

DIVISION 12.9 NONCONFORMING SIGNS

SECTION 12.9.1 NONCONFORMING ON-PREMISE SIGNS

12.9.1.1 Declaration of Public Policy

It is reasonable that a time limit be placed upon the continuance of existing nonconforming signs. An amortization program permits the owner to plan during a period when the owner is allowed to continue the nonconforming signs while at the same time assuring that the district in which the nonconforming signs exist will eventually benefit from a substantial uniformity of permanent signs.

12.9.1.2 Definition of Nonconforming On-Premise Signs

A nonconforming sign shall be any sign other than an outdoor general advertise device, which:

- A. On March 19, 1971, was lawfully maintained and had been lawfully erected in accordance with the provisions of any prior zoning ordinance but which sign does not conform to the limitations established by this Code on March 19, 1971, in the Zone District in which the sign is located; or
- B. On or after March 19, 1971, was lawfully maintained and erected in accordance with the provisions of this Code effective March 19, 1971, but which sign, by reason of amendment to this chapter effective March 19, 1971, after the effective date, does not conform to the limitations established by the amendment to this chapter effective March 19, 1971, in the Zone District in which the sign is located.

12.9.1.3 Continuance of Nonconforming Signs

Subject to the termination hereinafter provided, any nonconforming sign may be continued in operation and maintained after March 19, 1971; provided, however, that no such nonconforming sign shall be changed in any manner that increases the noncompliance of such nonconforming sign with the limitations established by the this Code effective March 19, 1971, or any amendment to this Code in the Zone District in which the sign is located; and provided further, that the right to continue in operation and maintain any nonconforming sign shall be conditioned on the use by right not having more signs than allowed for the particular Zone District in which the use by right is located, and that no such nonconforming sign shall flash, blink, fluctuate, be animated or portable.

12.9.1.4 Determination of Nonconforming Status

Nonconforming status shall be determined by the Zoning Administrator.

12.9.1.5 Termination of Nonconforming Signs

The following actions shall result in the termination immediately of the right to maintain a nonconforming sign:

A. By Abandonment

Abandonment of a nonconforming sign shall terminate immediately the right to maintain such sign.

B. By Violation of this Code

1. Unless remedied according to Section 12.9.1.5.B.2. below, Aany violation of this Code's sign regulations shall terminate immediately the right to maintain a nonconforming sign.
2. The following actions shall allow continuance of a nonconforming sign otherwise terminated pursuant to this Section 12.9.1.5.B., provided the nonconforming sign was not finally terminated prior to July 20, 2012:
 - a. The violation is completely remedied within 15 days from the date the Zoning Administrator gives notice that there is a violation of this Code's sign regulations, and the violation does not thereafter reoccur.

- b. Within 15 days from the date the Zoning Administrator gives notice that there is a violation of this Code's sign regulations, the subject property owner may submit to the Zoning Administrator a mitigation plan that proposes specific steps and time frames the owner will take to remedy the violation by a date certain, but in no case longer than 90 days from the date of the notice of violation. If the Zoning Administrator determines the violation cannot be corrected within 15 days from the notice of violation, the Zoning Administrator shall approve, approve with conditions or deny the property owner's plan, and may, for good cause, grant an extension of the mitigation period for up to one additional 90 day period. If the Zoning Administrator denies the plan, the property owner shall completely remedy the violation within 15 days of such denial.
3. Any reoccurrence of the same violation of this Code's sign regulations, or any violation of the approved mitigation plan, shall immediately terminate the right to maintain the nonconforming sign and no exceptions or variances shall be granted.

C. By Destruction, Damage or Obsolescence

The right to maintain any nonconforming sign shall terminate and shall cease to exist whenever the sign is damaged or destroyed, from any cause whatsoever, or becomes obsolete or substandard under any applicable ordinance of the city to the extent that the sign becomes a hazard or a danger.