

City of Buffalo, Minnesota
Ordinance 2025-1

AN ORDINANCE AMENDING THE SECTION 34 OF THE BUFFALO CITY CODE:

The City Council of the City of Buffalo hereby ordains:

Section 1.

These sections are hereby deleted in their entirety, and amended to read as follows:

Sec. 34-1: Purpose. The sign ordinance is intended to establish a comprehensive and balanced system of sign control that accommodates the need for a well-maintained, safe, and attractive community, and the need for effective communications including business identification. It is the intent of this section to promote the health, safety, general welfare, aesthetics, and image of the community by regulating signs that are intended to communicate to the public, and to use signs that meet the City's goals. The purpose and intent of this ordinance is to:

- a) Regulate the number, location, size, type, illumination, and other physical characteristics of signs within the city to promote public health, safety and welfare.
- b) Establish standards which permit all persons the opportunity to display a wide variety of messages; to preserve and protect the value of land, buildings and landscapes and promote the attractiveness of the community; to ensure that signs in the City are not a safety hazard to lives and/or property, to preserve order and to encourage persons to erect permanent signs and discourage temporary and/or portable signs.
- c) Improve the visual appearance of the City while providing effective means of communication, consistent with constitutional guarantees and the City's goals of public safety and aesthetics.

- d) Provide for fair and consistent enforcement of sign regulations set forth herein under the zoning authority of the City.

Sec 34-2: Findings. The City of Buffalo finds it is necessary for the promotion and preservation of the public health, safety, welfare, and aesthetics of the community that the construction, location, size, and maintenance of signs be controlled. The City Council hereby finds as follows:

- a) Exterior signs have a substantial impact on the character and quality of the environment.
- b) Signs provide an important medium through which people may convey a variety of messages.
- c) Signs can potentially create traffic hazards, aesthetic concerns, and detriments to property values, thereby threatening the public health, safety, and welfare.

The city's zoning regulations include the regulation of signs to provide adequate means of expression and to promote the economic viability of the business community, while protecting the City and its citizens from a proliferation of signs of a type, size, and location that would adversely impact upon the aesthetics of the community and threaten the health, safety, and welfare of the community. The regulation of the physical characteristics of signs within the City has had a positive impact on traffic safety and the appearance of the community.

Sec 34-3: Effect. A sign may be erected, mounted, displayed, or maintained in the City if it is in conformance with the provisions of this ordinance. The effect of this ordinance, as more specifically set forth herein, is to:

- a) Allow a wide variety of sign types in commercial zones, and a more limited variety of sign types in other zones, subject to the standards set forth in this sign ordinance.
- b) Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this sign ordinance.

c) Prohibit signs whose location, size, type, illumination, or other physical characteristics negatively affect the environment and where the communication can be accomplished by means having a lesser impact on the environment and the public health, safety, and welfare.

d) Provide for the enforcement of the provisions of this sign ordinance.

Sec 34-4: Severability. If any section, subsection, sentence, clause, or phrase of this Sign Ordinance is for any reason held to be invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of this Sign Ordinance. The City Council hereby declares that it would have adopted the Sign Ordinance in each section, subsection, sentence, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Sec. 34-5: Conflicts with Zoning Regulations. If there is a conflict between this chapter and the city zoning regulations, the zoning regulations shall prevail.

Sec 34-6: Definitions. The following words and terms shall have the meanings ascribed to them in this section:

a) *Sign*: Any writing, pictorial presentation, number, illustration or decoration, flag or other device that is used to announce, direct attention to, identify, advertise, or otherwise make anything known. The term "sign" shall not be deemed to include the terms "building" or "landscaping," or any architectural embellishment of a building not intended to communicate information.

b) *Address Sign*: A sign communicating only a street address.

c) *Alteration*: Any major alteration to a sign excluding routine maintenance, painting or change of copy.

d) *Area Identification Sign*:

1) The term "area identification sign" means a freestanding sign identifying the name of a:

a) Single- or two-family residential subdivision consisting of 20 or more lots.

- b) Residential planned unit development.
- c) Multiple residential complexes consisting of three or more independent operations.
- d) Single business consisting of three or more separate structures.
- e) Manufactured home court; or
- f) Any integrated combination of subsection (1) of this definition.

2) The term "area identification sign" are those that only identify an area, complex or development and not the name of individual owners, tenants, or advertising.

- e) *Awning Sign*: A sign constructed of flexible translucent or fabric-type material that incorporates a written message or logo on the exterior.
- f) *Balloon Sign*: A sign consisting of a bag made of lightweight material supported by helium hot or pressurized air which is greater than twenty-four 24 inches in diameter.
- g) *Banner*: Attention-getting device which is of a nonpermanent paper, cloth, vinyl, or plastic like consistency used to promote a specific community event.
- h) *Building Façade*: That portion of the exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation.
- i) *Business Sign*: A sign identifying a business or group of businesses, either retail or wholesale, or any sign identifying a profession or used in the identification or promotion of any principal commodity or service, including entertainment, offered, or sold upon the premises where the sign is located.
- j) *Canopy*: A roof-like cover often of fabric plastic metal or glass on a support which provides shelter over the approach to any building entrance.

k) *Construction Sign*: Any non-illuminated sign that displays information regarding the construction or development of the site on which it is displayed, including the name of the architect, engineer, contractor, financier, or other involved parties.

l) *Directional Sign*: A sign intended to facilitate the safe movement of pedestrians and vehicles into, out of, and around the site on which the sign is located.



Directional Signage

m) *Directory Sign*: An exterior informational wall sign identifying the names of businesses served by a common public entrance in a shopping center or office building.

n) *Dynamic Sign*: Any characteristics of a sign that appear to have movement or that appear to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. This includes a display that incorporates a technology or method allowing the sign face to change the image without having to replace the sign face or its components physically or mechanically. This also includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, "digital ink," or any other method or technology that allows the sign face to present a series of images or displays.

o) *Freestanding Sign*: Any sign not affixed to a building including but not limited to a ground sign, or monument sign.



Freestanding Sign

p) *Flashing Sign*: A directly or indirectly illuminated sign which exhibits changing light or color effect by any means to provide intermittent illumination which includes the illusion of intermittent flashing light by means of animation. This includes any mode of lighting which resembles zooming, twinkling, or sparkling.

q) *Illuminated Sign*: Any sign illuminated by an artificial light source either directed upon it or illuminated from an interior source.

r) *Informational Sign*: Any sign giving information to employees, visitors, or delivery vehicles, but containing no advertising or identification. Gas price and menu board signs are informational signs and shall not be included in calculating the size limitations imposed within the respective zoning district.

s) *Marquee*: Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of that building generally designed and constructed to provide protection from the weather.

t) *Menu Board*: A sign containing a food price list for restaurant customers but containing no advertising or identification.

u) *Mobile (Portable) Sign*: Any sign designed or intended to be moved or transported by trailer or on wheels. A sign may be a mobile sign even if it has wheels removed, was designed without wheels, or is attached temporarily to the ground, a structure, or other sign.



Mobile Sign

v) *Monument Sign*: Any free-standing sign in which the entire base of the sign structure is in contact with the ground, providing a solid and continuous background for the sign.



Monument Signs

w) *Mural*. A hand produced or machined visual graphic applied or affixed to the exterior surface of a building or structure through the application of paint, canvas, tile, metal panels, applied sheet graphic, or other medium. Uniform painting or coating of an exterior building surface does not constitute a mural. A mural is separate and distinct from graffiti, which is defined elsewhere in Section 26-231 of this code.

x) *Noncommercial Speech*: Messages that do not promote commercial products or services.

y) *Parapet*: A low wall located on the roof of a building.

z) *Painted Sign*: Any sign painted directly on the outside wall or roof of a building or on a fence, rock, or similar structure or feature in any zoning district.

aa) *Public Entrance, Common*: A public entrance providing access for the use and benefit of two or more tenants or building occupants.

bb) *Projecting Sign*: Any wall sign that protrudes horizontally more than one (1) foot from the wall to which it is attached.



cc) *Pylon (Pole) Sign*: Any freestanding sign which has its supportive structures anchored in the ground and which has a sign face elevated above ground level by poles or beams and with the area below the sign face open.

dd) *Sandwich Board Sign*: Any freestanding sign which is composed of two pieces of flat, rigid material in the shape of a square or rectangle that are hinged at the top and whose bottom edges rest on the ground to create a triangular shape when being displayed.

ee) *Sign Area*: The area within the marginal lines of the surface of a sign which bear the advertisement or, in the case of messages, figures or symbols attached directly to a building or sign structure, that area which is included in the smallest rectangle or series of geometric figures used to circumscribe the message, figure or symbol displayed thereon.

ff) *Sign, Maximum Height*: The vertical distance from the grade to the top of the sign.

gg) *Sign Structure*: The supports, uprights, bracing and framework for a sign, including the sign area.

hh) *Street Frontage*: The proximity of a parcel of land to one or more streets. An interior lot has one street frontage, and a corner lot has two or more frontages.

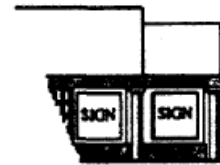
- ii) *Temporary Sign*: Any sign that is not permanently affixed to the ground, a sign that is not permanently affixed to any other permanent structure that is in turn affixed to the ground, or a sign that is capable of being moved by mechanical or non-mechanical means.



Temporary Sign

- jj) *Wall*: Any structure which defines the exterior boundaries or courts of a building or structure, and which has a slope of sixty (60) degrees or greater with the horizontal plane.

Wall Sign: A sign affixed to the



Window Sign

- kk) exterior wall of a building, and which is parallel to the building wall. A wall sign does not project more than 12 inches from the surface to which it is attached, nor extend beyond the top of the parapet wall.
- ll) *Window Sign*: Any sign placed on the interior of a window or painted on a window such that it can be read from the outside of the building.

Sec. 34-7: - Permit procedure; variances.

- a) Permit required unless exception applies. Except as otherwise specifically provided in this chapter, it is unlawful for any person to erect, construct, alter, rebuild, or relocate any sign or structure until a permit has first been issued by the city.
- b) Application. The following information for a sign permit shall be supplied by an applicant if requested by the city:
- 1) Name, address and telephone number of person making application.
 - 2) Name, address and telephone number of person owning the sign.

- 3) A site plan to scale showing the location of lot lines, building structures, parking areas, existing and proposed signs and any other physical features.
 - 4) Plans, location and specifications and method of construction and attachment to the buildings or placement method in the ground.
 - 5) Copy of stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction in the amount required by this and all other laws and provisions of this Code.
 - 6) Written consent of the owner or lessee of any site on which the sign is to be erected.
 - 7) Any electrical permit is required and issued for the sign.
 - 8) Such other information as the city shall require showing full compliance with this and all other laws and provisions of this Code.
- c) Issuance. The building official, upon the filing of an application for a permit, shall examine such plans, specifications and other data and the premises upon which it is proposed to erect the sign. If it appears that the proposed structure complies with the requirements of this chapter and all other laws and provisions of this Code, the permit shall be issued.
- d) Lapse. If the work authorized under a permit has not been completed within 60 days after the date of issuance, the permit shall be null and void.
- e) When council approval is required. When this chapter requires council approval for a sign, the application shall be processed in accordance with the procedural and substantive requirements of Chapter 50 for a conditional use permit.
- f) Variances. The council may, upon application, grant a variance from the terms of this chapter. The request for a variance shall be processed in accordance with the procedural and substantive requirements of Chapter 50.

- g) Fees. Fees for the review and processing of sign permit applications and variance requests shall be imposed in accordance with the city fee schedule.

Sec. 34-8: - Inspection. All signs for which a permit is required shall be subject to inspection by the building official. The building official may order the removal of any sign that is not maintained in accordance with the maintenance provisions of this chapter.

Sec. 34-9: - Standards and specifications generally. Signs within the city shall comply with the following standards and specifications:

- a) *Building code applicable.* The design and construction standards as set forth in the city's building codes shall apply to signs under this chapter.
- b) *Electrical code applicable; electrical service to be underground.* The installation of electrical signs shall be subject to the city and state electrical code. Electrical service to such sign shall be underground.
- c) *Noncommercial, advertising and business signs are subject to the same regulations.* Signs containing noncommercial speech are permitted anywhere that signs containing commercial speech are permitted, subject to the same regulations applicable to such signs. It is not the intent of this subdivision to increase the overall allowable sign numbers or sizes of any parcel.
- d) *Illumination not to interfere with traffic.* Illuminated signs shall be shielded to prevent lights from being directed at oncoming traffic in such brilliance that it impairs the vision of the driver, nor shall such signs interfere with or obscure an official traffic sign or signal. This includes indoor signs which are visible from public streets.
- e) *Proper maintenance required.* Signs and sign structures shall be properly maintained and kept in a safe condition. Sign or sign structures which are rotted, unsafe, deteriorated or defaced shall be repainted, repaired, or replaced by the permit, owner, or agent of the building upon which the sign stands.

- f) *Wall and roof attachments required approval.* No sign shall be attached to or be allowed to hang from any building until all necessary wall and roof attachments have been approved by the building official.
- g) *Attachment restricted; interference with utility poles and wires prohibited.* No signs, guys, stays, or attachments shall be erected, placed, or maintained on rocks, fences or trees nor interfere with any electric light, power, telephone or other utility wires, structures, or the supports thereof.
- h) *Certain signs require permits; the number of permits restricted.* The use of searchlights, banners, pennants, and similar devices shall require a permit. The permit shall be valid for no more than 15 consecutive days. No more than two permits per business shall be granted during any 12-month period. Signs requiring permits shall display in a conspicuous manner the permit sticker or sticker number.
- i) *Required setbacks.* No sign or sign structure shall be closer to any lot line than a distance equal to one-half the minimum required yard setback. No sign shall be placed within any drainage or utility easement.
- j) *Clear ingress and egress to be maintained.* No sign or sign structure shall be erected or maintained that prevents free ingress or egress from any door, window, or fire escape. No sign or sign structure shall be attached to a standpipe or fire escape.
- k) *Angle and area restrictions.* A freestanding sign or sign structure constructed so that the faces are not back-to-back, shall not have an angle separating the faces exceeding 20 degrees unless the total area of both sides added together does not exceed the maximum allowable sign area for that district.
- l) *Portable sign illumination and use restriction; permit required.* Portable signs may not exceed 32 square feet and may not be illuminated with any flashing device. Use of a portable sign shall require a permit. The permit shall be valid for no more than 15 consecutive days. No more than two permits per business shall be granted during any 12-month period.

- m) *Residential area view to be screened if sign is residentially prohibited.* Signs prohibited in residential districts shall be positioned so that the copy is not visible from residential uses or districts along adjoining side and rear yard property lines.
- n) *Address signs required.* Except for farm buildings, at least one address sign identifying the correct property number as assigned by the city shall be required on each principal building in all districts. The number shall be at least three inches in height. An address sign of up to 15 square feet shall not be counted against the allowable sign area on a property.
- o) *Signs in public right of way.* Signs shall not be permitted within the public right of way or easements, except as erected by an official unit of government or public utilities for the direction of traffic or necessary public information, unless approved by the zoning administrator.

Sec. 34-10: - Prohibited signs.

- a) *Generally.* The signs detailed in this section are prohibited, except to the extent otherwise provided and subject to the conditions set forth in the following subsections.
- b) *Signs attached to equipment.* Signs on or attached to equipment such as semi-truck trailers are prohibited when signing is a principal use of the equipment on either a temporary or permanent basis.
- c) *Motion signs and flashing signs.* Motion signs and flashing signs are prohibited except time and temperature signs and barber poles.
- d) *Projecting signs.* Projecting signs except as provided for in Section 34-106 are prohibited.
- e) *Roof signs.* Roof signs are prohibited except that a sign may be placed on the fascia or marquee of a building, provided it does not extend above the highest elevation of the building, excluding chimneys. Roof signs shall be thoroughly secured and anchored to the frames of the building over which they are constructed and erected. No

portion of a sign placed on the fascia or marque shall extend beyond the periphery of the roof.

- f) *Outdated business signs.* Business signs which advertise an activity, business, product, or service no longer produced or conducted on the premises upon which the sign is located are prohibited. Where the owner or lessor of the premises is seeking a new tenant, the message of the sign shall remain in place for not more than 30 days from the date of vacancy. The sign structure shall remain in place until a revised permit is submitted.
- g) *Portable signs.* Portable signs except as permitted in Section 34-6.(12) are prohibited.
- h) *Signs creating traffic hazards.* Signs shall not create a hazard to the safe, efficient movement of vehicular or pedestrian traffic. Any sign that purports to be or is an imitation of or resembles any official traffic control device or railroad sign or signal, emergency vehicle sign, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device, railroad sign or signal shall be deemed to create a traffic hazard
- i) *Signs on trees, fences, or utility poles.* No signs, guys, stays, or attachments shall be erected, placed, or maintained on rocks, fences or trees nor interfere with any electric light, power, telephone or other utility wires, structures, or the supports thereof.
- j) *Bench signs.* Bench signs except by special permit of the council are prohibited.
- k) *Home occupation signs.* Home occupation signs are prohibited.

Sec. 34-11: - Existing and nonconforming signs.

- a) All signs which were legal at the time they were established but have since become nonconforming due to a change in the City's ordinance from which this chapter is derived shall not be enlarged or reconstructed but may be continued at the size and in the manner of operation existing upon such date, provided that the principal use of

the subject property is not discontinued for more than one year. After one year, a nonconforming sign located on an unoccupied parcel or building shall be considered abandoned, requiring its removal.

- b) A nonconforming sign may not be replaced, enlarged, or structurally altered except to bring it into compliance with the provisions of this chapter. No sign removed under (a) above may be re-established except in compliance with the provisions of this chapter.
- c) Nothing in this chapter shall be construed as relieving the owner or user of a legal nonconforming sign, or owner of the property on which the legal nonconforming sign is located, from the provisions of this chapter regarding safety, maintenance, and repair of signs; provided, however, that any repainting, cleaning, and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure or copy in any way which makes it more nonconforming or the sign shall lose its legal nonconforming status. Notwithstanding anything in this subsection to the contrary, message or copy on nonconforming signs may be changed, subject to required permitting, provided such change does not increase the nonconformity.
- d) When the principal use of land is legally nonconforming under Chapter 50, all existing or proposed signs in conjunction with that land, shall be considered conforming if they are in compliance with the sign provisions for the most restrictive zoning district in which the principal use is allowed.

Sec. 34-12: - Enforcement. This chapter shall be administered and enforced by the building official. The building official may institute in the name of the city appropriate actions or proceedings against a violator.

Sec. 34-13: - Violation of a misdemeanor. Every person violates a section, or provision of this chapter, when they perform an act thereby prohibited or declared unlawful or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

Sec. 34-14: - Reserved.

ARTICLE II. - STANDARDS, SPECIFICATIONS AND CONDITIONS

DIVISION 1. - GENERALLY

Sec. 34-15: - Allowed signs generally; no permit required. The following signs do not require a sign permit but must comply with the standards, specification, and conditions as stated:

- a) *Public signs.* Signs erected by or on behalf of a government entity, including a school district.
- b) *Identification signs.* Identification signs not exceeding three square feet.
- c) *Informational signs.* Informational signs not exceeding 16 square feet.
- d) *Non-commercial signs; exemption.* Noncommercial signs are allowed in commercial, industrial, agricultural, and institutional zones not exceeding eight square feet and in all residential zones not exceeding four square feet, subject to the following:
 - 1) The sign must contain the name and address of the person responsible for such sign, and that person shall be responsible for its removal.
 - 2) Such signs shall remain for no longer than 110 days in any calendar year. The city shall have the right to remove and destroy signs not conforming to this chapter and shall assess a fee in the amount provided in the fee schedule for each sign removed by the city.
 - 3) All noncommercial signs of any size may be posted in any number from 46 days before the state primary in a state general election year until ten days following the state general election. These exempted noncommercial signs are not allowed to be placed less than ten feet from the curb of a public street.
 - 4) Notwithstanding any other provisions of this sign ordinance, all non-commercial signs of any size may be

posted in any number from August 1 in a state general election year until ten (10) days following the state general election, and all signs with a surface area of 50 square feet or less containing non-commercial speech may be posted from eight (8) weeks prior to any special election until seven (7) days following the special election. Signs permitted under this Subdivision shall be set back a minimum distance of no less than fifteen (15) feet from the curb line, shall not be on any public right-of-way, and shall not be permitted on school property or any other public lands.

5) The owner of any sign which is otherwise allowed by this sign ordinance may substitute non-commercial speech in lieu of any other commercial speech or non-commercial speech. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech or favoring of any particular non-commercial speech over any other non-commercial speech. This provision prevails over any more specific provision to the contrary.

e) *Construction and real estate development signs.* A non-illuminated construction sign confined to the site of the construction, alteration or repair is allowed. Such a sign must be removed within two years of the date of issuance of the first building permit on the site or when the project is completed, whichever is sooner. One sign shall be permitted for each street the project abuts. No sign may exceed 32 square feet in the R-R, R-1, R-2, R-3, and R-MH districts or 64 square feet in the A-1, R-4, R-5, R-6, R-7 and R-B business and industrial districts.

f) *Window signs.* Window signs shall not exceed 50 percent of the total area of the window in which they are displayed.

g) *Existing sign display.* The changing of the display surface only. This exemption, however, shall apply only to replacement of the copy within the existing sign area and/or on-site changes involving sign painting elsewhere than directly on a building. Any structural or electrical signage alterations will require a permit.

- h) *Other signs.* Integral and OSHA signs are allowed without a permit.

Sec. 34-16: - Real estate signs advertising property for sale or rent. Property for sale and to rent signs shall be permitted without a permit subject to the following conditions:

- a) *Six or less residential dwelling units.* When six or less dwelling units (or lots for residential development) are posted for sale or rent, including single-family residences, no more than one such sign per lot, except on a corner lot two signs, one facing each street, shall be permitted. No such signs shall exceed 16 square feet in area or be illuminated. Each such sign must be devoted solely to the sale or rental of the property being offered and must be removed immediately upon the sale or rental of the property. Each sign must be placed only upon the property offered for sale or rent.
- b) *Seven or more residential dwelling units.* When more than six dwelling lots (or lots for residential development purposes) are offered for sale or rental by the same party, signs advertising such sale or rental may be constructed therefore in any district. Signage may include one sign facing each public street providing access to the property being offered. Each such sign shall not exceed 32 square feet in area, shall be located at least 100 feet from any preexisting home, and shall be removed within one year from the date of building permit issuance or when less than six units remain for sale or rent, whichever is less. The sign shall fully comply with the setback requirement for the zoning district in which the property is located.
- c) *Industrial or commercial property.* For posting industrial or commercial sale or rental of real property, one sign facing each public street providing access to the property being offered is allowed. Each sign shall not exceed 64 square feet in area and must be devoted solely to the sale or rental of the property being offered and must be removed immediately upon the sale or rental of the last property offered at that location. The sign may not be located closer to the property line than 50 percent of the setback required within the zoning district in which the property is located.

- d) *Off-site, temporary directional signage.* Residential units, including single-family, two-family, or townhouse units for sale or rent may display off-site, temporary directional signs generally during the period that the units are open for inspection to prospective buyers/renters subject to the conditions of this section. Signs which violate any of these provisions or interfere with the safe use of the public streets or trails by vehicles, pedestrians, bicyclists, or others may be removed at the discretion of the city.

Sec. 34-17: - Directional signs.

- a) *Directional on-premises signs.* Directional on-premises signs not larger than four square feet are allowed. The number of signs shall not exceed four unless approved by the council. The council may allow a combination of such signs, not to exceed a total of 16 square feet, where such signage is deemed necessary for public safety. These signs may have a zero-foot (0') setback from the front property line, provided that they do not interfere with traffic visibility.
- b) *Directional off-premises signs in zone B-5 or PUD.* For directional off-premises signs located in the B-5 or PUD district may display temporary, off-premises signs by express permit issued by the council where access to commercial areas requires directional signage from the city's arterial roads. Such signs may, at the discretion of the council, be permitted under the following conditions:
- 1) Such signs shall be no more than four square feet in area.
 - 2) No such signs shall be permitted within the right-of-way of any public street or highway.
 - 3) An application for a temporary off-premises sign shall be accompanied by a written statement of permission from the owner of the private property on which the sign is to be located. Such a statement shall include an express grant of permission for city inspectors to enter the property for the purpose of inspecting or removing the signs.

- 4) Any permit may be granted for no more than four consecutive days of display, nor shall any business or property be granted more than one such permit in any 30-day period. Each permit may allow up to two signs in different locations.
- 5) Each sign permitted shall have a weather-resistant sticker attached to the sign indicating the permittee's name, telephone number, approved location, and dates of display. Such stickers shall be supplied by the applicant.
- 6) No permit shall be granted for more than one such sign within 300 feet of any other temporary off-premises sign.

c) *Off-site, temporary directional signage.* Retail facilities in the B-3, B-4, B-5, and PUD districts may display off-site temporary directional signage pursuant to this subsection. Signs which violate any of the following provisions, or interfere with the safe use of the public streets or trails by vehicles, pedestrians, bicyclists, or others may be removed at the discretion of the city:

- 1) Off-site, temporary signs are allowed with the issuance of a special permit, issued on an annual basis, when related to providing directions to retail facilities on an intermittent basis. Each permit shall provide for the location of two such signs with a fee established by the city council. Such signs may be displayed for a maximum of five days per month.
- 2) Signs shall be for the purpose of providing directions only. No more than one sign per unit may be displayed at any street intersection, and no signs may be displayed between intersections.
- 3) Such signs may be located on the public right-of-way but shall be no closer than ten feet from the curb, or edge of pavement where no curb exists.
- 4) Such signs shall be freestanding and shall not be attached to any other structure such as traffic control signs, utility poles, or other similar devices.

- 5) Such signs must be located to avoid interference with pedestrian or bicycle trails and sidewalks, and to avoid conflicts with traffic circulation and visibility.
- 6) Such signs shall be no larger than four square feet in area, and no more than three feet in height.
- 7) Such signs may incorporate directional arrows, business names, and addresses of the subject business. No balloons, banners, or other attachments shall be permitted.

Sec. 34-18: - Murals. The City Council finds that well-maintained exterior murals visible to the public provide a valuable means of artistic expression and contribute to the building of character and quality of place in Buffalo. The City Council further finds that other sections of this city code provide ample opportunity for businesses to erect signage containing commercial speech, ideas, or messages.

a) *Findings, intent, and purpose*. The intent of this section is to promote additional expression within the city through murals and contribute to the building of character and quality of place in the city, while preserving aesthetics and high standards of appearance and preventing the further expansion of on or off-site commercial speech, ideas, or messages. These regulations pertaining to murals further the following purposes:

- 1) To encourage artistic expression of a non-commercial nature;
- 2) To stimulate the economic success of businesses in the city;
- 3) To support creative professionals, artists, and entrepreneurs;
- 4) To provide an opportunity for property owners to display unique artwork throughout the community;
- 5) To promote a sense of place and pride in the community;
- 6) To promote aesthetics and preservation of property values through regulation of the size, area, location,

and other aspects of murals, and through long-term maintenance requirements and obligations;

7) To ensure that murals do not compromise public safety or proper building function; and

8) To promote public health, safety, and welfare.

b) *Permit Required.*

1) A mural permit must be obtained prior to the commencement of installation or application of a mural to a building or structure's surface.

2) *Application fee.* The required fee for a mural permit is established in the City's Master Fee Schedule.

3) *Approval authority.* Mural permits are reviewed and approved by the City Council upon recommendation by the Buffalo Tourism Board, or their respective designees.

4) *Appeals.* The mural permit applicant may appeal a mural permit decision in writing to the Community Development Director within ten days of the decision. The City Council will review and act upon appeals of mural permit decisions at a public meeting.

5) *Expiration.* Mural permits expire if installation of the mural has not commenced within one year of the issuance of the mural permit.

6) *Mural completion.* The installation of an approved mural must be completed within two years of issuance of the mural permit.

c) *Prohibited mural types.*

1) Murals containing representations which imitate or appear to imitate any official traffic sign or device, or which appear to regulate or direct the movement of traffic, or which interfere with the proper operation of any traffic sign or signal, or which obstruct or interfere with a motor vehicle operator's view of approaching, merging, or intersecting traffic.

- 2) Murals obscuring or concealing life safety equipment, including but not limited to fire department connections, wall hydrants, lock boxes, and water flow horns or strobes, as determined by the Fire Marshal.
- 3) Murals which contain material that when taken as a whole (i) applying contemporary community standards, its predominant appeal is to prurient interest in sex; and (ii) the average person, applying contemporary community standards, would find the material depicts or describes sexual conduct in a patently offensive way; and (iii) a reasonable person would find the material lacks serious literary, artistic, political, or scientific value.
- 4) Murals that include a trademark or trademarked copy or images, company names, logos or slogans or is used to encourage or promote purchase or use of goods or services.

d) *General standards.*

- 1) *Area.* Murals on buildings are limited to a maximum coverage of 50% of the entire building wall area in elevation view totaled across all building sides. Text must not constitute more than 15% of the overall mural area.
- 2) *Height.* No portion of a mural may extend above the surface on which it is installed.
- 3) *Projection.* No part or element of a mural may project more than two feet beyond the plane of the surface upon which it is installed and must not encroach into a public easement of record without the written approval of the Director of Public Works.
- 4) *Lighting.* Any lighting incorporated into or utilized as part of a mural must be shielded to prevent lights from being directed at oncoming traffic in such brilliance that it impairs the vision of the driver.
- 5) *Motion or flashing.* Electrical, mechanical, or structural components that produce motion, flashing, scrolling, sequential lights, or any other effect of

movement are not permitted as component or feature of a mural.

- 6) *Location*. Murals shall only be permitted in the B-3, B-4, and B-5 Zoning Districts. Murals must not be adjacent to a property used primarily for residential purposes.

e) *Maintenance*. Murals must be installed and maintained in a manner that complies with the minimum durability and maintenance requirements of other signs as stated below.

- 1) *Maintenance plan*. A mural maintenance plan must be submitted for review and approval by the Community Development Director in conjunction with the mural permit application.
- 2) *Minimum maintenance requirement*. Murals must not fall into a state of disrepair for the life of the mural and must follow the maintenance plan approved by the Community Development Director as part of the mural permit. A mural is considered to be in a state of disrepair when not preserved in a manner consistent with the approved design or approved maintenance plan documented within the approved mural permit.
- 3) *Mural repair or removal*. Any mural that is not maintained according to the maintenance plan or that falls into a state of disrepair may be ordered to be repaired or removed. Removal of an approved mural must include restoration of the building or structure surface in a manner deemed acceptable by the issuing authority. Murals subject to a repair or removal order must be repaired or removed within 60 days from the issuance date of the written order. Additional time may be authorized by the Issuing Authority for good cause shown.

Sec. 34-19: - Reserved.

DIVISION 2. - DISTRICT SPECIFIC RESTRICTIONS

Sec. 34-20: - A-1, R-R, R-1, R-2, R-3, R-4, R-5, and R-MH districts. In these districts, the following signs are allowed subject to the stated conditions:

- a) *Public Signs.* Only one sign per principal use. Total sign area may not exceed 64 square feet with a maximum height of ten feet for freestanding signs.
- b) *Residential area identification.* Only one sign for each area. Sign area may not exceed 32 square feet with a maximum height of eight feet for freestanding signs.

(Code 1985, § 13.07(2))

Sec. 34-21: - R-6, R-7, and R-B districts. In the R-6, R-7 and R-B districts, the following signs are allowed subject to the stated conditions:

- a) *Public Signs.* Only one sign per principal use. Sign area may not exceed 64 square feet with a maximum height of ten feet for freestanding signs.
- b) *Residential area identification.* Only one sign for each area. Sign area may not exceed 64 square feet with a maximum height of ten feet for freestanding signs.
- c) *Single or double occupancy multiple family sign.* The total sign area may not exceed ten percent of the total front building facade, except that both front and side facades may be counted on a corner lot. Signs chosen to comprise the total sign area shall be consistent with the following provisions:
 - 1) *Freestanding.* Not more than one freestanding sign. Sign area may not exceed 64 square feet with a maximum height of ten feet.
 - 2) *Wall, canopy, or marquee.* Not more than one wall, canopy, or marquee sign per building. However, on corner lots two such signs are allowed, one per street frontage. Individual sign area may not exceed 64 square feet.

(Code 1985, § 13.07(2))

Sec. 34-22: - B-2 district. In the B-2 district, the following signs are allowed subject to the stated conditions:

- d) *Area identification.* Only one sign. Sign area may not exceed 75 square feet with a maximum height of 20 feet for freestanding signs.
- e) *Single or double occupancy multiple-family signs.* The total sign area for the subject property may not exceed 15 percent of the total front building facade except both front and side facades may be counted on a corner lot. Signs chosen to comprise the total sign area shall be consistent with the following provisions:
 - 1) *Freestanding.* Not more than one sign. Sign area may not exceed 64 square feet with a maximum height of 20 feet.
 - 2) *Wall, canopy, or marquee.* Wall signs shall be allowed in any number, provided that no such sign faces abutting residentially zoned property and total sign area continues to comply with the requirements of this section.

(Code 1985, § 13.07(2))

Sec. 34-23: - B-3, B-4, B-5, B-6, B-W districts. In the B-3, B-4, B-5, B-6, and B-W district, the following signs are allowed subject to the stated conditions:

- a) *Area identification.* Only one sign. Sign area may not exceed 100 square feet with a maximum height of 25 feet for freestanding signs. In the B-5 Central Business District, freestanding signs shall be of a monument style of construction. Such signs shall be attached to the ground no less than 80 percent of the total width of the sign, in contact with a pole type of support. Monument signs in the B-5 district may be no greater than ten feet in height and 60 square feet in area, may be constructed with a zero setback, but must be located in areas where they will not interfere with traffic visibility.
- b) *Single or multiple occupancy business sign.* The total sign area may not exceed 15 percent of the total front building facade. In calculating building facade, both front and side facades may be counted on a corner lot. Signs chosen to comprise the total sign area shall be consistent with the following provisions:

1) *Freestanding*. Not more than one sign. Sign area may not exceed a maximum height of 25 feet, except that in the B-5, Central Business District, freestanding signs shall comply with the regulations of subsection (1) of this section.

2) *Wall, canopy, or marquee*. Wall signs shall be allowed in any number, provided that no such sign faces abutting residentially zoned property and total sign area continues to comply with the requirements of this section.

c) *Sandwich board signs*: Sandwich board signs are allowed without a permit only in the B-5 District provided:

1) No more than one (1) sandwich board sign shall be allowed for each tenant immediately in front of their business entrance.

2) The sandwich board sign does not exceed thirty-six (36) inches in height or thirty (30) inches in width.

3) The sign is displayed only during normal operating hours of the business.

4) The sign does not require any form of electricity or display lights or moving parts.

5) That such signs do not block driveways, entryways, or pedestrian accesses, do not significantly occlude the sidewalk and/or do not impact sightlines/view at street intersections. All signs must be placed so as to allow a 3-foot minimum clearance for continuous passage in alignment with ADA requirements.

6) The sign is made of weather and wind resistant materials of superior quality.

(Code 1985, § 13.07(4))

Sec. 34-24: - BC, I-1, I-2 and I-4 districts. In the BC, I-1, I-2, and I-4 district, the following signs are allowed subject to the stated conditions:

- a) *Area identification.* Only one sign. Sign area may not exceed 100 square feet with a maximum height of ten feet for freestanding signs.
- b) *Single or double occupancy business sign.* The total sign area may not exceed 15 percent of the front building facade except that both front and side facades may be counted on a corner lot. Signs chosen to comprise the total sign area shall be consistent with the following provisions:
 - 1) *Freestanding.* Not more than one sign. Sign area may not exceed 100 square feet with a maximum height of ten feet.
 - 2) *Wall, canopy, or marquee.* Wall signs shall be allowed in any number, provided that no such sign faces abutting residentially zoned property and total sign area continues to comply with the requirements of this section.

(Code 1985, § 13.07(5))

Sec. 34-25: - Planned unit development district. In a planned unit development district, signing restrictions shall be based upon the individual uses and structures contained in the complex. Signs shall follow the restrictions applied in the most restrictive zoning district in which the use is allowed. Commercial projects may be allowed to replace a permitted freestanding sign with one addition wall sign, provided that the allowance does not increase the total number or square footage of signs permitted on the property under the applicable regulations, and that no more than one wall sign is erected on any wall.

DIVISION 3. - OTHER RESTRICTIONS

Sec. 34-26: - Motor fuel stations. Signs for motor fuel stations shall be regulated by the single occupancy business structure sign provisions for the zoning district in which the station is located. In addition, motor fuel stations may also display signs which identify current fuel prices and car wash facilities. Such signs shall be limited to a maximum size of 16 square feet each.

(Code 1985, § 13.08(1))

Sec. 34-27: - Wall, canopy, or marquee signs in commercial and industrial zoning districts. Where freestanding signs are not used and where principal structures have a front yard setback more than that which is required under the applicable zoning district regulations, the maximum property signage percentage limitation or maximum square feet restriction may be increased one percent for every five feet of additional setback beyond the zoning district front yard setback requirement. This increase shall be limited to a 25 percent maximum and shall be applied only to signs located in the yard for which the calculation was made.

(Code 1985, § 13.08(2))

Sec. 34-28: - Signs in multiple occupancy business and industrial buildings.

- a) When a single principal building is devoted to four or more businesses, or industrial uses, a comprehensive sign plan for the entire structure shall be submitted and shall be of sufficient scope and detail to permit a determination as to whether the plan is consistent with the following regulations. The plan shall be subject to the approval of the council. No permit shall be issued for individual use except upon a determination that it is consistent with the approved comprehensive sign plan.
- b) The maximum individual sign sizes for multiple occupancy structures and individual uses which may display signs shall not exceed the maximum provisions for single or double occupancy structures in the same zoning district. The bonus provided in Section 34-27 may display an area identification sign consistent with the applicable district provisions of division 2 of this article. Individual freestanding signs identifying the tenants' business shall not be displayed.
- c) Except as provided in subsection (d) of this section, individual tenants of multiple occupancy structures shall not display separate business signs unless the tenants' business has an exclusive exterior entrance. The number of signs shall be limited to one per entrance, and each sign shall be limited to the maximum wall size sign permitted in the district. The signs shall be located only on exterior

walls which are directly related to the use being identified.

- d) In any multiple occupancy structure qualifying as a shopping center, directory signs shall be permitted for each common public entrance. Each directory sign area shall not exceed a total of 50 square feet and shall be located within 50 feet of the common public entrance being served. The size of individual business identification signing within the directory shall be established during the site plan review process. Attention shall be given to the possible number of tenant or occupancy bays which may be served by the common public entrance for which the directory sign is intended.

(Code 1985, § 13.08(3))

Sec. 34-29: - Shopping centers, retail developments, and industrial parks.

- a) When shopping centers, retail developments, or industrial parks cover more than ten acres and contain more than 50,000 gross square feet of floor area, the city may approve several freestanding signs equal to one sign per street frontage, with a maximum height of 30 feet.
- b) All signs shall be displayed in accordance with the maximum sign size provisions of the applicable zoning district. In the alternative, the city may approve a comprehensive sign plan by conditional use permit, in accordance with the provisions for conditional use permits. The comprehensive sign plan shall allow the city to consider additional or larger signs consistent with the size and use of the project.

(Code 1985, § 13.08(4))

Sec. 34-30: - Highway area directional signs. Within the area immediately adjacent to U.S. Highway 55 and trunk Highway 25, directional signs indicating business identification and access routing signs may be allowed by approval of the council. Such signs shall follow the maximum sign size provisions of the district.

(Code 1985, § 13.08(5))

Sec. 34-31: - Institutional and civic organizations.

- a) For such facilities occupying an area of five acres or more, an identification sign not larger than 96 square feet may be permitted upon approval of a permit by the council.
- b) Temporary signs, banners and displays for institutional or civic events are permitted but must be located on property owned or controlled by the institution, or civic organization and may be displayed only during a period commencing 60 days prior to the scheduled event and ending three days after closing date of the scheduled event.

(Code 1985, § 13.08(6))

Sec. 34-32: - Projecting signs. Projecting signs, including those projecting into the public right-of-way, may be allowed by a permit approved by the council in the B-5 zoning district, provided that the sign conforms to the uniform character and design guidelines established for the area, the owner assumes all liability for such signs, and the signs conform to the size and height limitations of the respective district.

(Code 1985, § 13.08(7))

Sec. 34-33: - Temporary signs. Temporary signs, banners and displays will be allowed subject to the following:

- a) Each organization is allowed two (2) signs per event for a duration of one (1) week prior to the scheduled event.
- b) Temporary signs may not exceed thirty-two (32) square feet and may not be illuminated with any flashing device.
- c) Such signs shall be freestanding and shall not be attached to any other structure such as traffic control signs, utility poles, or other similar devices.
- d) Signs must be located to avoid interference with pedestrian or bicycle trails, and to avoid conflicts with traffic circulation and visibility.
- e) Use of a temporary sign shall require a permit and should be accompanied by a written statement of permission from the owner of the private property on which the sign is to be located.

Section 2.

This Ordinance may be published in Summary Form per adoption of an appropriate resolution of the City Council.

Section 3.

This Ordinance shall take effect and be in full force from and after its passage and publication. Revisions will be made online after adoption by Council. Copies of the complete Zoning Ordinance are available online and at Buffalo City Hall.

Steve Downer, Mayor

ATTEST:

Susan Johnson, City Clerk