



**CITY OF FARMERSVILLE
PLANNING AND ZONING COMMISSION AGENDA
REGULAR CALLED MEETING
March 28, 2016, 6:30 P.M.
Council Chambers, City Hall
205 S. Main Street**

I. PRELIMINARY MATTERS

- Call to Order, Roll Call, Prayer and Pledge of Allegiance

II. ITEMS FOR DISCUSSION AND POSSIBLE ACTION

- A. Consider, discuss and act upon minutes from October 26, 2015 and December 14, 2015 Planning and Zoning Commission meetings

III. WORKSHOP

- A. Consider, discuss and act upon information related to the current Zoning Ordinance. Ben White requests to talk with the Commission regarding this item.
- B. Consider, discuss and act upon the request from the City Council to review and update the Sign Ordinance.

IV. ADJOURNMENT

The Planning and Zoning Commission reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any matters listed on the agenda, as authorized by the Texas Government Code, including, but not limited to, Sections 551.071 (Consultation with Attorney).

Persons with disabilities who plan to attend this meeting and who may need assistance should contact the City Secretary at 972-782-6151 or Fax 972-782-6604 at least two (2)

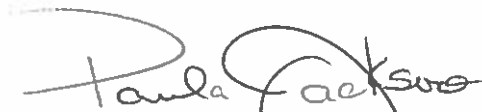
working days prior to the meeting so that appropriate arrangements can be made. Handicap Parking is available in the front and rear parking lot of the building.

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted in the regular posting place of the City Hall building for Farmersville, Texas, in a place and manner convenient and readily accessible to the general public at all times, and said Notice was posted on March 24, 2016, by 5:00 P.M. and remained so posted continuously at least 72 hours proceeding the scheduled time of said meeting.

Dated this the 24th day of March, 2016.



Bryce Thompson, Chairman



Paula Jackson, Interim City Secretary

I. Preliminary Matters

II. Items for Discussion and Possible Action

Agenda Section	Items for Discussion and Possible Action
Section Number	II.A
Subject	Planning and Zoning Meeting Minutes
To	Planning and Zoning Commission
From	Paula Jackson
Date	March 28, 2016
Attachment(s)	Planning and Zoning Meeting Minutes
Consideration and Discussion	Commission discussion as required.
Action	<ul style="list-style-type: none"> • Motion/second/vote <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Approve with Updates <input type="checkbox"/> Disapprove • Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove • Move item to another agenda. _____ • No motion, no action

FARMERSVILLE PLANNING & ZONING COMMISSION
SPECIAL SESSION MINUTES
OCTOBER 26, 2015

The Farmersville Planning and Zoning Commission met in special session on October 26, 2015 at 6:30 p.m. at the City of Farmersville Council Chambers with the following members present: Chairman Bryce Thompson, Sarah Jackson-Butler, Craig Overstreet, Charles Casada, and Chad Dillard. Commissioners absent was Mark Vincent and Todd Rolen. Staff members present were City Manager Ben White, City Attorney Alan Lathrom, and City Secretary Edie Sims. Council Liaison John Klostermann was present.

1. CALL TO ORDER AND RECOGNITION OF CITIZENS/VISITORS

Chairman Bryce Thompson called the meeting to order at 6:30pm. Edie Sims called roll and announced that a quorum was present. Craig Overstreet offered the invocation and led the audience in the Pledge of Allegiance to the American and Texas Flags.

Item II – A) PUBLIC HEARING TO CONSIDER, DISCUSS AND ACT UPON A REQUEST TO CHANGE THE ZONING ON APPROXIMATELY 100.81 ACRES OF LAND IN THE W.B. WILLIAMS SURVEY, ABSTRACT NO. 952, IN THE CITY OF FARMERSVILLE, COLLIN COUNTY, TEXAS, FROM PLANNED DEVELOPMENT (PD) DISTRICT WITH SINGLE-FAMILY 3 (SF-3), MULTI-FAMILY 2 (MF-2) AND COMMERCIAL (C) DISTRICT USES TO PLANNED DEVELOPMENT DISTRICT WITH SINGLE-FAMILY 2 (SF-2) DISTRICT USES, SINGLE-FAMILY 3 (SF-3) DISTRICT USES, MULTI-FAMILY 2 (MF-2) DISTRICT USES AND COMMERCIAL (C) DISTRICT USES, AND APPROVING CERTAIN EXCEPTIONS TO THE REQUIREMENTS ESTABLISHED BY THE BASE ZONING OF THE SINGLE-FAMILY 2 (SF-2) DISTRICT AND THE SINGLE-FAMILY 3 (SF-3) DISTRICT

Chairman Thompson opened the Public Hearing at 6:32pm and asked for those FOR the zoning change to come forward. Jeff Crannell, engineer for the project, came forward stating the revised zoning is new and improved from past submittals. The changes presented are derived from a workshop held with the Planning and Zoning Commission to resolve ongoing issues. There are 25 lots designated at Single-Family 2 (SF-2) that have 7,000 square feet scattered throughout the project and most have double frontage. These lots are along the northern border of the property which will buffer from neighbors along the borders of the property.

The developer has agreed to acquire the Texas New Mexico Power property along CR 611 upon positive progress of the project through the City. This area is designated as the main entry into the subdivision. TNMP has an offer on the table from the developer presently.

Mr. Crannell stated 3.4 acres of land is dedicated park land which is the required minimum. With an additional 2.76 acres located in the southwestern area of the property, Mr. Crannell and the developer hopes to offset the need for other parkland. The other area is a greenbelt where an existing utility line is located; however this area, according to a previous conversation, is not considered parkland.

Other lots within the subdivision have a minimum dwelling size of 1,500 square feet. The side yard set backs are being requested at 20' if the lot is on a corner lot. Larger lot coverage is also requested to allow larger homes on the lots. The improvements made are hoped to support the project. The old project was approved and still viable. Mr. Crannell stated he is aware this development will have impacts on the schools, drainage, streets and other impacts; however most of these will be addressed in future processes.

With no one else coming forward FOR the zoning request, Chairman Thompson requested those OPPOSING the zoning request to come forward. John Richard Smith, residing at 617 CR 610, stated he found a few discrepancies with the presented zoning exhibit. (1) The requested zoning percentage in box 1 does not reflect equally as the ordinance found in the P&Z packet. The stated request in the exhibit is 52%, but the ordinance indicates coverage of no more than 60% for both SF-2 and SF-3 (2) Section 2 of the ordinance language states of the two the ordinance prevails, but it would be conflicting having two separate wordings; (3) Tract 3 (reflecting MF-2 retirement) states no zoning change; however the ordinance in Section 2 paragraph 2 shows Commercial Tracts 3, 4 and 5. Will the MF-2 be moved into Commercial zoning? (4) On the Zoning Exhibit 3rd box down, it shows the proposal to combine areas equaling 59.64 acres. Tract 2 is set for 18.16 acres and 9.32 acres for Multi-Family. Storage is in Commercial with 11.77 acres. General retail has 8.77 acres in Tract 5 with the right-of-way equaling 1.92 acres. The storage area has a mathematical error and would like to see the MF-2 be used as retirement and leave all the Multi-Family as presently allowed and not Commercial zoning.

Mr. Crannell answered stating the development standards were used with the basic zoning uses. A Homeowner's Association will be created to care for the open space areas and the detention ponds will be included. Mr. Smith stated if the developer stayed with the 55+ development, there will not be an issue impacting schools and probably would not have as much traffic. If the proposed zoning is allowed, the density will be greatly impacting the area as well as Farmersville. Having this many homes will also cut down on other services provided by the City.

Randy Smith, residing at 508 CR 610, stated he lives across the road from the proposed development and has the same concerns as mentioned by Richard Smith. Traffic on CR 610 and CR 611 is also a concern. By the time construction is complete, the existing street will not be functional. Mr. Smith asked if the extension of Farmersville Parkway will be completed by the time people move into this development. Same question is placed for the wastewater treatment plant that is being discussed for

construction. Mr. Smith believes the majority of the traffic will be on CR 610, 611, 612. It will be hard to determine how many children will live in this subdivision which affects the school district. Mr. Smith stated he would prefer the 55+ development plan as well and felt that was the best use for this development. If the zoning is approved as presented, there will be no limit on the number of students impacting the schools and definitely no control of rental property. That leads to parking issues which Mr. Smith stated will be significant. There are plenty of storage facilities in Farmersville and does not think having a storage facility in the gateway of our community is the best use of the area. The northern boundary is small and the plans do not show if the water flow is proportionate to the detention ponds. There is an increase of 132% for Commercial zoning from the original plan in 2012. Mr. Smith stated he could live by a 55+ development and felt the cost range of \$150,000 - \$180,000 is good.

Cathy Strong, residing at 314 Woodard stated she does not understand how this development will help Farmersville. This development will disrupt everything about this small town. She questioned how the City will service all the homes planned. Ms. Strong stated even 55+ residents have school aged children. This development is too much too soon. This development is good for money but does not think citizens of Farmersville like it.

Jeff Crannell, engineer for the development, stated the City of Farmersville created a TIRZ District which will help fund back to the City for the infrastructure including the streets and drainage. The main traffic flow may be CR 610 but is hopeful most of the population will travel southward through the Industrial Park to Highway 380. Mr. Crannell stated he is hopeful the development will stir Collin College to build their campus which in turn will promote dollars back to the City. The project will be self-funding at some point. The points of discrepancies made will be corrected and synchronized with the City's ordinance for this development. Presently this is \$11,000,000 project and it is exciting to move forward. It is definite that development is moving to Farmersville. Addressing the sewer system impact, a permit cannot be issued if the proper amount of wastewater capability is not available. Mr. Crannell continued to state this project will generate revenues for the City. Growth is inevitable.

Sarah Butler questioned how and who would maintain the detention ponds. Mr. Crannell responded stating a Homeowner's Association would be created to fund and maintain the detention pond and other open space areas including the entry. Craig Overstreet was concerned the plan presented does not have curvature to the streets. Mr. Crannell offered a design to break up some of the consistency with some curves and added cul-de-sacs. There are 25 extra SF-2 lots with 7,200 square feet bringing the total of SF-2 to 75 lots.

Charles Casada expressed concern of having all houses under construction at the same time. Mr. Crannell assured the Commission the construction will be in phases; however all three points of access will be accomplished during Phase 1. Bryce Thompson

questioned why the change of the detention ponds from the previous submittal. The ponds need to be deeper which reduces drainage issues. Mr. Crannell stated the project will be demand driven. He is expecting 5 – 10 homes during the first quarter of housing construction. If the Commission wants to change Tract 3, it will not be a problem based on the end user and Mr. Crannell stated he will make request for a zoning change based upon the end user.

Chairman Thompson closed the Public Hearing at 7:23pm. City Attorney Alan Lathrom indicated the notice and caption of the agenda was based upon the submittal from Crannell and Crannell on October 2nd. The notification and advertisement was based on the zoning from said submittal. If any modifications are required, a new notification and advertisement must be accomplished to notify the public of the modifications not supported in the presented submittal. The ordinance and zoning exhibit can have corrections to match according to the submittal; however the Commercial zone cannot be changed to Multi-Family for senior living purposes without advertising property to the public. Mr. Crannell stated this was not an issue until he has a firm end user. A change can be submitted in the future.

Mr. Thompson asked if the City Engineer has reviewed the zoning exhibit. City Secretary stated he has not as this is not part of the City's process. City Manager Ben White indicated he would like to amend the City's process to include the zoning exhibits to be reviewed by the City Engineer in the future.

Chad Dillard motioned to approve the zoning with the following conditions: change Tract 3 to equal the ordinance, change the ordinance to 52% of the maximum lot coverage, include zoning classification for the right-of-way where the entry will be located on current Texas New Mexico Power property, change the maximum lots to 281 and state the minimum amount of SF-2 lots will be 75. Bryce Thompson seconded the motion. Motion carried 3 to 2 with Sarah Butler and Craig Overstreet opposing.

Item III – A) CONSIDER, DISCUSS AND ACT UPON MINUTES FROM SEPTEMBER 21, 2015 REGULAR P&Z MEETING AND SEPTEMBER 29, 2015 SPECIAL P&Z MEETING

Chad Dillard motioned to approve all the minutes as presented with Sarah Butler seconding the motion. Motion carried unanimously.

Item IV – A) CONSIDER, DISCUSS AND REVIEW ORDINANCES RELATED TO DEVELOPMENT IN THE CITY OF FARMERSVILLE TO: (1) OBTAIN GREATER VALUE AND ENDURING QUALITY DEVELOPMENT PROJECTS WITHIN THE CITY; AND/OR (2) EVALUATE THE PREFERRED DENSITY FOR RESIDENTIAL AND NON-RESIDENTIAL USES AND A BALANCE BETWEEN LOT SIZE, ROAD WIDTH, AND THE POSSIBLE USE OF REAR ENTRY GARAGES TO LESSEN ROADWAY CONGESTION; AND/OR (3) EVALUATE POSSIBLE CHANGES TO THE MINIMUM LOT AND DEVELOPMENT STANDARDS FOR NEW DEVELOPMENT WITH A FOCUS ON REDUCING THE PERCEIVED NEGATIVE IMPACTS OF SMALL LOT RESIDENTIAL

USES; AND/OR (4) EVALUTE THE NEED FOR MANDATORY HOMEOWNER'S ASSOCIATIONS OR PROPERTY OWNER'S ASSOCIATIONS AND THEIR ROLE IN MAINTAINING CONTINUING AND ENDURING QUALITY FOLLOWING THE BUILD OUT OF A PARTICULAR DEVELOPMENT; AND/OR (5) EVALUATE ROADWAY DESIGN WIDTHS AND CROSS-SECTIONS TOGETHER WITH THE LAYOUT AND POTENTIAL FUTURE NEEDS FOR ROADWAYS TO SERVE THE CITY

City Manager Ben White presented a lot size mock-up with various lot requirements per the City's zoning and subdivision requirements. The direction understood was to have larger lots and not have SF-3 lots. The drawings reflected all existing requirements including sidewalks which are now required on both sides of a street. SF-2 lots are more acceptable with 2,500 square feet.

Mr. White encouraged the Commission to look at the best for Farmersville as long as the layout conforms to the zoning plan when a development is presented for review. A developer must understand there are no guarantees a specified zoning will be approved. After a plan is approved, the developer must submit a preliminary plat then a final plat.

Mr. White agreed the Comprehensive Plan and the Thoroughfare Plan needs to be brought together cohesively. Mr. White also reported the 50' right-of-way is fairly consistent with other cities guidelines. Currently Farmersville does not use collector streets since this is an older town. Cost is also a factor as the developer must include concrete sidewalks as well as concrete streets. Commission discussed the need for wider streets. A comment was made by City Attorney Alan Lathrom that sometimes wider streets are counter intuitive since speeders are more apt to travel wider streets. Mr. White also indicated there have not been any developments since the ordinances have been in place.

Speaking of SF-3 lots, Mr. White spoke of retaining the lot dimension and limit the use or indicate the use through a Planned Development where mixed uses include SF-3 lots. When a zoning case is presented to the Commission, the Commission could deny any SF-3 lots. After discussing, the Commission opted to leave SF-3 lots in tack for now. By doing so, the zoning classification could be kept alive to avoid non-conforming uses.

Commission was satisfied with widths of streets. Commission asked to discuss alleys and approaches at the next meeting. For future developments, the Commission would like to characterize the development of a neighborhood and protect those areas. Craig Overstreet asked to see a comparison of lot sizes from other cities. Mr. Overstreet also asked for a concept showing rear entry and front entry for future discussions.

The Commission wants to have enduring quality that adds value to the development and to the City of Farmersville. Mr. Overstreet would like to have considered a street layout with character and no so linear. Also Mr. Overstreet noted a Homeowner's Association does not take over maintenance of an area until a percentage of lots are sold. The HOA must be established prior to filing the Final Plat with Collin County. The

developer maintains control over maintenance of areas until said percentage of lots are sold then this authority is transferred to the HOA for responsibility of common areas, fences, detention ponds, etc. If these properties are not maintained, the City can step in and access charges to the owners of the property.

Item III) ADJOURNMENT

Craig Overstreet motioned to adjourn with Chad Dillard seconding the motion. Chairman Bryce Thompson adjourned the meeting. Commission adjourned at 8:23pm.

ATTEST:

Chairman Bryce Thompson

Paula Jackson, Interim City Secretary

**FARMERSVILLE PLANNING & ZONING COMMISSION
SPECIAL SESSION MINUTES
DECEMBER 14, 2015**

The Farmersville Planning and Zoning Commission met in special session on December 15, 2015 at 6:30 p.m. at the City of Farmersville Council Chambers with the following members present: Chairman Bryce Thompson, Sarah Jackson-Butler, Mark Vincent, Craig Overstreet and Chad Dillard. Commissioner Charles Casada was absent. Staff members present were City Manager Ben White, City Attorney Alan Lathrom, and City Secretary Edie Sims. Council Liaison John Klostermann was present.

2. CALL TO ORDER AND RECOGNITION OF CITIZENS/VISITORS

Chairman Thompson called the meeting to order at 6:34pm. Edie Sims called roll and announced that a quorum was present. Craig Overstreet offered the invocation and led the audience in the Pledge of Allegiance to the American and Texas Flags.

Item II – A) CONSIDER, DISCUSS AND ACT UPON MINUTES FROM OCTOBER 26, 2015 AND NOVEMBER 16, 2015 PLANNING AND ZONING COMMISSION MEETINGS

Craig Overstreet expressed concern regarding a section from the October 26th minutes where it states "Other lots within the subdivision have a minimum lot size of 1,500 square feet." Mr. Overstreet believes the statement should reflect minimum dwelling size and not lot size.

Mr. Overstreet motioned to table the October 26, 2015 minutes for correction and approve the minutes from November 16, 2015 with Chad Dillard seconding the motion. Motion carried unanimously.

Item II – B) PUBLIC HEARING TO RECEIVE PUBLIC COMMENT AND DISCUSS AND ACT REGARDING A REQUEST FOR RE-PLATTING LOTS 16 AND 17 OF MURPHY'S CROSSING ADDITION PHASE III, SITUATED NORTH OF US HIGHWAY 380 AND WEST OF CR 610 OF FARMERSVILLE, COLLIN COUNTY, TEXAS

Chairman Thompson opened the Public Hearing at 6:41pm and asked those FOR the replat to come forward. Akram Alzoubi, owner of the property, came forward stating the two lots were purchased in mid-2013 to bring business to Farmersville. A multi-tenant plaza is being designed but in order to accomplish the needs of the project, the property needs to be replatted to serve the upcoming project. The replat will change the two lots to be one 3 ½ acres and the other lot 1 ½ acres.

With no one else coming forward, Chairman Thompson asked those OPPOSING the replat to come forward. With no one opposing, Chairman Thompson closed the Public Hearing at 6:43:55pm.

City Manager Ben White came forward stating the owner has worked on this project for a couple of years. The City Engineer has approved and the engineer of the project has met all the requirements. Mr. White expressed one condition for approval, the owner completely owns Lot 16 and Lot 17 was financed. Since the collateral for the

mortgage will change, financial documents will need to be reflective prior to filing the replat with the Collin County Clerk's Office.

Craig Overstreet why the fire lane is larger in the front facing Highway 380. After looking at the map, Mr. White showed the need to increase the area for the turn radius; however the changes are in accordance with our standards and this meets the design of the project. Also, TxDOT has already approved access points and working with the engineers of the project for a de-acceleration lane.

Chad Dillard motioned to approve the replat pending financial institution approval with Mark Vincent seconding the motion. Motion carried unanimously.

Item III – A) CONSIDER, DISCUSS AND ACT UPON REVIEWING THE COMPREHENSIVE PLAN, THE THOROUGHFARE PLAN AND THE SUBDIVISION ORDINANCE TO CONSIDER POSSIBLE CHANGES TO THE MINIMUM LOT DEMINSIONS FOR NEW DEVELOPMENT WITH A FOCUS ON REDUCING THE PERCEIVED NEGATIVE IMPACTS OF SMALL LOT RESIDENTIAL USES; ALLEYS AND APPROACHES

City Manager Ben White displayed layouts of SF-1 and SF-2 along with a spreadsheet showing comparisons with other cities with similar zoned areas. Mr. White pointed out some cities have masonry requirements while others do not.

Craig Overstreet questioned if masonry should be considered, even if only a percentage for new developments. By doing so, the value of the buildings increase as well as maintenance values are better. City Attorney Alan Lathrom stated some cities exclude cementaceous products, where others allow up to the first floor. Definitions and exceptions must be clear and should also include areas of glass, doors and other coverings. Mr. Overstreet stated he does not want to see new subdivisions with zero masonry. However, the existing homes that are frame or other styled should be able to use the same construction materials should the house burn or need to be reconstructed. Both new and existing structures need to be clearly defined when moving forward.

Mr. Overstreet stated he would like a minimum percentage of masonry for new development. Mr. Lathrom also indicated an ordinance can be crafted to allow exceptions in historic districts or the use of cementaceous boards which give the same look as wood siding. Stucco is another exterior finish that is similar to masonry and could be included in the definitions.

Mr. White encouraged the conversation by including stone, brick and trowelled stucco could also be considered masonry. The definition should reflect an architectural element that is enduring. Mr. Lathrom also indicated the definition can state the side, face, percentage allowed and types of products.

Commission concurred the other items being compared by other cities and the proposed numbers for SF-1 and SF-2 line up with other cities. These can be included in a future ordinance for final review.

Mr. White also discussed from a previous discussion of removing SF-3 entirely. Mr. White did not encourage this action and instead stated SF-3 requirements can be included and adjusted accordingly. The Commission clearly let the staff know SF-3 was to be very tough to have in our city for future developments. Clearly, the Commission would rather have the existing SF-3 zones but not allow in new subdivisions. Commission concurred to move forward with presenting an ordinance in the future with stated proposals.

Item III) ADJOURNMENT

Commission adjourned at 7:19pm.

ATTEST:

Chairman Bryce Thompson

Paula Jackson, Interim City Secretary

III. WORKSHOP

Agenda Section	Workshop
Section Number	III.A
Subject	Zoning Ordinance
To	Planning and Zoning Commission
From	Ben White
Date	March 28, 2016
Attachment(s)	NA
Consideration and Discussion	Commission discussion as required.
Action	<ul style="list-style-type: none"> • Motion/second/vote <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Approve with Updates <input type="checkbox"/> Disapprove • Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove • Move item to another agenda. _____ • No motion, no action

Agenda Section	Workshop
Section Number	III.B
Subject	Sign Ordinance
To	Planning and Zoning Commission
From	Ben White
Date	March 28, 2016
Attachment(s)	Original Sign Ordinance and most recent amendment
Consideration and Discussion	Commission discussion as required.
Action	<ul style="list-style-type: none"> • Motion/second/vote <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Approve with Updates <input type="checkbox"/> Disapprove • Motion/second/vote to continue to a later date. _____ <ul style="list-style-type: none"> <input type="checkbox"/> Approve <input type="checkbox"/> Disapprove • Move item to another agenda. _____ • No motion, no action

Chapter 56 - SIGNS AND ADVERTISING^[1]

Footnotes:

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State Law reference— Regulation of signs by municipalities generally, V.T.C.A., Local Government Code § 216.001 et seq.; authority for municipal regulation of signs, V.T.C.A., Local Government Code § 216.901; regulation of political signs by municipality, V.T.C.A., Local Government Code § 216.903; municipal boards on sign control, V.T.C.A., Local Government Code § 216.004; regulation of outdoor advertising generally, V.T.C.A., Transportation Code § 391.031 et seq.; licenses and permits for outdoor advertising, V.T.C.A., Transportation Code § 391.061 et seq.; municipal authority to regulate sign placement, V.T.C.A., Transportation Code § 393.0025.

Secs. 56-111—56-133. - Reserved.

ARTICLE I. - IN GENERAL

Sec. 56-1. - Penalty.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court, shall be subject to a fine not to exceed the sum of \$500.00 for each offense, and each and every day any such offense shall continue shall be deemed to constitute a separate offense.

(Ord. No. 2007-48, § 4, 10-9-2007)

Sec. 56-2. - Purpose.

- (a) The purpose of this chapter is to encourage aesthetically pleasing design, establish uniform standards for the placement of signs, and provide minimum standards to safeguard life, health, property and the public welfare by regulating and controlling the design, quality of materials, construction, location, electrification and maintenance of all sign structures not located within a building.
- (b) The regulations of this chapter are not intended to authorize, nor shall they be deemed to permit, any violation of the provisions of any Code provision, statute, rule or regulation.

(Ord. No. 2007-48, app. A, § 1-2, 10-9-2007)

Sec. 56-3. - Applicability.

The terms and conditions of this chapter shall apply to signs located within the corporate city limits and its extraterritorial jurisdiction to the full extent permitted by and not otherwise prohibited by V.T.C.A., Local Government Code ch. 216.

(Ord. No. 2007-48, app. A, § 1-1, 10-9-2007)

Sec. 56-4. - Sign permits.

- (a) Permit required. No sign, other than those signs allowed without a permit by sections 56-31 and 56-54, shall be erected, placed, attached, secured, altered or displayed on the ground, or to any building, or any structure, until a permit for such sign has been issued by the building official. An application for a sign permit may be obtained from the city.
- (b) Application. The city shall approve or deny an application for a sign permit within 30 days of the building inspection division's receipt of the application. A sign permit will be issued if a proposed sign conforms to all Code provisions.

- (c) Diagram of sign location. Upon request by the city, a diagram shall be provided showing the location of all signs on the property or adjacent properties. Incorrect information on an application shall be grounds for denial or revocation of a sign permit.
- (d) Not to issue for prohibited locations. No sign permit shall be issued under this section for any sign in a district where signs are prohibited by Chapter 77, Zoning, as it currently exists or may be amended by ordinance.
- (e) Fees. The sign permit fee shall be a fee as established from time to time in the master fee schedule contained in appendix A of this Code.
- (f) Interpretation and administration. The building official shall be responsible for interpreting and administering this section. The building official may revoke any permit for a sign issued in error.

(Ord. No. 2007-48, app. A, § 2-1, 10-9-2007)

Sec. 56-5. - Responsibility of compliance.

The permittee, owner, agent, or person having the beneficial use of a sign, the owner of the land or structure on which the sign is located, and the person erecting the sign are all subject to the provisions of this chapter.

(Ord. No. 2007-48, app. A, § 2-2, 10-9-2007)

Sec. 56-6. - Enforcement.

- (a) Authority. The building official or his designee or such other person as may be appointed by the city manager is hereby designated to be the city's sign inspector and is further authorized and directed to interpret and enforce all the provisions of this chapter. For such purposes the sign inspector shall have the powers of a law enforcement officer.
- (b) Right of entry. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever there is reasonable cause to believe that there exists in any building or upon any premises any condition or violation of this chapter which makes such building or premises unsafe, dangerous or hazardous, the sign inspector may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed by this chapter, provided that if such building or premises is occupied, he shall first present proper credentials and request entry. If such building or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused or the owner or other persons having charge or control of the building or premises cannot be located, the sign inspector shall have recourse to every remedy provided by law to secure entry.

(Ord. No. 2007-48, app. A, § 2-3, 10-9-2007)

Secs. 56-7—56-30. - Reserved.

ARTICLE II. - DEFINITIONS AND REGULATIONS

Sec. 56-31. - Definitions; sign regulations and requirements.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A-frame sign means a temporary sign constructed of two pieces of wood, metal or other similar material connected at the top by hinges or similar devices and may collapse when the connecting devices are overextended or the two pieces of wood, metal or other similar material are against one another.

- (1) The maximum width allowed is four feet. The maximum height allowed is four feet. The maximum copy area allowed is 16 square feet.

- (2) A-frame signs are only allowed to be displayed during normal daytime business hours between 8:00 a.m. and 5:00 p.m.
- (3) A-frame signs are prohibited in the city's Central Area (CA) Zoning District. See Sandwich board for the CA Zoning District.
- (4) A sign permit is not required.
- (5) A-frame signs must be located a minimum of four feet from any curb of any adjacent street. An A-frame sign shall not be closer than 20 feet to another A-frame sign. A maximum of one A-frame sign may be placed per business or tenant on the property where the A-frame sign is located. A-frame signs must provide an unobstructed pedestrian clearance of at least four feet in width. An A-frame sign shall not be placed in any manner that interferes with vehicular traffic or causes a potential hazard.
- (6) An A-frame sign shall not be placed in any median. An A-frame sign shall not be placed within a utility or right-of-way easement. An A-frame sign shall not be illuminated or contain any moving parts other than the fasteners holding the faces of the A-frame sign together.

Abandoned or neglected sign.

- (1) The term "abandoned or neglected sign" means a:
 - a. Sign that is not maintained or has missing panels, letters, or characters, burned out lights, rust, loose or damaged parts, or has faded from its original color or advertises a product or service no longer available or a business no longer in operation;
 - b. Sign which is illegible, nonfunctional, in disrepair, or hazardous as a result of a lack of maintenance; or
 - c. Previously nonconforming sign structure that has lost its lawful nonconforming status as a result of abandonment or lack of use.
- (2) Abandoned or neglected signs shall be considered a public nuisance and are prohibited in the city and its extraterritorial jurisdiction. See Public nuisance.

Apartment sign means a temporary stake sign made of wood, metal or other similar material used to convey information that relates to the operations of an apartment community or complex.

- (1) An apartment sign shall not exceed six square feet in total area. The maximum height of an apartment sign shall not exceed four feet.
- (2) No sign permit is required.
- (3) Apartment signs may be placed in the front yard of a property developed as an apartment complex no earlier than Friday at 12:00 noon and shall be removed from the property no later than Sunday at 6:00 p.m.
- (4) Apartment signs may not be installed on any public property or right-of-way area. Apartment signs shall only be placed on the property for the apartment community to which it pertains. Apartment signs installed within the front of a property shall not be placed closer than 60 feet from another apartment sign. Apartment signs shall not be installed within 30 feet from a side property line.

Audible sign means any sign that emits music, talking, words, or other sound or amplification. Audible signs are prohibited in the city and its extraterritorial jurisdiction.

Awning.

- (1) The term "awning" means a retractable or nonretractable projection, shelter or structure of rigid or nonrigid canvas, metal, wood, or other similar material, attached to the building, that extends above a window, door, patio, or deck used as a shading device for windows or entryways, used as protection from the weather, used as a decorative embellishment, or used for identity. For the purposes of this ordinance an awning is not a canopy. See Canopy and canopy sign.
- (2) Minimum height of the lowest part of an awning shall be seven feet above grade.

Awning sign means a permanent sign that is directly applied, attached or painted onto an awning that extends above a window, door, patio, or deck used as a shading device for windows or entryways, intended for protection from the weather or as a decorative embellishment, or used for identity. An awning sign is used to advertise the name of the business, hours of operation, business telephone number, business address, or website address.

- (1) No building shall have both a wall sign and an awning sign on the same building face.
- (2) A sign permit is required.
- (3) The maximum height of an awning sign shall not exceed four feet. The width of an awning sign shall not exceed 75 percent in length of any side of an awning.
- (4) An awning sign shall only be permitted in conjunction with a nonresidential use or in a nonresidential zoning district.
- (5) An awning sign shall be secure and may not swing, sway, or move in any manner. An awning sign shall not contain any moving devices. See Canopy and canopy sign.

Balloons and other floating devices means a visible airtight, inflatable apparatus with a maximum size not to exceed three square feet in total area in various shapes or designs made of latex, Mylar, or other similar material that extends by, or is anchored to the ground by, a cord, rope, string, wire or other similar material.

- (1) Balloons and all other floating devices are allowed for temporary events only. Temporary events include business grand openings, festivals, fairs, tournaments, or other similar happenings.
- (2) No sign permit is required.
- (3) No person shall erect, maintain, or allow the installation of any floating devices anchored to the ground, any vehicle, structure or any other fixed object for the purpose of advertising or attracting attention to a business, commodity, service, sale, or product, except as otherwise permitted in this section. See Special event, special event signs, grand opening, grand opening signs, and wind devices.

Banner means a temporary single sign or a grouping of pennants having characters, letters, or illustrations applied to plastic, cloth, canvas, or other light fabric or similar material, with the only purpose of such nonrigid material being for background used to promote awareness of special events or as seasonal decoration. Banners will include all flags or pennants that contain no names, initials, logos, insignia or similar items and are not national, state or municipal flags, or the official flag of a public or private institution. A banner does not include a municipal banner.

- (1) A sign permit is required for each display period lasting for up to a maximum of 30 calendar days. One banner sign may be placed on a building for a maximum of 30 days or less, two times in a 12-month period. Each suite within a retail development shall be considered a building and, therefore, shall be allowed to erect a banner accordingly.
- (2) Exemption. Religious organizations that temporarily operate in a school or other nonreligious facility may erect a banner no earlier than two hours before a worship service and remove the banner no later than two hours after such worship service without the issuance of a sign permit.
- (3) A banner shall be securely attached to the front, side or rear face of a building. A banner shall not face a residential neighborhood, unless the site of the banner is separated from the residential neighborhood by a major thoroughfare. However, banners are permitted only in conjunction with a nonresidential use or in a nonresidential zoning district.
- (4) A banner may be erected during social or athletic events at a public park or other city-owned property attached to pavilions, fences, vehicles, stakes, rails, or poles up to two hours prior to the start of the event and shall be removed no later than one hour after the conclusion of the event.
- (5) A banner shall not exceed 100 square feet in area. A banner shall be placed a minimum of nine feet above grade at any pedestrian traveled way. Where a building wall is nine feet in height or

less, is adjacent to an approved parking surface, and is not a designated pedestrian walkway, one banner shall be placed a minimum of five feet above the grade above the parking surface.

- (6) Banners shall not be draped over vehicles.

Beacon, searchlight or skylight means a source of high-intensity light with one or more beams directed into the atmosphere or any other point, or any light with one or more beams that rotate or move. Beacons, searchlights or skylights are prohibited in the city except by written permission from the city council.

Billboard means a sign erected in the outdoor environment for the purpose of the display of commercial or noncommercial messages not pertinent to the use of products sold or primarily manufactured on the premises, or the sale or lease of the property on which it is displayed. Billboards include any of its support, frame or other appurtenances. Billboards are prohibited in the city and its extraterritorial jurisdiction.

Building marker/memorial plaque/cornerstone means a sign indicating the name, date and information about the building's historical significance, which is cut into or made an integral part of a wall surface, or a wall-mounted or freestanding plaque of bronze or other permanent material describing such information.

- (1) No sign permit is required.
- (2) This type of sign is not an address sign.

Building official means the city manager or his designee.

Canopy means a roof-like structure on a framework sheltering an area or forming a sheltered walkway to the entrance of a building. For the purposes of this article a canopy is not an awning. See Awning and awning sign.

Canopy sign means a sign that is applied, attached, painted or affixed on a canopy or other roof-like cover over gasoline fuel pumps, vacuum areas at car detail facilities, or other areas where services are provided to a patron in a vehicle intended for protection from the weather or as a decorative embellishment.

- (1) A canopy sign may contain only the business's name or logo on the canopy band.
- (2) Canopy signs may only be erected on the sides of the canopy band that face a public street.
- (3) A sign permit is required.
- (4) Canopy signs may not exceed 15 square feet in size. Canopy signs must be attached directly to or painted on the exterior face of the canopy band and shall not project more than 18 inches from the canopy band. Only the canopy band may be illuminated, not the entire canopy. Canopy signs attached or applied to a canopy shall not extend above or below the canopy band. See Awning sign.

Canopy sign attachments means accessory supplemental signs attached above or below a canopy, commonly used in conjunction with a wall sign. Canopy sign attachments provide the name of the business.

- (1) A sign permit is required. Structural drawings, as required by the building official, sealed by a licensed engineer must be submitted with the permit application.
- (2) Canopy sign attachments shall only suspend from or extend above the edge of a pedestrian canopy. Canopy sign attachments installed for pedestrian display located and attached on the underside of a pedestrian canopy shall be centered.
- (3) Canopy sign attachments shall have a maximum height of 12 inches. Suspended or extended awning sign attachments shall not alternate up-and-down at a business's storefront. Suspended canopy sign attachments suspended over a pedestrian canopy shall maintain a minimum nine-foot clearance from pedestrian grade measured from the lowest hanging portion of the attachment. Canopy sign attachments, in the Central Area Zoning District, suspended over a pedestrian canopy shall maintain a minimum seven-foot clearance from pedestrian grade measured from the lowest hanging portion of the attachment.
- (4) Canopy sign attachments shall not be used in conjunction with a canopy sign. Only one type of canopy sign attachment shall be used per storefront.

Central Area (CA) Zoning District.

- (1) The area consists of the historic downtown area as established by Chapter 77, Zoning, as it currently exists or may be amended by ordinance, and as indicated on the city zoning map.
- (2) All signs for the Central Area (CA) Zoning District shall be regulated according to the provisions of this chapter. Refer to section 56-53 regarding signs in the Central Area Zoning District and see section 56-54.

Changeable copy sign.

- (1) The term "changeable copy sign" means a freestanding sign or wall-mounted sign, with manually interchangeable plastic letters and symbols, communicating information to the public, such as bulletin boards, marquees and the like. A changeable copy sign is usually secondary to and part of the sign area of a larger freestanding sign for which a sign permit is required.
- (2) If the changeable copy sign is to be the primary sign, it must meet the sign requirements as outlined in this chapter. See Monument sign, pylon sign, wall sign, and electronic message center.

Church and civic organizations sign means signs identifying groups, such as churches or civic organizations. These signs shall be regulated according to the provisions of this article.

Cloud buster balloon and air devices means any visible airtight or air flow-through, inflatable apparatus that exceeds one square foot in total area made of latex, Mylar, or other similar material that extends higher than ten feet into the sky which extends by, or is anchored to the ground by, a cord, rope, string, wire, or other similar material. A cloud buster balloon or air device is commonly used to attract passersby/patrons to a location having a promotion, sale, or other function. Cloud buster balloons, blimps, and other air devices are allowed for temporary special events only. No sign permit is required.

Code enforcement officer means the building official or other designated authority, appointed by the city manager, charged with the administration and enforcement of this chapter.

Commercial real estate sign (CRES) means an on-site, temporary sign made of wood, metal or similar material approved by the building official that pertains to the sale or lease of the commercial property where the sign is located. A CRES is a vertical framework consisting of one or more uprights supported by the ground. A CRES generally advertises the name of a building or property for sale or lease, property owner name, realtor information, telephone number, zoning information, and other information relating to the sale or lease of nonresidential property.

- (1) A CRES shall not exceed 32 square feet in area. A CRES shall not exceed eight feet in height. The maximum width of a CRES shall not exceed four feet.
- (2) A V-shape sign is not a CRES.
- (3) A sign permit is required.
- (4) A CRES requires removal within ten days after the sale or lease of a property or business.
- (5) A CRES shall be located no closer than 15 feet to any property line. A maximum of one CRES per property shall be placed on a lot. For a property with more than 500 feet of single street frontage, more than one CRES is allowed, provided that each CRES is spaced a minimum of 200 feet from other signs.

Conforming sign means a sign that is lawfully in place on a tract of land which complies with all regulations of this chapter.

Construction (project development) sign means any temporary sign identifying the property owner, architect, contractor and engineer, landscape architect, opening dates, decorator or financiers engaged in the construction or improvement of the premises on which the sign is located. A construction sign is generally constructed of wood, metal or other similar materials. A construction sign is a vertical framework consisting of one or more uprights supported by the ground.

- (1) A construction sign may include zoning information and advertise residential builders selling homes within a subdivision.

- (2) In no case shall a construction sign contain information that pertains to off-premises uses.
- (3) A sign permit is required.
- (4) A construction sign must be removed when 95 percent of the buildings/homes/units in the commercial project or subdivision have been issued a certificate of occupancy.
- (5) The construction sign shall be installed no closer than 15 feet to any property line. The minimum distance between a construction sign on one site and a construction sign on another construction site is 200 feet.
- (6) A construction sign installed on a lot where a contractor requests a final inspection must be removed prior to the final inspection and issuance of a certificate of occupancy.
- (7) The maximum area of a construction sign is 96 square feet. The maximum height of a construction sign is 16 feet.
- (8) A maximum of one construction sign is allowed along a major street frontage per subdivision. When a subdivision has more than one major thoroughfare, one construction sign may be placed on each major thoroughfare. See Subdivision entrance sign.

Copy means letters, characters, illustrations, logos, graphics, symbols, writing or any combination thereof, designed to communicate information of any kind, or to advertise, announce or identify a person, entity, business, business product, or to advertise the sale, rental or lease of premises.

Copy area means the area within the sign containing any copy, including the area between separate lines of text and the area between text and any symbol, sign, logo or graphic, as well as the area between any symbols, signs, logos or graphics.

Decorative display means a flag or banner that contains no name, initials, logos, insignia or similar items and does not represent a government or private organization.

- (1) Decorative displays are not signs.
- (2) Decorative displays shall not protrude over property lines.

Developed property means a nonresidential property for which a certificate of occupancy has been issued by the building official to occupy a building on the property, or a residential property for which a certificate of final acceptance has been issued by the city.

Dilapidated means any surface element, background, or support of any sign that has finished materials that are missing, broken, bent, cracked, decayed, dented, harmful, hazardous, illegible, leaning, splintered, ripped, torn, twisted, or unsightly.

Directional sign means any sign relating solely to internal pedestrian and vehicular traffic circulation within a complex or project without any form of advertising.

Electronic message center means any sign composed of lights, LEDs, or other form of illumination that displays a message or picture. An electronic message center is usually secondary to and part of the sign area of a larger freestanding sign for which a sign permit is required. Electronic message center signs shall be permitted subject to the applicable provisions within the zoning districts in which the sign is located as well as the following additional requirements:

- (1) An electronic message center sign shall not exceed 50 square feet in area. If an electronic message center is secondary to, incorporated into, or a component part of another type of sign, the fact that an electronic message center sign is so included shall not act to permit the type of sign of which it is a part to be enlarged beyond the dimensions and sign area allowed for the other type of sign. For example, the incorporation of an electronic message center into a "projecting sign," defined herein-below, shall not act to increase the allowable maximum area of a projecting sign beyond 12 square feet.
- (2) Electronic message center signs shall display static images for a period of at least eight seconds. Electronic message signs shall not be animated, flash, travel, blink or fade. Electronic message signs may scroll from one image to the next image provided that the scrolling process is

completed within two seconds and provided further that the images scrolled from and to remain static for a period of at least eight seconds. Otherwise, electronic message signs shall transition instantaneously from one static image to another static image. Rotary beacon lights, flashing lights, strobe lights, or similar devices shall not be attached to, nor be incorporated in, any sign.

- (3) An electronic message center sign shall not exceed a brightness level of 0.3 foot-candles above ambient light as measured by the guidelines below:
 - a. At least 30 minutes past sunset, use a foot-candle meter to record the ambient light reading for the area. This reading is performed while the electronic message center sign is off or displaying all black copy.
 - b. Take a reading using foot-candle meter at five feet above grade and 45 feet from the electronic message center sign.
 - c. The meter shall be aimed directly at the electronic message center sign.
 - d. Turn the electronic message center sign on and illuminate entirely in white or red.
 - e. Take a reading using a meter at five feet above grade and 45 feet from the electronic message center sign.
 - f. The meter shall be aimed directly at the electronic message center sign.
 - g. If the difference between the two readings taken above is 0.3 foot-candles or lower, then the electronic message center sign is in compliance. If the result is greater than 0.3 foot-candles, the electronic message center sign is out of compliance and must be adjusted to meet standards or turned off until compliance can be met.
 - h. All measurements shall be taken in foot-candles.
- (4) Letters shall be no less than four inches in height.
- (5) Exception: Temporary signs required by government agencies for road and street repairs, public notifications, traffic control and similar activities.
- (6) In all zoning districts, electronic message center signs shall come equipped with automatic dimming technology, which automatically adjusts the sign's brightness based on ambient light.
- (7) Electronic message center signs have previously been prohibited in the city. Notwithstanding that prohibition, a few electronic message signs have been installed with or without permits. Electronic message signs that have been in continuous use for at least six months prior to the adoption of this ordinance that comply with the requirements of subsection (2) will be considered a lawful nonconforming sign, and may continue to be used for their current purpose and in their current dimensions only.
- (8) Any change, upgrade, or retrofit of the previously existing electronic message center sign and/or sign cabinet shall require full compliance with the requirements of this provision.

Erect or install means to build, construct, attach, hang, place, suspend, affix, display, apply, assemble or place in any manner upon including, but not limited to, the exterior of a building or structure.

Exempt means a sign permit is not a requirement; however, compliance with all other Code provisions is required.

Flag or flagpole means a piece of fabric or other flexible material, attached to a ground-supported staff on one end, used as a symbol of a nation, state, political subdivision, or organization.

- (1) No sign permit is required.
- (2) A flag and its ground-supported staff shall be located on private property behind the property line.
- (3) At a property that contains a building with less than four floors, the maximum height of a ground-supported flagpole shall be 40 feet measured from the ground, with the maximum area of the flag not to exceed 60 square feet in area. At a nonresidential property that contains a building with

four floors or more above ground, the maximum height of a flagpole shall be 60 feet measured from the ground, with the maximum area of a flag not to exceed 96 square feet in area.

- (4) A maximum of four flags or flagpoles may be located on a property.
- (5) A flag not displayed on a ground-supported staff shall meet the permit and display requirements of a banner. See Banner.
- (6) Temporary flags for special interest groups (e.g., schools, Boy Scouts, Girl Scouts, and the like) may be placed at public parks during social and athletic events.

Flashing sign means any sign that incorporates the use of a pulsating, blinking, revolving or rotating light source, including a light source that changes or alternates the color of the light in sequence. Flashing signs are prohibited in the city and its extraterritorial jurisdiction. See Illuminated signs.

For sale, for rent, for lease or realtor open house signs means a sign that advertises the availability for sale, rent or lease of a tract of land, a structure, or portions of a structure.

- (1) No permit is required.
- (2) Such signs are allowed in the right-of-way, a minimum three feet from the back of the curb, but not allowed in the median.
- (3) Maximum sign area is six square feet. Maximum height is three feet. Maximum number of signs is one builder sign, one realtor sign and one open house sign.

Freestanding sign means any type of sign supported by structures that are placed on or anchored in the ground, structurally independent of any building or other structure, and intended to be permanent. A sign permit is required. See Monument, pole, or pylon signs.

Garage sale sign means an on-site temporary stake sign used to advertise a garage sale, yard sale, or estate sale at an occupied residential property that has obtained a certificate of occupancy.

- (1) No permit is required.
- (2) Garage sale signs shall be located only on the private property of the residence having the garage sale.
- (3) Garage sale signs shall not be placed on a vehicle, fence, pole, tree, median, or railing. Garage sale signs shall not be balloons, wind devices or other types of signs, except stake signs, unless they meet the definition and requirements for that type of sign.
- (4) A garage sale sign shall not exceed six square feet in area. The maximum height of a garage sale sign shall not exceed four feet.

Grade means the ground elevation located at the base of a sign.

Graffiti means pictures, words or slogans, images, or other artwork painted, drawn, scratched, carved, cut or applied in any other manner to exterior walls, fences, structures, vehicles, stone, statues, buildings, or other items in public view. Graffiti includes the illegal or unauthorized defacing of a building, wall, or other edifice or object by painting or otherwise marking it with words, pictures, symbols, advertising, logos, relations with a group, indecent or vulgar images or offensive language. Graffiti is prohibited in the city and its extraterritorial jurisdiction.

Grand opening and grand opening sign mean a commemoration that promotes the opening of a new business and the sign commemorating such grand opening, respectively.

- (1) A grand opening sign shall be permitted within 180 days of the issuance of a certificate of occupancy from the building official. Grand openings occurring more than 180 days after the issuance of a certificate of occupancy require approval from the building official.
- (2) A grand opening sign may only be located at the business that received a certificate of occupancy from the building official.

- (3) The period for which a grand opening sign may be permitted shall not exceed 14 consecutive days in length.

Grand opening balloons or balloon arrangement means a visible airtight, inflatable apparatus with a maximum size not to exceed three square feet in total area, in various shapes or designs, made of latex, Mylar, or other similar material that extends by, or is anchored to the ground by, a cord, rope, string, wire or other similar material. Grand opening balloon arrangements are balloons tied, twisted, or connected in such a manner to design creative figures, shapes, crescents, or other displays.

- (1) Grand opening balloons or balloon arrangements may not exceed 20 feet in height.
- (2) No sign permit is required.
- (3) Grand opening balloons or balloon arrangements shall only be displayed during a grand opening at a business. Grand opening balloons or balloon arrangements require removal within two hours after the conclusion of the grand opening event.
- (4) Grand opening balloons or balloon arrangements shall only be displayed within 20 feet of the public entrance to the business.
- (5) Grand opening balloons or balloon arrangements shall not be placed or displayed in front of or at other businesses. Grand opening balloons or balloon arrangements shall not be attached to parking signs, bicycle stands, benches, trees, fences, poles, railings, vehicles, existing signage, display items, or other structures, or placed in required parking spaces. Grand opening balloons or balloon arrangements shall not block pedestrian or vehicular visibility or cause a safety hazard.

Highway Commercial (HC) Zoning District.

- (1) The area as established by Chapter 77, Zoning, as it currently exists or may be amended by ordinance, and as indicated on the city zoning map.
- (2) All signs for the Highway Commercial (HC) Zoning District shall be regulated according to the provisions of this chapter. See section 56-54.

HOA-neighborhood sign (HOA-NS) means a temporary stake sign used to convey residential subdivision board meetings, announcements, or other subdivision-related events to residents within the subdivision.

- (1) No sign permit is required.
- (2) An HOA-NS shall be located on private property within the subdivision.
- (3) An HOA-NS shall not be located along any major thoroughfare or street artery outside of the subdivision screening wall or perimeter barrier. An HOA-NS shall not exceed six square feet in area. The maximum height of an HOA-NS shall not exceed four feet.

Home improvement sign means an onsite temporary stake sign that advertises the name, telephone number, website address, or type of construction being performed on the property, such as a roof, fence, pool, paint, landscape, or other home improvement contractor.

- (1) No sign permit is required.
- (2) A home improvement sign shall be removed within 15 days of being initially installed or when the home improvement work is completed, whichever occurs first. A home improvement sign shall be located only on the lot at which the home improvement is occurring.
- (3) A home improvement sign shall not be erected on private property closer than ten feet from the edge of any street pavement or designated roadway. A home improvement sign shall not exceed six square feet in area. A home improvement sign shall not exceed four feet in height. A maximum of one home improvement sign shall be erected on a lot.

Homebuilder directional signs means a temporary sign which directs pedestrian or vehicular traffic to a particular home development or residential subdivision.

- (1) An annual permit is required.

- (2) A homebuilder directional sign may not be closer than 100 feet or more than 150 feet back from major intersections.
- (3) Homebuilder directional signs are allowed in the right-of-way a minimum of three feet from the back of the curb.
- (4) Homebuilder directional signs are not allowed in the median.
- (5) Individual builder signs shall be spaced at least 100 feet apart. Homebuilder directional signs are allowed to be displayed from 12:00 noon Friday until 12:00 noon on the following Monday, with the following exceptions: from 12:00 noon Thursday until 12:00 noon Tuesday when a Friday or Monday falls on New Year's Day, Memorial Day, Fourth of July or Christmas.
- (6) Maximum 25 signs per builder. Maximum sign area is six square feet. Maximum height is three feet.

Human sign means a sign held by or attached to a human being who stands or walks on the ground, on private property, at a business location.

- (1) No sign permit is required.
- (2) A human sign includes a person dressed in costume, both for the purpose of advertising or otherwise drawing attention to an individual, business, commodity, service, activity or product on the premises where the human sign is located.
- (3) Human signs may not be off-premises from where a promotion, sale, event or the like takes place. Podiums, risers, stilts, vehicles, roofs, or other structures or devices shall not support a human sign.
- (4) Human signs may be displayed 24 hours each and every continuing day until the promotion, sale, special event, or the like has ended.

Illuminated sign means a sign designed or made that consists of lights, LEDs, or other form of illumination that displays a message or picture that does not scroll, fade, blink, flash, travel, or use any other means that does not provide constant illumination. See Electronic message center signs.

Impounded sign means a sign that is legally removed by a city-authorized official, inspector, officer, other city employees or city-authorized persons in accordance with the provisions of this section.

- (1) Impounded signs may be recovered by the owner within 15 days from the date of impoundment by paying a fee as established from time to time in the master fee schedule as contained in appendix A of this Code.
- (2) Illegal signs removed from public property, including the city's right-of-way, park property or other city-maintained area, may be immediately disposed of by the city in any manner it shall elect. See Public nuisance.

Inflatable device sign (IDS) means a sign manufactured of plastic, cloth, canvas or other flexible or light fabric, inflated with air. An IDS only brings attention to a business, advertises the opening dates, sale of items offered or sold, date of sale, name of business, telephone number, or website information of a business.

- (1) An IDS shall be secured directly to, and not suspended or floating from, the ground.
- (2) An IDS shall not be placed on a roof, canopy, parking garage, or awning, or suspended or floating from any building or garage.
- (3) The maximum height of an IDS shall not exceed 30 feet. One banner may be applied to an IDS. A banner applied to an IDS shall not count toward the allotted number of banners during a calendar year. The maximum area of a banner applied to an IDS shall not exceed 48 square feet.
- (4) An IDS shall not be installed within 200 feet from another IDS measured in a straight line in any direction.

- (5) Cloud buster balloons, blimps, wind devices or any similar type of apparatuses are not an IDS. See Wind device.
- (6) A sign permit is required.
- (7) One IDS may be erected on a lot for not more than three 14-day periods per calendar year. A business can only display one IDS at a time. In the case of multiple businesses or tenants located on a single lot, each business is allowed to erect an IDS on the lot for not more than three 14-day periods per calendar year, provided that not more than one IDS is installed along any street frontage at the same time. One IDS per street frontage may be installed each time.
- (8) An IDS shall not be located in required parking places, or driveways that provide access to parking spaces or fire lanes, nor shall any IDS or its securing devices encroach into a right-of-way.
- (9) IDSs are only permitted within a nonresidential zoning district.

Instructional/informational sign means a sign whose sole purpose is to provide instruction, information, or direction to the general public that is essential to the health, safety, and public welfare of the community.

- (1) An instructional/informational sign shall contain no other message, copy, announcement, or decoration other than the essential instruction, information or direction, and shall not advertise or otherwise draw attention to an individual, business, commodity, service, activity, or product. Such signs shall include, but are not limited to, a sign identifying a property address, street address, restrooms, public telephones, handicap parking spaces, reserved parking spaces, freeze warning, no trespassing, no dumping, no loitering, no soliciting, beware of warning, water resource information, neighborhood watch informational, lock/take and hide informational, construction entrance or exit signage.
- (2) Instructional/informational signs erected by the city, local, federal or state governments for the purpose of public instruction, warnings or other similar hazards, street or highway designation, traffic control and similar purposes incidental to public interests shall be considered an instructional/informational sign. An instructional/informational sign will include a sign of a warning, directive or instruction erected by a public utility company that operates under a franchise agreement with the city or signs required by federal, state or other local authorities.
- (3) A sign permit is not required.
- (4) There are no restrictions.
- (5) The maximum area of an instructional/informational sign is 16 square feet.

Lights means any form of light sources or lumens, whether by electromagnetic radiation, flame, reflection, or any other form of lumens, that act upon the retina of the eye and optic nerve that makes sight possible.

Logo means any design, insignia or other marking of a company or product which is used in advertising to identify the company, business or product.

Lot means an individual parcel or tract of land recorded by a plat or deed in the county clerk's office.

Lot line means a line dividing one lot from another, or from a street or place.

Menu board sign means a sign erected in conjunction with a use that incorporates a drive-thru or drive-in and generally used to provide service or product options and pricing for patrons who remain in a vehicle.

- (1) Sign permit. A sign permit is required.
- (2) Restrictions. A menu board sign is permitted only in conjunction with a nonresidential use or in a nonresidential zoning district. The minimum front building setback is 25 feet from the property line.
- (3) Drive-thru menu board sign. A menu board sign shall be supported from the grade to the bottom of the sign having or appearing to have a solid base. The design, materials, and finish of a menu board sign shall match those of the buildings on the same lot. One menu board sign is permitted

per drive-thru use on a lot. The maximum sign area of a menu board sign is 60 square feet. The maximum height of a menu board sign is six feet.

- (4) Drive-thru pre-order sign. A drive-thru pre-order sign shall be supported from the grade to the bottom of the sign having or appearing to have a solid base. The design, materials, and finish of a drive-thru pre-order sign shall match those of the buildings on the same lot. One drive-thru pre-order sign is permitted at the entrance of the drive-thru lane on a lot. The maximum sign area of a drive-thru pre-order sign is 24 square feet in area. The maximum height of a drive-thru pre-order sign is six feet.
- (5) Drive-in menu board sign. A drive-in menu board sign shall be supported from the grade to the bottom of the sign having or appearing to have a solid base. If the drive-in stalls are covered by a canopy, the drive-in menu board signage may be attached directly to the canopy support columns. The design, materials, and finish of a drive-in menu board sign shall match those of the buildings on the same lot. One drive-in menu board sign is permitted per ordering station. The maximum sign area of a drive-in menu board sign is nine square feet. The maximum height of a drive-in menu board sign is six feet.

Mobile advertisement sign means an operable or inoperable vehicle with illuminated or nonilluminated panels, other devices, or appendages used to advertise, promote or draw attention to products, services, events, or other similar purposes, designed or intended to be relocated from time to time. A mobile advertisement includes signs on wheels or mobile structures such as, among other things, trailers, skids, banners, tents or other mobile structures. The primary purpose of a mobile advertisement sign is advertising and it is not used in the daily function of the business it advertises.

- (1) A mobile advertisement is prohibited in the city and its extraterritorial jurisdiction for longer than 20 minutes in a 24-hour day.
- (2) A mobile advertisement sign shall only be driven on public streets in the city and its extraterritorial jurisdiction. A mobile advertisement sign is not a vehicle sign. See Portable sign and vehicle sign.

Model home sign means a sign used to identify a builder or contractor model house that is open to the public for inspection by customers and located within a residential district. A model home sign provides a builder's name, corporate logo, hours of operation, website information, and telephone number.

- (1) A sign permit is required.
- (2) A model home sign is permitted on a lot that has been issued a building permit for construction of a residential dwelling or temporary sales trailer. A model home sign is a vertical framework consisting of one or more uprights supported by the ground. One model home sign is allowed per residential lot.
- (3) The minimum front setback of a model home sign shall be 15 feet from the property line. The minimum side or rear setback of a model home sign shall be ten feet from the property line. The maximum area of a model home sign shall not exceed 32 square feet. The maximum height of a model home sign shall not exceed ten feet. The average finished grade of the lot shall not be altered to increase the height of a model home sign.
- (4) Model home signs shall not contain neon or prohibited lights. Exterior lighting must meet the requirements of the light and glare standards as defined in Chapter 77, Zoning, as it currently exists or may be amended by ordinance.

Monument sign means a freestanding sign having a low profile, supported from the grade to the bottom of the sign having, or appearing to have, a solid base made of stone, concrete, metal, brick, routed wood planks or beams, or similar materials equivalent to the architecture of the building or complex.

- (1) A sign permit is required.
- (2) Maximum height for lots five acres or less is eight feet including base, measured from grade.
- (3) Maximum sign area for lots five acres or less is 64 square feet.
- (4) Maximum height for lots five acres or more is ten feet including base, measured from grade.

- (5) Maximum sign area for lots five acres or more is 150 square feet.
- (6) Setback is 15 feet from the curblineline. If no curblineline exists, the setback shall be 15 feet from the property line.
- (7) Number of signs allowed is no more than one monument sign per lot, with the following exceptions:
 - a. For lots over five acres abutting a state highway which is not classified as a business route: Minimum 200 feet separation between other allowed permanent freestanding signs on the same lot.
 - b. For lots over 20 acres: Minimum 300 feet separation between other allowed permanent freestanding signs on the same lot. See Pylon sign.

Moving sign means any sign, sign appendages or apparatus designed or made to move freely in the wind or designed or made to move by an electrical or mechanical device. Moving signs or any sign appendage that moves are prohibited in the city and its extraterritorial jurisdiction.

Municipal banner means a temporary sign having characters, letters, or illustrations applied to plastic, cloth, canvas, or other light fabric or similar material, with the only purpose of such nonrigid material being for background used by the city, either acting alone or in cooperation with another person or entity, to promote the city, aid in economic development or economic activity in the city, promote citizenry and good will, promote awareness of happenings in the city, promote municipal-related places, activities, or events, or promote municipal-related information or an event or similar happening determined by the city to directly relate to the city's objectives in speaking on its own property. A municipal banner includes ornamentations and seasonal decorations.

- (1) Written permission from the building official is required. There is no time restriction.
- (2) A municipal banner may be erected on any city-owned property including, but not limited to, pavilions, fences, walls, vehicles, poles and light poles, or any other structure or apparatus approved by the building official.
- (3) Municipal banners shall not be faded, tattered or torn.

Mural means noncommercial pictures or artwork painted, drawn or applied on the exterior walls that do not depict or contain advertising, logos, or images of a product or service offered or sold on premises or off premises.

- (1) Murals shall not be used to advertise products or services of any kind offered or sold off premises or on premises. Any form of wording or logo shall be of secondary nature to a mural.
- (2) A sign permit is required.
- (3) A detailed drawing of the proposed mural shall be submitted to the city with the sign permit application for review to determine conformity with all applicable city, state and federal laws, statutes and ordinances.
- (4) The mural shall be executed in conformity to the detailed drawing of the proposed mural that is submitted to the city with the sign permit application.
- (5) A mural shall be located above grade and below a roof and only within a nonresidential zoning district. Murals shall not be applied to a roof or other similar cover of a building or structure. The maximum area of a mural shall not exceed the length or height of the exterior wall on which it is painted, drawn or applied. A mural shall not face a residential neighborhood unless separated by a major thoroughfare.
- (6) Murals are permitted only in conjunction with a nonresidential use or in a nonresidential zoning district.
- (7) Murals shall not contain any matter that is obscene, or which offends the public morals, or that is inappropriate viewing material for anyone under the age of 18 years including, but not limited to:

- a. Nudity or a state of nudity, specified anatomical areas and specified sexual activities, as those terms are defined in this section;
- b. Less than completely and opaquely covered human genitals, buttocks, or that portion of the female breast below the top of the areola; and
- c. Human male genitals in a discernibly turgid stage whether covered or uncovered.

Nameplate sign or address sign means a sign showing only the name and address of the owner or occupant of the premises with a maximum area of two square feet. No sign permit is required.

Neon tubing means a discharge tube containing neon that ionizes and glows with various colors when electric current is sent through it.

Nonconforming sign means any sign and its supporting structure that does not conform to all or any portion of this chapter and was in existence and lawfully erected prior to the effective date of the ordinance from which this chapter is derived, and was in existence and lawfully located and used in accordance with the provision of any prior ordinances applicable thereto, or which was considered legally nonconforming thereunder, and has since been in continuous or regular use, or was used on the premises at the time it was annexed into the city and has since been in regular and continuous use. A nonconforming sign may be maintained.

- (1) The right to continue all nonconforming signs shall cease and such sign shall be removed whenever:
 - a. An approved application for a certificate of occupancy has been submitted or a certificate of occupancy is issued as provided in Chapter 77, Zoning, and a sign is associated with such occupancy. This provision applies to on-premises advertising signs only.
 - b. A sign is altered, moved or relocated without a permit pursuant to the provisions of this chapter.
 - c. A sign leans such that an angle between the sign and the ground is 45 degrees or less.
- (2) If a structurally sound nonconforming sign is destroyed in part or in whole by fire, storm, wind, or any other uncontrollable event, the sign may be rebuilt to its original state unless the cost to repair exceeds 60 percent of the replacement cost on the date of damage. If a nonconforming sign is destroyed and removed by any other means, the sign must be repaired or replaced in compliance with this article.
- (3) Signs designated by official action of the city as having special historic or architectural significance are exempt from subsection (1) of this definition.
- (4) A nonconforming general business sign situated on property purchased by the city may be relocated provided the sign is removed or rebuilt to conform to this chapter within one year by the sign owner or responsible party. Relocation is limited to the same physical sign with no increase in height, area, or change in other physical attributes. For purposes of this provision, a property acquisition initiated by the city does not include a right-of-way dedicated in the subdivision plat process. See Public nuisances.

Notice, as required by this chapter, shall be sufficient if it is effected by personal delivery or registered or certified mail, return receipt requested, by the United States Postal Service or by posting notice at the premises.

Official sign means a sign erected by a governmental agency within its territorial jurisdiction for the purpose of carrying out an official duty or responsibility and including, but not limited to, traffic signs and signals, zoning signs, and street signs. Special lighting or banners celebrating seasonal or civic events sponsored or endorsed by the city council may be official signs.

Off-premises or off-location sign means a sign that advertises, promotes, or pertains to a business, person, organization, activity, event, place, service, product, etc., at a location other than where the business, person, organization, activity, event, place, service, product, etc., is located. Off-location and off-premises signs are prohibited in the city and its extraterritorial jurisdiction.

On-premises or on-location means the property or location on which a business, person, organization, activity, event, place, service, product, etc., is located.

Owner means the owner of the sign, land or structure, or person responsible for erecting, altering, replacing, relocating, or repairing the sign or structure.

Permanent sign means any attached or detached sign placed in a fixed location or affixed to a permanent structure of a maximum height and area.

Pole sign means a sign erected on a vertical framework consisting of one or more uprights supported by the ground. Pole signs are prohibited in the city and its extraterritorial jurisdiction. See Monument signs, pylon signs, or wall signs.

Political sign means a sign that relates to the election of a person to a public office, a political party, or a matter to be voted upon at an election called by a public body or contains primarily a political message.

- (1) No sign permit required.
- (2) Political signs shall be located only on private property with the consent of the property owner.
- (3) A political sign shall not be erected closer than ten feet from the edge of the street pavement, located on any public property, or within a designated easement or right-of-way. Political signs shall not exceed eight feet in height measured from the ground to the highest point of the sign. Political signs shall not exceed 36 square feet in area. Political signs shall not be illuminated. Political signs shall not contain any moving elements or parts. Political signs shall not be dilapidated or cause a hazard.

Portable sign means any sign with illuminated or nonilluminated panels, other devices, or appendages used to advertise, promote or draw attention to products, services, events, or other similar purposes, designed or intended to be relocated from time to time, whether or not it is permanently attached to a building or structure. Portable signs include signs on wheels or portable or mobile structures such as, among other things, trailers, skids, banners, tents or other portable structures.

- (1) Portable signs are prohibited in the city and its extraterritorial jurisdiction, except as specifically allowed by other sections and subsections of this chapter.
- (2) A portable sign is not a vehicle sign. See Mobile advertisement sign and vehicle sign.

Prohibited lights means lights that blink, strobe, flash, fade, scroll, or are anything other than stationary or static, that attract the attention of the general public or cause light pollution or light trespass.

- (1) Prohibited lights placed in any manner where the light is visible from the exterior of a business or other nonresidential use facility are prohibited in the city and its extraterritorial jurisdiction.
- (2) Exception. Federal, state and municipal authorized emergency devices or apparatuses, emergency vehicles, utility repair vehicles, fire and building code light devices for emergency or security purposes, or other required lighting for public safety purposes are not prohibited and must comply with all applicable Code provisions.

Projecting sign means a sign attached to and projecting out from a building face or wall, generally at a right angle to the building. A projecting sign advertises the name, telephone number, street address, or website information of a business.

- (1) A sign permit is required.
- (2) A projecting sign is permitted only in conjunction with a nonresidential use or in a nonresidential district. When a projecting sign is constructed over a pedestrian sidewalk, a minimum of a nine-foot clearance shall be provided between the grade of the sidewalk and the lowest portion of a projecting sign.
- (3) A projecting sign shall not extend above a building wall.
- (4) The maximum area of a projecting sign is 12 square feet.

Property line means the line denoting the limits of legal ownership of property.

Public nuisance means any sign or similar device erected, constructed or placed in a manner that constitutes a traffic hazard, causes annoyance either to a limited number of persons or the general public, or causes a hazard or dangerous condition, any sign erected or constructed in or over any public right-of-way, or any prohibited or noncompliant sign.

- (1) The city shall immediately remove any sign deemed to present an immediate danger to the public health, safety or welfare. Within ten days after the removal of the sign, the owner of the property on which the sign was located shall be notified of the reasons for the removal of such sign.
- (2) Upon written notification to the owner, agent, or person having beneficial use of the land, building or structure upon which a neglected sign or an abandoned sign is located, such neglected sign shall be repaired by the owner, agent or person having beneficial use thereof or such abandoned sign shall be removed. The notification shall state that the offending sign shall be repaired or removed within ten days after written notification to do so. The notification shall further state that if the sign is not removed or repaired, a citation may be issued and the city may pursue any remedy available to it to remove or repair the sign, up to and including impoundment. See Impounded signs.

Public view means visible from any public right-of-way, city right-of-way, or access easement.

Pylon sign means a freestanding sign supported from the grade to the bottom of the sign having, or appearing to have, a solid base made of stone, concrete, metal, brick, or similar materials designed to complement the architecture of the building or complex.

- (1) A sign permit is required.
- (2) Pylon signs are prohibited in the Central Area (CA) Zoning District.
- (3) Minimum height is eight feet. Maximum height is 20 feet including base, measured from grade.
- (4) Maximum sign area is 150 square feet.
- (5) Setback is 15 feet from the back of the curb. If no curblineline exists, the setback shall be 15 feet from the property line.
- (6) Number of signs allowed is no more than one pylon sign per lot, with the following exceptions:
 - a. For lots over five acres abutting a state highway which is not classified as a business route: Minimum 200 feet of separation between other allowed permanent freestanding signs on the same lot.
 - b. For lots over 20 acres: Minimum 300 feet of separation between other allowed permanent freestanding signs on the same lot. See Monument sign and pole sign.

Rear wall sign means a sign erected onto a wall with no main entrances or store fronts, and which does not face the front or side of the lot.

- (1) A sign permit is required.
- (2) A building may have a maximum of one rear wall sign.
- (3) Rear wall signs shall only be permitted in the CA Zoning District.

Revolving sign means any sign that turns, spins, or partially revolves or completely revolves 360 degrees on an axis. Revolving signs are prohibited in the city and its extraterritorial jurisdiction.

Right-of-way means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the city has an interest.

Roof (secondary) sign means a sign that is mounted to or projects from a canopy or secondary roof over the entry to a building, but does not project above the highest point of the building. A roof (secondary) sign may be attached to a parapet wall.

- (1) A sign permit is required.

- (2) In lieu of a wall sign, a roof (secondary) sign may be installed on a parapet wall, provided the parapet wall extends around the entire perimeter of the building at the same elevation. A roof (secondary) sign may be erected on a secondary canopy or a secondary roof over an entry to a building.
- (3) The structural or mechanical elements of a roof (secondary) sign shall not be visible from six feet above the grade of adjacent streets.

Roof sign means a sign mounted on and supported by the roof portion of a building, or above the uppermost edge of a parapet wall of a building, and which is wholly or partially supported by such building or a sign that is painted directly to or applied on the roof or top of a building or structure.

- (1) A sign that is mounted on mansard facades, pent eaves or architectural projections, such as canopies or the fascia (wall) of a building or structure, shall not be considered to be a roof sign.
- (2) Roof signs are prohibited in the city and its extraterritorial jurisdiction.

Sandwich board sign means a temporary sign constructed of two pieces of wood, metal, or other similar material connected at the top by hinges or similar devices and may collapse when the connecting devices are overextended or the two pieces are against one another.

- (1) A sign permit is not required.
- (2) Sandwich board signs are only allowed to be displayed during normal daytime business hours between 8:00 a.m. and 5:00 p.m.
- (3) The maximum height is four feet. The maximum width is two feet. The maximum copy area is eight square feet per side.
- (4) One sandwich board is allowed per primary entrance to a commercial structure. A sandwich board sign must provide an unobstructed pedestrian clearance of at least four feet in width.
- (5) A sandwich board sign shall not be placed in any median. A sandwich board sign shall not be placed within a utility or right-of-way easement. A sandwich board sign shall not be illuminated or contain any moving parts other than the fasteners holding the faces of the sandwich board sign together.
- (6) A sandwich board sign shall not be placed in any manner to interfere with vehicular traffic or cause a potential hazard. Sandwich board signs are allowed only in the CA Zoning District. See Signs in Central Area Zoning District and A-frame sign.

School sign means an on-site temporary stake sign used to convey school registrations, enrollments, open houses, award ceremonies, PTA meetings, or other school-related events or functions for a city-based public or private educational facility to which the information pertains.

- (1) A school sign excludes information pertaining to dates, times, and locations of scheduled athletic games.
- (2) No sign permit is required.
- (3) A school sign may be erected up to seven days prior to the event and shall be removed no more than 48 hours after the conclusion of the meeting or event.
- (4) With permission of the owner, a school sign may be placed at a private or public school or at an improved property that has received a certificate of occupancy. A school sign erected on private property shall be no closer than ten feet from the edge of any street pavement.
- (5) The maximum area of a school sign shall not exceed six square feet. The maximum height of a school sign shall not exceed four feet.
- (6) A school sign shall not contain balloons, streamers, flags, pennants, or wind devices.

Security sign.

- (1) The term "security sign" means a sign which identifies emergency telephone numbers, hours, and security information.
- (2) No sign permit is required.

Sign means any medium, including its structure and component parts, including a name, number, identification, description and announcement, declaration, demonstration, device, display, flag, banner, pennant, illustration, beacon, light or insignia, and structure supporting any of the same, affixed directly or indirectly to or upon any building, structure, or vehicle, or erected or maintained upon a piece of land, which directs attention to any object, project, product, service, place, activity, person, institution, organization or business. The term "sign" shall also include any device, fixture, placard, or structure that uses any color, form, graphic, illumination, or symbol to communicate information of any kind to the public.

Sign area means the gross surface area of the sign, including a single surface of a sign with messages on both sides, the sum of all surfaces where two or more signs share a single structure, the gross surface area of both faces of a V-shaped sign not to exceed a 45 degree angle, and the copy area of a monument sign.

- (1) The square footage of a sign made up of letters, words or symbols within a frame shall be determined from the outside edge of the frame itself.
- (2) The square footage of a sign composed of only letters, words or symbols shall be determined from imaginary straight lines drawn around the entire copy or grouping of such letters, words, or symbols.
- (3) Double-faced signs shall be calculated as the area of one side only.
- (4) Three-dimensional or multifaceted signs shall be calculated as the maximum area visible from any single direction at any point in time.
- (5) In the case of an irregularly shaped sign, the sign area is calculated by enclosing the extreme limits of the sign by no more than four rectangles. The sum of the area of the rectangles shall be the gross surface area. The maximum allowable area is reduced by ten percent for the second and each subsequent rectangle used in the calculation.

Sign height means the vertical height of a sign measured from the sign grade to the highest point of the sign or its structure.

Sign setback means the horizontal distance between the closest portion of a sign, whether the support structure or edge of the sign area, and the front or side property line, as measured from that part of the sign, including its extremities and supports, nearest any point on an imaginary vertical plane projecting vertically from the front or side property line.

Special event means a festival, fair, tournament, or other similar happening.

- (1) Should city staff question a proposed activity or celebration as a valid special event, a description of the proposed activity or celebration will be prepared by the applicant and forwarded to the city council by city staff for the city council's consideration of the event as a special event.
- (2) Business promotions, such as grand openings and sales events, shall not be classified as a special event.

Special event signs means temporary signs, banners, pennants, or lights as may be authorized for a special event.

- (1) No sign permit is required.
- (2) Signage associated with a special event shall be erected no earlier than seven days prior to the event and removed no later than 24 hours after the conclusion of the event.

Stake sign means a temporary directional sign with a maximum height of three feet and a maximum copy area of six square feet with an end for driving into the ground. A stake sign includes, but is not limited to, garage sale, realtor/open house, homebuilder directional, for rent, for sale, and similar signage.

Subdivision identity/entrance sign means a sign mounted to a screening wall or engraved into a masonry block which identifies a residential development or a planned development, whether residential or noncommercial, and generally refers to the platted name of the subdivision or planned development.

- (1) A sign permit is required.
- (2) A sign permit shall not be issued to erect or place a subdivision identity/entrance sign on a property until a final plat is approved by the planning and zoning commission for development of the property.
- (3) All subdivision identity/entrance signs shall be located within the platted limits of a residential subdivision to which it pertains. Subdivision identity/entrance signs may be in the form of a sign mounted to a screening wall that does not project from the fascia of the wall more than one inch. Subdivision identity/entrance signs are limited to two signs per entrance.

Temporary religious sign means a temporary stake sign used to provide the name of and direction to a location occupied by a religious organization or religious group that temporarily operates in a school or other facility. A temporary religious sign identifies the meeting location and address, website information, hours of service, and telephone number of a religious organization or group.

- (1) A sign permit is not required.
- (2) A temporary religious sign may be erected during times of worship, provided that the sign is placed no earlier than two hours prior to worship and removed no later than two hours after worship.
- (3) A temporary religious sign shall be placed on private property with consent of the property owner. Temporary religious signs shall be erected on private property not closer than ten feet from the edge of any street pavement or designated roadway or right-of-way.
- (4) The maximum area of a temporary religious sign shall not exceed six square feet. The maximum height of a temporary religious sign shall not exceed four feet.
- (5) A temporary religious sign shall not contain balloons, streamers, flags, pennants, or wind devices. See Banner signs.

Temporary sign means any sign used to display information that relates to a land use, or a sign with a limited duration which is not rigidly and permanently installed into or on the ground, attached to a building, or as identified in this chapter.

Traffic lights and signage mean any traffic-related sign, light, apparatus, or device installed and which provides information to vehicular drivers and pedestrian traffic.

- (1) No sign permit is required.
- (2) Traffic-related signs, lights, apparatuses, or devices require approval from the engineering department, which includes the review and approval of design, size, placement, and any other specifications or requirements prior to installation from the traffic engineer.
- (3) Exemption. Signs, lighting, apparatuses, or devices installed or required by federal or state laws are exempt from these provisions.

V-shaped sign means a sign that fronts two street frontages with more than five degrees of parallel. V-shaped signs are prohibited in the city.

Vacant building sign.

- (1) No sign shall be permitted to remain on the lot of, or on, any vacant building, except a sign regarding the lease or sale of the building and property to which it pertains, or a sign which is under lease from an owner or his authorized agent when such sign is maintained by a person operating under his own bond.
- (2) Vacant building signage is prohibited in the city.

Variance request means an official written request to the planning and zoning commission to allow exceptions to the regulations or requirements of this chapter.

- (1) Variance requests shall be in writing and authorized by the property owner.
- (2) Variance requests shall be heard by the planning and zoning commission at a public hearing.
- (3) An application for such a request may be obtained from the city.

Vehicle means any operable or inoperable motorized machine on wheels, treads, or runners by which any persons, materials, commodity, or property is or may be transported.

Vehicle sign means any sign attached to any vehicle, truck, car, bus, trailer, boat, recreational vehicle, motorcycle or any other vehicle.

- (1) Any vehicle, whether operable or not, shall not be parked or decorated where the primary purpose is to use the vehicle as a sign.
- (2) Vehicle signs shall exclude bumper stickers and state required registration or inspection stickers.
- (3) No sign permit is required.
- (4) Vehicle signs are allowed 24 hours each and every continuing day. Vehicles signs are permitted provided the vehicle is operable, currently registered, and licensed to operate on public streets and actively used in the daily function of the business to which such sign relates.

Vending machine sign means a sign attached to or incorporated as part of a vending machine or gasoline pump, and generally advertises products dispensed, offered or sold from the vending machine or gasoline pump.

- (1) No sign permit is required.
- (2) Vending machine signs may be displayed 24 hours each and every day.
- (3) Vending machines displaying vending machine signs shall not obstruct pedestrian or vehicular traffic.
- (4) Vending machine signs shall be directly attached to a vending machine or gasoline pump. Vending machine signs shall be flat and not project from the vending machine or gasoline pump. Unless otherwise required by federal, state or local laws, signs that promote products or other items shall not be attached to light poles, canopy supports, rails, trees, parking signs, vehicles, or other objects.

Wall sign means any sign erected against an exterior wall or erected parallel directly onto a wall. A wall sign is a sign erected parallel to and extending not more than 12 inches from the facade of any building to which it is attached, supported throughout its entire length by the building face. A wall sign identifies the name or logo of a business.

- (1) A sign permit is required.
- (2) Wall signs are permitted only in conjunction with a nonresidential use or in a nonresidential zoning district.
- (3) Maximum wall coverage for signs placed on the front or side of a building, which wall contains a main entrance into the building, above the highest opening (window or door), shall be limited to 25 percent of the area, measured vertically from the highest opening (window or door) up to the highest point of the wall, and horizontally from outside corner to outside corner of such wall, including openings.
- (4) Maximum wall coverage for signs placed on the front or side of a building, which wall contains a main entrance into the building, below the top of the first floor opening (window or door), shall be limited to ten percent of the area, measured vertically from the top of the highest opening (window or door) down to the sidewalk, and horizontally from outside corner to outside corner of such wall, including openings.

- (5) Maximum wall coverage for rear wall signs shall be limited to 15 percent of the rear wall surface, measured vertically from the bottom of the wall to the roof, and horizontally from outside corner to outside corner of the rear wall.

Wind device means any pennant, streamer, spinner, balloon, cloud buster balloon, inflatable objects or similar devices made of cloth, canvas, plastic or any flexible material designed to float or move, or which moves freely in the wind, with or without a frame or other supporting structure, used for the purpose of advertising or drawing attention to a business, commodity, service, sale or product.

- (1) No permit is required.
- (2) Wind devices are allowed for temporary events only. Temporary events include business grand openings, festivals, fairs, tournaments, or other similar happenings.
- (3) Wind devices shall be erected no earlier than seven days prior to an event and removed no later than 24 hours after the conclusion of the event.
- (4) Wind devices are allowed for not more than three 14-day periods per calendar year.
- (5) Flags and grand opening balloons or balloon arrangements shall not be considered a wind device.

Window sign means any sign, poster, window slick, or other similar displayed item, excluding banners, located on the internal or external surface of a window, for the purpose of advertising a business's name, telephone number, website information, services, commodities, or products offered or sold that are available within the building, that is visible from a public street or sidewalk.

- (1) No sign permit is required.
- (2) The maximum area of a window sign shall not exceed 50 percent of the window where the sign is displayed. Illuminated window signs shall not exceed 25 percent of a window and shall not be closer than three feet from a public door. A window sign may be displayed 24 hours each and every continuing day.
- (3) Window signs may be displayed and installed on the inside or exterior of a window.
- (4) Illuminated and nonilluminated window signs or their appendages shall not blink, strobe, fade, flash, scroll, or move in any manner. Illuminated window signs shall remain static and stationary.

Yard sign means a temporary stake sign used to publicize the arrival of a newborn, participation of a family member in a school activity or sport, the presence of a security system, animals, and seasonal decorations.

- (1) No sign permit is required.
- (2) Yard signs may be erected 24 hours each and every day.
- (3) Yard signs shall be located only on lots containing an occupied single-family, two-family, or multifamily dwelling. Yard signs shall be erected no closer than ten feet from the street pavement.
- (4) Signs advertising the presence of a home security system shall not exceed one square foot in area.
- (5) Signs advertising the arrival of a newborn, the participation of a family member in a school activity or sport, or the presence of animals shall not exceed four square feet in area.
- (6) Seasonal decorations are excluded from place and manner requirements.

Zoning sign means a temporary sign erected to publicize a request to zone or rezone a property.

- (1) No sign permit is required.
- (2) The zoning sign shall be placed in a location visible from all streets adjacent to the property included in the zoning request. One zoning sign shall be erected adjacent to each street frontage of the property. The area of a zoning sign shall be 16 square feet. The width of a zoning sign shall be four feet.

(Ord. No. 2007-48, app. A, § 3-1, 10-9-2007; Ord. No. O-2013-0611-001, § 2, 6-11-2013)

Sec. 56-32. - Prohibited signs.

- (a) Certain signs are prohibited in the city, including any sign which:
- (1) Uses any combination of forms, words, colors, or lights to imitate emergency or traffic signs or signals;
 - (2) Is obsolete or abandoned;
 - (3) Is not specifically permitted by this chapter;
 - (4) Exceeds the maximum height and area requirements established in this chapter and any temporary sign exceeding the time limits established in this chapter;
 - (5) Is not referenced in or governed by this chapter;
 - (6) Is erected or installed without the issuance of a permit (if a permit was required), either prior to or after the adoption of the ordinance from which this chapter is derived;
 - (7) Emits odor or visible matter;
 - (8) Is erected or installed in or over a right-of-way or access easement, unless permitted within this chapter;
 - (9) Does not comply with this chapter or applicable municipal ordinances, or those which do not comply with federal or state laws;
 - (10) Is a pole sign;
 - (11) Is an off-premises sign; or
 - (12) Is a vehicular sign.
- (b) It shall be unlawful for any person to display upon any sign any obscene, indecent or immoral matter, such as will offend public morals or decency.
- (c) No person shall place or suspend from any building, light pole, utility pole, structure, sidewalk, parkway, and driveway or parking area, any goods, wares, merchandise or other advertising or display of such items other than a sign, as defined, regulated and permitted by this chapter.
- (d) No cloth, paper, banner, flag, device or other similar advertising matter shall be permitted to be attached to, suspended from or be allowed to hang from, any sign, building or structure, when the same shall create a public nuisance or danger.
- (e) No person shall attach any sign, paper or other material, or paint, stencil, or write any name, number (except address numbers) or otherwise mark on any sidewalk, curb, gutter, street, utility pole, public building, fence or structure, except as otherwise allowed by this chapter.
- (f) No person shall paste, stick, tack, nail or otherwise place any advertisement, handbill, placard or printed, pictured or written matter or thing for any purpose upon any fence, railing, sidewalk or public property, including trees thereon.
- (g) It shall also be unlawful for any person to scatter or throw any handbills, circulars, cards, tear sheets or any other advertising device of any description, along or upon the street or sidewalk in the city.
- (h) No sign shall be illuminated to such intensity or in such a manner as to cause a glare of brightness to a degree that it constitutes a hazard or nuisance to traffic. Moving, flashing, intermittently lighted, color changing, beacons, undulating, swinging, rotating, revolving or similarly constructed signs shall not be allowed, except for time and temperature on an otherwise permitted sign, except as signs hung or displayed inside a window.
- (i) No rear lighted, or internally lighted, plastic signs shall be allowed in the Central Area Zoning District.

- (j) No portion of any sign shall be erected on or over public property, unless the same is erected by the city, or with the permission of the city.
- (k) Any sign erected on a vertical framework supported by and located immediately and entirely over the roof of a building is prohibited.
- (l) No portion of any sign shall be painted directly on to the exterior wall or facade of any building or structure other than on a window or door.

(Ord. No. 2007-48, app. A, § 3-2, 10-9-2007)

Secs. 56-33—56-52. - Reserved.

ARTICLE III. - ZONING DISTRICTS AND SPECIAL REQUIREMENTS

Sec. 56-53. - Signs for the Central Area (CA) Zoning District.

(a) Policy and purpose.

- (1) The Central Area (CA) Zoning District is a unique historical and cultural environment that provides a certain charm and aura to the city which cannot be replaced and is worthy of preservation.
 - (2) In an age of uniform franchise signs and generic, plastic box signs, historic signs and even new historic styled signs (signs which emulate or imitate historic signage) often attract by their individuality. Historic signage typically allowed buyers and sellers to communicate quickly using images that were the medium of daily life. By communicating names, addresses, prices, products, images and other fragments of daily life, historic styled signs also bring the past to life.
- (b) Design considerations. In order to preserve the benefits of the CA, all signs in the CA shall have a design appearance compatible with, reflective of, and incorporating materials and design elements utilized in, the original building design, time era, and historic downtown character of the CA. The following points should be considered when designing and constructing new signs for structures in the CA:
- (1) New signs should emulate or imitate historic signage. The simple signs that were originally used on these buildings serve as the best example for new signs.
 - (2) Signs should be viewed as part of an overall graphics system for the historic building to which they are attached. Signs should work with the building, rather than against it.
 - (3) New signs should respect the size, scale and design of the historic building.
 - (4) Sign placement is an important decision and new signs should not obscure significant architectural features and building elements or design details of a historic building.
 - (5) New signs should also respect neighboring buildings and add to the tapestry and appeal of the CA. New signs should not overpower the historic building to which they are attached or adjacent structures.
 - (6) Sign materials should be compatible with the historic character of the building and the CA. Materials characteristic of the building's period and style, used in contemporary designs, can form effective new signs.
 - (7) New signs should be attached to the building carefully to prevent damage to historic fabric and to ensure the safety of pedestrians. Fittings should penetrate mortar joints rather than brick, for example, and sign loads should be properly calculated and distributed.

(c) Sign standards.

- (1) Allowable signs in the CA include general business signs, incidental signs, menu boards, nameplates, wall signs and rear wall signs.
- (2) Signs shall be designed for pedestrian and slow moving traffic. Big does not mean better.
- (3) Signs shall be flat signs with an allowable thickness of no more than four inches, measured from the wall surface to that portion of the face of the sign which projects furthest away from the building wall.
- (4) Signs should be placed under the lower cornice. No sign shall be allowed above the top of the second-story windows of a building.
- (5) Signs may be placed on the building's fascia or on the sign frieze, which is the horizontal flat bank above the store windows. Such signs may be on a flat signboard or made of individual letters or symbols attached to the building's fascia or sign frieze.
- (6) Signs may be placed on an awning. The following shall apply:
 - a. Only one awning sign is allowed per building.
 - b. Awnings shall be positioned to emphasize special shapes or details of the facade, draw attention to shop entrances, or to emphasize a display window.
 - c. Awning signs positioned along the first floor level of the facade shall be no less than eight feet from the sidewalk to the sign.
 - d. Awning signs shall not extend beyond the awning or canopy projection.
 - e. Awnings and awning signs shall not be made of metal, shiny plastic, barrel or square extension awning, or internally-illuminated vinyl awning.
- (7) Sandwich boards are allowed provided they adhere to the following criteria:
 - a. One sign per primary entrance;
 - b. May extend out a maximum of two feet from the building, with the maximum of six square feet of sidewalk area used.
- (8) Projecting signs that hang over the sidewalk are discouraged because they often obscure individual buildings and interrupt the visual harmony of the street. A projecting sign that is attached to a wall and extends out from a building may be used provided it meets the following criteria:
 - a. The projecting sign shall not extend more than 15 inches in whole or in part horizontally or diagonally beyond the surface of the building to which it is attached;
 - b. The projecting sign shall be placed along the first floor level of the facade;
 - c. Projecting signs must have a minimum clearance above the sidewalk of eight feet and shall not extend 12 feet or more above the sidewalk nor above the roof line of the building to which it is affixed;
 - d. The projecting sign shall be of a unique shape and design or symbolize the services offered within the business being advertised, such as a bowl and trestle advertising a drug store or pharmacy; and
 - e. The projecting sign shall be no more than four inches thick.
- (9) Materials and colors shall be harmonious with the architecture of surrounding structures in the CA.
- (10) Sign materials should be durable and easy to maintain.
 - a. Appropriate and acceptable sign materials include:
 1. Painted or carved wood;

2. Carved wooden letters;
 3. Galvanized sheet metal;
 4. Porcelain enamel;
 5. Slate, marble, or sandstone;
 6. Gold leaf;
 7. Gilt, painted, stained, or sandblasted glass; or
 8. Stained glass.
- b. Plastic shall not be allowed unless it is determined to have the appearance of one of the appropriate sign materials identified herein.
- (11) A sign in the CA shall not visually dominate the structure to which it belongs or call undue attention to it.
- (12) No Day-Glo, fluorescent, neon or brilliant bright colored signs shall be allowed in the CA. Standard or traditional colors shall be used.
- (13) No rear lighted, or internally lighted, plastic signs shall be allowed in the CA.
- (14) No sign shall contain any moving parts or be lit from behind or internally unless and except it is an historically accurate reproduction of a sign previously existing in the specific location proposed.

(Ord. No. 2007-48, app. A, § 4-1, 10-9-2007)

Sec. 56-54. - Zoning districts.

The zoning district in which the sign is located is established as indicated in Chapter 77, Zoning, and on the city zoning map. The zoning provisions, as contained in Chapter 77, Zoning, and the zoning map may be amended from time to time.

- (1) Single-family residential district. Includes areas located in districts zoned SF-1, SF-2, SF-3, and PD-Planned Development.
- (2) Multifamily residential district. Includes areas located in districts zoned 2-F Duplex, MF-1, MF-2 Multifamily, and PD-Planned Development.
- (3) Office and office technology district. Includes areas located in districts zoned O-Office, CA-Central Area, HC-Highway Commercial, and PD-Planned Development.
- (4) Commercial/retail district. Includes areas located in districts zoned GR-General Retail, NS-Neighborhood Services, HC-Highway Commercial, CA-Central Area, and PD-Planned Development.
- (5) Industrial district. Includes areas located in districts zoned L1-Light Industrial, L2-Heavy Industrial, and PD-Planned Development.

(Ord. No. 2007-48, app. A, § 4-2, 10-9-2007)

Secs. 56-55—56-81. - Reserved.

ARTICLE IV. - INSPECTIONS AND DESIGN REQUIREMENTS

Sec. 56-82. - Inspection; purpose and method.

The building official is authorized to perform an inspection of all signs. The purpose of the inspection is to ensure that the sign has been constructed in accordance with this article, other applicable Code

provisions, and the applicable permits. The method and time of such inspections shall be determined by the building official.

(Ord. No. 2007-48, app. A, § 5-1, 10-9-2007)

Sec. 56-83. - Sign specifications; design and other requirements.

- (a) Compliance with comprehensive zoning ordinance, International Building Code, National Electrical Code, and other ordinances. All sign structures shall comply with Chapter 77, Zoning, as it currently exists or may be amended by ordinance, the International Building Code, the National Electrical Code, and other Code provisions, as they currently exist or may be amended by ordinance. If the standards as described in this subsection are more restrictive than another Code provision or code, the provisions of this article shall apply.
- (b) Visibility. All signs shall observe all visibility requirements. Signs shall not be placed within visibility triangles, corner clips, or easements as defined in the Thoroughfare Plan or Design Manual, as they currently exist or may hereafter be amended. Signs shall not create a hazard.
- (c) Signs posted in specified areas. Unless otherwise permitted within this article, no person shall post or cause to be posted, attach or maintain a sign upon any:
 - (1) City-owned property or right-of-way without written permission of the city manager or his designated representative;
 - (2) Utility easement. Should a property owner be able to demonstrate to the city engineer or franchise utility company that there is no other viable location for a sign other than a utility easement, a sign may be located within the utility easement subject to written approval from the city engineer or franchise utility company and subject to the providing of a letter to the city releasing the city of any liability for repair or replacement of a sign damaged by work occurring within the utility easement;
 - (3) Tree, utility pole or structure, street sign, rail, or any fence;
 - (4) Fence, railing or wall, except in accordance with section 56-31; or
 - (5) Sidewalk within the right-of-way or sidewalk easement, curb, gutter, or street, except for house numbers or fire lane designation.
- (d) Signs attached to fire escapes. No sign shall be attached in any manner to any fire escape or to the supporting members of any fire escape, nor shall it be guyed to or supported by any part of a fire escape.
- (e) Accumulation of rainwater. All signs shall be constructed to prevent the accumulation of rainwater in the sign.
- (f) Location near telephone cable, power line, or street light. No sign shall be erected nearer than two feet from any telephone cable, power line or any street light standard.
- (g) Signs not to block or interfere with exits or windows, or pedestrian and vehicular traffic. No sign shall be erected to block, partially block, or interfere, in any way, neither with a required means of exit from any building nor with any window. No sign shall block, interfere, or otherwise hinder pedestrian or vehicular traffic on a public sidewalk, a public thoroughfare, a fire lane easement, or a driveway required to access parking.
- (h) Glass signs over public property or pedestrian area. Signs constructed of glass or other materials which may shatter upon impact are prohibited over a public right-of-way or pedestrian area.
- (i) Assumed wind load for design purposes. For the purposes of design of structural members in signs, an assumed wind load of 20 pounds per square foot shall be used.
- (j) Multiple signs on a property or building. The permitting of a sign on a property or building shall not preclude the permitting of other types of signs on a property or building, unless the signs are expressly prohibited herein.

- (k) Exemptions. Signs located within a building, with the exception of window signs, shall not be regulated by this article.

(Ord. No. 2007-48, app. A, § 5-2, 10-9-2007)

Secs. 56-84—56-109. - Reserved.

ARTICLE V. - VARIANCES

Sec. 56-110. - Variance procedures.

The planning and zoning commission shall perform the functions of the sign board of appeals (the "board"). Refer to article VI of this chapter for more information regarding the sign board of appeals. The following procedure shall be followed when a request for a variance to these sign regulations is sought:

- (1) Requests for variances to sign regulations and allegations of errors in orders, decisions, or determinations by an administrative official in the administration of the sign regulations shall be made in writing by the applicant and heard by the board at a public hearing. An application for such appeal may be obtained from the city. The board shall hear, if possible, the request for a variance or the allegation of error within 30 days after receipt of a completed application and applicable application fees. The application will require written authorization from the property owner before being filed.
- (2) Before the tenth day before the date of the public hearing conducted by the board, written notice of the public hearing shall be sent by its deposit in the United States mail to each owner, as indicated by the most recently approved municipal tax roll of property within 200 feet of the property on which the variance is proposed. The notice shall include a description of the time and place of such hearing, a description of the location of the subject property, and a description of the requested variance. In addition, the notice shall be published in the official newspaper of the city stating the time and place of such hearing, a minimum of ten days prior to the date of the public hearing.
- (3) In order to approve a request for a variance, the board shall determine whether the request meets three of the following four criteria:
 - a. The proposed sign shall not adversely impact the adjacent property (visibility, size and the like);
 - b. The proposed sign shall be of a unique design or configuration;
 - c. The variance is needed due to restricted area, shape, topography, or physical features that are unique to the property or structure on which the proposed sign would be erected;
 - d. The variance will substantially improve the public convenience and welfare and does not violate the intent of this article.
- (4) Should the board deny a request for a variance, the applicant may appeal the request to city council. A vote of three-quarters of the councilmembers present or four votes, whichever is greater, is required to approve the appeal. The city council's decision is final. The appeal to the city council will require renotification of the surrounding property owners and publication in the newspaper in the same manner described in subsection (2) of this section.
- (5) A variance shall not be approved for a sign that is prohibited by this article.

(Ord. No. 2007-48, app. A, § 6-1, 10-9-2007)

Secs. 56-111—56-133. - Reserved.

**CITY OF FARMERSVILLE
ORDINANCE O-2016-0126-002**

AN ORDINANCE OF THE CITY OF FARMERSVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF FARMERSVILLE, TEXAS, AS HERETOFORE AMENDED, THROUGH THE AMENDMENT OF CHAPTER 56, "SIGNS AND ADVERTISING," BY THE AMENDMENT OF SECTION 56-31, ENTITLED "DEFINITIONS; SIGN REGULATIONS AND REQUIREMENTS," BY DELETING THE EXISTING DEFINITION, REGULATIONS AND REQUIREMENTS OF AN "OFF-PREMISES OR OFF-LOCATION SIGN" IN ITS ENTIRETY AND REPLACING SAID DEFINITION, REGULATIONS AND REQUIREMENTS WITH A NEW DEFINITION, REGULATIONS AND REQUIREMENTS FOR AN "OFF-PREMISES OR OFF-LOCATION SIGN"; REPEALING ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR NOTICE AND IMPLEMENTATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City desires to promote growth and business opportunities in Farmersville; and

WHEREAS, the City Council of the City of Farmersville, Texas finds that all prerequisites to the adoption of this Ordinance have been met; and

WHEREAS, the City Council of the City of Farmersville, Texas finds that it is in the best interest of the public health, safety and welfare to amend the Sign Ordinance regarding off-premises or off-location signs;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, THAT:

SECTION 1. INCORPORATION OF FINDINGS

All of the above premises are hereby found to be true and correct legislative and factual determinations of the City of Farmersville and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. AMENDMENT OF CHAPTER 56, "SIGNS AND ADVERTISING," BY THE AMENDMENT OF SECTION 56-31, "DEFINITIONS; SIGN REGULATIONS AND REQUIREMENTS"

From and after the effective date of this Ordinance, Section 56-31, entitled "Definitions; Sign Regulations and Requirements," is hereby amended by deleting the existing definition, regulations and requirements of an "Off-Premises or Off-Location Sign" in its entirety and replacing it with a new definition, regulations and requirements for an "Off-Premises or Off-Location Sign" to read as follows:

"Off-premises or off-location sign means a sign that advertises, promotes, or pertains to a business, person, organization, activity, event, place, service, product, etc., at a location other than where the business, person, organization, activity, event, place, service, product, etc., is located. The property on which the off-premises or off-location sign is located must be (a) at least one acre in area and (b) owned by the same person or entity that owns the lot or tract of land on which the business, person, organization, activity, event, place, service, product, etc., so advertised, promoted, or appertaining to is located."

SECTION 3. CUMULATIVE REPEALER

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 4. SAVINGS

All rights and remedies of the City of Farmersville are expressly saved as to any and all violations of the provisions of any Ordinances which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 5. SEVERABILITY

It is hereby declared to be the intention of the City Council of the City of Farmersville that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by valid judgment or final decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the City Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 6. GOVERNMENTAL IMMUNITY

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Farmersville in the discharge of his/her duties, shall not thereby render himself/herself personally liable; and he/she is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his/her said duties.

SECTION 7. INJUNCTIONS

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Farmersville in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of the City of Farmersville.

SECTION 8. ENGROSSMENT AND ENROLLMENT

The City Secretary of the City of Farmersville is hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date clause in the minutes of the City Council of the City of Farmersville and by filing this Ordinance in the Ordinance records of the City.

SECTION 9. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and publication of the caption as required by law.

PASSED on first reading on the 12th day of January, 2016, and the second reading on the 26th day of January, 2016, at properly scheduled meetings of the City Council of the City of Farmersville, Texas, there being a quorum present, and approved by the Mayor on the date set out below.

APPROVED THIS 26th DAY OF JANUARY, 2016.

APPROVED:

Joseph E. Helmberger, P.E., Mayor

ATTEST:

Paula Jackson, Interim City Secretary

V. Adjournment