

ORDINANCE NO. 4692

AN ORDINANCE OF THE CITY OF LEWISTON REPEALING CHAPTER 30 OF THE LEWISTON CITY CODE; ENACTING A NEW CHAPTER 30 OF THE LEWISTON CITY CODE KNOWN AS THE SIGN CODE; REPEALING SECTION 19.5-23 OF THE LEWISTON CITY CODE REGARDING SIGNS; ENACTING A NEW SECTION 19.5-23 OF THE LEWISTON CITY CODE REGARDING SIGNS IN HISTORIC DISTRICTS; AMENDING SECTION 31-74(a)(2) TO MODIFY REGULATIONS FOR TEMPORARY SIGNS IN THE RIGHT-OF-WAY; AMENDING SECTION 37-20.1 OF THE LEWISTON CITY CODE TO REMOVE ADDITIONAL SIGN ALLOWANCES FOR CHURCHES AND TO REMOVE REFERENCE TO SIGNS FOR SCHOOLS; AMENDING SECTION 37-62.4(11) OF THE LEWISTON CITY CODE TO MODIFY STANDARDS FOR SIGNS LOCATED IN THE NORMAL HILL MIXED USE (NHMU) ZONE; AMENDING SECTION 37-93.6(a)(10) OF THE LEWISTON CITY CODE TO MODIFY STANDARDS FOR SIGNS FOR INDIVIDUAL BUSINESSES LOCATED IN THE BRYDEN AVENUE SPECIAL PLANNING AREA A (BASPAA) ZONE; AMENDING SECTION 37-114 OF THE LEWISTON CITY CODE TO MODIFY BILLBOARD STANDARDS; REPEALING SECTION 37-127 OF THE LEWISTON CITY CODE REGARDING SEASONAL SALE OF CHRISTMAS TREES; AMENDING SECTION 37-140.1 OF THE LEWISTON CITY CODE TO REMOVE REFERENCE TO SIGNS FOR HOME OCCUPATIONS; AMENDING SECTION 37-163(3) OF THE LEWISTON CITY CODE TO REMOVE ADDITIONAL SIGN ALLOWANCES FOR CHURCHES; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF LEWISTON, IDAHO:

SECTION 1: Lewiston City Code Chapter 30, "Signs," is hereby repealed in its entirety.

SECTION 2: A new Chapter 30 of the Lewiston City Code is hereby enacted as follows:

Chapter 30
Sign Code

Sec. 30-1. Title.

This chapter shall be known as the Sign Code.

Sec. 30-2. Findings, Purpose and Intent, Interpretation.

(1) Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation.

(2) The purposes of this Sign Code are to:

(a) Promote freedom of speech in the use of signs;

(b) Provide for reasonable and appropriate communication and identification for commercial districts in order to foster successful businesses;

(c) Promote and maintain visually attractive residential, commercial, and historic areas;

(d) Ensure that signs are located and designed to reduce sign distraction and confusion that may be contributing factors in traffic congestion and accidents, and maintain a safe and orderly pedestrian and vehicular environment;

(e) Minimize the possible adverse effect of signs on nearby public and private property;

(f) Regulate the size, color, illumination, movement, materials, location, height, and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of various neighborhoods, the creation of an attractive and harmonious community, and encouraging economic development;

(g) Promote the public health, safety, and welfare by avoiding conflicts between signs and traffic control devices, avoiding traffic hazards, and reducing visual distractions and obstructions; and

(h) Protect and preserve the aesthetic quality and physical appearance of the City of Lewiston.

(3) A Sign placed on land or on a building for the purpose of identification, protection, or directing persons to a use conducted therein must be deemed to be an integral, but accessory and subordinate, part of the principal use of the land or building. Therefore, the intent of this chapter is to establish limitations on Signs in order to ensure that they are appropriate to the land, building, or use to which they are appurtenant and are adequate for their intended purposes while balancing the individual and community interests identified in subsection (2) above.

(4) This chapter shall be interpreted in a manner consistent with the First Amendment guarantee of free speech.

(5) These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the City of Lewiston. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.

(6) These regulations are not intended to and do not apply to Signs erected, maintained, or otherwise posted, owned, or leased by the State of Idaho, the federal government, the City of Lewiston, or any other local governmental entities. The inclusion of "government" in describing some Signs does not intend to subject the

government to regulation, but instead helps describe the types of Signs that fall within the immunities of the government from regulation.

Sec. 30-3. Substitution.

Notwithstanding any other provision of this chapter, whenever a Commercial Message is allowed to be displayed, then a Non-commercial Message shall be allowed, as well.

Sec. 30-4. Scope.

This Chapter shall apply except where specifically preempted by another chapter, article, or section of the Lewiston City Code.

Sec. 30-5. Definitions.

“Alley” means a street intended to provide access to the rear or side of Lots or buildings and not intended for the purpose of through vehicular traffic.

“Animated Sign” means any illuminated Sign on which Sign Copy is animated, scrolling, or flashing, including an Electronic Message Center.

“Bench Sign” means a Sign that is integral to the construction of a bench.

“Billboard” means an elevated outdoor Sign on which the owner may use, lease, or rent space for the purpose of conveying a commercial or non-commercial message. A Billboard shall not exceed three hundred seventy-eight (378) square feet nor be more than forty (40) feet in Height. A Billboard may also be an Electronic Message Center.

“Billboard Overlay Zone” means the same as set forth in Chapter 37, Article III of this Code.

“Certificate of Appropriateness” means the same as defined in Chapter 19.5, Article II of this Code.

“Clear Vision Area” means the same as defined in Chapter 31 of this Code.

“Commercial Message” means any Sign Copy that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

“Department” means the City of Lewiston Community Development Department.

“District” means the same as defined in Chapter 19.5, Article II of this Code.

“Dwelling Unit” means the same as defined in Chapter 37, Article I of this Code.

“Electronic Message Center” means a Sign that utilizes computer-generated messages or some other electronic means of changing Sign Copy, which may include

displays using incandescent lamps, light emitting diodes, liquid crystal displays, and/or a flipper matrix.

“Encroachment Permit” means a permit issued by the City of Lewiston Public Works Department in accordance Chapter 31, Article III of this Code.

“Freestanding Sign” means a Sign erected and maintained on a freestanding frame, mast, post, or pole not attached to any building. A Freestanding Sign shall not include a Ground Monument Sign.

“Government Sign” means a Sign that is: (a) constructed, placed, or maintained by federal, state, or local governmental entities; or (b) required to be constructed, placed, or maintained by federal, state, or local governmental entities, either directly or to enforce a property owner’s rights, including, but not limited to, the following: no trespassing, no solicitors, dangerous animal, high voltage, and sinkholes.

“Graffiti” means any unauthorized inscription, word, figure, painting, or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, engraved on, or otherwise affixed to any surface of public or private property to the extent that such graffiti was not authorized in advance by the Owner of the property, or, despite advanced authorization, is otherwise deemed a public nuisance by the City of Lewiston.

“Graphic Sign” means a Sign located in a historic District and approved by the Lewiston Historic Preservation Commission, notwithstanding the Sign’s nonconformity with this Chapter.

“Ground Monument Sign” means a Sign that extends from the ground or has support that places the bottom of the Sign at ground level or less than two (2) feet above the ground.

“Height” means the vertical distance measured from the highest point of a Sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath such Sign, whichever is less.

“Internally Illuminated Sign” means any Sign with internal components that emit light.

“Local, State, or Federal Election” means an election conducted by the Nez Perce County Clerk in which City of Lewiston residents, or a portion thereof, may vote.

“Lot” means the same as defined in Chapter 37 of this Code.

“Marquee Sign” means a Sign on a canopy or covering structure that projects from the wall of a building.

“Non-commercial Message” means any message that is not a Commercial Message.

“Owner” means the person or entity that: (a) owns a Lot; or (b) has control of a Lot, such as a lessee. If a Lot is leased by multiple lessees, then: (a) each lessee shall be responsible for complying with the provisions of this Chapter for the portion of the Lot leased by such lessee, and (b) the area of the Lot shall be deemed to be the area leased by such lessee for purposes of determining the size and number of Signs allowed on such Lot.

“Projecting Sign” means a Sign, other than a Wall Sign, that projects at right angles from and is supported by a wall or eave of a building or structure.

“Public Right-of-Way” means the same as defined in Chapter 31 of this Code.

“Roof Sign” means a Sign attached to the roof of a building, not including a false mansard roof, canopy, or other fascia.

“Sign” means a name, identification, description, display, or illustration that is affixed to or painted or represented directly or indirectly upon a building, object, or other surface, or on the inside of a window and visible from the exterior of a building, which directs attention to or is designed or intended to direct attention to the Sign Face or to an object, product, place, activity, person, institution, organization, or business. Signs located completely within an enclosed building and not exposed to view from a street shall not be considered a Sign. Any flag adopted by federal, state, or local governmental entities shall not be considered a Sign. A display of business hours, “open,” or “closed” shall not be considered a Sign. “Sign” shall not include a Wall Art Display.

“Sign Area” means the area measured by the smallest circle, square, or rectangle that encompasses all elements of informational or representational matter, including all cut outs or extensions, together with any materials or color forming an integral part of the display or to differentiate the Sign from the background to which it is placed. The term “Sign Area” shall not be construed to include architectural trim, frames, and structural supports that do not bear any Sign Copy. Each display surface of a Sign Face shall be included in calculating Sign Area where multiple Sign Faces are visible at the same time from a fixed location.

“Sign Copy” means alphabetic, pictorial, numerical, and/or graphic display of permanent or removable words, letters, numbers, figures, characters, symbols, logos, and/or insignia that are used on a Sign Area.

“Sign Face” means the entire display surface area of a Sign upon which Sign Copy is displayed.

“Sign Permit” means a permit issued by the Department in accordance with section 30-20 of this Chapter.

“Subdivision” means the same as defined in Chapter 32 of this Code.

“Temporary Sign” means a Sign that is portable and displayed for a limited period of time.

“Temporary Vendor” means the same as defined in Chapter 21 of this Code.

“Wall Art Display” means a work of visual art that is hand painted, mechanically produced, or computer generated, including, but not limited to, digitally printed vinyl. A Wall Art Display may be affixed to or painted directly on the exterior wall of a structure or located inside a window. A Wall Art Display shall not be an Internally Illuminated Sign or an Animated Sign. A Wall Art Display shall not be considered a Sign.

“Wall Sign” means a Sign or Sign Copy affixed directly to or painted or otherwise inscribed on an exterior wall, and confined to the limits therein, of a building, which projects from the building surface less than twelve (12) inches at all points.

“Window Sign” means a Sign within, affixed to, or behind a window or glass door.

“Zone, Commercial” means, for the purposes of this Chapter, the following zoning districts within the City of Lewiston: the Local Commercial (C-1) Zone; the Tourist Commercial (C-2) Zone; the Community Commercial (C-3) Zone; the General Commercial (C-4) Zone; the Central Commercial (C-5) Zone; the Regional Commercial (C-6) Zone; the Light Industrial (M-1) Zone; the Heavy Industrial (M-2) Zone; the Planned Unit Development (PD) Zone, where commercial uses are allowed; the Port (P) Zone; and the Airport (A) Zone.

“Zone, Mixed Use” means, for the purposes of this Chapter, the following zoning districts within the City of Lewiston: the Bryden Avenue Special Planning Area A (BASPAA) Zone; the North Lewiston Mixed Use Development (MXD-NL) Zone; the Normal Hill Special Planning Area Mixed Use (NHMU) Zone; and the Planned Unit Development (PD) Zone, where commercial and residential uses are allowed.

“Zone, Residential” means, for the purpose of this Chapter, the following zoning districts within the City of Lewiston: the Agricultural Transitional (F-2) Zone; the Suburban Residential (R-1) Zone; the Low Density Residential (R-2) Zone; the Low Density Residential (R-2A) Zone; the Medium Density Residential (R-3) Zone; the Higher Density Residential (R-4) Zone; the Bryden Avenue Special Planning Area B (BASPAB) Zone; the Normal Hill North (NHN) Zone; the Normal Hill South (NHS) Zone; and the Planned Unit Development (PD) Zone, where residential uses are allowed.

Sec. 30-6. Signs, Generally.

(1) Subject to the limitation set forth in this Chapter, a person may only place Signs on property owned or controlled by such person; provided, however, a person may place Signs on property owned or controlled by another person so long as the Owner of such property has consented to placement of such Signs.

(2) Signs shall be designed and constructed in accordance with this Chapter and the International Building Code, as adopted by the City of Lewiston. In case of a conflict between the requirements of this Chapter and the requirements of the International Building Code, the requirements of the International Building Code shall control.

(3) Signs shall not be Internally Illuminated or Animated unless specifically authorized by this Chapter.

(4) No Sign shall interfere with any component of a building's exiting system, such as doors, windows, and fire escapes.

(5) A violation of this Chapter shall be an infraction, punishable by a fine not to exceed Two Hundred Fifty Dollars (\$250). Each day of violation shall be considered a separate offense.

Sec. 30-7. Prohibited Signs.

(1) Signs are prohibited in all Zoning Districts unless:

(a) Authorized under this Chapter, and

(b) Placed pursuant to a valid Sign Permit when required under this Chapter.

(2) Signs that block free ingress or egress from any door, window, or fire escape are prohibited.

(3) Signs that do not provide sufficient horizontal or vertical clearance from any communication line or energized electrical powerline as required by the laws of the State of Idaho are prohibited.

(4) Signs attached to streetlights located on public property or in the Public Right-of-way are prohibited unless expressly authorized in this Chapter.

(5) Signs that may be misconstrued as a traffic control device are prohibited.

(6) Signs that obstruct any traffic or street sign or signal are prohibited.

(7) Wall Art Display is prohibited unless the Owner of the property on which the Wall Art Display is located has been given permission for such Wall Art Display.

(8) Graffiti is prohibited.

(9) Signs that pose a threat to public safety are prohibited.

(10) Signs that do not comply with the requirements set forth in this Chapter are prohibited.

Sec. 30-8. Required Signs – Permit Not Required.

The following Signs are required without a Sign Permit in every zoning district:

- (1) Each property Owner shall mark their property using numerals that identify the address of the property, as required by Chapter 31 of this Code and the Lewiston Fire Department.
- (2) Signs required by federal, state, or local law to warn of a danger or to prohibit access to the property, either generally or specifically. If the federal, state, or local regulation describes the form and dimensions of such sign, the property Owner must comply with those requirements. Otherwise, when not defined, such sign shall be no larger than two (2) square feet and located in a place on the property that provides access to such notice.
- (3) Signs required by this section shall not count toward any limitation on the number or area of Signs allowed on private property, as set forth in this Chapter.

Sec. 30-9. Authorized Signs – Permit Not Required.

The following Signs are authorized without a Sign Permit in every zoning district:

- (1) Although this Chapter does not apply to Signs erected, maintained, or otherwise posted, owned, or leased by the State of Idaho, the federal government, or the City of Lewiston, this section clarifies that Government Signs are authorized without a Sign Permit in every zoning district when erected, maintained, or posted in accordance with the law.
- (2) Traffic control devices on private or public property; provided that such traffic control devices must be erected and maintained to comply with the Manual on Uniform Traffic Control Devices adopted by the State of Idaho and, if not adopted by the State of Idaho, with the Manual on Uniform Traffic Control Devices adopted by the Federal Highway Administration. Because this chapter does not apply to the State of Idaho, the federal government, or the City of Lewiston, a failure to comply with this Chapter by such governmental units does not constitute evidence of negligence or form the basis for a cause of action.
- (3) Official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of official duties; provided that all such Signs must be removed by the property Owner, or the Department in cases of hearing notices, no more than ten (10) days after their purpose has been accomplished or as otherwise required by law.
- (4) Wall Art Displays, provided that such Displays do not include electrical or mechanical components. Wall Art Displays shall not project more than six (6) inches from the plane of the wall upon which such Display is painted or affixed. If a Wall Art Display includes electrical or mechanical components, a Sign Permit shall be required.

(5) Signs authorized by this subsection shall not count toward any limitation on the number or area of Signs allowed on private property, as set forth in this Chapter.

Sec. 30-10. Temporary Signs – Permit Not Required.

The following Temporary Signs are authorized without a Sign Permit in every zoning district:

(1) One (1) Temporary Sign no larger than four (4) square feet on the day prior to and on a day when the property on which the Portable Sign is placed is open to the public.

(2) Temporary Signs no larger than thirty-two (32) square feet placed on an Owner's property no earlier than thirty (30) days in advance of a Local, State, or Federal Election. Such Temporary Signs must be removed no later than forty-eight (48) hours after such Local, State, or Federal Election.

(3) Signs authorized by this subsection shall not count toward any limitation on the number or area of Signs allowed on private property, as set forth in this Chapter.

Sec. 30-11. Signs in the Public Right-of-Way.

(1) Only Government Signs shall be placed in the Public Right-of-Way unless specifically authorized by this Section.

(2) Signs not authorized by this Section to be placed in the Public Right-of-Way are declared a public nuisance and may be removed by the City without notice. The City shall hold such Signs for thirty (30) calendar days. If known, the City shall provide written notice to the owner of such Signs by first class mail that such Signs may be claimed by contacting a specified individual, and providing the name, address, and phone number of such individual. The notice shall inform the owner that such Signs may be disposed of after thirty (30) calendar days. If such Signs remain unclaimed after thirty (30) calendar days, the City may dispose of such Signs without further notice.

(3) Notwithstanding any provision to the contrary, the City Council, by resolution, may establish a "sign free zone" along a specific portion of the Public Right-of-Way for safety purposes.

(4) Type I Signs are Temporary Signs placed in a portion of the Public Right-of-Way that is not used for vehicular travel or on-street parking, or as a sidewalk or planter box. Type I Signs may be placed in the Public Right-of-Way subject to the following conditions:

(a) No larger than thirty-two (32) square feet,

(b) No taller than eight (8) feet,

- (c) Placed in the Public Right-of-Way no earlier than thirty (30) days in advance of an Local, State, or Federal Election,
- (d) Removed from the Public Right-of-Way no later than forty-eight (48) hours after such Local, State, or Federal Election,
- (e) Placed and maintained so as not to obstruct free and clear vision of pedestrian and vehicular traffic, and
- (f) Not an Internally Illuminated or Animated Sign.

Type I Signs may be placed in a Clear Vision Area only if such Sign is thirty (30) inches or less in Height. Type I Signs shall not require a Sign Permit or Encroachment Permit.

(5) Type II Signs are Temporary Signs placed on a public sidewalk within the General Commercial (C-4) Zone or the Central Commercial (C-5) Zone. Type II Signs may be placed on a public sidewalk subject to the following conditions:

- (a) No larger than six (6) square feet,
- (b) No taller than three (3) feet,
- (c) Placed and maintained so as not to obstruct free and clear vision of pedestrian and vehicular traffic,
- (d) Placed and maintained so that there are at least forty-two (42) inches of clear and unobstructed space between the outer edge of the Sign and the edge of the public sidewalk for access purposes, and
- (e) Not an Internally Illuminated or Animated Sign.

Type II Signs may be placed in a Clear Vision Area only if such Sign is thirty (30) inches or less in Height. Type II Signs may be placed adjacent to a business upon permission of the adjacent business or property owner. Only one (1) Type II Sign shall be placed adjacent to a business at any time, and such Sign shall be removed from the public sidewalk during non-operating hours of such business. Type II Signs shall not require a Sign Permit or Encroachment Permit.

(6) Type III Signs are Temporary Signs attached to City-owned utility poles or strung above a Public Right-of-Way. Type III Signs are allowed only upon approval of an Encroachment Permit from the Department of Public Works pursuant to Chapter 31, Article III of the Lewiston City Code. A Type III Sign may be an Internally Illuminated Sign, but shall not be an Animated Sign.

(7) Type IV Signs are Temporary Signs affixed to a City-provided structure that is located in the Public Right-of-Way and designed to display such Signs. Type IV Signs are allowed subject to the following conditions:

- (a) Approval from the Community Development Department,
- (b) Thirty-two (32) square feet in size,
- (c) Not an Internally Illuminated or Animated Sign, and
- (d) Affixed to the City-provided structure no longer than thirteen (13) consecutive days.

An application for a Type IV Sign may not be granted by the Community Development Department more than six (6) months prior to placement of such Sign.

(8) Type V Signs are Bench Signs located in the Public Right-of-Way. Such Signs shall not exceed fourteen (14) square feet. The Bench Sign shall not exceed four (4) feet in Height and shall not obstruct free and clear vision of pedestrians and vehicular traffic, including Clear Vision Areas. Type V Signs are allowed only upon approval of an Encroachment Permit from the Department of Public Works pursuant to Chapter 31, Article III of the Lewiston City Code.

Sec. 30-12. Signs in Residential Zones.

(1) The following Signs are authorized in all Residential Zones without a Sign Permit:

- (a) One (1) Temporary Sign no larger than six (6) square feet.
- (b) One (1) Window Sign no larger than two (2) square feet in one (1) window on the property. Such Window Sign may be an Internally Illuminated Sign.
- (c) One (1) Temporary Sign, no larger than six (6) square feet when the property on which the Temporary Sign is placed is being offered for sale, lease, or rent. Such Temporary Sign shall be removed within fifteen (15) days after such property is sold, leased, or rented.
- (d) Bench Signs, so long as such Signs are not visible from the Public Right-of-Way.

Signs authorized by this subsection shall not count toward any limitation on the number or area of Signs allowed on a Lot, as set forth in this Section.

(2) Within a Residential Zone, a property Owner shall secure a Sign Permit prior to placing any other Sign on the Owner's property.

(3) Unless otherwise provided, the following regulations apply to all Signs within Residential Zones:

(a) Signs may be Internally Illuminated Signs. If a Sign is an Internally Illuminated Sign, the illumination shall be constant and not animated.

(b) Billboards, Electronic Message Centers, Roof Signs, and Wall Art Displays that include electrical or mechanical components are prohibited.

(c) Signs may be placed anywhere on the property; provided, however, no Sign shall be placed in a Clear Vision Area or in an area to be dedicated as Public Right-of-Way, unless approved by the Public Works Department.

(d) Bench Signs are prohibited in all Residential Zones, unless such Signs are not visible from the Public Right-of-Way.

(e) No Sign shall exceed six (6) square feet per Dwelling Unit; provided that the total area of all Signs located on a Lot shall not exceed thirty-two (32) square feet.

(f) A Subdivision may have one (1) Ground Monument Sign per entrance to such subdivision no larger than thirty-two (32) square feet. Such Sign(s) shall be placed at the entrance(s) of the Subdivision, but not within a Clear Vision Area or in an area to be dedicated as Public Right-of-Way, unless approved by the Public Works Department. If such Ground Monument Sign is to be located in the Public Right-of-Way, then an Encroachment Permit shall be secured from the Public Works Department pursuant to Chapter 31, Article III of the Lewiston City Code.

(g) Ground Monument Signs and Freestanding Signs shall not exceed six (6) feet in Height.

(h) The length of Ground Monument Signs and Freestanding Signs shall not exceed ten percent (10%) of the linear Lot street frontage or eighteen (18) feet, whichever is less; provided, however, if the Lot is a flag Lot, then a Ground Monument Sign or Freestanding Sign shall not exceed thirty-two (32) square feet and the length requirement set forth above shall not apply.

(i) No more than two (2) Signs shall be allowed per Lot street frontage.

(4) A property Owner who obtains a conditional use permit in a Residential Zone shall comply with the requirements of this Section unless the Planning and Zoning Commission modifies such requirements as part of the conditional use permit.

Sec. 30-13. Signs in Commercial Zones, Excepting the Local Commercial (C-1) Zone and the Central Commercial (C-5) Zone.

(1) The following Signs are authorized in all Commercial Zones, except the Local Commercial (C-1) Zone and the Central Commercial (C-5) Zone, without a Sign Permit:

(a) One (1) Temporary Sign no larger than thirty-two (32) square feet.

(b) Window Signs covering no more than fifty percent (50%) of the total window area, including glass doors. Such Window Signs may be Internally Illuminated and/or Animated Signs.

(c) One (1) Temporary Sign no larger than thirty-two (32) square feet when the property on which the Temporary Sign is placed is being offered for sale, lease, or rent. Such Temporary Sign shall be removed within fifteen (15) days after such property is sold, leased, or rented.

(d) One (1) Bench Sign no larger than fourteen (14) square feet. The Bench Sign shall not exceed four (4) feet in Height and shall not obstruct free and clear vision of pedestrians and vehicular traffic, including Clear Vision Areas.

Signs authorized by this subsection shall not count toward any limitation on the number or area of Signs allowed on a Lot, as set forth in this Section.

(2) Within all Commercial Zones subject to this section, a property Owner shall secure a Sign Permit prior to placing any other Sign on the Owner's property.

(3) Unless otherwise provided, the following regulations apply to all Signs within Commercial Zones, except the Local Commercial (C-1) Zone and the Central Commercial (C-5) Zone:

(a) Wall Signs:

(i) Shall not exceed thirty-three percent (33%) of the wall area on which such Sign is located, including the area of any parapet. Such Signs may be located under eaves.

(ii) Shall not extend above the wall roofline or above the top of a parapet wall, whichever is higher.

(iii) May be Internally Illuminated and/or Animated Signs.

(b) Free-Standing Signs:

(i) One (1) Free-Standing Sign is allowed per five hundred (500) linear feet of Lot street frontage or fraction thereof.

(ii) Shall not exceed forty (40) feet in Height.

(iii) Shall not exceed an area equal to two (2) square feet per linear foot of Lot street frontage; provided, however, all Lots shall be allowed at least sixty (60) square feet.

(iv) Shall not exceed two hundred (200) square feet.

(v) Shall not be located in a side or rear yard that is required by Chapter 37 of the Lewiston City Code.

(vi) Placement shall comply with the Manual on Uniform Traffic Control Devices.

(vii) May project out to the Public Right-of-Way, provided that there is ground clearance of at least: (a) eight (8) feet six (6) inches above the grade of an adjacent sidewalk, or (b) fifteen (15) feet above driveways, parking lots, and Alleys.

(viii) Shall not project over the Public Right-of-Way, Alleys, or driveways.

(ix) May be Internally Illuminated and/or Animated Signs.

(c) Ground Monument Signs:

(i) One (1) Ground Monument Sign is allowed per five hundred (500) linear feet of Lot street frontage or fraction thereof.

(ii) Shall not exceed six (6) feet in Height; provided, however, if the Sign width is thirty-three percent (33%) or less than the Sign Height, then such Sign shall not exceed twelve (12) feet in Height.

(iii) The length shall not exceed ten percent (10%) of the linear Lot street frontage or eighteen (18) feet, whichever is less; provided, however, if the Lot is a flag Lot, then the Sign shall not exceed thirty-two (32) square feet and the length requirement set forth above shall not apply.

(iv) Shall not be located in a side or rear yard that is required by Chapter 37 of the Lewiston City Code.

(v) May be placed closer than five (5) feet to the Public Right-of-Way only if such Sign does not interfere with a Clear Vision Area.

(vi) Shall not project over the Public Right-of-Way, unless an Encroachment Permit is secured from the Public Works Department.

(vii) May be Internally Illuminated and/or Animated Signs.

(d) Roof Signs shall not exceed one-half (0.5) the height of the building to which such Sign is attached or ten (10) feet in Height, whichever is less.

(e) Projecting Signs:

- (i) One (1) Projecting Sign is allowed per street frontage.
- (ii) Shall not exceed sixty (60) square feet.
- (iii) Shall be spaced at least fifteen (15) feet apart.
- (iv) May project over the Public Right-of-Way a maximum of two-thirds (0.66) of the distance from the outer edge of the building to which such Sign is attached to the adjacent curb; provided that such Sign shall not project closer than two (2) feet to the edge of the adjacent curb. A Projecting Sign that projects over an Alley shall not project over the Alley by more than three (3) feet.
- (v) Shall be placed at least fifteen (15) feet above all driveways, Alleys, and other vehicle access routes.
- (vi) Shall be placed at least eight (8) feet above all other Public Right-of-Ways and private sidewalks.

(f) Marquee Signs:

- (i) May project below the lower edge of a canopy or covering structure a maximum of twelve (12) inches.
- (ii) Shall not project above a roof.
- (iii) Shall have a ground clearance of at least eight (8) feet above the grade of an adjacent sidewalk.

(g) Wall Art Displays that include electrical or mechanical components shall not project more than six (6) inches from the plane of the wall upon which such Display is painted or affixed. Wall Art Displays shall not be Internally Illuminated or Animated Signs.

(h) The combined total area of all Signs on a Lot shall not exceed three (3) square feet per linear foot of Lot street frontage or sixty (60) square feet, whichever is more, unless otherwise provided by this Chapter. If a building fronts on two (2) or more streets, then the Owner shall choose one (1) street frontage for the purpose of computing allowable Sign Area.

(i) No more than two (2) Signs shall be allowed per Lot street frontage.

Sec. 30-14. Signs in the Local Commercial (C-1) Zone and the Central Commercial (C-5) Zone.

(1) The following Signs are authorized in the Local Commercial (C-1) Zone and the Central Commercial (C-5) Zone without a sign permit:

- (a) One (1) Temporary Sign no larger than six (6) square feet.
- (b) One (1) Window Sign covering no more than thirty-three percent (33%) of the total window area, including glass doors. Such Window Sign may be an Internally Illuminated and/or Animated Sign.
- (c) One (1) Temporary Sign, no larger than thirty-two (32) square feet when the property on which the Temporary Sign is placed is being offered for sale, lease, or rent. Such Temporary Sign shall be removed within fifteen (15) days after such property is sold, leased, or rented.
- (d) One (1) Bench Sign no larger than fourteen (14) square feet. The Bench Sign shall not exceed four (4) feet in Height and shall not obstruct free and clear vision of pedestrians and vehicular traffic, including Clear Vision Areas.

Signs authorized by this subsection shall not count toward any limitation on the number or area of Signs allowed on a Lot, as set forth in this Section.

(2) Within the Local Commercial (C-1) Zone and the Central Commercial (C-5) Zone, a property Owner shall secure a Sign Permit prior to placing any other Sign on the Owner's property.

(3) Unless otherwise provided, the following regulations apply to all Signs within the Local Commercial (C-1) Zone and the Central Commercial (C-5) Zone:

(a) Wall Signs:

- (i) Shall not exceed twenty-five percent (25%) of the wall area on which such Sign is located, including the area of any parapet. Such Signs may be located under eaves.
- (ii) Shall not extend above the wall roofline or above the top of a parapet wall, whichever is higher.
- (iii) May be Internally Illuminated Signs, but shall not be Animated Signs, in the Local Commercial (C-1) Zone.
- (iv) May be Internally Illuminated and/or Animated Signs in the Central Commercial (C-5) Zone.

(b) Free-Standing Signs:

- (i) Shall be prohibited in the Local Commercial (C-1) Zone.
- (ii) One (1) Free-Standing Sign is allowed per five hundred (500) linear feet of Lot street frontage or fraction thereof, in the Central Commercial (C-5) Zone.
- (iii) Shall not exceed forty (40) feet in Height in the Central Commercial (C-5) Zone.
- (iv) Shall not exceed an area equal to two (2) square feet per linear foot of Lot street frontage in the Central Commercial (C-5) Zone; provided,

however, all Lots in the Central Commercial (C-5) Zone shall be allowed at least sixty (60) square feet.

(v) Shall not exceed two hundred (200) square feet in the Central Commercial (C-5) Zone.

(vi) Shall not be located in a side or rear yard that is required by Chapter 37 of the Lewiston City Code.

(vii) Placement in the Central Commercial (C-5) Zone shall comply with the Manual on Uniform Traffic Control Devices.

(viii) In the Central Commercial (C-5) Zone, may project out to the Public Right-of-Way, provided that there is ground clearance of at least: (a) eight (8) feet six (6) inches above the grade of an adjacent sidewalk, or (b) fifteen (15) feet above driveways, parking lots, and Alleys.

(ix) Shall not project over the Public Right-of-Way, Alleys, or driveways in the Central Commercial (C-5) Zone.

(x) May be Internally Illuminated and/or Animated Signs in the Central Commercial (C-5) Zone.

(c) Ground Monument Signs:

(i) One (1) Ground Monument Sign is allowed per street frontage.

(ii) Shall not exceed six (6) feet in Height; provided, however, if the Sign width is thirty-three percent (33%) or less than the Sign Height, then such Sign shall not exceed twelve (12) feet in Height.

(iii) The length shall not exceed ten percent (10%) of the linear Lot street frontage or eighteen (18) feet, whichever is less; provided, however, if the Lot is a flag Lot, then the Sign shall not exceed thirty-two (32) square feet and the length requirement set forth above shall not apply.

(iv) Shall not be located in a side or rear yard that is required by Chapter 37 of the Lewiston City Code.

(v) May be placed closer than five (5) feet to the Public Right-of-Way only if such Sign does not interfere with a Clear Vision Area.

(vi) Shall not project over the Public Right-of-Way, unless an Encroachment Permit is secured from the Public Works Department.

(vii) May be Internally Illuminated Signs.

(viii) Shall not be Animated Signs in the Local Commercial (C-1) Zone.

(d) Roof Signs:

(i) Shall be prohibited in the Local Commercial (C-1) Zone.

(ii) In the Central Commercial (C-5) Zone, shall not exceed one-half (0.5) the height of the building to which such Sign is attached or ten (10) feet in Height, whichever is less.

(e) Projecting Signs:

(i) Shall be prohibited in the Local Commercial (C-1) Zone.

(ii) One (1) Projecting Sign is allowed per street frontage in the Central Commercial (C-5) Zone.

(iii) Shall not exceed sixty (60) square feet.

(iv) Shall be spaced at least fifteen (15) feet apart.

(v) May project over the Public Right-of-Way a maximum of two-thirds (0.66) of the distance from the outer edge of the building to which such Sign is attached to the adjacent curb; provided that such Sign shall not project closer than two (2) feet to the edge of the adjacent curb. A Projecting Sign that projects over an Alley shall not project over the Alley by more than three (3) feet.

(vi) Shall be placed at least fifteen (15) feet above all driveways, Alleys, and other vehicle access routes.

(vii) Shall be placed at least eight (8) feet above all other Public Right-of-Ways and private sidewalks.

(f) Marquee Signs:

(i) May project below the lower edge of a canopy or covering structure a maximum of twelve (12) inches.

(ii) Shall not project above a roof.

(iii) Shall have a ground clearance of at least eight (8) feet above the grade of an adjacent sidewalk.

(g) Wall Art Displays that include electrical or mechanical components shall not project more than six (6) inches from the plane of the wall upon which such Display is painted or affixed. Wall Art Displays shall not be Internally Illuminated or Animated Signs.

(h) The combined total area of all Signs on a Lot shall not exceed two (2) square feet per linear foot of Lot street frontage or sixty (60) square feet, whichever is more, unless otherwise provided by this chapter. If a building fronts on two (2) or more streets, then the Owner shall choose one (1) street frontage for the purpose of computing allowable Sign Area.

(i) No more than two (2) Signs shall be allowed per Lot street frontage.

Sec. 30-15. Signs in Mixed Use Zones.

For purposes of this Chapter, a Lot within a Mixed Use Zone shall be classified as either residential or commercial according to the use of the Lot, as determined by the Department. Unless otherwise provided for in Chapter 37 of this Code, if a Lot in a Mixed Use Zone is classified as commercial, then the requirements of Section 30-13 shall apply.

Sec. 30-16. Illumination.

- (1) No Sign shall be erected or maintained that, by use of lights or illumination, creates a hazardous condition to motorists, pedestrians, and the general public.
- (2) The nighttime illumination of Electronic Message Centers shall comply with the requirements set forth in this Section.
- (3) The illuminance of an Electronic Message Center shall be measured with an illuminance meter that measures foot candles and is accurate to at least two (2) decimals.
- (4) Illuminance shall be measured with the Electronic Message Center off and again with the Electronic Message Center on and displaying a white image for a full color-capable Electronic Message Center, or a solid message for a single-color Electronic Message Center. All measurements shall be taken perpendicular to the face of the Electronic Message Center at the distance determined by the total square footage of the Electronic Message Center as set forth in Table 1 of this Section. The difference between illuminance readings shall not exceed 0.3 foot candles at night.
- (5) All Electronic Message Centers shall be equipped with a sensor or other device that: (a) automatically determines the ambient illumination and is programmed to automatically dim according to ambient light conditions, or (b) can be manually adjusted to comply with the requirements of this Section.
- (6) All Electronic Message Centers shall not change messages more than once every nine (9) seconds. The message changing process shall be completed within two (2) seconds.
- (7) The illuminance of Electronic Message Centers shall be measured in accordance with Table 1:

Table 1

Sign Area versus Measurement Distance*	
Area of Sign (square feet)	Measurement Distance (feet)
10	32
15	39
20	45
25	50
30	55
35	59
40	63
45	67

50	71
55	74
60	77
65	81
70	84
75	87
80	89
85	92
90	95
95	97
100	100
110	105
120	110
130	114
140	118
150	122
160	126
170	130
180	134
190	138
200	141
220	148
240	155
260	161
280	167
300	173

* For Signs with an area other than those specifically listed in Table 1, the measurement distance shall be calculated as follows:

$$\text{Measurement Distance} = \sqrt{\text{Area of Sign in square feet} \times 100}$$

Sec. 30-17. Billboards.

(1) Billboards shall only be allowed within the Billboard Overlay Zone, as provided in Chapter 37, Article III of the Lewiston City Code.

(2) General construction standards.

(a) An application for construction of a Billboard shall include plan sets approved and stamped by an engineer or architect licensed in the State of Idaho. Where a Billboard is intended to be located along a road within the jurisdiction of the Idaho Transportation Department, plans shall also be submitted to the Idaho Transportation Department for its approval.

(b) There shall be at least five hundred (500) feet between all Billboards located on the same street or highway, measured along the centerline of the

Public Right-of-Way, regardless of which side of the street or highway the Billboards are located.

(c) No Billboard shall be constructed within one hundred fifty (150) feet of an intersection, measured perpendicular to the nearest Public Right-of-Way line for the crossing street.

(d) A Billboard shall only be placed adjacent to an arterial street, as designated on the most recent urban functional classification map adopted by the Lewis-Clark Valley Metropolitan Planning Organization.

(e) A Billboard shall not extend over the Public Right-of-Way or any property line.

(f) A Billboard may be attached to a building approved for occupancy by the Building Official. If attached to a building, the Sign Area of the Billboard shall be counted towards the total allowable Sign Area for that building and Lot.

(g) A Billboard sign face shall not exceed three hundred seventy-eight (378) square feet.

(h) A Billboard shall not exceed forty (40) feet in Height as measured from the centerline of the adjacent street.

(i) A Billboard may be an Illuminated Sign, an Animated Sign, and/or an Electronic Message Center.

(j) A Billboard may contain a mechanically-controlled face in order to change content; for example, a tri-face.

(k) A Billboard that is an Electronic Message Center shall not change messages more than once every nine (9) seconds. The message changing process shall be completed within two (2) seconds.

(l) A Billboard that is an Electronic Message Center shall be designed, in an event of malfunction, to: (i) freeze the display in a static position, (ii) display a full black screen, or (iii) turn off.

(3) Modifications.

(a) The copy on a Billboard may be changed at any time without a new Sign Permit.

(b) A Billboard structure may be changed only with an approved building permit.

(c) A Billboard sign face may be removed and replaced with another visual medium that did not previously exist on the sign face only with an approved building permit—for example, replacing a static sign face with a movable face, scrolling message digital display, video display, or other similar technology that previously did not exist on the Billboard sign face.

(4) Repair and Demolition.

(a) If a Billboard is damaged or destroyed, the owner of such Billboard shall repair or demolish the Billboard within fifteen (15) days of the damage or destruction. If a Billboard is demolished, the owner of the Billboard shall remove all demolition debris within said fifteen (15)-day period.

(b) Unless otherwise provided, the owner of a Billboard shall secure a demolition permit from the Department prior to demolishing a Billboard. The owner of the Billboard shall file an application for a demolition permit at least forty-eight (48) hours prior to the scheduled time for demolition.

(c) If a Billboard poses an immediate safety hazard, the owner of such Billboard may immediately demolish the Billboard. The owner of the Billboard shall report such demolition to the Building Official within forty-eight (48) hours of the demolition.

Sec. 30-18. Signs in Historic Districts.

(1) Certificate of Appropriateness:

(a) Except as otherwise provided, a person shall obtain a Certificate of Appropriateness and a Sign Permit before placing, constructing, altering, or relocating a Sign in a District.

(b) An application for a Certificate of Appropriateness shall be made in writing to the Lewiston Historic Preservation Commission. An application shall contain the proposed location of the Sign by street and number, the name and address of the owner of the Sign, and other relevant information requested by the Lewiston Historic Preservation Commission. An applicant for a Certificate of Appropriateness shall also pay the application fee, as adopted by resolution of the City Council.

(c) A Certificate of Appropriateness shall become null and void if the work for which such Certificate of Appropriateness is issued is not completed within six (6) months of the date of such Certificate of Appropriateness.

(d) A Certificate of Appropriateness shall not be required for the following:

(i) Replacing Sign Copy.

(ii) Maintaining a Sign, including painting a Sign in a manner that does not alter the color scheme of such Sign; re-painting a Sign; cleaning a Sign; and/or repairing a Sign in a manner that does not alter the structure of such Sign; or

(ii) Temporary Signs.

(2) The following regulations shall apply to all Signs within a District:

(a) Wall Signs:

(i) May be an Internally Illuminated Sign, but may not be an Animated Sign.

(ii) Shall not extend above the wall roofline or above the top of a parapet wall, whichever is higher.

(b) Projecting Signs:

(i) May project over the Public Right-of-Way a maximum of two-thirds (0.66) of the distance from the outer edge of the building to which such Sign is attached to the adjacent curb; provided that such Sign shall not project closer than two (2) feet to the edge of the adjacent curb. A Projecting Sign that projects over an Alley shall not project over the Alley by more than three (3) feet.

(ii) Shall be placed at least fifteen (15) feet above all driveways, Alleys, and other vehicle access routes.

(iii) Shall be placed at least eight (8) feet above all other Public Right-of-Ways and private sidewalks.

(iv) May be an Internally Illuminated Sign, but may not be an Animated Sign.

(c) Marquee Signs:

(i) May project below the lower edge of a canopy or covering structure a maximum of twelve (12) inches.

(ii) Shall not project above a roof.

(iii) Shall have a ground clearance of at least eight (8) feet above the grade of an adjacent sidewalk.

(iv) May be an Internally Illuminated Sign, but may not be an Animated Sign.

(d) Graphic Signs:

(i) May be an Internally Illuminated Sign, but may not be an Animated Sign.

(3) Ground Monument Signs, Billboards, and Animated Signs are prohibited in all Districts.

(4) The combined total area of all Signs on a Lot, per Lot street frontage, shall not exceed:

(i) Twenty-five (25) square feet for up to thirty (30) linear feet of Lot street frontage.

(ii) Thirty-two (32) square feet for more than thirty (30) linear feet of Lot street frontage.

(5) A Sign that is structurally altered; relocated or replaced; and/or damaged by accident or natural cause, to the extent of fifty percent (50%) or more of such Sign's value, shall be brought into conformance with the provisions of this section.

Sec. 30-19. Signs for Temporary Vendors.

(1) Signs for Temporary Vendors are authorized without a Sign Permit in all Commercial Zones.

(2) The following regulations apply to all Signs for Temporary Vendors:

(a) Shall not exceed thirty-two (32) square feet.

(b) Shall not be an Internally Illuminated Sign or an Animated Sign.

Sec. 30-20. Sign Permits.

(1) The Department shall process all applications for Sign Permits.

(2) The Department is authorized to make rules and policies to carry out the purpose of this Chapter.

(3) An application for a Sign Permit shall be made in writing upon a form furnished by the Department. An application shall contain the proposed location of the Sign by street and number and the name and address of the owner of the Sign. The Department may require the filing of plans and/or other pertinent information where, in its judgment, such information is necessary to ensure compliance with safety regulations and this Chapter.

(4) Sign Permit fees shall be set by resolution of the Lewiston City Council.

(5) The Department shall issue a Sign Permit within twenty-eight (28) calendar days upon a completed application, payment of the required fee, and compliance with this Chapter.

(6) Upon issuance of a Sign Permit, the applicant shall construct or install the Sign(s) approved by such Sign Permit within six (6) months. Upon construction or installation of a Sign, the applicant shall contact the Department within such six (6)-month period and request an inspection of the Sign. The Department shall inspect such Sign. If a Sign is not constructed or installed and inspected within such six (6)-month period, then the Sign Permit shall expire, and the applicant may reapply for another Sign Permit.

(7) A Sign Permit application may include a request for multiple Signs located on a single Lot.

(8) If an electrical permit is required for installation of a Sign, then such electrical permit shall be obtained prior to commencement of installation of the Sign. A Sign that contains electrical wiring shall comply with the National Electrical Code, as adopted by the City of Lewiston.

(9) A Sign Permit shall not be required to change the Sign Copy on an existing Sign or Sign structure.

Sec. 30-21. Modification or Removal of Signs.

The Department may require a Sign to be modified or removed under any of the following circumstances:

- (a) The Department determines that information in the Sign Permit application was materially false or misleading;
- (b) The Sign, as installed, does not conform to the requirements of the Sign Permit;
- (c) The Sign violates this Chapter; the Zoning Ordinance of the City of Lewiston, as set forth in Chapter 37 of this Code; the International Building Code, as adopted by the Lewiston City Council; or any other applicable law, regulation, or ordinance; or
- (d) The Sign becomes a hazard to motorists, pedestrians, or the general public.

Sec. 30-22. Appeals.

(1) A person aggrieved by a written order or decision of the Department pursuant to this Chapter may appeal such written order or decision to the Planning and Zoning Commission by filing a written notice of appeal with the Department within fifteen (15) calendar days of receipt of such written order or decision. The notice of appeal shall specify the grounds for appeal.

Service of the Department's written order or decision may be accomplished by hand-delivery or by mail. If such order or decision is hand-delivered, it shall be deemed received immediately. If such order or decision is served by mail, it shall be deemed received forty-eight (48) hours after depositing the same in the U.S. mail, first class, certified, or registered; postage prepaid; and addressed to the recipient's last known address.

If an appeal is not filed within fifteen (15) calendar days of receipt of the Department's written order or decision, then the decision of the Department shall be final.

(2) The Planning and Zoning Commission shall hold a hearing on the appeal within thirty (30) calendar days of receipt of the notice of appeal. Notice of such hearing shall be provided as required by section 37-184(b) of the Lewiston City Code. The appellant shall have the right to be represented by legal counsel at the hearing and rebut any evidence that is submitted. The formal rules of evidence shall not apply.

(3) The Planning and Zoning Commission shall issue a written decision within twenty (20) calendar days after the hearing. The Planning and Zoning Commission may affirm, reverse, or modify the decision of the Department.

(4) A person aggrieved by the decision of the Planning and Zoning Commission may appeal such decision to the City Council by filing a written notice of appeal with the City Clerk within fifteen (15) calendar days from the date of the Planning and Zoning Commission's decision. The notice of appeal shall specify the grounds for the appeal. If an appeal is not filed within the fifteen (15) calendar day period, then the decision of the Planning and Zoning Commission shall be final.

(5) Upon a timely notice of appeal, the City Council may either: (a) refuse to accept jurisdiction of the appeal, in which case, the decision of the Planning and Zoning Commission shall be final; or (b) hold a hearing on the appeal within thirty (30) calendar days of receipt of the notice of appeal.

(6) If the City Council holds a hearing on the appeal, then notice of such hearing shall be published at least once in a newspaper of general circulation in the City of Lewiston at least fifteen (15) days prior to the hearing. Additionally, notice of such hearing shall be mailed to the owners of all properties within three hundred (300) feet of the exterior boundary of the property that is the subject of such hearing. Notice shall be mailed at least eight (8) calendar days prior to the hearing. All notices shall include the date, time, and place of the hearing, as well as a short statement as to the subject matter of the hearing.

If notice is required to be mailed to two hundred (200) or more property owners, then public announcements of the hearing may be made in lieu of mailing notice. Such public announcements shall be made on local radio and television statements at least five (5), but not more than fifteen (15), calendar days prior to the hearing.

The appellant shall have the right to be represented by legal counsel at the hearing and rebut any evidence that is submitted. The formal rules of evidence shall not apply.

(7) The City Council shall issue a written decision within twenty (20) calendar days after the hearing. The City Council may affirm, reverse, or modify the decision of the Planning and Zoning Commission. The City Council's decision shall be final.

(8) An appeal (other than an appeal of an emergency order) shall stay enforcement of the written order or decision until the appeal is heard and a final decision is rendered.

(9) A person aggrieved by a final decision of the Planning and Zoning Commission or the City Council is entitled to judicial review only as provided by law. This section does not provide an independent basis for judicial review.

Sec. 30-23. Variances.

(1) The Planning and Zoning Commission may authorize variances from the requirements of this Chapter where it can be shown that the requirements of this Chapter would cause undue hardship. In considering an application for a variance, the Planning and Zoning Commission shall consider:

- (a) The minimum variance necessary to overcome the hardship described in the application;
- (b) Whether the grant of the variance would be detrimental to: (i) the purposes of this Chapter; (ii) the characteristics of the zone, district, or property in the vicinity of the premises on which a Sign is proposed to be or is located; or (iii) the objectives of the City's comprehensive plan;
- (c) Whether conditions should be attached to the granting of a variance to achieve the purposes of this Chapter;
- (d) Whether granting the variance, in full or in part, would improve the appearance of the Sign, building, or premises on which the Sign is proposed to be or is located;
- (e) Whether inherent difficulties of terrain exist on the premises on which the Sign is proposed to be or is located; and
- (f) Whether the proposed variance is in conflict with the public interest.

(2) The Planning and Zoning Commission shall not grant a variance for a Sign that is not authorized within the zone in which the proposed Sign would be located.

(3) An applicant for a Sign Permit may request a variance from the requirements of this Chapter by filing an application with the Department, which application shall be available from the Department. An applicant shall also pay the application fee, as adopted by resolution of the City Council. The applicant shall submit such application and application fee to the Department at least twenty (20) calendar days prior to the meeting at which the application will be considered.

(4) The Planning and Zoning Commission shall hold a hearing on an application for a variance within thirty (30) calendar days of receipt of such application. Notice of such hearing shall be provided as required by section 37-184(b) of the Lewiston City Code. The Planning and Zoning Commission shall issue a written decision within twenty (20) calendar days after the hearing.

(5) The Planning and Zoning Commission may grant, in full or in part, or deny a variance application. The Planning and Zoning Commission may place conditions on the grant of a variance to protect the interests of the surrounding property or neighborhood and to achieve the purposes of this Chapter.

(6) A person aggrieved by the decision of the Planning and Zoning Commission may appeal such decision to the City Council, as set forth above in section 30-22.

(7) Authorization of a variance shall be void after twelve (12) months unless: (a) the applicant has applied for a Sign Permit, or (b) the Department has determined that the applicant has made substantial progress towards completion of the Sign.

(8) Once granted, a variance is permanent.

Sec. 30-24. Existing Signs.

(1) A Sign that was installed prior to October 15, 2017 may remain, provided that such Sign:

- (a) Does not block free ingress or egress from any door, window, or fire escape;
- (b) Provides sufficient horizontal or vertical clearance from any communication line or energized electrical powerline, as required by the laws of the State of Idaho;
- (c) Is not attached to a streetlight located on public property or in the Public Right-of-Way;
- (d) Cannot be misconstrued as a traffic control device;
- (e) Does not obstruct any traffic or street sign or signal;
- (f) Is not Graffiti;
- (g) Does not pose a threat to public safety;
- (h) Conformed with the prior sign ordinance of the City of Lewiston; and
- (i) Was installed pursuant to a valid Sign Permit, if applicable.

(2) A Sign that was installed prior to October 15, 2017 that does not meet all of the above requirements shall be removed within fifteen (15) calendar days upon receipt of notice from the Department.

(3) A Sign that was installed prior to October 15, 2017 that is subsequently structurally altered, relocated, or replaced shall comply with all provisions of this Chapter.

Sec. 30-25. Severability.

If any provision of this Chapter is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this Chapter that can be given effect without the invalid provision.

SECTION 3: Lewiston City Code § 19.5-23, “Signs,” is hereby repealed in its entirety.

SECTION 4: A new Lewiston City Code § 19.5-23 is hereby enacted as follows:

Sec. 19.5-23. Signs in Historic Districts.

Signs in a historic District shall comply with the standards set forth in Chapter 30 of this Code.

SECTION 5: Lewiston City Code § 31-74(a)(2) is hereby amended as follows:

Sec. 31-74. Temporary right-of-way uses.

(a) Temporary uses of the right-of-way shall be limited to the following:

...

(2) Temporary Signs pursuant to the requirements of Chapter 30 of this Code. For purposes of this section, Temporary Sign shall have the same meaning as defined in Chapter 30 of this Code.

...

SECTION 6: Lewiston City Code § 37-20.1 is hereby amended as follows:

Sec. 37-20.1. Special conditions.

(1) *Mortuary.*

- (a) The size of the site is shown to be reasonable for the intended use.
- (b) Access to the site meets all applicable ordinances.
- (c) The abutting/adjacent properties will not otherwise be adversely affected.
- (d) A site development plan is submitted for review and approval; subsequent development shall be in substantial conformance with the approved development plan.
- (e) The developer of the proposed project shall contact all property owners and tenants within three hundred (300) feet of the property on which the project is planned. The notification shall provide details of the proposed development and inform those receiving notification of their opportunity to contact the community development department, in writing, within fifteen (15) days of notification with complaints or concerns about the proposed project. The developer shall provide to the community development department written verification of the notification to all property owners and tenants. If no written objections are received from those persons entitled to receive notice are received within fifteen (15) days of such notice, zoning approval may be granted. If any written objection to the proposed development is received within fifteen (15) days of such notice from any person entitled to notice, a conditional use permit shall be required. The developer shall apply for a conditional use permit as provided in Article IX of this chapter.

(2) *Church.*

- (a) The size of the site is shown to be reasonable for the intended use.
- (b) Access to the site meets all the applicable ordinances.
- (c) The abutting/adjacent properties will not otherwise be adversely affected.
- (d) A church may exceed the height limitations of the zone in which it is located to a maximum of fifty (50) feet, if the total floor area of the building does not exceed one and one-half (1-1/2) times the area of the site and if the yard dimensions in each case are equal to at least two-thirds (2/3) of the height of the principal structure.

(e) Site development plan is submitted for review and approval, subsequent development shall be in substantial conformance with the approved development plan.

(f) The developer of the proposed project shall contact all property owners and tenants within three hundred (300) feet of the property on which the project is planned. The notification shall provide details of the proposed development and inform those receiving notification of their opportunity to contact the community development department, in writing, within fifteen (15) days of notification with complaints or concerns about the proposed project. The developer shall provide to the community development department written verification of the notification to all property owners and tenants. If no written objections are received from those persons entitled to receive notice are received within fifteen (15) days of such notice, zoning approval may be granted. If any written objection to the proposed development is received within fifteen (15) days of such notice from any person entitled to notice, a conditional use permit shall be required. The developer shall apply for a conditional use permit as provided in Article IX of this chapter.

(3) *School.*

(a) The size of the site is shown to be reasonable for the intended use.

(b) Access to the site meets all applicable ordinances.

(c) The surrounding property will not otherwise be adversely affected.

(d) Site development plan is submitted for review and approval, subsequent development shall be in substantial conformance with the approved development plan.

(e) The developer of the proposed project shall contact all property owners and tenants within three hundred (300) feet of the property on which the project is planned. The notification shall provide details of the proposed development and inform those receiving notification of their opportunity to contact the community development department, in writing, within fifteen (15) days of notification with complaints or concerns about the proposed project. The developer shall provide to the community development department written verification of the notification to all property owners and tenants. If no written objections are received from those persons entitled to receive notice within fifteen (15) days of such notice, zoning approval may be granted. If any written objection to the proposed development is received within fifteen (15) days of such notice from any person entitled to notice, a conditional use permit shall be required. The developer shall apply for a conditional use permit as provided in Article IX of this chapter.

(4) *Park.*

(a) Site development plan is submitted for review and approval to the Lewiston parks and recreation manager; subsequent development shall be in substantial conformance with the approved development plan.

(b) The site development plan shall be shown to be in substantial compliance with the park and open space master plan.

(5) *Day care center, thirteen (13) children or over.*

(a) A business license is required in accordance with Chapter 21 of this code.

(b) The size of the site is shown to be reasonable for the intended use.

(c) Access to the site meets all applicable ordinances.

(d) The surrounding property will not otherwise be adversely affected.

(e) Off-street parking and pick-up/drop-off area shall be provided.

(6) *Preschool.*

(a) Approval of a conditional use permit from the planning and zoning commission is required. This requires a public hearing before the planning and zoning commission.

(b) A business license is required, including a criminal history check for all employees, volunteers and people over twelve (12) years of age living on the premises.

(c) Compliance with state regulations, Uniform Building Codes and City Standards is required.

(d) The size of the site is shown to be reasonable for the intended use.

(e) Parking and access to the site meets all applicable ordinances.

(f) The surrounding property will not otherwise be adversely affected.

SECTION 7: Lewiston City Code § 37-62.4(11) is hereby amended as follows:

Sec. 37-62.4. Development standards.

The following standards shall apply to all new construction and major remodels as defined in Chapter 31 of this code, Article I, Right-of-Way, in the NHMU Zoning District:

...

(11) Signs. Signs in the Normal Hill Mixed Use Zoning District shall be regulated in the same manner as Signs in the Local Commercial (C-1) Zone, as set forth in

Chapter 30 of this code. For purposes of this section, Sign shall have the same meaning as defined in Chapter 30 of this code.

SECTION 8: Lewiston City Code § 37-93.6(a)(10) is hereby amended as follows:

Sec. 37-93.6. Standards for development.

(a) *Planning Area A.*

...

(10) Signage for individual businesses shall meet the requirements of Chapter 30 of this code.

(i) The number of Freestanding Signs, as defined in Chapter 30 of this code, shall be limited to one (1) per two hundred (200) linear feet of Bryden Avenue frontage;

(ii) Maximum sign height shall not exceed thirty (30) feet.

SECTION 9: Lewiston City Code § 37-114 is hereby amended as follows:

Sec. 37-114. Standards.

(a) Any Billboard constructed hereunder shall be located adjacent to a roadway designated as part of the Billboard Overlay Zone according to the official zoning map of the city of Lewiston and in a location approved by the Planning and Zoning Commission.

(b) A conditional use permit shall be required to construct a Billboard. An applicant shall apply for a conditional use permit as provided in Article IX of this Chapter. In determining whether to grant or deny a conditional use permit for a Billboard, the Planning and Zoning Commission shall consider compliance with the standards contained in Chapter 30; whether the Billboard would substantially block the view of any existing Sign from the Public Right-of-Way; and, if the Billboard is an Illuminated Sign, whether the Billboard complies with industry practices for eliminating or reducing up-lighting and light trespass. For purposes of this section, Billboard, Sign, Public Right-of-Way, and Illuminated Sign shall have the same meanings as defined in Chapter 30 of this code.

(c) The construction modification, repair, and demolition of a Billboard shall comply with the provisions and procedures set forth in Chapter 30 of this code.

SECTION 10: Lewiston City Code § 37-127 is hereby repealed in its entirety.

SECTION 11: Lewiston City Code § 37-140.1 is hereby amended as follows:

Sec. 37-140.1. General provisions.

(a) A home occupation is an activity, profession, or craft carried on entirely within a residence or associated accessory buildings by the occupants, which activity is clearly

incidental to the use of said residence as a dwelling and does not change the residential character of it; is conducted in such a manner as to not give any outward appearance of a business in the ordinary meaning of the term; so located and conducted that the average neighbor, under normal circumstances, would not be aware of its existence; and which does not infringe upon the rights of neighboring residents to enjoy a peaceful occupancy of their homes.

(b) Home occupations may occupy an area of a dwelling or an accessory building not to exceed twenty-five (25) percent of the gross floor area of the dwelling. Home occupations may occupy more than twenty-five (25) percent of the gross floor area of the dwelling or accessory building when approved with a conditional use permit as provided in Article IX of this chapter, except that swimming instruction shall be exempt from this requirement.

(c) Not more than one (1) person other than members of the family residing in the residence shall be engaged in such occupation at the premises.

(d) No exterior displays, including window displays or lawn displays, are allowed.

(e) No outdoor storage shall be permitted.

(f) No regularly occurring outdoor activity, except as allowed in this chapter.

(g) No home occupation shall be conducted in such a manner, and/or no materials or mechanical equipment shall be used, which will be detrimental to the residential use of said residence or cause a nuisance to surrounding residences, because of vibration, noise, dust, smoke, odor, interference with radio or television reception, or other factors.

(h) The cumulative impact of multiple home occupations licensed at a single address shall not exceed the criteria set for a single home occupation.

(i) Where a combination of dwelling unit and accessory building is used for a home occupation, the total area in use may not exceed that allowed for a single home occupation.

SECTION 12: Lewiston City Code § 37-163(3) is hereby amended as follows:

Sec. 37-163. Standards governing conditional uses.

A conditional use shall comply with the standards of the zone in which it is located, except as the planning and zoning commission may modify these standards in authorizing the conditional use or as otherwise provided as follows:

...

(3) *Churches.* The planning and zoning commission may authorize a church as a conditional use, if, in its judgment, the size of the site is adequate for the intended use, access to the site is adequate, and the surrounding property will not otherwise be

adversely affected. A church may exceed the height limitations of the zone in which it is located to a maximum of fifty (50) feet, if the total floor area of the building does not exceed one and one-half (1-1/2) times the area of the site and if the yard dimensions in each case are equal to at least two-thirds (2/3) of the height of the principal structure.

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