

ARTICLE 3.16 SIGNS*

Sec. 3.16.001 Purpose

The purpose of this article is to regulate the location, size, construction, erection, duration, use and maintenance of all signs within the jurisdiction of the city. The general objectives of these regulations are to promote safety, convenience, and a sense of community, and support the objectives of individual zoning districts while preserving the city's unique country appearance and atmosphere. Objectives to be pursued in applying specific standards are as follows:

- (1) Safety. To promote the safety of persons and property by providing that signs:
 - (A) Do not create a hazard due to collapse, fire, decay or abandonment;
 - (B) Do not obstruct firefighting or police surveillance; and
 - (C) Do not create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles or other vehicles or to read traffic signs.
- (2) Communications efficiency. To promote the efficient transfer of information in sign messages so as to identify individual businesses and residential and public uses without creating confusion or unsightliness.
- (3) Landscape quality and preservation. To protect the appearance and economic value of the landscape by providing that:
 - (A) All signs in terms of size, scale, height, and location are properly related to the overall adjacent land use, character and development lot size;
 - (B) All signs, sign supports and sign bases shall be so constructed and designed to provide for design compatibility with surrounding land use. The materials used, form, color, lighting and style should be similar to the materials used in the surrounding land uses;
 - (C) Signs do not interfere with scenic views;
 - (D) Signs do not create a nuisance to persons using the public rights-of-way;
 - (E) Signs do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, or height;
 - (F) Signs are not detrimental to land or property values; and

(G) Signs contribute to the special character of the particular areas or districts within the city, helping the observer to understand the city and orient himself within it.

Sec. 3.16.002 Definitions

Unless the context clearly indicates otherwise, for the purpose of this article, the following words and phrases have the meanings respectively ascribed to them by this section:

Advertise. To attract, or to attempt to attract, the attention of any person to any business, accommodations, goods, services, property, or commercial activity.

Advertising. Any promotion of commodities or services.

Agricultural sign. Any sign identifying the farm or ranch on which it is placed and advertising the produce, crops, animals or poultry raised or quartered thereon.

Animated. Copy or other images that flash or move or otherwise change.

Area. The area of a sign measured as follows:

- (1) Square or rectangular signs: Length times height of the sign;
- (2) Irregular shaped signs: Area of rectangles necessary to enclose the sign face; and
- (3) Signs composed of individual letters mounted or painted on a natural or existing finish of a building surface: Sum of area of rectangle necessary to enclose total copy.

Attached sign. Any sign attached to, applied on, or supported by any part of a building (such as a wall, roof, window, canopy, awning, arcade, or marquee) that encloses or covers usable space.

Banner. A temporary sign containing a worded message or graphic image composed of lightweight material secured or mounted so as to allow movement caused by wind.

Board of adjustments. The board of adjustments of the city.

Building. A structure which has a roof supported by columns, walls, or air for the shelter, support, or enclosure of persons, animals or chattel.

Building official or designee. The individual, or his subordinates, designated by the city and charged with code and ordinance enforcement.

(Ordinance 2007-08-00596 adopted 8/2/07)

Changeable electronic variable message signs (CEVMS). A sign which permits light to be turned on or off intermittently or which is operated in a way whereby light is turned on or off

intermittently, including an illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including an LED (light emitting diode) or digital sign, and which varies in intensity or color. A CEVMS sign does not include a sign located within the right-of-way that functions as a traffic-control device and that is described and identified in the Manual on Uniform Traffic-Control Devices (MUTCD) approved by the Federal Highway Administrator as the National Standard. (Ordinance 2008-07-00621 adopted 7/17/08)

Character. Any letter of the alphabet or numeral.

Commercial message. A message placed or caused to be placed before the public by a person or business enterprise directly involved in the manufacture or sale of the products, property, accommodations, services, attractions, or activities or possible substitutes for those things which are the subject of the message and that:

- (1) Refers to the offer for sale or existence for sale of products, property, accommodations, services, attractions, or activities; or
- (2) Attracts attention to a business or to products, property, accommodations, services, attractions, or activities that are offered or exist for sale or for hire.

Construction sign. A temporary sign identifying the property owner, decorator, architect, engineer, contractor, subcontractor and/or financier engaged in the design, construction or improvement of the premises on which the sign is located.

Copy. Letters, characters, illustrations, logos, graphics, symbols, writing or combination thereof designed to communicate information of any kind or to advertise, announce the purpose of, or identify the purpose of a person or entity, or to identify or advertise a business or business product, or to advertise the sale or lease of premises.

Directional sign. A temporary sign which is limited, exclusively, to the identification of a specific premises, occupancy, or owner of said premises located elsewhere, and which tells the location of and/or route to said premises or occupancy.

Erect. To build, attach, hang, place, suspend, fasten, affix, maintain, paint, draw, or otherwise construct.

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

Freestanding sign. Any self-supporting sign connected to the ground that is not attached to a building or structure for reasons of support.

Garage sale, estate sale, yard sale, rummage sale or similar sale signs. The occasional sale of tangible personal property.

Government sign. A flag, insignia, legal notice, or informational, directional, traffic, or safe school zone sign which is legally required or necessary to the essential functions of government agencies.

Height. As applied to a sign, means the vertical distance measured from an average elevation of the finished grade along the area of sign installation, excluding any artificial berming, to the highest part of the sign or its supporting structure, whichever is higher.

Identification sign. A sign that includes as copy only the name of the business, place, organization, building, or person it identifies.

Illuminated sign. Any sign which is directly lighted by an electrical or artificial light source, internal or external. This definition does not include signs that are illuminated by streetlights or other light sources owned by any public agency or light sources that are specifically operated for the purpose of lighting the area in which the sign is located rather than the sign itself.

Intersection. The junctions of the centerlines of any two public rights-of-way other than alleyways, crossing at grade, or, where the crossing is separated at grade, the intersection is the point where expressway travel pavements converge or diverge, or the point where any expressway interchange ramp intersects the expressway travel pavement.

Logo. Any formalized design or insignia of a company, service or product which is commonly used in advertising to identify that company, service or product.

Marketing sign. A temporary sign identifying the subdivision or manufactured home park name, and may include the name and telephone number of the home builders or sales contacts for the property, the price point, the city name and logo, and the school district name.

Noncommercial message. Any message that is not a commercial message.

Occupancy. The purpose for which a building is used or intended to be used. The term also includes the building or room housing such use.

Off-premises sign. A sign that pertains to a business, person, organization, activity, event, place, service, or product not principally located or primarily manufactured or sold on the premises on which the sign is located.

On-premises sign. A freestanding sign identifying or advertising a business, person, or activity, and installed and maintained on the same premises as the business, person, or activity.

Permanent. A sign intended to be used for a period of longer than six (6) months.

Person. An individual, corporation, sole proprietorship, government or governmental subdivision or agency, trust, partnership, or two (2) or more persons having a joint or common economic interest.

Political sign. Any type of sign which refers only to the issues, political parties or candidates involved in a political election.

Portable sign. Any sign that is not securely connected to the ground in such a way that it cannot easily be moved from one location to another, including signs which are mounted on skids, trailers, wheels, legs or stakes, and that is not an attached sign, vehicular sign, political sign, or a sign that refers solely to the sale or lease of the premises.

Premises. A lot or unplatted tract that is reflected in the plat books of the building inspection division of the city.

Protective sign. Any sign which is commonly associated with safeguarding the permitted uses of the occupancy, including but not limited to “bad dog,” “beware of dog,” “electric fence,” “no trespassing,” and “no solicitors.”

Residential subdivision sign. A sign used to identify the name of a specific residential subdivision.

Roofline. The uppermost part of the main structure of the building, excluding appurtenances such as air conditioners, chimneys, vents, etc.

Scoreboard. A sign displaying scores, statistics and general information for an athletic event during the course of play. Scoreboards shall be permissible only on public property or on property to which a substantial group of the public has access, owned, controlled or operated by the state, an instrumentality of the state, a school, or a municipality. Any commercial advertising or commercial messages shall be limited to no more than ten percent (10%) of the surface area of the front of the sign with no commercial message on the reverse side. When permitted, there shall be allowed no more than one scoreboard per playing field. A scoreboard shall not exceed a height of twenty-five feet (25') and shall not exceed a width of thirty feet (30'). Scoreboards shall conform to all sign requirements set forth in this article.

Setback. The distance between a sign and the nearest existing public right-of-way line or planned future right-of-way line as proposed on the city’s thoroughfare plan, whichever is greater. An alley is not considered to be public right-of-way for the purpose of calculating a setback. Where a public way crosses a railroad right-of-way, the setback is measured from the public right-of-way line extended across the railroad right-of-way.

Sign. An outdoor structure, sign, display, light device, figure, painting, drawing, message, plaque, poster, billboard, or other thing that is designed, intended, or used to advertise or inform.

Special event sign. Signs for the advertisement of temporary events in the nature of religious or community gatherings, carnivals and Christmas tree sales and those other events likely of interest to the entire community of the city.

Support. Any pole, post, strut, cable, or other structural fixture or framework necessary to hold and secure a sign, providing that said fixture or framework is not imprinted with any picture,

symbol or word using characters in excess of one inch in height, nor is internally or decoratively illuminated.

Vehicular sign. Any sign on a vehicle moving along the ground or on any vehicle parked, incidental to its principal use for transportation. This definition does not include signs which are being transported to a permanent site.

Visibility triangle. A triangle sight area, at all intersections, which shall include that portion of the public right-of-way and any corner lot within the adjacent curb lines and a diagonal line intersecting such curb lines at points fifty feet (50') back from their intersection.

Sec. 3.16.003 Penalty

Any person, firm or corporation violating any of the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a penalty or fine as provided in section 1.01.009 of this code for each offense, and each and every day such offense is continued shall constitute a new and separate offense.

Sec. 3.16.004 Administration

The duties and responsibilities of administering this article shall be vested in the building official or designee of the city or such other person as may be designated from time to time by the city administrator.

Sec. 3.16.005 General provisions

(a) Signs shall be in harmony and consistent with the architecture of the building and relate to the features of the building in terms of location, scale, color, lettering materials, texture and depth. Signs shall not be dominant but shall be proportionate and shall complement the building, existing signs and surroundings.

(b) There shall be consistent sign design throughout a particular development, whether residential or commercial. The design elements include style of lettering, construction material, size and illumination.

(c) Freestanding signs shall be integrated with the landscaping on site.

(d) No electric wiring associated with a sign shall be visible to public view.

(e) Illuminated signs.

(1) Sources of sign illumination shall be completely shielded from the view of vehicular traffic and shall not be visible from any residential district.

(2) External lights used for the illumination of any sign on a building, whether or not such lights are attached to or separate from the building, shall not project above the

highest elevation of the front wall of the building or more than eighteen feet (18') above the street level of the premises, whichever is less.

(3) Sources of sign illumination shall be extinguished by 10:00 p.m., and shall remain extinguished until dawn or one-half hour before the business opens, whichever is earlier.

(f) There shall be no minimum setback requirement for freestanding signs; provided, however, that freestanding signs shall not be placed or erected within any public right-of-way, are not erected within the visibility triangle, and comply with the provisions of this article.

(g) Signs within the visibility triangle are prohibited.

(h) Signs in which electrical wiring and connections are used shall comply with the requirements of the city's electrical code.

(i) Every sign in the city, regardless of whether any permit is required for such sign, shall be maintained in a safe, presentable and sound structural and operational condition at all times, including the replacement of nonfunctioning, broken, defective, or missing parts, painting, repainting, cleaning and any other acts required for the maintenance of such sign. All signs and sign supports, brackets and frames shall be kept painted or otherwise treated to prevent rust, rot or deterioration. If, upon inspection by the building official or designee, a sign is found to violate this section, written notice shall be given to the owner, giving the owner sixty (60) days to either put the sign in acceptable condition or remove the sign. Otherwise, the building official or designee is hereby authorized to cause the removal of the sign at the expense of the owner.

(j) Banners shall be permissible for a period not exceeding thirty (30) calendar days in a year and are subject to permitting. The thirty (30) days can be during one (1) time period, four (4) one-week periods or two (2) two-week periods.

Sec. 3.16.006 Noncommercial messages

Notwithstanding any other provision of this article to the contrary, any noncommercial message may be substituted for the message on any commercial sign allowed by this article, and any other noncommercial message may be substituted for any noncommercial message on any sign allowed by this article.

Sec. 3.16.007 Exempt signs

Exempt signs as designated under this section are allowed without a permit in all zoning districts in accordance with this article.

(1) City governmental signs for control of traffic or other regulatory purposes, street signs, danger signs, railroad crossing signs and signs of public service companies indicating danger and/or aids to service or safety which are erected by or on approval of the city.

(2) The flag, pennant or insignia of any nation, organization of nations, state, county or city, of any religious, civic or fraternal organization, or of any educational institution, provided such flags are no larger than sixty (60) square feet, are flown on a pole no higher than thirty-five feet (35'), are flown at a height no greater than thirty-five feet (35') if attached to a building, and are not illuminated, and provided such flags are not used in connection with a commercial promotion or as an advertising device.

(3) Temporary political signs that are not illuminated and do not exceed thirty-two (32) square feet in area provided that they are not posted more than thirty (30) days prior to the election to which they apply and are removed within seven (7) days following the election to which they apply.

(4) Special event signs on public property designated by the city for such signage, provided that they are not illuminated and provided they are not erected more than thirty (30) days prior to the event to which they apply and are removed within seven (7) days after the event to which they apply. Special event signs must not exceed six (6) feet in height, and shall be no larger than sixty-four (64) square feet in area.

(5) Temporary holiday lights and decorations which do not contain advertising and are not used as such, clearly incidental and customarily and commonly associated with any national, local or religious holiday.

(6) Two (2) nonilluminated attached identification signs including only the address and/or name of the occupant per lot or parcel, whichever is greater, not to exceed two (2) square feet in area.

(7) A maximum of two (2) protective signs per acre, in accordance with the following provisions:

(A) Each sign must not exceed one-and-one-half (1-1/2) square feet in area.

(B) Detached signs must not exceed two (2) feet in height.

(C) Letters must not exceed six inches (6") in height.

(D) Such signs shall be nonilluminated.

(8) One (1) temporary nonilluminated sign shall be allowed on each lot or parcel of real estate, whichever is larger, to advertise the leasing, rental or sale of such lot or parcel, provided that it does not exceed six (6) square feet in total area and no part of such sign shall extend more than four feet (4') above the surface of the ground on which it is erected.

(9) Temporary resident information signs on matters of local interest such as garage, estate, yard or similar sales, provided such signs are not illuminated and do not exceed four-and-one-half (4-1/2) square feet in area. Each sign must have the name of the resident erecting the sign and the date of the posting and must be removed within twenty-four (24) hours following the conclusion of the event. (Ordinance 2012-10-00742 adopted 10/18/12)

(10) Nonilluminated temporary signs for the seasonal sale of agricultural products such as hay, grain, fruits and vegetables, not to exceed thirty-two (32) square feet in area, and provided that the products are produced within the city or extraterritorial jurisdiction of the city.

(11) Any wrought iron or pipe fencing which forms a name, address or logo as an ornamental part of the fencing, gate, or entrance to premises.

(12) Any landscaping, including plants, flowers, rocks, seashells or wood mulch, which is grown, trimmed or manipulated in such a way as to form sign copy.

(Ordinance 2007-08-00596 adopted 8/2/07)

(13) Temporary resident information signs on matters of local interest such as lost and found pet notices, free pets, and neighborhood gatherings, provided such signs are not illuminated and do not exceed four-and-one-half (4-1/2) square feet in area. Each sign must have the name of the resident erecting the sign and the date of the posting and must be removed within seven days of the date of the posting. (Ordinance 2012-10-00742 adopted 10/18/12)

Sec. 3.16.008 Prohibited signs

(a) Signs using any combination of forms, words, colors, or lights which imitate standard public traffic regulatory or emergency signs or signals are prohibited. No sign shall make use of the word "stop," "go," "look," "slow," "danger," or any other similar word, phrase, symbol or character or employ any red, yellow, orange, green or other colors or light in such a manner as to interfere with, mislead or confuse vehicular or pedestrian traffic.

(b) No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window, or fire escape. No sign of any kind shall be attached to a standpipe or fire escape except signs relating directly to a standpipe or fire escape.

(c) Animated signs, including but not limited to those signs or sign parts which flash, reflect, blink, or effect changes in hue or intensity or illumination, are prohibited. Signs or sign parts illuminated to such intensity or in such a manner as to cause glare or brightness to a degree that they constitute hazards or nuisances are prohibited, including searchlights and beacons. Signs which employ the use of luminescent inert gases, including but not limited to neon, argon and krypton, and which are visible from the exterior of structures, are specifically prohibited.

- (d) Moving signs, including but not limited to signs which rotate, move or reflect, pennants, banners, streamers, flags (except as specifically permitted under [section 3.16.007\(4\)](#)), and generally, signs having parts which may be set in motion by mechanical, electrical or atmospheric means.
- (e) Signs which emit sound, odor or visible matter are prohibited.
- (f) A sign shall not project above the top of the second floor or the roofline, whichever is lower, of the building to which it is affixed.
- (g) Off-premises signs, including but not limited to temporary real estate directional signs and billboards are prohibited unless specifically authorized by another section of this article.
- (h) Portable signs are specifically prohibited.
- (i) Signs attached to or upon any vehicle where any such vehicle is allowed to remain parked in the same location or in the same vicinity, at frequent or extended periods of time, where the intent is apparent to be using the vehicle and signs for purposes of advertising an establishment, service or product, are prohibited.
- (j) No person shall attach or maintain any sign upon any public utility pole or tree.
- (k) Freestanding signs that exceed forty (40) square feet in area or six (6) feet in height are prohibited unless specifically authorized by another section in this article.
- (l) It shall be unlawful for any person to display upon any sign any obscene, indecent or immoral matter.

(Ordinance 2007-08-00596 adopted 8/2/07)

- (m) Changeable electronic variable message signs and other moving, flashing, intermittently lighted, changing color, beacons, revolving or similarly constructed signs shall not be allowed. (Ordinance 2008-07-00621 adopted 7/17/08)

Sec. 3.16.009 Signs allowed in specific zoning districts

The following signs, in the use district where permitted, require the issuance of a sign permit prior to the erection of such signs:

- (1) AO agricultural district.

- (A) One (1) nonilluminated freestanding sign used for identification and containing information relating specifically to operations on the premises, not to exceed forty (40) square feet in area and not to exceed five feet (5') in height, and the characters comprising the sign shall not be less than six inches (6") in height.

(B) One (1) nonilluminated attached sign not to exceed forty (40) square feet in area. The characters comprising the sign shall be between seven inches (7") and thirty inches (30") in height.

(2) R2, R1.5, R1, and MHD single-family residential districts.

(A) Residential subdivisions and manufactured home parks.

(i) Signage identifying a given subdivision or manufactured home park may be erected at one (1) entrance only. One (1) permanent identification sign may be erected on each side of said entrance not to exceed five feet (5') in height.

(ii) One (1) nonilluminated marketing sign, not to exceed twenty-four (24) square feet in area and not to exceed eight feet (8') in height, and provided that such sign is located on the premises where home or lot sales will be occurring. Only one marketing sign shall be erected for each subdivision or manufactured home park and is to be removed no later than three (3) years after the city grants substantial completion, twelve (12) months after the subdivision or manufactured home park has 95% of the lots or homes sold or transferred, or upon issuance of the last certificate of occupancy, whichever event is first occurring. The erection of a marketing sign may occur for each individual phase of the subdivision or manufactured home park sequentially, but in no instance shall there be the allowance of more than one marketing sign for the subdivision or manufactured home park at one time. No copy on any marketing sign may refer to other existing or future subdivisions or manufactured home parks.

(B) Nonresidential uses.

(i) One (1) nonilluminated attached sign not to exceed forty (40) square feet in area. The characters comprising the sign shall be between seven inches (7") and thirty inches (30") in height.

(ii) One (1) nonilluminated freestanding sign not to exceed thirty-two (32) square feet in area and not to exceed four (4) feet in height.

(3) C commercial district; LI light industrial district; VC village center district.

(A) Plans to be submitted by applicant. All applications for sign permits must include a dimensioned drawing illustrating the design of the sign, the height, base, frame materials, color schemes, and letter size to be contained within the sign. If the sign is an electrical sign, electrical plans and specifications, and a site plan showing the location of the sign is also required. When requested by the chief building official, more detailed plans may be required and such plans may be required to be prepared by a registered professional engineer or architect.

(B) Specific criteria for certain signs.

(i) Monument signs.

a. Location. Signs shall not be placed in that portion of any corner lot in the city which portion is included in a triangle of the street corner of the lot formed by a diagonal line intersecting the curb line, at points twenty (50) [sic] feet from the street corner intersection of the curb line.

b. Height. The maximum allowable overall height of the sign including the base, measured from existing grade or ground level is 6 feet. Creating a grade by berming or adding fill to increase the height of the sign is prohibited.

c. Sign area. The sign area illustrating the business name must not exceed forty (40) square feet. The overall sign area, including the base and/or supporting frame, may be no more than eighty (60) [sic] square feet.

d. Sign base. Monument bases must be a minimum of two (2) feet in height for signs 6 feet or less in total height. All bases must have a minimum width of one (1) foot, and the entire base utilized for construction of the monument base and sign frame shall be compatible in materials and color with building materials selected for use on the main building of the lot.

e. Setback. There shall be no minimum setback requirement for freestanding signs; provided, however, that freestanding signs shall not be placed or erected within any public right-of-way, are not erected within the visibility triangle, and comply with the provisions of this article.

f. Lighting. Single-faced or double-faced signage is allowed. Lighting is permissible by back fluorescent or accent lighting.

g. Sources of illumination for signs in any district are to be extinguished by 10:00 p.m.

h. Distance between signs. The minimum distance between business signs is one hundred (100) feet.

(ii) Signs for multiple buildings located on a single premises. Signs located in the front yard of lots containing multiple main buildings which are separate and independent buildings must adhere to the following guidelines:

- a. Wall signs are allowed.
- b. Monument signs are allowed if the main building exceeds two thousand five hundred (2,500) square feet.
- c. No monument sign may be spaced closer than one hundred (100) feet along the street frontage for any one (1) lot or development.
- d. The monument sign criteria contained in subsection (B)(i) of this section applies.

(iii) Menu boards.

- a. Location. Signs shall not be placed in that portion of any corner lot in the city which portion is included in a triangle of the street corner of the lot formed by a diagonal line intersecting the curb line, at points twenty (20) feet from the street corner intersection of the curb line.
- b. Height. The maximum allowable height measured from existing grade or ground level is seven (6) [sic] feet. Creating a grade by berming or adding fill to increase the height of the sign is prohibited.
- c. Sign area. The overall sign area may not exceed forty (40) square feet.
- d. Appearance. To avoid distractions that could constitute a traffic hazard, menu boards must be compatible with the architecture of the main building.

(iv) Wall signs.

- a. Location. One (1) wall sign is allowed on the front facade of the building. Additional wall signs may be placed on any other facade of the building if such facade faces an abutting street.
- b. Sign area. A wall sign may be up to ten (10) percent of the front facade or 100 square feet maximum.

- (v) Construction sign. One (1) nonilluminated construction sign, not to exceed twenty-four (24) square feet in area and not to exceed six feet (6') in height and provided that such signs are located on the premises where construction will be occurring. Only one construction sign may be erected for each commercial establishment and is to be removed upon completion of a permanent identification sign or issuance of certificate of occupancy, whichever is sooner.

(4) Lakeside development district.

(A) One (1) attached sign not to exceed forty (40) square feet in area. The characters comprising the sign shall be between seven inches (7") and thirty inches (30") in height.

(B) One (1) freestanding sign not to exceed forty (40) square feet in area and not to exceed six (6) feet in height. The characters comprising the sign shall be between seven inches (7") and thirty inches (30") in height.

(C) One (1) nonilluminated construction sign, not to exceed twenty-four (24) square feet in area and not to exceed six feet (6') in height, and provided that such signs are located on the premises where construction will be occurring. Only one construction sign may be erected for each commercial establishment and is to be removed upon completion of a permanent identification sign or issuance of certificate of occupancy, whichever is sooner.

(5) OS open space district; ED estate development district.

(A) One (1) nonilluminated freestanding sign, not to exceed twenty-four (24) square feet in area nor three feet (3') in height, and having characters no less than six inches (6") in height.

(B) One (1) nonilluminated attached sign not to exceed forty (40) square feet in area. The characters comprising the sign shall be between seven inches (7") and thirty inches (30") in height.

Sec. 3.16.010 Permits; inspections

(a) Except as otherwise provided for in [section 3.16.007](#) (Exempt signs), it shall be unlawful for any person to erect, place, display, alter or relocate a sign without first obtaining a permit or permits from the city.

(b) It shall be the duty of the building official or designee, upon the filing of an application for a sign permit, to examine the plans, specifications and other data, including the premises upon which the sign is to be erected, relocated, or repaired, including the following information:

- (1) Name, address, and telephone number of the owner of the property.
- (2) Size of the sign (i.e., height, length, area, thickness, number of faces).
- (3) Letter style and size.
- (4) Illumination.
- (5) Colors (i.e., background, letters, trim).

(6) Construction, materials, structural integrity and installation details.

(7) Location (i.e., height above grade, distance from roofline, building width, location from lot lines).

(c) If the proposed structure is in compliance with all the requirements of this article, the building code and all other applicable laws and ordinances of the city, the city shall then issue the sign permit. If the work authorized under a sign permit has not been completed within ninety (90) days after the date of issuance, the permit shall become null and void unless renewed by the city.

(d) The building official or designee may, in writing, suspend or revoke a permit issued under provisions of this article whenever the permit is issued on the basis of a material omission or misstatement of fact, or in violation of this article or this code or the laws of this state or the federal government.

(e) Sign permits for new or additional signs shall not be issued for a specific occupancy if such occupancy displays unlawful or nonconforming signs. A sign permit may be issued for a specific occupancy provided the terms thereof specify modification or removal of nonconforming signs resulting in conformity with the provisions of this article.

(f) On application for any sign permit required by this article, the city shall collect a fee in accordance with the fee schedule of the city, as amended from time to time.

(g) Each sign requiring a permit shall be inspected by the building official or designee in January of each year so as to determine compliance with the approved application and permit issued. The building official or designee shall communicate in writing to the owner of any sign found not in compliance and said sign shall be subject to the conditions outlined in [section 3.16.005\(i\)](#) of the general provisions of this article. For this inspection, the city shall collect an annual fee in accordance with the fee schedule of the city, as amended from time to time.

Sec. 3.16.011 Nonconforming signs

(a) Existing signs in conflict with this article shall be classified as nonconforming.

(b) A nonconforming sign shall not be altered, rebuilt, enlarged, extended, or relocated.

(c) A nonconforming sign shall not be permitted to remain after cessation or change of the business or activity to which the sign pertains.

(d) A nonconforming sign shall not be reestablished, repaired, or rebuilt if the sign is allowed to deteriorate, or is damaged or destroyed by any means, to an extent that the cost of repair or reconstruction is 50% or more of the replacement cost.

(e) A nonconforming sign shall not be converted to another nonconforming sign by changing copy, except as follows: Any existing sign which is designed for changing copy, such as a bulletin

or message board, joint identification tenant sign, or gasoline pricing sign, may be changed where individual letters, numerals, or name panels are readily interchangeable.

(f) A nonconforming off-premises sign (billboard) located on any lot shall be removed prior to the issuance of any building permit, or prior to any variance, use permit, replatting, or zoning change becoming effective for that lot, and shall not be reconstructed at any later time.

(g) A lot may not be divided, or created, for the express or implied purpose of preserving the nonconforming status of any off-premises/off-site sign (billboard).

(h) On premises where there exists a nonconforming sign, no new sign of any type otherwise permitted in this article shall be erected or placed on such premises, permanently or temporarily, until such existing legal nonconforming sign is brought into compliance with this article or otherwise removed.

(i) Signs rendered discontinued:

(1) The use of any sign which is located on property which becomes vacant and unoccupied for a period exceeding twelve (12) months shall be deemed to have been discontinued. Any sign whose use has been discontinued is prohibited and shall be removed.

(2) Sign structures which remain vacant for a period exceeding ninety (90) days, devoid of any message of permitted or legal nonconforming use for ninety (90) days, or display a message pertaining to a time, event, or purpose that no longer applies for a period exceeding ninety (90) days, shall be deemed to be discontinued. Any sign whose use has been discontinued is prohibited and shall be removed.

Sec. 3.16.012 Variances

The board of adjustments shall have authority to grant special variance exceptions from the provisions of this article on proper application. Special exceptions may be granted when circumstances permit and when the proposed exception does not violate the spirit or intent of this article, on such conditions and requirements as may reasonably be required by the board.

Sec. 3.16.013 Compensation for signs required to be relocated, reconstructed or removed

(a) Generally. Subject to the requirements of chapter 216, Local Government Code, the city may require the relocation, reconstruction, or removal of any sign within its corporate limits or extraterritorial jurisdiction. In lieu of compensation for a sign that is required to be relocated, reconstructed, or removed, the city may exempt from required relocation, reconstruction, or removal those signs lawfully in place on the effective date of the requirement.

(b) Sign board. Before requiring the relocation, reconstruction, or removal of any sign within the city's corporate limits or extraterritorial jurisdiction, the mayor shall first appoint a city board

on sign control. Members of this board shall be appointed for a term of two (2) years. The sign board shall be composed of:

- (1) Two (2) real estate appraisers, each of whom must be a member in good standing of a nationally recognized professional appraiser society or trade organization that has an established code of ethics, educational program, and professional certification program;
- (2) One (1) person engaged in the sign business in the municipality;
- (3) One (1) employee of the state department of transportation who is familiar with real estate valuations in eminent domain proceedings; and
- (4) One (1) architect or landscape architect licensed by this state. Members are appointed for a term of two (2) years.

(c) Determination of amount of compensation. The board shall first determine the amount of compensation due the owner of a sign that is required to be relocated, reconstructed, or removed. The determination shall be made after the owner of the sign is given the opportunity for a hearing before the board about the issues involved in the matter.

(d) Compensation for relocated sign. The compensable costs for a sign that is required to be relocated include the expenses of dismantling the sign, transporting it to another site, and re-erecting it. The board shall determine the compensable costs according to the standards applicable in a proceeding under chapter 21, Texas Property Code. In addition, the city shall issue to the owner of the sign an appropriate permit or other authority to operate a substitute sign of the same type at an alternative site of substantially equivalent value. Whether an alternative site is of substantially equivalent value is determined by standards generally accepted in the outdoor advertising industry, including visibility, traffic count, and demographic factors. The city shall compensate the owner for any increased operating costs, including increased rent, at the new location. The owner is responsible for designating an alternative site where the erection of the sign would be in compliance with this article.

(e) Compensation for reconstructed sign. The compensable costs for a sign that is required to be reconstructed include expenses of labor and materials and any loss in the value of the sign due to the reconstruction in excess of fifteen percent (15%) of that value. The board shall determine the compensable costs according to standards applicable in a proceeding under chapter 21, Property Code.

(f) Compensation for removal of off-premises sign.

- (1) For an off-premises sign that is required to be removed, the compensable cost is an amount computed by determining the average annual gross revenue received by the owner from the sign during the two (2) years preceding September 1, 1985, or the two years preceding the month in which the removal date of the sign occurs, whichever is less, and by multiplying that amount by three (3). If the sign has not been in existence

for all of either two-year periods, the average annual gross revenue for that period, for the purpose of this computation, is an amount computed by dividing twelve (12) by the number of months that the sign has been in existence, and multiplying that result by the total amount of the gross revenue received for the period that the sign has been in existence. However, if the sign did not generate revenue for at least one month preceding September 1, 1985, this computation of compensable costs is to be made using only the average annual gross revenue received during the two years preceding the month in which the removal date of the sign occurs, and by multiplying that amount by three. In determining the amounts under this subsection, a sign is treated as if it were in existence for the entire month if it was in existence for more than fifteen (15) days of the month and is treated as if it were not in existence for any part of the month if it was in existence for fifteen (15) or fewer days of the month.

(2) The owner of the real property on which the sign was located is entitled to be compensated for any decrease in the value of the real property. The compensable cost is to be determined by the board according to standards applicable in a proceeding under chapter 21, Texas Property Code.

(g) Compensation for removal of on-premises sign. For an on-premises sign that is required to be removed, the compensable cost is an amount computed by determining a reasonable balance between the original cost of the sign, less depreciation, and the current replacement cost of the sign, less an adjustment for the present age and condition of the sign.

(h) Method of compensation.

(1) To pay the compensable costs required under this article, the city may use only a method, or a combination of the methods, prescribed by this section.

(2) If a sign is required to be relocated or reconstructed, the city, acting pursuant to the Property Redevelopment and Tax Abatement Act (chapter 312, Tax Code), may abate municipal property taxes that otherwise would be owed by the owner of the sign. The abated taxes may be on any real or personal property owned by the owner of the sign except residential property. The right to the abatement of taxes is assignable by the holder, and the assignee may use the right to abatement with respect to taxes on any nonresidential property in the same taxing jurisdiction. If tax abatement is used to pay compensable costs, the costs include reasonable interest and the abatement period may not exceed five (5) years.

(3) The city may allocate to a special fund in the municipal treasury, to be known as the "sign abatement and community beautification fund," all or any part of the municipal property taxes paid on signs, on the real property on which the signs are located, or on other real or personal property owned by the owner of the sign. The city may make payments from that fund to reimburse compensable costs to owners of signs required to be relocated, reconstructed, or removed.

(4) The city may provide for the issuance of sign abatement revenue bonds and use the proceeds to make payments to reimburse costs to the owners of signs within its corporate limits that are required to be relocated, reconstructed, or removed.

(5) The city may pay compensable costs in cash.

(i) Tax appraisal of property with nonconforming sign. For each nonconforming sign, the board shall file with the appropriate property tax appraisal office the board's compensable costs value appraisal of the sign. The appraisal office shall consider the board's appraisal when the office, for property tax purposes, determines the appraised value of the real property to which the sign is attached.

(j) Exceptions.

(1) The requirements of this section do not apply to a sign that was erected in violation of local ordinances, laws, or regulations applicable at the time of its erection.

(2) The requirements of this section do not apply to a sign that, having been permitted to remain in place as a nonconforming use, is required to be removed by the city because the sign, or a substantial part of it, is blown down or otherwise destroyed or dismantled for any purpose other than maintenance operations or for changing the letters, symbols, or other matter on the sign.

(3) For purposes of subsection (2) above, a sign or substantial part of it is considered to have been destroyed only if the cost of repairing the sign is more than sixty percent (60%) of the cost of erecting a new sign of the same type at the same location.

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