

ARTICLE 12.04 SIGNS

Sec. 12.04.001 Purpose

- (a) The city council recognizes that in recent years the citizens of the city have supported the expenditure of money to beautify our river area and other parts of the city. It is in great part the beauty and appearance of this city that attracts visitors and permanent residents. In addition, new businesses and industries are increasingly basing their decisions to locate in a particular area on the quality of life in that area. Regulation of visual clutter can help preserve this quality and promote the steady growth that is vital to the continued economic health and prosperity of this city. Furthermore, it is recognized that traffic safety problems are created by the lack of control of the visual environment.
- (b) The control and regulation of signs, in a manner which recognizes the right and necessity of businesses to advertise and individuals to express ideas in a public forum, is vital to the goals of preserving the city's physical beauty and safety. An aesthetically pleasing environment adds to the city's quality of life, which in turn serves to attract new business and spawn economic development. The reasonable display of signs is a necessary public service and a necessity for the conduct of commerce and industry. The manner in which signs are displayed, and the safety of the general public are directly related to the economic vitality and the aesthetic quality of the surrounding property.
- (c) Signs left unregulated are a problem for the residents of the city in the following manner:
 - (1) Without abatement, abandoned or damaged signs are hazards to the public's safety and well-being.
 - (2) Signs can become a cause of garbage accumulation and an obstruction to light and air to adjoining properties.
 - (3) The proliferation of signs without rhyme or reason creates a situation in which the traveling motorist may be so distracted that dangerous driving conditions are created.
 - (4) Signs may be visually incompatible with their surroundings, both with the natural environment and with adjoining buildings. This is particularly true in residential districts, the River Corridor and the Fort Concho Historic District.
 - (5) Signs located in, or close to, the right-of-way and on corners create view obstructions which contribute to and cause accidents involving automobiles and pedestrians.
 - (6) Signs may detrimentally affect adjoining property values, causing said abutting property to become economically less competitive, lowering tax values and contributing to the decline of neighborhoods.
- (d) Therefore, the objectives of this article are as follows:
 - (1) To assure that each business or individual maintains adequately their right to communicate to the public.
 - (2) To ensure that the size, location and lighting of each sign meets the standards necessary to protect the health, welfare and safety of the public and preserves the values of adjacent properties.
 - (3) To ensure that passing motorists or pedestrians can be adequately informed by signs providing information and directions.
 - (4) To alleviate the proliferation of sign usage which is detrimental to the growth of the city and the safety and welfare of citizens traveling on city streets.
 - (5) To encourage businesses to provide an attractive means of informing, directing and attracting the shopper and prospective client.
 - (6) To protect and enhance the physical appearance of the city.

- (e) In summary, the city council finds that the visual clutter and confusion of unregulated signs contribute to traffic safety problems, is detrimental to the economic and commercial welfare of the community and detracts from the quality of life in the city. Specifically, control of portable and temporary signs and the placement of such signs reduces the visual clutter caused by portable and temporary sign proliferation and the danger of such signs causing view obstructions and distractions while still allowing for their use on a limited basis. Likewise, limits on the placement of billboard signs meets the aesthetic goal of reducing visual clutter and the general welfare goal of reducing traffic distractions, which are particularly acute in the case of billboard signs with their periodically changing content. Further, the provisions of this article establish minimum standards for signs that directly relate to the use of the property, traffic patterns and safety, the intensity of development and the intent of the various zoning districts. These standards are designed to promote the objectives and goals mentioned above and alleviate the problems caused by signs while preserving the ability of businesses and individuals to advertise and communicate in a reasonable manner while maintaining the public health, safety, welfare and quality of life.

Sec. 12.04.002 Definitions

Aggregate area. The sum of the area (in square feet) of all signs for a specific classification of sign.

Air-activated graphic or sign. Signs, devices or streamers (not including flags or pennants) caused to be moved, spun or activated by the movement of air.

Area.

- (1) **Freestanding, projecting and roof signs.** The advertising display surface area encompassed within any regular geometric figure which would enclose all parts of the sign. The structural supports or bracing of a sign shall not be counted as part of the sign face area unless such structure or bracing is made a part of the sign's message by including a symbol, logo or other figure, in which case the smallest rectangle that can encompass the area of said symbol or figure shall be included as part of the total message area calculations. Where a sign has two display faces back to back, the area of only one face shall be considered the sign face area.
- (2) **Wall sign with the background which borders or frames the message.** The sign area shall be the total area including the entire background plus the area of any symbols, figures or logos as described above.
- (3) **Wall sign with no border or frame.** The sign area shall be the area of the smallest rectangle which can encompass all words, letters, figures, emblems and other elements of the sign message.

Arterial street. Any street identified as an arterial street on the city's thoroughfare plan.

Attached sign. Any sign attached to a wall, sloping roof, marquee, fixed awning, fascia or canopy of a building.

Average ground level. The finished ground level at the midpoint of the exterior surface of a sign, or of a structure in the event that the sign is attached to the structure.

Banner. A piece of cloth, paper, plastic or other non-rigid material upon which a message is painted, printed or affixed.

Balloon. An inflatable bag (of rubber, plastic, mylar or other similar material) usually used as a toy or for decoration.

Billboard. Any freestanding sign that exceeds 250 square feet in area.

Curb line. The edge of the traveled portion of a street or roadway where the improved road surface meets the adjacent unimproved surface, sidewalk or other non-vehicular pathway.

Eave line. The projecting lower edge of a roof overhanging the wall of a building.

Electronic message sign. A sign whose informational content can be changed or altered on a fixed display screen composed of electrically illuminated segments, including LED (light emitting diode) signs, television screens, plasma screens, video boards, or other digital signs.

Erect. To build, construct, alter, reconstruct, pour, lay, move upon, attach, hang, place, suspend or affix and also includes the painting of wall signs or any physical operation on the premises that is required for the construction of a sign, including excavation, site clearance, fill and the like.

Flashing sign. Any directly or indirectly illuminated sign which exhibits changing natural or artificial light or color effects by any means.

Freestanding sign. Any permanent sign not affixed to a building except as provided in the definition of a standard roof sign.

- (1) **Back-to-back sign.** A structure with two parallel directly opposite signs with their faces oriented in opposite directions located not more than 15 feet apart. A back-to-back sign shall constitute one freestanding sign.
- (2) **Double-faced sign.** Any two adjacent signs on a single structure or separate structures with both faces oriented in the same direction and not more than ten feet apart at the nearest point between the two faces. A double-faced sign may be referred to as a side-by-side or stacked sign. A double-faced sign shall constitute one freestanding sign.
- (3) **V-type sign.** Two or three signs in the shape of the letter "V" or triangle when viewed from above with their faces oriented in different directions located not more than 15 feet apart at the closest points. All faces of a V-type sign shall be considered to constitute a single freestanding sign.

Grade level. The average horizontal level of a street, road, or highway surface.

Height. The height of a sign shall be the vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and the highest adjacent grade. Highest adjacent grade means the highest natural elevation of the ground surface prior to construction immediately adjacent to the structural support of the sign.

Inflatable sign. A gas- or air-inflated figure, shape, or sign larger than 20 inches in diameter at its widest point.

Lot. A developed or undeveloped tract or parcel of land legally transferable as a single unit of land.

Lot frontage. The area fronting upon a street or road of a development at the time of application for a sign permit.

Major collector street. Any street identified as a major collector on the city's thoroughfare plan.

Multifamily residence sign. A sign placed upon a lot tract or parcel of land within a RM-1 (Low Rise Multifamily Residence) or RM-2 (High-Rise Multifamily Residence) zoning district.

Nonconforming sign. A sign, legally existing on the effective date of this article, which could not be built under the terms of this article or under the terms of the city's zoning ordinance.

Nonresidential use. Use of property in a district zoned for residential use but used lawfully for a nonresidential purpose.

Pennants. A series of small pieces of cloth, paper, plastic, metallic or other non-rigid material which are strung together on a narrow ribbon-like piece of cloth, plastic, rope or other rigid or non-rigid material. Said pieces of cloth, paper, plastic, metallic or other non-rigid material shall not measure more than 18 inches in length from the point of the piece's attachment to the ribbon-like material, to the piece's end.

Portable sign. A sign which is not designed or manufactured to be permanently anchored or affixed to the ground, building or other structure, but rather is designed or primarily used as a sign which is movable from place

to place and which includes but is not limited to signs affixed to a trailer or other portable structure and "A" frame or sandwich signs. This includes signs which have had wheels removed or have been modified in such a way as to be anchored to the ground unless such modifications clearly are intended to be permanent in nature and would prohibit the sign from being removed and reinstalled at another location.

Projecting sign. A sign affixed to any building wall, roof, marquee or other structural element which extends beyond the building wall, roof, marquee or other structural element more than 18 inches.

Property line. A line marking the boundary between two properties or between the property adjacent to a street or roadway and the right-of-way dedicated to the public for its current or future use as a street or road.

Public event banner. A banner hung across a street or public right-of-way advertising a civic event of interest to the general public.

Replacement value. The cost to replace an existing sign at the current retail price.

Ridge line. The intersection of two roof surfaces forming the highest horizontal line of the roof.

Roof sign. A sign attached to a roof extending more than three feet above the ridge line.

Setback. The distance from the leading edge of the sign to the curb line or property line, whichever is applicable under the terms of this article.

Sign. Any object, device, display, plaque, poster, painting, drawing or structure, or part thereof, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, message, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

Street edge. The edge of the traveled portion of a street, highway or roadway where the improved road surface meets the adjacent unimproved surface, sidewalk or other non-vehicular pathway. The verge of a street or road where a curb might usually be installed. See "Curb line" above.

Temporary sign. A sign that is not permanently affixed to a building, structure or the ground.

Wall and sloping roof signs. A sign affixed to the wall, roof, marquee or other structural element of any building, which does not project more than 18 inches from the wall, roof, marquee or other structural element, or extend more than three feet above the wall to which it is attached.

Sec. 12.04.003 Penalties and enforcement

- (a) Any person, firm or corporation violating any of the terms and provisions of this article shall be subject to a fine in accordance with the general penalty provision found in section 1.01.009 of this code. Each day such violation shall be continued, or shall be allowed to continue to exist, shall constitute a separate offense.
- (b) The owner or owners of any property or part thereof where a sign in violation of this article shall be constructed, placed or shall exist, and any architect, builder, contractor, agent, person, firm or corporation employed in connection therewith and who has knowledge of the commission of such violations, shall be guilty of a separate offense, and upon conviction thereof shall be fined as provided in this section.
- (c) In the event that a sign owner or owner of property upon which a sign is placed fails to comply with any provision of this article, any building inspector, code enforcement officer or peace officer may issue a citation to the violator.

Sec. 12.04.004 General provisions

- (a) *Building permit required.* A building permit shall be obtained prior to erection, repair, alteration or relocation of any sign except for routine maintenance or repair and/or replacement of sign faces. Acceptance of the permit by the applicant shall require compliance by the applicant with all requirements of the city's

construction codes. This section shall apply to all signs except those specifically exempted by subsection (c) of this section.

- (b) *Signs requiring electrical permit or incorporating electrical lighting or wiring.* No sign requiring an electrical permit or incorporating any electrical lighting or wiring shall be erected, repaired or improved upon by anyone not licensed and bonded for such work in the city.
- (c) *Exceptions to permit requirements.* those signs described below are allowed in any zoning district, unless otherwise specifically prohibited elsewhere in this article and do not require a permit. The signs listed below in compliance with this article are not to be included in determining the allowable number, type or area of signs as described elsewhere in this article. Nothing in this section shall exempt an individual from obtaining an electrical permit if required by the electrical code.
 - (1) *Flags.* Up to three flag poles with official flags of government jurisdictions, including but not limited to flags indicating weather conditions, and flags displaying colors or designs associated with a business, organization, school, sports teams, or similar non-commercial flags, are allowed. Other flags, or flags beyond this limit, shall be considered signs subject to freestanding sign requirements. (2) *Prohibition signs.* "No Trespassing," "No Parking" and other similar warning signs.
 - (3) *Miscellaneous information signs.* Miscellaneous permanent information signs for commercial use indicating address, hours and days of operation, whether a business is open or closed, credit card information and emergency address and telephone numbers. No such sign shall exceed four square feet in size.
 - (4) *Official signs.* Official federal, state or local governmental traffic, directional and informational signs and notices issued by any court, person or officer in performance of a public duty.
 - (5) *Safety and directional signs.* Parking lot and other private traffic directional signs and signs indicating the use of the parking lot (i.e., private, public or for lease), each not exceeding eight square feet in area. Such signs are to be limited to guidance of pedestrian or vehicular traffic within the premises on which they are located and that are not intended to advertise a product or service, other than the business name or logo, which may not encompass more than one-half the sign area.
 - (6) *Collection boxes.* Collection boxes no larger than 25 square feet or taller than three feet in height located on private property in any commercial or manufacturing zoning district.
 - (7) *Home occupation signs.* One non-illuminated sign erected to advertise legal home occupations as defined elsewhere in the city code. Such sign shall not exceed two square feet in size.
 - (8) *Residential identification signs.* Signs indicating the name or address of the occupants of the residence, not to exceed two square feet in area or greater than six feet in height.
 - (9) *Internal signs.* Signs not intended to be viewed from public streets or adjacent properties such as signs in interior areas of shopping centers or other commercial buildings, ball parks, stadiums and similar uses. 10) *Holiday decorations.* Decorations related to a holiday or celebration that are not used for advertising purposes.
 - 11) *Official Notices.* Official notices authorized by a court, public body, governmental agency, or public safety official.
- (d) *Uses allowed by special permit.* Signs for activities allowed by special permit shall meet the requirements of the zoning district in which the activity is located unless the sign is specifically allowed by the special permit approved by the city council. Special permits shall not be granted for the sole purpose of increasing the allowable signage for an activity or parcel of land.
- (e) *Violations.* No sign shall be erected, constructed or maintained except as provided in this article.

Sec. 12.04.005 Sign Regulations

- (a) *Residential districts.* Freestanding and attached signs as defined within this article are prohibited within districts zoned for residential use except where specifically authorized elsewhere in this article.
- (1) *Multifamily residence district regulations.* Any use authorized in RM-1 (Low Rise Multifamily Residence) and RM-2 (High Rise Multifamily Residence) zoning districts shall be allowed signage according to the following regulations, except where specifically prohibited elsewhere in the code:
- (A) *Area.* A multifamily residence sign shall be no larger than one-half square foot of sign area for one linear foot of lot frontage, not to exceed a maximum of 64 square feet.
 - (B) *Height.* A multifamily residence sign shall be no taller than one foot of height for each foot of setback from the property line, not to exceed eight feet in height. Five feet of height is allowed at the property line, provided a ten foot minimum setback is maintained from the curb line.
 - (C) *Number.* No more than one multifamily residence sign per street frontage is allowed.
 - (D) *Setback.* A multifamily residence sign must be set back ten feet from the curb line or zero feet from the property line, whichever is greater. Additionally, one foot of additional setback is required for each additional foot of height in excess of five feet.
- (2) *Nonresidential uses allowed within residential zoning districts.* Nonresidential uses allowed within a residential district shall be allowed signage according to the following regulations:
- (A) *Area.* A nonresidential use sign shall be no larger than one-half square foot of sign area for one linear foot of lot frontage, not to exceed a maximum of 64 square feet.
 - (B) *Height.* A nonresidential use sign shall be no taller than one foot of height for each foot of setback from the property line, not to exceed eight feet in height. Five feet of height is allowed at the property line, provided a ten-foot minimum setback is maintained from the curb line.
 - (C) *Number.* No more than one nonresidential use sign one per street frontage is allowed.
 - (D) *Setback.* A nonresidential use sign must be set back ten feet from the curb line or street edge or zero feet from the property line, whichever is greater. Additionally, one foot of additional setback is required for each additional foot of height in excess of five feet.
- (3) *Subdivision development signs.* A subdivision development sign is a sign identifying a residential development or subdivision and is designed to be permanent. The ongoing future maintenance of the sign shall be provided for prior to issuance of a permit or placement of the sign.
- (A) *Area.* A subdivision development sign shall be no larger than 48 square feet.
 - (B) *Height.* A subdivision development sign shall be no taller than six feet in height.
 - (C) *Number.* No more than two subdivision development signs per development are authorized.
 - (D) *Setback.* A subdivision development sign may not be placed closer than 15 feet from any curb line or zero feet for the property line, whichever is greater.
- (4) *Noncommercial signs visible from a public right-of-way.* Noncommercial signs, such as, but not limited to, real estate signs, garage sale signs, celebratory signs, political signs, construction signs, and holiday signs, may be placed on a residential lot subject to the following limitations:
- (A) *Number.* No more than two such signs per lot.
 - (B) *Area.* Each sign may be no larger than 9 square feet in area.
 - (C) *Height.* Such signs may not exceed four feet in height.
- (b) *Commercial districts.* Freestanding and attached signs shall be allowed as a matter of right in all commercial and manufacturing zoning districts, except as regulated elsewhere in this Article or the Code of Ordinances.

- (1) *Freestanding signs.* Freestanding signs include pole signs, billboards, banners, and monument signs which shall be governed by the following regulations:

(A) *Area.*

(1) The aggregate area of all freestanding signs shall not exceed an amount equal to one and one-half square feet for each one linear foot of land on the lot's frontage abutting the primary street, except that a minimum 48 square feet of sign area is allowed regardless of lot frontage. Except as provided in 12.04.005(b)(1)(A)(2), in no case shall the sign area of any one freestanding sign exceed 250 square feet. These signs are classified as pole signs, banner signs, and monument signs. Only one street frontage shall be considered the primary street frontage on a lot.

(2) Except as prohibited elsewhere in this Article or the City's Code of Ordinances, signs in excess of 250 square feet shall be classified as a billboard and allowed as a matter of right in the following zoning districts:

(a) CH, OW, ML, and MH; and

(b) in CG and CG/CH districts in a designated area adjacent to the following thoroughfares:

- i. North Bryant Boulevard (U.S. Highway 87) from West 14th Street north to the city limits
- ii. North Chadbourne Street from 37th Street north to the city limits.
- iii. Pulliam Street from North Bell Street east to the city limits.
- iv. South Chadbourne Street from Avenue N south to the city limits.
- v. Loop 306 from Sherwood Way east to the city limits.
- vi. South Bryant Boulevard (U.S. Highway 87) from San Jacinto Street south to the city limits.
- vii. Sherwood Way from Clare Drive southwest to the city limits.
- viii. Arden Road from Sherwood Way west to the city limits.

- (3) Billboards are prohibited in the following areas:

- i. Cultural District Overlay Zone
- ii. Downtown District
- iii. Historic District and Overlays
- iv. River Corridor District
- v. Fort Concho Historic District and Sign Area
- vi. Historic Old Town District

- (A) Billboard signs may be of the only classified as freestanding signs. Freestanding billboard signs shall not exceed thirty-five (35) feet in height and all billboard sign structures shall observe the same yards and setbacks required for buildings or other structures in the district on which they are located.

- (i) No billboard sign shall be located nearer than one hundred twenty-five (125) feet to any residential district boundary line.
- (ii) Electronic message billboard signs may be of the freestanding type. Freestanding electronic billboard signs shall not exceed thirty-five (35) feet in height, All signs must be placed in compliance with state and federal regulations, even if more

restrictive than the foregoing regulations.

- (iii) Electronic message billboards shall observe the same yards and setbacks required for buildings or other structures in the district on which they are located.
- (iv) No electronic message billboard sign shall be located nearer than three hundred (300') feet to any residential district boundary line.
- (v) No electronic message billboard sign shall be located nearer than two hundred (200') feet to any public right of way intersection of local, major collectors or arterials.
- (vi) Electronic message billboard signs shall not consist of more than one (1) panel per side and each sign installation shall be separated from any other billboard sign installation by the following minimum distances:

All electronic message billboards shall not be located closer than 700' to any other electronic billboard and 500' to any traditional billboard.

A legal nonconforming billboard may be modified to an electronic message billboard. However the following additional conditions must be met:

- a. Removal of another existing legal nonconforming billboard.
- b. Electronic message billboard shall not be operated between the hours of 10:00 p.m. to 6:00 a.m. if it is within 300' of a residential district boundary line. Hours of operation to be continuous to accommodate emergency situations.
- (vii) An electronic message billboard shall display static messages only that should maintain a hold time of at least eight (8) seconds and each message change must be accomplished within two (2) seconds or less and must occur simultaneously on the entire sign face.
- (viii) The sign shall not be configured to resemble or simulate a warning or danger signal or any official lights or signs used to control traffic. The sign shall not display light of such intensity to cause glare on adjacent property, impair vision, or otherwise result in a nuisance to the public. The sign shall come equipped with automatic dimming technology which automatically adjusts the sign's brightness based on surrounding light conditions.
- (ix) The electronic message billboard sign must contain a default mechanism that will freeze the sign in one position if a malfunction occurs.
- (x) Upon notification from proper law enforcement agencies, public safety or emergency management authorities, the sign operators shall display emergency information, public service announcements and other safety alerts.

(c) Area. In the ML and MH zoning districts, signs shall not exceed 750 square feet of copy area per face. In the CH, OW, CG and CG/CH zoning districts, signs shall not exceed 300

square feet of copy area per face. Sign extensions of not more than ten percent of the total sign area shall be permitted in addition to the maximum area permitted above.

(B) *Number.*

- (1) The maximum number of freestanding signs allowed shall be determined by the linear feet of land on the lot's frontage abutting the primary street, as follows:

Lot Frontage	Number of Signs Permitted
0 - 199.99'	One
200' - 349.99'	Two
350' - 499.99'	Three
500' - 699.99'	Four
700'+	Five

The maximum number of freestanding signs allowed on a lot shall be five. Only one street frontage shall be considered the primary street frontage on a lot.

- (2) All lots located at the intersection of two streets shall be allowed a minimum of one freestanding sign on each of both such street frontages. The message portion for only one sign on a lot located at the intersection of two streets may be placed at a 45 degree angle perpendicular to the street corner such that the sign is legible from each intersecting street.
- (C) *Setback.* Each sign shall be set back from the front property line, and any other property line which is adjacent to a major collector or arterial street, ten feet from the curb line or street edge or zero feet from the property line, whichever is greater. A maximum height of 20 feet shall be authorized at the property line. One foot of additional setback is required for each two feet of height. A five-foot minimum setback from the side property line shall be required. Where the side property line borders a residential lot, a 30-foot setback shall be required from said property line for a 75 square foot or less size sign. A 100-foot setback shall be required from said property line for a sign greater than 75 square feet where the property line borders a residential lot.
- (D) *Height.* Maximum sign height for each street classification shall be as follows:
- (1) Local and Collector Streets: 25 feet.
- (2) Arterial Streets: 40 feet.
- (3) Freeways and designated US Highways: 50 feet.
- (E) *Ground clearance.* The sign shall maintain a clearance from the ground of nine feet, unless the sign is a ground sign with the base of the sign within three feet of the average grade.
- (F) *Shared signs.* Contiguous lots may be treated as one development site for the purpose of calculating the number and area of allowed signage for the purpose of shared signage.
- (2) *Attached signs.* Attached signs shall be allowed on any building, wall or canopy within any commercial or industrial zoning districts and shall be governed by the following regulations:
- (A) *Area.* Total aggregate area of canopy, fixed awning, fascia, projecting or sloping roof signs attached to a structure shall not exceed 25 percent of the area of the wall on which the sign is attached.

- (B) *Setback.* No setback shall be required for any sign in the CBD zoning district. Projection over the public right-of-way shall be permitted in the CBD zoning district, provided the leading edge of any sign shall maintain a distance of at least 18 inches from the curb line or street edge. Any sign which projects into the public right-of-way shall maintain a minimum height of nine feet from the grade level to the bottom of the sign.
- (C) *Height.*
 - (1) No sloping roof sign shall project horizontally beyond the perimeters of the roof or vertically more than three feet above the roof ridgeline.
 - (2) No fascia sign shall extend more than three feet above the top of the wall to which the sign is attached.
 - (3) No projecting sign shall extend vertically or horizontally beyond the perimeter of the wall on which it is attached.
 - (4) Any projecting sign larger than 16 square feet that extends into the public right-of-way shall be subject to approval of city council on consideration of the purposes of this article, after notice and public hearing.
- (3) *Roof signs.* For purposes of this article, standard roof signs, excluding those on sloping roofs, shall be considered as freestanding signs, and as such shall conform to all of the requirements for freestanding signs contained within this article.

Sec. 12.04.006 Electronic Message Signs

The following requirements shall be applicable to all electronic message signs:

- (1) *Operational limitations for all signs.* All electronic message signs shall not have flashing, animation, or full motion video.
- (2) *Operational limitations for electronic message signs over 75 square feet in area.*
 - (A) Such signs shall contain static messages only with no scrolling messages or other appearance of motion, except for changeable messages as described below.
 - (B) Minimum display time. Each static message must be displayed for a minimum of eight seconds.
 - (C) Transition. The transition from one message to another must occur within two seconds and may not include flashing or the appearance of motion, with the exception of a fade out or in, dissolve, scroll, or similar transition that must be accomplished within the transition period.
- (3) *Brightness.*
 - (A) All such signs shall be equipped with light sensing devices or a scheduled dimming timer that will automatically dim the intensity of the light emitted by the sign during ambient low-light conditions and at night so that the sign does not exceed the maximum brightness levels allowed in this section.
 - (B) Maximum brightness shall not exceed 7,000 nits when measured from the sign's face at its maximum brightness during daylight hours and shall not exceed 1,000 nits when measured from the sign's face at its maximum brightness at night.
 - (C) If such sign is located within 100 feet of a property with residential zoning, the sign must be oriented such that no portion of the electronic sign face is visible from a residentially-zoned property or the brightness is reduced to no more than 250 nits at night.

- (D) Prior to the issuance of a permit for such sign, the applicant shall provide written certification from the sign manufacturer that the light intensity has been pre-set not to exceed the levels specified above.
- (E) The City may order a sign's brightness reduced, its minimum display time increased, or other operational characteristics altered if the Director of Public Works, or designee, finds that it interferes with or poses a traffic safety hazard.

Sec. 12.04.007 Portable signs

The following regulations shall be applicable to all portable signs as defined herein:

- (1) *General requirements.* A portable sign will be allowed as an additional freestanding sign provided it conforms to the following regulations:
 - (A) One portable sign shall be permitted per business or organization location.
 - (B) Portable signs shall not exceed 35 square feet in area.
 - (C) Portable signs shall be secured to the ground at a minimum of four separate points.
 - (D) All portable signs shall have permanently affixed thereto the names of the owner(s) of such signs.
 - (E) Illuminated portable signs shall meet all requirements of the city electrical code.
 - (F) Any flashing light or other device that gives the appearance of a flashing light shall be prohibited, except for electronic message signs meeting all applicable requirements:
 - (G) Use of a portable sign shall be limited to no more than 60 days aggregate per calendar year. A separate permit for each period of use must be obtained from the permits and inspections division prior to display of a portable sign. In no event shall a permit authorizing display for more than 30 consecutive days be issued.
 - (H) Portable signs must have affixed in a location readily visible from the public right-of-way a decal issued by the city permits and inspections division indicating the expiration date of the current permit period.
- (2) *Setback requirement.*
 - (A) No portable sign may be placed within the designated right-of-way or within ten feet of the curb line or street edge, whichever is farther from the roadway.
 - (B) A portable sign may not be used on a lot, tract or parcel of land if the above setback requirement cannot be met.
 - (C) A portable sign may not obstruct a fire lane, required parking space, or vehicle maneuvering area.

Sec. 12.04.008 Temporary signs

- (a) *Temporary signs are only permitted for the following types of signs:*
 - (1) *Construction/financing signs.* A sign announcing the character of a building enterprise or the purpose for which a building under construction or undergoing structural alteration or repair is intended, including but not limited to the names of architects, engineers, contractors, developers and financiers. One such sign per street frontage of a building under construction or undergoing structural alteration or repair is authorized, provided the area of such sign shall not exceed eight square feet in residential districts or 32 square feet in all other districts. These signs shall be removed within 14 days of the issuance of a certificate of occupancy or the closing of the sale of the property, whichever is later.

- (2) *Subdivision construction signs.* A subdivision construction sign is a temporary sign identifying a residential development or subdivision during the development of the subdivision. Such sign must be removed when 85 percent of the lots or dwellings are sold. A subdivision construction sign shall be no larger than 150 square feet. A subdivision construction sign shall be no taller than 12 feet in height. No more than two subdivision development signs per development are authorized per development. A subdivision construction sign may not be placed closer than 15 feet from any curb line or street edge or zero feet from the property line, whichever is greater.
- (4) *Hazard signs.* A sign warning of construction, excavation, or similar hazard. A hazard sign is authorized only so long as the hazard exists.
- (6) *Banners.* Banners are allowed only in commercial and manufacturing districts, may be no larger than 30 square feet or 10 percent of the area of the wall to which the banner is attached, and must be attached to a building, fence or other structure permanently affixed, installed or built upon the property. The area of a banner shall count against any sign area limitation for the property, such as the building sign area for banners attached to a building or the freestanding sign area for banners attached to a fence or other structure. Allowed for 30 days or less and only three times per year.
- (10) *Temporary window signs.* Signs painted on a window or displayed in a window advertising a temporary sales event or promotion.
- (b) Unless specifically stated above, temporary signs are allowed with time limit of 60 days and must comply with the setback requirements for freestanding signs.

Sec. 12.04.009 Use of public right-of-way prohibited

No sign in any zoning district shall project into the public right-of-way in any street or alley with the following exceptions:

- (1) In the CBD zoning district, signs may extend outward from a building face into the public right-of-way, up to a distance no less than 18 inches from the street edge or curb line, and may overhang a sidewalk or public right-of-way at a height of no less than nine feet from the grade level to the bottom edge of the sign.
- (2) A public event banner may be hung in the right-of-way at locations designated by the city and with prior approval of the director of public works or his designee. Said banners shall only be hung in the manner and for the time period authorized by the director or his designee. The refusal of a request to hang a public event banner may be appealed to the city council if a written request for the appeal is received by the public works department no later than ten days from the refusal of the request. An appeal shall not be granted if the sole reason for refusal of the appellant's request is that another request was received prior to that of the appellant.

Sec. 12.04.010 View obstructions prohibited

- (a) *Generally.* No sign shall be located so as to obstruct the vision or sight distance of motor vehicle operators or pedestrians at any street intersection, crossing, ingress or egress or other point of traffic concentrations. Signs may not be installed so as to cause distraction or hindrance to motor vehicle operators at any street intersection, crossing, ingress or egress point.
- (b) *Intersection sight triangle.* Signs located on a corner lot and situated within 30 feet of the intersection of two street edges or curb lines shall maintain a clear space between three feet and nine feet above the grade level. Poles located within this area shall not exceed a diameter of eight inches.

Sec. 12.04.011 Illumination

- (a) *Sources.* Light sources shall not be of such brightness as to constitute a hazard to pedestrians or motor vehicle operators and shall be shielded so as not to be objectionable to adjacent and surrounding properties. All lighting, except as otherwise specified, shall be internal to the sign or of indirect illumination.
- (b) *Uniformity.* Except as permitted in this article for fluctuating time, temperature and/or electronic message signs, all lighting shall consist of constant illumination which is uniform in intensity.
- (c) *Electrical illumination.* All wiring materials used in the construction and operation of electrically illuminated signs shall be installed and maintained in accordance with the electrical code of the city.
- (d) *Flashing illumination.* Except as permitted in this article for fluctuating time, temperature and/or electronic message signs, flashing illumination is prohibited, including any illumination which involves movement or causes the illusion of movement resulting from the arrangement and timing of lighting.
- (e) *Elevated feature illumination.* Where lights are used for the purpose of illuminating or accenting building walls, signs, flags, architectural features, or landscaping, the light source is to be shielded so as not to be directly visible from off-site.

Sec. 12.04.012 Nonconforming uses

- (a) *Nonconforming signs.* Nonconforming signs are those which do not meet the intent and specifications of this article. Any permanently installed sign which existed at the time of adoption of this article that was legally erected prior to enactment of this article but fails to conform to the provisions specified herein shall be regarded as a nonconforming sign, which may remain in place so long as it is not abandoned, is kept in good repair, and is maintained in safe condition.
- (b) *Loss of legal nonconforming status.* A nonconforming sign shall immediately lose its nonconforming designation and must be brought into compliance with these regulations, or be removed, if:
 - (1) The sign is completely replaced; however, repair of the face or replacement of the faces to accommodate a new business does not constitute complete replacement;
 - (2) The sign is relocated;
 - (3) The sign is part of an establishment that discontinues its operation for a period of 365 consecutive days;
 - (4) The sign is structurally altered or enlarged; or
 - (5) The sign is damaged to an extent of greater than 60 percent of the estimated replacement value. A nonconforming sign which is damaged may be repaired so long as the cost of repair, including replacement parts (face, frame, etc.) and their installation, does not exceed 60 percent of the cost to replace the complete original sign structure, including supporting poles.

Sec. 12.04.013 Variance procedure

- (a) *Purpose.* In order to lessen practical difficulties and prevent unnecessary hardships, variance from the regulations may be granted. A practical difficulty of unnecessary hardship may result from:
 - (1) The size, shape or dimensions of a structure;
 - (2) The location of the structure;
 - (3) Topographic or physical conditions on the site or in the immediate vicinity; or
 - (4) Other physical limitations, such as street locations or traffic conditions in the immediate vicinity.

Cost or inconvenience to the applicant of strict or literal compliance with a regulation shall not be a reason for granting a variance. A variance may only be granted with respect to dimensional standards, such as height, area, and number of signs, or the location of a sign on a site..

- (b) *Application.* Application for a variance shall be made upon a form provided by the city and shall include the application for a sign permit. The applicant shall state on the application why compliance with the provisions of this article is not possible. The applicant shall pay the sign permit fee as a nonrefundable application fee upon submittal of the application to cover the cost of staff time and other expenses incidental to the review of the application.
- (c) *Action on application.* The planning commission shall act on the application. The planning commission may approve the application as submitted, approve the application for a variance subject to such modifications or conditions as it deems necessary to accomplish the purpose of this article or deny the application for the variance.
- (d) *Criteria for approval.* Before the planning commission acts on the variance application, the applicant must show a hardship exists, and the planning commission shall determine that all of the following are present:
 - (1) There are special circumstances or conditions applying to the land, buildings, topography, vegetation, sign structures or other matters on adjacent lots or within the adjacent right-of-way, which would substantially restrict the effectiveness of the sign in question; provided, however, that such special circumstances or conditions are unique to the particular business or enterprise to which the applicant desires to draw attention and do not apply generally to all businesses or enterprises;
 - (2) Such special circumstances were not created by the applicant;
 - (3) The granting of the variance will be in general harmony with the purpose of this article and will not be materially detrimental to adjacent property, to the adjacent neighborhood, to the persons residing or working in the vicinity or to the public welfare in general;
 - (4) The variance applied for represents the minimum variance necessary in order to afford relief from the hardship;
 - (5) The variance applied for does not depart from the provisions of this article any more than is required to identify the applicant's business or use.
- (e) *Effect of variance.*
 - (1) Issuance of a variance shall authorize only the particular variation which is approved in the variance.
 - (2) Unless otherwise specified in the variance, an application to commence construction of improvements that were the subject of the variance request must be applied for and approved within 12 months of the date of the approval of the variance; otherwise, the variance shall automatically become null and void. Permitted time frames do not change with successive owners. Upon written request, only one extension of the 12-month period may be granted by the planning director if it is determined that conditions of the site and immediately surrounding area are substantially unchanged.
- (f) *Appeal.* An applicant for a sign variance, or the Planning Director, dissatisfied with the action of the planning commission relating to the issuance or denial of a variance shall have the right to appeal to the city council within 30 days after receipt of notification of such action. The city council shall give notice, follow publication procedure, hold hearings, and make its decision in the manner and accordance to the same procedures as provided in chapter 12, exhibit A, article 2, section 214.

Sec. 12.04.014 Sign maintenance and removal

- (a) *Sign maintenance.* Every sign shall be maintained in a safe, presentable and structurally sound condition at all times, including the replacement of defective parts, painting, repainting, cleaning and other acts required for maintenance. The owner of any property on which a sign is located and those responsible for maintenance of the sign shall be equally responsible for the condition of the sign and for the conditions of

the area in the vicinity of the sign and shall be required to keep this area clean, sanitary and free from noxious or offensive substances, rubbish, and flammable waste materials. The building official shall be the official responsible for compliance with this article, and if the sign does not comply with adequate safety standards the building official may require the removal of the sign in accordance with this article.

- (b) *Abandoned signs.* Except as otherwise provided in this article, any sign that is located on property that becomes vacant shall be deemed to have been abandoned. An abandoned sign is prohibited and shall be removed by the owner of the sign or owner of the premises.
- (c) *Dangerous or defective signs.* No person shall maintain or permit to be maintained on any premises owned or controlled by the person any sign in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the sign or the owner of the premises.
- (d) *Removal of signs.* All abandoned signs and their supports shall be removed within 90 days from the date of abandonment or shall be covered, painted over or otherwise altered so as to no longer display or advertise any good or service. All dangerous or defective signs shall be removed within 30 days of receipt of notice from the code enforcement department, except that any sign posing an imminent threat to life, health or safety may be summarily removed or demolished. The city council shall have the authority to grant a time extension not exceeding an additional 30 days for removal. Should the responsible party or parties, after due notice (if such responsible party can be located after diligent search), fail to remove an abandoned, dangerous or defective sign, the city council shall conduct a hearing to determine if the sign is abandoned, defective or dangerous. Upon a finding by the city council that a sign is dangerous, defective or abandoned, the council may order the abatement of the nuisance sign. Such abatement may include demolition or removal of the sign and its supports. The city shall recover the costs of all such work from the property owner or the owner of the sign. Any sign so removed shall be stored or impounded and shall not be returned to the owner until all applicable charges are paid. If any sign remains unclaimed for a period of 30 days after its removal, the city may destroy, sell or otherwise dispose of the sign.

Sec. 12.04.015 Permit fees

Fees for the permits required by this article shall be set by the city council.

Sec. 12.04.016 Prohibited sign locations and types

- (a) *Prohibitions.* Unless specifically exempted elsewhere in this article, the following locations and types of signs are prohibited:
 - (1) *Prohibited locations.*
 - (A) Signs attached to or supported by any utility pole, parking meter, traffic sign post, traffic signal or any other official traffic-control device without the express permission of the city council are prohibited.
 - (B) Signs located in such a manner as to hinder or prevent free ingress or egress from any door, window, or fire escape are prohibited.
 - (C) Signs attached in any form, shape or manner which will interfere with any opening required for ventilation are prohibited.
 - (D) Signs erected, maintained, or painted upon a tree, rock or other natural feature are prohibited, excluding official dedicatory and commemorative plaques.
 - (E) Signs placed upon public rights-of-way, except as allowed elsewhere in this chapter, without the express permission of the city council are prohibited.
 - (2) *Prohibited types.*

- (A) *Air-activated graphics or signs.* Streamers, spinning devices or other similar moving or oscillating air-activated graphics or signs are prohibited.
- (B) *Banners and pennants.* Banners and pennants are prohibited in districts zoned for residential use.
- (C) *Animated or oscillating signs.* Animated or oscillating signs are prohibited, except for any such oscillating signs which rotate six or fewer revolutions per minute. Signs which include any flashing light or other device that gives the appearance of a flashing light are prohibited, except fluctuating time/temperature signs and electronic message signs meeting all applicable requirements.
- (D) *Vehicles or trailers displaying advertising.* Vehicles or trailers parked on a business premises or lot displaying advertising must comply with all other restrictions within this article for freestanding signs. If the vehicle or trailer is operable and properly registered and inspected, the advertising displayed will not be included in the calculation of the total sign area authorized by the property.
- (E) *Caution and warning signs.* Signs which resemble an official traffic sign or signal or which bear the words "Caution," "Danger," "Warning" or similar words are prohibited, unless they refer to actual physical hazards.
- (F) *Traffic-control sign, signal or device.* Signs which, by reason of their size, location, movement, content, coloring or manner of illumination, may be confused with or construed as a traffic-control sign, signal or device, or the light of an emergency or road equipment vehicle, or which hide from view any traffic or street sign, signal or other traffic-control device, or signs which make use of words, symbols or characters in such a manner to interfere with, mislead, or confuse pedestrian or vehicular traffic, are prohibited.
- (G) *Inflatable sign, balloon, graphic or figure.* Signs, graphics or figures with a diameter greater than 20 inches inflated with air or any other gas, whether lighter than air or not, are prohibited.
- (b) *Enforcement and removal.* Any sign supported by, or attached to, a utility pole, parking meter, traffic sign post, traffic signal or any other official traffic-control device, which has not received the permission of the city council to be so attached, may be immediately removed by the city or its agent. Any temporary or portable sign placed or maintained in violation of this article may be removed without prior notice by the city or its agent. After the expiration of 72 hours from the delivery of notice to a party responsible for the display of the sign, the city may destroy, sell or make any other use desired of a sign so removed and impounded.
- (c) *Responsible parties.* Parties responsible for signs shall be identified as follows:
 - (1) A sign shall have printed upon it, in a legible manner, the name and address of the party responsible for the placement, maintenance and removal of the sign; or
 - (2) A sign shall clearly indicate through its advertising medium the party responsible for the placement, maintenance and removal of the sign.

All signs which do not comply with either subsection (1) or (2) above shall become the responsibility of the property owner upon whose property the sign is placed. Said responsibility shall include that of repair, maintenance or removal, as may be necessary.

Sec. 12.04.017. River Corridor District, Downtown District, Cultural District Overlays, Historic Overlay Sites and Districts

In addition to all other regulations within this article, the following regulations shall also apply within the area designated as the River Corridor District, Downtown District and Cultural District Overlays:

- (1) No freestanding sign shall exceed thirty (30) feet in height or seventy-five (75) square feet in area, or the regulations set forth for freestanding signs, section 12.04.005(b)(1), whichever is less.
- (2) Billboard signs are prohibited and in no case shall a variance allow such a sign.
- (4) Electronic message signs are restricted to 3'X5' or less and must be approved by the Design and Historic Review Commission
- (3) All signs, banners, pendants or other advertising in the River Corridor District, Downtown District, and Cultural District Overlays Historic District and Overlays zoned areas shall be reviewed by the Design and Historic Review Commission, or by the Planning Director where authorized, which may recommend placing specific conditions on the sign size, location, height, illumination, etc., more restrictive than provided in this article based on the individual site and location characteristics. The applicant may appeal any action of the Design and Historic Review Commission to the City Council, which shall have final authority.

Sec. 12.04.018 Fort Concho Historic District

The following regulations shall apply within the area designated as the Fort Concho Historic Landmark District and within 150 feet of this district:

- (1) No freestanding sign shall exceed 30 feet in height or 75 square feet in area, or the regulations set forth for freestanding signs, whichever is less.
- (2) Billboard signs are prohibited and in no case shall a variance allow such a sign.
- (3) All signs in the Fort Concho Historic District shall be reviewed by the Fort Concho Museum board, which may recommend specific conditions on the sign size, location, height or illumination based upon the individual site and location characteristics. The applicant may appeal any action of the Fort Concho Museum board to the city council, which shall have final authority.

Sec. 12.04.019 Historic Signs

A sign that has been in place for over 50 years, or is a replica or replacement of an original sign that is deemed historic and approved by the Design and Historic Review Commission, may be allowed to be continued, repaired, or replaced even if noncompliant with this Article, subject to approval by the Design and Historic Review Commission. A decision of the Commission may be appealed to the City Council within 10 days of the decision by the applicant or the Planning Director.