

CITY OF UHLAND

ORDINANCE No.147

AMENDMENT TO SIGN REGULATIONS

AN ORDINANCE AMENDING THE CITY OF UHLAND ORDINANCE #28 MODIFYING REGULATIONS FOR SIGNS AND SIGN STRUCTURES IN THE CITY LIMITS AND ETJ; PROVIDING FOR THE FOLLOWING: RULES; STANDARDS; PROCEDURES; INCLUDING CRIMINAL FINES AND CIVIL PENALTIES, REPEALER AND SEVERABILITY

WHEREAS, the City Council of the City of Umland (“City Council”) seeks to promote the community’s historic aesthetic, and scenic vistas; and

WHEREAS, the City Council strives to promote reasonable and prudent development, including the use of signage to promote area businesses, events and activities, provide the signage is consistent with land use and development principles announced in the Comprehensive Master Plan; and

WHEREAS, the City Council finds that signs erected, modified or maintained in violation of the City’s regulations are a threat to the public health, safety, and welfare, and constitute a public nuisance to be prevented and abated in accordance with Chapter 217 of the Texas Local Government Code; and

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, pursuant to Chapter 216 of the Texas Local Government Code, the City has the authority to regulate signs; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace or order of the City of Umland to amend the City’s sign regulations in accordance with this ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Umland City Council:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. AMENDMENT

City of Umland Ordinance #28 is hereby amended in its entirety, and after such amendment, shall read in accordance with *Attachment "A"*, which is attached hereto and incorporated into this Ordinance for all intents and purposes.

3. REPEALER

To the extent reasonably possible, ordinances are to be read together in harmony. However, all ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

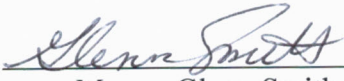
6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication.


7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, and Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

CITY OF UHLAND:

By: 
Mayor, Glenn Smith

ATTEST:


Karen Gallaher, City Administrator

Passed and approved February 5, 2014.

By a vote of Nays 0, Ayes 5, Abstentions 0.

ATTACHMENT "A"

City of Umland

Signs

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Article I. In General
Division 1. Applicability

Sec 01-11.0 Purpose

1. To promote the creation of an attractive visual environment that promotes a healthy economy by:
 - a. Permitting businesses to inform, identify and communicate effectively; and
 - b. Directing the general public through the use of signs while maintaining attractive and harmonious application of signs on the buildings and sites.
2. To foster public safety along public and private streets within the community by assuring that all signs are in safe and appropriate locations and cause minimum driver distractions.

Sec 01-11.1 New Signs

New signs will follow the regulations of this Chapter and shall be required to obtain appropriate permits per section 02-12.0

Sec 01-11.2 Nonconforming Signs

1. Non-conforming permanent signs, legally existing on the effective date of this Ordinance, may continue to exist and shall be allowed face (copy) changes, provided that no non-conforming sign:
 - a. shall be changed to another Non-conforming sign.
 - b. shall be structurally altered so as to change the shape, size, type or design of the sign.
 - c. shall be re-established after damage or destruction if the estimated expense of reconstruction exceeds 50% of the reproduction cost.

Division 2. Administration

Sec 01-12.0 Sign permits

1. No sign, unless herein accepted, shall be located, constructed, attached, or painted until a building permit has been approved by the Building Official in accordance with the requirements of this chapter.
2. All signs shall be built in accordance with the drawings attached with the permit application and as approved by the Building Official.
3. Sign permit applications shall contain the following:
 - a. Completed application form
 - b. Appropriate fees as shown in Exhibit A, attached hereto as may be amended from time to time should the City adopt a fee schedule ordinance.
 - c. A dimensioned site plan showing:
 - i. The location of the proposed sign in relation to all other structures on the property and the property line itself;

- ii. All adjacent properties and location of signs within 200 feet of the proposed sign;
 - iii. An elevation of the sign showing industry specifications and construction details if necessary.
- 4. Signs that do not require a permit but are required to follow the provisions and regulations of this Chapter 02. Sign Regulations:
 - a. Window Signs, Residential Yard Signs, Movable Signs, Political Signs.
- 5. The following signs are exempt from the provisions and regulations of this Chapter 02. Sign Regulations:
 - a. Public Signs. Signs required by governmental bodies or specifically authorized for a public purpose by any law, statute, or ordinance. Such public signs may be of any type, number, area, height, location, or illumination as required by law, statute or ordinance.
 - b. Signs on vehicles.
 - i. Signs placed on or affixed to vehicles and/or trailers where the sign is incidental to the primary use of the vehicle or trailer as transportation.
 - ii. Signs attached or affixed to vehicles being displayed on vehicle sales or rental lots are deemed to be exempt from these regulation, if the purpose of the attached or affixed sign is to advertise the sale or rental of the vehicle upon which it is attached or affixed.
 - iii. Temporary construction trailers and vehicles located on construction sites that bear the contractor advertising are exempt from these regulations.
 - iv. Signs on vehicles passing through town for the purpose of advertising at a destination outside city limits are deemed to be exempt from these regulations.
 - c. Warning Signs. Signs warning the public of the existence of danger but containing no advertising material; to be removed within three days upon the subsidence of danger. Such warning signs may be of any type, number, area, height, location, or illumination as deemed necessary to warn the public of the existence of danger.
 - d. Flags of governmental entities or non-profit organizations.
 - e. Governmental Sign. Signs of duly constituted governmental body, including traffic or similar regulatory devices, legal notices, warnings at railroad crossings, and other instructional or regulatory signs having to do with health, hazards, parking, swimming, dumping, etc.
 - f. Address Numerals. Address numerals and other signs required to be maintained by and placed in accordance with law or governmental order, rule or regulations.
 - g. Athletic Signs. Signs used as scoreboards in athletic stadiums.
 - h. Directional Signs. Signs which direct vehicles and pedestrian traffic, which may display arrows, words, or other symbols to indicate direction of facilities.

- i. Directory Signs. Sign that is located in or adjacent to entrances or foyers to display tenant names.
- j. Instructional Signs. Signs, providing no advertising of any kind, which provide direction or instruction to guide persons to facilities intended to serve the public, including but not specifically limited to the signs identifying restrooms, public telephones, public walkways, parking areas, and other similar facilities.
- k. Signs approved under a Comprehensive Sign Plan.
- l. Holiday and festival decorations.

Sec 01-12.1 Prohibited Signs

1. The following signs are prohibited from installation, construction, repair, alteration, or relocation within the City, except as otherwise permitted in this chapter:
 - a. New permanent off-premise signs, except for billboards which will be regulated by the Texas Highway Beautification Act. (i.e. billboards not allowed).
 - b. Any search lights, bullhorns, spinners, streamers, string lights or strip lighting except those permitted under holiday & festival decorations as temporary signs in this chapter.
 - c. Moving and flashing signs except for reader boards, which convey a message. Any sight source that produces a revolving beam or beacons that resemble emergency vehicle lights shall be prohibited.
 - d. A” Frame or Sandwich Board Signs: “A” frame or sandwich board and sidewalk, or curb signs, are prohibited except in front of the business during business hours.
 - e. Signs that resemble traffic control signs or emergency information signs.
 - f. Any signs, advertisement, poster, placard or handbill upon any lamp post, electric light, railway, telephone or telegraph pole, fire hydrant, shade tree, stone cliff or other natural object, or boxing covering public utilities, or on any bridge, pavement, sidewalk or crosswalk.
 - g. Any sign that obstructs free ingress or egress from a fire escape, door window or other required exit way.
 - h. Any sign that interferes with any opening required for ventilation.

Sec 01-12.2 Waivers

1. A waiver request may be submitted for all regulations in this Chapter.
2. Waivers from the requirements of this chapter are subject to approval by City Council.
3. An application for a waiver from sign regulations shall be submitted to the City Administrator or designee. A waiver application shall contain the following:
 - a. A completed application form
 - b. Appropriate fees

- c. An explanation (written and drawings as necessary) for the request and the proposed alternative.
4. Upon receiving the application, the City Administrator shall place the request on the City Council meeting agenda for action within 30 days.
5. Once the City Council has voted on the item the Building Official shall approve or deny a permit for the alternate sign in accordance with the Council's vote.

Section II. Sign Standards

Division 1. Definitions

Sec 01-21.0 Sign Types

1. Wall Signs - A sign mounted flat against and projecting less than 12 inches from, or painted directly on an exterior wall of, a building or a structure that is attached to the building with the exposed face of the sign in a plane parallel to the face of the wall to which it is attached.
2. Awning Sign – A wall sign attached to an awning structure (a structure made of metal or other material with frames affixed to a building and carried by a frame, but which does not have supports to the ground other than the main building). If the sign projects over the surface of the awning then it is considered a roof sign.
3. Canopy Sign – A wall sign attached to a canopy structure (a structure made of metal or other material with frames affixed to a building and carried by a frame, which has supports to the ground other than the main building). If the sign projects over the surface of the canopy then it is considered a roof sign.
4. Channel Letter Sign – A wall sign or a freestanding sign that is made of only text, symbols, or logos and the sign may or may not be illuminated.
5. Mural Sign - A wall sign that is a part of a graphic displayed on the exterior of a building, generally for the purposes of decoration or artistic expression, including but not limited to painting, fresco, or mosaic.
6. Poster Sign – A wall sign that is static, not electronic and is mounted flat against and projecting less than 12 inches from, or painted directly on an exterior wall of, a building or structure with the exposed face of the sign in a plane parallel to the face of the wall to which it is attached.
7. Projection Sign - A wall sign attached to a building or other structure and extending in whole or in part between 12 inches and 4 feet beyond the exterior surface of the building.
8. Roof Sign - A wall sign erected in whole or in part on a roof, or against, or directly above the highest point of the roof line, parapet, fascia of the building or above the surface of an awning or canopy.
9. Sign Cabinet - A wall sign that contains all the text and/or logo symbols within a single enclosed cabinet, which may or may not be illuminated.
10. Freestanding Signs - Any non-movable sign not attached to a building and that is not a temporary sign.

11. Architectural Element Sign – A freestanding sign that is attached to an architectural element (a structure such as a pergola, freestanding canopy, fence, or retaining wall that is built for the purpose of architectural enhancement of the site, is architecturally compatible to the main building and the overall site but not including sign structures for other sign types and/or structures for antennas or similar type structures).
12. Flag Sign – A freestanding sign, which displays a message on a flag but not a governmental flag.
13. Monument Sign - A freestanding sign integrated into landscaping or other solid structural features supported by masonry base (no poles or columns) on the ground.
14. Pole Sign - A freestanding sign that is affixed, attached, or erected on a column, pole, upright, or brace placed in or upon the ground and is not a part of a building. This does not include light poles.
15. Vehicle Sign - A sign mounted, painted or otherwise placed on a truck, bus, car, boat, trailer or other vehicle or equipment and used in such a manner that the sign is visible from a public street or right-of-way and the primary purpose of such vehicle or equipment is for the display of such signage. The primary purpose of such vehicle or equipment shall be presumed to be for the display of such signage if the vehicle/equipment is any one of the following:
 - (a) Not in operating condition;
 - (b) Not currently registered or licensed to operate on public streets;
 - (c) Not actively used in the daily function of the business to which the signs relate;
 - (d) Not properly parked in a designated parking space, unable to fit in a parking space, except that a passenger vehicle with a curb vehicle weight of less than 6,500 lbs. may be parked on private property on a hard, paved surface outside of a designated parking space, provided it does not interfere with the circulation of traffic into, out of, or within said property and displays one or more signs that are magnetic, decals, or painted upon an integral part of the vehicle as originally designed by the manufacturer and do not break the silhouette of the vehicle; or,
 - (e) Used primarily as a static display for the display of such signage, except as otherwise authorized in subparagraph (d) in this section.
 - (f) Vehicles and equipment engaged in active construction or repair projects and the on-premise storage of equipment and vehicles offered to the general public for rent or lease shall not be considered to be vehicle signs. Does not include bumper stickers, window stickers, or license plate frames.
16. Changeable Message Sign (also known as Reader Board Sign)- A sign designed to allow the changing of copy through manual, mechanical, or electrical means including time and temperature.
17. Government Sign - A sign erected and maintained by or on behalf of the United States, the state, the county, or the city for the purpose of regulating traffic or for civic purposes.
18. Wayfinding sign – A directional sign that is part of a sign system for the purpose of facilitating traffic both vehicular and pedestrian to the public's desired location.

19. Signs on light pole – A temporary sign that attaches to the specified dimensions of a light pole designed for the purpose or has been approved for the modified purpose of displaying a vertically oriented banner sign of no less than 24” and no more than 30” in height and is attached to the light pole.
20. Temporary Sign - A non-permanent on-premise sign made of non-rigid material, designed and displayed for a seasonal or brief activity such as, but not limited to, sales, specials, promotions, holidays, auctions, business grand openings, and signs advertising the lease or vacancy or rental units in multiunit residential developments.
21. Banner Sign - A sign made of flexible materials (paper, plastic, or fabric) with or without a frame and supported along one or more sides or at two or more corners by one or more fixed, rigid supports, such as poles or rods. Banner does not include a flag.
22. Bow Banner - A freestanding, lightweight, and usually vertically-oriented banner with minimal framing that curves outward at the top to match the curved shape of the fabric (similar to a bow from a bow and arrow) also known as a feather banner or teardrop sign, by design allows some movement to attract attention whether by pivoting or by movement of the material while still allowing for readability.
23. Bandit Signs – Signs that are placed on public rights-of-way, public property, public infrastructure, or equipment by a nongovernmental agency for any purpose, but does not include lost or missing pet signs.
24. Construction Sign – A sign identifying individuals or companies involved in design, construction, demolition, or development on the same premise as the sign.
25. Holiday and Festive Decoration – Holiday/festive shall mean a nationally or regionally recognized calendar date associated with a specific event or season, including but not limited to New Year’s Day, Martin Luther King, Jr., Valentine’s Day, Easter, Memorial Day, Independence Day, Labor Day, Halloween, Thanksgiving, and Christmas; decorations shall mean ornaments, figures, statues, signs, inflatable characters, seasonal lighting, and related products that are placed on a building or in a yard for a temporary period of time in observance of a holiday.
26. Inflatable Sign - Including lighter-than-air or gas filled inflatable objects that may be connected with a tether. Includes balloons. Does not include inflatable gyms and games.
27. Moving Sign - A sign which has any actual or apparent moving, revolving, flashing or rotating parts activated by electric, electronic, kinetic or mechanical devices, or by wind current, and shall include, but not be limited to, balloons, signs which are constructed of or faced with reflective tape or other similar materials, signs which change color, and signs where the intensity of lighting changes or appears to change, this definition does not include the display of time and/or temperature on a sign face.
28. Pennant - Any cloth, paper, plastic, or similar non-rigid material used for advertising purposes attached to any structure, staff pole, line, framing, tether, or vehicle.

29. Political Sign - A type of sign, which refers only to the candidates or issues involved in a political election.
30. Residential Yard Sign – A sign for the purpose of advertising the sale and/or rent of real estate, and also including signs advertising yard sales, estate sales, garage sales, or children’s lemonade or similar stands, and only when the sign is on the same premise as the location of the residential use. Real estate signs may also be at the nearest major intersections for the sole purpose of directing open house traffic to the salable property.
31. Wind Sign – A cloth or plastic or other flexible light material made in strips, triangles or other shapes, figures, or objects which are fastened together or to ground by wire, rope, cord, string or other means in such manner as to move by wind pressure and which are used or displayed to attract attention to a business, product, service or entertainment venue.
32. Right-of-way Sign - Posted within the existing right-of-way of a public street and officially authorized by the city of UHland.
33. Portable Sign – A temporary sign which is mounted on a trailer or wheels or is part of a trailer and by its design can be towed from one location to another by the use of attached wheels or by attaching an axle to existing mounts
34. Movable Sign - Any temporary sign supported by the ground but not permanently attached to the ground, which can be regularly moved from a location at periodic intervals, and which is located upon the premises where the business, profession, activity commodity, service, or entertainment referred to by the sign is located. The term "movable signs" shall only apply to:
 - (a) An "A-frame" type sign;
 - (b) A sign affixed by pole or poles to a portable base made of wood, metal, or concrete;
 - (c) A sign suspended or attached to a stand with an inverted "T" base; and
 - (d) Any sign that the base is inserted into a sleeve mounted or driven into the ground, which can be easily extracted from, said sleeve by simple lifting or removing bolts.
35. Pylon Sign - A freestanding sign other than a pole sign, permanently affixed to the ground by supports, but not having the appearance of a solid base.
36. Window Sign - A sign attached to, placed upon, or painted on the exterior or interior of a window or door, of a building, which is intended for viewing from the exterior of such building.
37. Marquee Sign – A wall sign that is attached to a marquee structure (see sec. 02-22.4 for definition of marquee structure) and comprised of non permanent letters, numerals, or symbols which may be changed electronically or manually by adding, removing, or rearranging the letters, numerals, or symbols.

Sec 02-21.1 Other terms in this chapter

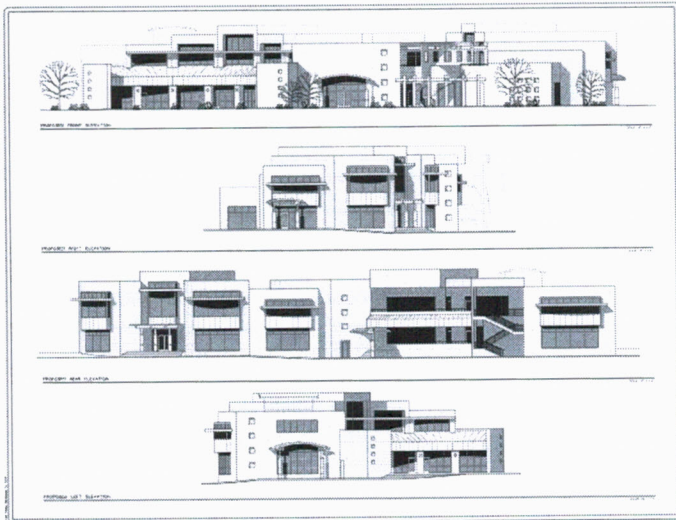
1. Comprehensive Sign Plan – A plan document showing all proposed signage for a site or a development which is regulated by a development agreement or a Planned Development District

zoning. The signs in a Comprehensive Sign Plan do not need to follow the sign types and regulations in this Chapter 02. When a comprehensive sign plan is submitted for any site in the City of Uhland it will be considered as a standalone application by the (reviewing body) City Council and judged on its own merit. The sign plan may be submitted in phases consistent with the proposed phase of development and shall be a written and/or illustrated document to depict all temporary and permanent proposed signs on site/development which shall include:

- a. Proposed sign types, which may include any combination of wall, freestanding, and changeable message sign types that are allowed in this chapter.
 - b. Location of all proposed signs included in the sign palette
 - c. Size and number of all proposed signs including maximum area, letter height, number, height, etc.
 - d. Materials proposed for all signs and sign structures.
 - e. Any other information as required by the decision-making bodies.
2. Electronic Billboard – A sign that can change its copy and/or sign face by changing or altering a fixed display screen composed of electrically illuminated elements; that also directs attention to a business, product, service, conducted, sold, or offered at a location other than on the premises on which the sign is located, but shall not include government signs.
 3. Awning - A structure made of metal or other material with frames affixed to a building and carried by a frame, which is not supported by the ground.
 4. Canopy - A structure made of metal or other material with frames affixed to a building and carried by a frame, which is not supported by the ground.
 5. Motion – the perceived or actual occurrence of movement generally created by a change in shape, size, color, luminosity, reflectivity, or animation – not static or fixed.
 6. Area of sign - The area of the smallest rectangle enclosing the extreme limits of characters, lettering, illustrations ornamentations, or other fixtures, material, or color forming part of the sign. Structural supports bearing no sign copy shall not be included in gross surface area; however, if any portion of the required structural supports becomes enclosed for decorative or architectural purposes, that portion will be included in the total gross surface area of the sign. Gross surface area shall be measured on one side only of a two-faced (back to back) sign carrying the same image and message on both faces. Two-faced signs carrying different messages and images on each side shall be considered as separate signs.
 7. Height of sign – Means the vertical distance from the uppermost point used in measuring the area of a sign to the average grade immediately below the sign, including its base or the top of the nearest curb of the street on which the sign fronts, whichever measurement is the greatest (see Sec 02-25.10 Measurement Standards for how to measure height).

8. Sign Structure – The structure or other means where by the sign face or copy is attached in one or more points. Attachments include but are not limited to: poles, brackets, concrete footings, framework, uprights, catwalks, etc.
9. Commercial message - Any message contained on any sign that advertises, promotes, solicits, or endorses a product or service of an establishment, organization, corporation, company, or individual for the purpose of encouraging a consumer to purchase said product or service. This does not apply to messages that contain a specific public or civic announcement and does not advertise, endorse, display, or encourage any purchase of a service or product offered by any establishment, corporation, company, or individual.
10. Non-commercial message - shall mean any message or speech that does not meet the definition of “commercial message” as defined in this section. Nothing herein shall be construed to permit display of any message, which is obscene, illegal, or speech, which is otherwise unprotected under the First Amendment of the United States Constitution.
11. Visibility Triangle - An easement located at the intersection of a public street with another public street, a driveway, an access easement or an alley, which must remain unobstructed by permanent or temporary objects at heights between two and seven feet above ground level or top of curb, whichever is more critical. see measurements supplemental regulations section 25 for how to measure.
12. Marquee - a structure that is attached to, in any manner, or made a part of any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of a building, generally designed and constructed to provide protection from the weather projecting above an exterior door and over a sidewalk, terrace, or similar waiting area including but not limited to a theater or restaurant.
13. Premise - a tract of land including its existing buildings.
14. Street Grade - The average elevation of the projected corners of a property, adjacent to a dedicated street right-of-way or roadway easement, the elevation of the corners being measured at the top of curb, or centerline of street if no curb is present.
15. Special Event –activities where large numbers (over 25) persons may gather to participate. Such events may include parades, cultural programs, musical concerts, religious gatherings, block parties, community activities, and First Amendment Rights activities.
16. Face of Sign – the entire area of sign that the copy should be attached, but is not the copy itself.
17. Face Change – the change of the copy or when in order to change copy the sign face must be changed too. Face change shall include converting a traditional billboard to an electronic billboard (including the structure changes needed to allow for the face change).
18. Nonconforming Sign – is a sign installed prior to the adoption of this ordinance and does not conform to the ordinance.

19. Signs – A sign includes any or all of the following, the advertisement, copy, face, structure or any appurtenances in erecting or attaching the sign.
20. Off-premise sign – A sign that directs attention to a business, profession, activity, commodity, service, or entertainment other than one conducted, sold, or offered upon the premises where such sign is located.
21. Premise sign - A sign which is located upon the premises where the business, profession, activity, commodity, service or entertainment referred to by the sign is located.
22. Permanent Sign – A sign that is fixed in the nature that is erected, affixed, or maintained on a premises and is not a temporary sign as defined in this Chapter.
23. Flashing Sign – a sign that creates the perception or actual change in color, brightness, intensity or reflectivity. An illuminated sign on which the artificial source of light is not maintained stationary or constant in intensity and color when the sign is illuminated shall also be considered a flashing sign. For the purpose of this chapter, any moving sign displaying alternating illumination being turned on and off which induces a strobe or pulsing effect shall be deemed to be a flashing sign.
24. Moving Sign - a sign that creates the perception or actual change in movement and/or motion. A sign which revolves, rotates, swings, undulates, or otherwise attracts attention through the movement of parts or through the impression of movement, but not including flags, banners or pennants.
25. Prohibited Sign – A sign that is not allowed in the City of Umland.
26. Exempt Sign – A sign that is not required to follow the regulations included in this Chapter.
27. Elevation – is an architectural drawing that shows the style, shape, and complexity of a building or structure. It is the view of a building when seeing the entire building straight on where a horizontal line passing across your shoulders would be parallel to the face of the building. The image below shows four elevations of all sides of a building.



28. Façade – the exterior cladding of a building or structure.
29. Roofline – the horizontal line where the wall ends and the roof begins.
30. Accessory Building – as defined in the Building Code of the City of Umland
31. Certificate of Occupancy – as defined in the Building Code of the City of Umland
32. Sports Venue – means a public entertainment facility property, as defined as the building(s) and land that is primarily designed and used for live sporting events.
33. Entertainment Venue - means a public entertainment facility property, as defined as the building(s) and land that is primarily designed and used for live entertainment events other than sports.
34. Sign Base – the footing, foundation, or similar support to support the sign but not including poles.
35. Nits - A measure of lamination or luminance that is used to compare the brightness of a digital or LED sign. One Nits is equal to one candela per meter squared.
36. Footcandle - A measure of illumination on a surface that is one foot from a uniform source of light of one candle and equal to one lumen per square foot.
37. Length of Frontage - the length of any primary or secondary frontage shall be the sum of all wall lengths parallel, or nearly parallel, to such frontage, excluding any such wall length clearly unrelated to the frontage criteria. For buildings with two or more frontages, the length and allowable sign area shall be calculated separately for each such frontage. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.
38. Primary and Secondary Frontage. The frontage of any building or site shall include the elevation(s) facing a public street, facing a primary parking area for the building or tenants, or containing the public entrance(s) to the building or building units. For multi-tenant buildings, the portion of such building that is owned, or leased by a single tenant, shall be considered a building unit:
 - (a) The primary frontage shall be considered the portion of any frontage containing the primary public entrance(s) to the building or building units.
 - (b) The secondary frontage shall included frontages containing secondary public entrances to the building or building units, and all walls facing a public street or primary parking area not designated as the primary frontage.

2. Wall Signs

Sec 02-22.0 Generally

1. All wall signs on a building shall total to maximum 50% of the area of that elevation.
2. Wall signs shall be allowed on all building elevations.
3. Wall signs shall not be allowed on accessory buildings.
4. Each elevation shall be allowed to cover a total of maximum 50% of the area of the elevation with any combination of wall signs.

Sec 02-22.1 Awning Sign

1. Location:
 - a. Signs must be premise signs.
 - b. Signs shall be attached to the elevation of the awning. If signs project above the structure of the awning they will be considered roof signs.
2. Area: Maximum 50% of the area of the awning elevation.
3. Number of signs: Unlimited as long as the total area of all awning signs on each awning elevation does not exceed 50% of the area of that awning elevation.

Sec 02-22.2 Canopy Sign

1. Location:
 - a. Signs must be premise signs.
 - b. Signs shall be attached to the elevation of the canopy. If signs project above the structure of the canopy they will be considered roof signs.
2. Area: Maximum 50% of the area of the canopy elevation
3. Number of signs: Unlimited as long as the total area of all canopy signs on each canopy elevation does not exceed 50% of the area of that canopy elevation.

Sec 02-22.3 Channel Letter Sign

1. Location:
 - a. Signs must be premise signs.
 - b. Signs shall be attached to the elevation of the building.
2. Area: Maximum 50% of the area of the building elevation to which it is attached.
3. Number of signs: One per elevation per Certificate of Occupancy.

Sec 02-22.4 Marquee Sign

1. Location:
 - a. Signs must be premise signs.
 - b. Signs shall be attached to a marquee on theatres, sports venues and other entertainment venues.
2. Area: Maximum 75% of the area of the marquee to which it is attached.
3. Number of signs: One per building elevation.

Sec 02-22.5 Mural Sign

1. Location:
 - a. Signs must be premise signs.
 - a. Signs shall be painted directly on the surface of the building.

2. Area:
 - a. Maximum 100% of the area of the building elevation on which it is painted.
 - b. Words and/or symbols may only be 25% of the size of the entire mural.
3. Number of signs: One per building structure.

Sec 02-22.6 Poster Sign

1. Location:
 - a. Signs must be premise signs.
 - b. Signs shall be attached directly on the surface of the building.
2. Area: Maximum 50% of the area of the building elevation to which it is attached.
3. Number of signs: One per elevation per Certificate of Occupancy.

Sec 02-22.7 Projection Sign

1. Location:
 - a. Signs must be premise signs.
 - a. Signs shall be attached to the building such that they project maximum one (1) foot from the surface of the building.
2. Area: Maximum 50% of the area of the building elevation to which it is attached.
3. Number of signs: One per building elevation.

Sec 02-22.8 Roof Sign

1. Location:
 - a. Signs must be premise signs.
 - b. Signs shall not extend over fifteen (15) feet from the top of the roof line.
2. Area: Maximum 50% of the area of the building elevation to which it is attached.
3. Number of signs: One per building structure.

Sec 02-22.9 Sign Cabinet

1. Location:
 - a. Signs must be premise signs.
 - b. Signs shall be attached directly to the surface of the building.
2. Area: Maximum 50% of the area of the building elevation to which it is attached.
3. Number of signs: One per elevation per Certificate of Occupancy.

Sec 02-22.10 Window Sign

1. Location: Signs must be premise signs.
2. Area: Maximum 50% of the area of the window.

Division 3. Freestanding Signs

Sec 02-23.0 Generally

1. All freestanding signs shall be setback a minimum five (5) feet from the property line.
2. Combination of freestanding sign types allowed on a premise at any given time is as follows:
 - a. A premise may either have a Pole signs, or a Pylon signs or a Monument sign
 - b. A premise may combine Architectural Element Sign or a Vehicle Sign with any other freestanding signs
 - c. A premise may combine Flag signs only with Monument signs

Sec 02-23.1 Architectural Element Sign

1. Location:
 - a. Signs must be premise signs.
 - a. Signs shall be attached to the surface of the architectural element.
2. Area: Maximum 250 sq. ft.
3. Height: May not extend beyond the surface of the architectural element to which it is attached.
4. Number of signs: One per elevation of the architectural element.

Sec 02-23.2 Flag Sign

1. Location:
 - a. Signs must be premise signs.
 - b. Signs may only display logos, symbols, tag lines and name of business
2. Area: Maximum 100 sq. ft.
3. Height:
 - a. Maximum 30 feet; except
 - i. Maximum 40 ft. along State Highway;
 - ii. Maximum 40 ft. along Interstate Highway.

Sec 02-23.3 Monument Sign

1. Location: Signs must be premise signs.
2. Area:
 - a. Maximum 500 sq. ft. for single tenant sign
 - b. Maximum 1,000 sq. ft. for multi-tenant sign
3. Height:
 - a. Sign base shall be between 2 feet and 4 feet.
 - b. Maximum 10 feet for single tenant sign from top of the sign base to the top of the sign.

- c. Maximum 20 feet for multi-tenant sign from top of the sign base to the top of the sign.
- 4. Number of signs: Two signs per premise.

Sec 02-23.4 Permanent Off-premise signs

- 1. Location:
 - a. As defined in the Highway Beautification Act. All TXDOT regulations for permanent off-premise signs shall apply.
 - b. The construction of new permanent off-premises signs shall be in accordance with the Highway Beautification Act and will be allowed with a permit from TxDOT.
 - i. Converting an existing sign to digital sign shall be considered a face change and will be allowed without a permit.
- 2. Area: As defined in the Highway Beautification Act. All TXDOT regulations for permanent off-premise signs shall apply.
- 3. Height: As defined in the Highway Beautification Act. All TXDOT regulations for permanent off-premise signs shall apply.
- 4. Illumination: As defined in the Highway Beautification Act. All TXDOT regulations for permanent off-premise signs shall apply.

Sec 02-23.6 Pole Sign

- 1. Location: Signs must be premise signs.
- 2. Area: Maximum 200 sq. ft.; except
- 3. Height:
 - a. Maximum 40 feet; except
 - i. Maximum 40 ft. along State and Interstate Highways
 - b. Signs must maintain a 10' clearance from ground to sign
- 4. Number of signs: One per entrance per premise.

Sec 02-23.7 Pylon Sign

- 1. Location:
 - a. Signs must be premise signs.
 - b. Signs shall be allowed to locate on premises adjacent to roadways with design speed of 55 mph
- 2. Area: Maximum 200 sq. ft.; except
- 3. Height:
 - a. Maximum 40 feet; except
 - i. Maximum 40 ft. along State and Interstate Highways

- b. Signs must maintain a 10' clearance from ground to sign
4. Number of signs: One per entrance per premise.

Division 4. Other Signs

Sec 02-24.0 Changeable Message Signs (Reader Board Signs)

1. These may be manual or electronic
2. Changeable message signs:
 - a. Shall be allowed on all permitted signs
 - b. May be a part of a wall sign or a freestanding sign
 - c. Shall not be allowed on temporary signs
3. Number of signs: Only one sign per entrance per premise shall be allowed as a changeable message sign
4. Illumination of changeable message signs shall not be of such intensity or brilliance as to cause glare or impair vision.
5. All electronic changeable message signs shall have an auto dimmer photo eye installed in the sign
 - a. Maximum daytime (7 am to 6 pm) brightness shall be 5000 nits and
 - b. Maximum nighttime (6.01 pm to 6.59 am) brightness shall be 500/660 nits
6. Message changes shall be allowed at 2 sec transition with an 8 sec hold time.

Sec 02-24.1 Signs in Public Rights-Of-Ways

1. All signs in public right-of way shall have a right of way agreement or a license agreement between the sign owner and the City Council
2. The application for a right of way agreement or license agreement shall include the types, locations, size, area, height, number, materials, design and construction of all proposed signs.
3. This data shall be a part of the agreement and will be attached to the agreement.
4. The process for right-of way agreement or license agreement shall be as follows:
 - a. The application will be submitted to the City Administrator and shall be placed on a City Council agenda.
 - b. The City Council shall review the sign details and design and approve or deny the application within 30 days of the submission of the application otherwise the sign/s will be considered approved.

Division 5. Temporary Signs

Sec 02-25.0 Generally

1. All temporary signs shall require a permit except as exempted in Sec 02-12.0(4).
2. All temporary sign permits shall be displayed in the door or windows of the establishment during the time in which the sign is displayed on the premise.

Sec 02-25.1 Banner Sign

1. Location:
 - a. Signs may be premise or non-premise signs.
 - b. Signs shall be attached to a main building or on light poles.
 - c. Signs may be allowed in the public right-of-way for large community events.
 - d. Banners shall not be allowed on accessory structures/buildings or fences
2. Area: Maximum 100 sq. ft.; except
3. Height: On light poles –
 - a. Minimum 10 feet from the ground; and
 - b. Shall not obstruct pedestrian or vehicular traffic
4. Number: On light poles –
 - c. Two vertical banners per light pole
5. Time Limitations:
 - a. Grand openings –
 - i. Once for each separate Certificate of Occupancy (CO)
 - ii. Within 30 days of the issuance of the CO
 - iii. Maximum for 15 consecutive days
 - b. Special events –
 - i. Allowed with a special event permit for 14 days prior to the event and 2 days after the event is over
 - c. On light poles –
 - i. There is no time limitation for banners on light poles

Sec 02-25.2 Construction Sign

1. Location: Signs must be premise signs.
2. Area:
 - a. Maximum 100 sq. ft. in residential districts
 - b. Maximum 300 sq. ft. in non-residential districts
3. Height
 - a. 15 feet as measured from the sign base
4. Number of signs:

- a. One sign for each abutting street
5. Time limitation:
 - a. Maximum 60 days prior to construction up to 30 days after completion (issuance of final certificate of occupancy)

Sec 02-25.3 Holiday and Festive Decorations

1. Location: Signs must be premise signs.
2. Time Limitation: Maximum 90 days prior to the holiday event and up to 30 days after the holiday event for each premise.

Sec 02-25.4 Movable Sign

1. Location: Signs may be premise or non-premise signs. Non premise signs shall be located within 300 feet of the front door of the business and should not obstruct pedestrian or vehicular traffic.
2. Area: Maximum 100 sq. ft.
3. Height: Maximum 15 feet from ground
4. Number of signs: One per tenant or business
5. Time Limitation: There is no time limitation for movable signs

Sec 02-25.5 Pennants

1. Location:
 - a. Signs must be premise signs.
 - b. Pennants are only allowed for grand openings and for holidays and festivals.
2. Time Limitation:
 - a. Grand Openings –
 - i. Once for each separate Certificate of Occupancy (CO)
 - ii. Within 30 days of the issuance of the CO
 - ii. Maximum for 15 consecutive days
 - b. Holiday and festivals
 - i. See Sec 02-25.3 Holiday and festival decorations

Sec 02-25.6 Political Sign

1. Location:
 - a. Signs may be premise or non-premise signs.
 - b. Signs may be placed only on private property
2. There are no other restrictions for political signs.

Sec 02-25.7 Residential Yard Sign

1. Location: Signs must be premise signs
2. Area: Maximum 50 sq. ft.
3. Height: Maximum 5 feet
4. Number of signs: One sign per premise
5. Time Limitation: For the duration of the activity but removed 30 days following completion.

Sec 02-25.8 Vehicle Sign

1. A permit for a vehicle sign shall be issued for both a sign and its location
2. Location:
 - a. Vehicle signs shall not be permitted within a 1,000 feet of a location permitted in the previous three month period
 - b. Attached, affixed, or painted on vehicles when primary use of the vehicle is for the daily transportation of products or the delivery of services in connection with the business;
 - c. Vehicles upon which signs are displayed shall have current license and inspection according to the licensing and inspection regulation of the State of Texas;
 - d. Vehicles upon which signs are displayed are maintained in operable condition.
 - e. Vehicles (moving or parked) may have a sign, if the sign is:
 - i. Securely mounted on a two ton truck and the sign faces are soft face and secured to the vehicle using a kederwelt bead and mounting track.
 - ii. Not a changeable message sign
3. Area: Minimum 20 feet to maximum 22 feet in length
4. Height: Minimum 8 feet to maximum 10 feet in height
5. Number of signs: Two signs citywide at any given time on a first come first serve basis
6. Time Limitation:
 - a. Maximum 15 days with an ability to file for an extension of an additional 15 days; and
 - b. Maximum of 30 day every three months would be allowed for each individual sign

Sec 02-25.9 Wind Sign

1. Location:
 - a. Signs must be premise signs.
 - b. Wind signs are only allowed for grand openings and for holidays and festivals.
2. Time Limitation:
 - a. Grand Openings –
 - ii. Once for each separate Certificate of Occupancy (CO)
 - iii. Within 30 days of the issuance of the CO
 - iii. Maximum for 15 consecutive days
 - b. Holiday and festivals

- i. See Sec 02-25.3 Holiday and festival decorations

Division 6. Supplementary Regulations

Sec 02-26.0 Measurement Standards

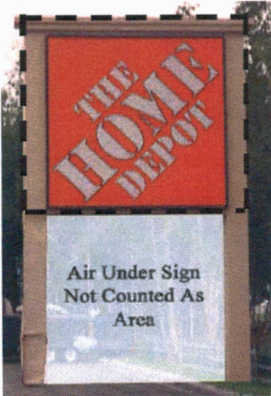
1. Sign Area Measurement:

- a. For a wall sign, which is framed, outlined, painted or otherwise prepared and intended to provide a background for a sign display, the area and dimensions, shall include the entire portion within such background or frame.
- b. For a wall sign comprised of individual letters, figures or elements on a wall or similar surface of the building or structure, the area and dimensions of the sign shall encompass a regular geometric shape (rectangle, circle, trapezoid, triangle, etc.), or a combination of regular geometric shapes, which form, or approximate, the perimeter of all elements in the display, the frame, and any applied background that is not part of the architecture of the building. When separate elements are organized to form a single sign, but are separated by open space, the sign area and dimensions shall be calculated by determining the geometric form, or combination of forms, which comprises all of the display areas, including the space between different elements.
- c. For a freestanding sign, the sign area shall include the frame, if any, but shall not include:
 - i. A pole or other structural support unless such pole or structural support is internally illuminated or otherwise so designed to constitute a display device, or a part of a display device.
 - ii. Architectural features that are either part of the building or part of a freestanding structure, and not an integral part of the sign, and which may consist of landscaping, building or structural forms complementing the site in general.

Sec 02.25.10 Examples of Sign Area Calculations



Representation of sign areas using single geometric shapes equivalent to the areas (square feet) using multiple geometric shapes.



The black dashed line indicates the sign area



In the sign to the left, the frame may or may not be included in the sign area.

In the sign above, the solid base is not included in the sign area.

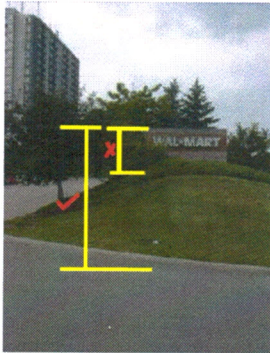


The area of a sign, with more than two faces, would be calculated as the area of the largest rectangular plane of the panels that are visible from any single location.

- a. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and are part of the same sign structure, the sign area shall be computed as the measurement of one of the two faces. When the sign has more than two display surfaces, the area of the sign shall be the area of largest display surfaces that are visible from any single direction.
- b. In the event of a dispute in determining the area or dimensions of any sign, a negative decision of the Building Official may be appealed, by the applicant's submitting a formal application to the Director of Community Development Department and will follow the Waiver process described in this Chapter.

2. Determining Sign Height.

- a. The height of a freestanding sign shall be measured from the base of the sign or supportive structure at its point of attachment to the ground, to the highest point of the sign. A freestanding sign on a man-made base, including a graded earth mound, shall be measured from the grade of the nearest pavement or top of any pavement curb.
- b. Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other embellishments.



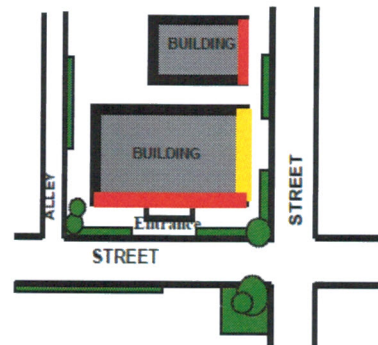
The height of a sign is measured from the grade of the street level where the sign is viewed; not from the top of the mound



When the sign is too low, it has limited effectiveness particularly when it is blocked from view. Furthermore, in most instances it is unrealistic to expect that the parking can be moved to make these lower signs more visible. Alternatively, if the parking is eliminated, the remaining parking spaces will often fall below the code required and what the business(es) need.

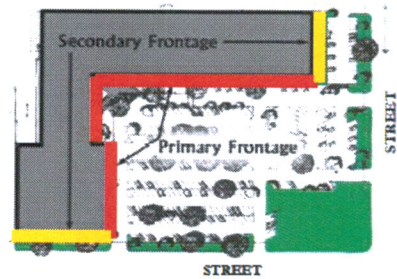


-Acceptable sign height



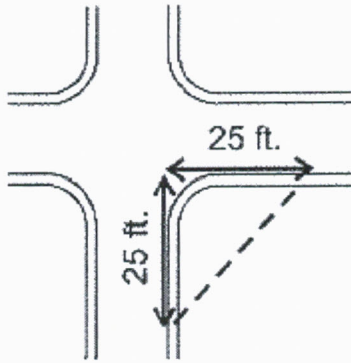
Primary Frontage Secondary Frontage

Single Tenant Building



Primary Frontage Secondary Frontage

Multiple Tenant Building



Visibility Triangle

Sec 02-26.1 Construction Standards

1. Design Required - Before a sign permit shall be granted, the applicant shall submit to the Building Official a design or plan containing information as to the type, size, shape, location, construction, lighting/illumination, and materials of the proposed sign.
2. The design and erection of all signs shall be constructed as specified in the latest adopted edition of the International Building Code.

Sec 02-26.2 Lighting Standards

1. Signs may be illuminated by external or internal means and in addition to the requirements and regulations of the ordinance herein, provided that:
 - a. The brightness and intensity shall not be greater than necessary to meet reasonable needs of the business or use served;
 - b. Light sources shall be shielded from all adjacent buildings and streets; and
 - c. The lighting shall not create excessive glare to pedestrians and/or motorists, and will not obstruct traffic control or any other public informational signs.

Sec 02-26.3 Enforcement & Maintenance

1. All signs shall be maintained in accordance with the following:
2. The property owner shall maintain the sign; in a condition appropriate to the intended use; to all City standards; and has a continuing obligation to comply with all building code requirements.
3. If the sign is deemed by the Zoning Enforcement Officer to be in an unsafe condition, the owner of the business shall be immediately notified in writing, and shall, within 48 hours of receipt of such notification, respond to the city with a plan to correct the unsafe condition, remove the unsafe sign, or cause it to be removed. If after [redacted] days, the unsafe condition has not been corrected through repair or removal, the Zoning Enforcement Officer may cause the repair or removal of such sign, at the expense of the property owner or lessee. If the total costs are not paid in full within [redacted] days of the repairs or removal, the amount owed shall be certified as an

assessment against the property of the sign owner, and lien upon that property, together with an additional percent penalty for collection as prescribed for unpaid real estate taxes.

4. In cases of emergency, the Zoning Enforcement Officer may cause the immediate removal of a dangerous or defective sign without notice.
5. Whenever any sign, either conforming or nonconforming to these regulations, is required to be removed for the purpose of repair, relettering or repainting, the same may be erected back without a permit or without any payment of fees provided that all of the following conditions are met:
 - a. There is no alteration or remodeling to the structure or the mounting of the sign itself; and
 - b. There is no enlargement or increase in any of the dimensions of the sign or its structure.