

- CODE OF ORDINANCES
Chapter 26 - SIGNS
ARTICLE 26.01. GENERAL PROVISIONS

Sec. 26.01.001 Title.

_____ This chapter shall be known as the "sign ordinance."

Sec. 26.01.002 Purpose and Findings.

_____ The City adopts this ordinance pursuant to Tex. Loc. Gov't Code Chapter 216. The City Council finds that signs affect public safety, community aesthetics, and economic vitality. Reasonable regulation of signs promotes traffic safety, supports local business visibility, and maintains the character of neighborhoods, while respecting constitutional free speech protections.

~~Sec. 26.01.002~~**Sec. 26.01.003 Geographic scope and applicability.**

_____ This chapter applies to all property within the incorporated municipal boundaries (i.e., city limits) and the extraterritorial jurisdiction (ETJ) as it exists at the time this chapter is adopted and as may be modified in the future. All signs must comply with this Chapter, the Outdoor Lighting Ordinance, the Building Code, and all other applicable codes.

Sec. 26.01.004 Summary of Sign Regulations by Type.

_____ Appendix A Chart of Sign Design Standards following this code summarizes regulations for each sign type. In the event of an inconsistency between the Chart of Sign Design Standards and the remainder of this ordinance, the latter shall prevail.

~~Sec. 26.01.003~~**Sec. 26.01.005 Definitions.**

_____ 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:

Applicant. The person or entity requesting sign permit approval, a variance, or a master sign plan from the city.

Arterial street. Arterial streets are designed to carry high volumes of through traffic. A principal traffic artery, carrying higher volumes of traffic, more or less continuously, which is intended to connect remote parts of the area adjacent thereto and to act as a principal connecting street with state highways.

Awning. A cloth, plastic, or other nonstructural covering that either is permanently attached to a building or can be raised or retracted to a position against the building when not in use. This term does not include canopies.

Balloon signs. Any inflatable, three-dimensional sign, with or without letters, symbols, or numbers, that is either expanded to its full dimensions or supported by gases contained within the sign at a pressure greater than atmospheric pressure.

¹State law reference(s)—Authority of municipality to regulate signs, V.T.C.A., Local Government Code, ch. 216.

Billboard sign. A sign that is freestanding, attached to or part of a building, and is an off-premises sign that is designed for a change in copy, so that the characters, letters, display, or illustrations can be changed or rearranged within a fixed sign face.

Building. Any structure built for the support, shelter, and enclosure of persons, animals, goods, or movable property of any kind. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building.

Changeable copy sign. A sign on which message copy is changed manually through the utilization of changeable letters, numbers, symbols, and other similar characters or pictorial panels.

Commercial districts. Commercial districts include areas zoned office, local retail, general retail, and commercial services, property in a planned development district that allow for a commercial use, or property in the ETJ that is appraised as commercial property.

Construction/development sign. A commercial sign placed on a piece of property advertising planned construction and providing related information, including but not limited to the name of the contractor, the name of the owner, the planned date of completion, and information indicating the future use or occupation of the site.

Daily display sign. An A-framed, hinged, folding sign that is freestanding and portable and that is not affixed to a base or pole structure. A daily display sign can be in the form of a board or an easel.

Dilapidation. Dilapidation includes any sign where elements of the sign area or background have portions of the finished material missing, broken, or illegible; where the structural support is visibly bent, broken, dented, rusted, corroded, or loose; or where the sign or its elements are not in compliance with the adopted electrical code and/or the building code.

Directional signs. Any sign with on a property zoned or used for a commercial purpose that includes directional information to the site of the sale, rent, or lease of goods, services, or property.

Electronic sign. Any sign for which the text, letters, numbers, pictures, or symbols forming the informational portion of the sign consists of flashing, intermittent, or moving lights, including any LED screen or any other type of video display. Illumination of a sign, by itself, does not create an electronic sign.

ETJ. Extraterritorial jurisdiction of the city as created and authorized under chapter 42 of the Texas Local Government Code or as been added by request or other manner.

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

Feather banner. A sign that is constructed of lightweight material (such as cloth, canvas, or vinyl) affixed to a pole or building which is similar to a flag, except that it is longer than it is wide. A feather banner resembles a feather, in that it is tall and narrow, having more surface area vertically than horizontally when fully extended.

Freestanding. A sign that is not attached to a wall or building. A sign that is supported by a structure primarily designed for display of the sign.

Government sign. A government sign is a sign that is constructed, placed, or maintained by the federal, state, or local government or a sign that is required to be constructed, placed, or maintained by the federal, state, or local government, including a water district, either directly by the governmental entity or to enforce a property owner's rights. Local government includes any political subdivision including the county, the city, the school district, the water district, or an emergency services district.

Hanging sign. A sign that is affixed to the underside of a roof, canopy, awning, or porch.

Height.

(1) Except as applied to a monument sign, height refers to the vertical distance between the highest attached component of the sign or of its supporting structure (whichever is higher) and the lowest attached component of the sign or of its supporting structure (whichever is lower).

- (2) As applied to a monument sign, height refers to the vertical distance between the highest attached component of the sign or of its supporting structure (whichever is higher) and the natural grade of the ground at the point where the sign is located.
- (3) If any sign, temporary or permanent, sits on property that is adjacent to a public right-of-way, and the natural grade of the property is lower than the average grade of the public right-of-way, the responsible party may raise the grade of the property on which the sign is located up to four feet, in accordance with zoning and all other ordinances, and height will be measured from the highest attached component of the sign or of its supporting structure (whichever is higher) and the increased grade. The responsible party may only increase the grade an amount equal to the difference between the average grade of the right-of-way and the natural grade of the property on which the sign is located. A responsible party may also apply for a variance from the sign administrator to raise the height of the sign.

Hill country style. Buildings of simple design, using native materials, incorporating wide overhangs, porches, and tall windows.

Historic district. The business and residential area designated by the historic district ordinance.

Indirect illumination or lighting. A light source not seen directly. The term includes a source of illumination which is not a part of the sign or the sign structure, which provides light for the sole purpose of making the sign visible when natural light is not sufficient. Indirect illumination can include internal illumination, if such illumination is also compliant with the outdoor lighting ordinance.

Inflatable sign. An inflatable device, with or without a message, figure, or design attached to its surface designed to attract attention.

Logo. Graphic symbols used to represent or identify a commercial, institutional, or nonprofit entity or organization.

Marquee sign. A canopy or covering structure bearing a signboard or copy projecting from and attached to a building.

Master sign plan. A comprehensive document containing specific regulations for an entire project or property's signs.

Mobile food establishment/mobile food vendor. A vehicle-mounted food establishment that is readily moveable.

Monument sign. A sign permanently affixed to the ground at its base or by poles that are enclosed by natural stone, stucco, brick, or wood and not mounted to a part of a building. Pole(s) may be used to construct a monument sign so long as the poles are not visible below the sign.

Natural colors (earth tones). Colors that are muted and flat in an emulation of the natural colors found in dirt, moss, trees and rocks, including browns, tans, grays, greens, oranges, whites, blues and some reds.

Nonconforming sign. A sign lawfully in existence on the date the provisions of this chapter are adopted that do not conform to the provisions of this chapter, but which were in compliance with the applicable regulations at the time they were constructed, erected, affixed, or maintained.

Off-premises sign. Any commercial sign that advertises a business, person, activity, goods, products, real property, or services not located on the property where the sign is installed, or that directs persons to a location other than the property where the sign is located.

Outdoor lighting ordinance. Article 24.06 of the City of Dripping Springs Code of Ordinances that applies to all signs whether within the city limits or in the ETJ.

Pedestrian elements. Any furniture, fencing, gates, benches, trash cans, poles, or any other type of structure that benefits pedestrian use of an area.

Pole sign. A sign that is permanently supported in a fixed location by a structure of poles, posts, stakes, uprights, or braces from the ground and is not supported by a building, fence, vehicle, base structure, or other support.

Portable sign. Any sign without a permanent foundation, or otherwise permanently attached to a fixed location, that can be carried, towed, hauled, or driven and is primarily designed to be moved rather than be limited to a fixed location regardless of modifications that limit its movability. Daily display signs as defined below are excluded from this definition.

Property owner. The owner of the property on which a sign is located. A lessor may have the same rights and authority as the property owner if given such authority through written agreement with the property owner.

Residential development. A residential building project that includes multiple residences, also referred to as a neighborhood or subdivision.

Residential district. Residential district is property zoned as single-family by the city's zoning code including SF-1; SF-2; SF-4; and SF-5 as defined in chapter 30, exhibit A, section 3.1 of the Code of Ordinances, any property within a planned development district that allows a residential use, and any property in the ETJ that is appraised as residential property.

Responsible party. The owner/operator of the business being identified on the sign; the owner of the property upon which the sign or sign structure is located; the owner of the sign or sign structure; the person who installs a sign or sign structure, contracts with or directs a person to accomplish the installation; and/or the person who retrieves a sign from the impound.

Restaurant menu. A sign on the outside of a restaurant or other food service establishment that advertises the sale of food items.

Right-of-way. The area on, below, or above a public road, highway, street, public sidewalk, alley, waterway, or utility easement in which a governmental entity has an interest.

Roof sign. A sign that is displayed about the eaves and under the peak of a building. This term includes a sign painted, erected, constructed, or maintained on the roof of a building.

Sign. A structure, sign, display, light device, figure, painting, drawing, message, plaque, poster, billboard, or other object that is designed, intended, or used that includes text or images designed to communicate. Signs located completely within an enclosed building and not exposed to view from a street shall not be considered a sign. Each display surface of a sign or sign face shall be a sign.

Sign administrator. The officer appointed by the city council with the authority to enforce this chapter in conjunction with the city building department. The sign administrator or designee shall review sign regulations and applications for variances and master sign plans. In the absence of designation by the city council, the city administrator shall serve as the sign administrator. The term also includes any person designated to act on behalf of the sign administrator.

Sign face. The entire display surface area of a sign upon, against, or through which copy is placed.

Signable area. The total surface including frame and mounting. The actual area of the sign shall be calculated using trigonometric methods when the sign is not a simple rectangle. The allowed area of the sign as stated in the ordinance equals one side of a freestanding back-to-back sign, provided the freestanding sign's sides are back-to-back or angled with no greater separation between sides at its widest point than four feet and provided that both sides have the identical sign. Frame and mounting shall not exceed 30 percent of the total surface area of sign. When referring to area limitations of monument signs, area and signable area refers to an area within a continuous perimeter that includes the sign structure as well as the lettering, illustrations, ornamentations, or other figures, but does not include the sign base. Required landscaping does not count towards signable area.

Temporary sign. A banner, pennant, poster, or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood, or other like materials and that appears to be intended or is determined by the sign administrator or the administrator's designee to be displayed for a limited period.

Vehicle sign. Any sign attached to or displayed on a vehicle.

Vending machine. Any sign integrated into or placed on a coin, cash, credit card, or debit card operated self-service machine that dispenses such goods or services as propane cages, ice, DVDs, or cash automated teller machines (ATMs).

Wall sign. A sign attached to, painted on, or erected against the wall of a building or structure, or on the fence or detached wall on the same property as the building, with the exposed face of the sign in a plane parallel to the face of the wall and not projecting more than nine inches from the face of the wall at any point.

Window signs. Signs that are painted on, etched in, attached, pasted, or visible through a window or transparent door of a building that are oriented in a manner establishing an intent to be viewed off-premises or from public or private roadways. This term excludes signs displayed inside of buildings primarily for patrons on the premises.

Sec. 26.01.006 Administration.

The Sign Administrator, appointed by City Council, shall administer and enforce this Chapter. The Administrator may issue permits, interpret provisions, and grant variances consistent with Sec. 26.03.005.

Sec. 26.01.007 Violations and Penalties.

Violations of this Chapter are subject to enforcement under the City Code and Texas Local Government Code Chapter 216. Each day a violation continues constitutes a separate offense. Remedies include fines, removal, and injunctive relief.

Sec. 26.01.004Sec. 26.01.008 Prohibited signs.

- (a) All signs are prohibited in the city limits and the ETJ unless:
 - (1) Constructed, maintained, structurally altered, or improved pursuant to a valid permit when required under this chapter; and
 - (2) Expressly authorized under this chapter.
- (b) Signs which cannot be expressly authorized include:
 - (1) Signs, except government signs, located in or projected over any public right-of-way or across the public right-of-way line extended across a railroad right-of-way, except when attached to and projecting no more than 18 inches from a building wall legally located at or near the right-of-way line in the city limits or in the ETJ.
 - (2) Portable signs.
 - (3) Electronic signs that have changes in screen image more than once an hour.
 - (4) Off-premises signs (including billboards) containing commercial advertising of goods, real property, or services.
 - (5) Signs with lights that blink, fluctuate, or move. Light rays must shine only upon the sign and upon the property within the premises.
 - (6) Signs, other than government or traffic-control signs, of a size, location, movement, coloring, or manner of illumination which may be confused with or construed as a traffic-control device or which hide from view any traffic or street sign or signal.
 - (7) Signs, other than flagpoles, that are taller than 15 feet.

- (8) Signs that are attached to any utility pole or wire, traffic sign, or public easement or are placed on government-owned property unless placed by written permission of the governmental entity.
 - (9) Signs that obstruct any fire escape, required exit, window, or door opening intended as a means of egress.
 - (10) Boxes, tires, or other goods stored in view of the street, etc. which have large product identification that serves as a sign.
 - (11) Feather banners.
 - (12) Commercial signs or advertising materials that are worn, held, or attached to a person's body advertising the sale of goods, real property, or services.
 - (13) Balloon signs.
 - (14) Inflatable signs.
 - (15) Banners on residential property.
 - (16) Pennants.
 - (17) Pole signs except as otherwise specifically allowed.
 - (18) Roof signs (including signs that are otherwise authorized but are placed on a roof or on a mobile food vendor or vehicle).
 - (19) Marquee signs.
 - (20) Changeable copy signs.
 - (21) Signs placed or attached to trees, bushes, planters, benches, or other pedestrian elements.
 - (22) Signs on trash receptacles except for signs that are required by law, provide direction on the trash receptacle's use, provide safety instructions, or are otherwise customarily found on trash receptacles as a means of identifying the trash collection company.
 - (23) Flags with a commercial message.
- (c) A violation of this section is an offense under section 26.05.002.

~~Sec. 26.01.005~~ **Sec. 26.01.009 Authorized signs without a separate permit.**

 The following signs authorized under this section are authorized in every zoning district or property in the ETJ without a permit, unless specifically required below:

- (1) Government signs including signs placed by the city, county, state, or federal governing in their governmental capacity which are not otherwise prohibited.
- (2) Traffic-control devices that are erected and maintained to comply with the Texas Manual on Uniform Traffic-Control Devices.
- (3) Signs required by this chapter.
- (4) Signs required by other law, including federal, state, or local law, including a sign that a property owner is required to post on the owner's property to warn of a danger or to prohibit access to the property either generally or specifically; the owner must comply with the federal, state, or local law to post a sign on the property.
- (5) Official governmental notices and notices posted by governmental officers in the performance of their duties for regulatory purposes such as neighborhood crime watch areas, to identify streets, or to warn of danger including those placed by the city, county, water district, or other governmental entity.
- (6) Signs displayed on trucks, buses, trailers, mobile food vendors, or other vehicles that are [attached to a vehicle where no portion of the sign is not affixed to the vehicle itself and does not extend more than](#)

~~eighteen (18) inches from the body of the vehicle itself less than 32 square feet~~ and are being operated as motor vehicles, provided that the primary purpose of the vehicles is not for display of signs and provided that they are parked in areas appropriate to their use as vehicles, are in operable condition, and carry a current and valid license plate and state inspection tag. Vehicle signs shall conform to the following restrictions:

- (A) Vehicular signs shall contain no flashing or moving elements;
 - (B) Vehicular signs shall not be attached to a vehicle so that the driver's vision is obstructed from any angle;
 - (C) Signs, lights and signals used by authorized emergency vehicles shall not be restricted;
 - (D) Any mobile food vendor who is required to obtain a conditional use permit pursuant to article 30.05 of this code shall submit their sign requests, including the signage on the vehicle itself, with its permit application. Signage allowance shall be considered alongside the permit application.
- (7) Vending machine signs where the sign face is not larger than the normal dimensions of the machine to which the sign is attached.
- (8) Memorial signs or tablets when cut into any masonry surface or attached to a building when constructed of bronze or other metal up to six square feet as part of a building.
- (9) Any sign wholly within the confines of a building, and oriented to be out of view from outside the building.
- (10) Any sign wholly within the confines of a sports field or court and oriented to be out of view from outside the field or court. No sign under this section may be larger than 32 square feet. The maximum height for a field sign shall not exceed six feet.
- (11) A noncommercial sign that is carried by a person or is a bumper sticker on a vehicle.
- (12) Business-related signs on or visible through doors or windows indicating: Store hours, security systems, trade organization memberships, credit cards accepted, no solicitation, and open/closed. These signs will not count towards the cumulative signable area limits so long as their total cumulative signable area does not exceed five square feet.
- (13) Traffic-control signs other than uniform traffic-control devices (see definition of MUTCD in section 16.03.006) upon private residential property shall be required if needed for directional or public safety purposes as determined by the emergency services district and city administrator. All vehicular traffic-control signs shall not exceed two square feet and no part of the sign shall extend above six feet from average grade. Lighting for such signs may only be indirect and shall comply with the city's outdoor lighting ordinance.
- (14) Banners are not required to have a permit so long as they meet the requirements in Section 26.02.007.
- ~~(13) Directional signs, up to four signs on a property where the sign is for providing direction to commercial use and may include the logo or name of business but shall not be taller than four feet in height and the sign area shall not be more than four square feet. These signs may be pole, wall, or monument signs.~~

~~Sec. 26.01.006~~**Sec. 26.01.010 Lessors.**

For purposes of this chapter, the lessor of a property is considered the property owner as to the property if the lessor holds a right to use that exclusive of others (or the sole right to occupy). If there are multiple lessors of a property, then each lessor must have the same rights and duties as the property owner as to the property the lessor leases and that the lessor has the sole right to occupy, and the size of the property must be deemed to be

the property that the lessor has the sole right to occupy under the lease. Written authorization from property owner to place signage onsite may be required.

~~Sec. 26.01.007~~**Sec. 26.01.011 Permit required.**

A sign permit is required prior to the display and erection of any sign except as otherwise provided in this chapter.

~~Sec. 26.01.008~~**Sec. 26.01.012 Compliance with outdoor lighting article.**

- (a) Reflective surfaces. Glare-producing surfaces on signs are not allowed.
- (b) All lighting of signs shall be indirect illumination as defined herein. No sign shall be illuminated, in whole or in part, where the illumination is intermittent or varies in color or intensity ~~from time to time~~ or appears to be emergency lighting similar to public safety vehicles. Variation in intensity or color is allowed if such change occurs less than once an hour and is static the remainder of the time. The use of searchlights is prohibited. Changeable electronic variable message signs (CEVMS), ~~electronic signs, and light-emitting diode (LED)~~ signs are prohibited if facing or visible from a roadway.
- (c) All signs shall be compliant with the city's outdoor lighting ordinance, article 24.06 of this code.
- (d) A violation of subsection (a) above is an offense under section 26.05.002.

~~Sec. 26.01.009~~**Sec. 26.01.013 ~~Sec. 26.01.009~~ Wind pressure and dead loads.**

Any sign that requires a permit shall be designed and constructed to withstand wind pressures and receive dead loads if the structure is required to comply with the International Building Code (IBC) as adopted by the city.

~~Sec. 26.01.010~~**Sec. 26.01.014 ~~Sec. 26.01.010~~ Applicability of other codes not in conflict.**

All signs erected or maintained pursuant to the provisions of this chapter shall be erected and maintained in compliance with all applicable state laws and with the building code, zoning ordinance, outdoor lighting ordinance, historic district requirements, comprehensive plan, and other applicable ordinances of the city.

~~Sec. 26.01.011~~**Sec. 26.01.015 ~~Sec. 26.01.011~~ Noncompliant signs prohibited.**

It is an offense for a person to install, maintain, repair, alter, or relocate a sign within the city limits or ETJ, except in accordance with the provisions of this chapter. It is an offense for a person in the city or its ETJ to have any sign located on the person's property in violation of this chapter. A violation of this section is an offense under section 26.05.002.

~~Sec. 26.01.012~~**Sec. 26.01.016 ~~Sec. 26.01.012~~ Large ~~r~~Real estate signs.**

- (a) Only one nonilluminated real estate sign shall be permitted per lot that is for sale or lease, except that two nonilluminated real estate signs shall be permitted if it is a corner lot.
- (b) The maximum area of a sign shall not exceed ~~six~~ thirty-two (32) square feet.
- (c) The maximum height for a sign shall not exceed ~~three~~ eight feet.
- (d) Real estate signs advertising the sale or lease of property shall be removed at the completion of the transaction advertised or within 24 months, whichever comes first, unless the 24-month term is extended by the sign administrator.

- (e) ~~A real estate sign of up to 32 square feet may be erected, but the~~The owner of the property must apply for a permit before erecting such a sign. ~~If the sign is placed more than twelve months, an annual renewal of the sign permit is required. The sign must be kept in good condition. The maximum height for a real estate sign shall not exceed eight feet.~~

(f) If multiple units are available for lease on a single property or property ownership is structured as a condominium project, the property may have smaller signs (not to exceed six square feet in area or six feet in height) for each individual unit provided the individual signs are not legible from the public right-of-way (i.e., street). Neither a permit nor a permit fee is required for these smaller, individual signs.

Sec. 26.01.017 Small real estate signs

- (a) Only one nonilluminated real estate sign shall be permitted per lot that is for sale or lease, except that two nonilluminated real estate signs shall be permitted if it is a corner lot.
- (b) The maximum area of a sign shall not exceed six square feet.
- (c) The maximum height for a sign shall not exceed three feet.
- (d) Real estate signs advertising the sale or lease of property shall be removed at the completion of the transaction advertised. The sign must be kept in good condition.
- (e) A small real estate sign does not require a permit.
- (f) If multiple units are available for lease on a single property or property ownership is structured as a condominium project, the property may have multiple small real estate signs for each individual unit. Neither a permit nor a permit fee is required for these smaller, individual signs.

ARTICLE 26.02. SPECIFIC SIGN REGULATIONS BY DISTRICT

Sec. 26.02.001 ~~Sec. 26.02.001~~ Residential districts.

No sign shall be permitted or allowed in a residential district as defined in this article unless it meets the following standards:

(1) Types of signs allowed with a permit.

- (A) Residential developments. For residential developments (including subdivision identification) a residential development may have one or more monument signs as described below. The monument sign shall be located at least eight feet from the right-of-way and may be indirectly lighted to the extent allowed by article 24.06 of this code. The maximum size and number of signs that the owner or owners of the residential development may erect and maintain at the entrances to the development shall be controlled according to the following:
- (i) Residential developments—Monument identification sign (small). ~~Four acres or less in area may have a monument sign or signs with a total sign area of no more than 18 square feet at each entrance onto an arterial not to exceed six feet in height. Signable area only includes the portion of the sign that includes copy or other design. The address on any sign shall have lettering for the address shall be at least six inches in size.~~
- (ii) Residential developments—Monument identification sign (large). ~~Over four acres may have~~ a monument sign or signs which may have a total area of no more than 24 square feet not to exceed six feet in height at each entrance onto an arterial. Signable area only includes the portion of the sign that includes copy or other design. The address on any sign shall have lettering for the address shall be at least six inches in size.

- (iii) Before a residential construction/development sign may be installed under this section, the sign permit application shall be reviewed by the city building department for completeness and compliance with state and city codes.
- (iii) Residential construction/development sign. When a subdivision has been released for construction, one construction/development sign per subdivision entrance which shall not exceed 48 square feet in area or eight feet in overall height may be placed at each subdivision entrance after applying for and receiving a sign permit.
 - a. A sign under this section may be a pole sign or a monument sign.
 - b. A sign permitted under this subsection must be removed when the entire development is constructed or when active construction has ceased for more than twelve (12) months. -If the sign is placed more than twelve months, an annual renewal of the sign permit is required. The sign must be kept in good condition or 24 months, whichever comes first.
 - c. The property owner or other responsible party shall be responsible for the maintenance, removal, and compliance requirements of such signs.
 - d. If a subdivision owner wishes to place model home, selling point, or other temporary signs to advertise the lots within the subdivision, application for a master sign plan is encouraged in lieu of submission of multiple requests for variances.
- (iv) Landscaping. A landscaped area of 24 square feet at the base of any monument sign, shall be maintained in a neat, clean and healthy condition throughout the life of the permit; and the applicant shall submit a plan showing the landscaping to the city building department at the time of application. All landscaping under this section shall be compliant with the city's landscaping ordinance, article 28.06 of this code.

(2) Signs on individual lots.

- (A) Flags. Flags are authorized to be placed on residential property without a permit, including two flags with noncommercial messages and one flagpole per premises shall be allowed on each lot. The higher flag may be a maximum of five feet by eight feet in area. A second, lower flag, if any, may be a maximum of 25 square feet in area. The flagpole must be a maximum of 25 feet in height or no higher than the highest point of the principal building's roof, whichever is lower. Flagpoles must meet the minimum yard setback requirements for a principal building. Flags may be illuminated in accordance with section 24.06.010 of this code.
- (B) Other signs. Signs, including a wall sign or monument sign (unless specifically designated otherwise by this article), allowed at any time on any property without a permit:
 - (i) A property owner may place a sign no larger than 8.5 inches by 11 inches in one window on the property at any time which has a noncommercial message.
 - (ii) A property owner may place a sign of any type at any time that:
 - a. Is four square feet in size; and
 - b. Contains a noncommercial message.
 - (iii) A person having a legal home occupation may display one additional sign on the face of the building or porch. The sign shall be attached directly to, and parallel to, the face of the building or porch. The sign shall not exceed four square feet in sign area, shall not be illuminated in any way, and shall not project more than six inches beyond the building or porch. No permit is required.

(3) General regulations for signs on individual lots.

- (A) No sign may be placed on a residential lot without the consent of the property owner or a lessor who has been given authority to place a sign on the property by written agreement of the property owner.
- (B) Other than those signs specifically authorized under this section, a sign under this section shall not be illuminated, electronic, digital, or contain moving elements.
- (C) Unless otherwise specified in this section, permitted signs may be placed anywhere on the premises except in a required side yard within the street or utility right-of-way, or within any other form of public easement.
- (D) Height: The following maximum heights shall apply to signs on individual lots in a residential district:
 - (i) Unless otherwise specified in this section, if ground-mounted, the top must not be over four feet above the ground; and
 - (ii) If building mounted, the sign must be flush-mounted and must not project above the roofline.
- (E) Each residential lot or unit shall display an address sign. The letters, numbers, and symbols that make up a residential address sign must be a minimum of six inches in height and shall not be larger than eight inches in height or which meet the fire code adopted by the city. Address signs must be visible from an adjacent right-of-way for the primary structure on each piece of property.
- (F) One additional temporary sign that may be up to nine square feet in size may be located on the owner's property at any time. A permit for this sign is not required. This section does not limit the content on the additional temporary sign.
- (G) ~~Traffic control signs other than uniform traffic control devices (see definition of MUTCD in section 16.03.006) upon private residential property shall be required if needed for directional or public safety purposes as determined by the emergency services district and city administrator. All vehicular traffic control signs shall not exceed two square feet and no part of the sign shall extend above six feet from average grade. Lighting for such signs may only be indirect and shall comply with the city's outdoor lighting ordinance.~~

Sec. 26.02.002. Multifamily residential district (MF).

No sign shall be permitted or allowed in a multifamily residential district unless it meets the following standards:

(1) Types of signs allowed with a permit.

- (A) Multifamily residential complex sign. The maximum size and number of signs that the owner or owners of the residential development may erect and maintain at the entrances to the development shall be controlled according to the following:
 - (i) Multifamily residential complex sign ~~—Small—~~ Multifamily residential ~~complexes with 20 units or less in area may have a monument sign or signs with a total area of no more than 18 square feet not to exceed six feet in height at each entrance to the complex. The monument sign shall be located at least eight feet from the right of way and may be indirectly lighted to the extent allowed by article 24.06 of this code.~~
 - (ii) ~~Multifamily residential complexes with over 20 units~~ may have a monument sign or signs which have a total area of no more than 24 square feet not to exceed six feet in height at each entrance to the complex. The monument sign shall be located at least eight feet from the right-of-way and may be indirectly lighted to the extent allowed by article 24.06 of this code.

- (iii) Before a residential complex sign may be installed under this section, the sign permit application shall be reviewed by the city building department for completeness and compliance with state and city codes.
- (iiiiv) Landscaping. A landscaped area of 24 square feet at the base of any monument sign, shall be maintained in a neat, clean and healthy condition throughout the life of the permit; and the applicant shall submit a plan showing the landscaping to the city building department at the time of application. All landscaping under this section shall be compliant with the city's landscaping ordinance, article 28.06 of this code.
- (B) Multifamily construction/development sign. When a multifamily project has been released for construction, one construction/development sign per subdivision entrance which shall not exceed 48 square feet in area or eight feet in overall height may be placed at each subdivision entrance after applying and receiving a sign permit.
 - (i) A sign under this section may be a pole sign or a monument sign.
 - (ii) A sign permitted under this subsection must be removed when the entire development is constructed ~~or 24 months, whichever comes first, or when active construction has ceased for more than twelve (12) months. If the sign is placed more than twelve months, an annual renewal of the sign permit is required. The sign must be kept in good condition.~~
 - (iiiiv) If a subdivision owner wishes to place model home, selling point, or other temporary signs to advertise the lots within the subdivision, application for a master sign plan is encouraged in lieu of submission of multiple requests for variances.
- (C) Multifamily identification sign (wall or hanging). There may be one sign no larger than fifteen (15) square feet in sign area identifying the complex and placed flush on the wall near the office entrance or, as an alternative, one hanging sign containing no more than eight square feet in sign area may be erected. The address shall be in lettering at least six inches in height.
- (2) Types of signs allowed without a permit. Individual lessees or owners of units within multifamily housing may also display any sign allowed in a residential district, so long as:
 - (A) Sign is allowed by owner of multifamily housing if property is owned separately; and
 - (B) Sign is displayed within the area owned or leased by individual.
- (3) Properties in the ETJ that are appraised as residential and that contain multifamily units, including a building or portion thereof which is designed, built, rented, leased, or let to be occupied as three or more dwelling units or apartments or which is occupied as a home or residence of three or more families must comply with this section.

Sec. 26.02.003. Manufactured home district (MH).

No sign shall be permitted or allowed in a manufactured home district unless it meets the following standards:

- (1) Types of signs allowed with a permit.
 - (A) Manufactured home park identification monument sign. One monument sign or wall sign not more than 24 square feet in sign area not to exceed six feet in height may be erected on the property of the manufactured home park at each entrance to an arterial and may be indirectly lighted.
 - (i) The monument sign shall be located at least eight feet from the right-of-way and may be indirectly lighted to the extent allowed by article 24.06 of this code. Sign placement must comply with any additional setback that may be prescribed by the sign administrator or city building department when there is a potential safety issue.

- (ii) This sign requires a permit.
 - (iii) Landscaping: A landscaped area of 24 square feet at the base of any monument sign, shall be maintained in a neat, clean and healthy condition throughout the life of the permit; and the applicant shall submit a plan showing the landscaping to the city building department at the time of application. All landscaping under this section shall be compliant with the city's landscaping ordinance, article 28.06 of this code.
 - (iv) An address listed on a sign shall have lettering that is at least six inches in height.
- (2) Types of signs allowed without a permit. Individual lessees or owners of manufactured homes within a manufactured home park may also display any sign allowed in a residential district, so long as:
- (A) Sign is allowed by owner of manufactured home park if the property is owned separately.
 - (B) Sign is displayed within the area owned or leased by an individual.
 - (C) Properties in the ETJ that are appraised by the county appraisal district as residential and that contain a unified development of manufactured home sites, plots, or stands as arranged on a large tract under single ownership and designed to accommodate manufactured homes for a long-term duration must comply with this section.

Sec. 26.02.004. Commercial districts.

No signs shall be permitted or allowed in a commercial district unless they meet the following standards:

(1) Types of signs allowed with a permit.

- (A) Commercial wall sign.
 - (i) Only one wall sign is permitted per business on each property, two wall signs may be permitted if a business:
 - a. Is within a multiunit property;
 - b. Takes up an entire building; and
 - c. Is on a corner or has two public customer entrances into the building on different sides of the building in which it is located.
 - (ii) The total area on any such sign shall not be larger than 75 percent of the area of the storefront for the leased or owned area.
 - (iii) The total length on any such sign shall not exceed 75 percent of the storefront width for the leased or owned area.
 - (iv) The total signable area of the wall sign for each business shall not exceed 64 square feet in a nonresidential zoning district.
 - (v) No wall sign shall extend, either above the roof of the building or beyond the wall to which it is attached by more than four feet at the point of attachment. In no instance shall the height of the sign exceed the maximum building height established for the zoning district.
 - (vi) A wall sign attached to a building on private property shall not extend over any public land except a sidewalk adjacent to the building.
 - (vii) An address listed on a sign shall have lettering that is at least six inches in height.
- (B) Commercial hanging sign.
 - (i) The maximum area of a hanging sign shall not exceed eight square feet.

- (ii) The total length on any such sign shall not exceed 75 percent of the storefront width for the leased or owned area.
- (iii) The clearance from the ground to the bottom of any hanging sign must be at least seven feet.
- (iv) Only one hanging sign is permitted per property unless the property is a corner lot or has two customer entrances into the building on different sides of the building, in which case two hanging signs are permitted.
- (v) An address listed on a sign shall have lettering that is at least six inches in height.
- (C) Commercial construction/development sign. When a commercial lot is under construction, one sign per commercial development entrance which shall not exceed 64 square feet in area or eight feet in overall height may be placed at each entrance after applying and receiving a sign permit.
 - (i) A sign under this section may be a pole sign or a monument sign.
 - (ii) A sign permitted under this subsection must be removed when 80 percent of the commercial property is constructed or when active construction has ceased for more than twelve (12) months. If the sign is placed more than twelve months, an annual renewal of the sign permit is required. The sign must be kept in good condition. or 12 months after the original sign permit is issued, whichever comes first.
 - (iii) The property owner or other responsible party shall be responsible for the maintenance, removal, and compliance requirements of such signs.
- (D) Commercial monument sign-individual business for use by a single business.
 - (i) The area of a monument sign for a property with a single business in a nonresidential zoning district shall not exceed 32 square feet not to exceed six feet in height. The sign shall be at least eight feet from the right-of-way and compliant with article 24.06.
 - (ii) Landscaping. A landscaped area of 24 square feet at the base of any monument sign, shall be maintained in a neat, clean and healthy condition throughout the life of the permit; and the applicant shall submit a plan showing the landscaping to the city building department at the time of application. All landscaping under this section shall be compliant with the city's landscaping ordinance, article 28.06 of this code.
 - (iii) An address listed on a sign shall have lettering that is at least six inches in height.
- (E) Awning signs as part of wall sign.
 - (i) One-third of the area of an awning sign shall be counted toward the limit on the total area of wall signs on the wall to which the awning is attached.
 - (ii) Only one awning sign is permitted per property, unless the property is a corner lot in which case two awning signs are permitted.
- (F) Restaurant menus. -Detached or attached to a building, used in connection with a drive-in or drive-through, which do not attract the attention of persons not on the premises. Signs under this subsection shall not exceed 32 square feet and eight feet in height. Such signs shall not be illuminated other than internally illuminated. If restaurant has more than one drive-in or drive-through lane onsite may include one-two restaurant menu signs for each lane of vehicular or pedestrian traffic for ordering. Restaurant menus may have screens that change image so long as the images change if such change occurs less than once an hour and is static the remainder of the time.
- (G) New business temporary signs.

- (i) For the purposes of this section, a "new business" is defined as a non-residential enterprise that was not operated by any person or entity with a controlling interest in a non-residential enterprise located within 100 feet of the property within the previous 12 months. The new business is per nonresidential enterprise, not per lot.
- (ii) For projects subject to the city's building code, new businesses may place one new business temporary sign on their premises for a period not exceeding 60 days between the time of issuance of a building permit for construction or renovation and the time a certificate of occupancy is issued. This sign must be removed at time of issuance of certificate of occupancy. An additional new business temporary sign may be placed for up to 60 days after a certificate of occupancy is issued.
- (iii) For projects not subject to the city's building code, new businesses may place one new business temporary sign on their premises for a period not exceeding 60 days prior to the business opening to the public. An additional new business temporary sign may be placed for up to 60 days after the business opens to the public.
- (iv) The maximum surface area for a new business temporary sign shall be 32 square feet. The new business temporary sign does not count towards total cumulative signable area limits nor the total amount of temporary signs on an annual basis.
- (v) The height of the new business temporary sign must not exceed six feet.
- (vi) The new business temporary sign must be located on the business premises and must not obstruct traffic visibility or pedestrian pathways and must follow all other city regulations.
- (vii) The application for each new business temporary sign must include the expected/actual date of certificate of occupancy issuance and a plan showing the proposed location and dimensions of the sign.
- (viii) A new business temporary sign must not be illuminated.
- (ix) A new business temporary sign must be of a type otherwise allowed by chapter 26 of this Code.

(2) Types of signs allowed without a permit.

- (A) Equipment signs. Words may be attached to machinery or equipment which is necessary or customary to the business, including but not limited to devices such as gasoline pumps, vending machines, ice machines, etc., if words so attached refer exclusively to products or services dispensed by the device, and project no more than one inch from the surface of the device.
- (B) Window signs. A business may have a total signable area of window signs that shall not exceed 24 square feet for each business. A business where the business is at an intersection of two roadways and has windows on different sides of the building adjacent to the roadways, may have a total signable area of window signs that shall not exceed 48 square feet. The total signable area of the window signs do not count towards the cumulative total signable area allowed. A single-unit property with a drive-through shall not exceed 48 square feet of total signable area.
- (C) Small Commercial Banner. A small commercial banner of twenty-four (24) square feet may be displayed at any time so long as:
 - (i) the banner is kept in good condition; and
 - (ii) the banner is securely affixed to a building, wall, or fence; and
 - (iii) can be placed in addition to a nonresidential banner.

(3) Noncommercial signs allowed without a permit.

- (A) Each lot may have one noncommercial sign, including a pole sign, wall sign, or monument sign, that meets the requirements of this section:
 - (i) A noncommercial sign shall not have an area greater than 36 square feet.
 - (ii) A noncommercial sign shall not be more than six feet in height.
 - (B) A noncommercial sign shall not be lighted or have any moving elements.
 - (C) Noncommercial signs may be installed on private property only with the consent of a property owner and may not be installed in, on, or over any street or right-of-way.
 - (D) Noncommercial signs under this section may not advertise the sale of goods or services.
 - (E) Any sign allowed under this section for a commercial message may also contain noncommercial content.
- (4) Each lot may have up to a maximum of four flags with noncommercial messages on up to two flagpoles per premises. Each flag must be a maximum of 40 square feet in area. Flagpoles shall be a maximum of 25 feet in height but no higher than the highest point of the nearest principal building's roof on the premises. Flagpoles must meet the minimum yard setback requirements for a principal building or a minimum of ten feet, whichever is more restrictive. Each flagpole may only have two flags each. Flags may be illuminated in accordance with section 24.06.010 of this code.
- (5) One daily display sign per business may be displayed on the sidewalk or adjacent to the sidewalk on private property immediately adjacent to the business at a location approved by the city building department if:
- (A) The sign does not impede pedestrian traffic;
 - (B) The maximum height of the entire structure of a daily display sign is three feet;
 - (C) Sign is stored away from public view when the establishment served by the sign is closed for business.
- (6) No sign may be placed without the consent of the property owner or without a sign permit, when required.
- (7) The responsible party is responsible for compliance with this article.
- (8) Any sign under this section shall not advertise the sale of goods, services, or activities that are not available on the building or property on which the sign is attached or placed.
- (9) Properties in the ETJ that are appraised as, or used as, commercial property and that contain a business or commercial entity that reflects a use allowed in the above zoning district regulated by this section must comply with this section.

Sec. 26.02.005. Industrial (I), light industrial (LI), government, utility, institutional (GUI), public recreation (PR), public park or preserve (PP), and agriculture (A).

No sign shall be permitted or allowed in an industrial, light industrial, government, utility, institutional, public recreation, public park or preserve, or agricultural district unless it meets the following standards:

- (1) Types of signs allowed with permit.
 - (A) Wall signs. Wall signs may be erected. The total sign area for all signs shall not exceed 64 square feet. This sign shall be placed at least eight feet from any public right-of-way. Sign area allotment is computed by adding the sign area of all wall signs on the lot. Wall signs shall project no more than two feet perpendicular from the wall and not more than three feet vertically above the wall of the building. Each sign under this section requires a sign permit. An address listed on a sign shall have lettering that is at least six inches in height.

- (B) Monument identification signs. One nonattached sign per lot may be erected. No sign shall exceed 48 square feet in sign area and shall not exceed eight feet in height. The setback shall be a minimum of eight feet from any public right-of-way. Sign placement must comply with any additional setback that may be prescribed by the sign administrator or city building department when there is a potential safety issue. A permit is required for this sign.
- ~~(C) Daily display sign. One daily display sign per business may be displayed on the sidewalk or adjacent to the sidewalk on private property immediately adjacent to the business at a location approved by the city building department if:~~
- (A) Equipment signs. Words may be attached to machinery or equipment which is necessary or customary to the business, including but not limited to devices such as gasoline pumps, vending machines, ice machines, etc., if words so attached refer exclusively to products or services dispensed by the device, and project no more than one inch from the surface of the device.
- (B) Noncommercial signs. Each lot may have one noncommercial sign, which may be a pole sign, wall sign, or monument sign, that meets the requirements of this section.
- (i) A noncommercial sign shall not have an area greater than 36 square feet not to exceed six feet in height.
 - (ii) Each lot may have up to a maximum of four flags with noncommercial messages on up to two flagpoles per premises. Each flag must be a maximum of 40 square feet in area. Flagpoles shall be a maximum of 25 feet in height but no higher than the highest point of the nearest principal building's roof on the premises. Flagpoles must meet the minimum yard setback requirements for a principal building or a minimum of ten feet, whichever is more restrictive. Each flagpole may only have two flags each. Flags may be illuminated in accordance with section 24.06.010 of this code.
 - (iii) A noncommercial sign shall not be lighted or have any moving elements.
 - (iv) Noncommercial signs may be installed on private property only with the consent of a property owner and may not be installed in, on, or over any street or utility right-of-way.
 - (v) Any sign allowed under this section for a commercial message may also contain noncommercial content.
- ~~(C) Daily display sign. One daily display sign per business may be displayed on the sidewalk or adjacent to the sidewalk on private property immediately adjacent to the business at a location approved by the city building department if:~~
- ~~(i) The sign does not impede pedestrian traffic;~~
 - ~~(ii) The maximum height of the entire structure of a daily display sign is three feet;~~
 - ~~(iii) Sign is stored away from public view when the establishment served by the sign is closed for business.~~
- ~~(D) Small Commercial Banner. A small commercial banner of twenty-four (24) square feet may be displayed at any time so long as:~~
- ~~(i) the banner is kept in good condition; and~~
 - ~~(ii) the banner is securely affixed to a building, wall, or fence; and~~
 - ~~(iii) can be placed in addition to a nonresidential banner.~~
- ~~(E)~~ In addition to the other signs authorized by this chapter, the city building department may allow the placement of additional temporary, non-commercial signs on city property pursuant to the city approved sign policy. Any sign placed under the sign policy as approved by the city building department must meet all of the requirements of the sign policy and any conditions required by

the city building department. No sign may be placed in the right-of-way or on city property without the permission of the sign administrator.

- (3) The responsible party is responsible and liable for compliance with these provisions.
- (4) Any sign under this section shall not advertise the sale of goods, services, or activities that are not available on the building or property on which the sign is attached or placed.
- (5) Properties in the ETJ that are appraised as or used as commercial property and that contain a business or commercial entity that reflects a use allowed in the above zoning districts regulated by this section must comply with this section.

Sec. 26.02.006. Multi-unit complex in a nonresidential district—Additional signs requiring permit.

Additional signs allowed in a multi-unit complex in a nonresidential district:

- (1) In addition to the signs allowed according to the zoning district, one monument or wall sign per complex may be erected advertising up to the total number of office or commercial tenants with a sign permit. On corner lots, the major or primary street shall be construed to be the development lot frontage and no more than one sign shall be permitted. On a development lot located at the intersection of two arterials, a sign shall be permitted for each such thoroughfare or expressway with a sign permit. The sign area of the sign may not be larger than 48 square feet. The name of the complex and the street address with letters no less than six inches in height will appear on the sign. Height of the sign may not be taller than six feet. Address signs must be visible from an adjacent right-of-way for the primary structure on each piece of property.
- (2) Sign placement must comply with all setback regulations and any additional setback that may be prescribed by the city building department or sign administrator when there is a potential safety issue.
- (3) Properties in the ETJ that are appraised as or used as nonresidential property and that are a multi-unit complex are also required to meet the provisions of this section.
- (4) Master sign plans for areas with a multi-unit complex are highly encouraged to meet the unique needs of each multi-unit complex. All owners, tenants, subtenants and purchasers of individual units within the development shall comply with the approved master sign plan.
- (5) Landscaping. A landscaped area of 24 square feet at the base of any monument sign, shall be maintained in a neat, clean and healthy condition throughout the life of the permit; and the applicant shall submit a plan showing the landscaping to the city building department at the time of application. All landscaping under this section shall be compliant with the city's landscaping ordinance, article 28.06 of this code.
- (6) Single sign in a multi-unit project. A single sign in a multi-unit project may be replaced upon application for this permit and payment of fee. This permit and fee is only applicable for the replacement of a panel or sign area of the same or smaller size. Each panel or sign area is a separate permit or fee under this subsection.

Sec. 26.02.007. Banners on nonresidential property.

- (a) Each nonresidential property may display one banner at a time. A small commercial banner can be displayed in addition to this banner.
- (b) Banners ~~must be that are~~ securely attached to a permanently installed building, fence, or wall may remain so long as they are in good repair kept in good repair throughout the time of their display.
- (c) Banners that are securely erected on pipes, poles, posts or other materials may be used to erect banners may be placed as discussed herein so long as they remain in good repair and so long as they are securely

fashioned to the pipe or other material and the material is specifically designed for the display of a banner.

Banners secured this fashion may only be placed on any site for up to three months within a calendar year.

~~(c) Banners shall not be placed on any site more than four times within a calendar year.~~

(e) Banners hung on nonresidential property shall not exceed 15 feet in height.

(f) Only one banner at a time is permitted per nonresidential property, unless additional banners are allowed under this code.

(g) Banners on nonresidential property do not require a permit so long as they meet the requirements in this section.

(h) A small commercial banner of twenty-four (24) square feet may be displayed at any time on nonresidential property so long as:

(i) the banner is kept in good condition; and

(ii) the banner is securely affixed to a building, wall, or fence; and

(iii) this banner is in addition to the other banner (32 sq ft) allowed.

~~(g) The responsible party must affix the permit sticker to the back of the banner.~~

Sec. 26.02.008. Historic district.

Additional signage regulations applicable to the city's historic districts are included in the design and development standards in the historic preservation implementation manual.

Sec. 26.02.009. Master sign plans.

A master sign plan is a comprehensive document containing specific regulations for an entire project's signs. Master sign plans are appropriate for planned development districts, master planned developments, development agreements, large residential or commercial developments, multi-unit complexes, or in the case where a project applicant is seeking several variances to the city's sign chapter.

ARTICLE 26.03. ADMINISTRATION

Sec. 26.03.001. Permit required.

Applications for a sign permit must be filed in the city building department and will be processed by the sign administrator or the sign administrator's designee.

(1) Requirements. Except as otherwise provided for herein, no sign shall be erected, posted, painted, or otherwise produced, changed, refaced, remodeled, or reconstructed, in whole or in part, within the city limits and ETJ of the city without first obtaining a permit.

(A) Applications. Application for a permit required by this article shall be made as required by the city building department. The application for sign permits shall contain all information, drawings, and specifications necessary to fully advise the city building department and sign administrator of the type, size, shape, location, zoning district if within city limits, construction, and materials of the proposed sign and the building structure or premises upon which it is to be placed. Drawings shall also show all existing signs on the property. An application is not considered complete until all necessary information listed in this code are provided with the application.

(B) Application for permit. An application for a sign permit must be filed with the city building department. An application for any sign must state the date when the owner intends to erect the sign.

- (C) Proof of property interest. All applicants must provide sufficient proof, to be determined by the city building department, showing a real property ownership interest in the property on which the sign will be located or sufficient proof of authorization from the real property owner for sign placement on the property.
- (D) Refacing permit for refacing, remodeling, or repainting sign. A permit is required for anything more than routine maintenance that results in refacing, remodeling, or repainting a sign. The permit fee shall be as listed in the fee schedule. A refacing permit is only available if: (i) the size of the face remains the same; and (ii) the sign is compliant with the outdoor lighting ordinance.

(2) An application shall include:

- (A) Name, address, and telephone number of the owner and applicant (if different from owner) of the sign;
- (B) Name, address, and telephone number of lessor, if any, sponsoring the sign, if any;
- (C) Name, address, and telephone number of the contractor, if any and different from the owner, installing the sign;
- (D) Physical address and legal description of the property where the sign is to be installed;
- (E) Zoning district, if in city limits, or use if in ETJ, in which the proposed sign will be located;
- (F) Any variance that will be requested or has been approved, if variances will be required but have not been previously approved, a separate variance application package shall be submitted separately but simultaneously;
- (G) An illustration or photograph including the location, appearance, and dimensions of the proposed sign;
- (H) An illustration or photograph of the position of the sign on a building or on the ground in plain view, drawn to scale, and elevation views, drawn to scale;
- (I) If required by the building official or sign administrator, a copy of stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction and in any amount required by this chapter or by the building code or other laws adopted by the city; and
- (J) An application is not considered complete unless all the above information is provided with the application.

(3) The city building department or designee shall promptly process the sign permit application and approve the application, reject the application, or notify the applicant of deficiencies in the application within 21 calendar days after receipt or within seven days if the sign requested is a real estate sign. Any application that complies with all provisions of this article, the zoning ordinance, the building code, the lighting ordinance, and other applicable laws, regulations, and ordinances shall be approved after inspection and approval of the after-plan reviews and inspection of the site, if needed.

- (A) If the application is rejected, the city building department shall provide in writing a list of the reasons for the rejection. An application shall be rejected for noncompliance with the terms of this article, the zoning ordinance, building code, or other applicable law, regulation, or ordinance. If the permit application does not comply with the city ordinances after resubmission and review by the city building department, and no variances have been applied for, the applicant must pay a reapplication fee before the city building department will review the application again.
- (B) If no action is taken by the city building department or designee within the stated time period after receipt, the city shall not collect a fee for the sign permit application. The city building department then shall approve or reject the application as soon as practical after the 21-day deadline. A new 21-day deadline begins at each submission. However, if the city building

department has not approved or rejected the permit within 45 calendar days after the completed application is filed, the applicant can file a complaint as an appeal to the city council as if the permit had been denied.

- (4) Permit fee. A nonrefundable fee as set forth in the uncodified fee schedule adopted by the city council shall accompany all sign permit applications. A reapplication fee may be charged as designated in this article. No permit shall be issued until applicable fees have been paid to the city. Fees may be subject to change without prior notification. The sign permit fee schedule shall be in accordance with the fee schedule enacted by the city council and located at city hall.

- (5) Duration and revocation of permit. If a sign is not completely installed within six months following the issuance of a sign permit, the permit shall be void. The city may revoke a sign permit under any of the following circumstances:

- (A) The city determines that information in the application was materially false or misleading;
- (B) The sign as installed does not conform to the sign permit application;
- (C) The sign violates this article, the zoning ordinance, building code, or other applicable law, regulation, or ordinance; or
- (D) The city building department determines that the sign is not being properly maintained or has been abandoned.

- (6) Appeals. If the city building department denies a permit, the applicant may appeal in writing to the city council under section 26.03.003(g)(2). The city council shall make the final decision on the approval or denial of any permit.

~~(7) All applications for permits shall include a drawing to scale of the proposed sign and all existing signs maintained on the premises and visible from the right of way, a drawing of the lot plan or building facade indicating the proposed location of the sign, and specifications for its construction, lighting, motion, and wiring, if any. All drawings shall be of sufficient clarity to show the extent of the work.~~

- ~~(8)~~ Conditions for issuing permits. No permit for the erection or alteration of any sign over any sidewalk, alley, or other public property, or on or over any roof or building shall be issued to any person except upon the condition that the permit may be withdrawn at any time, in which case the sign shall be immediately removed by the responsible party, who will also be liable under the penalties provided for in this article.

- ~~(10)~~ Issuance. A permit shall not be issued when:

- (A) An existing billboard sign is in a deteriorated, unsafe, or unsightly condition.
- (B) A sign on the premises is not in compliance with this article.
- (C) A sign on the premises is proposed for construction in an area not zoned for such a sign.
- (D) Authorization of the property owner on which the sign is to be placed has not been obtained.

- ~~(10)~~ Inspection. Any sign for which a permit is issued shall be inspected after its erection for conformity to the provisions of this article.

- ~~(11)~~ Before any permit may be issued for a new sign under this chapter, the responsible party shall modify or remove any of its own nonconforming signs and sign structures displayed or erected on the same property for which the permit is being sought, so that all the signs and sign structures they are responsible for on the property conform to the provisions of this chapter. This provision does not apply to real estate signs, banners, temporary signs, or daily display signs. This provision does not apply to nonconforming signs with a variance.

Sec. 26.03.002. Permit not required.

A permit shall not be required for:

- (1) Simple routine maintenance, adjustments, replacement of compliant light bulbs, etc., on existing signs.
- (2) When a sign has been damaged by fire, windstorm, or other causes, immediate work may be done to prevent damage to property or hazard to persons, and to this extent only. Notice will be given as soon as practical to the city building department.
- (3) Changing a commercial message to a noncommercial message on any legal sign surface. Any sign surface on which a commercial message may contain a noncommercial message.
- (4) Changing of permitted copy of an existing sign, provided that no increase occurs with respect to either the sign area or the manner in which the sign is structurally supported.
- (5) Any sign or display exempted from the sign article or permit requirement.

Sec. 26.03.003. Variances.

- (a) A responsible party that wants a variance from this article must file a request for variance with the sign administrator along with a variance application fee, as stated in the city's most recent fee schedule. The sign administrator will indicate what documentation the responsible party must provide in support of the request.
- (b) Once the complete and necessary documentation has been provided to the sign administrator, the sign administrator shall review the request and make a determination based on the documentation provided by the responsible party.
- (c) The sign administrator may, in specific cases and subject to appropriate conditions, and only after a finding based on the evidence presented that strict compliance with the requirements of this article will result in substantial undue hardship, sufficient mitigation, or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of this article:
 - (1) Permit a variance for a noncommercial or commercial sign of the setback, effective area, size of internal components of a sign so long as total size of sign face is compliant, or height requirements of this article;
 - (2) Authorize one additional sign on premises more than the number permitted by this article;
 - (3) Approve an increase in height up to four feet; |
 - |
 - (45) Approve a roof sign.
- (d) Other requests for variances require a variance application to the city council. The city council may decide, subject to appropriate conditions, and only after a finding based on the evidence presented that strict compliance with the requirements of this article will result in substantial undue hardship, sufficient mitigation, or inequity to the applicant without sufficient corresponding benefit to the city and its citizens in accomplishing the objectives of this article.
- (e) The sign administrator and city council shall consider:
 - (1) Special or unique hardship because of the size or shape of the property on which the sign is to be located, or the visibility of the property from public roads.
 - (2) Hardship claim based on the exceptional topographic conditions or physical features uniquely affecting the property on which a sign is to be located.

Commented [LM1]: Need further discussion of electronic signs, especially as it relates to signs in the ETJ.

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- (3) Proposed sign location, configuration, design, materials and colors are harmonious with the hill country setting.
 - (4) Natural colors (earth tones) and muted colors are favored. Color schemes must be compatible with the surrounding structures. Predominate use of bold and/or bright colors is discouraged under this section.
 - (5) The sign and its supporting structure is in architectural harmony with the surrounding structures.
 - (6) Mitigation measures related to the sign in question or other signs on the same premises.
 - (7) Demonstrated and documented correlation between the variance and protecting the public health and safety.
 - (8) The stage at which the variance is requested. The city will be more inclined to consider a variance request when it is sought during an earlier stage of the construction approval process, for instance when the responsible party is submitting/obtaining a plat, planned unit development, development agreement, or site plan.
 - (9) Whether the sign could have been included in a master signage plan. Master signage plans are highly encouraged. The city will be more inclined to favorably consider a variance request when the variance is part of a master signage plan. There will be a presumption against granting variances piecemeal, ad hoc, on a case-by-case basis when the sign for which a variance is sought could have been included in a master sign plan and considered in the course of a comprehensive review of the entire project's signage.
 - (10) The sign administrator may authorize the remodeling, renovation, or alteration of a sign when some nonconforming aspect of the sign is thereby reduced.
- (f) Where a permit was required for a sign's erection according to the law in effect at the time the sign was erected and where the sign administrator finds no record of a permit being issued, the sign administrator may authorize the issuance of a replacement permit when, from the evidence presented, the sign administrator finds either that a permit was issued or that arrangements were made with a sign company to obtain such permit.
- (g) If an applicant wishes to request a variance from the amount of sign and/or variance fees, the applicant may request a fee variance from the sign administrator. The sign administrator may lessen the amount of fees based on the analysis of the time required in review of the sign or variance application(s).
- (hg) If a variance applicant wishes to appeal the decision of the sign administrator, the applicant shall file for an appeal with the city council within ten days of receipt of the sign administrator's decision. The city council shall consider the appeal at its next regular meeting or as soon as practicable. The board of adjustment city council shall either: (1) approve, reject, or approve upon condition the variance application, if any, at its meeting; (2) postpone its decision on the request of the applicant; or (3) postpone its decision to its next regular meeting for good cause based on need for further review by the city council. Upon approval by the city council, the sign permit and variances, if any, the permit shall be issued by the city administrator or the administrator's designee.

Sec. 26.03.004. Conditions.

The sign administrator or city council board of adjustment may impose conditions upon the granting of a variance under this chapter. Such conditions must be related to the variance sought and be generally intended to mitigate the adverse effects of the sign on neighboring tracts and the general aesthetic ambiance of the community. A non-exhaustive list of examples of conditions include increased setbacks, added vegetation, muted colors, and decreased lighting. The city council may condition sign variances on the responsible party bringing other existing, nonconforming signs into compliance with current regulations. A responsible party's failure to comply with conditions placed on a variance may result in the city council voiding the variance and authorizing all available code enforcement actions and other remedies available in equity or at law.

Sec. 26.03.005. Approval of master sign plans.

- (a) A responsible party that seeks approval of a master sign plan must file a request for a master sign plan with the sign administrator along with a sign permit fee, as stated in the city's most recent fee schedule. The sign administrator will indicate what documentation the responsible party must provide in support of the request.
- (b) Once the necessary documentation has been provided to the sign administrator, the sign administrator may administratively deny or approve the master sign plan, with or without conditions.
- (c) The sign administrator may determine to present the master sign plan to the city council for approval or denial in lieu of administrative approval.
- (d) If the responsible party disagrees with a decision of the sign administrator to deny a master sign plan, or disagrees with the conditions placed on a master sign plan by the sign administrator, the responsible party may submit a written request that the city council review the master sign plan request, the supporting documents, and the sign administrator's decision. The city council can affirm, reverse, or modify the decision of the sign administrator.
- (e) The city council has final authority to approve a master sign plan or conditions on a master sign plan.
- (f) A master sign plan ordinance can modify variance procedures for its specific property.
- (g) Any application for a master sign plan shall be accompanied by fees for each sign and variance requested within the master sign plan. In addition, the master sign plan fee or master sign plan ordinance fee, dependent on application type, must be paid for each master sign plan or master sign plan ordinance.

Sec. 26.03.006. Procedure for variances to master sign plans.

- (a) A responsible party that wants a variance from a master sign plan adopted under this chapter must file a request for variance with the sign administrator along with a variance fee, as stated in the city's most recent fee schedule. The sign administrator will indicate what documentation the responsible party must provide in support of the request.
- (b) Once the necessary documentation has been provided to the sign administrator, the sign administrator may administratively deny or approve a variance, with or without conditions, from an adopted master sign plan if the change is related to:
 - (1) Change the location of the sign within the area designated by the master sign plan;
 - (2) Change the location of the sign within the right-of-way or into the right-of-way so long as a license agreement is presented and approved by the sign administrator;
 - (3) Change illumination of the sign so long as the illumination complies with article 24.06: Outdoor lighting ordinance;
 - (4) Change of sign face so long as the size of the sign face is not increased;
 - (5) Change in number of panels or size of panels on a monument sign so long as total size of sign face is not increased; or
 - (6) Change in letter size or line number so long as total size of sign face is not increased.
- (c) Administrative approval is not allowed and variance procedures in section 26.03.001 shall be followed if:
 - (1) Additional signs are requested;
 - (2) Increase in the size of the sign is requested;

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- (3) Change in sign type is requested;
- (4) Increase in the height of the sign is requested; or
- (5) The sign administrator determines the variance request shall be reviewed in the regular variance process.
- (d) If the responsible party disagrees with a decision of the sign administrator to deny a variance request, or disagrees with the conditions placed on a grant of a variance by the sign administrator, the responsible party may submit a written request that the city council review the variance request, the supporting documents, and the sign administrator's decision. The city council can affirm, reverse, or modify the decision of the sign administrator.
- (e) The city council has final authority to approve a variance or conditions on a variance.
- (f) A master sign plan ordinance can modify variance procedures for its specific property.

ARTICLE 26.04. EXISTING SIGNS

Sec. 26.04.001. Maintenance of existing signs.

- (a) All signs in the city and ETJ shall be properly maintained at all times to the satisfaction of the sign administrator. The sign administrator shall have the authority to order the painting, repair, or removal of a sign which constitutes a hazard to the safety, health, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment. The sign administrator's decision shall be subject to the review of the board of adjustment under the procedure for appeal of a decision of an administrative official under section 26.03.003(g)(2). If within 15 days the maintenance orders are not complied with, the city administrator may order the sign removed at the owner's expense under the provisions of this article.
- (b) It is an offense under section 26.05.002 for a responsible party to fail to maintain signs and sign structures in a good and sound condition as determined by the building official in accordance with the International Building Code. Responsible parties must repair or replace signs and sign structures that are rotting, peeling, rusting, fading, becoming discolored, covered in dirt, or filled with holes. Responsible parties shall not allow signs or sign structures to become dangerous, within the meaning of the International Building Code, as a result of inadequate design, construction, repair, or maintenance. The city can seek to compel immediate removal of signs that are in such a state of disrepair as to constitute an imminent threat to public health, safety and welfare.

Sec. 26.04.002. Newly annexed signs.

Signs in areas newly annexed into the city limits or newly encompassed by an expanded ETJ shall be treated as nonconforming signs. If required for the type of existing sign, a permit shall be issued upon application. The signs shall be held to the amortization period addressed below of ten years so that the beginning of the amortization period is the time of annexation or encompassment.

Sec. 26.04.003. Off-premises pole signs (billboards).

No permit for alteration or relocation may be issued for an off-premises sign that was not timely inventoried and reported to the city prior to November 30, 2008.

- (1) Alteration. An off-premises sign may not be altered regarding amount of surface area, shape, orientation, height, illumination, or location without the prior issuance of a sign alteration or relocation permit. Ordinary and routine necessary repairs that do not change the size, shape, orientation, height, illumination, or location of an inventoried off-premises sign do not require an alteration permit. A sign alteration permit expires if the approved modifications are not completed within 90 days of permit issuance.
- (2) Maintenance. If the sign administrator or administrator's designee finds that any off-premises sign on the authorized list is not maintained in good repair, the sign administrator or administrator's designee will

notify and order the owner to repair the sign within 30 calendar days. If the sign administrator or administrator's designee finds that the sign structure or sign area of an off-premises sign has deteriorated more than 60 percent of its replacement value, or is not repaired within 30 calendar days, the sign administrator or administrator's designee shall notify the owner of the off-premises sign and the owner of the real property on which the off-premises sign is located to remove the off-premises sign or poster panel from the property within a specified time. Replacement of more than 60 percent of an off-premises sign during one calendar year shall void the legal nonconforming status of the sign and require immediate removal or conformance with current standards. All off-premises signs ordered to be removed shall be stricken from the authorized list.

- (3) No existing billboard shall exceed 40 feet in height from the ground level. No existing billboard shall interfere with the visibility of pedestrians or drivers of motor vehicles at street intersections or otherwise obstruct traffic or create a traffic hazard.

Sec. 26.04.004. Destroyed nonconforming signs.

An existing nonconforming sign in the city limits or ETJ may not be repaired or rebuilt in the case of obsolescence or destruction by fire or other causes. In case of partial destruction by fire or other causes, where the cost of repairing the sign is less than 60 percent of the cost of erecting a new sign of the same type at the same location, the sign administrator may issue a "no fee" permit for the necessary repairs to be made to the sign. If the necessary repairs are not completed within 60 days of the receipt of written notification to the responsible party by the sign administrator or the sign administrator's designee, then the sign shall be removed either by the responsible party or by the city at the responsible party's expense. Criminal or civil penalties may also be initiated against the responsible party as provided for in this article. Under unusual circumstances and/or where the responsible party has shown "good faith" in attempting to comply with the provisions of this article, an extension period of 30 days may be granted to the responsible party to facilitate repairs. If the cost of rebuilding or repair of an existing nonconforming sign exceeds 60 percent of the cost of erecting a new sign of the same type at the same location, the sign shall be removed at the responsible party's expense. If the sign is not removed within 30 days of written notification to the responsible party, then it shall be removed by the city or its designated agent(s) at the responsible party's expense. A sign so removed under the provisions of this section shall be kept in storage for a period of 60 days, and if it is not claimed within said period, it may be disposed of in a lawful manner by the city.

Sec. 26.04.005. Abandoned or discontinued signs.

An abandoned or discontinued sign is a sign that advertises a business or project that has ceased operations more than one year, unless the property is leased, in which case the sign shall be removed after two years. The responsible party shall remove any sign and/or sign structure that has not been used for advertising or promoting a going concern for at least one year. For the purposes of this section, a business or project has ceased to operate when it is no longer engaged in the sale of products or services in the normal course of business. A violation of this section is an offense under section 26.05.002.

Sec. 26.04.006. Signs and modifications.

- (a) Signs lawfully in existence on the date the provisions of this article are adopted that do not conform to the provisions of this article, but which were in compliance with the applicable regulations at the time they were constructed, erected, affixed, or maintained, must be regarded as nonconforming.
- (b) For the purpose of amortization, these signs may be continued from the effective date of this article for a period not to exceed ten years, unless under a previous regulation the signs were to be amortized as allowed by law. In that case the amortization period must be as previously required or ten years, whichever is less. Signs that cannot be amortized by the city may continue in existence so long as the sign continues to be properly maintained as required by this code.
- (c) Signs which were nonconforming to the prior ordinance and which do not conform to this article must be removed immediately.

Sec. 26.04.007. Altered, relocated, or replaced signs.

Any sign which is altered, relocated, or replaced must be brought immediately into compliance with all provisions of this article.

Sec. 26.04.008. Additional temporary signs.

Temporary signs may be displayed with the approval of a temporary sign permit. A temporary sign permit is valid for 14 days. Each lot in the city may have up to three temporary sign permits per year. Square footage of the sign may not exceed 36 square feet and height may not exceed 6 feet in height. Signs must be securely attached to a permanently installed building or wall and they must be kept in good repair throughout the time of their display. Pipes, poles, posts or other materials may be used to erect signs if the signs and supporting materials are kept in good repair. The responsible party must affix the permit sticker to the back of the sign. A temporary sign must obtain a permit and pay a temporary sign fee as required by the city fee schedule for the number of days for which a temporary will be displayed. A temporary sign under this section shall comply with all setback requirements of other signs on similarly zoned lots. A violation of this section is an offense under section 26.05.002.

Sec. 26.04.009. Incentives for compliance.

- (a) Variance incentive. When considering granting a requested variance under this chapter or any other chapter, the city may take into consideration an applicant's commitment to bring pre-existing nonconforming signs into compliance with this chapter, and/or remove pre-existing nonconforming signs.
- (b) Permit incentive. If a responsible party voluntarily elects to bring a pre-existing nonconforming sign into compliance with this chapter, the sign administrator may waive the application fee for any required sign permits related to the specific property.

ARTICLE 26.05. VIOLATIONS AND PENALTIES

Sec. 26.05.001. Violations.

Should the responsible party or parties after receiving written notice from the sign administrator, building official, or code enforcement officer eriat of a violation of this chapter fails to correct a violation of this chapter within the time stated in the written notice, the sign administrator or the administrator's designee may cause such signs and supports to be removed. The sign administrator may also take necessary action to file a lien against the property to recover the cost of removal if the removal costs are not paid by the property owner within 15 days after the property owner is billed. The sign administrator may also pursue criminal penalties and/or civil action as provided for under this article and state law. No notice by the city is required to remove improperly placed signs that are:

- (1) In the right-of-way;
- (2) In another person's property without that person's written permission;
- (3) In a place that causes a safety issue due to its placement; or
- (4) In a place that encumbers use of a street, path, trail, or sidewalk or encumbers entry or exit from a property.

Sec. 26.05.002. Offense.

- (a) A person who violates, causes, allows or permits a violation a section of this chapter designated as an offense commits a misdemeanor punishable by a fine not exceeding \$500.00.
- (b) Each violation of this chapter designated as an offense constitutes a separate offense.

- (c) No culpable mental state is required to prove an offense under this chapter if the offense involves: (1) placement of a sign in the right-of-way; (2) placement of a sign in another person's property without the person's permission; (3) placement of a sign that encumbers access to a person's property or encumbers use of a street, sidewalk, trail, path, or driveway.
- (d) Sections containing an offense:
 - (1) Section 26.01.00~~84~~, prohibited signs.
 - (2) Section 26.01.0~~1208~~(a), reflective surfaces.
 - (3) Section 26.01.01~~54~~, noncompliant signs prohibited.
 - (4) Section 26.03.001(~~78~~), qualifications.
 - (5) Section 26.04.001(b), maintenance of existing signs.
 - (6) Section 26.04.005, abandoned or discontinued signs.
 - (7) Section 26.04.008, additional temporary signs.

Sec. 26.05.003. Liability.

The provisions of this chapter shall not be construed as relieving or limiting in any way the responsibility or liability of any person that erects or owns any sign, from personal injury or property damage resulting from the placing of the sign, or resulting from the negligence or willful acts of such person in the design, construction, maintenance, repair or removal of any sign erected in accordance with a permit issued under the provisions of this chapter. Nor shall it be construed as imposing upon the city or its officers, employees or agents any responsibility or liability by reason of the approval of any signs, materials, or devices under these provisions.

Sec. 26.05.004. Civil remedies.

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

- (1) Injunctive relief to prevent specific conduct that violates the chapter or to require specific conduct that is necessary for compliance with the chapter, including removal of signs that violate this chapter at the expense of the responsible party;
- (2) A civil penalty up to \$1,000.00 a day when it is shown that the defendant was notified of the provisions of the chapter and after receiving notice committed acts in violation of the chapter or failed to take action necessary for compliance with the chapter; and other available relief; and
- (3) An impoundment fee may be charged to recover a sign that has been impounded based on the current city fee schedule.

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