DIVISION 80: SIGN REGULATIONS

Section 80-010 Purpose and Intent

The purpose of this Section shall be to coordinate the type, placement, and scale of signs within the different zoning districts to recognize the commercial communication requirements of all sectors of the business community; to encourage the innovative use of design; to promote both renovation and proper maintenance; to allow for special circumstances; and to guarantee equal treatment under the law through accurate record keeping and consistent enforcement. These shall be accomplished by regulation of the display, erection, use and maintenance of signs. No sign shall be permitted as a main or accessory use except in accordance with the provisions of this Ordinance.

Because of Nevis' unique environmental setting and awareness and its reliance on tourism, it is further the intent of this ordinance to encourage quality and aesthetics in the size, design and the materials used for sign construction; to enhance the overall appearance and image of the City; and to assure that the public is not endangered by the unsafe, disorderly or unnecessary use of signage.

Section 80-020 Scope

This ordinance shall not regulate official traffic or government signs; the copy and message of signs; signs not intended to be viewed from a public right-of-way; window displays; product dispensers and point of purchase displays; scoreboards on athletic fields; flags of any nation, government or noncommercial organization; gravestones; barber poles; religious symbols; commemorative plaques; the display of street numbers; or any display or construction not defined herein as a sign.

Thus, the primary intent of this Ordinance shall be to regulate signs of a commercial nature intended to be viewed from any vehicular or pedestrian public right-of-way.

Section 80-030 Sign Definitions

Abandoned Sign: A sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, and/or for which no legal owner can be found.

Administrator: - The zoning administrator or designated representative.

Area*:* (See Sign, Area of)

Awning: A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework (compare Marquee).

Awning Sign: A sign painted on, printed on, or attached flat against the surface of an awning.

Banner Sign*:* A sign made of fabric or any non-rigid material with no enclosing framework.

Billboard: A sign erected and used for the purpose of advertising a product, event, place, person, or subject not related to the premises on which the sign is located.

Blade Sign*:* (See Ground Sign)

Building*:* As defined in Section 10-040 of this Ordinance.

Building Face*:* The exposed face of a building, including windows and doors, from ground level to the roof line. Where a building has a facade, mansard, or awning, the zoning administrator shall work with the applicant to determine what constitutes the aggregate building face for purposes of signage.

Canopy: A rigid, multi-sided structure covered with fabric, metal or other material and supported by a building at one or more points or extremities and by columns or posts embedded in the ground at other points or extremities. Maybe illuminated by means of internal or external sources (compare Marquee).

Canopy Sign: A sign affixed or applied to the exterior facing surface or surfaces of a building or freestanding canopy.

Clearance (of a sign): The smallest vertical distance between the grade of the adjacent street, highway, or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

Clearview Zone: The area of a corner lot closest to the intersection which is kept free of visual impairment to allow full view of both pedestrian and vehicular traffic. Typically, such an area is established by marking a point at which the two curb lines intersect, measuring back twenty (20) feet on each street front, and drawing a line across the two back points to form a triangulated area. No sign in excess of three (3) feet above curb-grade or support pole larger than twelve (12) inches in diameter may be installed in this area. Freestanding signs must have at least ten (10) feet clearance to grade.

Construction Sign: A temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

Copy: The graphic content of a sign surface in either permanent or removable letters, pictographic, symbolic, or alphabetic form.

Directional Sign, Off Premise: An off-premise sign which provides a directional assistance to access an establishment conveniently and safely. Such signs shall be limited by the Administrator in size, height, and placement as justified.

Directional Sign, On Premise: An on-premise sign giving directions, instructions, or facility information and which may contain the name or logo of an establishment but not advertising copy, e.g., parking or exit and entrance signs. May contain logo provided that the logo may not comprise more than 20% of the total sign area.

Double-faced Sign: A sign with two faces, essentially back-to-back or v-construction.

Electrical Sign: A sign or sign structure in which electrical wiring, connections, or fixtures are used.

Facade: The entire building front including the parapet.

Face of Sign: The area of a sign on which the copy is placed.

Freestanding Sign: A single-pole sign supported permanently upon the ground by poles or braces and not attached to any building; or a double-pole sign with multiple signs between the two supports.

Frontage: The length of the property line of any one premise along a public right-of-way on which it borders.

Government Sign: Any temporary or permanent sign erected and maintained by the city, county, state, or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, public service, property, or facility.

Ground Sign *(also Blade Sign)*: A sign which is anchored to the ground similar to a pylon or freestanding sign, but which has a monolithic or columnar line and which maintains essentially the same contour from grade to top. Height and setbacks are to be the same as for freestanding signs.

Height (of a sign): The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less (compare Clearance).

Identification Sign: A sign whose copy is limited to the name and address of a building, institution, or person and/or to the activity or occupation being identified.

Illegal Sign: A sign which does not meet the requirements of this code and which has not received legal nonconforming status.

Incidental Sign: A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises, e.g., a credit card sign or a sign indicating hours of business. Maximum size is four square feet.

Low Profile Sign (also Monument Sign): A sign mounted directly to the ground with maximum height not to exceed six (6) feet.

Maintenance: For the purposes of this ordinance, the cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign.

Mansard: A roof having two slopes on all sides with the lower slope steeper than the upper one.

Marquee: A permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building.

Marquee Sign: Any sign attached to or supported by a marquee structure.

Monument Sign: *(See Low Profile Sign).*

Multiple-faced Sign: A sign containing three (3) or more faces, not necessarily in back-to-back configuration.

Nameplate: A nonelectric on premise identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

Nonconforming Sign:

1. A sign which was erected legally, but which does not comply with subsequently enacted sign restrictions and regulations.
2. A sign which does not conform to the sign code requirements, but for which a special permit has been issued.

Off-Premise Sign: A sign structure advertising an establishment, merchandise, service or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located, e.g., billboards or outdoor advertising.

On-Premise Sign: A sign which pertains to the use of the premises and/or property on which it is located.

Owner: A person recorded as such on official records. For the purposes of this Ordinance, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the Administrator, e.g., a sign leased from a sign company.

Painted Wall Sign: Any sign which is applied with paint or similar substance on the surface of a wall.

Person*:* Any individual, corporation, association, firm, partnership, or similarly identified interest.

Point of Purchase Display: Advertising of a retail item accompanying its display, e.g., an advertisement on a product dispenser, tire display, etc.

Political Sign: A temporary sign used in connection with a local, state, or national election or referendum.

Portable Sign: Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

Premise: A parcel of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

Projecting Sign: A sign other than a flat wall sign, which is attached to or projects from a building wall or other structure not specially designed to support the sign.

Real Estate Sign: A temporary sign advertising the real estate upon which the sign is located being for rent, lease or sale.

Roof Sign: Any sign erected over or on the roof of a building (compare Mansard, Wall Sign)

Sign: Any device, structure, fixture, or placard using graphic symbols, and/or written copy for the primary purpose of identifying, providing directions, or advertising any establishment, product, goods, or services.

Sign, Area of: Includes the space inside a continuous line drawn around and enclosing all letters, designs, and background materials exclusive of border, trim and structural supports. For the purpose of calculating the sign area of multiple-faced or back-to-back signs, the stipulated maximum sign area shall refer to a single face.

Snipe Sign: A temporary sign or poster affixed to a tree, fence, etc.

Subdivision Identification Sign: A freestanding or wall sign identifying a recognized subdivision, condominium complex, or residential development.

Temporary Sign: A sign not constructed or intended for long-term use. Such sign is intended for special events, prior to a permanent sign, etc. e.g., a business that is opening soon, grand openings, etc.

Under-Canopy Sign: A sign suspended beneath a canopy, ceiling, roof, or marquee.

Wall Sign: A sign attached essentially parallel to and extending not more than twenty-four (24) inches from the wall of a building with no copy on the sides or edges. This definition includes painted, individual letter, and cabinet signs, and signs on a mansard.

Window Sign: Lettering placed directly on a window surface.

Section 80-040 General Provisions

It shall hereafter be unlawful for any person to erect, place, or maintain a sign in the City of Nevis except in accordance with the provisions of this Ordinance. If signs do not meet the front yard requirements, a method of averaging may be used to determine the location of a new sign. Signs, other than governmental signs, are prohibited within public rights-of-way and easements and on public property without written permission of the City Council. Projecting signs, awnings and canopies that overhang a sidewalk or other pedestrian way shall provide a minimum clearance above the said pedestrian way of eight (8) feet. Unless otherwise prohibited, all signs may be illuminated.

Section 80-050 Prohibited Signs
The following signs are prohibited in all districts:

1) Vacant or abandoned building signs - owner has 60 days to remove after notification by Zoning Administrator.
2) Signs imitating or resembling official traffic or government signs or signals in shape, size or color.
3) Snipe signs or signs attached to trees, telephone or utility poles, public benches, streetlights, or placed on any public property or public right-of-way.
4) Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said signs (this does not apply to allowed portable signs or to signs or lettering on buses, taxis, or vehicles operating during the normal course of business).
5) Signs that obscure official traffic control devices.
6) Search lights except with approval from the City Council.
7) Signs that emit sound.
8) Signs anchored by guy-wires, chains, cables or similar devices that project down to the ground or that, in any way, create an unsafe condition for pedestrians or motorists.

Section 80-060 Permits Required
Unless otherwise provided by this Ordinance, all signs shall require permits and payment of fees as described in the Addendum Fee Schedule of the Nevis City Code. No permit is required for the maintenance of a sign or for a change of copy on painted, printed, or changeable copy signs. Failure to obtain a sign permit prior to erection of sign will result in a double permit fee.

Section 80-070 Signs Not Requiring Permits
The following types of signs are exempt from permit requirements but must be in conformance with all other requirements of this Ordinance:

1) Construction signs of thirty-two (32) sq. ft. or less.
2) Directional/information signs of nine (9) sq. ft. or less.
3) Holiday or special events decorations.
4) Nameplates of two (2) sq. ft. or less.
5) Non-Illuminated political signs per lot not to exceed sixteen (16) sq. ft. per sign. Such signs shall not be erected more than forty-five (45) days prior to the election or referendum concerned and shall be removed ten (10) days following such election or referendum. Political signs may be placed only on private property and only with the permission of the property owner.
6) Public signs or notices or any sign relating to an emergency.
7) Real estate signs, not exceeding 16 sq. ft. per frontage, and removed within 7 days after the sale. In the B-2 (General Business) district, signs not exceeding 32 sq. ft. per face are allowed.
8) Window signs.
9) Incidental signs.
10) Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance.
11) Works of art that do not include a commercial message.
12) Flags.
13) Traffic control signs on private property, such as “Stop,” “Yield,” and similar signs, the face of which meet Department of Transportation standards and which contain no commercial message of any sort.
14) Ad signs on vehicles – traveling or lawfully parked on operating and insured vehicles.
15) Freestanding or portable signs for garage sales not more than 4 sq. ft. On private property, maximum of 3 days and property owner is responsible for removal of signs.
16) Temporary or permanent signs by public utilities to warn the public.
17) Directional signs, not illuminated and not exceeding 2 sq. ft. For uses such as: churches, schools, hospitals, nursing homes, clubs, libraries or similar – only one per avenue or street directly leading to the establishment.

18) Banners on buildings for point of purchase displays or special events not to exceed five (5) banners per lot.
19) Temporary signs with approval from the Zoning Administrator.
20) Portable signs for special events that are displayed for seven (7) days or less.
21) Easel signs – two per lot, three if a corner lot.
22) One sandwich type, portable sign of 24" x 48" is allowed per building. Must be displayed only during business hours and removed when closed. Square footage is not included in building total square footage. Must not interfere with pedestrian traffic and must maintain a 6 foot path on the sidewalk.
23) A maximum of two (2) banners per parcel not exceeding 50 sq. ft. in size each.

Section 80-080 Maintenance
All signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. The Administrator shall have the right under Section 95-010 to order the repair or removal of any sign which is defective, damaged, or substantially deteriorated, as defined in the Building Code.

Section 80-090 Signs Permitted in All Districts
The following signs are allowed in all districts with the proper permit, if required:

1) All signs not requiring permits (Section 80-070)
2) One non-illuminated sign for each street frontage of a construction project, not to exceed forty-eight (48) sq. ft. sign area in residential zones or sixty-four (64) sq. ft. in sign area in all other zones. Such signs may be erected sixty (60) days prior to beginning of construction and shall be removed thirty (30) days following completion of construction.
3) Directional/Information sign(s) per lot as required.

Section 80-100 Signs Permitted in the Residential (R-1) District
The following signs are permitted with the issuance of a sign permit:

1) All signs as permitted in Section 80-090.
2) One subdivision identification sign per street frontage, neighborhood, subdivision or development, not to exceed forty-eight (48) sq. ft. sign area in each location.
3) One identification sign per entrance to apartment or condominium complex, not to exceed thirty-six (36) sq. ft. in sign area.
4) Permitted, non-residential uses, including churches, schools, clinics, etc., one freestanding sign not to exceed twenty-four (24) sq. ft. in sign area, one of this size per street frontage. One wall sign of twenty-four (24) sq. ft. is also allowed per street frontage. This also applies to legal, nonconforming uses in residential districts.
5) Home occupations – four (4) sq. ft. in lieu of other identification (nameplate) sign and may be illuminated in accordance with the ordinance. The sign must be located in the front yard.
6) All allowed freestanding signs shall have a maximum height limit of six (6) feet and shall have a setback of fifteen (15) feet from any public right-a-way.

Section 80-110 Signs Permitted in the Commercial Business (B-1) District
All signs may be illuminated but search or beacon lights are not allowed without special City Council permission. The following signs are permitted with the issuance of a sign permit:

1) Size of signs:

    a. Buildings are allowed 20% of exposed building face (max. 300 sq. ft.) per building side for signage.
    b. 100 sq. ft. max. for any one sign.

2) On-premise signs:

a. Free standing - one per street front, size is included in total square footage allowed. May not be located in or over right-of-way. Maximum height is fifteen (15) feet above grade.
b. Banners - two banners per building face with a maximum of 5 allowed.
c. Roof signs - shall be constructed to conceal supports so that the structure appears as a blade or a ground sign, the height shall not exceed twenty (20) percent of the total height of the building to which it is attached and is included in total square footage allowed per building face.
d. Projecting signs - not more than 8' from the wall of the building and must be a minimum of 8' above grade. (In no case may a sign project over a public street.)
e. Under canopy signs - not to exceed 8 sq. ft. and must have a minimum clearance of 8' to grade. Counts in total sq. footage allowed.
f. One sandwich type, portable sign of 24" x 48" is allowed per building. Must be displayed only during business hours and removed when closed. Square footage is not included in building total square footage. Must not interfere with pedestrian traffic and must maintain a 6 foot path on the sidewalk. No permit required.
g. Window signs are exempt from permit requirements.

3) Off-premise signs:

a. One off-premise sign is allowed per lot. The square footage to be part of total square footage allowed per building.

4) Portable signs:

a. Allowed three times per year, each for a four week time period.
b. Maximum size not to exceed 32 sq. ft.
c. One per lot, not included in aggregate sign area.

Section 80-120 Signs Permitted in General Business (B-2) and Light Industrial (I-1)
The following signs are permitted with the issuance of a sign permit:

1) Size of signs:

a. Two (2) sq. ft. for every linear foot of street frontage, for corner lots as measured along the longest street side or 20% of exposed building face, whichever is greater. Each face is counted separately for the total square footage of signs allowed per face.
b. 300 sq. ft. total maximum signage per building face.
100 sq. ft. maximum for any one sign.

2) On-premise signs:

a. Free-standing - one per lot; on corner lots, one per street frontage is allowed. One hundred (100) sq. ft. maximum for any one sign. Maximum height is 30 feet. Square footage of sign to be included in total square footage allowed per lot, setback of 10 feet from side property lines. On corner lots, the clearview zone must be established and adhered to.
b. Wall signs - included with total square footage as allowed per lot. 100 sq. ft. maximum allowed per sign.

3) Off-premise signs:

a. Maximum 100 sq. ft., spaced at least 100 linear feet from another off-premise sign on the same

side of the road. One allowed per lot. The sign shall not be permitted to be erected within 100 feet of an adjoining residential district boundary line or any public park, school, library, church or governmental building.

b. Maximum height of 15 feet and setback to be the same as structure setbacks. Illuminated as allowed by ordinance.
c. Permit must be renewed annually and a tag will be issued with permit to be placed on lower right hand corner or sign structure.
d. Off-premise signs are subject to the aggregate sign area allowed per lot.
e. All off-premise signs shall require the signature of the property owner where the sign is located.
f. Along state highways, off-premise signs must also be permitted by the Minnesota Department of Transportation.

4) Portable signs:

a. Allowed three times per year, each for a four week time period.
b. Maximum size not to exceed 32 sq. ft.
c. One per lot, not included in aggregate sign area.
d. Signs may be illuminated.

Section 80-130 Non-conforming Signs
Existing signs which do not conform to the specific provision of this Ordinance may be eligible for the designation "legal nonconforming" provided that:

1) The Administrator determines such signs are properly maintained and do not in any way endanger the public.

2) The sign was installed in conformance with a valid permit or variance, or complied with all applicable laws on the date of adoption of this ordinance.

A legal nonconforming sign may not be relocated or replaced and may not be altered in any way except toward compliance with this ordinance. This does not refer to changeable copy signs or normal maintenance. The legal nonconforming sign is subject to all requirements of this ordinance regarding safety, maintenance, and repair. However, if the sign suffers more than fifty (50) percent damage or deterioration, as based on appraisal, it must be brought into conformance with this code or removed.

Section 80-140 Administration and Enforcement
The Zoning Administrator shall be appointed by the City Council and is authorized to process applications for permits and variances, hold public hearings as required and enforce and carry out all provisions of this code. If any portion of this Section is found to be in conflict with any other provision of any zoning, building, fire, safety, or health ordinance, the provision which established the higher standard shall prevail. Failure to obtain a sign permit prior to erection of a sign shall result in a double permit fee and the possible removal of the sign.