



PLANNING COMMISSION

January 21, 2026

Public Safety Building

7:00 pm

- I. **CALLED TO ORDER**
- II. **ROLL CALL OF MEMBERS**
- III. **PLEDGE OF ALLEGIANCE**
- IV. **APPROVAL OF MINUTES**
November 19, 2025
- V. **ELECTION OF OFFICERS**
- VI. **PUBLIC HEARINGS**

Please note that the format of the public hearings shall be:

- 1. Introduction of Petition by Staff
- 2. Petitioner Presentation
- 3. Staff Comments and Recommendations
- 4. Public Comments and Questions
 - a. Those in favor
 - b. Those opposed
 - c. Rebuttal and Clarification from Petitioner
- 5. Closing of Public Hearing / Discussion Among Commissioners
- 6. Commission Action

OLD BUSINESS

None

NEW BUSINESS

PC 25-09 – Veritas Contracting is applying to rezone a 0.62 acre parcel known as Marion County District 4, Map 7, Parcel 98.2 from General Residential to Main Corridor Commercial. The property is located on Fairmont Avenue north of 1565 Fairmont Avenue.

PC 25-10 – John and Carrie Menas are applying to rezoning property off of Kaufman Dr from General Residential to Neighborhood Residential. Total area to be rezoning is approximately 41 acres. The property is also known as Marion County Tax District 4, Map 2, Parcels 12, 14, 15, and 48.

PC 26-01 – City of Fairmont is petitioning to rezone what is known as the Sharon Steel site on Lafayette St from Highway Commercial to Industrial, the 1800 block of Oregon Ave and properties north of The Drive from Highway Commercial to General Residential, properties north of Cherry Ln and west of Dixie Ave up to Lafayette St from Highway Commercial to Neighborhood Residential, and block C lots 1 and 2 and block D lots 1 through 7 from Highway Commercial to Neighborhood Residential to promote the adaptive reuse of Sharon Steel and protect the existing, adjacent housing with residential zoning districts.

PC 26-02 – City of Fairmont is petitioning to repeal and replace Article 5.3 Signs and Similar Structures to better define and regulate all forms of signage.



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VII. CITIZENS PETITION (FOR ITEMS NOT LISTED ON THE AGENDA)

None

VIII. DISPOSITION OF PAST PETITIONS

PC 26-06 – Twin Creek Builders, Inc. is petitioning for the approval of a Major Subdivision to divide one parcel at 800 Country Club Rd into three parcels for the construction of single-family homes. The parcel being divided can be identified as Tax District 3, Map 8, Parcel 69 and is zoned General Residential.

Still pending. No further update on utility extensions at this time.

IX. OTHER BUSINESS

1. Proposed Capital Plan Review
2. 2025 Annual Report
3. Comprehensive Plan RFP

X. ADJOURNMENT

Proposed Article 5.3 Text

These recommended text amendments are based upon the recommendations of the [American Planners Association](#), the [International Sign Association](#), the Congress for New Urbanism, and precedent found within notable zoning ordinances from across the country, particular the Buffalo Green Code.

This proposed amendment is a repeal and replace of Article 5.3

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Existing Text to be Repealed for Article 5.3

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5.3 SIGNS AND SIMILAR STRUCTURES

5.3.1 PURPOSE

Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. In addition to causing distractions and obstructions that may contribute to traffic and pedestrian accidents, signs are as much subject to control as noise, odors, debris and like characteristics of a use that, if not controlled and regulated, may become a nuisance to adjacent properties or the community in general. The purpose of this article is to regulate the size, color, illumination, movement, materials, location, height, and condition of all signs for exterior observation for the following reasons:

- A. Preserve the noncommercial character of residential neighborhoods, and to provide reasonable, yet appropriate, conditions for identifying businesses and services rendered in commercial districts.
- B. Reduce traffic and pedestrian hazards by restricting signs, including signs with lights and/or motion, which exceed the viewers' capacity to receive information or which increase the probability of accidents created by distracting attention or obstructing vision.
- C. Promote expeditious and safe navigation and wayfinding for pedestrian and vehicular traffic through legible and appropriate signs.
- D. Preserve order, attractiveness, and cleanliness, maintain open spaces, avoid the appearance of clutter, and prevent nuisances and invitations to vandalism.
- E. Require signs are constructed and maintained in a structurally sound and attractive condition.
- F. Maintain property values and ensure compatibility with surrounding landscape and architecture including, but not limited to, areas of historical significance.
- G. Encourage aesthetic quality in the design, location, and size of all signs.
- H. Protect the public peace, general health, safety and welfare, convenience, and comfort, and to protect and encourage a more attractive economic, business, and overall physical appearance of the community.

5.3.2 General Regulations; Procedures and Permits

- A. Permits. It shall be unlawful for any person to erect, structurally alter, or relocate any sign or sign structure without first obtaining a permit from the Building Department, except as provided in Section 5.3.10, Permanent Exempt Signs and Section 5.3.11 Temporary Exempt Signs.
- B. Maintenance. Activities exempt from a permit include the servicing, repainting, or cleaning an existing sign, except where such activity requires structural alterations either of the sign pole or the structure supporting the sign face.

- C. Application. The application for the permit for a sign shall be made upon forms provided by the Planning and Development Department. All applications shall at a minimum be accompanied by accurate sketches and scaled drawings showing the proposed sign or sign structure, its content, and the location of the proposed sign upon the premises. All applications shall be accompanied by the requisite application fee which shall be established by the Planning and Development Department. All applications shall be accompanied by the written consent of the owner or his designated agent of the premises upon which the sign is to be erected or his designated agent.
- D. No application shall be accepted for review unless it is complete, accompanied by the appropriate fee and signed by the applicant. The Building Inspector or Director of Planning and Development may require that the location of a proposed sign be based on a survey by a registered land surveyor or engineer, at the expense of the applicant. The Building Inspector and Director of Planning and Development shall endeavor to complete a review of the completed application within ten (10) working/business days.
- E. Inspection. At any time and at their sole discretion, the Building Inspector may inspect existing signs to determine if they are detrimental to the public health, safety and welfare. If they are detrimental to the public health, safety and welfare, they shall be removed or repaired within five (5) working/business days following the determination by the Building Inspector. At the determination of the Building Inspector, more time may be granted to repair or replace the sign if the property owner can demonstrate a good faith effort of working toward compliance with this ordinance. If a nonconforming sign is determined by the Building Inspector or owner to require repair, it must be brought into compliance with these regulations within a period of time determined by the Building Inspector.
- F. Bonding. With all applications for a permit under this Article there shall be a bond with surety approved by the City or a public liability insurance policy issued by an insurance company doing business in this State covering the period of construction and maintenance after completion, which bond or insurance policy shall protect against personal injuries and property damage with limits of not less than one million dollars (\$1,000,000.00), and shall provide for the matters and requirements contained in this Article.

The City shall be named as an additional insured on any such bond or policy of insurance issued hereunder and it shall be indicated on the policy or separate documentation that the City shall be notified of coverage termination. If work authorized by a permit has not been completed within six months after the date of issuance, such permit shall become null and void and the sign or

Recommend Article 5.3 – Sign and Similar Structures Text Amendment

such portion thereof as may be completed shall be deemed abandoned.

5.3.3 Heritage Signs

- A. A sign having historical significance, and which advertises an establishment or product no longer in existence or a product no longer being offered on the site, may be designated a heritage sign. A heritage sign may be maintained, repaired, reconstructed, and/or relocated, so long as no new items of information, sign features, or sign area are added to the sign.
- B. In order for a sign to be designated a heritage sign, the Historic Preservation Review Commission must make written findings that the sign is at least 25 years old, or is an exact replica of an original sign where the combined age of the duplicate and original signs is at least 25 years, and meets at least one of the following criteria:
 - i. The sign has historic character, interest, or value as part of the development, heritage, or cultural characteristics of the City.
 - ii. The sign is significant as evidence of the history of the product, business, or service advertised.
 - iii. The sign embodies elements of design, detailing, materials, or craftsmanship that make it significant or innovative.
 - iv. The sign has a unique location or contains singular physical characteristics that make it an established or familiar visual feature within the City.
- C. The Planning and Development Department shall maintain a list of all approved and designated heritage signs.

5.3.4 Non-Conforming Signs

- A. A nonconforming sign that was lawfully established and maintained in compliance with the provisions of all applicable laws in effect at the time of original installation, but that does not now comply with the provisions of this Ordinance, may be repaired, altered without increasing the non-conforming nature. Non-conforming signs may be relocated on the same lot so long as the relocation does not increase the non-conformity, except in the case of a sign being non-conforming in whole or in part because of setback or vertical clearance regulations, in which case the relocated sign must meet all setback and vertical clearance regulations.
- B. Alterations or Relocations. Alteration of the size, area, material, illumination, or relocation of a non-conforming sign requires a sign permit.

5.3.5 Prohibited Signs

The below listed signs, as well as any sign type not expressly allowed by this Ordinance, are prohibited:

- A. Abandoned or illegally erected signs.
- B. Mechanically activated signs, other than barber poles and clocks.
- C. Signs that flash or are digitally animated.
- D. Signs or devices motivated by wind, thermal changes, or other environmental input, such as spinners, pinwheels, balloons, air-inflated signs, or other devices or displays that respond to naturally or artificially induced external motivation, except for flags erected in conformance with this zoning code.
- E. Signs which obstruct free ingress or egress from a door, window, fire escape, or other exit way.
- F. Signs on vehicles, including trailers, that are inoperable, do not display a current vehicle inspection sticker or license plate, are not principally used as a mode of transportation for business purposes, and/ or are conspicuously parked or located on a lot for more than 24 hours to advertise a product or service, or to direct the public to a business or activity located on or off the premises.
- G. Signs that are burned, cut, painted, pasted, or otherwise marked on or affixed to a rock, tree, standpipe, fire escape, utility pole, trash receptacle, bench, or any other unapproved structure or surface.
- H. Signs that simulate in color, size, or design, any traffic control sign or signal, or that make use of words, symbols, or characters in a manner that may interfere with, mislead, or confuse pedestrian, cyclist, or vehicular traffic.
- I. Temporary off-premise signs.
- J. Signs now or hereafter existing which no longer advertise a bona fide business, activity, campaign, service or product.
- K. Signs located in a public right-of-way, except as permitted by the West Virginia Department of Transportation or the City of Fairmont and in compliance with all local regulations. Any sign placed in the public right-of-way in violation of this code shall be prohibited and may be seized by the enforcement official or other representative of the City.
 - i. The person owning or placing the sign may be charged both with a violation of this chapter and with the cost of removing and disposing of the sign.

5.3.6 Sign Measurement

A. Sign Area. Sign area is measured as the total area of a sign, as follows:

i. For signs on a background, the entire area of the framework or background of the sign is calculated as sign area, including any material or color forming the sign face or background used to differentiate the sign from the structure against which it is placed.



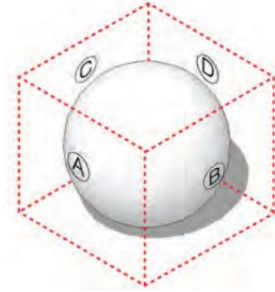
ii. For signs consisting of freestanding letters or features, the sign area is calculated as the total area of each rectangle that encompasses each individual letter or feature. Sign area does not include any supporting framework or bracing, unless such framework or bracing is part of the message or sign face.



iii. Window signs printed on a transparent film and affixed to the interior or exterior of a windowpane are calculated as individual letters or features, provided that the portion of the film around the individual letters or features is fully transparent.

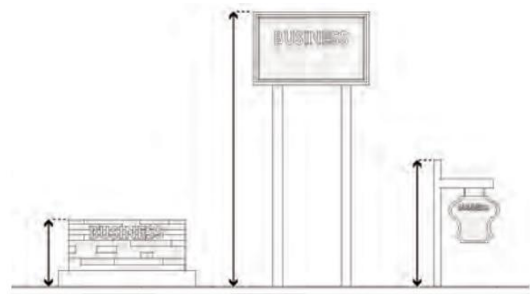


iv. The sign area of a three-dimensional, free-form or sculptural (non-planar) sign is calculated as 50% of the sum of the area of the four vertical sides of the smallest cube that will encompass the sign.



v. If a sign has two or more faces, the area of all faces is included in determining the area of the sign, unless the two sign faces are placed back to back and are no more than two feet apart. In such case, the sign area is calculated as the area of one face. If the two faces are unequal in area, the area of the larger face is used to calculate sign area.

B. Sign Height. Sign height is measured as the vertical distance from the base of a sign or sign structure, to the highest point of the sign or sign structure. Berming of the soil to raise the base of the sign shall require that the sign height is measured to the average grade three feet out from concrete base, pier, or similar structural base.



C. Vertical Clearance. For signs attached to a structure, vertical clearance is measured as the vertical distance from the sidewalk or parking lot level to the lowest point of the sign.



5.3.7 Illumination

A. Sign illumination identifies the type of sign illumination allowed by zone. The legend for the sign illumination is as follows:

Legend	
Permitted	●
Prohibited Use	

Table 5.3.A: Sign Illumination					
Illumination Type	GR, NR, MHN, MHP, R	MNU, E	MCC	CC	HC, T, I
External Illumination	●	●	●	●	●
Internal Illumination		●	●	●	●
Direct Illumination			●		●
Electronic Message Center (EMC)			●		●

- B. Each type of sign illumination must comply with the following standards:
- i. External Illumination. An externally illuminated sign is characterized by the use of artificial light reflect off its surface.
 - a. External light sources intended to illuminate the sign face must be fully shielded and placed close to, and directed upon, the sign face.
 - b. Any light sources intended to illuminate surfaces behind a sign to produce a halo effect must be fully concealed from view.
 - ii. Internal Illumination. An internally illuminated sign is characterized by the use of artificial light projecting through its surface.
 - a. All lamps intended for internal illumination must be fully concealed.
 - iii. Direct Illumination. A directly illuminated sign is characterized by the use of exposed lamps, such as neon tubes or incandescent bulbs, that have no shielding and are visible to the eye.
 - a. Direct illumination is limited to letters, numbers, symbols, and accents.
 - iv. Electronic Message Center. An electronic message center (EMC) is an electrically activated display whose variable message and/or graphic presentation can be electronically programmed. These signs include displays using incandescent

lamps, LEDs, LCDs or a flipper matrix.

- a. EMC Total Area. EMC signs may only be part of a monument sign, pole sign, or wall sign and shall be no more than 50% of the total sign area of that sign. For example, if a monument sign has a total sign area of 80 SF, then to portion that is an EMC sign cannot be more than 40 SF.
- b. Display Requirements. Each electronic message that is displayed must be static and depicted for a minimum of 8 seconds before changing. Any change in an electronic message must be instantaneous, without scrolling, fading in, dropping in, or similar moving copy changes.
- c. EMC Illumination Measurement Criteria. The illuminance of an EMC shall be measured with an illuminance meter set to measure footcandles accurate to at least one decimal place. Illuminance shall be measured with the EMC off, and again with the EMC displaying a white image for a full color-capable EMC, or a solid message for a single-color EMC. All measurements shall be taken as close as practical to a perpendicular plane of the sign at the distance determined by the total square footage of the EMC as set forth in the accompanying Sign Area Versus Measurement Distance table, Table 5.3.B.

Recommend Article 5.3 – Sign and Similar Structures Text Amendment

Table 5.3.B EMC Sign Area Versus Measurement Distance			
Area of Sign (sq ft)	Measurement Distance (ft)	Area of Sign (sq ft)	Measurement Distance (ft)
10	32	75	87
15	39	80	89
20	45	85	92
25	50	90	95
30	55	95	97
35	59	100	100
40	63	110	105
45	67	120	110
50	71	130	114
55	74	140	118
60	77	150	122
65	81	160	126
70	84	170	130

*For signs with an area in square feet other than those specifically listed in the table (i.e., 12 sq ft, 400 sq ft, etc), the measurement distance may be calculated with the following formula: Measurement Distance = Square Root of (Area of Sign Sq. Ft. x 100)

- d. EMC Footcandle Illumination Limit. The difference between the off and solid-message measurements using the EMC Measurement Criteria shall not exceed 0.3 footcandles at night.
- e. Automatic Dimmer. All permitted EMCs shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 footcandle measurements.

C. Public Safety.

- i. No direct or reflected light from the primary light source of a sign may create hazards for pedestrians, cyclists, or operators of motor vehicles.
- ii. Colored light must not be used at a location or in a manner so as to be confused with or construed as traffic control devices.
- iii. Blinking, flashing, fluttering, strobe-light effects, and streaming video are prohibited.

D. Hours of Illumination. Signs for a commercial use shall only be illuminated during the hours of operation of the establishment. Pole or monument signs along a public right-of-way frontage for multi-tenant commercial properties, such as strip malls or malls, may be exempt.

5.3.8 On-Premise Signs

A. An on-premise sign is a sign erected, maintained, or used for the purpose of the display of messages relating to the use of, products sold on, or the sale or lease of, the property on which it is display. Table 5.3.C: Sign Types identifies on-premise signs allowed by zone, with cross-references to definitions and standards that apply. The key for the sign types table is as follows:

Legend	
Permitted	●
Prohibited Use	

Table 5.3.C: Sign Types

	Residential Districts	NMU, R	MCC	CC	E	HC	T	I	Definitions and Standards
Awning Sign		●	●	●	●	●	●	●	5.3.5.D
Blade Sign		●	●	●	●	●	●	●	5.3.5.E
Canopy Sign		●	●	●	●	●	●	●	5.3.5.F
Iconic Sign		●	●	●	●	●	●	●	5.3.5.G
Marquee Sign			●	●		●	●	●	5.3.5.H
Monument Sign		●	●	●	●	●	●	●	5.3.5.I
Pole Sign			●			●	●	●	5.3.5.J
Porch Sign	●	●	●	●	●	●	●	●	5.3.5.K
Roof Sign			●			●	●	●	5.3.5.L
Sidewalk Sign		●	●	●	●	●	●	●	5.3.5.M
Skyline Sign				●		●	●	●	5.3.5.N
Wall Sign		●	●	●	●	●	●	●	5.3.5.O
Yard Sign	●	●	●	●	●	●	●	●	5.3.5.P

B. Number of Signs. A maximum of two on-premise signs per establishment is permitted per right-of-way frontage, subject to the following additional considerations:

i. Exemptions. Sidewalk signs, supplemental signs listed in the on-premise sign regulations, and other explicit exemptions in the on-premise sign regulations do not count toward the maximum number of on-premise signs permitted.

Permanent exempt signs and temporary exempt signs do not count toward the on-premise signs maximum number permitted but do have their own regulations for each of those sign types.

ii. Multi-Tenant. An on-premise sign advertising

multiple tenants is calculated toward the maximum number of signs per establishment per right-of-way frontage for each tenant that is identified in the multiple tenant sign.

B. Maximum Sign Area. The maximum area of on-premise signs shall be in accordance with the table 5.3.D below.

Table 5.3.D: Total Sign Area

District	Total Sign Area Per Establishment Per ROW Frontage
Residential Districts	12 SF
NMU, E, R	100 SF
MCC, CC	150 SF
HC, I	300 FT
T	400 SF

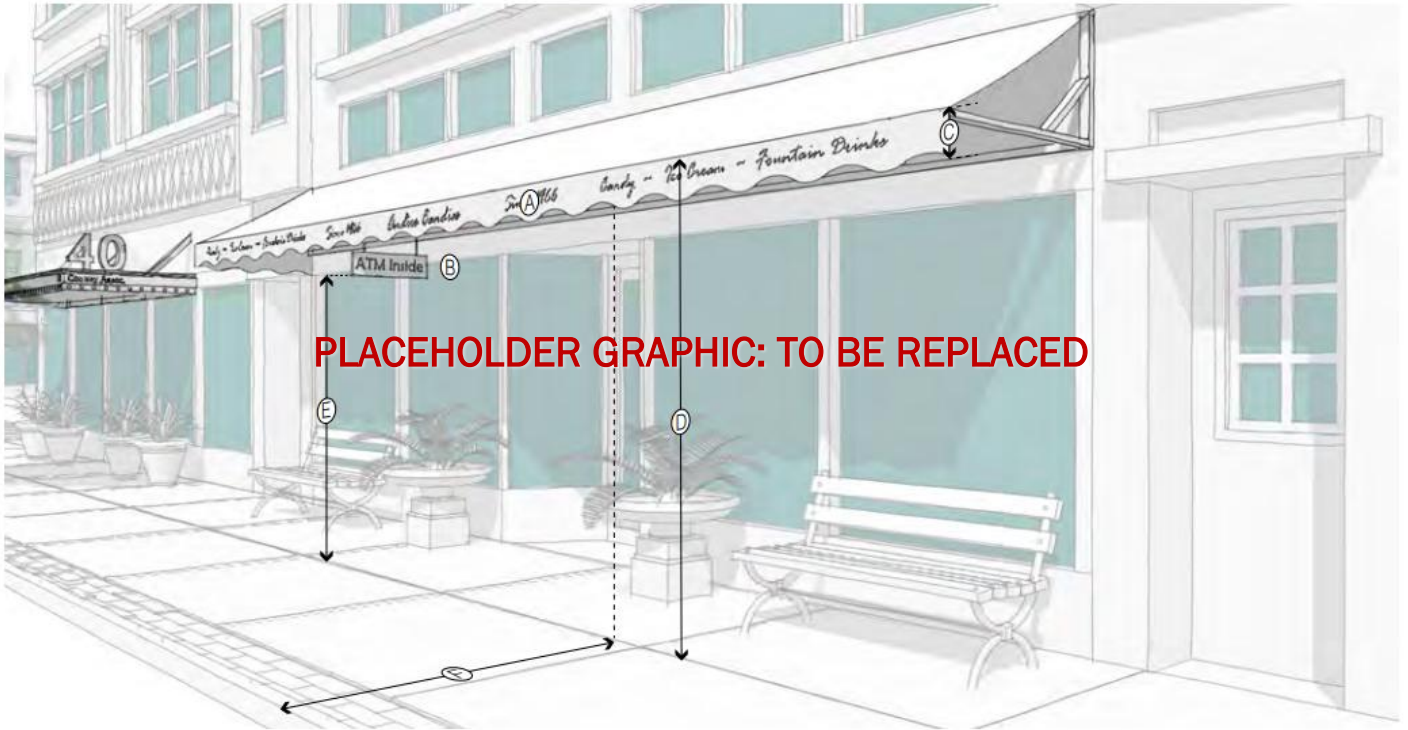
i. Signs Visible from Two ROWs. An on-premise sign positioned at a right-of-way intersection and intended to be viewed from both rights-of-way will count half its sign area toward the maximum permitted sign area for each right-of-way frontage; for example, a 12 square foot blade sign installed at an angle on the corner of a building, and intended to be viewed from two rights-of-way, will have six square feet counted toward the maximum permitted area for each right-of-way frontage.

ii. Roof or Skyline Signs. When an on-premise roof sign or skyline sign is installed, an additional 10% of maximum sign area per additional story above the first ten stories is allocated.

iii. Heritage, Sidewalk, and Exempt Signs. Heritage signs, sidewalk signs and exempt signs does not count toward the total area of on-premise signs.

iv. Civic Uses. Civic Use are permitted up to a maximum of 35 SF of sign area in residential districts.

C. Historic District. Unless explicitly exempt, all on-premise signs within a historic overlay district must obtain a Certificate of Appropriateness from the Historic Preservation Review Commission prior to the approval of a sign permit. A completed sign permit application along with any other applications and forms required by the Historic Preservation Review Commission shall be transmitted to the Commission for review.

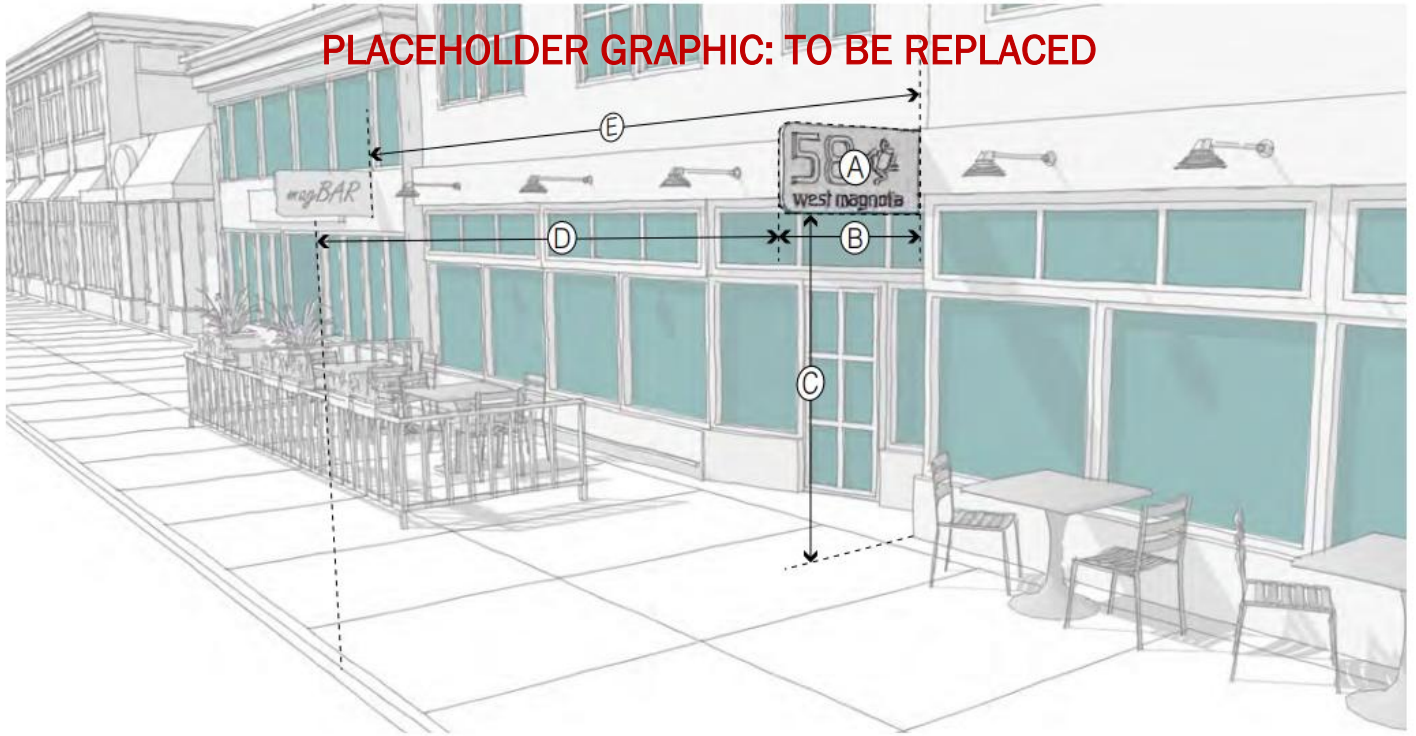


5.3.8.D Awning Sign

- i. Description. An awning sign is a sign printed on any of the surfaces of an awning, and which may include an under-awning sign attached to and mounted under the awning.
- ii. Dimensions

A	Area, awning sign (max)	25% on each awning surface
B	Area, under-awning sign (max)	4'
C	Valance height (max)	1'
D	Vertical clearance from sidewalk level, awning sign, not including valance (min)	7.5'
E	Vertical clearance from sidewalk level, under-awning sign (min)	7'
F	Setback from curb line (min)	2'

- iii. Specific Standards.
 - a. Maximum Number. A maximum of one awning sign is permitted per awning surface. Only awnings on the ground story may contain signs.
 - b. Illumination. Internally illuminated or back-lit awning signs are prohibited.
 - c. Other Limitations A maximum of one under-awning sign is permitted per establishment with a ground-floor main entrance. An under-awning sign must be securely fixed to the underside of the awning with metal attachments, may not project beyond the awning, and may not be illuminated.



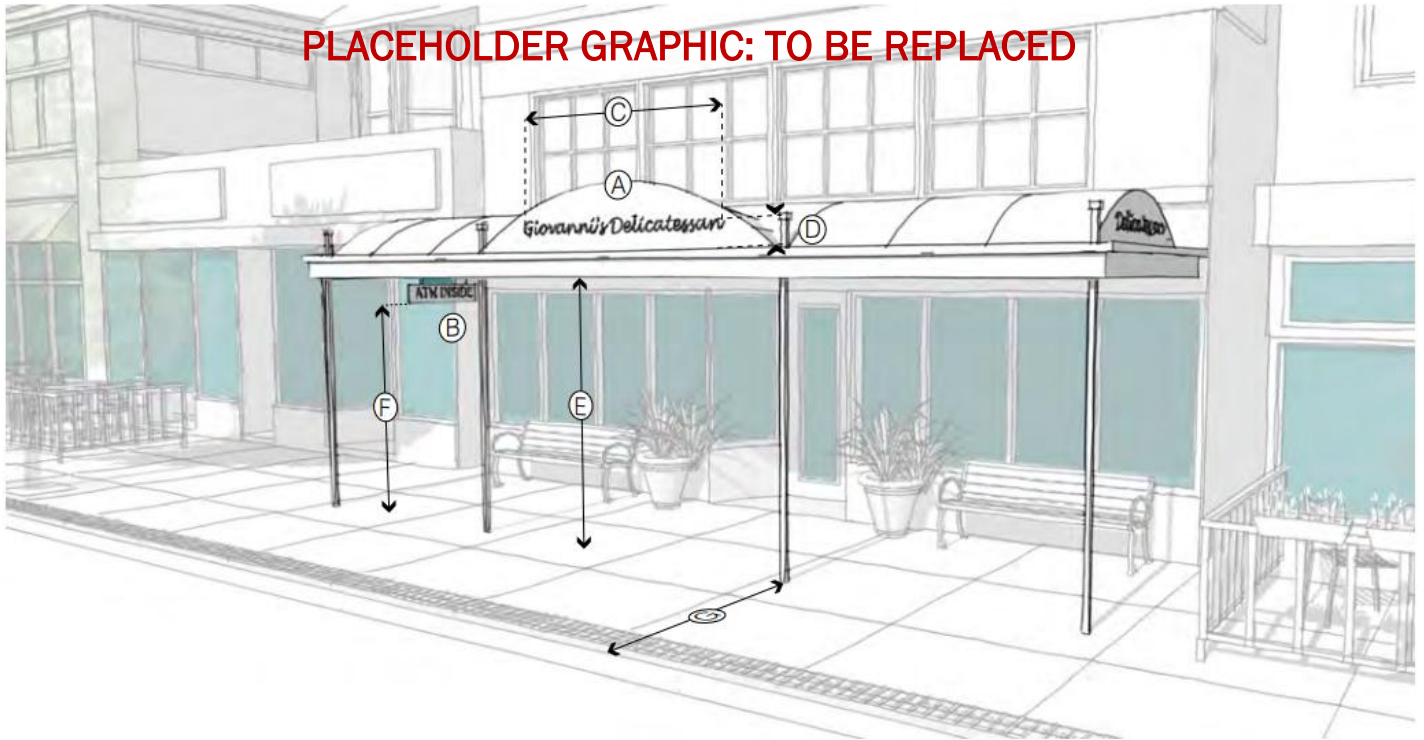
5.3.8.E Blade Sign

- i. Description. A blade sign is a two-sided sign that projects outward from the exterior wall of a structure.
- ii. Dimensions

A	Area, blade sign (max)	Table 5.3.A
B	Projection from wall (max, including supports)	5'
C	Vertical clearance from sidewalk level (min)	7.5'
E	Setback from curb line (min)	2'
F	Distance between blade signs (min)	12'

- iii. Specific Standards.
 - a. Maximum Number. A maximum of one blade sign is permitted per establishment per right-of-way frontage.
 - b. Location. The base of a blade sign must be placed below the finished level of the second story or, in the case of a one-story building, at least two feet below the highest peak of the roof. No portion of a blade sign may extend more than ten feet above the roof line or parapet wall of a building with a flat roof, or more than ten feet above the lower eave of a building with a pitched roof.
 - c. Swinging Sign. A blade sign which is suspended to allow the sign to swing due to wind action may not exceed nine square feet in area.

PLACEHOLDER GRAPHIC: TO BE REPLACED



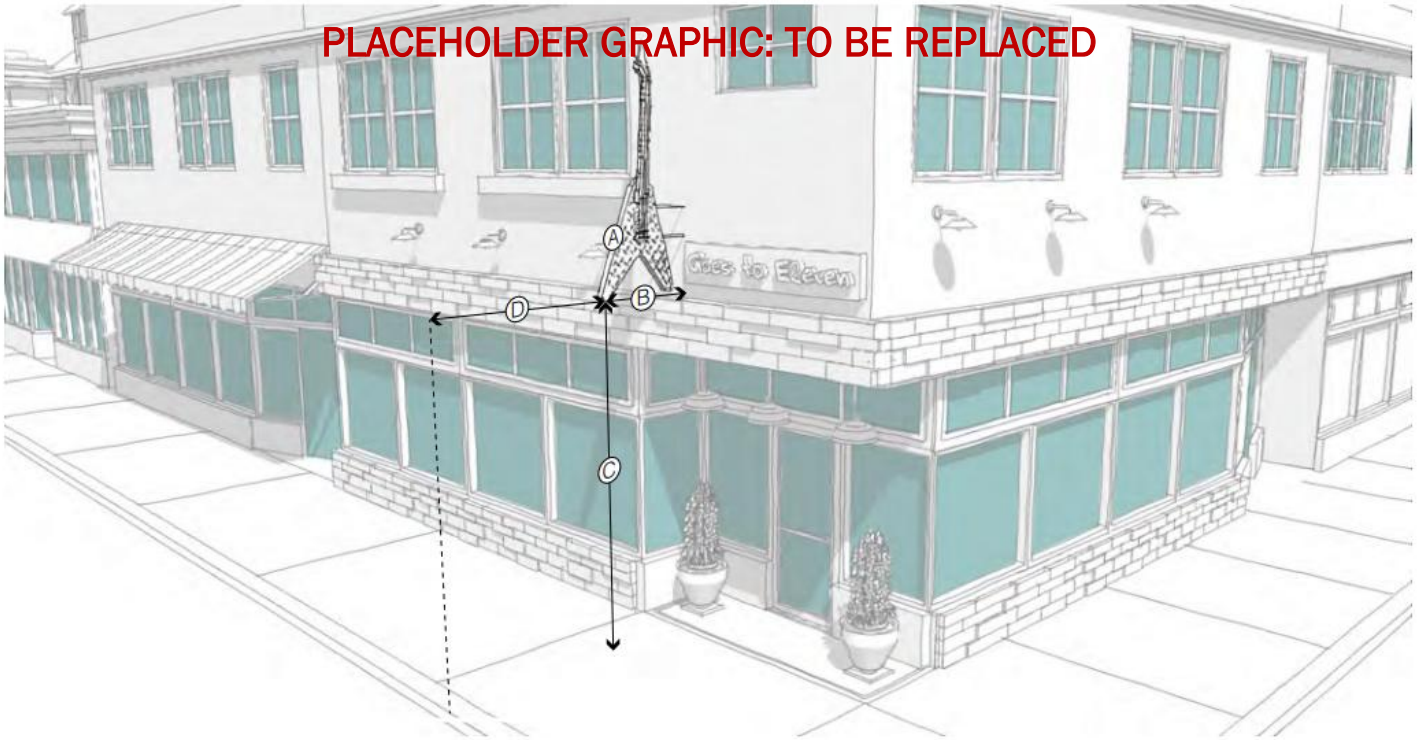
5.3.8.F Canopy Sign

- i. Description. A canopy sign is a sign attached above, below, or to the face of a canopy, and which may include an under-canopy sign attached to and mounted under the canopy.
- ii. Dimensions

A	Area, canopy sign (max)	25% on each canopy surface
B	Area, under-canopy sign (max)	4 SF
C	Letter/number/logo width above canopy (max)	75% of canopy width
D	Letter/number/logo height above canopy (max)	2'
E	Vertical clearance from sidewalk level, canopy sign, (min)	7.5'
F	Vertical clearance from sidewalk level, under-canopy sign (min)	7'
G	Setback from curb line (min)	2'

- iii. Specific Standards.
 - a. Maximum Number. A maximum of one canopy sign is permitted per establishment per right-of-way frontage.
 - b. Other Limitations. A maximum of one under-canopy sign is permitted per establishment with a ground-floor main entrance. An under-canopy sign must be securely fixed to the underside of the canopy with metal attachments, may not project beyond the canopy, and may not be illuminated.

PLACEHOLDER GRAPHIC: TO BE REPLACED

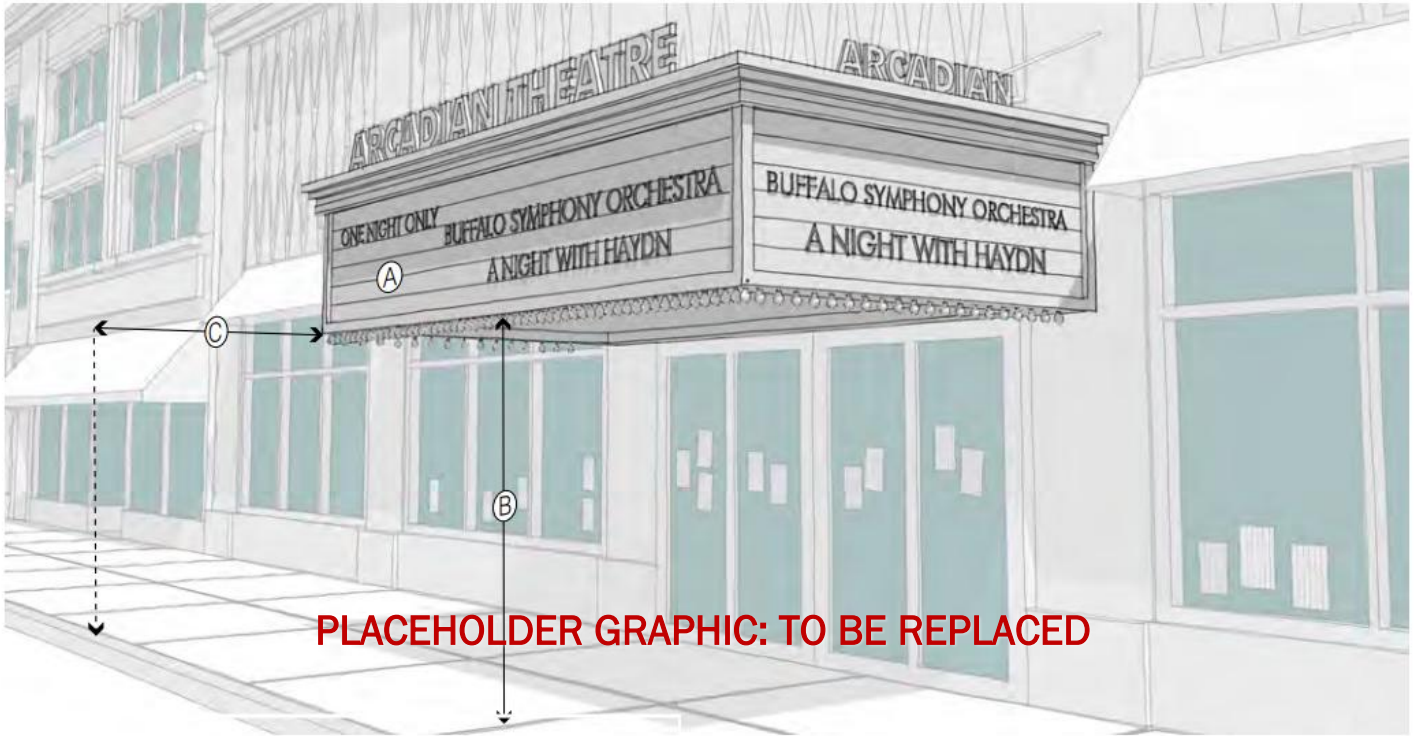


5.3.8.G Iconic Sign

- i. Description. An iconic sign is a sculptural, typically three-dimensional sign whose form suggests its meaning, and which can either be building-mounted or freestanding
- ii. Dimensions

A	Area (max per side)	Table 5.3.A
B	Projection from wall (max, including supports)	5'
C	Vertical clearance from sidewalk level (min)	7.5'
D	Setback from curb line (min)	2'

- iii. Specific Standards.
 - a. Maximum Number. A maximum of one iconic sign is permitted per establishment.
 - b. Iconography. An iconic sign may contain only iconographical elements representing a product or service offered on site, and may not contain any other items of information.



5.3.8.H Marquee Sign

- i. Description. A marquee sign is a sign attached to the top or the face of a permanent roof-like structure constructed over a ground floor main entrance.
- ii. Dimensions

A	Area (max per side)	Table 5.3.A
B	Vertical clearance from sidewalk level (min)	12'
C	Setback from curb line (min)	2'

- iii. Specific Standards.
 - a. Maximum Number. A maximum of one marquee sign is permitted per building. Only the following types of establishments may erect a marquee sign: assembly; cultural facility; school, college/university; hotel; entertainment facility which primarily does live or screen projected entertainment (for example: cinema, theater, or live music), indoor or outdoor.
 - b. Location. A marquee may be erected over a main entrance only, and may be no wider than the entrance over which it is erected, plus five feet on each side.
 - c. Structure. A marquee sign must be supported solely by the building to which it is attached. No exterior columns or posts are permitted as supports.

PLACEHOLDER GRAPHIC: TO BE REPLACED



5.3.8.I Monument Sign

- i. Description. A monument sign is a freestanding sign attached to a pedestal or perimeter wall.
- ii. Dimensions

A	Area (max per side)	Table 5.3.A
B	Height (max)	
	HC, I, T	20'
	MCC	10'
	All other districts where permitted (including MCC)	5 FT

- iii. Specific Standards.
 - a. Maximum Number. A maximum of one monument sign is permitted per site per right-of-way frontage. A monument sign may be erected only on a site where the building is set back a minimum of 15 feet from the lot line of the yard the sign will be located within.
 - b. In Lieu of. An establishment may erect a monument sign along a right-of-way frontage only in lieu of a pole or yard sign.
 - c. Right-of-Way Encroachment. No part of a monument sign may encroach upon a public right-of-way.
 - d. Structure. The sign must be attached to a pedestal that is integral to the sign structure, or be integral with a perimeter wall.
 - e. Width. The width of the top of the sign structure may be no more than 125% of the width of the pedestal. If attached to a perimeter wall, the sign may not exceed 75% of the width of the face of the perimeter wall.
 - f. Hospitals. Hospitals shall be permitted one (1) monument sign at each entrance that may not exceed 120 SF in area.
 - g. Height Exception. Multi-tenant shopping centers in MCC (Country Club Shopping Plaza, Marion Plaza, Bellview Plaza) erect a monument sign up to 15' feet in height.

PLACEHOLDER GRAPHIC: TO BE REPLACED



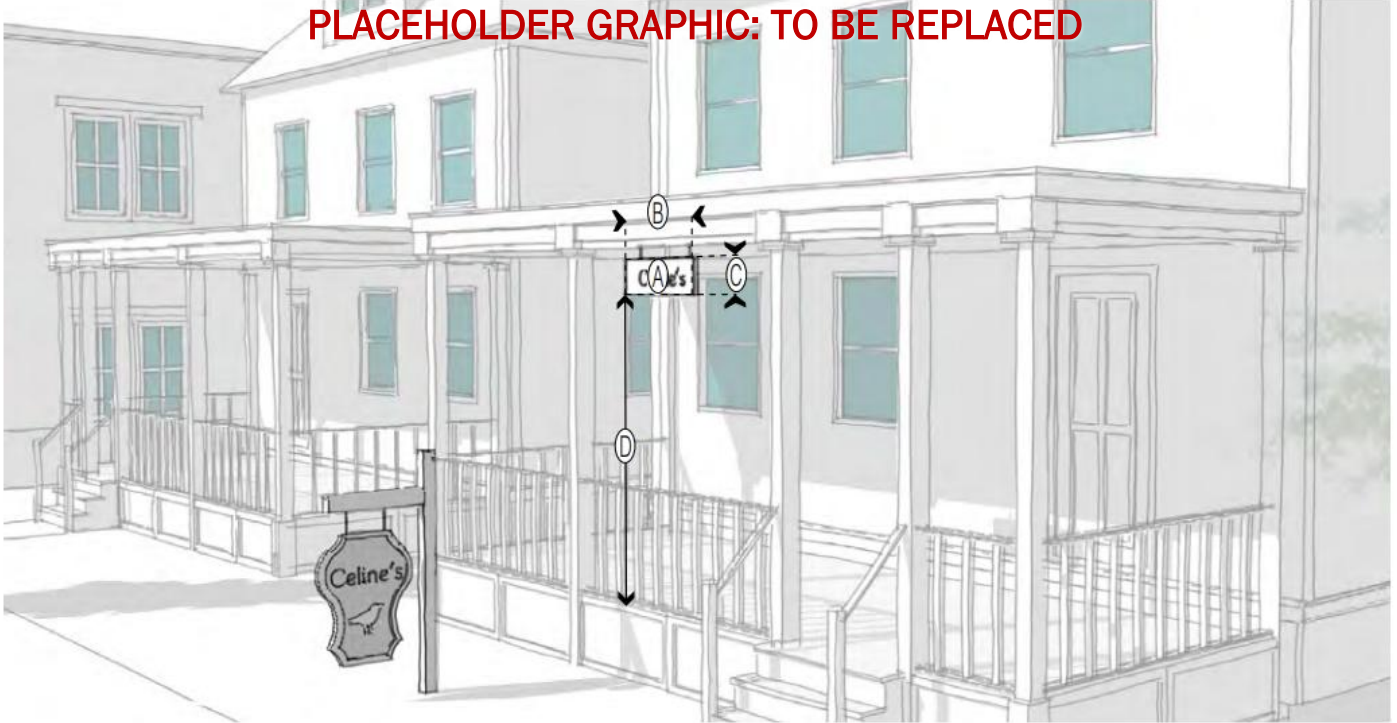
5.3.8.J Pole Sign

- i. Description. A pole sign is a freestanding sign constructed on a structure of one or more poles.
- ii. Dimensions

A	Area (max per side)	Table 5.3.A
B	Height (max, including pole)	15'
	HC, I, T	20'
	All other districts where permitted	15'
C	Vertical clearance from ground level (min/max)	7.5'

- iii. Specific Standards.
 - a. Maximum Number. A maximum of one pole sign is permitted per site. A pole sign may be erected only on a site where the building is set back a minimum of 15 feet from the lot line of the yard the sign will be located within.
 - b. In Lieu of. An establishment may erect a pole sign along a right-of-way frontage only in lieu of a monument or yard sign. For the Technology District, Interstate 79 may be considered a right-of-way frontage.
 - c. Right-of-Way Encroachment. No part of a pole sign may encroach upon a public right-of-way or overhang a drive aisle, parking space, or walkway.
 - d. Prohibited Areas. Pole signs shall be prohibited between from Oakwood Road / 7th Street to Cleveland Avenue from the Monongahela River to View Avenue, in the Fleming-Watson Historic District, and the Downtown Historic District.
 - e. Height Exception. Multi-tenant shopping centers in MCC (Country Club Shopping Plaza, Marion Plaza, Bellview Plaza) erect a pole sign up to 20 feet in height. If the ground floors of the multi-tenant shopping center's buildings and the parking lot are elevated 20 feet or more above the primary street frontage, measured from the crown or centerline of the street, then the pole sign may be up to 30 feet in height if located along that street frontage and at the same general elevation as the ground floors and parking lot.

PLACEHOLDER GRAPHIC: TO BE REPLACED



5.3.8.K Porch Sign

i. Description. A porch sign is a sign that is hung from the porch of a building and intended to be viewed from the sidewalk at close range.

ii. Dimensions

A	Area (max per side)	12 SF
B	Width (max)	8'
C	Height (max, not including supports)	1.5'
D	Vertical clearance from the porch floor (min)	7'

iii. Specific Standards.

a. Maximum Number. A maximum of one porch sign is permitted per establishment per right-of-way frontage.

PLACEHOLDER GRAPHIC: TO BE REPLACED



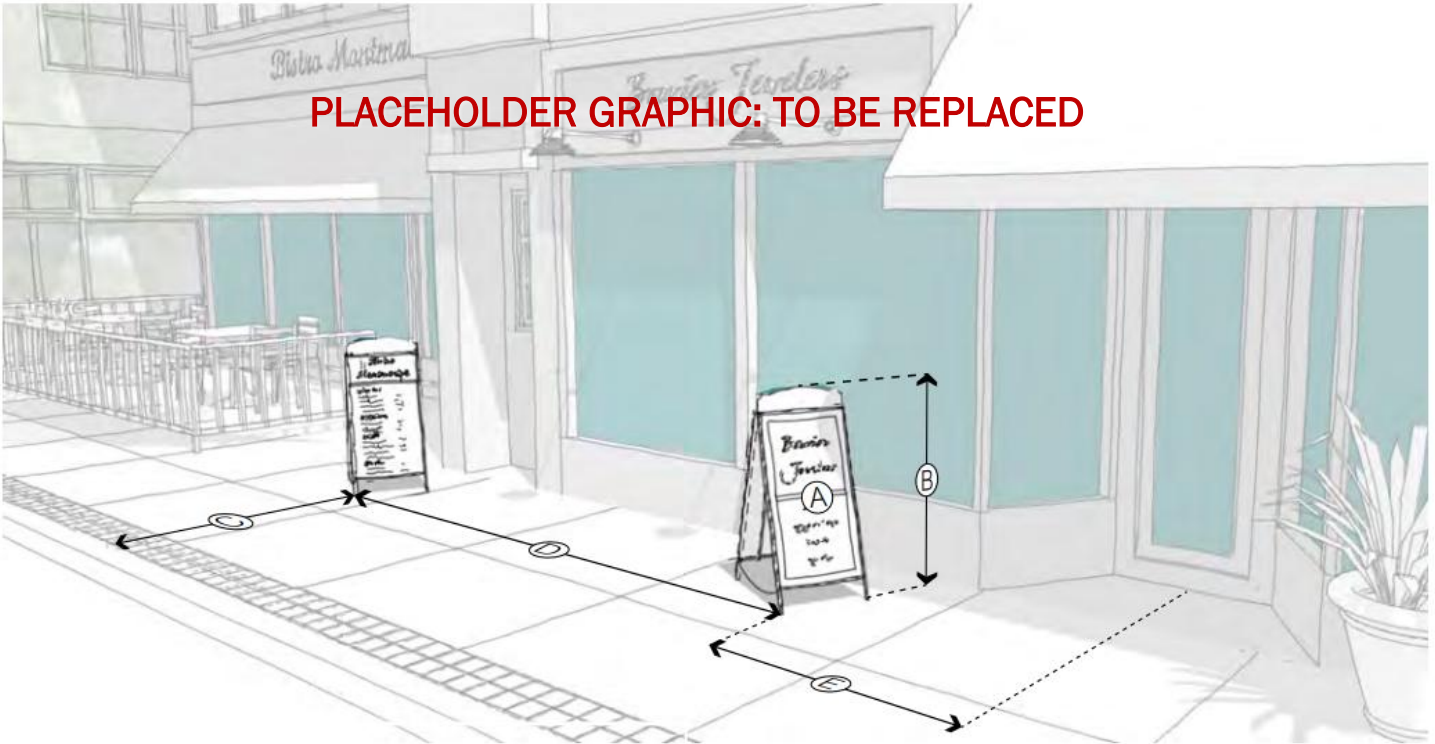
5.3.8.L Roof Sign

- i. Description. A roof sign is a sign mounted on, and wholly supported by, the roof of a building.
- ii. Dimensions

A	Area (max)	Table 5.3.A
B	Width (max)	75% of roof level width
C	Height (max, including supports)	
	MCC	7.5'
	All other districts where permitted	15'

- iii. Specific Standards.
 - a. Maximum Number. A maximum of one roof sign is permitted per building. A roof sign may be installed only on a flat roof.
 - b. In Lieu of. If a roof sign is erected on a building, a skyline sign is prohibited.
 - c. Structure and Access. Roof signs must be safely and securely attached to the roof structure and must not interfere with any roof access points.
 - d. Prohibited Areas. Roof signs are prohibited in the Downtown Historic District.

PLACEHOLDER GRAPHIC: TO BE REPLACED



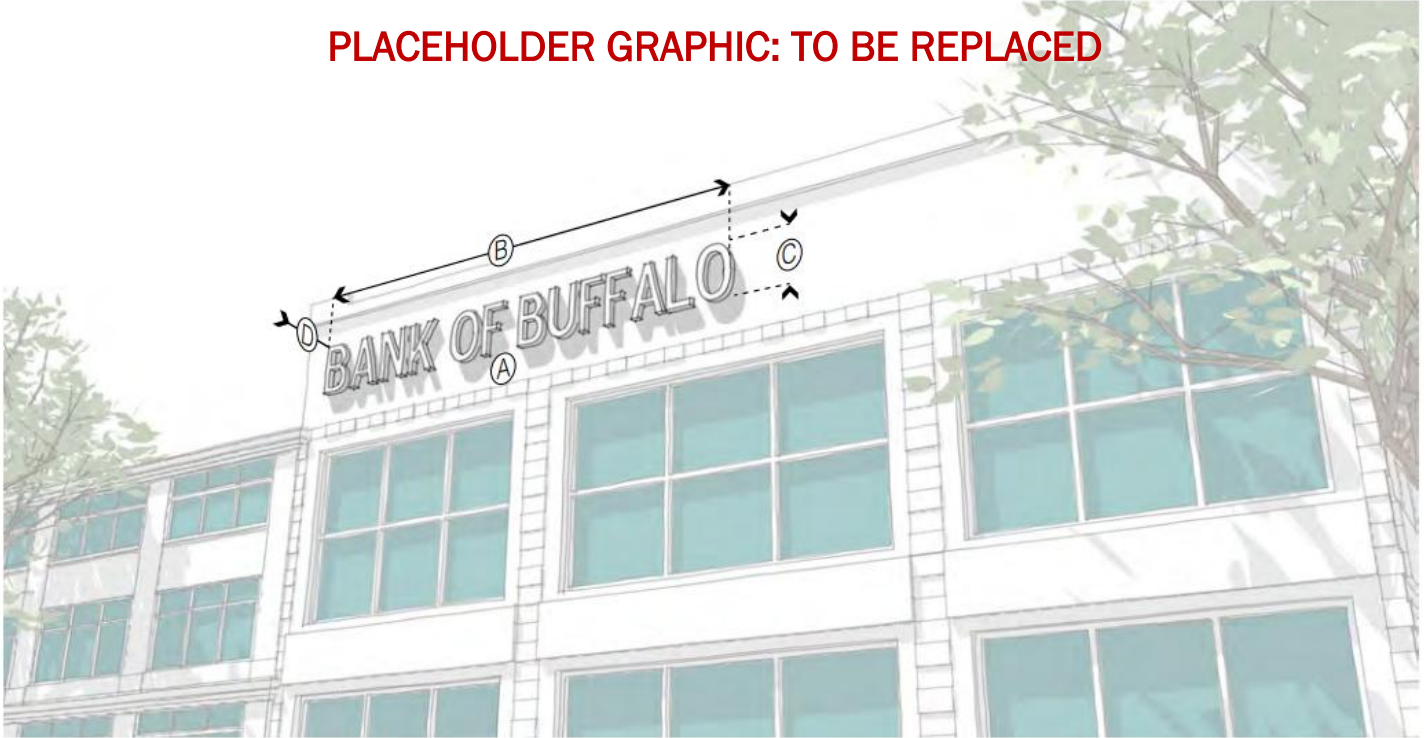
5.3.8.M Sidewalk Sign

- i. Description. A sidewalk sign is a two-sided, portable sign that is placed outside of an establishment, constructed in the form of an “A” or similar tent-like shape, or attached to a post with a heavy base, and intended to be viewed from the sidewalk at close range.
- ii. Dimensions

A	Area (max per side)	10 SF
B	Height (min/max total from sidewalk)	3’/4’
C	Setback from curb line (min)	2’
D	Distance between sidewalk signs (min)	15’
E	Distance from the main entrance (max)	5’

- iii. Specific Standards.
 - a. Maximum Number. A maximum of one sidewalk sign is permitted within the right-of-way per establishment per fifteen feet of right-of-way frontage.
 - b. Placement and Clearance. A sidewalk sign may be placed outdoors on the premises or a public sidewalk during business hours only, and must be stored indoors at all other times. The sign must not interfere with ingress and egress points and must maintain a minimum of five feet of sidewalk clearance at all times. The sign must be located within the frontage zone or furnishing zone of the sidewalk.
 - c. Orientation. A sidewalk sign must be vertically oriented, with a height greater than its width.
 - d. Illumination. A sidewalk sign may not be illuminated or contain any electronic components.
 - e. Adverse Weather. A sidewalk sign may not be placed outdoors when high winds, heavy rain, or heavy snow conditions are present. The Department of Public Works may remove a sidewalk sign during snow removal operations, and is not liable for damage to a sidewalk sign caused by snow removal operations.

PLACEHOLDER GRAPHIC: TO BE REPLACED

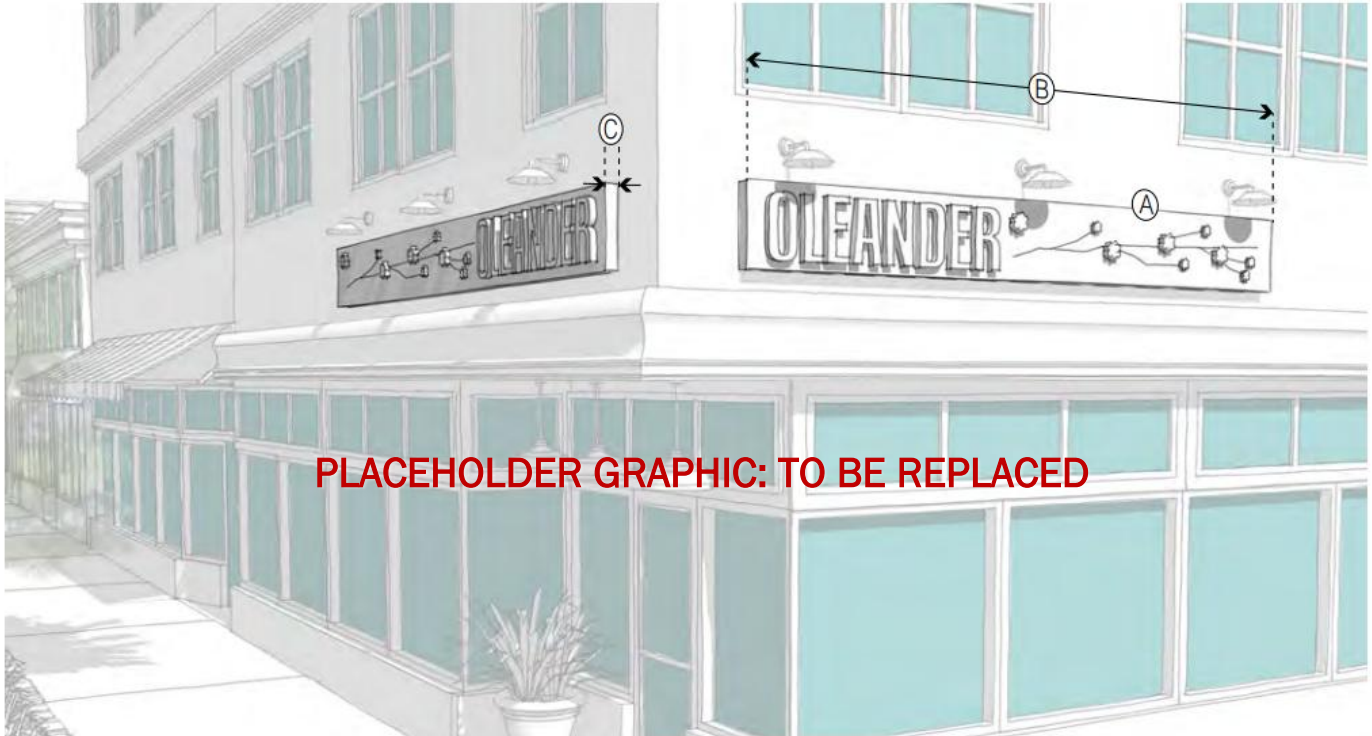


5.3.8.N Skyline Sign

- i. Description. A sign attached flat to or mounted away from, but parallel to, the building facade, and located on the upper band of the building.
- ii. Dimensions

A	Area (max)	Table 5.3.A
B	Width (max)	75% of façade width
C	Height (max)	15'
D	Projection from wall (max)	5'

- iii. Specific Standards.
 - a. Maximum Number. A maximum of one skyline sign is permitted per right-of-way frontage.
 - b. Position. No portion of a skyline sign may extend above the roofline or parapet wall of a building with a flat roof or, in the case of a building with a pitched roof, above the lower eave.
 - c. Multi-Roof Buildings. If a building has multiple roofs, the dimensions and restrictions will be based on the wall on which the sign will be attached to.



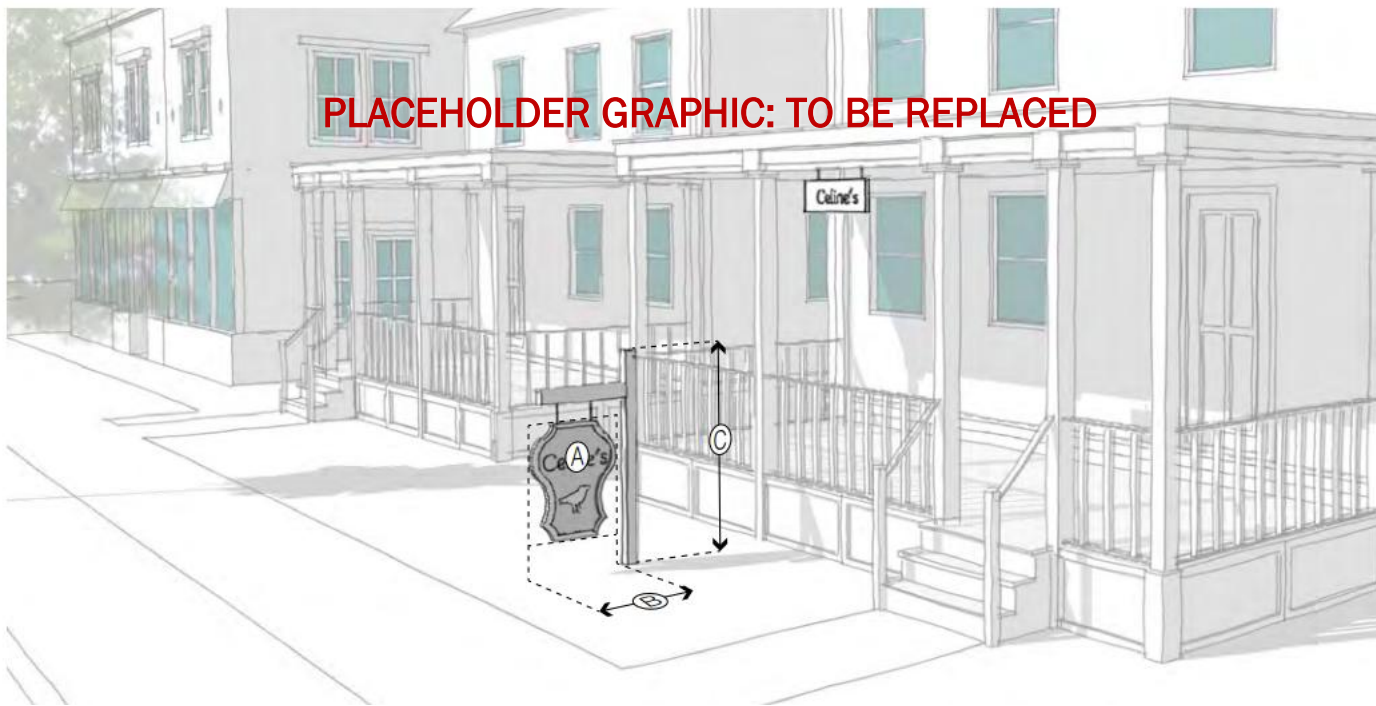
5.3.8.0 Wall Sign

- i. Description. A wall sign is a sign that is attached flat to or mounted away from, but parallel to, any exterior wall of a structure.
- ii. Dimensions

A	Area (max)	Table 5.3.A
B	Width (max)	90% of façade width
C	Projection from wall (max)	1'

- iii. Specific Standards.
 - a. Maximum Number. A maximum of one wall sign is permitted per establishment per right-of-way frontage, with the exception of supplemental wall signs as described in this section.
 - b. Supplemental Wall Signs. A maximum of one supplemental wall sign is allowed per building on an interior side or rear facade, and one additional supplemental sign on any other facade which faces an improved alley or pedestrian passage. Supplemental wall signs may not project more than six inches from a façade. Interior and rear façade supplemental wall signs are limited to 100 square feet in area in the NMU, MCC, CC, E, and R Districts and 200 square feet the HC, I, and T Districts. Alley or pedestrian passage façade supplemental wall signs are limited to 50 square feet in area in all districts where permitted.
 - c. Position. No wall sign may extend above the windowsills of the second story, unless the establishment extends to the second story or above and is floor space which is open to the public. No portion of a wall sign may extend above the roofline or parapet wall of a building with a flat roof, above the lower eave of a building with a pitched roof, or, in the case of a wall sign attached to an appurtenance, the highest point of the appurtenance.

PLACEHOLDER GRAPHIC: TO BE REPLACED



5.3.8.P Yard Sign

- i. Description. A yard sign is a two-sided sign that is located on either one or two posts within a front or corner side yard, and intended to be viewed along the sidewalk at close range.
- ii. Dimensions

A	Area (max)	12 SF
B	Width (max, not including post)	4'
C	Height (max, including post)	5'

- iii. Specific Standards.
 - a. Maximum Number. A maximum of one yard sign is permitted per site per right-of-way frontage.
 - b. In Lieu of. An establishment may erect a yard sign along a right-of-way frontage only in lieu of a monument or pole sign.
 - c. Right-of-Way Encroachment. No part of a yard sign may encroach upon a public right-of-way or overhang a drive aisle, parking space, or walkway.

5.3.9 Permanent Exempt Signs

A permit shall not be required for the following signs. Except where noted otherwise, the types of signs listed below are allowed in addition to the maximum number and square footage of regulated signs as permitted in other sections of this Article:

- A. Address Sign.** House number or nameplate identifying the occupant or address of a structure and not exceeding two (2) square feet in area. An address sign is a building mounted sign that identifies the occupant and/or address of a structure.
 - i. A maximum of one address sign is permitted per building per right-of-way frontage.
 - ii. An address sign may not exceed two square feet in area for a property with only a residential use or four square feet in area for a property with non-residential uses.
- B. Athletic Field Sign.** An athletic field sign is a sign that is incorporated into and designed as part of an athletic field, frequently attached to a scoreboard or outfield fence or wall, and is oriented toward the athletic field.
 - i. A scoreboard sign may contain an electronic message center (EMC), irrespective of the zone, but the EMC may be in operation only when the athletic facility is in use.
- C. ATM Sign.** An ATM is a sign that is incorporated into and designed as part of an automatic teller machine (ATM).
 - i. The advertisement upon the ATM sign must be limited to the term "ATM" and the name and logo of the financial institution rendering the ATM service.
- D. Barber Pole.** A traditional sign made up of a striped vertical cylinder which may or may not rotate, and may have a ball on top.
 - i. A maximum of one barber pole is permitted per building right-of-way frontage.
 - ii. A barber pole may only be installed on a building in which there is a barber licensed by the West Virginia Board of Barbers and Cosmetologists. Any barber pole erected onto a building in which there is not a licensed barber for longer than 30 days shall be deemed an abandoned sign.
 - iii. A barber pole may be no taller than 4 feet measured from bottom to the top of the cylinder.
 - iv. A barber pole may not project more than 4 inches off of the façade over a pedestrian pathway such as a sidewalk unless the sign is mounted more than 7 feet high from average ground level to the bottom of the sign or has adequate ground detection for the visually impaired, per the ADA Design Standards for projections into an accessible pathway.
- E. Building Directory Sign.** A building directory sign is a sign listing the names and locations of persons or establishments on the premises, and carrying no other advertising matter.
 - i. A maximum of one building directory sign is permitted per building per right-of-way frontage.
 - ii. A building directory sign may not exceed 12 square feet in area.
- F. Building Identification Sign.** A building identification sign is a sign consisting of letters applied to the building wall, engraved into the building material, or consisting of a sculptural relief, and which contains the name of a building or describes its function, but which does not advertise any individual tenant of the building or any products or services offered.
- G. Community Bulletin Board.** A community bulletin board is a sign that is erected for the posting of temporary signs and contains no permanent advertising copy.
 - i. A maximum of one community bulletin board is allowed per site.
 - ii. A bulletin board may not exceed 12 square feet in area. A sign posted to a bulletin board may not exceed two square feet in area.
- H. Flag.** A flag is a piece of cloth, usually rectangular, of distinctive color and design, used as a symbol, standard, signal, or emblem, and attached to a flagpole.
 - i. Failure to fly or display a United States flag in a manner that meets 36 U.S.C. 173-178 of the United States Code is considered a violation of this Ordinance.
- I. Fuel Pump Sign.** A fuel pump sign is a sign attached to a fuel pump advertising the cost of fuel.
 - i. A fuel pump sign may not exceed two square feet in area per pump. Operational and payment instructions on the face of the pump are exempt from this limitation.
- J. Fuel Pump Canopy Sign.** A fuel pump canopy sign is a sign mounted on the canopy over the fuel pumps.
 - i. Fuel pump canopy sign shall not exceed 2 SF per 1 linear feet of canopy length along the side where the sign is mounted and only 50% of a fuel canopy sign may be an EMC that may only advertise the price of fuel.
 - ii. Only one fuel canopy sign is permitted per side of the fuel canopy and no more than four fuel canopy signs are permitted per fueling station.
- K. Government Sign.** A government sign is any sign placed or authorized by a government agency with jurisdiction to place such signage. Examples of government signs include traffic signs and signals, legal notices, railroad crossing signs, or signs regulating the traffic of, or giving information to, motorists, transit riders, cyclists, or

pedestrians.

- i. Government signs are permitted in any number, configuration, or size.
 - ii. In any zone, the type and extent of illumination of a government sign is at the discretion of the authorized government agency.
- L. Home Occupation Sign.** A home occupation sign is a sign identifying a home occupation on the premises.
- i. A maximum of one home occupation sign, attached to the wall of the dwelling, is permitted per home occupation.
 - ii. A home occupation sign may not exceed two square feet in area.
- M. Memorial Plaque.** A memorial plaque is a freestanding or building-mounted plate of metal, ceramic, stone, wood, or other material, bearing text or an image in relief, or both, in memory of one or more persons, an event, a former use of the place, or other historical matter.
- i. A memorial plaque located in the public right-of-way or on City property must be approved by the Arts and Humanities Commission.
- N. Menu Board.** A menu board is a permanently mounted sign displaying the items for sale for a drive-through establishment.
- i. A maximum of two menu boards are permitted per drive aisle of a drive-through establishment.
 - ii. A menu board may not exceed 40 square feet in area.
 - iii. The audio component of a menu board is limited to communication between customers and employees, and may not exceed a volume of five decibels over ambient sound as measured from the nearest property line.
- O. Motor Vehicle For-Sale Sign.** A motor vehicle for-sale sign is a sign posted to a motor vehicle, indicating a sale price, vehicle make, and/or seller contact information.
- i. A maximum of one motor vehicle for-sale sign is allowed per vehicle.
 - ii. A motor vehicle for-sale sign may not exceed four square feet in area.
- P. Newspaper Vending Box Sign.** A newspaper vending box sign is a sign that is incorporated into and designed as part of a vending box for a newspaper or other periodical.
- a. The advertisement upon the newspaper vending box sign must be limited to the periodical vended.
- Q. Parking Lot Directional Sign.** A parking lot directional sign is a sign that includes information assisting in vehicle traffic flow or parking, including information identifying entrances and exits, driveway intersections, drive-through lanes, or loading areas.
- i. A parking lot directional sign may not exceed four feet in height and four square feet in area.
 - ii. A parking lot directional sign may not be located within the clear-vision triangle formed by a driveway access and the street right-of-way line unless the sign is two feet and six inches or less in height from the average from level where it is located.
- R. Parking Lot Information Sign.** A parking lot information sign is a sign that includes information on the operation of a parking lot, such as “No Parking” or “Unauthorized Users Shall Be Towed.”
- i. A parking lot information sign may not exceed six feet in height and 12 square feet in area.
- S. Place Identification Sign.** A place identification sign is a sign indicating the name of a subdivision, block club, office or industrial park, education or medical campus, or other recognized place.
- i. A maximum of one place identification sign is permitted per right-of-way intersection.
 - ii. A place identification sign may not exceed 12 square feet in area in the Neighborhood Districts districts, or 20 square feet in area in the in all other districts, and must not exceed four feet in height in any zone.
- T. Property Identification Sign.** A property identification sign is a building-mounted sign identifying the property management company or apartment complex name of the premises.
- i. A maximum of one property identification sign is permitted per building per right-of-way frontage.
 - ii. A property identification sign may not exceed four square feet in area.
- U. Public Information Sign.** A public information sign is any sign that provides information on the use of the facility, such as directional signs, trailhead entry signs, and information kiosks.
- i. A public information sign may not exceed 12 square feet in area in the Neighborhood Districts, or 20 square feet in area in all other zoning districts. Public information signs located in state, county, or city trails or parks are exempt from these area limitations.
- V. Street Light Banner Sign.** A street light banner sign is a sign that is printed upon flexible material and held taut within frames, attached to a street light.
- i. Street light banner signs are allowed only with the authorization, and in accordance with the specifications, of the Director of Public Works.
- W. Transit Advertisement Sign.** A transit advertising sign is

an advertising sign that is erected by the Fairmont-Marion County Transit Authority on any of its property, including bus shelters, transit stations, and transit vehicles.

- X. Utility Sign. A utility sign is installed by a public utility in its right-of-way or on its facility, and bearing no commercial message other than such message is necessary to identify the public utility and the use, and warn of any hazards
- Y. Vending Machine Sign. A vending machine sign is a sign that is incorporated into and designed as part of a vending machine.
 - i. The advertisement upon the vending machine sign must be limited to the products vended.
- Z. Window Sign. A window sign is a sign that is attached to, placed upon, printed on the interior or exterior of a window or door of a building, or displayed within one foot of the interior of a window, and is clearly intended for public recognition outside the building.
 - i. The total area of window signs may not exceed 25% of the total area of the window, or four square feet, whichever is greater. The total area of the window is measured as the area of continuous glazing until divided by an architectural or structural element, not including mullions.

5.3.10 Temporary Exempt Signs

The following temporary signs do not require a sign permit, but must follow applicable standards.

- A. Banner Sign. A banner sign is a temporary sign that is printed or displayed upon flexible material with or without frames, which advertises a special sale, event, or activity.
 - a. A maximum of one banner sign is permitted per establishment per right-of-way frontage. A banner for a temporary, non-commercial event may be extended over a public right-of-way, including over the entire right-of-way, only with the approval of the Director of Public Works.
 - b. A banner sign is limited to 35 square feet in area unless extended over a public right-of-way, in which case a banner sign is limited to a maximum width equal to that of the right-of-way and a maximum height of five feet, or any limitations to size set by the Director of Public Works.
 - c. A banner sign may not be illuminated.
 - d. A banner sign is limited to the following display periods:
 - i. Banner signs may be displayed for up to 30 days.
 - ii. A maximum of three display periods per year is permitted per establishment, so long as there

is a minimum of 30 days between displays.

- B. Construction Sign. A construction sign is a temporary sign intended to provide information about current construction on a site and the parties involved in the project.
 - a. A maximum of one construction sign is permitted per site. A construction sign may identify the developer, builder, architect, contractor, subcontractor, material supplier, elected officials, participating government agencies, and/or project description for an on-premises construction project.
 - b. The area of a construction sign may not exceed 35 square feet.
 - c. A construction sign may be erected only after approval of a building permit, and must be removed within two days of issuance of a certificate of occupancy.
- C. Non-Commercial Sign. A non-commercial sign is any non-commercial sign, including signs advocating for a public issue or candidate for public office.
 - a. For parcels zoned with residential districts, the total area of non-commercial signs may not exceed eight (8) square feet.
 - b. For parcels zoned within non-residential districts, the total area of non-commercial signs may not exceed 35 square feet.
- D. People Sign. A people sign is a person attired or decorated with commercial insignia, images, costumes, masks, or other symbols that display commercial messages with the purpose of drawing attention to or advertising for an on-premise activity. Such person may or may not be holding a sign.
 - a. A maximum of one (1) people sign per right-of-way frontage, per site, is permitted.
 - b. The area of a people sign may not exceed 35 square feet.
 - c. A people sign may not obstruct a sidewalk in such a manner that restricts the width of the sidewalk to be less than four (4) feet.
 - d. A people sign may not be located in the drive or parking lanes of a street.
 - e. A people sign may only be permitted during the operating hours of the commercial business for which it is related to.
 - f. A people sign may not use a mannequin or equivalent, as determined by the Director of Planning and Development, to display a sign.
 - g. A people sign may not use any type of illumination or sound amplification device.
- E. Projected-Image Sign. A projected-image sign is a laser

light or projected-image sign that use technology to project an image, logo, or other graphic on buildings, structures, sidewalks, or other surfaces.

- a. A maximum of one (1) projected-image sign per establishment per right-of-way frontage is permitted.
 - b. The area of a projected-image sign may not exceed the maximum square footage permitted for a wall sign on the same wall.
 - c. A projected-image sign is limited to the following display periods:
 - i. Projected-image signs may be displayed for up to 30 days.
 - ii. A maximum of three display periods per year is permitted per establishment, so long as there is a minimum of 30 days between displays.
- F. Real Estate Sign.** A real estate sign is a temporary sign that advertises the sale or lease of the premises on which it is located, or an open house on the premises.
- a. A maximum of one real estate sign per right-of-way frontage, per site, is permitted.
 - b. A maximum of one wayfinding sign at one intersection of the street where the site being sold or leased is permitted so long as the total sign area does not exceed six square feet. The sign must feature a way-finding element, such as an arrow or building number. The wayfinding sign may not obstruct the clear vision area of the intersection or the sidewalk.
 - c. A real estate sign may not exceed six square feet in area for single-family dwellings and vacant residential land, or 16 square feet in total area for all other uses or commercially zoned vacant land.
 - d. A real estate sign may not be illuminated.
 - e. A real estate sign that advertises property for lease or sale may be posted only for the duration the property is offered for lease or sale, and must be removed within seven days of lease or closing. A real estate sign that advertises an open house may be displayed only during the day of the open house and must be removed within two hours of the end of the open house.
- G. Yard/Garage Sale Sign.** A yard/garage sale sign is a temporary sign that advertises a yard or garage sale on the premises.
- a. A maximum of one yard/garage sale sign per site is permitted.
 - b. A yard/garage sale sign may not exceed six square feet in area and four feet in height.
 - c. A yard/garage sale sign may not be illuminated.
 - d. A yard/garage sale sign may be posted for a

maximum display period of seven days prior to the yard or garage sale, the duration of the yard or garage sale, and two days following the yard or garage sale, with a maximum of three display periods per year.

5.3.11 Off-Premise Signs

An off-premise sign, also known as a billboard, is a permanent sign erected, maintained, or used for the purpose of the display of messages not related to the use of, products sold on, or the sale or lease of, the property on which it is displayed. A highway-oriented off-premise sign is an off-premise sign that is oriented to and within 660 feet of a highway.

- A. Permitted Locations.** Highway-oriented off-premise signs are permitted to be free-standing in the Highway Commercial District and must be oriented to Interstate 79.
- B. Conditionally Permitted Off-Premise.** Off-premise signs shall be conditionally permitted as free-standing, wall signs, or roof signs in the Industrial District. The Conditional Use Permit Application must include a scaled site plan and drawings of the proposed sign structure.
- C. Off-Premise Sign Setbacks.** Off-premise signs must meet the following distance requirements:
 - i. Be located more than 200 feet from any zoning district which off-premise signs are not permitted or conditionally permitted.
 - ii. Be located more than 500 feet from any other off-premise sign that is oriented to the same public right-of-way and the same direction of traffic.
 - iii. Highway-oriented off-premise signs must be located at least 1000 feet from any other highway-oriented off-premise signs oriented on the same highway and in the same direction of traffic.
 - iv. Be located at least 40 feet from any dwelling, exception for dwellings located within the building an off-premise sign is mounted to.
 - v. If free-standing, be setback at least 20 feet from any right-of-way.
- D. Dimensions.** Off-premise signs are limited to a maximum sign area as follows:
 - i. An off-premise sign that is not oriented to a highway may be no more than 300 square feet in sign area per sign face.
 - ii. A highway-oriented off-premise may be no more than 672 square feet in area per sign face, plus an additional 20% of sign area for extensions or embellishments.
- E. Height.** Off-premise signs are limited to a maximum sign height as follows:

- i. An off-premise sign, including support structures, that is not oriented to a highway, may have a maximum overall height of 25 feet above ground level, except for building mounted off-premise signs, which may be no greater than 20 feet above the peak of the roof to which the off-premise sign is attached.
 - ii. Building-mounted off-premise signs are prohibited on a front facade of a building and must be positioned above the first story or on the roof of a building.
 - iii. A highway-oriented off-premise sign may have a sign height of up to 40 feet measured from the average grade of the base of the sign structure.
- F. Facings.** Off-premise signs may have a maximum of two sign faces, so long as the sign faces are positioned back-to-back.
- G. Illumination.** Off-premise signs shall be prohibited from being an EMC sign or any other type of electronic display, shall orient lights downward to reduce light pollution, and shall shield all lights so that the illumination source is not visible from beyond the property in which the off-premise sign is located.
- H. Movement.** Off-premise signs shall be prohibited from having any animation, movement, or moving light.
- I. Vehicles.** Off-premise signs are prohibited from being attached to a vehicle.
- J. Damaged or Structurally Deficient.** Damaged off-premise signs must be removed or demolished. Non-conforming off-premise signs, if structurally deficient, even if damaged by natural disaster or other means, must be demolished and cannot be reconstructed.
- K. Fee.** Annual inspection and fee will be required of all off-premise signs.

Current Article 5.3 Text

5.3 SIGNS AND SIMILAR STRUCTURES

1. Scope

The purpose of this ordinance is to create the legal framework for a comprehensive and balanced system of signs that will preserve the right of free speech and expression, provide an easy and pleasant communication between people and their environment, and avoid the visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance. With these purposes in mind, it is the intent of this ordinance to authorize the use of signs that are:

- A. Compatible with their surroundings;
- B. Appropriate to the activity that displays them;
- C. Expressive of the identity of individual activities and the community as a whole; and
- D. Legible in the circumstances in which they are seen.

2. Procedures and Permits

- A. It shall be unlawful for any person to erect, structurally alter, or relocate any sign or sign structure without first obtaining a permit from the Building Department, except as provided in Section 5.3.3, Permit Exemptions.
- B. The application for the permit for a sign shall be made upon forms provided by the Building Department. All applications shall at a minimum be accompanied by accurate sketches and scaled drawings showing the proposed sign or sign structure, its content, and the location of the proposed sign upon the premises. All applications shall be accompanied by the requisite application fee which shall be established by the Building Department. All applications shall be accompanied by the written consent of the owner or his designated agent of the premises upon which the sign is to be erected or his designated agent.
 - i. No application shall be accepted for review unless it is complete, accompanied by the appropriate fee and signed by the applicant. The Building Inspector may require that the location of a proposed sign be based on a survey by a registered land surveyor or engineer, at the expense of the applicant. The Building Inspector shall endeavor to complete a review of the completed

application within ten (10) working/business days.

- C. At any time and at his sole discretion, the Building Inspector may inspect existing signs to determine if they are detrimental to the public health, safety and welfare. If they are detrimental to the public health, safety and welfare, they shall be removed or repaired within five (5) working/business days following the determination by the Building Inspector. At the determination of the Building Inspector, more time may be granted to repair or replace the sign if the property owner can demonstrate a good faith effort of working toward compliance with this ordinance. If a nonconforming sign is determined by the Building Inspector or owner to require repair, it must be brought into compliance with these regulations within a period of time determined by the Building Inspector.
- D. With all applications for a permit under this Article there shall be a bond with surety approved by the City or a public liability insurance policy issued by an insurance company doing business in this State covering the period of construction and maintenance after completion, which bond or insurance policy shall protect against personal injuries and property damage with limits of not less than one million dollars (\$1,000,000.00), and shall provide for the matters and requirements contained in this Article.
 - i. The City shall be named as an additional insured on any such bond or policy of insurance issued hereunder and it shall be indicated on the policy or separate documentation that the City shall be notified of coverage termination. If work authorized by a permit has not been completed within six months after the date of issuance, such permit shall become null and void and the sign or such portion thereof as may be completed shall be deemed abandoned.

3. Permit Exemptions

A permit shall not be required for the following signs and activities. Except where noted otherwise, the types of signs listed below are allowed in addition to the maximum number and square footage of regulated signs as permitted in other sections of this Article:

- A. Servicing, repainting, or cleaning an existing sign, except where such activity requires structural alterations either of the sign pole or the structure supporting the sign face.
 - B. House number or nameplate identifying the occupant or address of a structure and not exceeding two (2) square feet in area.
 - C. Real estate sign which is six (6) square feet or less in surface area and is five (5) feet or less in height, provided that there shall be no more than one such sign for any street frontage and such sign shall not project beyond the property line. The sign shall advertise the building or property on which the sign is located, and must be located so as not to obstruct or interfere with view of drivers on public roads or those accessing the property.
 - D. The name of the building and date of erection, when cut into any masonry surface or tablet sign.
 - E. One banner advertising a particular event for a business shall be allowed provided that:
 - i. Such sign shall be placed no more than seven (7) days prior to the event and removed no later than seven (7) days after the event.
 - ii. Such signs can only be used three (3) times a year.
 - F. Any non-commercial flag bearing the official seal of the United States, other recognized country, or State of West Virginia.
 - G. Traffic or other official government sign, such as legal notice, railroad crossing, danger or other emergency sign.
 - H. Yard, garage, or moving sale signs that are placed no more than seven (7) days prior to the sale and removed within two (2) days after the conclusion of the sale.
 - I. Traffic control signs on private residential property which contains no commercial message of any sort.
 - J. Public warning signs for trespassing or danger area.
 - K. Temporary nonprofit event sign which does not exceed sixteen (16) square feet, and is only permitted when used to advertise a specific event. These signs shall only be permitted for the period of not more than fourteen (14) days prior to the event and five (5) days after the specific event has ended.
 - L. Non-commercial seasonal signs.
 - M. Drive-through menu signs.
 - N. One banner advertising the opening of new businesses shall be allowed as an alternative to a permitted permanent wall sign provided that:
 - i. Such signs for new businesses shall be limited to a duration of thirty (30) days within the first sixty (60) days after issuance of the first business license for that business in that location or from the issuance of a Certificate of Occupancy for that location, whichever is later.
 - ii. Such signs shall be attached to and parallel with a wall of the building on which wall signs are permitted and shall not exceed thirty-two (32) square feet in surface area.
 - O. Temporary commercial signs placed by businesses or the West Virginia Division of Highways during the construction of any road improvement project. To be exempted from the permitting process, a business may either (a) relocate its permanent sign out of the construction zone to a temporary location on-site, or (b) replace the permanent sign with a temporary new sign no larger than the maximum height and size limits permitted in the zoning district. In any case, once the road improvements are completed in front of the business, any sign placed temporarily during the construction period must be removed within seven (7) days.
 - P. The changing of an approved copy or message of a sign specifically designed for the use of replaceable or changeable copy.
 - Q. Construction signs which are thirty-two (32) square feet and non-illuminated placed on the building site only.
 - R. Sandwich Board. Such sandwich board signs shall be permitted for the purpose of announcing activities and specials with a total area, inclusive of all structural support, not greater than six (6) square feet per side and located on the property where the business is located, and must be taken inside daily at the end of business hours or 9 PM, whichever is earlier. Sandwich board signs are not permitted in residential districts.
4. Measurement of Individual Sign Area
This Section of the Article explains how a sign is to be measured in order to determine its size.
- A. The permitted maximum size of a sign shall apply to the entire area enclosing the extreme limits of

- writing, representation, emblem or figure, together with any frame or other material or color forming an integral part of the display or used to differentiate a sign from the background against which it is placed. Necessary supports or uprights on which a sign is placed are excluded from the measurement of sign area.
- B. The permitted actual size of a sign shall apply to each facing of a sign structure; however, where signs are double-faced, placed back-to-back, or in a V-type construction, only one side of the sign shall be counted when the V is at a 45-degree angle or less. Back-to-back signs must be enclosed within the same cabinet or affixed to the same pole and not separated by more than eighteen (18) inches to qualify under this Section.
 - C. If a sign is painted on a wall, and includes background colors and/or graphics, and if the sign is an integral part of the overall graphic scheme, the entire wall shall be considered a sign and its measurement computed as such. If a sign is painted on a wall, and the sign can be logically separated and measured separately from the background graphics, the background graphic scheme shall not be computed in the sign size.
 - D. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. No filling, berming, mounding or excavating for the purpose of locating the sign is permitted
5. Prohibited Signs. The following signs are prohibited in all districts, except as otherwise noted herein:
 - A. A flashing sign or an animated sign which incorporates in any manner flashing or moving lights or any other visible moving or revolving part.
 - B. Commercial banners, pennants, flags (except as permitted in Section 5.3.3, Permit Exemptions), spinners, or streamer.
 - C. Signs which resemble any traffic sign or traffic control device on a public street or road, by reason of size, shape, location, color, or illumination and/or which make use of such words as "STOP", "LOOK", "DANGER", or other similar words, phrases, symbols, or characters, in such a manner as to imply the need or requirement of stopping or the existence of danger.
 - D. Signs which obstruct free ingress or egress from a door, window, fire escape, or other exit way
 - E. Vehicle signs which are displayed for the purpose of exhibiting commercial advertising, identifying an on-site business, or supplying directional information to an off-site business, by means of any of the following:
 - i. The absence of a current, lawful license plate affixed to the vehicle on which the sign is displayed; or
 - ii. The vehicle being inoperable; or
 - iii. The vehicle on which the sign is displayed is not parked in a lawful or authorized location, or is parked in a manner that is distinct or different from the pre-determined parking area; or
 - iv. A vehicle that utilizes a sign that is not an integral piece of an automobile is not permitted. No additional materials can be added to a vehicle for the purpose of using it as a sign; or
 - v. The primary use of the vehicle on which the sign is displayed is not for business activities associated with products or services designated by the sign. Primary use shall be determined by the Building Inspector; or
 - vi. The vehicle on which the sign is displayed is a part, section, or element of an outdoor display by a dealership or business of transportation vehicles such as motor vehicle, recreational vehicle, watercraft, manufactured home, motorcycle, or utility trailer.
 - F. Changeable letter freestanding signs or portable signs.
 - G. Signs determined by the Building Inspector to contain subject matter defined within this ordinance related to "Specified Sexual Activities" or "Specified Anatomical Areas".
 - H. Signs now or hereafter existing which no longer advertise a bona fide business, activity, campaign, service or product.
 - I. Any sign located in a public right-of-way, except as permitted by the West Virginia Department of Transportation or the City of Fairmont and in compliance with all local regulations. Any sign placed in the public right-of-way in violation of this code shall be prohibited and may be seized by the enforcement official or other representative of the City, and the person owning or placing the sign may

- be charged both with a violation of this chapter and with the cost of removing and disposing of the sign.
- J. Signs attached to utility poles and West Virginia Division of Highways sign poles.
 - K. All off-premise signs, except as permitted by this Article.
 - L. Signs or banners placed on fabric not intended to be used for such purpose.
6. General Sign Regulations.
- A. Regulations by Type of Sign:
 - i. Electronic Changing Message Sign. Political subdivisions may be permitted these types of signs upon approval by the Board of Zoning Appeals upon pre-approved forms in accordance with the provisions of Section 8.9 et seq., Board of Zoning Appeals of this Code.
 - ii. Kiosks shall be permitted for the purpose of announcing activities, and the like, scheduled to occur in such buildings. One (1) square foot per one (1) lineal foot of street frontage shall be permitted with the total aggregate sign area not exceeding forty (40) square feet. Such kiosks shall not be closer than ten (10) feet to the curb nor more than ten (10) feet in overall height above grade.
 - iii. Dynamic Signs. Must adhere to the following standards, in addition to compliance with all applicable districts and all other general sign regulations:
 - a. Can only be fifty (50) percent of the maximum sign area permitted for an on-premise sign;
 - b. Dynamic signs may only be in the form of wall mounted or monument signs. No pole mounted or roof mounted dynamic signs are permitted;
 - c. If the proposed location for said sign is adjacent to any property classified, used or occupied as residential, such sign shall not be illuminated by artificial means after 9:00 p.m.; in no case shall a dynamic sign be lit from 11p.m. to 6a.m.;
 - d. No sign may exceed a maximum illumination of 0.8 foot-candles above ambient light level as measured from the edge of the property boundaries;
 - e. No such sign shall be of such a nature or character as to be detrimental or injurious to any adjacent property; the neighborhood or the public welfare;
 - f. Only one (1) per place of business is permitted regardless of the number of street frontages the businesses occupy;
 - g. Display area must freeze on a black screen if the sign malfunctions;
 - h. Will be subjected to an annual fee and inspection by the Building Inspector;
 - i. Must be tied into the Amber Alert system unless the applicant adequately demonstrates that this requirement cannot be met;
 - j. Any such sign shall be placed only in such a location that is in harmony with the general purpose and intent of this Article;
 - k. Such sign shall not be placed in a location that will cause confusion or provide a distraction to vehicular traffic;
 - l. The message displayed on such signs shall relate exclusively to activities or events which are slated to occur on the same premises as the location of the sign; No off-premise advertising is permitted. Exceptions for units of local government which may use signs to announce public events at their sole discretion;
 - m. The message shall be limited in words and duration so that it can be read in no less than eight (8) seconds and not cause confusion or provide a distraction to vehicular traffic;
 - n. Message or text is prohibited from scrolling across screens. Transition between screens must be instantaneous without fading or dissolving; and
 - o. Such additional requirements as may be necessitated by exceptional physical conditions of the applicant's parcel real estate.
- iv. Monument Signs. All monument signs shall stand in a bed of cultivated landscaping. This area shall contain low-growing materials such as vegetative ground cover, perennials, and shrubs and shall be bordered by

- acceptable curbing such as wood or concrete. Such curbing shall be located in such a manner so as to prevent automobiles from contacting the sign when maneuvering. The perimeter of the landscaped area shall extend outward from the monument sign by at least four (4) feet.
- v. Projecting Signs. Shall be governed by the following regulations
 - a. A projecting sign shall not extend over more than one-half (1/2) of a public sidewalk nor be lower than nine (9) feet above ground level.
 - b. They shall be attached at least six (6) inches away from the wall, and angular projection at the corner of a building is prohibited.
 - c. Shall project from the wall at an angle of ninety (90) degrees.
 - d. Shall not extend vertically beyond the window sill of the second story.
 - vi. Imbedded Building Signs. Shall be no more than twenty (20) square feet in size and shall only bear the name of the owner, the name of the building, or the date of erection of the building.
 - vii. Permanent Window Signs. Shall be regulated by the following stipulations:
 - a. All window signs shall consist of high-quality durable materials. Floating neon, applied vinyl, etched glass, and painted images with appropriate design features shall be considered.
 - b. Neither temporary nor permanent signs shall obscure the visibility of the store interior or its merchandise displays.
 - c. Borders around or adjacent to and backgrounds behind window sign lettering shall count toward the total sign area. All window signs shall be included in the total allowable sign area.
 - d. Window signs shall not exceed ten (10) percent of each individual window up to a maximum of eight (8) square feet per window and a total of twenty-five (25) square feet per building façade.
 - e. Messages shall be placed only within the top twenty-five (25) percent or bottom twenty-five (25) percent of a window.
 - f. All window lettering/window signs shall require issuance of an appropriate sign permit.
- B. General regulations applicable to all signs:
- i. No sign shall be permitted within the clear-vision area as defined.
 - ii. The back of any permitted sign structure must be shielded from public view by a building, other structure, high planting, or another sign of the same size (where permitted), unless such back is painted a neutral color or is enclosed in a solid metal backing that is treated or painted against corrosion.
 - iii. All signs shall be maintained in good and safe structural condition.
 - iv. The general area in the vicinity of a sign must be kept clear of weeds, debris, trash, and other refuse by the property owner.
 - v. In no case shall any sign cast light directly upon any part of an adjacent residential property at any time of the day or night.
 - vi. Lots fronting two or more streets are allowed the permitted sign size for each street frontage. The square footage permitted for each street frontage cannot be combined and used on one (1) frontage. In no case shall the maximum aggregate sign area for the respective zoning district be exceeded unless expressly permitted by this ordinance.
 - vii. All signs, except where noted, must be placed on the property containing the business which is being advertised. In no case shall any part of the sign be placed within five (5) feet of a private or public right-of-way. Unless otherwise restricted in this ordinance, a sign shall comply with the height regulations for structures in the zoning district where the sign is located or unless otherwise specifically regulated in this Article.
 - viii. Signs must be placed on the frontage side which was used to calculate the size of the sign. An exception to this requirement may be made by the Building Inspector in accordance with the provisions set forth herein:
 - a. Such additional sign location shall be necessitated by the exceptional physical

conditions of the applicant's parcel of real estate, which may include the fact that the parcel is exceptionally narrow, shallow or steep;

- b. No two signs shall be located within ten (10) lineal feet of each other. No portion of either sign face shall be considered in calculating the required distance;
- c. The location of the sign shall not cause or permit an increase in the applicable maximum permitted aggregate signage;
- d. If the proposed conditional location is adjacent to any property classified, used or occupied as residential, whether single family or multi-tenant, such sign shall not be illuminated by any artificial means;
- e. No such sign shall be of such a nature as to be detrimental or injurious to any adjacent property; the neighborhood or the public welfare;
- f. Any such sign must be placed in a location that is in harmony with the general purpose and intent of this article;
- g. No sign or sign structure shall be erected or placed at any location where, by reason of the position, shape, size or color of the sign it may interfere with, obstruct or prevent the free ingress, egress and regress to or upon any sidewalk, street, or alley of the City.
- ix. Any sign not specifically mentioned is prohibited

7. On-Premise Signs

A. Residential Districts: Mobile Home Park, General Residential, and Neighborhood Residential, as follows, except as noted under Section 5.3.7.D, Signs for Parking Areas:

- i. One non-illuminated nameplate sign or non-illuminated, non-commercial message are permitted, provided the surface area does not exceed two (2) square feet and the sign is set back at least five (5) feet from the front property line. The maximum height of the sign shall be six (6) feet.
- ii. One or more wall or monument signs shall be permitted for the conditional uses where permitted: church, school, museum, other

community facility, other use, or nonresidential principal use. One (1) square foot per one (1) lineal foot of street frontage shall be permitted with the total aggregate sign area not exceeding forty (40) square feet. Such sign shall be solely for the purpose of identifying the use and its services or activities, or identifying the building, and may be illuminated by means which directs light onto sign face only. No illuminated or flood lights are permitted. Changeable copy signs may also be permitted provided that they do not exceed fifty (50) percent of the total area of the sign

- iii. One (1) kiosk shall be permitted for the following conditional uses where permitted: church, school, museum, or other community facility, as defined by the City Code.
- iv. For major subdivision development: one permanent identification sign not exceeding forty (40) square feet in area. The Building Inspector may approve additional subdivision entrance signs where he finds affirmatively to at least one (1) of the following criteria:
 - a. The subdivision has principal entrances from two or more major streets
 - b. The subdivision is physically divided by an existing major street.
 - c. Major entrances from the same street are separated by at least 330 feet.
- v. Multi-family residential complexes may be permitted one (1) sign identifying a rental office which shall not exceed four (4) square feet if the sign is visible from a public right-of-way;

B. Highway Commercial, Industrial, High Technology Park, and Business Districts: Neighborhood Mixed Use, Main Corridor Commercial, City Center, and Educational: On-premise signs shall be permitted as follows:

- i. Area Limit:
 - a. In the Highway Commercial, Industrial, and High Technology Park districts, the maximum aggregate area for all signs is three hundred (300) square feet per place of business unless expressly permitted otherwise by this ordinance. One (1) square foot per one (1) lineal

- foot of street frontage shall be permitted.
- b. In the Business districts: Neighborhood Mixed Use, Main Corridor Commercial, City Center, the aggregate area for all signs shall be limited to one (1) square foot per one (1) lineal foot of street frontage with a maximum aggregate area of one-hundred (100) square feet per frontage per place of business unless otherwise expressly permitted in this ordinance.
- ii. Height Limit:
 - a. In the Highway Commercial, Industrial, and High Technology Park districts, the overall height limit of the entire sign structure shall be twenty (20) feet from grade.
 - b. In the Business districts, the overall height limit of the entire sign structure shall be ten (10) feet from normal grade.
 - iii. Permitted Signs: The following signs are permitted and shall be regulated as follows in regard to number, size and type of on-premise signs:
 - a. Monument Signs: Monument signs shall be limited to a total of one (1) per street frontage. To provide an incentive for business to erect monument signs in Business and Industrial districts, the maximum size for monument signs may be increased to one- and-one-quarter (1 1/4) square feet per one (1) linear foot of street frontage. In the Business districts there is a maximum of 125 square feet. In no case shall a business be permitted both a pole sign and a monument sign. The following example is provided to illustrate the incentive; Example: A business has 100 linear feet of frontage may elect to have a 50 square foot wall sign, and a monument sign as large as 62.5 square feet including the 25% bonus allowed for monument signs.
 - b. Marquee Signs: No more than one (1) marquee sign shall be permitted per place of business. No part of the sign shall extend beyond the outer edge of the marquee. The roofs of all marquees shall be properly guttered and connected by downspouts so that the water there from will not drip or flow onto public property.
- c. Wall Signs: An identification sign on an awning or canopy shall be considered a wall sign. Under no circumstances shall a permitted wall signs cover more than thirty-three (33) percent of a side of a building. A wall sign shall not extend further than twelve (12) inches above or from the building to which the sign is attached.
 - d. Kiosks: No more than one (1) kiosk shall be permitted for the following uses where permitted: church, school, museum, or other community facility, as defined by this City Code.
 - e. Roof Signs: In the Highway Commercial, Industrial, and High Technology Park districts, only one (1) roof sign shall be permitted per place of business. The height of a roof sign shall not exceed three (3) feet above the average height of the roof parapet. The size of a roof sign shall not exceed seventy-five (75) percent of the lot frontage (i.e., 0.75 square feet for every one (1) linear foot). No roof sign shall project over a public right-of-way. In no case shall it exceed the applicable district height limit for primary structures.
 - 1. The supporting members of roof-mount signs shall appear to be free of any extra bracing, angle irons, guy wires or cables. Supports shall appear to be an architectural and integral part of the building. Supporting columns of round, square or shaped steel members may be erected if the required bracing which is visible to the public is minimized or covered.
 - f. Pole signs: No more than one (1) pole sign shall be permitted per place of business. In no case shall a business be permitted both a pole sign and a monument sign on the same frontage.

- g. Changeable Copy Signs: Signs with changeable copy are permitted provided that the changeable copy area does not exceed fifty (50) percent of the total permitted area of the sign. Changeable copy area is calculated in relation to the maximum aggregate sign area permitted in the zoning district.
 - h. Projecting signs: A maximum sign size of twenty (20) square feet and a height of fifteen (15) feet is permitted.
 - i. Dynamic Signs are permitted in Highway Commercial, Main Corridor Commercial and City Center districts excluding the Downtown Historic district and subject to standards in Section 5.3.6.
- C. Historic Districts. All signs in any zoning district which has been properly designated a historic district as provided for by this Fairmont Code, shall meet the requirements of the Historic Preservation Review Commission, in addition to satisfying all applicable regulations, restrictions or requirements of the district in which they are to be located.
- i. General sign requirements. All newly erected or replacement signs within the City of Fairmont's Historic districts must be approved by the Fairmont Historic Preservation Review Commission (FHPRC). Proposed signs for FHPRC review must be submitted with photos, drawings, color samples, and the City of Fairmont Sign Application.
 - ii. The size and location of any newly constructed or reconstructed or replacement sign in the designated historic districts must be consistent and compatible with the architecture, design, scale, and height of the building. With regards to the size, color and graphic representation of signage the FHPRC will allow a creative, diverse, and unique approach, however, signs shall not overwhelm or obscure architectural elements or details.
 - iii. Original signage deemed historically significant by the FHPRC must be retained and preserved where feasible. This is also applicable to mosaic tile and sidewalk signs.
- iv. Lettering and Graphics that are carved or painted onto the background of the primary material shall be permitted.
 - v. All wood signs must be painted. Stains and varnishes that create a rustic appearance shall not be used.
 - vi. Indirect lighting with period lighting fixtures to illuminate signs and the surrounding building façade shall be permitted.
 - vii. Signs shall be limited to trading name and logo only.
 - viii. Sign and sign logo are to be of a "Theme Nature", that reinforces the name of the business, and products sold by the business.
 - ix. Animated components, flashing or lights, formed plastic, injected molded plastic, channel letters, or box sign with acrylic front are prohibited.
 - x. All signs or sign panels must have finished edges to form a cap that frames the sign.
 - xi. No exposed conduit, tubing raceways, conductors, transformers, or other equipment shall be permitted on the exterior of a building.
 - xii. Sign illumination is limited to the hours 6AM to 9PM or between store hours of business.
 - xiii. All sign bolt fastening and clips shall be of hot dipped and galvanized iron, stainless steel, aluminum, glass or bronze, no black iron materials of any type shall be permitted, and materials that will corrode or rust may not be used.
 - xiv. Location of all openings for conduits and sleeves in the sign shall be indicated by the sign contractor on drawings submitted. The sign contractor will install same in accordance with the approved drawing.
 - xv. No sign maker's labels or other identification (including UL Label) shall be permitted on the exposed surface of signs, except those required by local ordinance. If required by local ordinance, such labels or other identifications shall be in an inconspicuous location.
 - xvi. The following types of lighting for signs will not be permitted
 - a. Exposed fluorescent tubes
 - b. Unshielded lamps
 - c. Exposed light bulbs

- d. Mercury vapor
 - e. Sodium vapor
 - xvii. The use of natural materials is encouraged. Acceptable materials for the sign, and sign band are:
 - a. Finished wood
 - b. Polished or brushed aluminum
 - c. Bronze
 - d. Painted wood
 - e. Glass
 - f. Other material approved by the FHPRC
 - xviii. The following materials are prohibited
 - a. Simulated brick
 - b. Simulated stone
 - c. Simulated wood or wood grain plastic laminate
 - d. Peg board
 - e. Wall covering
 - f. Texture paint
 - g. Fake stucco
 - xix. All interior signs located within five (5) feet of front window and can be seen from the exterior of the building must be approved by FHPRC and must meet the above criteria
 - xx. Professionally painted or lettered signs on glass doors or show windows are encouraged.
 - xxi. Any alteration to existing sign must be approved by FHPRC, and the work must be completed by a professional sign fabricator.
 - xxii. Internally illuminated cabinet signs and neon "open" signs are prohibited.
8. Parking Areas. On-premise signs for parking areas shall be regulated as follows in all districts:
- A. Directional signs and pavement markings may be used to control vehicular movement in a parking area. Signs shall be limited to six (6) square feet each with an overall height limit of four (4) feet.
 - B. Parking or driveway area signs are permitted for the purpose of indicating entrances, exits, name of establishment to which such parking area is accessory, or conditions of use. The actual business occupying the site. No additional advertising on such signs may be permitted.
9. Unique Land Uses
- A. Hospitals. Hospitals shall be permitted one (1) monument sign at each entrance which shall not exceed 120 square feet in area or ten (10) feet in height. Hospitals also shall be permitted one (1)

- building-mounted sign for each building entrance for the purpose of identifying a hospital function. No such sign shall exceed fifty (50) square feet in area. On-site parking directional signs and pavement markings shall be used to control vehicular movement in a parking area. Signs shall be limited to twenty-five (25) square feet each and shall not exceed six (6) feet in height.
- B. Gasoline Stations/Convenience Stores. In addition to other sign regulations contained in this ordinance, these establishments which sell gasoline may have the following signs:
 - i. Signs identifying only gasoline prices and/or the location of full- service and self-service areas may be located at and secured to each pump island and shall not be calculated in the maximum aggregate sign area. Temporary signs, attached to the pumps and no larger than one (1) square foot each, shall not be computed in the maximum aggregate sign area permitted for the business by this ordinance.
 - ii. Each gasoline pump may display only the brand name or emblem of the gasoline, which shall not exceed the limits on the face of the pump.
 - iii. Where the establishment provides inspection services, a State of West Virginia inspections sign may be erected on the property, provided that the sign does not exceed a surface area of eight (8) square feet per side.
 - iv. Signs informing the general public of employee certifications and the use of special brand name products used in the conduct of general daily business may be erected if placed flush against the building and shall be exempt from this regulation.
 - v. Signs which may be required by local, state or federal law in the interest of public health and safety shall be exempted from this regulation. These signs may include, but not be limited to, "no smoking" and "turn off engines while fueling" signs.
- C. Multi-Tenant Developments. Multi-tenant developments shall include shopping centers, multi-tenant complexes and multi-tenant office buildings.

- i. The project is allowed one (1) monument sign per street frontage with a maximum of height of ten (10) feet and a maximum size of one (1) square foot per one (1) linear foot of frontage with an overall maximum size 100 square feet. The monument sign shall denote the name of the development; major anchor tenants for the project also may be listed on the sign.
 - ii. Additionally, the project is allowed a maximum of one (1) wall sign per tenant. The following scale shall be used in determining which formula shall be used to calculate the permitted sign size for each tenant:
 - a. Store frontage of <twenty-one (21) feet ratio of two (2) square feet per one (1) lineal foot of store frontage.
 - b. (2) Store frontage of 21-50 feet... ratio of 1.75 square feet per 1 (1) lineal foot of store frontage.
 - c. Store frontage > fifty (50) feet... ratio of 1.5 square feet per one (1) lineal foot of store frontage with a maximum of 100 square feet.
 - d. End units shall be permitted a maximum of one (1) wall sign for each exterior side for a maximum of two (2) signs. Each sign is not to exceed one (1) square foot per lineal foot width for the wall where the sign is attached.
 - iii. Kiosks shall be permitted for the purpose of announcing activities, and the like, scheduled to occur in such buildings. One (1) square foot per one (1) lineal foot of street frontage shall be permitted with the total aggregate sign area not exceeding forty (40) square feet. Such kiosks shall not be closer than ten (10) feet to the right-of-way nor more than ten (10) feet in overall height above grade.
 - iv. Dynamic signs subject to the requirements of Section 5.3.6 only one (1) per development is permitted.
 - v. Out parcels are permitted two (2) wall signs, with each sign not to exceed one (1) square foot per lineal foot of width for the wall where the sign is attached
- D. Theaters. One (1) sign which carries the name of the theater is permitted. Additionally, one (1) marquee sign not to extend twenty-four (24) square feet per movie screen is permitted. Such sign shall project no more than eight (8) feet from the building face to which it is attached and shall have a minimum clearance of eight (8) feet. The total sign area of the marquee sign shall not be included in the maximum aggregate of 300 square feet.
10. Off-Site Advertising Signs. Off-site advertising signs, known as billboards or postal panels, shall be permitted in Industrial and Highway Commercial zoning districts. Such off-site advertising signs shall mean any sign the subject matter of which relates to products, accommodations, goods services, or activities which are sold, offered for sale, or provided from a site, parcel of real estate, location or premises other than upon which the sign is located. Billboards shall be permitted provided they meet the following requirements:
- A. Must be located along major arterial roads or an interstate;
 - B. Must be located a minimum of forty (40) feet away from any road, residence, or building;
 - C. Lighting used to illuminate the billboard may not interfere with aircraft in the vicinity;
 - D. Lighting used to illuminate the billboard may not interfere with the use or enjoyment of adjacent landowners;
 - E. Maximum size of 600 square feet;
 - F. Maximum height of twenty-five (25) feet;
 - G. Billboards must be separated by a minimum of 2000 feet regardless of jurisdictional boundaries;
 - H. Billboards using animation, movement, or moving light is prohibited;
 - I. Billboards may not obstruct authorized traffic signs or signals;
 - J. Billboards may not be attached to a vehicle;
 - K. Deteriorated or damaged billboards must be removed; and
 - L. Annual inspection and fee will be required.
11. Nonconforming Signs
- A. In the event a nonconforming sign is structurally damaged in any manner, it may be repaired or reconstructed and used as before, if such repair or reconstruction is complete within thirty (30) days of the date of such damage, unless thirty (30) percent or more of the sign and/or its structure are damaged. If thirty (30) percent or more of the sign and/or its structure are damaged or the repair or reconstruction is not completed within thirty (30)

days, the entire sign and its structure shall be removed and a new sign which conforms to the requirements of this ordinance may be erected, if otherwise permitted by this ordinance, except as provided in Section 5.3.8.

- B. In the event a nonconforming sign is structurally altered in any manner, the entire sign and sign structure shall be removed and a new sign which conforms to the requirements of this ordinance may be erected, if otherwise permitted by this ordinance.
- C. Any temporary or portable sign erected or displayed prior to the effective date of the amendment of this Article, and which is determined to be nonconforming shall be removed.
- D. The burden of establishing a sign to be legally nonconforming rests upon the person, firm or corporation claiming legal status for the sign.
- E. Nonconforming signs or sign structures must be completely removed or replaced with signs which fully comply with the regulations of this ordinance when one or more of the following situations occur:
 - i. The name or ownership of a business changes; provided however, that upon application to the Board of Zoning Appeals in accordance with the provisions of Section 8.9 of the Fairmont City Code particularly Section 8.9.6. F thereof, the Board of Appeals may authorize the substitution of one (1) name or owner for another so long as no structural alterations to the nonconforming sign are made.
 - ii. A new sign is desired, whether or not the name of the business or use changes.

12. Maintenance; Abandonment.

- A. Maintenance. Every sign or sign structure, whether or not a permit is required, shall be maintained in a safe, presentable and good structural condition at all times, including the replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of such sign. No person shall maintain or permit to be maintained on any premises, owned or controlled by him, any sign or sign structure which is in a dangerous or defective condition. No sign painted or printed on paper or fabric shall be posted or otherwise secured directly to the surface of any awning, canopy, utility service pole, building or structure not intended for signs.

- B. Surrounding Area. The owner of any property on which a sign is located and those responsible for maintenance of the sign shall be equally responsible for the conditions of the area in the vicinity of the sign and shall be required to keep this area clean, sanitary and free from noxious or offensive substances, rubbish and flammable waste materials.
- C. Abandonment. Any sign or sign structure, including temporary signs or sign structures, that is located on property which becomes vacant and is unoccupied for a period of 120 days shall be deemed to have been abandoned.
 - i. Abandoned signs and sign structures are prohibited and upon abandonment as defined herein the sign shall be removed within thirty (30) days by the owner or person, firm or corporation responsible for the sign or owner of the premises or the person, firm or corporation responsible for the premises as follows:
 - ii. Abandoned signs and their structures which are both nonconforming, shall be removed within ten (10) days after being designated as abandoned;
 - iii. Abandoned signs where the sign is nonconforming but the structure is conforming, the nonconforming sign shall be removed within ten (10) days after being designated as abandoned;
 - iv. Abandoned signs, where both the sign and the structure are conforming: the sign shall be removed within ten (10) days after being designated as abandoned but the conforming structure may remain.

13. Registration of Persons in Sign Business.

- A. Every person engaged in selling, erecting, altering, repairing and maintaining signs or sign structures including but not limited to marquees, porte-cocheres, awnings, canopies and any other similar type of outdoor display regulated by this Article shall apply to the City of Fairmont for registration, except as otherwise noted herein.
- B. The sign contractor at all times shall maintain in full force and effect contractor's public liability insurance covering personal injuries and property damage with limits of not less than \$1,000,000.00, which policy shall name and identify the City of Fairmont as an additional

insured. The applicant for registration at the time of application shall file with the City Clerk a certificate of standard form evidencing that such insurance is in force and effect. The applicant shall be responsible for providing the City with notification of insurance cancellation at least thirty (30) days prior to such action.

- C. Sign Contractors License.
 - i. Upon compliance with the provisions for liability insurance providing a copy of state license and payment of the fee stipulated in this Article, the applicant shall be eligible to receive a City of Fairmont Sign Contractors License.
 - ii. A City of Fairmont Sign Contractors License shall authorize the holder thereof to engage in the business of signs and other similar types of outdoor displays and devices regulated by this Article from the date of issuance to the succeeding June 30; provided that the holder complies with the requirements of this Article.
- D. The license may be renewed for a period of one (1) year upon application and payment of the annual fee; provided, however, that at the time of renewal, the application shall file with the City Clerk a certificate of standard form evidencing that the liability insurance required by this Article is in force and effect for the renewal period. In addition, the applicant shall provide proof that all State workers compensation premiums are paid and that workers' coverage is in force and effect. Application shall be made for renewal before July 1. Failure of currently registered persons to renew any certificate within thirty (30) days after July 1 shall automatically result in a double fee at the time of renewal.
- E. If a person changes the name or form of organization under which he operates, such person shall be required to register and pay the required fee as would be required of a new registrant. Nothing in this Article shall be construed to permit the transfer of a registration from one registrant to another.
- F. No person shall engage in selling, erecting, altering, repairing or maintaining sign structures or projecting signs, ground signs, roof signs, wall signs, post signs, globe signs, barber pole signs, awnings, canopies, marquees or Porte-cocheres or

any other similar type of outdoor display regulated by this Article without having been registered as provided under this Section.

- 14. Permit Fees. Sign permit fees can be found in Article 8.11 Fees of the zoning code.
- 15. Revocation of Registration or Permit. The City Manager or Finance Director are:
 - A. hereby authorized and empowered to revoke the license of any sign contractor under this article who, having been notified of a violation according to the procedures established in the ICC International Building Code, and NFPA Electrical Code, Property Maintenance Code, or any of the other provisions of the City Code or any of the provisions of this Article, shall fail to remove or abate such violation within thirty (30) days after notification. Such revocation shall be final and the person affected shall not be eligible to receive a new registration certificate within thirty (30) days after such revocation.
 - B. The City Building Inspector or Planning Director or their designate are hereby authorized and empowered to revoke any permit issued by the City under this Article upon failure of the holder thereof to comply with any of the provisions of this Article or any state applicable, local, or national code. They are also authorized and empowered to revoke a permit for the erection of any sign or similar structure which violates the provisions of this Ordinance.
- 16. Inspections and Enforcement. The City Building Inspector or his designee shall make an inspection of any sign or structure regulated by this Article at the time of sign erection. The Inspector shall cause to be removed any sign that violates any provision of this Article or a sign or structure for which no permit has been issued. The owner of the property on which the sign or structure is located or the owner or person, firm or corporation responsible for the sign or structure itself shall be notified in writing of the violation and if not altered or removed to meet the requirements of this article within twenty (20) days for structural deficiencies or thirty (30) for type, size, or location deficiencies, such sign or other structure shall be removed by the City or designee and the cost of such work shall be charged to the appropriate party and collected in the manner provided by law.
 - A. Notwithstanding the above, in cases of emergency, or if the sign or structure is in danger of imminent

collapse, is defective, or possess a substantial and present risk to persons or property, the inspector may cause the immediate removal of such sign or structure without notice.

17. Continuing Violations. The non-abatement of a violation of the provisions of this Article, after due notice, shall be considered to constitute a separate violation for each day that such violation is permitted to exist.

18. Penalty. Whoever violates any provision of this Article shall, upon conviction thereof, be deemed guilty of a misdemeanor, and shall be subject to a fine of not less than \$100.00 or more than \$500.00 or same as Zoning Code and/or Building Code

19. Appeals. Anyone violating any portion of this code shall have ten (10) days to appeal to the Board of Zoning Appeals. Any violation to International Code Council or National Fire Protection Association codes shall have twenty (20) days to appeal to the International Code Council Board of Appeals.

20. Non-Conforming Signs. It is the policy of the City to encourage and, to the maximum extent practicable, require that all signs within the City be brought into compliance with the requirements of this Ordinance.

A. A sign which was lawfully erected prior to the effective date of this ordinance but which does not conform in one or more respects with the requirements of this Ordinance may remain in use, subject to the requirements of this Section and other applicable requirements of City Ordinances.

B. Limitations on Nonconforming Signs.

i. Temporary Signs. Any nonconforming temporary sign shall be removed on or before 365 days after the effective date of this Ordinance or shall be considered in violation of this Ordinance.

ii. Abandonment. Any sign, including its frame and support structures, related to a use or business that ceases to exist or operate for a continuous period of ninety (90) days shall be considered non-conforming and shall not be reused for sign purposes unless and until it is in full conformity with the provisions of this Ordinance, subject to issuance of a new sign permit.

iii. Routine Repairs and Maintenance. Repairs and maintenance of non-conforming signs, such as repainting and electrical repairs, shall be permitted, provided that repainting shall not include a change of copy or color.

iv. Required Removal. Where an amendment to a previously approved development plan is proposed, approval of such plan shall be contingent upon removal of all non-conforming signs on the site. For example, if an existing retail establishment proposes a building addition or parking expansion, then any non-conforming signs on the property must be brought into compliance as a condition of approval of the amended site plan.