or construed as traffic-control devices. All approved reader/message boards shall use white for the illuminating color. All approved reader/message board shall use white for the illuminating color.
- (3) Neither direct, nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.

#### **Sec. 13-6(e). Prohibited signs.**

The following types of signs are prohibited under this chapter.

- (1) Pole signs;
  - (2) Wall signs constructed of wood or metal on the exterior building surface;
  - (3) Cabinet wall or box signs shall be illegal on exterior building surfaces;
  - (4) Moving devices or search lights for advertising purposes;
  - (5) Signs painted directly on exterior building surfaces;
  - (6) Signs attached to trees or utility poles;
  - (7) Obscenity or immoral signs;
  - (8) Changeable letter marquees;
  - (9) Portable signs;
  - (10) Yard stake signs;
  - (11) Signs or devices which by color, location or design resemble or conflict with traffic control signs or devices;
  - (12) Signs attached to, suspended from or painted on any vehicle, included a trailer, which is parked on or visible from any street or public place. This prohibition shall not apply to those signs which are required to be affixed to service vehicles by the requirements of any state, federal or local regulations, nor is this prohibition to be construed as prohibited the identification of a firm or its principal products on a vehicle operated during the normal course of the business;
  - (13) Signs which contain pulsating or strobe lights;
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- (14) Banners or streamers are prohibited except as provided for in subsections above;
  - (15) Sandwich board and pedestal signs and those carried by persons as sandwich board signs;
  - (16) Off-premises signs, which includes subdivision locator signs;
  - (17) Abandoned or dilapidated signs;
  - (18) Real estate signs shall be removed within thirty (30) days of the rent, sale or lease of a property;
  - (19) Exposed neon letters or logos on permanent structures including building facades and/or monument-based ground mounted signage;
  - (20) Construction signs must be located on the developing property and is only allowed while construction is physically in progress, not to exceed one (1) year. These signs shall not exceed seventy-five (75) square feet;
  - (21) Balloons;
  - (22) Home-based business signs;
  - (23) Roof signs (which protrude above the roof line); and
  - (24) Inflatable signs.

**Sec. 13-6(f). Illegal signs.**

Any sign that is erected, placed, kept or maintained in violation of the provisions of this chapter, except for nonconforming signs, which are dealt with in section 13-6(h), shall be removed immediately by the sign owner, the owner of the property where the sign is located, or any other party having control over such a sign. If a responsible party fails to remove an illegal sign within seven (7) days of their receipt of a written request from the town to remove any such sign, then the responsible party shall be subject to the penalties provided for in this chapter and as part of any fine shall be liable to the town for the cost of removal of any such sign.

**Sec. 13-6(g). Sign maintenance.**

All signs permitted under the terms of this chapter, except for nonconforming signs, that are found to be abandoned or are in such disrepair or so poorly maintained so as to produce a visual blight or hazard to the public, shall be removed by the sign owner, the owner of the property where the sign is located, or any other party having control over such sign. If a responsible party fails to remove an illegal sign within seven (7) days of their receipt of a written request from the town to remove any such sign, then the responsible party shall be subject to the penalties provided for in this chapter and as part of any fine shall be liable to the town for the cost of removal of any such sign.

**Sec. 13-6(h). Nonconforming signs.**

Subject to the remaining restrictions of this section, any nonconforming signs that were lawful on the effective date of this may be continued subject to the provisions of this section and sections 13-5(a)—(m).

- (1) Nonconforming signs may be not enlarged or altered in such a manner as to aggravate the nonconforming condition. This subsection shall not be applicable in instances where a vintage sign is altered, but not enlarged, however; any alteration to a vintage sign must include the refacing and/or resurfacing of the vintage sign as required by the Town of Byhalia Planning Director.
- (2) A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this chapter.

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- (3) If a nonconforming sign is destroyed for any reason, it may not be repaired, reconstructed or replaced, and the remnants of the former sign structure shall be removed from the land.
  - (4) If a nonconforming sign advertises any business, service, commodity, accommodation, attraction, or other activity that is no longer being operated, offered or conducted, that sign shall be considered abandoned and shall be removed within one hundred twenty (120) days after such abandonment by the sign owner, the owner of the property where the sign is located, or any other party having control over such sign.

**Sec. 13-6(i). Permits.**

All permanent and temporary signs except those listed as exempted signs shall require a permit obtainable from the Town of Byhalia Office of Planning and Development.

**Sec. 13-6(j). Enforcement and penalty.**

- (a) The town planner or his/her designee is directed to enforce all the provisions of this chapter.
- (b) Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to the penalties and fines set forth by the governing authority. The town shall reserve the right to remove illegal signage and dispose of it.

**Sec. 13-6(k). Requirements for permanent signs by zone district.**

The following sign regulations by districts are intended to include every district in the town. The districts are as defined by this section and the official zoning map. Only permanently located signs described herein will be permitted in each particular district, except for public signs and town, state and federal historic marks.

- (1) *A agricultural district.* This subsection shall apply to the district in the zoning ordinance known as the agricultural district.
  - a. *Allowable signs:* Signs advertising activities conducted on the property. Allowable signs shall also include reader/message boards for public assembly uses, which are permitted in an AG district as set forth in the Residential Use Chart Title XIII, section 13-12(m).
  - b. *Size:* Signs shall not exceed seventy-five (75) square feet per face.
  - c. *Location:*
    1. Signs shall not be erected within the sight triangle as defined in this chapter.
    2. Signs shall be located at least ten (10) feet off of the right-of-way.
- (2) *R residential districts.* This subsection shall apply to all districts designated with the prefix "R" and all residential portions of PUD districts.
  - a. *Allowable signs:*
    1. Ground-mounted subdivision identification signs.
    2. Signs for any permitted or conditional use for the zone in which the sign is located, except for any business located within a home.
  - b. *Size:*
    1. Ground-mounted subdivision identification sign. The sign area of one (1) face shall not exceed twenty-five (25) square feet. In no case shall the total sign area exceed fifty (50) square feet.

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2. Signs for any permitted or conditional use allowed in subsection (2)a.2. above shall not exceed thirty-five (35) square feet per face. In no case shall the total sign area of all signs on the property exceed seventy-five (75) square feet.
- c. *Location:*
    1. Ground-mounted subdivision identification signs shall be set back a minimum of ten (10) feet from the right-of-way. No signs shall be erected within the sight triangle as defined herein.
    2. Signs for any permitted or conditional use allowed in subsection (2)a.2. above shall be set back a minimum of ten (10) feet from the street right-of-way.
  - d. *Height:*
    1. Ground-mounted subdivision identification signs shall be a maximum of six (6) feet as measured from surrounding grade.
    2. Signs for any permitted or conditional use allowed in subsection (2)a.2. above shall not exceed six (6) feet in height as measured from surrounding grade.
- (3) *O office district, R-O residential office and C-1 neighborhood commercial district.* This subsection shall apply to the districts in the zoning ordinance known as the O and C-1.
- a. *Allowable signs:*
    1. Wall signs (per section 13-6(e));
    2. Ground signs;
    3. Directory signs;
    4. Temporary signs;
    5. Message/reader board signs.
  - b. *Size:*
    1. The maximum total sign area of a wall sign shall be fifty (50) square feet, or one (1) square foot for each lineal foot of the occupant's building frontage, whichever results in the smaller sign area.
    2. Ground-mounted signs shall not exceed fifty (50) square feet per face and total sign area shall not exceed one hundred (100) feet total for all faces.
    3. Message/reader board signs must be located below the actual business signage and utilized as secondary signage. Lettering in this district shall not exceed six (6) inches in height.
  - c. *Location:*
    1. Wall signs shall not project more than twelve (12) inches from the face of the building.
    2. Ground-mounted signs shall be set back a minimum of ten (10) feet from the right-of-way. No signs shall be erected within the sight triangle as defined herein.
    3. On double-frontage or corner lots, the street frontage containing the principal entrance of a business will be the only side considered for the ground-mounted sign.
    4. There shall be no more than one (1) ground-mounted sign per parcel.
  - d. *Height.* Ground-mounted signs shall not exceed nine (9) feet in height.
  - e. *Illumination.* One (1) shielded spotlight per face. Backlit signs or other types of illuminated signs are prohibited.
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(4) *C commercial districts and M industrial district.* This subsection shall apply to all districts designated by the zoning ordinance as C3, C4 and to all designated by the zoning ordinance as M-1 and M-2.

a. *Allowable signs:*

1. Awning signs;
2. Bench signs;
3. Directory signs;
4. Ground-mounted signs;
5. Projecting signs;
6. Temporary signs;
7. Wall signs (per section 13-6(e));
8. Message/reader board signs.

b. *Size:*

1. The total square footage of all signs on the property shall not exceed two (2) square feet of lineal lot frontage. On double-frontage and corner lots, the street frontage containing the principal entrance of a business will be the only side considered for ground-mounted, directory or post signs. Double-faced signs shall not be mounted, directory or post signs. Double-faced signs shall not be counted twice.
2. Wall and awning signs shall not exceed one hundred twenty-five (125) square feet. The maximum sign area for wall signs may be increased one (1) square foot for each additional two (2) feet of building setback beyond the setback required.
3. Ground-mounted signs shall not exceed fifty (50) square feet. Directory signs shall not exceed one hundred (100) square feet. On lots of less than one hundred (100) feet in width, ground-mounted signs shall not exceed thirty-five (35) square feet of sign area.
4. Bench signs shall not exceed twelve (12) square feet in area.
5. Projecting signs shall not exceed fifteen (15) square feet in area.

c. *Location:*

1. Wall signs (per subsection 13-6(e)) shall not extend beyond the surface or roof line of the building more than twelve (12) inches.
2. Ground-mounted, bench signs and directories shall be at least ten (10) feet from the right-of-way. No signs shall be erected within the sight triangle as defined herein.
3. There shall be no more than one (1) ground-mounted, bench sign or directory sign per parcel.
4. Message/reader board signs must be located below the actual business signage and utilized as secondary signage. Lettering in this district shall not exceed eight (8) inches in height.

d. *Height:*

1. Projecting signs shall not be less than eight (8) feet in height from the pavement line.
2. Maximum height of ground-mounted, single entity signs may not exceed nine (9) feet in height. Directory signs shall not exceed fifteen (15).
3. On lots of less than one hundred (100) feet of frontage, ground-mounted signs shall not exceed six (6) feet in height.

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\*Ground-mounted signs located in the Highway 51 and Main Street district shall not exceed six (6) feet in height.

- (5) *PUD*. According to approved plan.
- (6) *PBP*. According to ordinance requirements and approved plan.
- (7) *Interstate 78/I-22 interchanges*. The following sign regulations cover a special overlay sign district on land zoned for commercial uses for interchanges on Interstate 78. In general this district lies within five hundred (500) feet of Interstate 78/I-22 and one-quarter ( $\frac{1}{4}$ ) mile north and south of Hwy 309.
  - a. Reserved.
  - b. Notwithstanding height requirements in all commercial zones as described in this chapter, the maximum height permitted for ground-mounted signs in this overlay district shall be twenty-five (25) feet above the highest paved surface elevation or (50) feet, whichever is less.
  - c. Notwithstanding the maximum size requirements in all commercial zones as described in this chapter, the maximum face size for ground-mounted signs shall equal the total of two (2) square feet per lineal lot frontage or one hundred (100) square feet, whichever is less.