

UDO CLEARCODE

PLANNING BOARD STATUS UPDATE 1.25.18



OVERVIEW

Project Background

Tasks Completed to Date

Input Summary

Top 10 Recommendations for Improvement

Non-substantive vs Substantive Changes

Next Steps



PROJECT BACKGROUND

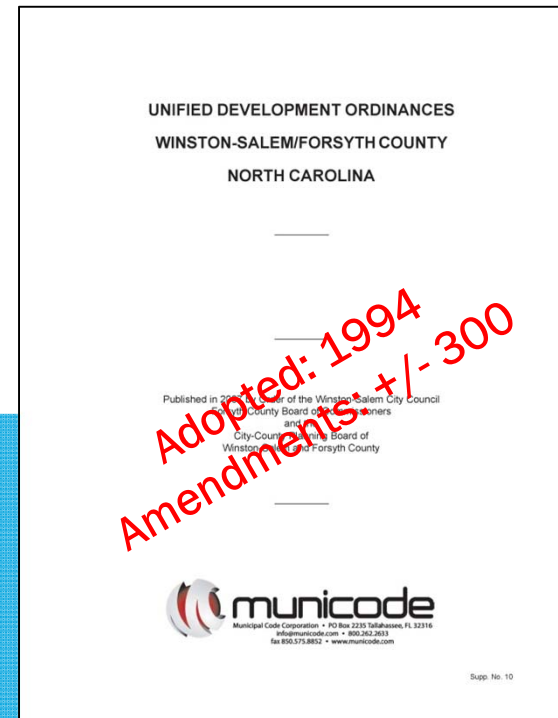
Project to make user-friendly improvements to the UDO

Part of a multi-pronged effort (text/layout, graphics, digital version improvements)

Prepare a Code Assessment of the current UDO

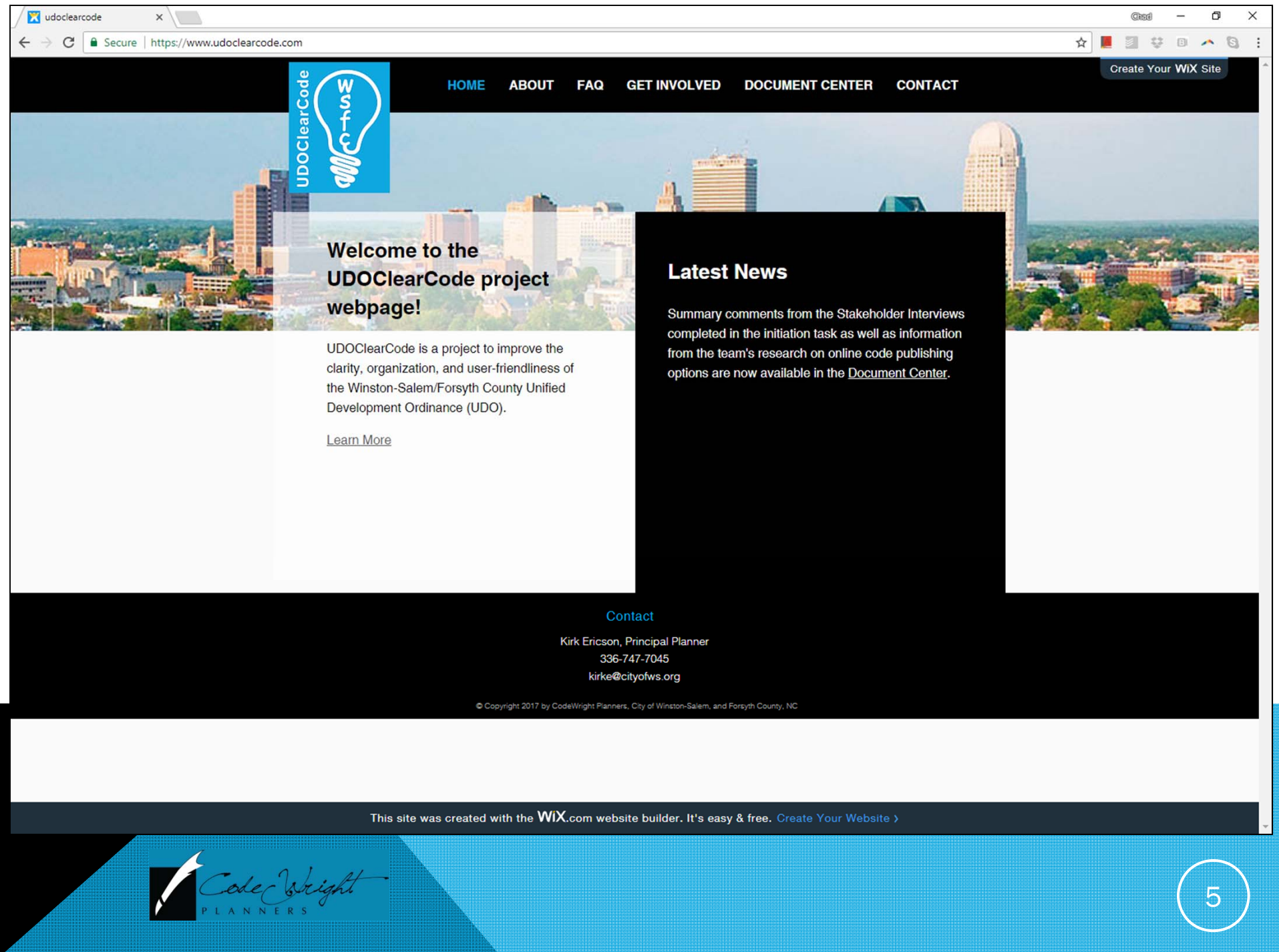
Focus on non-substantive improvements

- Organization
- Layout
- Appearance
- Operation



TASKS COMPLETED TO DATE

Project Kickoff	11.29.17
Project Webpage	12.11.17
Stakeholder Interviews (29)	12.13 & 12.19.17
Meeting with Planning/ Inspections Staff	1.9.18
Webinar with Staff on Examples	1.18.18
Update with Planning Board	1.25.18



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Create Your Wix Site

Welcome to the UDOClearCode project webpage!

UDOClearCode is a project to improve the clarity, organization, and user-friendliness of the Winston-Salem/Forsyth County Unified Development Ordinance (UDO).

[Learn More](#)

Latest News

Summary comments from the Stakeholder Interviews completed in the initiation task as well as information from the team's research on online code publishing options are now available in the [Document Center](#).

Contact

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INPUT SUMMARY

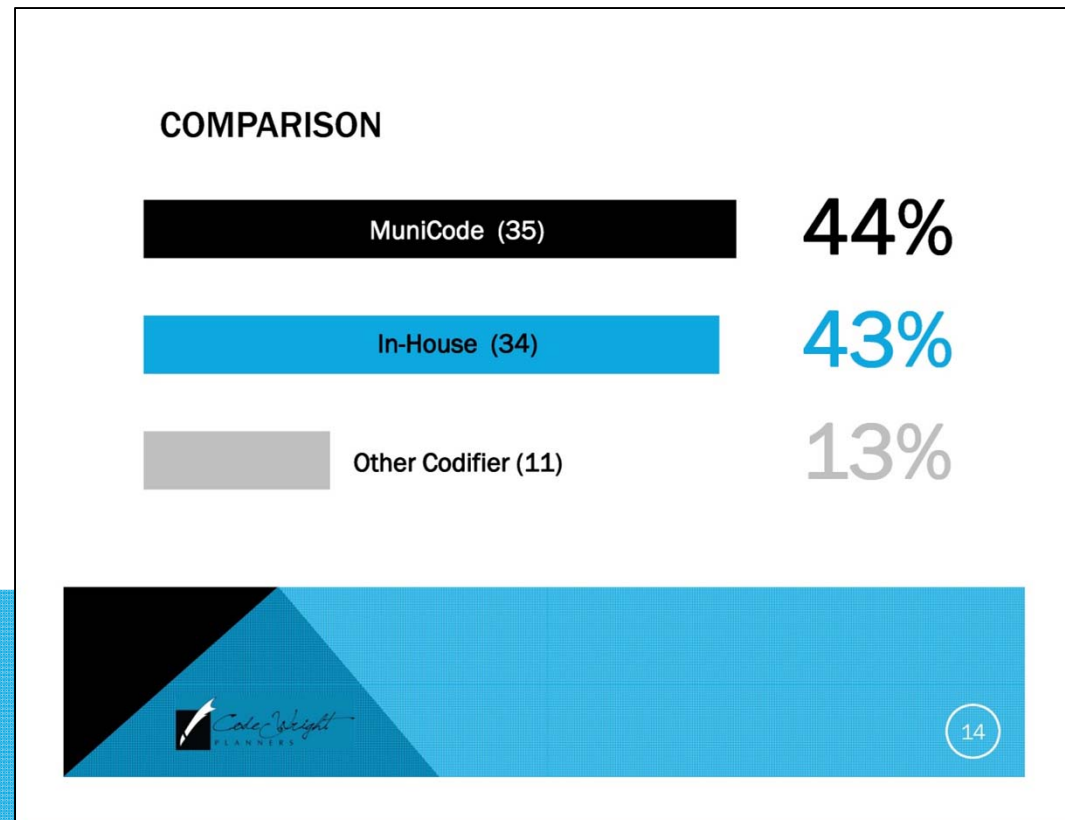
- Confusing structure / Easy to “get lost” in the document
- Lots of repetition; some of it inconsistent
- Inconsistent terminology/ “document voice”
- Often necessary to get Staff to interpret requirements
- Lack of graphics & charts
- Hard to differentiate between City & County-only standards
- Numerous challenges with using digital versions
- Perception of “right hand/left hand” issue between Planning & Inspections
- Desire for a more formal TRC review process
- Several code sections are overly complicated; need for simplification

TOP 10 RECOMMENDATIONS FOR IMPROVEMENT

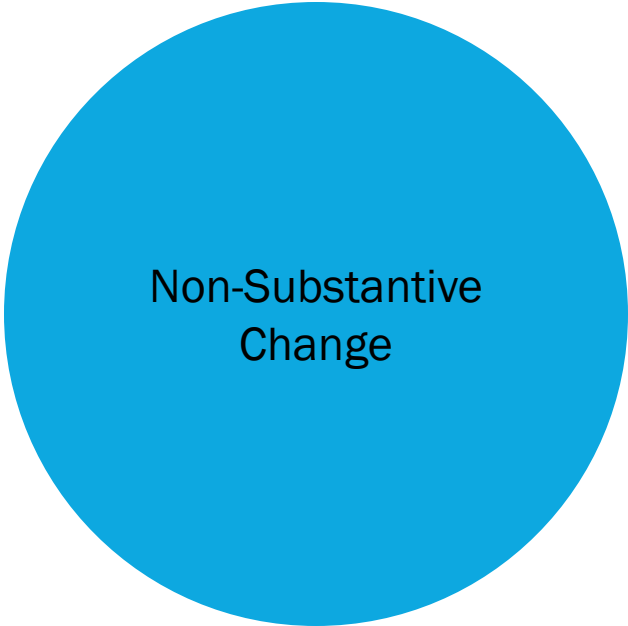
1. Reconfigure the UDO into 10 topic-based chapters
2. Use MS Word to create a new page layout with better navigational tools (typeface styles, dynamic headers, x-ref)
3. Build the document for use on the screen first & paper second
4. Use graphics, tables, and flowcharts to aid comprehension
5. Remove/Replace obsolete provisions
6. Simplify language construction (plain English, not “legalese”)
7. Embed non-binding commentary into the text
8. Add “Rules” sections: conflict, measurement, interpretation, etc.
9. Create a path of procedural least resistance
10. Undertake a campaign to simplify the development standards

TOP 10 RECOMMENDATIONS FOR IMPROVEMENT


11. Decide who will serve the digital version of the document and build to that platform



SUBSTANTIVE VS. NON-SUBSTANTIVE CHANGES

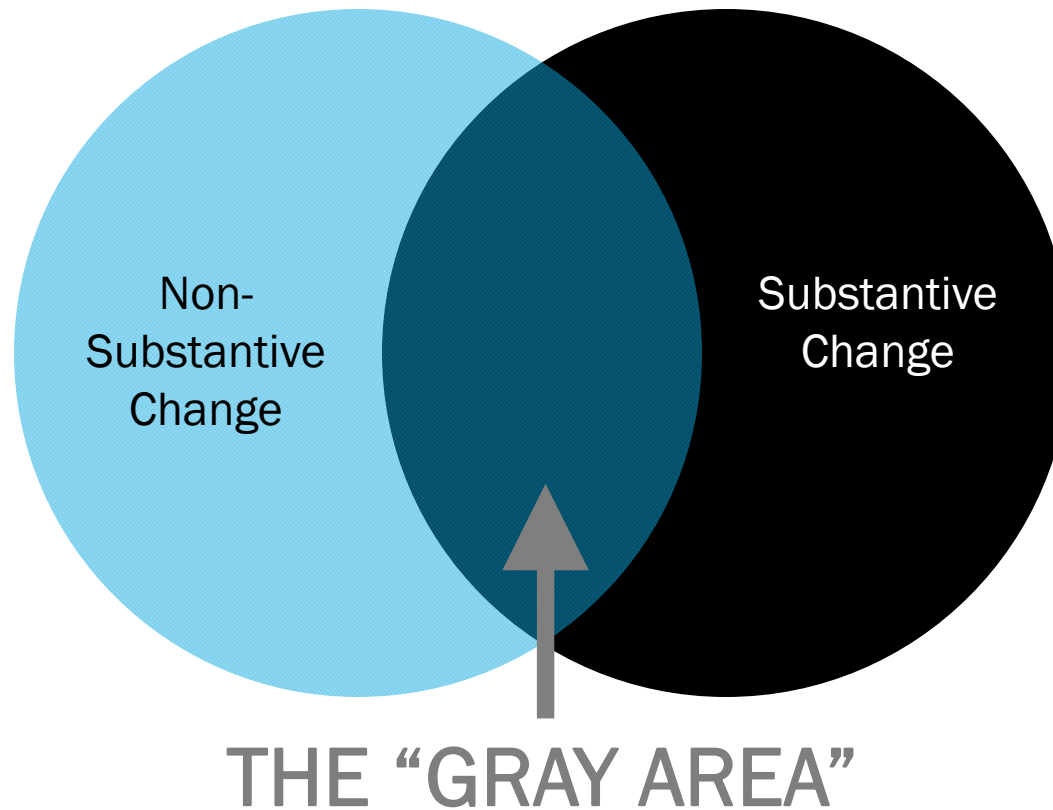


Non-Substantive
Change



Substantive
Change

SUBSTANTIVE VS. NON-SUBSTANTIVE CHANGES



HOW FAR INTO THE “GRAY AREA” WILL WE GO?

- Removal/reconfiguration of definitions
- Revisions to establish a “common voice”
- Inclusion of purpose and intent statements
- Revisions to comply with changing state statutes
- Sharpening review criteria
- Simplification

NEXT STEPS

Code Assessment Initial Draft	Feb. & March
Staff Review & Comment	April
Code Assessment Public Draft	Early May
Presentation to Planning Board	5.24.18
Code Revision	

User-friendly Examples

PAGE LAYOUT



ARTICLE 151.1. GENERAL PROVISIONS

Section 1.9. Conflicting Provisions

1.9.1. Conflicts with Other Codes or Laws

1.9. CONFLICTING PROVISIONS

1.9.1. CONFLICTS WITH OTHER CODES OR LAWS

If a provision of this Ordinance is inconsistent with another provision found in other adopted ordinances of the County, the more restrictive provision shall govern unless the terms of the more restrictive provision specifies otherwise. The more restrictive provision is the one that imposes greater restrictions or burdens, or more stringent controls.

1.9.2. CONFLICTS WITH STATE OR FEDERAL LAWS

- A. If a provision of this Ordinance is inconsistent with State or federal law, the more restrictive provision controls, to the extent permitted by law.
- B. Except for minimum riparian buffer width standards, in cases where a State law related to an environmental issue is less restrictive than a comparable County standard, the State environmental standard shall control.
- C. The minimum riparian buffer width standards in this Ordinance are established for purposes of stormwater quantity management, not for purposes of maintaining environmental quality. As a result, the minimum riparian buffer width standards in this Ordinance shall control.

1.9.3. CONFLICTS BETWEEN STANDARDS IN THIS ORDINANCE

- A. In cases where two or more standards in this Ordinance conflict with one another, the more restrictive standard shall not necessarily control. Rather, the determination as to which standard controls shall be made by the UDO Administrator, in coordination with the County Attorney, based on the degree to which the application of a particular standard results in:
 - 1. Greater consistency with State or federal law;
 - 2. Greater consistency with the goals and objectives contained within the County's adopted policy guidance;
 - 3. A development that is more supportive of the purposes of this Ordinance as described in **Section <>, General Purpose and Intent**;
 - 4. Consistency with incentives for sustainable development practices identified in this Ordinance;
 - 5. Increased compatibility with adjacent development and surrounding community character;
 - 6. Enhanced environmental quality and natural resource protection;
 - 7. Greater protection and preservation of aesthetic and cultural resources; and
 - 8. A superior level of building form, design, or architecture.
- B. The text of this Ordinance shall be interpreted in accordance with **Section <>, Interpretation**. Nothing shall limit the UDO Administrator from preparing a written interpretation of how conflicting provisions are interpreted on a case-by-case basis.

1.10. RULES OF LANGUAGE CONSTRUCTION

The following rules shall apply for construing or interpreting the terms and provisions of this Ordinance.

1.10.1. MEANINGS AND INTENT

- A. All provisions, terms, phrases, and expressions contained in this Ordinance shall be interpreted in accordance with the general purposes set forth in **Section <>, General Purpose and Intent**, and the specific purpose statements set forth throughout this Ordinance.
- B. When a specific section of these regulations gives a different meaning than the general definition provided in **Section <>, Definitions and Rules of Measurement**, the specific section's meaning and application of the term shall control.
- C. Terms that are not defined are subject to their common or customary meaning.

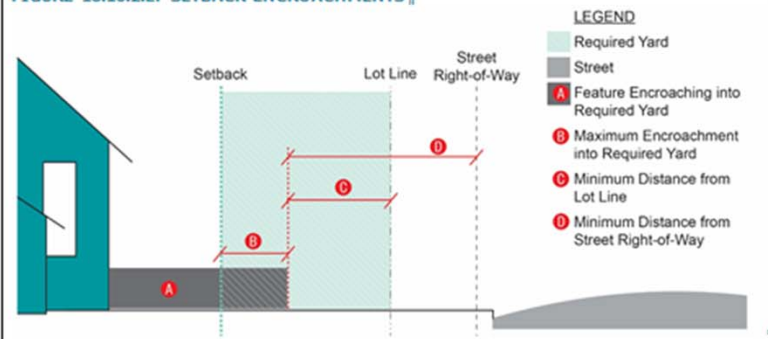
1.10.2. HEADINGS, ILLUSTRATIONS, AND TEXT

In the event of a conflict or inconsistency between the text of this Ordinance and any heading, caption, figure, illustration, table, or map other than the OZM, the text shall control. Graphics and other illustrations are provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

1.10.3. LISTS AND EXAMPLES

Unless otherwise specifically indicated, lists of items or examples that use terms like "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

FIGURE 18.10.2.E: SETBACK ENCROACHMENTS



F. → GROSS FLOOR AREA

Gross floor area (GFA) shall be defined as the sum in square feet of all floors of the building measured from the exterior face of the exterior walls. The gross floor area shall include or exclude areas as indicated below:

1. → Areas Included in Gross Floor Area

- a. → All enclosed habitable space.
- b. → Elevators, hallways, and stairwells on stories containing habitable space.
- c. → On stories containing both enclosed habitable space and off-street parking, the pro-rata portion of the area of the elevators, hallways, and stairwells on that story apportioned to the enclosed habitable space function.

2. → Areas Excluded from Gross Floor Area

- a. → Unenclosed porches or decks.
- b. → Off-street parking areas, including the elevators, hallways, mechanical equipment, and stairwells on stories containing off-street parking.
- c. → Utility services areas devoted to the electric service, the potable water service, the wastewater system, the telephone service, the cable service, or to a backup generator.
- d. → Mechanical areas and uninhabited enclosed spaces on tops of roofs not intended for general storage.
- e. → On stories containing both enclosed habitable space and off-street parking, the pro-rata portion of the area of the elevators, hallways, and stairwells on that story apportioned to the off-street parking function.

G. → FLOOR AREA RATIO

The ratio of a building's total floor area to the size of the lot upon which it is built. The terms can also refer to limits imposed on such a ratio.

H. → HEIGHT

1. → Measurement

- a. → Building height shall be measured from the existing grade elevation prior to any land disturbing activities.
- b. → Within the CIR District, height shall be measured from the adjacent street level of the

fronting street. In cases where the BFE is established at a height above street level, height may be measured from the BFE.

2. → Maximum Height

Building height is calculated from the existing grade elevation to the highest point of the roof.

3. → Exceptions

a. → Residential Construction

Spire, belfries, cupolas, domes, and chimneys, and similar features located above the roof level for decorative purposes and not intended for human occupancy or general storage may exceed maximum height requirements by no more than five feet (see Figure 18.10.2.H: Height).

b. → Non-residential Construction

Water tanks, ventilators, elevator housing, mechanical equipment, or other structures placed above the roof level and not intended for human occupancy or general storage may exceed maximum height requirements by no more than 10 feet.

c. → CIR District

Spire, belfries, cupolas, chimneys, water tanks, ventilators, elevator housing, mechanical equipment, or other structures placed above the roof level and not intended for human occupancy or general storage may exceed the maximum height requirements by up to 10 feet in the B and C Sub-Area Zones, and up to 20 feet in the A and A-1 Sub-Area Zones.

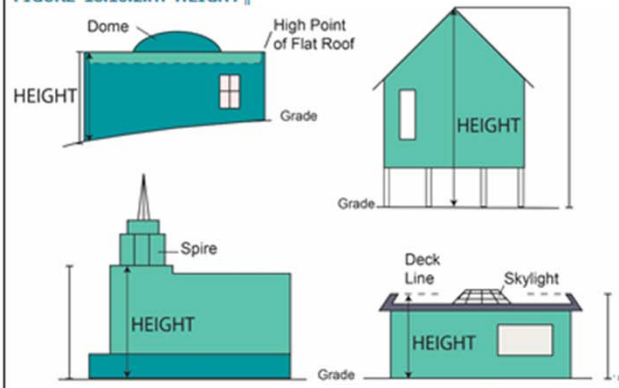
4. → Story

That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

5. → Exemptions

Height limitations of this article shall not apply to government buildings, schools, hospitals, water towers, public utilities, or similar structures provided such structures meet the required NC State Building Code.

FIGURE 18.10.2.H: HEIGHT



FLOWCHARTS

REASONABLE ACCOMMODATION



**FIGURE <>: EROSION CONTROL
PERMIT PROCEDURE**

STEP	ACTION
1	PRE-APPLICATION CONFERENCE Required for sites that disturb 10 or more acres of land area, otherwise optional See Section <>, Pre-Application Conference
2	FILE APPLICATION Filed with City Engineer Required for land-disturbing activity occupying one or more acres
3	COMPLETENESS DETERMINATION See Section <>, Completeness Determination
4	STAFF REVIEW Site plans shall include details on erosion control and sedimentation devices configured in accordance with this Ordinance, regardless of whether an erosion control permit is required
5	CITY ENGINEER DECISION Erosion control permits or approval of proposed erosion control and sedimentation devices shall take place prior to any land disturbing activity
6	NOTIFICATION OF DECISION Delivered via personal service, electronic mail, or 1 st class mail
7	APPLY FOR OTHER APPLICABLE PERMITS as appropriate

TABLES



ARTICLE 151.4. USE REGULATIONS

Section 4.2. Principal Uses

4.2.10. Principal Use Table

TABLE <>: PRINCIPAL USE TABLE																
		"P"= Permitted	"S"= Permitted with Special Use Permit						"X"= Prohibited							
USE CATEGORY Use Type Description	Current Use (provided for comparative purposes only- rows removed upon adoption)	RESIDENTIAL						COMMERCIAL				IND.		PD (NEW)	ADDITIONAL STANDARDS (151.4)	
		CP (CD)	WL (GU)	RR (R-3-2)	SR (R-3-1)	NR (R-2)	VR (R-1)	CC (NCD)	VC (CCD)	MX (NEW)	HC	MC	LI (I-1)			HI (I-2)
Farmers Market A use which includes the sale of horticulture or agriculture products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider, and similar agriculture products by more than one vendor. The use may or may not include a permanent building.		-	P	S	-	-	-	P	P	P	P	P	-	-	A	<4.402>
	Farm and craft markets	-	-	S	S	S	S	Z	Z	x	Z	Z	-	-	x	
Roadside Market A permanent retail establishment engaged in the retail sale or resale of agricultural products and seafood produced on site or in adjacent waters.		-	P	-	-	-	-	P	-	-	P	P	-	-	A	
RESIDENTIAL USE CLASSIFICATION																
HOUSEHOLD LIVING USES Household living includes use types that provide for the residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis. Accessory uses commonly associated with household living are recreational activities, raising of pets, hobbies, and parking of the occupants' vehicles.																
Duplex A single structure comprised of two dwelling units that share common vertical walls or horizontal floors/ceilings. The dwelling units may be on their own lots or on a single lot.		-	-	-	-	-	P	-	-	P	-	-	-	-	A	<4.402>
	Two-family conversion	-	-	-	-	-	S	-	-	x	-	-	-	-	x	
	Duplex	-	-	-	-	-	S	-	-	x	-	-	-	-	x	
	Two-family apartment	-	-	-	-	-	S	-	-	x	-	-	-	-	x	
Live/Work Dwelling A structure or portion of a structure combining a dwelling unit with an integrated nonresidential ground-level workspace typically used by one or more residents of the dwelling.		-	S	-	-	-	P	P	P	P	-	-	S	-	A	<4.402>
Manufactured Home A dwelling on its own lot constructed after June 15, 1976 that is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported on its own chassis. It bears a valid seal indicating conformance with the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of its construction.		-	P	P	S	-	-	-	-	-	-	-	-	-	A	<4.402>
Manufactured Home or Mobile Home Park A site where two or more manufactured or mobile homes are located on individual leaseholds or other divisions of land under common ownership. The park may include additional accessory uses such as recreation facilities, shared laundry facilities, storage, and parking.		-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Mobile Home A factory-built dwelling on its own lot constructed prior to June 15, 1976, to State code standards, not those adopted by the US Department of Housing and Development on June 15, 1976.		-	S	S	-	-	-	-	-	-	-	-	-	-	-	<4.402>
	Class A mobile home	-	-	-	-	Z	Z	-	-	x	-	-	-	-	x	

PROCEDURES

TABLE <>: SUMMARY DEVELOPMENT TABLE

Type of Action: A=Appeal (initial); D=Decision; C=Comment; R=Recommendation

Pre-Application Conference: M=Mandatory; O=Optional; N/A=Not Applicable

Type of Hearing: | = Public Meeting; []=Legislative Public Hearing; { }=Quasi-judicial Public Hearing



PROCEDURE	UDO SECTION NUMBER	PRE-APPLICATION CONFERENCE	REVIEW AUTHORITY										
			CITY ENGINEER	PLANNING DIRECTOR	STORMWATER ADMINISTRATOR	TRANSPORTATION DIRECTOR	ZONING/SUBDIVISION ADMINISTRATOR	BOARD OF ADJUSTMENT	CITY COUNCIL	HISTORIC PRESERVATION COMMISSION	PLANNING & ZONING COMMISSION	TECHNICAL REVIEW COMMITTEE	SUPERIOR COURT
Administrative Adjustment	<>	O	.	.	.	.	D	{A}	.	.	.	.	.
Certificate of Appropriateness	<>	O	.	D /1/	.	.	.	{A}	.	{D} /1/	.	.	.
Comprehensive Plan Amendment	<>	O	.	R	.	.	.	.	[D]	.	|R|	.	A
Development Agreement	<>	M	.	R	.	.	.	.	[D]	.	|R|	.	A
Erosion Control Permit	<>	M /2/	D	.	.	.	.	{A} /3/	.	.	.	.	.
Fence Permit	<>	N/A	.	.	.	.	D	{A}	.	.	.	.	.
Final Plat	<>	N/A	C	.	C	C	D	.	.	.	.	.	A
Floodplain Development Permit	<>	M /4/	D	.	.	.	.	{A}	.	.	.	.	.
Interpretation /5/	<>	N/A	D	.	D	D	D	{A}	.	.	.	.	.
Planned Development	<>	M	.	.	.	.	.	.	[D]	.	|R|	.	A
Preliminary Plat	<>	M	.	.	.	.	.	.	.	.	.	D	A
Reasonable Accommodation	<>	M	.	.	.	.	D	{A}	.	.	.	.	.
Rezoning	<>	M	.	R	.	.	.	.	[D]	.	|R|	.	A
Sign Permit	<>	N/A	.	.	.	.	D	{A}	.	.	.	.	.
Site Plan	<>	M	.	.	.	.	.	{A}	.	.	.	D	.
Special Use Permit	<>	M	.	.	.	.	.	{D}	.	.	.	.	A
Stormwater Permit	<>	O	.	.	D	.	.	{A}	.	.	.	.	.
Stream/Riparian Buffer Impact Certification	<>	O	.	.	D	.	.	{A}	.	.	.	.	.
Text Amendment	<>	O	.	R	.	.	.	.	[D]	.	|R|	.	A
Temporary Use Permit	<>	N/A	.	.	.	.	D	{A}	.	.	.	.	.
Transportation Impact Analysis	<>	M	.	.	.	D	.	{A}	.	.	.	.	.
Vested Rights Certificate	<>	O	.	R	.	.	.	.	[D]	.	.	.	A
Water Supply Watershed Protection Permit	<>	O	.	.	D	.	.	{A}	.	.	.	.	.
Water-Related Variance /6/	<>	M	D /7/	.	D /8/	.	.	{D} /8/	.	.	.	.	A
Zoning/Subdivision Variance	<>	M	.	.	.	.	.	{D}	.	.	.	.	A

ILLUSTRATIONS (NEXT SLIDES)



ARTICLE 40.1-5: DEVELOPMENT STANDARDS
 Section 40.1-5.2 Landscaping and Screening
 Subsection (E): Perimeter Buffers

TABLE 40.1-5.2(E)(3): BUFFER TYPES



TABLE 40.1-5.2(E)(3): BUFFER TYPES		
BUFFER TYPE AND CONFIGURATION ACI = AGGREGATE CALIPER INCHES	MINIMUM PERIMETER BUFFER	
	OPTION 1: MINIMUM WIDTH 20 FEET	OPTION 2: MINIMUM WIDTH 10 FEET [4]
TYPE A - BASIC		
This perimeter buffer functions as basic edge demarcating individual properties with a slight visual obstruction from the ground to a height of ten feet.		
	2 ACI of canopy trees + 10 ACI of understory trees + 15 shrubs per 100 linear feet	
TYPE B - AESTHETIC		
This perimeter buffer functions as an intermittent visual obstruction from the ground to a height of at least 20 feet, and creates the impression of spatial separation without eliminating visual contact between uses.		
	8 ACI of canopy trees + 10 ACI of understory trees + 15 shrubs per 100 linear feet	2 ACI of canopy trees + 14 ACI of understory trees + 35 shrubs per 100 linear feet

City of Portsmouth, Virginia – Zoning Ordinance

Page 5-39

ARTICLE 40.1-5: DEVELOPMENT STANDARDS
 Section 40.1-5.2 Landscaping and Screening
 Subsection (E): Perimeter Buffers

TABLE 40.1-5.2(E)(3): BUFFER TYPES

BUFFER TYPE AND CONFIGURATION ACI = AGGREGATE CALIPER INCHES	MINIMUM PERIMETER BUFFER [1] [2] [3]	
	OPTION 1: MINIMUM WIDTH 20 FEET	OPTION 2: MINIMUM WIDTH 10 FEET [4]
TYPE C - SEMI-OPAQUE		
This perimeter buffer functions as a semi-opaque screen from the ground to at least a height of six feet.		
	12 ACI of canopy trees + 14 ACI of understory trees + 25 shrubs per 100 linear feet	One 4-foot-high berm or one 4-foot-high solid fence + 2 ACI of canopy trees + 16 ACI understory trees per 100 linear feet
TYPE D - OPAQUE		
This perimeter buffer functions as an opaque screen from the ground to a height of at least six feet. This type of buffer prevents visual contact between uses and creates a strong impression of total separation.		
	18 ACI of canopy trees + 20 ACI of understory trees + 55 shrubs per 100 linear feet	One 6-foot-high solid fence + 12 ACI of canopy trees per 100 linear feet
NOTES:		

City of Portsmouth, Virginia – Zoning Ordinance

Page 5-40

G. → RESIDENTIAL-MULTI-FAMILY (RMF)

RESIDENTIAL-MULTI-FAMILY (RMF)

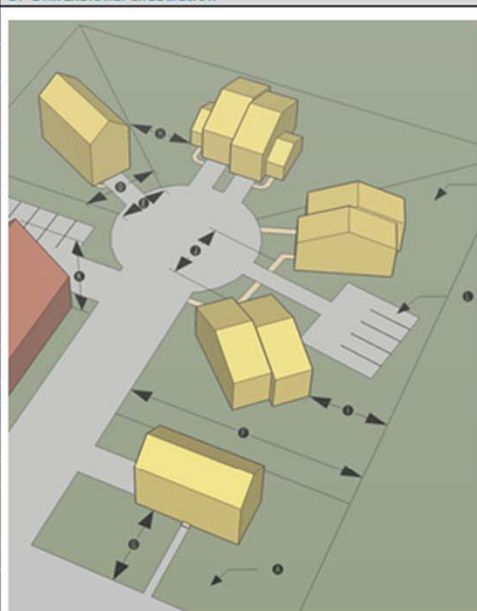
1. Purpose

The RMF district is established to accommodate a wide range of residential uses, including single-family detached, duplex, triplex, and quadplex dwellings, along with parks, open space, institutions, minor utilities, minor eating establishments, minor offices, and minor visitor accommodations uses. Development in the RMF district shall take place only in accordance with the standards in this table and other relevant standards of this Ordinance.

2. Dimensional Standards

Ref. #	STANDARD	Req. [1]
A	Min. Lot Area Per Single-Family Unit (sf)	5,000
B	Max. Residential Density Single-Family (units/acre)	8
C	Min. Lot Area Per Unit Duplex, Triplex, Quadplex (sf)	3,600
D	Max. Residential Density Duplex, Triplex, Quadplex (individual units/acre)	12
E	Minimum Lot Area All Other Uses (sf)	10,000
F	Minimum Lot Width (ft)	50
G	Min. Street Frontage (linear ft)	25 [2]
H	Minimum Lot Depth (ft)	100
I	Min. Street Setback (ft)	10
J	Min. Side Setback (ft)	5
K	Min. Rear Setback (ft)	10 [3]
L	Min. Spacing Between Buildings in same development (ft)	15
M	Maximum Height (ft)	45
N	Maximum Impervious Surface Coverage (% of lot area)	40 [4]

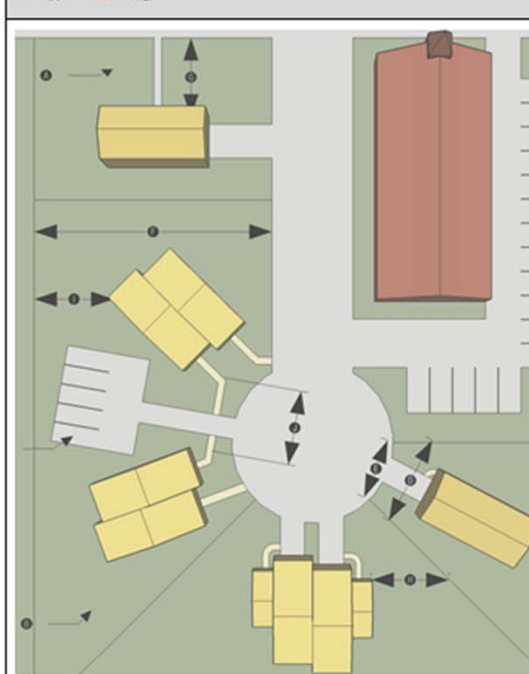
3. Dimensional Illustration



Notes

- [1] Portions of lots within or abutting AEC or Ocean Hazard areas shall be subject to applicable CMAA setbacks.
- [2] In cases where a single multi-family structure is on two or more separate lots, the frontage standard applies to the entire development.
- [3] Corner lots with single-family detached and duplex dwellings may reduce the rear setback to five feet.
- [4] Developments subject to a State stormwater permit are exempted from these standards.

4. Typical Lotting Illustration



5. Typical Development Illustrations



6. Aerial Photo



Page Break

TABLE 18.5.10.1: SIGN STANDARDS IN COMMERCIAL DISTRICTS

TYPE OF SIGN	MAXIMUM FACE AREA [1]-[2]	MAXIMUM HEIGHT	MAXIMUM NUMBER OF SIGNS PER LOT	ADDITIONAL STANDARDS [3]
Freestanding Sign	50 sf total	15 feet above grade	1	Signs shall be located at least five feet from a lot line and at least ten feet from the street right-of-way
Freestanding Sign serving a multi-building use	Up to 6 tenants: 100 sf; 7-14 tenants: 125 sf; 15+ tenants: 150 sf	20 feet above grade	1 per street frontage	

LEGEND

- A Maximum Sign Face Area 50 sf (25 sf per side for two-sided sign)
- B 5' Minimum Distance from Lot Line
- C 10' Minimum Distance from Street Right-of-Way

15' maximum height

Portable Sign	24 inches by 36 inches	4 feet above grade	2	Signs shall be located at least five feet from a lot line and at least ten feet from the street right-of-way
---------------	------------------------	--------------------	---	--

LEGEND

- A Maximum Sign Dimensions

36"

24"

4' maximum height

PORTABLE SIGN

TABLE 18.5.10.2: SIGN STANDARDS IN COMMERCIAL DISTRICTS

TYPE OF SIGN	MAXIMUM FACE AREA [1]-[2]	MAXIMUM HEIGHT	MAXIMUM NUMBER OF SIGNS PER LOT	ADDITIONAL STANDARDS [3]
Monument Sign serving an outparcel	50 sf total	4 feet above grade	1 per outparcel	Signs shall be at least ten feet from the street right-of-way
<p>LEGEND</p> <p>A Maximum Sign Face Area 50 sf (25 sf per side for two-sided sign)</p> <p>B 4' Maximum Height Above Grade</p> <p>C 10' Minimum Distance from Street Right-of-Way</p>				
<p>NOTES:</p> <p>[1] Regardless of the composition of signage, the maximum available sign area per development shall be 200 square feet (not counting signage excluded from these standards).</p> <p>[2] "sf" = square feet</p> <p>[3] Signs shall also be subject to the standards in Section 18.5.10.1, Additional Sign Specifications.</p> <p>[4] Projecting signs shall maintain a minimum of eight feet of clearance above the grade or a walkway</p>				

L. ADDITIONAL SIGN SPECIFICATIONS

1. → **Wall Signs**
 - a. → No wall sign or its supporting structure shall cover any window or part of a window, nor shall it extend on the roofline, parapet, or mansard roof.
 - b. → Canopy and awning signs may be substituted for part or all of the allowable wall signage per premises.
 - c. → Signs may be painted or printed onto a canopy or awning.
 - d. → In no instance shall a canopy or awning sign extend into a street right-of-way.
 - e. → No wall sign shall be attached to any cupola, tower, or other architectural feature that is above the roofline.
2. → **Freestanding and Monument Signs**
Any freestanding or monument sign greater than three and one-half feet in height as measured from the grade of the road upon which it fronts shall be located outside the required sight distance triangle.
3. → **Projecting Signs**
 - a. → A projecting sign shall not project more than four feet from a building wall.
 - b. → A projecting sign shall not extend vertically above the roofline or parapet of a building.
 - c. → Projecting signs may be substituted for wall signs in a shopping center, provided: