

PLANNING & ZONING COMMISSION MEETING

Wednesday, August 23, 2023 at 5:30 PM

Glen Rose City Hall, Council Chambers,
201 NE Vernon, Glen Rose, TX 76043



AGENDA

City Hall will be open to the public.

Citizens can view or listen live by tuning in to the following Zoom.com webinar:

Meeting ID: XXX XXXX XXXX • Passcode XXXXXX • or dial 1-346-248-7799

CALL TO ORDER

Pledge of Allegiance, Roll Call

CONSENT AGENDA

1. Consider approval of minutes from July 26, 2023 P&Z Board Meeting

PUBLIC HEARING

2. Public hearing regarding a request for a Specific Use Permit for Short Term Rental for the property located at 1404 NE Barnard, Acres 4.500, Tract C7-3, Abst A136, A136 MILAM CO SCH LD, TRACT C7-3, ACRES 4.5

INDIVIDUAL ITEMS FOR CONSIDERATION

3. Discussion, consideration and possible action regarding a request for a Specific Use Permit for Short Term Rental for the property located at 1404 NE Barnard, Acres 4.500, Tract C7-3, Abst A136, A136 MILAM CO SCH LD, TRACT C7-3, ACRES 4.5

WORKSHOP

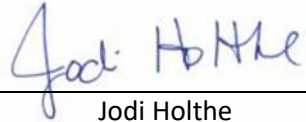
4. Review and discussion of Tree Ordinance
5. Review and discussion of Planning & Zoning Commission Responsibilities
6. Review and discussion of Parking Space Requirements
7. *Review and discussion of Sign Ordinance*

ADJOURNMENT

In accordance with the Americans with Disabilities Act, persons who need accommodation to attend or participate in the is meeting should contact the City Secretary's office at (254) 897-2272 x 102 at least 48 hours prior to the meeting to request such assistance.

CERTIFICATION

I, the undersigned authority, do hereby certify that this NOTICE OF MEETING was posted in accordance with the regulations of the Texas Open Meetings Act on the bulletin board located at the entrance of the City of Glen Rose City Hall, a place convenient and readily accessible to the general public, as well as to the City's website at www.glenrosetexas.org and said notice was posted on the following date and time: **Friday, August 18, 2023, on or before 5:00 PM** and remained posted for at least two hours after said meeting was convened.



Jodi Holthe
Building, Planning Code Enforcement Department

Certification of NOTICE OF MEETING was removed on: _____ at _____ am/pm
by _____ . _____



CITY COUNCIL AGENDA ACTION FORM

AGENDA DATE:	8/23/2023		
AGENDA SUBJECT:	Consider approval of minutes from July 26, 2023 P&Z Board Meeting		
PREPARED BY:	Building/Planning/Code Enforcement Assistant Holthe	DATE SUBMITTED:	8/4/23
EXHIBITS:			
BUDGETARY IMPACT:	Required Expenditure:		\$00.00
	Amount Budgeted:		\$00.00
	Appropriation Required:		\$00.00
CITY ADMINISTRATOR APPROVAL:			
SUMMARY:			
RECOMMENDED ACTION:	Move to approve or deny as presented.		

Meeting Minutes
Planning & Zoning Commission – City of Glen Rose, Texas
July 26, 2023

1. Call to Order
 - a. The meeting was called to order to 5:28pm by Chairperson, Pam Streeter
 - b. Pledge of Allegiance
 - c. Roll Call: Larry Cremean, William Green, Greg Clanton, Rex Miller and Pam Streeter were in attendance. Additionally, Staff members Larry Allen, Jodi Holthe and Wayne McKethan were present. A quorum was present.

2. Consent Agenda
 - a. Approval of Meeting Minutes from June 28, 2023 was required.
 - b. No Discussion or Changes to Minutes were needed.
 - c. The motion to approve the consent agenda was made by Larry Cremean and seconded by William Green
 - d. Motion passed 5/0

3. Workshop
 - a. Review and Discussion of the Tree Ordinance
 - i. Updated the Mission Statement of Ordinance to tie in the City Mission Statement
 - ii. Remove School Exceptions
 - iii. Updated info on amount of soil
 - iv. Added exempted tree species
 - v. Changed Minimum Preservation
 - vi. Added definition of fees
 - vii. Updated document to go before the commission in another workshop to ensure everyone's input is received.
 - b. Review and Discussion of the Planning and Zoning Commission purpose and responsibilities ordinance
 - i. Added residence status to include county.
 - c. Review and Discussion on Parking Standards
 - i. Removed info on definitions related to handicap -left it to follow state law and ADA only
 - ii. Changed Garage Parking to 20'
 - iii. Checking ISO for maneuverability

4. With no further business before the commission, the meeting was adjourned at 6:59pm

Chairperson

Jodi Holthe,
Building & Planning Department



CITY COUNCIL AGENDA ACTION FORM

AGENDA DATE:	8/23/2023		
AGENDA SUBJECT:	Public hearing regarding a request for a Specific Use Permit for Short Term Rental for the property located at 1404 NE Barnard, Acres 4.500, Tract C7-3, Abst A136, A136 MILAM CO SCH LD, TRACT C7-3, ACRES 4.5		
PREPARED BY:	Building/Planning/Code Enforcement Assistant Holthe	DATE SUBMITTED:	8/4/23
EXHIBITS:			
BUDGETARY IMPACT:	Required Expenditure:	\$00.00	
	Amount Budgeted:	\$00.00	
	Appropriation Required:	\$00.00	
CITY ADMINISTRATOR APPROVAL:			
SUMMARY:			
RECOMMENDED ACTION:			



CITY COUNCIL AGENDA ACTION FORM

AGENDA DATE:	8/23/2023		
AGENDA SUBJECT:	Discussion, consideration and possible action regarding a request for a Specific Use Permit for Short Term Rental for the property located at 1404 NE Barnard, Acres 4.500, Tract C7-3, Abst A136, A136 MILAM CO SCH LD, TRACT C7-3, ACRES 4.5		
PREPARED BY:	Building/Planning/Code Enforcement Assistant Holthe	DATE SUBMITTED:	8/4/23
EXHIBITS:	<ol style="list-style-type: none"> 1. Request for Specific Use Permit Application 2. Property Notification Letter 3. Property Return Letter 4. 200' Surrounding Property map 		
BUDGETARY IMPACT:	Required Expenditure:	\$00.00	
	Amount Budgeted:	\$00.00	
	Appropriation Required:	\$00.00	
CITY ADMINISTRATOR APPROVAL:			
SUMMARY:	<ul style="list-style-type: none"> • 06/13/2023 – Request for Specific Use Permit Application was received • 08/08/2023 - Notice of Public Hearing was posted in the local newspaper • 08/04/2023 - 17 Property owner letters were sent representing 18 properties. <p>13 Letters have been confirmed as received 04 Letters unconfirmed as received 00 Letters were returned 02 Favorable response has been returned 01 Opposition response has been returned</p>		
RECOMMENDED ACTION:	Move to approve or deny as presented.		



Building /Planning/Code Enforcement Department
201 NE Vernon Street
PO Box 1949, Glen Rose, Texas 76043
(254) 897-2272 Fax: (254) 897-7989

**Specific Use Permit Application
Short-Term Rental**

Short Term Rentals located in the following Zones require the Property Owner to complete this form and submit it to City Staff for review:
 R-1 R-2 R-2m R-3 R-4 MH

Property Address: 1404 NE BARNARD ST
Applicant's Name: CJ&N Properties, LLC/Charlie D'Neal Date: 6/13/2023
Present zoning at site: R-1 R-2 R-2m R-3 R-4 MH
Parking Spaces Provided: _____ 47 acres

Property Owner Information

Full Name: CJ&N Properties, LLC Email: _____
Address: _____ Telephone No: _____

Form of ownership:

Individual Partnership Corporation

Applicant/Owner's Representative (if not the owner)

Full Name: Charlie D'Neal Email: _____
Address: _____ Telephone No: _____

Intended use of property

- B&B short term rental - Any residential dwelling in which rooms are rented to paying guests on an overnight basis with not more than one (1) meal served daily, with the entire service to be included in one (1) stated price.
- B&B short term rental – A guest house or small hotel offering sleeping accommodations.
- Non-B&B short term rental.

Additional details:

Owner's Signature: Charlie D'Neal Date: 6/13/2023
Representative Signature: _____ Date: 6/13/2023

Glen Rose: A welcoming and unique family-oriented community committed to preserving our natural beauty and historic small-town charm.



Building, Planning and Code Enforcement Department
201 NE Vernon Street, PO Box 1949, Glen Rose, Texas 76043
(254) 897-2272 Fax: (254) 897-7989

Item 3.

NOTIFICATION

August 4, 2023

NOTICE OF PUBLIC HEARING LOCATED AT 1404 NE BARNARD STREET

Public hearings will be held at 5:30 p.m. at City Hall (201 NE Vernon Street, Glen Rose, Texas) on August 23, 2023 before the Planning and Zoning Commission and on September 12, 2023 before the City Council on a request by an owners CJ & N Properties LLC; Charlie O'Neal, to obtain a Specific Use Permit for Short Term Rental for the property located at 1404 NE Barnard Street, Acres 4.500, Tract C7-3, Abst A136, A136 MILAM CO SCH LD, TRACT C7-3, ACRES 4.5.

Dear Property Owner:

You are receiving this notice because our records indicate you own property within 200' of the property located referenced above. That is the subject of these hearings. Included with this letter is a Property Owner Response Form, the application for rezoning which is under consideration, and a map showing all the properties within 200' of the property referenced above. If you would like to register your opinion in favor or in opposition to granting the rezoning request, please complete the form and either mail or email it to us, or deposit it in one of the drop boxes at City Hall.

If the owners of 20% or more of the land within 200' of property referenced above provide written notice of their objection to the issuance of the rezoning request, instead of a simple majority it will require a vote of $\frac{3}{4}$ of the City Council members present to approve the request.

You are welcome to attend and participate in either or both of the Public Hearings. If you are unable to attend, but would like to listen to the hearings, generally, those proceedings are broadcast via Zoom. Instructions for accessing those broadcasts are available in the "Latest Events" section at the bottom of the City's website at www.glenrosetexas.org.

Should you have any questions, please contact us at jodi.holthe@glenrosetexas.org or at (254) 897-2272 ext. 109.

Sincerely,

Building, Planning, and Code Compliance Department

NOTICE OF PUBLIC HEARING



City of Glen Rose, Texas
Building, Planning, Code Enforcement Department
P.O. Box 1949, Glen Rose, TX 76043
Ph: (254) 897-2272 Fax: (254) 897-7989
Email: jodi.holthe@glenrosetexas.org

Re: CJ & N Properties, LLC and Charlie O'Neal request to obtain a Specific Use Permit for Short Term Rental for the property located at 1404 NE Barnard Street, Acres 4.500, Tract C7-3, Abst: A136, A136 MILAM CO SCH LD, TRACT C-7-3, ACRES 4.5.

This letter may be deposited in either of the two drop boxes located at City Hall, 201 NE Vernon Street, Glen Rose, Texas or mailed to City Hall, Attention: Planning and Zoning Department, PO Box 1949, Glen Rose, Texas 76043.

NAME: _____ DATE: _____

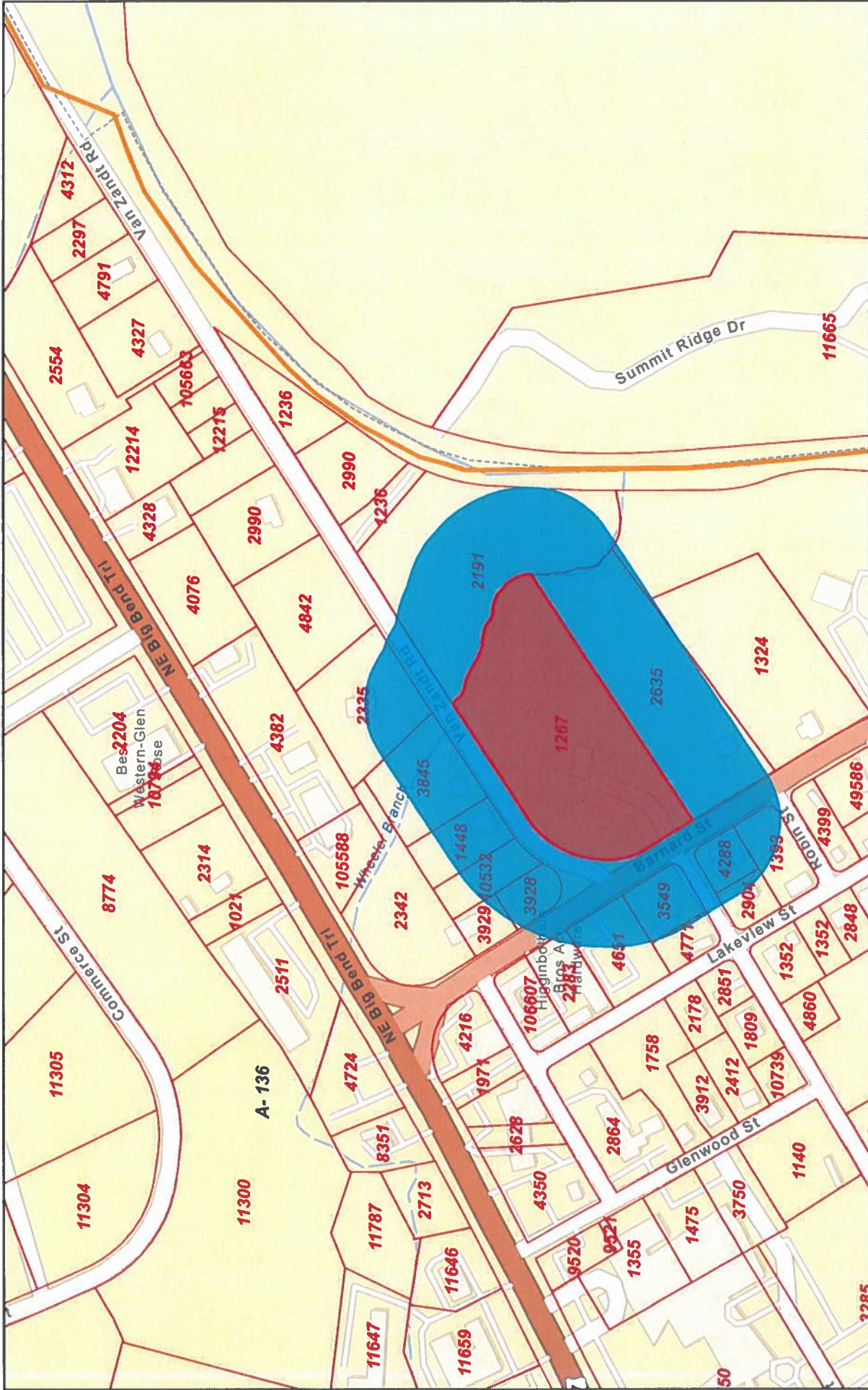
ADDRESS: _____

I AM () IN FAVOR () IN OPPOSITION TO THIS REQUEST.

Reasons/Comments:

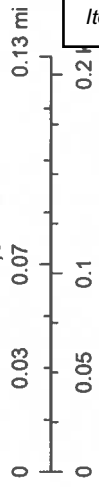
Jodi Holthe,
Planning and Zoning (P&Z)

1404 NE Barnard St



7/21/2023, 10:58:55 AM

1:4,514



- Abstracts
- Parcels
- Override 1
- City Limits

Item 3.

Esri Community Maps Contributors, Texas Parks & Wildlife, OpenStreetMap, Microsoft, CONANP, Esri, HERE, Garmin, SafeG

Somervell County Appraisal District, BIS Consulting - www.bisconsulting.com. Disclaimer: This product is for informational purposes only and has not been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of boundaries.

1404 NE Barnard
SUP Request
200 Ft Radius Mailings

1. CJ & N Properties LLC
604 Nancy Dr
Glen Rose, TX 76043
2. William & Susan Lee
PO Box 1292
Glen Rose, TX 76043
3. 1306 Barnard, LLC
3524 CR 312
Rainbow, TX 76077
4. Joy Brooks (Life Estate)
1204 NE Barnard St
Glen Rose, TX 76043
5. Glen Lake Methodist Camp
PO Box 928
Glen Rose, TX 76043-0928
6. Carolyn Thompson Bybee Revocable Trust
PO Box 72
Glen Rose, TX 76043
7. Darla Jonita Anderson
1307 NE Barnard
Glen Rose, TX 76043
8. Donald & Norman Hawpe
401 Eddy Ave
Joshua, TX 79058
9. Rocky & Loydene Terry
PO Box 1858
Glen Rose, TX 76043-1858

10. Carlie Kirwin
PO Box 513
Rainbow, TX 76077

11. Jeffrey Finn
PO Box 1353
Waco, TX 76703

12. R.N.P. Venture, LLC
4342 S FM 56
Glen Rose, TX 76043

13. Cossio & Van Marweijk LLC
PO Box 825
Glen Rose, TX 76043

14. William Green
PO Box 386
Glen Rose, TX 76043-0386
R3929 & R10532

15. Winton Dale Glass
PO Box 1212
Glen Rose, TX 76043-1212

16. Sharlin Janell Sifford et ux
PO Box 1226
Glen Rose, TX 76043-1226

17. Henry C Womack III
PO Box 332
Rainbow, TX 76077



CITY COUNCIL AGENDA ACTION FORM

AGENDA DATE:	8/23/2023		
AGENDA SUBJECT:	Review and discussion of Tree Ordinance		
PREPARED BY:	Building/Planning/Code Enforcement Assistant Holthe	DATE SUBMITTED:	8/18/23
EXHIBITS:			
BUDGETARY IMPACT:	Required Expenditure:		\$00.00
	Amount Budgeted:		\$00.00
	Appropriation Required:		\$00.00
CITY ADMINISTRATOR APPROVAL:			
SUMMARY:			
RECOMMENDED ACTION:			

- **Tree Preservation and Mitigation.**

- (a) *Purpose and Intent.* The purpose of this section is to conserve, protect and enhance existing healthy trees and natural landscape to meet the definition of the City Mission statement regarding “preserve natural beauty and small town charm.” It is recognized that the preservation of existing trees contributes to the overall quality and environment of the City. Trees can and do contribute to the processes of purification, oxygenation, regeneration, groundwater recharge, reduction of pollution and contaminants in aquifers, erosion and dust control, abatement of noise, provision of wildlife habitat and enhancement property values. Indiscriminate clearing or stripping of natural vegetation on any parcel is prohibited.
- (b) It is hereby declared the intent of the City to encourage the preservation of all trees within the City limits. While the layout of a property with respect to the placement of buildings, parking facilities and other site requirements is at the discretion of the developer of the property, it is the policy of the City to promote site layout and design in a manner which preserves the maximum amount of Protected Class and Heritage Class trees possible.
- (c) *Applicability and Exemptions.*
- (d) The provisions of this section are applicable to the following:
 - a. all new residential and nonresidential development within the City;
 - b. redevelopment of any residential or nonresidential property within the City that results in an increase in the building footprint or the total destruction and reconstruction;
 - c. any grading, filling or clearing of land in the City limits; and
 - d. any selective or individual removal of any Protected Class or Heritage Class Tree in the City limits.
- (e) The following definitions shall be applicable to the provisions of this section:
 - a. *Protected Class Trees.* Trees having a DBH (diameter at breast height measured four and one half feet above existing ground level) between eight inches (8") and less than twenty-four inches (24") are designated as "Protected Class Trees".
 - b. *Heritage Class Trees.* Trees having a DBH greater than or equal to twenty-four inches (24") are designated as "Heritage Class Trees".
 - c. *Damage.* Damage shall be considered any injury to a tree including, but not limited to:
 - i. Uprooting.
 - ii. Severance of the root system or main trunk;
 - iii. Storage of topsoil, construction materials, debris or chemicals within the drip line area;
 - iv. Compaction of soil within the drip line area;
 - v. A substantial change (more than 1") in the natural grade above a root system or within the drip line area;
 - vi. pruning or removal of more than twenty-five percent (25%) of the living tissue; or

- vii. Paving with concrete, asphalt or other impervious material within the drip line area. Tree grates or tree wells may be provided to preserve pervious surface within the drip line area.
- d. The following are exempt from the preservation, mitigation and permitting requirements of this section:
 - i. Protected Class Trees located within the area of a proposed on-site sewage facility (OSSF) (A waiver to mitigation for Heritage Class trees may be requested) ;
 - ii. Protected Class and Heritage Class Trees located within a right-of-way to be dedicated to and maintained by the City and shown on the City's Master Thoroughfare Plan;
 - iii. Protected Class Trees located within any utility easement, Heritage Class Trees located within any utility easement are exempt from preservation requirements only (A waiver to mitigation for Heritage Class trees may be requested);
 - iv. Protected Class and Heritage Class trees damaged or destroyed by floods, fire, wind or other natural causes;
 - v. Dangerous, diseased, damaged, dead or dying Protected Class or Heritage Class trees as determined by a tree survey and a letter from a certified Texas Arborist; provided, notwithstanding the title of this section; and
 - vi. Protected Class trees from the Undesirable Trees list in _____ (A waiver to mitigation for Heritage Class trees may be requested)
- e. Protected Class and Heritage Class trees of the following exempted tree species:

Table of Exempted Tree Species	
Common Name	Scientific Name
Hackberry	Celtis Occidentalis
Eastern Red Cedar	Juniperus virginiana
Comman Ashe Juniper	Juinperis ashei
Chinaberry	Melia azedarach
Mesquite	Propropis spp.
Ligustrum	Ligustrum spp.
Chinese Pistach	Pistacia Chinensis
Bradford Pear	Pyrus Calleryana

- (f) *Tree Preservation.* The existing natural landscape character, especially native oaks, elms, and pecan trees, shall be preserved to the maximum extent reasonable and feasible. Except as otherwise exempted in section _____ above, a tree removal permit is required for the removal of any tree with a DBH greater than eight inches.
- (g) *Protected Trees.* Any Protected Trees not exempt from preservation in section _____ above may be removed upon approval of a Tree Removal Permit by the Building Official Office. Any decision of the Building Official Office regarding a tree removal permit may be appealed to the Planning and Zoning Commission in accordance with _____.
- (h) *Heritage Trees.* Any Heritage Trees to be removed may be removed upon approval of a Tree Removal Permit by the Building Official Office. Any decision of the Building Official Office regarding a tree removal permit may be appealed to the Planning and Zoning Commission in accordance with _____. All Heritage Trees shall be required to meet the mitigation requirements of this section.
- (i) *Minimum Preservation.* Any tree not preserved must have a mitigation plan that is to be reviewed and accepted by both the City and property owner.
- (j) *Tree Mitigation.* Any trees that are removed or damaged as a result of the approval of a Tree Removal Permit shall be mitigated for on the same site as the proposed development. The species of trees planted for mitigation purposes must be like trees removed and may not include those listed as exempt in subsection _____ above nor any of the undesirable trees identified in table _____.
- (k) All trees planted for mitigation purposes must be a species of shade tree identified in _____. In the event that mitigation is not feasible on the same site as the proposed development, an applicant may request to donate trees, meeting the mitigation requirements of this section, to be planted at public parks, schools, or other approved public facilities throughout the City or provide a fee-in-lieu of payment. The fee will be two times the trees to be used for replacement cost, which will be used to place trees at public parks, schools, or other approved public facilities throughout the City.
- (l) Tree mitigation funds may also be utilized to install irrigation, to repair or remove damaged or destroyed trees, to preserve and protect existing Protected Class and Heritage Class trees and to purchase equipment for the preservation or protection of existing trees.
- (m) Mitigation requirements are:
- a. *Protected Class Trees.* Protected trees shall be mitigated at a one-to-one (1:1) DBH inch ratio for every tree removed. Replacement trees shall have a minimum DBH of two and one half inches (2.5").
 - b. *Heritage Class Trees.* Heritage Class trees shall be mitigated at a three-to-one (3:1) DBH inch ratio for every tree removed. Replacement trees shall have a minimum DBH of two and one half inches (2.5").
 - c. *Damaged Trees.* Any trees that are designated for preservation and are damaged during the construction process or that die within two (2) years of issuance of a certificate of occupancy shall be mitigated for in accordance with subsection _____ and _____ above.
 - d. *Mitigated Trees.* Trees planted and counted towards the necessary mitigation requirements that are damaged after planting or that die within two (2) years

of issuance of a certificate of occupancy shall be mitigated for at a one-to-one (1:1) DBH inch ratio for every tree damaged or that dies.

- e. The amount of tree mitigation per acre is capped at 100 inches per acre. For properties where the trees are generally clustered, staff has the discretion to define the acreage of the property as an area extending 20' beyond the tree canopy of the cluster in determining the acreage.

(n) *Tree Protection Standards.*

- a. All trees to be preserved on site shall be protected from damage caused by site excavation or construction in accordance with the following:
 - i. All trees shall be protected by a fence, frame or box constructed around the drip line of the preserved tree. Protection measures may not be removed until construction is complete.
 - ii. A minimum of one inch (1") of mulch or compost shall be spread beneath the drip line of the preserved tree.
 - iii. No person shall excavate any ditches, tunnels, or trenches, place any paving material or place any drive or parking area within the drip line of any Protected Class or Heritage Class Tree without prior written approval of the Building Official Office at the time of Site Plan approval.
 - iv. No person shall attach any rope, wire, nails, advertising posters or other contrivance to any Protected Class or Heritage Class Tree.
- b. It is the intent of the City to control and prevent the spread of Oak Wilt.
 - i. If any oak tree is wounded by intentional damage or pruning or as a result of natural causes, the damaged area shall be immediately treated with tree wound dressing.
 - ii. All necessary and reasonable efforts shall be given during the permitted removal of any trees to utilize best known practices to prevent the spread of Oak Wilt disease to any other surrounding trees.
- c. *Tree Preservation Credits—Nonresidential and Multifamily Developments.* To encourage the preservation of existing Protected Class or Heritage Class Trees contained within a proposed development, tree preservation credits may be requested to reduce the amount of new trees required on nonresidential and multifamily sites. Tree preservation credits can be issued for landscape buffer requirements when the tree being preserved is located within the buffer. Tree preservation credits can be issued to satisfy total trees per acre requirements of _____
- d. The following minimum tree preservation credits may be requested:
 - i. Protected Class Trees shall receive a credit against the minimum required landscaping or mitigation standards at a one-to-one (1:1) caliper inch ratio;
 - ii. Heritage Class Trees shall receive a credit against the minimum required landscaping or mitigation standards at a three-to-one (3:1) caliper inch ratio;
- e. *Tree Survey Required.* Every application for a final plat for residential development or Site Plan for nonresidential and multifamily development shall be accompanied by a tree survey that includes the following information:

- i. total number of DBH caliper inches of Protected Class and Heritage Class on the site;
 - ii. total number of DBH caliper inches of Protected Class and Heritage Class to be removed; and
 - iii. total number of DBH caliper inches of Protected Class and Heritage Class to be preserved.
- f. *Tree Removal Permit.* A tree removal permit is required for the removal of any Protected Class or Heritage Class trees not exempt in section _____ above. The permit must be accompanied by an appropriate application and shall contain a tree preservation plan showing the following:
 - i. existing/proposed topography;
 - ii. location of property lines, easement, rights-of-ways, setbacks, parking areas and sidewalks;
 - iii. location, species and size (in DBH) of each Protected Class and Heritage Class Tree, except those trees exempted by section _____ above;
 - iv. a tree inventory that summarizes the following.
 - 1. total number of DBH caliper inches on the site.
 - 2. total number of DBH caliper inches to be removed.
 - 3. total number of DBH caliper inches to be preserved.
 - 4. location of any proposed tree mitigation.
 - 5. any proposed tree preservation credits.
 - 6. a summary of the tree protection methods to be utilized.
- g. *Waiver.*
 - i. *General.* The City Council may authorize waivers from the provisions of this Article when, in their opinion, undue hardship will result from requiring strict compliance. Waivers may be granted only to items specifically stated in this section. Waivers must meet one of the following eligibility requirements:
 - 1. The tree is proposed for removal in order for the property to achieve compliance with other applicable City requirements and standards (i.e. site design or storm water management);
 - 2. The tree is proposed for removal because it is within a future public utility location.
 - ii. *Criteria for approval.* Waivers shall be evaluated using the following criteria:
 - 1. Removal of the tree will not have a significant negative impact on erosion, soil stability, flow of surface waters, protection of adjacent trees or windbreaks;
 - 2. The requested waiver does not violate the intent of this section _____ or UDC.
 - 3. Strict interpretation of the provisions of the section would deprive the applicant of rights commonly enjoyed by other nearby properties in the same zoning district or with the same land use that would comply with the same provisions;

4. A reasonable effort to preserve the tree has been made and reasonable alternatives have been evaluated and determined to not be feasible.

3.

Any decision of the Building Official or his/her designee regarding waivers to the provisions of this section may be appealed to the Planning and Zoning Commission. When considering an appeal, the Planning and Zoning Commission shall consider the same standards as the Building Official or his/her designee as outlined above.



CITY COUNCIL AGENDA ACTION FORM

AGENDA DATE:	8/23/2023		
AGENDA SUBJECT:	Review and discussion of Planning & Zoning Commission Responsibilities		
PREPARED BY:	Building/Planning/Code Enforcement Assistant Holthe	DATE SUBMITTED:	8/18/23
EXHIBITS:			
BUDGETARY IMPACT:	Required Expenditure:		\$00.00
	Amount Budgeted:		\$00.00
	Appropriation Required:		\$00.00
CITY ADMINISTRATOR APPROVAL:			
SUMMARY:			
RECOMMENDED ACTION:			

10.02.002 Planning and Zoning Commission

(D) *Duties generally.* The Planning and Zoning Commission shall, from time to time, either at its discretion or as requested by the City Council submit its reports, plans and recommendations for the orderly growth, development and welfare of the city in accordance with Tex. Local Gov't. Code, §§ 211.001 *et seq.* The Commission shall also perform other duties as may be prescribed by ordinance or state law; or as follows:

(1) To recommend the boundaries of the various districts and appropriate regulations to be enforced therein under this chapter, the ordinances of the City of Glen Rose or the laws of the State of Texas, to the City Council or the City of Glen Rose and to recommend approval or denial of zoning changes and regulations under this chapter, the ordinances of the City of Glen Rose or the laws of the State of Texas;

(2) To hear, recommend or determine any matter relating to zoning, planning or subdivision control as may be specified or required under this chapter, the ordinances of the City of Glen Rose, or the laws of the State of Texas; and

(3) To exercise those duties and powers as may be now or hereafter conferred by this chapter, the ordinances of the City of Glen Rose, or applicable laws of the State of Texas.

(E) *Citizen of Somervell County.* Each member of the Planning and Zoning Commission shall be a resident citizen of the Somervell County at the time of his or her appointment. A member of the Planning and Zoning Commission ceasing to reside in the county during his or her term of office shall immediately forfeit his or her office.

(F) *Removal.* Any member of the Planning and Zoning Commission may be removed from office for any cause deemed by the City Council to be sufficient for removal of the member. If a vacancy should exist in the Planning and Zoning Commission membership due to removal from office, resignation, death, refusal or inability to serve, the City Council shall appoint a new member to fill the vacancy for the unexpired term.

(G) *Attendance.* Three consecutive absences that are not excused by the Planning and Zoning Commission, or the absence of a regular member from more than 50% of the meetings in any calendar year, will automatically remove a member from the Planning and Zoning Commission.

(H) *Officers.* The Planning and Zoning Commission shall elect a Chairperson, Vice-Chairperson and Secretary at the first meeting in July for a term of one year. The Vice-Chairperson is to preside in the absence of the Chairperson. Both the Chairperson and the Vice-Chairperson shall vote on every item unless prohibited by law.

(I) *Meetings.*

(1) All meetings of the Planning and Zoning Commission shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep record of its examinations and other official actions, all of which shall be filed in the office of the Commission and shall be a public record. The City Secretary of the City of Glen Rose shall be the custodian and possessor of the records and minutes of the Planning and Zoning Commission.

(2) Meetings of the Planning and Zoning Commission may be held as often as necessary to conduct the business coming before the Commission at the call of the Chairperson and at such other times as the Commission may determine.

(J) *Rules of procedure.* Whenever a public hearing is closed, it shall be proper for the Commission to take the matter under advisement and announce its decision at some subsequent meeting which is open to the public. No hearing, however, will be continued without setting a definite date when the hearing will be resumed where a matter is taken under advisement

- (a) Establishment. The City's Code of Ordinances establishes the standards governing the Planning and Zoning Commission.
- (b) Composition: The Commission shall be composed of five members to be appointed by the City Council.
- (c) *Duration of terms of office; transition procedure; filing of vacancies; reappointment.* The members of the Planning and Zoning Commission shall be appointed for a term of two years on a rotating basis and removable for cause by the City Council. The terms of office shall expire on the last day of December or until their successor has been appointed. In the event that a vacancy occurs on the Planning and Zoning Commission prior to the expiration of a full term, the City Council shall appoint a new member to complete the unexpired term. Any member of the Commission may be reappointed by the City Council upon completion of a full term.
- (d) *Quorum.* Any three members shall constitute a quorum for the transaction of the business. The affirmative vote of a majority of those attending any meeting at which there is a quorum present shall be necessary to pass any motion, recommendation or resolution of the Planning and Zoning Commission.
- (e) *Duties generally.* The Planning and Zoning Commission shall, from time to time, either at its discretion or as requested by the City Council submit its reports, plans and recommendations for the orderly growth, development, and welfare of the city in accordance with Tex. Local Gov't. Code, §§ 211.001 *et seq.*. The Commission shall also perform other duties as may be prescribed by ordinance or state law; or as follows:
 - a. Involved in creating and approving a Comprehensive Plan and make a recommendation on the Plan to the Council.
 - b. Review, comment, and approve all preliminary site plans and preliminary and final subdivision plats.
 - c. Review, comment and recommend to City Council any planned developments or financial plans related to new developments.
 - d. Exercise control over platting or subdividing land within the corporate limits of the city, and outside said corporate limits to the extent authorized by law.

- e. Exercise control to regulate and restrict the locations of trades and industries, the location of buildings designed for specific uses, and to regulate and limit the height and bulk of buildings.
 - f. Recommend amendments in the specific areas of the code of ordinances and to the city council when such amendments are needed because of changing conditions new practices or court decisions.
 - 1. Zoning Ordinance
 - 2. Building Regulations
 - 3. Business Regulations
 - 4. Subdivision Regulations
 - g. Ensure that no subdivision, street, park or any public way, ground, or space, public building or structure, or public utility, whether publicly or privately owned, which is in conflict with the master plan be constructed, or authorized by the city, until and unless the location and extent thereof is in full compliance with the currently adopted edition of the city's Comprehensive (Master) Plan.
 - h. Recommend land acquisition and development for City open space or recreation purposes.
 - i. Recommend changes in land use or development arising from local, state, or federal programs or policies.
 - j. Make any other recommendations based on sound planning principles to the Council on items of interest or concern.
 - k. Review the Development Code, Zoning Map, and Comprehensive Plan as needed or a minimum of every two years to take advantage of new techniques, correct deficiencies or for other appropriate reasons.
 - l. May impose conditions on its approval of developments including but not limited to configuration of streets, sidewalks, location of public improvements, reservation of open space and recreational areas.
 - m. Recommend programs for public structures, improvements, and other land acquisitions that would benefit the City.
 - n. May also enter upon any land and make examinations and surveys.
 - o. Be vested with all of the authority given such commissions under the laws of the state, the city's Charter and the ordinances of the city.
- (f) Table 2 is a summary of the Planning and Zoning Commission's responsibilities with the Subdivision Ordinance.

<Add current Table 2>



CITY COUNCIL AGENDA ACTION FORM

AGENDA DATE:	8/23/2023		
AGENDA SUBJECT:	Review and discussion of Parking Space Requirements		
PREPARED BY:	Building/Planning/Code Enforcement Assistant Holthe	DATE SUBMITTED:	8/18/23
EXHIBITS:			
BUDGETARY IMPACT:	Required Expenditure:		\$00.00
	Amount Budgeted:		\$00.00
	Appropriation Required:		\$00.00
CITY ADMINISTRATOR APPROVAL:			
SUMMARY:			
RECOMMENDED ACTION:			

CURRENT

Parking space. An area measuring at least 9 feet wide by 18-20 feet in length, surfaced with an all-weather surface, enclosed or unenclosed, together with an all-weather surfaced driveway connecting the parking space with a street or alley permitting satisfactory ingress and egress. For computing off-street parking space requirements, parking spaces on public streets, alleys or rights-of-way shall not be used.

EACH ACRE OF PARKING AREA PROVIDES THE FOLLOWING:

ANGLE OF PARKING	ANGLE OF PARKING							
	30°		45°		60°		90°	
WIDTH OF DRIVE	1	2	1	2	1	2	1	2
8' 0"	342.4	127	273.2	152	263.2	161	240	161
8' 6"	353.2	128	280.6	152	264.1	162	241	162
9' 0"	364.1	129	288.0	153	265.1	163	242	163

1- SQUARE FEET PER SPACE
2- PARKING SPACES

SIZE OF AUTO...



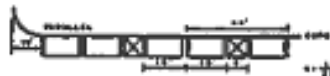
DETERMINED SIZE OF SPACE REQUIRED FOR PARKING, INSPECTION, ETC.

TOWARD ROOM DETERMINED THE 5-17 BY ACCESS DRIVE, WIDTH OF PARKING DRIVE, ETC.

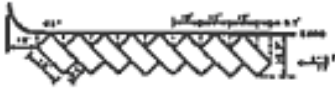


1- AXIS OF WHEEL BEAR WHEEL
2- AXIS OF WHEEL END OF FRONT BUMPER

LAND PARKING REQUIREMENTS:



BY NUMBER OF SPACES
1- LENGTH OF ROW



LAND PARKING SHOULD NOT BE LESS THAN 10' TO 15' TO PROVIDE TURN UP TO BEHIND FOR MAINTENANCE ACCESS AND VEHICLES MUST BE PARALLEL TO DRIVE DRIVE DRIVE DRIVE AND DRIVE DRIVE DRIVE DRIVE, A 10' DRIVE DRIVE IS COMMON.

- I.
- E.
- 2.
- C.

NEW**Article 12.04.043 – PARKING STANDARDS****(a) Purpose**

The purpose of this Article is to establish the number of required off-street vehicular parking spaces so as to provide for the needs of occupants, customers, visitors or others involved in the use or occupancy of any building or structure, to eliminate the undue use of the surface street system for parking purposes, to require allocation of sufficient off-street/on-site loading facilities by business and industry which ensures that the loading and unloading of vehicles will not interfere with traffic flow or block roadways and/or fire lanes, to promote and protect the public health, safety, comfort, convenience and general welfare, and to grant and define the administrative powers and duties necessary to enforce this Article.

(b) General Provisions

- a. Required off-street parking in residential districts shall be provided on the same site, lot or tract as the main use for which the parking is provided.
- b. Required off-street parking in nonresidential districts may be located on the same site, lot or tract as the main use for which the parking is provided or on a site, lot or tract located within the same zoning district and within 150 feet of the main use.
- c. If specific requirements for off-street parking result in a fraction of a parking space, the next larger whole number of spaces is required.
- d. Whenever a building or use constructed or established before <insert date> is changed or enlarged in floor area, number of dwelling units, seating capacity or otherwise, to create a need for an increase in the minimum number of required parking spaces, such additional spaces shall be provided at 50% of the normal rate to accommodate the enlargement or change.
- e. All driveways and all required off-street parking spaces shall be on a paved concrete or asphalt surface. All drive approaches shall be of paved concrete.
- f. Parking spaces provided within a public right-of-way shall not be counted as meeting the minimum requirements of this Article.
- g. In the event of the construction of a phased development, the minimum number of parking spaces provided shall apply to each phase as it is developed.
- h. In computing the parking requirements for any building or development with multiple uses, the total parking requirements shall be the sum of the specific parking requirements for each individual use included in the building or development.
- i. Residential curb cuts.
 - i. *Straight driveways.* Curb cuts for residential driveway aprons shall be not less than ten feet (10') in width, and not more than twelve feet (12') in width for a single driveway apron nor more than twenty-four feet (24') in width for a double driveway apron. Curb cuts will be permitted only for driveway aprons providing access to a garage, carport or hardstand.

Not more than one curb cut will be permitted for each residential parcel of land except as follows for circular driveways.

- ii. *Circular driveways.* Circular driveways are allowed for lots with a minimum of one hundred feet (100') of frontage. Circular driveways shall have a maximum of two sixteen-foot curb cuts with a minimum of thirty feet (30') between each cut.
 - j. Detached accessory, ancillary or storage structures in commercial and manufacturing districts shall not be located in a manner that decreases the minimum number of parking spaces required.
 - k. Areas intended for outdoor displays and general outdoor storage shall not be allowed in designated off-street parking areas or fire lanes and shall not be located in a manner that decreases the minimum number of parking spaces required.
 - l. Parking and storage, including vehicles awaiting repair, employee, customers and vendors, for automobile repairs and service cannot occur in the public right-of-way.
- (c) **Size of Space:**
- a. Each standard off-street surface parking space shall measure not less than nine (9') feet by twenty (20') feet, exclusive of access drives and aisles, and shall be of usable shape and condition.
 - b. *Wheel stops.* If wheel stops are not provided at locations where vehicles extend over the sidewalk areas, a minimum of eight feet (8') <5' or 8'> of free walking area, exclusive of vehicle overhang, width must be provided.
 - i. Wheel stops shall be designed so that the overhang of vehicles is contained totally within the parking space.
 - c. Each parking space designed for parallel parking shall have a minimum dimension of eight (8') feet by twenty-two (22') feet. D.
 - d. Each standard parking space located in a parking garage shall measure not less than ten (10') feet by twenty (20') feet, exclusive of access drives or aisles.
- (d) *Handicap accessible parking.*
- a. The number and size of the handicap parking spaces required must meet the City of Glen Rose standard and follow the Federal Americans with Disabilities Act and Texas Accessibility Standards.
- (e) **Schedule of Off-Street Parking Requirements:**
- a. See Appendix A (Schedule of Uses) – or insert table here
 - b. **New and Unlisted Uses:**
When a proposed land use is not classified in the Schedule of Uses, the parking requirements will be based on the minimum standard which applies to a specified use which is most closely related to the proposed land use, as determined by the Building Official.
 - c. **Mixed Uses:**
In the event that several users occupy a single structure, or parcels of land, the total requirements for off street parking shall be the sum of the requirements for the several uses computed separately unless it can be shown that the peak

parking demands are offset, for example with retail and residential, or theater and office uses. In such case the Planning & Zoning Commission may recommend reducing the total requirements accordingly, but not more than twenty five (25%) percent for approval by City Council.

(f) Striping

- a. All parking lots shall be striped in a manner that will clearly delineate parking spaces, fire lanes and pedestrian crosswalks.
- b. Directional arrows shall be provided in all drive lanes and driveways.

(g) Shared Access and Cross Lot Access Easements

Notwithstanding any other provisions of this Article, unless otherwise approved by the City, to reduce the number of curb cuts and access driveways, the dedication of joint-use, private access driveway easements and cross lot access easements shall be required for all commercial development.

(h) Stacking Requirement for Drive-Through Facilities

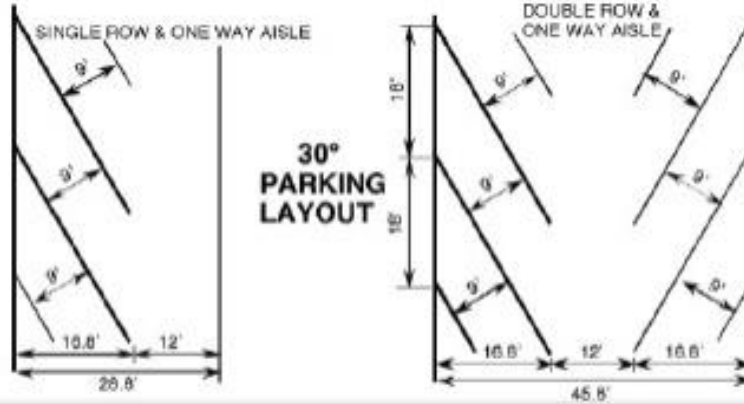
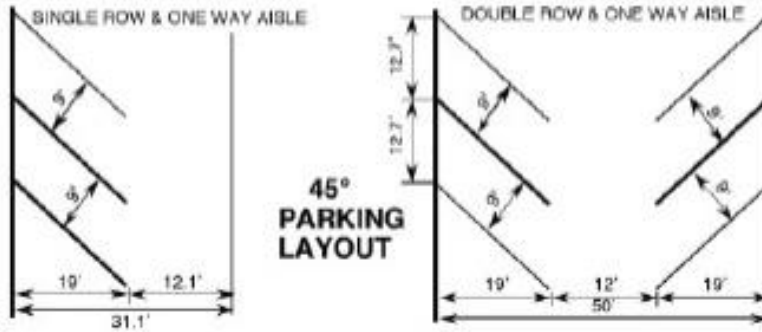
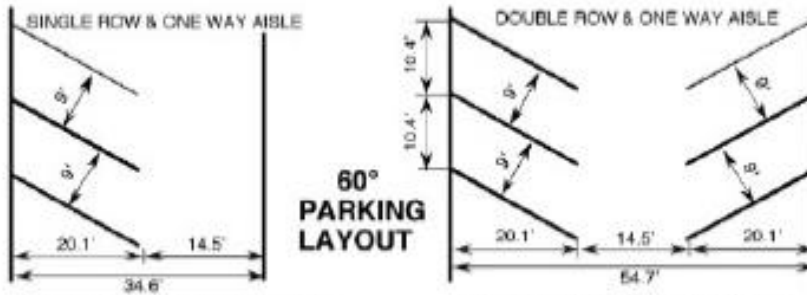
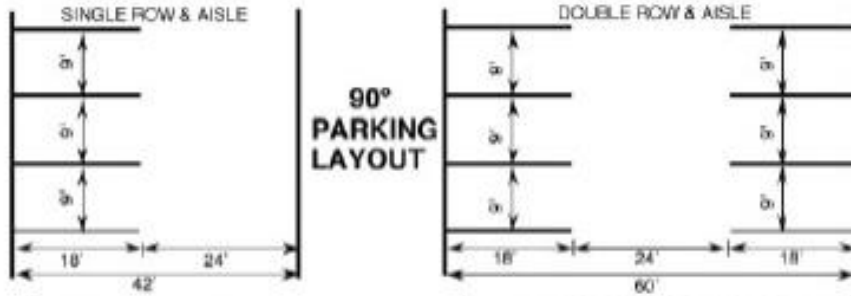
- a. A stacking space shall be an area on a site measuring eight (8') feet by twenty (20') feet with direct forward access to a service window or station of a drive-through facility which does not constitute space for any other circulation driveway, parking space, or maneuvering area.
- b. All stacking spaces shall be located entirely within the lot and shall be outside of any right-of-way, fire lane or similar access.
- c. For financial institutions with drive-through facilities, each teller window or station, human or mechanical, shall be provided with a minimum of five (5) stacking spaces.
- d. For each service window of a drive-through restaurant, a minimum of seven (7) stacking spaces shall be provided.

(i) Off-Street Loading/Unloading Requirements

- a. All retail, commercial, industrial, and service structures shall provide and maintain off-street facilities for receiving and loading merchandise, supplies and materials within a building or on the lot or tract. Such off-street loading space may be adjacent to a public alley or private service drive or may consist of a truck berth within the structure. Such off-street loading space or truck berth shall consist of a minimum area of ten (10') feet by forty (40') feet and the spaces or berths shall be provided in accordance with the following schedule:

Square Feet of Gross Floor Area in Structure	Minimum Required Spaces or Berths
0 – 5,000	None
5,000 – 15,000	1
15,000 – 50,000	2
50,000 – 100,000	3
100,000 – 150,000	4
Each Additional 50,000 over 150,000	1

(j) Parking Dimensions





CITY COUNCIL AGENDA ACTION FORM

AGENDA DATE:	8/23/2023		
AGENDA SUBJECT:	Review and discussion of Sign Ordinance		
PREPARED BY:	Building/Planning/Code Enforcement Assistant Holthe	DATE SUBMITTED:	8/18/23
EXHIBITS:			
BUDGETARY IMPACT:	Required Expenditure:		\$00.00
	Amount Budgeted:		\$00.00
	Appropriation Required:		\$00.00
CITY ADMINISTRATOR APPROVAL:			
SUMMARY:			
RECOMMENDED ACTION:			

SIGN STANDARDS AND PERMITS

Purpose and goals.

(a) The purpose of this chapter is to provide uniform sign standards that perform the following:

- (1) Promote a positive image of the city;
- (2) Protect an important aspect of the economic base;
- (3) Reduce the confusion and hazards that result from excessive and prolific use of sign displays;
- (4) Ensure that no hazard is created due to collapse, wind, fire, collision, decay or abandonment; that no obstruction is created to fire fighting and police surveillance; and no traffic hazard is created by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs;
- (5) Promote efficient transfer of information in sign message by providing that businesses and services may identify themselves; customers and other persons may locate a business or service; and persons exposed to signs are not overwhelmed by the number of messages presented, and are able to exercise freedom of choice to observe or ignore said messages, according to the observer's purpose; and
- (6) Protect the public welfare and enhance the appearance and economic value of the landscape by providing signs that do not interfere with scenic views; do not create a nuisance to persons using the public right-of-ways; do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height, or movement; are not detrimental to land or property value; and, contribute to the special character of particular areas or districts within the city, helping the observer to understand the city and orient oneself within it.

(b) By recognizing this purpose, this chapter shall serve to strengthen the economic stability of business, cultural, and residential areas in the city; recognizing that visual clutter leads to decline in the community's appearance, in property values, and in the effectiveness of the signs.

(c) The goals of this chapter are to preserve the integrity of our community, promote pride in our neighborhoods, promote safe egress/ingress on public roadways, and encourage the effectiveness of signs.

(d) In the event of conflicts, actual or perceived, in the terms or requirements of this chapter, the most restrictive interpretation shall apply.

First Amendment rights.

This chapter shall not be construed, applied, interpreted, nor enforced in a manner to violate the First Amendment rights of any person, and the building official shall seek the advice and recommendation of the city attorney prior to taking any action to enforce any provision of this ordinance with respect to any non-commercial sign or speech by any person.

Enforcement.

(a) *Authority.* The building official and the code enforcement officer is hereby authorized and directed to enforce all the provisions of this chapter. For such purposes the building official has the powers of a code enforcement officer.

(b) *Right of entry.* Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the building official has reasonable cause to believe that there exists in any building or upon any premises any condition which violates the provisions of this chapter, the building official may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official by this chapter. If such building or premises is occupied, the building official shall first present proper credentials and request entry; and if such building or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the building official shall have recourse to every remedy provided by law to secure entry.

Definitions.

As used in this chapter, all words shall have the common meaning of such word and the following terms shall have the meaning indicated below unless context clearly indicates otherwise:

Actively being built. The project or subdivision has continuous construction efforts underway to complete the project.

Activities and events sign. An enclosed, marquee-type sign to provide public buildings, churches (limited to places of worship only), and neighborhood associations, herein referred to as "the entity(ies)" the opportunity to post notices of meetings, activities, and other notices of interest to the entity or group it serves. The purpose of this sign is to facilitate communication within the community served by the public buildings and

the churches, and within the larger neighborhoods of fifty homes or more represented by their neighborhood association.

Awning. A shelter constructed of materials on a supporting framework that projects from and is supported by the exterior wall of a building.

Banner. A sign made of fabric or any nonrigid material.

Berm (monument) sign. A sign where the frame of the sign face is set at grade with the ground as a monument or in an earthen berm. There is no clearance between the ground and the sign face.

Billboard. A sign that is defined by industry standards as a billboard, including changeable electronic variable messaging signs, and in the absence of an industry standard definition, billboard shall mean a sign having a height greater than 12 feet and a surface area greater than 378 square feet.

Building official. Any officer or employee, or person, designated by the City Administrator to perform the duties set forth in this ordinance to be performed by the building official.

"Burma Shave" signs. A sign intended to provide information and direction to potential home buyers within a recorded subdivision in which new homes are actively being built.

Canopy. A freestanding structure with a roof but not walls.

Changeable electronic variable message sign. A sign which permits alteration of the sign's message or images by electronic means. This includes a sign using light-emitting diodes (LEDs) or other means of digital display to present a message or images.

Clearance (of a sign). The smallest vertical distance between the grade of the adjacent street curb and the lowest point of any sign, including framework and embellishments, but excluding sign supports.

Commercial. Locations where the principle use of the property is not classified as residential or multifamily.

Construction trade sign. A sign that identifies the architect, engineer, financial institution, builder, or other building trades contractor involved in a construction project at the site where the sign is located.

Curbline. An imaginary line drawn along the outermost part of back of the curb and gutter on either side of a public street, or, if there is no curb and gutter, along the

outermost portion of the paved roadway, or if there is no paved roadway, along the edge of the traveled portion of the roadway.

Directional signs, traffic. An on-premise sign giving directions, instructions, or facility information and which may contain the name or logo of an establishment and no advertising copy, e.g., parking or exit and entrance signs.

Electrical sign. A sign containing electrical wiring, connections, or fixtures, or utilizing electric current, but not including a sign illuminated by an exterior light source.

Electronic message sign. A sign that includes provisions for programmable electronic message changes.

Facade. All building wall elevations, including any vertical extension of the building wall (parapet), but not including any part of the building roof.

Face or surface. The surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.

Flashing. To light intermittently. To change colors intermittently in order to achieve a flashing, fluttering, scrolling, undulating, or rolling affect (i.e. LED displays). Scrolling of text in a single color is not considered to be flashing.

Freestanding sign. A sign that is not attached to a building but is permanently attached to the ground.

Frontage. A boundary line separating the public right-of-way from the lot.

Future development signs (temporary construction, real estate, or development sign). A freestanding or wall sign advertising the construction, remodeling, development, sale, or lease of a building or the land on which the sign is located.

Government sign. A sign installed, maintained, or used:

(1) By a city, county, state or the federal government, required or specifically authorized for the public purpose pursuant to regulations promulgated by the state or federal government;

(2) By the City of Glen Rose.

Gross surface area. The entire area within a single continuous perimeter enclosing the extreme limits of each sign. A sign having two surfaces shall be considered a single sign if both the surfaces are located back to back. In the event two or more signs share a single structure, i.e., directory signs, or signs on v-shaped structures, each sign or panel shall be considered separately for square footage purposes, provided that the

combined area of such signs cannot exceed the total square footage allowed on a single sign.

Height (of a sign). The vertical distance between the finished grade before the sign or grade of the adjacent street curb, whichever is greater, measured to the highest point of the sign.

Human sign. A sign held by or attached to a human for the purpose of advertising or providing information about a business, commodity, service, product, or other commercial activity. A person dressed in a costume for the purpose of advertising or providing information about a business, commodity, service, product, or other commercial activity shall constitute a human sign. Human signs do not include T-shirts, hats, or other similar clothing.

Incidental sign. A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises (e.g. a credit card sign or a sign indicating hours of business).

Inflatable sign. Any balloon or other device which is inflated by air or other gas and displayed outdoors. Inflatable structures primarily designed for recreational use shall not be considered to be a sign as, for example: slides, swimming pools or space walks.

Information signs. Includes bulletin boards, changeable copy directories, or signs relating solely to publicly owned institutions (city, county, state, school district) intended for use by the institution on which the sign is located.

Intersection. A place where two roads meet or form a junction. For purposes of this ordinance, sign setback distance is measured from the intersections of the curblines of two streets.

Kiosk sign or kiosk. A free-standing sign structure located in or adjacent to public right-of-way authorized by written agreement approved by the City Council that features a City of Glen Rose identification panel at the top of each structure, and displays directional information to new homes, independent school district facilities, and municipal or community events or facilities.

Marquee. A permanent roof-like structure or awning or rigid materials attached from, supported by, and extending from the facade of a building, including a false "mansard roof."

Memorial signs or tablets. Includes freestanding historical markers in accordance with state historical standards, and/or cornerstones with names and dates of construction of a building when cut into a building surface or inlaid upon it to become part of the building.

Menu boards. Freestanding or wall signs used for the purpose of informing patrons of food, which may be purchased on the premises.

Model homes sign. A temporary real estate sign placed in front of a group of model homes that is removed from the premises upon sale of the last model.

Multifamily. Locations that contain three (3) or more attached units designed for residential use including town homes and condominiums.

Multitenant center sign. A sign advertising two or more retail, wholesale, business, industrial, or professional uses (not necessarily under single ownership) utilizing common facilities including off-street parking, access, or landscaping.

Multitenant center identification sign. The portion of the sign that identifies the general name of the center or development as a whole. The sign shall include only the name and address of the development.

Nameplates. Nonelectrical, on-premises signs that communicate only the name of the occupant of the address of the premises.

Nonconforming sign. A sign that was lawfully installed at its current location prior to the adoption or amendment of this ordinance, but that does not comply with the present requirements of this ordinance.

Off-premises sign. A sign referring to goods, products or services provided at a location other than that which the sign occupies.

On-premises sign. A sign identifying or advertising the business, person, activity, goods, products, or services located on the site where the sign is installed, or that directs persons to a location on that site.

Parapet. The extension of a false front or wall above a roofline.

Point-of-sale sign. A sign advertising a retail item accompanying its display (e.g., an advertisement on a product dispenser).

Political sign. A sign advertising a political candidate or party for elective office or that advertises primarily a political message.

Portable signs. Signs not permanently attached to the ground or other permanent structure, or a sign designed to be transported by wheels including, but not limited to signs which are mounted on skids, trailers, wheels; signs converted to A- or A-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising.

Primary beneficiary. Any person who benefits from the installation, placement, construction, or alteration of a sign, including the owner or tenant of the property upon which the sign is located and the owner or operator of the business, product, service, or activity that is the subject of the sign.

Private traffic-control signs. Small traffic directional signs indicating interior circulation of parking areas on site, warn of obstacles or overhead clearance, or designate permissible parking.

Projecting signs. A sign used to identify the name of a business, profession, service, product or activity conducted, sold or offered on the premises where the sign is located by providing an advertising message that is perpendicular to the wall of the building to which it is attached.

Pylon signs. Freestanding signs that are supported by a structure extending from and permanently attached to the ground by a foundation or footing, with a clearance between the ground and the sign face. Pylon signs are not considered monument signs.

Real estate signs. Temporary signs advertising the real estate upon which the sign is located as being for rent, lease, or sale.

Residential. Locations where the principal use of the property is for one and two-family dwelling units.

Roof sign. Any sign installed over or on the roof of a building.

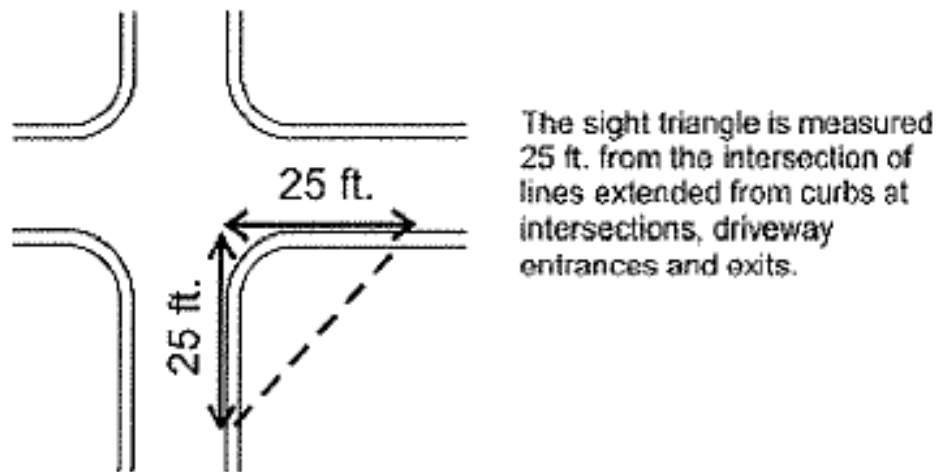
Sign. Any surface, display, design, light device, painting, drawing, message, plaque, poster, billboard or other device visible from the public right-of-way on which letters, illustrations, designs, figures, or symbols are painted, printed, stamped, raised, projected, outlined or attached in any manner whatsoever that are intended or used to advertise, inform, or attract the attention of persons both on and not on that premise, excluding those lights and landscape features which display words or symbols as holiday decorations. The term "sign" also includes the supporting structure of the sign.

Sign area. Includes all lettering, wording, logos, design, symbols, framing, roofing, and cabinets, or modules, calculated according to the provisions established in this ordinance.

Sign panel. An individual sign placard displaying directional information on a sign kiosk.

Sight triangle. The area of vehicle visibility at all street intersections, which shall be clear of all obstructions that may present a hazard to traffic. The visual triangle for a street shall be described as a 45-degree triangle where the right angle sides measure

at the very minimum twenty-five (25) feet. The visibility triangle shall be measured from a point at which the projected curb lines intersect.



Subdivision. For purposes of this ordinance, the subdivision in its entirety, not a phase, section, village, unit, or product line.

Subdivision development entrance signs. Defined as:

- (1) Primary entrance signs;
- (2) Secondary entrance signs; and
- (3) Tertiary entrance signs;

and are used to define various entries of the subdivision.

Temporary sign. Any sign that is used temporarily and is not permanently mounted (i.e. on stakes or posts), and is constructed of cardboard, foam board, cloth, canvas, fabric, plastic, plywood, or similar lightweight material.

Temporary wall signs. An on-premises wall sign of a nonpermanent nature advertising a special event, sale, product, or service.

Wall sign. A sign attached to the facade of a building or a canopy. Wall signs include signs on or affixed to walls, windows, awnings, or other parts of the exterior of a building or canopy.

Window or door surface signs. Signs installed on or in a window or door.

Work of art. Sculpture, fountain, mural or similar object is not considered as a sign.

(a) All land within the city and its extraterritorial jurisdiction (ETJ) is subject to compliance with this chapter.

(b) The sections, provisions, and regulations set forth in this ordinance shall apply to the control, use, installation, regulation, licensing and permitting of signs within the city and its ETJ.

Permit required.

(a) *Permit required.* It shall be unlawful for any person to erect, construct, enlarge, move or convert any sign within the city or its extraterritorial jurisdiction (ETJ) without first obtaining a sign permit from and paying a permit fee unless specifically provided otherwise in this chapter. A change of business requires a new sign permit.

(b) *Compliance required.* No person may install a sign or structurally alter an existing sign except in conformity with this ordinance and other applicable federal, state, and local regulations, including, but not limited to, the building code, electrical code, and other applicable ordinances of the city. In the event of a conflict between this chapter and other laws, the most restrictive standards applies.

(c) *Permit not required.* Permits shall not be required for the following signs, provided, however, that such signs shall otherwise comply with all applicable sections of this chapter:

(1) On-site real estate "for sale" signs not exceeding eight square feet; provided that a permit is required for a model home sign and future development signs.

(2) Political signs located on private property with the consent of the property owner that do not exceed 36 square feet in area, are not more than eight feet in height, are not illuminated, and do not have any moving elements.

(3) Government signs, including traffic signs, private traffic-control signs, regulation address numerals, and memorial signs.

(4) Construction trade signs.

(5) No sign permit is required for a change of copy on any sign, or for the repainting, cleaning and other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign or sign structure is not modified.

(d) *Primary beneficiary.* The primary beneficiary of any sign installed, moved, structurally altered, structurally repaired, maintained, or used in violation of this ordinance shall be deemed responsible for the violation of this chapter.

(e) *Building official authority.* The building official shall enforce and implement the terms of this chapter, including without limitation:

- (1) Issuing permits and collecting the fees required by this chapter;
- (2) Conducting appropriate inspections to insure compliance with this chapter;
- (3) Instituting legal proceedings, including suits for injunctive relief when necessary, to insure compliance with this chapter; and
- (4) Investigating complaints of alleged violations of this chapter.

(Ord. No. 576, § 2(Attach., § 6), 7-7-2009)

Application for permit.

(a) An application for a sign permit must be accompanied by the permit fee and shall include such information as is necessary to assure compliance with all appropriate laws and regulations of the city, including:

- (1) The name and address of the owner of the sign.
- (2) The name and address of the owner, and if different from the owner, the person in possession of the premises where the sign is located or to be located.
- (3) Clear and legible drawings with description definitely showing location of the sign which is the subject of the permit and all existing signs whose construction requires permits, when such signs are on the same premises.
- (4) Scale drawings showing the site plan location, dimensions, construction supports, sizes, foundation, electrical wiring, and components, materials of the sign and method of attachment and character of structure members to which attachment is to be made. The design, quality, materials and loading shall conform to the requirements of the building code. Projection, wall and temporary signs not over six square feet in area, constructed of metal or other noncombustible material, attached securely to a building or structure and not projecting more than 18 inches beyond the building wall, structure, building line or property line, shall not require an engineer certification as to its soundness. Wind pressure and dead loads shall be shown where deemed appropriate, and the building official may require structural drawings designed and sealed by a civil engineer registered by the State of Texas when it cannot otherwise be determined that the sign will be structurally sound. If building official, engineering data certified by a licensed structural engineer shall be supplied on any submitted plans.

(5) Any electrical permit required and issued for said sign.

(6) For free-standing signs, documentation demonstrating that the applicant holds general liability insurance in the amount of one million dollars. No license or permit for the installation, erection and maintenance of a freestanding sign shall be issued to any person, firm or corporation until such person, firm or corporation has filed with the building official a certificate of Insurance verifying general liability insurance in the amount of \$1 million.

(7) A surety bond in the sum of \$5,000.00 for the installation and erection of the sign payable to the city and providing for the indemnification of the city and any and all damages or liability which may accrue against the city for a period of one (1) year after installation, erection, demolition, repair, removal, or defects in or collapse of any sign.

(8) The permit fee.

(b) Fees for sign permits shall be as specified in _____, and calculations of the square footage shall include decorative trim and borders, but exclude supports, except when otherwise specified in this chapter.

(c) Expiration of sign permits:

(1) A sign permit shall expire and become void unless a request for final inspection of the sign is made no later than 180 days after the date the permit is issued.

(2) A single extension 90-day extension of the permit may be granted by the building official if requested before the expiration of the permit. Final inspection must be requested before the end of the extension period or the permit becomes void.

Calculation of sign area.

(a) *Sign area measurement.* Sign area for all sign types is measured as follows:

(1) Sign copy mounted, affixed, or painted on a background panel or area distinctively painted, textured, or constructed as a background for the sign copy, is measured as that area contained within the sum of the smallest rectangle(s) that will enclose both the sign copy and the background.

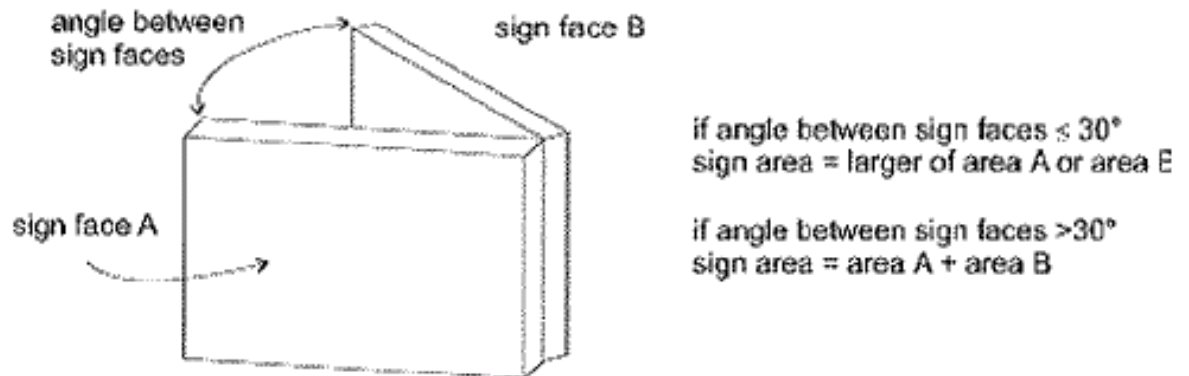
(2) Sign copy mounted as individual letters or graphics against a wall, fascia, mansard, or parapet of a building or surface of another structure that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign

copy, is measured as a sum of the smallest rectangle(s) that will enclose each word and each graphic in the total sign.

(3) Sign copy mounted, affixed, or painted on an illuminated surface or illuminated element of a building or structure, is measured as the entire illuminated surface or illuminated element which contains sign copy. Such elements may include, but are not limited to lit canopy fascia signs, cabinet signs, and/or interior lit awnings. Support structures and frames of a freestanding sign shall count toward the sign area.

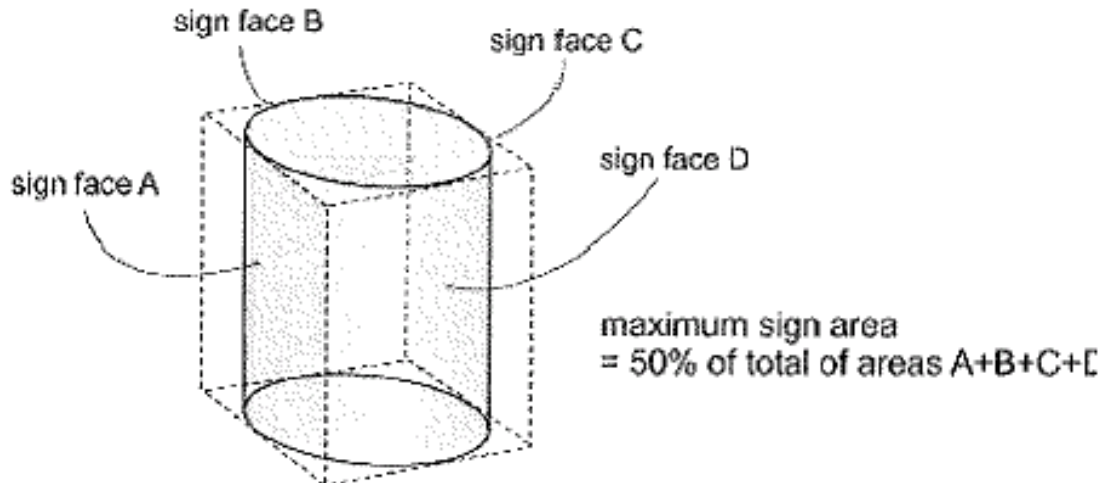
(4) Multiface signs are measured as follows:

a. *Two (2) face signs.* If the interior angle between the two sign faces is 30 degrees or less, the sign area is of one sign face only. If the angle between the two sign faces is greater than 30 degrees, the sign area is the sum of the areas of the two sign faces.



b. Three (3) or four (4) face signs. The sign area is 50 percent of the sum of the areas of all sign faces.

(5) Spherical, free-form, sculptural, or other nonplanar sign area is 50 percent of the sum of the areas using only the four vertical sides of the smallest four-sided polyhedron that will encompass the sign structure. Signs with greater than four faces are prohibited.



(6) Freestanding sign area is the entire advertising area of a sign, including framing, trim or molding and the supporting frame for monument signs and including the air space between the supporting structures for freestanding signs.

(b) *Sign height measurement.* Sign height is measured as follows:

(1) *Freestanding signs.* The height of a freestanding sign shall be computed as the distance from the base of the sign at finished grade to the top of the highest attached component of the sign. The height of any monument sign base or other structure erected to support or adorn the sign is measured as part of the sign height. If a sign is located on a mound, berm, or other raised area for the sole purpose of increasing the height of the sign, the height of the mound, berm, or other raised area shall be included in the height of the sign.

(2) *Building mounted signs.* The height of wall, fascia, mansard, parapet or other building mounted signs is the vertical distance measured from the base of the wall on which the sign is located to the top of the sign or sign structure.

Prohibited signs.

The following signs are prohibited from installation, construction, repair, alteration, location or relocation within the city, except as otherwise specifically permitted in this chapter or by agreement approved by the city council only during the term of the agreement:

(1) Signs with flashing lights or revolving beacon lights. For purposes of this chapter, an electronically controlled changeable-copy sign is not considered a flashing sign unless it directly falls under the definition of "flashing" as defined in this chapter.

(2) Billboards.

(3) Off-premises signs, except for kiosks and any other sign specifically authorized in this ordinance that are compliant with this ordinance.

(4) Portable signs.



(5) Temporary signs except as specified _____

(6) Signs placed on a vehicle or trailer that is parked or located for the primary purpose of displaying a sign shall be permitted.

(7) Roof signs.

(8) Signs painted on fences or roofs.

(9) Pylon signs, except as specifically provided for in _____

(10) Inflatable signs larger than eight feet in any dimension.

(11) Light emitting diode (LED) displays or signs, with the limited exception of those signs that comply with subsections _____. Such signs, when authorized, shall comply fully with the requirements of this chapter. Electronic message signs are allowed only as part of the monument sign and can have a display size no larger than 12 inches by 72 inches, except as provided otherwise in subsections _____. Messages shall be programmed to remain static for a period of not less than 60 seconds. Messages shall not be programmed to flash.

(12) Signs with a surface area that exceeds the lesser of (a) the maximum size established for the category or definition that applies to the sign or 160 square feet; or (b) the maximum height established for the category or definition that applies to the sign or 12 feet.

Signs exempt from these regulations.

The following types of signs shall be exempt from the permitting provisions of this ordinance. However, regulations regarding sign location in a public right-of-way or public access easement shall apply. It is further specifically provided that the building

official may, based upon the size, materials used in construction and other relevant factors, require the owner of any sign to show evidence of structural soundness and compliance with the safety requirements of this chapter.

- (1) Any sign erected by or under the authority of the city on property owned by, leased by, or under the control of the city.
- (2) Street identification signs, public notices, and warning signs installed by any city, county, state or federal agency.
- (3) Historical markers placed by a city, county, state or national historical preservation organization.
- (4) Official vehicle inspection station signs, holiday lights and decorations, or works of art.
- (5) Signs located on-premises or inside a building and which are not displayed so as to be legible from a public street, including, but not limited to, such signs as credit card decals, hours of operation signs, emergency contact information, and barber poles.
- (6) On-site traffic control signs on commercial properties, such as stop, yield, and similar traffic control signs containing no commercial message.
- (7) "No parking" or "towing" signs authorized by city ordinance.
- (8) "No dumping allowed" signs posted to deter illegal dumping not exceeding two square feet.
- (9) Underground utility warning signs not exceeding one square foot in size and similar safety signs.
- (11) Security Warning, neighborhood watch or crime watch signs under two square feet.
- (12) Flags, emblems and insignia of any governmental body, including the official flag of a nation or of a state is not a sign subject to this chapter. Notwithstanding the preceding sentence, a national or state flag shall not be installed, maintained, or used in a manner that would make that flag a hazardous sign if it were a commercial flag.
- (13) Corporate flags displayed on a freestanding pole, which do not exceed 35 feet in height. The flag shall not exceed 32 square feet in area. The flagpole shall be setback a minimum of 20 feet from the front property line and eight feet from the side property line.

(14) Hand held signs or signs, symbols or displays on persons or animals, except for signs that qualify as human signs.

(15) Signs located on mail boxes, newspaper vending machines and curbside residential newspaper holders which identify the owner and address of the premises or the name of the newspaper sold or subscribed to; provided that such devices are not placed so as to interfere with the safe movement of pedestrians or vehicular traffic.

(16) Signs located on outdoor machines, devices, or equipment which display the trademark, trade name, manufacturer, cost of operating or service instructions or similar information, but do not advertise the business where located. This exemption includes, but is not limited to signs on coin-operated vending machines, fuel dispensing pumps, telephone facilities, automatic teller machines, automatic vacuum cleaners, amusement rides and similar machines, devices or equipment.

Sign categories.

For purposes of this chapter, all property within the city's sign ordinance jurisdiction is classified into a sign category. Those properties within the city's limits are classified based upon their zoning district classification. Those properties located within the ETJ shall be classified into a sign category by the building official based upon the existing or proposed use and the zoning district most closely associated with that use. Classification into a sign category is for the purposes of signage only and does not establish vested use rights towards the assignment of zoning should the property be annexed into the city limits. In overlapping areas, the most restrictive sign regulations will apply:

(1) Single-family residential sign category includes any residential site area, manufactured housing, or any single-family townhouse (R1, R2, R2M, R3, R4 MH) zoning districts or equivalent land use in the ETJ. Nonresidential uses permitted in the identified residential districts shall be included in the commercial sign category.

(2) Multifamily residential sign category includes any site in a multifamily (R2, R2M, R3, R4, MH) zoning districts or equivalent use in the ETJ. Nonresidential uses permitted in the identified residential districts shall be included in the commercial sign category.

(3) Commercial sign category includes any site in general business (B2), restricted business (B1), industrial (I), equivalent use in the ETJ and the permitted nonresidential uses identified in the city's residential and multifamily zoning districts.

(4) Central business district (B3) sign category includes any site that is located within the boundaries of the central business district zoning district.

General provisions.

(a) *Uniform signs in multi-tenant/multi-business developments.* Wall signs displayed by two or more businesses using common parking facilities shall be uniform in construction (i.e. cabinets, channel letters, plaques) and lighting (i.e. direct, indirect).

(b) *Street address.* All freestanding signs, either berm or monument signs, shall include the street address. The street address shall not be included in the calculation of the sign area, except in such case that the street address is also the name of the center, business, or development, or in such case that the street address exceeds six square feet in size.

(c) *Setback.* A minimum setback of at least five feet from any property line is required for all signs. A sign installed in compliance with this ordinance is not required to meet building setback requirements established in a separate city ordinance; however, no sign or sign support, other than a wall sign, may be installed less than 10 feet from the public right-of-way unless it is:

(1) Less 30 inches in height above street pavement grade;

(2) Has a clearance of more than nine feet above pavement grade, provided that the sign shall have a clearance of more than 10 feet when located over a driveway;

(3) Does not extend into or over the public right-of-way unless specifically authorized under this chapter.

(d) *Visibility.* Signs shall not be constructed or installed in a manner that would interfere with visibility, create a traffic hazard, or be confused with any traffic control sign or signal.

(e) *Structural integrity.* Any sign as defined in this ordinance, shall be designed and constructed to withstand wind pressures and receive dead loads as required in the building code adopted by the city. Any sign, other than a wall sign, shall be designed, installed, and maintained so that it will withstand a horizontal pressure of 30 pounds per square foot of exposed surface.

(f) *Maximum height.* No sign shall exceed the maximum height provided for in this chapter. In determining the maximum height of a sign, no sign shall be located on a mound where the surrounding grade has been altered by more than 18 inches for purposes of artificially increasing the overall height of a sign above that allowed by the height regulations in this chapter.

(g) *Historic district.* Signs on premises within a historic district designated by the city shall be subject to the issuance of a certificate of appropriateness by the state or local historic preservation commission.

(h) *Public utility facilities.* New signs and signs being structurally altered shall maintain clearance from public utility facilities, shall not substantially interfere with drainage, and shall not be located in a utility or drainage easement. The minimum clearance from electrical lines shall be as follows: for service lines, except those serving a sign, 5½ feet horizontal and six feet vertical clearance; for distribution lines, 7½ feet horizontal and eight feet vertical clearance.

(i) *Parking, driveways, sidewalks.* Only signs required in the interest of public safety may occupy a required off-street parking or loading space or obstruct any driveway or sidewalk, except as specifically authorized herein.

(j) *Public property.*

(1) No sign shall be located on or project over public property or a street right-of-way except governmental signs, bench signs, and temporary banner signs that comply with this chapter, except where a provision in this ordinance allows such location, or with the approval by the city council of a license agreement. No portion of a freestanding sign shall be permitted to extend into the public right-of-way.

(2) No person shall, either directly or indirectly, cause or authorize a sign to be installed, used, or maintained on any utility pole, traffic signal pole, traffic signal controller box, tree, public bench, street light, or any other structure located on or over any public property or public right-of-way, located within the city's planning jurisdiction, except as authorized by this chapter.

Illumination.

(a) *Lighting.* Sign lighting shall be installed to protect the driver of a vehicle from dangerous glare and to maintain visual clearance of all official traffic signs, signals and devices.

(b) *Glare.* Signs shall be designed, located, shielded, and directed to prevent the casting of glare or direct light from artificial illumination, upon adjacent public right-of-way and surrounding property.

(c) *Bare bulb illumination.* Bare bulb illumination is prohibited.

(d) *Brightness limitations.* The lighting intensity of a sign, whether resulting from internal illumination or external illumination, shall not exceed 75 foot candles when

measured with a standard light meter perpendicular to the face of the sign from a distance equal to the most narrow dimension of the sign.

(e) *Electrical permit.* All signs in which electrical wiring and connections are to be used shall be subject to the applicable provisions of the city's electrical codes.

(f) *Central business sign category.* In the central business sign category, neon or phosphorescent lighting shall not exceed 10 percent of the total signage allowed and may only be located in a window.

- **Sign regulations relating to single-family residential sign category.**

(a) *General.* No sign other than a temporary event directional sign (such as a garage sale sign, event sign, or a real estate sign) or a political sign that comply with _____ shall be erected on property used for single-family or duplex dwellings.

(c) *Model home signs.* Model home signs are limited to a 32 square foot sign face, a height of eight feet, and to one sign for each cluster of model homes. A nameplate sign that identifies the individual product name is exempt under this subsection if it does not exceed three square feet in sign area. Signs shall be placed by permit only, and no fee shall be required.

(d) *Subdivision development entrance sign.* A subdivision development entrance sign is a sign authorized for each major project entry into a legal recorded, multi-lot, multi-sectioned, master-planned subdivision, and contains only the name of the subdivision with no other information. Subdivision entrance signs must be berm or monument signs constructed of stone, brick or other maintenance free material. The design and construction must be compatible with surrounding development. Signage may appear on both sides of the entrance roadway within the recorded or master-planned subdivision and will be soldered as one sign. The maximum allowable sign face size limitations will apply separately to each side of the street, where applicable. Lighting shall be ground lights or lights attached to the top of the sign focused downward directly on the sign. There are three types of subdivision development entrance signs: primary, secondary, and tertiary.

(1) Primary entrance sign is located at the primary entrance into the subdivision. Only one primary entrance sign is permitted for the subdivision, except that a maximum of two primary entrance signs shall be permitted if two entrances to the subdivision are located on two different major arterial roadways, as designated in the city roadway plan. In such case one primary entrance sign may be placed on each of the major arterial roadways.

a. The maximum sign area of the sign is 32 square feet for subdivisions containing 100 lots or less. For every 100 lots in the subdivision in addition to the first one hundred, the size can increase an additional ten square feet to a maximum size of 64 square feet of total sign face area. If the sign face is incorporated into landscape features, a wall, or architectural feature, the size of the sign face is determined by the area of the smallest rectangle within which the face of the sign can be enclosed.

b. A subdivision primary entrance sign must be located within the subdivision or at an off-premises location adjacent to an arterial roadway within 150 feet of the primary entrance to the subdivision. It shall not restrict visibility at intersections. The city may enter into a license agreement to permit a subdivision identification sign to be located on the public right-of-way. The license agreement shall be in a form acceptable to the city.

(2) Secondary entrance signs are located at entrances into the subdivision other than at the primary entrance. They are to be placed at an on-premises location within the subdivision and the sign face shall be a maximum of 16 square feet in size.

(3) Tertiary entrance signs are located at the entryway into sections within the subdivision and are permitted only in subdivisions that exceed 50 acres. they are used to identify various sections that are 25 acres or greater in size in order to enhance direction within the subdivision. These tertiary signs shall be comprised entirely of stone or masonry, with engraved lettering set within the stone. They shall be berm signs only and shall be limited to a total monument size of ten square feet. The developer shall represent in writing to the city its plan for perpetual maintenance of such signs by the homeowner's association or similar entity before a permit will be issued for such signs.

(e) *LED signs.* No LED displays, signs, or message boards are permitted in the single-family residential category, unless the sign is a pylon sign located on a middle school or high school campus and the sign complies with subsection ____

Sign regulations relating to multifamily residential sign category.

(a) Signs in multifamily locations shall be limited to signs allowed in this section and in all applicable restrictions of this ordinance as well as other requirements of the code, and any other applicable law.

(b) Except as provided in this subsection, a single freestanding sign is permitted only as berm or monument signs on the same lot as the development to identify the development and its entrance. Signs must be constructed of stone, brick or other maintenance free material.

(1) Lighting shall be ground lights or lights attached to the bottom of the sign focused upward directly on the sign.

(2) The maximum size of the sign shall be nine-hundredths (0.09) square feet per linear foot of frontage, up to a maximum size of 24 square feet. A minimum size of 12 square feet is allowed for a berm sign.

(3) The maximum height of the sign shall be eight feet.

(4) In the event the development has a second entrance from a public street, a second entrance sign may be constructed, at one-half the size of the one main entry sign.

(c) Wall signs are permitted at a size to be calculated as 0.5 square feet per linear foot of frontage, not to exceed a total of 35 square feet.

(d) Window or door surface signs are allowed. The total sign area of all window and door signs shall be included in calculating the maximum wall sign area authorized at a particular location.

(e) *LED signs.* No LED displays, signs, or message boards are permitted in the multifamily residential sign category, unless the sign is a pylon sign located on a middle school or high school campus and the sign complies with _____

- **Sign regulations relating to commercial not located on US Hwy 67 sign category.**

(a) *Applicability.* The regulations for signs described in this section shall apply to the commercial sign category and to all businesses and civic or religious institutions, excluding home occupations and multifamily developments, located on property that does not front on US Hwy 67

(b) *General.*

(1) Except as otherwise provided in this section, a single freestanding sign is permitted on the same lot as the development to identify the development and its entrance. In the event the development has a second entrance from a public street, a second entrance sign may be constructed.

(2) Notwithstanding any language to the contrary, a pad site or satellite tract within a unified development, whether or not legally subdivided (such as a site for a freestanding service station or restaurant set apart from the unified development) may be considered a separate lot for purposes of this section, and one freestanding sign shall be permitted on each such site.

(c) *Materials.* Signs must be constructed of metal, stone, brick or other maintenance free material.

(d) *Lighting.* Shall meet all dark sky recommendations

(e) *Dimensions for monument signs and berm signs.*

(1) Monument Signs shall not exceed nine-hundredths (0.09) square feet per linear foot of frontage, up to 24 square feet for single-user signs, or for the center identification portion of a multitenant center identification sign.

(2) A minimum size of 12 square feet is allowed for a berm sign.

(3) For a multitenant center sign for a business not located along a state highway, each tenant that has a business in the center shall also be permitted a maximum of four square feet of sign area on a multitenant center sign in the development. This area is separate from the calculation of the size of the multitenant center identification sign.

(4) For a multitenant center sign for a business located along a state highway, each tenant that has a business in the center shall also be permitted a maximum of eight square feet of sign area on a multitenant center sign in the development. This area is separate from the calculation of the size of the multitenant center identification sign.

(5) The maximum height of the monument sign shall be ____ feet. (6ft -?)

(f) *Additional regulations for freestanding berm signs.*

(1) For businesses, civic, or religious institutions, two signs are authorized on a lot with total frontage of more than 400 feet abutting a roadway, however, the second sign shall be constructed at half the size of the initial sign.

(2) A lot used together with one or more contiguous lots for a single use of unified development (for example, a shopping center), including any lots used for off-street parking, shall be considered a single lot for purposes of these regulations.

(g) *Wall signs.*

(1) Wall signs for commercial entities not located along a state highway are permitted at a size to be calculated as ten percent of the building facade of the first 15 feet of building height. The calculation applies to each exterior wall separately.

(2) Wall signs for commercial entities along a state highway are permitted at a size to be calculated as twenty percent of the building facade of the first 15 feet of building height. The calculation applies to each exterior wall separately.

(h) *Menu board signs.* Menu board signs can be freestanding or wall signs with a maximum sign area of 20 square feet and a maximum height of eight feet above grade. A menu board shall be landscaped and substantially screened from the public right-of-way. No more than two menu boards are authorized for each drive-through lane at a business.

(i) *Incidental signs.* The total sign area of all incidental signs per premises shall not exceed four square feet.

(j) *Gas price display.* For establishments that have service stations selling gasoline and/or diesel at the pump, an area can be included for changeable copy displaying gas prices. The area provided for each grade of fuel shall not exceed four square feet in size, and shall include the price and grade.

(k) *Signs located on middle school and high school campuses.*

(1) A maximum of one pylon sign may be permitted on each middle school or high school campus.

(2) The maximum area of a pylon sign is 60 square feet. The maximum height is 16 feet.

(3) Electronic message signs are allowed only as part of the pylon sign and can have a display size no larger than ten feet by three feet.

(l) *LED signs.* No LED displays or LED signs are permitted under this section, unless the sign is a pylon sign permitted under subsection (k) or is a monument message board sign.

(m) [*Special exceptions for certain signs.*] Notwithstanding the provisions, limitations, prohibitions, and other requirements of this chapter, the city council may authorize, by four affirmative votes, a special exception permit in compliance with this sub-part for the establishment of unique, remarkable, wayfinding, iconic, or destination signage structures of regional interest for nonresidential projects. The city council may impose appropriate conditions and safeguards, including but not limited to a specified period of time for the display of the signage, to protect the corridor viewshed, and to conserve and protect property and property values in the neighborhood.

(1) Public hearing and notice of the proposed zoning change.

a. Not less than ten days prior to the date of the public hearing to be held by the mayor and city council on each request for special exception,

written notice of the public hearing and the request proposed shall be given by U.S. mail to the owner of each lot, tract or parcel of land within 200 feet of the lot, tract or parcel being considered for the special exception. Such notices shall be mailed by first class mail addressed to the persons or firms to whom the properties are assessed on the city tax rolls.

b. Posted notice. A minimum of one sign shall be placed on each street frontage, public or private, with not more than 400 feet between any two signs along the same frontage. Property with multiple street frontages shall have the requisite sign on each street. Signs shall be placed in a visible, unobstructed location near the property line.

c. The notification signs shall be left in place until final action is taken on the request, unless the case is formally withdrawn by the applicant prior to a final decision. It shall be the responsibility of the applicant to periodically check sign locations to verify that signs remain in place and have not been vandalized or removed. The applicant shall immediately notify the responsible official of any missing or defective signs.

d. Notice of the public hearing to be held by the city council shall be given by publishing such notice at least once in a newspaper of general circulation in the city, at least 15 days prior to the date set for public hearing.

e. If the special exception is proposed by the city council or the planning and zoning commission, notice of the proposed special exception shall be made by the City Administrator mailing notification by first class mail to the person or firm to whom the property is assessed on the city tax rolls, and to all persons or firms to whom property within 200 feet of the proposed special exception is assessed on the city tax rolls.

f. The required notice for a public hearing having been given for the special exception, the city council may, as applicable, continue such matter to subsequent public meetings for final determination.

(2) Appropriate conditions and safeguards for the approval of special exceptions described in this sub-part include:

a. Type of signage (wall-mounted or freestanding).

b. Materials.

c. Lighting: Signage must be made to conform with the city's lighting ordinance found in _____

d. Overall size/dimensions.

- e. Sign structure location.
- f. Architectural/aesthetic theme.
- g. Location along major thoroughfares and corridor visibility.
- h. Mutually beneficial value to the city's interest, the community at-large, and the on-site establishment
- i. Duration of display: The application for special exception may be approved subject to an expiration as set by the council at the time of determination.

Sign regulations relating to the central business district sign category.

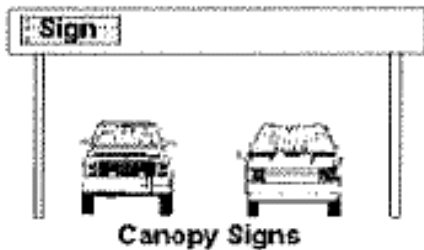
- (a) The design and construction must be compatible with surrounding development. Signage may appear on both sides of the sign and shall be soldered as one sign.
- (b) Lighting shall be Internal lighting, ground lights that meet dark sky requirements or lights attached to the top of the sign focused downward directly on the sign
- (c) Signs shall have a minimum set back of five feet from any property line.
- (d) No LED displays, signs, or message boards are permitted under this section.

Attached sign regulations.

- (a) *Awning signs.* The purpose of an awning sign is to provide an advertising message on the face of an awning. Awning signs shall only be allowed within commercial districts, industrial districts, the central business district.
 - (1) An awning may extend across the entire width of a building or tenant space. An awning may extend above the apparent roof line of the building, provided the awning extends across 75 percent of the entire width of the building facade to which it is attached. An awning shall not exceed six feet in height.
 - (2) The sign area on an awning shall not exceed 20 percent of the area of the awning and shall extend for no more than 50 percent of the length of the awning. A permit shall be required for an awning sign. Awning signs may be illuminated.



(b) *Canopy signs.* A canopy sign shall be no greater in size than 20 percent of the face of the canopy of which it is a part or to which it is attached and shall not extend beyond the face of the canopy either vertically or horizontally. An illuminated strip may be incorporated into the canopy. Canopy signs shall only be allowed within commercial districts, industrial districts, and the central business district.



(c) *Projecting signs.* The purpose of a projecting sign is to identify the name of a business, profession, service, product or activity conducted, sold or offered on the premises where the sign is located by providing an advertising message that is perpendicular to the wall of the building to which it is attached. Projecting signs shall be allowed within commercial districts, industrial districts and within the central business district.

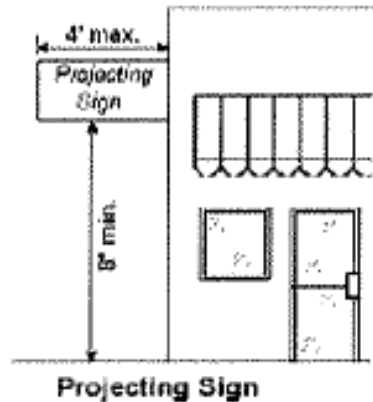
(1) *Number of signs:* One projecting sign shall be allowed for each single tenant building or for each tenant in a multi-occupancy structure. However, no tenant storefront shall have a projecting sign in combination with a wall sign on the same building elevation.

(2) *Maximum area:* A projecting sign shall not exceed 20 square feet. The plane of the message area shall not exceed 18 inches from the plane of the message area on the opposite side of the sign.

(3) *Horizontal projection:* A projecting sign shall not project more than four feet from any wall facing and shall not be closer than two feet from a curb line. A projecting sign shall not extend above the apparent roof line of the building.

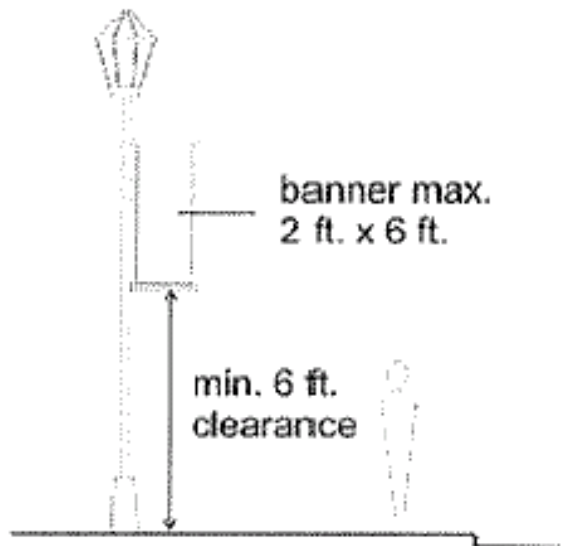
(4) *Clearance:* Every projecting sign shall be a minimum of eight feet above the grade over a walking area or 14 feet over a vehicular maneuvering area. Projection signs shall not project over any property line or right-of-way line unless with an approved license agreement.

(5) A projecting sign may be illuminated.

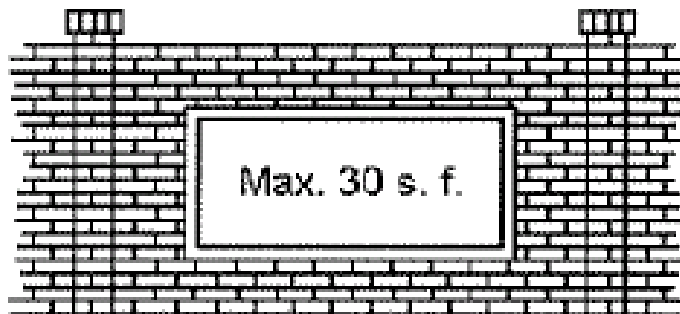


(d) *Light mounted banner signs.* Light mounted banner signs shall only be permitted in the central business district for the advertising of permitted community events, seasonal and historic themes, or other such civic purposes; on collector level and higher classification within a residential subdivision; within master planned commercial subdivision. Such banners are limited to subdivision identification, or seasonal decorations and works of art by local artists. Such banners must be approved by the appropriate electric utility company in addition to receiving a permit from the City Administrator's office. No permit shall be approved for a period exceeding 30 calendar days. Light mounted banner signs shall comply with the following regulations:

- (1) Banners shall be limited to not more than one banner on any light pole.
- (2) Banners shall be limited to no more than two feet by six feet in exterior dimension and 12 square feet in area per banner.
- (3) A minimum height of six feet as measured from adjacent grade to the bottom of the banner shall apply.
- (4) Banners shall be maintained in good repair. Should they become excessively faded, tattered or torn, they shall be replaced or removed.
- (5) Banners shall not be illuminated, except for indirect lighting associated with the main lamp of the light pole to which it is mounted.



(e) *Subdivision wall signs or plaques.* Subdivision wall signs or plaques shall not exceed 30 square feet in area. Subdivision wall signs or plaques are limited to two per subdivision entryway and may be illuminated. A subdivision wall sign or plaque shall be attached to a fence or screening wall. For purposes of this regulation, the size of the graphic and sign text shall be used to measure sign size.



Subdivision Wall Plaque

Temporary sign regulations.

(a) *Construction trades signs.* The purpose of a construction trades sign is to denote the architect, engineer, financial institution or building trades contractor involved in a construction project. Construction trades signs shall be categorized as either commercial or residential.

(1) The maximum area, height, spacing and setbacks of a construction trades sign for commercial locations shall not exceed 64 square feet and shall not exceed ten feet in height.



(2) The maximum area, height, spacing and setbacks of a construction trades sign for residential locations shall not exceed eight square feet and shall not exceed four feet in height.



(3) Construction trades signs shall not be erected until a building permit has been submitted for building construction and shall be removed up on completion of the construction project or occupancy of the structure, whichever is applicable.

(4) No permit or fee shall be required for a construction trades sign.

(5) Signs shall not be located in the street right-of-way, shall be placed at least twenty-five (25) feet from an intersection and a minimum of ten (10) feet from the curbline.

(6) A construction trade sign shall not be illuminated.

(b) *Future development signs.* Future development signs shall be regulated as either commercial or residential.

(1) The maximum area, height, spacing and setbacks of a future development sign shall not exceed 64 square feet and shall not exceed ten feet in height.

(2) A permit shall be required for a future development sign.

(3) A future development sign shall not be illuminated.

(4) A future development sign shall be removed when the project is 90 percent complete or within three years from start of construction, whichever is less. For the purpose of this provision, a subdivision shall be deemed 90 percent complete when ninety (90%) percent of the lots within the subdivision are sold.

(5) Signs shall not be located in the street right-of-way, shall be placed at least 25 feet from an intersection and a minimum of ten (10) feet from the curbline.

(6) One sign shall be permitted per lot; except that one sign per major access to the development shall be authorized if a lot is used together with one or more contiguous lots for a single use or a unified development (for example, a shopping center).



(c) *Garage sale signs.* The purpose of a garage sale sign is to announce the sale of household possessions.

(1) Garage sale signs shall not exceed four square feet. Signs shall be allowed for a maximum of 72 consecutive hours no more than two times per calendar year.

(2) Single-family residential on-premises: One garage sale sign per street frontage shall be allowed, but only on the premises where the garage sale is being conducted and where there is an existing residential use.

(3) Neighborhood-wide garage sales: Two garage sale signs per subdivision entrance shall be allowed for a neighborhood-wide garage sale sponsored by a homeowner's association (HOA). The garage sale sign may be off premises from where the actual garage sale is conducted, but the sign shall be located on property, including a street right-of-way, that is within the limits of the homeowner's association. The HOA must be registered with the city.

(4) Signs shall be placed at least 25 feet from an intersection and a minimum of ten feet from the curbline. Signs shall not be placed anywhere in the center median of a public or private street.

(5) No permit or fee shall be required for any garage sale sign.

(d) *Real estate signs (commercial, including multifamily).* The purpose of a commercial real estate sign is to advertise the sale, rental or lease of the premises on which said sign is located.

(1) A commercial real estate sign shall not be illuminated.

(2) The maximum area and height of a commercial real estate sign shall not exceed 64 square feet and shall not exceed ten feet in height.

(3) Commercial real estate signs shall be removed within seven days following the completion of the sale, rental or lease of the premises.

(4) No more than one sign per 300 linear feet of street frontage may be placed on such property.

(5) Signs shall be placed at least twenty-five feet from an intersection and a minimum of ten feet from the curblines.

(6) No permit or permit fee shall be required for a commercial real estate sign.



(e) *Real estate signs (residential)*. The purpose of a residential real estate sign is to advertise the sale, rental or lease of the premises on which said sign is located.

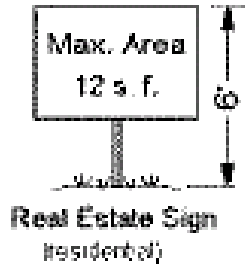
(1) A residential real estate sign shall not be illuminated.

(2) The maximum area and height of a residential real estate sign shall not exceed 12 square feet and shall not exceed six feet in height.

(3) All signs shall be removed within seven days following the completion of the sale, rental or lease of the premises.

(4) Signs shall be placed at least 25 feet from an intersection and a minimum of ten feet from the curblines.

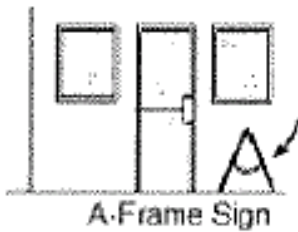
(5) No permit or permit fee shall be required for a residential real estate sign.



(f) *A-frame signs.* The purpose of an A-frame sign is to provide temporary advertising during business hours of a commercial occupancy.

(1) Maximum height and area shall conform to the following table:

Maximum Height and Areas of A-Frame Signs		
	Max. Area	Max. Height
Located on a sidewalk	8 s.f.	4 feet
Located in a yard	24 s.f.	8 feet



(2) Time duration: Only displayed during business hours.

(3) Placement: Only allowed on private property, but may be located on a public sidewalk, provided a width of four feet shall remain free from intrusion.

(g) *Miscellaneous temporary sign regulations.*

(1) Temporary signs advertising the opening or relocation of a business shall only be permitted for a maximum period of 30 days before and 60 days after such opening or relocation. Signs shall be placed at least 25 feet from an intersection and a minimum of ten feet from the curblines.

(2) Except as specifically provided otherwise in this chapter, banners shall not exceed 32 square feet, must be attached and parallel to a wall of the structure, and

shall only be permitted for a period not to exceed 30 calendar days and with a period of not less than 30 days between displays.

(3) Human signs shall be allowed on private property and the untraveled public rights-of-way provided that no human sign, as defined by this ordinance, shall be displayed within five feet of a vehicular traffic lane.

(4) Except as specifically provided otherwise herein, temporary signs shall not exceed four square feet in size and shall be allowed for a maximum of 14 calendar days per event. Temporary signs shall be placed at least 25 feet from an intersection and a minimum of ten feet from the curblines. Temporary signs shall not be placed anywhere in the center median of a public or private street.

(5) Open house signs do not require a permit, shall not exceed four square feet, and shall be allowed for a maximum of four hours the day of the open house. Open house signs shall be placed at least 25 feet from an intersection and a minimum of ten feet from the curblines. Open house signs shall not be placed anywhere in the center median of a public or private street.

(6) Use of temporary decorations as signs, otherwise referred to as decorative festoons, meaning tinsel, strings of ribbon, small commercial flags, or streamers may be used as temporary enhancement of signage in a commercial sign category, providing these devices have no glare, no moving parts, are maintained, and comply with all codes and policy guidelines governing their safe use. No lettering is permitted on these items. Temporary decorations may be used for a period not to exceed 30 calendar days with a period not less than 30 days between displays.

- **Flagpoles and commercial flags.**

One flagpole is allowed per development at a maximum height of 20 feet. Commercial flags are allowed in multifamily and/or commercial developments. No text or logo is permitted on such flags as such would constitute a sign. The national or state flag and the flagpoles for the express purpose of displaying the national or state flag are exempt from this section.

- **Advertising searchlight.**

(a) For purposes of this section, an "advertising searchlight" means a searchlight used to direct beams of light upward for advertising purposes.

(b) Use of an advertising searchlight at any location is authorized upon issuance of a permit by the building official.

(c) The permit shall be effective for a maximum period of five days per calendar year to any business or group.

(d) An advertising searchlight shall not be operated between the hours of 12:00 a.m. and 6:00 p.m.

Kiosk signs.

(a) Kiosk signs are intended to provide a uniform, coordinated method of providing homebuilders and developers a means of utilizing directional signs, while minimizing the negative impacts of weekend homebuilder's signs on the appearance of the city. Kiosk signs are also intended to provide service to the public on the directions to municipal facilities and parks, community events, and school district facilities.

(b) The city council may, by duly executed license agreement, grant the exclusive right to design, erect and maintain kiosk signs within the city limits and extraterritorial jurisdiction of Glen Rose.

(c) Kiosk signs shall be designed and constructed in accordance to the specifications contained in the aforementioned license agreement.

(d) Prior to erecting any kiosk sign, the licensee shall submit a sign location map to the building official for approval.

(e) Kiosk sign installation shall include break-away design features as required for traffic signs in the street right-of-way.

(f) Advertisement of price information shall be prohibited on kiosk signs.

(g) No additional or extraneous signs, pennants, flags or other devices for visual attention or other appurtenances shall be attached to kiosk signs.

(h) Kiosk signs shall not be illuminated.

(i) Individual sign panels on kiosks shall have a uniform design and color.

(j) Kiosk signs shall not interfere with the use of sidewalks, walkways, bike and hiking trails; shall not obstruct the visibility of motorists, pedestrians or traffic control signs; shall not be installed in the immediate vicinity of street intersections; and shall comply with the visibility triangle requirements contained in the Subdivision Regulations or other visibility easements provided by code or subdivision plat.

(k) Kiosk sign may be located on private property, or other state-maintained roadways, provided written permission is obtained from the property owner.

(l) In accordance to the specifications contained in the aforementioned license agreement, a percentage of the kiosk sign panels shall be reserved for the City to use as directional signage to municipal or community facilities or locations or community events.

(m) No kiosk sign shall be placed, located, or installed on city-owned property or public right-of-way without a license agreement duly approved by the city council.

Other sign regulations.

(a) *Activities and events sign.* An activities and events sign is a changeable copy directory allowed solely to public buildings, church buildings (places of worship only), and neighborhood associations, intended for use only by the entity where the sign is located. A maximum of one information sign shall be allowed for each neighborhood group, church, or public development complex, and it is not considered a freestanding sign in this article. Activities and events signs shall comply with the following criteria:

(1) The sign shall be constructed of a non-oxidizing metal (e.g. aluminum, stainless steel) cabinet set on a pole or on the ground as a monument, with a clear, acrylic panel inset and a locking door. The door of the sign shall remain locked except while the message is being posted.

(2) The maximum size of the cabinet shall be 12 square feet; and maximum height shall be five feet above grade.

(3) Only changeable letters shall be used and letters shall be no larger than four inches and no less than two inches in height.

(4) Such sign may have direct lighting that is placed inside the cabinet (portrait lighting); however, no backlighting or external direct lighting is permitted.

(5) Such sign shall be located at or near the entrance of the public building or church; for a neighborhood sign, such sign shall be located within the subdivision at a commonly traveled location, for example, near the neighborhood park or amenity center, the main mail station, or the main entrance to the neighborhood. Such a sign shall not be required to meet building setback requirements or setback requirements established in _____ provided that it does not obscure the travel path or visibility of drivers, bicyclists, or pedestrians, as determined by the planning department. Such sign shall be located on property maintained by the neighborhood association or with a written agreement between the property owner and the neighborhood association. Such sign shall not be placed closer than 150 feet from the intersection of a collector street and a major or minor arterial street, as defined in the city roadway plan. Such signs shall be maintained by the neighborhood association in a "like-new" condition at all times.

(b) *Government sign.* Government sign(s) are permitted in all categories, subject to all laws and regulations that apply.

(c) *Memorial sign.* Memorial sign(s) may be installed in accordance with state historical standards, or as building cornerstones not to exceed eight square feet.

(d) *Private traffic-control signs.* Private traffic-control signs are not allowed for single-family residential or duplex uses, but are otherwise permitted. Signs shall not exceed four square feet in size, and may contain directions and the name or logo of the same-site user.

(e) *Window signs.* Window signs may be placed so as not to obscure more than 25 percent of the visible window area. Where multiple windows exist, fronting on the single elevation, the 75 percent visibility shall be maintained for the total window area on said elevation.

Nonconforming signs.

(a) By the passage of the ordinance from which this chapter derives and its amendments, no presently illegal sign shall be deemed to have been legalized unless such sign complies with all current standards under the terms of this ordinance and all other ordinances of the city. Any sign which does not conform to all provisions of this ordinance but which existed on the effective date of this chapter and was lawfully constructed or installed shall be considered as a non-conforming sign. All non-conforming signs shall be permitted in the same manner as any other legally existing sign or proposed sign; provided that no sign that was constructed or installed in violation of any state or local law, or that was originally constructed or installed without a permit that was then required at such time, shall be or qualify as a non-conforming sign.

(b) A nonconforming sign shall be allowed to be continued and maintained at its existing location subject to the limitations of this section.

(c) No nonconforming sign may be enlarged or altered in a way which would increase its nonconformity; provided that the sign face may be changed in compliance with this chapter.

(d) A nonconforming sign shall be removed immediately if any of the following applies:

(1) The nonconforming sign is abandoned as defined in this subsection. Whenever any non-conforming sign no longer advertises a bona fide business or a business which has moved away or closed, a product sold, or service rendered, such sign shall be removed within 60 days. If the non-conforming sign is a wall sign, the wall sign shall be removed or painted over with a color that resembles or matches the rest

of the wall of the building. If the owner of, or person responsible for the sign, or if the tenant closing a business, fails to remove the abandoned sign or paint over the wall sign, the owner of the premises shall be held responsible and the work shall be done within 30 days following written notice to do so by the building official.

(2) The building official or his/her designee determines the sign to be obsolete or substandard under any applicable ordinances of the city to the extent that the sign becomes a hazard or dangerous.

(3) A nonconforming sign, or a substantial part of it, is destroyed or dismantled for any purpose other than maintenance operations or for changing the letters, symbols, or other matter on the sign.

(e) Reconstruction, repair, or replacement of a nonconforming sign shall be completed no later than 90 days following the date of the damage. For purposes of this subsection, a sign, or a substantial part of a sign, is considered destroyed if the cost of repairing the sign is more than 50 percent of the cost of installing a new sign of the same type at the same location.

Hazardous signs.

Except as otherwise provided by law or this chapter, no person may install, maintain, or use a sign that:

(1) Obstructs a fire escape, required exit, window, or door used as a means of escape.

(2) Interferes with a ventilation opening, except that a sign may cover a transom window if otherwise in compliance with the building code and fire code.

(3) Substantially obstructs the lighting of public right-of-way or other public property, or interferes with a public utility or traffic-control device.

(4) Contains or utilizes a supporting device placed on public right-of-way or other public area within the city limits and the extraterritorial jurisdiction of the city, unless the use of the public rights-of-way or other public area has been approved by the city and a right-of-way joint use agreement has been filed.

(5) Is illuminated in such a way as to create a hazard to pedestrian, bicycle, or vehicular traffic.

(6) Creates a traffic hazard for pedestrians, bicyclists, or motorists, by restricting visibility at a curb cut or adjoining public street.

(7) Has less than nine feet of clearance above street pavement grade or has less than 12 feet of clearance above a driveway, and/or is located outside the public right-of-way and within the visibility triangle at an intersection that results in impaired sight distance of users of the intersection.

(8) Violates a requirement of the electrical code.

(9) Is determined by the building inspector to be dangerous.

Abatement of sign violations and removal of unsafe signs.

(a) Any sign that is structurally unsafe or that constitutes a hazard to the health, safety, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage, abandonment or other cause is hereby declared to be a public nuisance and shall be abated by demolition or removal.

(b) Should the building official or the code enforcement officer determine that any sign is not properly maintained, is unsafe or insecure or has otherwise been constructed, erected or maintained in violation of the provisions of this chapter, he shall take action as follows:

(1) Except as provided in the following paragraphs (2) and (3), the building official shall give the sign or property owner written notice to repair, remove or obtain a permit for such sign as applicable within ten days after such notice. If the sign or property owner fails to remove, repair, or obtain a permit for such sign so as to comply with all applicable standards and regulations, the building official shall cause the sign to be either removed or repaired and such cost shall be charged to and paid by the property owner. If such demolition or repair expenses are not paid by the property owner within 30 days of such billing, then such expenses shall constitute a valid lien against the property. Such notice shall also provide the sign or property owner an opportunity to bring the sign into compliance or to request a hearing before the sign control board to determine whether the sign should be repaired or removed. Such appeal must be filed in writing with the City Secretary within ten days of the notice. After consideration of all facts, the sign control board shall rule upon the appeal.

(2) The building official may cause any sign which is an immediate peril to persons or property to be removed summarily and without notice.

(3) Any sign located in public right-of-way may be immediately removed by the building official without notice to the owner.

(c) In addition to the above, the building official or the code enforcement officer may issue citations without giving prior notice of violation or pursue any other

administrative or legal remedy in order to abate any sign which is in violation of this chapter or any other law.

Repairs and maintenance.

All signs in the city and its ETJ shall be properly maintained in good and safe structural condition, shall be painted on all exterior parts, unless coated or made of rust resistant material, and shall be maintained in good condition and appearance at all times. Any owner or primary beneficiary failing to maintain, repair, or remove any such sign after due notices has been given shall upon conviction be guilty of a misdemeanor. The building official shall have the authority to order the painting, repair, or removal of a sign and accompanying landscaping which do not comply with this ordinance or the building codes or that constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.

- **Appeals; exceptions to sign regulations.**

Penalty.

(a) Any individual, association, corporation or legal entity violating any provision of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by the assessment of a fine not exceeding \$2,000.00 and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

(b) The primary beneficiary of any sign installed in violation of this section shall be presumed to have authorized or caused, either directly or indirectly, the installation, use, or maintenance of the sign in violation of this chapter.

(c) Whenever any construction, installation, alteration, or repair of a sign is being done contrary to the provisions of this ordinance, another controlling ordinance or statute governing the sign, the building official may order the work stopped by notice verbally or in writing served on any persons engaged in the doing or causing such work to be done and the city shall post a STOP WORK ORDER on the property adjacent to the posted building permit, and any such persons shall forthwith stop such work until authorized by the building official to proceed with the work. If no permit has been issued, all work shall stop until a permit has been properly issued and all errors corrected to the satisfaction of the building official. The building official or code enforcement authority may also issue a work correction order, which shall be served upon any persons who are working on a certain aspect of the sign.

(d) The city and/or the City Administrator shall enforce this chapter by appropriate administrative action, including but not limited to, the rejection of plans, maps, plats and specifications not found to be in compliance with this ordinance and good engineering practices, and the issuance of stop work orders.

(e) Upon the request of the city council, the city attorney or other authorized attorney shall file an action in the district courts to enjoin the violation or threatened violation of this ordinance, or to obtain declaratory judgment, and to seek and recover court costs and attorney fees, and/or recover damages in an amount sufficient for the city to undertake any construction or other activity necessary to bring about compliance with a requirement regarding the property and established pursuant to this chapter



Building Official, Planning Services, Code Enforcement Office
201 NE Vernon Street, PO Box 1949, Glen Rose, Texas 76043

ARTICLE 3.10 SIGNS

Division 1. Generally

Sec. 3.10.001 Definitions

For the purpose of this article, the following definitions shall apply, unless the context clearly indicates or requires a different meaning:

Administrative Official: The City Administrator or his or her designated representative(s)

Alter: To change the size, shape or outline, or type of sign or to change the electrical lighting, except for the replacement of lamps not brighter than the original or the replacement of a surface panel. The changing of copy of any existing sign shall be deemed an alteration. The changing of movable parts of a sign which are designed for changing, the repainting of display matter or the repairing in place shall not be deemed to be alteration.

Attach: To stick, nail or otherwise affix a sign to any object; paint, stencil, write, or otherwise mark on an object.

Abandoned sign. Any sign which pertains to a time, event or purpose which has expired or is no longer valid; any sign which was erected for or by the owner, occupant or business on a property and is now unrelated to the present use of this property; any sign, except a real estate sign, which is located on property which becomes vacant and unoccupied for a period of 3 months or more.

Advertising matter. The placement on, anchoring of or suspension from any building, pole sign, sidewalk, parkway, driveway, lawn, area or parking area of any goods, wares, merchandise or other advertising object which is, but not limited to, light, inflatable objects, pennants or flags for the purpose of calling attention thereto.

Awning. An architectural projection which provides weather protection, identity or decoration and is supported by the building to which it is attached. It is composed of a lightweight rigid or retractable skeleton structure over which another cover is attached which may be of fabric or other materials. An awning may be illuminated. Sign text and logos on awnings are included in the wall signage area, but only the area of the sign (not the entire awning area). An awning less than 24 inches in depth is not considered a functional awning and therefore is only considered a wall sign and all of the surface area of it is counted as sign area.

Balloon (inflatable advertising). A nonporous, flexible inflated device utilized to garner the attention of the general public or as general advertising.

Canopy. A roof-like structure that shelters a drive lane for use, such as but not restricted to a gasoline pump island. A canopy is open on 2 or more sides and may be supported by either columns or by being attached to the building to which it is an accessory.

Code enforcement officer. The officer or other persons with the city charged with the administration and enforcement of the sign ordinance.

Commencement of Work: For construction of a sign be the point in time when the sign has been delivered to the site and attachment to a building has begun or holes are excavated for ground installation.

Damaged sign. A sign or substantial part of a sign is considered damaged if the cost of repairing the sign is more than 60% of the cost of erecting a new sign of the same type at the same location.

Decorative flag. A flag or banner that contains no name, initials, logos, insignia or similar items, used to attract attention. Colored flags only.

Dilapidated or deteriorated condition. Any sign which in the opinion of the Administrative Official has any of the following characteristics:

- A. Where elements of the surface or background can be seen, as viewed from the normal viewing distance, to have portions of the finished material or paint flaked, broken off, or missing or otherwise not in harmony with the rest of the surface; or
- B. Where the structural support or frame members are visibly bent, broken, dented, or torn; or
- C. Where the panel is visibly cracked, or in the case of wood or similar products, splintered in such a way as to constitute an unsightly or harmful condition; or
- D. Where the sign or its elements are twisted or leaning or at angles other than those at which it was originally erected (such as may result from being blown or the failure of a structural support); or
- E. Where the message or wording can no longer be clearly read by a person with normal eyesight under normal viewing conditions. (Ordinance 299-C adopted 1/13/04; Ordinance 525 adopted 12/9/13; 2007 Code, sec. 153.07)

Distance: Distance of signs from R.O.W (Right of Way). shall mean the shortest horizontal distance from the nearest ROW to a vertical line to the ground from the nearest element of the sign or the shortest horizontal distance in a straight line between the nearest elements of signs.

Erect. To build, construct, attach, hang, place, suspend or affix, and shall also include the painting of the signs on the exterior surface of a building or structure.

Façade: Any separate face of a building, including parapet walls and omitted wall lines, or any part of a building which encloses or covers usable space. Where separate faces are oriented in the same direction, or in the directions within 45 degrees of one another, they are to be considered as part of a single façade.

Flag. A piece of cloth or fabric, usually rectangular in shape, of distinctive color and design, used as a symbol, a standard or signal to attract attention. Exemptions to this are patriotic flags, i.e., United States, state and city flags.

Framework. A support structure which meets all existing wind and load requirements as stated in the city's ordinances, designed to secure a banner or an interchangeable copy on all sides.

Height measurement. The height of any sign shall be measured vertically at 90 degrees from the ground at the base of the sign.

Illegal sign. Any sign erected or maintained in violation of this article.

Logo. Any design or insignia of an organization, individual, company or product which is commonly used in advertising to identify that organization, individual, company or product.

Maintenance. All signs and support structures, together with all their supports, braces, guys and anchors, shall be kept in good repair and in a proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times. No sign will be allowed to become frayed, discolored or torn.

Mural. A graphic displayed on the exterior of a building generally for the purposes of decoration or artistic expression, including but not limited to painting, fresco or mosaic.

Nonconforming sign. Any sign lawfully constructed which fails to conform to the provisions of this article.

Obsolete – Any sign

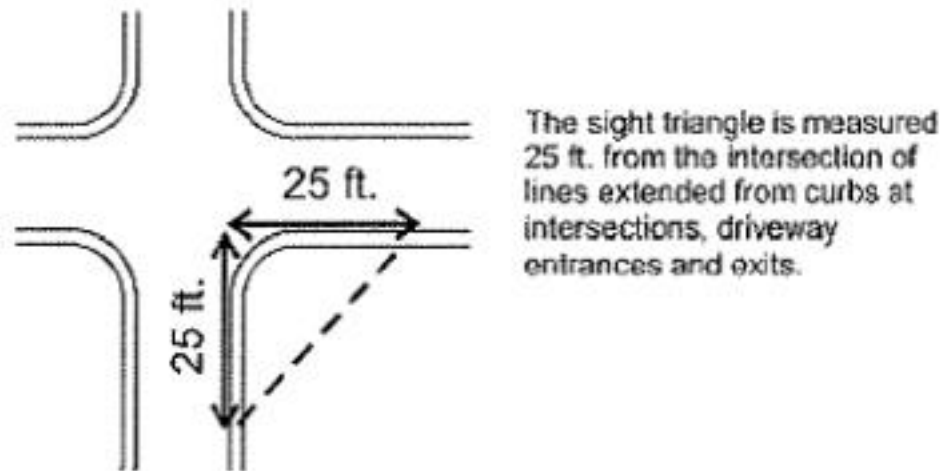
1. Which for at least 180 continuous days does not identify or advertise a bona fide business, lessor, service, owner, product or activity on premises on which the sign is located;
2. Which, if the premises is leased, related to a tenant and at least one year has elapsed since the date the most recent tenant ceased to operate on the premises, or
3. For which no legal owner can be found and relates to a use or purpose that is no longer in existence.

Outdoor Sales or Services: The offer or display for sale of any goods, wares, merchandise, or services on private property separate and apart from the main building or at a location where there is no preexisting principal use. The goods, wares, merchandise or services offered for sale as outdoor sales or services are normally not offered for sale in the main building on the lot or in association with the principal use.

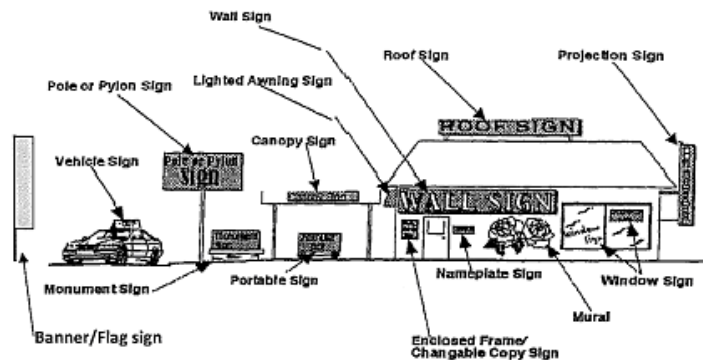
Pennant, decorative. A wind device usually made of a lightweight plastic, fabric or other material, whether or not containing a message of any kind, usually triangular in shape and attached to a common cord. This definition also includes streamers attached to a common cord.

Setback: The distance from the closest portion, whether the support or edge of the sign, to the right away.

Sight Triangle: Sight triangles identify areas at the corners of intersections of roads and driveways where views of approaching traffic should not be obstructed.



Sign. Every sign, name, number, identification, description, announcement, declaration, demonstration, device, display, flag, banner, pennant, illustration, logo, balloon, streamer, valance, advertising display, poster, beacon, light or insignia, affixed directly or indirectly to or upon any building, window, door or outdoor structure, calling attention to any object, product, service, place or activity.



Sign, attached – Any sign attached to, applied on, or supported by any part of a building (including canopy fascia, walls and awnings) which encloses or covers usable space

Sign, Banner. A temporary sign intended to be hung either with or without a frame, possessing characters, letters, illustrations or ornamentations applied to paper, cloth, flexible plastic or fabric of any kind.

Sign Builder (*Builder's directional sign*). A sign providing direction or instruction to guide persons to sites where new homes are under construction, usually off-premises or A temporary on-site sign identifying the builder or general contractor of a residential or commercial construction site.

Sign, Bulletin Board. A permanent on-site sign providing public information to the residential subdivision or commercial property within which it is located.

Sign, *Billboard*. A freestanding sign containing at least 128 square feet of face area and owned by a person who engages in the business of selling the advertising space on that sign.

Sign, Business. A permanent on-site sign that is used to identify a business, profession, organization, institution, service, activity or other nonresidential use conducted, sold or offered on the site where the sign is located. This sign may also identify the name of the site or development or may identify the occupants within the site or development.

Sign Changeable copy. A sign that is utilized year-round, but the copy is changed periodically, advertising different specials associated with retail sales.

Sign Construction. A temporary sign identifying individuals or companies involved in the design, construction, wrecking or improvement of the premises where work is under construction.

Sign, Development – A temporary on-site sign providing identification or information pertaining to a residential or commercial development to include the builder, property owner, architect, contractor, engineer, landscape architect, decorator, or mortgagee, within that development, but shall

Sign, Directional. A permanent on-site sign intended to aid in vehicular movement on the site or any sign, other than a highway marker, or any sign erected and maintained by a public authority, which is erected for the purpose of directing persons to a place, structure or activity not located on the same premises as the sign.

Sign Directory. A sign listing the occupants of a building or group of buildings on the same parcel, and/or identifying the location of and providing directions to any establishment on the same parcel.

Sign Face. The surface of one side of a sign. For a monument sign, the sign face shall include the sign structure (excluding base).

Sign Flashing. An illuminated sign on which the artificial source of light is not maintained stationary or constant in intensity and color at all times when the sign is illuminated. For the purpose of this article, any moving illuminated sign affected by intermittent lighting shall be deemed to be a flashing sign.

Sign Freestanding. A sign not attached to a building. A freestanding sign may be either a pole sign or a monument sign

Sign, Garage/Yard Sale. A temporary sign intended to advertise garage sales or yard sales.

Sign, Gasoline pricing. A permanent on-site sign with changeable copy, letters and numerals, which displays the current price per gallon of fuel sold by that business.

Sign, Government. A sign erected by or on behalf of a federal, state or local government or an agency thereof.

Sign, Ground. Any sign connected to the ground by legs, poles or other supports and which is not an attached, portable, monument or vehicular sign.

Sign, Illuminated. A sign which has characters, letters, figures or designs illuminated by electric lights, luminous/neon tubes or other means that are specifically placed to draw attention to or provide nighttime viewing of the subject matter on the sign face.

Sign Incidental. A small sign, less than 2 square feet in surface area, of a noncommercial nature, intended primarily for the convenience of the public. Included are signs designating restrooms, address numbers, hours of operation, entrances to buildings, directions, help wanted, public telephones and so forth. Also included in this group of signs are those designated to guide or direct pedestrians or vehicular traffic to an area or place on the premises of a business building by means of a directory designating names and addresses only.

Sign, Institutional. A permanent on-site sign used to identify governmental or municipal agencies, public schools, churches, or similar public institutions, and used to communicate messages of public importance to the general public.

Sign Kiosk. A freestanding structure located in the city rights-of-way, which features a city logo identification panel at the top of each structure. The body of the kiosk sign contains individual panels which display directional information to homebuilders, subdivisions/developments, municipal or community facilities, community events, school district facilities, churches and businesses within the city limits.

Lighted sign. See definition of illuminated sign.

Sign, Menuboard. A permanent on-site sign displaying the menu and pricing for food services and may include an audible speaker and microphone integral to the sign.

Sign, Model Home. A temporary real estate sign identifying a homebuilder's model home open for inspection.

Sign, Monument. A permanent ground sign generally constructed out of brick, stone or cast concrete foundation across the entire base of the structure, which has no clear space between the bottom of the sign and the surface of the ground.

Sign Nameplate. Nonilluminated wall signs, not over one square foot in area, displaying the name and profession of the occupant of the building.

Sign New business. A sign for purpose of announcing the opening of a new business, including but not limited to signs announcing "Coming Soon" or "Now Open."

Sign Off-Site. (Off-premises sign). A sign used or intended to be used to attract attention to activities, commodities, services, goods, product or entertainment not related to the site upon which such sign is located or to which it is affixed.

Sign, On-Site. (On-premises sign). Any sign, the content of which relates to the site on which it is located, referring exclusively to businesses, commodities, services, products, goods or entertainment on the site, or the sale, lease or constructions of those sites.

Sign Pole. A freestanding sign supported by a pole(s) having no guides or braces to the ground or to any other structure.

Sign Political. Any type of sign that refers to the issues or candidates involved in a political election, or that espouses a political cause or expresses a person's or group's viewpoint or opinion on an issue.

Sign Portable (*movable*). Those signs that are not firmly attached to the ground, a building, a vehicle, or other structure, and those that can be easily moved or carried about and reused numerous times at different locations; includes signs mounted on trailers and sandwich board signs.

Sign Projecting. A sign that projects from a building or wall to which it is affixed, by more than 12 inches.

Sign Pylon. See definition of pole sign.

Sign, Readerboard (electronic). A sign that utilizes alternating electronic data control componets for the purpose of identifying products sold or services provided.

Sign, Readerboard (manual). A changeable copy sign, with strips attached to the face of the sign to hold removable display letters and numerals, for the purpose of identifying products sold or services provided by the related business tenant on the same premises.

Sign, Real Estate. A temporary sign pertaining to the sale, lease or rental of real property.

Sign Real estate land sale. A temporary sign announcing the sale of real estate on parcels in excess of one acre.

Sign Residential construction. A temporary real estate sign announcing the construction of residential development.

Sign Roof sign. A sign erected upon or above a roof or parapet of a building or structure.

Sign, Special Purpose. A temporary sign that is either on-site or off-site that provides identification or information pertaining to a special event.

Sign, Subdivision Entry. Any permanent on-site sign identifying a residential subdivision.

Sign, Subdivision Marketing. A temporary sign used to market or advertise residential subdivisions with the City and to direct interested persons to the subdivision location.

Sign, Tandom Pole Freestanding - any monument sign taller than 6 feet will have two decorated poles with the advertising portion of the sign. Single pole signs are prohibited.

Sign Temporary. Any sign constructed of cloth, canvas, plastic, light fabric, wallboard or other material, with or without frames, intended to be displayed for a limited period of time only. 60 days is the maximum period for these signs.

Sign Vehicular. Any sign attached to a trailer, skid or similar mobile structure, where the primary use of the structure is to provide a base for the sign or constitute the sign itself.

Sign, Window. A sign attached to, placed upon or painted on the window or door or is located within two (2) feet of the window of any building which is intended for public viewing from the exterior of the building.

Sign area. Calculation [sic] means the area of the sign to be computed by drawing a line or lines around the sign in such a way as to form a rectangle oriented horizontally. The sum square footage of these figures shall be considered as the total area of the sign face. A sign face may be single-sided or double-sided, as with a typical pole sign; however, to calculate the area of a multi-sided sign, the sum of all sides of the sign shall not exceed twice the area specified for the sign face.

Sign box. The rectangle used to calculate the sign area.

Snipe sign. A sign made of any material when the sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, fences or other objects, and the advertising matter appearing thereon is not applicable to the use of the premises upon which the sign is located.

Sculpted Aluminum Panel – An aluminum sign panel with text or graphic depictions cut out from the panel, typically with a translucent material covering the cut-out from the inner side of the panel.

Undeveloped property. A tract of land upon which no structure is located.

Vertical banner. Any sign of a lightweight fabric or similar material that is mounted to a pole in a vertical fashion, secured at the top and bottom of the banner.

Wall area. The area of the wall from the finished floor elevation (or top of foundation) to the top of the parapet wall or to the bottom of the eave, whichever is highest. This wall area is as shown on the architectural elevation of the wall, including glass area and recessed wall areas.

Wall area, multi-story building. The sign wall area calculation for multi-story buildings shall be based upon the height of the first story (including any mezzanine level).

Wall, primary. The wall determined to be the primary signage wall, subject to its incorporating either the major entrance or the common street address.

Wall, secondary. The wall of a building is determined to be of secondary importance to the single business or establishment occupying the premises, and only facing onto a street, right-of-way or parking lot.

Wall sign.

- (1) A sign which is attached or affixed to the wall of a building, or is an integral part of the wall of a building, with the exposed face of the sign in a plane parallel to and not extending more than 12 inches from the wall. A wall sign shall not extend above the wall/parapet to which the sign is attached.
- (2) For the purpose of this section, awnings, canopy fascias and mansards extending along a building side shall be considered a part of the wall. The roof (including mansard and fake mansard roofs) and roof area are not included in the wall area.

Sec. 3.10.001A Administration

This chapter shall not be construed, applied, interpreted, nor enforced in a manner to violate the First Amendment rights of any person, and the building official shall seek the advice and

recommendation of the city attorney prior to taking any action to enforce any provision of this ordinance with respect to any non-commercial sign or speech by any person.

- (a) **Responsibility for Enforcement:** It is the responsibility of the City Administrator or his designee Administrative Official (Building Official) to interpret and administer the requirements of this ordinance.
- (b) **Sign Permit Required:** No person shall erect, alter or display any sign nor shall any person all the erection, alteration or display of any sign upon any property within the City owned or controlled by him without first obtaining a permit to do so from the City of Glen Rose, except as hereinafter provided. No sign permit shall be released until after the building permit for the principal building on the site has been issued, except as hereinafter provided.
- (c) **Applicability to Extraterritorial Jurisdiction:** The terms and conditions of this Ordinance shall apply to signs located within the City of Glen Rose and its extraterritorial jurisdiction.
- (d) **Fees:** The fee for sign permits shall be as contained in the City's Fee Schedule. (Ordinance 299-C adopted 1/13/04; Ordinance 525 adopted 12/9/13; 2007 Code, sec. 153.50; Ordinance adopting 2017 Code)
- (e) **Registration Required:**
 - a. No person shall install, erect or maintain any sign, or contract for such service, until such person has applied to the Administrative Official for a license to install, erect and/or maintain signs, and until such license has been approved and issued.
 - b. The license of any sign contractor may be canceled by the Administrative Official, when such contractor repeatedly violates the requirements of this Ordinance. Conviction in court, whether appealed or not, on two (2) violations over a period of twelve (12) months, shall constitute evidence of repeated violation. Any license thus canceled shall not be renewed for such contractor or anyone operating in concert with such contractor until all such violations have been corrected. Upon correction of violations, the contractors's license may be renewed upon furnishing the bond required in Section F.
- (f) **Sign Contractor Bond Required**
 - a. No license for the installation, erection and/or maintenance of signs shall be issues to any person nor shall any person install, erect or maintain any sign or medium of display or advertising, electric or otherwise, until such person has provided proof of general liability insurance in the amount of one hundred thousand dollars (\$100,000) to the Administrative Official or filed with the City of Glen Rose Secretary a surety bond in the sum of five thousand dollars (\$5,000.00). Such bond shall be approved by the City of Glen Rose Director of Finance and shall be conditioned for the installations and erections of signs in accordance with the ordinances of the City and the laws of the state, and shall provide for the indemnification of the City for any and all damages or liability which may accure against it by reason of faulty installation, erection, demolition, repair, removal or defects in, or collapse of, any signs for a period of one (1) year after erection and for such period of time that such sign is maintained or serviced by or under the direction of the maker of such bond. 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.
 - b. When any sign contractor's license has been canceled as provided in Sec. 3.10.001A .e.b, such license shall not be renewed until the contractor furnishes an additional bond in the amount of five thousand dollars (\$5,000.00) guaranteeing compliance with the provisions of this Ordinance, which bond shall be for a period of two (2) years following renewal of the license.

(g) Revocation of Permits

The Administrative Official may suspend or revoke any permit issued under the provisions of this ordinance whenever it is determined that the permit is issued in error or on the basis of incorrect or false information supplied, or whenever such permit is issued in violation of any of the provisions of this ordinance or any other ordinance of this City or laws of this state or the federal government. Such suspension or revocation shall be effective when communicated in writing to the person to whom the permit is issued, the owner of the sign, or the owner of the site upon which the sign is located. Upon such revocation, all construction related to the revoked permit shall cease.

A person may appeal the revocation of the sign permit to the City Council by filing an appeal in accordance with this ordinance. The City Council shall affirm, reverse, or modify the suspension or revocation and such decisions shall be final.

Upon final determination that the permit is properly revoked, any portion of the sign in place as a result of the permit shall be removed within 10 days by the owner of the sign or the owner of the site on which the sign is located. Failure to remove the sign shall be deemed a violation of this ordinance.

- (h) Inspection:** The Administrative Official shall periodically inspect each sign regulated by this ordinance for the purpose of ascertaining whether the same is obsolete and whether it is in need of removal or repair.
- (i) Permit Validity:** If the work authorized by a permit issued under this ordinance has not been commenced within one hundred eighty (180) days after the date of issuance, the permit shall become null and void.
- (j) Sec. 3.10.145 Nonconforming billboards**
- (k)** All billboards which do not conform to the provisions of this division and are in existence on the effective date of this division shall be permitted to remain for a time period not exceeding 10 years from the effective date of this division, provided the owners of nonconforming billboards shall register the billboard in writing in the office of the building official or designee within 180 days after passage of these regulations. (Ordinance 268 adopted 10/8/96; 2007 Code, sec. 150.17(E); Ordinance adopting 2017 Code)
- (l) Sec. 3.10.146 Notice of noncompliance**
- (m)** It shall be the right of the code enforcement officer or his or her representative, upon having personal knowledge of the violation of this division, to serve written notice to the owner/lessee either by hand delivering in person or by depositing notice in the United States mail (certified mail, return receipt requested). This notice shall state the nature of the violation, the legal address of the property in violation, and the name of the person to whom the notice is sent or delivered. Upon being served the notice, the owner or lessee or any other person having control of the property shall have 10 days from the date of notification to bring the property into compliance with the provisions of this division. (Ordinance 268 adopted 10/8/96; 2007 Code, sec. 150.17(F))
- (n) Sec. 3.10.002 Penalty; removal of sign by city**
- (o) (a)** Any person, firm, corporation or agent who violates any of the provisions of this article shall be guilty of a misdemeanor and, upon conviction thereof in municipal court, shall be fined an amount not less than \$25.00 nor more than \$200.00. Each day that a violation is permitted to exist shall constitute a separate offense.

- (p) (b) The judge of the municipal court may order the violation to be abated within a reasonable length of time, not to exceed 30 days.
- (q) (c) If the owner or the occupant of the premises fails and refuses to comply with the order to abate the violation, the code enforcement officer may enter upon the property and remove the sign from the premises.
- (r) (d) The property owner or occupant shall be billed for the cost of sign removal. Failure to reimburse the city for costs of removing damaged signs shall result in the filing of a lien against the property to secure payment thereof.
- (s) (Ordinance 299-C adopted 1/13/04; Ordinance 525 adopted 12/9/13; 2007 Code, sec. 153.99)
- (t)

Sec. 3.10.001B APPEALS AND VARIANCES

- (a) **Appeals:** Any decision rendered by the Administrative Official under this ordinance may be appealed to the City Council by any person, agent, or representative affected by such decision. Such appeal must be received within ten (10) days after the placement of a letter in the U.S. mail addressed to the address on the permit or the address of the current owner of record in the County tax records, which states the written decision which has been rendered by the Administrative Official. Such appeal shall be filed in writing with the Administrative Official specifying the grounds on which the appeal is based. The Administrative Official shall forthwith transmit to the City Council all documents pertaining to the appealed action. The City Council shall hear the appeal at a City Council meeting as soon as practicable thereafter to determine whether the decision of the Administrative Official was in accordance with all ordinances and regulations. The decision of the City Council shall be final.
- (b) **Variances:** The City Council may authorize variances to any restriction set forth in this ordinance, including by t not limited to the number, type, ara, height, or setback of signs, or any other aspect involved in the sign permitting process. In granting any variance, the City Council shall determine that a literal enforcement of the sign regulations will create an unnecessary hardship or a practical difficulty is unique ot the affected property and is not self-imposed, that the variance will not injure and will be wholly compatible with the use and permitted development of adjacent properties, and that the granting of the variance will be in harmony with the spirit and purpose of this sign ordinance. A person may request a variance from the Sign Ordinance by filing the request with the Administrative Official. Any request for variance shall be accompanied by a completed application and a non-refunding filing fee in the amount specified in the current fee schedule adopted by the City Council.

Sec. 3.10.001C GENERAL SIGN PROVISIONS

- (a) **Wind Pressure and Dead Load Requirements:** All signs shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area and shall be constructed to receive dead loads as required by the applicable City codes. The sign permit application must include a statement signed by the applicant which states compliance with this requirement.

~~(4) To ensure that off-premises advertising is compatible with adjacent land uses and does not obscure views of adjacent on-premises signs; and~~

~~(5) To ensure that all signs, sign supports and sign bases are constructed and designed to provide for design compatibility within the city.~~

~~(Ordinance 299 C adopted 1/13/04; Ordinance 525 adopted 12/9/13; 2007 Code, sec. 153.01)~~(c) Compliance with other regulations. All signs shall meet the requirements of all applicable codes and ordinances pertaining to sign construction of the city. All signs located on state or federal highways shall conform to state and federal regulations.

(d) Alteration of message. Except as herein provided, no person or business firm, acting either as principal or agent, shall alter the copy face or lettering of any sign (except for signs with temporary messages made from interchangeable characters attached to tracks or grooves on the sign board), either by changing the message or by renovating an existing message.

~~(e) Sign faces. No more than 2 sides of a sign structure may be used for display.~~

(g) Prohibited supports. Light fixtures, poles, curbs, sidewalks, gutters, streets, public buildings, , railings, public telephone poles, Trees, rocks, bridges, fences, utility poles, windmill towers and dilapidated buildings shall not be used as sign supports. The direct painting of signs (not murals) on buldings shall be prohibited except for signs less than a three (3) square foot area used for building identification.

(h) Street address signs. All building locations shall be identified by a street address sign that is clearly visible from the street.

(i) Flashing, blinking or traveling lights. Signs with flashing, blinking or traveling lights shall have light bulbs that do not exceed 35 watts each and do not impair the vision of oncoming traffic. All these signs must comply with state regulations and must comply with dark skies requirements.

(j) Attachment of portable signs. In the event a portable sign is used as a freestanding sign in the R-3, B-1, B-2, B-3 or I districts, the sign shall be securely attached to the ground to prevent movement by wind or other means.

(k) Flags. Flags of any nation, state or political subdivision or one flag which shows an emblem or logo of a firm or corporation will be permitted, provided all other regulations are met. Businesses may have up to 3 permanent flagpoles on their property. Flagpoles shall not be higher than 35 feet in height, as measured from the ground at the base of the pole to the top.

ATTACHED SIGNS

(a) Maximum Area. 0.75 sqft for every one foot of width of building or lease space not to exceed 400 square feet.

(b) Number of Signs: Only one attached sign per lease space shall be allowed along each street frontage on any sites, unless otherwise specifically provided in this ordinance. A secondary sign may be permitted at a public entrance, provided the entrance is on another side of the building, but shall be limited to twenty-five percent (25%) of the primary or permitted sign size, whichever

is more restrictive. No more than two (2) attached signs shall be allowed per lease space. Attached signs shall be located within the first story of the main exterior entrance for a building or lease space.

- (c) Projecting over property line. No sign, sign structure or sign support shall project over any property line.
- (d) ILLUMINATION. Attached signs may only be illuminated utilizing internal lighting. Exterior letters with exposed neon or led lighting are not allowed
- (e) Residential Adjacency. Attached signs shall not be allowed on any façade (other than the main front of the building) which faces property zoned for single-family residential uses if the sign is within one hundred fifty feet (150') of the property line of said residential property.

MONUMENT SIGNS

- (a) Maximum Area.

(I) Digital Sign Standards

- (1) The display or message may not change more frequently than once every eight seconds, with a transition period of one second or less.**
- (2) No flashing, dimming or brightening of message is permitted except to accommodate changes of message**
- (3) An ambient light monitor shall be installed which shall continuously monitor and automatically adjust the brightness level of the display based on ambient light conditions and the brightness levels allowed under this Ordinance.**
- (4) The maximum brightness shall not exceed .3 (three tenths) foot-candles over ambient light levels when measured according to the following procedures. The illuminance of an EMC shall be measured with an illuminance meter set to measure footcandles accurate to at least two decimals. Illuminance shall be measured with the EMC off, and again with the EMC displaying a white image for a full color capable EMC, or a solid message for a single-color EMC. All measurements shall be taken perpendicular to the face of the EMC in keeping with the distance requirements of the following table. Certification of the calibration must be presented to the City at the time of the initial installation. On an annual basis, the City may require certification that the unit has been calibrated to conform to the requirements of this Ordinance.**

(Ordinance 299-C adopted 1/13/04; Ordinance 525 adopted 12/9/13; 2007 Code, sec. 153.02)

~~(a) Monument signs. Monument style signs must be no more than 6 feet in height.~~

~~(b) Pole signs. Pole signs must have a base planter that is no less than 2 feet nor more than 3 feet in height, with an interior dimension of not less than 24 inches in either width or depth. Total sign height shall not exceed 25 feet. Pole signs currently in place are classified as legal nonconforming signs (see [section 3.10.009](#)).~~

(Ordinance 299-C adopted 1/13/04; Ordinance 525 adopted 12/9/13; 2007 Code, sec. 153.03)

Sec. 3.10.007 Prohibited signs

The following signs shall be prohibited in all districts:

- (1) Any sign which is not specifically permitted in this ordinance shall be prohibited. Billboards shall not be allowed.
 - (2) Obstructing doors, windows or fire escapes: No person shall erect or display on any site any sign which prevents free ingress to or egress from any door, window or fire escape.
 - (3) Obstructing Vision/Sight Triangle: No person shall erect or display on any site any sign in such manner as to obstruct free and clear vision at any location, street, intersection or driveway.
 - (4) Interference with Traffic: No person shall erect or display on any site any sign which interferes with vehicular or pedestrian traffic as a result of the position, size, shape, movement, color, fashion, manner, or intensity of illumination or any other characteristics causing such interference. Nor shall any person erect or allow to be displayed any sign in such a manner as to interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, including without limitation, signs making use of the words "Stop", "go", "look", "slow", "danger", or any other similar word, phrase, symbol or character, or employ any red, yellow, green or other colored lamp or light in such a manner as to cause confusion or otherwise interfere with vehicular or pedestrian traffic.
 - (5) Any signs and supports, other than those required by governmental authority, that are located on the public right-of-way, including public streets, alleys and parkways. This section shall not apply to signs on commercial vehicles or commercial trailers lawfully operated or parked in those areas, except that this exception shall not otherwise be used to legitimize the use of advertising vehicles and trailers prohibited in [section 3.10.008](#). Any sign and supports located on the public right-of-way or easements, including public streets, alleys and parkways, may be immediately removed by the code enforcement officer or other authorized city employee without notice;
- (3) Signs which, by reason of their size, location, movement, content, coloring or manner of illumination, may be confused with or construed as a traffic-control sign, signal or device, or the light of an emergency or road equipment vehicle, or which hide from view any traffic or street sign, signal or device;
 - (4) Any sign which emits sound or odor that is offensive in nature or visible in a manner that serves as a distraction to persons within the public right-of-way; and

(5) Abandoned signs and damaged signs are prohibited and shall be removed by the property owner. Notice of a violation shall be issued by the code enforcement officer or other designated city representative in accordance with the notice requirements in [section 3.10.112](#).

(Ordinance 299-C adopted 1/13/04; Ordinance 374 adopted 4/27/04; Ordinance 525 adopted 12/9/13; 2007 Code, sec. 153.05)

Sec. 3.10.008 Parking of advertising vehicles

No person shall park a vehicle or trailer outfitted for advertising, other than side-door panel business advertising, on a public right-of-way. (Ordinance 299-C adopted 1/13/04; Ordinance 525 adopted 12/9/13; 2007 Code, sec. 153.06)

Sec. 3.10.009 Nonconforming Existing signs

All signs that are lawfully in existence on the date of adoption of this ordinance may exist in their present form, but no signs shall be altered or moved unless a permit is issued pursuant to the provisions of this ordinance. Permits granted prior to the passage of this ordinance shall be renewed only if the applicant complies with all provisions of this Ordinance. Any legal non-conforming sign which has been substantially destroyed or dismantled (as much as 50%) for any purpose other than maintenance shall be deemed as completely destroyed if the cost of repairing the sign is more than 60% of the cost of erecting a new sign of the same type at the same location. In this context, remodeling shall not include approved repainting or resurfacing. Under this provision, the sign shall be removed and a permit shall be required to erect a new sign. At the time the sign is replaced, the replacement sign must conform to these regulations.

Secs. 3.10.010–3.10.040 Reserved

Division 2. Regulations for Specific Districts

Sec. 3.10.041 R-1 and R-2 districts (Combine Residential)

The following regulations shall apply in the R-1 and R-2 districts:

- (1) Sign identifying occupant. One unlighted sign, which shall not exceed one square foot in area, indicating the name of the occupant, shall be permitted, provided the sign is attached to the face of the wall, with no open space between the sign and the wall;
- (2) Churches and schools. One sign, which shall not exceed 18 square feet, for a church or school shall be permitted;
- (3) Lease, sale or rental sign. One unlighted sign, which shall not exceed 10 square feet in area, on each lot, pertaining to the prospective lease, sale or rental of the building or premises

on which it is located, provided the sign is immediately removed upon the lease, sale or rental of the building or premises;

(4) Primary uses. Signs shall be specifically described and indicated on the site plan. The sign requirement for each use shall not be less restrictive than those of the respective district in which the use is otherwise permitted; and

(5) Accommodations facilities. In the event a special use permit is granted by council for the operation of an accommodations facility within an R-1 district, the following restrictions shall apply:

(A) One sign shall be permitted per establishment, not to exceed 16 square feet in size, inclusive of the support structure;

(B) The vertical dimension shall be considered to be the height of the support structure or the height of the sign, whichever is greater, and in no case shall exceed 4 feet;

(C) The horizontal dimension shall be considered to be the width of the support structure or the width of the sign, whichever is greater, and in no case shall exceed 4 feet;

(D) The sign may be either a freestanding or shingle-type sign;

(E) The sign may be situated between the structure and the street; and

(F) All signs shall be approved by the city building official or code enforcement officer prior to installation.

(Ordinance 299-C adopted 1/13/04; Ordinance 525 adopted 12/9/13; 2007 Code, sec. 153.20)

Sec. 3.10.042 R-3 and R-4 districts

The following regulations shall apply in the R-3 and R-4 districts:

(1) General requirements. R-3 and R-4 uses shall meet the requirements of their respective districts as outlined in [sections 3.10.004](#) through [3.10.007](#);

(2) Primary identification signs. Primary identification signs, each having an area not exceeding 10% of the area of one wall or 5% of the area of 2 walls, where applicable, or 50 square feet, whichever is less;

(3) Development name. One freestanding monument sign identifying the name of the development shall be permitted. This sign area shall not exceed 50 square feet per side. Overall sign height shall not exceed 6 feet. Sign setbacks shall be a minimum of 10 feet from the property line;

- (4) Informational signs. Informational-type signs, each not exceeding 10 square feet in area per building;
- (5) Placement. All signs shall be placed flat against the wall of a building and shall not extend above the front wall or side wall of the building;
- (6) Lighting and identification. All signs, except for the informational signs, shall identify the development by name and address only. Signs may be back-lighted, lighted indirectly, lighted internally or lighted by spotlights; and
- (7) Primary uses. Signs shall be specifically described and indicated on the site plan. The sign requirement for each use shall not be less restrictive than those of the respective district in which the use is otherwise first permitted.

(Ordinance 299-C adopted 1/13/04; Ordinance 525 adopted 12/9/13; 2007 Code, sec. 153.21; Ordinance adopting 2017 Code)

Sec. 3.10.043 B-1 district (Combine B-1, B-2, B-3, and I with Notes for differences.)

The following regulations shall apply in the B-1 district:

- (1) Auxiliary signs. Auxiliary signs not exceeding 10 square feet in total area per building may be placed in a window or flat against the wall of a building. Freestanding auxiliary signs of not more than 2-1/2 feet in height and 3 square feet in area are permitted on private property if limited to traffic direction or parking direction. Auxiliary sign area shall not be counted against total permitted sign area;
- (2) Service station canopy signs.
 - (A) Service station canopy signs shall be counted as a part of and limited to the percentage allowable for wall signs. Canopy signs may not exceed 15 feet in height and shall not exceed the top of the canopy on any side;
 - (B) Signs may be attached to and suspended from the underside of building canopies, with the following restrictions:
 - (i) No more than one such sign is permitted per business;
 - (ii) The sign must identify only the store's name and address;
 - (iii) The bottom edge of the sign shall be no less than 7 feet above grade; and
 - (iv) The sign may be placed perpendicular to the front wall of the building;
 - (C) Signs may be located any place on a canopy that is not attached to a building, except that the signs shall not project beyond the width or height of that canopy, nor more than one foot below that canopy;

- (3) Freestanding signs. One freestanding monument sign for each freestanding building in the B-1 district shall be permitted, meeting the following requirements:
- (A) Area. The area of the sign shall not exceed an amount equal to 0.40 square feet per front foot of the lot. The sign area shall not exceed 80 square feet per side;
 - (B) Height. Sign height shall not exceed 6 feet; and
 - (C) Setback. Sign setbacks shall be a minimum of 10 feet from the property line;
- (4) Wall signs. Advertising signs, when the same are attached to a building and advertise only the business name, services, articles or products offered within the building to which the sign is attached, shall be permitted, provided that the signs shall not extend more than 3 feet vertically above the outside walls of the buildings, nor more than 2 feet perpendicular from the face of the walls of the building. Not more than 10% of any wall shall be used for these signs, except, when freestanding signs are allowed but not used, this may be increased to not more than 15% of the wall; and
- (5) Primary uses. Signs shall be specifically described and indicated on the site plan. The sign requirement for each use shall not be less restrictive than those of the respective district in which the use is otherwise first permitted.

(Ordinance 299-C adopted 1/13/04; Ordinance 525 adopted 12/9/13; 2007 Code, sec. 153.22; Ordinance adopting 2017 Code)

Sec. 3.10.044 B-2 district

The following regulations shall apply in the B-2 district:

- (1) Auxiliary signs. Auxiliary signs not exceeding 10 square feet in total area per building may be placed in a window or flat against the wall of a building. Freestanding or auxiliary signs of not more than 2-1/2 feet in height and 3 square feet in area are permitted on private property if limited to traffic direction or parking direction. Auxiliary sign area shall not be counted against total permitted sign area;
- (2) Service station canopy signs.
 - (A) Service station canopy signs shall be counted as a part of and limited to the percentage allowable for wall signs. Canopy signs may not exceed 20 feet in height and shall not exceed the top of the canopy on any side;
 - (B) Signs may be attached to and suspended from the underside of building canopies with the following restrictions:
 - (i) No more than one such sign is permitted per business;
 - (ii) The sign must identify only the store's name and address;

- (iii) The bottom edge of the sign shall be no less than 7 feet above grade; and
 - (iv) The sign may be placed perpendicular to the front wall of the building;
- (C) Signs may be located any place on a service station canopy that is not attached to a building, except that the signs shall not project beyond the width or height of that canopy, nor more than one foot below that canopy;
- (3) Freestanding signs. Two freestanding monument signs for each freestanding building in the B-2 district shall be permitted, meeting the following requirements:
- (A) Area. The area of the sign shall not exceed an amount equal to 0.40 square feet per front foot of the lot. The sign area shall not exceed 80 square feet per side, including the base;
 - (B) Height. Sign height shall not exceed 6 feet; unless additional setback from property line is utilized.**
 - (C) Setback. The sign setback shall be a minimum of 10 feet from the property line, as long as it does not interfere with visibility of neighboring building signage. Where neighboring structures are close to the property line, permission may be given to place their sign closer to the property line.**
- (4) Wall signs. Advertising signs, when the same are attached to a building and advertise only the business name, services, articles or products offered within the building to which the sign is attached, shall be permitted, provided that the signs shall not extend more than 3 feet vertically above the outside walls of the buildings, nor more than 2 feet perpendicular from the face of the walls of the building. Not more than 10% of any wall shall be used for these signs, except that, when freestanding signs are allowed but not used, this may be increased to not more than 15% of the wall; and
- (5) Primary uses. Signs shall be specifically described and indicated on the site plan. The sign requirement for each use shall not be less restrictive than those of the respective district in which the use is otherwise first permitted.

(Ordinance 299-C adopted 1/13/04; Ordinance 525 adopted 12/9/13; 2007 Code, sec. 153.23; Ordinance adopting 2017 Code)

Sec. 3.10.045 B-3 district

The following regulations shall apply in the B-3 district:

- (1) Auxiliary signs. Auxiliary signs not exceeding 10 square feet in total area per building may be placed in a window or flat against the wall of a building. Freestanding auxiliary signs of not more than 2-1/2 feet in height and 3 square feet in area are permitted on private property if limited to traffic direction or parking direction. Auxiliary sign area shall not be counted against total permitted sign area;

(2) Freestanding signs. One freestanding monument sign for each freestanding building in the B-3 district shall be permitted, meeting the following requirements:

(A) Area. The area of each sign shall not exceed an amount equal to 0.40 square feet per front foot of the lot. The sign area shall not exceed 50 square feet per side, including base;

(B) Height. In no case shall sign height exceed 6 feet, unless additional setback from property line is utilized.

(C) Setback. The sign setback shall be a minimum of 10 feet from the property line, as long as it does not interfere with visibility of neighboring building signage. Where neighboring structures are close to the property line, permission may be given to place their sign closer to the property line.

(3) Wall signs. Advertising signs, when the same are attached to a building and advertise the business name, services, articles or products offered within the building to which the sign is attached, shall be permitted, provided that these signs shall not extend more than 3 feet vertically above the outside walls of such buildings, nor more than 2 feet perpendicular from the face of the walls of the building. Not more than 10% of any wall shall be used for these signs, except, when freestanding signs are allowed but not used, this may be increased to not more than 15% of the wall. All signs must be in compliance with the historic district regulations.

(Ordinance 299-C adopted 1/13/04; Ordinance 525 adopted 12/9/13; 2007 Code, sec. 153.24)

Sec. 3.10.046 I district

The following regulations shall apply in the I district:

(1) Auxiliary signs. Auxiliary signs not exceeding 10 square feet in total area per building may be placed in a window or flat against the wall of a building. Freestanding auxiliary signs of not more than 2-1/2 feet in height and 3 square feet in area are permitted on private property if limited to traffic direction or parking direction. Auxiliary sign area shall not be counted against total permitted sign area;

(2) Billboards. Billboards are prohibited within the corporate city limits;

(3) Service station canopy signs.

(A) Service station canopy signs shall be counted as a part of and limited to the percentage allowable for wall signs. Canopy signs may not exceed 20 feet in height and shall not exceed the top of the canopy on any side;

(B) Signs may be attached to and suspended from the underside of building canopies with the following restrictions:

(i) No more than one such sign is permitted per business;

- (ii) The sign must identify only the store's name and address;
 - (iii) The bottom edge of the sign shall be no less than 7 feet above grade; and
 - (iv) The sign may be placed perpendicular to the front wall of the building;
- (C) Signs may be located any place on a service station canopy that is not attached to a building, except that the signs shall not project beyond the width or height of that canopy, nor more than one foot below that canopy;
- (4) Freestanding signs. Two freestanding monument signs for each freestanding building in the I district shall be permitted, meeting the following requirements:
- (A) Area. The area of each sign shall not exceed an amount equal to 0.40 square feet per front foot of the lot. The sign area shall not exceed 80 square feet per side, including base;
 - (B) Height. In no case shall sign height exceed 6 feet; and
 - (C) Setback. Sign setbacks shall be a minimum of 10 feet from the property line. All signs must be in compliance with regulations set out by the industrial park;
- (5) Wall signs. Advertising signs, when the same are attached to a building and advertise the building name, services, articles or products offered within the building to which the sign is attached, shall be permitted, provided that the signs shall not extend more than 3 feet vertically above the outside walls of the buildings, nor more than 2 feet perpendicular from the face of the walls of the building. Not more than 10% of any wall shall be used for these signs, except, when freestanding signs are allowed but not used, this may be increased to not more than 15% of the wall; and
- (6) Primary uses. Sign shall be specifically described and indicated on the site plan. The sign requirement for each use shall not be less restrictive than those of the respective district in which the use is otherwise first permitted.

(Ordinance 299-C adopted 1/13/04; Ordinance 525 adopted 12/9/13; 2007 Code, sec. 153.25; Ordinance adopting 2017 Code)

Sec. 3.10.047 Historic district

In addition to any requirements of this article, all signage within any historic district must also meet the requirements and/or restrictions specified in the governing guidelines of the Historic District. (Ordinance 525 adopted 12/9/13; 2007 Code, sec. 153.26)

Sec. 3.10.048 Table of requirements for permanent signs

PERMANENT SIGNS

All signs must be permitted through the code enforcement officer.

District	Per Unit	Type of Sign Permitted	Maximum Area	Maximum Height	Requirements
Residential					
R-1 and R-2 Residential	1	Wall sign only	1 sq. ft.		Must contain only occupant's name. Must be secured to wall with no open space between sign and wall.
Church or school	1	Church or school	18 sq. ft.		One sign allowed for each church or school
Accommodations facility in R-1	1	Freestanding or shingle	16 sq. ft.	4 ft. overall	Facility requires special use permit. Sign must be located between structure and street.
R-3 and R-4 Residential	1	Freestanding	80 sq. ft.	6 ft.	Allowed only to identify name of development.
Commercial					
B-1 Restricted B-2 General B-3 Central Business District	N/A	Auxiliary signs, wall or window	10 sq. ft. or 10% of total area of wall		Must be placed in window or flat against exterior wall.
	N/A	Freestanding auxiliary signs	3 sq. ft.	30 inches	Permitted on private property if limited to traffic or parking directions. Not counted against total sign area.
	B-1=1 B-2=2 B-3=1	Freestanding monument sign	80 sq. ft.	6 ft.	Mandatory 10-ft. setback from property line. Allowed only for freestanding buildings. Two signs on corner lot with ? frontage...(B-2)

	N/A	Wall sign	Maximum 10% of wall area, 15% if freestanding	Maximum extend 3 ft. vertical or 2 ft. perpendicular	Must be attached to building and advertise only the name, services, articles or products offered within the building.
Industrial	1	Service station canopy sign	4 sq. ft.	Must be 7 ft. above grade Must be 20 ft. high	Shall be counted as a part of the percentage allowable for wall signs. Shall not exceed the canopy on any side. Must identify only the name of store and address. May be perpendicular to front wall. Allowed any place on freestanding canopy, but cannot exceed height or protrude more than 1 foot below canopy. May be suspended from underside.
	N/A	Auxiliary signs, wall or window	10 sq. ft.		Must be placed in window or flat against exterior wall.
	N/A	Freestanding auxiliary	3 sq. ft.	30 inches	Permitted on private property if limited to traffic or parking directions. Not counted against total sign area.
	N/A	Wall sign	Maximum 10% of wall area, 15% if freestanding	Maximum extend 3 ft. vertical or 2 ft. perpendicular	Must be attached to building and advertise only the name, services, articles or products offered within the building.

(Ordinance 525 adopted 12/9/13; 2007 Code, ch. 153, app. A)

Secs. 3.10.049–3.10.080 Reserved

Division 3. Sign Types

Sec. 3.10.081 Temporary construction site and for-sale and rental signs

For-sale signs, rental signs or temporary construction site signs not exceeding 32 square feet in area and 6 feet in height may be placed at a development site, on property of one acre or more, for a period of one year. These signs are not subject to permit fees. (Ordinance 299-C adopted 1/13/04; Ordinance 525 adopted 12/9/13; 2007 Code, sec. 153.35)

Sec. 3.10.082 Governmental signs

Governmental signs not exceeding 32 square feet in area and not exceeding 10 feet in height shall be permitted. This standard shall not apply where state or federal regulations are in conflict with these standards. (Ordinance 299-C adopted 1/13/04; Ordinance 525 adopted 12/9/13; 2007 Code, sec. 153.36)

Sec. 3.10.083 Temporary business promotional signs

(a) Any temporary business promotional signs shall only be placed in or on windows and shall have a combined area not exceeding 10% of the area of all windows on the same wall. Area of the signs shall not be counted against total permitted sign area and no permit is required.

(b) A-frame or sandwich signs. “A-frame” or “sandwich” signs shall be permitted, provided they meet the following criteria:

- (1) Sign approval must be obtained from the code enforcement officer prior to use;
- (2) The sign must be no larger than 4 feet high by 2 feet wide;
- (3) The sign must be professional in appearance (painting, lettering and the like);
- (4) The sign must be located in front of the business it advertises. If located elsewhere, the sign owner must provide written permission from the owner of the property where the sign is located;
- (5) The sign may only be placed on the sidewalk during business hours;
- (6) The sign may not block the sidewalk or interfere with walking traffic; and
- (7) The sign may not interfere with Americans with Disabilities Act guidelines.

(c) Banners, pennants and portable signs. Banners, pennants and portable signs are authorized in all nonresidential districts, subject to the following restrictions:

- (1) A temporary sign authorization must be approved by the city prior to erecting or placing the sign. Authorizations for temporary signs shall be granted only with the written consent of the owner or person in charge of the property.
- (2) The total square footage of all temporary signs placed by one authorization shall not exceed 75 square feet.
- (3) A total of 5 temporary signs shall be authorized by any one authorization, per business, as long as the total square footage of these signs does not exceed 75 square feet.
- (4) The maximum permitted height per sign is 6 feet, except vertical, flag-type banners may have a maximum height of 12 feet.
- (5) No fees will apply for temporary/portable signs.
- (6) Signs must be kept in a serviceable condition at all times. A tear over 5 inches in length, a sign coming loose from its stand or frame, letters missing from a sign, or materials faded 50% or more are considered unserviceable, and must be removed.
- (7) Temporary sign authorizations are good for a period of ¹² months. If the authorized sign is replaced, using another sign the same exact size, a new authorization is not required during the 12-month period.
- (8) Portable temporary signs with changeable letters that are not being utilized must be removed from public view.

(d) Inflatable signs and balloons. Inflatable signs are permitted in nonresidential zoning districts, subject to the following:

- (1) Inflatable signs shall not exceed 20 feet in height or 10 feet in width, and shall be fastened securely to the level ground. No balloon shall be flown at a height exceeding 100 [feet] above the level ground.
- (2) No inflatable sign shall be attached to the roof of a building or other structure.
- (3) An inflatable sign authorization is valid for 14 days. No more than 4 inflatable sign authorizations shall be issued per calendar year for any one business or property.
- (4) No inflatable sign shall be located within 20 feet of a roadway or a driveway or other ingress or egress from the property.
- (5) A no-fee permit is required for inflatable signs and balloons.

(Ordinance 299-C adopted 1/13/04; Ordinance 374 adopted 4/27/04; Ordinance 525 adopted 12/9/13; 2007 Code, sec. 153.37)

Sec. 3.10.084 Community service signs

Community service signs for seasonal celebrations shall have no size limitation if placed in or on windows and have a combined area not exceeding 10% of the area of all the windows on that same wall. Stake-type community service signs that are not of a seasonal celebration nature, that support programs or functions sanctioned by the school district or other nonprofit organizations, shall be permitted, provided they are not larger than 18 inches by 24 inches, are not placed on the right-of-way and are not an obstruction for traffic. A permit shall be required for any sign larger than 18 inches by 24 inches. (Ordinance 299-C adopted 1/13/04; Ordinance 525 adopted 12/9/13; 2007 Code, sec. 153.38)

Sec. 3.10.085 Monument signs

(a) Nonresidential districts. Monument signs in nonresidential districts are subject to the following restrictions:

- (1) No more than one monument sign shall be permitted for every 300 feet of street frontage on each premises, except that a lot that has frontage on more than one street may have one sign on each street on which the property fronts. Only one monument sign shall be erected along the same street frontage. (B-2 & I Zones)
- (2) A monument sign may be illuminated internally, or by an external light source if that light source cannot be seen from the public right-of-way. An electronic or message board is permitted if it does not occupy more than 24 square feet of the area of the sign face.
- (3) The sign base and sign shall be covered or constructed with the same masonry materials, stone, or brick as the principal building, or with other materials approved by the code enforcement officer. All materials used must complement the architecture of the principal building.

(b) Single-family residential districts. Monument signs are allowed in single-family residential districts for the purpose of identifying a residential subdivision or for nonresidential uses that are permitted in such district. Monument signs shall be subject to the following restrictions:

- (1) No more than one monument sign shall be permitted for every 300 feet of street frontage on each premises, except that a lot that has a frontage on more than one street may have one sign for each street on which the property fronts.
- (2) A monument sign shall not exceed 4 feet in height, plus a maximum of 2 feet at the sign base.
- (3) A monument sign shall not exceed one square foot of gross surface area for every 2 feet of street frontage, or a maximum of 50 square feet.
- (4) A monument sign may be illuminated by an external light source if that light source cannot be seen from the public right-of-way.
- (5) The sign base and sign shall be covered or constructed with the same masonry materials, stone, or brick as the principal buildings, or with other materials approved by the code enforcement officer. All materials used must complement the architecture of the principal building.

(c) Other residential districts. Monument signs are allowed in other residential districts, and are subject to the following restrictions:

- (1) No more than one monument sign shall be permitted for every 300 feet of street frontage on each premises, except that a lot that has a frontage on more than one street may have one sign for each street on which the property fronts.
- (2) A monument sign shall not exceed 4 feet in height, plus a maximum of 2 feet at the sign base.
- (3) A monument sign shall not exceed one square foot of gross surface area for every 2 feet of street frontage, or a maximum of 50 square feet.
- (4) A monument sign may be illuminated by an external light source if that light source cannot be seen from the public right-of-way.
- (5) The sign base and sign shall be covered or constructed with the same masonry materials, stone, or brick as the principal buildings, or with other materials approved by the code enforcement officer. All materials used must complement the architecture of the principal building.

(Ordinance 525 adopted 12/9/13; 2007 Code, sec. 153.39)

Secs. 3.10.086–3.10.110 Reserved

Division 4. Administration

Sec. 3.10.112 Notice of noncompliance

It shall be the duty of the code enforcement officer or his or her representative, upon having personal knowledge of a violation of this article, to serve written notice to the owner or lessee of the property upon which the sign is located, either by hand delivering in person or by depositing a notice of noncompliance in the United States mail, certified mail, return receipt requested. This notice shall state the name of the person to whom the notice is sent or delivered, include a general description of the violation, state the legal address of the property on which the violation has occurred, and state that the owner, lessee or other person having control of the property shall abate the violation and comply with the provisions of this article within 10 days from the date of the notice.

Secs. 3.10.113–3.10.140 Reserved

Division 5. Uniform Billboard Standards

Sec. 3.10.141 Definitions

For the purpose of this division, the following definition shall apply, unless the context clearly indicates or requires a different meaning.

Billboard. A sign or any other advertising device with a total sign face exceeding 400 square feet of sign face or with a support or supports greater than 2 square feet in cross-section or an overall height which exceeds 20 vertical feet from the ground upon which it sits, or, in the case of a sign or device installed on a higher elevation, the “ground” shall be measured from the crown of the road from which any face of the sign is visible. **Offsite advertising pole signs...**

(Ordinance 268 adopted 10/8/96; 2007 Code, sec. 150.17(A))

Sec. 3.10.142 Penalty

Any person, firm, corporation or agent who violates any of the provisions of this division shall be guilty of a misdemeanor, and upon conviction thereof shall be fined an amount not less than \$25.00 nor more than \$200.00. Each day that a violation is permitted to exist shall constitute a separate offense. (Ordinance 268 adopted 10/8/96; 2007 Code, sec. 150.99(D))

Sec. 3.10.143 General provisions; prohibited billboards

- (a) **Prohibited billboards.** All billboards are hereby prohibited except as set forth herein.
- (b) **Existing billboards.**
 - (1) All existing billboards shall meet the requirements of all applicable codes and ordinances pertaining to billboard construction of the city.
 - (2) All existing billboards located on state or federal highways shall conform to state and federal regulations.
- (c) **Permit required; altering message.** Except as herein provided, no person or business firm, acting as principal or agent, shall alter the copy face or lettering of any billboard, except for billboards with temporary messages made from interchangeable characters attached to tracks or grooves on the billboard, either by changing the message or by renovating an existing message, or shall erect any billboard or billboard structure until a billboard permit for the work has been issued by the city building official or designee to a contractor or the owner or occupant of the premises where the work is to be done.
- (d) **Sign faces.** No more than 2 sides of a billboard structure may be used for display.
- (e) **Projecting over property line.** No billboard, billboard structure or billboard support shall project over any property line.
- (f) **Prohibited supports.** Trees, loose rocks, bridges, fences, windmill towers and dilapidated buildings shall not be used as billboard supports.
- (g) **Street address sign.** All building locations shall be identified by a street address sign which is clearly visible from the street in letters not less than 2 inches tall.

(h) Flashing, blinking or traveling lights. No billboards with flashing, blinking or traveling lights shall be allowed, nor shall any billboard have any moving parts as a part of the visible signage.

(i) Conflicting regulations. In the event that more than one billboard-related definition applies to a non-prohibited proposed sign, resulting in conflicting regulations thereon, the billboard applicant may choose the definition that is to apply, with the qualification that any regulations related to that definition must be adopted. Where the proposed sign is of a type that is prohibited, it shall remain prohibited notwithstanding that it may also come within the definition of an approved type of billboard.

(Ordinance 268 adopted 10/8/96; 2007 Code, sec. 150.17(B); Ordinance adopting 2017 Code)

Sec. 3.10.144 Abandoned or damaged billboards

(a) All abandoned billboards and their supports shall be removed within 30 days from the date of abandonment. All damaged billboards shall be repaired or removed within 30 days. The building official or designee shall have the authority to grant a time extension not to exceed an additional 30 days for an abandoned, undamaged billboard.

(b) Should the responsible party or parties, after due notice, fail to correct a violation of this section, the building official or designee shall cause the signs and their supports to be demolished and removed. If the billboard cannot be demolished because it is painted on a building or other non-sign structure, the sign shall be painted over or removed by sandblasting. The building official or designee shall also file against the property a lien in the amount of the cost of all the work.

(Ordinance 268 adopted 10/8/96; 2007 Code, sec. 150.17(D); Ordinance adopting 2017 Code)

~~Sec. 3.10.147—Financial hardship provision (Remove)~~

~~In the event the owner/lessee of any property feels that adherence to the regulations contained in this division will constitute a financial hardship, the owner/lessee shall be granted the opportunity to state his or her case before the city council. The city council may, by a majority vote, agree to waive the restrictions. The decision of the city council shall be final. (Ordinance 268 adopted 10/8/96; 2007 Code, sec. 150.17(G))~~