

ARTICLE XIII Sign Regulations

Article 13: Sign Regulations

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Section 13.1. INTENT.

This Article is established to protect and promote health, safety, general welfare and order within the City of Okoboji through the establishment of uniform standards, regulations and procedures governing the type, number, size, structure, location, height, lighting, erection, use or display of devices, signs, or symbols serving as a visual media to persons situated within or upon public rights-of-way or private properties. The provisions of this Article are intended to encourage opportunity for effective, aesthetically compatible, and orderly communications by reducing confusion and hazards from unnecessary or indiscriminate use of signs. Except as provided in this ordinance, no person shall erect, maintain, alter, repair or move any sign or cause or permit the same to be done in violation of the provisions of this ordinance. No person in control of any premises in the city shall permit thereon any sign that violates the provisions of this Article. Nothing in this Article is intended to permit the erection or maintenance of any sign at a place or in any manner unlawful under ordinance or state or federal law.

Section 13.2. DEFINITIONS.

For the purpose of this ordinance, certain terms, phrases, words and their derivatives shall be construed as specified in this ordinance. Where terms are not defined, they shall have their ordinarily accepted meanings within the context in which they are used. Words in the singular include the plural and the plural the singular.

1. *Billboard (Off-Premise Sign)*: Any sign, or other free-standing or wall mounted structure, with a surface area of 160 square feet or more, that is erected, maintained or used for public display of posters, painted signs, wall signs, or other pictorial reading material which advertise a business or attraction that is not carried on, manufactured, grown or sold on the premises where said billboard is located.
2. *Changeable Copy*: A device consisting of a panel on a sign which panel is removable and replaceable, or on which wording can be changed, so as to provide convenient means for the sign owner to change advertising copy.
3. *Display Surface*: The area made available by the sign structure for the purpose of displaying an advertising message.

4. *Direct Illumination*: Illumination by light sources that are a part of the sign.
5. *Erect*: To build, construct, attach, hang, suspend or affix, and shall also include the painting of wall signs.
6. *Indirect Illumination*: Illumination derived from light sources that are not a part of the sign.
7. *Facing (or surface)*: The surface of the sign upon; against or through which the message is displayed or illustrated on the sign.
8. *Marquee*: is a permanent roofed structure attached to and supported by the building and projecting over public property.
9. *Nonstructural Trim*: is the molding, battens, caps, nailing strips, latticing, cutouts or letters and walkways attached to the sign structure.
10. *Off-Premise Sign*: A sign directing attention to a business, product, service or entertainment not conducted, sold or offered upon the property where such sign is located.
11. *On-Premise Sign*: A sign that directs attention to the name of the building or the name of the building management firm or to a business, principal product, service or entertainment conducted, sold, or offered upon the property where such sign is located.
12. *Person*: Any one being, firm, partnership, association, corporation, company or organization of any kind.
13. *Projection*: is the distance by which a sign extends over public property or beyond the building line.
14. *Roof Line*: The edge of the roof or the top of the parapet or the roof-top ridge, whichever forms the top line of the building silhouette, and where a building has several roof levels, this roof or parapet shall be the one belonging to that portion of the building on whose wall a sign is located.
15. *Setback Line*: is a line established by ordinance beyond which a building or sign may not be built or erected. A legal setback line may also be a property line.
16. *Sign (or Graphic)*: Any letters, pictorial representation, symbol, flag, emblem, illuminated devices, displayed in any manner whatsoever, which directs attention of persons to any object, subject, place, person, activity, product, service, institution, organization or business. However, this shall not include any official flag, emblem or insignia of a government, school or religious group when displayed for official purposes.
 - a. *Abandoned Sign*: Any on or off-premise sign in a state of neglect, or one that no longer correctly depicts or advertises a business no longer in operation.
 - b. *Address Sign*: A sign identifying street address only, whether written or numerical form.
 - c. *Awning (or Marquee) Sign*: Any fixed or collapsible frame structure or device of any kind otherwise known as a marquee or an awning erected or placed over any sidewalk and attached to a building or structure for the purpose of providing shelter from wind, sun, rain, or any other element of weather or upon which advertising is shown, painted or displayed. Permanent awnings or marquee signs may be lighted; however, such signs shall not have any flashing, strobe, or otherwise intermittent light emitting from the sign.

- d. *Campaign Sign*: A temporary sign promoting the candidacy of a person running for a governmental office, or promoting an issue to be voted upon at a governmental election.
- e. *Civic Sign (Service Club, Religious, etc.)*: Signs or notices relating to meetings of nonprofit service clubs, charitable associations or religious services.
- f. *Construction Sign*: A sign placed at construction site identifying the project or the name of the architect, engineer, contractor, financier or other involved parties.
- g. *Combination Sign*: A sign incorporating any combination of the features of pole, projecting and roof signs.
- h. *Directional Sign*: Signs containing directional information about public places owned or operated by federal, state or local governments; publicly or privately owned educational, historic, cultural or business sites; and areas of natural scenic beauty deemed to be of interest to the traveling public.
- i. *Electric Sign*: is any sign containing electrical wiring, but not including signs illuminated by an exterior light source.
- j. *Flashing Sign*: Any illuminated sign that has artificial light or color not maintained at a constant intensity or color when such sign is in use. A sign providing public service information, such as time, weather, date, temperature or similar information shall not be considered a flashing sign.
- k. *Free Standing Sign*: Any sign or sign structure, not securely attached to the ground or to any other structure. This shall not include trailer signs as defined in this section
- l. *Governmental Sign*: Any sign erected by a governmental unit.
- n. *Illuminated Sign*: Any sign having character, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper.
- o. *Identity Sign*: Any sign which carries only the name of the firm, the major enterprise or the principal use on the premises, or a combination of these, but containing no advertising.
- p. *Joint Identification Sign (or Mall Sign)*: A free-standing sign which identifies a subdivision, a multiple residential complex consisting of four or more structures, a mall or shopping center consisting of four or more separate business concerns, an industrial area, an office complex consisting of four or more structures or any combination of the above.
- q. *Monument Sign*: A sign identifying the name of a business and/or principal tenant(s) of said business, which is anchored to the ground similar to a ground sign, but which maintains essentially the same contour from grade to top.
- r. *Non-Conforming Sign*: A sign which lawfully existed at the time of the passage of this ordinance but which does not conform to the regulations of this ordinance.
- s. *Official Signs*: Signs or notices of a non-commercial nature and in the public interest, erected by or upon order of a public official in the performance of duty. Safety signs, memorial plaques and signs marking historical sites may be considered official signs.
- t. *Pole Sign or Ground Sign*: A sign wholly supported by a sign structure in the ground, or a sign supported by one or more uprights, poles or braces in or upon the ground other

than a combination sign, joint identification sign, or monument sign as defined by this ordinance.

- u. *Portable Sign*: A sign designed on wheels or trailer so as to be easily moved, or signs made to be picked up and moved. Any sign not designed for permanent mounting.
 - v. *Projecting Sign*: A sign, other than a wall sign, which projects from and is supported by a wall of a building or structure.
 - w. *Real Estate Sign*: A business sign placed upon a property advertising that particular property for sale, for lease or for rent.
 - x. *Roof Sign*: A sign located on or above the roof or parapet of any building.
 - y. *Swinging Sign*: A projecting sign that is free to move or swing while installed on an arm or spar permanently fastened to an adjacent wall or upright pole.
 - z. *Temporary Sign*: A banner, pennant, poster or advertising display constructed of cloth, canvas, plastic sheet, cardboard, wallboard or other like materials and intended to be displayed for a time period not to exceed 45 days.
 - aa. *Trailer or Vehicle Sign*: Any sign mounted on or trailered behind any vehicle used for advertising a business or promotional purposes. This shall not include vehicle mounted campaign signs or bumper stickers.
 - bb. *Wall Sign*: A sign affixed directly to or painted on or otherwise inscribed on an exterior wall and confined within the limit thereof of any building and which projects from that surface less than 12 inches at all points.
17. *Sign Structure*: Any structure that supports or is capable of supporting a sign as defined in this ordinance. A sign structure may be a single pole and may or may not be an integral part of the building.
18. *Structure*: That which is built or constructed, a building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.
19. *Structural Alteration*: Any replacement or change beyond ordinary repairs and maintenance in the shape or size of any portion of a sign or of the supporting members of a sign such as columns, beams or girders.

Section 13.3. PROHIBITED SIGNS.

The following signs, devices and sign locations are specifically prohibited in the City of Okoboji.

1. No sign or light shall move, flash or make noise. (Indicators of time and temperatures are exemptions.) Signs that contain or consist of banners, posters, pennants, ribbons, streamers, strings of light bulbs, or other similar moving devices are prohibited.
2. Signs shall not resemble, imitate, or approximate shape, form or color of traffic or railroad signs, signals or devices, or use such words as "STOP, LOOK, DANGER, GO SLOW, CAUTION, OR WARNING". Signs shall not obstruct or interfere with the effectiveness or traffic or railroad signs, signals, or devices. No sign shall be erected, relocated or maintained so as to prevent free ingress or egress from any door, window or fire escape, and no sign shall be

attached to a standpipe or fire escape. No sign shall be placed so as to obstruct or interfere with traffic visibility.

3. Signs painted directly on building walls are prohibited, excepting for necessary traffic directional signs, which shall be not more than 3 square feet in area.
4. Except as provided for elsewhere in this code, signs encroaching upon or overhanging public right-of-way shall be prohibited. Furthermore, no sign shall be attached to any utility pole, light standard, tree or any other public facility located within the public right-of-way.
5. Billboards.
6. Portable signs
7. Audible signs
8. Cloth, paper, soft plastic or similar advertising signs or devices other than in rigid frames as provided herein, except those intended as temporary signs.
9. Pennants or banners bearing any logo, product name, business name or other advertising, except those temporarily displayed as part of a special sale, promotion or community event. For the purposes of this section, “temporary” means no more than 30 days in any calendar year.
10. Any sign attached to, placed on, or painted on a vehicle or trailer and parked on public or private property for advertising purposes. The prohibition of this section does not prohibit the identification of a firm or its principal products on a vehicle operating during the normal course of business or when parked at the owner’s residence.
11. Any sign that impedes the use of a public street or sidewalk.

Section 13.4. TEMPORARY SIGNS (EXEMPT FROM PERMITS).

The following signs are allowed without a permit anywhere within the city, but shall comply with all other applicable provisions of this ordinance.

1. Official notices authorized by a court, public body or public safety official
2. The flag of a government or a noncommercial institution, such as a school
3. Religious symbols and seasonal decorations within the appropriate public holiday season
4. Memorial plaques, building identification signs and building cornerstones when cut or carved into a masonry surface or when made of noncombustible material and made an integral part of the building or structure
5. Real estate signs advertising the sale, rental, or lease of the premises, or part of the premises, on which the signs are displayed are permitted in all zoning districts up to a total of 6 sq.ft. in residential districts and not more than 32 sq.ft. in the C-1 General Commercial District. Such sign shall be removed within thirty (30) days after being marked sold, rented, or leased. Such signs shall be removed within 48 hours after closing of a sale of said premises. Real estate signs shall not be placed on public property. Not more than two (2) real estate signs shall be allowed

in R-3 (Lakeshore Residential District) with one sign on the lakeside and one on the street side. Not more than one (1) real estate sign per zoning lot is allowed in all other districts. Any real estate sign shall not exceed a height of more than six feet (6') above the grade from the adjoining land.

6. Address signs identifying street address only, whether in written or numerical form.
7. Construction signs, as a non-illuminated sign, which identify the architects, engineers, contractors and other individuals or firms involved with the construction (but not including any advertising of any product); and signs announcing the character of the building enterprise or the purpose for which the building is intended, during the construction period. The signs shall be confined to the site of construction and shall be removed within 15 days of the beginning of the intended use of the building. Construction signs shall not exceed 32 sq.ft. in area.
8. Political Campaigns Signs are allowed by Section 68A.406-yard signs, Code of Iowa.
9. Government signs of a public, non-commercial nature to include safety signs, danger signs, trespassing signs, traffic signs, signs of scenic or historical points of interest, memorial plaques and the like; when signs are erected by order of a public officer or government employee.
10. Directory signs which identifies the business, owners, manager, or resident occupant and sets forth the occupation or other address information but contains no advertising. There may be one directory sign per zoning lot not to exceed two (2) square feet of area per business or occupant.
11. Street banners advertising a public entertainment event, if specifically approved by the City Council, as only for locations designated by the City Council, and during and for 14 days before and 7 days after the event.
12. Other signs advertising open houses, garage sales, auctions, and other signs of similar nature shall be allowed to be erected for a continuous period no to exceed forty-eight (48) hours.

Section 13.5. GENERAL SIGN STANDARDS.

1. On-Premise Signs must be located on the property where the advertised activity is conducted. Size restrictions for these signs are listed according to the district in which they are located (*See Section 13.6*).
2. Off-Premise Signs are permitted only in areas zoned commercial and require conditional use permits, obtainable from the Board of Adjustment. The City of Okoboji requires that off-premise signs conform to the following:
 - a. There shall be no less than 200 feet spacing between off-premise signs.
 - b. Off-premise signs shall not be located less than 50 feet from any street intersection or junction.
 - c. No off-premise sign shall exceed 32 square feet in area and shall not exceed 15 feet in height above the ground.
3. Directional Signs are under control of the city and State of Iowa. A minimum of 100 feet spacing must be maintained between directional signs facing the same direction of travel. Business directional signs may be placed on street right-of-ways. They shall not exceed 4 square

feet in area. Costs of furnishing, erecting and maintaining business directional signs shall be borne by the respective businesses to which they apply.

4. Official Signs are excluded from control except that such signs may not exceed 32 square feet in area. City recognition signs may have an area of 160 square feet.
5. Civic, Service Club and Religious Signs are excluded from control except that they may not exceed 8 square feet in size, nor project more than 8 feet above the ground if ground-mounded.
6. Mall Signs (or Joint Identification Signs) must be located on the property where the mall is located. A mall, shopping center, or office complex must have a minimum of four businesses to be eligible for a joint identification sign. No sign shall exceed 70 square feet in area, and shall not exceed 15 feet in height above the ground. Joint identification signs are allowed only in areas zoned commercial for every 300 feet, and major fraction thereof, that a mall abuts onto a street. Such signs require conditional use permits obtainable from the Board of Adjustment.
7. Non-conforming Signs are signs already existing at the effective date of this ordinance, and which do not conform to the requirements listed herein. The cost of structural repairs or alterations of non-conforming signs shall not exceed 50% of the sign's replacement value, unless a sign conforming to this ordinance results. Any non-conforming sign that is either abandoned or unused for one (1) year shall be removed.
8. Sign Illumination. Internal and indirect external lighting of signs is permitted. Externally lighted sources shall be shielded so they do not cast beams toward vehicular or pedestrian traffic on any street or sidewalk. Any externally lighted sign so placed that the bottom of the sign is at least 8 feet above the ground shall be illuminated from the bottom or sides. No moving, flashing or strobe lights shall be used to illuminate any sign.
9. Sign Permits. No sign shall hereafter be located, erected, moved, constructed, extended, converted, or structurally altered without a permit and without being in conformity with the provisions of this ordinance. These permits are available from the Zoning Administrator.
10. Measurement of Sign Area. The square footage of a sign made up of letters, words or symbols within a frame shall be determined from the outside edge of the frame itself. The square footage of a sign composed only of letters, words or symbols shall be determined from imaginary straight lines drawn around the entire copy or grouping of such letters, words or symbols. Double-faced signs shall be calculated as the area of one side only. Three-dimensional or multi faced signs shall be calculated as the maximum area visible from any single direction at any point in time.
11. Condition and Maintenance. All signs shall be maintained in good condition in the opinion of the Zoning Administrator. All signs, together with all of their supports, braces, guys and anchors shall be kept in good repair and in a safe state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times.
12. Electronic Message Signs. Electronic message signs that display time and temperature, or provide changing messages are permitted, provided such signs do not blink or flash.

13. If any district is omitted from this ordinance, or if a new district is created after the enactment of this ordinance, no signs shall be permitted therein until this ordinance shall be amended to include the new district.

Section 13.6. SIGN REQUIREMENTS IN ALL RESIDENTIAL ZONED DISTRICTS.

The following signs pertaining to principal permitted or conditional uses are allowed in residential districts subject to the following regulations.

1. Home occupation signs are permitted pursuant to Section 11.20 of this ordinance. The sign may contain only the name and profession or occupation of the occupant of the premises, and no internal, external or artificial lighting will be allowed.
2. Boarding homes, apartment and multi-family dwellings allowed in the R-2 district will be allowed one identity sign not to exceed 12 square feet in area.
3. Permitted signs shall not project beyond any property line. If ground mounted, the top shall be not over 8 feet above the ground. If building mounted, it shall be flush mounted, shall not be mounted on any roof of the building and shall not project above the roof line.
4. Signs for non-residential or nonconforming businesses located in residential areas shall be limited to no more than twenty (20) square feet on one (1) free standing or wall sign not to exceed a height of eight (8) feet from the ground to the top of the sign structure.
5. Prohibited Signs: All flashing, internally illuminated or audible type signs are prohibited.

Section 13.7. SIGN REQUIREMENTS IN ALL OTHER ZONED DISTRICTS.

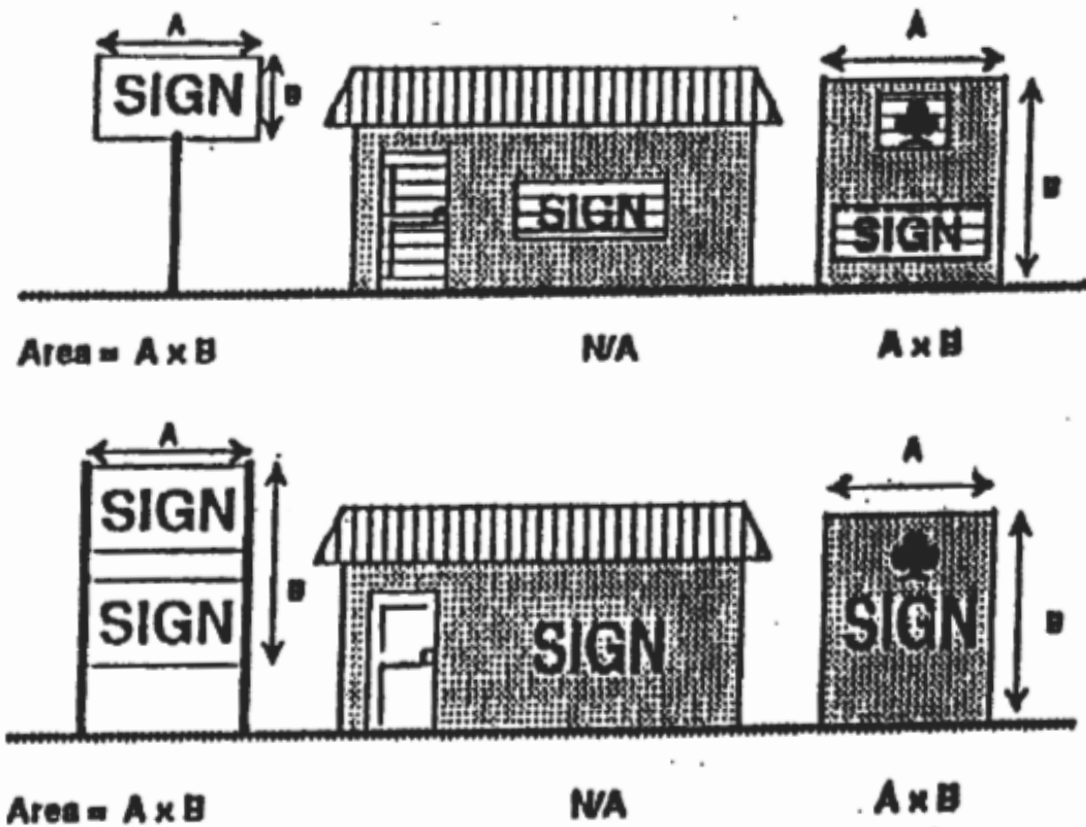
Signs pertaining to principal permitted and conditional uses are allowed subject to the following regulations.

1. Signs allowed in these districts shall be identity signs only, and only one identity sign will be allowed per business except as follows:
 - a. A business occupying 300 feet, or less, of a street frontage may have one (1) identity sign
A business occupying 301 feet to 600 feet - two (2) identity signs
A business occupying 601 feet or greater - three (3) identity signs
 - b. Businesses occupying corner lots may consider each abutting street separately as frontage for sign allowances on that street.
 - c. One (1) wall sign may be mounted on the exterior of each wall of a building, but not more than four (4) wall signs may be mounted on any building.
2. No sign shall project above the roof lines.
3. The maximum allowable sign area will be determined by the type of sign. The following types of signs are permitted within the commercial district.
 - a. Projecting signs shall not exceed 25 square feet, shall be placed so that the bottom of the sign is at least 8 feet above the ground, and shall not project into any street right-of-way.
 - b. Wall signs placed against the exterior walls of buildings shall not extend more than 12 inches out from the surface of the building. Wall signs shall not exceed 10% of the areas of

the walls on which they are mounted. Wall signs shall not extend above the walls on which they are mounted.

- c. Ground signs shall not exceed 15 feet in height above abutting street centerline grade. On lots with not more than 50 feet of street frontage, ground signs shall not exceed 32 square feet in area; on lots with over 50 feet, but not more than 100 feet of street frontage, ground signs shall not exceed 50 square feet in area; on lots with more than 100 feet of street frontage, ground signs shall not exceed 70 square feet in area.
- d. Changeable copy signs, where used, will be considered as parts of the allowable areas of the signs to which they apply.
- e. Total allowable square footage for a sign structure shall be computed as the area within the smallest square, rectangle, triangle, circle or combination of portions thereof enclosing the limits of the surface of a sign whereon the sign face or sign face modules may be placed, including all portions of a sign structure that provide a background for the sign face but are not intended to contain any advertising message or idea and are purely structural or decorative in nature. Any open space contained within the limits of the geometric figure delimiting the sign face, sign face module, or sign structure shall be included in the computation of the area of such sign face, sign face module, or sign structure, but in no event shall the total structure exceed two (2) times the allowable square footage for the sign face allowed.

Examples of Sign Structure Area Measurements



4. When a building contains offices or business establishments above the first floor, one (1) additional sign may be erected on the front of such building located at a first floor level. This sign shall be a directory type sign only for the purpose of listing such offices or business establishments located in said building. Each listing thereon shall be limited to 2 square feet.
5. When any business establishment has more than one customer or service entrance, said establishment will be allowed additional signing to be erected on, over or adjacent to each regular customer entrance, not to exceed 8 sq.ft.; or service entrance, not to exceed 2 sq.ft.
6. Signs may be on the vertical faces of awnings and marquees and may project below the lower edge of the awning or marquee not more than 6 inches. The bottoms of such signs shall be no less than 8 feet above the sidewalk or grade at any point. No part of the sign shall project above the vertical awning or marquee face.

Section 13.8. SIGN PERMITS AND FEES.

1. Applications. The permit application shall contain information on location of the proposed sign structure, the names and addresses of the sign owner and of the sign erector, drawings showing the design, size, and location of the sign and such other pertinent information as the Zoning Administrator may require to insure compliance with the ordinances of the city.
2. Fees. Fees for sign permits will be set by a resolution of the City Council.
3. Nullification. A sign permit will become null and void if the work for which the permit was issued has not been completed within a period of 6 months after the date of the permit.
4. Permit Exceptions. The changing of the advertising copy or message of an approved painted or printed sign or on a theatre marquee and similar approved signs which are specifically designed for the use of replaceable copy; in addition to the painting, repainting, cleaning, and other normal maintenance and repair of a sign or a sign structure unless a structural change is made shall not require a sign permit. Temporary signs are exempt from permit requirements and any signs erected by city, state or federal entities do not require permits.

Section 13.9. INSPECTION, REMOVAL & SAFETY.

1. Inspection. Signs for which a permit is required may be inspected periodically by the Zoning Administrator for compliance with this and other ordinances of the city.
2. Unsafe Signs. No advertising sign or billboard shall be allowed to remain if it is structurally unsafe and in a state of needed repair, and no sign will be permitted which constitutes a traffic hazard for safe and efficient operation of vehicles, or creates a condition endangering the safety of persons or property. The Board of Adjustment may order its removal based upon a report after inspection by the Zoning Administrator as to traffic or safety problems created by any such sign. The board shall notify the sign owner of any existing problem and if the conditions are not remedied in 30 days, a hearing shall be held to discuss the removal of said sign.
3. Maintenance. All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition.

4. Removal of Sign. The Zoning Administrator may order the removal of any sign erected in violation of this ordinance. The Zoning Administrator shall give 60 days notice in writing to the owner of such sign, or the owner of the building, structure or premises on which the sign is located, to remove the sign or to bring it into compliance. The Zoning Administrator may remove, or cause to remove, a sign immediately and without notice if, in the administrator's opinion, the condition of the sign is such as to present an immediate threat to the safety of the public. If not paid by the owner, the cost of removing the sign will be assessed to the property upon which the sign is situated, and collected in the same manner as taxes.
5. Abandoned Signs. Any on premise or off premise sign now or hereafter existing, which no longer advertises a bona fide business, or selling a product, shall be taken down and removed within sixty (60) days from date of notice provided by the city. Upon failure to comply with this notice, the Zoning Administrator or other city official or representative of the city may remove the sign and charge the cost of removal to the owner. If the sign owner cannot be located, the Zoning Administrator shall have the authority to remove the sign. The cost of removal will be assessed to the property upon which the sign is situated, and collected in the same manner as taxes.

Section 13.10. CONDITIONAL USES.

Any sign type may be granted conditional use status after review by the Board of Adjustment and subject to any conditions deemed by the board to be appropriate.

Section 13.11. NONCONFORMING SIGNS.

Nonconforming signs shall be brought to compliance upon change of ownership or occupancy of the premises. Any sign displayed pursuant to a permit issued under this ordinance may be required to be removed by the Board of Adjustment at any time after 18 months after the date of issuance of the permit and such limitations as a condition of the issuance of a sign permit.

Section 13.12. SIGN VARIANCES.

Specific requirements of this zoning ordinance may be varied by any person desiring to display a sign that is nonconforming with the ordinance by making application to the Board of Adjustment for a sign permit. Such application shall indicate the proposed location of the sign, a description of the sign, including the dimensions, lighting, and moving parts, if any, the owner of the sign and the owner of the property on which the sign is to be located.

1. Interpretation. Where there is ambiguity or dispute concerning the interpretation of this code, the decision of the Zoning Administrator shall prevail, subject to appeal as provided herein.
2. The Board of Adjustment will also serve as the board to hear such variance requests in matters relating to signs. The Board of Adjustment shall have the following powers.
 - a. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance or any supplement or amendment.
 - b. To hear and decide conditional uses to the terms of this ordinance upon which the board is required to pass under this ordinance.

- c. To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.
3. Sign Variance Approval. No variation in the application of the provisions of this ordinance shall be made by the board unless and until:
 - a. A written application for a variance is submitted demonstrating that
 - 1) special conditions and circumstances exist which are peculiar to the land, structure, building or use involved, and which are not applicable to other lands, structures, buildings or uses in the same district;
 - 2) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
 - 3) That special conditions and circumstances do not result from actions of the applicant;
 - 4) That granting the variance requested will not confer on the applicant any special privilege that is denied by the ordinance to other lands, structures, buildings or uses in the same district. No nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted use of lands, structures, building or uses in other districts shall be considered grounds for the issuance of a variance.
 - b. Upon receipt of an application for such a sign permit, the Board of Adjustment shall schedule and give at least seven (7) days public notice of a public hearing on the application. The applicant shall be notified in writing by the city clerk of the time and place of the hearing.
 - c. The board shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
 - d. In granting any variance, the board may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable as stated under Section XVI of this ordinance.
 4. Right of Appeal of a Sign Variance. Any person aggrieved by any decision or order of the Zoning Administrator relating to signs may appeal to the Board of Adjustment by filing with the Zoning Administrator and with the Board of Adjustment a written notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken. The Board of Adjustment shall fix a reasonable time (not to exceed 30 days) for the hearing of appeals and give public notice to the parties of interest, and shall decide the same within an additional 30 days, unless just cause is shown why it should take more time. A fee, in an amount set by the City Council, will be charged for filing an appeal.