

Sec. 21.3.3. Planning and Zoning Commission.

- A. *Structure of the Commission.* The Planning and Zoning Commission is established in accordance with the City Charter and Commission members are appointed by the City Council.
- B. *Duties and Approval Authority.*
1. The Planning and Zoning Commission shall have the authority to review and make a recommendation to the City Council on the following applications:
 - a. amendment to the Comprehensive Land Plan;
 - b. establish or amend a zoning district map classification, including creation or amendment of an overlay district;
 - c. rezoning requests including an application for a Specific Use Permit.
 - d. amendment to the UDC; and
 - e. a Development Agreement as set forth in the LGC and this UDC;
 2. The Planning and Zoning Commission shall have final approval authority on the following applications:
 - a. Subdivision Master Plan, if forwarded by the City Manager or his/her designee.
 - b. Site Plan; if forwarded by the City Manager or his/her designee.
 - c. preliminary plat; if forwarded by the City Manager or his/her designee.
 - d. final plat; if forwarded by the City Manager or his/her designee.
 - e. amending plat; if forwarded by the City Manager or his/her designee.
 - f. minor plat; if forwarded by the City Manager or his/her designee.
 - g. replat; if forwarded by the City Manager or his/her designee; ~~and~~
 - h. waivers relating to Article 11, Signs and Advertising Devices, and
 - ~~i.~~ waivers relating to Article 12, Subdivisions.
 3. The Planning and Zoning Commission shall have the authority to make final determinations relating to appeals of staff determinations on the following items:
 - a. Required Conditions for Home Occupations and denial of a Home Occupation permit.
 - b. Site Design Standards including Tree Preservation & Mitigation, Revisions to Approved Site Plans.
 - c. Signs & Advertising Devices including general requirements, removal of signs.
 - d. Additional Design Requirements including off street parking, building setback lines, and landscape buffers.
 - e. An appeal of a driveway waiver determination.

(Ord. No. 17-S-40, § 1(Exh. A), 10-24-2017; Ord. No. 19-S-22, § 1(Exh. A), 9-3-2019; Ord. No. 23-S-29, § 1(Exh. A), 12-5-2023)

ARTICLE 7. NONCONFORMING USES, LOTS AND STRUCTURES

Sec. 21.7.1. Purpose and intent.

- A. Within the districts established by this UDC or amendments thereto, there may exist lots, structures, uses of land and structures, and characteristics of use which were lawfully in existence and operating before this UDC was enacted, amended or otherwise made applicable to such lots, structures or uses, but which do not now conform to the regulations of the district in which they are located. It is the intent of this UDC to permit such nonconforming uses to continue, as long as the conditions within this section and other applicable sections of this UDC are met.
- B. It is further the intent of this UDC that nonconforming uses, lots and structures shall not be enlarged upon, expanded or extended, and shall not be used as a basis for adding other structures or uses prohibited elsewhere in the same district.
- C. Nonconforming uses are hereby declared to be incompatible with the permitted uses in the districts involved.

(Ord. No. 24-S-20, § 1(Exh. A), 6-18-2024)

Sec. 21.7.2. Nonconforming status.

- A. Except as provided in section 21.7.9 below, any use, platted lot or structure that does not conform with the regulations of this UDC on the effective date hereof or any amendment hereto, shall be deemed a nonconforming use, platted lot or structure provided that:
 - 1. Such use, platted lot or structure was in existence under, and in compliance with, the provisions of the immediately prior UDC or code;
 - 2. Such use, platted lot or structure was a lawful, nonconforming use, platted lot or structure under the immediately prior UDC or code; or
 - 3. Such use, platted lot or structure was in existence at the time of annexation into the City, was a legal use of the land at such time, and has been in regular and continuous use since such time.
- B. Except as provided in section 21.7.9 below, any other use, platted lot or structure which does not conform with the regulations of the zoning district in which it is located on the effective date of this UDC or any amendment hereto, shall be deemed to be in violation of this UDC, and the City shall be entitled to enforce fully the terms of this UDC with respect to such use, platted lot or structure.

(Ord. No. 24-S-20, § 1(Exh. A), 6-18-2024)

Sec. 21.7.3. Continuing lawful use of land and structures.

- A. A nonconforming use or structure may continue to be used, operated or occupied in accordance with the terms of the zoning regulations by which it was established, or in the case of annexed property, in accordance with the regulations under which it was created.
- B. A nonconforming structure occupied by a nonconforming use may be re-occupied by a conforming use, following abandonment of the nonconforming use.

(Ord. No. 24-S-20, § 1(Exh. A), 6-18-2024)

Sec. 21.7.4. Expansion of nonconforming uses and structures.

- A. A nonconforming use may be extended throughout the structure in which it is located, provided that:
 - 1. The structure or its premises shall not be enlarged or increased in height, in floor area or in land area to accommodate extension of the nonconforming use;
 - 2. No alteration shall be made to the structure occupied by the nonconforming use, except those alterations that are required by law to preserve the integrity of the structure and alterations that would upgrade the quality, safety or aesthetic appeal of the structure; and
 - 3. The number of dwelling units occupying the structure shall not exceed the number of dwelling units existing at the time the use became nonconforming.
- B. A nonconforming use occupying a structure shall not be extended to occupy land outside the structure.
- C. A nonconforming use or structure shall not be enlarged, increased or extended to occupy a greater area of land than was occupied at the time the use or structure became nonconforming, except to provide additional off-street parking or loading areas required by this UDC.

(Ord. No. 24-S-20, § 1(Exh. A), 6-18-2024)

Sec. 21.7.5. Abandonment of nonconforming uses and structures, and cessation of use of structures or land.

- A. If a nonconforming use or structure is abandoned, any future use of the premises shall be in conformity with the provisions of this UDC, as amended, and with any other applicable City codes, ordinances or regulations that are in effect at the time the use is resumed or the structure is re-occupied.
- B. A nonconforming use or structure shall be deemed "abandoned" in the following circumstances:
 - 1. The use ceases to operate for a continuous period of 180 calendar days;
 - 2. The structure remains vacant for a continuous period of 180 calendar days; or
 - 3. In the case of a temporary use, the use is moved from the premises for any length of time.
- C. If the use of any lot, tract or property that does not have a building on it and that is used for open/outside storage as of the effective date of this UDC is made nonconforming by this UDC, as amended on the effective date, then such storage use shall cease within 180 calendar days following the effective date of this UDC. The lot, tract or property shall be cleaned up and all trash, debris, stored items and vehicles, and other materials shall be removed from the premises such that the property is not a physical or visual nuisance to the public or to surrounding property owners.

(Ord. No. 24-S-20, § 1(Exh. A), 6-18-2024)

Sec. 21.7.6. Substitution of nonconforming uses.

- A. A nonconforming use shall not be changed to another nonconforming use.
- B. A nonconforming use may be changed to a conforming use provided that, once such change is made, the use shall not be changed back to a nonconforming use.

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- C. A conforming use located in a nonconforming structure may be changed to another conforming use, but shall not be changed to another nonconforming use.
 - D. Notwithstanding any of the provisions of this section, a nonconforming HUD-Code manufactured home may be exchanged or replaced by another HUD-Code manufactured home, provided the newly located residential unit is owner-occupied.

(Ord. No. 24-S-20, § 1(Exh. A), 6-18-2024)

Sec. 21.7.7. Reconstruction or repair of nonconforming structure.

- A. If more than fifty percent (50%) of the total appraised value of a nonconforming structure, as determined by the applicable county appraisal district, is destroyed by fire, the elements, or some other cause, then the structure may be rebuilt only in conformity with the standards of this UDC.
- B. If less than fifty percent (50%) of the total appraised value of a nonconforming structure, as determined by the applicable county appraisal district, is destroyed by fire, the elements, or some other cause, then the structure may be reconstructed as it was before the partial destruction but only to its original dimensions and floor area, and provided that such reconstruction is completed within 365 calendar days following the event that caused the partial destruction. If reconstruction is delayed by contested insurance claims, litigation, or some other similar cause, then the 365 calendar day reconstruction period may be extended by the City Manager or his/her designee, at his/her sole discretion.
- C. If a nonconforming structure that is totally or partially destroyed was occupied by a nonconforming use at the time of such destruction, then the nonconforming use may be re-established subject to the limitations on expansion set forth in section 21.7.4 above.
- D. Any conforming structure that is totally or partially destroyed shall be reconstructed only in conformity with the standards of this UDC.
- E. Nothing in this UDC shall be construed to prohibit the upgrading, strengthening, repair or maintenance of any part of any structure, conforming or nonconforming, that is declared unsafe or uninhabitable by the proper authority, unless such repairs or maintenance exceeds fifty percent (50%) of the structure's appraised value, as determined by the applicable county appraisal district.

(Ord. No. 24-S-20, § 1(Exh. A), 6-18-2024)

Sec. 21.7.8. Relocation of nonconforming structure.

No nonconforming structure or building shall be moved in whole or in part to any other location on the lot, or to any other location or lot, unless every portion of such structure is in compliance with all the regulations of the zoning district in which the structure is to be relocated. Such building relocation shall also require a structure relocation permit from the City, and may also require platting of the intended building site as well as Site Plan approval pursuant to this UDC.

(Ord. No. 24-S-20, § 1(Exh. A), 6-18-2024)

Sec. 21.7.9. Nonconforming lots.

- A. The following types of platted lots shall be deemed in conformance with the provisions of this UDC, notwithstanding the fact that such lot does not meet the standards of this UDC in the zoning district in which it is located:

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1. Any vacant lot that conformed to the City's zoning district regulations at the time that it was platted; or
 2. Any lot occupied by a single-family dwelling authorized under the zoning district regulations in which the lot is located.
- B. Nothing in this UDC shall be construed to prohibit the use of a lot that does not meet the minimum lot standards of the zoning district in which it is located, provided that the lot is zoned for the land use(s) intended and the lot was platted as a lot of record prior to the effective date of this UDC.
- C. A lot of record located within the RA zoning district that is nonconforming may be occupied by a single-family dwelling provided that all applicable zoning standards with regard to building setbacks, building size and design criteria are met.

(Ord. No. 24-S-20, § 1(Exh. A), 6-18-2024)

Sec. 21.7.10. Validation.

- A. Within the City, there exist on the following subdivisions: Belmont Park; Kramer Farm; Whisper Meadows; Northcliffe II; Tanglewood; Wynn Brook; Jonas Woods Unit 1 Lots 1-18, Block 3; Jonas Woods Unit 1 Lots 1-29, Block 2; Jonas Woods Unit 1 Lots 1-18 and 51-65, Block 1; Jonas Woods Unit 4; The Ridge at Scenic Hills; Fairhaven; The Links at Scenic Hills; and The Fairways at Scenic Hills (the "Subdivisions"), which include structural encroachments onto platted setbacks; plats with improperly designated setbacks or improper lot sizes; and improper master plans. It is the intent of this section to validate such improper encroachments, plats, and master plans in the subdivisions and to determine that such improper encroachments, plats, and master plans are deemed not to be in violation of this UDC, but only so long as the conditions within this section 21.7.10 of this UDC are met. The provisions of this section shall be limited to validate only the improper encroachments, plats, and master plans on February 24, 2009 in the subdivisions.
- B. The portions of existing structures encroaching onto platted setbacks in any of the subdivisions on the effective date of this UDC (validated encroaching structures) shall not be enlarged upon, expanded, or extended into the platted setback area.
- C. If more than fifty percent (50%) of (i) the total square footage of a validated encroaching structure or (ii) the total appraised value of the validated encroaching structure, as determined by the applicable county appraisal district, is destroyed by fire, the elements, or some other cause, the validated encroaching structure may not be rebuilt within the platted setback, except as may otherwise be permitted by this UDC (other than this section). If fifty percent (50%) or less of (i) the total square footage of a validated encroaching structure or (ii) the total appraised value of the validated encroaching structure, as determined by the applicable county appraisal district, is destroyed by fire, the elements, or some other cause, the validated encroaching structure may be reconstructed as it was before the partial destruction but only to its original dimensions and footprint area within the platted setback, and provided that such reconstruction is completed within 365 calendar days following the event that caused the partial destruction. If reconstruction is delayed by contested insurance claims, litigation, or some other similar cause, the three hundred sixty-five calendar day reconstruction period may be extended by the City Manager or his/her designee, at his/her sole discretion.
- D. No validated encroaching structure encroaching onto a platted setback shall be moved in whole or in part to any other location on the lot, unless every portion of such structure after such relocation is out of the platted setback and is in compliance with all the requirements of the zoning district for such lot and all other applicable requirements of this UDC and other applicable codes, ordinances or regulations of the City in effect at such time.
- E. If application is made to have plats with improper setbacks, plats with improper lot sizes, and/or existing master plans for any of the subdivisions replatted or amended, any such replats or amendments shall be

required to be in conformity with the provisions of this UDC (other than this section) and with all other applicable City codes, ordinances or regulations that are in effect at the time application for amendment or replatting is made.

- F. This section is subject in all events to the property owner's rights set forth in Local Government Code Chapter 245.

(Ord. No. 24-S-20, § 1(Exh. A), 6-18-2024)

Sec. 21.7.11 Agricultural Operations.

- A. Within the City of Schertz, there exists properties that have been utilized for Agricultural Operations prior to being annexed into the City of Schertz. Agricultural Operations per H.B. No 1750 include cultivating the soil, producing crops or growing vegetation for human food, animal feed, livestock forage, forage for wildlife management, planting seed or fiber, floriculture, viticulture, horticulture, silviculture, wildlife management, raising or keeping livestock or poultry, including veterinary services, and planting cover crops or leaving land idle for the purpose of participating in any governmental program or normal crop of livestock rotation procedures. Per Texas Agriculture Code Chapter 251 Section 251.0055 a city may not impose a governmental requirement that directly or indirectly prohibits the use of a generally accepted agricultural practice.
- B. In order to ensure that properties within the City of Schertz that have been utilized for Agricultural Operations can continue the following are applicable:
- a. Land Use: Properties can be utilized for Agricultural Operations including alternating between growing crops and raising livestock regardless of the zoning designation for the property.
 - b. Expansion of Agricultural Operations: Existing Agricultural Operations can expand to include:
 - i. Increase of field crop area or increase of livestock or change in livestock species
 - ii. Construction of Maintenance Buildings or Equipment Sheds, Barns, Accessory Buildings, Animal Cages or Corrals, Feeders or Grain Storage, or any other miscellaneous Agricultural related structure.
 1. Issuance of building permits will not be required for any Maintenance Buildings or Equipment Sheds, Barns, Accessory Buildings, Animal Cages or Corrals, Feeders or Grain Storage, or any other miscellaneous Agricultural related structure that is less than 2,000 square feet.
 2. Platting of the property and connection to sanitary sewer will not be required for construction of Maintenance Buildings or Equipment Sheds, Barns, Accessory Buildings, Animal Cages or Corrals, Feeders or Grain Storage, or any other miscellaneous Agricultural related structure.
 3. This does not negate the requirement to obtain any necessary building permits or any Certificate of Occupancy requirements for a commercial business that will be occupied by or serves those that do not own or work for the agricultural operation.
 - iii. Construction of additional single family detached residential dwelling units which shall only be utilized for family members or employees of the Agricultural Operations on the same property with a minimum of 5 acres per unit, up to an additional four (4) units per property.
 1. Issuance of building permits will be required for any additional single family detached residential dwelling units.
 2. Platting of the property and connection to sanitary sewer will not be required for construction of additional single family detached residential dwelling units.

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- iv. Construction of new, or repair of existing agricultural fencing in conjunction with agricultural operations, including utilizing barbed wire, is permitted without obtaining a building permit as long as the proposed fencing is within the property boundaries and does not impede sight visibility.
 - c. Development Process: Agricultural Operations are subject to all City of Schertz development regulations and processes to include but not limited to Platting, Site Plan, and Building Permits and Inspections with the exceptions provided within this section.

(Ord. No. 24-S-20, § 1(Exh. A), 6-18-2024)

Sec. 21.7.12 Nonconforming Signs.

A. General. A sign, including its supporting structure, shall be considered nonconforming when it does not conform to all or part of the provisions of this Article and

- 1. was in existence and lawfully located and used in accordance with the provisions of the prior law, ordinance, code or regulation applicable thereto or which was considered legally nonconforming there under and has since been in continuous or regular use;
- 2. was in existence, located and used on the premises at the time it was annexed into the City and has since been in continuous use; or
- 3. was in existence and lawfully located and used as an off-premise sign prior to or on February 19, 2008.

B. Signs shall lose nonconforming status when:

- 1. it is removed from the premises for any reason;
- 2. it has been 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;
 - a. a sign or substantial part of it is considered to have been destroyed only if the cost of repairing the sign is more than 60 percent of the cost of erecting a new sign of the same type at the same location
- 3. it has become an abandoned sign, a sign that no longer serves to direct attention to an event, person, product, good, service, or activity, which is no longer conducted; or
- 4. any structural changes are made not related to repair.

Format

Article 11 Redlines

- SCHERTZ UNIFIED DEVELOPMENT CODE
ARTICLE 11. SIGNS AND ADVERTISING DEVICES

ARTICLE 11. SIGNS AND ADVERTISING DEVICES

Sec. 21.11.1. Purpose.

The City recognizes the safety, commercial, emergency, and informational needs for signs. This Article has been adopted to protect the health, safety, and welfare of the citizens ~~by regulating the location, construction, duration, size, height, installation, and maintenance of all signs within the jurisdiction of the City, including its ETJ~~ in accordance with LGC Chapter 216. ~~Additionally, this Article is intended to enhance property values, maintain aesthetic attractiveness, and promote commercial opportunity in the City, and to support and further the objectives of the City's Comprehensive Land Plan. The City Manager or his/her designee is hereby authorized and directed to enforce and interpret the provisions of this Article and other laws, ordinances, codes and regulations applicable thereto in the City.~~

Sec. 21.11.2. Applicability.

All signs shall be erected, displayed, altered or reconstructed in conformity with this Article. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

- ~~A. Other Laws. The provisions of this Article shall not be deemed to nullify any other provisions of federal or state law.~~
- ~~B. Partial Invalidity. In the event any part or provision of this Article is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.~~
- ~~C. Existing Signs. All signs legally existing on or before February 19, 2008 shall be permitted to continue without change.~~

Sec. 21.11.3. Administration.

- ~~A. General. The City Manager or his/her designee is hereby authorized and directed to enforce the provisions of this Article and other laws, ordinances, codes and regulations applicable thereto. The City Manager or his/her designee shall have the authority to render interpretations of this Article and other laws, ordinances, codes and regulations applicable thereto, and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this Article and shall not have the effect of waiving requirements specifically provided for herein.~~
- A~~B~~. *Applications.* The City Manager or his/her designee shall receive applications, review plans and documentation and issue permits for the erection, installation, enlargement, alteration, and repair of all signs within the City and its ETJ.
- B~~C~~. *Inspection.* The City Manager or his/her designee shall make all inspections necessary to ensure compliance with all state and local requirements governing signage.
- C~~D~~. *Notices and Orders.* The City Manager or his/her designee shall issue all necessary citations, notices or orders to ensure compliance with this Article.
- ~~E. Right of Entry. Where it is necessary to make an inspection to enforce the provisions of this Article, or where the City Manager or his/her designee has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this Article, the City Manager or his/her~~

~~designee is authorized to enter premises at reasonable times to inspect or to perform the duties imposed by this Article, provided that if such premises are occupied that credentials be presented to the occupant and entry requested. If such premises are unoccupied, the City Manager or his/her designee shall first make a reasonable effort to locate the owner or other person having charge or control of the premises and request entry. If entry is refused, the City Manager or his/her designee shall have recourse to the remedies provided by law to secure entry.~~

~~F. Department Records. The City Manager or his/her designee shall keep official records of applications received, permits issued, fees collected, reports of inspections, and citations, notices and orders issued. Such records shall be retained in the official records for the period required by the State of Texas for the retention of public records.~~

DG. *Liability.* The City Manager or his/her designee, members of the Planning and Zoning Commission, or other City employees charged with the enforcement of this Article, while acting for the City in good faith and without malice in the discharge of the duties required by this Article or other pertinent laws, ordinances, codes or regulations shall not be rendered liable personally and are hereby relieved of personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this Article shall be defended by a legal representative of the City until the final termination of the proceedings.

(Ord. No. 17-S-40, § 1(Exh. A), 10-24-2017)

Sec. 21.11.4. General Requirements.

A. *Permit Required.*

1. No person shall erect, alter or display any sign ~~nor shall any person allow the erection, alteration, or display of any sign upon any property within the City or its ETJ owned or controlled by them~~ without first obtaining a sign permit to do so from the City Manager or his/her designee, ~~except as hereinafter provided.~~ No sign permit shall be released by the City Manager or his/her designee until after the building permit for the principal building on the site has been issued.
2. *Electrical Permit Required.* No person shall install and connect electrical systems for a sign within the City or its ETJ without first obtaining an electrical permit ~~to do so~~ from the City Manager or his/her designee Building Inspections Division, except as hereinafter provided. The ~~the City Manager or his/her designee Building Inspections Division~~ shall not issue an electrical permit for a sign until after the principal sign permit for such work has been issued.

B. *Application.* The following information shall be required for each application for a permit:

1. completed building permit application ~~obtained from the Building Inspections Division;~~
2. ~~a Sign~~ Plan Exhibits which includes:
 - a. location of all buildings, structures or tracts to which or upon which the sign is to be attached or erected; and
 - b. position of the sign in relation to rights-of-way, property lines, easements, buildings or structures and other existing signs;
 - ~~c.~~ 3. plans that illustrate height, length, width and all other dimensions associated with the sign. Plans shall include all electrical elements of the sign; ~~and~~
34. a ~~letter or~~ copy of a contract with construction costs signed by the owner of the property stating that the applicant has permission to erect such sign.

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- C. *Fees.* All fees for a sign permit shall be in accordance with the current fee schedule adopted by City Council.
1. A permit shall not be valid until such fee has been paid. An amendment to a permit shall not be released until the additional fees, if any, have been paid.
 2. ~~An additional fee shall be assessed in accordance with the current fee schedule for~~ Where work for beginning which a permit is required by this Article has been started prior to obtaining a permit as required by this Article, ~~the fees established by City Council shall be doubled.~~ Payment of such double fees shall not relieve any person(s) from any other penalties prescribed by this UDC ~~under section 21.1.11~~ or any other law, ordinance, code or regulation applicable thereto.
- D. *Action on Application.* The City Manager or his/her designee shall examine ~~or cause to be examined~~ applications for permits and amendments ~~in accordance with state law thereto within fifteen (15) business days~~ after a complete application is filed. If the application or the construction documents do not conform to the requirements of this Article and other pertinent laws, ordinances, codes or regulations, the City Manager or his/her designee shall reject such application in writing, stating the reasons therefore. If the City Manager or his/her designee is satisfied that the proposed work conforms to the requirements of this Article and other laws, ordinances, codes and regulations applicable thereto, the City Manager or his/her designee shall issue a permit ~~therefore as soon as practical.~~
- E. *Time Limitation of Application.* An application for a permit for any proposed work for which a permit has not been issued shall be deemed abandoned six (6) months after the date of filing. The City Manager or his/her designee may, at his/her discretion, grant one extension for additional time not exceeding ninety (90) days. The extension shall be requested in writing and justifiable cause demonstrated. Permits issued under this Article are non-transferable from one person to another.
- F. *Condition of Permit.* A permit issued under this Article shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter, or set aside any of the provisions of this Article or other law, ordinances, codes and regulations applicable thereto. Nor shall issuance of a permit prevent the City Manager or his/her designee from thereafter requiring correction of errors in plans, construction, or removing violations of this Article or other laws, ordinances, codes or regulations applicable thereto. Every permit issued shall become invalid six (6) months after its issuance if the work is not completed unless otherwise stated in this Article.
- G. *Suspension or Revocation.* The City Manager or his/her designee is authorized to suspend or revoke a permit issued under this Article whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of this Article or any other laws, ordinances, codes or regulations applicable thereto.
- H. *Public Rights-of-Way, Alleys and Easements.* A permit shall not be ~~issued~~ given by the City Manager or his/her designee for the placement of a sign that will encroach upon any public right-of-way, alley or utility or drainage easement.
- I. *Placement of Permit.* The permit or copy thereof shall be kept on the site until the work permitted is completed.
- J. *Appeal.* An individual who has been denied a permit ~~or~~ had a permit revoked may appeal in writing along with the established filing fee to the Planning and Zoning Commission within ten (10) days after the date of denial or revocation.

(Ord. No. 17-S-40, § 1(Exh. A), 10-24-2017)

Sec. 21.11.5. Exempted Signs.

The following types of signs or sign work are exempt from the permit requirements of this Article provided ~~exemptions does not violate any other, however, that the exemption from the permit requirements of this Article shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Article or any other laws, ordinances, codes or regulations of the City~~ this UDC:

- A. *Governmental Signs.* ~~Any sign indicating public facilities, public works projects, public services, or other places, events, persons, products, goods, programs, activities or institutions conducted by the Federal, State or any local government.~~
- B. *Political Signs.* ~~A sign pertaining to any national, state, county or local election, or issue and erected for the purpose of announcing a political candidate, political party or ballot measure, or a position on a political issue.~~
- C. *Railway Signs.* Any sign within the railway right-of-way placed and maintained in reference to the operation of such railway.
- D. *Utility Signs.* Any sign marking utility or underground communications or transmission lines.
- E. *Vehicle Signs.* Any sign placed on or affixed to vehicles and/or trailers where the sign is incidental to the primary use of the vehicle or trailer as a form of transportation and which identifies the business, products, or services with which the vehicle and/or trailer is related.
- F. *Flags.* Official flags of governmental jurisdictions or non-profit organizations. Nothing in this Article shall be construed to prevent the display of a national or state flag or to limit flags, insignias, or legal notices or informational, directional or traffic signs which are legally required and necessary to the essential functions of governmental agencies. Flag poles shall not exceed thirty-five (35) feet in height.
- G. *Warning Signs.* Signs warning the public of the existence of danger but containing no advertising material.
- H. *Street Address Signs.* Address signs containing only numeric addresses ~~es~~ and street ~~names, or complex names.~~
- I. *Holiday Signs.* Any temporary sign promoting the celebration of a holiday and containing no commercial advertising.
- J. *Plaques.* Any commemorative sign of a recognized historical society or organization.
- K. *Menu Board Signs.* A maximum of two (2) menu board signs, each with a maximum of thirty-two (32) square feet in area, shall be ~~permitted-allowed~~ per drive through service restaurant or restaurant drive-up window or similar drive through business. ~~Structural and electrical elements will still require review from the City Manager or his/her designee.~~
- L. *Minor Repairs and Maintenance.* Minor repair work to any sign, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles, painting or other similar exterior maintenance of a sign structure so long as no structural alterations are made to the sign.
- M. *Murals.* ~~A graphic displayed on the exterior of a building for decoration or artistic expression. Shall not include text, logos, or images advertising or indicating a service or product.~~
- N. *Directional Signs:* ~~Any on-premise sign that directs the movement of traffic on private property within developments. Directional signs shall be located in a manner where they will not interfere with the safe movement of vehicles or pedestrians and shall not be located within any visibility triangle. Cannot be greater than twelve (12) square feet in area.~~

Sec. 21.11.6. Prohibited Signs.

- A. *Obscene Signs.* No person shall erect or display ~~on any site~~ a sign in which the dominant theme of material taken as a whole appeals to the prurient interest in sex, and is patently offensive because it affronts current community standards relating to the description or representation of sexual matters, and is utterly without redeeming social literary, artistic, political, and scientific value, according to contemporary community standards.
- B. *Obstructing Doors, Windows or Fire Escapes.* No person shall erect or display ~~on any site~~ any sign that prevents free ingress to or egress from any door, window or fire escape.
- C. *Obstructing Vision/Sight Triangle.* No person shall erect or display ~~on any site~~ any sign in such a manner as to obstruct free and clear vision of moving vehicles at any location, street intersection, or driveway. All signs placed at any intersection shall prevent such problem by observing a visibility triangle (see definition of visibility triangle).
- D. *Interference With Traffic.* No sign shall be permitted which interferes with vehicular or pedestrian traffic as a result of the position, size, shape, movement, color, fashion, manner, or intensity of illumination, or any other characteristics causing such interference. No person shall erect or allow to be displayed any sign in such a manner as to interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, including, signs making use of the words "stop", "go", "look", "slow", "danger", or any other similar word, phrase, symbol or character. No person shall employ any red, yellow, green, or other colored lamp or light in such a manner as to cause confusion or otherwise interfere with vehicular or pedestrian traffic.
- E. *Over Public Property or Public Right-of-Way.* It shall be prohibited to erect or display any type of sign on or over public ROW or other public property, unless the same is erected by the City, County, State or other authorized governmental agency, or with the permission of the City (in its sole discretion), for public purposes.
- F. *Signs on Utility Poles.* No person shall erect or display any sign except as specifically authorized by section 21.11.5 on any utility pole located upon any public right-of-way or utility easement.
- G. *Private Property.* No sign shall be located on private property without the consent of the owner of the premises, including signs located on trees, light poles or mail boxes.
- H. *Dilapidated Signs.* No sign shall be ~~permitted~~ allowed which is deteriorated, dilapidated or in danger of falling or otherwise unsafe.
- I. *Signs in Violation.* No sign shall be ~~permitted~~ allowed that does not comply with any applicable provisions of the building code, this UDC, or any other applicable laws, ordinances, codes or regulations of the City.
- J. *Home Occupation Signs.* No exterior home occupation signs shall be permitted ~~unless otherwise specifically authorized in another applicable section of this UDC.~~
- ~~K. *Non-Motorized or Portable Signs.* No trailer type, non-motorized signs using wheels and axles as the primary support shall be permitted.~~
- K. *Off Premise Signs.* Except as set forth elsewhere in this Article, all off premise signs ~~not legally existing on February 19, 2008~~ are prohibited except that the following signs may be permitted provided they otherwise meet the applicable requirements of this Article:
 - 1. Community Service Signs;
 - 2. Garage Sale Signs;
 - 3. Official Government Signs;

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4. Historical Markers and Plaques;
 5. Political Signs;
 6. Real Estate Signs;
 7. Temporary Signs;
 8. Traffic Signs;

~~M.L.~~ *Bandit Signs.*

~~M.N.~~ *Painted Signs.* No sign advertising or indicating a service or product with text, logos, or images shall be permitted which is painted on the wall of any building or on any part of a building.

N. Balloon Signs including inflatable signs are prohibited regardless of size. Feather Flags are the only type of wind driven signs allowed.

O. *Other Signs.* Except as set forth elsewhere in this Article, any signs not specifically permitted by this Article are prohibited within the City ~~and its ETJ~~.

Sec. 21.11.7. Removal of Signs.

- A. *Damaged Signs.* Signs which are determined by the City Manager or his/her designee to be a public hazard or in a state of disrepair shall be repaired or removed within ten (10) days after written notification to the property owner.
- B. *Abandoned Signs.* Signs which are determined by the City Manager or his/her designee to be abandoned shall be removed or otherwise painted over ~~and neutralized~~ within thirty (30) days after written notification to the property owner by the ~~City Manager or his/her designee~~ **Director**.
- C. *Extensions.* The City Manager or his/her designee shall have the authority, ~~but not the obligation,~~ to grant extensions as necessary to resolve a damaged or abandoned sign. The extension shall be requested in writing and justifiable cause demonstrated.
- D. *Signs in Right-of-Way and/or Public Property.* Any sign that is erected, constructed, or otherwise located within or upon public right-of-way or on public property may be removed by City personnel and disposed of immediately. The City is not required to notify the owner of the sign of its removal and disposal.
- E. *Relocation of Certain Detached On-Premise Signs.*
 1. Legal and non-conforming detached on-premise signs located on or overhanging a parcel of land acquired by a governmental entity may be relocated subject to the restrictions in this section. The owner of the sign and the governmental entity must sign an application requesting the relocation. The relocation must be completed within one (1) year after the date the governmental entity becomes the owner of the property. All relocated signs must fully comply with spacing, setbacks, and other restrictions in this section. All signs must relocate on the remainder of the tract from which the parcel of land was acquired unless:
 - a. There is no remainder; or
 - b. The remainder is not of sufficient size or suitable configuration to allow the relocated sign to fully comply with the spacing, setback, and other restrictions in this section.
 2. No relocated detached on-premise sign may have a greater effective area or increased height than it had at its original location, or contain new materials that are more than five feet (5') above grade.
 3. No detached on-premise sign may be relocated until demolition and other required permits have been applied for and approved by the City.

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- 4. No new electrical or mechanical properties may be added to a relocated detached on-premise sign. (For example, a non-illuminated sign may not be converted to an illuminated sign.)
 - F. *Illegally Erected Temporary Sign.* Any temporary sign that is erected, constructed or otherwise displayed, without a permit or in direct violation of this Article shall be removed by City personnel and disposed of immediately. The City is not required to notify the owner of the sign of its removal and disposal.
 - G. *Illegally Erected Permanent Sign.* Any permanent sign installed without a permit or in direct violation of this Article shall be removed by the owner of the sign or property within ten (10) days after written notification by the City Manager or his/her designee.
 - H. *Filing of Liens Against the Property.* The City is authorized to file a lien against any property which is not otherwise exempt to recover reasonable expenses incurred by the City for the removal of a sign or portion of a sign.
 - I. *Appeal.* Any decision rendered by the City Manager or his/her designee or other City personnel in the enforcement of this Article may be appealed to the Planning and Zoning Commission by any person, agent, or representative affected by such decision. Such appeal must be in writing and received within ten (10) days after a decision rendered along with the established fee.

(Ord. No. 17-S-40, § 1(Exh. A), 10-24-2017)

Sec. 21.11.8. General Sign Provisions.

The provisions of this section shall be applicable to all signs hereafter erected, constructed, displayed, altered or repaired on any premise under the jurisdiction of the City.

- A. *Height of Signs.* The vertical height of a sign shall be measured from ground level ~~at the base of the sign~~ to the highest part of the sign or its structure.
- B. *Wind and Dead Load Requirements.* All signs shall be designed and constructed to withstand ~~a~~ wind loads ~~and of not less than thirty-two (32) pounds per square foot of area and shall be constructed~~ to receive dead loads as required by building codes adopted by the City. The sign application must include a statement signed or a letter with an engineer's seal that states compliance with this requirement.
- C. *Location of Business/Residential.* All business and residential locations shall be identified by an address, which is clearly visible from the street.
- D. *Illumination of Signs.* No sign shall be illuminated to such intensity to exceed a maximum of one (1) footcandle measured at the property line. No lighted sign shall be erected or displayed within 150 feet of a single-family residential zoned property unless the lighting is shielded from view.
- E. *Building and Electrical Codes Applicable.* All signs shall be constructed and maintained in conformity with all applicable provisions of the building code, electrical code or other applicable laws, ordinances, codes or regulations of the City.
- F. *Maintenance of Signs.* Every sign shall be maintained in good structural condition at all times. All signs shall be kept neatly painted including all metal parts and supports that are not galvanized or of rust resistant material. On undeveloped parcels of land, the area between any sign and the street or highway to which the sign is oriented and the area within twenty-five feet (25') of such sign must be kept free and clear of debris, trash, and weeds or other refuse and shall be maintained by mowing or trimming of any vegetation.
- G. *Structural Sign Elements.* The structural elements of permanent signs shall be constructed of materials that are noncombustible and may be supported by noncombustible materials only and finished in a presentable manner. Wood or unpainted steel supports are prohibited. Heavy timber and other materials may be used only if approved by the ~~Director~~City Manager or his/her designee.

- H. *Sign Clearance.* Notwithstanding any other provisions of this UDC, all signs shall maintain a clearance of at least ten feet (10') when located over a public sidewalk and at least fourteen feet (14') when located over a driveway, ~~and shall extend no closer than eighteen inches (18") from the curb line of a public street, unless painted or mounted flat on the surface of an existing awning or canopy.~~
- I. *Sign Area.* The maximum effective sign area shall be the total square footage of a single face specified for each type of sign within this Article.

Sec. 21.11.9. Wall Signs.

~~A. *General.* Unless otherwise specifically provided, the regulations set forth in this section shall be applicable to all wall signs. Wall signs may not be attached to light fixtures, poles, or trees.~~

~~A. *Wall Sign Standards apply per façade.* Wall signs may be one contiguous sign or have multiple separate components provided total allowable square footage is not exceeded.~~

<u>Wall Sign Standards</u>		
<u>Roadway Classification</u>	<u>Max Area sq. ft.(per façade)</u>	<u>Maximum Number of façades with signage</u>
<u>Interstates & Farm to Market Roads</u>	<u>250</u>	<u>3 per building or tenant</u>
<u>All Others</u>	<u>100</u>	<u>3 per building or tenant</u>

- ~~1. *Roadway Classification is determined by the address of the building or unit and applies to each allowable sign.*~~
- ~~2. *Buildings over 100,000 square feet are allowed an additional 100 square feet of maximum signage area.*~~
- ~~3. *Wall signs shall not extend into the required building setback and may not be attached to light fixtures, poles, or trees.*~~
- ~~4. *In no case shall a wall sign project above the roofline of any building nor extend above the parapet wall if attached thereto.*~~
- ~~5. *Wall signs shall not be located on any façade (other than the main front of the building) which faces property zoned for single-family residential uses if the sign is within 150 feet of the property line of said residential property.*~~
- ~~6. *Properties on Main Street with a façade facing the railroad are allowed 250 square feet of signage facing FM 78.*~~
 - ~~a. *May not exceed maximum allowable number of façades with signage.*~~

~~B. *Maximum Area.*~~

<u>Table 21.11.9 Maximum Area of Wall Signs</u>	
<u>Areas with Limited Access</u>	<u>15% of the façade area or 250 square feet, whichever is less</u>
<u>Areas with Unlimited Access</u>	<u>12% of the façade area or 125 square feet, whichever is less</u>
<u>All Other Streets</u>	<u>10% of the façade area or 80 square feet, whichever is less</u>

1. ~~Wall signs located on properties zoned Manufacturing District—Light (M-1); Manufacturing District—Heavy (M-2); and PDD (Planned Development District) with a base zoning of M-1 or M-2 and with a minimum primary façade elevation of 300 linear feet or greater may have the primary wall sign calculated at fifteen percent (15%) of the façade area or 250 square feet, whichever is less.~~

C. ~~Maximum Number of Signs.~~ The maximum number of signs permitted for single occupancy or single tenant buildings shall be limited to one (1) per wall with a maximum of three (3) signs. Each sign in excess of the primary wall sign shall be a maximum seventy five percent (75%) of the area of the primary wall sign.

The maximum number of signs permitted for multi-tenant buildings shall be limited to one (1) per tenant or lease space except for those spaces located on the ends of buildings which may have one (1) additional wall sign to be located on the side wall of the structure and being a maximum of seventy five percent (75%) of the area of the primary wall sign. Multi-tenant buildings with the rear of the building directly adjacent to a public or private street or access drive may have one (1) additional wall sign located on the rear wall of the structure and being a maximum of twenty five percent (25%) of the area of the primary wall sign. In no case shall the number of wall signs permitted for any single tenant within a multi-tenant development exceed a maximum of two (2) signs.

D. ~~Roofline Limitations.~~ In no case shall a wall sign project above the roofline of any building nor extend above the parapet wall if attached thereto. Wall signs shall be no closer vertically to the eave of the roofline or overhang than the predominant letter height. Wall signs may be attached to a continuous plane fascia if the sign does not extend above or below the projection of the fascia. Signs attached to fascia are only allowed when attached to structural canopy supported to the ground by columns constructed of similar masonry material as the primary structure.

E. ~~Illumination.~~ Wall signs shall be illuminated utilizing only internal lighting.

F. ~~Projection.~~ Wall signs shall not project farther than eighteen inches (18") from the building, excluding signs attached to canopies.

G. ~~Adjacent Residential.~~ Wall signs shall not be located on any façade (other than the main front of the building) which faces property zoned for single-family residential uses if the sign is within 150 feet of the property line of said residential property.

Sec. 21.11.10. Freestanding **Ground Signs.**

A. Freestanding Sign Standards.

Freestanding Sign Standards				
<u>Roadway Classification</u>	<u>Setback</u>	<u>Max Area</u>	<u>Max Height</u>	<u>Maximum Number</u>
	<u>ft.</u>	<u>sq. ft.</u>	<u>ft.</u>	
<u>Interstates</u>	<u>15</u>	<u>250</u>	<u>50</u>	<u>1 per lot per frontage</u>
<u>Farm to Market Roads</u>	<u>15</u>	<u>250</u>	<u>35</u>	<u>1 per lot per frontage</u>
<u>All Others</u>	<u>15</u>	<u>150</u>	<u>20</u>	<u>1 per lot per frontage</u>

1. Roadway Classification is determined by the adjacent frontage the sign will be placed.
2. Developments consisting of shopping centers or other multi-tenant type developments shall provide adequate sign spaces for each tenant and no tenant shall have more than 50% of the allowable area.
3. A freestanding sign may include an electronic sign as a component of the permitted sign with the following additional standards:
 - a. Limited to two (2) faces per sign.
 - b. Limited to 50 square feet per sign face.

- c. Electronic signage shall not exceed a maximum of one (1) footcandle illumination at the property line.
- d. Any change of pictures or information on the electronic sign shall not produce the illusion of moving objects, expanding or contracting shapes, rotation or any similar effect of animation.
- e. Any change of pictures or information on the message board sign shall not change more often than once every four (4) seconds.
- f. Any sign picture or information shall not have a solid white background between the time period of thirty (30) minutes after sunset and thirty (30) minutes before sunrise.

A. ~~General.~~ Unless otherwise specifically provided, the regulations set forth in this section shall be applicable to all freestanding ground signs.

B. ~~Minimum Setback.~~ The minimum setback of all freestanding ground signs shall be fifteen feet (15') from any property line.

C. ~~Maximum Height.~~ The maximum height of a freestanding ground sign shall not exceed the following:

Table 21.11.10A Maximum Height of Freestanding Ground Signs	
Areas with Limited Access	50 ft.
Areas with Unlimited Access	40 ft.
All Other Streets	20 ft.

~~Exception:~~ Freestanding ground signs located on properties along FM 3009 and Schertz Parkway shall have a maximum height of eighteen feet (18').

D. ~~Maximum Area.~~ Freestanding ground signs shall not exceed the following:

Table 21.11.10B Maximum Area of Freestanding Ground Signs	
Areas with Limited Access	250 sq. ft.
Areas with Unlimited Access	100 sq. ft.
All Other Streets	32 sq. ft.

~~Exception:~~ Freestanding ground signs located on properties along FM 3009 and Schertz Parkway shall have a maximum of ninety (90) square feet in area.

E. ~~Number of Signs.~~ The maximum number of freestanding ground signs shall be limited to one (1) per lot per street frontage. Developments consisting of shopping centers or other multi-tenant type developments shall be required to construct multi-tenant signage in accordance with section 21.11.12 of this Article except that any primary or anchor store greater than 50,000 square feet may be allowed one (1) freestanding sign in accordance with this section.

Sec. 21.11.11. Price-Per-Gallon Display Monument Signs.

A. General. All price-per-gallon displays must be an integral part of the freestanding ground sign or wall sign for the site. Displays, whether electronic or manual, shall not scroll or flash.

B. Number of Signs. Only one (1) price-per-gallon sign shall be permitted per site.

- C. ~~*Illumination.* Only internal illumination may be utilized for fuel classification and price-per-gallon signs.~~
- A. ~~*General.* Unless otherwise specifically provided, the regulations set forth in this section shall be applicable to all monument signs that are allowed under this Article.~~
- B. ~~*Maximum Height.* The maximum height of a monument sign shall be five feet six inches (5'6").~~
- C. ~~*Maximum Area.* The maximum area of a monument sign shall not exceed fifty (50) square feet.~~
- D. ~~*Number of Signs.* The maximum number of monument signs shall be limited to one (1) per lot per street frontage. Developments consisting of shopping centers or other multi-tenant type developments shall be required to construct multi-tenant signage in accordance with section 21.11.12.~~
- E. ~~*Minimum Setback.* The minimum setback of all monument signs shall be fifteen feet (15') from any property line.~~
- F. ~~*Material Requirements.* All monument sign bases shall be constructed of masonry material consisting of brick, stone or split face concrete block. The monument sign structure must be constructed or covered with the same masonry material as the principal building or shall be constructed of brick, stone or split face concrete block. Sculpted aluminum sign panels will be allowed. All sign text and graphic elements shall be limited to a minimum of six inches (6") from the outer limits of the sign structure.~~
- G. ~~*Illumination.* Monument signs shall only be illuminated utilizing internal lighting for sculpted aluminum panels or a ground lighting source where the light itself and supporting sign structure are not visible from public right-of-way.~~
- H. ~~*Driveway Entrances.* Freestanding non-residential street address signs at driveway entrances are limited to one (1) monument sign per driveway entrance not to exceed twelve (12) square feet in area, and three feet in height.~~

Sec. 21.11.12. Multi-tenant Signs.

- A. ~~*General.* The provisions of this section shall be applicable to all signs located within developments consisting of shopping centers, as defined within this UDC, and all other similar multi-tenant developments. Multi-tenant signs designed as monument signs shall meet the requirements of this section.~~
- B. ~~*Maximum Height.* The maximum height of a monument sign within a multi-tenant development shall not exceed the following:~~

Table 21.11.12 Maximum Height of Multi-tenant Signs	
Areas with Limited Access	20 feet
Areas with Unlimited Access	18 feet
All Other Streets	15 feet

The monument base shall be a minimum of eighteen inches (18") in height measured from ground level at the center of the base to the top of the base. The overall height shall not exceed the maximum heights listed above, including monument base.

- C. ~~*Maximum Area.* The maximum area of a multi-tenant monument sign shall be equivalent to one percent (1%) of the gross building square footage within the shopping center with a maximum of 150 square feet.~~
- D. ~~*Maximum Number.* The maximum number of multi-tenant monument signs shall be limited to one (1) per platted lot per street frontage.~~

E. ~~Monument Sign Design.~~ Each multi-tenant monument sign shall be designed so as to provide adequate sign spaces for each tenant within the development except for the primary, or anchor store within the development which shall be prohibited from advertising on the monument sign. The developer shall be responsible for determining the adequacy and size necessary to meet the requirements of this section.

F. ~~Minimum Setback.~~ The minimum setback of all multi-tenant monument signs shall be fifteen feet (15') from any property line.

G. ~~Material Requirements.~~ All multi-tenant monument signs shall be constructed of masonry material consisting of brick, stone or split face concrete block which shall be consistent in nature with the overall theme of the development. Sculpted aluminum sign panels will be allowed. All sign text and graphic elements shall be limited to a minimum of six inches (6") from the outer limits of the sign structure.

H. ~~Illumination.~~ Monument signs may only be illuminated utilizing internal lighting for sculpted aluminum panels or a ground lighting source where the light itself and supporting sign structure are not visible from public right-of-way.

Sec. 21.11.13. Electronic Signs.

A. ~~General.~~ Electronic signage shall be permitted in lieu of any permitted freestanding or monument signs on a property. In the event that an electronic sign is permitted for a property, no other additional freestanding or monument sign shall be permitted.

B. ~~Maximum Height.~~ The maximum height of an electronic sign shall be eighteen feet (18').

C. ~~Maximum Area.~~ The maximum area of an electronic sign shall not exceed 100 square feet with a maximum area per sign face of fifty (50) square feet.

D. ~~Number of Signs.~~ The maximum number of electronic signs shall be limited to one (1) per platted lot. No other on-premise freestanding signs shall be permitted.

E. ~~Minimum Setback.~~ The minimum setback of all electronic signs shall be fifteen feet (15') from any property lines.

F. ~~Material Requirements.~~ All monument sign bases shall be constructed of masonry material consisting of brick, stone or split face concrete block. The monument sign structure must be constructed or covered with the same masonry material as the principal building or shall be constructed of brick, stone or split face concrete block. All sign text and graphic elements shall be limited to a minimum of six inches (6") from the outer limits of the sign structure.

G. ~~Illumination.~~ Electronic signage shall not exceed a maximum of one (1) footcandle illumination at the property line.

H. ~~Location Restrictions.~~ No electronic signs shall be permitted within 150 feet of a residentially zoned property or property used for residential purposes.

I. ~~Additional Restrictions.~~

1. ~~Any change of pictures or information on the electronic sign shall not produce the illusion of moving objects, expanding or contracting shapes, rotation or any similar effect of animation.~~

2. ~~Any change of pictures or information on the message board sign shall not change more often than once every four (4) seconds.~~

3. ~~Any sign picture or information shall not have a solid white background between the time period of thirty (30) minutes after sunset and thirty (30) minutes before sunrise.~~

Sec. 21.11.14. Directional Signs.

- A. ~~General.~~ This section shall be applicable to any on-premise sign that directs the movement of traffic on private property within developments or warns of obstacles, overhead clearances, or controls parking.
- B. ~~Maximum Height.~~ Directional signs shall have a maximum height of three feet (3').
- C. ~~Maximum Area.~~ Directional signs shall not exceed a maximum area of twelve (12) square feet.
- D. ~~Maximum Number.~~ The maximum number of directional signs permitted within a development shall be based on the square footage of building space constructed within the development. Directional signs shall be permitted at a rate of one (1) sign for every 10,000 square feet of building area.
- E. ~~Location Restrictions.~~ Directional signs shall be located in a manner where they will not interfere with the safe movement of vehicles or pedestrians and shall not be located within any visibility triangle.

Sec. 21.11.125. Subdivision Entry Signs.

A. Subdivision Entry Sign Standards

<u>Subdivision Entry Sign Standards</u>			
<u>Roadway Classification</u>	<u>Max Area</u> sq. ft.	<u>Max Height</u> ft.	<u>Maximum Number</u>
<u>Interstates & Farm to Market Roads</u>	<u>50</u>	<u>10</u>	<u>2 per entry</u>
<u>All Others</u>	<u>32</u>	<u>6</u>	<u>2 per entry</u>

1. Subdivision Entry Feature. A subdivision entry feature which incorporates masonry walls, berms and/or decorative fencing in combination with the subdivision entry sign may be constructed, however, the maximum area containing the subdivision sign shall not exceed standards.

- A. ~~General.~~ The provisions of this section shall be applicable to all subdivision entry signs identifying a residential or mixed use development.
- B. ~~Maximum Height.~~ Subdivision entry signs shall be monument signs and shall have a maximum height of six feet (6') in height.
- C. ~~Maximum Area.~~ The maximum area of a subdivision entry sign shall not exceed thirty two (32) square feet per sign face.
- D. ~~Maximum Number of Signs.~~ No more than one (1) subdivision entry sign shall be permitted at the primary subdivision entrance. Secondary entrances may have one (1) subdivision entry sign per entrance which shall be a maximum of seventy five percent (75%) of the size of the primary entrance sign.
- E. ~~Placement of Sign.~~ A subdivision entry sign may be located on a median at the street entrance if approved in writing by the Public Works Director.
- F. ~~Subdivision Entry Feature.~~ A subdivision entry feature which is appropriate in scale to the size of the development and incorporating masonry walls, berms and/or decorative fencing in combination with the subdivision entry sign may be constructed at the primary subdivision entrance provided, however, that the maximum area containing the subdivision sign shall not exceed thirty two square feet (32') per sign face.

Sec. 21.11.16. Price Per Gallon Display.

- A. ~~General.~~ All price per gallon displays must be an integral part of the general permitted sign for the site. Displays, whether electronic or manual, shall not scroll or flash.

- B. ~~Minimum Letter Height.~~ The minimum height allowed for price per gallon display signs shall be six inches (6") for the fuel classification (i.e., "unleaded", "diesel", etc.).
- C. ~~Maximum Area.~~ Price per gallon displays shall not exceed two thirds (2/3) of the permitted gross surface area per face of the general permitted sign.
- D. ~~Number of Signs.~~ Only one (1) price per gallon sign shall be permitted per site.
- E. ~~Illumination.~~ Only internal illumination may be utilized for fuel classification and price per gallon signs.

Sec. 21.11.137. Temporary Signs.

A. Temporary Sign Standards.

<u>Temporary Sign Standards</u>			
<u>Setback</u>	<u>Max Area</u>	<u>Max Height</u>	<u>Maximum Number</u>
<u>ft.</u>	<u>sq. ft.</u>	<u>ft.</u>	
<u>15</u>	<u>24</u>	<u>6</u>	<u>3 per business or tenant</u>
<u>Feather Flag Standards</u>			
<u>Setback</u>	<u>Max Area</u>	<u>Max Height</u>	<u>Maximum Number</u>
<u>ft.</u>	<u>sq. ft.</u>	<u>ft.</u>	
<u>15</u>	<u>16</u>	<u>8</u>	<u>3 per business or tenant</u>

1. Temporary signs shall be permitted for a maximum of 120 days per calendar year and Temporary Sign permits will be issued for thirty (30) day increments.
 - a. The cumulative total number of days for which all temporary sign permits issued for a property or business shall not exceed 120 calendar days.
 - b. Each individual sign will count towards the allotted 120 calendar days.
 - c. Feather Flags shall only be permitted for 14 days per calendar year.
2. Recurring Event Permit. A Recurring Event Permit is for temporary signs that will be issued in two-day increments for up to fifteen (15) times per year. The applicant requesting a Recurring Event Permit must identify which 15 two day increments they intend to have the temporary signs when applying for the initial permit. The selected dates can be modified as dates change with prior approval.
3. Exceptions:
 - a. Development signs may be installed at any time after the issuance of the building permit for a commercial development or after approval of the final plat for a residential subdivision. The development sign must be removed within six (6) months or upon the issuance of a certificate of occupancy for commercial developments, and within three (3) years of a residential subdivision.
 - b. Real estate signs shall be exempt from the permitting requirements of this section if they do not exceed six feet (6') in height and do not exceed thirty-two (32) square feet in area. Real estate signs shall be limited to one (1) per lot per street frontage.

~~A. General. Notwithstanding any other provisions of this Article, this section shall be applicable to all temporary signs identified in this Article.~~

~~B. Maximum Area. The maximum area permitted for temporary signs shall not exceed the following:~~

Table 21.11.17A Maximum Area of Temporary Signs	
Areas with Limited Access	32 sq. ft. per face or ten percent (10%) of the building façade, whichever is less
Areas with Unlimited Access	24 sq. ft. per face or seven percent (7%) of the building façade, whichever is less
All Other Streets	16 sq. ft. per face or five percent (5%) of the building façade, whichever is less

~~C. *Maximum Height.* The maximum height permitted for temporary signs shall not exceed the following:~~

Table 21.11.17B Maximum Height of Temporary Signs	
Areas with Limited Access	6 feet
Areas with Unlimited Access	4 feet
All Other Streets	3 feet

~~D. *Minimum Setback.* The minimum setback for all temporary signs shall be fifteen feet (15') from any property line.~~

~~E. *Time Limitations.* Temporary freestanding signs shall be permitted for a maximum of 180 days per calendar year. No additional temporary sign permit shall be issued for the same property or business for a period of fourteen (14) days after the expiration of the previous permit. There shall be no limit to the number of temporary sign permits that may be issued for a particular property or business. The cumulative total number of days for which all temporary sign permits issued for a property or business shall not exceed 180 calendar days.~~

~~F. *Number of Signs.* No more than two (2) types of temporary signs shall be permitted per business or tenant at any given time.~~

~~Sec. 21.11.18. Development Signs.~~

- ~~A. *Maximum Area.* Development signs shall not exceed thirty two (32) square feet.~~
- ~~B. *Maximum Height.* Development signs shall not exceed six feet (6') in height.~~
- ~~C. *Number of Signs.* Each development shall be permitted no more than one (1) sign per commercial development, or one sign per entry of a residential subdivision not to exceed two (2) signs.~~
- ~~D. *Duration.* Development signs shall be installed at any time after the issuance of the building permit for a commercial development or after approval of the final plat for a residential subdivision. The development sign must be removed within six (6) months or upon the issuance of a certificate of occupancy for commercial developments, and upon three (3) years or seventy five percent (75%) of development of a residential subdivision, whichever is less.~~

~~Sec. 21.11.19. Real Estate Signs.~~

- ~~A. *Applicability.* Real estate signs meeting the requirements of this section shall be exempt from the permitting requirements of this Article.~~
- ~~B. *Maximum Height.* The maximum height for commercial real estate signs shall not exceed five feet (5') for freestanding ground signs and must be below the roof line for wall signs.~~

~~C. *Maximum Area.* The maximum area of a commercial real estate sign shall not exceed thirty-two (32) square feet. Residential real estate signs shall not exceed four square feet in area.~~

~~D. *Maximum Number of Signs.* The maximum number of real estate signs shall be limited to one (1) per lot per street frontage.~~

Sec. 21.11.1420. Banners ~~o~~Over Public Rights-of-Way.

- A. *General.* Banners may be erected over ~~predetermined~~ public rights-of-way within the City with the approval of the City Manager or his/her designee. ~~The applicant shall be responsible for securing any and all necessary permits to erect a banner over a TxDOT right-of-way and shall provide such information to the City with the application for a banner permit.~~
- B. *Restrictions.* Banners over public rights-of-way shall be permitted only for non-commercial or charitable events that are of general interest to the community as a whole and shall be restricted to non-profit or governmental entities.
- C. *Responsibility.* The applicant shall be responsible for the erection of any banner over public rights-of-way. The banner shall be inspected by the City ~~Manager or his/her designee~~ to ensure the banner is adequately secured. The applicant shall be responsible for removal of any banner erected over public rights-of-way.
- D. *Maximum Banner Size.* The maximum area of a banner shall not exceed 144 square feet. The standard banner size shall be four feet (4') wide by thirty-six feet (36') long. Variations to the standard banner size may be approved by the City Manager or his/her designee when differing variations are necessary to contain the entire message within the banner. In no case shall the area exceed the maximum area identified in this section.

~~Sec. 21.11.21. Nonconforming Signs.~~

- A. *General.* A sign, including its supporting structure, shall be considered nonconforming when it does not conform to all or part of the provisions of this Article and
 - ~~1. was in existence and lawfully located prior to the adoption of this Article;~~
 - ~~2. was in existence and lawfully located and used in accordance with the provisions of the prior law, ordinance, code or regulation applicable thereto or which was considered legally nonconforming there under and has since been in continuous or regular use;~~
 - ~~3. was in existence, located and used on the premises at the time it was annexed into the City and has since been in continuous use; or~~
 - ~~4. was in existence and lawfully located and used as an off-premise sign prior to or on February 19, 2008.~~
- B. *Registration.* Except as to signs constructed before September 1, 2006, it shall be unlawful for any person to maintain any nonconforming or off-premise sign within the corporate limits of the City or its ETJ without having a valid registration number affixed thereto as required in this section as follows:
 - ~~1. *Application.* To register a nonconforming sign or off-premise sign, application shall be made to the City Manager or his/her designee on forms provided for that purpose. The application shall be accompanied by the payment of the established fees and shall contain the name and address of the owner of the sign, the exact location of the sign, the date of placement, and any other information reasonably required by the City Manager or his/her designee.~~
 - ~~2. *Issuance of Registration Number.* If the City Manager or his/her designee determines that the nonconforming or off-premise sign is a lawfully nonconforming or off-premise sign, he/she shall issue a~~

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registration number to the applicant. The owner of the sign shall cause the registration number to be affixed in a conspicuous place on the registered nonconforming or off-premise sign.

- ~~2. Invalidation of Registration.~~ The City Manager or his/her designee shall invalidate any registration for a nonconforming or off-premise sign when:
- ~~a. it is removed from the premises for any reason;~~
 - ~~b. it has been damaged or destroyed so as to lose its nonconforming sign status as provided in this Article;~~
 - ~~c. it has become an abandoned sign.~~

Sec. 21.11.15. ~~Waivers~~ Licenses.

- A. The Planning and Zoning Commission may authorize waivers from the provisions of this Article when, in its opinion, undue hardship will result from requiring strict compliance. In granting a waiver, the Planning and Zoning Commission shall prescribe only conditions that it deems necessary or desirable to the public interest.
- B. In making their findings, the Planning and Zoning Commission shall take into account the following:
 - a. The nature of the proposed use of the land involved.
 - b. The location of the property in relation to roadway classification.
 - c. The existing uses of land in the vicinity.
- C. Waivers shall not be granted unless the Planning and Zoning Commission finds:
 - 1. That the granting of the waiver will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area; and
 - 2. Strict interpretation of the provisions of the section would deprive the applicant of rights commonly enjoyed by other nearby properties with the same land use that would comply with the same provisions.
- D. The Planning and Zoning Commission may establish a time period for execution of each granted waiver.
- E. Such findings together with the specific facts on which such findings are based shall be incorporated into the official minutes of the Planning and Zoning Commission meeting at which such exception is granted.
- F. Planning and zoning commission shall not authorize a waiver that would constitute a violation of a valid law, ordinance, code or regulation of the City.
- G. Any decision of the Planning and Zoning Commission regarding waivers to the provisions of this Article may be appealed to the City Council. When considering an appeal, the City Council shall consider the same standards as the Planning and Zoning Commission as outlined above.

~~A. Licenses Required.~~

- ~~1. Required. It shall be unlawful for any person to erect, construct, place, locate, reconstruct, repair, replace or service any sign for compensation without first obtaining a license to do such work from the City Manager or his/her designee.~~
- ~~2. License.~~
 - ~~a. It is unlawful for any person to perform construction work subject to this Article unless the person is licensed as a sign contractor or is exempt under b below.~~

~~b. A maintenance person who performs work upon a property with more than one property owner is deemed to be performing work for the general public and shall be licensed as a sign contractor.~~

~~B. It is unlawful for any person to:~~

- ~~1. display or cause a permit to be displayed or to have in one's possession any license for doing any construction work, knowing it to be fictitious or to have been canceled, suspended or altered;~~
- ~~2. lend or permit the use of any license for doing any construction work to any person not entitled to it;~~
- ~~3. fail or refuse to surrender to the City Manager or his/her designee any license for any construction work that has been suspended or canceled;~~
- ~~4. apply for or have in one's possession more than one current City construction license of the same type;~~
- ~~5. use a false or fictitious name or address in any application for any license or permit provided for in this Article or any renewal or duplicate, or make a false statement or conceal a material fact or otherwise commit fraud in making any application;~~
- ~~6. perform any construction work in the City or its ETJ for which a license is required without having the license or while the license is suspended, expired or canceled;~~
- ~~7. perform any construction work for which a permit is required without having the permit or after the permit has been suspended, canceled or expired;~~
- ~~8. fail or refuse to make the necessary repairs or changes as provided in a written notice issued by the City Manager or his/her designee. A separate offense is deemed to be committed each day after the expiration of the time for correction provided in the notice until the work is corrected; or~~
- ~~9. place or leave a property in such condition that it injures or endangers persons or property.~~

~~C. Insurance Required. It is the duty of all sign contractors who practice their craft within the City to show proof of general commercial liability insurance. A current copy of the insurance must be maintained on file with the building inspections division of the City or the sign contractor's license may be revoked. The insurance shall include a minimum of:~~

- ~~1. \$300,000 per occurrence (combined for property damage and bodily injury);~~
- ~~2. \$600,000 aggregated (total amount the policy will pay for property damage and bodily injury coverage); and~~
- ~~3. \$300,000 aggregate for products and completed operation.~~

~~A licensed applicant or licensee shall file with the Building Inspections Division a completed certificate of insurance when applying for an initial license, when changing a business name, or upon request by the City Manager or his/her designee.~~

~~D. The City Manager or his/her designee, within 30 days after the receipt of the completed application, shall issue the license or give a written refusal setting out the reasons for refusal.~~

- ~~1. Application. A written application for a sign contractor's license will be submitted to the Building Inspections Division on a form prescribed by the City along with the required initial fee and evidence of two (2) years experience to include the following:
 - ~~a. required initial fee (as established by City Council);~~
 - ~~b. renewal fee (as established by City Council);~~
 - ~~c. completed application;~~
 - ~~d. reference from one (1) financial institution;~~~~

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- e. ~~reference from two (2) suppliers; and~~
- f. ~~reference from three (3) customers with work performed within the last two (2) years.~~
2. ~~Renewal. All renewals shall be due January 1st of each year. Failure to renew within thirty (30) days after the renewal date shall require the applicant to reapply for license at the initial fee rate.~~
3. ~~Revocation. Any license issued under this section may be suspended or revoked by the City Manager or his/her designee for the following:~~
- a. ~~The City Manager or his/her designee may suspend the license of a person who has been convicted two (2) times within a one year period of any violation of this Article or other laws, ordinances, codes or regulations applicable hereto.~~
- b. ~~If the City Manager or his/her designee decides to suspend a sign contractor's license, the Director shall notify the licensee of the suspension by first class mail to the licensee's last address on record, or by hand delivery to the licensee. Notice by mail will be deemed received three (3) days after posting.~~
- c. ~~The licensee may appeal a suspension decision to the Building and Standards Commission by filing a written request within ten (10) days after receiving notice of the suspension. The Building and Standards Commission shall hold a hearing to determine whether the suspension decision should be sustained or reversed.~~
- d. ~~If a licensee's license has been suspended twice in a three (3) year period, and the licensee then commits another violation under this Article or other laws, ordinances, codes and regulations applicable hereto, the City Manager or his/her designee shall notify the Building and Standards Commission. The Building and Standards Commission shall then hold a hearing to consider cancellation of the license.~~
- e. ~~Enforcement actions taken under this section are not exclusive and do not affect any other remedies for violations of this Article or other applicable laws, ordinances, codes and regulations.~~
4. ~~Appeal. A person, whose license has been denied or revoked, may appeal in writing along with the filing fee then in effect to the Building and Standards Commission within ten (10) days.~~
5. ~~Electrical License. It shall be unlawful for any person to install and connect electrical systems for a sign within the City and its ETJ without first obtaining a license to do so from the Texas Department of Licensing and Regulation (TDLR) for such work. A sign contractor may subcontract the electrical portion of a project to someone licensed by TDLR. Someone so licensed shall obtain all electrical permits to do such work.~~
6. ~~Electrical License Registration. Electrical contractors shall register with the City's Inspection Department as follows:~~
- a. ~~Registration of Company. Each electrical company shall register with the Inspection Department and shall provide a copy of general liability insurance in the amount established by the Texas Department of Licensing and Regulation (TDLR) for electrical contractors.~~
- b. ~~Application. A written application to register an electrical company, along with the established filing fee, shall be submitted to the Director on a form prescribed by the City.~~
- c. ~~Renewal. All registered electrical companies shall renew their registrations annually. All renewals shall be due March 1st of each year.~~
- Exception: Licensed sign contractors who hold an electrical license issued by TDLR and who submit a copy of such license with their application, and do not work as an independent electrical company, shall not be required to register as an electrical company.

(Ord. No. 17-S-40, § 1(Exh. A), 10-24-2017)

Sec. 21.11.1623. Violations.

- A. *Unlawful Acts.* It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, or demolish a sign regulated by this Article, or cause the same to be done in conflict with or in violation of any of the provisions of this Article.
- B. *Notice of Violation.* The City Manager or his/her designee is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removing or demolition of a sign in violation of the provisions of this Article or in violation of a permit issued under the provisions of this Article. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.