

Chapter 70

SIGNS

Editor's note-Sec. 3 of Ordinance 11-01-04, adopted Jan. 4, 2011, repealed Ordinance 06-10-109 adopted Oct. 17, 2006; Ordinance 08-01-04 adopted Jan. 15, 2008; and Ordinance 08-06-55 adopted June 3, 2008, from which ch. 70, secs. 70-1-70-15 derived. Sec. 2 of said ordinance enacted new provisions to read as herein set out.

§ 70-1. Purpose.

- (a) Signs obstruct views, distract motorists, displace alternative uses for land and pose other problems that legitimately call for regulation. The purpose of this chapter is to regulate the size, illumination, movement, materials, location, height and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the preservation of the character of the various neighborhoods, the creation of an attractive and harmonious community and protection against interference with the historic character of designated areas, including the old town center commercial (OTC) zoning district. Recognizing the unique impact of off-premises advertising on public safety, visual aesthetics and quality of life, this chapter also restricts new off-premises signs and minimizes the impact of existing off-premises signs. This chapter allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs. This chapter shall not be interpreted in a manner inconsistent with the First Amendment of the United States Constitution's guarantee of free speech. If any provision of this chapter is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this chapter that can be given effect without the invalid provision.
- (b) This chapter provides uniform standards for the erection and maintenance of signs. All signs in this chapter shall be erected and maintained in accordance with these standards. The general objectives of these standards are to promote health, safety, welfare, convenience and enjoyment of the public. Specifically, these sign regulations are intended to:
 - (1) Promote compatibility with the use of the property to which the signs are appurtenant;
 - (2) Promote compatibility with the landscape and architecture of surrounding buildings;
 - (3) Be appropriate to the activity to which they pertain;
 - (4) Ensure that signs are not distracting to motorists; and
 - (5) Ensure that all signs are constructed and maintained in a structurally sound, safe and attractive condition.
- (c) This chapter does not regulate every form and instance of visual communication that may be displayed anywhere within the city limits or extraterritorial jurisdiction of the city. Rather, it is intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.

- (d) This chapter does not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, it strikes an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

(Ordinance 11-01-04, sec. 2, ex. A, adopted 1/4/11; Ordinance 16-03-25, ex. A, adopted 3/15/16; Ordinance 2022-05-21 adopted 5/17/2022)

§ 70-2. Jurisdiction.

The provisions of this section shall apply within the city limits, and within the extraterritorial jurisdiction (ETJ) of the city as defined by the Texas Local Government Code, chapters 9, 26, and 42, and pursuant to the express authority and limitations provided in the Texas Local Government Code, chapter 216. For the purposes of these sign regulations, all signs erected within the ETJ of the city shall be erected in accordance with the standards imposed for property inside the city limits.

(Ordinance 11-01-04, sec. 2, ex. A, adopted 1/4/11; Ordinance 16-03-25, ex. A, adopted 3/15/16; Ordinance 2022-05-21 adopted 5/17/2022)

§ 70-3. Compliance required; exceptions.

- (a) It shall be unlawful for any person to violate the provisions of this chapter.
- (b) Non-commercial message substitution.
- (1) Signs containing noncommercial speech are permitted anywhere that signs regulated by this chapter are permitted, subject to the same regulations applicable to the type of sign used to display the noncommercial message. No provision of this chapter prohibits an ideological, political or other noncommercial message on a sign otherwise allowed and lawfully displayed under this chapter.
 - (2) The owner of any sign allowed and lawfully displayed under this chapter may substitute noncommercial speech in lieu of any other commercial or noncommercial speech, with no permit or other approval required from the city solely for the substitution of copy.
 - (3) This section does not authorize the substitution of an off-premises commercial message in place of a noncommercial or on-premises commercial message.
- (c) This chapter shall not apply to:
- (1) The old town commercial (OTC) zoning district or a planned development district if the ordinance establishing or amending the same has specific sign regulations.
 - (2) Signs erected by or on behalf of the city in the operation of its services that include but are not limited to public safety, health and the general welfare.
 - (3) Signs required by federal, state or local law.
 - (4) Signs containing government messages that are approved by the city on any

sign, both on and off city property.

- (5) Signs erected or placed as part of a city activity and/or sponsorship. These include but are not limited to municipal banners, special events, kiosks, monument signs and government awareness signs.
- (6) Any sign specifically authorized by the city council as a result of a compromise of litigation or other lawful disputed claim.
- (7) A sign required to be located by federal, state or local law in order to enforce a property owner's rights.

(Ordinance 11-01-04, sec. 2, ex. A, adopted 1/4/11; Ordinance 16-03-25, ex. A, adopted 3/15/16; Ordinance 2022-05-21 adopted 5/17/2022)

§ 70-4. Sign contractor and registration.

- (a) A person shall register with the city before installing or erecting a sign, except for all signs for which a permit is not required. The building official shall prescribe the registration application requirements. Registration is valid 12 months from the date of issuance.
- (b) A person's registration may be revoked by the building official when the person's repeatedly violates the requirements of this chapter. Conviction in court, whether appealed or not, on two or more violations over a period of 12 consecutive months, shall constitute evidence of repeated violation.
- (c) An applicant for registration under this section shall provide proof of liability insurance.
- (d) A person aggrieved by registration revocation under this section shall have the right to appeal according to section 70-8 of this chapter.

(Ordinance 11-01-04, sec. 2, ex. A, adopted 1/4/11; Ordinance 16-03-25, ex. A, adopted 3/15/16; Ordinance 2022-05-21 adopted 5/17/2022)

§ 70-5. Permit required.

- (a) Sign permit required. No sign, other than those signs allowed without a permit by section 70-17 of this chapter, shall be erected, placed, attached, secured, altered or displayed to/on the ground, any building, or any structure, until a permit for such sign has been issued by the building official. The applicant for a permit shall provide plans, documents and other information required by the building official in connection with the application to demonstrate compliance with all city regulations.
- (b) Interpretation and administration. The building official shall be responsible for interpreting and administering this chapter.
- (c) Temporary exemptions. The building official shall have the authority to approve temporary exceptions to the regulations set forth in this chapter in emergency circumstances or in the interest of public safety.

(Ordinance 11-01-04, sec. 2, ex. A, adopted 1/4/11; Ordinance 16-03-25, ex. A, adopted 3/15/16; Ordinance 2022-05-21 adopted 5/17/2022)

§ 70-6. Inspection.

The building official is authorized to perform an inspection of all signs as necessary to ensure that the sign has been constructed in accordance with this chapter, other applicable ordinances, and the applicable permits. The building official shall solely determine the method and time of such inspections.

(Ordinance 11-01-04, sec. 2, ex. A, adopted 1/4/11; Ordinance 16-03-25, ex. A, adopted 3/15/16; Ordinance 2022-05-21 adopted 5/17/2022)

§ 70-7. Permit fee.

- (a) Every application for a permit fee shall be submitted along with a nonrefundable fee in an amount determined by the department's current consolidated fee schedule as approved by the city council.
- (b) The permit fee for a sign permit shall be doubled when the installation or alteration of a sign is commenced or completed before the necessary permit is obtained.

(Ordinance 11-01-04, sec. 2, ex. A, adopted 1/4/11; Ordinance 16-03-25, ex. A, adopted 3/15/16; Ordinance 2022-05-21 adopted 5/17/2022)

§ 70-8. Variances and appeals.

(a) Variances.

- (1) Requests for variances to sign regulations shall be made in writing and heard by the planning and zoning commission at a public hearing. An application requesting a variance to the sign regulations may be obtained from development services. The application requires written authorization from the property owner before being filed.
- (2) Before the 10th calendar day of the date of the public hearing conducted by the planning and zoning commission, written notice of the public hearing shall be sent by its deposit in the United States mail to each owner, as indicated by the most recently approved municipal tax roll of property within 200 feet of the property on which the variance is proposed. The notice shall include a description of the time and place of such hearing, a description of the location of the subject property, and a description of the requested variance. In addition, the notice shall be published in the official newspaper of the city stating the time and place of such hearing, a minimum of 10 calendar days prior to the date of the public hearing.
- (3) In order to approve a request for a variance, the planning and zoning commission shall determine that the request meets three of the following four criteria:
 - (A) The proposed sign shall not adversely impact the adjacent property (visibility, size and the like);

- (B) The proposed sign shall be of a unique design or configuration;
 - (C) The variance is needed due to restricted area, shape, topography, or physical features that are unique to the property or structure on which the proposed sign would be erected; or
 - (D) The variance will substantially improve the public convenience and welfare and does not violate the intent of this chapter.
- (4) The applicant, the director of development services, or four voting members of city council may appeal the commission's decision to deny or grant the variance by submitting a written notice of appeal to the director of development services. Any appeal of a decision made on a variance by the planning and zoning commission shall be heard by the city council and must be submitted within 14 calendar days from the date of the planning and zoning commission's decision on the variance. The appeal will require re-notification of the surrounding property owners and publication in the newspaper in the same manner described in subsection (2), above.
- (5) A vote of three-fourths of the councilmembers present, or four votes, whichever is greater, is required to overturn the planning and zoning commission's decision. The city council's decision is final.
- (b) Appeals of building official's interpretation/decision. Any appeal of an administrative interpretation or decision issued in connection with the requirements of this chapter must be in writing and received by the director of development services within 15 calendar days after the date of the written notice of such decision. The director shall hear and decide the appeal. An appeal of the director's decision shall be made to the city manager. Appeals to the city manager shall be made in writing within 10 calendar days from the date of the director's decision and shall be submitted to the city manager. An appeal of the city manager's decision shall be made to the planning and zoning commission. Appeals to the planning and zoning commission shall be made in writing within 10 calendar days from the date of the city manager's decision and shall be submitted to the city manager. The city council's decision on the appeal shall be final.

(Ordinance 11-01-04, sec. 2, ex. A, adopted 1/4/11; Ordinance 11-06-21, sec. 2, adopted 6/7/11; Ordinance 16-03-25, ex. A, adopted 3/15/16; Ordinance 2022-05-21 adopted 5/17/2022)

§ 70-9. Precedent of regulations.

Where the rules and regulations of any other ordinance conflicts with this chapter, the regulations contained herein shall prevail and take precedence over any other regulation, including provisions as recorded in any zoning overlay district.

(Ordinance 11-01-04, sec. 2, ex. A, adopted 1/4/11; Ordinance 16-03-25, ex. A, adopted 3/15/16; Ordinance 2022-05-21 adopted 5/17/2022)

§ 70-10. Revocation of permit.

The building official may suspend or revoke any sign permit issued in error or on the

basis of incorrect or false information supplied, or whenever such permit was issued in violation of any provision of this chapter, any other ordinance of the city, the laws of the state or the federal government. Any sign that is the subject of a revoked permit shall be immediately removed by the person in control of the sign or the property on which the sign is located.

(Ordinance 11-01-04, sec. 2, ex. A, adopted 1/4/11; Ordinance 16-03-25, ex. A, adopted 3/15/16; Ordinance 2022-05-21 adopted 5/17/2022)

§ 70-11. Changes.

After a sign permit has been issued by the building official, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms and conditions of said sign permit without prior approval by the building official.

(Ordinance 11-01-04, sec. 2, ex. A, adopted 1/4/11; Ordinance 16-03-25, ex. A, adopted 3/15/16; Ordinance 2022-05-21 adopted 5/17/2022)

§ 70-12. Removal of signs in violation.

(a) Removal/impoundment of prohibited signs.

- (1) All prohibited signs or noncompliant signs shall be considered a public nuisance and are prohibited by this chapter in the city and its extraterritorial jurisdiction. Upon identification of any prohibited sign, the building official shall provide written notification of the violation to the owner of the property on which the prohibited or noncompliant sign is located and/or the installer of the sign. If any sign is determined to present an immediate danger to public health, safety, or welfare, the city may remove it immediately upon receiving a written court order for such removal.
- (2) It shall be unlawful for any person receiving such written notification or having an expired sign permit to fail to comply with the direction of the notification issued under subsection (1). In the event the person fails to comply with such direction, the building official is authorized to cause the removal and impoundment of such sign. Any expenses incident thereto shall be the responsibility of the owner, agent or person having beneficial use of the property on which such sign was located.

(b) Impounded signs and recovery.

- (1) Impounded signs may be recovered by the owner within seven calendar days from the date of the written notification of impoundment by paying a fee determined by the city's current consolidated fee schedule as approved by the city council.
- (2) Impounded signs not recovered within seven calendar days from the date written notification of impoundment is sent, may be disposed of by the city in any manner the city so elects.

(c) Temporary nuisance sign.

- (1) Violation and removal. It is unlawful for a person to erect or place temporary

nuisance signs. Temporary nuisance signs are prohibited. A temporary nuisance sign may be immediately removed and impounded by any city employee or any person or organization authorized by the city to remove such temporary nuisance signs.

- (2) Disposal of temporary nuisance signs. Temporary nuisance signs may be disposed of as follows:
 - (A) Signs made of paper, cardboard, plastic or other similar materials and their supports may be disposed of or destroyed immediately.
 - (B) Signs made of materials other than paper, cardboard, plastic or other similar materials shall be stored for seven calendar days. The person responsible for the sign may reclaim the sign and its supports within such time period. If the sign and/or supports have not been claimed by the expiration of the storage period, the city may discard them or dispose of them at the sole discretion of the director.
 - (C) Responsible person. The person(s) physically placing the temporary nuisance sign and/or the owner of the temporary nuisance sign are both individually and severally responsible for the posting and removal of said sign. It is prima facie evidence of a person's ownership of a temporary nuisance sign that the person's name, address, telephone number or other contact information is on a temporary nuisance sign, or the person is otherwise described or identified on the sign.
 - (D) Obligation to remove. The city, at the director's sole discretion, may require the person responsible for a temporary nuisance sign to remove the sign. If so directed, the person responsible for the temporary nuisance sign must remove the sign at their own cost within 24 hours of the city sending notice to remove such sign. The city may provide notice under this section in person, by email, by mail or by telephone. A person's failure to remove a temporary nuisance sign after receiving such notice from the city shall constitute an offense separate from that of the violation of posting the temporary nuisance sign.
- (d) Maintenance of signs and neglected and abandoned signs.
 - (1) All signs, including but not limited to nonconforming signs, shall be maintained to consistently have a neat appearance. Sign panels and/or sign graphics shall be secured and maintained so that they do not separate from, hang from or fall from a sign. Sign panels and sign graphics shall not be faded, ripped or have any other damage.
 - (2) Abandoned signs and neglected signs shall be considered a public nuisance and are prohibited by this chapter. Upon written notification by the building official, such abandoned signs shall be removed from the premises, and neglected signs shall be repaired or removed from the premises by the owner, agent or person having beneficial use of the property on which such sign is located. The notification shall state that the offending sign shall be repaired or removed by the owner, agent or person having beneficial use of the property on which such sign is located within 10 calendar days after written notification

to do so by the building official. If any sign is determined to present an immediate danger to public health, safety or welfare, the city shall remove it immediately upon obtaining a written court order for such removal. Within 10 calendar days of the removal of the sign, the building official shall notify the owner of the property on which the sign was located of the reason(s) for the removal of such sign.

- (3) It shall be unlawful for any person receiving such written notification to fail to comply with the direction of the notice. In the event a person fails to comply with such notice provided under this section, the building official is authorized to cause the removal and impoundment of such sign upon the issuance of a written court order authorizing the removal and impoundment of such sign. Any expenses incident thereto shall be the responsibility of the owner, agent or person having beneficial use of the property on which such sign was located. The city shall invoice the owner, agent or person having beneficial use of the property for such expenses incurred by the city.

(Ordinance 11-01-04, sec. 2, ex. A, adopted 1/4/11; Ordinance 16-03-25, ex. A, adopted 3/15/16; Ordinance 2022-05-21 adopted 5/17/2022)

§ 70-13. Nonconforming signs.

(a) Nonconforming signs.

- (1) A nonconforming sign may not be:
 - (A) Changed to another nonconforming sign;
 - (B) Structurally altered so as to prolong the life of the sign;
 - (C) Expanded to increase the size;
 - (D) Changed to use a different method or technology to convey a message;
 - (E) Re-established after its removal for a period of more than 30 calendar days;
 - (F) Moved in whole or in part to any other location on the same or any other premises unless every portion of such sign is made to conform to all of the regulations of this chapter;
 - (G) Re-established after damage or destruction if the estimated expense of reconstruction exceeds 50 percent of its fair market value prior to the time of destruction;
 - (H) Maintained if the sign has fallen to the ground; or
 - (I) Maintained if the sign leans such that the angle between the sign and the ground is 70 degrees or less.

(b) Maintenance. A nonconforming sign may be maintained as follows:

- (1) Maintenance operations may be performed on the sign. For purposes of this section, "maintenance operations" means the process of keeping a sign in good

repair. Maintenance operations include:

- (A) Cleaning;
 - (B) Painting;
 - (C) Repair of parts with like materials in a manner that does not alter the basic design or structure of the sign, provided that the cost of all repairs performed during any consecutive 365 calendar day period is not more than 60 percent of the cost of erecting a new sign of the same type at the same location; and
 - (D) Replacement of parts with like materials in a manner that does not alter the basic design or structure of the sign, provided that the cost of all replacement of parts performed during any consecutive 365 calendar day period is not more than 60 percent of the cost of erecting a new sign of the same type at the same location. The 365 calendar day period limitation shall not apply to a sign that has been blown down or otherwise destroyed as described in subsection (a) above. Examples of actions that are not maintenance operations and are therefore prohibited include, without limitation:
 - (i) Converting a sign from a multiple pole structure to a monopole structure;
 - (ii) Replacing wooden components with metal components;
 - (iii) Increasing the area or height of a sign;
 - (iv) Adding illumination to a nonilluminated sign;
 - (v) Adding additional display faces;
 - (vi) Converting a sign to utilize animated display or moveable copy technology, including but not limited to signs featuring Tri-Vision technology; and
 - (vii) Updating the technology in an already existing animated display or moveable copy signs. If a sign is dismantled for any purpose other than an alteration or maintenance operation permitted hereunder, the sign may not be altered, reconstructed, repaired or replaced, and the owner shall remove the sign or bring it into compliance with this chapter and all other applicable ordinances.
- (2) Ordinary repairs and maintenance, including the removing and replacing of the outer panels are permitted, provided that the panels are replaced with identical panels and that no structural alterations or other work which extends the normal life of the nonconforming sign shall be permitted.
 - (3) Single panels on multi-panel monument signs for multi-tenant shopping centers may be changed to reflect tenant changes.
 - (4) A nonconforming sign or sign structure may be removed temporarily to perform sign maintenance or sign repair that is authorized under this chapter.

In order to preserve the nonconforming sign status, the person removing the sign must inform the building official, in writing, before the sign is removed. If the responsible party fails to inform the building official, any re-erected sign will be considered a new sign and must comply with the then-existing requirements under this chapter.

- (5) Notwithstanding any other provision of this chapter, any sign that is a legally existing nonconforming sign hereunder may be relocated on the same lot or tract of land if the sign is required to be removed from its present location because the property on which the sign is located is acquired by any governmental agency or other entity which has or could have acquired the property through the exercise of its power of eminent domain or because such removal is necessary to accommodate a city capital improvement project, provided, however, such relocated sign shall be placed to comply with all setbacks and other locational requirements as set forth in this chapter.
 - (6) Change to a conforming sign. A nonconforming sign may be altered to become or be replaced with a conforming sign by right. Once a sign is altered to conform or is replaced with a conforming sign, the nonconforming rights for that sign are lost and a nonconforming sign may not be re-established.
 - (7) If there is no sign in place on a sign structure or building wall for six consecutive months, the nonconforming rights are lost and a nonconforming sign may not be re-established. If the sign structure is unused for less than six consecutive months, a nonconforming sign may be re-established.
- (c) Nonconforming sign registration and amortization.
- (1) Registration. The operator and/or owner of any nonconforming sign shall register such nonconforming sign and obtain from the city manager a certificate of nonconforming rights within 12 months after the sign becomes nonconforming or 12 months after the date of publication of the 2010 version of this chapter, whichever occurs later. If a sign qualifies as a nonconforming sign and the operator and/or owner registers the sign with the city, the city manager shall issue a certificate of nonconforming rights. Failure to obtain this certificate of nonconforming rights within the requisite time shall terminate the sign's status as a nonconforming sign and such sign shall be considered an illegal sign.
 - (2) Amortization. Any nonconforming sign may be amortized and removed by the city in accordance with applicable law.

(Ordinance 11-01-04, sec. 2, ex. A, adopted 1/4/11; Ordinance 16-03-25, ex. A, adopted 3/15/16; Ordinance 2022-05-21 adopted 5/17/2022)

§ 70-14. Sign coordination plan.

- (a) A sign coordination plan is required prior to the issuance of a sign permit for signs as specified in section 70-16 of this chapter, or as otherwise required in this chapter, to determine overall sign locations on a property, the relationship of the signs to surrounding existing, proposed and proposed future improvements, and to determine consistency and uniformity among buildings and signs.

- (b) A sign coordination plan shall contain the following information:
- (1) Elevations of the signs illustrating the materials of construction, colors, lighting, fonts of letters and dimensions of the signs. If the sign is to be attached to a building, the elevation shall be a composite of the sign and the building;
 - (2) Elevations depicting the size of the signs in relation to the size of the buildings within the development;
 - (3) A plan drawn to preliminary site plan, or site plan specifications, as detailed in the zoning ordinance, as it currently exists or may be amended, of the site illustrating the location of existing and proposed signs on the property and, if required by city staff, on adjacent properties;
 - (4) Other information to illustrate the consistency and uniformity of the signs; and
 - (5) For unified development signs, the sign coordination plan shall identify a unified development zone. Only those properties and businesses included within the unified development zone shall be included/identified on the unified development signs erected within the unified development zone. Prior to city consideration of a unified development zone, all property owners located within a proposed unified development zone must submit notarized letters to the city authorizing the creation of the unified development zone. A lot shall only be included in one unified development zone.
- (c) A sign coordination plan required of signs specified in section 70-16 of this chapter, or as otherwise required in this chapter, shall be submitted to the development services department. The sign coordination plan will be reviewed in accordance with the city's development review schedule. The building official may approve or deny a sign coordination plan. Should the building official deny a sign coordination plan, the applicant shall have a right of appeal according to section 70-8(b) of this chapter.

(Ordinance 11-01-04, sec. 2, ex. A, adopted 1/4/11; Ordinance 16-03-25, ex. A, adopted 3/15/16; Ordinance 2022-05-21 adopted 5/17/2022)

§ 70-15. Special events.

- (a) Signs erected or placed as part of special events shall comply with this section.
- (b) Signs may not be erected or placed as part of special events until a special event sign coordination plan has been approved by the city. The special event sign coordination plan will be required to illustrate the location of signs and provide other information as required by the building official. The building official shall have final approval over special event sign coordination plans.
- (c) Temporary signs for special events, which signs are approved under this section, shall be exempt from other regulations of this chapter. A decision to allow a special event sign in the public right-of-way is within the exclusive control of the city, including the size, number and location.
- (d) Signage associated with a special event shall be erected no earlier than seven

calendar days prior to the event and removed no later than 24 hours after the conclusion of the event.

(Ordinance 11-01-04, sec. 2, ex. A, adopted 1/4/11; Ordinance 16-03-25, ex. A, adopted 3/15/16; Ordinance 2022-05-21 adopted 5/17/2022)

§ 70-16. Signs allowed; permit required.

For the purpose of this chapter, the words below shall be defined as set forth in this chapter, whether or not capitalized, unless the context clearly requires another meaning, and the requirements and regulations set forth in this chapter for each shall apply in the city and its extraterritorial jurisdiction:

(1) Awning/canopy sign - Nonresidential.

- (A) Time. A sign permit is required and shall not be issued before the issuance of a building permit or certificate of occupancy.
- (B) Place. Awning/canopy signs shall only be flush against the face of the awning or canopy or suspended from or extended above the edge of the awning or canopy. Awning/canopy signs shall not extend above the roofline of the adjacent building. Awning/canopy signs are permitted only in nonresidential zoning districts.
- (C) Manner. The maximum height of an awning/canopy sign shall not exceed 48 inches. Suspended awning signs attached over a pedestrian walking surface shall maintain an eight-foot clearance from the pedestrian walking surface measured from the lowest hanging portion of the attachment. Awning and canopy signs shall not swing, sway or move in any manner. The width of an awning/canopy sign may extend the length of any canopy and awning but shall not extend horizontally past the edge.

(2) Banner (wall) signs.

(A) Time.

- (i) A sign permit is required for each 14 calendar day period of display. A sign permit shall not be issued to display a banner at a property before a site plan is approved by the planning and zoning commission for development of the property and a building permit or certificate of occupancy is issued.
- (ii) One banner sign may be placed on a building for four, 14 calendar day periods per calendar year. The periods may be combined.
- (iii) A building owner or lessee shall be permitted to place one banner on its building any time before and up to six weeks after the date of issuance of a new certificate of occupancy. Banner(s) displayed before and immediately following the date of issuance of the certificate of occupancy shall not count against the allowances for the four, 14 calendar day periods per calendar year.
- (iv) No building may have more than one banner sign at any time, whether

commercial or noncommercial. Each tenant within a retail development shall be considered a building and, therefore, shall be allowed to erect a banner accordingly.

- (B) Place. A banner shall be securely attached to building with a minimum of four corners attached to the surface of the building. Banners shall be located only on primary entrance elevations of buildings or elevations facing major thoroughfares. Banners are permitted only in nonresidential zoning districts, mixed-use zoning districts or noncommercial and nonresidential uses within residential zoning districts.
 - (C) Manner. Banners shall not exceed the dimensions allowed for wall signs as specified in table 1. A banner shall not be placed where it blocks or impedes use of any pedestrian-traveled way.
- (3) Canopy (vehicle) sign - nonresidential.
- (A) Time. A sign permit is required and shall not be issued before the issuance of a building permit or certificate of occupancy.
 - (B) Place. Vehicle canopy signs may only be erected on the two sides of the canopy band that face a public street. Vehicle canopy signs are permitted only in nonresidential zoning districts.
 - (C) Manner. Canopy signs must be attached directly to, printed or painted on the exterior face of the canopy band and shall not project more than 18 inches from the canopy band. Canopy signs attached or applied to a canopy shall not extend above or below the canopy band.
- (4) Directory map signs - mixed use.
- (A) Time. A sign permit is required and shall not be issued before the issuance of a building permit or certificate of occupancy.
 - (B) Place. A directory map may be freestanding, mounted to a wall, mounted to a vertical support, incorporated into a kiosk or anchored within the public right-of-way. Directory map signs are permitted only in mixed use developments.
 - (C) Manner. A directory map shall not exceed 40 square feet.
- (5) Directional signs - mixed use.
- (A) Time. A sign permit is required and shall not be issued to erect a directional sign on property before a site plan is approved by the planning and zoning commission for development of the property or before issuance of a building permit for a building on the property.
 - (B) Place. A directional sign may be freestanding, mounted to a wall, projecting or mounted to a vertical support. Directional signs are permitted only in mixed use developments.
 - (C) Manner. A directional sign shall not exceed 36 square feet. The bottom of the sign shall be no closer than seven feet from the ground surface.

(6) Inflatable device signs (IDS).

- (A) Time. A sign permit is required for each 14 calendar day period of display and shall not be issued before the issuance of a certificate of occupancy. One IDS may be erected on a lot for no more than three, 14 calendar day periods per calendar year. Only one IDS may be displayed on a lot at any given time. In the case of multiple users located on a single lot, each user is allowed to erect an IDS on the lot for up to three, 14 calendar day periods.
- (B) Place. An IDS shall not be placed in required accessible parking places, or driveways that provide access to parking spaces or fire lanes, nor shall any IDS or its securing devices encroach into a public right-of-way. An IDS is permitted only in nonresidential or mixed-use zoning districts and in noncommercial and nonresidential uses within residential zoning districts.
- (C) Manner. An IDS shall be secured directly to, and not suspended or floating from, the ground. An IDS shall not be placed on a roof, canopy, parking garage or awning, or suspended or floating from any building or garage. The height of an IDS shall not exceed 30 feet. Banners may be applied to an IDS. A cloud buster balloon, blimp, wind device or other similar type of apparatus is not an IDS. Temporary electrical to an IDS shall be protected from vehicle traffic where it crosses a drive aisle or parking area.

(7) Kiosk structure signs - mixed use.

- (A) Time. A sign permit is required and shall not be issued before a site plan is approved by the planning and zoning commission for development of the property or before issuance of a building permit for a building on the property.
- (B) Place. Freestanding kiosk structures may be anchored within the public right-of-way if approved by the city or erected on individual property. If anchored in the public right-of-way, kiosks are limited to fifteen (15) feet in height, and all accessibility and visibility requirements must be met for public sidewalks and streets. Kiosk structure signs are only permitted within mixed use developments.
- (C) Manner. Signage on kiosk structure signs shall not exceed 75 square feet. Variable displays shall comply with section 70-27 of this chapter. Interactive displays are allowed.

(8) Monument (individual) sign (MIS).

- (A) Time. A sign permit is required and shall not be issued before the issuance of a building permit or certificate of occupancy.
- (B) Place. An MIS is permitted in nonresidential zoning districts and on a lot within a residential zoning district that contains multifamily, daycare, school, community center, amenity center, marketing center or religious facility uses.
- (C) Manner.
 - (i) The design, materials, and finish of an MIS shall be masonry or match

those of the primary building elements on the same lot. Sign cabinets shall be provided with borders equal to the depth of the cabinet but need not be more than one foot. Monuments shall have the appearance of a fully supported base. Architectural embellishments shall be allowed and may contribute to the required borders. Monuments may consist of freestanding channel and metalwork letters with a solid base.

- (ii) An MIS constructed in conjunction with a UDMS shall be consistent with the building elements and materials of the UDMS within the unified development on the same lot and within the unified development.
- (iii) A lot is allowed a maximum of one MIS per street frontage.
- (iv) The maximum area of an MIS is 60 square feet.
- (v) The maximum height of an MIS is eight feet.
- (vi) Tenant panels within an MIS do not require a permit, but a certificate of occupancy or a building permit must be issued for the tenant/user.
- (vii) An MIS is permitted to contain an electronic variable message display subject to the following conditions:
 - a. Variable message monument displays shall only be permitted on lots adjacent to a major thoroughfare or greater as designated in the city's thoroughfare plan, as it currently exists or may be amended.
 - b. Variable message displays integrated into wall signs are also permitted, but only one variable message display, either monument or wall, is permitted per lot.
 - c. Variable message monument displays shall comply with section 70-27 of this chapter.

(9) Monument (unified development) sign (UDMS) - nonresidential.

(A) Time. A sign permit is required and shall not be issued to erect a UDMS on property before a sign coordination plan has been approved and a subdivision plat, preliminary site plan, and/or site plan for the property has been approved by the planning and zoning commission or before issuance of a building permit for a building within the unified development zone.

(B) Place.

- (i) A UDMS shall be located within a unified development zone within a nonresidential zoning district.
- (ii) A UDMS is permitted on the same lot as an MIS, but the total number of all UDMS and MIS located within a unified development zone shall not exceed the number of lots located within the unified development zone.
- (iii) A UDMS shall not be located closer than 75 feet to another UDMS or an MIS on the same lot.

(C) Manner.

- (i) A UDMS shall be constructed of materials and a design consistent with the buildings located on the property.
- (ii) The maximum area of a UDMS shall be based on the size of the unified development zone. The maximum area of a UDMS for a development zone of five acres or less is 60 square feet. For every whole acre over five acres, the area of the UDMS may be increased by 12 square feet but in no event shall the maximum area of a UDMS exceed 168 square feet.
- (iii) The maximum height of a UDMS is 16 feet.
- (iv) Exceptions to maximum height of a UDMS to accommodate architectural embellishments may be considered through the review of a sign coordination plan.
- (v) One UDMS is permitted per street frontage of the unified development zone. One additional UDMS is permitted along a street for each additional 750 linear feet, or portion thereof, of street frontage that exceeds 750 linear feet of street frontage.
- (vi) Prior to city consideration of a unified development zone, all property owners located within a proposed unified development zone must submit notarized letters to the city authorizing the creation of the unified development zone. A lot may not be located in more than one unified development zone.
- (vii) Variable messages displays within a UDMS are permitted and shall comply with section 70-27 of this chapter.
- (viii) Tenant panels within a UDMS do not require a permit, but a building permit or certificate of occupancy must be issued for the tenant/user.

(10) Monument (residential) sign (MRS).

- (A) Time. A sign permit is required.
- (B) Place. Monument signs may be placed on private property within a residential zoning district only at the entrance to subdivisions and shall not be issued before the issuance of a building permit or certificate of occupancy. Monument signs may be placed in the public right-of-way with the approval of a sign coordination plan.
- (C) Manner. One monument sign, no larger than 32 square feet and four feet in height, may be located on a property having a valid permit for a model home.

(11) Mural - nonresidential.

- (A) Time. A sign permit is required and a mural facade plan shall be approved by the building official before placement of a mural.
- (B) Place. A mural shall be located above grade and below the roof of the building and may only be located within a nonresidential zoning district.

Murals shall not be applied to a roof or other similar cover of a building or structure.

- (C) Manner. The maximum area of a mural shall not exceed the length or height of the exterior wall on which it is painted, drawn or applied. A mural shall not face a residential neighborhood, unless separated by a major thoroughfare.

(12) Portal - mixed use.

- (A) Time. A sign permit is required and shall not be issued to erect a portal sign on a property before a site plan has been approved by the planning and zoning commission for development of the property or before the issuance of a building permit for a building on the property.
- (B) Place. A portal may be located on private property within a mixed use development only and as approved on a site development plan. Portals which span across the public right-of-way may be erected subject to city approval and demonstration by the applicant that the portal complies with all applicable traffic engineering regulations.
- (C) Manner. A portal shall not be located closer than 14 feet above all portions of public right-of-way and fire lane and utility access easements.

(13) Projecting sign - nonresidential.

- (A) Time. A sign permit is required and shall not be issued before the issuance of a building permit or certificate of occupancy.
- (B) Place. A projecting sign is permitted only in conjunction with a nonresidential use or in a nonresidential zoning district. A projecting sign may project into the public right-of-way but shall be located no fewer than three feet back from a curb of any adjacent street or drive. A projecting sign may extend a maximum of six feet, six inches from the facade of a building. When a projecting sign is constructed over a pedestrian walkway or drive, a minimum of eight foot clearance shall be provided between the grade of the walkway or drive and the lowest portion of the projecting sign. A projecting sign shall not extend above a building wall.
- (C) Manner. The maximum area of a projecting sign is 60 square feet.

(14) Sloping roof sign - nonresidential.

- (A) Time. A sign permit is required and shall not be issued until the issuance of a building permit or certificate of occupancy.
- (B) Place. A sloping roof sign must be attached at the edge of a sloping roof structure and shall not extend above the roofline of the structure or element. A sloping roof sign is permitted only in nonresidential zoning districts.
- (C) Manner. Sign height shall not exceed the lesser of one-third of the height of the sloping roof or as allowed by table 1 for wall signs as seen in elevation view.

(15) Panel sign - residential.

- (A) Time. A sign permit is required and shall not be issued until a valid subdivision permit or site plan for construction within a residential zoning district only are approved and issued. Panel signs must be removed when 75 percent or more of the homes in the subdivision have been issued a building permit.
 - (B) Place. One panel sign may be located on property having a major street frontage.
 - (C) Manner. Panel signs shall be no larger than 96 square feet and 16 feet in height. Panel signs 60 square feet and 10 feet in height may be located in the public right-of-way through the approval of a sign coordination plan. Additional panel signs may be located on property through the approval of a sign coordination plan.
- (16) Panel sign - nonresidential.
- (A) Time. A sign permit is required.
 - (B) Place.
 - (i) Panel signs are permitted only in nonresidential zoning districts. Two panel signs per major street frontage may be located on property where the owner consents and that property is being offered for sale or lease or if an individual unit or units is/are for sale or lease. A sign posted in this location must be removed within 10 calendar days following the date a contract of sale has been executed or a rental agreement has been executed.
 - (ii) One panel sign no larger than 96 square feet and 16 feet in height may be located on property having a major street frontage where the owner consents and where valid permits or site plans for construction are approved and issued. The sign shall be removed before permits and site plans for construction are completed or expired.
 - (iii) One panel sign may be located on property containing drive-thru and/or walk-up service locations. Two panel signs are allowed per service location. A panel sign may be attached to the exterior of the building. A freestanding panel sign may be supported by poles of no more than one foot in height and complementary in color or supported from the grade to the bottom of the sign having or appearing to have a solid base.
 - (C) Manner. Panel signs no larger than 32 square feet and 16 feet in height each may be located on property being offered for sale, lease or under construction. Panel signs at drive-thru, walk-up and attached to service locations shall be no larger than 60 square feet. Additional panel signs may be located on property through the approval of a sign coordination plan.
- (17) Portable variable message display (PVMD).
- (A) Time. A sign permit is required and shall not be issued before the city has issued a certificate of occupancy. A PVMD may be erected on a lot for no more than one, seven calendar day period per calendar year. In the case of

multiple users or tenants located on a single lot, each user is allowed to place a PVMD on the lot, provided that not more than one PVMD is installed along a street frontage at any given time.

- (B) Place. A PVMD shall only be placed on the lot on which the user is located. A PVMD shall not be placed in required accessible parking places, or driveways that provide access to parking spaces or fire lanes, nor shall any PVMD or its securing devices encroach into a public right-of-way. PVMDs are only permitted within a nonresidential zoning district and on a lot within a residential zoning district containing a school, community center, amenity center or a religious facility.
- (C) Manner. The maximum height of an PVMD shall not exceed 14 feet. The maximum sign area of a PVMD is 50 square feet. Variable message displays shall comply with section 70-27 of this chapter. Temporary electrical to an PVMD shall be protected from vehicle traffic where crossing a drive aisle or parking area.

(18) Wall signs.

- (A) Time. A sign permit is required and shall not be issued until the issuance of a building permit or certificate of occupancy.
- (B) Place. Wall signs are permitted in nonresidential zoning districts and on a lot within a residential zoning district containing multifamily, daycare, school, community center, amenity center, marketing center or a religious uses. A wall sign may not be erected or placed on a parapet wall unless the parapet wall extends around the entire perimeter of the building at the same elevation or of such construction that provides for the appearance of being part of the building envelope. For buildings with a height of five stories or greater, a wall sign may extend above the roofline of the building on which it is attached up to 25 percent of the sign's height. The wall sign must be located on that portion of the building that is five stories or greater.
- (C) Manner.
 - (i) Wall signs generally.
 - a. The height of vertical and horizontal wall signs shall not exceed the specifications listed in table 1; and
 - b. Wall signs shall not project greater than 18 inches from the wall.
 - c. Color-changing illumination that changes visual spectrum subtly and with consistent intensity to where it is not a distraction that would pose a risk shall be permitted as an illuminated wall sign. This shall not apply to signs that change color in a manner that changes the content or message of the sign.
 - d. In nonresidential zoning districts, neon tubing used for the sole purpose of accentuating the outline of a building shall not be considered a wall sign.

- e. Wall signs may be illuminated only on building facades facing perpendicular to a nonresidential zoning district or public thoroughfare. Variable message displays shall comply with section 70-27 of this chapter.

(ii) Multi-story office wall signs special conditions.

- a. Wall signs attached to multi-story offices may be located on any section of wall regardless of tenant/user adjacency as approved by building management.
- b. Each floor level of a building shall be considered a separate wall for application of the horizontal placement of table 1.
- c. Multi-story office wall signs shall be limited to three signs per elevation for each floor above the ground floor.
- d. Not more than one vertical sign shall be located on an elevation, but the sign shall not count toward the number of horizontal-allowed wall signs.

(D) The size of wall signs shall be as follows:

Table 1.	
Horizontal Sign Placement^c	
Building Height	Maximum Sign Height
0 feet to 20 feet	4 feet maximum
> 20 feet to 30 feet	6 feet maximum
> 30 feet to 80 feet	8 feet maximum
> 80 feet	8 feet + 8 inches for every whole 10 feet of additional building height above 80 feet

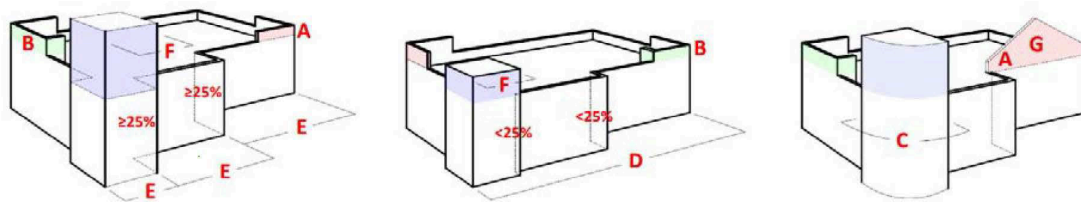
Actual Sign Height	Maximum % of Wall Length^{abd}
4 feet	75%
6 feet	60%
>8 feet	50%

Vertical Sign Placement	
Building Height	Maximum % of Wall Height^a
0 feet to 20 feet	75%
>20 feet to 30 feet	60%
> 30 feet	50%

Actual Sign Height	Maximum Sign Width ^d
75% or less	4 feet maximum
60% or less	6 feet maximum
50% or less	8 feet maximum
Building in excess of 80 feet in height	8 feet + 8 inches for every whole 10 feet of additional building height above 80 feet

- The combination of the sign widths or heights, when placed side by side or on top of one another, shall not exceed the width or height percentage of the wall elevation available if they were a single sign.
- Contiguous parallel wall lines may be considered as a single wall length where the nonlinear section is less than 25% of either parallel section. Non-linear wall lengths are measured across the entire arc of a wall line. Wall signs shall not project past the end of a wall.
- Corporate logos may exceed the maximum sign height by 40%.
- Table interpolation is allowed.

Figure 1. Location and Measurement of Walls



Determination and measurement of walls.

- Wall signs are prohibited on parapet walls.
- Wall signs are permitted on portions of parapet wall that extends around the entire perimeter of the building at the same elevation or of such construction that provides for the appearance of being part of the building envelope. Parapets must return a minimum of three feet to be considered to provide an architectural appearance of a building envelope.
- Non-linear wall lengths are measured across the entire arc of a wall line.
- Contiguous parallel wall lines may be considered as a single wall length where the nonlinear section is less than 25% of length of either parallel section.
- Contiguous parallel wall lines are considered as individual wall length where the nonlinear section is 25% or greater length of either parallel section.
- Architectural tower projections above a roofline shall be measured as an individual wall length.
- Signs shall not be located above the roofline on a parapet.

(E) Changeable framed box wall signs. One framed changeable box sign may be

placed on each elevation of a building with a maximum area of six square feet. Signs shall not project greater than four inches when located less than six feet above grade. Theaters are permitted to have framed changeable box sign equal to 1.5 times the number of screens or live theater productions at a location and limited to nine square feet each.

(Ordinance 11-01-04, sec. 2, ex. A, adopted 1/4/11; Ordinance 11-06-21, sec. 3, adopted 6/7/11; Ordinance 16-03-25, ex. A, adopted 3/15/16; Ordinance 17-02-10 adopted 2/21/17; Ordinance 2022-05-21 adopted 5/17/2022)

§ 70-17. Signs allowed; no permit required.

For the purpose of this chapter, the words below shall be defined as set forth in this chapter, whether or not capitalized, unless the context clearly requires another meaning, and the requirements and regulations set forth in this chapter for each shall apply in the city and its extraterritorial jurisdiction:

(1) A-frame/sidewalk sign.

(A) Time. An A-frame/sidewalk sign may be displayed only during the hours of the business, activity or use the of sign owner.

(B) Place.

- (i) A-frame/sidewalk signs must be located a minimum of three feet from any curb of any adjacent street or drive aisle. A-frame signs must be placed within 40 feet of the main entrance to the business, activity or use the sign advertises.
- (ii) A-frame/sidewalk signs must provide an unobstructed pedestrian clearance of at least four feet in width and must not be placed in any manner to interfere with vehicular traffic or cause a hazard.
- (iii) A-frame/sidewalk signs are permitted only in nonresidential zoning districts, mixed-use zoning districts or in noncommercial and nonresidential uses within residential zoning districts.

(C) Manner.

- (i) The maximum area of an A-frame/sidewalk sign shall be 12 square feet.
- (ii) The maximum height of an A-frame/sidewalk sign shall be four feet.
- (iii) A maximum of one A-frame/sidewalk sign may be placed per business, activity or use on the property where the A-frame/sidewalk sign is located.
- (iv) The sign must be constructed of materials that present a finished appearance (rough-cut plywood is not acceptable).
- (v) A-frame/sidewalk signs shall not swing, sway or move in any manner.

(2) Accessory sign - nonresidential.

- (A) Time. No restrictions.
 - (B) Place. Signs shall be directly attached and shall not be projected in any direction. Accessory signs are permitted only in nonresidential zoning districts.
 - (C) Manner. A sign no larger than six square feet may be attached to an accessory use, appliance or other device appurtenance.
- (3) Banner (pole and building) sign - mixed use.
- (A) Time. Management in control of and responsible for maintenance of developments shall coordinate and be responsible for compliance with sign standards.
 - (B) Place. A maximum of two banners per light pole standard or building elevation. Banners shall be securely attached at the ends to prohibit movement. Banners shall be limited to displaying noncommercial messages, artwork or special district event information. Banner signs are permitted only in mixed use developments.
 - (C) Manner. Each banner shall not exceed 16 square feet. Poles or building attachments shall be sufficient to withstand all wind loads created by the banner placement.
- (4) Flag/flagpole.
- (A) Time. A flag shall not be placed on property before a site plan or a final plat is approved by the planning and zoning commission for development of the property.
 - (B) Place. A flag and its ground-supported staff shall be located on private property. Flags may be placed at parks during social and athletic events.
 - (C) Manner. In residential zoning districts, the height of a flagpole shall not exceed the zoning height requirements for that district. In nonresidential zoning districts on property that contains a building with less than four floors, the maximum height of a flagpole shall be 40 feet measured from the ground. A maximum of four flags or flagpoles may be located on property in a nonresidential zoning district. A flag not displayed on a ground-supported flagpole shall meet the permit and display requirements of a banner (see "banner").
- (5) Balloon and balloon arrangement - nonresidential.
- (A) Time. Balloons may be erected on a lot within a nonresidential zoning district for no more than one, seven calendar day period per calendar year.
 - (B) Place. Balloons or a balloon arrangement shall only be displayed within twenty (20) feet of a building's public entrance and shall not be placed or displayed in front of or at other buildings. Balloons and balloon arrangements shall not be attached to parking signs, bicycle stands, benches, trees, fences, poles, railings, vehicles, existing signage, display items, other structures or

placed in required parking spaces. Balloons and balloon arrangements shall not block pedestrian or vehicular traffic or visibility or cause a safety hazard.

- (C) Manner. Balloons and balloon arrangements may not exceed 20 feet in height and must be secured to the ground.
- (6) Human sign.
 - (A) Time. Human signs may be displayed from apparent sunrise to sunset each day.
 - (B) Place. A human sign shall be located on private property with the consent of the owner. A human sign shall not be located in public right-of-way or other public property.
 - (C) Manner. A human sign or person holding a human sign may not have attached wind devices, flags or balloons or other devices. Podiums, risers, stilts, vehicles, roofs or other structures or devices shall not support a human sign. No more than one human sign, for each location, is permitted at any given time. A person who wears or holds a human sign shall be at least 13 years old.
- (7) Mobile vehicle sign.
 - (A) Time. No time restrictions.
 - (B) Place. A mobile vehicle sign is prohibited from being parked or stationed in any manner for longer than 20 minutes per 24-hour day.
 - (C) Manner. No restrictions.
- (8) Temporary construction barrier/fence sign - nonresidential.
 - (A) Time. A temporary construction barrier/fence sign must be removed before the issuance of a certificate of occupancy for the building on the property. Where the property has multiple buildings with outstanding building permits, the temporary construction fence sign must be removed upon the earlier of:
 - (i) The expiration or termination of all such outstanding building permits; or
 - (ii) Before the issuance of a certificate of occupancy or temporary certificate of occupancy for the last such building on the property.
 - (B) Place. Temporary construction barrier/fence signs are permitted only in nonresidential zoning districts.
 - (C) Manner. Temporary materials shall be kept in good repair at all times.
- (9) Temporary sign - nonresidential.
 - (A) Time. A temporary sign placed before an election may be located on the property for a period of 90 calendar days.
 - (B) Place.

- (i) One temporary sign may be located on a property with owner consent before an election involving candidates for a federal, state or local office that represent the district in which the property is located or involving an issue on the ballot of an election within the district where the property is located per issue and per candidate.
 - (ii) Temporary signs may be placed in the front yard of a multifamily properties for lease no earlier than Friday at 12:00 p.m. (noon) and shall be removed from the property no later than Sunday at 6:00 p.m.
 - (iii) Additional temporary signs may be located on property with owner consent if they display noncommercial messages.
- (C) Manner. Sign placed before an election shall be no larger than nine square feet. A sign may remain on the property up to seven days after the election at issue. Signs placed during lease of multifamily units shall be no larger than six square feet. This subsection does not limit the content on the additional temporary sign. Snipe signs are prohibited.

(10) Temporary sign - residential.

(A) Time. No restrictions.

(B) Place.

- (i) A property owner or lessee may place one nonilluminated in one window on the property at any time.
- (ii) A property owner or lessee may place one additional sign with a sign face no larger than four square feet on the property at any time.
- (iii) A property owner or lessee may place one additional temporary sign with a sign face no larger than nine square feet may be located on the property with owner consent before an election involving candidates for a federal, state or local office that represent the district in which the property is located or involving an issue on the ballot of an election within the district where the property is located per issue and per candidate.
- (iv) A property owner or lessee may place one additional temporary sign with a sign face no larger than six square feet may be located on property with owner consent when the property is for sale or lease or if an individual unit or units is for sale or lease.
- (v) This subsection does not affect the content of the sign allowed under this subsection.

(C) Manner.

- (i) Snipe signs are prohibited. Sign placed before an election shall be no larger than nine square feet.
- (ii) A sign must be removed within 10 calendar days following the date a contract of sale has been executed or a rental agreement has been executed.

(11) Vehicle sign.

- (A) Time. No time restrictions.
- (B) Place. Vehicle signs are permitted provided that during periods of inactivity such vehicle is not parked in the public right-of-way or placed adjacent to a major thoroughfare.
- (C) Manner. Vehicle signs are permitted provided that:
 - (i) The primary purpose of the vehicle is not for display of the sign;
 - (ii) The signs are painted upon or applied directly (to include magnetic) to an integral part of the vehicle and designed to be placed on a vehicle;
 - (iii) The vehicle is operable, currently registered and licensed to operate on public streets and actively used in the daily function of the user to which such signs relates;
 - (iv) The vehicle is utilized as storage, shelter or distribution points for commercial products or services for the public; and the vehicle does not meet the definition of a mobile vehicle sign;
 - (v) In nonresidential zoning districts, the vehicle shall be parked behind the front plane of the building if parking allows; and
 - (vi) In nonresidential zoning districts, the vehicle shall not be parked in parking spaces fronting a major thoroughfare.

(12) Window sign.

- (A) Time. No sign permit is required, except for illuminated window signs. No time restrictions.
- (B) Place. Window signs shall only be displayed on the inside of a window. A window shall be defined as the total extents of a portal including mullions and spandrel panels.
- (C) Manner. The maximum area of a window sign shall not exceed 25 percent of the window where the sign is displayed. Window signs are limited to one (1) sign per window. Illuminated and nonilluminated window signs or its appendages shall not blink, strobe, fade, flash, scroll or move in any manner. Illuminated window signs shall remain static and stationary.

(Ordinance 11-01-04, sec. 2, ex. A, adopted 1/4/11; Ordinance 16-03-25, ex. A, adopted 3/15/16; Ordinance 2022-05-21 adopted 5/17/2022)

§ 70-18. Prohibited signs.

The construction, placement, existence or use of signs of the following nature are prohibited:

- (1) Abandoned sign.
- (2) Audible sign.

- (3) Billboard.
- (4) Cloud buster balloon and air devices.
- (5) Feather flag.
- (6) Merchandise display.
- (7) Moving sign.
- (8) Neglected sign.
- (9) Off-location or off-premises sign.
- (10) Outdoor advertising sign.
- (11) Prohibited signs:
 - (A) Any sign not referenced in or governed by this chapter;
 - (B) Any sign erected or installed without the issuance of a permit, either prior to or after the adoption of this chapter (if a permit was required);
 - (C) Any sign that emits odor or visible matter;
 - (D) Any changeable electronic variable message sign (CEVMS) or light emitting diode (LED) billboards located, relocated or upgraded along a regulated highway;
 - (E) Any sign erected or installed in or over a public right-of-way or access easement, unless permitted within this chapter;
 - (F) Any sign that does not comply with this or other applicable municipal ordinances, or those which do not comply with federal or state laws;
 - (G) Any sign supported by a tree, rock, bridge, rails or public utility pole;
 - (H) Any sign supported by a fence, except for temporary construction fence signs governed by this chapter; or
 - (I) Any sign not allowed or defined by this chapter.
- (12) Revolving sign.
- (13) Searchlight or skylight.
- (14) Temporary nuisance signs.
- (15) Vacant building sign.
- (16) Wind device.

(Ordinance 11-01-04, sec. 2, ex. A, adopted 1/4/11; Ordinance 16-03-25, ex. A, adopted 3/15/16; Ordinance 17-02-10 adopted 2/21/17; Ordinance 2022-05-21 adopted 5/17/2022)

§ 70-19. Other.

Many of the single- and multiple-family projects in the city have established separate restrictions through their homeowners' association or property owners' association (association). The provisions of this chapter shall not override a provision contained in the restrictions of such association if that provision is more restrictive than this chapter. The restrictions of such an association shall not override this chapter if the association restrictions are less restrictive. The HOA or property managers association is responsible for enforcing their deed restrictions. Such separate instruments are not binding on the city.

(Ordinance 11-01-04, sec. 2, ex. A, adopted 1/4/11; Ordinance 16-03-25, ex. A, adopted 3/15/16; Ordinance 2022-05-21 adopted 5/17/2022)

§ 70-20. Public safety protection.

- (a) Nothing in this chapter is meant to prevent any public safety organization or agency from setting up and utilizing any type of sign needed on a temporary basis to protect and enhance public safety solely at the discretion of the public agency in the performance of its official duties.
- (b) Federal Bankruptcy Courts will issue orders that allow persons to violate this chapter unless public health or safety is involved. It has been determined that the following listed signs impose a safety risk to the residents of the city. Therefore, all debtors and consultants in bankruptcy proceedings shall follow all local rules and regulations regarding these signs:
 - (1) Balloons and other floating devices: Not allowed.
 - (2) Cloud buster balloon and air devices: Not allowed.
 - (3) Feather flags: Not allowed.
 - (4) Moving signs: Not allowed.
 - (5) Pennants: Not allowed.
 - (6) Audible signs: Not allowed.
 - (7) Any sign supported by a fence: Not allowed.
 - (8) Vehicle sign: Must follow regulations in this chapter.
 - (9) Human sign: Must follow regulations in this chapter.
 - (10) Temporary nuisance sign: Not allowed.

(Ordinance 11-01-04, sec. 2, ex. A, adopted 1/4/11; Ordinance 16-03-25, ex. A, adopted 3/15/16; Ordinance 2022-05-21 adopted 5/17/2022)

§ 70-21. Civil and criminal penalties; lessees.

- (a) The city shall have the power to administer and enforce the provisions of this chapter as may be required by governing law. Any person violating any provision

of this chapter is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this chapter is hereby declared to be a nuisance.

- (b) For purposes of this chapter, the lessee of a property is considered the property owner as to the property if the lessee holds a right to use that exclusive of others (or the sole right to occupy). If there are multiple lessees of a property, then each lessee must have the same rights and duties as the property owner as to the property the lessee leases and that the lessee has the sole right to occupy, and the size of the property must be deemed to be the property that the lessee has the sole right to occupy under the lease. Written authorization from a property owner to place signage on-site may be required.

(Ordinance 11-01-04, sec. 2, ex. A, adopted 1/4/11; Ordinance 16-03-25, ex. A, adopted 3/15/16; Ordinance 2022-05-21 adopted 5/17/2022)

§ 70-22. Criminal prosecution.

It is an offense for any person to violate or cause, allow or permit a violation of any provision of this chapter or to commit an act designated as unlawful by this chapter, and the person who violates or causes, allows or permits a violation of this chapter shall be guilty of a misdemeanor and shall be fined a sum not exceeding \$500.00. Each continuing day's violation under this chapter shall constitute a separate offense. The penal provisions imposed under this chapter shall not preclude the city from filing suit to enjoin the violation. The city retains all legal rights and remedies available to it pursuant to local, state and federal law.

(Ordinance 11-01-04, sec. 2, ex. A, adopted 1/4/11; Ordinance 16-03-25, ex. A, adopted 3/15/16; Ordinance 2022-05-21 adopted 5/17/2022)

§ 70-23. 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 sign owner;
- (2) A civil penalty of up to \$1,000.00 for each day when it is shown that the defendant was actually 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
- (3) Other available relief.

(Ordinance 11-01-04, sec. 2, ex. A, adopted 1/4/11; Ordinance 16-03-25, ex. A, adopted 3/15/16; Ordinance 2022-05-21 adopted 5/17/2022)

§ 70-24. Other enforcement.

Upon receiving a court order authorizing removal, the city may remove any sign not in compliance with this chapter at the sign or property owner's expense. The building official 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 sign or property owner within 15 calendar days after the sign or property owner is billed.

(Ordinance 11-01-04, sec. 2, ex. A, adopted 1/4/11; Ordinance 16-03-25, ex. A, adopted 3/15/16; Ordinance 2022-05-21 adopted 5/17/2022)

§ 70-25. Calculation of signs areas and heights.

The area of an individual sign shall be calculated as follows:

(1) Sign face area.

- (A) Sign cabinets. The area of sign faces enclosed in frames or cabinets is determined based on the outer dimensions of the frame or cabinet. Only one side of a double-sided sign is counted in determining the area of sign faces. Where the two sides are not of equal size, the larger of the two sides is used for the determination of sign area. The area of multiple-faced signs in which the interior angle formed by the faces is greater than ninety-one degrees (91°) shall be expressed as the sum of the areas of all the faces, except for multiple-faced signs containing faces that are configured back to back, in which case the area of the faces configured back to back will be calculated according to the rule for double-faced signs.
- (B) Round, oval and irregularly shaped signs. To be measured based on the appropriate mathematical formula to obtain the sign area for a circle, an oval or irregularly shaped sign.

(2) Calculating sign area and dimensions.

- (A) Signs containing integral background areas. The height and width of a sign containing a clearly defined background area shall be calculated based on the dimensions of the smallest standard geometric shape or combination of geometric shapes capable of encompassing the perimeter of the background area of the sign. In the case of signs in which multiple background areas are separated by open space, sign height and width shall be calculated based on the sum of the dimensions of all separate background areas, calculated as referenced above, but without regard for any open space between the separate background areas.
- (B) Signs without integral background areas. In instances in which a sign consists of individual elements such as letters, symbols, or other graphic objects or representations that are painted, attached to, or otherwise affixed to a surface such as a wall, window, canopy, awning, architectural projection, or to any surface not specifically designed to serve as a sign background and as approved by a facade plan, the sign height and width shall be based on the sum of the individual areas of the smallest geometric shape or combination of geometric shapes capable of encompassing the perimeters of the individual

elements comprising the sign. Mixed case lettering may be measured excluding either ascenders or decenters [descenders], but not both.

- (C) Awnings, canopies and marquees. When graphics or sign copy is incorporated into an awning, the sign dimension is determined by computing the area of a standard imaginary geometric shape or combination of shapes drawn around the sign copy area or graphics. When the ends of awnings or marquees are parallel and contain graphics or sign copy, only one side is counted in addition to the sign face area on the front.
- (3) Freestanding height of signs. The overall height of a freestanding sign or sign structure is measured from the lowest point of the ground directly below the sign to the highest point of the freestanding sign or sign structure. Exception: Where a freestanding sign or sign structure along a roadway that has a higher grade level as compared to the grade level directly below the freestanding sign or sign structure, then the freestanding sign or structure's height will be measured from the roadway grade level to the highest point of the freestanding sign or sign structure.

(Ordinance 11-01-04, sec. 2, ex. A, adopted 1/4/11; Ordinance 16-03-25, ex. A, adopted 3/15/16; Ordinance 2022-05-21 adopted 5/17/2022)

§ 70-26. Sign specifications, design and other requirements.

- (a) Compliance with zoning ordinance, International Building Code, National Electrical Code, and other ordinances. All sign structures shall comply with the city's comprehensive zoning ordinance, the International Building Code, the National Electrical Code and all other applicable city ordinances, as they currently exist or may be amended. If the provisions of this chapter are more restrictive than another ordinance or code, then the provisions of this chapter shall apply.
- (b) Visibility. All signs shall observe all visibility requirements. Signs shall not be placed within visibility triangles, corner clips and V.A.M. (visibility, access and maintenance) easements as defined in the city's engineering design standards and regulations for public right-of-way visibility requirements as it currently exists or may be amended. Signs shall not otherwise create a hazard.
- (c) Signs erected or placed in specified areas. Unless otherwise permitted in this chapter, no person shall post or cause to be posted, attach or maintain any sign upon:
 - (1) Any city-owned property or public right-of-way without first obtaining an encroachment agreement executed between the city and the property owner;
 - (2) Any utility easement. Should a property owner demonstrate to the city engineer and/or franchise utility company that there is no other viable location for a sign other than a utility easement, a sign may be located within the utility easement subject to written approval from the director of engineering and/or franchise utility company and subject to the providing of a letter to the city releasing the city of any liability for repair or replacement of a sign damaged by work occurring within the utility easement;
 - (3) Any tree, utility pole or structure, street sign, rail or any fence;

- (4) Any fence, railing or wall; or
- (5) Any sidewalk within the public right-of-way or sidewalk easement, curb, gutter, or street, except for house numbers or fire lane designation.
- (d) Signs not to block or interfere with exits or windows, or pedestrian and vehicular traffic. No sign shall be erected to block, partially block or interfere in any way with a required means of exit from any building nor with any window. No sign shall block, interfere or otherwise hinder pedestrian or vehicular traffic on a public sidewalk, a public thoroughfare, a fire lane easement or a driveway.
- (e) Multiple signs on a property or building. The permitting of a sign on a property or building shall not preclude the permitting of other types of signs on a property or building, unless the signs are expressly prohibited in this chapter.
- (f) Wall signs at closed locations. Where a building owner or lessee has received a permit for a sign and that location ceases operation, the owner of the property where the sign is located shall remove the wall sign and repair the wall to its original condition within 30 calendar days of the last day of operation or wrapped with a neutral color wrap approved by the building official for a maximum of six months. The wrap must be applied tightly to the sign. The owner may also print the logo and/or name on the wrap while a new sign is designed and built. At the end of six months, the sign shall immediately be deemed an abandoned sign and the owner shall remove the wall sign and repair the wall to its original condition.
- (g) Scope limitation. Signs located within a building, with the exception of window signs, shall not be regulated by this chapter.

(Ordinance 11-01-04, sec. 2, ex. A, adopted 1/4/11; Ordinance 15-03-14, sec. 2, adopted 3/17/15; Ordinance 16-03-25, ex. A, adopted 3/15/16; Ordinance 2022-05-21 adopted 5/17/2022)

§ 70-27. Changeable copy sign requirements.

Changeable copy/electronically activated signs shall be permitted subject to the applicable provisions within the zoning districts in which they are located as well as the following:

- (1) Such signs shall display static images for a period of three seconds.
- (2) Variable message signs shall not be animated, flash, travel, blink, fade, or scroll. Variable message signs shall transition instantaneously to another static image. Each sign message shall be complete in itself and shall not continue on a subsequent sign message.
- (3) In all zoning districts such signs shall come equipped with automatic dimming technology, which automatically adjusts the sign's brightness based on ambient light. Signs existing prior to November 1, 2010 shall only be required to include automatic dimming technology upon any upgrade or retrofit of the existing sign.

(Ordinance 11-01-04, sec. 2, ex. A, adopted 1/4/11; Ordinance 16-03-25, ex. A, adopted 3/15/16; Ordinance 2022-05-21 adopted 5/17/2022)

§ 70-28. Sign illumination.

Signs may be illuminated consistent with the following standards:

- (1) A sign in any zoning district may be illuminated at night. Signs that are illuminated at night may not exceed a maximum luminance level of 750 cd/m² or Nits, regardless of the method of illumination.
- (2) Signs that have external illumination, whether the lighting is mounted above or below the sign face or panel, shall have lighting fixtures or luminaires that are fully shielded as defined in the Lighting and Glare Standards of the Comprehensive Zoning Ordinance, as it exists or may be amended.
- (3) All illuminated signs must comply with the maximum luminance level of 750 cd/m² or Nits at least one-half hour before apparent sunset. All illuminated signs must comply with this maximum luminance level throughout the night, if the sign is energized, until apparent sunrise, at which time the sign may resume luminance levels appropriate for daylight conditions, when required or appropriate.

(Ordinance 2022-05-21 adopted 5/17/2022)

§ 70-29. Definitions.

For the purpose of this chapter, the words below shall have the following definitions, whether or not capitalized, unless the context clearly requires another meaning, and the requirements and regulations set forth for each shall apply in the city and its extraterritorial jurisdiction:

A-frame/sidewalk sign. An A-frame sign is made of two pieces of wood, metal or other similar material approved by the building official connected at the top by hinges or similar devices and may collapse when the connecting devices are overextended or the two pieces of wood, metal or other similar material are against one another. A sidewalk sign is freestanding sign with a weighted base which holds a two-sided sign.

Abandoned sign. A sign that had a permit, but the permit has been expired for 30 or more consecutive calendar days and/or is not maintained by a property owner, bona fide business, user or lessee. Abandoned signs are prohibited in the city and its extraterritorial jurisdiction.

Accessory sign. A sign attached to a vending machine, gasoline pump or other appurtenance that is accessory to buildings or structures on a property.

Amortization. In terms relevant to signage and urban planning, it conveys the "grace period" beginning on the date a sign owner is notified that removal of a previously conforming sign has been ordered and ending on the date removal is required. This process makes a sign structure, which was legally erected or placed pursuant to permit, legally nonconforming for a period of time, the amortization period. After the amortization period expires, the sign becomes illegally nonconforming and must be removed.

Apparent/sunrise/sunset. Sunrise and sunset is as determined by the National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, for the specific geographic location and date.

Audible sign. Any sign that emits music, talking, words, or other sound or amplification. Audible signs are prohibited in the city and its extraterritorial jurisdiction.

Awning/canopy. A retractable or nonretractable projection, shelter or structure of rigid or nonrigid canvas, metal, wood, or other similar material approved by the building official that extends above a window, door, patio, or deck as protection from the weather, used as a decorative embellishment or used for identity.

Awning/canopy sign. A permanent sign that is directly applied, attached or painted onto an awning or canopy.

Balloon(s) and/or balloon arrangement. A visible airtight or air-flow through apparatus commonly made of latex, mylar or other similar material that extends by a cord, rope, string, wire or other similar material.

Banner (pole and building) sign - mixed use. Any lightweight fabric or similar material, whether or not it contains a message of any kind, suspended static between two vertical supports within a mixed use development.

Banner (wall) sign. A temporary sign having characters, letters or illustrations applied to plastic, cloth, canvas, or other light fabric or similar material, with the only purpose of such nonrigid material being for background.

Billboard. A sign that is freestanding or 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. Billboards are prohibited in the city and its extraterritorial jurisdiction.

Building official. The building official or his/her designee or other city-authorized agent appointed by the city manager.

Canopy (vehicle) sign. A sign that is applied, attached, painted or affixed on a canopy or other roof-like cover over gasoline fuel pumps, vacuum area at car detail facilities, or other areas where services are provided to a patron in a vehicle intended for protection from the weather or as a decorative embellishment.

Changeable copy/electronically activated message board. A sign whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed surface composed of electrically illuminated or mechanically driven changeable segments. These electronic activated changes are allowed in intervals and shall not have the illusion of movement.

City manager. The city manager or his/her designee or other city-authorized agent appointed by the city manager.

Cloud buster balloon and air devices. Any visible airtight or air-flow through, inflatable apparatus that exceeds one square foot in total area made of latex, mylar, or other similar material that extends higher than ten (10) feet into the sky by a cord, rope, string, wire, or other similar material. A cloud buster balloon or air device is commonly used to attract persons to a location having a promotion, sale, or other function. Cloud buster balloons, blimps, and other air devices are prohibited in the city and its extraterritorial jurisdiction.

Developed. A developed property is a nonresidential property for which a certificate of occupancy has been issued by the building official to occupy a building on the property or a residential property for which a certificate of final acceptance has been issued by the city.

Dilapidated. Any surface element, background, or support of any sign that has finished materials that are missing, broken, bent, cracked, decayed, dented, harmful, hazardous, illegible, leaning, splintered, ripped, torn, twisted, or unsightly.

Directional sign - mixed use. A noncommercial sign that directs the public to various locations or other points of interest within a mixed use development.

Director. The city director or development services and/or his/her designated representative.

Directory map sign - mixed use. A noncommercial map listing the occupants within a mixed use development and used to provide way finding information for pedestrians.

Erect or install. To build, construct, attach, hang, place, suspend, affix, paint, display, apply, assemble or place in any manner, including but not limited to on the exterior of a building or structure.

Exempt. A sign permit is not a requirement; however, compliance with all other city ordinances and the comprehensive zoning ordinance, as it currently exists or may be amended, is required.

Feather flag. A wind device that contains a harpoon-style pole or staff driven into the ground for support.

Flag/flagpole. A piece of fabric or other flexible material attached to a ground-supported staff on one end.

Human sign. A sign held by or attached to a human being who stands or walks on the ground, on-site at a business location. A human sign also includes a person dressed in costume, for a commercial purpose of advertising or otherwise drawing attention to an individual, business, commodity, service, activity, or product of a business.

Illuminated sign. A sign designed or made that consists of lights, LEDs, or other form of illumination that displays a message or picture that does not scroll, fade, blink, flash, travel, or any other means that does not provide constant illumination.

Impounded sign. A sign that is legally removed by a city-authorized official, inspector, officer, other city employee(s) or city-authorized person(s) in accordance with the provisions of this chapter.

Inflatable device sign (IDS). A sign manufactured of plastic, cloth, canvas or other flexible or light fabric, inflated with air, secured to the ground, does not float, and does not exceed thirty (30) feet in height.

Kiosk structure sign - mixed use. A structure that displays signs and used in a pedestrian environment of a mixed use development.

Logo. Any design, insignia or other marking of a company or product, which is used in advertising to identify the company, business or product.

Mixed use. A zoning district that allows for a combination of retail, office, restaurant and residential as approved by a planned development ordinance.

Mobile vehicle sign. An illuminated or nonilluminated sign that can be towed, hauled or driven and is primarily designed to be moving rather than be limited to a fixed location regardless of modifications that limit its movability.

Monument sign. A freestanding sign supported permanently upon the ground in a fixed

location by a solid base and not attached to any building and significant to an entrance or street frontage.

Moving sign. Any sign, sign appendages or apparatus designed or made to move freely in the wind or designed or made to move by an electrical or mechanical device. Moving signs, and/or any sign appendage that moves, are prohibited in the city and its extraterritorial jurisdiction.

Mural. Pictures or artwork painted, drawn or applied on the exterior walls that does not depict or contain advertising, logos, or images of a product or service available on-site or off-location. Murals are not used to advertise products or services offered or sold off-location or on-site.

Neglected sign. A sign that has any missing panels, burned out lights, missing letters or characters, has rust, has loose parts, has damage, faded from its original color, supports or framework with missing sign or parts, or is not maintained. Neglected signs are prohibited in the city and its extraterritorial jurisdiction.

Neon tubing. A discharge tube containing neon that ionizes and glows with various colors when electric current is sent through it.

Nonconforming sign. Any sign and its supporting structure that does not conform to all or any portion of this chapter and was in existence and lawfully erected prior to the effective date of this chapter; and was in existence and lawfully located and used in accordance with the provision of any prior ordinances applicable thereto, or which was considered legally nonconforming there under, and has since been in continuous or regular use; or was used on the premises at the time it was annexed into the city and has since been in regular and continuous use continuously existed as a nonconforming sign.

Nonresidential zoning district. A zoning district in which property is zoned or used for purposes other than only residential purposes as defined by the zoning ordinance, as it exists or may be amended. Mixed use properties shall be considered to be within a nonresidential zoning district.

Notice. Notice required by this chapter shall be sufficient if it is affected by personal delivery, registered or certified mail, return receipt requested, by the United States Postal Service and/or posting at premises.

Off-premises sign. Any sign that displays any message directing attention to a business, product, service, profession, commodity, activity, event, person, institution or other commercial message which is generally conducted, sold, manufactured, produced, offered or occurs elsewhere than on the premises where the sign is located. For purposes of this definition, any portion of a lawfully permitted special event where public streets have been closed to traffic in accordance with this code shall be considered a single premises.

On-site. The property or location on which a business, organization, activity, event, place, service, product, etc. is located.

Original town commercial (OTC) zoning district. The area that consisting of the old town commercial (OTC) district located beginning on the north side of Ash Street, south of Maple Street, west of North County Road and South County Road, and east of the Dallas North Tollway, as established by the city's comprehensive zoning ordinance, as it currently exists or may be amended.

Outdoor advertising sign. A sign that advertises goods, products or services which are not sold, manufactured or distributed on or from the premises or facilities on which the sign is located.

Pennant. Any lightweight plastic, fabric or other material, whether or not it contains a message of any kind, suspended from a rope, wire, cord, string or other similar material designed to move in the wind whether existing in a series or individually. Pennants are prohibited in the city and its extraterritorial jurisdiction.

Person. Any person, firm, partnership, corporation, company, limited liability company, organization, business, association or other entity of any kind.

Pole sign. A sign erected on a vertical framework consisting of one or more uprights supported by the ground. With the exception of the pole signs specifically authorized by this chapter, such as zoning signs and kiosk (residential) sign, pole signs are prohibited in the city and its extraterritorial jurisdiction.

Portable variable message display. An electronic message display attached to a moveable base other than a vehicle.

Portals - mixed use. An entry feature, which may be freestanding, span across an area or attached to a building meant to be walked or driven to within a mixed use development.

Prohibited light/lights. Lights are any form of light source(s) or lumens, whether by electromagnetic radiation, flame, reflection, or any other form of lumens that acts upon the retina of the eye and optic nerve that makes sight possible. Lights that do not remain static and stationary for three seconds or more shall be considered to blink, strobe, flash, fade or scroll and are prohibited lights. Prohibited light(s) placed in any manner where the light is visible from the exterior of a building or other nonresidential use facility are prohibited in the city and its extraterritorial jurisdiction. Exception: Federal, state and municipal authorized emergency devices or apparatuses, emergency vehicles, utility repair vehicles, fire and building code light devices for emergency and/or security purposes, or other required lighting for public safety purposes are not prohibited and must comply with all applicable ordinances or regulations.

Prohibited signs.

- (1) Any sign not referenced in or governed by this chapter;
- (2) Any sign erected or installed without the issuance of a permit, either prior to or after the adoption of this chapter (if a permit was required);
- (3) Any sign that emits odor or visible matter;
- (4) Any sign erected or installed in or over a public right-of-way or access easement, unless permitted within this chapter;
- (5) Any sign that does not comply with this or other applicable municipal ordinances, or those which do not comply with federal or state laws;
- (6) Any changeable electronic variable message sign (CEVMS) or light emitting diode (LED) billboards located, relocated, or upgraded along a regulated highway within the corporate limits or extraterritorial jurisdiction of the city; or
- (7) Any sign not allowed or defined by this chapter.

Projecting sign. A sign attached and projecting out from a building face or wall, generally at a right angle to the building.

Property. An area of real estate designated as a parcel or lot on a final plat approved by the city and filed with the county clerk's office, or an unplatted tract of land as shown on an abstract.

Public nuisance. Any sign or similar device that causes annoyance either to a limited number of persons or to the general public or because of its attraction causes a hazard or dangerous condition.

Public 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.

Residential zoning district. A zoning district in which property is zoned or used for residential purposes such as one- and two-family dwellings, townhomes and multifamily as defined by the zoning ordinance, as it exists or may be amended. Multifamily uses within a mixed use development shall be considered to be within a nonresidential zoning district.

Revolving sign. Any sign that turns, spins, or partially revolves or completely revolves 360 degrees on an axis. Revolving signs are prohibited in the city and its extraterritorial jurisdiction.

Roof sign. A sign mounted on and supported by the roof portion of a building or above the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such a building or a sign that is painted directly to or applied on the roof or top of a building or structure. A sign that is mounted on mansard facade, pent eaves or architectural projections, such as canopies or the fascia (wall) of a building or structure, shall not be considered to be a roof sign. Roof signs are prohibited in the city and its extraterritorial jurisdiction.

Searchlight (or skylight). Any apparatus capable of projecting a beam or beams of light. Searchlights (skylights) are prohibited in the city and its extraterritorial jurisdiction.

Sign. A name, identification, description, display or illustration, which is affixed to, painted or represented directly or indirectly upon a building, or other outdoor surface which directs attention to or is designed or intended to direct attention to the sign face or to an object, product, place, activity, person, institution, organization or business. Signs located completely within an enclosed building, and not exposed to view from a street, must not be considered a sign. Each display surface of a sign or sign face must be considered to be a sign.

Sign ordinance. Chapter 70 of this Code, as amended.

Sloping roof sign. A sign that is attached at the base of a sloping roof element.

Snipe sign. Any sign, generally of a temporary nature, made of any material, when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences, or other objects not erected, owned and maintained by the owner of the sign and without the consent of the property owner or lessee.

Special event. A special event as defined by the city's special event ordinance, as it exists or may be amended.

Temporary construction barrier/fence sign. A sign securely attached to, or printed directly onto the screening fabric of, a temporary fence or barrier placed around the entire perimeter of an active construction site that is removed at the conclusion of construction.

Temporary nuisance sign. Any temporary sign placed in the public right-of-way and/or on public property that is not otherwise expressly allowed to be located within the public right-of-way and/or public property pursuant to this chapter.

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 building official to be displayed for a limited period of time.

Traffic lights and signage. Any traffic-related sign, light, apparatus, or device installed that provides information to vehicular drivers and/or pedestrian traffic. Traffic-related signs, lights, apparatuses, or devices requires approval from the engineering department, which includes the review and approval of design, size, placement, and any other specifications or requirements prior to installation from the traffic engineer. Exemption: Signs, lighting, apparatuses, and/or devices installed or required by federal or state laws.

Unified development zone. A unified development zone shall consist of multiple lots or multiple ownership through legal condominimized property which is depicted on the same preliminary site plan, or site plan, and is united through common building architecture, building color, and building materials, landscaping, access and parking on contiguous parcels.

Vacant building sign. No sign shall be permitted to remain on any vacant building, except a sign pertaining to the lease or sale of the building to which it pertains, or a sign which is under lease from an owner or his/her authorized agent when such sign is maintained by a person operating under his/her own bond. Vacant building signage is prohibited in the city and its extraterritorial jurisdiction.

Variance. An official written request to the planning and zoning commission to allow exceptions to regulations or requirements of this chapter.

Vehicle. Any operable or inoperable motorized machine on wheels, treads, or runners by which any person, materials, commodity, or property is or may be transported.

Vehicle sign. A sign painted upon or applied directly (to include magnetic, but not signs taped to) to any vehicle, truck, car, bus, trailer, boat, recreational vehicle, motorcycle or any other vehicle; however, any vehicle, whether operable or not, shall not be parked and/or decorated where the intent is to use the vehicle as advertising. Vehicle signs shall exclude bumper stickers and state required registration or inspection stickers/identifications.

Wall sign. Any sign erected against an exterior wall, erected parallel to a wall or painted directly onto a wall. A wall sign is a sign painted on or erected parallel to and extending not more than 12 inches from the facade of any building to which it is attached, supported throughout its entire length by the building face. This definition shall not include painted on murals. (Please see 'murals,' above.). Murals are not subject to the wall sign regulations contained herein.

Wall sign/multi-story office wall sign. Any sign on a building with two or more stories of primarily office use in which some tenants have no direct outside entrance from the

tenant space and/or exterior wall.

Wind device. Any pennant, streamer, spinner, balloon, cloud buster balloon, inflatable objects or similar devices made of cloth, canvas, plastic or any flexible material designed to float or designed to move, or moves freely in the wind, with or without a frame or other supporting structure, used for the purpose of advertising or drawing attention to a business, commodity, service, sale or product. Exception: Flags and balloons and/or balloon arrangements. Wind device(s) are prohibited in the city and its extraterritorial jurisdiction.

Window sign. Any sign, poster, window slick or other similar displayed item, excluding banners (see 'banners'), located on the internal or external surface of a window.

Figure 2. Definition Sign Examples



(Ordinance 11-01-04, sec. 2, ex. A, adopted 1/4/11; Ordinance 11-06-21, sec. 4, adopted 6/7/11; Ordinance 16-03-25, ex. A, adopted 3/15/16; Ordinance 17-02-10 adopted 2/21/17; Ordinance 2022-05-21 adopted 5/17/2022)