

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 in accordance with LGC Chapter 216. 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.

Sec. 21.11.3. Administration.

- A. *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. *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. *Notices and Orders.* The City Manager or his/her designee shall issue all necessary citations, notices or orders to ensure compliance with this Article.
- D. *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.

Sec. 21.11.4. General Requirements.

- A. *Permit Required.*
 - 1. No person shall erect, alter or display any sign without first obtaining a sign permit to do so from the City Manager or his/her designee. 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 from the City Manager or his/her designee. The the City Manager or his/her designee 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;

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2. Sign Plan Exhibits which include:
 - 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; and
 - c. plans that illustrate height, length, width and all other dimensions associated with the sign including all electrical elements of the sign.
 3. A copy of a contract with construction costs signed by the owner of the property stating that the applicant has permission to erect such sign.
- 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 work beginning prior to obtaining a permit as required by this Article. Payment of such fees shall not relieve any person(s) from any other penalties prescribed by this UDC or any other law, ordinance, code or regulation applicable thereto.
- D. *Action on Application.* The City Manager or his/her designee shall examine applications for permits and amendments in accordance with state law 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.
- 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 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.

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- 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.

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 provisions of this Article or 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 and street 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 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 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 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 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 allowed which is deteriorated, dilapidated or in danger of falling or otherwise unsafe.
- I. *Signs in Violation.* No sign shall be 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.
- K. *Off Premise Signs.* Except as set forth elsewhere in this Article, all off premise signs 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;
 - 4. Historical Markers and Plaques;
 - 5. Political Signs;
 - 6. Real Estate Signs;

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- 7. Temporary Signs;
 - 8. Traffic Signs;
 - L. *Bandit Signs.*
 - M. *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.

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 within thirty (30) days after written notification to the property owner by the City Manager or his/her designee.
- C. *Extensions.* The City Manager or his/her designee shall have the authority, 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.
 - 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.)

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- 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.

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 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 wind loads and 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 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.

- 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. 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.

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

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 facade (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 facade facing the railroad are allowed 250 square feet of signage facing FM 78.
 - a. Shall not exceed maximum allowable number of facades with signage.

Sec. 21.11.10. Freestanding Signs.

- A. Freestanding Sign Standards.

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

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 fifty (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.

Sec. 21.11.11. Price-Per-Gallon Display .

- 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 sign.

Sec. 21.11.12. Subdivision Entry Signs.

- A. Subdivision Entry Sign Standards

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

- 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.

Sec. 21.11.13. Temporary Signs.

- A. Temporary Sign Standards.

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

- 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.

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- 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.

Sec. 21.11.14. Banners 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.
- 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. 21.11.15. Waivers

- 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.

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- 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.

Sec. 21.11.16. 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.