Chapter 6 - ADVERTISING[1] (For Kerrville CRC Review on Tuesday, July 30, 2019)

Footnotes:

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Cross reference— Businesses, ch. 30; display of advertising on a vehicle, § 102-116.

State Law reference— Regulation of signs my municipalities, V.T.C.A., Local Government Code ch. 216; outdoor advertising, V.T.C.A., Transportation Code § 391.031 et seq.

ARTICLE I. - IN GENERAL

Secs. 6-1—6-30. - Reserved.

ARTICLE II. - SIGNS[2]

Footnotes:

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Editor's note— Ord. No. 2012-05, § 1, adopted July 3, 2012, repealed the former Art. II, §§ 6-31—6-44, and enacted a new Art. II as set out herein. The former Art. II pertained to similar subject matter and derived from Ord. No. 2002-07, §§ 27.0—27.13, adopted Apr. 23, 2002.

Cross reference— Obedience to traffic signs at airport, § 22-61; buildings and building regulations, ch. 26; signs complying with electrical code, § 26-88; posting of signs where smoking is prohibited, § 58-68; planning, ch. 82; streets, sidewalks and other public places, ch. 90; yield right-of-way signs, § 102-76; authority to designate speed limits by signs, § 102-173; restricted turn signs, § 102-202; parking signs required, § 102-326; unified development code, ch. 106.

Sec. 6-31. - 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.

(Ord. No. 2012-05, § 1(Exh. A), 7-3-2012)

Sec. 6-32. – Purpose; Legislative Findings; Interpretation; and General Matters.

(1) The 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:

a. To provide uniform sign standards and regulations in order to improve visual safety for pedestrians and traffic;

b. To provide for safe construction, location, and maintenance of signs;

c. To prevent and reduce proliferation of unauthorized, hazardous, traffic-distracting, non-maintained and abandoned signs;

d. To minimize the possible adverse effect of visual clutter on public and private property; and

e. 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.

(2) It is not the purpose or intent of this article to regulate signs based solely on their content. This article shall be interpreted in a manner consistent with the First Amendment of the Constitution of the United States and with Article I of the Texas Constitution. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this article and may be given effect without the invalid provision.

(3) 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 article. 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.

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

(5) This article 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 ~~in~~ by the state of Texas and/or by the Federal Highway Administration, as applicable.

(6) 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 departments can 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 regarding size, placement, illumination (if applicable), etc.

(7) 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 must comply with that law by posting and maintaining such a sign on the property that meets the standards and dimensions required by applicable law.

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

(9) In the event of a conflict between this article and another code or ordinance of the city, then the most restrictive provision shall apply.

(Ord. No. 2012-05, § 1(Exh. A), 7-3-2012)

Sec. 6-33. - 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.

(Ord. No. 2012-05, § 1(Exh. A), 7-3-2012)

Sec. 6-34. - 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.

(Ord. No. 2012-05, § 1(Exh. A), 7-3-2012)

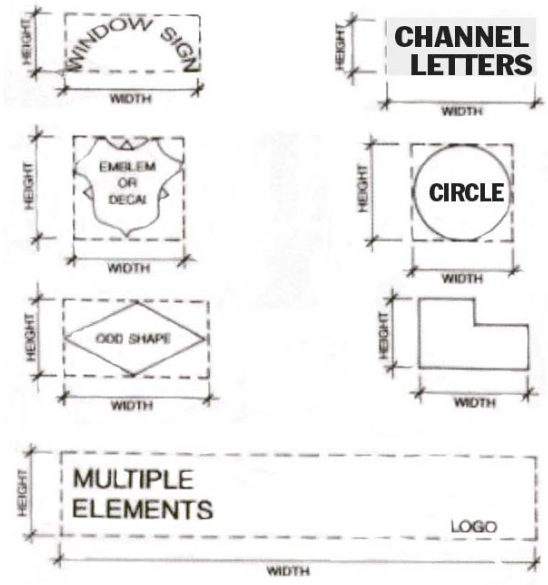
Sec. 6-35. - Definitions.

Words and phrases used in this article have the meanings set forth in this section. Words and phrases which are not defined in this article but are defined within the city's zoning ordinance are given those meanings set forth in the city's zoning ordinance, 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.*

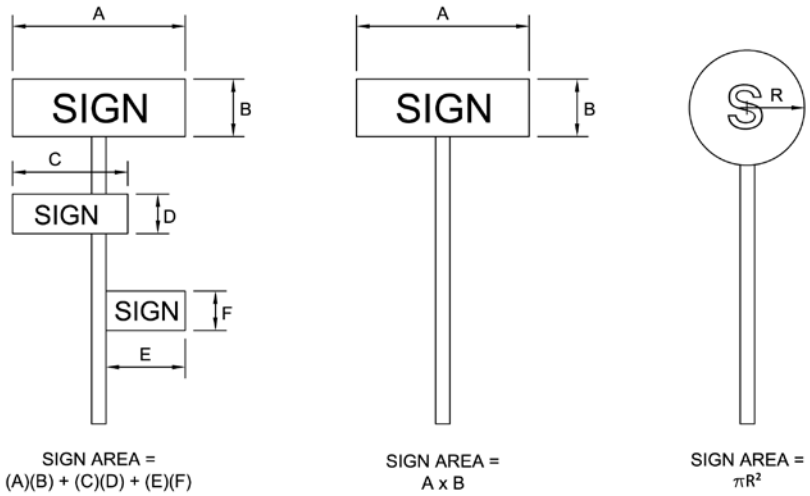
Area: The square foot area enclosed by the perimeter of the sign face with each face contributing to the aggregate area but not counting double-faced sign faces, which are counted only as the area of one face. The sign face excludes decorative wood, metal devices, frames, or sign supports, such as a 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 ~~**Illustration 1**~~ illustrations below for some examples of how to determine sign area~~a depiction~~.)

Area: Examples of Wall and Window Signs



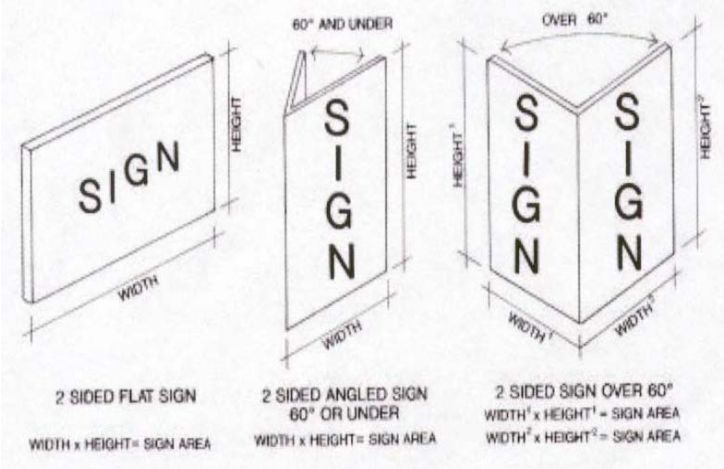
Area: Examples of Signs Composed of Individual Cutout Words or Figures

Area: Examples of Freestanding (Pole) Signs

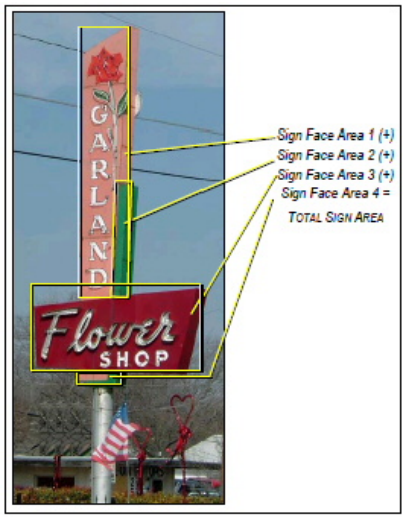


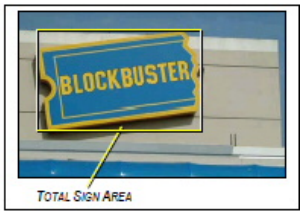
Area: Example of Monument Sign

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.

Downtown Arts and Culture District (DAC)~~Central Business District (CBD)~~: All of Blocks 1, 2, 6, 7, 8, 23, 24, 25, and the Kerr County Court House block, J.D. Brown's Addition, City of Kerrville, Kerr County, Texas, said property being generally bordered by Jefferson Street on the north, the Guadalupe River on the south, Clay Street on the west, and Washington Street on the east.
(Note: This zoning district will become known as the "Downtown Arts and Culture" (DAC) district upon adoption of the City's new 2019 Zoning Code.)

Downtown Arts and Culture District (DAC)

(map to be inserted)

City: The City of Kerrville, Texas.

City council: The city council of the City of Kerrville, Texas.

City manager: The city manager or his/her 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;

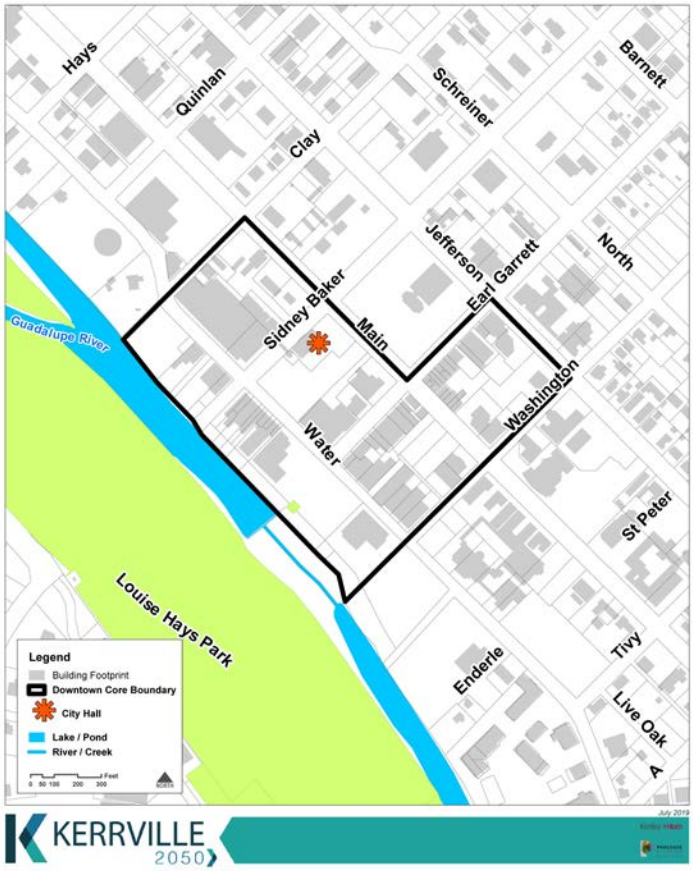
d. The sign and/or its elements are twisted or leaning or at angles other than those at which it was originally erected (such as may result from being blown by high winds or from the failure of a structural support); or

e. The message or wording can no longer be clearly read by a person with normal eyesight under normal viewing conditions.

Downtown Core (DC): An area within the Downtown Arts and Culture District (DAC)~~Central Business District~~ generally bounded by the Guadalupe River on the south, extending north on Clay Street, east on Main Street, north on Earl Garrett Street, east on Jefferson Street, and south on Washington Street.

(Note: This area will become incorporated into the "Downtown Arts and Culture" (DAC) district upon adoption of the City's new 2019 Zoning Code.)

Downtown Core (DC)



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. [Administrative Rules of the Texas Department of Licensing and Regulations (TDLR), Section 73.10(18)]

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.).

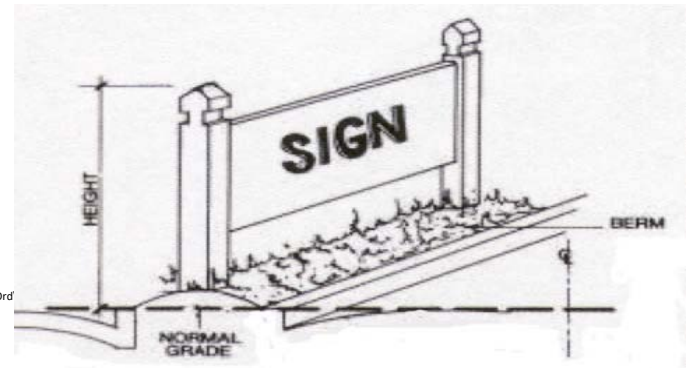
Establishment: A use of land for any purpose, with or without a building(s), ~~which requires a building on the land~~, regardless of the commercial, nonprofit, or public nature of the activity, but excluding a residence or active agricultural use in any form.

Commented [SS1]: Revised to include operations that may NOT have a permanent "building" on the land? (e.g., turf-grass sales, outdoor amusement center, used auto sales, cemetery, community garden, concrete/asphalt batch plant, heavy equipment rental, fair/rodeo grounds, farmers market, flea market, food truck park, junkyard, commercial/wholesale landscape nursery or tree farm, livestock sales, manufactured housing sales, mining/mineral extraction, motor freight/trucking company, stand-alone parking lot, portable building sales, RV/trailer park, salvage/reclamation/recycling yard, sand/gravel/stone storage, etc.)

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 Texas Occupations Code, §1305.002(11). [Administrative Rules of the Texas Department of Licensing and Regulations (TDLR), Section 73.10(9)]

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. [Administrative Rules of the Texas Department of Licensing and Regulations (TDLR), Section 73.10(13)]

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

Commented [SS2]: Deleted, used more commonly known measurement in foot-candles instead in the electronic displays section.

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: The city's planning and zoning commission.

Residential area: The area within any zoning district inside the city which includes residential uses; in 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 article, 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 article. Depictions of some~~the~~ types of ~~various~~ signs are shown below~~found at Illustration 2~~. Lights used to outline buildings within the Central Business District or for holiday lighting are not considered signs provided that the holiday lighting is not used to advertise a product, service, or business, for example, by spelling out words and such lights are removed within 14 calendar days following~~from~~ the holiday. Types of signs which are regulated by this article are defined as follows:

Address sign: (See *Incidental Sign.*)~~A sign, other than a name plate, which identifies the name of the occupants and/or the address of a single-family or duplex residence, but excluding any commercial sign.~~

Auxiliary sign: (See *Incidental Sign.*)~~A sign of any construction, not exceeding one square foot in area, which is not part of another sign and which is customarily secondary and incidental to the principal use of any nonresidential premises, such as one indicating hours of operation, credit cards accepted, or restrictions of sale to minors, or which is customarily secondary and incidental to a residence, such as "no soliciting" or "beware of dog".~~

Awning sign: A sign painted on or attached to the outside of an awning. ~~or similar structure such as is typically extended in front of a window or door or over a patio, deck, or walkway as protection from the sun or rain, regardless of whether the structure is retractable.~~

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 article.

Beacon: Any light (including but not limited to incandescent, LED, laser, etc.) 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: ~~Any~~ A type of off-premises freestanding sign. ~~used or designed to be used to advertise or call attention to any product or service which is produced 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 type of sign is sometimes known as an "off-premises 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.

Canopy roof sign: A sign which is mounted above and/or on top of a canopy roof ~~parallel to the facing wall~~.

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. A sign which is painted on or attached to the outside of an awning ~~or canopy structure~~ is an awning sign.

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~~This~~ sign is often installed over city-, county- or state-owned public right-of-way pursuant to consent from the applicable jurisdiction~~Texas Department of Transportation~~.

Commented [SS3]: The City Attorney is reviewing…

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, ~~financi~~financers, 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."

~~*Electronic sign:* A sign with moving or traveling lights that digitally or electronically produce color and/or black and white images or a sign or device which uses or projects lights to form traveling messages or messages which change or has the ability to change more than once per day. Such signs to include those that use light emitting diodes (LED) and liquid crystal display (LCD) technology.~~

Event sign: (See *Incidental Sign.*)~~A sign advertising or indicating the location of an occasional event on the same site, such as the location of a civic or other noncommercial ceremony, of an event for the members of an organization, or of an event at a residence such as a home for sale, real estate open house, or private party.~~

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~~business~~, educational institution, or charitable/nonprofit organization.

Commented [SS4]: The City Attorney is reviewing…

Freestanding sign: A permanent sign installed on a pole(s), or on twin masonry supports, anchored in the ground. (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~~and placards~~: 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.

Commented [SS5]: The City Attorney is reviewing…

Integral sign: (See *Incidental Sign.*)~~A sign indicating the name of a building, as distinct and clearly distinguished from the name of a business, institution, or other entity occupying the building, or indicating the date or other information of historical interest about a building's construction, when such sign is cut or molded into a masonry surface which forms part of a wall of a building or when it is constructed as a plaque or tablet of bronze or other incombustible material and permanently mounted on the face of a building.~~

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 informational 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~~the~~ 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 (i.e., . 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.*)~~A sign, such as a "shingle" sign, mounted flat against the wall of a building and not projecting more than one inch from the face of the wall and indicating the name and/or address of the building and/or the name of an occupant thereof and/or the practice of a permitted home occupation therein.~~

Neon sign: (See *Lighted Sign.*)~~A gas-filled glass tubing sign.~~

Nonconforming sign: A sign that does not conform to all regulations of this article or other applicable city ordinance(s).

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 (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. ~~that is at least 12 feet in height and includes 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.~~ 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 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, ~~or whose principal support fixtures are attached to a wall but excluding a projecting sign, and a wall sign which is either painted directly on a sloping roof or mounted directly on a sloping roof in the same plane as the roof.~~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~~, is also considered a roof sign~~.

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~~Snipe~~ 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~~snipe~~ sign is not an incidental sign which is located on the premises of the establishment it is intended to serve.

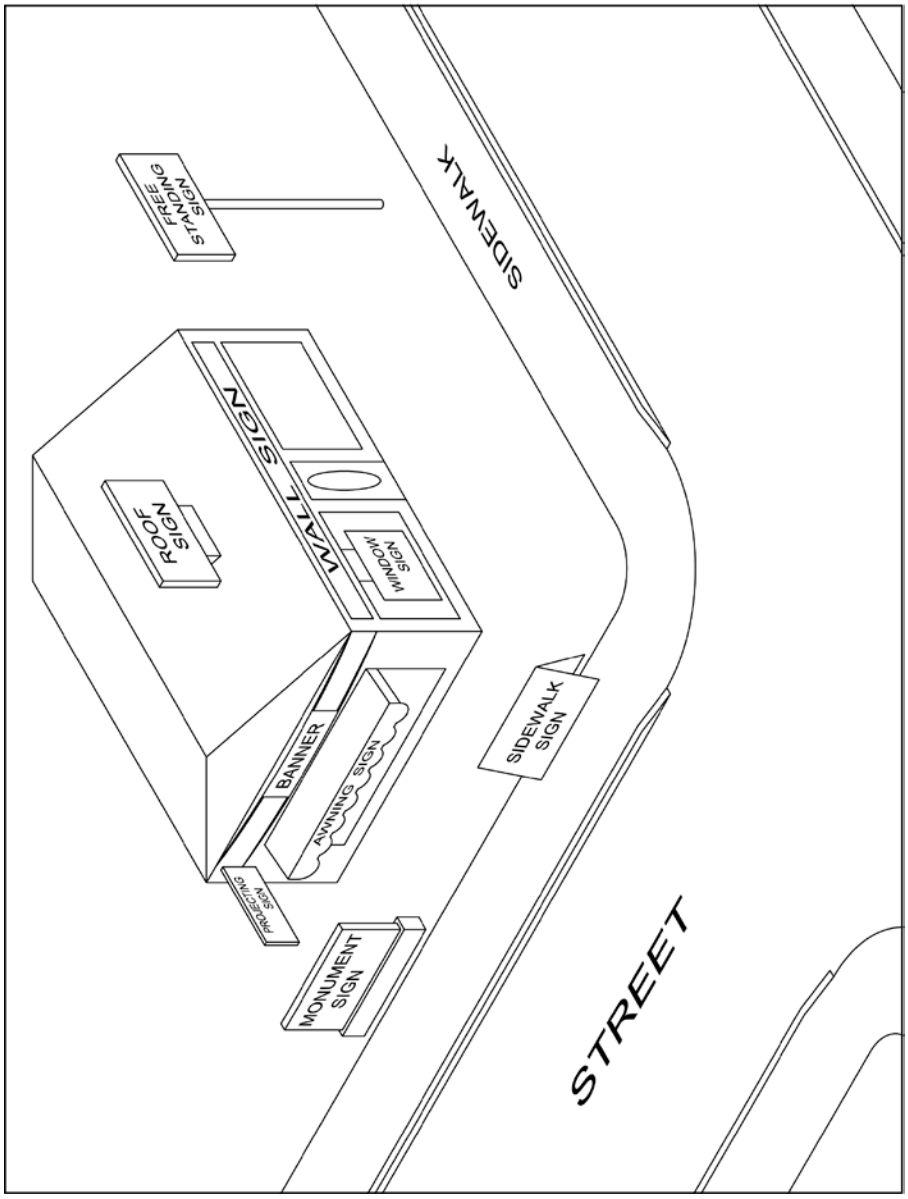
Vehicular sign: A sign attached, mounted, or painted on a vehicle, whether motorized or a trailer and operational or not, and where: 1) the sign is visible from a public right-of-way; and 2) the advertising pertains to a product, service, or business which is located, conducted, or produced at a place 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~~name plate~~, that is mounted parallel to the face of a~~ny~~ building. ~~A sign which is painted on a sloping roof or mounted on a sloping roof in the same plane as the roof is also a wall sign~~.

Commented [SS6]: This sign type will be moved to appropriate alphabetical location following CRC review/approval.

Commented [SS7]: Need to discuss garage sale signs…allow?, how big?, where/off-site?, how many?, etc. Also, homebuilder marketing stake signs…allow?, how big?, within ROW?, spacing?, how many?, hours to install/pick up?, etc.
Need a new separate definition(s)?

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.



Ord. No. 2012-05, § 1(Exh. A), 7-3-2012; Ord. No. 2013-10, § 1, 5-28-2013; Ord. No. 2014-05, § 1, 2-11-2014; Ord. No. 2018-05, § 1, 2-13-2018)

Sec. 6-36. - 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 also be subject to construction and electrical standards found within city 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. ~~A sign inside a building or a window or door sign such as a "help wanted" sign, but not including a lighted window or door sign.~~

(2) A banner but limited to one per establishment and not exceeding 80 square feet in area. The banner must 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 commemorative plaque and historical marker mounted on the face of a building or installed on a site as a freestanding monument, when placed by a governmental entity, historical society, or other civic organization to commemorate a person, event, or other matter of historical interest.~~

(3)~~(4)~~ A government sign ~~but not exceeding 32 square feet in area~~.

(4)~~(5)~~ A handheld sign but not exceeding six square feet in area.

(5)~~(6)~~ 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 be in the form of a~~include~~ banner, in which case, the banner must be mounted on and cover a solid board or a similar rigid product.

~~(7) One name plate or "shingle sign" per establishment but not exceeding four square feet in area.~~

~~(8) An address sign but not exceeding two square feet in area.~~

(6)~~(9)~~ A bulletin board but not exceeding 32 square feet.

(7)~~(10)~~ 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 calendar 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)~~(11)~~ A community service sign.

(9)~~(12)~~ 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 (on a properly engineered and permitted flagpole). ~~The United States and Texas flags are also exempt.~~ Flags may not be mounted on a building's roof, must be securely anchored to the ground and capable of withstanding a 70mph wind, and must be set back at least 15 feet from the street right-of-way line.

Commented [SS8]: The City Attorney is reviewing…

~~(13) Integral sign.~~

(10)~~(14)~~ The rearrangement or replacement of letters, numbers, characters, or pictures on an existing, permitted sign, provided that the area is not enlarged.

(11)~~(15)~~ 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 in chapter 70, article III.

~~(16) Auxiliary sign.~~

(12)~~(17)~~ 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 must 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 6-39(16)f.-m. and 6-39(16)o.-p.

(13)~~(18)~~ 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. The content may not include any type of commercial message, including the name and/or logo of an establishment who is sponsoring such school's or facility's activities or events~~to include the purpose of sponsorship~~.

(14)~~(19)~~ 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 article. In addition, each pole banner must be: 1) made of a material designed to withstand the weather for at least 30 calendar days; 2) 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; 3) not greater than 12 square feet in area (each half or "pane"); 4) mounted with a minimum vertical clearance height of eight~~seven~~ feet to~~from~~ the bottom of the banner where it overhangs any sidewalk or pedestrian travel surface, and 14 feet above any vehicular parking or circulation surface; 5) ~~and~~ a maximum pole height of 30 feet; and 6)~~5)~~ 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 (including the Downtown Core area), and subject to the special standards in section 6-38(2) 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.

(Ord. No. 2012-05, § 1(Exh. A), 7-3-2012; Ord. No. 2013-10, § 2, 5-28-2013; Ord. No. 2014-02, § 1, 2-25-2014; Ord. No. 2014-20, § 1, 10-14-2014; Ord. No. 2018-05, § 2, 2-13-2018)

Sec. 6-37. - 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 article.

(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 6-39(4)).

(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

Commented [SS9]: This section will be rewritten, separated into alphanumeric subsections for clarity, when Sign Code is reformatted for codification.

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.

(8) 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.

(9) An unattached or portable sign.

(10) Vehicular sign.

(11) Mobile billboard.

~~(12) Snipe sign.~~

(12)~~(13)~~ Balloons,and inflatable~~Inflatable~~ signs, figures, or devices.

(13)~~(14)~~ Beacons.

(14)~~(15)~~ Handbills, placard signs,~~Posters,~~ 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 article or other city ordinance (except street address numbers that are placed in compliance with the International Residential Code, as adopted by the City Code, are allowed on curbs and on residential fences to identify house numbers for emergency and service personnel).

(15) Roof sign.

(16) Canopy roof sign.

(Ord. No. 2012-05, § 1(Exh. A), 7-3-2012; Ord. No. 2013-10, § 3, 5-28-2013)

Sec. 6-38. - Regulation of signs within the Downtown Arts and Culture District (DAC)~~Central Business District (CBD)~~, including the Downtown Core (DC).

The following regulations apply to establishments and signs located within the Downtown Arts and Culture District (DAC)~~Central Business District~~ and the Downtown Core. Such regulations are in addition to other regulations found within this article 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 Arts and Culture (DAC) district and the Downtown Core.

(2) Sidewalk signs.

a. One sidewalk sign is permitted for each establishment within the Downtown Arts and Culture District (DAC)~~Central Business District~~, including the Downtown Core;

Commented [SS10]: The City Attorney is reviewing… [TxLGC 216.003(e)]

Commented [SS11]: These are now called placard signs, see (14) below…

Commented [SS12]: The City Attorney is reviewing…

Commented [SS13]: Prohibit?…discussion needed…

Commented [SS14]: The name of this district will be changing to DAC in the new 2019 Zoning Code…

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 must be removed upon the close of business;

d. A sidewalk sign must be placed within~~no farther than~~ five feet of ~~away from~~ the building in which the advertised establishment is located, and within close proximity of the main entrance of the establishment. A sidewalk sign must~~may not~~ be placed in a manner that will not endanger~~s~~ public safety, create~~s~~ a pedestrian or traffic hazard, or create~~s~~ an ADA non-compliant obstacle or barrier in a sidewalk or public right-of-way ~~such that~~ (i.e., a clear pedestrian travel pathway of at least four feet must be ~~is~~ maintained at all times); and

e. A sidewalk sign may not exceed eight square feet in area, two feet in width~~,~~ and four feet in height, and may not exceed a maximum width of 30 inches.

(Ord. No. 2012-05, § 1(Exh. A), 7-3-2012)

Sec. 6-39. - Regulations for certain types of signs.

The following signs require a permit from the city and must comply with the following regulations:

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

a. May not be greater than the width of the awning;

b. May not have a height greater that 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. May not be internally illuminated (can be illuminated using downward focused wall-mounted "gooseneck" or other decorative wall lighting fixtures), and may not include an electronic display;

d. Shall be designed and installed as an integral, architectural element of the entire building system~~ in a uniform, rhythmic systematic design pattern,~~ including compatible color and lighting;

e. Shall have a minimum vertical clearance of 8 feet above any sidewalk or pedestrian travel surface, and 14 feet above any vehicular parking or circulation surface;

f. May only consist of the name and/or logo of the business at the location of the awning (i.e., no services or products offered for sale or rent on the premises); and

g.~~b.~~ Counts toward the building's total allowable wall sign area~~Is subject to a size limitation as described in subsection (17), below~~.

~~(2) *Balloons.* A balloon(s):~~

~~a. May not be displayed more than 20 days within any calendar year; and~~

~~b. Permit will not be issued for less than five days.~~

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

a. Is limited to one per entrance to an establishment;

b. May not extend beyond an edge of the canopy structure to which it is attached;

c. ~~Perpendicular to a building face may~~May not exceed two-thirds of the width of the canopy facia to which sign is attached~~; structure. A~~ a minimum spacing of ten feet must be provided between ~~such~~ canopy signs along the same canopy facia and also around canopy corners;

~~d. Parallel to a building face, may not exceed two-thirds of the length of the canopy structure;~~

d.~~e.~~ May not extend more than two feet either above or below the horizontal underside of the canopy structure~~. No canopy sign may be less than seven feet from ground clearance~~;

e. Shall have a minimum vertical clearance of 8 feet above any sidewalk or pedestrian travel surface, and 14 feet above any vehicular parking or circulation surface;

f. May only consist of the name and/or logo of the business at the location of the canopy (i.e., no 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); and

g.~~f.~~ 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)~~Is subject to a size limitation as described in subsection (17), below~~.

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

a. Is limited to one per establishment;

b. 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

c. May 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;

d. Shall have a minimum vertical clearance of 8 feet above any sidewalk or pedestrian travel surface, and 14 feet above any vehicular parking or circulation surface;

e. May only consist of the name and/or logo of the business at the location of the canopy (i.e., no 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); and

f.~~d.~~ 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 a over motor fuel islands)~~Is subject to a size limitation as described in subsection (17), below~~.

(4)~~(5)~~ *Feather signs.* A feather sign:

a. Is limited to five per establishment at any given time;

b. Must be set back at least five feet from any street right-of-way or other property line;

c.~~b.~~ May not be displayed more than 20 calendar days within any calendar year; and

d.~~c.~~ Permit will not be issued for less than five calendar days.

(5)~~(6)~~ *Directional signs.* A directional sign:

a. May not contain any commercial message except the name, logo, or other symbolic identification of the establishment;

b. May not exceed six square feet in area;

c. May not exceed six feet in height;

d. May not be placed closer than 5 feet to any property or right-of-way line; and

e.~~d.~~ Must 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.

(6)~~(7)~~ *Freestanding signs.*

a. One freestanding sign (or possibly two if cited as allowed due to amount of street frontage as set forth in subsection 6-39(6)f. below) is allowed on nonresidential property for an establishment that does not have a monument sign and is located ~~within the Central Business District and/or fronts~~ 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;

Commented [SS15]: To be deleted here if canopy roof signs become prohibited (per CRC's review/recommendation).

Commented [SS16]: Am curious about why no LESS than 5 days…?

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; and

8. Francisco Lemos Street, for the area between Schreiner Street and Water Street.

b. A freestanding sign may 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 may 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 may not be located within 50 feet of another freestanding sign and no commercial complex may have more than one shared freestanding sign (with an appropriate easement and/or mutual-use agreement).

d. A freestanding sign located on a lot between 50 feet and 200 feet in width:

1. May not exceed 100 square feet in area, of which a maximum of 32 square feet or 50% of the total allowed sign area, whichever is greater, may be an electronic display;

2. May 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.~~3.~~ May not be located within 50 feet of any other freestanding sign; and

5.~~4.~~ Located on a through lot is allowed to have one freestanding sign on each of the two parallel street frontages, provided that the signs meet all other requirements of this article, including the distance requirement of 50 feet between signs.

e. A freestanding sign located on a lot between 200 feet and 400 feet in width:

1. May not exceed 150 square feet in area, of which a maximum of 32 square feet or 40% of the total allowed sign area, whichever is greater, may be an electronic display;

2. May 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.~~3.~~ May not be located within 60 feet of any other freestanding sign; and

5.~~4.~~ Located on a through lot is allowed to have one freestanding sign on each of the two parallel street frontages, provided that the signs meet all other requirements of this article, 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 greater than 400 feet in width on each frontage. Such a freestanding sign(s):

1. May not exceed 200 square feet in area for one sign, of which a maximum of 32 square feet or 30% of the total allowed sign area, whichever is greater, 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 or 50% of the total allowed sign area, whichever is greater, may be an electronic display;

2. May not exceed 40 feet in height for the larger sign and 30 feet for the smaller one, if any;

Commented [SS17]: This would be a maximum of 50sf...

Commented [SS18]: This would be a maximum of 60sf...

Commented [SS19]: This would be a maximum of 60sf...

Commented [SS20]: This would be a maximum of 50sf...

3. May be internally lit or externally lit (provided that the lighting source is fully hidden/shielded from public view); and

4.~~3~~. May not be located within 70 feet of any other freestanding sign.

(7)~~(8)~~ *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. May not exceed 32 square feet in area, of which a maximum of 50% of the sign area may be an electronic display;

2. May 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. May 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. Must 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. May not exceed 64 square feet in area, of which a maximum of 50% of the sign area may be an electronic display;

2. May 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. May 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. Must 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. May not exceed 100 square feet in area, of which a maximum of 50% of the sign area may be an electronic display;

2. May 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. May 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. Must be anchored in native colored masonry or similar material to the building(s) constructed on the property.

(8)~~(9)~~ *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. May not exceed 100 square feet in area, of which a maximum of 32 square feet or 50% of the total allowable sign area, whichever is greater, may be an electronic display;

b. May 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

Commented [SS21]: Need decision: for a property having 50 feet or less in width, allow entire 32sf sign (100%) to be electronic?, or limit to 50% (16sf)?...

Commented [SS22]: This would be a maximum of 32sf...

Commented [SS23]: This would be a maximum of 50sf...

Commented [SS24]: This would be a maximum of 50sf...

d.~~c.~~ No off-premises sign may be located on any vacant (i.e., undeveloped) or unplatted land parcel~~lot~~, 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.

(9)~~(10)~~ *Lighted signs.* An establishment may only have one lighted window or door sign per establishment, per street frontage, each sign not to exceed three square feet in area. Such signs must not blink or move, and must be turned off when the establishment is closed for business. ~~Illuminated exterior signs not lit by internal lighting may be illuminated by down lighting methods; "up-lighting" is prohibited.~~

(10)~~(11)~~ *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. May not exceed 16 square feet in area or six feet in height;

c. Must be placed at least five feet from any property or right-of-way line, and not within an easement;

c. May not be internally illuminated (fully hidden/shielded external light source only), and may not contain an electronic display; and

d. Must be immediately removed after 100 percent of the lots within the subdivision are sold by the developer or his/her successor in interest (including the model home).

(11)~~(12)~~ *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. May not exceed 16 square feet in area within any residential zoning district~~area~~, or 32 square feet in area within a nonresidential zoning district~~area~~;

c. May not exceed 20 feet in height;

d. May not extend more than nine feet~~either~~ 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) ~~by more than nine feet at the point of attachment~~;

e. Attached to a building on private property may 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. May not be internally illuminated, and may not contain an electronic display;

g. Shall have a minimum vertical clearance of 8 feet above any sidewalk or pedestrian travel surface, and 14 feet above any vehicular parking or circulation surface;

h. May only consist of the name and/or logo of the business at the location of the building the sign is attached to (i.e., no services or products offered for sale or rent on the premises)~~f. May not be less than seven feet from the ground at its lowest point~~; and

i.~~g.~~ Counts toward the building's total allowable wall sign area~~Is subject to a size limitation as described in subsection (17), below~~.

(12)~~(13)~~ *Residential development signs.* A residential development sign:

~~a. Besides providing the name and/or the address of the residential development, may incorporate incidental leasing information and/or the contents of a directional sign;~~

a.~~b.~~ May 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.~~c.~~ May not be internally illuminated, and may not contain an electronic display; and

c.~~d.~~ Must become~~Placed in a condominium development or in a subdivision in which the sign is~~ common property of the condominium development or the subdivision homeowners, and must include adequate assurance within the condominium regime or restrictive covenants that the sign(s) and associated landscaped area(s), if present, ~~at the base of the sign,~~ will

Commented [SS25]: Discuss usage in residential areas...

Commented [SS26]: These would be covered under small, temporary incidental signs...

be owned and~~be~~ properly maintained in perpetuity by the condominium or homeowners association.

d. May not be located within public right-of-way or within any public or utility easement.

~~(14) *Roof signs.* A roof sign:~~

~~a. Is allowed but only for an establishment that chooses not to install or use a wall sign;~~

~~b. May not exceed the height of the apex of the roof;~~

~~c. May 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 may not exceed four feet in height.~~

(13)~~(15)~~ *Wall signs.* A wall sign:

a. Is allowed for each wall but may not exceed 12 percent of the square footage of the facade to which the sign is mounted;

b. Must be securely mounted to and supported by the wall throughout the length and width of the sign;

c. May be internally lit only if composed of individual cutout words and/or figures, unless otherwise restricted by zoning, private restrictions/covenants, etc.;

d. May not contain an electronic display;

e.~~c.~~ May 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.~~d.~~ May ~~not~~ 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. ~~unless the painting is a mural which has an artistic composition and which depicts a scene or subjects unrelated to the products, goods, or services offered by the establishment within the building. In addition, a mural will not be considered a sign and is not subject to the size limitation provided above.~~

(14)~~(16)~~ *Electronic displays~~signs~~.* An electronic display~~sign~~:

a. Are only allowed on a sign, per section 6-39 of this article, that is located along, within a distance of 100 feet, and clearly visible from a major thoroughfare or highway (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 on such major thoroughfare or highway frontage);

b. Can be used on both on-premise and off-premise signs;

c. May not exceed the amount of area that is specifically cited as eligible to be electronic in section 6-39 of this article~~32 square feet~~;

d. Must be framed or bordered by at least six inches of masonry, metal, wood or other material that is consistent with the finishes of the building(s) on the same premises as the electronic display;

e. Must be supplied with underground electrical service from the electric utility's feeder line/pole;

f. Must 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 6-39(14)o. below.

g. Must be equipped with a properly functioning default mechanism that will cause the sign to revert immediately to a single, fixed, non-transitory image or to a solid black screen if the sign malfunctions. The owner of an electronic display must 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.

h.~~b.~~ May ~~use~~ display black-and-white and/or color images;

i.~~c.~~ Must operate in a way that its message remains static for a minimum of eight~~four~~ seconds;

j.~~d.~~ Must operate in a way that all screen transitions occur within one second such that the initial message does not noticeably fade, dissolve, or travel;

k. May 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;

l.~~e.~~ May 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;

m. May not emit or cause the creation of an audio message or any type of sound;

n.~~f.~~ May be allowed as a portion of a~~wall sign or~~ window sign~~ instead of a freestanding sign~~, as set forth in this section and in applicable portions of section 6-39 of this article;

o.~~g.~~ May not exceed a light intensity or ~~of 500 NITS at night or 7,000 NITS during the day(or a maximum~~ brightness level of 0.3 foot-candles above natural ambient light conditions~~, whichever is the lower intensity level, at all times via automatic dimming technology as cited in subsection f. above)~~. Before issuance of a permit for an electronic display, the applicant must ~~may have to~~ submit an ambient light survey showing light levels along each adjacent property line at a level of five feet above the ground, and must 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.

p.~~h.~~ Must be turned off or only display a solid black screen from 8:00pm to 6:00am when located~~Operating~~ within 200 feet of a residential use~~area~~, a public park or playground, or a scenic area (such as along the River)~~ must be turned off from 8:00 p.m. to 6:00 a.m~~.

q. The owner and/or operator of an electronic display shall coordinate with [applicable] 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. (Texas Administrative Code 43 TAC §21.206(c))

(15) *Murals*. A mural:

a. May occupy only one façade of any building unless otherwise approved as a variance per section 6-44 of this article.

b. May be placed only on the vertical façade of a building and may not exceed or protrude beyond the building façade's width or height unless otherwise approved as a variance in accordance with section 6-44 of this article; and

c. Must 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.

~~(17) *Area limitation for awning sign, canopy sign, canopy roof sign, or projecting sign.* Where an establishment chooses to use any one or a combination of an awning sign, canopy sign, canopy roof sign, or projecting sign, the combined total area of any one or multiple signs may not exceed the area allowed for a freestanding sign.~~

(Ord. No. 2012-05, § 1(Exh. A), 7-3-2012; Ord. No. 2013-10, §§ 4—7, 5-28-2013; Ord. No. 2014-05, §§ 2, 3, 2-11-2014)

Commented [SS27]: Former text of subsection q was moved to section 6-41(6) (Sign Permits), since it is applicable to any electrical sign…

Commented [SS28]: Incorporated into each applicable type of sign's regulations...

Sec. 6-40. - Prohibited sign locations.

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

(1) No sign may 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), 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 may 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, may be located on or above any city property to include public rights-of-way, except as permitted by other provisions of this article and chapter 70, article III.

(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, may be hung with less than eight~~seven~~ feet of vertical clearance above the sidewalk or pedestrian travel surface or less than 14~~12~~ feet of vertical clearance above any vehicular parking or circulation surface.~~the street, drive, or parking area.~~

(5) No sign or part of a sign or its support structure~~frame~~ may 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 may be located closer than 12 feet to a power line.

(7) No lighted sign and no permanent sign may 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.

(Ord. No. 2012-05, § 1(Exh. A), 7-3-2012; Ord. No. 2013-10, § 8, 5-28-2013; Ord. No. 2014-02, § 2, 2-25-2014)

Sec. 6-41. - Sign permits.

(1)~~(a)~~ *Permit and fee required.* No person may install, place, rebuild, alter, enlarge, extend, convert, replace, repair, or relocate those signs specified within section 6-38 and section 6-39 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 calendar days of receipt thereof.

(2)~~(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.

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

(4)~~(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 article 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 calendar days, the city may destroy, sell, or otherwise dispose of the sign.

(5) *Suspension or revocation of permit*. The city may suspend or revoke any sign permit issued under the provisions of this article 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 must be removed by the permit holder, sign owner, or property owner within 15 calendar days following the hand-delivery or the mailing postmark of the written notice of the revocation.

(6) 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). Furthermore, 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. [Section 73.52(c)]

(Ord. No. 2012-05, § 1(Exh. A), 7-3-2012)

Sec. 6-42. - Sign maintenance.

(1)~~(a)~~ *Maintenance required.* All signs must be maintained in a structurally safe condition and~~/or~~ in good repair. The city will notify, by certified mail, the responsible party for any sign not so maintained and the responsible party shall perform the necessary maintenance or repairs within 30 calendar days following~~of~~ 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 calendar days, the city may destroy, sell, or otherwise dispose of the sign.

(2)~~(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, must 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~~insure~~ 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 will be charged to the responsible party. If the city removes a sign and the sign remains unclaimed for a period of more than 30 calendar days, the city may destroy, sell, or otherwise dispose of the sign.

(Ord. No. 2012-05, § 1(Exh. A), 7-3-2012)

Sec. 6-43. - Nonconforming signs.

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

~~(1) Signs which require a permit under this article, such as a balloon or a feather sign, must be permitted;~~

a.(2) Temporary signs such as inflatable signs, figures, or devices, which are prohibited, must be removed within 30 calendar days of the adoption of this article;

b.(3) An electronic displaysign must comply with the operational regulations found with subsection 6-39(16) within 30 calendar days of the adoption of this article;

c.(4) Where an electronic displaysign exceeds 32 square feet but is prohibited by this article from exceeding this size, such sign may be replaced to equal its existing area but may not exceed this area; and

d.(5) If the use of any nonconforming sign is discontinued for a period of 180 consecutive calendar days or more, then the responsible party must remove or alter the sign to meet the regulations found within this article and any future use of the sign must fully comply with this article.

(2)(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 article. A lawfully existing 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.

(3)(c) *Removal of damaged, dilapidated and deteriorated signs.* A responsible party must remove a nonconforming sign which is damaged by any cause to the extent of 50 percent or more of its value within 30 calendar 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 article. Dilapidated and deteriorated signs, conforming or nonconforming, shall be removed within 30 calendar days following the postmark date of the written notice by the city to do so.

(Ord. No. 2012-05, § 1(Exh. A), 7-3-2012)

Sec. 6-44. - Variances.

(1)(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 article may make application to the planning and zoning commission for a variance to continue in use, locate, construct, or otherwise place such a sign.

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

a.(1) Name/address of the applicant/owner;

b.(2) Address andor legal description of the property;

c.(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;

d.(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;

e.(5) A drawing or sketch in sufficient detail to determine the location and type of construction for the proposed sign; and

f.(6) Fee established by city council.

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

(4)(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.

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

(6)~~(f)~~ *Report of the development services department.* The city's development services department will review the application prior to the hearing.

(7)~~(g)~~ *Action by the planning and zoning commission.* The planning and zoning 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 article, or that it will give a business an unfair competitive advantage over other businesses. The planning and zoning 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 article 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 article.

(8)~~(h)~~ *Evaluation criteria.*

a.~~(1)~~ The planning and zoning commission must use the following criteria when considering variances to this article and no variance may be granted until it makes the following findings:

1.~~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;

2.~~b.~~ That exceptional circumstances or conditions are such that literal enforcement of the provisions of this article would result in an unnecessary hardship inconsistent with the general purpose and intent of this article;

3.~~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;

4.~~d.~~ That the granting of such variance will not be contrary to the objectives and principles contained in the city's comprehensive plan;

5.~~e.~~ That the variance to be granted is the minimum variance that will relieve the proven hardship;

6.~~f.~~ That the variance is not being granted to relieve the applicant of conditions or circumstances:

(a)~~1.~~ Which are not inherent in the property itself, but are the result of the use or development of the property, or

(b)~~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

(c)~~3.~~ Which were otherwise self-imposed by the present or a previous owner;

7.~~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;

8.~~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

9.~~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.

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

(9)~~(i)~~ *Conditions of variances.* If a variance is granted and the sign so authorized is not substantially under construction within 180 calendar days~~six months~~ following~~of~~ the date of approval of the variance, the variance will lapse and become of no force or effect.

(Ord. No. 2012-05, § 1(Exh. A), 7-3-2012)

Sec. 6-45. - Relation to other ordinances.

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

(Ord. No. 2012-05, § 1(Exh. A), 7-3-2012)

Sec. 6-46. - Severability.

If any portion of this article 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 article which will remain in full force and effect.

(Ord. No. 2012-05, § 1(Exh. A), 7-3-2012)

Sec. 6-47. - Enforcement.

(1)~~(a)~~ *Violations and penalties.* Wherever by the provisions of this article 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 article will constitute a violation of this article. 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.

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

a.~~(1)~~ Injunctive relief to prevent specific conduct that violates the article or to require specific conduct that is necessary for compliance with the article; and

b.~~(2)~~ A civil penalty up to $500.00 a day when it is shown that the defendant was notified of the provisions of the article and after receiving notice committed acts in violation of the article or failed to take action necessary for compliance with the article; and

c.~~(3)~~ Any other remedy available by law.

(Ord. No. 2012-05, § 1(Exh. A), 7-3-2012)