



SIGN SPECIAL EXCEPTIONS

Sec. 22-11 Sign special exceptions

- (a) Upon being denied a permanent sign permit, a property owner may apply for a special exception.
- (b) A special exception from the terms of this Chapter shall not be granted by the City governing Body unless and until a written request for a sign special exception has been submitted demonstrating:
 - (1) that special conditions and circumstances exist such as, but not limited to, building orientation, vehicular circulation or vision obstructions (not to include landscaping) that are peculiar to the land, structure, or building that create a site specific justification for the exception;
 - (2) that a literal interpretation of the provisions of this Chapter would deprive the applicant of rights commonly enjoyed by other property of lands, structures or buildings of similar character with identical special circumstances (nonconforming signs shall not be grounds for issuing sign special exceptions), or alternatively, that a special exception from the provisions of this Chapter is warranted and justified to protect, preserve, or enhance the City's tax base or to prevent or eradicate conditions of economic blight;
 - (3) that the special conditions and circumstances do not result from the action of the applicant;
 - (4) that the sign special exception to be granted is the minimum measure needed to address the special conditions and circumstances that justify the special exception; and,
 - (5) that the sign special exception will be in harmony with the general purpose and intent of this Chapter and will not be injurious to the neighborhood, or surrounding property, and will not otherwise detrimental to safe and convenient use of nearby rights-of-way;
 - (6) that all other signage on the property is in substantial compliance with this Chapter, as applied.

- (c) The City governing body may grant special exception signage different than that contemplated by this comprehensive sign code and may require that such exceptional signage be removed and signage in conformance with this comprehensive sign ordinance substituted therefore if the circumstances giving rise to the need for such special exception no longer continues to exist. Further, the City governing body may limit or prohibit other signage which establishment might otherwise be allowed under the terms of this comprehensive sign code as a condition precedent to granting such special exception signage.
- (d) This process is available for all permanent signs except for off-premises signs. Special exceptions will not be considered for temporary signs. The prior sentence shall not apply for a six (6) month period of time after the City experiences the effects of a declared or actual state of emergency (regardless of whether natural or not), furthermore, the City governing body may grant a special exception to the provisions of this Chapter regulating temporary signs and transitory signs so as to allow on a special exception basis the display of temporary or transitory signage during such six (6) month period after considering the site specific physical and economic effects of the event or occurrence in addition to the factors stated above; furthermore, notice of the meeting at which the City governing body is to consider such temporary or transitory signage special exception shall not require the newspaper advertisement set forth in subsection (f) below, and finally, the City staff shall exert best efforts to expedite the City governing body's consideration of a written request for a special exception pursuant to this sentence so as to be considered within fourteen (14) days after the written request is received (or if there be no City Council meeting within such fourteen (14) days period which is available given the aforesaid notice requirement, considered at the next scheduled City Council meeting.)
- (e) Sign special exceptions are not legislatively sanctioned, and are to be discouraged. The applicant shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all issues, which are to be determined by the City governing body.
- (f) When the City governing body considers a sign special exception, notice of the meeting at which the matter shall be considered shall be given by posting the agenda on the City website and outside City Hall at least three (3) business days prior to the meeting, and by placing one (1) advertisement in a newspaper of general circulation at least ten (10) calendar days prior to such meeting.
- (g) The application and the processing fees for a sign special exception shall be collected through the City's cost recovery system (see Sec. 27-64 of this code), and the minimum required deposit shall be five hundred dollars (\$500.00).