

**AN ORDINANCE OF THE CITY OF LEON VALLEY, TX, CITY COUNCIL AMENDING ORDINANCE CHAPTER 3 BUILDING REGULATIONS ARTICLE 3.04 SIGNS, MAKING ADMINISTRATIVE CHANGES AND AMENDING 3.04.001 PURPOSE, 3.04.002 DEFINITIONS, 3.04.007 NONCONFORMING, 3.04.011 ON-PREMISE SIGNS, 3.04.012 OFF-PREMISES SIGNS, 3.04.013 TEMPORARY SIGNS, 3.04.014 PROHIBITED SIGNS, 3.04.015 SIGNS EXEMPT FROM PERMIT REQUIREMENTS, 3.04.016 DESIGN CONSTRUCTION AND MAINTENANCE, 3.04.017 MASTER SIGN PLANS**

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**WHEREAS**, the Chapter of the City's Code of Ordinances establishes the City's building regulations pursuant to Chapter 214 of the Texas local government code; and

**WHEREAS**, Section 3.04, signs contains regulations pertaining to signage;

**WHEREAS**, the City Council now desires to amend Article 3.04 as provided in Exhibit A.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS:**

**SECTION 1.** The Amendments to Article 3.04 Signs are hereby authorized.

**SECTION 2.** The financial allocations in this Ordinance are subject to approval by the Director of Finance. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific accounts as necessary to carry out the purpose of this Ordinance.

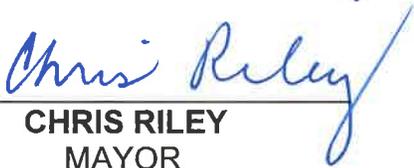
**SECTION 3.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance.

**SECTION 4.** The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this Ordinance.

**SECTION 5.** This Ordinance shall become effective immediately upon its passage and publication as required by law.

**PASSED, ADOPTED AND APPROVED** by the City Council of the City of Leon Valley  
this the 7<sup>th</sup> day of, May 2024.

**APPROVED**

  
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**CHRIS RILEY**  
MAYOR

Attest:

  
\_\_\_\_\_  
**SAUNDRA PASSAILAIGUE**  
City Secretary

Approved as to Form:

  
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**ARTURO D. 'ART' RODRIGUEZ**  
City Attorney



Chapter 3 - BUILDING REGULATIONS  
ARTICLE 3.04 SIGNS

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**ARTICLE 3.04 SIGNS<sup>1</sup>**

**Sec. 3.04.001 Purpose**

- (a) The purposes of this article are the following:
- (1) To promote the public health, safety and welfare through reasonable, effective, consistent, content-neutral and nondiscriminatory sign standards and requirements;
  - (2) To fulfill the city's vision statement, which says in part that: "The city will exhibit a distinctive, clear, physical and welcoming identity at all its boundaries and throughout the community, using aesthetically pleasing, harmonious signage";
  - (3) To improve pedestrian and traffic safety;
  - (4) To encourage the effective use of signs as a means of communication;
  - (5) To maintain and enhance the city's ability to attract sources of economic development and growth;
  - (6) To minimize the possible adverse effects of signs to nearby public and private property; and
  - (7) To enable the fair and consistent enforcement of community standards.

~~(b) This article is aimed at achieving the goals, objectives, and policies enumerated in the city master plan and is adopted pursuant to chapter 216 of the Texas Local Government Code.~~

~~(c) Sign requirements and conditions contained in article 15.02, appendix C will supersede the requirements of this article where applicable.~~

~~(Ordinance 06-024 adopted 9-5-06; Ordinance 10-002 adopted 1-5-10; 2008 Code, sec. 3.04.001)~~

**Sec. 3.04.002 Definitions**

For the purposes of this article, the following definitions shall apply:

*Abandoned sign.* A sign which no longer correctly directs or instructs any person or advertises a bona fide business, service, product, or person on the premises where the sign is displayed. If the business, service, product, or person advertised or identified by an on-site sign ceases to be conducted at that site without being replaced by a new business, service, product, or person, the nonconforming sign shall be classified an abandoned sign.

*Advertising flag.* Any commercial flag designed for or having the effect of attracting attention, promotion or advertising.

*A-frame sign.* Any two-sided, self-supporting portable sign.

*Airborne sign.* A sign on a balloon or inflatable sign.

*Anchor tenant.* The major store or stores in a shopping center. Anchor tenants are in excess of 100 business front feet and have a minimum area of 10,000 square feet.

*Animated sign.* Any sign which includes action or motion.

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<sup>1</sup>State law reference(s)—Authority of municipality to regulate signs, V.T.C.A., Local Government Code, ch. 216.

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*Awning sign.* A sign composed of cloth or canvas supported by a rigid or metal framework attached to and extending from an exterior wall or any other portion of a building.

*Banner.* A temporary sign made of fabric, plastic, paper, or other light, pliable or nonrigid material, not enclosed in a rigid frame (not including a fabric sign as defined herein).

*Beacon.* Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

*Billboard.* See "Off-premises sign."

*Building code.* The International Building Code and the National Electrical Code, being whichever edition is adopted or as changed by city council periodically.

*Building face or wall.* A window and wall area of a building in one plane or elevation.

*Canopy/tent.* A roof-like covering that is temporary or portable in nature and which does not project over a window, building entrance, or walkway.

*Changeable copy sign.* A sign on which copy is changed manually, such as reader boards with changeable letters or changeable pictorial panels.

*Charitable project or benefit.* Proceeds must be for a qualified 501C entity pursuant to the Internal Revenue Code.

*Commercial message.* Any sign wording, logo or other representation that directly or indirectly names, advertises, or calls attention to a business, product, service, or other commercial activity.

*Conforming sign.* Signs built and maintained in accordance with the terms of this article.

*Construction sign.* A sign located on a site which announces and identifies a construction project which has been scheduled or is underway.

*Copy.* The wording or graphics on a sign surface.

*Directional sign.* Signs used to indicate the direction to entrances, exits, parking areas, restrooms, or other related facilities on the site on which the sign is located.

*Directory sign.* A sign which gives the names of the businesses or individuals located in the building or complex where it is located. A directory sign shall be of unified and common material, and shall allow for a uniform size sign for each business or unit of space in the development.

*Display surface.* The area made available by the sign structure for the purpose of displaying the advertising message.

*Double-faced sign.* Any sign having two faces which are no more than 12 inches apart at their closest point, and which describe an internal angle between face planes extended no more than 30 degrees.

*Electric sign.* Any sign containing electrical wiring, but not including illumination by an exterior light source.

*Electronic message board.* A sign on which the copy/advertising changes automatically on a lamp bank or through mechanical means, also known as light emitting diode (LED) or static electronic digital display.

*Erected.* Attached, altered, built, constructed, reconstructed, enlarged or moved, and shall include the painting of wall signs.

*Fabric sign.* A sign made of fabric or other nonrigid material, enclosed in a permanent frame and erected as a permanent, on-site sign for a business, service, product, or person.

*Facade.* The front or main part of a building facing a street.

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*Face of sign.* The entire area of a sign on which copy could be placed. The area of a sign which is visible from one direction.

*Flag.* A fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, corporation or other similar entity.

*Flashing sign.* Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation or an extremely [externally] mounted intermittent light source.

*Freestanding sign.* Any sign which is not attached to or on the walls, face or exterior of the building. Also see "Pole sign."

*Frontage.* Total footage measured along the public right-of-way where the subject property abuts said right-of-way.

*Government sign.* Governmental signs for control of traffic and other regulatory purposes, street signs, danger signs, railroad crossing signs, and signs of public service companies indicating danger and aids to service or safety which are erected by or on the order of a public officer in the performance of his public duty. This includes signs erected and maintained by the city. Signs required or specifically authorized for a public purpose by any law, statute or ordinance, which may be of any type, number, area, height above grade, location, illumination, or animation, required by the law, statute or ordinance under which the signs are erected.

*Grand opening.* The initial opening of a new business.

*Ground level.* The immediate surrounding grade.

*Height of sign.* The vertical distance measured from the surrounding grade to the highest point on the sign or sign structure.

*High-rise building.* A structure of more than six stories in height.

*Illegal sign.* Any sign not legally permitted prior to or after the adoption of this article.

*Illuminated sign.* Any sign that uses artificial light, either internal or external to the sign faces, to draw attention to the sign or otherwise increase its visibility.

*Indirect lighting.* A light source separated from the surface and illuminating the sign surface by means of spotlights or similar fixtures.

*Instructional sign.* A sign conveying non-advertising information relating to the use of the premises, including such signs as "No Parking," "No Trespassing," and "No Skateboarding."

*Internally illuminated sign.* A sign which uses artificial light from behind the sign face to increase its visibility.

*Logo.* A letter, character, or symbol used to represent a person, corporation or business enterprise.

*Lot.* A parcel, tract, plot or area of land accessible by means of a street or other permanently reserved principal means of access. It may be a single parcel separately described in a deed or plat, or it may include parts of or a combination of such parcels when adjacent to one another and used as a whole.

*Marquee.* Any permanent roof-like structure at the entry to a building, which projects beyond the building or extends along and projects beyond the wall of the building, and which generally contains a commercial message(s), and is designed to provide protection from the weather.

*Master sign plan.* The master sign plan is the device employed by the city council to ensure an appropriate balance between architecture, signage and neighborhood aesthetics. As projects grow in size, opportunities for effective signage other than as specified in the sign guidelines and ordinances increase. By reducing clutter, effective master sign plans allow businesses to more readily offer goods and services. Master sign plans address

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the community's need for attractive unobtrusive architecture and commercial graphics. Master sign plans are recommended for certain businesses. Refer to "Leon Valley Sign Guidelines" for additional information.

*Menu board.* A sign placed so as to be viewed from a drive-through lane and containing a listing of products and prices offered by the business. A menu board may include a mechanism for ordering products while viewing the sign.

*Monument sign.* A ground-mounted sign with a low overall height.

*Multi-tenant sign.* A sign which consists of a composite of four or more individual signs identifying the businesses located in a commercial or office complex.

*Noncombustible.*

- (1) As applied to building construction material, means a material which, in the form in which it is used, is either one of the following:
  - (A) Material of which no part will ignite and burn when subjected to fire. Any material conforming to the 2021 International Building Code Uniform Building Code (IBC) standards, as published by the International Code Council, including all its appendices and references, and all its subsequent supplements and changes in and to said 2021 edition and references, standards for noncombustible materials shall be considered noncombustible within the meaning of this section.
  - (B) Material having a structural base of noncombustible material as defined in subsection (A) above, with a surfacing material not over 1/8 inch thick which has a flame-spread rating of 50 or less.
- (2) Noncombustible does not apply to surface finish materials. Materials required to be noncombustible for reduced clearances to flues, heating appliances, or other sources of high temperature shall refer to material conforming to subsection (1)(A) above. No material shall be classed as noncombustible which is subject to increase in combustibility or flame-spread rating beyond the limits herein established through the effects of age, moisture, or other atmospheric condition.
- (3) Flame-spread rating as used herein refers to ratings obtained according to tests conducted as specified in the 2021 edition of the International Fire Code as published by the International Code Council, including all its appendices and references, and all its subsequent supplements and changes in and to said 2021 edition and references, IBCUBC standards.

*Nonconforming.* A sign lawfully existing on the effective date of the adoption of this article which is not in conformance with the revised standards and regulations of this article and/or could not be built under the terms of this article.

*Official sign.* Any sign erected by or at the direction of any governmental body.

*Off-premises sign.* A sign displaying advertising copy that pertains to a business, person, or activity, event, place, service or product not principally located or primarily manufactured or sold on the premises where the sign is located.

*On-premises sign.* Signs that identify or advertise only goods, services, facilities, events or attractions available on the premises where the sign is located.

*Outparcel/pod site.* Lots platted or leased along the periphery of a shopping center project which are intended to be occupied by a single user. Typically, such lots are less than two acres in area; are subordinate in size to the parcel which contains a multi-tenant shopping center building; and share access, utilities, drainage, parking and open space with the parcel containing the anchor tenant.

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*Owner.* A person recorded as such on official records and including a duly authorized agent, notary, purchaser, lessee, devisee, or judiciary; anyone having a vested or contingent interest in the property or business in question.

*Painted wall sign.* A sign painted on any outside wall or roof of any building.

*Parapet.* The extension of the main walls of a building above the roof level.

*Pennant.* Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

*Permanent sign.* A sign structure which is intended to remain indefinitely.

*Person.* Any association, company, corporation, firm, organization, or partnership, singular or plural, of any kind.

*Pole sign.* Any sign supported by poles, uprights, or braces which are not concealed in an enclosed base but are permanently placed on or in the ground and wholly independent of any building for support, either single- or double-faced; a sign whose only structural support consists of exposed poles, posts, beams, or other devices mounted in the ground.

*Political sign.* Any sign which by its contents supports or opposes any candidate for public office or any proposition to be voted upon at an election or which makes a political or ideological statement in the nature of constitutionally protected noncommercial free speech.

*Portable sign.* Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels, signs converted to A- or T-frames, portable menu board signs, balloons used as signs, umbrellas used for advertising, and signs attached to or painted on vehicles parked and visible from the public right-of-way.

*Premises.* The lot or lots, plots, portions or parcels of land considered a unit for a single development or activity.

*Projecting sign.* A sign mounted to the face of the building perpendicular to the face of the building, and extending more than 12 inches from the wall surface.

*Pylon sign.* A freestanding sign with visible support structures or with a support structure with a pole cover or pylon cover.

*Real estate sign.* A temporary sign designating that the premises upon which it is erected are for sale, rent, or lease or that an open house is being held on the day on which the sign is displayed.

*Reflective surface.* Any material or device which has the effect of intensifying reflected light, including but not limited to scotch light, day glow, glass beads and luminous paint.

*Required sign.* Any sign required by law for the protection of the general health, safety and welfare of the public.

*Residential lawn/yard sign.* Any sign placed on the lawn or yard of a residential property.

*Residential sign.* Any sign located in a district zoned for residential use(s) that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located.

*Roadways.*

- (1) *Collector roadway.* A street which primarily provides circulation within neighborhoods, to carry traffic from minor streets to arterial streets, or to carry traffic through or adjacent to commercial or industrial areas.

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- (2) *Arterial roadway.* A street with access control, channelized intersections, and restricted parking, and that collects and distributes traffic to and from minor arterials.
  - (3) *Expressway frontage road.* A service road, usually parallel to a highway, designed to reduce the number of driveways that intersect the highway.
  - (4) *State highway.* Any highway owned by the state.

*Roof line.* The highest point of the coping on a flat roof, false mansard, or parapet wall; the deckline of a true mansard roof; the ridgeline between the upper and lower slopes of a gambrel roof; or the mean height level between the eaves and the ridge of a gable or hip roof.

*Roof sign.* Any sign erected on or over the roof of a building.

*Shall/will/may.* "Shall/will" is mandatory. "May" is permissive.

*Sign.* Any device, fixture, display, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, attract attention to, or identify the purpose of a person or entity, or to communicate information and/or a message of any kind to the public.

*Sign area.*

- (1) The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle or a regular geometric shape of up to eight sides that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.
- (2) In every event, computation of allowable sign area includes all existing signs on the premises, whether those signs are conforming or nonconforming.

*Sign structure.* The sign and all parts associated with its construction.

*Snipe/parasite sign.* A sign which is tacked, nailed, posted, pasted, glued or otherwise attached to trees, utility poles, stakes, or fences or to other objects, and whose message is not associated with the premises upon which such sign is located; any temporary sign which is attached to another sign.

*Storefront.* The side of a building that has display windows or a public entrance.

*Structure.* That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

*Subdivision identification/permanent multifamily sign.* A sign which designates the name of a project, subdivision, or other residential district, and which is located at or in close proximity to the main entrance.

*Suspended sign.* A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

*Temporary sign.* Any sign, banner, valance or commercial display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without frames, and not permanently mounted.

*Traffic-control sign.* A permitted sign for the purpose of identifying parking areas and directing the flow of traffic on private property.

*Vertical dimension.* The height of the sign area/lettering.

*Wall sign.* Any sign attached to or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall.

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*Window sign.* Any sign painted, drawn, or otherwise affixed to either the inside or outside of an exterior window or glass door of a commercial or office building.

*Wind Waver Flaas(s)- A vertical flag that displays logos or advertising messages placed on-premises secured in a regular location.*

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*Works of fine art.* This article shall not apply to a sculpture, fountain or similar work of fine art which in no way identifies or advertises a product or business.

~~(Ordinance 06-034 adopted 9-5-06; Ordinance 08-025, sec-2, adopted 6-17-08; 2008 Code, sec. 3.04.002; Ordinance 14-026 adopted 11-10-14)~~

### **Sec. 3.04.003 Penalty; civil actions; removal of signs in right-of-way**

- (a) *Penalty.* Violations of any provision of this article by action of omission or commission shall be punishable by a fine in an amount not less than \$100.00 nor more than \$2,000.00 for each violation. Each day of violation under this article shall be a separate violation.
- (b) *Civil actions.* In addition to the criminal penalties prescribed by this section, the city council may direct the city attorney to institute civil action or proceedings to prevent violations or threatened violations of these regulations or to obtain civil damages or penalties against violators of these regulations.
- (c) *Removal of signs in right-of-way.*
  - (1) In addition to the penalties prescribed in subsections (a) and (b) above, the code enforcement officer, or his designee, shall have the authority, and the duty, to remove or cause to be removed and impounded any sign, poster, handbill, banner, streamer or other outdoor advertising erected, placed, altered, maintained, or neglected in violation of this article, if the same is located on, in, or above any public street, right-of-way or sidewalk area, or other public property.
  - (2) The cost of any such removal or impoundment shall be chargeable to the person or persons, jointly or severally, who were responsible for or who caused the erection or placement of the offending sign or advertising, and their sureties.
  - (3) Any item impounded by authority of this section shall be held for period of 30 days and then disposed of in any manner designated by the code enforcement officer. During the 30 days, the owner of such item, upon proof of same, may reclaim such item at the place of storage by paying to the city the actual cost of removal and impounding. This charge shall in any event be not less than an amount as provided in appendix A of this Code as amended or revised by ordinance from time to time.

~~(Ordinance 06-034 adopted 9-5-06; Ordinance adopting 2008 Code; 2008 Code, sec. 3.04.003; Ordinance adopting 2017 Code)~~

### **Sec. 3.04.004 Amendments**

This article may be reviewed and amended by the city council as deemed necessary.

~~(Ordinance 06-034 adopted 9-5-06; 2008 Code, sec. 3.04.004)~~

### **Sec. 3.04.005 Permit**

- (a) Except as otherwise provided in this Code, it is unlawful for any person to erect, construct, reconstruct, change sign copy and/or a sign face, enlarge, extend, expand, place or move any sign or sign structure or any portion thereof without first obtaining a sign permit for each sign.

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- (b) The owner or tenant of a business or commercial property upon which a sign is to be placed which is zoned O-1, B-1, B-2, B-3 or I-1, PDD or a residential district zoned R-3, R-3A, or R-5 must apply for a sign permit.
  - (c) All applications for sign permits will be submitted to the ~~community development~~Planning and Zoning department for approval on a form prescribed by the city. Questions about sign regulations should be addressed to the community development department. All signs which are electrically illuminated will require an electrical inspection, and all installers of such signs shall hold a state or City of San Antonio electrical license.
  - (d) Upon submittal, the application will be reviewed for conformance with the standards of this article within 30 days of a complete submittal. If the application is not approved, such application will be deemed to have been administratively denied.
  - (e) The ~~city manager~~Planning and Zoning Director or designee shall determine whether the proposed sign is acceptable under the conditions established in this article and applicable building codes. Upon approval, the permit will be issued by the Planning and Zoning Director ~~community development department~~ upon payment of appropriate fees.
  - (f) All representations, whether oral or written, made by an applicant or his agent on behalf of the application for a sign permit under this article shall constitute a material factor in granting a sign(s) permit. It is unlawful for the applicant to vary from such representations unless the applicant files an amended application.
  - (g) The primary responsibility for securing the necessary permit(s) shall rest with the property owner. However, if the property owner should contract part or all of the proposed work, it shall become the responsibility of the person or firm hired to perform that work to ensure that all required permits and approvals have been secured prior to any work being initiated. For the purposes of this article, through the acceptance of the contract to perform the work, the third party so contracted shall become equally liable for all fees, fines, and penalties prescribed by this article arising from violations resulting from that work.
  - (h) Any permit may be revoked by the Planning and Zoning Director ~~city manager~~ or designee at any time prior to the completion of the sign for which the same was issued, when it shall appear to the official that there is departure from the plans, specifications or conditions as required under the terms of the permit, that the permit was procured by false representation, or that any provision of this article is being violated. Written notice of such revocation, [and] a stop-work order shall be served upon the owner and/or upon the owner's agent, contractor, or upon any person employed in the building or structure for which such permit was issued, which shall be posted in a prominent location, and thereafter no such construction shall proceed.
  - (i) All signs shall be erected within 90 days of issuance of the permit; otherwise the permit shall become null and void. The applicant may request up to ~~one~~three 90-day extensions with the payment of additional permit fees.
  - (j) The building inspector or designated city official shall inspect the sign for which a permit has been issued. If the construction is substantially complete, but not in full compliance with this article and applicable codes, the Planning and Zoning Director ~~city manager~~ or designated city official shall give the owner or applicant notice of the deficiencies and shall allow an additional 30 days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse and the sign shall become illegal.
  - (k) Signs erected and maintained by the city or the city's contractor shall not require a permit.

~~(Ordinance 06-024 adopted 9-5-06; 2008 Code, sec. 3.04.005)~~

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**Sec. 3.04.006 Abatement of illegal or unsafe signs**

- (a) A sign which has been determined to be unsafe by the city must be repaired, made safe or removed immediately or within ten working days after receipt of notice from the city, at the discretion of the designated city official. Failure to make such repairs or remove the sign is unlawful.
- (b) If the property owner or lessee fails to comply with such written notice to remove, the code enforcement officer is hereby authorized to cause removal of such sign, and any expense incidental to such removal shall be charged to the owner of the property upon which the sign is located and shall constitute a lien upon the property. For the purpose of this section, the word "remove" shall mean:
  - (1) The sign face, along with the posts, columns or supports of freestanding signs, shall be taken down and removed from the property.
  - (2) The sign face and supporting structures of the projecting, roof, or wall signs shall be taken down and removed from the property.
- (c) Any existing sign not specifically listed as being allowed herein or classified as nonconforming is expressly prohibited and shall be illegal. Illegal signs must be removed not later than ten days following notification by the city manager or designee.

~~(Ordinance 06-034 adopted 9-5-06; 2009 Code, sec. 3.04.006)~~

**Sec. 3.04.007 Nonconforming signs**

- (a) *Notice of nonconformity.* Signs lawfully existing prior to enactment of this article which do not conform to the requirements of this Code will be determined to be nonconforming. ~~Upon determination that a sign is nonconforming, the code enforcement officer will notify in writing the user or owner of the property on which the sign is located of the following:~~
  - ~~(1) The sign's nonconformity; and~~
  - ~~(2) Whether the sign is eligible for characterization either as nonconforming or illegal. Notification procedures pertaining to code violations as adopted in section 6.02.005 of the city Code will apply.~~
- (b) *Appeals.* Owners of signs determined to be nonconforming shall have 30 days from receipt of notification of a sign's nonconformance to appeal the determination per ~~sign code section 3.04.008~~ of this article.
- (c) *Continuation of use.* Any existing nonconforming sign may continue to be maintained and used, subject to the following provisions:
  - (1) *Enlargement.* No nonconforming sign shall be enlarged, expanded, or extended to occupy a greater square footage or height than was occupied on the date this article was enacted.
  - (2) *Relocation.* Nonconforming signs shall not be moved in whole or in part to any other portion of the lot, parcel, or building not so occupied on the date of enactment of this article. Any nonconforming sign that is removed from its original location may not be reinstated at any other location within the city unless it conforms with all of the requirements of this article.
  - (3) *Discontinuance.*
    - (A) If the business, service, product, or person advertised or identified by a legally nonconforming, on-premises sign ceases to be conducted at that site, all signs shall be brought into conformity with this article or shall be removed prior to issuance of a certificate of occupancy for any new business, service, product or person.

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- (B) The "discontinuance" provisions shall not trigger the conformance of multi-tenant sign structures. Existing nonconforming multi-tenant signs shall be allowed to maintain their nonconforming status, provided that signage is maintained per this article and provided that sign panels pertaining to former tenants shall be removed and replaced with blank panels.
  - (4) *Abandonment.* If the business, service, product, or person advertised or identified by a legally nonconforming on-premises sign ceases to be conducted at that site, the nonconforming sign shall be classified as an abandoned sign. All abandoned signs must be removed within 30 days of being abandoned.
  - (5) *Destruction.* Should any nonconforming sign be damaged by any means to an extent of more than 60 percent of its replacement cost at time of damage, it shall not be reconstructed except in conformity with the provisions of this article.
  - (d) *Maintenance.* Nothing in this section shall relieve the owner or user of a legal nonconforming sign or owner of the property on which the nonconforming sign is located from the provisions of this Code regarding safety, maintenance, and repair of signs contained in this Code; provided, however, that any repainting, cleaning and other normal maintenance or repair of the sign or sign structure shall not modify the sign structure in any way which makes it more nonconforming.

~~{Ordinance 06-034 adopted 9-5-06; 2008 Code, sec. 3.04.007}~~

### Sec. 3.04.008 Variances and appeals

- (a) Persons wishing to erect signs not in conformance with this article or any person aggrieved by any decision of the city in the administration of this article may appeal such decision to the city council. The city council shall only hear and decide the following:
  - (1) An appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this article; or
  - (2) A request for variance(s) from the strict enforcement of the requirements of this article due to special conditions wherein a literal enforcement of this article would result in unnecessary hardship, and so that the spirit of this article is observed and substantial justice is done.
- (b) The application must be accompanied by a drawing or other artistic representation to accurate scale showing the exact sign proposed, its size and message (textural or pictorial), color, shape, whether lighted or unlighted, location on said property or business, materials of which it is to be made, how it is to be made and how it is to be fastened. Granting of the variance requires approval from the designated city official(s), who shall determine whether the proposed sign is acceptable under the conditions established in this article and applicable building codes. Upon approval from the designated city official(s), the variance request will be heard by the city council.
- (c) The city manager or designee is authorized to approve a variance to three specific types of regulations in this article: sign area, sign height, and distance between signs. This authorization shall be restricted to variance of one of type of regulation not to exceed ten percent of the specified dimension for one existing nonconforming sign per platted property. This staff variance provision does not apply to any of the properties required to file a master sign plan.

~~{Ordinance 06-034 adopted 9-5-06; 2008 Code, sec. 3.04.008}~~

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### Sec. 3.04.009 Fees

Fees are as stated in the fee schedule in appendix A of this Code as amended or revised by ordinance from time to time.

~~{Ordinance 06-034 adopted 9-5-06; 2008 Code, sec. 3.04.009; Ordinance adopting 2017 Code}~~

### Sec. 3.04.010 Allowable signage generally

Any sign not specifically listed as being allowed herein is expressly prohibited.

~~{Ordinance 06-034 adopted 9-5-06; 2008 Code, sec. 3.04.010}~~

### Sec. 3.04.011 On-premises signs

(a) *General provisions.*

- (1) Single-tenant businesses shall be allowed up to a total of four signs per storefront from the types of signs listed in this section, provided that all applicable requirements have been met.
- (2) Tenants of properties with four or more tenants shall follow the multi-tenant guidelines in this section.
- (3) The following signs shall be allowed under the provisions of this article with an approved sign permit.

(b) *Building-mounted signs.*

(1) *Wall signs.*

- (A) *Design.* Wall signs shall not obscure windows, grillwork or pilasters of the building.
- (B) *Location.* Wall signs shall be mounted flush and fixed securely to a building wall, projecting no more than 18 inches from the face of the wall, and not extending sideways from the building face or above the roofline of a building.
- (C) *Total sign area.*
  - (i) The maximum total wall sign area for each building occupant may not exceed 25 percent of the total square footage of the exterior wall, not to exceed 200 square feet per occupancy.
  - (ii) Signs cannot be longer than 80 percent of the sign band length where the sign is to be located.

(2) *Marquee signs.*

~~(A) *Design.* See the city design guidelines.~~

~~(B) *Number and location.* Marquee signs shall be allowed in conjunction with wall signs.~~

~~(C) *Total sign area.*~~

- (i) Marquee signs shall be allowed up to 25 percent of total marquee area, not to exceed 200 square feet for each occupancy.
- (ii) Marquee signs shall not be longer than 80 percent of sign band length where the sign is to be located.

(3) *Awning signs.*

(A) *Number and location.*

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- (i) Awnings shall permanently attached to buildings.
  - (ii) Sign lettering and any graphics shall be comprised of no more than 80 percent of awning surface area.
- (B) *Sign height.* Minimum height of awnings shall be eight feet as measured from ground level.
- (4) *Roof signs.*
- (A) *Number and location.*
    - (i) Roof signs shall be limited to one sign per street frontage up to three signs total.
    - (ii) A roof sign will be allowed in place of a wall sign.
  - (B) *Total sign area.* Roof signs shall not exceed 80 percent of roof sign area, not to exceed 100 square feet.
  - (C) *Sign height.* No roof sign will be permitted which extends beyond the highest point of a pitched roof, a mansard roof or a parapet line of a building.
- (c) *Freestanding signs.*
- (1) *Number and location.*
    - (A) No freestanding on-premises sign shall be constructed within 100 feet of any existing freestanding on-premises or multi-tenant sign on the same site, or within 40 feet of a freestanding or multi-tenant sign on a neighboring site.
    - (B) No freestanding sign, other than a multi-tenant sign, shall occupy the same frontage as a projecting sign.
    - (C) Electronic message centers will be allowed on freestanding signs, and will be included in the calculation of the area of freestanding signs.
    - (D) One freestanding sign shall be permitted on each street frontage, as follows:
      - (i) Less than 250 feet of frontage: One sign.
      - (ii) 250 feet or more of frontage: One sign per 250 feet of frontage when approved by a master sign plan.
  - (2) *Total sign area.*
    - (A) Each face of a freestanding sign may not exceed:
      - (i) 50 square feet if the sign pole is 32 feet tall;
      - (ii) 240 square feet if the pole is 50 feet high;
      - (iii) 375 square feet if the pole is 60 feet high.
    - (B) In the case of irregularly shaped signs, refer to the definition of "sign area" for method of calculation.
  - (3) *Sign height.* Sign height shall be restricted to:
    - (A) 32 feet on collector roadways;
    - (B) 50 feet on arterial roadways;
    - (C) 60 feet on a state highway;
    - (D) 60 feet on expressway frontage roads.

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- (4) *Landscape buffer.* Unless an alternate method of providing traffic and pedestrian safety is approved through the master sign plan, each freestanding sign shall be placed within a landscaped area extending a minimum four feet from the sign in each direction. Such measurements shall begin at the sign base or at the edge of any overhang within 20 feet of the ground, whichever requires the greater barrier. Xeriscaping is encouraged.
- (d) *Multi-tenant signs.*
- (1) *Use.* Multi-tenant signs shall be required as part of a master sign plan for properties with four or more tenants and must display the address of the multi-tenant property.
- (2) *Number and location.*
- (A) No freestanding multi-tenant sign shall be constructed within 100 feet of any existing multi-tenant or freestanding sign on the same site, or within 40 feet of a multi-tenant or freestanding sign on a neighboring site.
- (B) A tenant may have one building-mounted sign (such as a wall, awning, marquee, projecting or roof sign) and one identification sign on a directory sign for the shopping center, unless the tenant is leasing an end lease space, then the tenant shall be allowed two signs, one on each storefront, as defined by this article.
- (3) *Total sign area.*
- (A) Multi-tenant signs shall be limited to not more than:
- (i) 250 square feet if on a 32-foot-tall pole;
- (ii) 500 square feet if on a 50-foot-tall pole;
- (iii) 650 square feet if on a 60-foot-tall pole.
- (B) The area of each tenant's building-mounted wall sign shall not exceed 25 percent of total wall area of each storefront, not to exceed a maximum of 200 square feet.
- (4) *Sign height.* Multi-tenant sign height shall be restricted to:
- (A) 32 feet on collector roadways;
- (B) 50 feet on arterial roadways;
- (C) 60 feet on state highways; and
- (D) 60 feet on expressway frontage roads.
- (e) *Subdivision signs.* Permanent monument-style subdivision signs shall be permitted upon private property in any zone to identify planned developments and will be required to follow all applicable provisions of this article.
- (f) *Real estate signs.*
- (1) On-premises signs pertaining to the sale, rental, or lease of property zoned O-1, B-1, B-2, B-3, I-1, R-3, R-3A, or R-5, not exceeding 64 square feet in area and ten feet in height from ground level, and are permitted behind the property line.
- (2) Such signs shall be removed by the agent or owner within ten business days of sale, rental, or lease of the premises.
- (3) Each property shall be permitted not more than one sign per street frontage.
- (4) A sign permit is required in all cases as prescribed in section 3.04.005 of this article.

(g) Wind Waver Flags(s)- A vertical flag that displays logos or advertising messages placed on-premises secured in a regular location.

(1) Each business is restricted to a maximum of 1 flag per address or 2 flags for endcap location.

(2) Each flag must not exceed 12 feet in total height and 36 square feet in area.

(3) No Wind Waver Flag on-premises shall be erected within 50 feet of any existing wind waver flag.

(4) Wind Waver flags must be within 20 linear feet from the front door of a business.

~~(Ordinance 06-034 adopted 9-5-06; Ordinance 07-028, secs. 1, 2, adopted 6-19-07; 2008 Code, sec. 3.04.011; Ordinance adopting 2017 Code)~~

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### Sec. 3.04.012 Off-premises signs

(a) *New off-premises signs prohibited.* No permits for the construction of new off-premises signs will be issued after the effective date of this article.

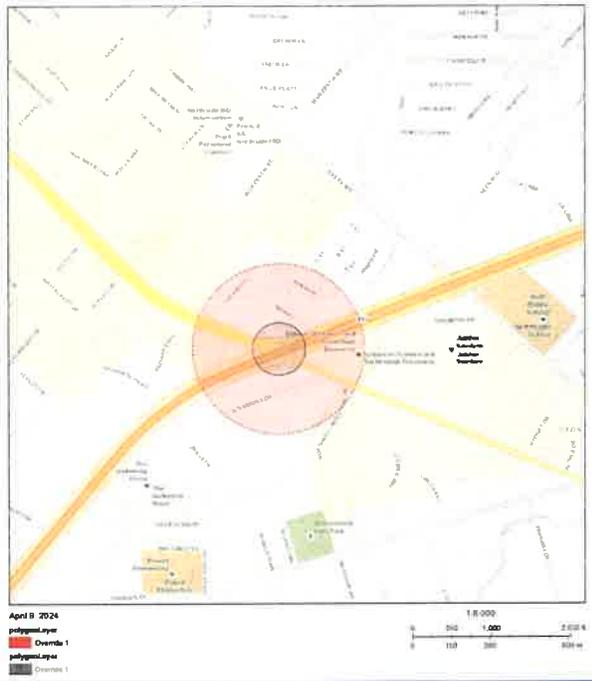
(b) *Existing signs.* All existing off-premises signs will be permitted to remain, provided a sign is not subject to section 3.04.006. Permits for repair or reconstruction of existing off-premises signs will be issued, provided that the sign does not increase in size or height and that the sign conforms with all applicable provisions of this article.

~~(c) *Annual renewal of permit.* Off-premises sign permits issued under this section will expire annually at the end of each calendar year and must be renewed no later than 30 days after the start of the new calendar year. Failure to renew an off-premises sign permit will cause the sign to be classified as abandoned. All abandoned signs must be removed within 30 days of being abandoned.~~

(c) An exemption for off-premises will be made for billboards along Interstate 410 and Bandera Road as shown in exhibit A, inside Leon Valley city limits and with TXDOT approval.

(i) All billboards must have a separation of 1,000 linear feet from one another.

Leon Valley Billboards- Exhibit A



~~(Ordinance 06-034 adopted 9-5-06; 2008 Code, sec. 3.04.012)~~

### Sec. 3.04.013 Temporary signs

- (a) Permits are required for temporary signs.
- (b) Each business may be allowed a total of one temporary sign per six-month period for a time period of up to 30 days. A permit is required and must be obtained each time a sign is displayed. A seasonal business may apply for a permit variance to display temporary signs for up to 120 days in lieu of 30 days per quarter. Seasonal businesses are considered continuous Temporary uses.
- (c) A deposit is required for each temporary sign permit issued. The deposit will be returned at the expiration of the permit time period provided that the temporary sign has been moved within 24 hours of permit expiration.
- (d) Special event temporary signs may be allowed within the flyover area and Loop 410 without a permit for a planned group of temporary signs to advertise special events on a business property. Special event

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temporary signs shall be installed no earlier than Friday at 6:00 p.m. and shall be removed on Sunday by 8:00 p.m. If a federal holiday falls on either the Friday or Monday of that weekend, the signs may be installed and removed to include the holiday.

- (e) Maximum size for temporary sign banners is 50 square feet for banner signs placed on the property and 100 square feet for banner signs attached to the building.
- (f) The following temporary signs are allowed:
  - (1) *Banners.* Banners must be wall mounted or attached with temporary stakes in the ground on the property. Banners must be kept in good condition and stakes firmly anchored so as to prevent dilapidation.
  - (2) *Airborne signs.* Hot or cold air balloons may be either attached to the building or placed behind the property line. There are no size restrictions for hot or cold air balloons. Balloons shall be allowed only as a part of a special event temporary sign event and as specified. Balloons must be kept in good condition and firmly anchored so as to prevent dilapidation or from being astray.
  - (3) *Grand opening signs.* Grand opening signs shall be allowed under this section, except that such permit shall be valid for 30 consecutive days and shall not be renewable. One permit will be issued for each building occupant per certificate of occupancy.
  - (4) ~~Street banners.~~ Nonprofit organizations may erect street banners across collector and arterial roadways ~~without~~ **obtaining a temporary sign permit.** The dimensions of the banner will not exceed four feet by 36 feet (144 square feet).
  - (5) *Temporary weekend signs.*
    - (A) *Time period.* Temporary weekend signs are permitted from Friday at 6:00 p.m. to Sunday at 8:00 p.m. Temporary signs including banners, airborne/balloon signs, grand opening signs and street banners shall not be displayed simultaneously with temporary weekend signs.
      - (i) If a federally recognized holiday falls on a Friday, then the signs are permitted from the preceding Thursday to the following Monday.
      - (ii) If a federally recognized holiday falls on a Monday, then the signs are permitted from Friday until the following Tuesday.
    - (B) *Size.* Signs shall not exceed 24 inches by 32 inches in size. Irregular shaped signs shall fit in a 24 inches by 32 inches rectangle; the total height shall not exceed 36 inches in height from ground level. Signs may be two-dimensional only and shall be of a nonreflective surface.
    - (C) *Spacing between signs.* A minimum of five-foot spacing must be maintained between each temporary weekend sign of different advertisers. The signs of each advertiser must be spaced so that no two signs advertising the same good, service, product, business, political campaign, or particular piece of real property (for sale or lease) are closer than 100 feet from each other measured in a straight line.
    - (D) *Location.* Signs must be self-supporting and placed into the ground by a single stake.
      - (i) No temporary weekend sign shall be permitted on a utility pole, streetlight pole, sign pole, fence, tree or other man-made [or] natural feature, wooden frame or portable frame.
      - (ii) No sign may be placed closer than 25 feet from a street intersection or median opening. Any temporary weekend sign determined to be in a location that causes an immediate hazard to public safety **as determined by the Police Chief** will be immediately removed by the city.

- (iii) Signs shall be no closer than three feet from the edge of the sign to the street curb or, if no curb is present, to the edge of the pavement. Signs shall not encroach on either sidewalks or streets.
- (iv) No signs shall be placed in island medians or esplanades.
- (v) Except for political signs, no signs shall be placed further than three miles from the location of the sale of the good, product, service, business or piece of real property being advertised.

~~(E) Permit~~

~~(i) An annual permit fee, as stated in the schedule of fees in appendix A of this Code as amended or revised by ordinance from time to time, must be paid by the advertiser. Where an advertiser wishes to advertise multiple locations, a permit must be obtained for each location, subdivision location, or service location to be advertised by temporary weekend signs.~~

~~(ii)(vi)~~ A temporary weekend sign shall not be placed on the right-of-way of a road or highway unless an annual temporary sign permit has been first obtained.

~~(F)(E)~~ *Map of locations; placement on state roads prohibited.* In addition to the payment of the appropriate fees, the advertiser shall provide an area map, drawn to scale, and listing the street and block number where the signs shall be placed. No temporary weekend sign shall be placed along the side of any road or highway belonging to the state department of transportation.

~~(Ordinance 11-021 adopted 12-6-11, 2008 Code, sec. 3.04.013; Ordinance adopting 2017 Code)~~

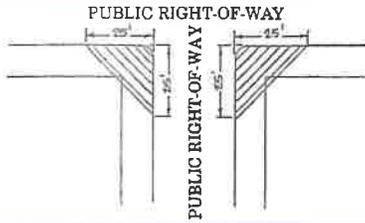
**Sec. 3.04.014 Prohibited signs**

The following signs shall be prohibited in the city:

~~(1) (1)~~ Any sign constructed or located in such a manner that it is or becomes an immediate hazard or danger to persons or property because of being in an unsafe condition, or which obstructs any window, door, or fire escape of any building.

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~~a. On any corner lot, no structure, including signs shall be maintained within the triangular area formed by the intersecting street lines and a straight line connecting such street lines, at points twenty-five (25) feet from the point of intersection measured along such street lines.~~



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- (2) Illegal signs or any other sign constructed after the enactment of this article which is not in compliance with the terms of this article.
- (3) Illuminated, highly reflective signs or spotlights which hamper the vision of motorists or bicyclists.

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- (4) Any sign, banner or display placed on any public right-of-way, utility pole, traffic-control device, curb, sidewalk, post, pole, hydrant, bridge, tree, or other surface located on, over, or across any public street or right-of-way (other than a government sign or allowed sign as per section 3.04.010).
  - (5) Any banner placed on stakes on a property, unless otherwise permitted.
  - (6) Portable signs. Any sign not permanently attached to the ground or other permanent structure, including those signs which may be transported to the site on wheels, on skids or on a truck; signs constructed as or converted to a T-frame sign; or umbrellas used for advertising purposes. Such sign, whether or not bolted or cemented to the ground, shall nonetheless be deemed to be a portable sign.
  - (7) Signs which contain or are an imitation of an official traffic sign or signal, or which are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic-control device, or which may hide from view any traffic or street sign or signal.
  - (8) Snipe/parasite signs.
  - (9) Temporary signage, except as permitted in section 3.04.013.
  - (10) Vehicle signs. Signs placed on or affixed to vehicles and/or trailers that are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product, or direct people to a business or activity located on the same or nearby property, shall be prohibited. However, this is not intended in any way to prohibit signs placed on or affixed to vehicles and trailers where the sign is incidental to the primary use of the vehicle or trailer and where the vehicle is being operated in the normal course of business, is in operable condition, and carries a current and valid license plate and state inspection tag.
  - (11) Any sign placed on a property without the permission of the property owner.
  - (12) Light emitting diode (LED) and static electronic digital display signs, except as allowed on-premises for freestanding, multitenant, window and door signs (only one per storefront) and government signs as regulated and defined in this article.

~~(13) Wind waver flags.~~

- (134) Portable or vehicle driven digital or LED signs.

~~(Ordinance 11-031 adopted 12-6-11, 2008 Code, sec. 3.04.014)~~

### Sec. 3.04.015 Signs exempt from permit requirements

The following signs are exempt from permit requirements. In no case shall a sign be placed in a public right-of-way, as per section 3.04.003(c) of this article.

- (1) Required signs.
- (2) Construction signs. One construction sign per construction project, provided that such signs shall not exceed the sign area allowed for a temporary sign under section 3.04.013. Construction signs shall be erected no more than five days prior to the beginning of construction for which a valid building permit has been issued, shall be confined to the site of construction, and shall be removed within ten days after completion or issuance of the certificate of occupancy.
- (3) Directional or instructional signs. Directional signs are designed to provide directions to pedestrian and vehicular traffic. Signs directing to entrances, exits and other non-business elements of a project shall be exempt from this article if they do not exceed four square feet in area.

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- (4) Flags. The flags, emblems or insignia of any nation, state, county, city, and religious organization.
  - (5) Garage sale signs. Signs pertaining to garage sales in R-1, R-2, R-4, or R-6 zoned property, not exceeding four square feet, as long as they shall be removed by the agent or owner within 24 hours after the sale. Garage sale signs shall not be placed in the right-of-way.
  - (6) Governmental signs are exempt, provided that the sign substantially complies with the provisions of this article.
  - (7) Residential signage. House numbers, nameplates and residential business signs not exceeding one square foot in area for each residential building. Refer to article 15.02 (zoning ordinance) of the city Code for more information about home occupations.
  - (8) Interior signs. Signs on the interior of buildings which are not visible from the exterior of the building.
  - (9) Memorial plaques or building identification signs when cut into any masonry surface or inlaid so as to be part of the building or when constructed of other noncombustible material, ~~provided that such signs shall not exceed two square feet.~~
  - (10) "No Trespassing" or "No Dumping" signs. "No Trespassing" or "No Dumping" signs not to exceed one and one-half square feet in area per sign and not to exceed four in number per lot, except that special permission may be obtained from the city for additional signs under proven special circumstances.
  - (11) Political signs. Political signs placed on private real property shall not:
    - (A) Have an effective area of greater than 36 feet;
    - (B) Be greater than eight feet high;
    - (C) Be illuminated; or
    - (D) Have any moving elements.
  - (12) Public notices. Official notices posted by public officers or employees in the performance of their duties.
  - (13) Public utility signs. Temporary or permanent signs erected by companies or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines and similar devices.
  - (14) Real estate signs. One real estate "for sale" (including lease or rental) sign (single- or double-faced) on any lot or parcel zoned R-1, R-2, R-4, or R-6, provided such sign is located entirely within the property to which the sign applies, is not illuminated, does not exceed four square feet in area, and is removed within ten days after the sale, rental, or lease has been consummated. One additional sign, as described above, is permitted where a parcel has in excess of 300 feet of frontage or fronts on two streets.
  - (15) Permanent menu boards. Menu boards shall not count in the total sign area for the type of sign erected, provided that the menu board is designed specifically for drive-through ordering and does not exceed the sign area requirements for that sign type.
  - (16) Warning signs. Signs warning the public of the existence of danger, but containing no advertising material, of a size as may be necessary, to be removed upon subsidence of danger.
  - (17) Works of fine art.
  - (18) Lawn/yard signs. Excluding political signs, there shall be no more than two signs per yard. The signs shall be kept in good condition and shall not be fallen, faded, and/or worn or torn. Signs advertising contractor services shall be removed within 14 working days after completion of the work.

~~{Ordinance 11-021 adopted 12-6-11; 2008 Code, sec. 3.04.016; Ordinance 14-026 adopted 11-10-14}~~

### Sec. 3.04.016 Design, construction and maintenance

All signs shall be designed, constructed and maintained in accordance with the following standards:

- (1) All signs shall comply with applicable provisions of the 2021 International Building Code and the 2021 International Fire Code~~National Electrical Code standards~~versions as currently adopted by the city.
- (2) Except for flags and temporary signs conforming in all respects with the requirements of this article, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.
- (3) All signs and sign supports shall be maintained in good condition. Broken or missing panels, missing letters, rust, flaking and peeling paint, significant fading, sign lighting not maintained in operating condition, and all other visual damage to a sign shall be repaired and all dead or damaged landscaping associated with the sign shall be replaced within 30 days of notification by the code enforcement officer.

~~{Ordinance 06-034 adopted 9-5-06; 2008 Code, sec. 3.04.017}~~

### Sec. 3.04.017 Master sign plans

- (a) *Purpose.* The master sign plan is the device employed by the city to respond to the special signage needs of proposed or existing nonresidential uses. The master sign plan is recommended for projects on large sites and/or with many separate businesses represented, where opportunities for effective signage other than as specified in this article increase. The master sign plan provides an opportunity to reduce sign clutter while allowing businesses to more effectively advertise goods and services. The goal of the master sign plan is to address the community's need for attractive, proportional graphics and ensure an appropriate balance between architecture, signage and neighborhood interests.
- (b) *Uses.* A master sign plan is recommended, but not required, at such time as the owner of one of the following uses applies for a new sign permit:
  - (1) A nonresidential development having a single tenant with 30,000 or more square feet.
  - (2) Nonresidential developments with four or more nonresidential occupants.
  - (3) Nonresidential development on sites of five acres or more.
  - (4) Nonresidential development on property which has more than 300 feet of continuous street frontage on a public street.
- (c) *Required information.* The following information is required for submission of a master sign plan:
  - (1) An accurate plot plan of the site to scale. The plan shall show the location of buildings, easements, driveways, utilities, lighting, parking spaces, required landscaping and an accurate indication on the plot plan of the proposed location of each present and proposed sign of any type, including temporary signage, whether requiring a permit or not.
  - (2) Computation of the sign area, height, type and number of signs.
  - (3) A narrative description of any other information necessary to show how the project meets the master sign plan criteria.

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- (d) *Review.* The ~~city manager~~Planning and Zoning Director or designee will review the master sign plan application within 30 days of complete submittal. Master sign plans shall then be reviewed by the zoning commission at their earliest regularly scheduled meeting following the completion of staff review.
- (e) *Approval and adoption.* Master sign plans shall require approval by the city council and shall be adopted by ordinance.
- (f) *Criteria for evaluation.* The zoning commission and city council shall consider the following criteria when evaluating master sign plans:
- (1) Implementation will provide signage compatible with the surrounding development;
  - (2) Implementation will result in architecture and graphics of a scale appropriate for the surrounding neighborhood;
  - (3) Implementation will provide signage consistent with the architecture and site plan characteristics of the proposed development;
  - (4) Implementation of the master sign plan will result in a substantial reduction in the number and area of freestanding signs and general sign clutter associated with the project as compared to strict compliance with this article;
  - (5) The proposed master sign plan does not pose a threat to the public safety;
  - (6) The master sign plan application is submitted in compliance with this section and not in order to circumvent the variance procedures set out in section 3.04.008; and
  - (7) Approval of the master sign plan does not cause the circumvention of either the spirit or intent of these sign regulations.
- (g) *Variations.* Applicants for master sign plans may request a variance to the requirements of this article as part of the master sign plan application ~~without paying an additional fee.~~ In addition to the provisions contained in section 3.04.008, the city council may grant a variance based on the following findings:
- (1) That there are circumstances applicable to the property which, if strictly enforced, will deprive such property of privileges enjoyed by other property of the same zoning classification, and that this variance will not be a grant of special privilege to the applicant; and
  - (2) That it is also found:
    - (A) That, because of physical circumstances such as size, shape or topography, the visibility of signage is substantially impaired;
    - (B) That the conditions creating the need for a variance were not self-imposed;
    - (C) That there will be no adverse effect to surrounding property from the granting of this variance;
    - (D) That the amount of variance is the minimum needed to afford relief; and
    - (E) That the applicant complies with any special requirements imposed as a condition of granting the variance.
  - (3) Any business granted a variance under the master sign plan must demonstrate a plan to bring nonconforming signs into compliance, and the master sign plan must provide benchmarks for incremental progress.
- (h) *Amendment.* A master sign plan may be amended by filing a new master sign plan that conforms with all requirements of this article then in effect.

~~(Ordinance 06-024 adopted 9-5-06; Ordinance adopting 2008 Code; 2008 Code, sec. 3.04.018)~~

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