



## **Planning and Zoning Commission Special Called Meeting Agenda**

**COUNCIL CHAMBERS - 1209 FIORELLA STREET**

**Wednesday, March 25, 2026**

**6:30 PM**

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**The Planning and Zoning Commission of the City of Castroville will meet in the Special Called Meeting beginning at 6:30 p.m. in the Council Chambers at City Hall on the following items listed on the agenda.**

**I. Call to Order**

**II. Roll Call**

**III. Citizen Comments**

The Board will hear comments from any citizen or visitor. Speakers must address their comments to the presiding officer rather than individual board members or staff; stand at the podium, speak clearly into the microphone and state your name residential address before speaking. Speakers will be allowed a maximum of 3 minutes for testimony. In accordance with the State Open Meetings Act, the Board is restricted from discussing or taking action on items not listed on the agenda. Action can only be taken at a future meeting.

**IV. Approval of Minutes**

- a.** Approval of Minutes from January 14, 2026.
- b.** Approval of minutes for February 11, 2026.

**V. Public Hearing(s)**

- a.** Public hearing on a proposed amendment to the Comprehensive Zoning Ordinance, including revisions to the Table of Contents; amendments to Article I, General Provisions, Section 8 (General Definitions) to add a definition for temporary storage containers; and the addition of Article I, Section 21, establishing regulations for temporary storage containers.

**VI. Discussion**

- a.** Discussion and appropriate action on a proposed amendment to the Comprehensive Zoning Ordinance, including revisions to the Table of Contents; amendments to Article I, General Provisions, Section 8 (General Definitions) to add a definition for temporary storage containers; and the addition of Article I, Section 21, establishing regulations for temporary storage containers.
- b.** Nomination and election of the Chair and Secretary.

- c. Discussion and possible action on adoption of the Development Agreement Policy.
- d. Discussion and direction on the proposed updates to Chapter 24, Signs and Signage, specifically Sections 1, 2, and 3 of the draft ordinance.

**VII. Discussion on Future Agenda Items**

**VIII. Adjourn**

**Accessibility Statement**

The City Hall is wheelchair accessible. The exit and parking ramps are located at the rear of the building.

**Non-Discrimination Statement**

The City of Castroville does not discriminate on the basis of race, color, national origin, sex, religion, or disability in the employment or the provision of services.

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, Castroville, Texas on March 18, 2026 before 6:30 p.m.

/s/ Debra Howe  
City Secretary



# Agenda Report

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**Agenda of:** March 25, 2026

**Department:** Community Development Department

**Subject:** Temporary Storage Public Hearing

## Recommended Motion:

I move to recommend approval of the proposed amendments to the Comprehensive Zoning Ordinance as presented.

## BACKGROUND:

Currently, the Comprehensive Zoning Ordinance does not include specific definitions or regulations for temporary storage containers. As a result, staff has encountered situations where such containers are placed on residential and commercial properties without clear guidance on duration, placement, or screening.

The absence of regulations has created challenges in enforcement and consistency. The proposed amendments are intended to fill this gap by establishing clear standards while still allowing reasonable use of these containers for moving, storage, or construction-related purposes.

## ANALYSIS:

The proposed ordinance amendments introduce the following key components:

- **Definition:** Establishes a clear definition of “temporary storage containers” to distinguish them from permanent accessory structures.
- **Permitted Use:** Allows temporary storage containers as a limited, accessory use subject to specific conditions.
- **Duration Limits:** Sets maximum timeframes for placement to ensure the use remains temporary in nature.
- **Location Standards:** Regulates where containers may be placed on a property (e.g., driveway vs. public right-of-way).
- **Screening/Visibility:** Includes provisions to minimize visual impacts on adjacent properties and public streets.
- **Permit Requirements (if applicable):** May require registration or permitting to ensure compliance.

These standards are consistent with best practices observed in other municipalities and are intended to balance property owner flexibility with neighborhood compatibility and code enforcement needs.

**PUBLIC NOTICE:**

Notice of the public hearing was published in accordance with state law and City requirements.

**FISCAL IMPACT:**

No significant fiscal impact is anticipated. Any administrative costs associated with implementation and enforcement are expected to be minimal and absorbed within the existing departmental budget.

**RECOMMENDATION:**

Staff recommends that the Planning and Zoning Commission conduct the public hearing and forward a recommendation of approval to the City Council for the proposed amendments to the Comprehensive Zoning Ordinance.

**ATTACHMENTS:**

- Draft Ordinance Amendment (redline/clean version)
- Proposed Article I, Section 21 – Temporary Storage Containers
- Updated Table of Contents

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF CASTROVILLE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE BY AMENDING ARTICLE I, SECTION 8 (GENERAL DEFINITIONS) TO ADD A DEFINITION FOR TEMPORARY STORAGE CONTAINERS; ADDING ARTICLE I, SECTION 21, ESTABLISHING REGULATIONS FOR TEMPORARY STORAGE CONTAINERS; PROVIDING FOR A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CASTROVILLE, TEXAS:**

**WHEREAS**, the City of Castroville is authorized to regulate zoning pursuant to Texas Local Government Code Chapter 211; and

**WHEREAS**, pursuant to such statutory authority the City Council has adopted the Comprehensive Zoning Ordinance, which is published by the City as a separate document from the Code of Ordinances published by the Municode Corporation, and

**WHEREAS**, City Council deems it appropriate to amend the Comprehensive Zoning Ordinance, by creating a new Section 21, establishing regulations for temporary storage containers.; and

**WHEREAS**, on the 25<sup>th</sup> day of March, 2026, the Planning and Zoning Commission conducted a properly advertised public hearing to receive citizen comments and testimony; and

**WHEREAS**, on the 25<sup>th</sup> day of March, 2026, the Planning and Zoning Commission made a recommendation to approve the amendment to the Comprehensive Zoning Ordinance; and

**WHEREAS**, on the \_\_\_<sup>th</sup> day of \_\_\_\_\_, 2026, the City Council conducted a properly advertised public hearing to receive citizen comments and testimony regarding the proposed amendment.

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

**Section one.** Recitals adopted. City Council finds the above stated recitals to be true and correct and said recitals are adopted herein for all purposes.

**Section two.** Amendment to Article I. Article I, Section 8, *General Definitions* is hereby amended by inclusion of the substantive language as attached in **Exhibit “A”**, hereto, which is incorporated by reference herein for all purposes.

**Section three.** Adoption of new Article I, Section 21. A new Section 21 (entitled “*Temporary Storage Containers*”), of Article I is hereby adopted by inclusion of the substantive language as attached in **Exhibit “B”**, hereto, which is incorporated by reference herein for all purposes.

**Section four.** Amending of FY 25-26 Fee Schedule. The City’s fee schedule is hereby amended by inclusion of the substantive language as attached in **Exhibit “C”**, hereto, which is incorporated by reference herein for all purposes.

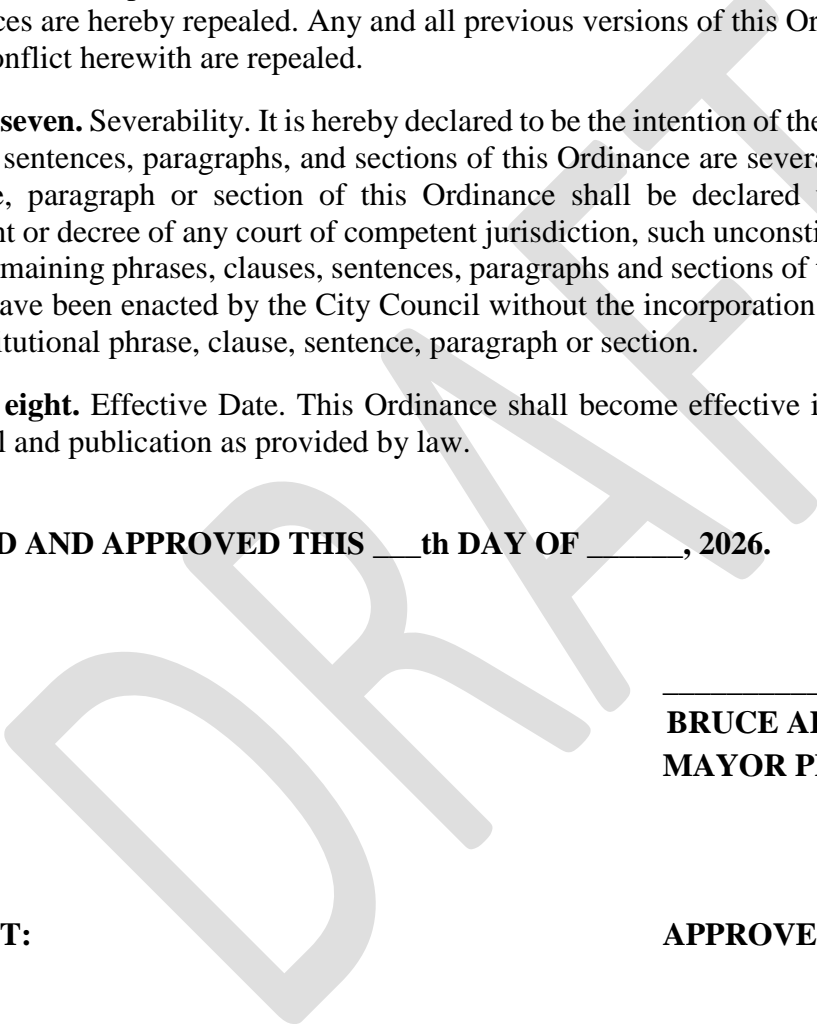
**Section five.** Directive to the City Secretary. The City Secretary is hereby directed and authorized to revise and republish the Comprehensive Zoning Ordinance to include **Exhibit “A”, Exhibit “B”, and Exhibit “C”** hereto.

**Section six.** Cumulative and Conflicts. This Ordinance shall be cumulative of all provisions of ordinances of the City of Castroville, Texas, except where the provisions of the Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. Any and all previous versions of this Ordinance to the extent that they are in conflict herewith are repealed.

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

**Section eight.** Effective Date. This Ordinance shall become effective immediately upon its passage, approval and publication as provided by law.

**PASSED AND APPROVED THIS** \_\_\_ **th DAY OF** \_\_\_\_\_, **2026.**



\_\_\_\_\_  
**BRUCE ALEXANDER,  
MAYOR PRO TEM**

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**DEBRA HOWE, CITY SECRETARY**

\_\_\_\_\_  
**DNRBH&Z PC**

# “Exhibit A”

## ARTICLE I, SECTION 8 – GENERAL DEFINITIONS

Add the following definition alphabetically:

Temporary Storage Container –A container designed and built to hold items during shipping, transportation, or off-site storage, including but not limited to industrial shipping containers (e.g., Conex or intermodal containers), containers used for the transportation and storage of household goods (e.g., PODS), and similar portable storage units. This definition does not include motor vehicles, including rental trucks or trailers, which are regulated under other provisions of the City Code.

# “Exhibit B”

## ARTICLE I – GENERAL PROVISIONS

### Article I, Section 21 – Temporary Storage Containers

These standards apply to all temporary storage containers placed on any property within the incorporated city limits of Castroville and shall not apply within the extraterritorial jurisdiction (ETJ).

- A. Maximum Number – No more than one (1) temporary storage container shall be permitted on a property at any time, unless associated with an active building permit.
- B. Duration –
  - a. Residential: Temporary storage containers shall be permitted for a maximum of thirty (30) days per calendar year, with the option of one (1) additional thirty (30) day extension granted by the City Administrator or their designee.
  - b. Commercial
    - i. Temporary storage containers associated with an active building permit may remain on-site for the duration of the permitted construction activity.
    - ii. Temporary storage containers not associated with an active building permit shall be limited to sixty (60) consecutive days, unless otherwise approved by the City Administrator or their designee.
- C. Placement – Temporary storage containers shall not be located within public rights-of-way, required parking areas, fire lanes, required buffer areas, or visibility triangles. All containers shall maintain a minimum setback of five (5) feet from all property lines and shall be placed on a paved or otherwise stabilized surface. Placement on grass or other unimproved surfaces is prohibited.
- D. Permit Requirements – A permit shall be required for any temporary storage container that remains on-site for more than seven (7) consecutive days.
- E. Maintenance Standards – Must Temporary storage containers shall be maintained in good condition, free of significant rust, peeling paint, graffiti, or structural defects, and shall be secured at all times.
- F. Prohibited Uses – Not Temporary storage containers shall not be:
  - a. Used as permanent structures;
  - b. Used as accessory buildings or converted into habitable space;
  - c. Used for residential or commercial occupancy; or
  - d. Used for the storage of hazardous materials.

## “Exhibit C”

### PROPOSED FEE SCHEDULE UPDATE

TEMPORARY STORAGE CONTAINER  
PERMIT FEE: \$25.00



# Agenda Report

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**Agenda of:** March 25, 2026

**Department:** Community Development Department

**Subject:** Discussion and possible action on the adoption of the Development Agreement Policy

**Recommended Motion:**

I move to recommend approval of the Development Agreement Policy, as presented, to the City Council

**Background**

The City of Castroville previously adopted a Development Agreement Policy in August 2024 to establish a framework for evaluating and negotiating development agreements. The policy was later rescinded in June 2025 to allow for further review and refinement.

Since that time, staff, Planning & Zoning Commission, and City Council have discussed updates to the policy.

The proposed Development Agreement Policy is intended to provide clear guidance for applicants and decision-makers regarding expectations, evaluation criteria, and the process for entering into development agreements.

**Fiscal Impact**

There is no direct fiscal impact associated with adoption of the policy. However, implementation of development agreements may have fiscal implications on a case-by-case basis depending on negotiated terms related to infrastructure, reimbursements, or incentives.

**Recommendation**

Staff recommends that the Planning & Zoning Commission review the proposed Development Agreement Policy and provide a recommendation to City Council regarding adoption.

**Attachments**

- Draft Development Agreement Policy



## DEVELOPMENT AGREEMENT POLICY

*Welcome to the Little Alsace of Texas. Castroville has a history going back to the mid-1800s when settlers from the Alsace region of France came here to build new lives. The homes they built 150 years ago still stand today. We expect your standard to be a home and development that incorporates standards of solid construction, quality materials, energy efficiency, desirable design, safe for families and is very pleasing to the homeowner and community as those original homes are. Your development reflects the core values of your company and will leave a legacy of those values fulfilled for many years to come. We expect your development to be a draw to this community and be priced to incorporate the features in this document that will fulfill community desires and continue to make Castroville unique.*

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When the City of Castroville enters into Development Agreements, our goal is to shape growth in a way that strengthens the community today while protecting its future. These agreements are not just contracts with developers — they are commitments to our residents. We seek to ensure that new growth reflects community priorities, upholds fiscal responsibility, and supports long-term sustainability. Through this process, we aim to preserve the character of Castroville, provide the infrastructure and services that families and businesses depend on, and create neighborhoods that remain vibrant, connected, and financially resilient for generations to come.

**Annexation.** We believe new developments should become part of Castroville. Annexation ensures fairness in taxation that supports city parks, police protection, libraries, city facilities, coordinated infrastructure, and the ability to uphold community standards.

**Design & Building Standards.** We expect high-quality, energy efficient, durable building materials and thoughtful architectural character that go beyond the state minimums, strengthening neighborhood identity and long-term value with new property owners pleased with their choices for years to come.

**Fiscal Stewardship.** We are committed to development that sustains itself over time. Projects should add value without creating financial burdens or unfunded liabilities for the City and its residents.

**Civic Space.** We value the dedication of land within neighborhoods for community benefit — such as schools, public safety, libraries, or civic facilities — in addition to required parkland. Setting aside adequate space to serve the development creates opportunities for residents to gather, connect, and access shared spaces that strengthen community life. Parkland should initially come with at least covered gathering areas and play equipment.

**Connectivity.** We value neighborhoods that are well-connected internally and seamlessly linked to surrounding streets, sidewalks, trails, and nearby commercial areas. Developments should avoid isolation and instead strengthen circulation that links homes, businesses, and community spaces. That connectivity is reflected in the original Castroville settlement and is overwhelmingly desired by our residents. Your development should be reflective of that winning connected design.

**Underground Utilities.** We expect new quality developments to have underground utility installation, including capacity for future broadband, to improve aesthetics, customer satisfaction, safety, and reliability.

**Neighborhood Services.** We believe neighborhoods are stronger when daily needs can be met close to home. Small-scale retail, services, or community amenities help create complete communities.

**Dark Skies.** We expect lighting practices that preserve Castroville’s rural night skies, reduce glare, and respect the character of our community.

**Community Character.** We expect features that elevate the look and feel of neighborhoods — upgraded street signage, tree-lined streets with lighting and irrigation, native landscaping, natural buffers instead of high walls, and trail systems that link open spaces.

**Housing Variety.** We believe in neighborhoods that avoid monotony. A mix of home styles and facades add character and long-term resilience to the housing market.

**Process.**  
We believe Development Agreements should be guided by a transparent process. Each proposal begins with a staff review to ensure alignment with City policy, followed by a public engagement process that gives residents the opportunity to

learn, ask questions, and share input. The Planning & Zoning Commission then reviews agreements for consistency with subdivision and zoning standards before forwarding a recommendation to City Council. Final approval rests with Council, ensuring that adopted agreements reflect community priorities and long-term goals.

**Incentives.**

The City may have additional desires for some development and will work with developers that demonstrate clear voluntary alignment and compliance with the values outlined in this policy. Projects are expected as a baseline to incorporate annexation, higher-quality design, civic space dedication, connectivity, underground utilities, and other elements described in this policy that advance community priorities.



# Agenda Report

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**Agenda of:** March 25, 2026

**Department:** Community Development Department

**Subject:** Discussion of initial sections of the draft Sign Ordinance to gather feedback and guide future revisions.

**Recommended Motion:**

No action recommended.

**Background:**

Staff has prepared a draft Sign Ordinance intended to modernize and reorganize the City’s existing signage regulations. To facilitate a thorough and manageable review process, staff is proposing to review the ordinance in phases.

This agenda item focuses on **Sections 1–3**, which establish the foundational framework of the ordinance, including purpose, applicability, and enforcement provisions. The intent of this discussion is to receive direction from the Planning and Zoning Commission before proceeding with revisions to subsequent sections.

These initial sections are critical because they:

- Establish the legal defensibility of the ordinance
- Define how regulations will be applied and enforced
- Set expectations for both staff and applicants

Early direction from the Commission will ensure consistency as staff refines later sections, including sign types, dimensional standards, and district-specific regulations.

**Attachments:**

- Discussion Focus
- Draft Sign Ordinance (Sections 1–3 highlighted)
- Side by Side from Chapter 24

# DISCUSSION FOCUS – SECTIONS 1–3

## Section 1: General Provisions

This section establishes the purpose, intent, and legal authority of the ordinance.

Key elements include:

- Balancing safety, aesthetics, and communication needs
- Protection of public safety (traffic visibility, pedestrian safety)
- Preservation of community character and economic value
- Recognition of constitutional protections for free expression
- Establishment of authority under Texas Local Government Code

### Discussion Questions:

- Does the purpose statement reflect the community’s vision for signage?
- Is there a desire to strengthen language related to historic character or corridors (e.g., Highway 90, Historic District)?
- Should additional policy direction be included (branding, tourism, gateway aesthetics)?

## Section 2: Applicability

This section defines where and how the ordinance applies.

Key elements include:

- Applies within City limits and ETJ
- Establishes that all signs must comply unless exempt
- Introduces permit system and exemptions
- Clarifies that signs not expressly permitted are prohibited

### Discussion Questions:

- Is the ETJ applicability appropriate, or should it be limited?
- Are the distinctions between permitted, exempt, and prohibited signs clear?
- Should additional flexibility be introduced for certain uses (temporary, special events, etc.)?

## Section 3: Violations, Processing, and Fines

This section outlines enforcement procedures and penalties.

Key elements include:

- Violations treated as strict liability
- Fines up to \$200 per day per violation
- Authority for removal of non-compliant signs
- Right of entry for enforcement
- Civil and criminal remedies available
- Defined process for notice, compliance, and removal

**Discussion Questions:**

- Are enforcement tools adequate for compliance?
- Is the fine structure appropriate and consistent with other City ordinances?
- Should there be more emphasis on voluntary compliance before penalties?
- Is the 10-day compliance window appropriate?

## **BACKUP MATERIAL**

### **1. Why Start with Sections 1–3?**

- Sets the policy foundation before technical standards
- Ensures agreement on intent + enforcement approach
- Avoids rework later in the process

### **2. Key Policy Decisions for P&Z**

Commission feedback is specifically needed on:

#### **Policy Direction**

- Community character vs. flexibility
- Level of regulation vs. business friendliness

#### **Applicability**

- ETJ inclusion
- Permit vs. exemption balance

#### **Enforcement Philosophy**

- Strict enforcement vs. education-first approach
- Fine structure and compliance timelines

### **3. Next Steps**

1. Receive P&Z feedback on Sections 1–3
2. Revise draft accordingly
3. Bring next sections (standards, sign types, etc.) for review
4. Schedule joint workshop or public hearing

**COMPARISON**

<b>Topic</b>	<b>Existing Chapter 24 (Current Approach)</b>	<b>Draft Sign Ordinance (Proposed)</b>
<b>Purpose &amp; Intent</b>	Generally focused on regulation of signage with limited policy direction; may emphasize nuisance prevention and basic controls	Clearly articulated purpose balancing public safety, aesthetics, economic vitality, and communication
<b>Community Character</b>	Limited or implied	Explicitly supports community appearance, natural environment, and development patterns
<b>Free Speech / Legal Considerations</b>	Often not explicitly stated or outdated	Explicitly recognizes constitutional protections for free expression (important for legal defensibility)
<b>Authority</b>	Typically references general police power	Clearly cites Texas Local Government Code Chapters 51, 54, 211, 216, 217 and other laws
<b>Liability Clause</b>	May be absent or minimal	Includes No Waiver of Liability clause protecting the City
<b>Severability</b>	Sometimes included	Clearly included to ensure ordinance validity if partially invalidated
<b>Relationship to Other Codes</b>	Often unclear or scattered	Clearly states ordinance is subordinate to building, traffic, and safety codes

# Castroville Sign Ordinance

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# Section 1. General Provisions

A. Purpose

The purpose of this Ordinance is to establish a clear set of standards related to the placement and specifications of commercial signage within the City’s jurisdictional area. The following regulations balance the need to protect the public safety and welfare, the need for a well maintained and attractive community, and the need for adequate identification, communication and advertising.

B. Objectives

The regulations have the following objectives:

1. To promote and protect the safety of persons and property by ensuring that signs do not create traffic hazards or impair motorists’ ability to see pedestrians, other vehicles, obstacles or read traffic signs;
2. To promote the aesthetics, safety, health, morals and general welfare, and the insurance of protection of adequate light and air by regulation of the position, displaying, erection, use and maintenance of signs;
3. To allow for adequate and effective signs whose dimensional characteristics further the interests of public safety and the needs of the motorist, where signs are viewed from a street or roadway;
4. To promote the efficient transfer of general public and commercial information through the use of signs;
5. To enhance the overall appearance and economic value of the landscape, and preserve the unique natural environment that distinguishes the City and surrounding area;
6. To reflect and support the desired ambience and development patterns of the various zones, overlay zones, and plan districts and promote an attractive environment; and
7. To ensure that the constitutionally guaranteed right of free expression is protected.

C. Authority

This Ordinance is adopted in accordance and consistent with the following:

1. Applicable Federal Laws;
2. The Texas Constitution;
3. The City’s Police Power;
4. Texas Local Government Code Chapters 51, 54, 211, 216 and 217;
5. Texas Local Transportation Code Chapter 393; and
6. Applicable Federal and State Judicial Case Law.

D. No Waiver of Liability

The provisions of this Ordinance shall not be construed as relieving or limiting in any way the responsibility or liability of any person that erects or owns any sign, from personal injury or property damage resulting from the placing of the sign, or resulting from the negligence or willful acts of such person in the design, construction, maintenance, repair or removal of any sign erected in accordance with a permit issued under the provisions of this Ordinance.

E. Severability

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

F. Relationship to Other Ordinances.

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

## Section 2. Applicability

- A. A sign may be erected, placed, established, painted, created, or maintained in the City and Extraterritorial Jurisdiction only in compliance with the standards, procedures, exemptions, and other requirements of this Ordinance.
- B. The effect of this Ordinance as more specifically set forth herein, is:
  - 1. To establish a permit system to allow a variety of types of signs in commercial and industrial zoning districts and a limited variety of signs in other zoning districts, subject to the standards and the permit procedures of this Ordinance;
  - 2. To allow signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this Ordinance, but without requirements for permits;
  - 3. To provide for temporary signs in limited circumstances;
  - 4. To prohibit all signs not expressly permitted by these regulations; and to provide for the enforcement of the provisions of this Ordinance.
- C. Any person, firm, association of persons, corporation, or other organization violating any of the provisions of this Ordinance shall be guilty of an offense under this Ordinance and shall be subject to penalty as defined in Section 3.

### Section 3. Violations, Violation Processing and Fines

A. Fine for Violation

Violations of this Ordinance shall be treated as strict liability offenses regardless of intent. Violators shall be subject to fines of up to two hundred dollars (\$200) per day per sign displayed in violation of this Ordinance.

B. Enforcement

Whenever the City Administrator has evidence of a sign that, after the Effective Date of this Ordinance, was erected, constructed, altered, repaired or relocated in violation of this Ordinance, the City Administrator shall require the party responsible for such sign to remove it in accordance with the provisions of this Ordinance.

C. Right of Entry

Whenever necessary to make an inspection or to remove a sign to enforce any of the provisions of this Ordinance, the City personnel may enter such property, building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the City by this Ordinance.

D. Persons Responsible

Unlawful signs identified under this Ordinance shall be the responsibility of the Responsible Party as defined herein.

E. Presumption

The fact that an unlawful sign is found on public property, in rights-of-way, on utility poles or private property shall be prima facie evidence that the Responsible Party is who unlawfully placed or erected the sign.

F. Civil and Criminal Penalties

The City shall have the power to administer and enforce the provisions of this Ordinance as may be required by law. Any person violating any of these provisions is subject to suit for injunctive relief as well as prosecution for criminal violations. Any such violations are hereby declared to be a nuisance.

G. Mental Culpability

Unless required by state statute, allegation and evidence of a culpable mental state is not required for proof of an offense defined by this Ordinance.

H. Civil Remedies

Nothing in this Ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law, including, but not limited to the following:

1. Injunctive relief to prevent specific conduct that violates this Ordinance or to require specific conduct that is necessary for compliance including removal of signs that are in violation at the expense of the sign owner; and
2. A civil penalty, separate and apart from criminal penalty described in A above, of up to two hundred dollars (\$200) per day when it is shown that the defendant was actually notified of the provisions of this Ordinance and after receiving notice of the commitment of acts in violation failed to take action necessary for compliance; and
3. Other available relief.

I. Complaints

The City will promulgate a complaint form for use by individuals or entities wishing to file a complaint regarding the legality of a sign. A completed complaint form should be submitted to the City Administrator for investigation of the complaint.

## Section 4. Abandoned Signs, Dilapidated Signs, and Sign Violations

- A. The owner of any premise on which there is displayed or maintained any abandoned or dilapidated signs shall comply with the following requirements:
1. The owner of any dilapidated sign shall remove the sign within thirty (30) days after receiving written notice from the City Administrator or the adoption of this Ordinance, whichever is later;
  2. The owner of a supporting structure used or designed to be used with a dilapidated sign shall remove the supporting structure within thirty (30) days after receiving written notice from the City Administrator.
  3. If an abandoned supporting structure does not have a can, frame, or similar part of the supporting structure that would hold the sign or to which the sign would be attached, the supporting structure shall be removed or made to comply with the provisions of the Ordinance.
  4. Any modifications, alterations or changes to an abandoned sign or supporting structure shall be made in full compliance with the requirements of this Ordinance.
  5. Any dilapidated sign or dilapidated supporting structure not in compliance with this Ordinance is an unlawful sign and may be removed by the City in compliance with C below and the owner may be prosecuted or be enjoined from continuing such violation.
  6. If a sign that conforms to the regulations of this Ordinance is abandoned, the owner, user, and persons who benefit from the sign and the owner, operator, and tenants of the property on which the sign is located shall remove it, paint out or cover the message portion of the sign, put a blank face on the sign, or otherwise bring it into compliance with this Ordinance so as to leave the message portion and supporting structure neat and unobtrusive in appearance, within ninety (90) days after receiving written notice from the City Administrator.
- B. The following are required for the use, display, maintenance, or permitting of an alteration of any abandoned sign or supporting structure regardless of when the sign was abandoned:
1. Like Material
 

Only the same like, or better quality material as that being replaced shall be used as a face on or in the abandoned sign. The face of the supporting structure must be one that the supporting structure is designed to support.
  2. Covered Messages
    - a. Abandoned signs may be painted in order to “blank” the face.
    - b. However, the paint must completely cover the sign face or message portion of the structure. The covered, painted over message must not show through the paint.
    - c. Covered sign faces must be of a material or substance that renders the resulting sign face completely blank, opaque, and resistant to deterioration. It is a violation of these regulations to allow a covered message to bleed or show through the paint or covering.
    - d. Routed, embossed, or raised messages or sign copy must not be visible to the ordinary observer, if the face or message is blanked
  3. No person shall alter an abandoned sign or supporting structure without first obtaining a permit to do so from the City Administrator.

C. Sign Violations and Removal

1. The City Administrator shall have the authority to issue a sign violation notice and shall be empowered to enter upon the premises of any person within the City or its ETJ for the purpose of enforcing the provisions herein.
2. The City is authorized to take all legal means to ensure that a sign violation is removed or remedied.
3. When a sign requiring a permit is erected without a sign permit, the City Administrator shall use the following procedures.
  - a. The City shall give written notice of violation to the responsible party or to the occupant of the premises if the responsible party is not known. The notice shall include a description of the violation, the date such violation was noted, instructions to contact the City Administrator to apply for a permit for the sign, if applicable, and the fine schedule if the notice is not heeded, refused or unclaimed. The notice is deemed delivered when deposited in the United States Postal Service mail, with postage paid to the last known address of the party responsible for such sign.
  - b. If the City is unable to deliver written notice to the responsible party, a telephone call shall be made by the City Administrator, date and time recorded, informing the owner of the premises on which the sign is located that on a set day, a fine shall commence to be assessed to the owner of the sign for each day of the violation until the sign(s) are removed.
  - c. If, within ten (10) calendar days, the responsible party fails to contact the City Administrator in writing, bring the sign into conformance with this Ordinance, or apply for a permit for the sign, the City Administrator shall have the sign removed or impounded without further notice, or shall fine the owner on a daily basis as set forth within this Ordinance.
  - d. The party responsible for the sign shall, upon conviction, be guilty of a misdemeanor and shall (a) forfeit both the sign and any permit associated with the sign; and (b) pay the fines set by the court, not to exceed the fines specified in Section 3 for each violation. Each day of the continued violation shall constitute a separate violation.
4. Any sign which in the judgment of the City Administrator has become an imminent hazard to public safety, either because of an incident of damage or because of neglect of maintenance, shall be repaired or removed by the responsible party without delay. Notice of the existence of the hazard shall specify the maximum time which may be allowed for repairs or removal in order to ensure public safety, and the notice may be served upon the responsible party by certified mail. A hazardous sign which is not repaired or removed within the time specified shall be removed by the City and the actual cost of such removal shall be charged to the responsible party for the sign. The City shall impound and dispose of hold such unmaintained or unrepaired signs in accordance with 5, below.
5. Impoundment of Signs
  - a. The City Administrator shall have the authority to remove all signs, without notice to the owners thereof, placed within any street or highway Right-of-Way, or attached to trees, telephone and utility poles, other natural features or signs otherwise prohibited or not authorized by this Ordinance, and to immediately and permanently dispose of the signs.
  - b. The owner of an impounded sign may recover the same upon payment of an impoundment fee for each sign, and all costs associated with the removal of the sign, prior to the expiration of the fourteen (14) day impoundment period; in the event the sign is not claimed and retrieved from the City's possession within fourteen (14) days, the City Administrator shall have authority

to dispose of such sign. The owner shall be responsible for all costs associated with removal and disposal of the sign.

D. Conformance to Standards Required

Signs must meet all applicable standards as set forth herein and all City codes as amended, regardless of whether a permit is required.

# Section 5. Nonconforming Signs and Relief from Requirements

## A. Nonconforming Sign

1. These regulations shall apply to all Nonconforming Signs. All Nonconforming Signs shall be brought into compliance with this Ordinance in accordance with the provisions of these regulations.
2. Signs erected on a property prior to its annexation and not in compliance with this Ordinance shall be considered Nonconforming Signs until such time as they are brought into compliance in accordance with this Ordinance.
3. All Nonconforming Signs that were erected in violation of the ordinances of the City in existence at the time the sign was permitted or should have been permitted, and which violation was or has not been cured, shall, upon written notice, be required to be brought into compliance with this Ordinance or removed within a reasonable time frame specified by the City Administrator, but not to exceed thirty (30) days from the date of notice.
4. Nonconforming Signs that do not comply with the City Building Codes shall be subject to enforcement under the Building Codes, as well as this Ordinance. Repairs or modifications required under the City Building Codes shall not entitle the owner of the Nonconforming Sign to compensation under this Ordinance.
5. All Nonconforming Signs shall be subject to the following provisions:
  - a. Whenever a land use changes, any nonconforming sign must be modified so as to be in full compliance with these sign regulations.
  - b. Any Nonconforming Sign that has been destroyed or damaged to the extent that the cost of repairing the sign is more than sixty (60) percent of the cost of erecting a new sign of the same type at the same location shall be removed or shall be brought into compliance with this Ordinance within six (6) months from receipt of an order from the City Administrator, without compensation being paid by the City to the owner.
  - c. No Nonconforming Sign shall be required to be relocated or removed unless such Nonconforming Sign is more than sixty (60) percent destroyed or damaged as provided in b above.

## B. Sign Requirements Relief Procedures

1. Petition for Waiver.

A Petition for a Waiver to a particular standard or requirement of this Ordinance is to determine whether such particular standard or requirement should be applied to an application or modified. A Waiver is a change to the standards, not otherwise permitted by this Ordinance.
2. Application.
  - a. A request for a Waiver to a particular standard or requirement of this Ordinance shall be submitted on a form provided by the City and accompanied by the prescribed fee set forth in the City's adopted Fee Schedule.
  - b. The petition shall state the grounds for Waiver.
  - c. The Applicant bears the burden of proof to demonstrate in the application the following:
    - i. the requirement for which the Waiver is requested imposes an undue hardship on the Applicant;
    - ii. the proposed sign shall be of a unique design or configuration;

- iii. the Waiver is needed due to a hardship caused by restricted area, shape, topography, or physical features that are unique to the property or structure on which the proposed sign would be placed, and such hardship is not self-imposed;
  - iv. the Waiver will substantially improve the convenience and welfare of the public and does not violate the intent of this Ordinance; and,
  - v. the requirement or standard will not adversely impact an adjacent property owner.
- d. Incomplete applications shall not be accepted or considered for waivers.
  - e. An application for a Waiver shall not be accepted for a sign that is prohibited by this Ordinance.

3. Procedure.

- a. The City Administrator shall review the application and create a report for the Planning and Zoning Commission. Every application shall automatically be forwarded to the Planning and Zoning Commission for consideration as a Public Hearing Item.
- b. The Planning and Zoning Commission may vote to recommend approval, approval with amendments and conditions, table, or deny in whole or in part the application for a Waiver for any reason.
- c. The Planning and Zoning Commission recommendation shall be forwarded to the City Council for consideration at their next regularly scheduled meeting. The City Council may vote to approve, approve with amendments and conditions, table, or deny in whole or in part the application for a Waiver for any reason. The City Council has final authority to approve a waiver at a City Council meeting in conformance with Texas Government Code, Chapter 551, as amended.

4. Dispensation.

The Planning and Zoning Commission may recommend, and City Council may impose, conditions upon the granting of a waiver under this Section. Such conditions must be related to the variance sought, and be generally intended to mitigate the adverse effects of the sign on neighboring tracts and the general aesthetic ambiance of the community. An Applicant's failure to comply with conditions placed on a waiver may result in the City Council voiding the waiver and authorizing all available code enforcement actions and other remedies available in equity or at law.

5. Consideration for Amortization.

When considering the granting of a requested waiver under this Section, the City may take into consideration an Applicant's commitment to bring pre-existing nonconforming signs into compliance with this Ordinance, and the removal of any pre-existing nonconforming signs.

## Section 6. Administration and Permitting

### A. Signs Requiring a Permit

Except as provided herein, no sign shall be placed, constructed, erected, or modified on a lot either within the City limits or the City's ETJ without obtaining a sign permit prior to the construction, placement, erection, or modification of such a sign in accordance with the requirements of Section 5. Regulations.

### B. Permits and Fees

1. All signs requiring a permit shall be subject to a permit fee. The amount of the fee shall be established in the City's Fee Schedule.
2. A complete permit Application must be submitted prior to the issuance of any permit.
3. Incomplete permit Applications will not be accepted or issued a permit. Information in the Application which subsequently changes before the construction of the sign shall be updated by the Applicant and approved by staff.
4. No sign permit of any kind shall be issued for an existing or proposed sign unless such sign complies with the requirements of this Ordinance (including those protecting existing signs) in every respect and with the Common Signage Plan in effect for the property, if applicable.
5. Amortization Incentive. If an applicant voluntarily elects to bring a pre-existing nonconforming sign into compliance with this Ordinance, the City Staff may waive fees for any required sign permits related to the specific property.

### C. Work Without a Permit

A fee of two (2) times the amount of the permit fee shall be assessed for any work done without or prior to the issuance of a permit.

### D. Sign Permit

1. Within ten (10) days of receiving an Application for a sign permit or for a Common Signage Plan, the City Administrator shall review it for completeness. If the City Administrator finds that it is complete, the Application shall then be processed. If the City Administrator finds that it is incomplete, the City Administrator shall, within such ten (10) day period, send to the Applicant a notice of the specific ways in which the Application is deficient, with appropriate references to the applicable portions of the Ordinance.
2. Within thirty (30) days of the submission of a complete Application for a sign permit, the City Administrator shall either:
  - a. Issue the sign permit, if the sign(s) that is the subject of the Application conforms in every respect with the requirements of this Ordinance and of the applicable Common Signage Plan; or
  - b. Reject the sign permit if the sign(s) that is the subject of the Application fails in any way to conform to requirements of this Ordinance and the applicable Common Signage Plan. In case of a rejection, the City Administrator shall specify in the notice of rejection the portions of the Ordinance or applicable plan with which the sign(s) is inconsistent. Review comments not addressed within ninety (90) days of comments being sent shall result in the voiding of said permit.
  - c. If a permit is rejected, the Applicant may appeal the decision in writing within thirty (30) days of the rejection. Appeals must be addressed to the City Administrator and identify a request for

approval, and where applicable, an alternative form of compliance that meets the intent of this Ordinance. Such appeal shall then be placed on the next regular agenda of the Planning and Zoning Commission.

3. On any Application for approval of a Common Signage Plan, the City Administrator shall either approve the proposed plan if the sign(s) as shown on the plan and the plan itself conforms in every respect with requirements of this Ordinance, or reject the proposed plan if the sign(s) as shown on the plan or the plan itself fails in any way to conform with the requirements of the Ordinance. In case of a rejection, the City Administrator shall specify in the notice of rejection the portions of this Ordinance with which the plan is inconsistent. The City Administrator shall take action on or before the following dates as applicable:
  - a. Fourteen days after the submission of a complete Application for existing buildings; or
  - b. On the date of final action on any related Application for building permit, site plan, or development plan for signs involving new construction.
4. For signs and common sign plans located in the CG and CH-C district, the City administrator shall forward the application to the Historic Landmark Commission following determination of completeness and compliance with technical aspects of this Ordinance. The Historic Landmark Commission, within thirty (30) days, shall review and act as follows based upon the criteria for alterations and structures designated as historic landmarks or located in historic districts, along with the City of Castroville Design Guidelines, as amended.
  - a. Issue the sign permit, if the sign(s) that is the subject of the Application conforms in every respect with the requirements of this Ordinance and of the applicable Common Signage Plan; or
  - b. Reject the sign permit if the sign(s) that is the subject of the Application fails in any way to conform to requirements of this Ordinance and the applicable Common Signage Plan. In case of a rejection, the Historic Landmark Commission shall specify in the notice of rejection the portions of the Ordinances or applicable plan with which the sign(s) is inconsistent. Review comments not addressed within ninety (90) days of comments being sent shall result in the voiding of said permit.
  - c. If a permit is rejected, the Applicant may appeal the decision in writing within thirty (30) days of the rejection. Appeals must be addressed to the City Administrator and identify a request for approval, and where applicable, an alternative form of compliance that meets the intent of this Ordinance. Such appeal shall then be placed on the next regular agenda of the Planning and Zoning Commission.
5. Signs requiring a permit shall be erected, installed, or created only in accordance with a duly issued and valid sign construction permit from the City Administrator. Such permits shall be issued only in accordance with the following requirements and procedures:
  - a. Permit for New Sign or Sign Modification

An Application for construction, creation, or installation of a new sign or for modification of an existing sign shall be accompanied by detailed drawings to show the dimensions, design, structure, and location of each particular sign, to the extent that such details are not contained on a Common Signage Plan then in effect for the lot. One Application and permit may include multiple signs on the same lot. Changing one panel on a multi-tenant sign is not considered a modification.
  - b. Inspection

The City Administrator shall cause an inspection of the lot for which each permit for a new sign or for modification of an existing sign is issued during the sixth month period after the issuance of such permit or at such earlier date as the owner may request. If the construction is not substantially complete at the time of inspection, the permit shall lapse and become void. If the construction is complete and in full compliance with this Ordinance and with the building, sign, and electrical codes, the City Administrator shall issue a Certificate of Sign Inspection. If the construction is substantially complete but not in full compliance with this Ordinance and applicable codes, the City Administrator shall give the owner or Applicant notice of the deficiencies and allow an additional thirty (30) days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse and become void. Any incomplete structure shall be deemed a dilapidated sign and shall be subject to the provisions for removal under Section 4. If the construction is then complete and in compliance, the City Administrator shall issue a Certificate of Sign Inspection.

E. Permit Expiration

1. If the work authorized by a permit issued under this Ordinance has not commenced within 180 days after the date of issuance, the permit shall become null and void.
2. Any permittee holding an unexpired permit may apply in writing for an extension of the permit, if the permittee is unable to commence work. The extension period shall not exceed 180 days. The permittee shall pay a fee for the extension of the unexpired permit. No permit shall be extended more than once.

F. Sign Contractor Registration

1. A sign contractor who is registered with the City under this Section is authorized to install, construct, or maintain any sign within the City as well as contract for such service. To be registered under this Section, a sign contractor shall submit a Contractor Registration Form, along with a valid state trade license (when applicable), a valid photo identification card, and proof of general liability insurance to the City. A registration will be processed if all requirements of City Ordinances are met.
2. Sign Contractor Registration shall be subject to a permit fee. The amount of the fee shall be established in the City's Fee Schedule.
3. A registration is valid for the calendar year in which it is submitted.
4. The registration of any sign contractor may be cancelled at the discretion of the City Administrator, when such contractor repeatedly violates the requirements of this Ordinance. Conviction in court, whether appealed or not, on two (2) or more violations over a period of twelve (12) months, shall constitute evidence of repeated violation. Any registration thus cancelled shall not be renewed for such contractor, or anyone operating in collaboration with such contractor, until all such violations have been corrected. Once violations have been corrected and approval has been received by the City Administrator, the contractor's registration may be renewed upon furnishing the bond required in G below.

G. Sign Contractor Certificate of Insurance/Bond

1. No registration for the installation, placement, and/or maintenance of signs shall be issued to any person nor shall any person install, place, or maintain any sign until such person has provided proof of general liability insurance in the amount of \$100,000 to the City Administrator or filed with the City a surety bond in the sum of \$5,000. Such bond shall be approved by the City Administrator and shall be conditioned for the installation and/or construction of signs in accordance with the Ordinances of the City and the laws of the State. Said bond shall provide for the indemnification of the City for any and all damages or liability which may accrue against it by reason of faulty

installation, construction, demolition, repair, removal, defects in, or collapse of any sign for a period of one (1) year after construction or for such a period of time that said sign is maintained or serviced under the direction of the maker of such bond, whichever is longer. Such bond shall further provide for the indemnification of any person who shall, while upon public property or in any public place, incur damage for which the principal name in the bond is legally liable.

2. When any sign contractor's license has been cancelled as provided in F.4. above, such license shall not be renewed until the contractor furnishes an additional bond in the amount of \$5,000 guaranteeing compliance with the provisions of this Ordinance. Said bond will be in place for a period of two (2) years following the renewal of the license and shall be provided on a form approved by the City Attorney.

## Section 7. General Regulations

A. Conformance to Standards Required

Signs must meet all applicable standards as set forth herein and all City codes as amended, regardless of whether a permit is required.

B. Location

No signs shall be allowed in the public Right-of-Way except for those specifically licensed or permitted by the City, State or a political subdivision of the State exercising jurisdiction where the sign is located.

C. Construction

All signs shall be designed, constructed, and maintained in accordance with the following standards:

1. All signs shall comply with applicable provisions of the adopted versions of the City Building Codes, the National Electrical Code, and Section 4 of the Uniform Sign Code at all times.
2. Except for Temporary Signs Submit to Permits, and Window Signs conforming in all respects with the requirements of this Ordinance, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

D. Maintenance

All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this Ordinance, at all times.

E. Obstruction of View

1. No sign may be erected, constructed, maintained or allowed to remain that constitutes an obstruction to or which interferes with a clear line of sight of approaching motor vehicles.
2. No sign may be erected, constructed, maintained or allowed to remain that constitutes an obstruction to the view of pedestrians upon or entering a public or private street.

F. Illumination

Illuminated signs are subject to the following requirements.

1. Signs that are illuminated at night may not exceed a maximum luminance level of seven hundred fifty (750) NITS, regardless of the method of illumination.
2. Any externally illuminated sign shall be shielded so as not to cast direct light or glare onto any residential district and as not to create a safety hazard, including distraction of vehicle operators or pedestrians in the public Right-of-Way.
3. All illuminated signs must comply with the maximum luminance level of seven hundred fifty (750) NITS at least one-half hour before Apparent Sunset, as determined by the National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, for the specific geographic location and date. All illuminated signs must comply with this maximum luminance level throughout the night, if the sign is energized, until Apparent Sunrise, as determined by the NOAA, at which time the sign may resume luminance levels appropriate for daylight conditions, when required or appropriate.
4. A sign that is designed to emit a luminance level exceeding seven hundred fifty (750) NITS must have an automatic dimmer control that produces a distinct illumination change from a higher to a lower level for the time period between dusk and dawn.

## Section 8. Dimensional Calculations

### A. Sign Area

Sign area shall be calculated in square feet, and by means of the smallest square, circle, rectangle, or combination thereof that will encompass the sign face.

Figure 1. Sign Area Calculation



### B. Calculation of Area of Multifaceted Signs

The sign area for a sign with more than one face shall be calculated by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back-to-back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart (such as a "V" configuration), the sign area shall be calculated by the measurement of one of the faces.

### C. Sign Height

Sign height shall be measured in linear feet. The overall height of a Freestanding Sign or other sign structure is measured from the lowest grade level within ten (10) feet of the base of the sign to the highest point of the Freestanding Sign or other sign structure.

Figure 2. Sign Height



D. Sign Width

Sign width shall be measured in linear feet from the farthest outermost point on each side of a sign.

E. Setbacks

Setbacks shall be measured in linear feet from property lines.

F. Spacing

A minimum distance of fifty (50) feet must be maintained between all Freestanding Signs. The spacing requirement applies to all signs on a single lot and the distance to the nearest sign on an adjacent lot.

## Section 9. Prohibited Signs

All signs not expressly permitted under this Ordinance or exempt from regulation hereunder in accordance with this Ordinance are prohibited in the City or its extraterritorial jurisdiction. Such signs include, but are not limited to:

- A. Beacons or Laser Lights;
- B. Obscene signs;
- C. Inflatable signs and tethered balloons;
- D. Moving signs;
- E. Off-premise signs (except City-owned directional signs);
- F. Snipe signs;
- G. Graffiti;
- H. Animated signs;
- I. Portable signs;
- J. LED, string or similar lighting outlining windows, doors, or other similar building features;
- K. Signs in the Right-of-Way, other than those installed by the City, State, or Federal government;
- L. Human or hand-held signs, provided:
  - 1. Such signs shall be located on private property;
  - 2. Such signs shall not be located within a distance of three hundred (300) feet from an intersection of two (2) public streets or thoroughfares for the purpose of traffic and pedestrian safety;
  - 3. Such signs to not constitute another type of prohibited sign;
  - 4. Such signs do not exceed six (6) square feet;
  - 5. Such signs are not placed or propped on the ground or against any structure or the sign with be considered prohibited; and
  - 6. Such signs shall only be displayed between the hours of 7:00 a.m. and 8:00 p.m.
- M. Signs that imitate or resemble official traffic lights, signs, or signals, or signs that interfere with the effectiveness of any official traffic light, sign, or signal;
- N. Signs on motor vehicles that are inoperable, do not display a current vehicle registration sticker or license plate, are not principally used as a mode of transportation for business purposes, or are conspicuously parked or located on a lot for more than twenty-four (24) hours ; or
- O. Signs attached, placed, or otherwise supported on or by utility poles and similar infrastructure elements, trees, rocks, or other naturally-occurring landscaping features.
- P. Signs with visible or exposed neon, fluorescent, or LED lighting.
- Q. Feather Signs

# Section 10. Changeable Electronic Variable Message Sign

- A. Changeable Electronic Variable Message Signs shall only be permitted by right in nonresidential zoning districts with the exception of institutional uses such as religious assemblies, educational facilities, government administration and civic buildings, and public parks that may be permitted in additional zoning districts provided that all standards below are met.
- B. Changeable Electronic Variable Message Signs must meet all of the following requirements:



- 1. Placement and Location
  - a. Changeable Electronic Variable Message Signs are permitted only in the CF, CH-W, CH-E, and IL Zoning Districts and in the ETJ.
  - b. No more than one Changeable Electronic Variable Message Sign shall be allowed per lot.
  - c. Changeable Electronic Variable Message Signs shall be designed only as a part of Monument Signs.
  - d. No Changeable Electronic Variable Message Sign shall be installed within four hundred (400) feet of any property zoned for residential use if the sign is visible, in whole or in part, from such property.

2. Display and Illumination

Changeable Electronic Variable Message Signs must meet the following criteria:

- a. Maximum of 12 square feet and 50% of sign area;
  - b. Constructed such that the sign does not face, shine, or reflect light in any manner or angle into a property with any residential zoning designation or use;
  - c. Maximum daytime NITs of 5,000; maximum nighttime NITs of 500;
  - d. Provide a minimum display time for each static image of at least six (6) seconds
  - e. No display of a solid white background;
  - f. A static display with no animation, virtual movement, flashing or multimedia/video;
  - g. No special effect transitions between each static display; and
- C. Under no circumstance may an off-premise sign be converted to a Changeable Electronic Variable Message Sign.
  - D. The above notwithstanding, a Changeable Electronic Variable Message Sign shall not exceed fifty (50) percent of the total sign area for any Monument Sign.

# Section 11. Types of Signs

## A. Signs Permitted by Zoning District

Figure 3. Signs Permitted by Zoning District identifies zoning districts within the City limits where each sign type is permitted.

- 1. Permitted (●) indicates that the sign type is permitted by right in the zoning district. If a cell is blank, this indicates the sign type is not permitted in the zoning district.
- 2. To preserve the character of residential zoning districts, commercial signs are not permitted in RA District through MH District.
  - a. Signs may be allowed in residential zoning districts for institutional uses such as religious assemblies, educational facilities, government administration and civic buildings, public parks. Subdivision Identification Signs may be allowed in residential zoning districts.
  - b. The sign standards for these uses shall be based on Neighborhood Business (CF) District standards applicable to the respective sign type.

Figure 3. Signs Permitted by Zoning District

	RA	RC	HE	MH	CF	CG	CH-W	CH-C	CH-E	IL	ETJ
Pole and Pylon Sign							•	•	•	•	•
Monument Sign*	•	•	•	•	•	•	•	•	•	•	•
Wall Sign					•	•	•	•	•	•	•
Projecting Sign					•	•	•	•	•	•	•
Hanging Sign							•	•	•		•
Marquee Sign							•	•	•		•
Awning Sign					•	•	•	•	•	•	•
Canopy Sign					•	•	•	•	•	•	•
Window Sign					•	•	•	•	•	•	•
Sidewalk Sign							•	•	•		•
Temporary Signs	•	•	•	•	•	•	•	•	•	•	•

\*Monument Signs shall be permitted within residential zoning districts (RA, RC, HE, MH) only for the purpose of identifying a platted residential subdivision or for civic and institutional uses, including but not limited to religious assemblies, educational facilities, government administration buildings, and public parks. Monument Signs shall not be permitted for individual dwelling units, individual residential lots, or for any commercial use located within a residential zoning district.



A. Pole and Pylon Sign

1. Description

A Pole and Pylon Sign, single-tenant or multi-tenant, is a sign supported by a single or multiple poles. Sign supports may include an exposed pole or concealed support.

2. Special Standards

- a. For requirements regarding Multi-Tenant Pole and Pylon Signs, refer to Section 13 Common Signage Plan.
- b. Changeable Copy Signs are permitted. Changeable Electronic Variable Message Signs are not permitted.

	Single	Multi
<b>Area Max (sq ft)</b>		
CG, CH-C (Standard)	32	32
CH-E, CH-W	64	64
CH-E, CH-C or CH-W when located on land of two (2) acres or more and frontage of two hundred (200) feet or more on each of two (2) or more streets	-	150
CH-W, CH-C or CH-E when located on property immediately adjacent to Highway 90 or FM 471	-	170
ETJ, CF, IL	64	64
<b>Height Max (ft)</b>		
CH-C, CH-W, CF	20	20
CH-E, IL, ETJ	25	25
Within 400' of RA, RC or MH, no taller than the primary structure, not to exceed the stated heights above, whichever is less.		
<b>Width Max (ft)</b>		
	N/A	N/A
<b>Number of Signs</b>		
Signs per lot per street frontage, max	1	1
<b>Setbacks and Spacing</b>		
Interior property lines, min. (ft)	10	10
<b>Illumination</b>		
Internal Only		
<b>Vertical Clearance from Grade</b>		
Min. (ft)	10	10
<b>Changeable Electronic Variable Message Signs</b>		
Not Allowed		



**B. Monument Sign**

**1. Description**

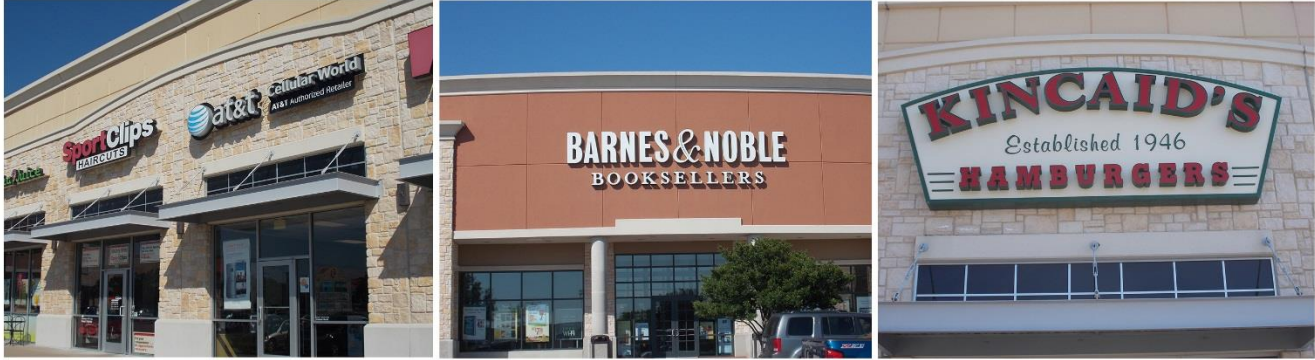
A Monument Sign is a Freestanding Sign attached to a pedestal or perimeter wall.

**2. Special Standards**

- a. Changeable Electronic Variable Message Signs may not exceed fifty (50) percent of the total sign area;
- b. Sign area does not include the base or pedestal, or address block. See **Figure 63. Sign Area Calculation**;
- c. Monument Signs in the RA or RC Zoning District must be located within the platted boundaries of a subdivision and must be located on property owned by the Homeowners' or Property Owners' Association.

	Single	Multi
<b>Area Max (sq ft)</b>		
CG, CF	12	16
CH-C	16	48
CH-E, CH-W, CF	32	80
ETJ, IL	64	80
<b>Height Max (ft)</b>		
	8	8
<b>Width Max (ft)</b>		
	15	25
<b>Number of Signs</b>		
Signs per lot per street frontage, max	1	1
<b>Setbacks and Spacing</b>		
Interior property lines, min. (ft)	10	10
<b>Illumination</b>		
Internal or External		
<b>Vertical Clearance from Grade</b>		
	N/A	N/A
<b>Changeable Electronic Variable Message Signs</b>		
See <b>4.02.06.</b>		

- d. Changeable Copy Signs are permitted in accordance with Section 10.
- e. For requirements regarding Multi-Tenant Monument Signs, refer to Section 13 Common Signage Plan.



C. Wall Sign

1. Description

A Wall Sign is a sign that is attached flat to or mounted away from, but parallel to, any exterior wall of a structure.

2. Special Standards

- a. Maximum distance between the wall and sign is eighteen (18) inches.
- b. Exposed raceways must be as narrow as possible. Wireways are preferred.
- c. Wall signs are only allowed on the first floor of a building.
- d. Multiple Wall Signs are permitted however, the total area must not exceed twenty-five (25) percent of the total façade/wall area of the building.
- e. Changeable Copy Signs are permitted.

<b>Total Wall Area Max (%)</b>	
	25
<b>Height Max</b>	
Not to exceed height of building	
<b>Width Max (%)</b>	
Individual tenant space	75
<b>Number of Signs</b>	
None	
<b>Setbacks and Spacing</b>	
Spacing, min. (ft)	10
<b>Illumination</b>	
Internal only	
<b>Vertical Clearance from Grade</b>	
	N/A
<b>Changeable Electronic Variable Message Signs</b>	
Not allowed	



D. Projecting Sign

1. Description

A Projecting Sign is a two-sided sign that projects outward from the exterior wall of a structure into the pedestrian realm.

2. Specific Standards

- a. Projecting Signs shall not project more than two-thirds of the width of the abutting sidewalk. Projecting Signs shall not project over a street or vehicular driveway.
- b. If a Wall Sign is already permitted for the building, then the Projecting Sign shall not exceed twenty-five (25) percent of the maximum allowable sign area for the building.
- c. Changeable Copy Signs are permitted.

<b>Area Max (sq ft)</b>	
Total sign area	24
<b>Height Max</b>	
Not to exceed height of building	
<b>Width Max (ft)</b>	
	3
<b>Number of Signs</b>	
Signs per building face, max	1
<b>Illumination</b>	
Internal only	
<b>Vertical Clearance from Grade</b>	
Min. (ft)	8
<b>Changeable Electronic Variable Message Signs</b>	
Not allowed	



E. Hanging Sign

1. Description

A Hanging Sign is a two-sided sign that hangs down from an awning or similar structure extending outward from the exterior wall of a structure into the pedestrian realm.

2. Specific Standards

- a. Hanging Signs must be placed at least one (1) foot from the edge of the awning or cover.

Area Max (sq ft)	
Total sign area	6
Number of Signs	
Signs per building face, max	1
Illumination	
None	
Vertical Clearance from Grade	
Min. (ft)	8
Changeable Electronic Variable Message Signs	
Not allowed	



F. Marquee Sign

1. Description

A Marquee Sign is a sign attached to the top or the face of a permanent roof-like structure constructed over a ground-floor main entrance.

2. Special Standards

- a. Changeable Copy Signs are permitted.
- b. Marquee Signs may only be permitted for movie or performance theatres.

<b>Total Wall Area Max (%)</b>	
	50
<b>Height Max (ft)</b>	
Exceed height of building	10
<b>Width Max (%)</b>	
Individual tenant space	75
<b>Number of Signs</b>	
Max, per building	1
<b>Setbacks and Spacing</b>	
Setbacks	N/A
<b>Illumination</b>	
Internal or External	
<b>Vertical Clearance from Grade</b>	
Min. (ft)	10
<b>Changeable Electronic Variable Message Signs</b>	
See 4.02.06.	



G. Awning Sign

1. Description

An Awning Sign is a sign printed on any of the surfaces of an awning, and which may include an under-awning sign attached to and mounted under the awning.

2. Special Standards

- a. Awning Signs are only permitted on the first floor of a building
- b. If Wall Signs are present on the same building face, awning copy counts towards the total allowable sign area.
- c. Lettering and logos may be located on both the valance and canopy of an awning.

<b>Total Window Area Max (%)</b>	
	50
<b>Height Max</b>	
Not to exceed height of building	
<b>Width of Awning Sign Copy</b>	
Max (%)	75
<b>Number of Signs</b>	
Awning signs per building face, max	N/A
<b>Setbacks and Spacing</b>	
Setbacks	N/A
<b>Illumination</b>	
None	
<b>Vertical Clearance from Grade</b>	
Min. (ft)	10
<b>Changeable Electronic Variable Message Signs</b>	
Not allowed	



H. Canopy Sign

1. Description

A Canopy Sign is a sign attached above, below, or to the face of a canopy, and which may include an under-canopy sign attached to and mounted under the canopy. A Canopy includes a canopy located to shelter fuel pumps.

2. Special Standards

- a. Canopies may be installed on building facades and shall count toward the maximum allowable Wall Sign area.
- b. Canopies shall comply with all applicable ordinances, including building codes.

<b>Total Wall Area Max (%)</b>	
	25
<b>Height Max (ft)</b>	
	2
<b>Width of Canopy Max (%)</b>	
	60
<b>Number of Signs per Building Face</b>	
Max	1
<b>Setbacks and Spacing</b>	
Spacing, min. (ft)	10
<b>Illumination</b>	
Internal or external	
<b>Vertical Clearance from Grade</b>	
Min. (ft)	10
<b>Changeable Electronic Variable Message Signs</b>	
Not allowed	



I. Window Sign

1. Description

A Window Sign is generally affixed to a window for the purpose of being viewed from the exterior of a building.

2. Special Standards

- a. Window Signs may only be permitted on the first floor of building.
- b. Displays located in a window such as mannequins are not considered window signs.

<b>Total Window Area Max (%)</b>	
	40
<b>Height Max (ft)</b>	
	N/A
<b>Width Max (ft)</b>	
	N/A
<b>Number of Signs</b>	
Signs per building face, max	N/A
<b>Setbacks and Spacing</b>	
Setback	N/A
<b>Illumination</b>	
None	
<b>Vertical Clearance from Grade</b>	
Min. (ft)	N/A
<b>Changeable Electronic Variable Message Signs</b>	
Not allowed	



J. Sidewalk Sign

1. Description

A Sidewalk Sign is generally temporary in nature and intended to be viewed from the pedestrian realm.

2. Special Standards

- a. Sidewalk Signs must be placed directly in front of the premises that owns and is placing the sign within ten (10) feet of the building entry.
- b. Sidewalk Signs must be removed when the business is closed.
- c. Sidewalk Signs must allow for a minimum of four feet of clearance as per ADA standards.
- d. Prior to issuance of a Sidewalk Sign permit, Applicants must submit an executed indemnification form to the City.
- e. Changeable Copy Signs are permitted.

<b>Area Max (sq ft)</b>	
	8
<b>Height Max (ft)</b>	
	4
<b>Width Max (ft)</b>	
	N/A
<b>Number of Signs</b>	
Signs per business, max	1
<b>Setbacks and Spacing</b>	
Setback	N/A
<b>Illumination</b>	
None	
<b>Vertical Clearance from Grade</b>	
	N/A
<b>Changeable Electronic Variable Message Signs</b>	
Not allowed	



K. Drive-Thru or Drive-In Sign

1. Description

A sign erected in conjunction with a use that incorporates a drive-thru or drive-in, placed adjacent to a drive-thru lane or drive-in parking space to be read by patrons in a vehicle.

2. Special Standards

- a. A drive-thru or drive-in sign shall only be allowed on property zoned to allow a drive-thru or drive-in use by right or by specific use permit. A sign permit for such sign shall not be issued until a specific use permit, if required, is issued.
- b. A drive-thru or drive-in sign can be a Changeable Electronic Variable Message Sign (CEVMS) and is exempt from Section 10.
- c. A drive-thru 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 the sign shall match those of the building(s) on the same lot.
- d. A drive-in 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 sign may be attached directly to the canopy support columns. The design, materials, and finish of the drive-in sign shall match of those of the building(s) on the same lot.
- e. A drive-thru or drive-in sign that engages a speaker or other form of audible communication between the vehicle and store shall conform to all noise and nuisance regulations of the City of Castroville.

<b>Area Max (sq ft)</b>	
Drive-thru (per sign face)	60
Drive-In (per sign face)	9
<b>Height Max (ft)</b>	
	6
<b>Width Max (ft)</b>	
	N/A
<b>Number of Signs</b>	
Signs per drive-thru lane, max	1
Signs per drive-in ordering station, max (2-sided allowed)	1
<b>Setbacks and Spacing</b>	
Setback	N/A
<b>Illumination</b>	
Internal or External	
<b>Vertical Clearance from Grade</b>	
	N/A
<b>Changeable Electronic Variable Message Sign (CEVMS)</b>	
Allowed	

L. Flags

1. Governmental Flag

a. General Requirements

Governmental flags are permitted in all zoning districts provided that they meet the following requirements: United States flags shall be flown in accordance with the protocol established by the Congress of the United States for the Stars and Stripes, Title 4, Chapter 1 – The Flag. When a flagpole is located on the top of a roof, the placement and attachment of the pole shall meet the building code for live and dead loading. The height is measured from the base of the pole to the top.

b. Height

- i. In the CH District, the height of flagpoles shall not exceed thirty (30) feet.
- ii. In the CG District, the height of flagpoles shall not exceed thirty-eight (38) feet.
- iii. In all other Districts and ETJ, the height of flagpoles shall not exceed thirty (30) feet. The maximum height of flagpoles may be increased to fifty (50) feet for properties with frontage on Highway 90 east of FM 471 South.

2. Commercial Flag

a. General Requirements

Commercial flags are permitted in all zoning districts in which Pole & Pylon Signs are allowed. Up to three (3) flags are allowed per lot. The area of any/all flags shall be counted toward the total square footage of a Pole & Pylon Sign.

b. Height

- i. The height of flagpoles for Commercial Flags shall not exceed thirty (30) feet.
- ii. The maximum height of flagpoles may be increased to fifty (50) feet for properties with frontage on Highway 90 east of FM 471 South.

M. Temporary Signs Submit to Permit

1. Temporary Signs, including banners, on private property shall be allowed only upon the issuance of a Temporary Signs permit unless otherwise noted in this Ordinance, shall not be a prohibited sign, and shall be subject to the following requirements:
  - a. Term  
A Temporary Sign permit shall allow the use of a single Temporary Sign for a specified 30-day period.
  - b. Number  
Only one Temporary Sign permit shall be issued on a lot during any consecutive four (4) month period.
  - c. Exemptions  
A Temporary sign is allowed for an additional 30-day period from the time a Certificate of Occupancy is issued without obtaining a Temporary Sign Permit.
2. Signs for Properties in a State of Functioning as a Model Home  
Temporary Signs not exceeding thirty-two (32) square feet in area and eight feet in height may be erected on a lot containing a home during the time period the home is being used as a model for the construction of new residential homes, and is not subject to the term limit above.
3. Size  
A Temporary Sign shall not exceed thirty-two (32) square feet in area in CF, CG, CH-W, CH-C, CH-E, or IL zoning districts, or the ETJ. Temporary Signs shall not exceed six (6) square feet in area in all other zoning districts.

## Section 12. Exempt Signs

The following signs, if located on private real property with the consent of the property owner (unless otherwise stated) and consistent with any regulatory conditions listed, are exempt from permit under this Ordinance:

1. Public Signs  
Any public notice, warning or traffic control device required by federal, state or local law, regulation, or ordinance, including those on public property;
2. Signs on Properties in a State of Being for Sale or Lease  
Up to two (2) temporary signs not exceeding six square feet in area and three feet in height when posted in residential zoning districts, or temporary signs not exceeding 64 square feet in area and 12 feet in height when posted in other zoning districts, when posted during time periods when the property on which the signs are located is for sale or lease, and such signs do not remain more than seven (7) days after the property is sold or leased;
3. Signs on Properties in a State of Construction  
Up to two (2) temporary signs placed on construction sites not exceeding 64 square feet in area after approval of a site plan, and which do not remain erected for more than seven (7) days after the completion of the construction project;
4. Works of Art  
Works of art that do not include a commercial message, including painted or applied wall accents and decorations;
5. Holiday Lights  
Holiday lights and decorations with no commercial message;
6. Incidental Signs  
A sign that is normally incidental to the allowed use on the property such as, but not limited to, directional signs, entrance, exit, or overhead clearance; Such signs shall be limited to five (5) square feet each, and a maximum height of thirty (30) inches. Any commercial message contained within said signs shall be limited to two (2) square feet.
7. Residential Signs  
Up to two (2) temporary signs not exceeding six (6) square feet in area and four (4) feet in height on residential properties with a valid Certificate of Occupancy;
8. Political Signs
  - a. Texas state law provides certain restrictions on political signage at polling places as well as on private real property. The City hereby incorporates applicable provisions of such state law into this Sign Ordinance. Section 216.903 of the Texas Local Government Code, as amended, authorizes, among others, the placement of signs that contain primarily a political message on private real property with the consent of the property owner; subject to the following:
    - i. shall not have an area greater than thirty-six square feet (36 sq. ft.);
    - ii. shall not be more than eight feet (8') in height;

- iii. shall not be illuminated; or,
  - iv. shall not have any moving elements.
- b. Signs are not permitted on City property or within any right-of-way, except as required by Code Sections 61.003 or 85.036 of the Texas Election Code, both as amended;
  - c. Signs shall be removed within ten (10) days after the election day;
  - d. The City recognizes that on occasion, City buildings may be utilized as polling places. Sections 61.003 and 85.036 of the Texas Election Code, both as amended, authorize, among others, the City to enact reasonable regulations concerning the time, place, and manner of electioneering, which includes the posting, use or distribution of political signs on election days and during the early voting period.
    - i. No political signs at polling places shall:
      - (a) be located, affixed, or placed on any utility pole or structure, light structure, traffic signal, or sign pole;
      - (b) be located in or on any public right-of-way;
      - (c) be placed in a location so as to impede pedestrian or vehicular access; or,
      - (d) otherwise create a traffic or safety hazard.
    - ii. A political sign at a polling place shall not exceed four feet (4') in height or have a total sign area in excess of six square feet (6 sq. ft.), and shall not be illuminated or have any moving elements.
    - iii. Sign shall be allowed to be placed any time during the first day of early voting or election day, whichever is applicable. The sign may remain during the entire period of early voting. Should the polling location also be the site of the election day voting, the sign may remain on the site between the dates of early voting and election day voting.
    - iv. Sign shall be removed within twenty-four (24) hours of the closing of the early voting or election day polling location as provided above.

**Section 13. Common Signage Plan**

- A. A Common Signage Plan applies to two different development scenarios:
  - 1. Multi-Tenant Center or One Lot with Multiple Buildings (optional); and
  - 2. Multiple Adjacent Lots (required).
- B. Multi-Tenant Center or One Lot with Multiple Buildings
  - 1. For the purposes of this section, “multiple buildings on one lot” does not include accessory buildings.
  - 2. Common Signage Plan shall contain the following information:
    - a. An accurate plot plan of the lot(s) at a minimum 1”=20’ scale, or as approved by the City;
    - b. The location of buildings, parking lots, driveways, landscaped areas on such lot, and any other information as required by the City;
    - c. Calculation of the maximum total sign area, the maximum area for individual signs, the maximum height of signs and the maximum number of Freestanding Signs allowed on the lot under this Ordinance;
    - d. An accurate indication on the plan of the proposed location of each present and future sign of any type, regardless of whether a permit is required; and
    - e. An accurate depiction of the sign structure and materials, specifying standards for consistency among all signs on the lot(s) affected by the plan with regard to color scheme, lettering or graphic style, lighting, location of each sign on the buildings, materials, and sign proportions.
  - 3. No more than one (1) Freestanding Sign shall be allowed for each street on which the lot has frontage.
    - a. These signs must provide for shared or common usage of such signs.
    - b. Lots having more than three hundred (300) feet of street frontage on a single street may have one (1) Freestanding Sign per two hundred (200) feet of frontage beyond three hundred (300) feet.
  - 4. If the signage in the plan meets all requirements listed above, then a twenty (20) percent increase in the maximum sign area shall be allowed for each sign, excluding Freestanding Signs.
- C. Multiple Adjacent Lots
  - 1. Common Signage Plans are encouraged but not required for adjacent lots.
  - 2. In addition to the requirements for a Common Signage Plan, the Applicant must also submit the following information intended to ensure consistency among signs:
    - a. Color scheme
    - b. Lettering or graphic style
    - c. Lighting

- d. Location of each sign on the building
- e. Material
- f. Sign proportions

D. Existing Signs Not Conforming to Common Signage Plan

- 1. If any new or amended Common Signage Plan is filed for a property on which existing signs are located, it shall include a schedule for bringing all signs into compliance with this Ordinance within three (3) years from the date of approval of the plan or amended plan.
- 2. Common Signage Plan may contain such other restrictions as the owners of the lots may reasonably determine.

E. Consent

The Common Signage Plan shall be established by all owners or their authorized agents in such form as the City Administrator may require.

F. Procedures

A Common Signage Plan shall be included in any development plan, site plan, planned unit development plan, or other official plan required by the City for the proposed development and shall be processed simultaneously.

1. Amendment

A Common Signage Plan may be amended by filing a new Common Signage Plan that conforms with all requirements of this Ordinance.

2. Binding Effect

After approval of a Common Signage Plan, no sign shall be erected, placed, painted, or maintained, except in compliance with such plan, and such plan may be enforced in the same way as any provision of the Ordinance. In case of any conflict between the provisions of such a plan and any other requirement of this Ordinance, this Ordinance shall control.

## Section 14. Definitions

### A. Usage and Interpretation Rules

For the purpose of this Ordinance certain terms or words herein shall be interpreted or defined as follows:

- Words used in the present tense include the future tense;
- The singular includes the plural;
- The word "person" includes a corporation as well as an individual;
- The term "shall" is always mandatory; and
- The term "may" is discretionary.

### B. Words and Terms not Expressly Defined

Words and terms not expressly defined herein are to be construed according to the normally accepted meaning of such words or terms or, where no definition appears, then according to their customary usage in the practice of municipal planning and engineering, as determined by the City Administrator.

#### 1. **Applicant**

The person or entity responsible for the submission of an Application. The Applicant must be the actual owner of the property for which an Application is submitted, or shall be a duly authorized representative of the property owner.

#### 2. **Application**

The package of materials, including but not limited to an Application Form, completed checklist, tax certificate, special drawings or studies, and other informational materials, that is required by the City to initiate City review and approval of a project.

#### 3. **Application Form**

The written form (as provided by and as may be amended by the City Administrator) that is filled out and executed by the Applicant and submitted to the City along with other required materials as a part of an Application.

#### 4. **Approval**

Approval constitutes a determination by the official, board, commission or City Council responsible for such determination that the Application is in compliance with the minimum provisions of this Ordinance. Such approval does not constitute approval of the engineering or surveying contained in the plans, as the design engineer or surveyor that sealed the plans is responsible for the adequacy of such plans.

#### 5. **Awning**

A roof-like shelter of canvas or other material extending from a building's façade.

#### 6. **Beacon**

Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

#### 7. **Building**

Any structure built for support, shelter or enclosure of persons, animals, personal property, records or other movable property and when separated in a manner sufficient to prevent fire, each portion of such building shall be deemed a separate building.

**8. Building Permit**

A permit issued by the City before a building or structure is started, improved, enlarged or altered as proof that such action is in compliance with the City code.

**9. Building Setback Line**

The line within a property defining the minimum horizontal distance between a building or other structure and the adjacent street Right-of-Way/property line.

**10. Certificate of Occupancy**

An official certificate issued by the City through the enforcement official that indicates conformance with the City's rules and regulations and which authorizes legal use of the premises.

**11. City**

The City of Castroville, Texas, together with all its governing and operating bodies.

**12. City Administrator**

The officially appointed and authorized City Administrator of the City of Castroville, Texas, or the City Administrator's duly authorized representative or designee.

**13. City Attorney**

The person(s) so designated by the City Council to provide oversight for and have legal responsibility for the City. This term shall also include any designee of the City Attorney.

**14. City Council**

The duly elected governing body of the City of Castroville, Texas.

**15. City Secretary**

The person(s) so designated by the City Administrator to provide clerical and official services for the City Council. This term shall also include any designee of the City Secretary.

**16. Commercial Message**

Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

**17. Comprehensive Plan**

The plan, including all revisions and addenda thereto, adopted by the City Council as the official policy regarding the guidance and coordination of the development of land in the City.

**18. Decision-Maker**

The City official or group, such as the City Administrator, City Council, Historic Landmark Commission or Planning and Zoning Commission, responsible for deciding action on an Application authorized by this Ordinance.

**19. Design Guidelines**

Guidelines of appropriateness or compatibility of building design within a community or historic district. Often in the form of a handbook, design guidelines contain drawings accompanying "do's and don't's" for the property owner. The Historic Landmark Commission has authority to administer design guidelines.

**20. Design Review**

Refers to the decision making process conducted by the Historic Landmark Commission or an appointed historic preservation officer that is guided by established terms.

**21. Easement**

Authorization by a property owner for another to use any designated part of the owner's property for a specified purpose or use and evidenced by an instrument or plat filed with the County Clerk. Among other things, easements may be used to install and maintain utility lines, drainage ditches or channels, or for other City or public services. Established for public purposes on private property upon which the City shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths that in any way endanger or interfere with the construction, maintenance, or efficiency of City systems. The City shall at all times have the right of ingress and egress to and from and upon the said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or part of its respective systems without the necessity at any time or procuring the permission of anyone.

**22. Façade or Front Façade**

A façade directly visible from any public street or main circulation drive and the façade used as the primary entrance to the building.

**23. Fee Schedule**

A listing of fees for various City Applications, which is prepared by the City Administrator and approved by City Council and may be amended periodically. The Fee Schedule is approved separately from this Ordinance.

**24. Flag**

Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

**25. Flag, Commercial**

A flag adopted by a business, institution or other organization and containing a commercial message.

**26. Flag, Decorative**

A flag other than national, state, municipal or other governmental flags, other than such flags located on property zoned RA District or RC District.

**27. Flag, Governmental**

A flag of the United States, the state, the city, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction.

**28. Frontage**

All the property abutting on one (1) side of the street, or between two (2) intersecting streets, measured along the street line.

**29. Graffiti**

Pictures, words, slogans, images, or other artwork painted, drawn, scratched, or applied in any 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/vulgar images, or offensive language.

**30. Historic Landmark Commission**

The advisory body appointed by the City Council to review matters related to the City's historic resources.

**31. Homeowners' or Property Owners' Association**

A formal nonprofit organization operating under recorded land agreements through which:

- Each lot or property owner in a specific area is automatically a member; and
- Each lot or property interest is automatically subject to a charge for a proportionate share of the expense for the organization's activities, such as the maintenance of common property; and

- The charge if unpaid, becomes a lien against the nonpaying member's property.

**32. Lot**

Land occupied or to be occupied by a building and its Accessory Structures, together with such open spaces as are required under this Ordinance, and having its principal frontage upon a street or officially approved place.

**33. Lot Frontage**

The horizontal distance between the side lot lines measured at the point where the side lot lines intersect the street right-of-way. All sides of a lot that abuts a street shall be considered frontage.

**34. Lot Lines**

The lines bounding a lot as defined herein.

**35. Lot of Record**

A lot that is part of a subdivision, a map of which has been recorded in the office of the County Clerk.

**36. Manual on Uniform Traffic Control Devices**

The Manual on Uniform Traffic Control Devices, or MUTCD defines the standards used by road managers nationwide to install and maintain traffic control devices on all public streets, highways, bikeways, and private roads open to public traffic. The MUTCD is published by the Federal Highway Administration (FHWA) under 23 Code of Federal Regulations (CFR), Part 655, Subpart F.

**37. Marquee**

A shelter projecting from and supported by the exterior wall of a building constructed of rigid materials on a supporting framework. A marquee is distinguished from a canopy in that a marquee is cantilevered, whereas a canopy is supported by posts or other devices beyond the building wall.

**38. Multitenant Center**

A commercial, office or industrial development where there are located several separate business activities having appurtenant shared facilities, such as driveways, parking and pedestrian walkways, and that is designed to provide a single area in which the public can obtain varied products and services. Distinguishing characteristics of a multitenant center may, but need not, include common ownership of the real property upon which the development is located, common wall construction, and multiple occupant use of a single structure.

**39. Nit**

A nit shall mean a measure of luminance with 1 nit equal to 1 candela per square meter (1cd/m<sup>2</sup>). An ordinary wax candle generates approximately one candela of luminance.

**40. Owner**

The individual, corporation, partnership, or other legal entity in whom is vested the ownership, dominion, or title of property and who is responsible for payment of ad valorem taxes on that property; including a Lessor or Lessee if responsible for payment of ad valorem taxes.

**41. Person**

Person means an individual, firm, association, organization, partnership, trust, foundation, company, or corporation.

**42. Planning and Zoning Commission**

The Planning and Zoning Commission of the City.

**43. Responsible Party**

Any entity (person, firm, organization) whose product, service, activity or enterprise is announced or advertised by a sign, or whose message is carried by the sign, or is the owner of the land upon which the sign is located.

**44. Right-of-Way**

A parcel of land occupied or intended to be occupied by a street or alley. A Right-of-Way may be used for other facilities and utilities, such as sidewalks, railroad crossings, electrical communication, oil or gas, water or sanitary or storm sewer facilities, or for any other use. The use of Right-of-Way shall also include parkways and medians outside of pavement.

**45. Setback**

The minimum amount of space required between a lot line and a building line.

**46. Setback Line**

A line within a lot, parallel to and measured from a corresponding lot line, establishing the minimum required yard and governing the placement of structures and uses on the lot.

**47. Sign**

Any device, singular and collectively, whose essential purpose is to convey message by means of an outdoor structure, sign, display, light device, figure, painting, drawing, message, plaque, poster, billboard, or other thing that is designed, intended, or used to advertise or inform. See also Commercial Message.

**48. Sign, Abandoned**

A sign for which no legal owner can be found

**49. Sign, Animated**

A sign that has any visible moving part, flashing or osculating lights, visible mechanical movement of any description, or other apparent visible movement achieved by any means that move, change, flash, osculate or visibly alters in appearance in a manner that is not otherwise permitted by these regulations.

**50. Sign, Awning**

A sign that is printed on any of the surfaces of a fabric awning, and which may include an under-awning sign attached to and mounted under the awning.

**51. Sign, Banner**

Any sign of lightweight fabric or similar material that is mounted to a building, poles, railings or other structural parts of the building with or without frames. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

**52. Sign, Building Marker**

Any sign cut into a masonry surface of a building or made of bronze or other permanent material

**53. Sign, Building**

Any sign attached to any part of a building, as contrasted to a freestanding sign

**54. Sign, Canopy**

A sign attached above, below or to the face of a canopy, and which may include an under-canopy sign attached to and mounted under the canopy. A marquee is not a canopy.

**55. Sign, Changeable Copy**

A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign designed or operated in such a way to allow the display to change electronically is an electronic message sign or a CEVMS and not a changeable copy sign for the purposes of this Ordinance.

**56. Sign, Changeable Electronic Variable Message**

Any sign which permits light to be turned on or off intermittently or which operate in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in

intensity and color at all times when such sign is in use, including an electronic message sign, a light emitting diode (LED) or digital sign and which varies in intensity or color. A CEVMS sign does not include a sign located within the right-of-way that functions as a traffic device and that is described and identified in the Manual on Uniform Traffic-Control Devices approved by the Federal Highway Administrator as the National Standard.

**57. Sign, Dilapidated**

Any sign that has become or has been caused to become partially ruined and in need of repairs, as through neglect. Examples include broken faces, chipping or faded paint, lighting system malfunctions or nonfunctional bulbs.

**58. Sign, Drive-Thru or Drive-In**

A sign erected in conjunction with a use that incorporates a drive-thru or drive-in, placed adjacent to a drive-thru lane or drive-in parking space.

**59. Sign, Electronic Message**

A sign that includes provisions for programmable electronic message changes.

**60. Sign, Feather**

A vertical banner that contains a harpoon-style pole or staff driven into the ground for support or supported by means of an individual stand.

**61. Sign, Freestanding**

Any sign supported by structures or supports that are placed on, or anchored in the ground and that are independent from any building or other structure. Types of Freestanding Signs may include Pole and Pylon Signs and Monument Signs, among others.

**62. Sign, Hanging**

A two-sided sign that is suspended from the underside of a horizontal plane surface and is supported by such surface. A hanging sign is not a marquee sign.

**63. Sign, Human**

Any hand-carried or held sign, symbol, or display on persons visible from the public right-of-way, which may include persons dressed in costume.

**64. Sign, Incidental**

A directional or way-finding sign, secondary to the use of the zone lot on which it is located, such as “no parking,” “entrance,” “loading only,” “telephone,” and other similar directives without a commercial message

**65. Sign, Inflatable (including Tethered Balloons)**

An object enlarged or inflated which floats, is tethered in the air, is activated by air or moving gas, or is located on the ground or on a building with or without copy or other graphic.

**66. Sign, Marquee**

Any sign attached to, in any manner, or made a part of a marquee. A marquee sign is not a suspended sign.

**67. Sign, Monument**

A Freestanding Sign attached to a pedestal or perimeter wall.

**68. Sign, Moving**

A sign having visible moving, revolving, or rotating parts, or visible mechanical movement of any kind, except for the movable hands on street clocks, or other apparent visible movement achieved by electrical, electronic, wind actuation or mechanical means, except for time/temperature/date signs.

**69. Sign, Nonconforming**

Any sign that was erected or permitted prior to the adoption date of this chapter, and that does not conform to the provisions of this Ordinance

**70. Sign, Obscene**

A sign displaying any matter in which the dominant theme of the material taken as a whole appeals to the prurient interest in sex, or is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value, which the erection or display violates Texas Penal Code Chapter 42.01 Disorderly Conduct.

**71. Sign, Off-Premises**

Any sign that advertises a commercial message regarding a commercial activity not located on the premises where the sign is installed and maintained, or that directs persons to a location other than the premises where the sign is installed and maintained. Any sign that displays advertising copy that pertains to a business, person, organization, activity, event, place, service, or product not principally located or primarily manufactured or sold on the premises on which the sign is located.

**72. Sign, On-Premises**

Any sign that advertises a commercial message on the premises where the sign is installed and maintained when such premises is used for business purposes.

**73. Sign, Pole and Pylon**

A freestanding sign supported by a single or multiple poles, which may include an exposed pole or concealed support.

**74. Sign, Permanent**

A sign attached to a building or structure, or to the ground in a manner that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign and whose intended use appears to be indefinite. .

**75. Sign, Political**

A temporary sign announcing or supporting political candidates or issues in connection with a national, state, or local election.

**76. Sign, Portable**

Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; and umbrellas used as advertising.

**77. Sign, Projecting**

Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

**78. Sign, Residential**

Any sign located in a district zoned for residential uses that contains no commercial message. For example, residential signs may be used to publicize or announce information at the discretion of the homeowner or tenant of the property such as, but not limited to residential real estate signs, or school affiliation signs.

**79. Sign, Roof**

Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

**80. Sign, Sidewalk**

A special type of temporary sign intended to be viewed from the pedestrian realm.

**81. Sign, Snipe**

A sign posted on a utility pole, street sign or other street furniture; or any other sign placed within a public right of way or public property or on private property such that it is visible from a public right of way or public property. This includes signs with wood or wire framing, posts or stakes, as well as signs tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, fences or other objects.

**82. Sign, Temporary**

Any sign that is used only temporarily and is not permanently mounted, and for which a removal date is established in the permitting process within this Ordinance.

**83. Sign, Wall**

Any sign attached parallel to, but within six inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, that is supported by such wall or building, and that displays only one sign surface.

**84. Sign, Window**

Any sign, pictures, symbol, or combination thereof, designed to communicate a commercial message that is placed inside a window or upon the window panes or glass, and is visible from the exterior of the window.

**85. Storefront**

Storefronts are defined as the part of the building that fills the structural bay on the front façade at ground level.

**86. Story**

That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. It is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

**87. Street**

A public Right-of-Way that provides vehicular traffic access to adjacent lands.

**88. Structure**

A term used to distinguish specific types of functional constructions from buildings that are usually made for purposes other than creating shelter. For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

**89. Vertical Clearance**

A space left open and unobstructed by fences, structures, shrubs, trees or other plant life along streets at the corner in front of the building line of lots contiguous to intersecting streets.