

## **ORDINANCE NO. 3586**

**An ordinance amending the Broken Arrow Code of Ordinances, Appendix A – Chapter 5, Development Standards, Section 5.7, Signs, specifically amending the purpose and intent of the Sign Ordinance, bringing the Ordinance into compliance with federal law, establishing criteria for digital signs, amending the criteria for signs in Areas 5 and 6 of the Downtown Residential Overlay District, allowing and establishing criteria for commercial signs in Area 7 of the Downtown Residential Overlay District, and adding sections for pole signs, sandwich board signs, signs for educational institutions, and a Definitions section; repealing all ordinances or parts of ordinances in conflict herewith; and declaring an emergency**

### **BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROKEN ARROW:**

**SECTION I.** That Appendix A – Zoning Ordinance, Chapter 5.7, Signs, is hereby amended to read as follows:

#### **A. Purpose and Intent**

The purpose of this Section 5.7 is to ensure that the constitutionally guaranteed right to free speech is protected and to promote and protect the health, safety and general welfare of the citizens and the City of Broken Arrow through administering fair and reasonable sign standards. The intent is to preserve the aesthetic character and maintain traffic and pedestrian safety by defining the types of signs that are permitted and prohibited in the various zoning districts, the manner in which sign size will be measured, and to exempt certain types of signs from regulation.

The regulations set forth in this Section 5.7 are not intended to restrict content of signs and should not be construed that way. Rather, the regulations are intended to fulfill compelling government interests such as maintaining a visually attractive and safe environment through the following:

1. Traffic and Pedestrian Safety. To maintain traffic and pedestrian safety by regulating placement of signs so that clear sight distance is maintained, free of obstructions, and to ensure that signs do not distract or are not blinding to motorists, bicyclists, or pedestrians.
2. Aesthetics. To promote and maintain the beautification of the City of Broken Arrow by regulating the size, design and placement of signs in a manner that promotes and enhances the aesthetic quality and complements the natural areas.
3. Economic Development. To promote high-quality non-residential development that presents an attractive image of the City of Broken Arrow and contributes to quality of life and economic development.
4. Zoning District Considerations. To consider the intensity of land use areas in determining the appropriate signage for each district.
5. Historic Character. To preserve the scale and character of core areas such as the Downtown Area.

6. Property Values. To protect property values by regulating the time, place and manner of signs by prohibiting signs that may create a nuisance due to their size, height, number, illumination, movement and scale with the surrounding area.

**B. Permits and Registration**

**1. Issuance**

Sign permits and registrations shall be issued by the Community Development Department.

**2. Sign Permit Requirements**

No sign, except those that are registered under Subsection 3., allowed or exempt under Subsection 9. Or Subsection 10. below and temporary signs having six (6) square feet or less of display surface, may be constructed or erected within the City, on a single lot without first receiving a sign permit from Community Development. The permitted use of an on-premises sign, on its own premises, shall not be altered to any other use without first applying for and receiving a permit for such sign use. Applications for sign permits must include:

- a. Proof of ownership or written permission of the owner of the lot upon which the proposed sign will be constructed.
- b. A scaled drawing (site plan) of the property showing with dimensions the distance of the proposed sign location from property lines, structures, easements, and driveways.
- c. The proposed dimensions of the sign and a description of the method of supporting the sign.
- d. Elevations of the proposed sign location in comparison to structures and other elements.
- e. The measurement of distance from the proposed signs to the limited access highway, turnpike right-of-way, collector street, arterial street, property line or other boundary set out within the different zoning districts, however if the distance is greater than one thousand five hundred feet (1,500'), then no such measured distance is required to be reported, except that the applicant shall so state that the distance is greater than one thousand five hundred feet (1,500').
- f. The name and business address of the licensed contractor and the licensed electrical contractor if the sign is electrically powered.
- g. The name and contact information of the sign owner.

**3. Sign Permit Requirements (Applicable to Banner, Temporary, and Mobile Signs)**

- a. The applicant shall acquire a permit from the Community Development Department, with all lot owner's written authorization, for all banner, temporary, or mobile signs at least ten (10) business days prior to displaying such banner or sign. Permits under this ordinance are not transferable. See Subsection 5.7.F. below for further regulations.
- b. The lot owner requesting a permit for a banner, temporary, or mobile sign shall be notified in writing by the Community Development Department when the

registration is denied. The written notification will be given within a reasonable time after the denial.

**4. Sign Contractors**

Any contractor desiring to construct signs for others within the Broken Arrow city limits shall register their business name, business owner, address, phone number or other contact information, with the Community Development Department. Contractors who fail to register, or who fail to use licensed electricians, shall be subject to the penalties as described in Chapter 9 of this Zoning Ordinance.

**C. General Sign Standards in All Nonresidential Zoning Districts**

**1. Setbacks**

**a. From Public Right-of-Way**

No sign shall be erected, constructed, placed, or projected into or over any public right-of-way, except that in the DM and DF zone districts and Area 6 of the Downtown Residential Overlay District (DROD), projecting signs may extend into the right-of-way provided there is a vertical clearance of at least eight feet (8') above the sidewalk and the sign does not extend past the sidewalk.

- i. For locations adjacent to arterial streets, the right-of-way shall be defined as the ultimate right-of-way planned for the area as shown by the most recently adopted Comprehensive Plan for Broken Arrow. (Within five hundred feet (500') of all arterial street intersections, the ultimate right-of-way is seventy feet (65') from the section line. Beyond five hundred feet (500') of the arterial street intersection, the ultimate right-of-way for primary arterial streets is sixty feet (60') from the section line, and for secondary arterial streets the ultimate right-of-way is fifty feet (50') from the section line.)
- ii. For locations adjacent only to non-arterial streets, the right-of-way shall be defined as the actual area that is publicly owned, designated, or dedicated as right-of-way or as easement for one or more streets.

**b. From Residential Districts**

- i. No permanent freestanding signs, projecting signs, on-premises signs, or wall signs shall be located within fifty feet (50') of any residentially zoned district except for subdivision identification freestanding signs, or those permitted within a Planned Unit Development (PUD) or by a Specific Use Permit (SUP). Residentially zoned districts that are used solely for streets, railroads, or highways are excluded from this Subsection 5.7.C.1.b.
- ii. Any sign located within fifty feet (50') to one hundred feet (100') of a residentially zoned district shall be limited to a maximum height of eight feet (8') and shall not exceed sixty-four square feet (64 sq.ft.) of display area, regardless of setback.
- iii. Any sign located within two hundred feet (200') of a residential district shall not exceed three hundred square feet (300 sq.ft.) in display surface area.

**c. From Highway**

Freestanding signs shall be set back a minimum distance of ten feet (10') from any limited access highway or turnpike right-of-way, notwithstanding the setback requirements as set out in Section 5.7.C.5.b.

**d. Site Triangle Clearance**

Except for public signs, no signs shall be located within twenty-five feet (25') of the point of intersection of the ultimate right-of-way of two or more public streets, nor within twenty-five feet (25') of the intersection of a public street right-of-way and a private street or driveway, nor within the median of a divided driveway for a distance of twenty-five feet (25') from the entrance to the public street right-of-way.

**e. Pre-Existing Freestanding Signs**

In cases where there is a preexisting freestanding sign, any subsequent sign placement or land use shall also meet the above setback requirements.

- i. Modifications to pre-existing pole signs will be required to become compliant with sign design standards.

**f. Animated Signs**

No flashing, intermittent, animated graphic or moving sign shall be permitted within the City of Broken Arrow.

**2. Sign Illumination**

**a. Incandescent Illumination:**

- i. No sign shall exceed an illumination of seventy foot candles (70 fc) as measured at a two-foot (2') distance from the source of the illumination. Incandescent lamp message centers shall not be programmed to function as a strobe in an on-and-off display mode. Incandescent lamp message centers must utilize a dimming feature that will dim the lights during dark hours to no more than eighty percent (80%) of the normal watts used during daylight hours. Light source shall be shielded so that it does not impair the vision or endanger the safety and welfare of any pedestrian, cyclist, or person operating a motor vehicle.

**b. LED (Light Emitting Diode), Digital Signs:**

- i. Digital signs are primarily allowed in commercial or industrial zoning districts. Institutional uses within agricultural or residential zoning districts may be permitted to have a digital sign upon approval of a Specific Use Permit (Section 5.7.E.2).
- ii. One digital sign is allowed per business or entity as either a wall sign or a ground sign.
- iii. No digital sign shall display an illuminative brightness of such intensity or brilliance that it impairs the vision or endangers the safety and welfare of any pedestrian, cyclist, or person operating a motor vehicle. No digital (LED) sign shall display an illuminative brightness exceeding three hundred (300) NITs at any time between one-half (1/2) hour after sunset until one-half (1/2) hour before sunrise or five thousand (5,000) NITs between one-half (1/2) hour before sunrise until one-half (1/2) hour after sunset.
- iv. Digital signs shall display only static messages with constant light and do not have movement or the appearance or optical illusion of movement. The dwell time for a message shall be a minimum of eight (85) seconds.

- v. No digital sign shall resemble or simulate any warning or danger signal, or any official traffic control device, sign, signal or light.
- vi. No digital sign shall be permitted to operate unless it is equipped with a default mechanism that shall freeze the sign in one position or static message if a malfunction occurs.
- vii. Digital signs shall include a mechanism able to automatically adjust the display's illuminative brightness according to natural ambient light conditions by means of a light detector/photo cell by which the sign's brightness shall be dimmed after dark.
- viii. LED message centers shall be equipped with a security feature that prevents the sign message from being interfered with.

### **3. Separation of Signs**

All freestanding signs or projecting signs shall maintain a minimum separation of thirty feet (30') from any other freestanding sign or projecting sign. However, in cases where there is a preexisting off-premises advertising sign, except for those allowed in Section 5.7.D, any subsequent placement of a freestanding sign shall be separated by at least five-hundred linear feet (500') along the street frontage from the pre-existing off-premises advertising sign. Further, wall signs or projecting signs shall not exceed the height of the parapet of the building to which they are attached. Provided, where architectural features of the building will not permit a wall sign of at least three feet (3') in height, a wall sign may be extended above the parapet of the building wall a distance sufficient to permit a sign of three feet (3') in height.

### **4. Off-Premises Signs**

Off-premises signs shall not be permitted, except as provided in Section 5.7.D.

- a. Pre-existing billboards signs may be updated to ensure proper maintenance, and aesthetic quality. However, no new billboards shall be permitted.

### **5. Height**

- a. The height of freestanding signs shall be measured from the grade where the sign is located and shall not exceed twenty feet (20') in height except as modified by the following: additional height may be granted for additional setbacks, measured from the ultimate right-of-way line on a one foot (1') vertical to a two foot (2') horizontal basis, to a maximum of thirty feet (30').
- b. On lots that are adjacent to a designated turnpike right-of-way or limited access highway, the height of the sign may be increased to fifty feet (50') using the formula herein stated measured from the right-of-way line provided the sign is located within one-hundred feet (100') of the turnpike or limited access highway right-of-way line. However, a sign that is adjacent to a designated turnpike right-of-way or limited access highway, which sign's set back is located at the minimum distance allowed of ten feet (10'), shall have a maximum height of twenty-five feet (25').
- c. Any sign that projects over a pedestrian walkway shall have a minimum of eight feet (8') of vertical clearance.
- d. Any sign that projects over a vehicular access area shall have a minimum of fourteen feet (14') of vertical clearance.

**6. Size**

**a. Display Surface Area**

No sign shall exceed five hundred square feet (500 sq.ft.) of display surface area if being used by multiple users, nor three hundred square feet (300 sq.ft.) if used by a single user. Multiple users shall mean two (2) or more users on the sign. The identification plaque, decal, or other device that identifies the owner of the sign shall not be considered in the calculation of the multiple users.

**b. Adjacent to Turnpike or Highway**

- i. A single sign per lot with turnpike right-of-way or limited access highway frontage shall not exceed an aggregate display surface area of three square feet (3 sq.ft.) per each linear foot of limited access highway or turnpike frontage not to exceed a maximum of 300 sq.ft.
- ii. Multiple signs per lot with turnpike right-of-way or limited access highway frontage shall not exceed an aggregate display surface area of two square feet (2 sq.ft.) per each linear foot of limited access highway or turnpike frontage not to exceed a maximum of 500 sq.ft.

**c. All Other Signs**

All other signs per lot shall comply with the following standards except as otherwise provided within this Section 5.7:

- i. Lots with one (1) freestanding sign shall not exceed an aggregate display area of two square feet (2 sq.ft.) per linear foot of lot frontage not to exceed 300 sq.ft.
- ii. Lots with multiple freestanding signs shall not exceed an aggregate display area of one square foot (1 sq.ft.) per linear foot of lot frontage, not to exceed 500 sq.ft.
- iii. Wall signs and projecting signs may utilize an aggregate display surface area of three square feet (3 sq.ft.) per linear foot of the wall on which it will be placed.

**d. Sign Area Measurement**

In computing the permitted display surface area for signs, the linear footage of an abutting secondary residential street shall not be combined with the linear footage of any collector street, arterial street, limited access highway or turnpike that is being used to calculate the permitted display surface area. Only one (1) side of a double-sided sign shall be included in the computation of display service area. Double-sided signs may be separated, as long as the separation of the two (2) display surfaces shall not exceed ten feet (10').

**7. Forbidden Lights and Representations**

No sign containing facsimiles of traffic control devices of any sort shall be located within one hundred feet (100') of the point of intersection of two (2) or more public streets. No revolving red or blue lights shall be allowed. No sign containing light shall exceed an illumination of seventy-foot candles (70 fc) as measured at a two-foot (2') distance from the source of the illumination.

**8. Public Easements**

Signs may be erected within public utility easements and the unused portions of platted alleys under the following conditions:

- a. Sign structural poles/footings shall not be located immediately over City-owned utilities, (i.e., waterlines, sanitary sewer lines, storm water lines, or facilities owned by the City) that are located in public utility easements or the facilities of franchised utility providers. Freestanding Signs may be placed in public drainage easements upon prior written approval by the City Engineer.
- b. The construction of the sign must be lawful.
- c. Site plans that show a sign placed in a utility easement shall have the following note placed on the face of the site plan: "Sign owner(s) assume all liability and replacement responsibilities for any damage to signs placed in utility easements."
- d. Sign placement within the public utility easement or alley should be done at the sign owner's own risk, and with the express knowledge that the needs for the construction, reconstruction, maintenance and repair of the existing or future publicly owned or franchised utilities are a priority and dominant over the servient estate of the sign placement.
- e. The sign placed in a public utility easement must meet the setback requirements of this Article. The sign shall be constructed so that no portion thereof projects over the street right-of-way, or blocks the site triangle at intersections or blocks the sidewalks to normal pedestrian or bicycle traffic.
- f. No sign, nor any portion or support thereof shall be placed within a drainage easement or drainage area without the written approval of the City Engineer, regardless of how the drainage easement or drainage area may have been created, obtained or conveyed and regardless of how the drainage easement or drainage area is designated, whether it is an easement, right-of-way, or any other type of designation.
- g. As a precondition to a permit being issued for a sign constructed within public easements, the sign owner shall submit a written statement, which is either made a part of the plat or is recorded in the County land records that states to the effect that:
  - i. The sign owner acknowledges the prior rights and status of the public, its trustees, and franchised utility owners;
  - ii. The sign owner assumes all liability and replacement responsibilities for any damage to its signs located within utility easements, as well as for any damage to subsurface or overhead facilities located within the easement, which may be damaged during the construction, installation, maintenance or repair of the signs; and
  - iii. Acknowledgement that the sign is subject to removal at the sign owner's expense in the event that the City or a utility company has a need to construct, reconstruct, repair or maintain its facilities at that location.

**9. Certain Signs Not Prohibited**

The following types of signs shall be allowed by this Ordinance if located outside the right-of-way, and further, these types of signs will not be included in the computation of aggregate display surface area for other permitted signs:

- a. One (1) nameplate attached to the face of the wall of a building, not exceeding four square feet (4 sq.ft.) in surface area.

**b. Temporary Signs:**

- i. Temporary signs, not exceeding six square feet (6 sq.ft.) of surface area in residential zoned areas and not exceeding thirty-two square feet (32 sq.ft.) of surface area in agricultural, office, commercial, and industrial zoned areas.
- ii. Temporary signs for properties with planned or active construction, which are displayed along arterial frontages that do not exceed one half (1/2) of a square foot per each linear foot of arterial street frontage but not less than thirty two square feet (32 sq.ft.) and shall not exceed two hundred square feet (200 sq.ft.) of display area. A temporary construction sign shall be located upon the property where the construction work is taking place.

**c. Signs which are not visible from a public street.**

**d. Tablets built into the wall of a building or other structure utilized for inscriptions, memorials or similar historic or dedicatory purposes.**

**e. Signs of a warning, directive or instructional in nature erected by any unit of government or franchised utility.**

**f. Signs erected by public utility companies or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines, and similar devices.**

**g. Legal notices required by law to be posted.**

**h. Signs painted or posted on the surface of any window, when the display surface area of the sign does not cover more than twenty-five percent (25%) of the window.**

**i. Signs located inside a building and either oriented to be primarily visible from inside the building only, or located more than fifteen inches (15") from the window. Signs erected inside a building by private parties of a warning, directive or instructional nature and not exceeding three square feet (3 sq.ft.) of display surface area, including entrance, exit and restroom signs.**

**j. Signs attached by the manufacturer and function as labels of commodities.**

**k. Signs located on accessory equipment or structures, which identify the manufacturer, make or model, and which are limited to fifteen square inches (15 sq. inch) or less for each piece of equipment or structure. By way of example and not by limitation, equipment may include satellite dishes, air conditioners, fence components and similar items.**

**l. Street address numbers painted on the curb at the property owner's discretion.**

**m. Directional signs that are less than four square feet (4 sq.ft.).**

**10. Special Exemptions from Regulations**

- a. Except as specified in the Subsection 10. and in Subsection 9. above, *Certain Signs Not Prohibited*, signs that have not been issued a sign permit shall not be located in any zoning district of the City. Provided, that signs that were permitted by the City under previous sign regulations prior to the adoption of this



Ordinance, or signs that were permitted by the County under previous regulations prior to annexation, may continue to exist and receive ordinary maintenance unless and until the use of the sign is discontinued for a period of six (6) months, or the structure of the sign is damaged or destroyed in excess of fifty percent (50%) of its value, at which time such sign must be relocated in full conformity with the requirements of this ordinance.

- b. Individuals exercising their First Amendment rights, under the U.S. Constitution or their free speech rights under the Oklahoma Constitution, shall not be required to obtain permits for any sign so long as the sign is physically located on the lot of that individual's actual residence, or is being physically carried by that individual while exercising their First Amendment right of free speech. In addition such individual may not, while exercising their First Amendment rights, block any public way, whether right-of-way, exclusive easement, general utility easement or the associated sight triangles required for traffic safety. The sign located on the residential property must either be attached physically to the wall of the house or placed in the yard and shall not exceed sixteen square feet (16 sq.ft.), nor shall it exceed six feet (6') in height.
- c. Exemption for Governmental Public Signs: Public signs are exempt from the regulations of this Ordinance when placed by any governmental entity.

**11. Sign Owner Identified**

Each sign shall have a plaque, decal, be readable to a person of ordinary height and vision at a distance of two feet (2') from the base of the sign, and the information must be printed in English block print. This device must be readily accessible to an inspector employed by the City, but does not have to be generally observable to the public.

**12. Installation of Signs**

All signs, which are permitted under this Section or any future amendments thereto, shall be installed by licensed sign contractors in accordance with the locations and plans submitted at the time of the application and subsequently approved by the City.

**13. Pole Sign Construction Material:**

All pole signs will be required to wrap the base of the pole with masonry material to match the architectural style of the building on the site and to landscape the area around the base of the sign. If the pole sign is pre-existing and is being updated, then landscaping is not required when the existing area around the pole is paved so long as a landscaping box is a part of the updated design.

**14. Additional District-Specific Sign Regulations**

- a. Wall signs in the DM and DF zoning districts and Area 5 and 6 of the Downtown Residential Overlay District (DROD) shall have an aggregate display area not to exceed three square feet (3 sq.ft.) for each linear foot at the front building wall of the building not exceeding ten (10) percent coverage of the total wall area. Wall signs in the mixed-use, office, and commercial districts shall have an aggregate display area not to exceed one square foot (1') for each linear foot of the wall on which it will be placed.
  - i. Projecting sign shall be no larger than 12 square feet in area. Brackets for projecting signs should be located under a second floor window sill or a maximum of 15 feet from the street level.
  - ii. Neighborhood identification signs are permitted as outlined in the Broken Arrow Downtown Master Plan and the Downtown Residential Overlay

District guidelines including gateway signs that identify the primary entrances into the district.

- iii. When two or more businesses occupy the same building, identifying signs should be grouped together in a single panel.
  - iv. All signs in the downtown area require approval of the Community Development Director.
- b. In mixed-use, commercial, and industrial districts, no more than one (1) sign per one hundred, fifty feet (150') of limited access highway frontage, arterial street frontage, collector street frontage or a fraction thereof. On lots with multiple street frontages (i.e., corner lots, double frontage lots), the street frontage is not cumulative. In office districts, no more than one sign per one hundred feet (100'), or fraction thereof, of turnpike right-of-way, limited access highway frontage, arterial street frontage, collector street frontage.
- c. Properties having commercial uses located within Area 7 of the Downtown Residential Overlay District (DROD) shall be subject to the requirements of Section 5.7.C. with the additional requirements of:
- i. Shall be limited to ten feet (10) feet in height and a maximum area of fifty (50) square feet in area and include a masonry base.
  - ii. No pole signs shall be permitted
  - iii. Shall be setback fifty (50) feet from lots used for single-family residential

#### **15. Sign Regulations for Planned Unit Developments (PUD)**

Signs in a PUD shall be governed by this Ordinance, but may be modified by the express terms of the PUD.

#### **D. Integrated Development Identification**

A commercial and/or industrial development containing not less than 15 acres within a defined area (hereinafter referred to as "Development Area") under common ownership or control may provide Integrated Development Identification ("hereinafter "IDI") in accordance with the following requirements:

1. An application for IDI shall be submitted as a Specific Use Permit in compliance with the hearing and notice requirements set forth within Section 6.5.
2. A legal description of the Development Area (containing not less than 15 acres), an abstractor's certification of ownership of the Development Area, the owners' written authorization to proceed and a graphic depiction of the location, size, and height of the Integrated Development Sign as hereinafter defined, shall accompany the filing of the application.
3. The permitted signage within the Development Area shall be limited as follows:
  - a. One sign identifying the development and/or a tenant or tenants located within the Development Area shall be permitted (hereinafter the "Integrated Development Sign") for each 15 acres (rounded to the nearest multiple of 15) not exceeding 35 in height nor 300 square feet of display surface area.
  - b. In addition to the Integrated Development Sign, a free standing sign for an individual tenant within a platted lot shall be permitted not exceeding 10 feet in height nor 100 square feet of display surface area (hereinafter the "Tenant Sign")

and each Tenant Sign shall have a monument base of substantially the same material as the exterior of the principal building on the lot.

- c. Except as above modified, signs within the Development Area shall meet the requirements of Section 5.7.
- 4. Upon approval of a Specific Use Permit and prior to the issuance of a permit for any sign to be located within the Development Area, a declaration setting forth the following:
  - a. The legal description and a graphic depiction of the land area comprising the Development Area.
  - b. A recitation of the ownership of the Development Area.
  - c. A statement of the applicability of the provisions of this chapter.
  - d. A grant of any required easement sufficient to permit the location of a permitted sign not constituting an on premise sign.
  - e. Provision for maintenance of each integrated development sign.
  - f. Provision for the enforcement of the provisions of this chapter and the conditions of the Specific Use Permit by each owner of any parcel of land located within the Development Area.
  - g. Provision for the enforcement of the provisions of this chapter and the conditions of the Specific Use Permit by the City of Broken Arrow Oklahoma shall be submitted to and approved by the Broken Arrow Planning Commission and thereafter duly filed of record in the office of the County Clerk of the applicable County within which the Development Area is located.

**E. Agricultural and Residential Zoning Districts**

- 1. No sign in an agricultural or residential zoning district shall exceed thirty-two square feet (32 sq.ft.) or eight feet (8') in height, unless further limited by this Section. Signs advertising a Home Occupation are not allowed in any residential neighborhood.
- 2. Permanent freestanding signs located on lots used for institutional uses such as, religious or charitable institutions, may be constructed and maintained as long as such signs do not exceed thirty-two square feet (32 sq.ft.) of display surface area nor eight feet (8') in height. However, for the purposes of this Subsection 5.7.E.2. only, the maximum display surface area and height may be increased to the standards contained in Section 5.7.C. of this Article, through a PUD or by the Specific Use Permit process.
- 3. Permanent freestanding signs located on lots for educational institutions may be constructed and maintained to the standards contained in Section 5.7.C of this article.
- 4. Wall Signs and Freestanding Signs shall be allowed on each side of a subdivision entrance where the subdivision entrance intersects an adjacent arterial street or another subdivision. Signs shall not exceed thirty-two square feet (32 sq.ft.) of display surface nor eight feet (8') in height. Illumination may be provided as long as it is made by constant light, does not exceed seventy foot candles (70 fc) as measured as

a distance of two feet (2') from the source of light. Where the entrance of a subdivision is by way of a boulevard with a divided median, the identification sign may be placed within the traffic island, as long as the sign is located at least twenty-five feet (25') from the point of intersection of the arterial street right-of-way. LED Signs are not permitted for subdivision entrance signs.

5. During the period of planned or active construction of a new subdivision, a construction sign may be erected on each perimeter street leading to the interior development, as long as the sign does not exceed eight feet (8') in height and illumination may be provided as long as it is made by constant light, does not exceed seventy foot candles (70 fc) as measured as a distance of two feet (2'). Temporary Construction Signs shall be removed upon completion of construction on seventy-five percent (75%) of the available lots within the development. LED Signs are not permitted for new subdivision construction signs.
6. A sign not exceeding six square feet (6 sq.ft.) of display surface area may be erected by the owner or occupier of each residence. However, the sign may not be placed within the boundaries of any public street, nor any utility easement, or within the site triangle of the intersection of two streets or the intersection of a street and driveway. Such signs may not be used for commercial purposes within the residential zoning district, except for residential zoned properties in Area 7 of the DROD.

**F. Banner, Temporary, Mobile, Inflatable, or Promotional Business Signs**

**1. Duration, Height and Location**

- a. A Banner, Temporary, Mobile, Inflatable or Promotional Business sign shall be permitted only as provided herein, and such permits should be limited to no more than four (4) per year for any single Lot owner. Such Banner, Temporary, Mobile, Inflatable or Promotional Business Sign may be used for a period of no more than forty-five (45) days on any one occasion, provided that the applicant may at the time of application request that all or any of the four (4) permitted time periods run consecutively. However, the permitted time periods may not exceed one hundred twenty (120) days total during a one-year period from the date of the first application. All Banner, Temporary, Mobile Business, Inflatable or Promotional Signs must have the Sign owner's name, address and phone number affixed to the Banner, Temporary, Mobile, Inflatable or Promotional Business Sign at a location where it can be seen by inspectors, although it may be concealed from the public while on display in its ordinary manner.
- b. The height of Banner, Temporary, Mobile, Inflatable, or Promotional Business Sign shall not exceed the height specified in Section 5.7.C.5. All Banner, Temporary, Mobile, Inflatable or Promotional Business Sign shall be set back from the property line by a distance of one foot (1') horizontal for every one foot (1') vertical of the sign as measured from the base of the sign.
- c. No Banner, Temporary, Mobile, Inflatable or Promotional Business Sign shall be placed in a manner, which will interfere with the flow of vehicular and/or pedestrian traffic, or create traffic visibility hazards such as being placed in the sight triangles of the intersection of two (2) streets or the intersection of streets and driveways. Banner, Temporary, Mobile, Inflatable or Promotional Business Signs must be anchored to the selected location sufficient to keep them from being moved by wind or storm.

- d. No Banner, Temporary, Mobile, Inflatable or Promotional Business Sign shall be permitted to be located upon or within any required parking spaces or loading berths, nor shall it otherwise be located in such a manner to obstruct vehicular and/or pedestrian access or circulation.
- e. Except for Standard Public Signs, no Banner, Temporary, Mobile, Inflatable or Promotional Business Signs shall be located within twenty-five feet (25') of the point of intersection of the right-of-way of two (2) or more public streets, nor within twenty-five feet (25') of the intersection of a public street right-of-way and a private street or driveway, nor within the median of a divided driveway for a distance of twenty-five feet (25') from the entrance to the public street right-of-way.
- f. Regardless of any other provisions to the contrary, all Banner, Temporary, Mobile, Inflatable or Promotional Signs shall be designed and constructed to withstand a wind pressure of not less than forty (40) pounds per square foot of area, or of materials which are unlikely to become dangerous projectiles when propelled by windstorms.
- g. Except for Public Signs, Banner, Temporary, Mobile, Inflatable or Promotional Business Signs shall not exceed forty square feet (40 square feet) of display surface area.
- h. Sandwich board signs, also known as A-frame signs, are allowed only in Area 5 and 6 of the Downtown Residential Overlay District during business hours and do not require a Permit. They must allow for a clear path of travel at all times and shall not interrupt pedestrian activity.
- i. A temporary construction sign shall be located upon the property where the construction work is taking place.

**2. Mobile Sign Anchorage**

No Mobile Sign shall be placed unless such sign is anchored at each support by a steel rod driven at least eighteen inches (18") into the ground, or unless said sign is attached by a steel chain having at least three-quarters inch (3/4") links or by a steel cable of at least one-half inch (1/2") diameter to a building or to a permanent Freestanding Sign, or similar upright supporting structure.

**3. Zoning**

Banner, Temporary, Mobile, Inflatable, or Promotional Business Signs as set out in this Section E. may be permitted in any commercial, office or industrial zoning district.

**4. Number of Signs**

Banner, Temporary, Mobile, Inflatable, or Promotional Business Signs as set out in this Section E. shall not exceed more than one (1) sign at any given time per lot of record.

**5. On-Site Perimeter Light Pole Mounted Signs.** One sign, not to exceed 15 square feet, mounted to one on-site light pole with permanent type bracket, between the range of 3 feet and 10 feet from the ground, shall be permitted along each direction of store frontage at arterial intersections.

**6. Exceptions.** Signs, temporary or permanent, mounted to fuel island pumps, fuel island canopy columns (mounted with permanent type mounting bracket and not to exceed 3 square feet), placed on pallets of displayed product at the base of the fuel

island canopy columns or on the entry sidewalk at the store front shall be permitted, but exempt from fees.

## **G. Definitions**

### **1. The following are words and terms as they are used in Section 5.7:**

- a. Accessory.** Subordinate, customary, or incidental to, and on the same lot or on a contiguous lot in the same ownership and zone as the building or use being identified or advertised.
- b. A-frame.** A sign made of wood, cardboard, plastic, or other lightweight and rigid material having the capability to stand on its own support(s) and being portable and movable. Also known as a sidewalk, sandwich or springer sign.
- c. Animation.** Any visible mechanical movement in any sign, or apparent movement achieved by electrical pulsations or by other means, such as sequential light phasing.
- d. Animated sign.** A sign employing actual motion, the illusion of motion, or light and/or color changes achieved through mechanical, electrical, or electronic means. Animated signs, which are differentiated from changeable signs as defined and regulated by this Code, include the following types:
  - i. Environmentally Activated:** Animated signs or devices motivated by wind, thermal changes, or other natural environmental input. Includes spinners, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.
  - ii. Mechanically Activated:** Animated signs characterized by repetitive motion and/or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.
  - iii. Electrically Activated:** Animated signs producing the illusion of movement by means of electronic, electrical, or electromechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:
    - (A) Flashing:** Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For the purposes of this ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds four (4) seconds.
    - (B) Patterned Illusionary Movement:** Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.
- e. Awning.** A movable shelter supported entirely from the exterior wall of a building and of a type which can be retracted, folded or collapsed against the face of the supporting building.
- f. Balloon sign.** Means an individual or grouping of inflatable devices, at least three feet in height or width, with or without a specific message, figures or designs attached to its surface, used or intended to be used to attract attention. Depending upon its size or location a balloon sign may

be considered a ground sign, a roof sign, an attached sign or a freestanding sign. Any tethers to free-floating inflatable devices shall be of nonconductive material. Balloons that do not meet the definition in this paragraph are not governed under the regulations of this chapter, except that no balloon, regardless of size, shall be located in the street right-of-way, nor be allowed, when tethered to a site, to drift into the street right-of-way or utility wires. Also known as inflatable sign.

- g.** *Banner.* A flexible substrate on which copy or graphics may be displayed.
- h.** *Billboard.* (Including poster and panel types) means a non-accessory sign or sign structure upon which advertising may be posted, painted, or affixed, and which is primarily designed for the rental or lease of the sign space for a purpose unrelated to the use of the property upon which the sign is located.
- j.** *Building code.* The latest building code as amended and adopted by the City.
- j.** *Building frontage.* The horizontal, linear dimension of that side of a building, which abuts a street, a parking area, a mall, or other circulation area open to the public and has either a main window display or a public entrance to the building. In industrial districts a building side with an entrance open to industrial employees shall also qualify as a building frontage. Where more than one use occupies a building, each such use having a public entrance or main window display for its exclusive use shall be considered to have its own building frontage, which shall be the front width of the portion of the building occupied by that use.
- k.** *Canopy.* A permanently roofed shelter covering a sidewalk, driveway, service area or other similar area, which is usually supported by the building to which it is attached.
- l.** *Changeable Copy.* Copy or other images that physically change or give the appearance of change at intervals of less than ten minutes.
- m.** *Commercial Sign.* A sign that identifies, advertises, or directs attention to a business or is intended to induce a purchase of a good, property, or service, including, without limitation, any signs naming a brand of good or service and any sign which is not a noncommercial sign.
- n.** *Constant Light.* Light that provides a steady and continuous illumination intensity without flashing or strobes of light.
- o.** *Constant Text.* Text that is does not scroll across a display but is static.
- p.** *Contractor Sign.* Signs that denote the architect, engineer, contractor, lending institution or other related business when placed upon work under construction.
- q.** *Cutoff Fixture.* An outdoor light fixture shielded or constructed in such a manner that no more than two and one half (2.5) percent of the total light emitted by the fixture is projected above the **horizontal plane of the** fixture.
- r.** *Digital Sign.* A sign which displays an advertisement or message which is generated electronically and commonly utilizes computerized or electronic digital technology, including but not limited to digital display boards, electronic variable message signs, electronic billboards, and light emitting diode (LED) signs.

- s.** *Directional sign.* Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian and vehicular traffic.
- t.** *Director.* The city manager of the City of Broken Arrow, Oklahoma, or his or her duly designated representative.
- u.** *Double-sided sign.* A structure with two parallel and directly opposite signs with their faces oriented in opposite directions.
- v.** *Dwell Time.* The amount of time that an image remains on a digital display.
- w.** *Electronic Message Center or Board.* A digital sign which utilizes computer-generated messages or some other electronic means of changing copy. These signs display a message or series of messages, typically using light emitting diodes (LED) to emit light, to form words, numbers, and may include images or pictures.
- x.** *Flashing Illumination.* A light source or other image which in whole or in part physically change in light intensity or gives the appearance of such change.
- y.** *Flashing sign.* Any sign that incorporates in any manner apparent movement achieved by electrical pulsation, contains intermittent lighting or by other means such as sequential light phasing.
- z.** *Flood Lamp.* A form of lighting designed to direct its output in a specific direction with a reflector formed from the glass envelope of the lamp itself. Such lamps are so designated by the manufacturers and are typically used in residential outdoor area lighting.
- aa.** *Flood Light.* A form of lighting designed to direct its output in a diffuse, more or less specific direction, with a refracting elements located external to the lamp.
- bb.** *Footcandle (FC).* A quantitative unit measuring the amount of light cast onto a given point, measured as one lumen per square foot.
- cc.** *Freestanding sign.* A sign that is principally supported by a structure affixed to the ground, not supported by a building, including signs supported by one (1) or more columns, poles or braces placed in or upon the ground.
- dd.** *Frontage.* That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot, and excluding limited access highways.
- ee.** *Glare.* The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, to cause annoyance, discomfort, or loss of visual performance and ability.
- ff.** *Illuminated sign.* A sign where the sign face is illuminated in some manner whether by a light source contained within the sign structure or housing (internally illuminated) or by an external light source directed at the sign face (external illumination).
- gg.** *Inflatable sign.* See definition for balloon sign.
- hh.** *LED.* LED, or Light Emitting Diode, is a small electronic device that emits light when electrically charged and can be used in sign display boards, also known as electronic message centers.



- ii. *Light source.* The source of illumination and includes neon, fluorescent or similar tube lighting, the incandescent bulb (including the light producing elements therein) and any reflecting surface that, because of its construction and/or placement, becomes in effect the source of illumination.
- jj. *Light trespass.* Occurs when unshielded light crosses property boundaries.
- kk. *Lot.* A designated parcel, tract, or area of land established by a plat or other means as permitted by law, which is to be used, developed, or built upon.
- ll. *Lot line, front.* The property line dividing a lot from the right-of-way of the street. For a corner lot, the shortest street right-of-way line shall be considered as the front line.
- mm. *Lumen.* A quantitative unit measuring the amount of light emitted by a light source.
- nn. *Maintained Footcandles.* Illuminance of lighting fixtures adjusted for a maintenance factor accounting for dirt build-up and lamp output depreciation.
- oo. *Marquee.* A roof-like structure of a permanent nature that projects from the wall of a building and may overhang a public way. Changeable lettering may be a part thereof.
- pp. *Mobile sign.* A sign, which is not permanently attached to the ground, a structure, or any other sign and which is mounted or designed for mounting on wheels, or which is mounted or designed for mounting on a self-propelled or towed vehicle. Such signs shall include, but not be limited to benches, mobile advertising signs attached to a truck, chassis, detachable vehicle trailer, or other such mobile signs, but shall not include signs painted or otherwise inscribed on a self-propelled or towed vehicle.
- qq. *NIT.* NIT is a metric measurement typically used to rate the brightness of LED displays. Higher levels of brightness are needed during daylight hours while lower levels are needed during night time hours.
- rr. *Noncommercial Sign.* A sign with the purpose of conveying opinions or commentary in the marketplace of ideas and values, including but not limited to topics such as politics, sports, religion, policy, etc., and which in no way identifies, advertises, or directs attention to a business or is intended to induce a purchase of a good, property, or service, or portrays or symbolizes a good, property, or service, especially, but, without limitation, a brand or trade name, an identifiable container shape,, or a trademark, within one thousand feet from a point of commercial solicitation, sale, or distribution of such good, property, or service.
- ss. *Non-conforming Signs.* A sign lawfully existing at the effective date of the adoption or amendment of this Code but which would be prohibited under the terms of this Code or amendment thereto shall be deemed non-conforming. Said signs shall remain non-conforming and may continue subject to the following provisions:
  - i. Temporary signs shall be removed within ninety (90) days of the passage of this Code. Temporary signs include, but are not limited to banners, portable, A-frame, snipe and mobile signs.

- ii. Permanent, non-conforming signs may not be moved, altered or enlarged in any ways without conforming to the provisions of this Code.
- iii. Permanent, non-conforming signs that are damaged or partially destroyed by any means to the extent of more than fifty (50) percent of its current replacement costs at the time of damage shall not be replaced or reconstructed without conforming to the provisions of this ordinance.
- tt. *Off-premises sign.* An outdoor sign located in the outdoor environment with a message or design related to an individual, business, profession, product, service, event, point of view, or other commercial or noncommercial activity which is not sold, offered, or conducted on the same property where the sign is located.
- uu. *On-premises sign.* A sign located in the outdoor environment with a message or design related to an individual business, profession, product, service, event, point of view, or other commercial or non-commercial activity which is sold, offered, or conducted on the same property where the sign is located.
- vv. *Parapet.* A low protective wall along the edge of a roof, bridge, or balcony.
- ww. *Permitted use.* A use allowed by right within the applicable zoning district, subject to all applicable requirements of this Ordinance.
- xx. *Pole sign.* A freestanding sign that has typically had a visible support structure. Pole signs in the City of Broken Arrow are required to wrap the base of the sign with masonry.
- yy. *Portable signs.* A sign not permanently attached to the ground or a building and is readily moveable.
- zz. *Projecting sign.* A display sign that is attached directly to a building wall that extends more than 15 inches from the face of the wall.
- aaa. *Right-of-Way.* An interest in land controlled by the City that provides for the perpetual right and privilege of the City, its agents, franchise holders, successors, and assigns to construct, install, improve, reconstruct, remove, replace, inspect, repair, maintain, and use a public street, including related and customary uses of street rights-of-way such as sidewalks, bike paths, landscaping, mass transit facilities, traffic control, traffic control devices and signage, sanitary sewer, stormwater drainage, water supply, cable television, electric power, gas, and telephone transmission and related purposes in upon, over, below, and across the rights-of-way.
- bbb. *Roof sign.* A sign structure that is erected on or above a roof or that is installed directly on a roof's surface.
- ccc. *Semi-Cutoff Fixture.* An outdoor light fixture shielded or constructed in such a manner that it emits no more than five (5) percent of its light above the horizontal plane of the fixture, and no more than twenty (20) percent of its light ten (10) degrees below the horizontal plane of the fixture.
- ddd. *Sight triangle.* The area required to be clear of obstructions at the intersections of streets, highways, railroads, alleys and driveways.

- eee.** *Sign.* Any device visible from a public place whose essential purpose and design is to convey either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any other flags displayed from flagpoles or staffs will not be considered to be signs.
- fff.** *Sign area.* The "sign area" is the total of all sign faces on a sign. When the sign copy is mounted or painted on a panel or area distinctively painted, textured, or constructed as a background for the sign copy, the "sign area" is measured by the height and width of the area contained within the outside dimensions of the background panel or surface.
- ggg.** *Sign Height.* The vertical distance measured from the curb level to the highest point of the sign.
- hhh.** *Sign maintenance.* The replacing, repairing or repainting of part of a sign structure; periodic changing of bulletin board panels; or renewing of copy made unusable by ordinary wear and tear, weather, or accident.
- iii.** *Site plan.* A plot of a lot, drawn to scale, showing the actual measurements of the lot, the size and location of any existing or proposed buildings or other improvements, and the location of the lot in relation to abutting streets.
- jjj.** *Snipe sign.* A temporary sign that is made of any material, attached to a utility pole, tree, fence post, stake, stick, mailbox or any similar object, whether in the public right-of-way or not.
- kkk.** *Specific use permit.* A permit approved and issued for use or development, which must be acquired before a specific use can be constructed or started.
- lll.** *Standard public sign.* Any sign erected by the Federal Highway Department, state highway department, turnpike authority, county, or the City of Broken Arrow.
- mmm.** *Static Message.* An advertisement or message which, when displayed, contains no motion, flashing, changeable copy, running lights, variations in brightness, or animation.
- nnn.** *Temporary sign.* A sign that is not permanently affixed to the ground or to a building where it is located and can be removed from the premises. These signs are usually constructed of materials that are intended to last for at least 30 days. A temporary sign shall be located upon the property of the business, product, service or activity to which it is related. Temporary signs include, but are not limited to banners, portable, A-frame, snipe and mobile signs.
- ooo.** *Temporary construction sign.* A construction sign that is not permanently affixed to the ground or to a building where it is located and can be removed from the premises. These signs are usually constructed of materials that are intended to last for at least 30 days.
- ppp.** *Temporary election sign.* A political election sign that is not permanently affixed to the ground or to a building where it is located and can be removed from the premises. These signs are usually constructed of materials that are intended to last for at least 30 days. A temporary election sign shall be located upon private properties only and shall not be placed in the rights-of-way.

- qqq.** *Temporary real estate sign.* A real estate sign that is not permanently affixed to the ground or to a building where it is located and can be removed from the premises. These signs are usually constructed of materials that are intended to last for at least 30 days. A temporary real estate sign shall be located on the property for which it is advertising for sale or lease.
- rrr.** *Uplight.* An external light source that throws illumination upward, above the horizontal plane, onto a sign.
- sss.** *Variance.* A modification of applicable zoning district provisions granted by the Board of Adjustment after notice and hearing.
- ttt.** *Wall sign.* A sign that is painted on or attached directly to the surface of masonry, concrete, frame or other approved building walls, and which extends not more than 15 inches from the face of the wall.
- uuu.** *Wayfinding Sign.* Signage that enables a person to find his or her way to a given destination through the use of effective signage.

**SECTION II.** Any ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

**SECTION III.** An emergency exists for the preservation of the public health, peace, and safety, and therefore this ordinance shall become effective from and after the time of its passage and approval.

**PASSED AND APPROVED** and the emergency clause ruled upon separately this 18th day of February, 2020.

/s/ Craig W. Thurmond  
MAYOR

ATTEST:

/s/ Lisa Blackford  
(Seal) CITY CLERK, Deputy

APPROVED:

/s/ Trevor Dennis  
CITY ATTORNEY