

CHAPTER 14: SIGN REGULATIONS

Section 14.100: Purpose and Goals

- a) The purpose of this chapter is to provide uniform sign standards that perform the following:
- 1) Promote a positive image of the city;
 - 2) Protect an important aspect of the economic base;
 - 3) Reduce the confusion and hazards that result from excessive and prolific use of sign displays;
 - 4) Ensure that no hazard is created due to collapse, wind, fire, collision, decay or abandonment; that no obstruction is created to fire fighting and police surveillance; and no traffic hazard is created by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs;
 - 5) Promote efficient transfer of information in sign message by providing that businesses and services may identify themselves; customers and other persons may locate a business or service; and persons exposed to signs are not overwhelmed by the number of messages presented, and are able to exercise freedom of choice to observe or ignore said messages, according to the observer's purpose; and
 - 6) Protect the public welfare and enhance the appearance and economic value of the landscape by providing signs that do not interfere with scenic views; do not create a nuisance to persons using the public right-of-ways; do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height, or movement; are not detrimental to land or property value; and, contribute to the special character of particular areas or districts within the city, helping the observer to understand the city and orient oneself within it.
- b) By recognizing this purpose, this chapter shall serve to strengthen the economic stability of business, cultural, and residential areas in the city; recognizing that visual clutter leads to decline in the community's appearance, in property values, and in the effectiveness of the signs.
- c) The goals of this chapter are to preserve the integrity of our community, promote pride in our neighborhoods, promote safe egress/ingress on public roadways, and encourage the effectiveness of signs.
- d) In the event of conflicts, actual or perceived, in the terms or requirements of this chapter, the most restrictive interpretation shall apply.

Section 14.200: First Amendment Rights

This chapter shall not be construed, applied, interpreted, nor enforced in a manner to violate the First Amendment rights of any person, and the building official shall seek the advice and recommendation of the city attorney prior to taking any action to enforce any provision of this ordinance with respect to any

non-commercial sign or speech by any person. No provision of this chapter shall be construed in a manner as to violate Section 216.903 of the Texas Local Gov't Code (protecting certain political signs).

Section 14.300: Enforcement

- a) Authority. The Building Official and the City Administrator are hereby authorized and directed to enforce all the provisions of this chapter, and to make complaints for prosecution of violations in the City's municipal court.

- b) Right of entry. Whenever necessary to make an inspection, to enforce any of the provisions of this chapter, or whenever the building official or City Administrator has reasonable cause to believe that there exists in any building or upon any premises any condition which violates the provisions of this chapter, the building official or City Administrator may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official or City Administrator by this chapter. If such building or premises is occupied, the building official or City Administrator shall first present proper credentials and request entry; and if such building or premises is unoccupied, the City Administrator shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the building official or City Administrator shall have recourse to every remedy provided by law to secure entry.

Section 14.400: General Provisions

14.401 Permits, Certificates and Approval Required

- a) Permit required. It shall be unlawful for any person to erect, construct, enlarge, move or convert any sign within the city limits or its extraterritorial jurisdiction (ETJ) without first obtaining a sign permit from and paying a permit fee unless specifically provided otherwise in this chapter.

- b) Compliance required. No person may install a sign or structurally alter an existing sign except in conformity with this ordinance and other applicable federal, state, and local regulations, including, but not limited to, the building code, electrical code, and other applicable ordinances of the city. In the event of a conflict between this chapter and other laws, the most restrictive standards applies.

- c) Permit approval. An application for a sign permit must be accompanied by the permit fee and shall include such information as is necessary to assure compliance with all appropriate laws and regulations of the city, including:
 - 1) Complete a sign application permit;

- 2) For any sign to be located along a highway, within the City and/or its area of extraterritorial jurisdiction, which is designated as being a portion of the Interstate Highway system or the Federal-aid Primary Highway system, the owner must have an outdoor advertising license from the State Department of Highways and Public Transportation, if applicable.
- d) Presumed Responsibility. The primary beneficiary (e.g. the business advertised) and the owner of the property on which a sign has been installed, moved, structurally altered, structurally repaired, maintained, or used in violation of this chapter shall be presumed responsible for the violation of this chapter.

14.402 Sign Maintenance, Repair and Removal

- a) If the City Administrator finds that the condition of any sign that had lawfully been installed is in violation of the provisions of this Chapter, he/she shall give written notice of the violation by certified mail to the owner or person entitled to possession of the sign or the owner of the property where the sign is located as specified in the Penalties and Enforcement section of this code.
- b) All signs in the city and its ETJ shall be properly maintained in a good and safe structural condition, shall be painted on all exterior parts, unless coated or made of rust resistant material, and shall be maintained in good condition and appearance at all times. Any owner or primary beneficiary failing to maintain, repair, or remove any such sign after due notice has been given shall upon conviction be guilty of a misdemeanor. The City Administrator shall have the authority to order the painting, repair, or removal of a sign and accompanying landscaping which do not comply with this ordinance or the building codes or that constitute a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence or abandonment. Any multi-tenant signage having more than one vacant slot for a period exceeding ninety (90) consecutive days shall be considered improperly maintained unless all businesses on the lot are in compliance with the Advertisement Limitation of the Monument Signs for Businesses section of this code.

14.403 Liability

The provisions of this Chapter shall not be construed as relieving or limiting in any way the responsibility or liability of any person, firm or corporation erecting or owning any sign from personal injury or property damage resulting from the placing of the sign, or resulting from the negligence or willful acts of such person, firm or corporation, its agents, employees or workmen, in the design, construction, maintenance, repair or removal of any sign erected in accordance with a permit issued under the provisions of this Chapter. Nor shall it be construed as imposing upon the City or its officers or employees, any responsibility or liability by reason of the approval of any signs, materials, or devices under the provisions hereof.

14.404 Visibility

Signs shall not be constructed or installed in a manner that would interfere with visibility, create a traffic hazard, or be confused with any traffic control sign or signal.

14.405 Public property

- a) No sign shall be located on or project over public property or a street right-of-way except governmental signs, bench signs, and temporary banner signs that comply with this chapter, except where a provision in this ordinance allows such location, or with the approval by the city council of a license agreement. No portion of a freestanding sign shall be permitted to extend into the public right-of-way.
- b) No person shall, either directly or indirectly, cause or authorize a sign to be installed, used, or maintained on any utility pole, traffic signal pole, traffic signal controller box, tree, public bench, street light, or any other structure located on or over any public property or public right-of-way, located within the city's planning jurisdiction, except as authorized by this chapter.
- c) Any unapproved sign located in public right-of-way may be immediately removed by the Building Official or the City Administrator without notice to the owner.

Section 14.500: Administrative Procedures and Enforcement

14.501 Application Procedures

- a) Except as specifically exempted within this Code, a sign application permit must be obtained from the City. The sign application permit must be properly completed and returned to the City. The application is not completed until all submittal information required by the "Sign Application Requirements" is received.
- b) The City Administrator shall accept the properly completed sign application permit submittal and will review for administrative completeness, and provide notice of deficiencies following the procedures for provided in this Code pertaining to submissions for administrative completeness.
- c) The City Administrator will approve, deny or approve upon condition consistent with the provisions of this Chapter, the sign application permit based upon its conformance with the provisions of this Chapter.
- d) If the application is approved or approved upon condition, the applicant will be duly notified by the City Administrator's decision.
- e) If the City Administrator determines that the sign application does not meet the technical requirements, including but not limited to size, height, and number, of this Chapter, City Administrator may deny the application. Upon denial of an application, notification will be given in writing to the applicant defining the reason for disapproval. The applicant may request an appeal to the City Council within thirty (30) days following such determination.
- f) If the application is approved upon condition, the applicant will be duly notified of the City Administrator's decision and the applicant will be required to adhere to the conditions of the permit.
- g) Upon the conclusion of the construction and erection of the approved sign, the applicant will request a final inspection from the City Inspector.

- h) The City Inspector will inspect the sign and will, if the sign is found to be in compliance with the approval, issue an approved inspection report completing the sign permit procedures.

14.502 Sign Application Requirements

All applications, computations, submittals, and photos become the property of the city at the time of submittal and may be used for presentation purposes to the public and/or the city council.

An application submittal for a sign permit shall include the following information:

- a) Permit application with the following information:
 - 1) Name, address, telephone number of the applicant and date of application;
 - 2) Numerical location of building structure upon its lot and physical street address upon which the sign is to be located;
 - 3) The code section under which the application is being made;
 - 4) Type of sign for which the permit is requested;
 - 5) Illumination type;
 - 6) Number of signs requested;
 - 7) Position of the sign on the building or on the ground in both plan view, drawn to scale, and views of the elevation(s), drawn to scale;
 - 8) Lineal feet of frontage of the business.

- b) Detailed drawings showing the following:
 - 1) Two sets of scale drawings of the plans and specifications, including size and color of the sign and its various parts, the style of lettering, the message, lighting, type of material of which it is fabricated and the method of attachment to the building or to the ground and associated landscaping;
 - 2) A color sketch or color photograph of the sign and building, as well as any contiguous street or building in order to display how they would appear in relation to one another;
 - 3) Name, address and contact information of person or person(s) erecting the sign.

- c) Proper method of permit fee payment in accordance with the fee schedule as amended.

- d) Such other information reasonably necessary to determine compliance with all applicable sign regulations, and building, lighting and electrical regulations.

If required by the City Inspector, a copy of stress sheets and calculations showing that the structure is designed for dead load and wind pressures in any direction in the amount required by this and all other laws and ordinances of the City;

A separate application shall be completed for each sign.

14.503 Representations by Applicant

All representations, whether oral or written, made by the applicant or his agent on behalf of the application for a sign permit under this Chapter become conditions upon which a permit is issued. It shall be unlawful for the permittee to vary from such representation unless the permittee first makes application, as required by the provisions of this Chapter, to amend the permit and such amendment is approved by the proper authority.

14.504 Final Inspection Report

A final sign inspection is to be performed only by the designated City Inspector and shall contain the following information:

- a) Name, address, and telephone number of the applicant;
- b) Numerical location of building structure upon its lot and street address upon which the sign is to be located; and
- c) Signature and date of approval by the City Inspector.

14.505 Permit Fees

At the time the City accepts the sign application permit, the applicant shall pay in full the required fee in accordance with the adopted fee schedule as amended. The applicant's submittal will not be considered complete until payment has been received.

14.506 Review of Signs by City Staff

The City Administrator shall review the location, appearance, lighting, form, color, character, dimensions and materials of all signs for compliance with all applicable regulations. The City Council may adopt from time to time such rules and regulations as it may deem necessary to permit the City Administrator to perform his or her prescribed duties.

14.507 Approval and Inspection Required

If an application is approved, the City Administrator shall sign his/her name to the application and specify whether the permit is Approved or Approved on condition. Following approval of a permit by the City Administrator, or by the City Council if applicable, the City Inspector shall inspect the installation of the sign for which the permit was issued and shall report the results of such inspection to the City Administrator.

14.508 Acts Prohibited

It shall be unlawful for any person to do any of the following acts:

- a) To post, paint, or otherwise exhibit any advertisement, poster, bill, or other notice or sign, on any property not owned or controlled by him, without the permission of the person owning or controlling said property.

- b) To tear down, remove, or otherwise interfere with any notice, sign, advertisement, bill or poster erected by another, unless the same was placed or maintained on the property of the person removing the same, without permission previously given.
- c) To paint, mark or write on, or to post or otherwise affix, any hand-bill or sign to or upon any sidewalk, crosswalk, curb, curbstone, street lamp post, hydrant, tree, shrub, tree stake or guard, railroad trestle, electric light or power or telephone or telegraph, wire pole or wire appurtenance thereof or upon any fixture of the fire alarm or police system or upon any lighting system, public bridge, or lifesaving equipment, street sign or traffic sign. Any hand-bill or sign found posted, or otherwise affixed upon any public property contrary to the provisions of this Section may be removed by the Police Department or other department or individual so designated by the City of Sunset Valley.
- d) To erect, maintain, or paint any sign, or other message or outdoor advertising upon a tree, rock, or other natural feature.
- e) To erect within the city limits of the City of Sunset Valley or its extraterritorial jurisdiction, any sign, or other outdoor advertising, without having prior thereto obtained from the City a permit, except as specifically exempted by the provisions of this Chapter.
- f) Erect a Monument sign in (SF) Single Family Residential zones.

14.509 Remedies for Violations

- a) In the event any provision hereof is violated within the corporate limits of the City of Sunset Valley, or outside such corporate limits but within the area of the extraterritorial jurisdiction of the City, the City of Sunset Valley may institute any appropriate action or proceeding in the District Court or another court of competent jurisdiction to restrain and enjoin the violation of such Chapter.
- b) The City Administrator shall have the authority, and the duty, to remove or cause to be removed and impounded any sign, poster, handbill, banner, streamer or other outdoor advertising erected, placed, altered, maintained, or neglected in violation of this Chapter, if the same is located on, in, or above any public street, right-of-way or sidewalk area, or other public property.
- c) Any item impounded by authority of this Section shall be held for a period of thirty (30) days and then disposed of in any manner designated by the City Administrator. During the thirty (30) days, the owner of said item upon proof of same may reclaim said item at the place of storage by paying to the City the actual cost of removal and impounding.
- d) Each violation of this Chapter shall constitute a Class C misdemeanor.

Section 14.600: Design Review Guidelines

14.601 Landscaping

Landscaping is required for commercial monument signs and should be designed to harmonize with the building and surrounding natural landforms and native plants and shall be consistent with plant selections listed in the landscape chapter of this code.

14.602 Lighting

Lighting should be of no greater wattage than is necessary to make the sign visible at night. All lighting shall be indirect lighting as defined herein and all flood lights shall be shielded. No sign shall be erected which contains or is illuminated in whole or in part, by any flashing, intermittent or moving light or intermittent message of any nature except a sign providing solely public service information such as time, date, temperature or weather. No sign shall be so illuminated that it interferes with the effectiveness of, or obscures, an official traffic sign, device or signal. The use of search lights is prohibited.

- a) Lighting. Sign lighting shall be installed to protect the driver of a vehicle from dangerous glare and to maintain visual clearance of all official traffic signs, signals and devices.
- b) Glare. Signs shall be designed, located, shielded, and directed to prevent the casting of glare or direct light from artificial illumination, upon adjacent public right-of-way and surrounding property.
- c) Brightness limitations. The lighting intensity of a sign adjacent to SF districts, whether resulting from internal illumination or external illumination, shall not exceed two (2) foot candles at the property line.
- d) Electrical permit. All signs in which electrical wiring and connections are to be used shall be subject to the applicable provisions of the city's electrical codes.

14.603 Sign Area Calculation

Sign area measurement. Sign area for all sign types is measured as follows:

- a) Sign copy mounted, affixed, or painted on a background panel or area distinctively painted, textured, or constructed as a background for the sign copy, is measured as that area contained within the sum of the smallest rectangle(s) that will enclose both the sign copy and the background.
- b) Sign copy mounted as individual letters or graphics against a wall, fascia, mansard, or parapet of a building or surface of another structure that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy, is measured as a sum of the smallest rectangle(s) that will enclose each word and each graphic in the total sign.
- c) Freestanding sign area is the entire advertising area of a sign, including framing, trim or molding and the supporting frame for monument signs and including the air space between the supporting structures for freestanding signs.

14.604 Sign Height Measurement

Sign height is measured as follows:

- a) Freestanding signs. The height of a freestanding sign shall be computed as the distance from the base of the sign at finished grade to the top of the highest attached component of the sign. The height of any monument sign base or other structure erected to support or adorn the sign is measured as part of the sign height. If a sign is located on a mound, berm, or other raised area for the sole purpose of increasing the height of the sign, the height of the mound, berm, or other raised area shall be included in the height of the sign.
- b) Building mounted signs. The height of wall, fascia, mansard, parapet or other building mounted signs is the vertical distance measured from the base of the wall on which the sign is located to the top of the sign or sign structure.

Section 14.700: SIGN CATEGORIES

This Section concerns those types of permanent and temporary signs allowing for a limited exemption as well as those requiring a sign application permit under the provisions of this Chapter. This Section further includes the purpose of each sign type, size, height, number, location, design and landscaping requirements, and special provisions for each type of sign.

14.701 Exempted Signs

The following signs are exempt from the requirement of a permit.

- a) Warning and security signs placed by a public utility for the safety, welfare, or convenience of the public, including, but not limited to signs identifying high voltage, public telephone, or underground cables.
- b) Any sign erected by or under the authority of the city on property owned by the city.
- c) "No Dumping" and "No Trespassing" signs, less than one (1) square foot in area per sign and not spaced less than 100 linear feet apart.
- d) Signs attached to a temporary structure utilized specifically for outdoor sales or services or any other signs which are approved in a specific use permit authorizing the outdoor sales or services.
- e) Non-illuminated names of buildings, dates of erection, monument statues, commemorative tablets and the like when carved into stone, concrete, metal, or any other permanent type of construction and made an integral part of an allowed structure, made flush to the ground, or permanently attached to and incorporated into the overall design of all or part of one or more facades of a building in a GUI zoning district.
- f) Any traffic sign, public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance on public or private property.

- g) Traffic control signs on private property, such as Stop, Yield, and similar signs, and which contain no commercial message.
- h) Address signs not located in single family residential zones and not greater than five (5) square feet in area. One is permitted per access drive.
- i) Residential Nameplate Sign not exceeding one, two (2) square foot sign per single family unit.
- j) Retail store window displays of merchandise, freestanding three-dimensional promotional items (with or without proprietary words or symbols solely describing the merchandise and/or merchandise that is sold in the store), and/or display fixtures not affixed to windowpanes and located inside the store.
- k) Holiday lights and decorations with no commercial message.
- l) Restricted parking signs required or authorized by city ordinance or by law, including but not limited to handicap parking signs.
- m) No sign permit is required for a change of copy on any sign, or for the repainting, cleaning and other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign or sign structure is not modified.

Exception: If the sign was approved by a variance from the city council, the replacement of a sign face will require a new permit which may again require council approval.

- n) A political sign exempt pursuant to the provisions of Texas Local Government Code Section 216.903

14.702 Prohibited Signs

The following signs shall be prohibited from use within the city limits and it's ETJ. Signs not considered as exempted, non-conforming, limited exemption, temporary requiring a permit, or permanent requiring a permit shall hereby be considered prohibited, including the following:

- a) Canopy Signs
- b) Billboard Signs
- c) Electronic Message Signs
- d) Inflatable Signs
- e) Home Occupation Signs
- f) Signs with flashing lights, revolving beacon lights, fluttering, undulating, swinging, or otherwise moving parts. An electronically controlled changeable-copy sign is not considered a flashing sign unless it directly falls under the definition of "flashing" as defined in this chapter.
- g) Portable Signs
- h) Signs displayed on a vehicle or trailer that is parked or located for the primary purpose of displaying the advertisement.
- i) Roof Signs
- j) Signs painted on fences or other structures.

- k) Advertising Search Lights
- l) Advertisement Flags
- m) Waving Banners

14.703 Non-Conforming Signs

The following non-conforming signs shall be terminated immediately upon the occurrence of the event specified:

- a) A sign that, having been permitted under previous regulations, is required to be removed because the sign, or a substantial part of it, is blown down or otherwise destroyed or dismantled for any purpose other than maintenance operations or for changing the letters, symbols or other matter on the sign;
- b) A non-conforming sign that has been abandoned;
- c) A non-conforming sign for a business or commercial enterprise that has been discontinued for a continuous period of ninety (90) days; or
- d) A non-conforming sign that has become obsolete or substandard under any applicable ordinance of the municipality to the extent that the sign becomes a hazard or danger.

14.704 General Criteria Related to Limited Exemptions

The following signs are exempt from the requirement for a sign permit as long as they meet the corresponding standards.

- a) Temporary ground signs specified in the Specific Criteria Related to Limited Exemptions section of this code may be displayed at or behind the property line. These signs may not be displayed on public R.O.W., including medians.
- b) For temporary ground signs, sign height is measured as the vertical distance between the grade of the closest roadway surface and the top of the sign.
- c) All signs shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area and shall be constructed to receive dead loads as required by the City's currently adopted Building Code.
- d) Signage in this category is not permitted to have lighting used for the sole purpose of enhancing the sign message. Exceptions include Replacement Sign Panels and Window Signs.

14.705 Specific Criteria Related to Limited Exemptions

- a) Development/ Construction Sign – A temporary ground sign with a maximum height of five (5) feet and a maximum sign area of eight (8) square feet. One sign is allowed per street frontage

and may only be installed after approval of a preliminary site plan. Sign must be removed within one year of installation or upon issuance of Certificate of Occupancy whichever comes first.

- b) Subdivision Marketing Sign/ Open House Sign – A temporary ground sign with a maximum height of three (3) feet, and maximum sign area of four (4) square feet. One (1) onsite sign is allowed and no more than two (2) off site signs are allowed. Signs may be displayed between noon on Friday and 5 am on Monday, requiring pick up prior to 6 am on Monday. All signs must display the telephone number of the real estate broker, sales agent, homeowner or builder.
- c) Residential Builder Sign - A temporary ground sign with a maximum height of six (6) feet, and maximum sign area of four (4) square feet. One (1) onsite sign is allowed and may be installed only after issuance of a building permit and must be removed upon issuance of Certificate of Occupancy. No offsite signage is permitted.
- d) Commercial Real Estate Sign - A temporary or permanent ground sign with a maximum height of ten (10) feet, and maximum sign area of thirty-two (32) square feet. One (1) onsite sign is allowed per street frontage. Two (2) additional onsite ground signs may be permitted up to eight (8) square feet so long as they are visible only from within the center. The ground sign is only allowed when space is available for lease or for sale on the same site. One window sign is permitted per lease space. Window signs shall not exceed ten (10) % of the window area as explained in section 14.705 (j).
- e) Residential Real Estate Sign - A temporary ground sign with a maximum height of four (4) feet, and maximum sign area of eight (8) square feet. One (1) onsite and one (1) offsite sign is allowed per lot. Signs may be displayed between noon on Friday and 5 am on Monday, requiring pick up prior to 6 am on Monday.
- f) Garage/Yard Sale Sign - A temporary ground sign with a maximum height of three (3) feet, and maximum sign area of four (4) square feet. Four (4) signs are allowed per sale with not more than three (3) off-site signs. Signs may remain from noon on Thursday until noon on Monday or any legal holiday not to exceed twice per calendar year.
- g) Political Sign – A temporary sign with no limitation set for type of placement. Signs shall have a maximum height of eight (8) feet and be no more than thirty-two (32) square feet. There is no limitation on the number of signs that may be placed. Signs associated with an election must be removed within seven (7) days after the election. Signs shall not be displayed on city property or on Public or TXDOT Right of Way.
- h) Restricted Parking Sign – May be a temporary or permanent sign not exceeding seven (7) feet in height and a maximum of two (2) square feet. Limited to 1 sign per 25 parking spaces and colors are limited to black, red, green, blue lettering with a white background.
- i) Vehicular Sign – May be either temporary or permanent as long as the primary use of the vehicle is not for the display of signage. The vehicle must display a valid license plate and current registration and inspection tags.
- j) Window Signs (**Amended 7-7-2015**)
 - 1. One (1) illuminated window sign is permitted per lease space **entry** with a maximum of two (2) signs per space. Signs shall not exceed four (4) square feet per sign and shall be

for the sole purpose of notifying the public that the space is open for business.

2. Illuminated window signs shall be limited to four hundred (400) lumens in brightness, measured at a distance of four (4) feet off the sign face, shall only be illuminated during business operating hours and shall not flash, blink, strobe or move.
- k) Human Signs – May be displayed only on private property and may be visible from, but not located in, public right-of-ways. Each business is limited to one sign for a period not to exceed 14 calendar days twice annually.

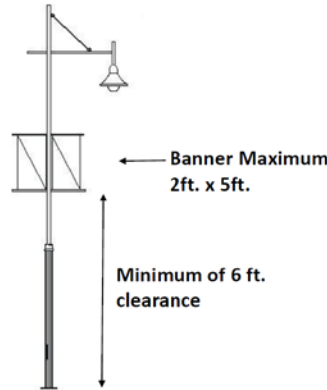
14.706 General Criteria Related To Temporary Signs Requiring a Permit

- a) All signs shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area and shall be constructed to receive dead loads as required by the City's currently adopted Building Code.
- b) Banners not affixed to the building are not permitted.
- c) Signage in this category is not permitted to have lighting used for the sole purpose of enhancing the sign message.

14.707 Specific Criteria Related to Temporary Signs Requiring a Permit

- a) Banner – One (1) banner is allowed per lease space attached to a building for a period not to exceed thirty (30) days with a maximum of two banners per calendar year. The banner shall not exceed 75% of the storefront width. Banner size can be .5 square feet for every one (1) foot of width of building or lease space not to exceed sixty (60) square feet.
- b) Grand Opening Banner – One (1) banner is allowed per lease space attached to the building for a period of fifteen (15) days and may be displayed one (1) time within one (1) year of issuance of C.O. This banner will be permitted in addition to the two banner permits allowed in a calendar year. The width of this sign shall not exceed seventy-five (75) % of the storefront width. Banner size can be .75 square feet for every one (1) foot of width of building or lease space not to exceed forty eight (48) square feet.
- c) Special Purpose Sign – Two (2) off site and one (1) on premise attached or ground signs may be permitted per event sponsored by a non-profit or civic organization. Ground signs shall not exceed six (6) feet in height and shall not be larger than four (4) feet and shall be located at or behind property lines. They are not to be placed in the Right of Way. Signs may be placed up to two (2) weeks prior to the event and must be removed within forty-eight (48) hours of event completion.
- d) Parks and Recreation Banner – Three (3) attached or ground banners, per park may be permitted. Signs shall not exceed three (3) square feet and cannot be placed in the Public Right of Way. Each permit is applicable for fifteen (15) days with a total of two (2) permits approved consecutively.

- e) Light Pole Banner – One (1) attached banner is permitted per light pole with a maximum of ten (10) square feet. Signs may not exceed two (2) feet in width and allow for a minimum of six (6) feet of sidewalk clearance at all times. All light pole banners shall be approved by the appropriate utility company prior to consideration by the City Council. Light pole banners shall be limited to publicize community wide events, holiday celebrations, public art, and other city sponsored events.



- f) Sandwich Board Sign – One (1) sign is permitted per lease space along sidewalks and internal driveways only. Signs shall be removed at the end of each business day after the business is closed and shall have a maximum height of four (4) feet and maximum width of two (2) feet. Chalkboards may be used for daily changing messages. No reader boards may be used.
- g) New Construction/ For Sale/ Leasing Sign – One (1) ground sign per site per street frontage is permitted. Additionally, one sign attached to the interior of the window shall be allowed, per space for lease, for commercial properties, not to exceed 10% of the window area. Ground signs are not to exceed eight (8) feet in height, shall be a maximum of thirty-two (32) square feet, shall be placed at or behind the property line, not in the ROW, and shall be removed after sale or lease has been finalized or one (1) year after sign was erected, whichever comes first.

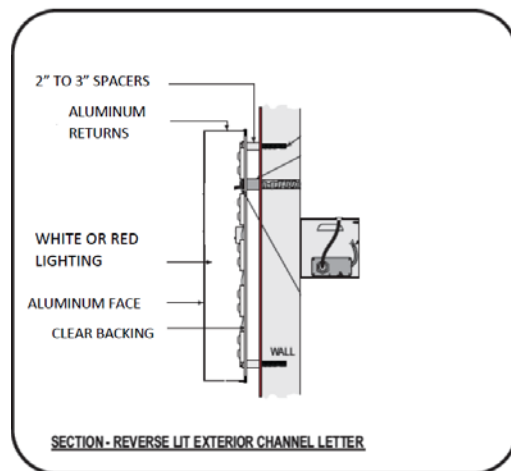
14.708 General Requirements Related to Permanent Signs Requiring a Permit

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

14.709 Specific Requirements Related to Permanent Signs Requiring a Permit

a) Attached Signs

Each lease or tenant space shall be permitted only one attached building sign per street front with a maximum of two signs per tenant/lease space. Each sign is limited in width to 75% of the single plane façade. Each sign shall be located in the middle 75% of the single plane façade or centered on an articulate surface of the building façade. The maximum logo height for an attached sign may be no more than 125% of the maximum permitted letter height. Each sign shall use indirect lighting in the form of aluminum individual reverse channel letters with aluminum faces and clear backing. No exposed lighting is permitted. Returns shall be not less than three (3) inches and not greater than five (5) inches. All signs shall be a minimum of two (2) inches off the supporting structure and not greater than three (3) inches. Lighting shall be either red or white in color.



The maximum square foot area permitted for an attached sign is 1.5 times the linear feet of lease space. The calculation applies to each exterior wall separately with a maximum of two signs per lease space.

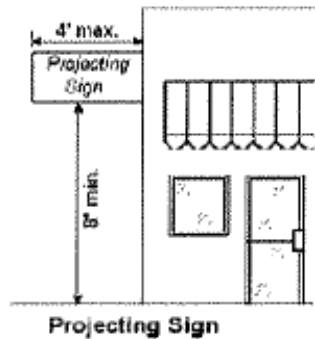
Businesses under 15,000 square feet of lease space are permitted to have individual letters not exceeding twenty eight (28) inches in height.

Businesses 15,000 square feet of lease space or greater are permitted to have individual letters not exceeding forty eight (48) inches in height.

b) Special Attached Sign Standards

1. Projecting Signs

One unlit projecting sign in addition to the attached wall sign is permitted per lease space. Projecting signs shall not be higher than the eave line or parapet wall of the top of the principal building; shall be a minimum of eight (8) feet above grade when located adjacent to or projecting over a pedestrian walkway. Sign square footage shall not exceed four (4) feet and shall not extend more than four (4) feet from the wall.



2. Menu board

One menu board per site is permitted for internal drives utilized by drive thru businesses only. The sign shall not exceed twenty four (24) square feet in area or eight (8) feet in height and must be located at the side or rear of the principal building.

3. Drive Through

One (1) internally lit drive through sign is permitted per site on internal streets and drives only with a maximum of four (4) square feet of sign face and a maximum height of four (4) feet.

4. Awnings

The purpose of an awning sign is to provide an advertising message on the face of an awning. Awning signs shall only be allowed within Highway Commercial Districts.

- 1) An awning may extend across the entire width of a building or tenant space. An awning may not extend above the apparent roof line of the building. An awning shall not exceed five (5) feet in height or extend more than three (3) feet from the supporting wall.
- 2) The sign area on an awning shall not exceed 20 percent of the area of the awning and shall extend for no more than 50 percent of the length of the awning. A permit shall be required for an awning sign. Awning signs may be illuminated.
- 3) Letter and/or logo height shall not exceed six (6) inches in height.

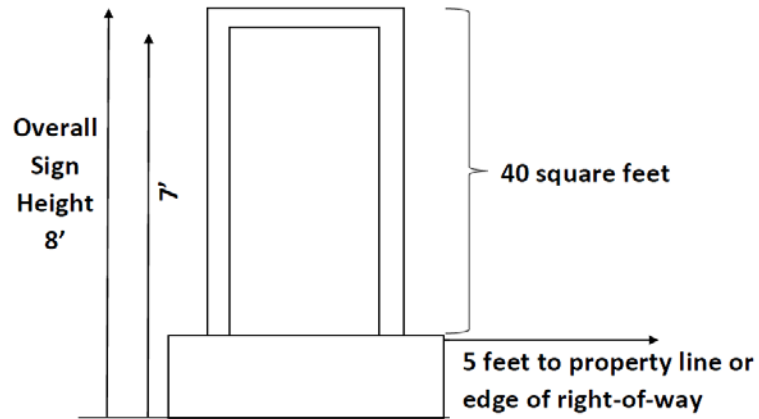


c) Monument Signs for Businesses

- *Base Construction* - The sign base and sign structure shall be made of brick, stone, or masonry material matching the front façade of the principal building. It shall be a maximum of two (2) feet in height and shall be included in the calculation of the total sign height.
- *Changeable Copy* - Signs with changeable copy are not permitted.
- *Street Address* - All freestanding signs, either berm or monument signs, shall include the street address. The street address shall not be included in the calculation of the sign area, except in such case that the street address exceeds four (4) square feet in size.
- *Color for Multiple Panels* - For signs with multiple sign panels, the background color for all sign panels on the sign shall be consistent.
- *Development Name* - For multi-tenant developments, the development name, if included as an integral part of the monument structure (i.e. not a separate panel), will not count toward the maximum sign face area as long as the area of the development name does not exceed 20% of the allowable maximum sign face area.
- *Advertisement Limitation* - No business is permitted to advertise via a Monument Sign more than once per street frontage.
- *Location* - Monument signs shall not be placed in the Right of Way and shall have a setback of five (5) feet from the property line. A sign installed in compliance with this ordinance is not required to meet building setback requirements established in a separate city ordinance.
- *Lighting* - Each sign shall use indirect lighting in the form of landscape lighting or reverse channel letters. Reverse channel letters shall have aluminum faces and clear backing. Returns for individual letters, if used, shall be not less than three (3) inches and not greater than five (5) inches. All signs shall be a minimum of two (2) inches of the supporting structure and not greater than three (3) inches. Lighting shall be either red or white in color.
- *Visibility* - Signs shall not be constructed or installed in a manner that would interfere with visibility, create a traffic hazard, or be confused with any traffic control sign or signal.
- *Landscaping* - Single Business Use shall have a minimum of 100 square feet of landscape plus ten (10) square feet for each additional square foot of sign above the maximum allowed and shall comply with the Land Development Code Landscape Regulations as amended. Multi-Tenant Use shall be a minimum of 120 square feet plus 10 square feet for each additional foot and shall comply with the Land Development Code Landscape Regulations as amended.
- *Maximum Height* - No sign shall exceed the maximum height provided for in this chapter. In determining the maximum height of a sign, no sign shall be located on a mound where the surrounding grade has been altered by more than 18 inches for purposes of artificially increasing the overall height of a sign above that allowed by the height regulations in this chapter.

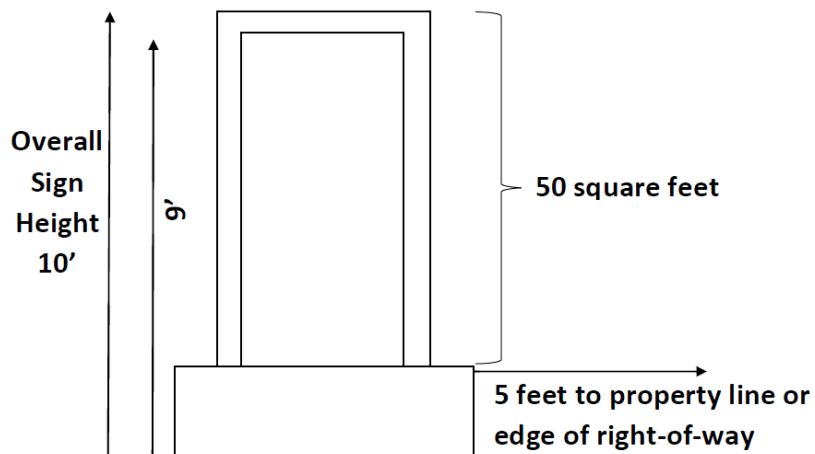
1. Single Business Use

Single Business Use signs shall be used to advertise a business that is the sole occupant of a single lot. One sign is permitted per lot with a maximum total height of eight (8) feet and a maximum sign face height of seven (7) feet. The sign shall be limited to forty (40) square feet not including the sign base.



2. Multi-Tenant Use

Shall be used to advertise two (2) or more businesses occupying a single lot. One multi-tenant sign may be placed at the entrance of each street access drive unless a Single Business Use monument sign exists. Monuments signs should be placed a minimum of three hundred (300) feet apart shall have a maximum total height of ten (10) feet and a maximum sign face height of nine (9) feet. Sign shall have a minimum of six (6) and not more than eight (8) panels and a maximum of fifty (50) square feet not including the sign base. Exception: If a multi-tenant property on a freeway frontage has fewer than six (6) lease spaces, the sign shall not have more panels than tenant spaces.



Section 14.800: VARIANCE APPEALS; EXCEPTIONS TO SIGN REGULATIONS

14.801 Purpose – Limitations

- a) In order to lessen practical difficulties and prevent unnecessary physical hardships, variances from the regulations may be granted. A practical difficulty or unnecessary physical hardship may result from the size, shape, or dimensions of a structure, or the location of the structure, from topographic or physical conditions on the site or in the immediate vicinity, or from other physical limitations, street locations, or traffic conditions in the immediate vicinity. Cost or inconvenience to the applicant of strict or literal compliance with a regulation shall not be a reason for granting a variance.
- b) With respect to signs or outdoor advertising, along Highway 290 or any other portion of the Interstate Highway system or Federal-aid Primary Highway system within the City and/or its area of extraterritorial jurisdiction, which are subject to regulation under Chapter 391 of the Texas Transportation Code and State Department of Highways and Public Transportation regulations, no variance shall be granted from spacing, size and lighting requirements when such would result in less stringent regulation than that provided for under those regulations.
- c) Except for the foregoing, a variance may be granted allowing minor exceptions to the regulations contained in this Chapter, in those instances in which a substantial injustice would result unless the minor exceptions were granted in appropriate cases and subject to appropriate conditions and safeguards.

14.802 Application

Application for a variance shall be submitted to the City Council in the form of a letter stating the applicant's reason for requesting the variance in accordance with the Criteria for Approval section of this chapter. The variance application shall also include an application for a sign permit, detailed sign specifications, and a site plan showing the sign location.

14.803 Fee

The fee for a variance is set forth in the Fee Schedule adopted by ordinance or resolution. The fee shall be paid at the time of application and shall not be refundable.

14.804 Hearing

Upon receipt of a variance application, the City Administrator shall set a date for a hearing before the Council.

14.805 Action on Application

The Council may recommend approval of the application as submitted, or may recommend approval of the application subject to such modifications or conditions as it deems necessary to accomplish the purpose of this Chapter, or the Council may recommend denial of the application. A variance may be revocable or may be granted for a limited time period.

14.806 Criteria for Approval

Before the City Council acts on a variance application, the applicant must prove physical hardship, and the Council must find that:

- a) There are special circumstances or conditions applying to the land, buildings, topography, vegetation, sign structures or other matters on adjacent lots or within the adjacent right-of-way, which would substantially restrict the effectiveness of the sign in question; provided, however, that such special circumstances or conditions are unique to the particular business or enterprise to which the applicant desires to draw attention, and do not apply generally to all businesses or enterprises;
- b) That such special circumstances were not created by the applicant or anyone in privity to the applicant;
- c) That the granting of the variance will be in general harmony with the purposes of this Chapter, and will not be materially detrimental to the persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general;
- d) The variance applied for does not depart from the provisions of this Chapter any more than is required to identify the applicant's business or use;
- e) Such other factors and criteria as the Council deems applicable to the proposed variance.

14.807 Variance Approval Time Limitation

No order of the City Council permitting the erection or alteration of a sign shall be valid for a period longer than six months, unless a sign permit for such erection or alteration has been obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.