



## Code Interpretation

**Subject:** Platting Requirement for Freestanding Signage

**Date:** July 15, 2024

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### **Code Sections Impacted:** *Sec. 118-6 – Special Provisions*

**Purpose:** To allow for the approval and issuance of building permits for free standing, on-premise signs on properties that have not yet been platted.

**Proposal:** This interpretation clarifies that a property does not need to be platted prior to building permit issuance for freestanding, on-premise signage that meet all other applicable sign code requirements.

### **Analysis:**

- The existing Subdivision Platting Ordinance states that no permit can be issued for a structure, to include signage, on a property that is required to be platted prior to development.
- Freestanding, on-premise signage does not require the provision of utilities for construction or compliant operation.
- Freestanding, on-premise signage is not habitable and does not require water or wastewater utility service.
- Freestanding, on-premise signage can be located to ensure there is no conflict with existing or anticipated easements.
- Freestanding, on-premise signage can be located to ensure there is no conflict with existing or anticipated public right-of-way.

### **Interpretation:**

Due to:

- Section 118-6 is intended to prevent building construction and unauthorized use on properties that have not met the requirements of Chapter 118.
- The permitting and installation of freestanding, on-premise signage prior to the platting and development of a property can provide significant marketing and construction sequencing benefit to the property owner and/or developer.

### **Determination:**

The proposed exemption to the platting requirement for building permits be applied only to the permitting of freestanding, on-premise signage so as not to hinder the overall development timeline of the property and to allow advertising of the future use of the property by means of a freestanding on-premise sign that meets all other applicable code requirements

### **Recommended Code Amendment:**

Revise Sec.118-6 to include an exception for freestanding, on-premise signage allowing for the issuance of building permits for signage proposed on property that is required to be platted prior to development.

## **Sec. 118-6. Special provisions.**

- (a) No permit shall be issued by the city for the installation of septic tanks upon any lot in a subdivision for which a final plat has not been approved and filed for record, or upon any lot in a subdivision in which the standards contained in this chapter have not been complied with in full.
- (b) No building, repair, plumbing or electrical permit shall be issued by the city for any structure on a lot in a subdivision for which a final plat has not been approved and filed for record, nor for any structure on a lot within a subdivision in which the standards contained in this chapter have not been complied with in full.  
**This provision shall not apply to the issuance of a permit for freestanding, on-premise signage meeting all other applicable code requirements.**
- (c) The city shall not repair, maintain, install or provide any streets or allow the provision of public utility services in any subdivision for which a final plat has not been approved and filed for record, nor in which the standards contained in this chapter or referred to in this chapter have not been complied with in full.
- (d) The city shall not permit the sale, supply or approval of any utility service within a subdivision for which a final plat has not been approved and filed for record, nor in which the standards contained in this chapter or referred to in this chapter have not been complied with in full.
- (e) If any subdivision exists for which a final plat has not been approved or in which the standards contained in this chapter or referred to in this chapter have not been complied with in full, the city council shall pass a resolution reciting the fact of such noncompliance or failure to secure final plat approval, and reciting the fact that the provisions of subsections (a), (b), (c) and (d) will apply to the subdivision and the lots therein. The city secretary shall, when directed by the city council, cause a certified copy of such resolution under the corporate seal of the city to be filed in the deed records of the county or counties in which such subdivision or part thereof lies. If full compliance and final plat approval are secured after the filing of such resolution, the city secretary shall forthwith file an instrument in the deed records of such county or counties stating that subsections (a), (b), (c) and (d) no longer apply.
- (f) Notwithstanding any contrary provisions in this chapter, if an applicant meets all other applicable requirements of this chapter, and chooses to file security prior to recordation of the final plat, and meets all requirements for posting security in this chapter, then the special provisions of this section shall not apply and permits may be issued, and improvements may be installed and maintained.
- (g) The orders, regulations, ordinances, rules, expiration dates, or other properly adopted requirements or standards in effect at the time the original application is filed shall be the sole basis for consideration of all subsequent plans and plats required for the completion of the project. Subdivision master plans and related plats, and all other development plats for land covered by the subdivision master plans and plats are considered collectively to be one series for a project.

(Ord. No. 2006-84, § 1(Exh. A), 9-11-06)

  
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Director, Planning and Development Services