

# What does our code currently say?

## Sec. 26-101. - Purpose and authority.

The City of La Vernia, by and through its city council, planning and zoning commission, and board of adjustment is authorized to regulate signs by virtue of the Texas Constitution, the City of La Vernia's police power, and Texas Local Government Code Chapters 216 and 211. The purpose of this chapter is to establish a content-neutral sign code developed based on the United States Supreme Court decision of Reed v. Town of Gilbert.

## Sec. 26-103. - Purpose.

The purpose of this chapter is to provide uniform sign standards and regulations in order to ensure public safety, efficient communication and promote a positive city image reflecting order, harmony, and pride, thereby strengthening the economic stability of the city's business, cultural, historical, and residential areas as follows:

(1)

*Public safety.* To promote the safety of persons and property by ensuring that signs do not:

a.

Create a hazard due to collapse, fire, decay, or abandonment;

b.

Obstruct firefighting or police surveillance; or

c.

Create traffic hazards by confusing, distracting, or obstructing the view of pedestrians or vehicles.

## Sec. 26-111. - Prohibited sign types.

(12)

*Wall-painted signs.*

(13)

*Other signs.*

a.

Painted on any roof surface or installed so that it faces contiguous residential property;

## What did the PZ request when we discussed it in September?

Per the minutes,

The commissioners have asked the staff to do some additional research before bringing this item back, such as looking into regulations regarding religious murals, looking into requiring certain themes for murals, requiring murals to come forward with an SUP permit for board approval rather than staff approval and look into harsher regulations for maintenance and upkeep

## What was the feedback on this from our planners?

We cannot regulate this sign type, or any other, based on content, and thus, we can't regulate if it is religious in nature, nor make it be Bears themed or History of La Vernia-themed.

However, we can hold these signs to the same standards that we hold our signs to now, for example:

### **Sec. 26-112. - Sign maintenance and nuisances.**

(a)

All signs must be maintained in a structurally safe condition and in good repair at all times. No permit shall be required for the normal maintenance of any existing sign or repainting of the original sign message, provided that the area of the sign is not enlarged, the height of the sign is not increased, the location of the sign is not changed, and the content of the sign does not materially change. Changing of the complete sign message, alterations to the sign, or major repairs (replacement of more than 20 percent of the sign to the original condition) shall not be considered normal maintenance and will require a permit. All signs shall be kept neatly painted or otherwise maintained, including all metal parts and supports thereof that are not galvanized or of rust resistant material. The city designee shall inspect and have authority to order the painting, repair, alteration, or removal of a sign that constitutes a nuisance, a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, or obsolescence. Changing of the sign message (limited to signs originally

designed with removable letters) is limited to changing messages without changing the sign or its components and is considered to be normal maintenance.

(b)

The area around the sign shall be kept clean at all times by cutting vegetation around the sign and the supporting structure.

(c)

A sign shall constitute a nuisance if it causes injury or threatens to injure the public health, peace, or comfort or is a nuisance per se under the law and is declared to be a nuisance by the city designee pursuant to this chapter. The city designee shall notify, by certified mail or hand delivery, the responsible party of any sign that constitutes a nuisance in order to allow the responsible party the opportunity to cure such nuisance. The responsible party shall cure such nuisance by repair or remove the sign or may seek an appeal of the nuisance determination to the board of adjustment within ten days of receipt of the notice. Any appeal must be filed, in writing, and received by the city secretary no later than the tenth day after receipt of the notice of nuisance.

## **Some things you may want to consider that other cities have in their regulations:**

(j)

*Murals.*

(1)

Murals are not permitted on properties designated as historical landmarks.

(2)

Murals are allowed on nonresidential or mixed-use buildings or structures.

(3)

Murals on the front-facing walls of buildings are limited to 20 percent of that wall's area.

(4)

Murals are not permitted on walls adjacent to or across from a residential lot. Except those that are along the Hwy 87 Corridor

(5)

Only one mural is allowed per building.

(6)

A mural shall not extend higher than the second story of any building.

(7)

Murals may not cover any architectural features including, but not limited to, arches, cornices, window and door trim, feature bands, and any other recessed or projecting features.

(8)

Murals shall be designed to meet the following guidelines:

e.

Nothing that could be considered a potential distraction or potential source of disruption of safe traffic flow will be allowed as part of a mural design.

(9)

All proposed mural designs within must be submitted as part of a sign permit application. The following materials must be provided with each application for a mural:

a.

Signed approval of the building owner.

b.

Legal Description of property.

c.

Color photograph of existing building façade.

1.

Façade on which the mural is proposed.

2.

Location of proposed mural on the façade.

3.

Mural dimensions.

4.

Detailed color rendering of the proposed mural.

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(11)

*Removal.*

a.

Any mural that deviates from the approved design shall be removed at the building owner's expense.

(12)

If an approved or existing mural is found to have become worn or been damaged, the code enforcement officer may take action, including requiring repair or removal. Fines may be imposed for noncompliance.