

ORDINANCE NO. 08-006

AN ORDINANCE AMENDING ORDINANCE NO. 07-009 REGULATING SIGNS WITHIN THE CITY OF JOHNSON CITY AND ITS EXTRA TERRITORIAL JURISDICTION, PROVIDING DEFINITIONS, PROVIDING FOR EXISTING SIGNS, PROVIDING FOR AN EFFECTIVE DATE.

SECTION 1 – GENERAL STATEMENT

No sign may be erected, reconstructed, repaired, maintained or used after the effective date of this ordinance, unless such erection, reconstruction, repairs, maintenance or use meets all the provisions of this or any other applicable ordinance adopted by the City Council of Johnson City, Texas.

SECTION 2 – PURPOSE

The purpose of this ordinance is to help business, provide uniform sign standards and regulations in order to improve pedestrian and traffic safety, to minimize the possible adverse effect of visual clutter on nearby public and private property, and to promote a positive City image reflecting order, harmony and pride, thereby strengthening the economic stability of Johnson City's commercial, cultural, historical and residential areas.

SECTION 3 – JURISDICTION

The provisions of this ordinance shall apply within the City Limits of Johnson City and its ETJ as defined by state law.

SECTION 4 – SIGN PERMITS

A. Permit and Fee Required

Except as provided in Subsection B of this Section, no person may erect, install, place, alter, or relocate any sign without first obtaining a sign permit from the City Administrator. Each application for a sign permit must be accompanied by the appropriate fee and by such drawings, descriptions and specifications as are reasonably determined by the City Administrator to be necessary for proper review of the application.

B. Exemptions from Permit Requirement

The following types of signs are exempt from the requirement to obtain a sign permit, provided the signs are not lighted, either internally or externally, and provided the signs comply with all other provisions of this ordinance and other applicable codes: auxiliary signs, construction signs with an area of three square feet or less, on-site event signs with an area of three square feet or less, flags, name plates, political signs, realty signs, and single family address signs. The following actions are also exempt from the requirement of a sign permit: repainting, rearranging or replacing letters or characters

on an existing sign, provided that the area of the sign is not enlarged and that the height of the sign is not increased; changing the copy on a bulletin board or changeable copy sign; and replacing the fabric or other material of an awning sign when no other change is made in the sign.

C. Expiration of Permits

A sign permit for any sign whose use is limited to a time period specified by this ordinance, or whose removal is required at a certain time by this ordinance, must be for a specified term, which may not exceed this time limit established by this ordinance.

D. Enforcement

After a sign permit has been issued by the City Administrator, it shall be unlawful to change, modify, alter or otherwise deviate from the terms and conditions of the permit without prior approval by the City Administrator. Whenever the City Administrator has evidence of a sign that after the effective date of this ordinance was erected, constructed, altered, repaired or relocated in violation hereof, the City Administrator shall require the party responsible for such sign to remove it. If the responsible party fails to remove the sign within 72 hours after being notified to do so, or if it appears to the City Administrator that the illegal sign placement poses an immediate danger to the public, then such sign may be removed by the City and the City's actual cost of removal shall be charged to the responsible party. Any sign so removed shall be impounded and shall not be returned to the responsible party until all applicable charges are paid. If any sign remains unclaimed for a period of more than 30 days, the City may destroy, sell, or otherwise dispose of the sign.

SECTION 5 – GENERAL DESIGN GUIDELINES

It is the policy of the City to encourage signs which are appropriate to the Hill Country setting and the rural scale of the city, and to discourage signs which are in conflict with the established character of the community. To this end, all sign owners are encouraged to conform to the following guidelines for sign location, configuration, design and materials.

A. Signs should be located with sensitivity to preserving the natural landscape and environment. Signs should be incidental complements to the principal use of a site, and should never be allowed to visually dominate a site.

B. The height, width and area of a sign should all be in proportion to the dimensions of a building to which the sign is attached and in architectural harmony with surrounding structures. Sign dimensions should respect the size, scale and mass of a building facade, the height of the building, and the rhythms and sizes of window and door openings.

C. No sign should be placed upon a building or structure in any manner that would disfigure, damage or conceal any window opening, door, or significant architectural feature or detail of the building.

D. Sign materials should be predominantly natural materials or that simulate natural materials.

SECTION 6 – APPROVED SIGNS

The following approved signs have restrictions. Words in **bold** print are defined with restrictions in **SECTION 16 – GLOSSARY OF TERMS** below.

- A. Awning Signs/Canopy Signs
- B. Banners
- C. Bed and Breakfast Identifier
- D. Bulletin Boards
- E. Community Service Signs
- F. Construction Signs
- G. Directional Signs
- H. Event Signs, Off- Site
- I. Event Signs, On-Site
- J. Flags
- K. Free Standing Signs
- L. Integral Signs
- M. Model Home Signs
- N. Monuments
- O. Neon Signs
- P. Name Plates
- Q. Political Signs
- R. Portable Signs
- S. Projecting Signs
- T. Public Service Signs
- U. Realty Signs
- V. Residential Development Signs
- W. Self-Supported Signs
- X. Sidewalk Signs
- Y. Single Family Address Signs
- Z. Wall Signs
- AA. Window Signs

SECTION 7 – PROHIBITED SIGN TYPES

The construction, placement, existence, or use of signs of the following nature is prohibited by this ordinance.

- A. Balloons
- B. Beacons
- C. No new Billboards
- D. Changeable Copy Signs_except for gasoline pricing signs, sidewalk signs, changeable copy wall signs, changeable copy monument signs and churches.
- E. Flashing signs
- F. Moving signs
- G. Roof signs
- H. Vehicular signs
- I. Posters, pennants, ribbons, steamers, spinners, or other_similar devices, provided that flags and banners are not included in this prohibition.
- J. Signs which contain statements, words or pictures of an obscene, indecent, or immoral character or which offend public morals or decency.
- K. Signs which in the judgment of the city administrator constitute a hazard to vehicular or pedestrian traffic either because their location interferes with or obstructs the view of a traffic sign, signal or device or because their design or content may be confused with or construed as a traffic sign, signal or device.
- L. Commercial signs of any character, in any form or construction, and at any location except as regulated by this ordinance.

M. Off-site signs

SECTION 8 – PRE-EXISTING NON-CONFORMING SIGNS

A. Continuation In Use

The lawful use of signs in existence at the time of passage of this ordinance, although such use or sign does not conform to the regulations contained in this ordinance, may be continued; but if the use of a non-conforming sign is discontinued for a continuous period of 90 days or more, then the sign must be removed by the responsible party without compensation and any future use of the sign must be in full compliance.

B. Limitations on Modification

Any changes to a pre-existing non-conforming sign, other than routine repair or maintenance, requires that said sign be brought into compliance with all applicable City ordinances. When a pre-existing non-conforming sign becomes an abandoned sign, its status as a preexisting non-conforming sign shall terminate.

C. Removal of Damaged Signs

A non-conforming sign, which is damaged by any cause to the extent of 50 percent or more of its value, must be removed by the responsible party without compensation and within 30 days of the damage. A non-conforming sign damaged to the extent of 50 percent or more of its value may not be replaced or rebuilt except by a sign that is constructed and located in full conformity with this ordinance.

SECTION 9 – PROHIBITED SIGN LOCATIONS

No sign may be located anywhere in the City except in accordance with the following provisions.

- A. No sign may be placed on or attached to any tree.
- B. No sign may be placed on or attached to any utility pole or pedestal except by a utility company owning the pole or pedestal or operating facilities mounted on the pole or in the pedestal.
- C. No sign may be placed or kept in use to advertise an activity, business or service no longer conducted on the premises upon which the sign is located.
- D. No sign or part of a sign, including mounting fixtures and supporting structures, may be located on or above any public land, except as regulated by other provision of this ordinance.
- E. No sign or part of a sign, including mounting fixtures and supporting structures, which is mounted above or projects over any sidewalk, street, drive or parking area, whether on public or private land, may be hung with less than seven and one-half feet of vertical clearance above the sidewalk or less than 12 feet of vertical clearance above the street, drive or parking area.
- F. No sign may be located on any sidewalk or in any unpaved walkway intended for public use so as to allow less than three feet in radius of horizontal clearance on at least one side of the sign.

- G. No sign or part of a sign frame may be located between two feet and 10 feet above the established ground level within the area of a clear sight triangle for traffic extending 25 feet in each direction from the point of a street intersection.
- H. No sign may be located closer than six feet laterally to a secondary power line or closer than 15 feet laterally to a primary power line.
- I. No lighted sign, and no permanent sign except a directional sign, may be mounted or placed on or extend above the side wall or rear wall of any building, or be located in the side yard or rear yard of any lot or tract of land, when such sign faces upon and is visible from a contiguous residential area not separated from the building or lot containing the sign by a public street or alley.

SECTION 10 – SIGN MAINTENANCE

A. Maintenance Required

All signs must be maintained in a structurally safe condition, freshly painted and/or in good repair. The City Administrator shall notify, by certified mail, the responsible party for any sign not so maintained, and the responsible party shall be required to perform the necessary maintenance or repairs within 30 days of the postmark on the notice. The City may remove any sign not repaired within the allotted time and the actual cost of such removal shall be charged to the responsible party for the sign. If the City removes an un-maintained or un-repaired sign and the sign remains unclaimed for a period of more than 30 days, the City may destroy, sell, or otherwise dispose of the sign.

B. Removal of Hazardous Signs

Any sign, which in the judgment of the City Administrator has become an imminent hazard to public safety, either because of an incident of damage or because of neglect of maintenance, shall be repaired or removed by the responsible party without delay. Notice of the existence of the hazard shall specify the maximum time, which may be allowed for repairs or removal in order to insure public safety and the notice may be served upon the responsible party by any means available. The City shall remove a hazardous sign, which is not repaired or removed within the time specified in the notice, and the cost of such removal shall be charged to the responsible party. If a sign has been removed by the City as a hazardous sign and the sign remains unclaimed for a period of more than 30 days, the City may destroy, sell, or otherwise dispose of the sign.

SECTION 11 – EXEMPTIONS FOR CERTAIN TYPES OF SIGNS

The following types of signs are exempt from regulation under this ordinance:

- A. Any sign inside a building, not attached to a window or door and not oriented so as to be read from outside the building.
- B. Commemorative plaques and historical markers mounted on the face of a building or erected on a site as a free-standing monument, when placed by a governmental entity, historical society or other civic organization to commemorate a person, event or other matter of historical interest.
- C. Any sign erected or required to be erected by any governmental entity or public utility to give information, directions or warnings to the general public, regardless of the sign's location on public or private property.
- D. Holiday lights and decorations with no commercial message, but only between October 15th and January 15th.

SECTION 12 – VARIANCES

A. Application and Fee Required

A variance is written approval to depart from the strict application of the provisions of this ordinance. Any person, business or other organization desiring to continue in use, locate, construct or otherwise place any sign which does not conform to the provisions of this ordinance may make application to the City Council for a variance to continue in use, locate, construct or otherwise place such a sign. The application shall be filed with the City Administrator, accompanied by the appropriate fee established by the City Council and by a drawing or sketch in sufficient detail to determine the location and type of construction for the proposed sign.

B. Standards for Variances

The City Council may approve a variance only if it makes affirmative findings, reflected in the minutes of the City Council's proceedings, as to all of the following:

1. A literal enforcement of the provisions of this ordinance would result in unnecessary hardship. Ordinarily, hardship that is self-induced or that is common to other similarly classified properties will not satisfy this requirement. Financial or economic hardship alone will not ordinarily satisfy this requirement.
2. The variance will not authorize a type of sign that is specifically prohibited by this ordinance.
3. The variance will be in harmony with the spirit and purposes of this ordinance.

C. Conditions of Variances

The City Council may impose such conditions or requirements in a variance as are necessary in the City Council's judgment to protect the overall character of the community and to achieve the fundamental purposes of this ordinance. A violation of such conditions or requirements shall constitute a violation of this ordinance. A variance, if granted, shall be for a specific event, use or other application of business and shall not continue with the property. If a variance is granted and the sign so

authorized is not substantially under construction within 6 months of the date of approval of the variance, the variance shall lapse and become of no force or effect.

SECTION 13 – RELATION TO OTHER ORDINANCES

This ordinance shall not be construed to require or allow any act that is prohibited by any other ordinance. This ordinance is specifically subordinate to any ordinance or regulations of the City pertaining to building and construction safety or to pedestrian and traffic safety. This ordinance supersedes any previous sign ordinance.

SECTION 14 – SEVERABILITY

If any portion of this ordinance or any section or subdivision thereof be declared unconstitutional or in violation of the general laws of the state, such declaration shall not affect the remainder of this ordinance which shall remain in full force and effect.

SECTION 15 – VIOLATIONS AND PENALTIES

Wherever by the provisions of this ordinance the performance of any act is required or the performance of any act is prohibited, or wherever any regulation, dimension or limitation is imposed on the location, design or use of any sign, a failure to comply with the provisions of this ordinance shall constitute a violation of this ordinance. The City Administrator may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, relocation, alteration, repair or use of any sign, and to restrain, correct or abate such violation. Everyday on which a violation exists shall constitute a separate violation and a separate offense. The penalty for each offense shall not exceed \$1000.00.

SECTION 16 – GLOSSARY OF TERMS

Words and phrases used in this ordinance shall have the meanings set forth in this section. Words and phrases which are not defined in this ordinance but are defined in the Zoning Ordinance of the City shall be given the meanings set forth in the ordinance. Other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise. For the convenience of the reader, words that are defined in this and other sections are in **bold** print. Headings and captions are for reference purposes only, and shall not be used in the interpretation of this ordinance.

A. General Definitions.

Abandoned Sign – A sign for which any of the following conditions apply:

a. Does not contain a message on the 180th day of the date the business, person, or activity that the sign or sign structure identifies or advertises ceases to operate on the premises on which the sign or sign structure is located.

b. If the premises containing the sign or sign structure are leased, then if the sign does not contain a message on the 180th days after the date the most recent tenant ceases to operate on the premises.

c. The City may agree with the owner of the sign or sign structure to remove only a portion of the sign or sign structure.

Area: The entire sign surface within a single, contiguous perimeter, excluding support structures. The area of a sign with more than one face is the sum of the areas of all sign faces visible from any one point. However, a sign structure with two faces back-to-back, oriented in opposite directions and separated by not more than three feet, with the same copy on both sides, shall be counted only as the area of one face. In cases where a sign is composed only of letters, figures, or other characters, the dimensions used to compute the sign area are the smallest figure, such as a rectangle, circle or triangle, or other which will fully contain the sign's content.

City Administrator: The City Administrator or his/her duly authorized representative.

Commercial Complex: Any development such as a shopping center, office park or industrial park, which consists of two or more establishments on a single platted lot; or on two or more contiguous lots, which may be separated only by a street or drainage rights of way.

Establishment: A use of land for any purpose which requires a building on the land, regardless of the commercial, nonprofit or public nature of the activity, but excluding a residence or active agricultural use in any form.

Height: As applied to any sign, the vertical distance between the highest attached component of the sign or of its supporting structure, whichever is higher, and the average established ground level beneath the sign. The established ground level beneath the sign is the lower of (1) the existing grade prior to construction of the sign or (2) the newly established grade after construction, exclusive of any fill, mound or excavation solely for the purpose of locating the sign, unless the curb elevation at the street in front of the sign is higher than the established ground level, in which case the height shall be measured from curb level.

Non-residential Area: Inside the city limits, the area within any non-residential zoning district; in the City's extra-territorial jurisdiction, any lot or tract of land which is the site of an establishment or commercial complex.

Residential Area: Inside the city limits, the area within any residential zoning district; in the City's extra-territorial jurisdiction, any lot or tract of land which is vacant or in any form of agricultural use, or in which the principal use of the land is as a residence.

Responsible Party or Party Responsible: The person, firm, organization or other entity whose product, service, activity or enterprise of any character is announced or advertised by the sign, or whose message is carried by the sign, and/or the owner of the land upon which the sign is located.

B. Types of Signs.

For the purposes of this ordinance, a sign means any letters, figures, symbols, trademarks, or devices designed either to inform people or to attract the attention of people to an individual, firm, profession, business, organization, institution, commodity, service, activity, cause or purpose, and which is recognizable from any public right-of-way. That is, any medium for visual communication or its structure used or intended to attract the attention of the public. Types of signs which are regulated by this ordinance are defined as follows.

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

Awning/Canopy Sign: A sign painted on or attached to the outside of an awning, canopy or any similar structure such as is typically extended in front of a window or door or over a patio, deck or walkway as a protection from the sun or rain, regardless of whether the structure is retractable. A sign which is suspended from or projects into the space beneath an awning, canopy or similar structure, or which is painted on, attached to or suspended from an interior surface, so as to be read from within the area enclosed by the structure, is an awning/canopy sign. One awning /canopy sign may be permitted per entrance to an establishment. No awning /canopy sign may extend beyond an edge of the canopy structure to which it is attached. An awning /canopy sign which is perpendicular to a building face may not exceed two-third of the width of the canopy structure. A canopy sign that is parallel to a building face may not exceed two-thirds of the length of the canopy structure. For the safety of people walking under a canopy on a sidewalk, no canopy sign may extend more than two feet either above or below the horizontal underside of the canopy structure or shall be less than 7 and a half feet from ground clearance. Awning /canopy signs shall be counted toward the limit on the total area of wall signs. One third of the area of an awning /canopy sign will count toward the overall limit of wall signs on the wall to which it is attached.

Balloon: Includes balloons, inflatable signs, and inflatable devices of any other kind.

Banner: A sign intended to be hung either with or without frames, made of paper, plastic, fabric or any other flexible material, and which is used by its colors, characters, lettering, illustration or ornamentation to call attention to an establishment on the site or to a community, civic or other event either on or off the site. Flags are distinguished from banners for the purposes of this ordinance. Banners must be securely attached to a building or other permanent structure and they must be kept in good repair throughout the time of their display.

Banners may not be erected for more than 21 days in succession, and they must be removed by the responsible party within no more than three days following the event to which they call attention. No establishment may display more than 2 banners at any one time. Banners may not exceed 8 square feet in a residential area or 18 square feet in all other areas except highway banners. Vertical Banners placed by civic, community and non-profit organizations will be required to obtain a permit, however no fees will be assessed and the time limit shall be no longer than 60 days consecutively and no greater than 20 banners shall be placed. Size requirements shall be consistent with all banners.

Beacon: Any light with a beam directed into the atmosphere or directed at a point that is not on the same lot or tract of land as the light source, or a light with one or more beams that rotate or move.

Bed and Breakfast: A sign located on the property that includes a Bed & Breakfast establishment. Only Bed and Breakfast establishments that are registered with the City of Johnson City and the State Comptroller's Office as a bed and breakfast may have a sign. The identifier shall not exceed two square feet and not exceed four (4) feet in height.

Billboard: Any sign which is used or designed to be used to advertise or call attention to any product or service which is produced at a place other than on the premises on which the sign is located.

Bulletin Board: A sign that is principally devoted to posting announcements of interest to the members or clientele of an organization concerning the activities of the organization, such as is customarily erected by a church, social club, society or charitable organization. A bulletin board may be located only on the premises of the institution or organization to whose activities it pertains. A bulletin board may not exceed 32 square feet in area. Only one bulletin board per establishment is allowed.

Changeable Copy Sign: A sign or part of a sign on which characters, letters or illustrations can be changed or rearranged without altering the face or surface of the sign, such as a theater marquee, a gasoline price sign, or a sign identifying the occupants of a shopping center. A sign on which the only copy that changes is a matter of general public information, such as the current time and temperature or an index of stock market averages, and which contains no other commercial message, is a public service sign. Any other sign on which the message changes more than once per day is a flashing sign.

Commercial Sign: Any sign, regardless of its location or construction, whose wording or other contents, directly or indirectly, names, advertises or calls attention to any business, product, service, institution, organization, event, cause, purpose or other activity.

Community Service Sign: A sign, other than a banner, which solicits support for or participation in a non-profit, non-political, community, public or social purpose, cause, event or activity, such as one marking a holiday or holiday season, or one supporting school activities, charitable programs, religious activities, or events of community interest. A community service

sign may be erected only by a unit of government, school, chamber of commerce, community league, religious organization or other non-profit agency. The area of a community service sign may not exceed six square feet in a residential area or 32 square feet in a non-residential area. A community service sign that promotes any particular event may not be erected more than 14 days prior to the event and must be removed by the responsible party not more than 3 days after the event.

Construction Sign: A sign placed on a construction site identifying or announcing the character of the project and/or the names of the owners, developers, financiers, architects, engineers, contractors, leasing agents and others associated with the project. The area of a construction sign may not exceed 32 square feet in a non-residential area or 16 square feet in a residential area. Only one construction sign may be permitted per street fronting a building or other project under construction, reconstruction or repair, except that one additional sign, not exceeding three square feet in area, may be placed on the site by any individual contractor or subcontractor working on the project and not acknowledged on the principal sign. No part of a construction sign may exceed a height of eight (8) feet. Construction signs which are larger than three square feet in area and not securely mounted on a wall shall be set back at least 10 feet from the property line. Within the city limits, a construction sign may not be erected before the City has issued a building permit for the project to which the sign refers and all such sign must be removed within 30 days after the City issues a certificate of occupancy for the project. In the City's extra-territorial jurisdiction, a construction sign may not be erected before the start of actual construction of the project to which the sign refers, and all such signs must be removed within 30 days after the completion of the project.

Directional Sign: A sign which is separate from other signs, incidental and secondary to the principal use of the land on which it is located, and whose primary purpose is to give directions such as to parking lots, exits, entrances, or drive-through windows, or directives such as "no parking" or "loading only." A directional sign May be placed offsite on private property and only with the consent of the owner of the property may not contain any commercial message except the name, logo or other symbolic identification of the establishment to which the sign is designating. The area of a directional sign may not exceed 32 square feet.

Drive-Through Window Sign: A sign which is secondary to the principal use on the premises of an establishment having a drive-through window for customer service, devoted to informing customers approaching the drive-through window of information such as the menu, services available or prices at the establishment.

Event Sign, Off-Site: A sign giving directions to an occasional event at another location, other than a business event at a commercial establishment, such as directions to a civic or other non-commercial ceremony, to an event for the members of an organization, or to an event at a residence such as a garage sale, home for sale, real estate open house, or private party. An off-site event sign may not be lighted. Such signs may be placed only on private property and only with the consent of the owner of the property. No more than three such signs may be used to give directions to the same event. Such signs may not be placed more than 14 days

prior to the event, and all such signs must be removed by the responsible party within one day after the conclusion of the event.

Event Sign, On-Site: A sign which is placed to advertise or mark the location of an occasional event on the same site, such as the location of a civic or other non-commercial ceremony, of an event for the members of an organization, or of an event at a residence such as a garage sale, home for sale, real estate open house, or private party. An on-site event sign may not exceed an area of three square feet at a residence or 32 square feet at any other location. Such sign may not be placed more than 14 days prior to the event, and it must be removed by the responsible party within one day after the conclusion of the event.

Flag: The flag of any governmental jurisdiction or a flag adopted by a business, institution or other organization and containing the name, logo or other symbolic emblem of that business, institution or organization. Except for flags that are located on public land or on the premises of a non-profit institution, no flagpole may be higher than 25 feet. At any establishment, the area of any flag shall be counted toward the limit of the area of a self-supported sign.

Flashing Sign: A sign with flashing, blinking, moving, rotating or traveling lights, or with lights that change in color or intensity, whether the sign is directly or indirectly illuminated, or a sign which uses lights to form traveling messages or messages which change more than once per day, except for a public service sign.

Free standing sign: Either a monument sign or a self supported sign. Only one free standing sign may be permitted per individual free-standing establishment. Signs may be no more than 64 square feet in area and no taller than 12 feet. Only one freestanding sign may be permitted per commercial complex identifying the name and/or address of the complex and/or listing the individual tenants in the complex. However, a commercial complex with a land area of two acres or more may have one such freestanding sign along each street that borders the complex. If the commercial complex is made up of separate lots (i.e. business park/industrial park) the freestanding sign may be an off premise sign; however, it shall be located on one of the lots within the complex. If the free standing sign contains or supports more than one sign, then each sign shall be of the same construction, coloring, design and style. If a landscaped area is installed at the base of a freestanding sign, this landscaped area shall be protected from damage by pedestrian and vehicular traffic by a retaining wall or other barrier or method of acceptable separation. The plants in such landscaped area shall be maintained in a healthy condition, and the area shall be kept free of weeds, trash and debris by the responsible party. A separate freestanding sign for an individual establishment located within a commercial complex may be permitted only if the establishment meets both of the following conditions.

- a. The establishment is located along a street bordering, or within the complex and in a separate building from the principal building complex; and
- b. The establishment has a separate parking area from the principal parking area of the complex, which may connect with the principal parking area but is visually set off from that area by fencing or landscaping.

Illuminated Sign: Any sign illuminated in any manner by an artificial light source of any kind, either detached from the sign or a part thereof. Signs that are only incidentally and indirectly illuminated as a result of a lighting plan primarily designed as security lighting or landscape lighting are not illuminated signs.

Integral Sign: A sign indicating the name of a building, as distinct and clearly distinguished from the name of a business, institution or other entity occupying the building, or indicating the date or other information of historical interest about the building's construction, when such sign is cut or molded into a masonry surface which forms part of a wall of the building or when it is constructed as a plaque or tablet of bronze or other incombustible material and permanently mounted on the face of the building. The area of an integral sign shall not be counted toward the limit on the area of wall signs on the same wall, provided that the integral sign contains no commercial message substantially duplicating another sign.

Model Home Sign: A sign which is located on the same lot as a model home in a residential subdivision and which calls the attention of prospective buyers to the model home. A model home sign may be erected only on the actual site of a model home, and only one such sign may be erected on the site. The area of a model home sign may not exceed 16 square feet, and the 12052 height of a model home sign may not exceed six feet. A model home sign may not be internally illuminated. All model home signs must be removed within 30 days after 90 percent of the homes in the subdivision are sold.

Monument Sign: A sign that is built as a monument on the ground, as distinguished from self supported sign that is mounted on supports above the ground. The area of a monument sign for an individual establishment may not exceed 16 Square feet in any residential zoning district or 48 square feet in any other zoning district and 64 in the extra territorial jurisdiction. The area of a monument sign for a commercial complex may not exceed 16 square feet in any residential zoning district, 48 square feet in non residential and 64 square feet in the extra territorial jurisdiction. The height of a monument sign may not exceed eight feet and the total area of the monument may not exceed 64 square feet for an establishment and 80 square feet for commercial complex. Changeable copy monument sign is one that contains the primary name of the establishment as well as a changeable copy feature. The changeable copy portion of the sign may not exceed eight square feet.

Monument Sign, Changeable Copy: A monument sign that incorporates a changeable copy feature into the sign.

Moving Sign: A sign, or any part of a sign, which rotates, moves, or uses lighting to simulate motion.

Name Plate: A sign, mounted flat against the wall of a building and not projecting more than two inch from the face of the wall, indicating the name and/or address of the building, and/or the name of an occupant thereof, and/or the practice of a permitted home occupation therein. The area of a nameplate may not exceed one square foot in a residential area or two square

feet in a non-residential area. Only one nameplate may be permitted per residence or establishment.

Neon signs: Any gas filled glass tubing sign. A neon sign will not be permitted in a Historic District without the approval of the Historic Landmark Commission.

Nonconforming Sign: A sign that does not conform to all of the regulations of this or other City ordinances. Any sign that advertises or give directions to a business or service in another location.

Off-site sign: A sign that is not located at the same location as the establishment. This type of sign is prohibited under this ordinance.

Political Sign: A sign which supports or opposes any candidate for public office or any proposition to be voted upon at an election, or which makes a political statement in the nature of constitutionally protected non-commercial free speech. Political signs may be placed only on the premises of a person or entity advocating the candidate, issue or cause involved. No political sign may be placed in, on or over any street or publicly owned land. The area of a political sign may not exceed 32 square feet in a non-residential area or three square feet in a residential area. A political sign which refers to a candidate or issue on the ballot in an election must be removed by the responsible party within 3 days after the election. The political signs may not be illuminated nor have any moving parts.

Portable Sign: Any sign which is not permanently attached to the ground or to a permanent structure or a sign designed to be transported, whether on attached wheels or otherwise, but excluding construction signs, on-site event signs, off-site event signs, realty signs and sidewalk signs. Portable signs may be used only to promote a non-profit community event. Such signs may not be illuminated, either by internal means, and may not exceed an area of 32 square feet. Such signs may be placed on private property only with the permission of the owner of such property, on City property only with the approval of the city administrator, or on other public property only with the permission of the agency owning the property. Such signs may not be erected more than 14 days prior to the event and all such signs must be removed by the responsible party not more than three days after the event.

Projecting Sign: Any sign, other than an awning sign or canopy sign, whose outside edge extends more than 12 inches from the face of a wall to which it is attached, or which extends at any point above or beyond the end of a wall to which it is attached. Only one projecting sign may be permitted per establishment. An establishment which is located on the corner of a street intersection or at the end of a building in a commercial complex may have one projecting sign on the front wall and one projecting sign on the side wall of the building. The area of a projecting sign may not exceed 16 square feet in any residential zoning district or 32 square feet in any other zoning district and the in the extraterritorial jurisdiction. No projecting sign may exceed a height of 20 feet nor may extend vertically above the window sill of a second story. No projecting sign may extend, either above the roof of the building or beyond the end of the wall to which it is attached, by more than four feet at the point of attachment. A

projecting sign attached to a building on private property may not extend over any public land except a sidewalk adjacent to a building that is lawfully built up to the public right-of-way.

Public Service Sign: A sign or part of a sign that is devoted to changeable messages of general public information without other commercial content, such as the current time and temperature or an index of stock market averages. A public service sign may be placed only in a non-residential area and only on the same lot or tract of land as the establishment sponsoring the sign. The area of a public service sign may not exceed 32 square feet, regardless of whether the public service sign is a separate sign or integrated as a component of another sign.

Realty Sign: A sign that advertises the property on which it is located for sale, lease, or rent. Realty signs may be placed only upon the premises to which they refer, and only one such sign may be permitted per street fronting the lot or tract. The area of a realty sign may not exceed 32 square feet in a non-residential area or 6 square feet in a residential area. Realty signs may not be illuminated and must be removed within 15 days after property closing or lease signing.

Residential Development Sign: A sign at the entrance to a residential development, such as a series of townhouses, an apartment complex or a residential subdivision, which identifies the name and/or the address of the residential development. In addition to the name and/or address of the residential development, a residential development sign may incorporate incidental leasing information and/or the contents of a directional signs. For a residential development with six or fewer residential units, the area of a residential development sign may not exceed 32 square feet. For a residential development with more than 6 residential units, the area of a residential development sign may not exceed the smaller of either five square feet per unit or 50 square feet in total. A residential development sign may not be internally illuminated. For a residential development sign in a condominium development or in a subdivision in which the sign is common property of the subdivision homeowners, the condominium regime or restrictive covenants must provide adequate assurance, in the judgment of the City Administrator, that the landscaped area, if present, at the base of the sign will be properly maintained by the condominium owners association or homeowners association.

Roof Sign: Any sign that is mounted on or above the roof of a building, but excluding a projecting sign whose principal support fixtures are attached to a wall and a wall sign which is either painted directly on a sloping roof or mounted directly on a sloping roof in the same plane as the roof.

Self-Supported Sign: A permanent sign which is erected on supports placed on or anchored in the ground, as distinguished from a monument sign built directly on the ground, and which is independent of any other structure for its support. Self-supported signs are only permitted on commercial property. The area of a self-supported sign may not exceed 32 square feet.

Self supported sign may not exceed 24 feet tall.

Sidewalk Sign: A sign, regardless of its construction, which is designed to be placed temporarily on the ground or sidewalk adjacent to an establishment in order to advertise or call attention to the goods or services offered at that establishment. Only one sidewalk sign is permitted per business address. A sidewalk sign may be placed or used only during the actual business hours of the establishment to which it refers. A sidewalk sign may not be placed in the paved area of any public right-of-way except for a sidewalk. Sidewalk signs generally are limited to eight (8) square feet in area and a maximum width of two (2) feet.

Single Family Address Sign: A sign, other than a nameplate, which identifies the name of the occupants and/or the address of a single family or duplex residence, but excluding any commercial sign. In addition to the name of the occupants and/or the address of the residence, a single-family address sign may contain an incidental personal message from the occupants, but it may not contain any commercial sign. The area of a single-family address sign may not exceed two square feet.

Vehicular Sign: A vehicle, whether motorized or a trailer, which is mounted above the ground as a sign or part of a sign, or any sign attached to or painted on such a vehicle which is mounted above the ground or which is parked so as to be visible from a street when such vehicle is not actually used for transportation in the day-to-day affairs of its owner.

Wall Sign: A sign, other than a name plate, painted on or mounted parallel to the face of any building, provided that the sign does not project over any public land or street right-of-way, or extend more than 12 inches from the face of the wall to which the sign is mounted, or extend at any point above or beyond the end of such wall. A sign that is painted on a sloping roof or mounted on a sloping roof in the same plane as the roof is also a wall sign. A wall sign that is not painted directly on the surface of a wall must be securely mounted to and supported by the wall throughout the length and width of the sign. Only one wall sign may be permitted per establishment in any residential area. The area of all wall signs on any single wall, including one-third of the area of any awning signs which are attached to the wall and required to be counted, may not exceed: 16 square feet in any residential zoning district, or 25 percent of the area of the wall, exclusive of the area of doors and windows in the wall, in non-residential areas. Changeable copy wall signs are wall signs that contain the primary name of the establishment as well as a changeable copy feature. The changeable copy portion of the sign shall not exceed eight (8) square feet.

Wall Sign, Changeable Copy: A wall sign that incorporates a changeable copy feature into the sign.

Window Sign: Any sign which is painted or placed inside or upon a window, or which is placed inside a building and oriented so as to be read from outside the building. The collective area of all window signs may not exceed either 25 percent of the total window area on any one floor of a building or 25 percent of the front window area of any individual occupant of a building.

SECTION 17. Ordinances or Parts of Ordinances in conflict herewith are hereby repealed.

SECTION 18. This Ordinance shall be and remain in full force and effect from and after its final passage and publication as herein provided.

SECTION 19. This Ordinance shall become effective upon its final passage and approval in accordance with the Laws of the State of Texas.

PASSED AND APPROVED this the 5th day of May, 2008.

Kermit A. Roeder, Mayor

ATTEST:

Pat Dildine, City Secretary