

ORDINANCE # 11072017-03

AN ORDINANCES OF THE CITY COUNCIL OF THE CITY OF POTEET, TEXAS CREATING THE ADMINISTRATION AND ENFORCEMENT; APPEALS AND VARIANCES; GENERAL DESIGN STANDARDS; PROHIBITED SIGNS; AND REGULATIONS FOR SPECIFIC TYPES OF SIGNS.

WHEREAS, the City of Poteet created the Administration and Enforcement; Appeals and Variances; General Design Standards; Prohibited Signs; Regulations for Specific Types of Signs

WHEREAS, the City Council of the City of Poteet has a substantial interest protecting the health, safety, welfare, convenience and enjoyment of the general public from injury which may be caused by the unregulated construction of signs; and

WHEREAS, the City Council of the City of Poteet has a substantial interest in enhancing the economic value of the landscape by avoiding visual clutter which is potentially harmful to property values and business opportunities; and

WHEREAS, the City Council of the City of Poteet has a substantial interest in promoting the safety of persons and property by providing that signs do not create a hazard due to collapse, fire, collision, weather or negligence; and

WHEREAS, the City Council of the City of Poteet has a substantial interest in protecting the safety and efficiency of the City's transportation network by reducing the confusion or distraction to motorists and enhancing the motorists' ability to see pedestrians, obstacles, other vehicles, and traffic signs; and

WHEREAS, the City Council of the City of Poteet has a substantial interest in protecting adjacent and nearby properties from the impact of lighting, size, height and location of signs; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF POTEET, TEXAS:

Sec. 1.00.01 Definitions

Alter: To change the size, shape or outline, or type of sign, or to change the electrical lighting, except for the replacement of lamps not brighter than the original or the replacement of a surface panel.

Attach: To stick, tack, nail or otherwise affix a sign to any object; to paint, stencil, write, or otherwise mark on an object.

Building: A structure which has a roof supported by walls for the shelter, support, or enclosure of persons, animals, or chattel.

Civic organization: An organization which offers community programs to citizen, city or civil affairs groups.

Commencement of work: For construction of a sign shall be the point in time when the sign has been delivered to the site and attachment to a building has begun or holes are excavated for ground installation.

Dilapidated or deteriorated condition: Any sign which in the opinion of the code enforcement officer has any of the following characteristics:

- (1) Where elements of the surface or background can be seen, as viewed from the normal viewing distance, to have portions of the finished material or paint flaked, broken off, or missing, or otherwise not in harmony with the rest of the surface;
- (2) Where the structural support or frame members are visibly bent, broken, dented, or torn;
- (3) Where the panel is visibly cracked, or, in the case of wood and similar products, splintered in such a way as to constitute an unsightly or harmful condition;
- (4) Where the sign or its elements are twisted or leaning or at angles other than those at which it was originally erected (such as may result from being blown or the failure of a structural support); or
- (5) Where the message or wording can no longer be clearly read by a person with normal eyesight under normal viewing conditions.

Director: The planning and zoning commission Chairperson of the City of Potet, or the code enforcement officer.

Distance: Distance of signs from right-of-way shall mean the shortest horizontal distance from the nearest right-of-way to a vertical line to the ground from the nearest element of the sign, or the shortest horizontal distance in a straight line between the nearest elements of signs.

Erect: To build, construct, attach, hang, place, suspend or affix. This shall also include the painting of signs on the exterior surface of a building or structure.

Facade: Any separate face of a building, including parapet walls and omitted wall lines, or any part of a building which encloses or covers usable space. Where separate faces are oriented in the same direction, or in directions within 45 degrees of one another, they are to be considered as part of a single facade.

Gross surface area or area of a sign: Methods of area measurement shall be in accordance with section 1.24.02(a) and section 1.24.02(b).

Height: As applied to a sign, height shall be measured as the vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and natural grade at the center of the base of the sign.

Illumination: The enhancement of a sign utilizing electric lights, luminous tubes or other similar means.

Lease space: An area of a building separated internally and intended for use by an individual tenant.

Logo: Any trademark of an organization, individual, company, or product which is commonly used in advertising to identify that organization, individual, company, or product.

Nonprofit entity: A commercial business entity that is designated by the United States Federal Government as nonprofit. Such nonprofit entity are designated as such by the federal tax ID number.

Obsolete: Any sign which advertises a business, use or purpose that is no longer in existence.

Pad site: A tract, lot, or land lease intended for the single use of a freestanding building typically adjacent to street right-of-way, and may also be a portion of a tract, or lot.

Public property: Any property which is owned by a governmental entity. It shall also include property for which the primary use is for the operations of a governmental entity.

Sculpted aluminum panel: An aluminum sign panel with text or graphic depictions cut out from the panel, typically with a translucent material covering the cutout from the inner side of the panel.

Setback: The distance from the closest portion, whether the support or edge of the sign, to the right of-way.

Sight triangle: The triangle created by connecting a point which is 10 feet along the right-of-way at the intersection and a point extending away from the intersection a distance of 40 feet. This line shall extend by projection to the back of curb on improved streets or the edge of pavement on unimproved streets along both streets impacted. The sight triangle herein referenced shall include all area between the above-defined line and the street pavement.

Sign: Every sign, name, number, identification, description, and announcement, declaration, demonstration, device, display, flag, banner, pennant, illustration, logo, balloon, streamer, valance, advertising display, poster, beacon, light or insignia, and structure supporting any of the same, affixed directly or indirectly to or upon any building or outdoor structure, or erected or maintained upon a piece of land, which directs attention to any object, project, service, place, activity, person, institution, organization, or business.

Sign, attached: Any sign attached to, applied on, or supported by any part of a building (including canopy fascia, walls and awnings) which encloses or covers usable space.

Sign, bandit: A temporary sign placed in the public right-of-way or on private property without the owner's consent.

Sign, banner: A temporary sign made of cloth, flexible plastic or canvas material.

Sign, builder: A temporary on-site sign identifying the builder or general contractor of a residential construction site.

Sign, bulletin board: A permanent on-site sign providing public information to the residential subdivision within which it is located.

Sign, business: A permanent on-site sign that is used to identify a business, profession, organization, institution, service, activity or other nonresidential use conducted, sold or offered on the site where such sign is located. This sign may also identify the name of the site or development or may identify the occupants within the site or development.

Sign, civic organization event: A temporary sign placed in the public right-of-way or on private property (with the owner's consent) advertising a special event sponsored by a civic or community organization. Examples of qualifying events are an animal rabies vaccination clinic sponsored by a civic organization, and/or community events/festivals such as the Bulverde Jubilee.

Sign, development: A temporary on-site sign providing identification or information pertaining to a residential or commercial development, to include the builder, property owner, architect, contractor, engineer, landscape architect, decorator, or mortgagee, within that development, but shall not include a subdivision marketing sign.

Sign, directional: A permanent on-site sign intended to aid in vehicular movement on the site. Text may include such phrases as "entrance," "exit," "rental center," etc.

Sign, directory: A permanent on-site sign providing direction to or identifying the buildings in the development.

Sign face: The surface of one side of a sign. For a monument sign, the sign face shall include the sign structure (excluding base).

Sign, garage/yard sale: A temporary sign intended to advertise garage sales or yard sales.

Sign, gasoline pricing: A permanent on-site sign which displays the price per gallon of fuel sold by that business, and which may be periodically changed to reflect changes in fuel prices.

Sign, government: A sign erected by or on behalf of a federal, state or local government or an agency thereof.

Sign, ground: Any sign connected to the ground by legs, poles, or other supports and which is not an attached, portable, monument, or vehicular sign.

Sign, house identification: A sign placed on a single-family residential property identifying the owner and/or property address.

Sign, institutional: A permanent on-site sign used to identify governmental and municipal agencies, public schools, churches, or similar public institutions, and used to communicate messages of public importance to the general public.

Sign, menu board: A permanent on-site sign which displays a menu and pricing for food services and may include an audible speaker and microphone integral to the sign.

Sign, model home: A temporary real estate sign identifying a homebuilder's model home open for inspection.

Sign, monument: Any sign which is connected to the ground and which has no clear space for the full width of the sign between the bottom of the sign and the surface of the ground.

Sign, off-site: A sign which directs attention to a business, commodity, service, good, product, or entertainment not related to the site upon which such sign is located or to which it is affixed.

Sign, on-site: Any sign, the content of which relates to the site on which it is located, referring exclusively to businesses, commodities, services, products, goods, or entertainment on the site, or the sale, lease, or construction of those sites.

Sign, political: A type of off-site sign which refers only to the candidates or issues involved in a political election.

Sign, portable: Any sign which is not attached or affixed to the ground, a building, a vehicle, or other fixed structure or object. Portable signs include those signs installed on wheels, trailers, skids, and similar mobile structures.

Sign, reader board (electronic): A sign that utilizes alternating electronic data control components.

Sign, reader board (manual): A sign comprised of nonpermanent letters, numerals or symbols, which allows a change of sign copy by adding, removing or rearranging said letters, symbols or numerals.

Sign, real estate: A temporary sign intended to advertise real estate for sale or lease.

Sign, resident recognition: A temporary sign placed on residential property recognizing an achievement of an occupant. Examples include "Home of a High School Athlete" and "Winner of Garden Club Beautification Award."

Sign, residential decorative: A sign placed on residential property as a decorative accent and not intended to advertise a good or service. In the case of antique/collectable business signs, a sign only qualifies as a residential decorative sign if the business is obsolete.

Sign, special purpose: A temporary sign that is either on-site or off-site that provides identification or information pertaining to a special event or occurrence sponsored by a nonprofit or civic organization.

Sign, subdivision entry: Any permanent on-site sign identifying a residential subdivision.

Sign, subdivision marketing: A temporary sign used to market or advertise residential subdivisions within the city and to direct interested persons to the subdivision location.

Sign, temporary: Any sign constructed of cloth, canvas, light fabric, cardboard, wallboard, or other like materials, with or without frames, and any type sign not permanently attached to the ground, wall, or building, intended to be displayed for a short period of time only.

Sign, vehicular: Any sign which is affixed to a vehicle.

Sign, window: Any sign located on the internal and/or external surface of the window, or located within two feet (2') of the window, of any establishment.

Site: A lot, tract or pad site.

Secs. 1.02.01 – 1.07.01 Reserved

Division 2. Administration and Enforcement

Sec. 1.08.01 Responsibility for enforcement

It is the responsibility of code enforcement to interpret, administer and enforce the requirements of this article.

Sec. 1.08.02 Effect on existing conditions

- (a) **Generally.** The lawful use of any signage existing on December 1, 2017, may be continued even though the signage does not conform to the provisions of this article.
 - (b) **Discontinuance of business.** If the business, service or person advertised or identified by a conforming sign ceases to be conducted at that site for a period exceeding thirty (30) days without being replaced by a new business, service or person, all sign panels shall be removed and replaced with blank panels until new tenant signs are put into place.
 - (c) **Abandonment.** If the owner of a business, service or person advertised or identified by signage ceases to operate on the premises on which the sign or sign structure is located for a period exceeding one (1) year without being replaced by a new business, service or person, the sign or sign structure shall be removed by the owner in accordance with state law. If the premises containing the sign or sign structure are leased, the owner of the property must remove the sign or sign structure two (2) years after the tenant has ceased operations and has not been replaced by a new business, service or person.
 - (d) **Damaged nonconforming signs.** Should any nonconforming sign be damaged by any means to an extent of more than sixty percent (60%) of its replacement cost at time of damage, it shall be constructed in conformity with the provisions of this article.
 - (e) **Discontinued nonconforming signs.** If the nonconforming signage is discontinued, any future signage shall conform to the provisions of this article. Signage for a single business shall be deemed to be discontinued when the existing sign is replaced with a new sign.
- Sec. 1.08.03 Sign permit required**
- No person shall erect, alter or display any sign nor shall any person allow the erection, alteration or display of any sign upon any property within the incorporated areas and extraterritorial jurisdiction of the city owned or controlled by him without first obtaining a permit to do so from the city, except as hereinafter provided. No sign permit shall be released until after the building permit for the principal building on the site has been issued, except as hereinafter provided.
- Sec. 1.08.04 Application for sign permit**
- Application for a permit shall be made as required by this article, and the following information shall be submitted as separate documents:
- (1) The application form shall be completed.
 - (2) A general plan that illustrates:
 - (A) Location of the building, structure, or tract to which or upon which the sign is to be attached or erected.
 - (B) Position of the sign in relation to rights-of-way, easements, buildings, structures, existing signs, etc.
 - (3) A sign drawing that illustrates height, length, width, and all other dimensions associated with the sign.
 - (4) A letter from the owner of the property stating that the applicant has permission to erect such signs.

Sec. 1.08.05 Fees

- (a) All fees for sign permits shall be in accordance with the current fee schedule adopted by the city council.
- (b) An annual renewal fee for applicable temporary signs shall be determined in accordance with the current fee schedule adopted by the city council.
- (c) Nonprofit entities are exempted from permit fees for the installation of temporary signs remaining in place for 60 days or less. Temporary signs remaining in place for more than 60 days are not exempt from any permit fees. To be designated as a nonprofit entity, the entity must provide proof of a valid federal tax ID number to the city with the application for sign permit as described herein.

Sec. 1.08.06 Conditional sign permit

- (a) **Generally.** Notwithstanding anything in this article to the contrary, the erection of a sign or signs may be approved pursuant to this section under a conditional sign permit approved by the city council. The purpose of this section is to allow for a specialized review of signs which may not be appropriate generally without certain restrictions, but which, if controlled as to the number, size, height, color, location, lighting, or relation to adjacent properties, would promote the health, safety, and welfare of the community. Conditional permitting of signs shall not be based upon the content of the sign, but is intended to allow for the evaluation of the physical impact of the proposed sign on adjacent properties and to ensure adequate mitigation of potentially unfavorable factors, such as the number, size, height, color, location, lighting, and other potentially unfavorable impacts.
- (b) **Application.** An application for a conditional sign permit shall be submitted to the planning and zoning Chairperson and shall include all documents as required by section 3.08.034 of this article. Additionally, the applicant shall submit construction plans drawn by a registered professional engineer or architect in the state and also provide renderings of the particular sign types, facades, materials, compositions, dimensions, lighting, and colors.
- (c) **Permit fees.** Fees for conditional sign permits shall be determined in accordance with the current fee schedule adopted by the city council.
- (d) **Annual renewal fees.** An annual renewal fee for applicable temporary conditional signs shall be determined in accordance with the current fee schedule adopted by the city council.

Sec. 1.08.07 Revocation of permit

- (a) The code enforcement officer may suspend or revoke any permit issued under the provisions of this article whenever it is determined that the permit is issued in error or on the basis of incorrect or false information supplied, or whenever such permit is issued in violation of any of the provisions of this article or any other ordinance of this city or laws of this state or the federal government. Such suspension or revocation shall be effective when communicated in writing to the person to whom the permit is issued, the owner of the sign, or the owner of the site upon which the sign is located. Upon such revocation, all construction related to the revoked permit shall cease.
- (b) A person may appeal the revocation of the sign permit to the city council by filing an appeal in accordance with this article. The city council shall affirm, reverse, or modify the suspension or revocation, and such decision shall be final.
- (c) Upon final determination that the permit is properly revoked, any portion of the sign in place as a result of the permit shall be removed within 10 days by the owner of the sign or the owner of the site on which the sign is located. Failure to remove the sign shall be deemed a violation of this article.

Sec. 1.08.08 Inspections

The code enforcement officer shall periodically inspect each sign regulated by this article for the purpose of ascertaining whether the same is obsolete and whether it is in need of removal or repair.

Sec. 1.08.09 Time limit for commencing work

If the work authorized by a permit issued under this article has not been commenced within one hundred eighty (180) days after the date of issuance, the permit shall become null and void.

Sec. 1.08.10 Investigation when work commenced without permit

- (a) Whenever any work for which a permit is required by this article has been commenced or completed without first obtaining a permit, a special investigation shall be made before a permit may be issued for such work.
- (b) An investigation fee doubles the permit fee, shall be collected whether or not a permit is then subsequently issued. The investigation fee shall be equal to twice the amount of the permit fee required by this article.

Sec. 1.08.11 Removal

- (a) **Obsolete signs:** Any sign which the code enforcement officer determines to be obsolete shall be removed by the permit holder, owner of the sign or owner of the site on which the sign is located. For the purposes of this section, a sign advertising a use, occupancy or product which has not existed for a period of ninety (90) consecutive calendar days shall be deemed obsolete. For temporary signs, the sign must be removed as noted on the sign permit application or within three (3) days after receiving written notification to do so from the code enforcement officer or the planning and zoning Chairperson. Upon failure to comply with such notice or to file an appeal of the decision in accordance with this article, the code enforcement officer is authorized to cause the removal of such sign, and any expense incident thereto shall be paid by the permit holder, owner of the sign or owner of the site on which the sign is located.
- (b) **Unsafe, dilapidated or deteriorated signs:** If the code enforcement officer determines that any sign is unsafe or insecure, or is dilapidated or deteriorated, he shall give written notice to remove or replace (in accordance with this article) said sign to the person or persons responsible for such sign. If the permit holder, owner of the sign or owner of the site on which the sign is located fails to remove or repair the sign within ten (10) days after such notice or to file an appeal of the decision in accordance with this article, the code enforcement officer is hereby authorized to cause the removal of such sign. Nothing contained herein shall prohibit the immediate removal, without notice, of any sign or portion of a sign which is determined by the code enforcement officer to be an immediate threat or danger to the public health, safety, or welfare. Any expense incident to the removal of a sign pursuant to this subsection shall be paid by the permit holder, owner of the sign or owner of the site on which the sign is located. The removal of the sign or portion of the sign shall be limited to the extent necessary to eliminate the threat to the public health, safety, and welfare.
- (c) **Signs on utility poles:** Any sign that is erected, constructed or otherwise attached to a utility pole located upon any public right-of-way or utility easement may be removed by city personnel. The permit holder, owner of the sign or owner of the site on which the sign is located shall be charged a sign recovery fee in accordance with the city fee schedule to recover such sign from the city unless the permit holder or owner satisfactorily establishes that such sign was not placed in the right-of-way by the owner of such sign or by any authorized agent, representative, or employee of said owner. Any such sign removed by city personnel may be held for a period of seventy-two (72) hours and upon expiration of such time may be disposed. The city is not required to notify the permit holder or owner of the sign that it has been picked up or that disposal of the sign is imminent.
- (d) **Signs in right-of-way and/or on public property:** Any sign that is erected, constructed or otherwise located within or upon a public right-of-way or on public property may be removed by city personnel, and the permit holder or owner of such sign shall be charged a sign recovery fee in accordance with the city fee schedule to recover such sign from the city. No such fee shall be charged if the permit holder or owner satisfactorily establishes that such sign was not placed in the right-of-way by the permit holder or owner of such sign or by any authorized agent, representative or employee of said owner. Any such sign removed by city personnel may be held for a period of seventy-two (72) hours and upon expiration of such time may be disposed. The city is not required to notify the permit holder or owner of the sign that it has been picked up or that disposal of the sign is imminent.

(e) **Illegally erected signs:** Any sign that is erected, constructed or otherwise displayed, which the code enforcement officer determines to be in direct violation of this article, may be removed by city personnel. The permit holder, owner of the sign or owner of the site on which the sign is located shall be charged a sign recovery fee in accordance with the city fee schedule to recover such sign from the city. Any such sign removed by city personnel may be held for a period of seventy-two (72) hours and upon expiration of such time may be disposed. The city is not required to notify the permit holder or owner of the sign that it has been picked up or that disposal of the sign is imminent. For permanent signs, the sign must be removed by the permit holder, owner of the sign, or owner of the site on which the sign is located within a reasonable time period as determined by the code enforcement officer. Upon failure to comply with such notice or to file an appeal of the decision in accordance with this article, the code enforcement officer is authorized to cause the removal of such sign, and any expense incident thereto shall be paid by the permit holder, owner of the sign or owner of the site on which the sign is located.

(f) **Extent of sign removal.** The code enforcement officer shall determine to what extent the elements of the sign must be removed to comply with this section. This may include any of the following, but is not limited to the following:

- (1) Sign copy: Removal of the text or copy portion of the sign.
- (2) Sign box: Removal of the portion of the sign excluding the structural support of the sign.
- (3) Entire sign: Removal of all structural elements of the sign including the sign base.

Sec. 1.08.12 Lien for city's costs in removing signs

The city is authorized to file a lien against any property which is not otherwise exempt to recover expenses incurred by the city for the removal of a sign or portion of a sign from the property, pursuant to section 1.08.11(f).

Secs. 1.09.01 – 1.17.01 Reserved

Division 3. Appeals and Variances

Sec. 1.18.01 Appeals

Any decision rendered by the code enforcement officer under this article may be appealed to the planning and zoning commission by any person, agent, or representative affected by such decision. Such appeal must be received within ten (10) days after the placement of a letter in the U.S. mail addressed to the address on the permit or the address of the current owner of record in the county tax records which states the written decision which has been rendered by the Planning and Zoning Chairperson. Such appeal shall be filed in writing with the Planning and Zoning Chairperson specifying the grounds on which the appeal is based. The Planning & Zoning Chairperson shall forthwith transmit to the city council all documents pertaining to the appealed action. The city council shall hear the appeal at a city council meeting as soon as practicable thereafter to determine whether the decision of the Chairperson was in accordance with all ordinances and regulations. The decision of the city council shall be final.

Sec. 1.18.02 Variances

The city council, after review by the planning and zoning commission, may authorize variances to any restriction set forth in this article, including but not limited to the number, type, area, height, or setback of signs, or any other aspect involved in the sign permitting process. In granting any variance, the city council shall determine that a literal enforcement of the sign regulations will create an unnecessary hardship or a practical difficulty on the applicant, that the situation causing the unnecessary hardship or practical difficulty is unique to the affected property and is not self-imposed, that the variance will not injure and will be wholly compatible with the use and permitted development of adjacent properties, and that the granting of the variance will be in harmony with the spirit and purpose of this article. A person may request a variance from this article by filing the request with the Planning & Zoning Chairperson. Any request for variance shall be accompanied by a written request stating the need for the variance, scaled drawings showing the proposed sign and the proposed sign meeting all the applicable ordinance requirements, and a nonrefundable filing fee in the amount specified in the current fee

schedule adopted by the city council. Upon receipt of said items and fee, the request shall be scheduled for consideration at the next available planning and zoning commission meeting. The commission shall make a recommendation to city council concerning the variance request, based upon the criteria specified herein. Once the commission has made a recommendation, the request shall be considered at the next available city council meeting.

Secs. 1.18.03 – 1.23.01 Reserved

Division 4. General Design Standards; Prohibited Signs

Sec. 1.24.01 Wind pressure and dead load requirements

All signs shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area and shall be constructed to receive dead loads as required by the adopted building codes for the city. The sign permit application must include a statement signed by the applicant which states compliance with this requirement.

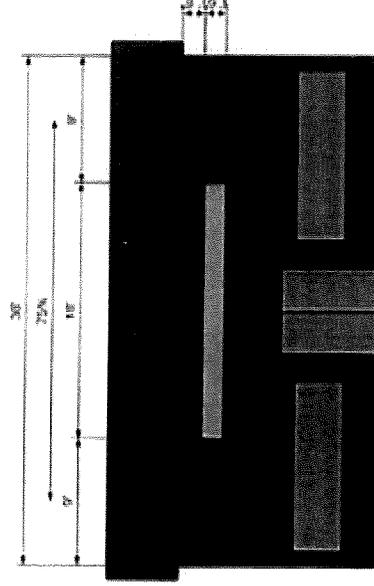
Sec. 1.24.02 Permitted sign structures and general regulations

(a) Attached sign.

- (1) **Generally.** Unless otherwise specifically provided, the regulations set forth in this section shall be applicable to all attached signs which are allowed under this article. Signs may not be attached to light fixtures, poles, curbs, sidewalks, gutters, streets, utility poles, public buildings, fences, railings, public telephone poles, or trees. The direct painting of signs on buildings shall be prohibited except for signs less than a three-square-foot area used for building identification (such as the street address).
- (2) **Maximum area.** 0.75 square feet for every one foot of width of building, not to exceed 100 square feet for roads with a speed limit less than fifty (50) mph and 150 square feet for roads with a speed limit greater than or equal to fifty (50) mph. For the lease spaces in a strip mall, 25% of the facade area between the uppermost window, or awning to the roof or top of the parapet shall be the maximum sign [size] of the sign or 32 square feet, whichever is lesser.
- (A) **Exception.** For lease spaces in strip centers with existing legal, nonconforming signs, the maximum area allowed may be increased to the size of the immediately adjacent signs, or 40 square feet, whichever is lesser.
- (3) **Number of signs.** Only one attached sign per lease space shall be allowed along each street frontage on any site, unless otherwise specifically provided in this article. A secondary sign may be permitted at a public entrance, provided the entrance is on another side of the building, but shall be limited to twenty-five percent (25%) of the primary or permitted sign size, whichever is more restrictive. The six-inch minimum letter/logo height will not apply to these secondary signs. No more than two (2) attached signs shall be allowed per lease space. Attached signs shall be located within the first story of the main exterior entrance for a building or lease space.
- (4) **Sign width.** Attached signs shall be limited in width to seventy-five percent (75%) of the width of any building or lease space. In the event the lease space facade is horizontally articulated, the 75% rule shall apply to the allowed sign to be located on any single plane facade. Signs for lease spaces must be centered on the lease space or single plane facade where the sign is located. Signs for freestanding buildings may be located anywhere on the building face along the street frontage.
- (5) **Roof line limitations.** In no case shall an attached sign project above the roof line of any building, except those attached to parapet walls, and the sign may not extend above the parapet wall. Signs shall be no closer vertically to the eave of the roofline or overhang than the predominant letter height. Signs may be attached to a continuous plane fascia, if the sign does not extend above or below the projection of the fascia. Signs attached to fascia are only allowed when attached to a structural canopy supported to the ground by columns constructed of similar masonry material as the primary structure.

- (6) **Illumination.** Attached signs may be illuminated using internal or external lighting. Exterior letters with exposed neon lighting are not allowed. Neon lighting used to create a halo effect behind the letters is permitted.
- (7) **Protrusion from building.** Attached signs may not protrude farther than eighteen inches (18") from the building, excluding signs attached to canopies.
- (8) **Residential adjacency.** Attached signs shall not be allowed on any facade (other than the main front of the building) which faces property zoned for single-family residential uses if the sign is within one hundred fifty feet (150') of the property line of said residential property.
- (9) **Interpretive graphics.** The following graphics are included in this article to assist with interpreting the standards listed for monument [attached] signs. In cases where the graphics conflict with the text of this article, the text shall govern.

ATTACHED SIGN



Location: Road greater than or equal to 50 mph; less than 100' from R.O.W.

Height shown: 18"

Letter height allowed: 18"

Letter height shown: 18"

Maximum allowed width: 27'

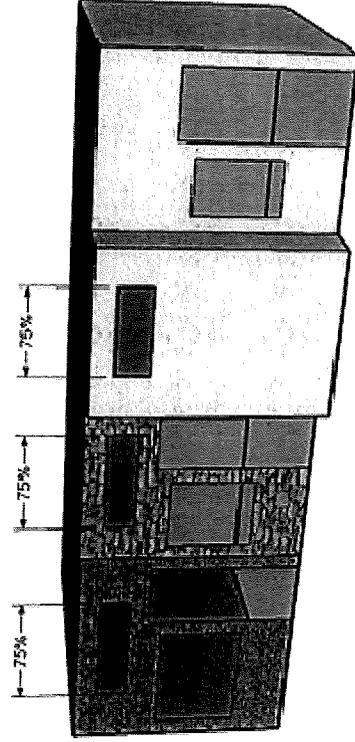
Width shown: 18' (sign shown centered, but this is not required)

Maximum allowed area: 27 square feet (0.75 x 36)

Area shown: 27 square feet (18' x 1.5')

ATTACHED SIGNS

Attached signs shall be limited in width to 75% of the width of any building, lease space and/or single plane facade. Lease space signs shall be centered on the space and/or single plane facade.

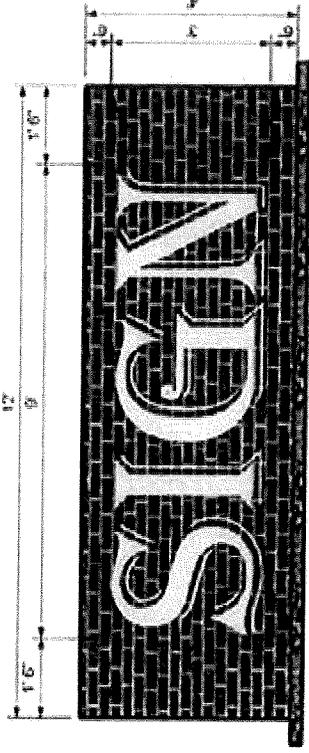


(b) **Monument sign.**

- (1) **Generally.** Unless otherwise specifically provided, the regulations set forth in this section shall be applicable to all monument signs which are allowed under this article.
- (2) **Maximum height.**
 - (A) **Roads with a speed limit less than fifty (50) mph.** Ten (10) feet, excluding monument base. The monument base may be an additional two (2) feet in height measured from ground level at the center of the base to the top of the base. The sign structure (including base) shall not exceed twelve (12) feet.
 - (B) **Roads with a speed limit greater than or equal to fifty (50) mph.** Fourteen (14) feet, excluding monument base. The monument base may be an additional two (2) feet in height measured from ground level at the center of the base to the top of the base. The sign structure (including base) shall not exceed sixteen (16) feet.
- (3) **Maximum area.**
 - (A) **Roads with a speed limit less than 50 mph.** Eighty (80) square feet per sign, with a maximum area per sign face of forty (40) square feet. The maximum area for the sign structure shall not exceed seventy (70) square feet.
 - (B) **Roads with a speed limit greater than or equal to 50 mph.** One hundred forty (140) square feet per sign, with a maximum area per sign face of seventy (70) square feet. The maximum area for the sign structure shall not exceed ninety (90) square feet.
 - (C) **Multiple-tenant signs.** Multiple-tenant signs may increase the maximum area ten (10) percent per sign face for each tenant above five (5) tenants. The maximum area for each sign face shall not exceed sixty (60) square feet and the maximum area for the sign structure shall not exceed ninety (90) square feet for signs on roads with a speed limit less than 50 mph. The maximum area for each sign face shall not exceed ninety-six (96) square feet and the maximum area for the sign structure shall not exceed 120 square feet for signs on roads with a speed limit greater than 50 mph.
- (4) **Number of signs.** Only one monument sign, excluding menu board signs, shall be allowed along each street frontage on any site, unless otherwise specifically provided in this article. Monument signs may be no closer than five hundred (500) feet on any one site.
- (5) **Minimum setback.** Signs must be wholly located on private property. Signs shall be a minimum of one (1) foot from any property line and a minimum of fifteen (15) feet from the edge of pavement of the adjacent roadway. (Material requirements. All monument sign bases shall be constructed of the same masonry material as the front building facade on the same site or shall be stone or brick. The sign structure must be constructed or covered with the same masonry material as the principal building, or stone, brick or cedar. Sculpted aluminum sign panels will be allowed. All sign text and graphic elements shall be limited to a minimum of six (6) inches from the outer limits of the sign structure.
- (6) **Illumination.** Monument signs may only be illuminated utilizing internal lighting for sculpted aluminum panels or an external lighting source.

(7) **Interpretive graphics.** The following graphics are included in this article to assist with interpreting the standards listed for monument signs. In cases where the graphics conflict with the text of this article, the text shall govern.

MONUMENT SIGN - ATTACHED LETTERING



Location: Road with speed limit less than 50 mph

Allowed sign structure area: 70 square feet

Sign structure area shown: 48 square feet (12' x 4')

Allowed sign face area: 40 square feet

Sign face area shown: 27 square feet (9' x 3')

Allowed sign height: 10'

Allowed base height: 2'

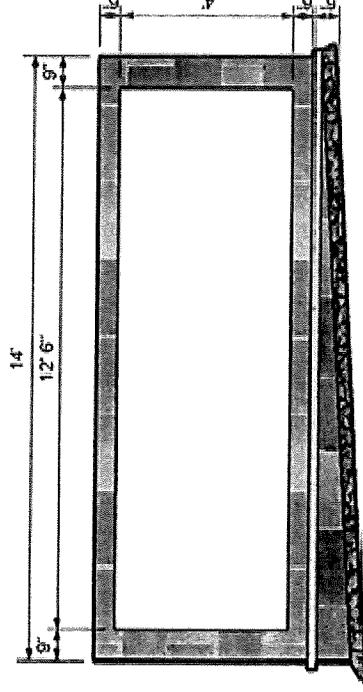
Allowed total height: 12'

Sign height shown: 4'

Base height shown: 0'

Total height: 4'

MONUMENT SIGN - SCULPTED ALUMINUM PANEL



Location: Road with speed limit greater than or equal to 50 mph

Allowed sign structure area: 90 square feet

Sign structure area shown: 70 square feet (14' x 5')

Allowed sign face area: 70 square feet

Sign face area shown: 50 square feet (12.5' x 4')

Allowed sign height: 14'

Allowed base height: 2'

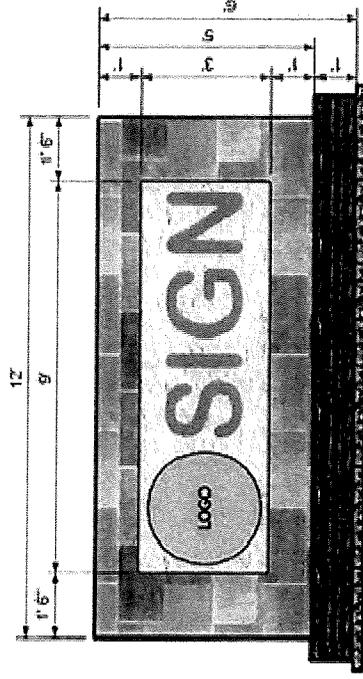
Allowed total height: 16'

Sign height shown: 5'

Base height shown: 0.5'

Total height: 5.5'

MONUMENT SIGN - MASONRY PANEL



Location: Road with speed limit less than 50 mph

Allowed sign structure area: 70 square feet

Sign structure area shown: 60 square feet (12' x 5')

Allowed sign face area: 40 square feet

Sign face area shown: 27 square feet (9' x 3')

Allowed sign height: 10'

Allowed base height: 2'

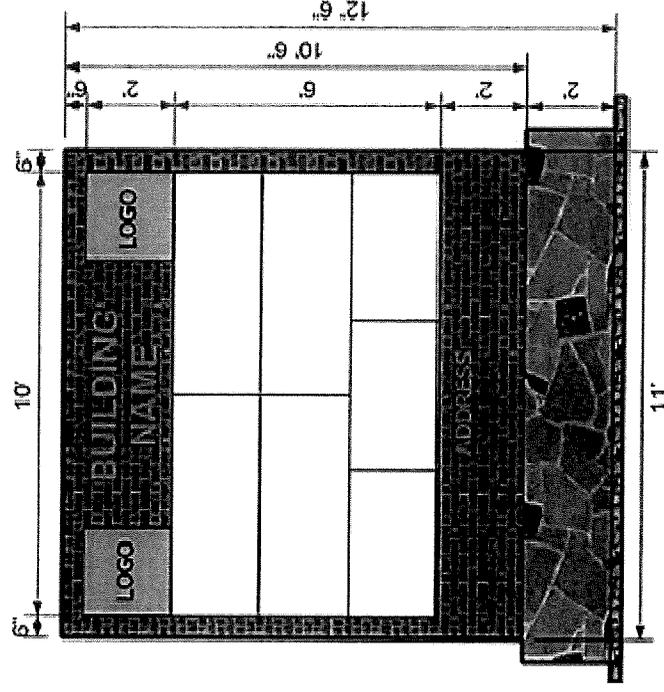
Allowed total height: 12'

Sign height shown: 5'

Base height shown: 1'

Total height: 6'

MONUMENT SIGN - MULTIPLE-TENANT



Location: Road with speed limit greater than or equal to 50 mph

Allowed sign structure area: 120 square feet

Sign structure area shown: 115.5 square feet (11' x 10.5')

Allowed sign face area: 7 tenants; 84 square feet (70 square feet + 2(.10 x 70))

Sign face area shown: 80 square feet (10' x 6' and 10' x 2')

Allowed sign height: 14'

Allowed base height: 2'

Allowed total height: 16'

Sign height shown: 11'

Base height shown: 2'

Total height: 13'

(c) Ground sign.

(1) Generally. Unless otherwise specifically provided, the regulations set forth in this section shall be applicable to all ground signs.

(2) Minimum setback. Fifteen (15) feet from any property line.

(3) Maximum height. Three feet (3').

(4) Maximum area. Eight (8) square feet with a maximum of four (4) square feet per sign face.

(5) Number of signs. One (1) sign per site.

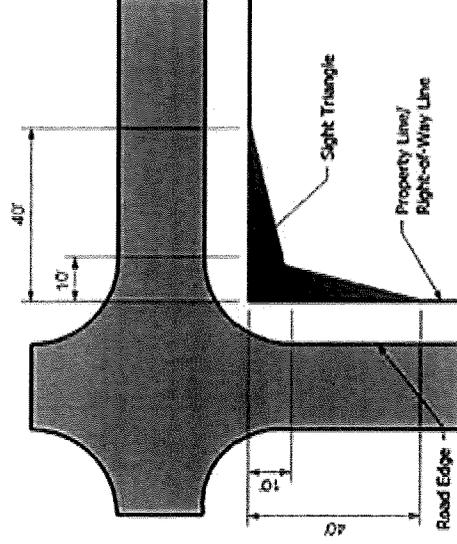
Sec. 1.24.03 Prohibited signs

(a) **Generally.** Any sign which is not specifically permitted in divisions 5 and 6 of this article shall be prohibited.

(b) **Obscene signs.** No person shall erect or display on any site a sign in which the dominant theme of material taken as a whole appeals to a prurient interest in sex, or is patently offensive because it affronts community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value.

(c) **Obstructing doors, windows, or fire escapes.** No person shall erect or display on any site any sign which prevents free ingress to or egress from any door, window, or fire escape.

(d) **Obstructing vision/sight triangle.** No person shall erect or display on any site any sign in such a manner as to obstruct free and clear vision at any location, street, intersection, or driveway. All signs placed at any intersection shall prevent such problem by observing a sight triangle as provided for in section 1.00.01 (definitions).



(e) **Interference with traffic.** No person shall erect or display on any site any sign which interferes with vehicular or pedestrian traffic as a result of the position, size, shape, movement

(animated signs are not permitted), color, fashion, manner, or intensity of illumination or any other characteristics causing such interference. Nor shall any person erect or allow to be displayed any sign in such a manner as to interfere with, obstruct the view of or be confused with any authorized traffic sign, signal, or device, including, without limitation, signs making use of the words “stop,” “go,” “look,” “slow,” “danger,” or any other similar word, phrase, symbol or character, or employ any red, yellow, green, or other colored lamp or light in such a manner as to cause confusion or otherwise interfere with vehicular or pedestrian traffic.

(f) **Moving parts.** No signs shall have or consist of any rotating, revolving, spinning or otherwise moving part, whether such movement is a result of mechanical means or human powered. This prohibition does not apply to signs regulated by section 1.24.04.

(g) **Portable signs.** No person shall erect or display on any site any portable sign; except, however, that, upon a majority vote by the city council, a conditional sign permit may be issued to any nonprofit organization for an on-site portable sign. Permits shall be issued for one thirty-day period with at least ninety (90) days’ separation between permits.

(h) **Certain illuminated signs.** Illuminated signs shall comply with all previous sections. Moving, flashing, intermittent lighted, changing color, revolving, or similarly constructed signs shall be reviewed by the planning and zoning commission prior to installation.

(i) **Signs projecting on/over public property or public right-of-way.** It shall be prohibited to erect or display any type of sign on or over public right-of-way or other public property, unless the same be erected by the city, county, state or other authorized governmental agency, or with the permission of the city, for public purposes.

(j) **Roof signs.** Any sign erected on a vertical framework supported by and located immediately and entirely over the roof of a building is prohibited. Any sign attached to a fascia extending above the projection of the fascia shall be prohibited. The painting or otherwise affixing of signs on a roof is prohibited.

(k) **Signs on utility poles.** No person shall erect or display any sign on any utility pole located upon any public right-of-way or utility easement.

(l) **Off-site signs.**

(m) **Bandit signs.**

Sec. 1.24.04 Changeable electronic variable message signs

(a) **Definitions.**

Changeable electronic variable message sign (CEVMS). A sign which permits light to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including an LED (light emitting diode) or digital sign, and which varies in intensity or color. A CEVMS sign does not include a sign located within the right-of-way that functions as a traffic-control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) approved by the Federal Highway Administrator as the national standard.

Off-premises sign. Any sign, commonly known as a billboard, that advertises a business, person, activity, goods, products or services not located on the premises where the sign is installed and maintained, or that directs persons to a location other than the premises where the sign is installed and maintained.

On-premises sign. Any sign identifying or advertising the business, person, activity, goods, products or services sold or offered for sale on the premises where the sign is installed and maintained when such premises is used for business purposes.

Sign code application area. The corporate limits of the city and the area of its extraterritorial jurisdiction as defined by section 42.021 of the Local Government Code.

(b) **Prohibitions.**

(1) **New off-premises signs.** From and after the effective date, no new construction permit shall be issued or written permission granted for the erection of an off-premises sign, including but not limited to a new off-premises CEVMS or the conversion of an existing non-CEVMS off-premises sign to a CEVMS, within the corporate city limits and ETJ of the city.

(2) **Changeable electronic variable message signs.** From and after the effective date of this article, no CEVMS shall be allowed within the sign code application area

(c) **Penalty.** Any individual, organization, group, or legally recognized entity of any type whatsoever violating the provisions of subsection (b) hereof shall be guilty of a misdemeanor and assessed a fine of not less than \$200.00 nor more than \$500.00. Each day that such violation continues shall be deemed a separate offense and be punishable as such.

Secs. 1.24.05 – 1.27.01 Reserved

Division 5. Regulations for Specific Types of Signs

Sec. 1.28.01 Scope; applicability of general regulations

This division regulates the type of sign structure allowed for each type of sign permitted by this article. Each of the signs identified in this division are subject to the general sign provisions set forth in division 4 of this article except where modifications to the general regulations are noted.

Sec. 1.28.02 Permanent signs requiring permit

Unless otherwise specifically provided, the regulations set forth in this article shall be applicable to all of the following signs:

- (1) Business sign.
- (A) Permitted sign structure: Attached and/or monument.
- (B) Modifications to general regulations: None.
- (2) Menu board sign.
- (A) Permitted sign structure: Attached and/or monument.
- (B) Modifications to general regulations:
 - (i) Minimum letter/logo height: Not applicable.
 - (ii) Maximum height: Six feet (6').
- (C) Maximum area: Twenty-four (24) square feet. Only one face will be allowed per sign.
- (D) Maximum number of signs: No more than two (2) signs per site.
- (E) **Location limitations:** All menu board signs must be located at the side or rear of the principal building. If two (2) signs are erected, signs must be at least eighteen (18) feet apart.

(3) Subdivision entry sign.

- (A) **Permitted sign structure:** Attached and/or monument.
- (B) **Modifications to general regulations:**
 - (i) **Maximum height:** Attached sign may not project above top of wall.
 - (ii) **Maximum area:** Thirty-two (32) square feet for attached sign.
 - (iii) **Maximum number of signs:** One (1) monument sign or two (2) attached wall plaque signs (not a combination thereof) per street entrance.
 - (iv) **Placement of sign:** A monument sign may be located on a median at a street entrance if approved by the city council on the concept plan, in a developer's agreement, or by a separate application.

(4) Bulletin board sign.

- (A) **Permitted sign structure:** Attached, monument and/or ground.

- (B) **Modifications to general regulations:**
- (i) **Minimum letter/logo height:** Not applicable.
- (ii) **Maximum height:** Six (6) feet.
- (iii) **Maximum area:** Eighteen (18) square feet. Only one face allowed per sign.
- (iv) **Maximum number of signs:** One (1) per subdivision entrance, not to exceed two (2) per subdivision.
- (v) **Minimum setback:** Not applicable.
- (vi) **Location where allowed:** No closer than one hundred (100) feet to an arterial. The sign must be located on a designated common area and maintained by the homeowners' association.
- (vii) **Material requirements:** A bulletin board must have a lockable covering.
Masonry requirement shall not apply.
- (5) Directory sign.**
- (A) **Permitted sign structure:** Attached and/or monument.
- (B) **Modifications to general regulations:**
- (i) **Minimum setback:** Seventy-five (75) feet from drive entrance at right-of way.
- (ii) **Maximum number of signs:** One (1) sign per street entrance.
- (iii) **Residential adjacency:** Not applicable.
- (iv) **Locations where allowed:** Only distance measurements shall apply.
- (6) **Institutional sign.**
- (A) **Permitted sign structure:** Attached and/or monument.
- (B) **Modifications to general regulations:**
- (i) **Generally:**
 - a. Sign must be integral to the permitted sign for the site.
 - b. Messages on reader boards, whether electronic or manual, may not scroll, flash, or change more frequently than once a day.
 - c. Manual reader board signs using alphabetical lettering must have a lockable covering.
- (ii) **Maximum area:** Reader board display cannot exceed two-thirds (2/3) of the permitted gross surface area per face of the sign, excluding monument sign border.
- (iii) **Illumination:** Internal illumination may be utilized for the sign panel.
- (7) Gasoline pricing sign.**
- (A) Permitted sign structure: Monument.
- (B) **Modifications to general regulations:**
- (i) **Generally:**
 - a. Sign must be integral to the permitted sign for the site.
 - b. Price-per-gallon display, whether electronic or manual, may not scroll, flash, or change more frequently than once a day.
- (ii) **Minimum letter height:** Not applicable for the fuel classification (i.e., “unleaded,” “diesel,” etc.) and the price-per-gallon display.

- (iii) **Maximum area:** Price-per-gallon display cannot exceed two-thirds (2/3) of the permitted gross surface area per face of the sign, excluding monument sign border.
- (iv) **Number of signs:** One (1) per site.
- (v) **Illumination:** Internal illumination may be utilized for fuel classification and price-per-gallon panels only.

(8) Directional sign.

- (A) **Permitted sign structure:** Attached and/or monument.
- (B) **Modifications to general regulations:**
 - (i) **Monument:**
 - a. **Maximum height:** Three (3) feet.
 - b. **Maximum area:** Eight (8) square feet with a maximum of four (4) square feet per sign face.
 - c. **Number of signs:** Maximum of two (2) signs per site.
- (ii) **Attached:**
 - a. **Minimum letter height:** Three (3) inches.
 - b. **Maximum letter height:** One (1) foot.
 - c. **Number of signs:** Maximum of one (1) sign per facade, not to exceed five signs.

Sec. 1.28.03 Temporary signs requiring permit

Temporary signs shall not be illuminated. A permit shall be required for the following signs:

- (1) **Banner.**
 - (A) **Permitted sign structure:** Attached.
 - (B) **Modifications to general regulations:**
 - (i) **Maximum area:** 0.5 square feet for every one foot of width of building or lease space, not to exceed fifty (50) square feet.
 - (ii) **Maximum number of signs:** One (1) per site or lease space.
 - (iii) **Duration:** Thirty (30) calendar days to the opening of a new business and sixty (60) calendar days after a new business opens. A maximum of two banners may be displayed on each site per year.
 - (iv) **Special considerations:** A banner shall not function as the primary sign on a property.
- (2) Street event banner.**
- (A) **Permitted sign structure:** Attached between utility poles over a roadway.
 - (B) **Modifications to general regulations:**
 - (i) **Maximum area:** No longer than the pavement width and no more than four (4) feet wide.
 - (ii) **Maximum number of signs:** One per civic organization event at any given time; no more than one street banner per site.
 - (iii) **Duration:** May be placed no more than thirty (30) days prior to the event and removed within fifteen (15) days following the event.
 - (iv) **Special requirements:** Must retain approval from the state department of transportation for locations on state rights-of-way and the utility company responsible for the utility poles at the location.

(3) Model home sign.

- (A) **Permitted sign structure:** Monument and/or ground.
- (B) **Modifications to general regulations:**
 - (i) **Maximum height:** Five (5) feet for ground signs.
 - (ii) **Maximum area:** Sixty-four (64) square feet with a maximum of thirty-two (32) square feet per sign face.
 - (iii) **Maximum number of signs:** One (1) sign per builder per subdivision.
 - (iv) **Material requirements:** Not applicable.
- (4) Special purpose sign.**
 - (A) **Permitted sign structure:** Attached and/or ground.
 - (B) **Modifications to general regulations:**
 - (i) **Maximum height:** Nine (9) feet for ground signs.
 - (ii) **Maximum area:** Sixty-four (64) square feet with a maximum of thirty-two (32) square feet per sign face.
 - (iii) **Maximum number of signs:** Six (6) total per event or occasion, not to exceed five (5) off-site signs and one (1) on-site sign.
 - (iv) **Placement time:** Twenty-one (21) days; must be removed within three (3) days after termination of the event. No more than twice a year.
 - (v) **Material requirements:** Not applicable.
 - (vi) **Residential adjacency:** Not applicable.

(5) Development sign.

- (A) **Permitted sign structure:** Monument and/or ground.
- (B) **Modifications to general regulations:**
 - (i) **Maximum height:** Five (5) feet.
 - (ii) **Maximum area:** Sixty-four (64) square feet with a maximum of thirty-two (32) square feet per sign face.
 - (iii) **Maximum number of signs:** One (1) per site.
 - (iv) **Duration:** Sign may be installed at any time after the issuance of the building permit for a commercial development or approval of the developer's agreement for a residential subdivision. The sign must be removed within one (1) year or upon the issuance of a certificate of occupancy for a commercial development and upon the issuance of a certificate of occupancy on seventy five percent (75%) of the lots within the subdivision for a residential subdivision.
 - (v) **Material requirements:** Not applicable. Temporary signs exempt from permit.

A permit shall not be required for the following signs:

(1) Builder sign.

- (A) **Permitted sign structure:** Ground.
- (B) **Modifications to general regulations:**
 - (i) **Duration:** Signs may only be placed once construction work has commenced and must be removed upon completion of construction work.
 - (ii) **Minimum setback:** Not applicable.

(2) Real estate sign.

- (A) **Permitted sign structure:** Attached, monument, and/or ground.
- (B) **Modifications to general regulations:**
 - (i) **Maximum height:** Eight (8) feet above grade for ground signs; below roof line for attached.
 - (ii) **Maximum area:** Sixty-four (64) square feet with a maximum of thirty-two (32) square feet per sign face.
 - (iii) **Maximum number of signs:** One (1) per site.
 - (iv) **Minimum setback:**
 - a. **Monument sign setback applies.**
 - b. Ground signs five (5) square feet or less may be located on property line or may encroach a minimal amount into the right-of-way for added visibility provided the sign causes no obstruction for vehicular, pedestrian, or multi-modal traffic.

(3) Garage/yard sale sign.

- (A) **Permitted sign structure:** Ground.
- (B) **Modifications to general regulations:**
 - (i) **Maximum number of signs:** Four (4) per sale; not more than three (3) offsite signs, with only one (1) off-site sign per sale along (Highway 16); all signs must display the street address of the sale.
 - (ii) **Minimum setback:** Not applicable.
 - (iii) **Placement time:** 12:00 noon Thursday to 12:00 noon Monday or on any legal holiday.
 - (iv) **Frequency limitation:** Not to exceed twice per year.

(4) Civic organization event sign.

- (A) **Permitted sign structure:** Ground.
- (B) **Modifications to general regulations:**
 - (i) **Maximum number of signs:** Not applicable.
 - (ii) **Minimum setback:** Not applicable.
 - (iii) **Placement time:** 12:00 noon Thursday to 12:00 noon Monday or on any legal holiday.

Secs. 1.28.05 – 1.29.01 Reserved

Division 6. Exemptions and Special Conditions

Sec. 1.30.01 Exempt signs

The following signs are exempted from the requirements of this article:

- (1) **Vehicular signs, unless the sign is used or intended to be used as an on-site or offsite sign.** It shall be prima facie evidence that a sign is used as an on-site or off-site sign if a vehicle is parked at the same location for a continuous period exceeding seventy-two (72) hours. No person shall attach any sign to a trailer, skid, or similar mobile structure, where the primary use of such structure is to provide a base for such sign or to constitute the sign itself. This provision shall not be interpreted to prohibit identification signs on vehicles used for business purposes, nor shall it be interpreted to prohibit bumper stickers.

(2) Warning and security signs.

- (3) **Government signs and signs for nonprofit organizations sponsored by government,** including flags, insignia, legal notices, and informational, directional, and traffic signs which are legally required or necessary to the essential functions of government agencies.

- (4) **“No Dumping,” “No Trespassing,” and other similar signs.**
- (5) **Signs in public parks placed inside ballfield fencing by the city** which are intended for advertising to raise funds for parks and recreation programs, which have copy on only one face with the copy facing toward the interior of the field.
- (6) **House identification signs, resident recognition signs, and residential decorative signs.**
- (7) **Political signs**, unless affixed to the ground or a grounded structure located within a public right-of-way or on public property. However, a sign permit is required only if the sign meets one or more of the following characteristics consistent with chapter 216.903 of Texas Local Government Code: the sign has an effective area larger than 36 square feet; the sign is more than eight feet high, is illuminated, or has any moving elements. Should a permit be required, political signs shall meet all applicable dimensional standards of this article consistent with a special purpose sign, excluding restrictions on the maximum number of signs.
- (8) **Spirit signs**, signs placed around the city to show support for local school district athletic events. However, this exemption may be removed by the City Administrator if the spirit signs are abandoned or not removed within a timely manner.

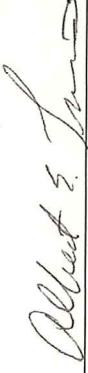
Sec. 1.30.02 Nonconforming existing signs

All signs that are lawfully in existence on the date of adoption of this article (November 07, 2017) may exist in their present form, but no such signs shall be altered or moved unless a permit is issued pursuant to the provisions of this article. Permits granted prior to the passage of this article shall be renewed only if the applicant complies with all provisions of this article. Any legal nonconforming sign which has been substantially destroyed or dismantled for any purpose other than maintenance (including acts of God) shall be deemed as completely destroyed if the cost of repairing the sign is more than 60% of the cost of erecting a new sign of the same type at the same location. Under this provision, the sign shall be removed, and a permit required to erect a new sign, and the new sign shall conform to the provisions of this article.

Sec. 1.30.03 Noncommercial sign copy

Notwithstanding anything contained herein to the contrary, any sign authorized in this article is allowed to contain noncommercial (ideological) copy in lieu of any other copy.

PASSED AND APPROVED, This 7th day of November 2017,



Mayor Albert Trevino

ATTEST:



City Secretary, Abigayle Frautschi