

**SECOND READING NEEDED**

BILL NO. 2019-35

ORDINANCE NO. \_\_\_\_\_

INTRODUCED BY Alderman Susan Lenger

**AN ORDINANCE TO ESTABLISH SIGN REGULATIONS.**

WHEREAS, the Board of Aldermen desires to encourage the effective use of signs as a means of communication in the City of Hermann; and

WHEREAS, the Board of Aldermen also desires to maintain and enhance the pleasing look of the City of Hermann and to make the City attractive to businesses and residences; and

WHEREAS, the Board of Aldermen also desires to maintain the City of Hermann's historic character and to minimize the possible adverse effects of signs on public and private property; and

WHEREAS, the Board of Aldermen has determined that enacting sign regulations as provided herein serves a legitimate public purpose and is in the best interests of citizens of the City of Hermann, Missouri.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN THAT A NEW CHAPTER, TITLED SIGN REGULATIONS, SHALL BE ADDED TO THE HERMANN MUNICIPAL CODE, AS FOLLOWS:

**SECTION ONE:** A new Chapter is hereby added to the Hermann Municipal Code, as follows:

**CHAPTER 410. SIGN REGULATIONS.**

**Section 410.010. Purposes.**

The purposes of these sign regulations are:

- A. To encourage the effective use of signs as a means of communication in the City of Hermann ("Hermann").
- B. To maintain and enhance the pleasing look of Hermann, which attracts events of regional, national and international interest.
- C. To preserve Hermann as a community that is attractive to businesses and residences.
- D. To maintain Hermann's historic character.
- E. To improve pedestrian and traffic safety.
- F. To minimize the possible adverse effects of signs on public and private property.

G. To ensure that signs in the community are compatible with the high quality image that Hermann seeks.

**Section 410.015. Applicability.**

A sign may be erected, placed, established, painted, created or maintained in Hermann only if it conforms to the standards, procedures, exemptions and other requirements of this Chapter.

**Section 410.020. Definitions.**

**Animated Sign:** Any sign using movement or changes of lighting to depict action or create a special effect or scene.

**Banner:** Any sign of lightweight fabric or similar material for temporary use.

**Beacon:** Any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same lot as the light source; also, any light with one (1) or more beams that rotate or move.

**Billboard:** Any off-premise sign, which is not exempt or permissible under this Chapter.

**Building Marker or Identification Sign:** Any sign indicating the name of a building or the date, and/or other information about the building' construction, which is made of a permanent material like bronze, aluminum, steel, masonry, etc.

**Building Sign:** A sign that is attached to any part of a building.

**Canopy or Awning Sign:** Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover.

**Changeable Copy Sign:** A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight (8) times per day shall be considered an Animated Sign and not a Changeable Copy sign for purposes of this Chapter. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this Chapter.

**Commercial Message:** Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

**Flag:** Any fabric, banner, or bunting containing distinctive colors, patterns, or symbol.

**Freestanding or Ground Sign:** Any sign supported by structures or supports that are placed on or anchored in the ground and that are independent from any building or other structure.

**Marquee:** Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building.

**Marquee Sign:** Any sign attached to, in any manner, or made part of a marquee.

**Mural:** An exterior wall painting.

**Non-Conforming Sign:** Any sign that does not conform to the requirements of this Chapter.

**Obsolete or Abandoned Sign:** Any sign that is no longer relating to current activities on a premises or lot.

**Off-Premise Sign:** A sign, display, device, figure, painting, drawing, message, plaque, poster or other thing designed, intended or used to advertise or inform of activities not conducted on the property upon which they are located, or services and products therein provided.

**On-Premise Sign:** A sign, display, device, figure, painting, drawing, message, plaque, poster or other thing designed, intended or used to advertise or inform of activities conducted on the property upon which they are located, or services and products therein provided.

**Pennant or Windblown Device:** Any lightweight plastic, fabric, or other materials, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

**Person:** An organization, association, company, corporation, firm, or partnership, singular or plural, of any kind.

**Portable sign:** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels.

**Principal Building:** The building in which is conducted the principal use of the lot on which it is located. Lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

**Projecting Sign:** Any sign affixed to a building or wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of such building or wall.

**Residential or Home Occupation Sign:** Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of the Zoning Ordinance.

**Roof Sign:** Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

**Roof Sign, Integral:** Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.

**Setback:** The distance from the property line to the nearest part of the applicable building or structure measured perpendicularly to the property line.

**Sign:** Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

**Subdivision Sign:** A permanent sign identifying a subdivision entry, subdivision name and/or street names within the subdivision.

**Suspended Sign:** A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

**Temporary Sign:** Any sign that is used only temporarily and is not permanently mounted.

**Wall Sign:** Any sign attached parallel to, but within six (6) inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one (1) sign surface.

**Window Sign:** Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

#### **Section 410.025. Transitional Provisions.**

- A. All signs legally erected prior to the adoption of this ordinance may remain in place and in use.
- B. All signs being erected, altered, or reconstructed after the adoption of this

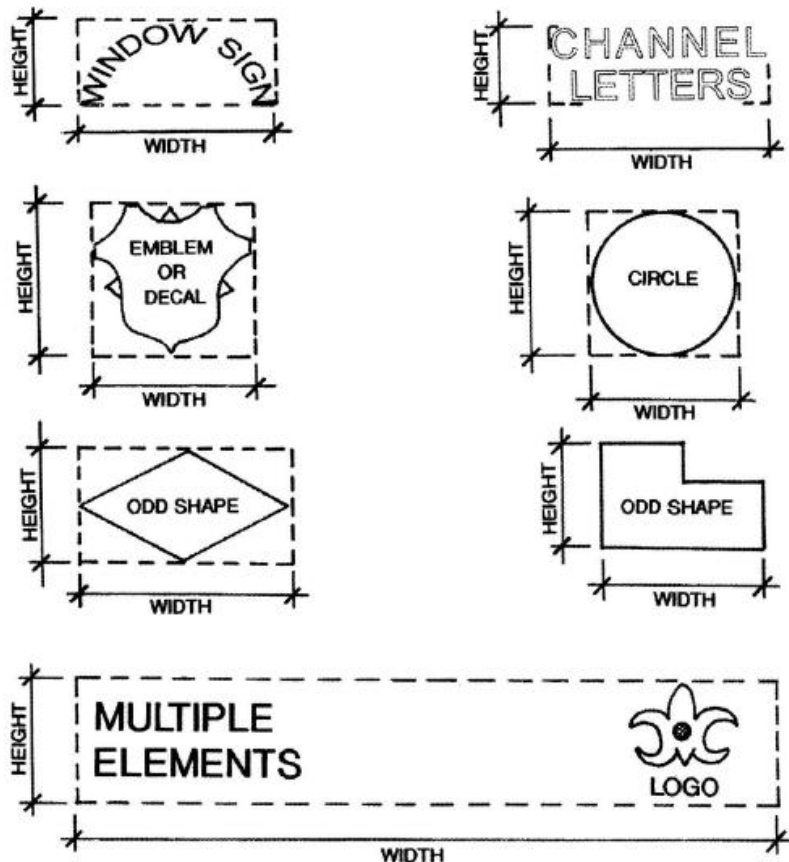
ordinance shall be subject to this Chapter.

**Section 410.030. Interpretation.**

Words and phrases used in this Chapter shall have the meanings set forth as defined above. Words and phrases not defined in this Chapter but defined elsewhere in the City Code shall be given the meanings set forth there. All other words and phrases shall be given their common, ordinary meanings, unless the context clearly requires otherwise.

Illustrations and "principles of interpretation" included in this Chapter shall be used in interpreting the relevant provisions, but where the text conflicts with an illustration or "stated principle," the text shall control.

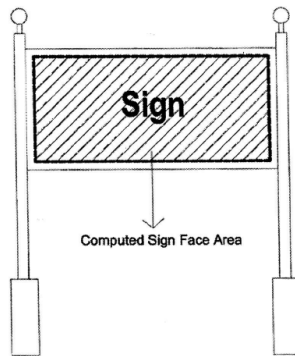
**Section 410.035. Area Computation of Signs.**



**Sign Area Computation**

**A. Individual signs.** The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest rectangle that

will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, base, bracing or decorative fence or wall when such fence or wall otherwise meets the regulations of this Chapter and is clearly incidental to the display itself. For a single wall on a single-occupant building, all pieces of information or other graphic representations on that wall shall be measured as though part of one (1) sign, encompassed within one (1) rectangle, which may not exceed ten (10) percent of the total wall area to which the sign is affixed. For a single wall on a multi-occupant building, the area of signs shall not exceed ten (10) percent of the total wall area to which the sign(s) is affixed.

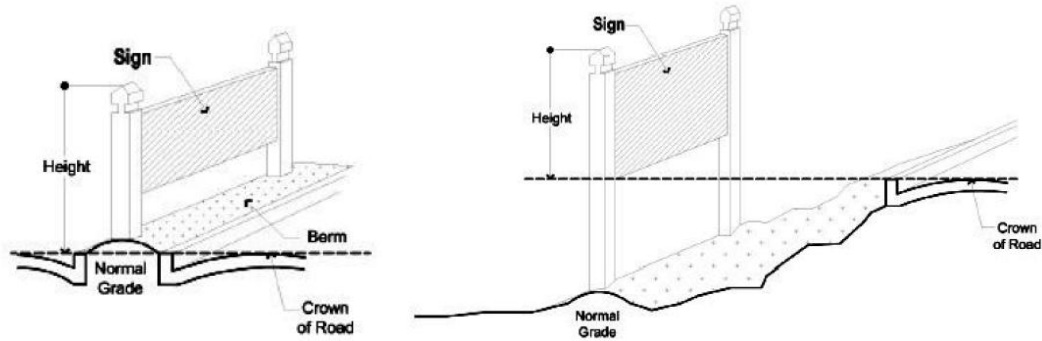


### **Area Computation of an Individual Sign**

**B. Multi-Faced Signs.** Where the sign faces of a double-faced sign are parallel, the interior angle formed by the faces is sixty (60) degrees, or less, only one (1) display face shall be measured in computing sign area. The areas of all faces of a multi-faced sign shall be added together to compute the area of the sign. Sign area of multi-faced signs is calculated based on the principle that all sign elements that can be seen at one (1) time or from one (1) vantage point should be considered in measuring that side of the sign. Double-faced signs that are displayed on gateway entry monuments within City approved area plans, may be displayed on walls with an interior angle of up to ninety (90) degrees.

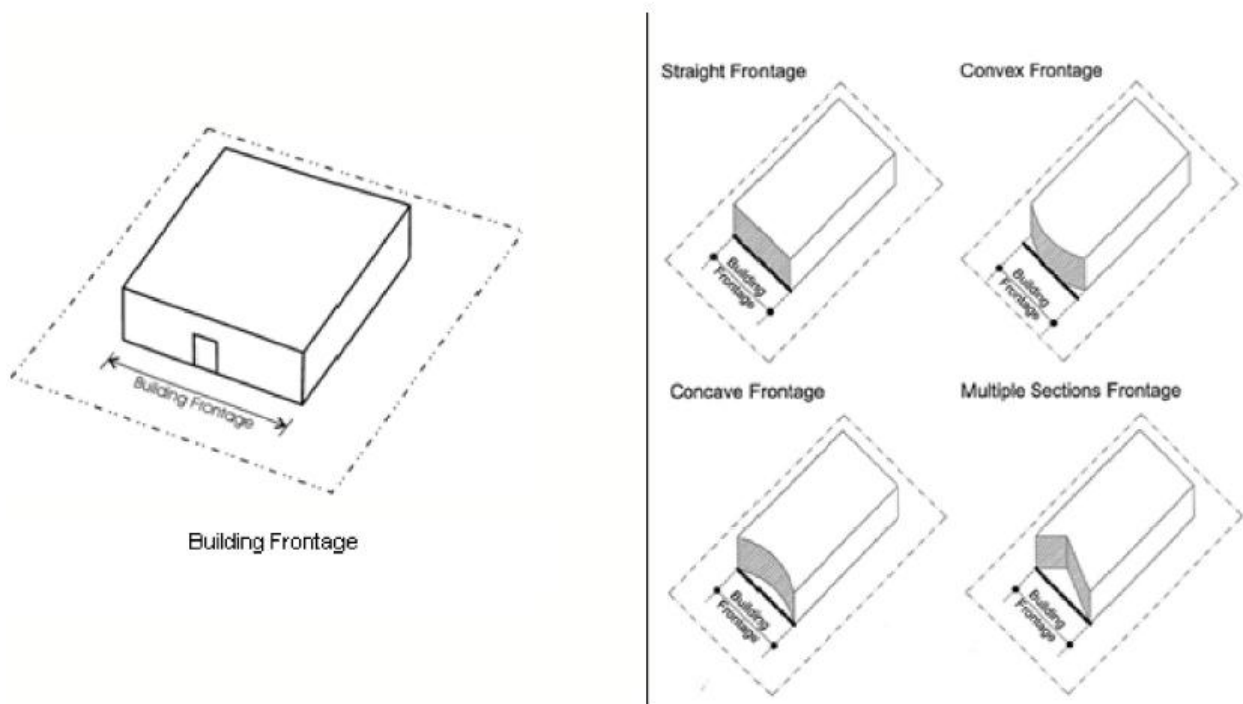
### **Section 410.040. Sign Height Computation.**

The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign. In cases where the normal grade is below grade at street level, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public or private street.



**Section 410.045. Building Frontage.**

Building frontage shall mean the horizontal length of a building on the side with its principal entrance. If that side is a straight wall, then the building frontage shall be the length of the wall. If the side is not a straight wall, the building frontage shall be the horizontal distance from the corner at one (1) end of the side of the building with the principal entrance to the other corner on the same side of the building; where that side of the building is concave, then the measurement shall be made in a straight line from corner to corner; where the side of the building is convex or has one (1) or more sections that project in front of the front corners, then the measurement shall be made as the shortest distance between two (2) lines projected from the two (2) front corners of the building, with such lines parallel to each other and as close as practicable to perpendicular to the front of the building.



**Section 410.050. Exempt Signs.**

The following signs shall be exempt from regulation under this Chapter:

**A.** Any official or public notice or warning required by a valid and applicable federal, state or local law, regulation or Chapter, or by a public utility company or by order of a Court of competent jurisdiction.

**B.** Traffic signs on private property, such as Stop, Yield and similar signs, which meet Department of Transportation standards and contain no commercial message.

**C.** Any sign inside a building, not attached to a window or door, that is not visible from off the site on which it is located.

**D.** Any sign on an athletic field or other enclosed outdoor space.

**E.** Temporary signage erected as part of a City-recognized event.

**F.** Signs erected on behalf of a governmental or quasi-governmental agency, including but not limited to governmental offices and transit stations, for the purpose of site identification, to identify public property, convey public information and to direct or regulate pedestrian or vehicular traffic.

**G.** Historic wall Murals that have been approved by the Landmarks Commission. A Mural may not advertise present day businesses or services.

**Section 420.055. Regulations for Certain Signs; Permits Required.**

**A.** The following signs shall require a permit and shall also comply with the regulations indicated for each type of sign.

**1. Accessory or Out-building Sign.** Only Wall Signs shall be allowed on non-residential accessory buildings pursuant to the provisions in this Chapter.

**2. Awning Sign.** Awning Signs shall be allowed provided that:

- a. On a single-occupant property, one (1) Awning Sign may be allowed only in lieu of all other signage otherwise permitted on the wall to which the awning is attached.
- b. On a multi-occupant property, one (1) Awning Sign may be allowed over each occupant entrance, in lieu of other Wall Signs.
- c. The maximum area of an Awning Sign shall not exceed ten percent (10%) of the total awning face front and side area.



- d. Awning signs may be illuminated only with direct surface lighting and not with any form of backlighting.

**3. Changeable Copy Sign.** A Changeable Copy sign is permitted provided it is permanently mounted or affixed to a structure. When used in conjunction with a Ground Sign, Changeable Copy Sign must be located on the same sign supports. Said sign shall not exceed twenty-four (24) square feet per sign facing or forty-eight (48) square feet for the total aggregate sign area. In no case shall the sign flash or have a time interval of less than three (3) seconds.

**4. Directory Sign.** Directory Signs shall be allowed where a particular site includes more than one (1) tenant, provided that:

- a. Logo/name Directory Signs in shopping centers may be located near entrances to parking areas, but not less than fifty (50) feet from any public right-of-way, and at principal intersections within the site, where such intersections are not less than fifty (50) feet from any public right-of-way. Such signs shall not exceed sixteen (16) square feet in area and forty-two (42) inches in height. In addition to such Directory Signs, any shopping center may have one (1) detailed Directory Sign as described below.
- b. Detailed Directory Signs may be located near each principal entrance to a parking area or at principal intersections with the parking area for multi-family projects, residential recreation sites, office buildings or shopping centers as shown on an approved Sign Plan. Such signs shall be located away from any public right-of-way so that drivers can conveniently pull up to and read the directory without impeding traffic on any driveway or entrance serving the development. Such signs may contain an unlimited number of pieces of information, but letters shall not be more than four (4) inches in height and shall not be legible from any public right-of way. Such signs shall not exceed ten (10) square feet in area and five (5) feet in height. Such signs shall not be internally illuminated.
- c. Wall-mounted Directory Signs shall be permitted on non-residential single and multi-tenant buildings pursuant to the other relevant portions of this section, and provided that the total size of the wall-mounted Directory Sign does not exceed ten percent (10%) of the total wall area to which the sign is affixed.

**5. Marquee Sign.** In addition to permitted Wall Signs, Marquee Signs with

changeable copy shall be allowed at theaters. Changeable Copy Signs may cover no more than one square foot of sign area for each linear foot of theater building frontage. Like poster boxes, such signs shall be subject to total wall sign area limits. Other non-changeable copy signs may be attached to or mounted on top of a marquee.

**6. Principal Ground or Freestanding Sign.** Principal ground signs shall be allowed, provided that:

- a. Ground signs shall not exceed forty-eight (48) inches in height;
- b. The size of ground signs shall not exceed thirty-two (32) square feet per side or sixty-four (64) square feet total;
- c. Setbacks shall be adequate to protect a clear sight triangle, in accordance with the City Code;
- d. Such signs may display no more than twelve (12) pieces of information, plus the address of the property; and if permitted, up to four (4) additional pieces of information relating to property leasing or property sale. Pieces of information related to property leasing or sale shall not exceed six (6) inches in height, shall be consistent with existing sign materials and colors;
- e. Both sides of a two (2) sided ground sign shall be identical;
- f. For a single-occupant property, there shall be only one (1) principal ground sign per principal entrance to the project, provided that no two (2) ground signs shall be within three hundred (300) feet of each other;
- g. For a multi-occupant project, there shall be only one (1) ground sign plus one (1) additional ground sign for street frontage on a second public street. An additional third ground sign may be permitted if the multi-occupant project has street frontage on a third public street. These additional signs may be permitted provided that the frontage on those streets is at least one hundred fifty (150) feet in length and that actual entrances to the project have been constructed from such streets;
- h. Outparcels in shopping centers shall not be allowed to have principal ground signs.

**7. Residential or Home Occupation Sign.** Residential Signs shall be allowed, provided that:

1. For Home Occupations within any residence otherwise lawfully occupied, as permitted and subject to the regulations in Section 420.700, an unlighted sign of not more than ten (10) square feet in area, and attached flat against the building or set back from the edge of the street/curb, shall be permitted for the purpose of identifying the home occupation business. No portion of the sign shall be less than eight (8) feet from the edge of the street/curb; also, any such signs placed near street intersections shall comply with Section 420.690 of this Code regarding open views at intersections.
2. For Owner-occupied bed-and-breakfast homes, One (1) unlighted sign not exceeding ten (10) square feet in area, either attached flat to the front of the building or set back from the edge of the street/curb, containing the name of a bed-and-breakfast establishment on the premises, shall be allowed. No portion of the sign shall be less than eight (8) feet from the edge of the street/curb; also, any such signs placed near street intersections shall comply with Section 420.690 of this Code regarding open views at intersections.

**8. Subdivision Identity Sign.** Ground signs with the name of the residential or non-residential subdivision or multi-family development may be allowed on one (1) or both sides of each principal entrance (or in the median or on a public or private right-of-way. Where located at the side of the road on private property, there may be one (1) sign located on one (1) side of the entrance road or on both sides of the entrance road at each principal entrance to the subdivision or multi-family development, provided that:

- a. Such signs shall not exceed thirty-two (32) square feet in area;
- b. Such signs shall not exceed forty-eight (48) inches in height, unless integrated into a wall or column, in which case it shall not exceed the height of the wall or column; and
- c. Such sign shall contain no commercial message.

**9. Suspended/Projecting Sign.** Suspended/projecting signs shall be allowed under canopies or along pedestrian arcades, provided that:

- a. Such signs shall not exceed one (1) per tenant in a multi-tenant building entrance;
- b. Such signs shall not exceed eight (8) square feet in area;

- c. Such signs may contain the address, suite number, logo or name of the occupant or business served by the entrance.

**10. Wall Sign.**

- a. **Non-Residential** Wall signs shall be allowed on non-residential properties provided that:
  - 1. The total area of an individual wall sign on a building shall be limited to one (1) square foot in area for each linear foot of building frontage, and the fact that signs may be permitted on more than one (1) wall of the building shall not increase this maximum; but in no case shall the total area of an individual wall sign be permitted to exceed ten (10) percent of the total wall area to which the sign(s) is affixed.
  - 2. The total number of wall signs shall be limited to two on single tenant and multi-tenant buildings that share a common principal entrance, except as provided for in Item k below.
  - 3. No wall sign shall project above the highest point of the building wall on the same side of the building as the sign; this shall include marquee signs and any other signs not affixed directly to such wall.
  - 4. On a single occupancy building, all signage or message elements, except for poster boxes, marquee signs, logos and wall signs on theaters on any single wall, shall be considered parts of the same sign and shall be measured by a rectangle surrounding all of them;
  - 5. On a multi-occupancy building, each occupant with a separate individual outside entrance serving the general public may have a separate wall sign. Corner tenants with a door or window on their side walls and tenants with a separate outside entrance serving the general public where such entrance is in a different exterior wall from any other entrance for which such tenant shall be allowed one additional wall sign;
  - 6. On a multi-occupancy building serving primarily office uses, there may be signs on two (2) separate walls of the building, and more than one sign per façade may be

permitted provided the facade is divided into architecturally distinct segments with more than one (1) principal entrance serving interior offices or businesses;

7. On a multi-occupancy building, more than two (2) signs may be permitted provided that:
  - a. The total signage of a multi-occupancy building shall be limited to one and 1/4 (1.25) square feet in area for each linear foot of building frontage;
  - b. At least two (2) of the building sides have been designed to appear as a multi-tenant structure composed of at least two (2) individual "storefronts" each (in addition to the principal entrance if located upon the same side); and
  - c. Multi-story buildings with more than three (3) floors shall be allowed a maximum of one and one-half (1.5) square feet in area for each linear foot of building frontage and may have a maximum of four (4) signs across the building facade provided that the total square feet of all signs combined do not exceed the maximum of one and one-half (1.5) square feet in area for each linear foot of building frontage and all signs are arranged so they share a common horizontal centerline along the façade.
8. Conditions above shall not apply to changeable copy signs for a theater, which shall be subject to the requirements of marquee signs, above.
9. In addition to other permitted signs, but subject to total sign area limits applicable to all wall signs, a theater may install one (1) or more back-lighted or internally illuminated "poster boxes", provided that:
  - a. Such boxes shall not exceed thirty-six (36) by fifty-four (54) inches each in area;
  - b. The top of such boxes shall not be more than ten (10) feet above ground; and
  - c. Such boxes shall be permanently mounted to a wall.

10. For Historic District requirements refer to the Historic District Section below.
11. Single tenant buildings may have more than two (2) wall signs provided the following conditions are met:
  - a. The building is located within a Commercial Zone or traditional neighborhood development; and
  - b. The aggregate size of all signage on the building is limited to one (1) square foot of sign area for each linear foot of the building's frontage.

b. **Residential/Institutional** Wall signs shall be allowed on residential/institutional properties provided that:

1. Single-family residential units (either attached or detached) in zoning districts or planned developments designated for such use shall be permitted one wall sign, provided that such sign shall not exceed two square feet in area;
2. Multi-family residential or institutional uses located in residential zoning districts, including planned developments designated for such use, shall be permitted one wall sign per public entrance, provided that:
  - a. Such sign shall not exceed six square feet in area;
  - b. Each such sign may be illuminated only by direct, external illumination.

**11. Window Sign.** Signs shall be allowed on the inside or outside of window glass of non-residential properties provided that they cover no more than 25 percent of the gross glass area on any one side of the building and they are not separately illuminated.

**Section 420.060. Regulations for Certain Signs; Permits not Required.**

A. The following signs do not require a permit but shall comply with the regulations indicated for each type of sign.

1. **Construction/Renovation/Improvement Sign.** Construction, renovation, or on-site improvement signs shall only be allowed on sites with a building permit during the period for which the construction, renovation, or on-site improvements are occurring or no more than 180 days, whichever is lesser. Such signs shall be limited to thirty-two (32) square feet.

**2. Flags and Flagpoles.** Flags and flagpoles shall be allowed, provided that:

- a. In residential and non-residential zones, there shall be no more than three (3) flagpoles and two (2) flags per pole.
- b. Flagpoles shall be located outside of the public street right-of-way.
- c. No flag shall exceed five (5) feet by eight (8) feet in size.
- d. No flagpole shall exceed thirty-five (35) feet in height.
- e. Public parks that serve as a memorial to a particular event, individual(s) or group(s) may contain more than three (3) flagpoles, however the total number of flags displayed may not exceed six (6); all flag(s) displayed shall be directly related to such memorial and shall not be used for commercial advertising purposes.
- f. For public athletic fields/complexes, a total of two (2) additional flags shall be allowed for each playing field containing permanent seating for spectators; the additional flags may be displayed on separate poles or on the same pole; the additional flags may be displayed at such field(s) only while used for games, and all additional flag(s) displayed shall be directly related to the teams participating and shall not be used for commercial advertising purposes.

**3. Real Estate Sign.**

- a. Residential zone: Real estate signs, limited to forty-eight (48) inches in height and six (6) square feet in area per side, shall be allowed on property available for sale, rent or lease, with the permission of the property owner.
- b. Non-residential zone: Real estate signs, limited to 32 square feet in area per side, shall be allowed on property available for sale, rent or lease, with the permission of the property owner.
- c. Real Estate signs for Multi-family residential and Multi-occupant non-residential shall be permitted for parcels provided that the sign is placed only when the space is available for sale, rent, or lease and no Obsolete Signs are present.
- d. For Non-residential single occupant properties, one (1) sign per lot or tract in place of any building or window sign shall be permitted.
- e. Vacant parcels in residential zones are allowed, one (1) sign per lot.

- f. On vacant or developed parcels with dual street frontage, a second sign meeting the requirements of this Chapter above shall be allowed.
- g. The above conditions will be followed to the greatest extent possible except in instances where severe topographic conditions, undisturbed buffers or other significant vegetation limits the visibility of a real estate sign. In those cases, special provisions may be made by the City of Hermann to increase visibility, but in no case shall signs be permitted within the right-of-way.

**4. Off-premise Open House Residential Real Estate Sign.** Off-premise Open House Residential Real Estate Signs shall be allowed provided that the following requirements are met:

- a. There shall be no more than three (3) total off premise signs for any open house event. These signs shall include a realtor's license number or homeowner's number and the street address where the event is taking place.
- b. Signs can only be placed on residential lots or in residential common open space with no more than two (2) signs directing prospective buyers in the same direction at any one (1) intersection.
- c. Such signs may be in place only during the duration of the open house.
- d. Such signs shall not exceed three (3) square feet in sign area.
- e. Such signs shall not exceed twenty-four (24) inches in height.

**5. Temporary / Banner Signs.** Signs for temporary uses or special events, as expressly permitted under the requirements of this Chapter, non-profit organizations, the opening of businesses, businesses undergoing exterior renovations or ground signs for sites where road widening projects have displaced the permanent ground sign, shall be allowed provided that:

- a. Duration shall be limited to thirty (30) days or as required below. Businesses undergoing a façade change or exterior renovation may have a temporary wall sign for a maximum of ninety (90) days. The City of Hermann shall have the authority to extend the duration for new business or businesses undergoing exterior renovation for up to a maximum of sixty (60) days;



- b. Sign permits for new businesses shall be issued only upon the initial opening of a business for a period that shall end not later than sixty (60) days after issuance of the first business license for that business in that location or from the issuance of a Certificate of Occupancy for that location;
- c. Temporary signs shall be attached to and parallel with a wall of the building on which wall signs are permitted and shall not exceed 32 square feet in surface area;
- d. Such signs may be made of cloth or canvas and are not subject to the construction and installation requirements otherwise applicable;
- e. Where a temporary use permit specifically authorizes the use of a temporary ground sign, such sign shall not exceed 48 inches in height and 16 square feet in area per side;
- f. There shall be only one temporary ground sign, plus one additional ground sign for street frontage on a second public street, provided that the frontage on that street is at least 150 feet in length and that an actual entrance to the site is permitted on such street; and
- g. Special events shall be allowed a temporary sign, banner or portable sign provided that:
  - 1. Only one such sign shall be allowed per property per event;
  - 2. Such sign, if a ground sign, shall be limited to 48 inches in height and 16 square feet in area per side;
  - 3. Such sign, if attached to a wall, shall be limited to 32 square feet in area per side; and
  - 4. Such sign shall be erected no sooner than fourteen (14) days preceding the event and shall be removed no later than two days following the event.

**6. Yard or Garage Sale Sign.** Signs for yard sales shall be allowed provided that:

- a. Only one such sign shall be allowed on the lot where the yard sale is located, plus no more than one additional sign shall be located on a different private property, provided such property is not a private common area;

- b. Such sign shall not exceed four square feet in area per side and 42 inches in height;
- c. Such sign shall be put in place the day of the sale and removed the day after the sale;
- d. Such signs are not allowed on traffic signs, or within any public right-of-way;
- e. All signs remaining beyond the permitted time period will be in violation of the City's littering ordinance.

**Section 420.060. Prohibited Signs and Devices.** The following signs and devices are prohibited:

- A. Any sign that copies or imitates an official sign or purports to have official status;
- B. Beacons;
- C. Animated signs;
- D. Any sign that obstructs or substantially interferes with any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress, or egress to any building;
- E. Any sign attached to gas pumps or gas pump islands that can be read or understood from off the property;
- F. Billboards; provided, however, that billboards are allowed along Highways 100 and 19, so long as they are spaced at least 600 feet apart.
- G. Obsolete or Abandoned signs, including all structural, support, and other component elements.

**Section 420.065. Design and Construction Standards.** All signs shall be designed, constructed and maintained in accordance with the following standards:

- A. All signs shall comply with applicable provisions of the State and local building codes.
- B. Electric signs that have internal wiring or lighting equipment, and external lighting equipment that directs light on signs, shall not be erected or installed until an electrical permit has been obtained from the City of Hermann. All such signs and equipment shall bear the seal of approval of an electrical testing laboratory that is nationally recognized as having the facilities for testing and requires proper installation in accordance with the National Electrical Code. All wiring to electric signs, or to freestanding equipment that lights a sign, shall be installed underground.
- C. Except for permitted banners, flags, temporary signs and window signs

conforming in all respects with the requirements of this Chapter, all signs shall be constructed of permanent materials and shall be attached to the ground, a building or another structure by direct attachment to a wall, frame or structure.

**D.** Signs that are externally lit shall follow the provisions for exterior lighting, and such lighting shall be directed only upon the sign face and shall be directed to prevent off-site glare.

**Section 420.070. Maintenance Standards.** All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this Chapter. Specifically:

**A.** A sign shall have no more than twenty (20) percent of its surface area covered with disfigured, cracked, ripped or peeling paint, poster paper or other material for a period of more than thirty (30) days.

**B.** A sign shall not stand with bent or broken sign facing, with broken supports, with loose appendages or struts, or more than fifteen (15) degrees from vertical for a period of more than ten (10) days.

**C.** A sign shall not have weeds, trees, vines, or other vegetation growing upon it, or obscuring the view of the sign from the public right-of-way from which it is to be viewed, for a period of more than thirty (30) days.

**D.** An internally illuminated sign shall be allowed to stand with only partial illumination for a period of no more than thirty (30) days.

**E.** Flags shall not be faded, tattered or torn.

**Section 420.075. Sign Appearance, Logos, and Symbols for Areas not within the HO Historic Overlay Zoning District.**

**A. Applicability.** The provisions of this section are applicable to all signs located outside the HO Historic Overlay Zoning District. These provisions are intended to encourage a high-quality, attractively built environment, where signage is appropriate and architecturally compatible.

**B. Appearance.** Materials such as metal, PVC and acrylic may be used for individual letters and raceways. The structural supports, background materials and foundation materials of signs shall match the primary materials found in the principal structure(s). Background material for the sign message shall match the primary materials, mimic the appearance of the primary materials found in the principal structure, or be architecturally compatible in style and color (e.g., materials such as synthetic wood and other similar materials may be considered).

**C. Lighting.**

1. Unless otherwise expressly prohibited by this Chapter or other Chapters of this Ordinance, any sign may be illuminated, provided that any lighting directed toward the sign is shielded so as illuminate only the face of the sign.

2. Lighting on signs shall be consistent throughout a project, and no sign or portion thereof shall be illuminated differently from any other sign, unless provided for with an approved Site Plan in which there is variety in façade design or building type. All lighting shall comply with the exterior lighting standards as provided herein.

**D. Signs in the Public Right-of-Way.** No signs shall be allowed in the public right-of-way, except for the following:

1. **Permanent Signs.** Permanent signs shall be limited to:

- a. Public signs erected by or on behalf of a governmental body to identify public property, convey public information and direct or regulate pedestrian or vehicular traffic.
- b. City approved public transit signs.
- c. Informational signs of a public utility regarding its poles, lines, pipes or other facilities.
- d. Signs appurtenant to a use of public property permitted under a franchise or lease agreement with the City.
- e. Awning or suspended signs projecting over a public right-of-way in conformity with the conditions of this Chapter.
- f. Signs posted in association with municipal, county, state or federal authorities for crime prevention and public safety and health.

2. **Temporary Signs.**

- a. Legal notices erected by or on behalf of a governmental body.
- b. Emergency warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.

**E. Subdivision/Neighborhood Identification Signs.** Ground signs with the name of the residential or non-residential subdivision or multifamily development shall comply with

the subdivision identity sign requirements, and may be located on one (1) or both sides of each principal roadway entrance into the development or in the roadway median, under either of the following alternatives:

- 1. Alternative 1: Roadside.** One sign located on one (1) side of the entrance road or on both sides of the entrance road at each principal entrance to the subdivision or multi-family development, provided that:

  - a.** Such sign shall not exceed thirty-two (32) square feet in area;
  - b.** Such sign shall not exceed forty-eight (48) inches in height, unless such sign is integrated into a wall or column, in which case such sign shall not exceed the height of the wall or column;
  - c.** Such sign shall not contain a commercial message;
  - d.** Such sign is not located in the Public Right-of-Way (ROW), unless approved by the City of Hermann; and
  - e.** Such signs shall be located in common open space or on dedicated sign easements.
  
- 2. Alternative 2: Median.** A single ground sign with the name of the subdivision or multi-family development may be located within the right-of-way of one (1) major entrance to the residential development or an office park ground sign may be located within the private right-of-way of one (1) major entrance to the development, provided that:

  - a.** Such sign shall not exceed thirty-two (32) square feet in area on each side;
  - b.** Such sign shall not exceed forty-eight (48) inches in height;
  - c.** Such sign shall not contain a commercial message;
  - d.** Such sign may only be installed where the entrance is divided by a median of not less than fifty (50) feet in length and ten (10) feet in width, unless this requirement is reduced by the City of Hermann;
  - e.** Such sign shall be located within the median and setback at least ten (10) feet from the right-of-way line when projected across the entrance; and
  - f.** Such sign may be integrated into a wall or other entrance feature, which feature shall be subject to approval through the applicable site plan review provisions of the City; the sign portion of such

wall or feature, however, shall be limited to the dimensions set forth in this section.

**Section 420.080. Signs in an HO Historic Overlay Zoning District.** This Section sets forth the specific sign requirements for properties within the boundaries the HO Historic Overlay Zoning District. All signs within a Historic District will require review and approval by the Landmarks Commission whether a permit is required or not.

1. The requirement and standards of this section shall apply to signs for all non-residential uses and home occupations within the boundaries of a Historic District. Further interpretation may be provided through the adoption of the City of Hermann Design Guidelines and/or Streetscape requirements.
2. The provisions contained in this section are intended to encourage high standards for signs within a Historic District, in order that they should be appropriate to and add to the aesthetic appearance and attractiveness. Signs within a Historic District shall:
  - a. Adequately and effectively communicate business identity and type to the public;
  - b. Be pedestrian oriented and as small in size and few in number as is consistent with their purpose of communicating identification and essential information;
  - c. Protect the Historic District from sign clutter and visual blight resulting from excessive and redundant signs;
  - d. Be architecturally compatible with the style, composition, materials, colors and details of the building and its vicinity and contribute to the historical character of the Historic District.
  - e. Unless otherwise specifically stated below all other provisions of this Chapter shall apply to signs in a Historic District. In addition, all signs in a Historic District shall comply with the City of Hermann Design Guidelines and/or Streetscape requirements. While all permitted individual signs are regulated in terms of size according to type, collectively an individual property within a Historic District is permitted a total maximum amount of sign surface area according to a formula based upon the building's frontage. Non-residential, permanent signing options are detailed below.
3. Non-residential wall signs within a Historic District are not to exceed one (1) square foot for each linear foot of building frontage. Buildings located on corner lots (fronting upon two (2) public rights-of-way, excluding alleys and walkways)

and multi-story buildings with upper floor non-residential occupants or tenants are allowed a maximum sign surface not to exceed one and one-half (1 ½) square feet for every linear foot of building frontage. Suspended and projecting signs shall be calculated separately from other wall signs.

4. All permanent signs permitted and regulated through the Chapter shall count as part of the property's total allowed signage except: building markers, flags and flagpoles, identification, incidental, wall mounted directory of no larger than three (3) square feet, suspended signs of no larger than two (2) square feet in total area and principal ground signs of sixteen (16) square feet per side or thirty-two (32) square feet or less in total area. In addition, signs specifically associated with sidewalk cafes, sandwich boards and street furniture shall not be calculated as part of the establishment's total sign area.

5. Regulations for certain signs within an Historic District.

**a. Residential or Home Occupation Sign.** Residential or Home occupation signs are allowed within a Historic District provided that a permit is obtained and:

1. Such signs are limited to a maximum of one (1) sign per dwelling unit.
2. Such signs shall not exceed a maximum of two (2) square feet total sign.

**b. Principal Ground Sign.** Principal ground signs shall be allowed within a Historic District provided that a permit is obtained and:

1. The maximum area allowed for a residential property shall be twelve (12) square feet per side or a maximum of twenty-four (24) square feet total.
2. The maximum area allowed for a commercial property shall be sixteen square feet per side or a maximum of thirty-two (32) square feet total.

**c. Projecting Sign.** Projecting signs attached to a building in a perpendicular fashion shall be acceptable as part of the overall allowed signage, so long as a permit is obtained. The number of signs shall not exceed one (1) per tenant provided that:

1. The sign area shall not exceed six (6) square feet per side and twelve (12) square feet total.

2. The height of the top edge of the signboard or bracket shall not exceed the height of the wall from which the sign projects.
3. No element of the sign shall hang lower than seven (7) feet above the ground or pedestrian walkway.
4. Since projecting signs may extend over the public right-of-way, they shall be mounted and attached to buildings in a secure manner. The sign, brackets and mounting devices shall be maintained in good repair for both safety and appearance. Such signs shall be mounted so that the method of installation is concealed to the extent practical.
5. The signboard shall not project more than thirty-six (36) inches from the wall.
6. Projecting signs may be illuminated indirectly; internal illumination is prohibited. All indirect lighting or spot lighting shall require complete shielding of all light sources to illuminate only the face of the sign and prevent glare from off-site.
7. All lettering and graphics shall be permanent; changeable copy is prohibited.

**d. Menu or Sandwich Board Sign.** One (1) menu or sandwich board sign, per street frontage per business, as follows:

1. The total area of the signboard shall not exceed ten (10) square feet per side.
2. Any sandwich board sign shall not exceed two (2) linear feet in width, with a maximum height of sixty (60) inches.
3. The sign must be constructed of materials that present a finished appearance. Rough-cut plywood is not acceptable.
4. The sign shall be located on the same parcel and within six (6) feet of the building exterior of the business, installing the sign and its location shall not interfere with pedestrian or vehicular circulation, including, but not limited to driveways, parking lots, rights-of-way, and public sidewalks.
5. The sign shall be removed at the end of the business day.



6. Any person erecting a sandwich board sign shall indemnify and hold harmless the City and its officers, agents, and employees from any claim arising out of the presence of the sign on City property or rights-of-way.

**e. Suspended Sign.** Suspended signs shall be allowed under canopies in accordance with the provisions of the Suspended /Projecting Sign section except as follows:

1. A permit is obtained.
2. Suspended signs within the Historic District may be larger than two (2) square feet in total area and all area over two (2) square feet shall be considered as part of the property's overall allowed sign area.
3. No element of the sign shall hang lower than seven (7) feet above the ground or pedestrian walkway.

**f. Wall Sign, Non-Residential.** Non-residential wall signs shall be allowed in accordance with the provisions of Wall Sign Section above except as follows:

1. A permit must be obtained.
2. Signs may be allowed on any part of the building except the roof.
3. Wall signs on buildings, located on corner lots (fronting upon two (2) public rights-of-way, excluding alleys and walkways) and multi-story buildings with upper floor non-residential occupants or tenants are allowed a maximum sign surface not to exceed one and one-half (1 ½) square feet for every linear foot of building frontage, provided the overall sign area of an individual wall sign does not exceed ten (10) percent of the wall area to which the sign is affixed or a maximum of 32 square feet.

**g. Wall Mounted Directory Sign.** Wall mounted building Directory Signs identifying the occupants of a building, including upper story business uses shall be permitted for buildings with multiple tenants, provided that the following standards are met:

1. A permit is obtained.
2. The sign is located next to the principal entrance.

3. The sign shall not project outward from the wall more than six (6) inches.
4. The sign shall not extend above the parapet, eave or building facade.
5. Wall mounted Directory Signs within the Historic District may be larger than three (3) square feet in total area and all area over three (3) square feet shall be considered as part of the property's overall allowed sign area. In no case shall a wall mounted directory sign have an area that exceeds ten (10) percent of the wall area to which the sign is affixed.

**h. Additional Signs for Restaurants and Cafes.** In addition to other signage, restaurants and cafes shall be permitted the following, limited to one (1) of each sign per business. These additional signs shall not be calculated as part of the site's overall allowed sign area.

1. **Menu Box;** A wall-mounted display featuring the menu. The menu box shall be located at or near the main entrance, at a height of approximately five (5) feet, and shall not exceed two (2) square feet in size. Menu signs may be lighted provided that any light directed toward the sign is shielded to illuminate only the face of the sign.

**i. Accessory or Out-building Sign.** Wall signs shall be allowed on non-residential accessory buildings pursuant to the provisions in this Chapter, and provided that the colors of such signage conform to the Landmarks Commission requirements when in a Historic District.

6. **Exceptions to Prohibited Signs and Devices in a Historic District.**
  - a. Barbershops are entitled to display barber poles which shall be mounted to the building wall and shall not project higher than the highest part of the eaves. Low-level internal illumination is allowed.
  - b. **Illuminated window signs;** One (1) illuminated window sign is permitted for each window opening in the Historic District so long as:
    1. The sign is illuminated only during business hours;
    2. The sign is located on the interior side of the window;

- 3. The sign meets safety requirements by having a backing and self-contained transformers. All components shall be UL approved;
  - 4. Text, logos and color are not restricted.
7. Existing Signs. Existing signs which are attached to, painted on, or an integral part of contributing historic structures within a Historic District, and which retain the content, dimensions, location, and lighting that the sign possessed when the District was designated shall enjoy the following privileges:
- a. They may remain on roofs or exceed height limits found elsewhere in this Chapter.
  - b. They may exceed dimensional limits found elsewhere in this Chapter.
  - c. They may reference a product or business which is not related to the existing business on the property.
  - d. They shall not, if the sign is not related to an existing business, have the sign area deducted from the total amount of square feet of the sign area granted by other standards of this Chapter.
  - e. They may remain in a right-of-way unless they become a hazard to traffic.
  - f. They may retain their original lighting pattern and materials.
  - g. They may be restored to 100% of the original design if damaged or destroyed.

**Section 420.085. Signs Prohibited from Creating a Traffic Hazard.**

- A. Clear Sight Triangle.** No sign shall be erected in the clear sight triangle as defined by the City's setback requirements at intersections.
- B. Other Hazards.** No signs shall be erected, and there shall be no lighting of signs or premises, in such a manner or in such location as to obstruct the view of, or be confused with, any authorized traffic signal, notice or control device.
- C. Removal.** Any such signs or light sources shall be removed at the direction of the City of Hermann. If not removed by owners or occupants of the property within ten days of notice, the City of Hermann shall cause the signs to be otherwise removed, and the cost of removal shall become a lien against the property until satisfied.

**Section 410.090. Other Signs in Public Right-of-Way.**

Any other sign placed in the public right-of-way in violation of this Chapter shall be deemed a public nuisance and may be seized by the enforcement official or other representative of the City, and the person owning or placing the sign may be charged both with a violation of this Chapter and with the cost of removing and disposing of the sign.

### **Section 410.100. Sign Permits.**

The following procedures shall govern the application for, and issuance of, all sign permits under this Chapter.

**A. Applications.** All applications for sign permits of any kind shall be submitted to the zoning inspector or his or her designee on an application form or in accordance with application specifications published by the Zoning Inspector. An application for construction, creation or installation of a new sign or for modification of an existing sign shall be accompanied by detailed drawings to show dimensions, design, structure and location of each particular sign. One application and permit may include multiple signs on the same lot.

**B. Action.** Within seven (7) business days of the submission of a complete application for signed permit, the Zoning Inspector shall either:

1. Issue the sign permit, if the sign that is the subject of the application conforms in every respect to the requirements of this Chapter; or
2. Reject the sign permit if the sign that is the subject of the application fails in any way to conform to the requirements of this Chapter. In case of a rejection, the Zoning Inspector shall specify in the rejection the section or sections of this Chapter with which the sign is inconsistent.

**C. Inspection.** The Zoning Inspector shall cause an inspection of the lot for which each permit for a new sign or for modification for an existing sign is issued. During the sixth month after the issuance of such permit or at such earlier date as the owner may request. If the construction is not substantially complete at the time of inspection, the permit shall lapse and become void. If the construction is complete and in full compliance with this chapter and with the building and electrical codes, the Zoning Inspector shall affix to the premises as permanent symbol identifying the sign and the applicable permit by number or by other reference. If the construction is substantially complete but not in full compliance with this Chapter and applicable codes, the Zoning Inspector shall give the owner or applicant notice of the deficiencies and shall allow an additional thirty (30) days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse.

**D. Continuous Maintenance of Permit Required.** The Owner of a lot containing signs requiring a permit under this Chapter shall at all times maintain in force a sign permit for such property.

### **Section 410.110. Violations and Enforcement.**

A Violation of any provision of this Chapter shall be prosecuted as a misdemeanor.

**SECTION TWO:** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**SECTION THREE:** This Ordinance shall be in full force and effect from and after its passage and adoption.

**SECTION FOUR:** The publisher of the City of Hermann Ordinances shall be permitted to re-designate section or subsection numbers contained in this Chapter as may be necessary within the discretion of the publisher.

First Reading: September 9, 2019

Second Reading: \_\_\_\_\_

VOTE:

Name	First Reading			Second Reading		
	Aye	Nay	Abs	Aye	Nay	Abs
Alderman David Faerber	x					
Alderman Bruce Cox	x					
Alderman Jim Schirmer	x					
Alderman Susan Lenger	x					

Passed and approved this \_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
DR. ROBERT C. KOERBER, Mayor

\_\_\_\_\_  
PATRICIA HEANEY, City Clerk