

**CITY OF KERRVILLE, TEXAS
ORDINANCE NO. 2019-23**

AN ORDINANCE APPROVING AND ADOPTING THE CITY OF KERRVILLE, TEXAS, SIGN CODE, A COMPREHENSIVE REWRITE OF THE CITY'S SIGN REGULATIONS IN ACCORDANCE AND ALIGNED WITH THE KERRVILLE COMPREHENSIVE PLAN (KERRVILLE 2050); SAID REWRITE TO BE KNOWN AS THE "CITY OF KERRVILLE, TEXAS SIGN CODE" AND FOUND WITHIN A NEW CHAPTER 92 OF THE CITY'S CODE OF ORDINANCES, WHICH WILL REPEAL AND REPLACE ARTICLE II OF CHAPTER 6 OF THE CITY'S CODE OF ORDINANCES; ADOPTING REVISED REGULATIONS CONCERNING THE INSTALLATION AND MAINTENANCE OF SIGNS WITHIN THE CITY OF KERRVILLE, TEXAS, AND WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR PENALTIES NOT TO EXCEED \$2,000.00; ORDERING PUBLICATION; PROVIDING AN EFFECTIVE DATE; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT

WHEREAS, in June 2018, City Council, pursuant to its home-rule authority and Chapter 213 of the Texas Local Government Code, adopted the *City of Kerrville Comprehensive Plan – Kerrville 2050* ("Comprehensive Plan"); and

WHEREAS, City Council seeks to provide for the orderly development and use of property within the corporate limits of the City of Kerrville, Texas ("City") and its extraterritorial jurisdiction ("ETJ"); and

WHEREAS, in accordance with the Comprehensive Plan, City Council seeks to maintain the value of Kerrville's scenic beauty and rural charm, both of which are significant attributes of the City's quality of life, through a comprehensive regulatory program that includes zoning, subdivision control, and the regulation of signs; and

WHEREAS, following the adoption of the Comprehensive Plan, City Council created and appointed a Code Review Committee ("CRC") made up of 15 people with a variety of vocations and interests; and

WHEREAS, Council, through Resolution No. 34-2018, charged the CRC with reviewing and considering recommendations regarding development related codes, including the City's sign regulations, as currently found within Chapter 6 of the City's Code of Ordinances ("Sign Code"); and

WHEREAS, toward that end, the CRC, City staff, and the City's consultants worked diligently to review and rewrite Chapter 6 in accordance with the general principals and guidelines found within the Comprehensive Plan, as well as several recent court cases concerning the regulation of signs and Chapter 216 of the Texas Local Government Coe; and

WHEREAS, beginning in October 3, 2018, the CRC has met 12 times to date, in meetings that were open to the public and which included at times the discussion of the City's existing sign regulations; and

WHEREAS, the CRC recommended a number of revisions to Chapter 6 and forwarded those recommendation to the Planning and Zoning Commission (the "Commission") for its review; and

WHEREAS, the Commission, in a meeting noticed in the newspaper, held a public hearing and a number of citizens spoke about the proposed rewrite of the Sign Code; and

WHEREAS, the Commission considered the CRC's proposal, which included new regulations for electronic message boards and various types of temporary signs, and recommended approval; and

WHEREAS, following its public hearing and discussion, the Commission recommended that City Council adopt the proposed sign regulations; and

WHEREAS, after receiving the proposed Sign Code from the Planning and Zoning Commission along with its recommendation for adoption, City Council reviewed and considered the amended sign regulations; and

WHEREAS, as part of its review and consideration of a new Sign Code, City Council held a public hearing on September 10, 2019, where it then received public comments; and

WHEREAS, at a meeting on September 10, 2019, that was open to the public as required by law, the public notice of the time, place, and purpose of said meeting was given, and at which all citizens and parties in interest were given an opportunity to be heard; and after considering the recommendations of the CRC and City staff; and after

considering among other things, the character of the various areas of the City and the suitability and appropriateness of signs within each area; and with a view to conserving the value of property, maintaining safety and the public health, and encouraging the most appropriate use of signs throughout the City, Council, following multiple readings of the proposed ordinance, finds it to be in the best interest of the health, safety, morals, and general welfare of the City of Kerrville, Texas, to adopt new regulations concerning the installation and maintenance of signs within the City and its ETJ;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KERRVILLE, KERR COUNTY, TEXAS:

SECTION ONE. The facts, recitations, and findings contained in the preamble of this Ordinance are found to be true and correct and are incorporated by reference herein and expressly made a part hereof, as if copied verbatim.

SECTION TWO. Chapter 6 "Advertising", Article II "Signs", of the Code of Ordinances of the City of Kerrville, Texas, is repealed and replaced in its entirety with a new Chapter 92, as provided for in **Exhibit A**, which is attached, included herein for all purposes, and hereby adopted. Said new Chapter 92 will be published and included within the City's Code of Ordinances as the City's "Sign Code".

SECTION THREE. The City Secretary is authorized and directed to submit this Ordinance to the publisher of the City's Code of Ordinances and the publisher is authorized to amend said Code to reflect the provisions adopted herein, to include the addition of a new Chapter 92 into the Code, and to correct typographical errors and to index, format, and number and letter paragraphs to the existing Code as appropriate.

SECTION FOUR. The provisions of this Ordinance are cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this Ordinance are expressly repealed to the extent of any such inconsistency or conflict. Further, the proposed Sign Code results from a comprehensive review, rewrite, and replacement of the City's current sign regulations and procedures and said Code repeals and replaces, to include without limitation: Ordinance Nos. 2012-05, 2013-10, 2014-02, 2014-05, 2014-20, and 2018-05.

SECTION FIVE. It is officially found and determined that the meetings at which this Ordinance is passed were open to the public as required and that public notice of the time, place, and purpose of said meetings was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION SIX. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this Ordinance. City Council declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION SEVEN. The penalty for violation of this Ordinance shall be in accordance with the general penalty provisions contained in Section 1-7 of the Code of Ordinances of the City of Kerrville, Texas, which provides for a fine not exceeding TWO THOUSAND DOLLARS (\$2,000.00) per day for each violation hereof.

SECTION EIGHT. Pursuant to Texas Local Government Code §52.013(a) and Section 3.07 of the City's Charter, the City Secretary is hereby authorized and directed to publish the descriptive caption of this Ordinance in the manner and for the length of time prescribed by the law as an alternative method of publication.

SECTION NINE. This Ordinance shall become effective immediately upon the expiration of ten days following publication, as provided for by Section 3.07b. of the City Charter.

**PASSED AND APPROVED ON FIRST READING, this the ____ day of _____
A.D., 2019.**

**PASSED AND APPROVED ON SECOND AND FINAL READING, this the ____
day of _____, A.D., 2019.**

Bill Blackburn, Mayor

APPROVED AS TO FORM:

ATTEST:

Michael C. Hayes, City Attorney

Shelley McElhannon, City Secretary

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Chapter 92 SIGN CODE

ARTICLE I. - SIGNS

Sec. 92-1. - In general.

A person shall not install, put up, place, reconstruct, repair, maintain, or use a sign, as defined, unless the sign complies with these regulations, known as the City's sign code, and any other applicable City Code or ordinance.

Sec. 92-2. - Purpose; Legislative Findings; Interpretation; and General Matters.

(a) City Council finds that to protect the health, safety, property, and welfare of the public it is necessary to prevent the unregulated proliferation of signs while at the same time respecting the public's right to freely engage in constitutionally protected speech and the use of private property on a content-neutral basis. The purpose of these rules and regulations is to promote and protect the health, safety, welfare, convenience, and enjoyment of the public and to achieve the following objectives:

- (1) To provide uniform sign standards and regulations in order to improve visual safety for pedestrians and traffic;
- (2) To provide for safe construction, location, and maintenance of signs;
- (3) To prevent and reduce proliferation of unauthorized, hazardous, traffic-distracting, non-maintained and abandoned signs;
- (4) To minimize the possible adverse effect of visual clutter on public and private property; and
- (5) To promote a positive image for the City by reflecting order, harmony, and consistency, and thereby strengthening the economic viability of the City's residential, commercial, cultural, and historical areas.

(b) It is not the purpose or intent of this chapter to regulate signs based solely on their content. This chapter shall be interpreted in a manner consistent with the First Amendment of the Constitution of the United States and with

Chapter I of the Texas Constitution. If any provision of this chapter is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this chapter and may be given effect without the invalid provision.

(c) A noncommercial message of any type may be substituted for any allowed commercial message or allowed noncommercial message on an existing sign; provided, that the sign structure or mounting device is legally conforming without consideration of message content. A substitution of a noncommercial message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this chapter. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial speech over any other noncommercial speech. This provision does not create a right to increase the total number or size (*i.e.*, square footage, height, etc.) of signs on a tract of land or property, nor does it affect the requirement that a sign structure or mounting device be properly permitted by the City.

(d) This chapter is not intended to, and does not apply to signs or flags erected, maintained, or otherwise posted by the City, the state of Texas, or the U.S. federal government which may be placed in any location within the City's boundaries and within its extraterritorial jurisdiction (ETJ).

(e) This chapter is not intended to, and does not apply to, traffic-control devices, not including directional signs, on private or public property which must be erected and maintained to comply with the Manual on Uniform Traffic-Control Devices adopted by the state of Texas and/or by the Federal Highway Administration, as applicable and as may be amended.

(f) Every improved property within the City shall be marked using numerals that clearly and accurately identify the address of the property so that public safety agencies may easily identify the address from public right(s)-of-way. Such address markings shall comply with the City's building, fire, and other applicable codes including size, placement, and illumination if applicable.

(g) Where a federal, state, or local law requires a property owner to post a sign on his or her property to warn of a danger or to prohibit access to the property either generally or specifically, the owner shall comply with that law by posting and maintaining such a sign on the property that meets the standards and dimensions required by applicable law.

(h) The City Manager shall be the primary City official responsible for interpreting and administering this chapter. However, the City Manager, at his/her discretion, may otherwise delegate this authority to any other City official or to a qualified outsourced entity.

(i) In the event of a conflict between this chapter and another code or ordinance of the City, then the most restrictive provision shall apply.

Sec. 92-3. - Design guidelines.

It is City policy to encourage signs which are appropriate to a rural, Hill Country setting and to discourage signs which are in conflict with the character of the community. To this end, all sign owners, operators, and installers are encouraged to conform to the following guidelines for sign location, configuration, design, and materials:

- (1) Signs should be located with sensitivity to preserving the natural landscape, environment, and surrounding views.
- (2) Signs should be incidental to the principal use of a site and should never be allowed to visually dominate a site.
- (3) The height, width, and area of a sign should relate to the adjacent street type and the length of street frontage.

Sec. 92-4. - Jurisdiction.

These sign regulations apply within the City's boundaries and within the extraterritorial jurisdiction ("ETJ") of the City, as such areas may be changed from time to time, and as defined and allowed by state and federal law.

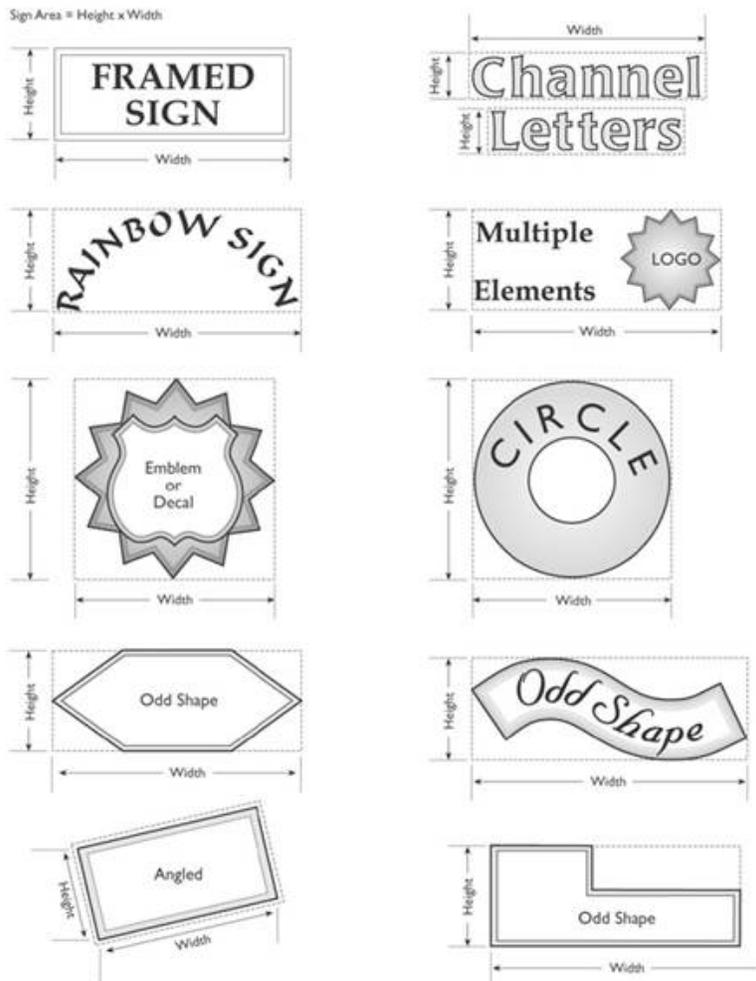
Sec. 92-5. - Definitions.

Words and phrases used in this chapter have the meanings set forth in this section. Words and phrases which are not defined in this chapter but are defined within the City's zoning code are given those meanings set forth in such code, as may be amended. Other words and phrases are given their common, ordinary meanings unless the context clearly requires otherwise. Headings and captions are for reference purposes only, and may not be used in the interpretation of these regulations.

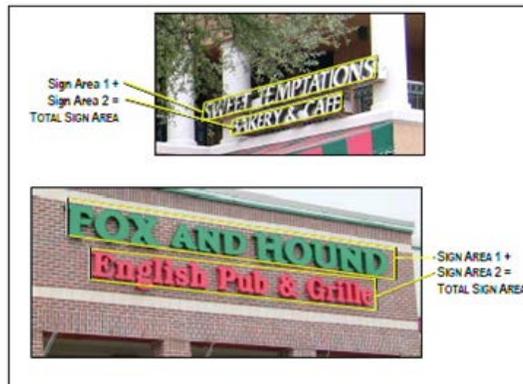
(1) *General definitions.*

Area: The square foot area enclosed by the perimeter of the sign face with each face contributing to the aggregate area but not counting double-faced sign faces, which are counted only as the area of one face. The sign face excludes decorative wood, metal devices, frames, or sign supports, such as a monolith. In cases where the sign, or a portion, is composed only of letters, figures, or other characters not standing against a sign face background or secured to a monolith, then the sign face area is the sum of the area of the smallest simple imaginary figure, such as a circle, triangle, rectangle, or other figure, which fully contains all words, figures, devices, designs, or trademarks which constitute the sign. See illustrations below for examples of how to determine sign area.

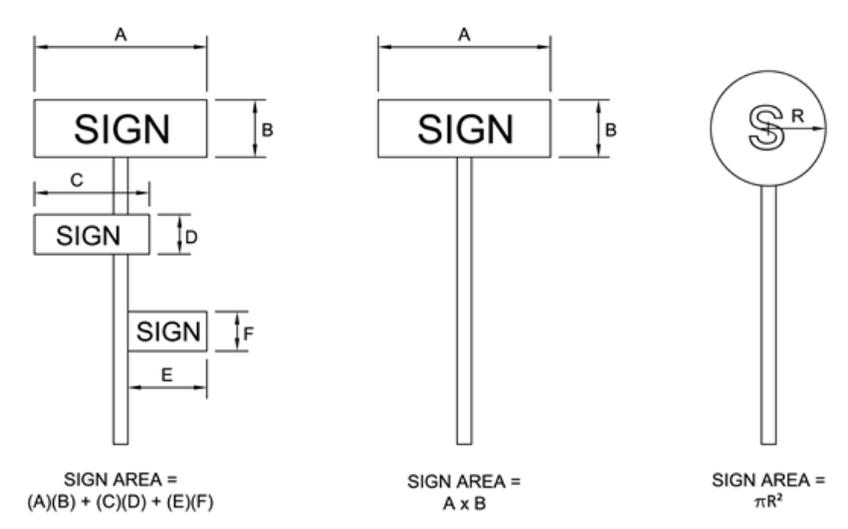
Area: Examples of Wall and Window Signs



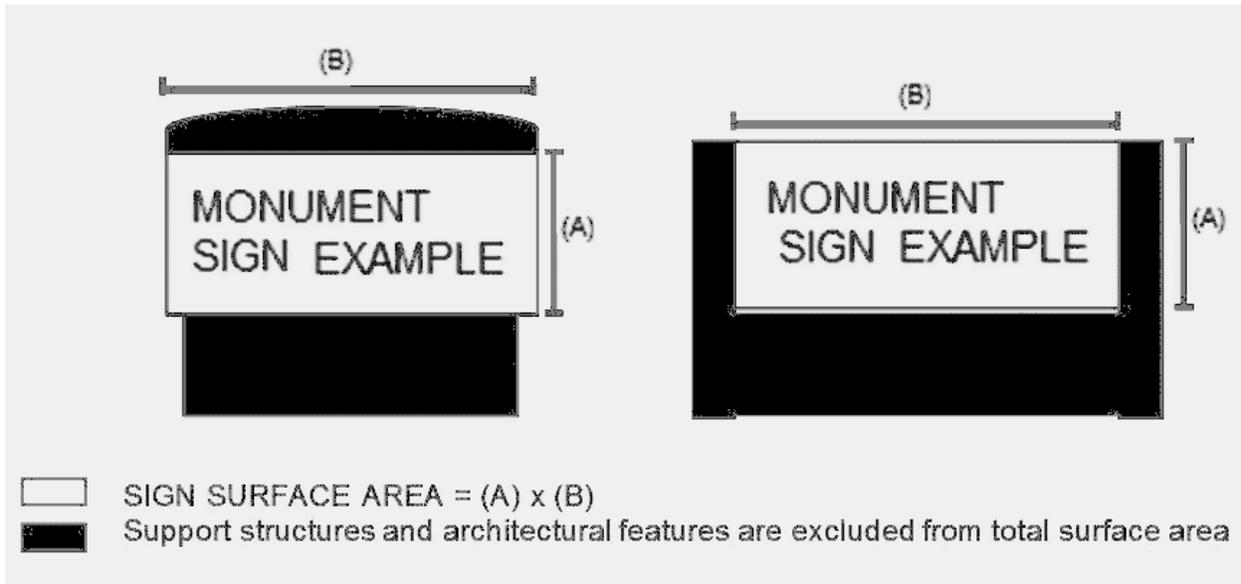
Area: Examples of Signs Composed of Individual Cutout Words or Figures



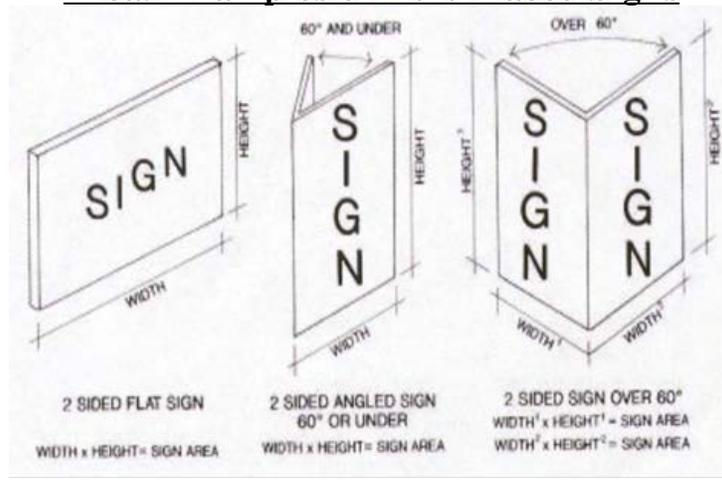
Area: Examples of Freestanding (Pole) Signs



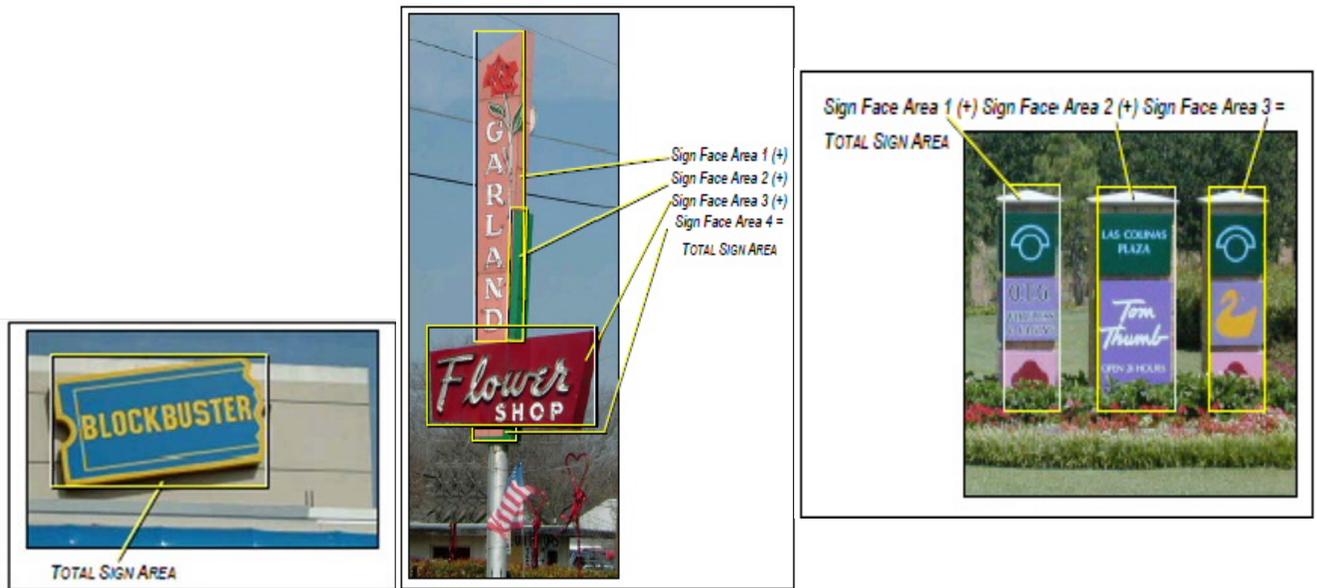
Area: Example of Monument Sign



Area: Examples of Multi-Faced Signs



Area: Examples of Irregularly Shaped Signs



Awning: A building-attached structure such as is typically extended in front of a window or door or over a patio, deck, walkway or other pedestrian area as protection from the sun or rain, regardless of whether the structure is retractable.



Canopy: An attached structure (such as an attached porte cochere) or detached structure (such as over motor fuel islands) that is generally intended to shelter vehicles from the weather.



City: The City of Kerrville, Texas.

City Council: The City Council of the City of Kerrville, Texas.

City manager: The City Manager or designee.

Commercial complex: A development consisting of two or more establishments on a single platted lot such as a shopping center or an industrial park/business park, or a campus on two or more contiguous lots, which may be separated only by a right-of-way.

Damaged, dilapidated, or deteriorated condition: Includes instances where:

- a. Elements of the surface or background can be seen, as viewed from a normal viewing distance (*i.e.*, the intended viewing distance), to have portions of the finished material or paint flaked, broken off, missing and/or otherwise not in harmony with the rest of the surface;
- b. The structural support or frame members are visibly bent, broken, dented or torn;
- c. The sign face/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;
- d. The sign and/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 by high winds or from the failure of a structural support; or
- e. The message or wording can no longer be clearly read by a person with normal eyesight under normal viewing conditions.

Downtown Arts and Culture District (DAC): The downtown geographic area of the City that is defined in the Zoning Code, as may be amended.

Downtown Core (DC): An area within the Downtown Arts and Culture District (DAC), such areas as are defined in the Zoning Code, as may be amended.

Electrical sign work: Any labor or material used in manufacturing, installing, maintaining, extending, connecting, or reconnecting an electrical wiring system and its appurtenances, apparatus, or equipment used in connection with signs, outline lighting, awnings, signals, light emitting diodes, and the repair of existing outdoor

electric discharge lighting, including parking lot pole lighting. This also includes the installation of an electrical service integral to an isolated sign and/or outline lighting installation.

Electronic display: A component of a sign capable of displaying changing content by remote or automatic means without the need to physically touch the sign face. The term includes portions of signs that display messages or images by means of electronic or “digital” illumination such as cathode ray tubes, light emitting diodes (LED), plasma screens, liquid crystal displays (LCD), fiber optics, and similar technology. Includes motor fuel pricing and time/temperature displays which are regulated the same as the specific type of sign they are a component of (e.g., size, height, placement, etc.).

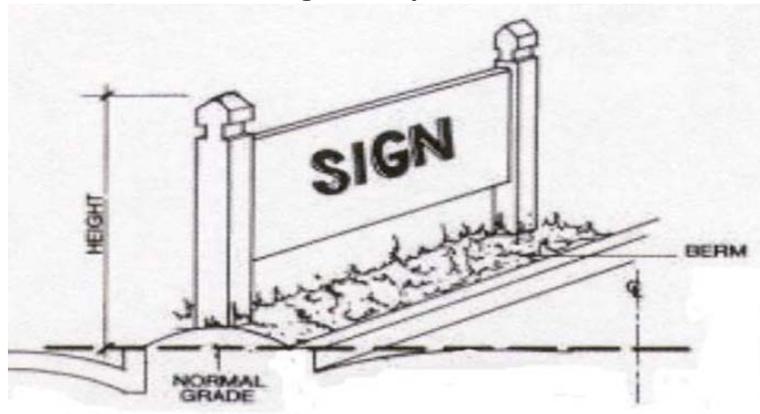


Establishment: A use of land for any purpose, with or without a building(s), regardless of the commercial, nonprofit, or public nature of the activity, but excluding a residence or active agricultural use in any form.

Extraterritorial jurisdiction (ETJ): The unincorporated area beyond the City’s boundaries, the size of which is determined by state law.

Height: The vertical distance between the highest attached component of a sign or of its supporting structure, whichever is higher, and the average established ground level beneath the sign. The established ground level beneath the sign is the lower of: (1) the existing grade prior to construction of the sign; or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign, unless the curb elevation at the street in front of the sign is higher than the established ground level, in which case the height will be measured from curb level.

Height Computation



Industrial park/business park or campus: A development intended to be either the site for a number of manufacturing, industrial, warehousing, and related uses, or a mixed-use development which includes a number of separate office, commercial, wholesaling, and compatible laboratory, industrial, and other uses which primarily support the function or employees of those uses and which are designed and developed as an integrated unit but typically the establishments are on individual lots.

Master electrician: An individual, licensed as a master electrician, who on behalf of an electrical contractor, electrical sign contractor, or employing governmental entity, performs “Electrical Work” as defined by state law.

Master sign electrician: An individual, licensed as a master sign electrician, who, on behalf of an electrical sign contractor, performs “electrical sign work” as defined above.

NIT: A unit of visible-light intensity used to specify brightness. One NIT is equivalent to one candela per square meter.

Nonresidential area: The area within any zoning district inside the City which includes nonresidential uses; in the City’s extraterritorial jurisdiction, any lot or tract of land which is the site of an establishment or commercial complex or which is vacant or in any form of agricultural use.

Planning and Zoning Commission (“Commission”): The City’s Planning and Zoning Commission.

Residential area: The area within any zoning district inside the City which includes residential uses; within the City’s extraterritorial jurisdiction, any lot or tract of land in which the principal use of the land is as a residence.

Responsible party: The person, firm, organization, or other entity whose product, service, activity, or enterprise of any character is announced or advertised by a sign, or whose message is carried by a sign, or who operates a sign, such as a third party, and/or the owner of the land upon which the sign is located.

(2) *Types of signs.* For the purposes of this chapter, a sign means any letters, figures, symbols, trademarks, or devices designed either to inform a person or to attract the attention of a person to an individual, firm, profession, business, organization, institution, goods, product, service, activity, cause, or purpose, and which are viewed from any public right-of-way. Particular types of signs are defined by their purpose or use, by their location, and by the nature of their construction, and therefore any one sign may be encompassed by multiple definitions and may be subjected to regulations in multiple sections of this chapter. Depictions of some types of signs are shown below. Light strings are not considered signs when consisting of uncovered 40 watt or less rated bulbs that do not blink or change color, and are used:

(a) to outline buildings and/or awnings within the Downtown Arts and Culture District; or

(b) for holiday lighting when the holiday lights:

- i. do not advertise a product, service, or business; and
- ii. are not installed more than twice a calendar year and for no more than 60 days at a time; and
- iii. are removed within 14 days following the lighted holiday.

Types of signs which are regulated by this chapter are defined as follows:

Address sign: See Incidental Sign.

Auxiliary sign: See Incidental Sign.

Awning sign: A sign painted on, attached, or adhered to the outside of an awning.



Balloon: A nonporous, inflatable bag with or without letters, symbols, or numbers that is filled with either air or gas.



Banner: A flexible sign intended to be hung or mounted either with or without frames, made of paper, plastic, fabric, or any other flexible material. Flags and pole banners are distinguished from banners for the purposes of this chapter.



Beacon: Any light, including incandescent, LED, and laser, with a beam directed into the atmosphere or directed at a point which is not on the same lot or tract of land as the light source, or a light with one or more beams that rotate or move.

Billboard: A type of off-premises freestanding sign.

Bulletin board: A sign principally devoted to posting changeable announcements concerning the activities of an organization, such as is customarily installed by a church, social club, society, or charitable organization, which is located on the premises of such an organization.

Business information sign: A lighted or gaseous tubing sign which is mounted on a building, typically near an establishment's primary entrance(s) and on or inside a door or window, that identifies an operational aspect of the establishment such as "open", "closed", "vacancy", etc.

Canopy sign: A sign which is adhered to or suspended from the underside of a canopy structure or which projects into the space enclosed within or beneath a canopy structure.



Canopy roof sign: A sign which is mounted above and/or on top of a canopy roof.



Changeable copy sign: A sign or part of a sign on which characters, letters, or illustrations can be changed manually without altering the face or surface of the sign, such as a theater marquee, a gasoline price sign, or a sign identifying the occupants of a shopping center.

Commercial sign: Any sign, regardless of its location or construction, whose wording or other contents, directly or indirectly, names, advertises, or calls attention to any business, product, service, institution, organization, event, cause, purpose, or other activity.

Community service sign: A temporary sign, often in the form of a banner, soliciting support for, or participation in, a nonprofit, nonpolitical, community, public, or social purpose, cause, event, or activity, such as one marking a holiday or one supporting school activities, charitable programs, religious activities, or community interest events. When in banner form, this type of sign is often installed over City-, county- or state-owned public right-of-way pursuant to consent from the applicable jurisdiction.

Construction sign: A temporary, on-premises sign placed on a site currently undergoing active construction activities which identifies or announces the character of the project and/or the names of the owners, developers, financiers, architects, engineers, contractors, leasing agents, and others associated with the project.

Directional sign: A sign which is separate from other signs, incidental and secondary to the principal use of the property on which it is located, located on private property, and whose primary purpose is to give directions to parking lots, exits, entrances, or drive-through windows, or directives such as “no parking” or “loading only.”



Event sign: See Incidental Sign.

Feather sign: Any variety of fabric signs commonly called bow, feather flags, tear drop, or ribbon signs that may or may not display a message and are supported by a horizontal or vertical pole.



Flag: A piece of fabric, usually rectangular, bearing the name, logo, and/or symbolic emblem of a governmental entity, quasi-governmental entity, educational institution, or charitable/nonprofit organization.

Freestanding sign: A permanent sign installed on a pole(s), or on twin masonry supports, anchored in the ground. It is not a monument sign.

Governmental/noncommercial sign: A sign owned or sponsored by the City or other governmental entity that is used to provide information, directions, or warnings to the public regardless of whether located on public or private property.

Handbills: Miscellaneous commercial advertising matter that is not customarily thought of as a “sign”.

Handheld sign: A sign which is not permanently or temporarily attached to the ground or to a permanent structure and which is designed to be transported or carried by an individual.



Incidental sign: A small, unlighted, on-premises sign of a noncommercial nature which is intended primarily for the convenience of the public. Included are signs identifying the building’s name and/or address, historical information, hours of operation, entrances to buildings, public telephones, directions to locations such as lobbies and restrooms, “open” and “help wanted” and “no soliciting” and “beware of dog” and other similar informational or warning signs, residential “open house” and “garage sale” and “private party” and other similar temporary informational signs, etc. Also included in this group of signs are those designed to guide or direct pedestrians or vehicular traffic to an area or place on the premises of an office building or another type of nonresidential development by means of a directory designating names and addresses only, directional arrows, etc.

Integral sign: See Incidental Sign.

Lighted sign: A sign that is back-lighted or lighted from within, a gaseous tubing (i.e., “neon”) sign, an LED or LCD sign, but not a sign that is only illuminated by external lights that shine upon it. (Does not include a business information sign.)

Mobile billboard: A sign installed or displayed on a vehicle operating in the public right-of-way for the purpose of advertising a business or entity that is unrelated to the owner of the vehicle’s primary business. The term does not include a sign that is displayed or installed on a vehicle that is operated in the normal course of the vehicle owner’s business if the sign contains advertising or identifying information directly related to the vehicle owner’s business, and is not used to display advertising that is unrelated to that business. This sign does not include a political sign.



Model home sign: A sign which is located on the same lot as a model home in a residential subdivision and which calls the attention to the purpose of the model home.

Monument sign: A sign which is built as a monument on the ground and independent of any other structure for its support and which may include a changeable copy or electronic display feature. (Not a freestanding sign.)

Moving sign: A sign or any part of a sign which rotates, moves, or uses lighting to simulate motion but not to include a barbershop with barber pole that has a turning, striped, cylinder not exceeding 42 inches in height.

Mural: An original art display (*i.e.*, a painting, frieze, etc.) on a building façade that has an artistic composition and that depicts a scene or subjects that are unrelated to, and does not advertise, the products, goods, or services offered by the establishment within the building. A mural is not considered a sign and is not subject to size or placement limitations as would be a wall sign.



Name plate: See Incidental Sign.

Neon sign: See Lighted Sign.

Nonconforming sign: A sign that was lawfully constructed or installed but that no longer complies with the provisions of this chapter.

Off-premises sign: Any sign used or designated to be used to advertise or call attention to any product or service which is produced or conducted at a place other than on the premises on which the sign is located, or to advertise or call attention to any establishment which is not located on the same premises as the sign. This definition includes a “billboard”.

On-premises sign: Any sign that relates to the site on which it is located, pertaining to a tenant, business, person, organization, activity, event or place that has a physical presence located on the same site as the sign.

Pole banner: A banner sign that is on private property, and that is mounted to a private light pole or other commercially acceptable decorative metal pole. A pole banner can be a single “pane”, or it can be dual with two vertically-oriented panes that are suspended from the support pole opposite and even with one another; the two panes can have differing, but directly related, subject matter but such must be related in some way to the premises upon which the banner is displayed or to the establishment that occupies the premises.



Political sign: A sign which is primarily political in nature, which supports or opposes any candidate for public office or any proposition to be voted upon at an election, or which makes a political statement in the nature of constitutionally protected noncommercial free speech.

Portable sign: A sign designed to be transported, whether on attached wheels or otherwise and regardless if permanently attached or affixed to the ground or a permanent structure, but excluding construction signs, event signs, realty signs, and sidewalk signs.

Projecting sign: A sign, other than an awning sign or canopy sign, whose outside edge extends a distance from the face of a wall or ceiling and is attached either directly to the structure or to a supporting frame, pole, or similar device or which extends beyond a wall by being attached in a similar manner.

Realty sign: A sign which advertises the property on which it is located for sale, lease, or rent.

Residential development sign: A sign at the entrance to a residential development, such as townhouses, an apartment complex, or residential subdivision, and which identifies only the name, logo, and/or the address of the residential development.

Roof sign: Any sign mounted on or above the roof of a building, a sign which is painted directly on a roof, or a sign which is mounted on a sloping roof in the same plane as the roof.



Sidewalk sign: A sign, regardless of its construction, which is designed to be temporarily placed on the ground or sidewalk adjacent to an establishment in order to advertise or call attention to the goods or services offered at that establishment.



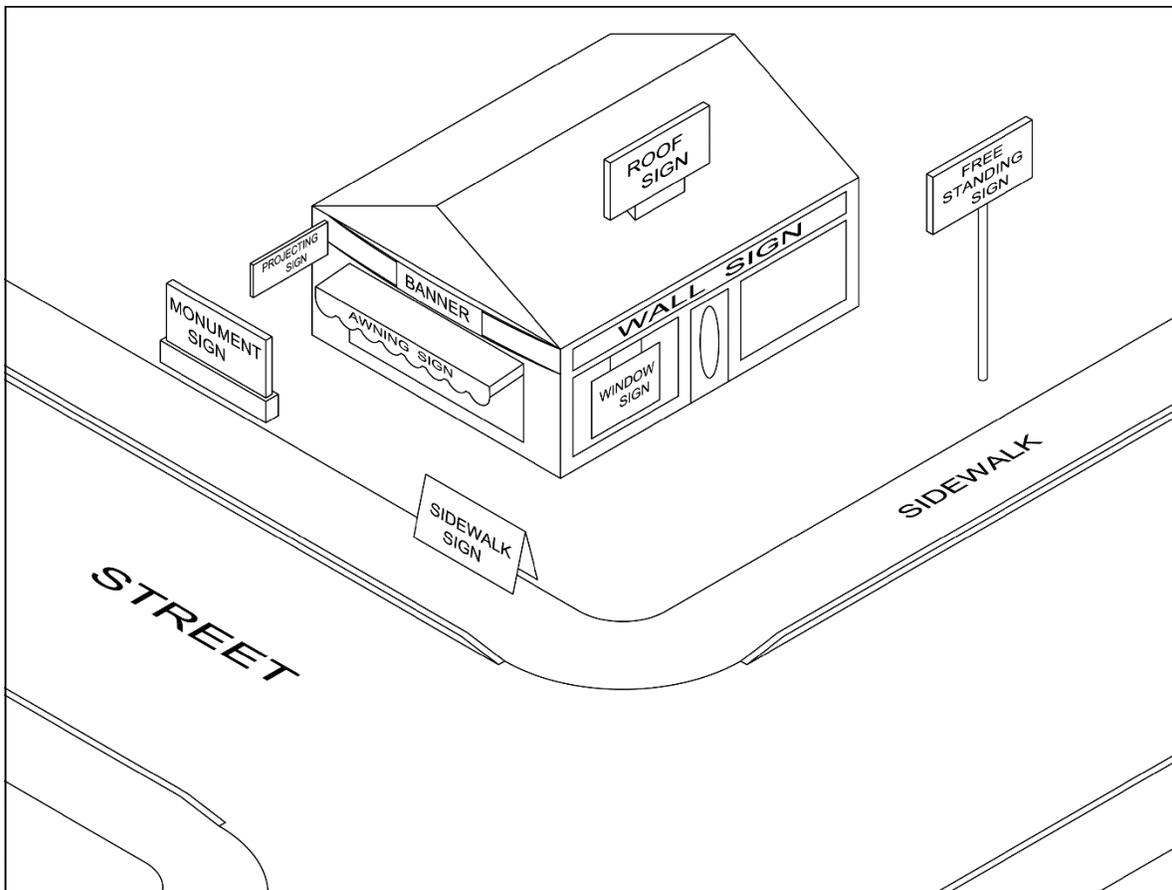
Placard sign: A typically off-premise sign made of any material when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences, other objects or into the ground, and the advertising matter appearing thereon is not applicable to the use of the premises upon which such sign is located. An off-premise “garage sale” sign is an example. A placard sign is not an incidental sign which is located on the premises of the establishment it is intended to serve.



Vehicular sign: A sign attached, mounted, or painted on a vehicle, whether motorized or a trailer and operational or not, and where: 1) the sign is visible from a public right-of-way; and 2) the advertising pertains to a product, service, or business which is located, conducted, or produced at a place other than on the premises upon which the vehicle is located, especially where the vehicle is left unattended/abandoned for more than two hours. This term does not include a customary sign on a vehicle where the vehicle is being used in the normal course of the vehicle owner's business or is in a vehicle window advertising the vehicle itself for sale or containing an incidental noncommercial statement. This sign does not include a political sign.

Wall sign: A sign, other than a wall-mounted incidental sign, that is mounted parallel to the face of a building.

Window or door sign: A sign or mural (*i.e.*, original art display) which is painted on or placed within three feet inside or upon a window or door, or mounted against a window or door and oriented so as to be read or viewed from a public right-of-way.



Sec. 92-6. - Exempt signs.

The following signs do not require a sign permit from the City; however, these signs are subject to the requirements below and may be subject to construction and electrical standards found within other City ordinances, including its building codes:

- (1) An incidental sign but not exceeding four square feet in area and limited to one per establishment (one for each street frontage for corner/“end-cap” establishments) or more than one as long as the total square footage on each frontage for each establishment does not exceed four square feet.
- (2) A banner but limited to one per establishment and not exceeding 80 square feet in area. The banner shall be: 1) securely attached to and covering a portion of a building or other permanent structure, such as a wall; and 2) remain in good condition without torn or tattered portions.
- (3) A government sign.
- (4) A handheld sign but not exceeding six square feet in area.
- (5) A realty sign, but not exceeding 32 square feet in area, except in all residential areas where the sign area must not exceed six square feet. Realty signs are limited to one sign per street frontage and may be in the form of a banner, in which case, the banner must be mounted on and cover a solid board or a similar rigid product.
- (6) A bulletin board but not exceeding 32 square feet.
- (7) A construction sign but limited to one per street frontage for a building or property undergoing construction and which does not exceed 64 square feet in area within a nonresidential area and 16 square feet within a residential area. Individual contractor signs not exceeding three square feet in area are allowed in addition to the construction sign listed in this subsection. All contractor or construction signs must be removed within 30 days of the completion of the construction project and any sign exceeding eight square feet in area must be set back from the property line to the normal building setback line required in the applicable zoning district.
- (8) A community service sign.

- (9) A flag(s), not exceeding three per establishment at any given time, attached to a building or pole(s). In no case may any flag exceed 150 square feet in area, unless located on property directly adjacent to Interstate 10 in which case the maximum size of a flag shall be 375 square feet with a maximum height of 80 feet and affixed to a properly engineered and permitted flagpole. Flags may not be mounted on a building's roof, shall be securely anchored to the ground and capable of withstanding a 70 mph wind, and shall be set back at least 15 feet from the street right-of-way line.
- (10) The rearrangement or replacement of letters, numbers, characters, or pictures on an existing, permitted sign, provided that the area is not enlarged.
- (11) A political sign which does not: exceed 36 square feet in area, exceed eight feet in height, have any lights, or use any moving elements. A political sign may only be placed on property with the consent of the property owner. No political sign may be placed in, on, or over any public right-of-way or City-owned property, except as authorized within Chapter 70, Chapter III of the City's Code (Electioneering at Polling Locations).
- (12) Window sign but may occupy/cover no more than 25 percent of the total window surface area on any nonresidential building façade that is visible from a public street or alley and shall maintain a neat and legible appearance as viewed from a public street or alley. A window "mural" (*i.e.*, original art display) shall count toward the total allowed window coverage as cited above. Luminous gaseous tubing, LED lights, and other strip lighting attached directly to a window, window frame, door, doorframe, or within 3 feet of a window or door shall be considered a "window sign" when forming a border, when directing attention to a premises, or when forming letters, logos, symbols, or pictorial designs of any kind. Luminaries shall not blink, flash, rotate, scroll, change color, increase or decrease in intensity. In addition to these window sign limitations, electronic/programmable window signs shall also comply with the provisions within Section 92-9, below.
- (13) Any permanent sign erected on school district property or any other school campus or public athletic facility for the sole purpose of displaying the school's logo, insignia, trademark, catchphrase, motto, or other similar content associated with any of the school's or facility's sports or extracurricular activities.

- (14) A pole banner, but subject to the following: supporting pole shall be at least 12 feet in height and include a base of four to five inches, an outside diameter of at least four inches, and a wall thickness of at least 0.125 inch; limited to not more than one per pole and one dual banner per each one acre. Where a property is less than one acre, one pole banner is allowed but each additional banner must correlate to at least one full acre, to begin at two acres. No matter the size, no property may use more than 15 pole banners, unless a variance is granted in accordance with this chapter. In addition, each pole banner must be: a) made of a material designed to withstand the weather for at least 30 days; b) mounted or secured to a pole that is anchored within concrete and within a durably constructed bracket of metal or similar material that secures the banner along both the top and bottom; c) not greater than 12 square feet in area (each half or “pane”); d) mounted with a minimum vertical clearance height of six feet and eight inches to the bottom of the banner where it overhangs any sidewalk or pedestrian travel surface, and 14 feet above any vehicular parking or circulation surface; e) a maximum pole height of 30 feet; and f) remain in a condition that is not ripped, torn, or faded.
- (15) Business information sign, limited to one per primary entrance(s) into an establishment, not to exceed 3 square feet in area, shall not blink or move, and shall be turned off when the establishment is closed for business unless displaying the word “closed”.
- (16) Sidewalk sign, which is only allowed within the Downtown Arts and Culture district, which includes the Downtown Core, and subject to the special standards in Section 92-9, below.
- (17) Maintenance to a lawfully placed sign, which includes all care and minor repairs needed to maintain a safe, attractive, and finished structure, frame pole, brackets, or surface and that does not enlarge or materially alter any face or display portion of the sign. Replacing a damaged or structurally unsound frame pole with another frame pole on a legally conforming sign of the same size and height is considered maintenance. Changing the copy on a sign without changing the dimensions of the face or the size of the copy is considered maintenance if the sign serves the same establishment or entity after the change.

Sec. 92-7. - Prohibited signs.

The following signs and devices are prohibited:

- (1) Any sign which has been or is erected, altered, repaired, or relocated without having received an applicable permit from the City to include building and electrical codes, or in accordance with the regulations of this chapter.
- (2) Any sign or support, other than those required by governmental authority or for which a street use permit has been issued, which is located on or over the public right-of-way.
- (3) A moving or animated sign, except feather signs which are allowed per Section 92-9, below.
- (4) No internal or external lighting device used for the illumination of signs may employ sources of light which are directed at streets or any adjacent residential properties. This subsection does not apply to street lights. Any internal or external lighting devices designed to light any sign must have the source of light shielded and not visible from the street or adjacent residential properties, except that light bulbs which do not exceed the lumen output of a 40-watt incandescent bulb may be visible from the street.
- (5) A sign which, by reason of its size, location, movement, content, coloring, or manner of illumination, may be confused with or construed as a traffic control sign, signal, or device, or the lights of emergency or road equipment vehicles or which hide from view any traffic or street sign or signal or device.
- (6) A sign which emits or causes the creation of an audio message or any type of sound.
- (7) A damaged, dilapidated, or deteriorated sign.
- (8) A sign on a vacant (*i.e.*, undeveloped) land parcel.
- (9) A sign located on property which becomes vacant and is unoccupied for a period of 12 months or more or any sign which pertains to a dated event or purpose which no longer applies. This provision does not apply to realty or off-premises signs.

- (10) An unattached or portable sign.
- (11) Vehicular sign.
- (12) Mobile billboard.
- (13) Balloons, and inflatable signs, figures, or devices.
- (14) Beacons.
- (15) Handbills, placard signs, pennants, ribbons, streamers, spinners, flutter flags, pleated fans, windsocks, or strings of any such things or similar devices:
 - a. May not be scattered or placed on or suspended from buildings, poles, sidewalks, trees, fences, or any other structure.
 - b. No person may paste, stick, stack, nail, affix, paint, mark, inscribe, or otherwise place any commercial advertisement, handbill, flyer, placard, poster, inscription or any other type of written matter or object, including any goods, wares, or merchandise, for any commercial purpose upon any building, light or utility pole, post, structure, fence or wall, railing, tree, sidewalk, parkway, driveway, or parking area, or on any other public property other than a sign defined, regulated, and allowed by this chapter or other City ordinance, with the exception of street address numbers that are placed in compliance with City ordinances, and are allowed on curbs and on residential fences to identify house numbers for public safety agencies.

Sec. 92-8. - Regulation of signs within the Downtown Arts and Culture District (DAC), including the Downtown Core (DC).

The following regulations apply to establishments and signs located within the Downtown Arts and Culture District (DAC) and the Downtown Core. Such regulations are in addition to other regulations found within this chapter unless a conflict arises between those provided here and any other, in which case the regulations found within this section will apply:

- (1) Electronic displays, freestanding signs, and feather signs are prohibited within the Downtown Core.

(2) Sidewalk signs.

- a. One sidewalk sign is permitted for each establishment within the Downtown Arts and Culture District (DAC) and the Downtown Core;
- b. A sidewalk sign, prior to placement, may be required to apply for and receive a public right-of-way license agreement from the City, which grants authority to use the sign on City property and will provide conditions for its use;
- c. A sidewalk sign may only be used when the establishment to which it refers is open for business and shall be removed upon the close of business. A sidewalk sign may only be placed in front of the business that the sign is advertising;
- d. A sidewalk sign shall be placed in a manner that will not endanger public safety, create a pedestrian or traffic hazard, or create an ADA non-compliant obstacle or barrier in a sidewalk or public right-of-way, such that a clear pedestrian travel pathway of at least four feet is maintained at all times; and
- e. A sidewalk sign shall not exceed eight square feet in area, two feet in width, and four feet in height and shall not exceed a maximum width of 30 inches.

Sec. 92-9. - Regulations for certain types of signs.

The following signs require a permit from the City and shall comply with the following regulations:

(1) *Awning signs.* An awning sign:

- a. shall not be greater than the width of the awning;
- b. shall not have a height greater than the vertical face only of the awning. For purposes of this subsection, the front vertical surface area for a “bubble” awning is located only on the front of the awning and not on its sides, and comprises the awning surface as measured from the bottom edge to that point on the awning that is less than 45 degrees to the ground plane, as viewed on the elevational view of the awning;

- c. shall not be internally illuminated, but may be illuminated using downward focused wall-mounted “gooseneck” or other decorative wall lighting fixtures, and may not include an electronic display;
- d. shall not be designed and installed as an integral, architectural element of the entire building system, including compatible color and lighting;
- e. shall have a minimum vertical clearance of six feet and eight inches above any sidewalk or pedestrian travel surface and 14 feet above any vehicular parking or circulation surface;
- f. shall not specify any services or products offered for sale or rent on the premises but may consist of the name and/or logo of the business at the location of the awning; and
- g. size counts toward the building’s total allowable wall sign area.

(2) *Canopy signs.* A canopy sign:

- a. shall not extend beyond an edge of the canopy structure to which it is attached;
- b. shall not exceed two-thirds of the width of the canopy fascia to which sign is attached; a minimum spacing of ten feet must be provided between canopy signs along the same canopy fascia and also around canopy corners;
- c. shall not extend more than two feet either above or below the horizontal underside of the canopy structure;
- d. shall have a minimum vertical clearance of six feet and eight inches above any sidewalk or pedestrian travel surface and 14 feet above any vehicular parking or circulation surface;
- e. shall not specify any services or products offered for sale or rent on the premises other than motor fuel pricing and time/temperature displays which may be electronic/digital in design, but may consist of the name and/or logo of the business at the location of the awning; and
- f. size counts toward the building’s total allowable wall sign area if the canopy is attached to a building, such as an attached porte cochere, or

toward the site's total allowable freestanding sign area if the canopy is freestanding, such as over motor fuel islands.

(3) *Canopy roof signs.* A canopy roof sign:

- a. is allowed only as business identifier mounted parallel to the building wall face on top of a canopy roof which may not extend above the main building roof line. Canopy roof sign area will count against allowed area signage at the establishment and will only be allowed in lieu of a projecting sign or wall sign; and
- b. shall not exceed five feet in height with a maximum length of five feet or ten percent of the width of the canopy or wall to which the canopy is attached, whichever is greater;
- c. shall have a minimum vertical clearance of six feet and eight inches above any sidewalk or pedestrian travel surface, and 14 feet above any vehicular parking or circulation surface;
- d. shall not specify any services or products offered for sale or rent on the premises other than motor fuel pricing and time/temperature displays which may be electronic/digital in design, but may consist of the name and/or logo of the business at the location of the canopy; and
- e. size counts toward the building's total allowable wall sign area if the canopy is attached to a building, such as an attached porte cochere, or toward the site's total allowable freestanding sign area if the canopy is freestanding, such as over motor fuel islands).

(4) *Directional signs.* A directional sign:

- a. shall not contain any commercial message except the name, logo, or other symbolic identification of the establishment;
- b. shall not exceed six square feet in area;
- c. shall not exceed six feet in height;
- d. shall not be placed closer than 5 feet to any property or right-of-way line;
- e. shall be permanently mounted or installed;

- f. May be internally lit or externally lit, provided that the lighting source is fully hidden/shielded from public view, but may not contain an electronic display.

(5) *Electronic displays.* An electronic display:

- a. is only allowed on a sign, per this Section 92-9, that is located along, within a distance of 100 feet, and clearly visible from a major thoroughfare or highway, but is only allowed in a residential zoning district on a platted lot if the property is actively used for and operates as a lawful nonresidential use and if the property has at least one frontage on a major thoroughfare or highway, in which case the electronic display may only be placed along such major thoroughfare or highway frontage;
- b. may be used on both on-premise and off-premise signs;
- c. shall not exceed the amount of area that is specifically cited as eligible to be electronic in this Section 92-9;
- d. shall be supplied with underground electrical service;
- e. shall be equipped with a properly functioning automatic dimmer and photocell that will automatically adjust the luminance of the sign relative to natural ambient light conditions so that at no time the sign will exceed the luminance limitations of subsection 92-9(5)n, below;
- f. the owner of an electronic display shall provide the City with current, valid contact information for a person who is authorized and able to turn off the sign, or to render it completely static or solid black-screen, within two hours of notification in the event of a malfunction;
- g. may display black-and-white and/or color images;
- h. shall operate in a way that its message remains static for a minimum of six seconds;
- i. shall operate in a way that all screen transitions, including a fade, occur within one second such that the initial message does not noticeably dissolve or travel;

- j. shall not transition from one display to the next in a manner that requires the viewer to read subsequent displays in order to determine the message being conveyed;
- k. shall not use motion, such as an animated or scrolling message, and may not flash, blink, “strobe”, or otherwise give the appearance of movement or significant change in illumination intensity;
- l. shall not emit or cause the creation of an audio message or any type of sound;
- m. may be allowed as a portion of a window sign, as set forth in this section and in this Section 92-9;
- n. shall not exceed a light intensity or brightness level of 500 NITS during the nighttime hours or 7000 NITS during daylight. Before issuance of a permit for an electronic display, the applicant shall provide a written certification from the sign manufacturer that:
 - 1. the sign’s light intensity has been factory programmed to comply with the maximum brightness and dimming standards of this subsection; and
 - 2. the factory-programmed light intensity settings are protected from end-user manipulation by password-protected software or by other protective security method that is satisfactory to the City.
- o. shall be turned off or only display a solid black screen from 8:00 pm to 6:00 am when located within 200 feet of a residential use or a public park or playground;
- p. the owner and/or operator of an electronic display shall coordinate with local authorities to display, when appropriate, emergency information that is important to the traveling public, such as Amber Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages must remain in the advertising rotation, or static when necessary, according to the protocols of the agency that issues the information per state law.

(6) *Feather signs.* A feather sign:

- a. is limited to five per establishment at any given time;
- b. shall be set back at least five feet from any street right-of-way or other property line;
- c. shall not be displayed more than 20 days within any calendar year; and
- d. a permit will not be issued for less than five days.

(7) *Freestanding signs.*

- a. One freestanding sign, or possibly two if cited as allowed due to amount of street frontage as set forth in this Section 92-9, is allowed on nonresidential property for an establishment that does not have a monument sign and is located such that it has frontage along one of the following highways or streets, but excluding the area within the Downtown Core:
 1. State Highways 16, 27, 173, FM 783, Loop 534, and Spur 98;
 2. Holdsworth Drive;
 3. Water Street, for the area between its intersections with State Highway 27 on the west to its termination with State Highway 27 on the east;
 4. Schreiner Street, for the area between its intersections with State Highway 16 and Paschal Avenue;
 5. McFarland Street, for the area between its intersections with Clay Street and Paschal Avenue;
 6. Clay Street, Quinlan Street, and Hays Street, for the area between their intersections with McFarland Street and State Highway 27;
 7. Rodriguez Street, for the area between its intersections with McFarland Street and Jefferson Street;

8. Francisco Lemos Street, for the area between its intersections with Schreiner Street and Water Street; and
 9. G Street, for the area between its intersections with State Highway 16 S. and State Highway 27 (Broadway).
- b. A freestanding sign shall not be located on a lot that is less than 50 feet wide. However, where a lot is less than 50 feet wide but is combined within another lot for one business or as part of a commercial complex and the resulting width of the combined lots equal or exceed 50 feet, then one shared freestanding sign is allowed, with an appropriate easement and/or mutual-use agreement, which shall not exceed 20 feet in height and which may be internally lit or externally lit, provided that the lighting source is fully hidden/shielded from public view. In addition, where a freestanding sign is prohibited by the 50-foot lot width requirement, a monument sign will be allowed.
 - c. A freestanding sign shall not be located within 50 feet of another freestanding sign and no commercial complex may have more than one shared freestanding sign, without an appropriate easement and/or mutual-use agreement.
 - d. A freestanding sign located on a lot between 50 feet and 199 feet in width:
 1. shall not exceed 100 square feet in area, of which a maximum of 32 square feet of the total allowed sign area may be an electronic display;
 2. shall not exceed 30 feet in height;
 3. may be internally lit or externally lit, provided that the lighting source is fully hidden/shielded from public view;
 4. shall not be located within 50 feet of any other freestanding sign; and
 5. Located on a through lot may have one freestanding sign on each of the two parallel street frontages, provided that the signs meet all other requirements of this chapter, including the distance requirement of 50 feet between signs.

- e. A freestanding sign located on a lot between 200 feet and 399 feet in width:
 - 1. shall not exceed 150 square feet in area, of which a maximum of 32 square feet of the total allowed sign area may be an electronic display;
 - 2. shall not exceed 35 feet in height;
 - 3. may be internally lit or externally lit, provided that the lighting source is fully hidden/shielded from public view;
 - 4. May not be located within 60 feet of any other freestanding sign; and
 - 5. Located on a through lot may have one freestanding sign on each of the two parallel street frontages, provided that the signs meet all other requirements of this chapter, including the distance requirement of 60 feet between signs.

- f. Up to two freestanding signs, on each street frontage, may be located on a lot 400 feet or greater in width on each frontage. Such a freestanding sign(s):
 - 1. shall not exceed 200 square feet in area for one sign, of which a maximum of 32 square feet of the total allowed sign area may be an electronic display, and may not exceed 100 square feet for the other sign (if utilized), of which a maximum of 32 square feet of the total allowed sign area may be an electronic display;
 - 2. shall not exceed 40 feet in height for the larger sign and 30 feet for the smaller one, if any;
 - 3. may be internally lit or externally lit (provided that the lighting source is fully hidden/shielded from public view); and
 - 4. shall not be located within 70 feet of any other freestanding sign.

- (8) *Lighted signs.* An establishment may only have one lighted window or door sign per establishment, per street frontage, and such sign not to exceed three square feet in area. Such signs shall not blink or move and shall be turned off when the establishment is closed for business.

(9) *Model home signs.* A model home sign:

- a. may be installed but only on the site of a model home and is limited to one per site;
- b. shall not exceed 16 square feet in area or six feet in height;
- c. shall be placed at least five feet from any property or right-of-way line, and not within an easement;
- d. shall not be internally illuminated, but may have a fully hidden/shielded external light source only, and shall not contain an electronic display; and
- e. shall be immediately removed after 100 percent of the lots within the subdivision are sold by the developer or successor in interest, including the model home.

(10) *Monument signs.*

- a. One monument sign is allowed for each establishment that does not have a freestanding sign and is located on property that is 50 feet or less in width, such sign:
 1. shall not exceed 32 square feet in area of which a maximum of 100% of the sign area may be an electronic display;
 2. shall not exceed six feet in height, except in instances where a freestanding sign is allowed, in which case the height may not exceed the allowable height for the freestanding sign;
 3. shall not be located within 25 feet of another freestanding sign;
 4. may be internally lit or externally lit, provided that the lighting source is fully hidden/shielded from public view; and
 5. shall be anchored in a native colored masonry or similar material to the building(s) constructed on the property.

- b. One monument sign is allowed for each establishment that does not have a freestanding sign and is located on property that exceeds 50 feet in width, such sign:
 1. shall not exceed 64 square feet in area, of which a maximum of 32 square feet of the total sign area may be an electronic display;
 2. shall not exceed eight feet in height above the top of the adjacent street or driveway level, except in instances where a freestanding sign is allowed, in which case the height may not exceed the allowable height for the freestanding sign;
 3. shall not be located within 50 feet of another monument or freestanding sign;
 4. may be internally lit or externally lit, provided that the lighting source is fully hidden/shielded from public view; and
 5. shall be anchored in a native colored masonry or similar material to the building(s) constructed on the property.
- c. In the case of a commercial complex, one shared monument sign is allowed, with an appropriate easement and/or mutual-use agreement. Such a monument sign:
 1. shall not exceed 100 square feet in area, of which a maximum of 32 square feet of the sign area may be an electronic display;
 2. shall not exceed 15 feet above the top of the adjacent street or driveway level, except in instances where a freestanding sign is allowed, in which case the height may not exceed the allowable height for the freestanding sign;
 3. shall not be located within 60 feet of another monument or freestanding sign;
 4. may be internally lit or externally lit (provided that the lighting source is fully hidden/shielded from public view); and
 5. shall be anchored in native colored masonry or similar material to the building(s) constructed on the property.

- (11) *Murals.* A mural:
- a. shall occupy only one façade of any building.
 - b. shall only be placed on the vertical façade of a building and may not exceed or protrude beyond the building façade's width or height; and
 - c. shall be professionally applied by an experienced mural-painting artisan(s) using paint/media that will weather well and will generally remain legible and in its original appearance for at least five years following application.
- (12) *Off-premises, freestanding signs.* All off-premises signs, to include billboards, are defined as freestanding signs and are required to meet the same standard as any other freestanding sign as follows:
- a. shall not exceed 100 square feet in area, of which a maximum of 32 square feet of the total allowable sign area may be an electronic display;
 - b. shall not exceed 30 feet in height;
 - c. may be internally lit or externally lit (provided that the lighting source is fully hidden/shielded from public view); and
 - d. no off-premises sign may be located on any vacant (*i.e.*, undeveloped) or unplatted land parcel, nor may it be located on a platted lot that is less than 50 feet in width. The off-premises advertising sign located on any lot will be considered as the one freestanding sign allowed for the lot. Any existing or future building or business located on the same lot will not be allowed to erect or place another freestanding sign on the same building lot with the off-premises advertising sign.
- (13) *Projecting signs.* A projecting sign:
- a. is limited to one per entrance to an establishment with a minimum spacing of ten feet provided between such signs;
 - b. shall not exceed 16 square feet in area within any residential zoning district or 32 square feet in area within a nonresidential zoning district;

- c. shall not exceed 20 feet in height;
- d. shall not extend more than nine feet above the roofline, or top edge of parapet of the building, or more than nine feet beyond the end of the wall to which it is attached, as measured from such roofline or wall face to which the sign is attached, as applicable;
- e. attached to a building on private property shall not extend over any public right-of-way except a sidewalk adjacent to a building which is lawfully built up to the public right-of-way;
- f. shall not be internally illuminated or contain an electronic display;
- g. shall have a minimum vertical clearance of six feet and eight inches above any sidewalk or pedestrian travel surface, and 14 feet above any vehicular parking or circulation surface;
- h. shall not specify any services or products offered for sale or rent on the premises but may consist of the name and/or logo of the business at the location of the building the sign is attached to; and
- i. size counts toward the building's total allowable wall sign area.

(14) *Residential development signs.* A residential development sign:

- a. shall not exceed 32 square feet in area with six or fewer residential units and the lesser area of either five square feet per residential unit or 50 square feet in total if more than six residential units;
- b. shall not be internally illuminated or contain an electronic display; and
- c. shall become common property of the condominium development or the subdivision homeowners and shall include adequate assurance within the condominium regime or restrictive covenants that the sign(s) and associated landscaped area(s), if present, shall be owned and properly maintained in perpetuity by the condominium or homeowners association.
- d. shall not be located within public right-of-way or within any public or utility easement.

(15) *Roof signs.* A roof sign:

- a. is allowed but only for an establishment that chooses not to install or use a wall sign;
- b. shall not exceed the height of the apex of the roof;
- c. shall not exceed 12 percent of the square footage of the area of the front building façade, which is limited to the width of specific space for establishments located within a commercial complex; and
- d. placed on a flat roof or a roof with a pitch of three on 12 shall not exceed four feet in height.

(16) *Wall signs.* A wall sign:

- a. is allowed for each wall but shall not exceed 12 percent of the square footage of the facade to which the sign is mounted;
- b. shall be securely mounted to and supported by the wall throughout the length and width of the sign;
- c. may be internally lit, unless otherwise restricted by zoning or private restrictions/covenants;
- d. shall not contain an electronic display;
- e. shall not project over any public land or public right-of-way or extend more than one foot from the face of the wall to which the sign is mounted, or extend at any point above or beyond the end of such wall; and
- f. may be painted directly on the building wall, provided that such sign is professionally applied by an experienced painting artisan(s) using paint/media that will weather well and will generally remain legible and in its original appearance for at least five years following application.

Sec. 92-10. - Prohibited sign locations.

No sign may be located within the City or extraterritorial jurisdiction as follows:

- (1) No sign shall be placed on or attached to any tree; fence, except for agricultural-related perimeter fences or gates which may display the address and name of the property's owner/occupant; a freestanding wall, such as a screening wall; post or pole; accessory building; agricultural- or farm-related building or structure; or non-habitable building or structure.
- (2) No sign shall be placed on or attached to any utility pole or pedestal, except by a utility company owning the pole or pedestal or operating facilities mounted on the pole or in the pedestal.
- (3) No sign or part of a sign, including mounting fixtures and supporting structures, shall be located on or above any City property to include public rights-of-way, except as permitted by other provisions of this chapter and Chapter 70, Chapter III of the City's Code (Electioneering at Polling Locations).
- (4) No sign or part of a sign, including mounting fixtures and supporting structures, which is mounted above or projects over any sidewalk, recreational trail, street, drive, or parking area, whether on public or private property, shall be hung with less than six feet and eight inches of vertical clearance above the sidewalk or pedestrian travel surface or less than 14 feet of vertical clearance above any vehicular parking or circulation surface.
- (5) No sign or part of a sign or its support structure shall be located between two feet and ten feet above the established ground level within the area of a clear sight triangle for traffic extending 25 feet in each direction from the point of a street intersection as measured along the projected right-of-way lines for two streets, and as measured along a street right-of-way line and the pavement edge for private driveways and fire lane entrances.
- (6) No sign shall be located closer than 12 feet to a power line.
- (7) No lighted sign and no permanent sign shall be mounted or placed on or extended above the side wall or rear wall of any building, or be located in the side yard or rear yard of any lot or tract of land, when such sign faces

upon and is visible from a contiguous residential area not separated from the building, lot, or tract containing the sign.

Sec. 92-11. - Sign permits.

(a) *Permit and fee required.* No person may install, place, rebuild, alter, enlarge, extend, convert, replace, repair, or relocate those signs specified within Sections 92-8 and 92-9, above, without first obtaining a sign permit from the City. For purposes of this subsection, “repair” is defined as work or alterations required to be done to a sign which amounts to 50 percent or more of the value of the sign. Each permit will be granted for one year. Signs not requiring a sign permit may, however, require a permit pursuant to the City’s building codes. Each application for a sign permit must be accompanied by the appropriate fee established by City Council and by such drawings, descriptions, and specifications as determined by the City to be necessary for review of the application. Upon receipt of an administratively complete application and the requisite fee(s), the City will approve or deny said permit as soon as possible but in no instance longer than 30 days of receipt thereof.

(b) *Exemptions from permit requirement.* The following actions are exempt from the requirement of a sign permit: repainting or replacing letters or characters on an existing sign, provided that the area of the sign is not enlarged and that the height of the sign is not increased, and that the sign does not advertise or announce a new/different business; changing the copy on a bulletin board or changeable copy sign; and replacing the fabric or other material of an awning sign when no other change is made to the sign.

(c) *Expiration of certain permits.* A sign permit for any sign whose use is limited to a time period specified by this chapter or whose removal is required at a certain time by this chapter, will be issued for a specified term which shall not exceed the time limit established by this chapter.

(d) *Enforcement.* Following the issuance of a sign permit by the City, it is unlawful to change, modify, alter, or otherwise deviate from the terms and conditions of the permit without prior approval of the City. Where the City obtains evidence of a sign that was installed, constructed, rebuilt, altered, enlarged, extended, converted, replaced, repaired, or relocated in violation of this chapter or any other regulation of the City, the City may require the responsible party to remove it. If the responsible party fails to remove the sign within 72 hours after being notified to do so, or if it appears to the City that the illegal sign placement or configuration poses an immediate danger to the

public, then such sign may be removed by the City and the City's actual cost of removal will be charged to the responsible party. The City will impound any sign so removed and will not return it to the responsible party until all applicable charges are paid. If any sign remains unclaimed for a period of more than 30 days, the City may destroy, sell, or otherwise dispose of the sign.

(e) *Suspension or revocation of permit.* The City may suspend or revoke any sign permit issued under the provisions of this chapter upon a determination that the permit was issued on the basis of incorrect or false information provided by the applicant. The suspension or revocation is effective immediately upon written notice being personally delivered or mailed to the person to whom the sign permit was issued at the address provided by the applicant in the respective sign permit application, to the owner or benefactor of the sign, or to the owner of the premises upon which the sign is located. Any sign installed under a revoked sign permit shall be removed by the permit holder, sign owner, or property owner within 15 days following the hand-delivery or the mailing postmark of the written notice of the revocation.

(f) *State law.* Per the Administrative Rules of the Texas Department of Licensing and Regulations (TDLR), only a contractor who has a Texas Electric Contractor License (TECL) or a Texas Sign Contractor License (TSCL) may perform or "offer to perform" any electrical sign installation, including an electronic display. The design of an electrical sign, including an electronic display, shall only be done by a licensed master electrician, master sign electrician, or design professional as authorized by statute. The design shall not be subcontracted to an unlicensed person, firm, or corporation.

Sec. 92-12. - Sign maintenance.

(a) *Maintenance required.* All signs shall be maintained in a structurally safe condition and in good repair. The City will notify by actual notice and/or certified mail, the responsible party for any sign not so maintained and the responsible party shall perform the necessary maintenance or repairs within 30 days following the postmark date on the notice. The City may remove any sign not repaired within the allotted time and the actual cost of such removal will be charged to the responsible party. If the City removes an unmaintained or disrepaired sign and the sign remains unclaimed for a period of more than 30 days, the City may destroy, sell, or otherwise dispose of the sign without notice or liability.

(b) *Removal of hazardous signs.* Any sign which in the judgment of the City has become an imminent hazard to public safety, either because of an incident of damage or because of neglect of maintenance, shall be repaired or removed by the responsible party without delay. Notice of the existence of the hazard will specify the maximum time allowed for repairs or removal in order to ensure public safety and the notice may be served upon the responsible party by any means available. A hazardous sign which is not repaired or removed within the time specified in the notice will be removed by the City and the cost of such removal shall be charged to the responsible party. If the City removes a sign and the sign remains unclaimed for a period of more than 30 days, the City may destroy, sell, or otherwise dispose of the sign.

Sec. 92-13. - Nonconforming signs.

(a) *Continuation in use.* The lawful use of signs in existence at the time of the adoption of this chapter, including a sign which does not comply with the regulations contained in this chapter, may continue as a legal, nonconforming sign, except as follows:

- (1) Temporary signs such as inflatable signs, figures, or devices, which are prohibited, shall be removed within 30 days of the adoption of this chapter;
- (2) An electronic display must comply with the operational regulations found with Section 92-9, above, within 30 days of the adoption of this chapter;
- (3) Where an electronic display exceeds 32 square feet but is prohibited by this chapter from exceeding this size, such sign may be replaced to equal its existing area but may not exceed this area; and
- (4) If the use of any nonconforming sign is discontinued for a period of 180 consecutive days or more, then the responsible party shall remove or alter the sign to meet the regulations found within this chapter and any future use of the sign must fully comply with this chapter.

(b) *Limitations on modification.* No nonconforming sign may be enlarged in area, increased in height, moved, altered, or remodeled unless and until its construction, area, height and location are all in conformity with this chapter. A nonconforming sign may be repainted and the letters or characters on the

sign may be rearranged or replaced, however the changes cannot be made to advertise a new business.

(c) *Removal of damaged, dilapidated and deteriorated signs.* A responsible party shall remove a nonconforming sign, which is damaged by any cause to the extent of 50 percent or more of its value within 30 days of the damage. A nonconforming sign damaged to the extent of 50 percent or more of its value may not be replaced or rebuilt except by a sign that complies with this chapter. Dilapidated and deteriorated signs, conforming or nonconforming, shall be removed within 30 days following the postmark date of the written notice by the City to do so.

Sec. 92-14. - Variances.

(a) *Application.* Any person, business, or other organization desiring to continue in use, locate, construct, or otherwise place any sign or mural which does not conform to the provisions of this chapter may make application to the Planning and Zoning Commission for a variance to continue in use, locate, construct, or otherwise place such a sign.

(b) *Process.* An application for a variance must be filed with the City and include the following:

- (1) Name/address of the applicant/owner;
- (2) Address and legal description of the property;
- (3) Statement that the applicant is the owner of the property, represents the owner, or is acting pursuant to a contract for sale with the written permission of the owner;
- (4) Site plans, elevations, improvement plans, and such other drawings or depictions, including photographs that sufficiently indicate property lot lines; the location, appearance, and intended use of building/structures and signs on the property; location of other improvements, parking and loading areas, vehicular and pedestrian access, landscaped areas, and utility service lines; and the approximate location of buildings/structures and signs located on adjacent properties;
- (5) A drawing or sketch in sufficient detail to determine the location and type of construction for the proposed sign; and

(6) Fee established by City Council.

(c) *Administrative timeline.* Upon receipt of an administratively complete application, as determined by the City, and accompanied by the requisite fee, the Commission will approve, approve with modifications, or deny said variance within 30 days of receipt thereof.

(d) *Preliminary conference.* The applicant must meet with the City to consider alternatives and the nature of the application prior to or during the application process.

(e) *Public hearing.* The Commission shall hold a public hearing on each application for a variance using the same notice requirements as required for Commission hearings conducted for zoning code amendments. At the public hearing, the Commission shall review the application and receive pertinent evidence concerning the proposed variance.

(f) *Report of the development services department.* The City's Development Services Department shall review the application prior to the hearing.

(g) *Action by the Planning and Zoning Commission.* The Commission may grant the variance as presented or in a modified form or subject to conditions, or it may deny the application on the grounds of being incompatible with a neighboring use(s), traffic safety, the purpose statements as listed in this chapter, or that it will give a business an unfair competitive advantage over other businesses. The Commission may impose such conditions or requirements in a variance as are necessary in its judgment to protect the overall character of the community and to achieve the fundamental purposes of this chapter and the City's development plan and other regulations. A responsible party who fails to comply with any such conditions or requirements is in violation of this chapter.

(h) *Evaluation criteria.*

(1) The Commission must use the following criteria when considering variances to this chapter and no variance may be granted until it makes the following findings whether collectively :

a. That there are exceptional circumstances or conditions applicable to the property on which the application is made related to size, shape,

area, topography, surrounding condition(s) or location that do not apply generally to other property in the same area and/or the same zoning district;

- b. That exceptional circumstances or conditions are such that literal enforcement of the provisions of this chapter would result in an unnecessary hardship inconsistent with the general purpose and intent of this chapter;
- c. That the granting of such variance will not be contrary to the public interest, materially detrimental to the public welfare, or injurious to the property or improvements in the zoning district or area in which the property is located;
- d. That the granting of such variance will not be contrary to the objectives and principles contained in the City's comprehensive plan;
- e. That the variance to be granted is the minimum variance that will relieve the proven hardship;
- f. That the variance is not being granted to relieve the applicant of conditions or circumstances:
 - 1. Which are not inherent in the property itself, but are the result of the use or development of the property;
 - 2. Which are caused by a division of land on or after June 16, 1997, other than a division of land resulting from the sale of a property interest to a governmental entity, which division of land caused the property to be unusable for any reasonable development under the existing regulations; or
 - 3. Which were otherwise self-imposed by the present or a previous owner;
- g. That the variance is not grounded solely upon the opportunity to make the property more profitable or to reduce expense to the current or any future owner;
- h. That the variance would not modify or effectively repeal any development or use regulations set forth in a conditional use permit or an ordinance or resolution adopting a development site plan or

establishing a special use district or planned development district which are in addition to the generally applicable use and development regulations set forth in the City's zoning code; and

- i. That the variance would only affect a specific sign and is not of such a general nature as to effectively constitute a change in zoning.

(2) No variance may be granted for signs that are listed as a prohibited sign.

(i) *Conditions of variances.* If a variance is granted and the sign so authorized is not substantially under construction within 180 days following the date of approval of the variance, the variance shall immediately and automatically lapse and become of no force or effect.

Sec. 92-15. - Relation to other ordinances.

This chapter will not be construed to require or allow any act that is prohibited by any other City code or ordinance. This chapter is specifically subordinate to any other ordinance or regulation of the City pertaining to building and construction safety or to pedestrian and traffic safety.

Sec. 92-16. - Severability.

If any portion of this chapter or any section or subdivision thereof be declared unconstitutional or in violation of the general laws of the state, such declaration will not affect the remainder of this chapter which will remain in full force and effect.

Sec. 92-17. - Enforcement.

(a) *Violations and penalties.* Wherever by the provisions of this chapter the performance of any act is required or the performance of any act is prohibited, or wherever any regulation, dimension, or limitation is imposed on the location, design, or use of any sign, a failure to comply with the provisions of this chapter will constitute a violation of this chapter. The City Manager may institute any appropriate action or proceedings to prevent the unlawful installation, construction, reconstruction, relocation, alteration, repair, or use of any sign and to restrain, correct, or abate such violation. Every day on which a violation exists will constitute a separate violation and a separate offense. The penalty for each offense will not exceed \$2,000.00 but in no case will the fine for any violation hereof be less than \$200.00.

(b) *Civil remedies.* Nothing in this chapter may be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this chapter and to seek remedies as allowed by law, including the following:

- (1) Injunctive relief to prevent specific conduct that violates the chapter or to require specific conduct that is necessary for compliance with the chapter; and
- (2) A civil penalty up to \$500.00 a day when it is shown that the defendant was notified of the provisions of the chapter and after receiving notice committed acts in violation of the chapter or failed to take action necessary for compliance with the chapter; and
- (3) Any other remedy available by law.