

City Council Regular Meeting

3. B.

TO: Honorable Mayor Shetter and members of the Burleson City Council

FROM: Bradley Ford, Deputy City Manager

DATE: 11/09/2015

SUBJECT: Continue a Public Hearing for an Ordinance revising Chapter 63, Sign Regulations (Case 15-081) (Second Reading) (*Justin Bond*)

Council Action Requested:

1. Continue the public hearing; and
2. Consideration of Ordinance establishing text amendments to Chapter 63 - Sign Regulations, to include modifying the regulations for Pole Signs and to provide other additions, deletions, and modifications. (Case 15-081)

Background Information:

Staff originally proposed a sign ordinance modification seeking to eliminate pole signs from all roads and use pylon signs only on limited access roadways (IH-35W and the Chisholm Trail Parkway). Staff also proposed that the allowed sign type on SH 174 be exclusively monument signs.

Two public hearings have been held by the City Council on the sign ordinance amendments proposed by City Staff. On October 19, 2015, the City Council acted to approve the sign ordinance as presented with the following revisions:

- Pole signs would be permitted along Wilshire Blvd, between the northern portion of Elk Drive to Interstate 35.
- Nonconforming pole signs would be allowed to have a face plate change but are required to be brought into conformance upon a structural modification to the sign.
- A structural modification whereby an upgrade to a sign's existing electronic message board would not require the nonconforming sign to be brought into conformance.

The above noted revisions have been incorporated into the attached draft ordinance which is attached to this report. Additionally, a chart of the changes in the current draft ordinance from the previous drafts are tabulated below. The current revisions do not achieve strict adherence to the Imagine Burleson Plan and represent a potential compromise to alleviate concerns about the impact on businesses along SH 174.

Changes to the sign ordinance per Council action on 10/19

- Pole signs would be permitted along Wilshire Blvd, between Elk Drive to Interstate 35.
- Nonconforming pole signs would be allowed to have a face plate change but are required to be brought into conformance upon a structural modification to the sign.
- A structural modification whereby an upgrade to a sign's existing electronic message board would not require the nonconforming sign to be brought into conformance.
- Increased the height of monuments signs by 2 ft.

A sign character district would remain along SH 174 from the northern portion of Elk Dr to Interstate 35. Within this character district, pole signs would be a permitted sign type not to exceed 200 SF in sign area or 50 ft in height. Pole signs would be prohibited along all other corridors within the city with the exception of the sign character district as mentioned above. Along IH 35 and Chisholm Trail, a pylon sign could be erected not to exceed 50 ft and 30 ft respectively. Monument signs would be the required type of freestanding signs for business located along all other roadways; however, staff has modified the ordinance to allow for an additional 2 ft on height for both single tenant and multi-tenant

monuments signs. Therefore the max height for a single tenant monument sign would be adjusted from 7 ft to 9 ft along all other roadways and from 8 ft to 10 ft for single tenant monument signs located along IH 35, Chisholm Trail Parkway, SH 174 and FM 731.

A nonconforming pole sign would be required to be brought into conformance with the regulations of the sign ordinance upon a structural modification to the sign; however, this would not include a structural modification to allow a technology upgrade to a sign's existing electronic reader in which the sign area or sign height is not increased.

A brief comparison of the 10/5, 10/19 and current draft is provided below. Staff has separated the tables by the Northern Section of SH 174 and the remainder of the City since there are different rules that apply.

Ordinance comparison for North Section of SH 174

	October 5th Draft	October 19th Draft	November 9th Draft
Pole Sign Allowed	No	No	Yes
Pylon Signs Allowed	No	Yes	Yes
Monument Signs Allowed	Yes	Yes	Yes
Pole Sign Height (Max)	Not Allowed	Not Allowed	50'
Events Requiring Compliance	Structural Modification of Sign	Change of Use and / or 50% Improvement	Structural Modification of Sign (EMS upgrades are exempted)

Ordinance comparison for

All Other Areas of the City

	October 5th Draft	October 19th Draft	November 9th Draft
Pole Sign Allowed	No	No	No
Pylon Signs Allowed	Yes, IH-35 and CTP	Yes, IH-35 and CTP	Yes, IH-35 and CTP and North Wilshire Sign Corridor
Monument Signs Allowed	Yes	Yes	Yes
Events Requiring Compliance	Structural Modification of Sign	Change of Use and / or 50% Improvement	Structural Modification of Sign (EMS upgrades are exempted)

Board/Citizen Input:

The Planning and Zoning Commission held a public hearing on the item in August. The Commission generally supported the changes and the need to address sign clutter. Their recommendation was to support the ordinance by a 5 - 1 vote. The dissenting vote had concerns about how the prohibition of pole signs along SH 174 would impact prospective businesses.

The City Council approved the proposed sign ordinance amendments on October 19th with the following changes:

- Pole signs would be permitted along Wilshire Blvd, between the northern portion of Elk Drive to Interstate 35.
- Nonconforming pole signs would be allowed to have a face plate change but are required to be brought into conformance upon a structural modification to the sign.
- A structural modification whereby an upgrade to a sign's existing electronic message board would not require the nonconforming sign to be brought into conformance.

The City Council also continued the public hearing on this item into the second reading.

Attachments

1. AIP from 10.5.15 and 10.19.15 Meeting
 2. Presentation from 10.19.15 Meeting
 3. Sign Ordinance Draft - 11.9.15
-

Staff Contact:

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Senior Planner
Development Services
817.426.9614
srhoten@burlesontx.com

City Council Regular Meeting

3. D.

TO: Honorable Mayor Shetter and members of the Burleson City Council

FROM: Bradley Ford, Deputy City Manager

DATE: 10/19/2015

SUBJECT: Continue a Public Hearing for an Ordinance revising Chapter 63, Sign Regulations (Case 15-081) (First Reading) (*Bradley Ford*)

Council Action Requested:

- 1. Continue the public hearing; and
- 2. Consideration of Ordinance establishing text amendments to Chapter 63 - Sign Regulations, to include deleting Pole Signs from allowed freestanding signs and to provide other additions, deletions, and modifications. (Case 15-081)

Background Information:

Staff originally proposed a sign ordinance modification seeking to eliminate pole signs from all roads and use pylon signs only on limited access roadways (IH-35W and the Chisholm Trail Parkway). Staff also proposed that the allowed sign type on SH 174 be exclusively monument signs.

This proposal was in alignment with the feedback and recommendations of the Imagine Burleson Comprehensive Plan. Staff evaluated the comments from the City Council public hearing on October 5th and has revised the draft ordinance to meet the intent of those comments. Our revisions do not achieve strict adherence to the Imagine Burleson Plan and represent a potential compromise to alleviate concerns about the impact on businesses along SH 174.

Changes Proposed Since the 10/5 City Council meeting

The staff is proposing to create a separate sign character for the northern portion of SH 174 from Elk Drive to Interstate 35W. The only change to the other areas of town is to require compliance with the ordinance upon a change of use on a property or a remodel that's value is more than 50% of a property's improvement value according to the appraisal district.

This allows for pylon signs to be permissible on the northern portion of SH 174. It also allows for multi-tenant signs to be up to 30' tall in that area. Staff also modified the sign height measurement for the northern portion of SH 174 to allow for consideration in the event a site's grade is lower than the grade of SH 174.

A brief comparison of the 10/5 draft and the 10/19 draft is included below. Staff has separated the tables by the Northern Section of SH 174 and the remainder of the City since there are different rules that apply.

Ordinance Comparisons for Northern Section of SH 174

	October 5th Draft	October 19th Draft
Pole Signs Allowed	No	No
Pylon Signs Allowed	No	Yes
Monument Signs Allowed	Yes	Yes

Single Tenant Pylon Height (Max)	Not Allowed	25'
Multi Tenant Pylon Height (Max)	Not Allowed	30'
Events Requiring Compliance	Structural Modification of Sign	Change of Use and / or 50% Improvement

Ordinance Comparison for All Other Areas of City

	October 5th Draft	October 19th Draft
Pole Signs Allowed	No	No
Pylon Signs Allowed	Yes, IH-35 and CTP	Yes, IH-35W and CTP
Monument Signs Allowed	Yes	Yes
Events Requiring Compliance	Structural Modification of Sign	Change of Use and / or 50% Improvement

Board/Citizen Input:

The Planning and Zoning Commission held a public hearing on the item in August. The Commission generally supported the changes and the need to address sign clutter. Their recommendation was to support the ordinance by a 5 - 1 vote. The dissenting vote had concerns about how the prohibition of pole signs along SH 174 would impact prospective businesses.

Attachments

1. AIP from 10.5.15 Meeting
 2. Presentation from 10.5.15 Meeting
- Sign Ordinance Draft - 10.15.15

Staff Contact:

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bsrhoten@burllesontx.com

City Council Regular Meeting

3. B.

TO: Honorable Mayor Shetter and members of the Burleson City Council

FROM: Bradley Ford, Director of Development Services

DATE: 10/05/2015

SUBJECT: Public hearing for an Ordinance revising Chapter 63, Sign Regulations (Case 15-081) (First Reading) (*Bradley Ford*)

Council Action Requested:

1. Conduct a public hearing; and
2. Consideration of Ordinance establishing text amendments to Chapter 63 - Sign Regulations, to include deleting Pole Signs from allowed freestanding signs and to provide other additions, deletions, and modifications. (Case 15-081)

Background Information:

Staff has developed a sign ordinance revision to implement the Imagine Burleson plan recommendation's regarding reducing sign clutter and creating an enhanced visual character along Burleson's major thoroughfares. A track changes version of the draft ordinance is included as Attachment 2. The most significant changes to the ordinance include the following:

- Prohibit Pole Signs as an allowed sign type for new construction
- Restrict Pylon Signs to Interstate 35W and the Chisholm Trail Parkway only
- Require all new signage along SH 174 to be monument signs
- Require monument signs to be wrapped in masonry material and have landscaping
- Prohibit Roof Signs
- Modify changeable message signs to only be 50% of a sign's area

Long Range Planning Documents

At Town Hall #3 of the Imagine Burleson plan, a group of citizens and business owners worked to examine Burleson's thoroughfare's and their cross-sections. One of the common themes that emerged from the meeting was the need for landscaped medians, street trees, and reduced sign clutter specifically along SH 174.

As a result of this input, a specific action item was included in the Imagine Burleson Plan regarding updating and adopting new sign regulations. The updated regulations should "promote an aesthetically pleasing appearance in all elements of the City's physical appearance".

The SH 174 Plan also references signage in its recommendations. It states that "for the Wilshire Commercial District, making the switch from pole signs to monument signs is necessary to accomplish these goals (reduce visual clutter)." It further states

that monument signs should complement the architectural character of the structure and landscaped around the base.

Anticipated Ordinance Impacts

The ordinance change would primarily impact new development but would provide additional guidelines for non-conforming signs. On a community-wide basis, it would place Burleson's sign regulations in closer alignment to other fast-growing, peer cities in Dallas / Fort Worth. Many neighboring communities already restrict pole signage and require monument signage. For future developments, their signage applications would need to conform to the regulations included in the draft ordinance.

For owners of existing pole signs, the signs would be designated as non-conforming signs as of the date of this ordinance's passing. The owner of the sign could still change a sign's face and the pole sign could remain. However, "any structural change, alteration, modification, or change in the name, design, letters, message, or other matter on the non-conforming sign, other than a face (copy) change, shall require the sign to be brought into conformity with the requirements of this ordinance...". Placing a non-conforming status on the existing pole signs allows for the owners of the signs to get the economic benefit of their investment out of the sign. It also means that removal of the scores of pole signs along SH 174 will take years.

As an intermediate step, the SH 174 Plan recommended the City allow for an incentive program that allows for a business to receive a reimbursement of some costs when changing a pole sign to a monument sign. A quick review showed that several cities in Dallas / Fort Worth have Sign Incentive Programs. In general these cities are defining corridors where pole signage is out of character for the area. Then they are creating incentive programs that encourage businesses to remove the signs and replace them with monument signs. A listing of the cities with these programs is included below. Staff would welcome any input from the City Council regarding a sign incentive program. This could be a helpful tool in reducing the future impact to small businesses along SH 174. It also could help encourage businesses that are considering a signage change to move forward more quickly.

City Name	Match	Max Grant
Carrollton	50%	\$4,000
Colleyville	50%	\$15,000
Irving	50%	\$5,000
North Richland Hills	50%	\$5,000
Sachse	None	\$6,000

Board/Citizen Input:

The Planning and Zoning Commission held a public hearing on the item in August. The Commission generally supported the changes and the need to address sign clutter. Their recommendation was to support the ordinance by a 5 - 1 vote. The dissenting vote had concerns about how the prohibition of pole signs along SH 174 would impact prospective businesses.

Attachments

1. Sign Ordinance Presentation
 2. Draft Ordinance
-
-

City Council Regular Meeting

3. B.

Meeting Date: 10/05/2015

FROM: Bradley Ford, Director of Development Services

Subject:

Public hearing for an Ordinance revising Chapter 63, Sign Regulations (Case 15-081) (First Reading) (*Bradley Ford*)

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Attachments

1. Sign Ordinance Presentation

2. Draft Ordinance

Staff Contact:

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Director of Development Services
817-426-9623
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Sign Ordinance Revisions
October 19, 2015



Ordinance Revision Discussion

- **Staff proposing a variety of administrative and policy changes for the Sign Ordinance.**
 - One of the most significant changes proposed deals with Pole Signs.
 - A looming issue since 2010 when Imagine Burleson was adopted and called for the reduction of “sign clutter”
- **A history of City Council discussion for site plans with pole signage**
- **Feedback from Planning and Zoning Commission**
 - Commission was briefed twice on the topic (July and August)
 - General agreement for most Commissioners that pole signs are out of scale along SH 174
 - One Commissioner didn’t want sign restrictions on businesses
 - Commission recommended approval of the ordinance by a 5 – 1 vote
- **Feedback from first Public Hearing at City Council**
 - Significant concern regarding restricting signage along SH 174
 - Concern for impact on small businesses
 - Suggestion to add that sites along SH 174 should be measured from the grade of SH 174

Realities about Signs and Sign Ordinances

- **Signs are very personal** to developers and businesses, particularly to small businesses
 - Data suggests a pole / pylon sign increases sales by 4% - 12% (when compared to no freestanding signage)
- Burleson's current ordinance is **much less restrictive** than other fast-growing, peer cities in DFW.
- Burleson's current sign ordinance is **in conflict with** the public input and recommendations of the **Imagine Burleson**
- **Non-conforming pole signs tend to last a long time**
 - Incentive program might help quicken removal of some pole signs
 - Can speed the removal by adopting "change of use" and / or "50% modification" requirements

Original Proposed Ordinance

- **Administrative Changes**
 - New definition of Pylon Sign
 - Modified timeline for permit consideration
- **Substantive Changes**
 - **Major**
 - Prohibit Pole Signs as an allowed sign type
 - Restricting Pylon Signs to IH-35W and CTP
 - **Minor**
 - Requiring Monument Signs to be framed and landscaped
 - Modify changeable message sign requirements (Can only be 50% of the sign’s area)
 - Prohibit Roof Signs
 - Added definition of “Logo”

	Current			Proposed		
	Sq Ft	Height		Sq Ft	Height	
Monument (IH-35W, CTP, SH 174, FM 731)	Single Tenant	12		300	8	
	Multi-Tenant	16		400	12	
Monument (All Other Roads)	Single Tenant	12		100	7	
	Multi-Tenant	16		150	10	
Pole Sign	SH 174	50		Prohibited		
	IH-35W	70				
	All other areas	30				
	Chisholm Trail	30				
Pylon Sign	SH 174	50		Prohibited		
	IH-35W	70				
	All other areas	30				
	Chisholm Trail	30				

Updated Proposed Ordinance

- Modify events requiring compliance citywide to
 - Change of Use and / or
 - 50% improvement to building
- Keep original proposed ordinance except for SH 174 between IH-35W and Elk Drive. In that area:
 - Measure sign height along SH 174 from the average road grade of SH 174 that adjoins the site
 - Allow for Pylon Signs on the north end of SH 174
 - Single Tenant 25’ tall
 - Multi Tenant 30’ tall
 - Use Change of Use and / or 50% of improvement to building as events requiring sign compliance

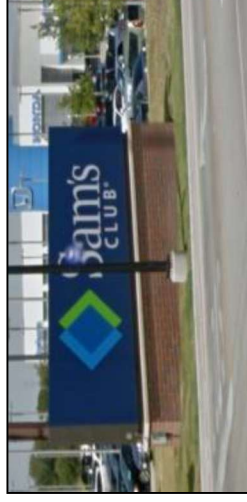
		Original	Updated
IH-35W / CTP	Pole Sign	No	No
	Pylon Sign	Yes	Yes
	Monument Sign	Yes	Yes
SH 174 (South End)	Pole Sign	No	No
	Pylon Sign	No	No
	Monument Sign	Yes	Yes
SH 174 (North End)	Pole Sign	No	No
	Pylon Sign	No	Yes
	Monument Sign	Yes	Yes
All Other Roads	Pole Sign	No	No
	Pylon Sign	No	No
	Monument Sign	Yes	Yes

Reasons for the Modifications

- Measuring signs on north end of SH 174 from the road grade allows for sites that sit lower than the road to have a couple extra feet of sign height
- Existing sign character is very different on the north end of SH 174
- Many signs in that area are for multi-tenant buildings
- South of Elk Drive along SH 174 is almost exclusively made up of single tenant operations with national brand tenants
- Using change of use and / or 50% modification threshold will speed up changes to existing signs

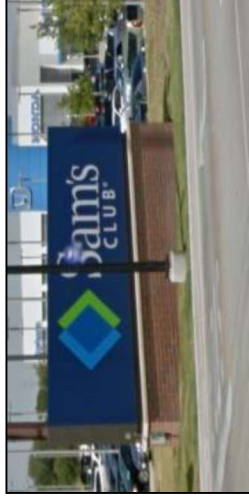
SH 174 (South of Elk Drive) Allowed Signs by Area

Monument



Alsbury, FM 731, Hidden Creek, etc Allowed Signs by Area

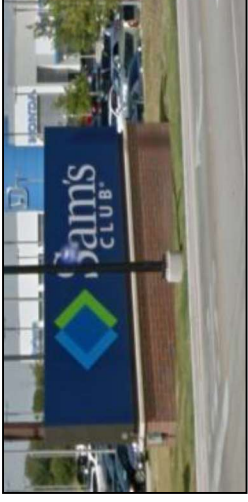
Monument



SH 174 (North of Elk Drive)

Allowed Signs by Area

Monument

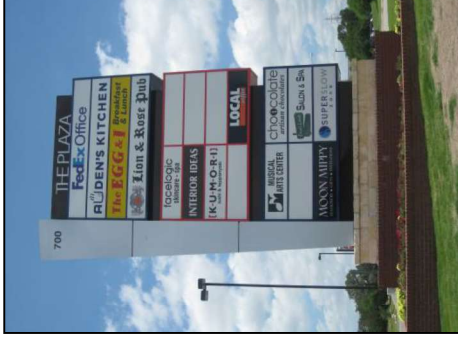


or

Pylon

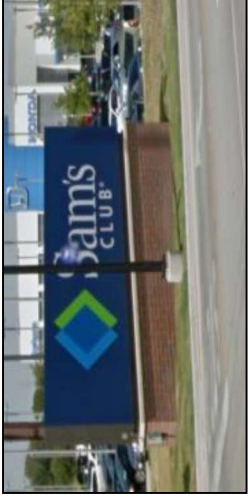
Single Tenant 25 feet

Multi Tenant 30 feet



IH-35W Allowed Signs by Area

Monument

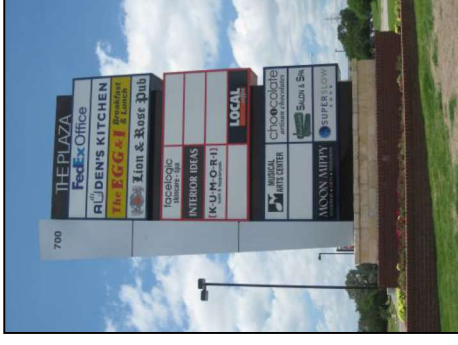


or

Pylon

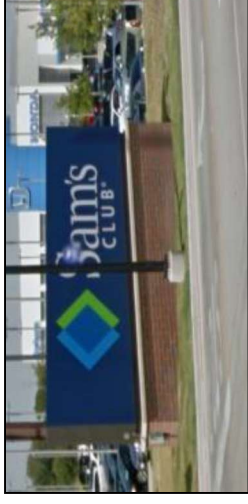
Single Tenant 50 feet

Multi Tenant 50 feet



Chisholm Trail Parkway Allowed Signs by Area

Monument

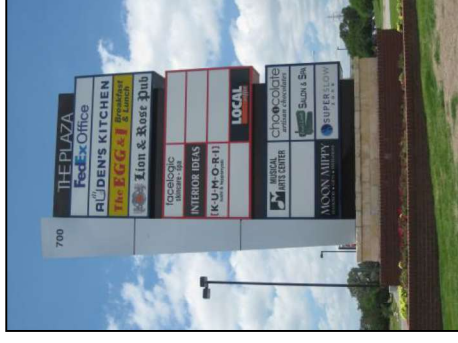


or

Pylon

Single Tenant 30 feet

Multi Tenant 30 feet



Change of Use Example

- Mama's Pizza changed in 2014 to TitleMax
 - Pole sign under 25' exists on the property
 - The use changed from a restaurant to a title loan business
 - Sign would need to be transitioned to pylon sign



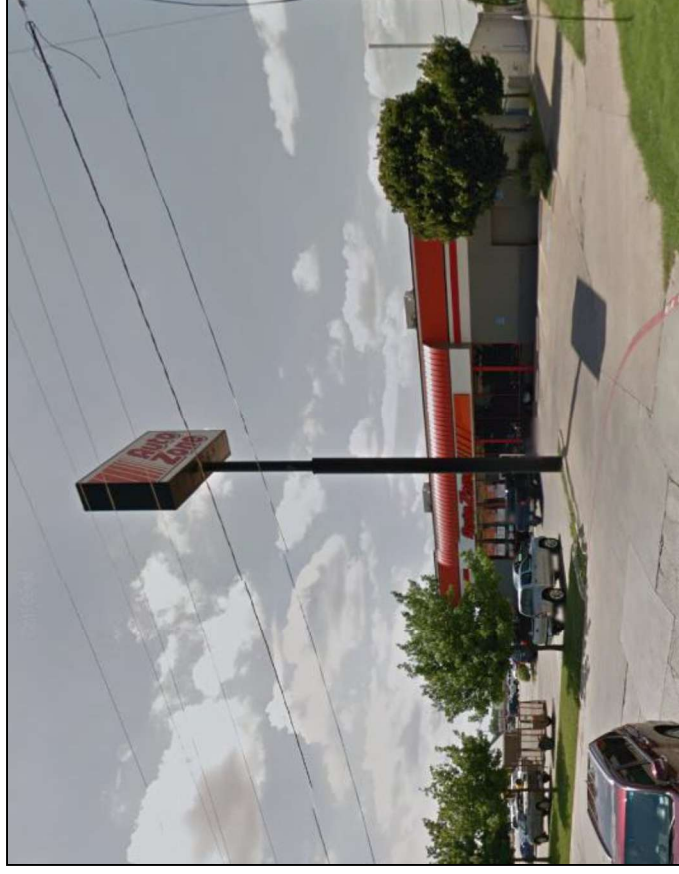
50% Improvement Example

- Old Braum's changed to an attorney's office in 2014
 - Improvements triggered the masonry and landscaping ordinances
 - Pole sign under 25' exists on the property
 - Sign would need to be transitioned to pylon sign



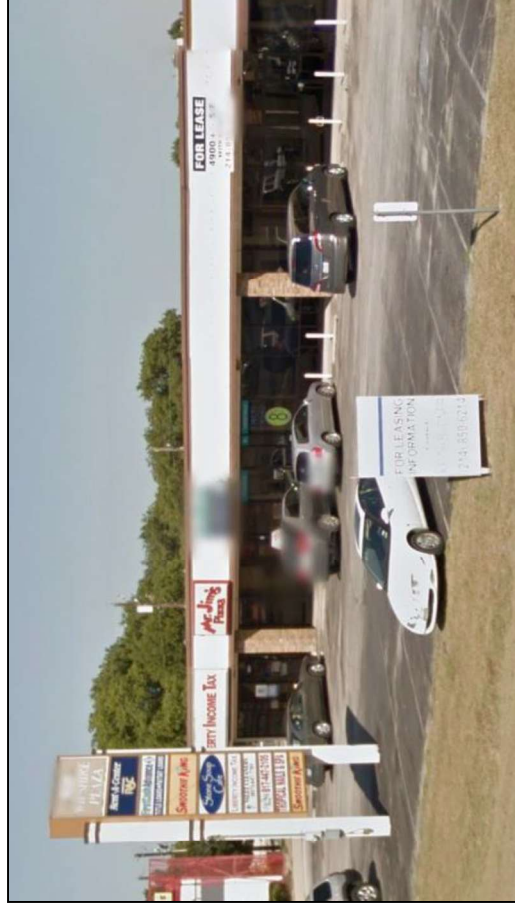
Tall Sign Transition Example

- If AutoZone were to change use or substantially renovate
 - Pole sign over 25' exists on the property
 - Sign would need to be reduced in height to less than 25' and made into a pylon sign



Multi-Tenant Pylon Example

- If Wilshire Plaza modified building by 50% of value
 - Transition from Pole Sign to Pylon Sign
 - Allowed to be 30' tall since it's a multi-tenant building



Summary

- Prohibiting pole signs improves the architectural look of signs
- Allowing for a new sign character north of Elk on SH 174 allows for that area to be an area of transition while allowing for the remainder of city to accomplish the vision of the Imagine Burleson Plan
- Allowing multi-tenant signs along SH 174 to be 30' tall gives those businesses extra visibility to the corridor
- Using “change of use” and / or “50% modification” requirements reduces the amount of time for significant improvement in sign clutter

Questions / Comments?

Public Hearing and Timeline

- 1) Continue the Public Hearing
- 2) Approve, deny, or modify Ordinance establishing text amendments to Chapter 63 – Sign Regulations, to include deleting Pole Signs from allowed freestanding signs and to provide other additions, deletions, and modifications. (Case 15-081) (First Reading)

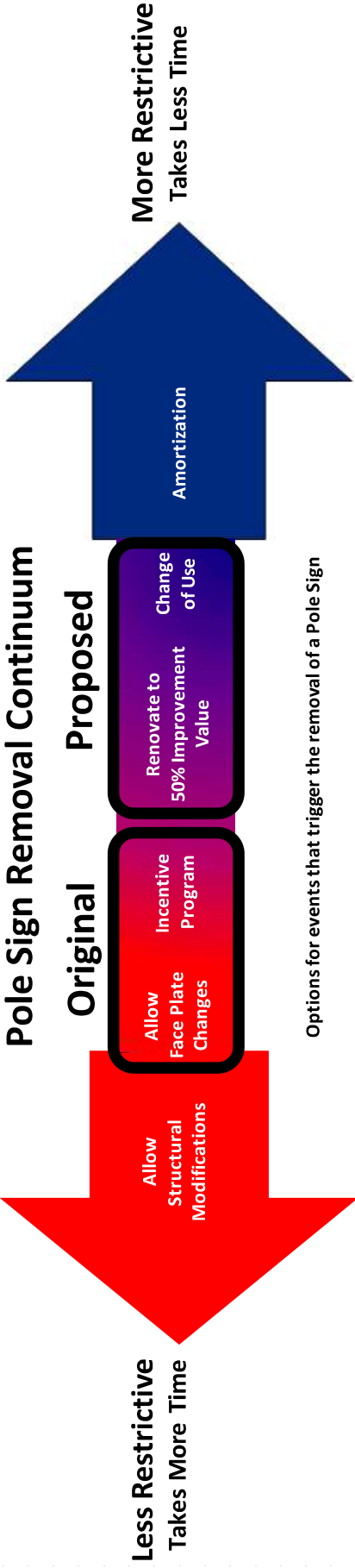
Final Reading scheduled for November 9, 2015

Length of frontage. The length of any primary or secondary frontage shall be the sum of all wall lengths parallel, or nearly parallel, to such frontage, excluding any such wall length clearly unrelated to the frontage criteria. For buildings with two or more frontages, the length and allowable sign area shall be calculated separately for each such frontage. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.

Logo. Any registered or trademarked image, graphic, symbol, letter, or combination of images, graphics, symbols or letters used by an organization, individual, company, to identify an organization, individual, company, or product.

Marquee. A structure that is attached to, in any manner, or made a part of any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of a building, generally designed and constructed to provide protection from the weather projecting above an exterior door and over a sidewalk, terrace, or similar waiting area, including, but not limited to, a theater or restaurant.

Balancing Act



ORDINANCE

AN ORDINANCE AMENDING ORDINANCE B-797-11 (A0613), BEING CHAPTER 63 – SIGN REGULATIONS, PART II, CODE OF ORDINANCES, CITY OF BURLESON, TO MODIFY SIGN REGULATIONS AND TO PROVIDE ADDITIONS, DELETIONS AND MODIFICATIONS TO TEXT FOR THE PURPOSE OF IMPROVING THE CLARITY OF THE CHAPTER; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Burleson has adopted Ordinance B-797-11(A0613), being Chapter 63 – Sign Regulations, Part II, Code Of Ordinances, City of Burleson, which regulates and restricts the type, size and location of signs for the purpose of permitting businesses to inform, identify and communicate effectively; directing the general public through the use of signs while maintaining attractive and harmonious application of signs on the buildings and sites; and to foster public safety along public and private streets within the community by assuring that all signs are in safe and appropriate locations and cause minimum driver distractions; and

WHEREAS, the City of Burleson has complied with the notification requirements of the Texas Local Government Code and the Burleson Zoning Ordinance; and

WHEREAS, the City Council and Planning and Zoning Commission have held a public hearing and the Planning and Zoning Commission has made a recommendation on the proposed zoning amendment; and

WHEREAS, the City Council has determined that the proposed zoning ordinance amendment is in the best interest of the City of Burleson.

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

SECTION 1.

That Ordinance B-797-11(A0613), being Chapter 63 – Sign Regulations, Part II, Code of Ordinances, City of Burleson, Texas, is hereby amended to read as follows in accordance with the modifications to text and graphics depicted in the attached Exhibit “A” incorporated herein by reference.

SECTION 2 CUMULATIVE CLAUSE

This ordinance shall be cumulative of all provisions of ordinances of the City of Burleson, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. To the extent that the provisions of the City of Burleson’s various development ordinances conflict with this ordinance, the terms of this ordinance shall control.

SECTION 3 SEVERABILITY CLAUSE

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

SECTION 4 PUBLICATION

The City Secretary of the City of Burleson is hereby directed to publish in the official newspaper of the City of Burleson, the caption, penalty clause, publication clause and effective date clause of this ordinance at least two (2) times within fourteen (14) days after the passage of this ordinance as required by Section 36 of the Charter of the City of Burleson.

**SECTION 5
PENALTY CLAUSE**

Any person, firm, association of persons, company, corporation, or their agents, servants, or employees violating or failing to comply with any of the provisions of this article shall be fined, upon conviction, not less than one dollar (\$1.00) nor more than two thousand dollars (\$2,000.00), and each day any violation of noncompliance continues shall constitute a separate and distinct offense. The penalty provided herein shall be cumulative of other remedies provided by State Law, and the power of injunction as provided in V.T.C.A. Local Government Code 54.012 and as may be amended, may be exercised in enforcing this article whether or not there has been a complaint filed.

**SECTION 6
EFFECTIVE DATE**

This Ordinance shall be in full force and effect after its publication as provided by law.

PASSED AND APPROVED this the ____ day of _____, 2015.

MAYOR

ATTEST:

City Secretary

Second Reading: _____

EXHIBIT "A"

Draft Amendments

Additions are provided in highlighted **green** text and deletions are provided in ~~red strike through~~.

Chapter 63 - SIGN REGULATIONS

FOOTNOTE(S):

--- (1) ---

Editor's note—Ord. No. B-797-11(A0613), § 1(Exh. A), adopted July 1, 2013, amended Ch. 63 in its entirety to read as set out herein. Former Ch. 63, §§ 63-1—63-4, 63-10—63-12, 63-20, 63-21, 63-30—63-40, 63-50—63-57, 63-70—63-72, 63-80—63-88, 63-100—63-103, pertained to similar subject matter and derived from Ord. No. B-797-11(A0613), §§ 1(63-11.0—63-11.3, 63-12.0—63-12.2, 63-21.0—63-21.1, 63-22.0—63.22.10, 63-23.0—63-23.7, 63-24.0—63-24.2, 63-25.0—63-25.8, 63-26.0—63-26.3).

ARTICLE I. - IN GENERAL

DIVISION 1. - APPLICABILITY

Sec. 63-1. - Purpose.

This chapter regulates the location, size, construction, erection, duration, use and maintenance of all signs within the jurisdiction of the City of Burleson, Texas. The purpose of this chapter is:

- (1) To promote the creation of an attractive visual environment that promotes a healthy economy by:
 - a. Permitting businesses to inform, identify and communicate effectively; and
 - b. Directing the general public through the use of signs while maintaining attractive and harmonious application of signs on the buildings and sites.
- (2) To foster public safety along public and private streets within the community by assuring that all signs are in safe and appropriate locations and cause minimum driver distractions.

(Ord. No. B-797-11(A0613), § 1(Exh. A), 7-1-2013)

Sec. 63-2. - New signs.

All new signs and face changes on existing signs will follow the regulations of this chapter and shall be required to obtain appropriate permits per section 63-10.

(Ord. No. B-797-11(A0613), § 1(Exh. A), 7-1-2013)

Sec. 63-3. - Nonconforming signs.

All nonconforming permanent signs, legally existing on ~~May 20, 2013~~, **November 12, 2015** may continue to exist and shall be allowed ~~face (copy) changes, provided that no nonconforming sign: the changing of advertising copy or message on theater marquee signs and similar signs specifically~~

designed for the use of replaceable copy, change of face panel, or where the sign frame was designed for replaceable plates. In addition, all non-conforming signs shall be subject to the following:

- (1) Shall **not** be changed to another nonconforming sign.
- (2) Shall **not** be structurally altered so as to change the shape, size, type or design of the sign; except where alterations are necessary to abate a threat to public safety. **This does not include a structural modification whereby an upgrade to a sign's existing electronic changeable message technology is made pursuant to Section 63-3.(4).**
- (3) Shall **not** be re-established after damage or destruction if the estimated expense of reconstruction exceeds 50 percent of the reproduction cost.
- (4) **Any structural change, alteration, modification, or change in the name, design, letters, message or other matter on the nonconforming sign, other than a face (copy) change, shall require the sign to be brought into conformity with the requirements of this ordinance unless otherwise exempt by Section 63.10(e). This does not include a structural modification whereby an upgrade to a sign's existing electronic changeable message technology is made according to the following:**
 - (a) **Overall sign area and height do not increase;**
 - (b) **Changeable message sign area does not increase;**
 - (c) **Total number of changeable message signs do exceed one (1) per premise; and**
 - (d) **Changeable message sign operates in conformance with Section 63-70.**

(Ord. No. B-797-11(A0613), § 1(Exh. A), 7-1-2013)

Sec. 63-4. - Noncommercial messages.

Notwithstanding any provision in this chapter to the contrary, any sign authorized in this chapter is allowed to contain a noncommercial message in place of any other authorized message.

(Ord. No. B-797-11(A0613), § 1(Exh. A), 7-1-2013)

Secs. 63-5—63-9. - Reserved.

DIVISION 2. - ADMINISTRATION

Sec. 63-10. - Sign permits.

- (a) No sign, unless excepted by this chapter, shall be located, constructed, altered attached, or painted until a building permit has been approved by the building official in accordance with the requirements of this chapter.
- (b) All signs shall be built in accordance with the drawings attached with the permit application and as approved by the building official.
- (c) Sign permit applications shall contain or be submitted with the following:
 - (1) A completed application form;
 - (2) The appropriate fees;
 - (3) A dimensioned site plan showing:
 - a. The location of the proposed sign in relation to all other structures on the property and the property line itself;

- b. All adjacent properties and location of signs within 200 feet of the proposed sign;
 - c. An elevation of the sign showing industry specifications and construction details if necessary.
- (d) Window signs, restricted or incidental parking signs, "A" frame signs, residential yard signs, and movable signs do not require a permit but are required to follow all other provisions and regulations of this chapter.
- (e) The following signs are exempt from the provisions and regulations of this chapter:
- (1) Public signs. Signs specifically required by any law, statute or ordinance. Such public signs may be of any type, number, area, height, location or illumination as required by the law, statute or ordinance.
 - (2) Signs on vehicles.
 - a. Signs placed on or affixed to vehicles or trailers where the sign is incidental to the primary use of the vehicle or trailer as transportation.
 - b. Signs attached or affixed to vehicles being displayed on vehicle sales or rental lots are deemed to be exempt from these regulations, if the purpose of the attached or affixed sign is to advertise the sale or rental of the vehicle upon which it is attached or affixed.
 - c. Temporary construction trailers and vehicles located on construction sites that bear the contractor advertising are exempt from these regulations.
 - d. Signs on vehicles passing through town for the purpose of advertising at a destination outside city limits are deemed to be exempt from these regulations.
 - (3) Vehicle signs. Attached, affixed or painted on vehicles when primary use of the vehicle is for the daily transportation of products or the delivery of services in connection with the business.
 - (4) Warning signs. Signs warning the public of the existence of danger but containing no advertising material; to be removed within three days upon the subsidence of danger. Such warning signs may be of any type, number, area, height, location, or illumination as deemed necessary to warn the public of the existence of danger.
 - (5) Governmental signs. Signs of duly constituted governmental body, including traffic or similar regulatory devices, legal notices, warnings at railroad crossings, and other instructional or regulatory signs having to do with health, hazards, parking, swimming, dumping, etc.
 - (6) Address numerals. Address numerals and other signs required to be maintained by and placed in accordance with law or governmental order, rule or regulation.
 - (7) Athletic signs. Signs used as scoreboards in athletic stadiums.
 - (8) Directional signs. Signs which direct vehicles and pedestrian traffic, which may display arrows, words, or other symbols to indicate direction of facilities.
 - (9) Directory signs. Signs that are located in or adjacent to entrances or foyers.
 - (10) Instructional signs. Signs, providing no advertising of any kind, which provide direction or instruction to guide persons to facilities intended to serve the public, including, but not specifically limited to, the signs identifying restrooms, public telephones, public walkways, parking areas and other similar facilities.
 - (11) [Decorations.] Seasonal, holiday or festival decorations in residential districts.
 - (12) [Flags.] Flags of any state, nation, political subdivision or entity, any non-profit group, corporation or entity, or any flag displaying any other noncommercial message.
- (f) The building official shall review a permit application and make a decision on whether to grant or deny the permit within ~~44~~ 30 days of submittal of a fully completed application. If additional information is required of an applicant in order to complete an application, the applicant shall be

notified of that fact within ~~44~~ 30 days. Thereafter, the building official shall make a decision on whether to grant or deny the permit within ~~44~~ 30 days of receiving the additional information or a written certification from the applicant that the application is complete. Any application for which the building official fails to grant a decision within the first ~~44~~ 30-day period shall be deemed denied.

- (g) If the work authorized by a permit issued under this chapter has not been commenced within 180 days after the date of issuance, the permit shall become null and void.
- (h) Any decision rendered by the building official under this chapter may be appealed to the city council by any person, agent, or representative affected by such decision. Such appeal must be received within ten 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 building official. The appeal shall be filed in writing with the building official specifying the grounds on which the appeal is based. The building official shall transmit to the city council all documents pertaining to the appealed action. The city council shall hear the appeal at a city council meeting within 60 days of the date the appeal was received by the building official. The city council shall determine whether the decision of the building official was in accordance with all ordinances and regulations. The decision of the city council shall be final.

(Ord. No. B-797-11(A0613), § 1(Exh. A), 7-1-2013)

Sec. 63-11. - Prohibited signs.

- (a) The following signs are prohibited from installation, construction, repair, alteration or relocation within the city, except as otherwise permitted in this chapter:
 - (1) Permanent off-premises signs (billboards), inflatable signs, bandit signs and portable signs shall be prohibited in the city. Permanent off-premises signs (billboards) are also prohibited in the city's extraterritorial jurisdiction.
 - (2) Any search lights, bullhorns, spinners (rotating signs), streamers, string lights or strip lighting (except those allowed as holiday and festival decorations as temporary signs in this chapter), pennant, hot air balloon or similar device that is intended to move freely in the wind. Examples of such signs are shown in Figure 63-A below.

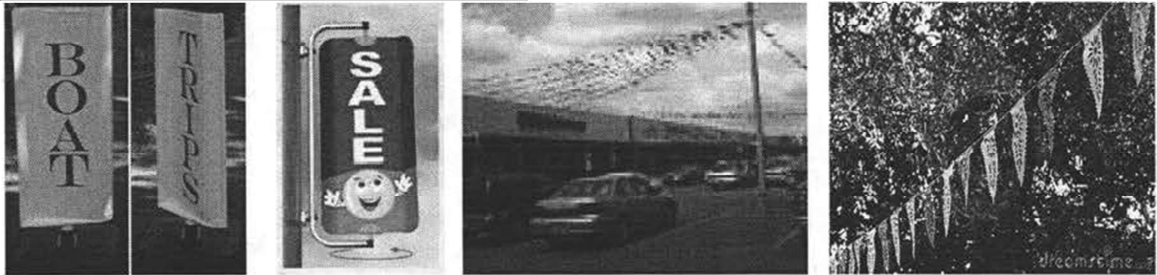
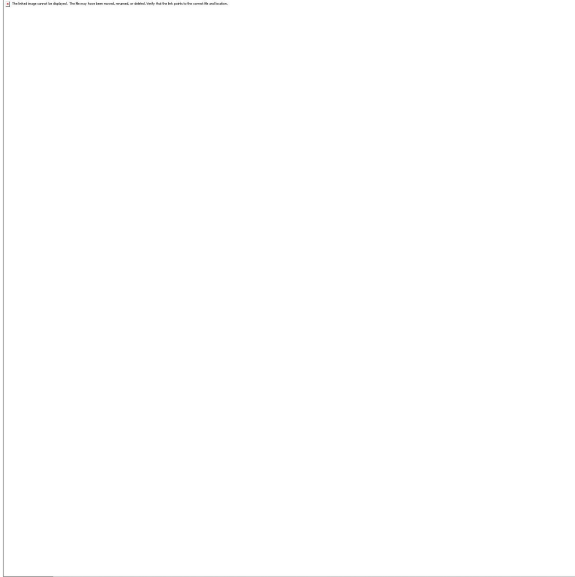


Figure 63-A: Examples of prohibited rotating, spinning and streamer signs

- (3) Moving/whirling and flashing signs except for reader boards, which convey a message. Any sight source that produces a revolving beam or beacons that resemble emergency vehicle lights shall be prohibited.
- (4) Parked vehicles as temporary signs: except as allowed by section 63-86, signs mounted, bolted, or constructed on a vehicle, truck beds or trailers, where the sole apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property.
- (5) Signs extending into Spinks Airport air hazard zone, as defined by Resolution 503, or which have external illumination that is directed upward and toward aircraft.
- (6) Signs that resemble traffic control signs or emergency information signs.
- (7) Signs attached to utility poles or other surfaces which are not the properties of the utility or which serve a public purpose and are located within a public right-of-way or easement.
- (8) Any sign, which is not included under the types of signs, permitted in this chapter.
- (9) Any signs, advertisement, poster, placard or handbill upon any lamp post, electric light, railway, telephone or telegraph pole, fire hydrant, shade tree, stone cliff or other natural object, or boxing covering public utilities, or on any bridge, pavement, sidewalk or crosswalk.
- (10) Any sign, advertisement, poster. or other matter on privately or publicly owned property without having obtained the written permission of the owner, agents, or occupants of the premises, and without having complied with other provisions of this chapter that apply.
- (11) Any sign or sign structure which constitutes a hazard to public safety or health.

- (12) Any sign that obstructs free ingress or egress from a fire escape, door window or other required exit way.
- (13) Any sign that interferes with any opening required for ventilation, or that obstruct openings intended as a means of entrance or exit, or signs that obstruct light or air from any room or building, or block (physically/visually) any public governmental or warning signs.
- (14) Any sign which make use of words such as stop, look, one way, danger, yield or any other similar words, phrases, symbols, lights or characters in such a manner as to interfere with, mislead or confuse the vehicular traffic.
- (15) Any structure or part thereof, or any device or representation attached to, painted on, or represented on a building, fence, pole or other structure, which is used as or in the nature of an announcement, direction, advertisement, or other attention-getting purposes, and which is not originally designed or intended to be a sign.
- (16) Home occupation signs that advertise for a business operated in the home.
- (17) Signs placed on property without permission of owner or agent.
- (18) Any sign displayed, installed or erected without the approval of the governing body that owns or controls publicly owned property, street rights-of-way, roadway medians, public parks, fire stations, police stations, libraries, city hall facilities and other buildings and lands owned by a government authority.

(19) Roof Signs as defined in Section 63-20 of this Chapter.

(Ord. No. B-797-11(A0613), § 1(Exh. A), 7-1-2013)

Sec. 63-12. - Variances.

- (a) Variance authorized. The city council may authorize a variance to any restriction set forth in this chapter, including, but not limited to, the number, type, area, height or setback of signs, or any other aspect involved in the sign permitting process.
- (b) Approval standards. In granting any variance, city council shall consider the following criteria and shall grant the variance only if:
 - (1) Special conditions exist which are peculiar to the land, structure or building involved and are not applicable to other lands, buildings or structures in the same vicinity. The city may attach such conditions to granting all or a portion of any variance necessary to achieve the purpose of this chapter; and
 - (2) The strict interpretation of the provisions of the chapter would deprive the applicant of rights commonly enjoyed by other properties in the vicinity under the terms of the chapter; and
 - (3) The special conditions and circumstances do not result from the actions of the applicant and such conditions and circumstances do not merely constitute pecuniary hardship or inconveniences; and
 - (4) Granting the variance will meet the objectives of the chapter and not be injurious to the adjoining property owners or otherwise detrimental to the public welfare; and
 - (5) The request will be the minimum variance necessary to alleviate the special hardship or practical difficulties faced by the applicant in meeting the requirements of this chapter; and
 - (6) Granting of the variance will be in harmony with the spirit and purpose of this chapter.

(Ord. No. B-797-11(A0613), § 1(Exh. A), 7-1-2013)

Secs. 63-13—63-19. - Reserved.

ARTICLE II. - SIGN STANDARDS

DIVISION 1. - DEFINITIONS

Sec. 63-20. - Definition of sign types.

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

Architectural element sign means a freestanding sign that is attached to an architectural element (a structure such as a pergola, freestanding canopy, fence, or retaining wall) that is built for the purpose of serving as an architectural enhancement of the site, is architecturally compatible to the main building and the overall site but not including sign structures for other sign types and/or structures for antennas or similar type structures).

Awning sign means a wall sign attached to an awning structure (a structure made of metal or other material with frames affixed to a building and carried by a frame, but which does not have supports to the ground other than the main building). If the sign projects over the surface of the awning then it is considered a roof sign.

Bandit signs means signs that are placed on public rights-of-way, public property, public infrastructure, or equipment by a nongovernmental agency for any purpose.

Banner sign means a sign made of flexible materials (paper, plastic, or fabric), with or without a frame, and supported along one or more sides, or at two or more corners, by one or more fixed, rigid supports such as poles or rods. Banner does not include a flag or a pennant.

Bow banner means a freestanding, lightweight, and usually vertically-oriented banner with minimal framing that curves outward at the top to match the curved shape of the fabric also known as a fin, shark, feather banner or teardrop sign, which by design allows some movement to attract attention whether by pivoting or by movement of the material while still allowing for readability.

Canopy sign means a wall sign attached to a canopy structure (a structure made of metal or other material with frames affixed to a building and carried by a frame, which has supports to the ground other than the main building). If the sign projects over the surface of the canopy then it is considered a roof sign.

Changeable message sign means a sign designed to allow the changing of copy through manual, mechanical, or electrical means including time and temperature.

Channel letter sign means a wall sign or a freestanding sign that is made of only text, symbols, or logos and the sign may or may not be illuminated.

Construction sign means a temporary sign identifying individuals or companies involved in design, construction, wrecking, or development on the same premises as the sign.

Electronic billboard means a sign that can change its copy or sign face by changing or altering a fixed display screen composed of electrically illuminated elements; that also directs attention to a business, product, service, conducted, sold, or offered at a location other than on the premises on which the sign is located.

Exempt sign means a sign that is not required to follow the regulations included in this code.

Flag sign means a freestanding sign which displays a commercial message on a flag.

Flashing sign means a sign that creates the perception or actual change in color, brightness, intensity or reflectivity or an illuminated sign on which the artificial source of light is not maintained stationary or constant in intensity and color when the sign is illuminated. For the purpose of this code, any

moving sign displaying alternating illumination being turned on and off which induces a strobe or pulsing effect shall be deemed to be a flashing sign.

Freestanding sign means any non-movable sign not attached to a building and that is not a temporary sign.

Seasonal, holiday and festive decoration means holiday or festive shall mean a calendar date or dates associated with a specific event or season, including, but not limited to, New Year's Day, Martin Luther King, Jr., Valentine's Day, Easter, Memorial Day, Independence Day, Labor Day, Halloween, Thanksgiving, and Christmas; decorations shall mean ornaments, figures, statues, signs, inflatable characters, seasonal lighting, and related products that are placed on a building or in a yard for a temporary period of time in observance of a holiday or festival.

Homebuilder sign means a sign that advertises the name of the builder of single-family residential homes who owns one or more lots in a particular subdivision.

Human sign means a person dressed in costume, holding a sign, or having a sign affixed to the person where the sign or costume has a commercial message.

Inflatable sign, including lighter-than-air or gas-filled inflatable objects that may be connected with a tether. The term includes balloons but does not include inflatable gyms or games.

Kiosk sign means a freestanding sign structure located in or adjacent to public right-of-way that features a city identification panel at the top of each structure and displays directional information according to the requirements of section 63-53.

Light pole sign means a temporary sign that attaches to the specified dimensions of a light pole designed for the purpose or has been approved for the modified purpose of displaying a vertically-oriented banner sign of no less than 24 inches and no more than 30 inches in height and is attached to the light pole.

Marquee sign means a wall sign that is attached to a marquee structure and comprised of non-permanent letters, numerals, or symbols which may be changed electronically or manually by adding, removing, or rearranging the letters, numerals, or symbols.

Monument sign means a freestanding sign integrated into landscaping or other solid structural features supported by masonry base (no poles or columns) on the ground.

Moving/whirling sign means a sign which has any actual or apparent moving, revolving, flashing or rotating parts activated by electric, electronic, kinetic or mechanical devices, or by wind current, and shall include, but not be limited to, balloons, signs which are constructed of or faced with reflective tape or other similar materials, signs which change color, and signs where the intensity of lighting changes or appears to change, this definition does not include the display of time and/or temperature on a sign face. Certain signs and devices of this type are prohibited as described in subsection 63-11(b) of this code.

Movable sign means any temporary sign, made of vinyl, paper, cloth or fabric, polyboard, coroplast or corrugated plastic, poster board, plastic core, cardboard, lightweight plastic, plywood or similar material including signs with wood or wire framing, posts or stakes, supported by the ground but not permanently attached to the ground, which can be regularly moved from a location at periodic intervals. The term includes "A"-frame or sandwich board signs and bow banner or swooper flags. The term does not include residential yard signs. A movable sign is not considered to be a portable sign. Examples of movable signs are shown in figure 63-8 below.



Figure 63-B: Examples of movable signs attached to the ground.

Mural sign means a wall sign that is a part of a graphic displayed on the exterior of a building, generally for the purposes of decoration or artistic expression, including but not limited to a painting, fresco, or mosaic.

Pennant means any cloth, paper, plastic, or similar non-rigid material used for advertising purposes attached to any structure, staff pole, line, framing, tether, or vehicle.

Permanent sign means a sign that is fixed in the nature that is erected, affixed, or maintained on the premises and is not a temporary sign as defined in this chapter.

Political sign means a sign pertaining to any national, state, county, or local election involving a candidate for a public office, taxation or bond proposal, legal or legislative amendment, an issue being considered for public referendum, or for a similar purpose or cause.

Pole sign means a freestanding sign that is affixed, attached, or erected on a column, pole, upright or brace placed in or upon the ground and is not part of a building. This term does not include light poles.

Portable sign means a temporary sign supported by the ground but not permanently attached to the ground which is mounted on a trailer or wheels, or is part of a trailer, and by its design can be towed from one location to another by the use of attached wheels or by attaching an axle to existing mounts.

Poster sign means a wall sign that is static, not electronic and is mounted flat against and projecting less than 12 inches from, or painted directly on an exterior wall of, a building or structure with the exposed face of the sign in a plane parallel to the face of the wall to which it is attached.

Projection sign means a wall sign attached to a building or other structure and extending in whole or in part between 12 inches and four feet beyond the exterior surface of the building.

~~Pylon sign means a freestanding sign other than a pole sign, permanently affixed to the ground by supports, but not having the appearance of a solid base.~~

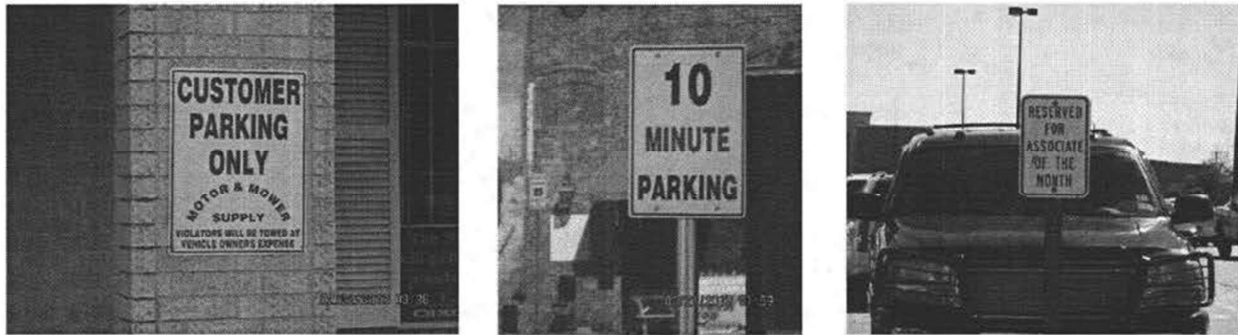
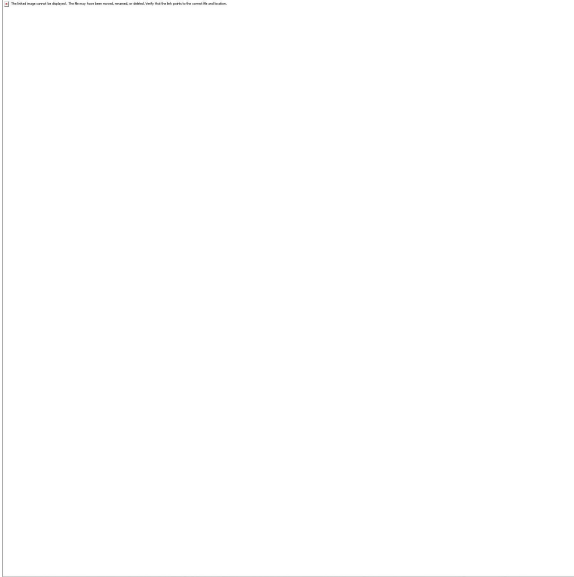
Pylon sign means a permanent freestanding sign which has at least twenty five (25) percent of the sign structure width in contact with the ground and in which the sign face is separated from ground level by means of one (1) or more supports such as poles, pole covers or columns. Poles and supports shall be concealed.



Figure 63-C: Example of pylon signs

Residential yard sign means a sign for the purpose of advertising the sale or rent of real estate, and also including signs advertising yard sales, estate sales, garage sales, or children's lemonade or similar stands, and only when the sign is on the same premises as the location of the residential use.

Restricted or incidental parking sign means a temporary or permanent sign in a parking lot, or curbside parking area, which designates restricted parking of any type, including, but not limited to, customer parking only, employees of the month, time-limited parking, emergency parking, and similar restricted designations. (See figure 63-C below for examples)



Re # *Figure 63-C: Example of signs used to restrict parking*

Roof sign means a wall sign erected in whole or in part on a roof, or against, or directly above the highest point of the roofline, parapet, fascia of the building or above the surface of an awning or canopy.

Sign means any name, number, identification, description, announcement, declaration, demonstration, device, display, flag, banner, pennant, illustration, logo, balloon, streamer, valance, advertising display, poster, beacon, light or insignia, and structure supporting any of the same, affixed directly or indirectly to or upon any building or outdoor structure, or erected or maintained upon a piece of land, which directs attention to any object, project, service, place, activity, person, institution, organization, or business. A sign includes any or all of the following, the advertisement, copy, face, structure or any [appurtenances] in erecting or attaching the sign. Except for signs included in the definition of "human signs," the term does not include words or images depicted on clothing or pickets, posters, signs or other items that are carried or held by one or more persons that are not attached, placed into, or rested on the ground.

Sign base means the footing, foundation, or similar support to support the sign but not including poles.

Sign cabinet means a wall or freestanding sign that contains all the text and/or logo symbols within a single enclosed cabinet, which may or may not be illuminated.

Sign structure means the structure or other means where by the sign face or copy is attached in one or more points. Attachments include, but are not limited to, poles, brackets, concrete footings, framework, uprights, catwalks, etc.

Temporary sign means a non-permanent sign made of non-rigid material, designed and displayed for a seasonal or brief activity such as, but not limited to, sales, specials, promotions, holidays, auctions,

business grand openings, and signs advertising the lease or vacancy of rental units in residential developments.

Vehicle sign means a sign mounted, painted or otherwise placed on a truck, bus, car, boat, trailer or other vehicle or equipment and used in such a manner that the sign is visible from a public street or right-of-way. Vehicles and equipment engaged in active construction or repair projects, and the on-premises storage of equipment and vehicles offered to the general public for rent or lease, shall not be considered to be vehicle signs. The term does not include bumper stickers, window stickers, or license plate frames.

Wall sign means a sign mounted flat against and projecting less than 12 inches from, or painted directly on an exterior wall of a building or a structure that is attached to the building with the exposed face of the sign in a plane parallel to the face of the wall to which it is attached.

Wayfinding sign means a directional sign that is part of a sign system for the purpose of directing traffic, both vehicular and pedestrian, to the public's desired location.

Window sign means a sign attached to, placed upon, or painted on the exterior or interior of a window or door, of a building, which is intended for viewing from the exterior of such building.

Wind sign means a cloth or plastic or other flexible light material made in strips, triangles or other shapes, figures, or objects which are fastened together or to ground by wire, rope, cord, string or other means in such manner as to move by wind pressure.

(Ord. No. B-797-11(A0613), § 1(Exh. A), 7-1-2013)

Sec. 63-21. - Definitions of ancillary terms and performance standards.

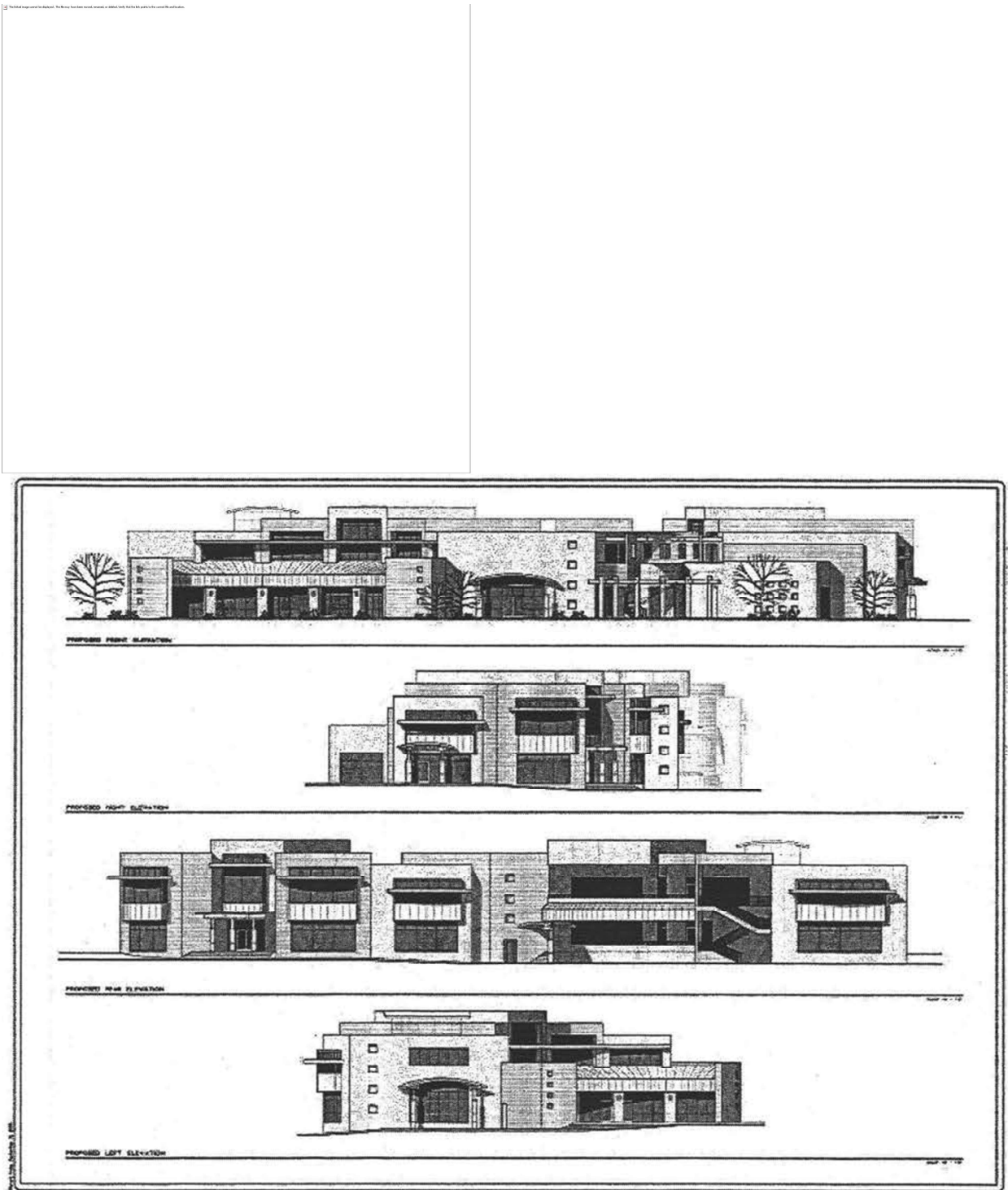
Accessory building. An accessory building as that term is defined in section 50-105 of appendix B of this Code.

Area of sign. The area of the smallest rectangle enclosing the extreme limits of characters, lettering, illustrations ornamentations, or other fixtures, material, or color forming part of the sign. Structural supports bearing no sign copy shall not be included in gross surface area; however, if any portion of the required structural supports becomes enclosed for decorative or architectural purposes, that portion will be included in the total gross surface area of the sign. Gross surface area shall be measured on one side only of a two-faced (back-to-back) sign carrying the same image and message on both faces. Two-faced signs carrying different messages and images on each side shall be considered as separate signs.

Certificate of occupancy. A certificate of occupancy as that term is defined in section 50-105 of appendix B of this Code.

Commercial message. Any message contained on any sign that advertises, promotes, solicits, or endorses a product or service of an establishment, organization, corporation, company, or individual for the purpose of encouraging a consumer to purchase said product or service. This term does not include messages that contain a specific public or civic announcement that do not advertise, endorse, display, or encourage any purchase of a service or product offered by any establishment, corporation, company, or individual.

Election day. Any day or days that are scheduled for city residents to vote in an election at a selected polling place in the city. Such day or days may include, but not be limited to, uniform local, state and federal election dates, early voting day(s), absentee voting days, general election days, special election days, run-off election days, and other voting days established and defined by federal, state or local laws.



Re #

Figure 63-D: Illustration depicting various wall planes composing each building elevation.

Elevation. An architectural drawing that shows the style, shape, and complexity of a building or structure. It is the view of a building elevation, and its various wall planes, when viewing the entire building straight on - where a horizontal line passing through your shoulders would be parallel to the face of the building. Figure 63-DE below shows the various wall planes that compose a building elevation for each side of a building.

Entertainment venue. A public entertainment facility property, as defined as the building(s) and land that is primarily designed and used for live entertainment events other than sports.

Facade. The exterior cladding of a building or structure.

Face change. The change of the copy or when in order to change copy the sign face must be changed too. Face change shall include converting a traditional billboard to an electronic billboard (including the structure changes needed to allow for the face change).

Face of sign. The entire area of sign that the copy should be attached but is not the copy, itself.

Footcandle. A measure of illumination on a surface that is one foot from a uniform source of light of one candle and equal to one lumen per square foot.

Height of sign. The vertical distance from the uppermost point used in measuring the area of a sign to the average grade immediately below the sign, including its base or the top of the nearest curb of the street on which the sign fronts, whichever measurement is the greatest (see section 63-100, measurement standards, for how to measure height).

Length of frontage. The length of any primary or secondary frontage shall be the sum of all wall lengths parallel, or nearly parallel, to such frontage, excluding any such wall length clearly unrelated to the frontage criteria. For buildings with two or more frontages, the length and allowable sign area shall be calculated separately for each such frontage. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.

Marquee. A structure that is attached to, in any manner, or made a part of any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of a building, generally designed and constructed to provide protection from the weather projecting above an exterior door and over a sidewalk, terrace, or similar waiting area, including, but not limited to, a theater or restaurant.

Motion. The perceived or actual occurrence of movement generally created by a change in shape, size, color, luminosity, reflectivity, or animation, not static or fixed.

Nits. A measure of lamination or luminance that is used to compare the brightness of a digital or LED sign. One nits is equal to one candela per meter squared.

Noncommercial message. Any message or speech that does not meet the definition of "commercial message" as defined in this section.

Nonconforming sign. A sign that was a legally permitted sign when installed but does not conform to the existing ordinance due to the amendments made after the permit was issued.

Off-premises sign. A sign that directs attention to a business, profession, activity, commodity, service, or entertainment other than one conducted, sold, or offered upon the premises where such sign is located.

Payload capacity. The manufacturer's payload capacity rating for the vehicle, or can be determined by the gross vehicle weight rating. The curb weight, typically the payload capacity or weights can be found inside the driver side door jamb of the vehicle.

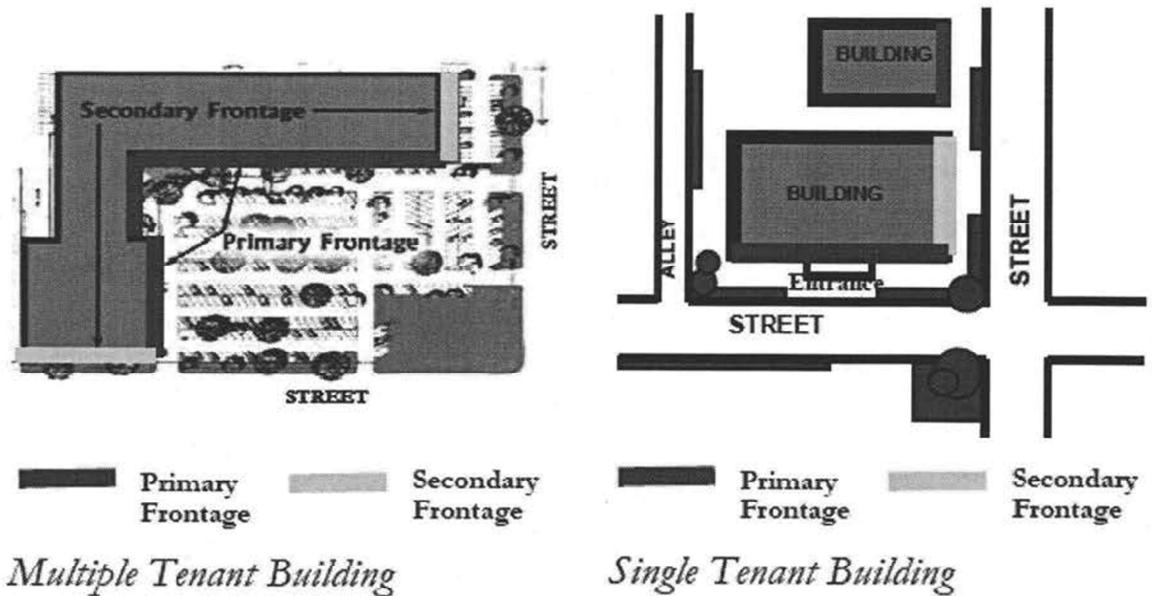
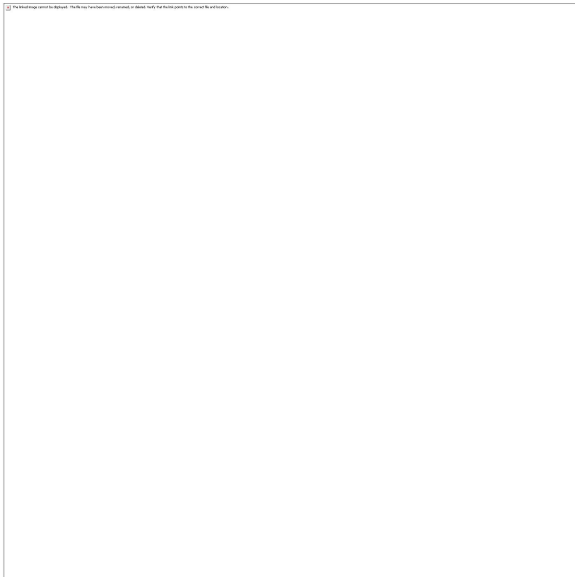
Premises. A tract of land including its existing buildings.

Premises sign. A sign which is located upon the premises where the business, profession, activity, commodity, service or entertainment referred to by the sign is located.

Primary and secondary frontage. The frontage of any building or site shall include the elevation(s) facing a public street, facing a primary parking area for the building or tenants, or containing the public entrance(s) to the building or building units. For multi-tenant buildings, the portion of such building that is owned or leased by a single tenant shall be considered a building unit:

- (1) The primary frontage shall be considered the portion of any frontage containing the primary public entrance(s) to the building or building units.

- (2) The secondary frontage shall include frontages containing secondary public entrances to the building or building units, and all walls facing a public street or primary parking area not designated as the primary frontage. (See figure 63-E below)



Re #

Figure 63-E Illustrating typical locations for primary and secondary building frontages.

Prohibited sign. A sign that is not allowed in the city.

Roofline. The horizontal line where the wall ends and the roof begins.

Shopping center. A retail site that has at least one 75,000 square feet or more single retail user or for a retail site that is minimum five-acre with at least 100,000 square feet of rentable retail space.

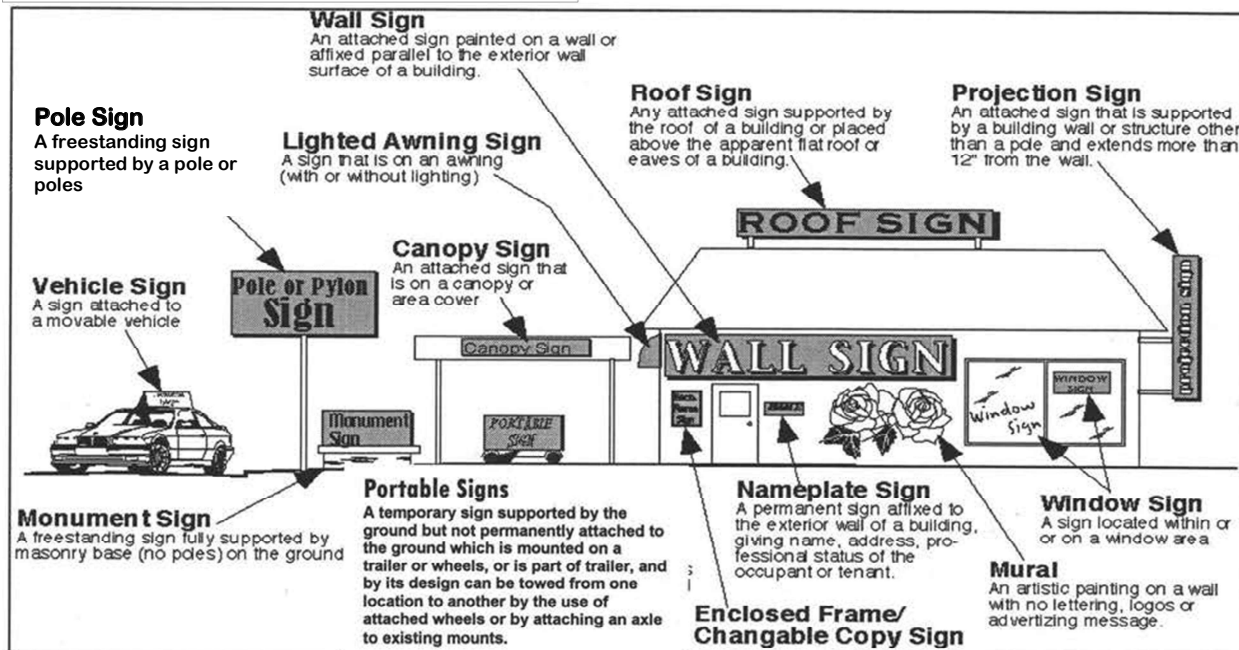
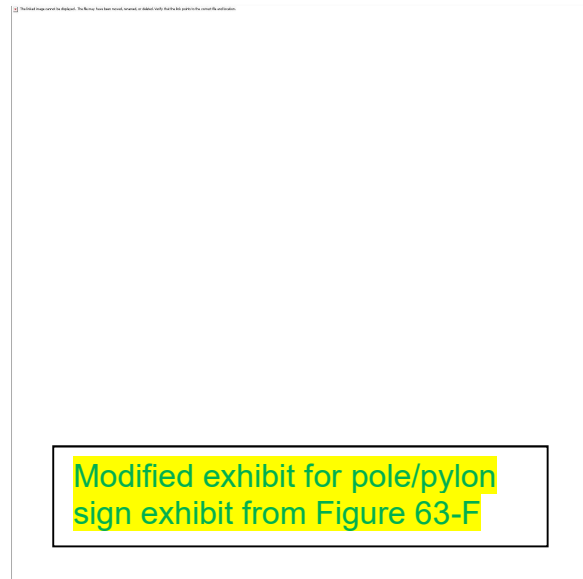
Shopping center sign plan. A plan showing all signage for a shopping center as defined in this section and approved per the regulations of this chapter.

Special event. A special event as that term is defined in section 136-101 of [the] zoning ordinance, appendix B of this Code.

Sports venue. means a public entertainment facility property, as defined as the building(s) and land that is primarily designed and used for live sporting events.

Street grade. The average elevation of the projected corners of a property, adjacent to a dedicated street right-of-way or roadway easement, the elevation of the corners being measured at the top of curb, or centerline of street if no curb is present.

Visibility triangle. Also referred to as a "corner clip," it is an area located at the intersection of a public street with another public street, a driveway, an access easement or an alley, which must remain unobstructed by permanent or temporary objects at heights between two and seven feet above ground level or top of curb, whichever is more critical. (See article 5. "street and right-of-way requirements" of appendix A - "subdivision and development," part II, Code of Ordinances, City of Burleson, for size and dimensional requirements specified for visibility triangles.)



Re #

Figure 63-F: Illustration of various types of permitted signs and their typical locations.

(Ord. No. B-797-11(A0613), § 1(Exh. A), 7-1-2013)

Secs. 63-22—63-29. - Reserved.

DIVISION 2. - WALL SIGNS

Sec. 63-30. - Generally.

- (a) All wall signs on a building elevation shall not exceed 30 percent of the area of that elevation.
- (b) Wall signs shall be allowed on all building elevations.
- (c) Wall signs shall not be allowed on accessory buildings.
- (d) Each elevation shall be allowed to cover a maximum of 30 percent of the area of the elevation with any combination of wall signs.

(Ord. No. B-797-11(A0613), § 1(Exh. A), 7-1-2013)

Sec. 63-31. - Awning sign.

- (a) Location.
 - (1) Signs must be premises signs.
 - (2) Signs shall be attached to the elevation of the awning. If signs project above the structure of the awning they will be considered roof signs.
- (b) Area. Maximum 30 percent of the area of the awning elevation.
- (c) Number of signs. Shall not exceed the total area of all awning signs on each awning elevation does not exceed 30 percent of the area of that awning elevation.

(Ord. No. B-797-11(A0613), § 1(Exh. A), 7-1-2013)

Sec. 63-32. - Canopy sign.

- (a) Location.
 - (1) Signs must be premises signs.
 - (2) Signs shall be attached to the elevation of the canopy. If signs project above the structure of the canopy they will be considered roof signs.
- (b) Area. Maximum 30 percent of the area of the canopy elevation.
- (c) Number of signs. Unlimited as long as the total area of all canopy signs on each canopy elevation does not exceed 30 percent of the area of that canopy elevation.

(Ord. No. B-797-11(A0613), § 1(Exh. A), 7-1-2013)

Sec. 63-33. - Channel letter sign.

- (a) Location.
 - (1) Signs must be premises signs.
 - (2) Signs shall be attached to the elevation of the building.

- (b) Area. Maximum 30 percent of the area of the building elevation to which it is attached.
- (c) Number of signs. One per elevation per certificate of occupancy.

(Ord. No. B-797-11(A0613), § 1(Exh. A), 7-1-2013)

Sec. 63-34. - Marquee sign.

- (a) Location.
 - (1) Signs must be premises signs.
 - (2) Signs shall be attached to a marquee on theatres, sports venues and other entertainment venues.
- (b) Area. Maximum 60 percent of the area of the marquee to which it is attached.
- (c) Number of signs. One per building elevation.

(Ord. No. B-797-11(A0613), § 1(Exh. A), 7-1-2013)

Sec. 63-35. - Mural sign.

- (a) Location.
 - (1) Signs must be premises signs.
 - (2) Signs shall be painted directly on the surface of the building.
- (b) Area. Maximum 100 percent of the area of the building elevation on which it is painted. b. Words and/or symbols may only be ten percent of the size of the entire mural.
- (c) Number of signs. One per building structure.

(Ord. No. B-797-11(A0613), § 1(Exh. A), 7-1-2013)

Sec. 63-36. - Poster sign.

- (a) Location.
 - (1) Signs must be premises signs.
 - (2) Signs shall be attached directly to the surface of the building.
- (b) Area. Maximum 30 percent of the area of the building elevation to which it is attached.
- (c) Number of signs. One per elevation per certificate of occupancy.

(Ord. No. B-797-11(A0613), § 1(Exh. A), 7-1-2013)

Sec. 63-37. - Projection sign.

- (a) Location.
 - (1) Signs must be premises signs.
 - (2) Signs shall be attached to the building such that they project maximum one foot from the surface of the building.

- (b) Area. The surface area of the sign where text and graphics are displayed shall not exceed a maximum of 30 percent of the area of the building elevation to which it is attached.
- (c) Number of signs. One per building elevation.

(Ord. No. B-797-11(A0613), § 1(Exh. A), 7-1-2013)

~~Sec. 63-38.—Roof sign.~~

~~(a) Location.~~

~~(1) Signs must be premises signs.~~

~~(2) Signs shall not extend over ten feet from the top of the roof line.~~

~~(b) Area. Maximum 30 percent of the area of the building elevation to which it is attached.~~

~~(c) Number of signs. One per building structure.~~

(Ord. No. B-797-11(A0613), § 1(Exh. A), 7-1-2013)

Sec. 63-39⁸. - Sign cabinet.

(a) Location.

(1) Signs must be premises signs.

(2) Signs shall be attached directly to the surface of the building.

(b) Area. Maximum 30 percent of the area of the building elevation to which it is attached.

(c) Number of signs. One per elevation per certificate of occupancy.

(Ord. No. B-797-11(A0613), § 1(Exh. A), 7-1-2013)

Sec. 63-40³⁹. - Window sign.

(a) Location. Signs must be premises signs.

(b) Area. Maximum 30 percent of the area of the window.

(Ord. No. B-797-11(A0613), § 1(Exh. A), 7-1-2013)

Secs. 63-41⁰—63-49. - Reserved.

DIVISION 3. - FREESTANDING SIGNS

Sec. 63-50. - Generally.

(a) All freestanding signs shall be setback a minimum ~~five~~ ^{ten} feet from the property line.

(b) Combination of freestanding sign types allowed on a premises at any given time is as follows:

(1) A premises may either have a pole sign, or a pylon sign or a monument sign ^{if permitted by this ordinance};

- (2) A premises may combine architectural element sign or a vehicle sign with any other freestanding signs;
- (3) A premises may combine flag signs only with monument signs.

(Ord. No. B-797-11(A0613), § 1(Exh. A), 7-1-2013)

Sec. 63-51. - Architectural element sign.

- (a) Location.
 - (1) Signs must be premises signs.
 - (2) Signs shall be attached to the surface of the architectural element.
- (b) Area. Maximum 200 square feet.
- (c) Height. May not extend beyond the surface of the architectural element to which it is attached.
- (d) Number of signs. One per elevation of the architectural element.

(Ord. No. B-797-11(A0613), § 1(Exh. A), 7-1-2013)

Sec. 63-52. - Flag sign.

- (a) Location.
 - (1) Signs must be premises signs.
 - (2) Signs may only display logos, symbols, tag lines and name of business.
- (b) Area. Maximum 200 square feet.
- (c) Height.
 - (1) Maximum 30 feet; except:
 - a. Maximum 50 feet along SH-174; or
 - b. Maximum 70 feet along IH-35.
- (d) Number of signs. One per premises.

(Ord. No. B-797-11(A0613), § 1(Exh. A), 7-1-2013)

Sec. 63-53. - Kiosk signs.

- (a) The city council may, by duly executed license agreement, grant the exclusive right to design, erect and maintain kiosk signs within the city limits of the city.
- (b) Kiosk signs shall be designed and constructed in accordance to the specifications contained in the aforementioned license agreement and in this section.
- (c) Prior to erecting any kiosk sign, the licensee shall submit a sign location map to the director of community development for approval. The sign location map shall contain the location, orientation, and number of individual location signs available for each kiosk sign.
- (d) Kiosk sign installation shall include break-away design features as required for traffic signs in the street right-of-way.
- (e) Advertisement of price information shall be prohibited on kiosk signs.

- (f) No additional or extraneous signs, pennants, flags or other devices for visual attention or other appurtenances shall be attached to kiosk signs.
- (g) Kiosk signs shall not be illuminated.
- (h) Individual sign panels on kiosks shall have a uniform design and color.
- (i) Kiosk signs shall not:
 - (1) Interfere with the use of sidewalks, walkways, bike and hiking trails;
 - (2) Obstruct the visibility of motorists, pedestrians or traffic control signs; and
 - (3) Be installed in the immediate vicinity of street intersections.
- (j) Signs 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 plazas may be located on private premises along the I-35W, SH 174, and FM 731 corridors, or other state-maintained roadways, provided written permission is obtained from the premises owner.
- (l) Kiosk signs are intended to create a uniform coordinated method of providing direction for prospective patrons of local businesses, prospective purchasers of houses, and parties interested in school or municipal events and facilities within the city limits while discouraging the placement of other unsightly and hazardous off-site directional signs.
- (m) 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 for community events.
- (n) The licensee shall be responsible for all construction, installation, maintenance and repair of the kiosk signs at no cost to the city.
- (o) Notwithstanding anything contained herein to the contrary, any sign authorized under this section to contain commercial copy may contain noncommercial copy in lieu of commercial copy.
- (p) The licensee shall administer the kiosk signs and shall fill the individual location sign spaces in accordance with the following criteria:
 - (1) The spaces shall be filled according to the date the requesting location submits an application or request is received by the licensee on a first-come, first-served basis.
 - (2) The number of kiosk signs and spaces on each sign shall be set by the sign location map approved by the director of community development. The licensee may request the placement of additional kiosk signs only if the number of unserved requests will fill an additional sign.
 - (3) The licensee shall have no discretion to award or not award a space on a kiosk sign based on the type of organization or business that requests placement on a kiosk sign.
 - (4) The locations listed on a kiosk sign must be within the city limits of the city and the property line of the location must be no less than 1,000 feet from the kiosk sign.

(Ord. No. B-797-11(A0613), § 1(Exh. A), 7-1-2013)

Sec. 63-54. - Monument sign.

- (a) Location. Signs must be premises signs.
- (b) Area.
 - (1) Maximum 300 square feet for single tenant sign **constructed along IH 35, Chisholm Trail Parkway, SH 174 or FM 731.**

- (2) Maximum 400 square feet for multi-tenant sign constructed along IH 35, Chisholm Trail Parkway, SH 174 or FM 731.
 - (3) Maximum 100 square feet for single tenant sign constructed along all other roadways.
 - (4) Maximum 150 square feet for multi-tenant sign constructed along all other roadways.
- (c) Height.
- (1) Sign base shall be between two feet and four feet.
 - (2) Maximum fourteen feet for multi-tenant sign constructed along IH 35, Chisholm Trail Parkway, SH 174 or FM 731. Sign height is measured from bottom of the sign base at grade to the top of the sign. Where the average grade of the lot on which a sign is placed is at or above the adjacent street grade, the sign shall be measured from the grade level adjacent to the sign. Where the average grade of the lot is below the adjacent street grade, the sign height shall be measured from the adjacent street grade.
 - (3) Maximum ten feet for single tenant sign constructed along IH 35, Chisholm Trail Parkway, SH 174 or FM 731. Sign height is measured from bottom of the sign base at grade to the top of the sign. Where the average grade of the lot on which a sign is placed is at or above the adjacent street grade, the sign shall be measured from the grade level adjacent to the sign. Where the average grade of the lot is below the adjacent street grade, the sign height shall be measured from the adjacent street grade.
 - ~~(2) Maximum eight feet for single tenant sign from top of the sign base to the top of the sign.~~
 - ~~(3) Maximum 12 feet for multi-tenant sign from top of the sign base to the top of the sign.~~
 - (4) Maximum twelve feet for multi-tenant sign constructed along all other roadways. Where the average grade of the lot on which a sign is placed is at or above the adjacent street grade, the sign shall be measured from the grade level adjacent to the sign. Where the average grade of the lot is below the adjacent street grade, the sign height shall be measured from the adjacent street grade.
 - (5) Maximum nine feet for single tenant sign constructed along all other roadways. Where the average grade of the lot on which a sign is placed is at or above the adjacent street grade, the sign shall be measured from the grade level adjacent to the sign. Where the average grade of the lot is below the adjacent street grade, the sign height shall be measured from the adjacent street grade.
- (d) Number of signs. ~~Two signs per premises.~~ One per street frontage, two maximum.
- (e) A landscaping bed shall be required around the base of the monument sign and shall be equal in area to $\frac{1}{2}$ the square footage of the sign area. The landscape bed shall be planted with seasonal material such as annuals or bulbs and will be maintained in a healthy and growing condition as is appropriate for the season of the year. Maintenance shall include mowing, watering, trimming, pruning, etc.
- (f) Monument signs must be wrapped in masonry material to match or compliment building, exposed sign cabinets or poles are prohibited. The masonry material wrapping the advertising area shall not exceed 100% nor fall below 30% of the commercial advertising area.

(Ord. No. B-797-11(A0613), § 1(Exh. A), 7-1-2013)

Sec. 63-55. - Permanent off-premises signs (billboard).

- (a) Location.

- (1) The construction of new permanent off-premises signs shall be prohibited in any zoning district effective September 1, 2002. The construction of new permanent off-premises signs shall also be prohibited in the city's extraterritorial jurisdiction. The existing, nonconforming permanent off-premises signs in the city or its extraterritorial jurisdiction that are adjacent to interstate highways and federal-aid primary highways, as those terms are defined in the Highway Beautification Act, are subject to the regulations in this section. All Texas Department of Transportation regulations for permanent off-premises signs shall apply in addition to the requirements of this chapter.
 - (2) Electronic billboards.
 - a. Converting an existing sign to digital sign shall be considered a face change and will be allowed, but will not change the nonconforming status of the sign.
 - b. Message changes on digital signs shall be allowed at two second transition with an eight second hold time.
 - (3) No sign shall extend into any area identified as an airport air hazard zone as defined by Spinks Airport Air Hazard Zoning Ordinance as adopted by Resolution No. 503.
- (b) Area.
- (1) Each panel or sign shall not exceed 300 square feet in total area.
 - (2) No more than two panels or sign faces will be allowed for each sign.
 - (3) No off-premises sign shall exceed 60 feet in length, inclusive of border and trim.
- (c) Height.
- (1) Maximum 30 feet; except:
 - a. Maximum 50 ft. along SH-174; or
 - b. Maximum 70 feet along IH-35.
 - (2) Signs must maintain a ten-foot clearance from ground to sign.
- (d) Illumination.
- (1) Signs shall be shielded upward to prevent beams or rays from being directed at any portion of a traveled roadway or an occupied residential area and shall not be of such intensity or brilliance as to cause glare or impair vision. The Spinks Airport Air Hazard Zoning Ordinance, as referred to by Resolution 503, shall govern all illuminated signs located within identified air hazard zoning districts.
 - (2) Each display must have a light sensing device that will adjust the brightness as ambient light conditions change.
 - (3) Digital billboards shall not operate at brightness levels of more than 0.3 footcandles above ambient light, as measured using a footcandle meter at a pre-set distance.
 - a. Pre-set distances to measure the footcandles impact vary with the expected viewing distances of each size sign.

b. Measurement distance criteria:	Distance to be measured from:
12' X 25'	150
10'6" X 36'	200'

(d) Number of signs. One per premises.

(Ord. No. B-797-11(A0613), § 1(Exh. A), 7-1-2013)

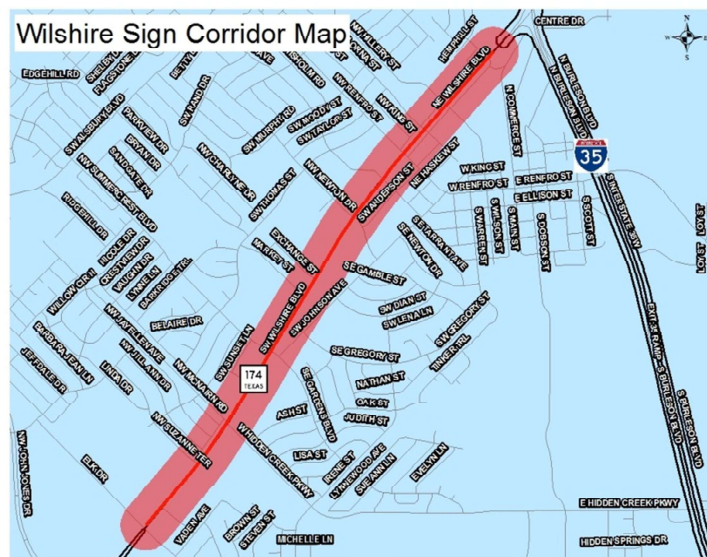
Sec. 63-57. - Pylon sign.

(a) Location.

(1) Signs must be premises signs.

(2) Signs shall be allowed to locate on premises adjacent to IH 35, Chisholm Trail Parkway and within the North Wilshire Sign Corridor.

(a) North Wilshire Sign Corridor Map. The extent of the North Wilshire Sign Corridor is defined as properties fronting on either side of Wilshire Blvd, north of Elk Drive and south of IH 35.



(b) Area.

(1) Premises adjacent to IH 35 - Maximum 300 square feet.

Premises adjacent to Chisholm Trail Parkway - Maximum 200 square feet.

Premises adjacent to North Wilshire Sign Corridor:

(a) Maximum 100 square feet for single tenant.

(b) Maximum 150 square feet for multi-tenant.

(c) Height.

(1) Premises adjacent to IH 35 - Maximum 50 feet.

Premises adjacent to Chisholm Trail Parkway - Maximum 30 feet.

Premises adjacent to North Wilshire Sign Corridor – Maximum 25 feet; except for multi-tenant buildings in which case an additional 18 inches of sign height may be granted for each business but in no event may exceed a maximum sign height of 30 feet.

(2) Signs must maintain a ten-foot clearance from ground to sign bottom of sign cabinet.

(3) Where the average grade of the lot on which a sign is placed is at or above the adjacent street grade, the sign shall be measured from the grade level adjacent to the sign. Where the average

grade of the lot is below the adjacent street grade, the sign height shall be measured from the adjacent street grade.

- (d) Number of signs. One per premises.
- (e) A landscaping bed shall be required around the base of the pylon sign and shall be equal in area to $\frac{1}{2}$ the square footage of the sign area. The landscape bed shall be planted with a mix of seasonal material such as annuals or bulbs or low to moderate growth shrubs and decorative trees. The landscape area around the sign shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Maintenance shall include mowing, watering, trimming, pruning, etc.
- (f) A minimum of twenty five (25) percent of the sign structure width must be in contact with the ground. Poles and supports shall be concealed. Pylon signs shall be of similar color, material and design so as to be consistent with the architectural design of the primary structure.

(Ord. No. B-797-11(A0613), § 1(Exh. A), 7-1-2013)

Sec. 63-58. – Directional Sign.

- (a) Location. Must be premises signs.
- (b) Area. Maximum ten square feet.
- (c) Height. Maximum four feet.
- (d) Number of signs. One per driveway entrance.

Secs. 63-58~~9~~—63-69. - Reserved.

DIVISION 4. - OTHER SIGNS

Sec. 63-70. - Changeable message signs.

- (a) These may be manual or electronic.
- (b) Changeable message signs.
 - (1) Shall be allowed on all permitted signs.
 - (2) May be a part of a wall sign or a freestanding sign.
 - a. Shall not comprise an area greater than 50% of the allowed area of the monument or pylon sign.
 - b. If constructed as part of a monument or pylon sign, the changeable message sign cabinet must be wrapped in material to match or compliment building.
 - (3) Shall not be allowed on temporary signs.
- (c) Number of signs. Only one sign per premises shall be allowed as a changeable message sign.
- (d) Illumination of changeable message signs shall not be of such intensity or brilliance as to cause glare or impair vision. The Spinks Airport Air Hazard Zoning Ordinance, as referred to by Resolution 503, shall govern all changeable message signs located within identified air hazard areas.
- (e) All electronic changeable message signs shall have an auto dimmer photo eye installed in the sign.
 - (1) Maximum daytime (7:00 a.m. to 6:00 p.m.) brightness shall be 5.000 nits; and

- (2) Maximum nighttime (6:01 p.m. to 6:59 a.m.) brightness shall be 500/660 nits.
- (f) Message changes shall be allowed at two-second transition with an eight-second hold time.

Added Exhibit



Pylon sign type – permitted



Pylon sign type - prohibited



Monument sign type – permitted



Monument sign type - prohibited

Figure 63-H: Example of permitted and prohibited changeable message signs constructed on freestanding signs.

(Ord. No. B-797-11(A0613), § 1(Exh. A), 7-1-2013)

Sec. 63-71. - Signs in public rights-of-ways.

- (a) All signs in public right-of way shall have a right-of-way agreement or a license agreement between the sign owner and the city council.
- (b) The application for a right-of-way agreement or license agreement shall include the types, locations, size, area, height, number, materials, design and construction of all proposed signs.
- (c) This data shall be a part of the agreement and will be attached to the agreement.
- (d) The process for right-of way agreement or license agreement shall be as follows:
 - (1) The application will be submitted to the community development department and will be reviewed by the development assistance committee (DAC) and shall be placed on a planning and zoning commission agenda.
 - (2) The city manager will then place the item on a city council agenda.
 - (3) The director of community development department shall put a notice in the newspaper 15 days before the day of the meeting for both the planning and zoning commission meeting and city

council meetings (this notice may be sent at one time) The planning and zoning commission shall review the sign details and design and make a recommendation to the city council.

- (e) The sign placement agreement shall be approved if the following criteria are met:
 - (1) The sign will be placed in right-of-way adjacent to and in the frontage of the business location or other establishment referenced in the sign.
 - (2) There would be an unnecessary hardship if the business location or establishment were not allowed to place the sign in the right-of-way due to lack of visibility from the right-of-way due to the placement of other existing structures.

(Ord. No. B-797-11(A0613), § 1(Exh. A), 7-1-2013)

Sec. 63-72. - Shopping center sign plan.

- (a) A shopping center sign plan application shall be a written and/or illustrated document to depict all temporary and permanent proposed signs on site which shall include:
 - (1) Proposed sign palette, which may include any combination of wall, freestanding, and changeable message sign types that are allowed in this chapter;
 - (2) Location of all proposed signs included in the sign palette;
 - (3) Size and number of all proposed signs including maximum area, letter height, number, and height;
 - (4) Materials proposed for all signs and sign structures;
 - (5) Color and style palette for all signs (letter colors, background colors, text fonts, etc.) including context of where signs are to be placed on any given facade;
 - (6) Type of illumination proposed, and whether external or internal;
 - (7) Landscaping or ornamental structures including fences, fountains, public art, ground cover, and other landscaping elements that are intended to complement the proposed sign palette and design; and
 - (8) Any other information as required by the decision-making bodies.
- (b) Design guidelines.
 - (1) The sign design guidelines are designed to help ensure quality signs that communicate their message in a clear fashion; however, the "guidelines" are not as strict as sign "standards." The city council may interpret the design guidelines with some flexibility in their application to specific signs/projects, as not all design criteria may be workable or appropriate for each sign or project. In some circumstances, one guideline may be relaxed to facilitate compliance with another guideline determined by the review authority to be more important in the particular case. The overall objective is to ensure that the intent and spirit of the design guidelines are followed.
 - a. Compatibility with surroundings.
 - 1. Proportional size and scale. The scale of signs should be based on the building facade on which they are placed and the area in which they are located. The size and shape of a sign should be proportional with the scale of the structure. Large storefronts such as big boxes will be allowed to have proportionally larger signs than smaller storefronts. Signs should not overwhelm the section of the building facade on which it is placed upon.
 - 2. Integrate signs with the building. Signs should be designed so that they are integrated with the design of the building. A well designed building facade or storefront is created by the careful coordination of sign and architectural design, and a coordinated color

scheme. Signs in multiple-tenant buildings should be designed to complement or enhance the other signs in the building. Sign placement and design should be reviewed within the context of building design.

3. Corporate franchise signage. Corporate franchise signage should conform to the community's visual desires while maintaining some elements of corporate identity. Corporate logos should fit the context, color, scale and building elements.
- b. Location and mounting.
1. Signs should be mounted in locations that respect the design of a building and site, including the arrangement of bays and openings. Signs should not obscure windows, (including second-story windows), window trim/molding, grillwork, piers, pilasters, and other ornamental features.
 2. Attached signs on fascias above storefront windows should be sized to fit within existing friezes, lintels, spandrels, and other such features and not extend above, below, or beyond them. Typically, attached signs should be centered on horizontal surfaces (e.g., over a storefront opening).
 3. When a large building contains several storefronts, signs for the individual businesses should relate well to each other in terms of locations, height, proportion, color, and illumination. Maintaining continuity will reinforce the building's facade composition while still retaining each business's identity.
- c. Color.
1. Avoid using too many colors. Colors or color combinations that interfere with legibility of the sign copy or that interfere with viewer identification of other signs should be avoided.
 2. Use contrasting colors. Contrast is an important influence on the legibility of signs. A substantial contrast should be provided between the color and material of the background and the letters or symbols to make the sign easier to read in both day and night. Light letters on a dark background or dark letters on a light background are most legible. Light letters on a dark background work best for both day and night time use.
- d. Materials.
1. Compatibility of materials. Sign materials should be compatible with the design of the facade on which they are placed. Consider the architectural design of the building's facade and select materials that complement the design. The selected materials should also contribute to the legibility of the sign. For example, glossy finishes are often difficult to read because of glare and reflections.
 2. Appropriate materials. Sign materials should be extremely durable. Paper and cloth signs are not suitable for exterior use (except on awnings) because they deteriorate quickly. If wood is used, it should be properly sealed to keep moisture from soaking into the wood and causing the sign's lettering to deteriorate.
- e. Sign legibility.
1. Concise name identification. A concise name or limited lines of copy should be used whenever possible given the limited amount of time the vehicle traveling public has to identify and read the sign. The fewer number of words, the more effective the sign. A simple and succinct sign is easier to read and looks more attractive because it is less cluttered.
 2. Use symbols and logos. Symbols and logos can be used in place of words whenever appropriate. Pictographic images will usually register more quickly in the viewer's mind than a written message. And they can be an expression of the owner's creativity.

3. Limit the number of letter styles. The number of lettering styles that are used on a sign should be limited in order to increase legibility. As a general rule, limit the number of different letter types to no more than two for small signs and three for larger signs. Intricate typefaces and symbols that are difficult to read reduce the sign's ability to communicate.
- f. Sign illumination.
1. Internal illumination. Individually illuminated letters, either internally illuminated or backlit solid letters (reverse channel) are a preferred alternative to internally illuminated plastic cabinet signs. Signs comprised of individual letters mounted directly on a structure can often use a distinctive element of the structure's facade as a backdrop, thereby providing a better integration of the sign with the structure.
 2. Use a projected light source. Signs along roadways with slower moving traffic or in pedestrian-oriented environment should consider illumination by a projected light source (e.g., spotlight). Projection lighting is usually a better alternative because the sign will appear to be integrated with the building's architecture. Light fixtures supported in front of the sign cast light on the sign and generally a portion of the building's face as well. Projected lighting emphasizes the continuity of the structure's surface and signs become an integral part of the facade. The use of small, unobtrusive fixtures for external (projection) lighting is encouraged. Avoid the use of oversized fixtures that are out of scale with the sign and structure. Whenever projection lighting is used (fluorescent or incandescent), care should be taken to properly shield the light source to prevent glare from spilling over into residential areas and any public right-of-way. Signs should be lighted only to the minimum level required for nighttime readability.
 3. Cabinet signs. The use of internally illuminated cabinet signs is discouraged. When such signs are proposed, the background field is required to be opaque so that only the lettering appears illuminated (e.g., routed or push-through lettering/graphics). When the background is not opaque, the entire sign face becomes bright and the sign becomes visually separated from the building. As a result, this type of sign can disrupt the continuity of the facade.
 4. Electrical raceways and conduits. Electrical transformer boxes and raceways are required to be concealed from public view. If a raceway cannot be mounted internally behind the finished exterior wall, the exposed metal surfaces of the raceway should be finished to match the background wall, or integrated into the overall design of the sign. If raceways are necessary, they should be as thin and narrow as possible and should never extend in width or height beyond the area of the sign's lettering or graphics. All exposed conduit and junction boxes should also be concealed from public view.
 5. Neon signs. Neon/L.E.D. or similar types of lighting are discouraged.

(Ord. No. B-797-11(A0613), § 1(Exh. A), 7-1-2013)

Sec. 63-73. - Restricted or incidental parking signs.

(a) Location.

- (1) Can be affixed to a pole at the curb.
- (2) Can be vertically mounted or suspend from a pole or affixed to a building.
- (3) Must be located on private property only.

(b) Area. Maximum two (2) square feet.

- (c) Height. If vertically mount or suspended cannot be more than 60 inches above the ground floor or paving surface.
- (d) Prohibited signs.
 - (1) Signs that restrict the use of a parking space that is wholly or substantially located within public right-of-way are prohibited even if the sign is located on private property. This subsection does not apply to signs required by other law outside this chapter.
 - (2) Notwithstanding section 63-3, non-conforming signs, the building official may require removal of signs that violate this subsection. To require immediate removal the building official must render a decision and give notice as provided by subsection 63-10(8). The owner or tenant must remove the sign or appeal the decision of the building official as provided by subsection 63-10(8).

(Ord. No. B-797-11(A0613), § 1(Exh. A), 7-1-2013)

Secs. 63-74—63-79. - Reserved.

DIVISION 5. - TEMPORARY SIGNS

Sec. 63-80. - Generally.

- (a) All temporary signs shall require a permit except as provided in subsection 63-10(4).
- (b) All temporary sign permits shall be displayed in the door or windows of the establishment during the time in which the sign is displayed on the premises.

(Ord. No. B-797-11(A0613), § 1(Exh. A), 7-1-2013)

Sec. 63-81. - Banner sign.

- (a) Location.
 - (1) Signs may be premises or non-premises signs.
 - (2) Signs shall be attached to a main building or on light poles.
 - (3) Signs may be allowed in the public right-of-way for large community events.
 - (4) Banners shall not be allowed on accessory structures/buildings or fences.
- (b) Area.
 - (1) Maximum 80 square feet; except:
 - (2) Maximum 35 square feet each when located on light poles; letters, symbols, logos, etc., shall be allowed to cover only 15 percent of the total area of each light pole banner.
- (c) Height.
 - (1) On light poles:
 - a. Minimum ten feet from the ground; and
 - b. Shall not obstruct pedestrian or vehicular traffic.
- (d) Number.
 - (1) Maximum four displays per year per certificate of occupancy; except

- (2) Two vertical banners per light pole.
- (e) Time limitations.
 - (1) Maximum 30 days with 60 days between displays for each separate certificate of occupancy;
 - (2) Grand openings.
 - a. Once for each separate certificate of occupancy;
 - b. Within 30 days of the issuance of the certificate of occupancy;
 - c. Maximum for 15 consecutive days.
 - (3) Special events. Banner signs are allowed with a special event permit for 14 days prior to the event and two days after the event is over.
 - (4) There is no time limitation for banners on light poles.

(Ord. No. B-797-11(A0613), § 1(Exh. A), 7-1-2013)

Sec. 63-82. - Construction sign.

- (a) Location. Signs must be premises signs.
- (b) Area.
 - (1) Maximum 50 square feet in residential districts.
 - (2) Maximum 100 square feet in nonresidential districts.
- (c) Height. Fifteen feet as measured from the sign base.
- (d) Number of signs. One sign for each abutting street.
- (e) Time limitation. Maximum 60 days prior to construction up to 14 days after completion (issuance of certificate of occupancy).

(Ord. No. B-797-11(A0613), § 1(Exh. A), 7-1-2013)

Sec. 63-83. - Movable sign.

- (a) Location.
 - (1) Signs must be premises signs.
 - (2) Except for "A"-frame or sandwich board signs, must be ten feet from curb or edge of paving and 15 feet from access drive.
 - (3) Fifty feet from any other movable signs.
 - (4) Movable signs are prohibited in the public right-of-way.
- (b) Area.
 - (1) Generally: Maximum eight (8) square feet.
 - (2) Bow banners or swooper flags: 15 square feet.
 - (3) "A"-frame or sandwich board signs: 25 square feet.
- (c) Height.
 - (1) Generally: Maximum four (4) feet from ground.
 - (2) Bow banners or swooper flags: Maximum (10) ten feet from the ground.

- (3) "A"-frame or sandwich board signs: Maximum 5 feet from the ground.
- (d) Number of signs. Each business may display one (1) movable sign per street frontage, regardless of the size of the premises.
- (e) Time limitation. "A"-frame or sandwich board signs shall only be allowed during business hours.
- (f) Illumination. Movable signs shall not be illuminated.

(Ord. No. B-797-11(A0613), § 1(Exh. A), 7-1-2013)

Sec. 63-84. - Pennants.

- (a) Location.
 - (1) Signs must be premises signs.
 - (2) Pennants are only allowed for grand openings and for holidays and festivals.
- (b) Time limitation.
 - (1) Grand openings.
 - a. Once for each separate certificate of occupancy (CO).
 - b. Within 30 days of the issuance of the CO.
 - c. Maximum for 15 consecutive days.
 - (2) Holiday and festivals. Forty days prior to the holiday event and up to two days after the holiday event for each premises.

(Ord. No. B-797-11(A0613), § 1(Exh. A), 7-1-2013)

Sec. 63-85. - Residential yard sign.

- (a) Location. Except for noncommercial signs, signs must be premises signs; except for garage sale signs that shall follow regulations in chapter 66 of this Code.
- (b) Area. Maximum ten square feet; except for garage sale signs that shall follow regulations in chapter 66 of this Code.
- (c) Height. Maximum four feet.
- (d) Number of signs. One sign per premises.
- (e) Time limitation. For the duration of the activity but removed 30 days following completion; except for garage sale signs that shall follow regulations in chapter 66 of this Code.

(Ord. No. B-797-11(A0613), § 1(Exh. A), 7-1-2013)

Sec. 63-86. - Vehicle sign.

- (a) [Permits.] A permit for a vehicle sign shall be issued for both a sign and its location.
- (b) Location.
 - (1) Vehicle signs shall not be permitted within a 1,000 feet of a location permitted in the previous three-month period.
 - (2) Vehicles upon which signs are displayed shall have current license and inspection according to the licensing and inspection regulation of the state.

- (3) Vehicles upon which signs are displayed are maintained in operable condition.
- (4) Vehicles (moving or parked) may have a sign, if the sign is:
 - a. Securely mounted on a two-ton payload capacity truck and the sign faces are soft face and secured to the vehicle using a keder welt bead and mounting track.
 - b. Not a changeable message sign.
- (c) Area. Minimum 20 feet to maximum 22 feet in length.
- (d) Height. Minimum eight feet to maximum ten feet in height.
- (e) Number of signs. Two signs citywide at any given time on a first come first serve basis.
- (f) Time limitation.
 - (1) Maximum 15 days with an ability to file for an extension of an additional 15 days; and
 - (2) Maximum of 30 day[s] every three months would be allowed for each individual sign.
- (g) [Purpose.] The primary purpose of such vehicle or equipment is for the display of such signage if the vehicle/equipment is any one of the following:
 - (1) Not properly parked in a designated parking space, unable to fit in a parking space, except that a passenger vehicle with a curb vehicle weight of less than 6,500 pounds may be parked on private property on a hard, paved surface outside of a designated parking space, provided it does not interfere with the circulation of traffic into, out of, or within said property and displays one or more signs that are magnetic, decals, or painted upon an integral part of the vehicle as originally designed by the manufacturer and do not break the silhouette of the vehicle; or
 - (2) Used primarily as a static display for the display of such signage.

(Ord. No. B-797-11(A0613), § 1(Exh. A), 7-1-2013)

Sec. 63-87. - Wind sign.

- (a) Location.
 - (1) Signs must be premises signs.
 - (2) Wind signs are only allowed for grand openings and for holidays and festivals.
- (b) Time limitation.
 - (1) Grand openings.
 - a. Once for each separate certificate of occupancy (CO).
 - b. Within 30 days of the issuance of the CO.
 - c. Maximum for 15 consecutive days.
 - (2) Holiday and festivals. Forty days prior to the holiday event and up to two days after the holiday event for each premises.

(Ord. No. B-797-11(A0613), § 1(Exh. A), 7-1-2013)

Sec. 63-88. - Residential subdivision development sign.

- (a) Location.
 - (1) Sign may be non-premises or premises within 250 feet of the subdivision entrance and within the subdivision boundaries.

- (2) Sign shall be located:
 - a. On property of the subdivision where the lots of the homebuilder are located or on property of an earlier phase of the subdivision where the lots of the homebuilder are located; or
 - b. Within 250 feet of the entrance to the subdivision.
- (3) No signs shall be allowed in the public right-of-way.
- (b) Area. Maximum 32 square feet.
- (c) Height. Maximum 12 feet.
- (d) Number of signs. One sign per homebuilder per subdivision entrance.
- (e) Time limitation. After 100 percent of the homebuilders sites are completed, and then they have 48 hours to remove the sign.

(Ord. No. B-797-11(A0613), § 1(Exh. A), 7-1-2013)

Sec. 63-89. - Political signs.

- (a) Political signs not exceeding 36 square feet may be erected on private real property only with the permission of the property owner. Private real property does not include real property subject to an easement or other encumbrance that allows a municipality to use the property for a public purpose.
- (b) Political signs shall be removed within ten days after completion of the election in question.
- (c) In the case of a run-off election, signs advertising those candidates who are in the run-off election may be continued to be displayed during the interim period, but must be removed within ten days after the run-off election.
- (d) A political sign shall not require a sign permit and shall comply with the following requirements:
 - (1) The total signage area for political signs shall not exceed 36 square feet in area, shall not exceed eight feet in height, shall not be illuminated, nor have any moving elements.
 - (2) Political signs shall not be located in the city rights-of-way or in roadway medians, nor be placed on city-owned property such as city parks, fire stations, police stations, libraries, city hall and other city-owned buildings. However, such signs may be placed on public property designated as an official polling place on a designated election day, with such signs being located outside the specified distance from the polling place entrance as permitted by state election laws.
 - (3) Political signs may not be placed in the state rights-of-way situated within the city.
 - (4) Political signs shall not be installed in any manner that may result in a potential safety hazard of any type.
 - (5) Political signs shall not be placed in visibility triangles as defined in the subdivision ordinance of the city.
 - (6) Political signs shall be kept in repair and proper state of preservation.
 - (7) Political signs may be erected no earlier than 62 days before the date of the election for which the sign is designated.
 - (8) Notwithstanding any provision in this chapter to the contrary, if a political sign is authorized to be placed or erected under this section, a temporary sign with any other noncommercial message is allowed to be erected in its place provided it otherwise complies with the provisions of this section.

(Ord. No. B-797-11(A0613), § 1(Exh. A), 7-1-2013)

Sec. 63-90. - Human signs.

(a) Location.

- (1) Each sign shall be located on private property where a sale, event, promotion, or a similar limited-duration event is taking place.
- (2) Human signs shall not be permitted in residential districts.
- (3) Human signs are prohibited within any public right-of-way.
- (4) A person acting as a human sign is not permitted to hold or carry wind devices, flags or balloons. Podiums, risers, stilts, vehicles, roofs, or other structures or devices shall not support a human sign.

(b) Area. Eight square feet.

(c) Height. May not extend 12 feet above ground.

(d) Number of signs.

- (1) No more than one human sign per business location.
- (2) A human sign counts as a type of moveable sign for purposes of the number limitation set forth in subsection 63-83(4).

(e) Time limitation. Human signs shall only be allowed during business hours.

(Ord. No. B-797-11(A0613), § 1(Exh. A), 7-1-2013)

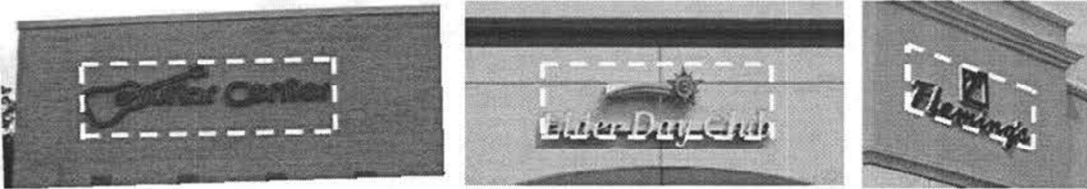
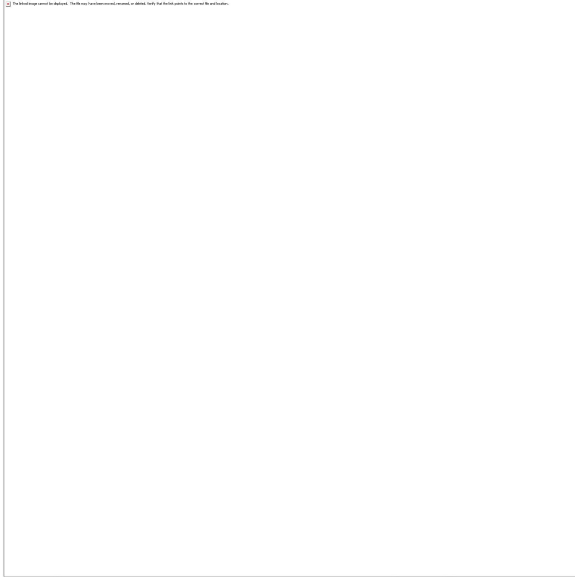
Secs. 63-91—63-99. - Reserved.

DIVISION 6. - SUPPLEMENTARY REGULATIONS

Sec. 63-100. - Measurement standards.

(a) Sign area measurement.

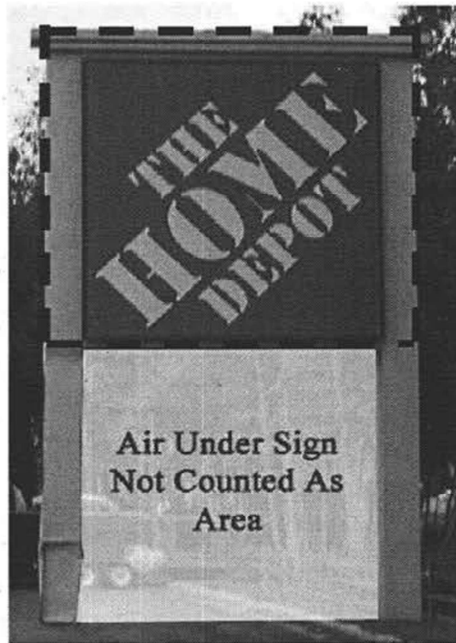
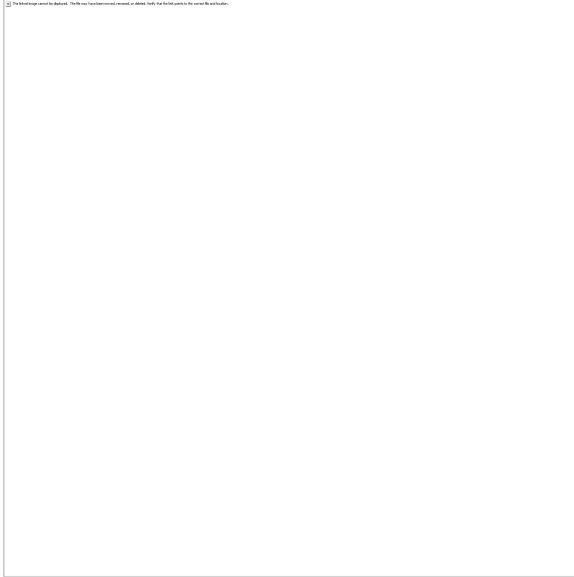
- (1) For a wall sign, which is framed, outlined, painted or otherwise prepared and intended to provide a background for a sign display, the area and dimensions, shall include the entire portion within such background or frame.
- (2) For a wall sign comprised of individual letters, figures or elements on a wall or similar surface of the building or structure, the area and dimensions of the sign shall encompass a regular geometric shape (rectangle, circle, trapezoid, triangle, etc.), or a combination of regular geometric shapes, which form, or approximate, the perimeter of all elements in the display, the frame, and any applied background that is not part of the architecture of the building. When separate elements are organized to form a single sign, but are separated by open space, the sign area and dimensions shall be calculated by determining the geometric form, or combination of forms, which comprises all of the display areas, including the space between different elements. (See figure 63-G below for walls signs, and figure 63-H for freestanding signs)



Representation of sign areas using single geometric shapes equivalent to the areas (square feet) using multiple geometric shapes.

Re #

Figure 63-G: Example of geometric area applied to sign area calculations.



The black dashed line indicates the sign area



In the sign to the left, the frame may or may not be included in the sign area.

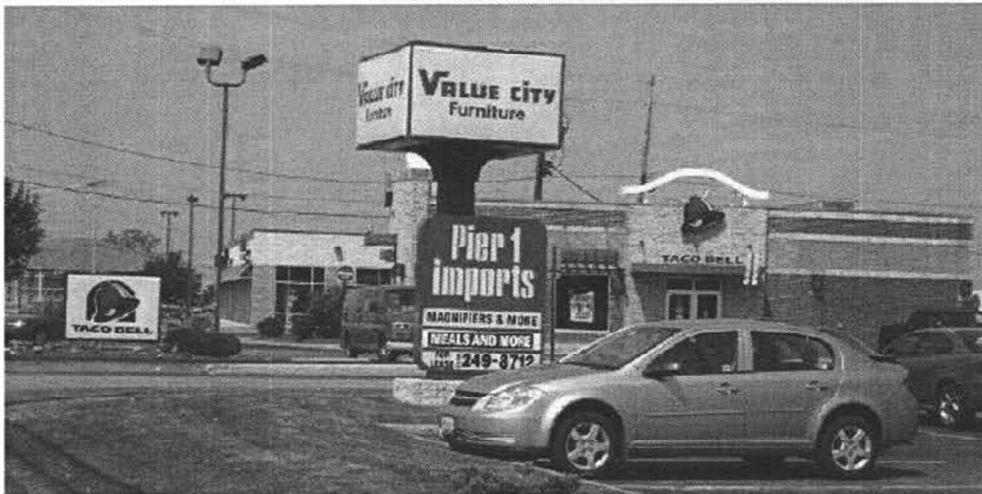
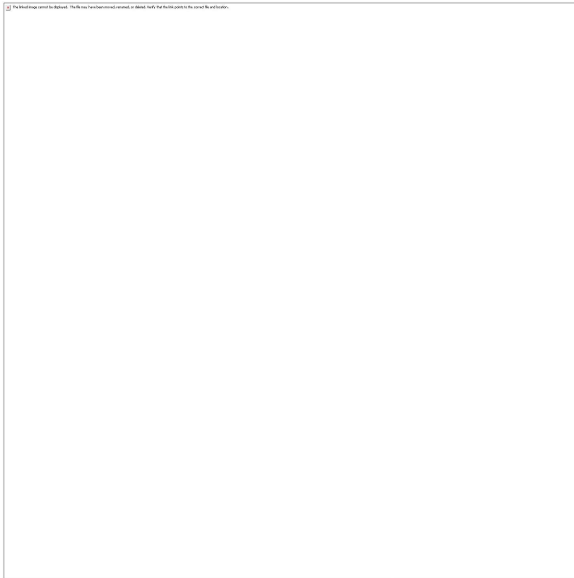
In the sign above, the solid base is not included in the sign area.

Re #

Figure 63-H: Example of calculation for freestanding sign area.

- (3) For a vehicle sign the area and height of the sign does not include the vehicle, itself.
- (4) For a freestanding sign, the sign area shall include the frame, if any, but shall not include:
 - a. A pole or other structural support unless such pole or structural support is internally illuminated or otherwise so designed to constitute a display device, or a part of a display device.
 - b. Architectural features that are either part of the building or part of a freestanding structure, and not an integral part of the sign, and which may consist of landscaping, building or structural forms complementing the site in general.
- (5) When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and are part of the same sign structure, the sign area shall be computed as the measurement of one of the two faces. When the sign has more than two

display surfaces, the area of the sign shall be the area of largest display surfaces that are visible from any single direction. The area of a sign with more than two faces would be calculated as the area of the largest rectangular plane of the panels that are visible from any single location (See figure 63-1 below.)



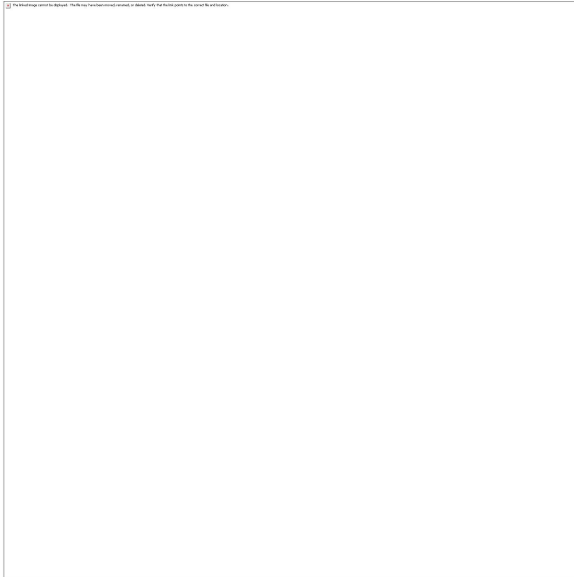
The area of a sign, with more than two faces, would be calculated as the area of the largest rectangular plane of the panels that are visible from any single location.

Re #

~~Figure 63-1: Example of a sign area with multiple faces.~~

- (6) In the event of a dispute in determining the area or dimensions of any sign, the decision of the building official may be appealed by the applicant through the submittal of a formal application to the director of community development department in accordance with the variance process described in this chapter.
- (7) Determining sign height. The height of a freestanding sign shall be measured from the base of the sign or supportive structure at its point of attachment to the ground, to the highest point of the sign. A freestanding sign on a manmade base, including a graded earth mound, shall be measured from the grade of the nearest pavement or top of any pavement curb.

- (8) Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other embellishments. (See figure 63-J for an example)



The height of a sign is measured from the grade of the street level where the sign is viewed; not from the top of the mound

Re #

~~Figure 63-J~~ indicated method for measuring sign height from street level.

(Ord. No. B-797-11(A0613), § 1(Exh. A), 7-1-2013)

Sec. 63-101. - Construction standards.

- (a) Design required. Before a sign permit shall be granted, the applicant shall submit to the building official a design or plan containing information as to the type, size, shape, location, construction, lighting/illumination, and materials of the proposed sign.

- (b) The design and erection of all signs shall be constructed as specified in Sections 1609(wind), 1604(working stress), and 2204 and 2304- 2306, respectively, of the latest adopted edition of the International Building Code:
- (1) Signs shall be structurally sound and located so as to pose no reasonable threat to pedestrian or vehicular traffic.
 - (2) All permanent freestanding signs shall have self-supporting structures erected on, or permanently attached to, concrete foundations.
 - (3) If possible, signs should not be in locations that obscure architectural features such as pilasters, arches, windows, cornices, etc.
 - (4) The signs should not be in locations that interfere with safe vehicular and pedestrian circulation or public safety signals and signs.
 - (5) No signs shall be erected, constructed or maintained so as to obstruct any fire escape, required exit, window, or door opening used as a means of egress.
 - (6) Signs shall be structurally designed in compliance with ANSI and ASCI standards. All elective signs shall be constructed according to the technical standards of a certified testing laboratory.

(Ord. No. B-797-11(A0613), § 1(Exh. A), 7-1-2013)

Sec. 63-102. - Lighting standards.

Signs may be illuminated - by external or internal means - and in addition to the requirements and regulations of the ordinance codified herein, provided that:

- (1) The brightness and intensity shall not be greater than necessary to meet reasonable needs of the business or use served;
- (2) Light sources shall be shielded from all adjacent buildings and streets; and
- (3) The lighting shall not create excessive glare to pedestrians and/or motorists, and will not obstruct traffic control or any other public informational signs.

(Ord. No. B-797-11(A0613), § 1(Exh. A), 7-1-2013)

Sec. 63-103. - Enforcement and maintenance.

- (a) All signs shall be maintained in accordance with the following:
- (b) The property owner shall maintain the sign; in a condition appropriate to the intended use; to all city standards; and has a continuing obligation to comply with all building code requirements.
- (c) If the sign is deemed by the code enforcement officer to be in an unsafe condition, the owner of the business shall be immediately notified in writing, and shall, within 48 hours of receipt of such notification, respond to the city with a plan to correct the unsafe condition, remove the unsafe sign, or cause it to be removed. If after 30 days the unsafe condition has not been corrected through repair or removal, the code enforcement officer may cause the repair or removal of such sign at the expense of the property owner or lessee. If the total costs are not paid in full within 30 days of the repairs or removal, the amount owned shall be certified as an assessment against the property of the sign owner, and lien upon that property, for collection as prescribed for unpaid real estate taxes.
- (d) In cases of emergency, the code enforcement officer may cause the immediate removal of a dangerous or defective sign without notice.

- (e) Whenever any sign, either conforming or nonconforming to these regulations, is required to be removed for the purpose of repair, re-lettering or repainting, the same may be done without a permit or without any payment of fees provided that all of the following conditions are met:
- (1) There is no alteration or remodeling to the structure or the mounting of the sign itself;
 - (2) There is no enlargement or increase in any of the dimensions of the sign or its structure;
 - (3) The sign is accessory to a legally permitted, conditional or nonconforming use.

(Ord. No. B-797-11(A0613), § 1(Exh. A), 7-1-2013)