

## **ORDINANCE NO. 2869**

**AN ORDINANCE OF THE CITY OF TERRELL, KAUFMAN COUNTY, TEXAS REPEALING CHAPTER 4, BUILDING REGULATIONS, SECTION 22 REGULATION OF SIGNS, BANNERS AND AWNINGS OF THE TERRELL CITY CODE OF ORDINANCES IN ITS ENTIRETY BY THE ADDITION OF A REVISED SIGN CODE A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT "A" AND MADE A PART HEREOF FOR ALL PURPOSES; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING A PENALTY; PROVIDING AN EFFECTIVE DATE; AND FINDING AND DETERMINING THAT THE MEETING IN WHICH THIS ORDINANCE WAS CONSIDERED WAS OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TERRELL, KAUFMAN COUNTY TEXAS THAT:**

### **ARTICLE I.**

**THAT** Chapter 4, Building Regulations, Section 22, Regulation of signs, banners and awnings of the Terrell City Code of Ordinances is hereby repealed in its entirety and replaced by the addition of a revised Sign Code a copy of which is attached hereto as Exhibit "A" and made a part hereof for all purposes.

### **ARTICLE II.**

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

### **ARTICLE III.**

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

### **ARTICLE IV.**

This Ordinance will take effect immediately from and after its passage and the publication of the caption as the law in such cases provides.

PASSED AND APPROVED ON THIS THE 20<sup>th</sup> DAY OF JULY, 2021

PASSED AND ADOPTED ON THIS THE 27<sup>th</sup> DAY OF JULY, 2021



A handwritten signature in blue ink, appearing to read "E. Rick Carmona".

E. Rick Carmona, Mayor

ATTEST:

A handwritten signature in blue ink, appearing to read "Dawn Steil".  
Dawn Steil, City Secretary

APPROVED AS TO FORM:

A handwritten signature in blue ink, appearing to read "Mary Gayle Ramsey".  
Mary Gayle Ramsey, City Attorney

## **SIGN CODE [Section 4-22]**

### **Section 1. Findings, purpose and intent; interpretation.**

A. Signs obstruct views, distract motorists, displace alternative land uses, and pose other potential problems that legitimately call for regulation. Regulation of the location, size, placement, and certain features of signs is necessary to enable the public to locate goods, services, and facilities in the corporate limits of the city, to encourage the general attractiveness of the community, and to protect property values therein. The purpose of this article is therefore to establish regulations governing the display of signs, on a content-neutral basis, including the location, size, height, construction, erection, duration, use, color, illumination, movement, materials, condition, and maintenance of all signs placed for exterior observation that are within the jurisdiction of the city and its extraterritorial jurisdiction.

A sign placed on land or on a building for the purpose of identification, protection, or directing persons to a use conducted therein shall be deemed to be an integral but accessory and subordinate part of the principal land use or building. This ordinance allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs. It should be interpreted in a manner consistent with the First Amendment guarantee of free speech.

B. The specific objectives of this section are to:

1. Balance the rights of individuals and businesses to convey their messages through signs and the right of the public to be protected from potential harm.
2. Promote the health, safety, welfare, convenience, and enjoyment of the public; and enhance the appearance and economic value of the landscape by providing that signs do not interfere with scenic views, and protect and preserve the unique and natural beauty of the city.
3. Protect and promote property values, and the character of the various neighborhoods; avoid nuisance to occupancy of adjacent and contiguous property by signs' brightness, size, height, or movement; and limit light pollution in accordance with city ordinances regulating outdoor lighting.
4. Encourage creation of a convenient, attractive and harmonious community.
5. Promote community environmental setting and appearance, especially where scenic beauty is important, and avoid visual clutter by ensuring persons exposed to signs are not overwhelmed by the number of messages presented.
6. Protect destruction of or encroachment on historic convenience to citizens.
7. Enhance the economy and the business of the city by promoting the reasonable, orderly, and effective display of signs, and thereby encourage increased communication with the public so that businesses and services may identify themselves, and customers and others may readily locate a business or service.
8. Require signs to be constructed and maintained in a structurally sound and attractive condition.
9. Ensure signs are legible and compatible with their surroundings and appropriate to the type of activity to which they pertain, and are expressive of the identity of proprietors and other persons displaying signs.
10. Protect the public from damage or injury caused by or attributable to distractions and destructions caused by improperly designed or located signs, especially those affecting public rights-of-way.
11. Establish limitations on signs in order to ensure they are appropriate to the land, building, or use to which they are appurtenant and are adequate for their intended purpose.
12. Support the objectives of the city's individual zoning districts.

- C. These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the city. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.
- D. These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike 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.
- E. These regulations are not intended to and do not apply to signs erected, maintained or otherwise posted, owned or leased by local, state, and federal governments. The inclusion of "government" in describing some signs does not intend to subject the government to regulation, but instead helps clarify the type of sign that falls within the immunities of the government from regulation.
- F. Any ambiguity in this code should generally be resolved in favor of allowing the display of a proposed sign. However, signs should not be allowed to obstruct firefighting, emergency vehicle access, police surveillance, or other governmental functions or in any way detract from the public safety or increase the probability of traffic congestion and accidents due to distracting attention or obstructing vision.
- G. Nothing in this code is intended or shall be construed so as to prevent the strengthening or restoration to a safe condition of a nonconforming sign for purposes of the public health and safety.

## **Section 2. Definitions.**

For the purposes of understanding, administration, and enforcement of this article, unless the context otherwise indicates, the following words and terms relating to all signs within the City of Terrell are hereby defined and shall be construed to mean the following:

**Abandoned.** A sign that for at least six continuous months, does not identify or advertise a bona fide business, lessor, service, owner, product, or activity; for which no legal owner can be found; or which pertains to a time, event, or purpose which no longer applies.

**Advertising sign.** Any sign used to draw attention to or promote the sale, lease, rental or use of specific products, services, or the business establishments providing such products or services. Advertising and promotional signs include, but are not limited to, information about prices, availability, products, sources, brands, identifying logos, organizations and specific periods of time or events (e.g., sales, holidays, store openings and closings, etc.) which are intended to encourage commercial activity. Advertising or promotional signs may be categorized as either temporary or permanent depending upon construction and period of display.

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

**A-Frame sign.** A sign consisting of two sign faces placed together at an angle to form an "A" shape structure which tapers from a wide base to a narrow top. A-frame signs are sometimes referred to as sandwich board signs.

**Attached (or wall) sign.** Any sign attached to, applied upon, painted onto, or supported by any part of a building (such as a wall or roof) which encloses or covers usable space. A wall sign includes any painting or other

appurtenances added to an exterior wall of a building or structure which has the purpose of drawing attention to the sign face.

**Awning.** An architectural feature projecting from the surface of a building, designed to provide weather protection, identity, and decoration, and is supported by the building to which it is attached. It is composed of a lightweight rigid or retractable skeletal structure over which a cover of lightweight metal, fabric, or other similar material is attached.

**Awning sign.** Any sign suspended under a permanent canopy or awning projecting from a building, and used to identify a business, profession, service, product, or activity offered on the premises of the sign location.

**Banner.** A temporary sign made of cloth, canvas, lightweight plastic, or similar material, usually an elongated rectangle in shape, which may be used for decorative purposes or to provide information, is not permanently affixed to a building, structure, or the ground, is more than one square foot in size, and is mounted/tethered to a pole(s), building, or other structure at one or more edges.

**Banner, changeable.** A type of banner which is mounted/tethered to the supporting structure in a semi-permanent manner (i.e., it is intended to be changed out periodically using a permanently affixed mounting device such as hooks, brackets, tethers, etc. which are designed to remain in the same place permanently).

**Banner, feather.** A flexible or rigid pole to which one side of a flexible fabric, generally in the shape of a feather or similar shape, is attached, and which is used for the primary purpose of advertising or attention-getting by the public display of visually communicative images. This definition includes functionally similar display devices such as a banana banner/flag, blade banner/flag, flutter banner/flag, bow-flag, teardrop banner/flag, and others.

**Banner, temporary.** A type of banner which is mounted/tethered to the supporting structure in a non-permanent manner (i.e., it is intended and designed to be used for only a short time period, after which it is removed, leaving no mounting device or other evidence of its presence in place).

**Billboard.** A pole sign, as that term is defined in this article, having a face surface area exceeding three hundred square feet, the purpose of which is to advertise a business, products, or services, where the sign surface area is available for lease, rent or hire, and therefore its message/appearance is periodically changed.

**Blade sign.** A type of projecting sign mounted on a building façade or storefront pole, or attached to a surface perpendicular to the normal flow of traffic.

**Building official.** The city's chief building official or his/her designee, charged with the administration and enforcement of building and sign regulations.

**Bunting.** A fabric or similar material fashioned into decorative, flag-like design(s) typically used for celebrative occasions as adornments to buildings, walls, fences and other structures. Bunting is defined as a temporary sign when displayed for advertising or other public attention-getting purposes.

**Canopy.** A lightweight architectural structure or projection made of canvas or other material which provides weather protection, identity, and decoration and is supported either by a building to which it is attached or to a framework attached and set to the ground.

Canopy sign. Any awning containing signage used to identify a business, profession, service, product, or activity.

Cabinet sign. A sign constructed in a manner so that the sign face is surrounded by vertical and horizontal structural members which create an enclosed space of unspecified depth behind the sign face where lighting may be installed. A cabinet sign may have either a single sign face or two sign faces with an enclosed space between the two faces.

Change panel. A portion of a sign face that may be readily removed, altered, substituted or otherwise changed to reflect updated or frequently varying information which is shown as part of the sign copy.

Changeable message sign. A permanent sign that is designed to advertise/display a message that can be changed either mechanically or electronically (see also reader board sign).

Code enforcement officer. The city official duly registered with the state with authority to enforce various municipal and state codes.

Copy. That portion of a sign that conveys a specific identity or message to the viewer of the sign. Copy on a sign includes only letters, numerals, figures, emblems, logos, trademarks and pictures. Copy does not include stripes, patterns, outlines or other related devices used to enhance the sign, sign background, or message of the sign.

Commercial, business, or identification, sign. A sign installed in connection with nonresidential use by a commercial business establishment or by other nonresidential organizations such as churches, schools, clubs, nonprofit groups, or government entities.

Contractor/construction sign. Any on-site temporary sign identifying the project name or any of the parties involved in the development, design, financing, engineering, construction, landscaping, or other improvement of the site on which the sign is located.

Detached sign. Any sign connected to the ground and which is not an attached sign, inclusive of signs mounted upon movable objects, except signs on vehicles which are moving or are parked only temporarily, incidental to their principal use for transportation. Includes pole, pylon, monument, and free-standing signs.

Dilapidated or deteriorated sign. A sign on which any portion of the finished material, surface, or message portion of the sign is visibly faded, flaked, broken, missing, defaced, splintered, defective, or otherwise visibly deteriorated or in a state of disrepair, other than normal wear, so as not to substantially appear as it was intended or designed to appear when originally constructed; the panel is visibly cracked or, in the case of wood or similar products, splintered in such a way as to constitute an unsightly or harmful condition; the sign, or its elements, structural support, or frame members are visibly bent, broken, dented, torn, twisted, leaning, or at an angle other than the angle at which it was originally erected; the colors of the sign or sign copy are faded to an extent that it creates an unsightly appearance; the communication message or wording can no longer be clearly and easily read; or the sign or its elements are not in compliance with the current electrical code or building code of the city.

Directional sign. Any on-site sign designed to direct the public to entrances, exits, and services relating to the property on which it is located, and which does not contain advertising.

Directory sign. Any sign listing occupants within shopping centers, office buildings, and other commercial developments with multiple occupants or tenants.

Door sign. Any sign printed upon, affixed to suspended from, or displayed from either the interior or exterior surface of a door used for the purpose of advertising products, sales, and/or services, or for the purpose of providing information about the establishment occupying the premises.

Electric Sign. Any sign containing electric wiring. This does not include signs illuminated by an exterior light source.

Electronic, digital, or light emitting display (LED) sign. A static sign(s) that utilizes an electronic process or remote control to generate graphics and messages displayed on a lighted screen, visible during both day and night hours; a type of reader board sign.

Erect. To build, construct, attach, hang, place, suspend, or affix, including the painting of signs on the exterior surface of a building or structure.

Exterior sign. Any sign erected or placed outside the confined interior floor space of a building.

Façade. The exterior walls of a building exposed to public view, especially referring to the principal faces of the building through which there may be public entries. Façade also means the exterior vertical face areas (non-roof) visible to public view of specialized elevated building forms such as canopies, porte-cochères, and porticoes.

Façade display height. The vertical distance on a building facade where a primary facade-mounted identification sign may be displayed. Vertical distance is measured by the applicable unbroken (by intervening horizontal architectural elements) vertical plane of the facade between either:

- 1) The roof line and nearest building opening (door, window, etc.) below it;
- 2) The roof line and the ground (when no intervening opening exists);
- 3) A cornice or similar detail at the roof line and the nearest opening (door, window, etc.) or horizontal architectural detail below it;
- 4) A cornice or similar detail at the top of a parapet facade and the nearest opening (door, window, etc.) or horizontal architectural detail below it; or
- 5) The bottom of a building opening (door, window, etc.) and the top of a building opening (door, window, etc.) below it.

Face. The surface display area of a sign upon, against, or through which a message is displayed or placed.

Flag. A sign made of any fabric, bunting, or similar pliant material attached along one side to a single pole that is either freestanding or attached to a building, usually rectangular in shape and containing a distinctive design or message, and designed to flow in the wind.

Flashing Sign. Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purpose of this ordinance, any moving illuminated sign, except digital billboards, must be considered a flashing sign.

Flat-to-Wall (Façade-Mounted) Sign. A sign affixed directly to or painted on or otherwise inscribed on an exterior wall and confined within the limits thereof of any building.

**Freestanding Sign.** An on-site sign on a freestanding frame, supported by uprights, braces, pedestals, bases or other means capable of maintaining the sign in its designed position while withstanding the stresses of weight and wind loads. Does not include ground mounted signs.

**Garage, or yard, sale sign.** A temporary sign advertising the sale of personal or household goods in a residential area or on the property of a nonprofit organization; includes estate sales.

**Government Sign.** A government sign is constructed, placed or maintained by the federal, state or local government, or a sign that is required to be constructed, placed or maintained by the federal, state or local government either directly or to enforce a property owner's rights.

**Graffiti.** Any unauthorized inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of public or private property by any graffiti implement, to the extent that the graffiti was not authorized in advance by the owner or occupant of the property, or, despite advance authorization, is otherwise deemed a public nuisance by the City of Terrell. Graffiti includes snipe signs.

**Grand opening.** An event or time period acknowledgement of the opening of a new business or other organizational entity; the opening of a business or other organization at a different location; the major expansion of a business or other organization; or the reopening of a business or other organization after a period of being closed or substantially reduced in operational access for causes such as rebuilding, remodeling, or restricted property access.

**Ground Mounted Sign.** A sign that extends from the ground, or has support that places the bottom of the sign less than two feet from the ground.

**Highway Sign.** A freestanding sign, integral sign, or flat wall sign that is erected and maintained within the view of motorists who are driving on any state or U.S. highway.

**Historic sign.** A sign that is more than fifty years old and is of historic significance or contributes to the historic fabric of the city or area.

**Illuminated Sign.** Any sign which has characters, letters, logos, symbols/figures, designs, or outlines illuminated by electric lights, luminous tubes, or other artificial means used to draw attention to, light up, or provide viewing of the sign and its contents during periods of darkness.

**Incidental sign.** A small sign, secondary to the primary sign, intended to provide additional information or advertising and which are generally intended to be viewed by customers/visitors who are already on the site.

**Incombustible material.** Any material that will not ignite at or below a temperature of 1200 degrees Fahrenheit, and will not continue to burn or glow at that temperature.

**Inflatable sign.** Any sign expanded, enlarged, or supported by the use of air or gas.

Institutional sign. Any sign used to identify schools, churches, hospitals, child care facilities, and similar public or quasi-public institutions.

Integral Sign. A sign that is embedded, extruded, or carved into the material of a building façade. A sign made of bronze, brushed stainless steel or aluminum, or similar material affixed to the building façade.

Logo. Any formalized design, insignia, symbol, or trademark of a company or product/service which is commonly used to advertise/identify that company or product/service.

Marquee Sign. A canopy or covering structure bearing a signboard or copy projecting from and attached to a building; typically with a changeable message.

Menu sign. Any on-site sign displaying a list of items offered for sale on the premises; typically used at restaurants.

Monument sign. A detached, free-standing sign having a low profile and mounted to a continuous, ground-level masonry base approximately the same width as the actual signage, or to a base where vertical supports are fully enclosed by materials that provide no clear or open space for the full width of the sign structure between the bottom of the sign face and the surface of the ground.

Moving sign. A permanent sign (other than a banner or flag) which is kinetic/animated, changes messages, revolves, swings, or is otherwise designed to move by mechanical means or by the force of wind.

Multi-tenant commercial development. A building or group of buildings, such as but not limited to shopping centers and office centers, constructed and managed as a total entity where multiple commercial tenants occupy floor space which has been divided into separate areas for respective individual occupant use.

Mural. A painted image or design attached to the surfaces of walls, which may or may not include words, and may or may not be used for advertising purposes. The definition of "mural" does not encompass architectural elements that are incorporated into a building's structure or facade. A type of original art display.

Nonconforming sign. Any sign that was lawfully erected in compliance with the applicable regulations of the zoning ordinance prior to the effective date of this or subsequent codes and which fails to conform to the current standards or restrictions, the use of which has not been discontinued for longer than two years.

Obsolete sign. Any sign that no longer serves a bona fide use or purpose, including those for closed businesses.

Original Art Display. A hand-painted work of visual art that is either affixed to or painted directly on the exterior wall of a structure with the permission of the property owner. An original art display does not include mechanically produced or computer generated images, electrical or mechanical components, or changing image art display.

Parapet. The extension of the main walls of a building above the roof level.

Pennant. A type of temporary sign generally constructed of lightweight plastic, fabric, or similar material, that is less than one square foot in size and usually triangular in shape, used for decorative, attention-getting or advertising purposes, and designed to be suspended from lines, mounted/tethered to a pole(s), building or other structure by a rope, wire, string, or similar device, usually in series, and that is meant to move in the wind. A

pennant may or may not exhibit a text message or symbol, and may be a single or several colors. For the purpose of this section, a string of multiple pennants and/or streamers, of whatever length, shall also constitute a pennant.

Permanent sign. Any sign installed or erected with the intent of use beyond a temporary period.

Pole sign. Any permanent detached sign supported by, from, or on top of a vertical framework consisting of one or more uprights supported by the ground.

Portable sign. Any advertising sign not permanently attached to or affixed to the ground, a building, or some other permanent, fixed structure or object, and thus can be carried, towed, hauled, or driven and is primarily designed to be moved from one location to another instead of limited to a fixed location. This term specifically includes outdoor advertising displays affixed to or mounted upon a vehicle or other mobile unit such as a trailer, wheel, or skid, and also includes a sandwich board, or A-frame. If a sign only identifies a vehicle as belonging to a business by displaying the name, address, email, and/or telephone number of such business, and/or identifying the type of product or service offered by such business, and the primary use of such vehicle is for the transportation of persons or products or the delivery of services in connection with such business, said identification shall not be considered a portable sign.

Premises. Any parcel of real property together with all buildings and structures thereon.

Projecting sign. Any sign, other than a wall sign, that projects from (i.e., not mounted flush with) a building face at any angle, and which has one end attached to and supported by the building or other permanent structure.

Protective Sign. Any sign which is commonly associated with safeguarding the permitted uses of the property including, but not limited to, signs with messages such as "bad dog", "no trespassing", "buried cable", "high voltage", etc.

Pylon sign. A free-standing, detached sign supported by a tall, ground-up, monument structure. Pylon signs shall be regulated in the same manner as free-standing, detached pole signs (e.g., allowed size, height, setbacks, etc.), except that all portions of pylon signs must be located entirely upon private property; may not overhang a street, alley, or public right-of-way; and must be located outside of any required visibility easement/area determined by the city.

Reader board sign. Any permanent sign comprised of changeable letters or numerals which allow for a frequent change of sign copy. Reader board signs include two types: electronic, which uses electronically displayed numbers, letters and symbols (such as LCDs) controlled by remote or other automated means; and manual, which uses letters, numbers and symbols that can be readily changed by the physical substitution, addition, removal or rearrangement of such copy.

Real estate sign. Any on-site temporary sign pertaining to the sale or rental of property.

Roof sign. Any sign erected upon or above a roof of a building, not including a false mansard roof, canopy, or other fascia.

Searchlight. An electrical light capable of generating and projecting a concentrated beam or beams of light into the sky which are visible in periods of darkness from distances away from the source of the light.

Sign. Any device, including every sign, name, number, identification, description, announcement, declaration, demonstration, message, display, flag, banner, pennant, beacon, light, vehicle, or enhancing decorative pattern or insignia, and the supporting structure of any of these devices which is placed upon or affixed directly or indirectly to or upon any building or outdoor surface erected or otherwise placed upon a parcel of land, that has words, letters, figures, designs, symbols, logos, illustrations, pictures, emblems, trademarks, illuminations, or projected images designed to visually attract or direct viewer attention to any object, product, service, place, activity, person, institution, organization, or business, or to convey either commercial or noncommercial messages to the public, but not including any lawful display of merchandise. Each display surface of a sign or sign face is considered to be a sign. For the purposes of this code, signs do not include those only visible from the inside of a building or athletic field/stadium.

Sign surface area. The actual geometric area of a sign face enclosed by drawing a rectangle of horizontal and vertical lines to fully contain the extreme edges of the sign for each face, not including the supporting structure or where attached directly to a building wall or surface, and enclosing all the characters of the words, numbers, or design. The measurement is to be calculated from the viewpoint which gives the largest rectangle of that kind, including both sides as the viewpoint is rotated horizontally around the site. Where two or more signs share space on a single structure, each sign shall be measured separately for calculating the surface area; however, the combined area of such signs shall not exceed the total surface area allowed for the sign structure.

Snipe sign. Any small 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.

Special purpose sign. A sign temporarily supplementing the permanent signs on the premises. Signs indicating a business opening are special purpose signs.

Support structure. Any pole, post, strut, cable or other structural fixture or framework necessary to hold and secure a sign, providing that said fixture or framework is not imprinted with any picture, symbol, or word using characters in excess of one inch in height, nor is internally or decoratively illuminated.

Temporary sign. A banner, pennant, poster, or advertising sign constructed of cloth, canvas, vinyl, paper, plywood, fabric, plastic, cardboard, or other lightweight material that is neither permanently installed in the ground nor permanently affixed to a building or structure that is permanently installed in the ground, and used to display information for a limited period of time related to a use, event, or condition of limited duration as defined elsewhere by this article related to a specific sign usage, but for a definite limited time period. The term "temporary sign" includes, but is not limited to, A-frame signs, lawn signs, banners, inflatable signs, and window signs. The term temporary sign does not include flags or signs that are intended to regularly move, such as motorized signs.

Vehicular sign. A sign attached to or displayed on any vehicle parked temporarily, incidental to the vehicle's principal use for transportation. This definition shall not include signs that are being transported to a site for permanent erection, the company name or logo painted or permanently affixed to the vehicle, or signs on vehicles transporting goods or providing services.

Window sign. Any sign painted upon, affixed to, suspended from, or displayed from either the interior or exterior surface of a window, or located within the interior of a structure so that its message can be read from the exterior of the structure, and used for the purposes of advertising products, sales, or services, and/or for the purpose of providing information about the establishment occupying the premises.

**Section 3. Applicability.**

Signs may be erected placed, established, painted, created, or maintained only in conformance with the standards, procedures, exemptions, and other requirements of this article and other applicable city regulations. In the event of conflict between the regulations of this article and those of other local, state, or federal regulations, the more restrictive regulation governs, to the extent allowed by law.

- A. Except as otherwise provided herein, the provisions of this section do not apply to the following:
  1. Government signs.
  2. Lightweight signs, decals, stickers, or paint placed on vehicles, with the permission of the vehicle owner(s).
  3. Signs approved in conjunction with a special event in accordance with the Terrell Code of Ordinances, and when permitted by the city manager or designee.
  4. Street number signs not exceeding one square foot in area.
  5. Signs approved in conjunction with a temporary use permit.
  6. Temporary signs on residential property not exceeding two square feet in area.
  7. Signs in or on athletic fields oriented to the spectators and not to those outside the fields.
- B. No sign may be erected, maintained or displayed without a valid permit unless excepted or exempt. The following signs do not require a sign permit, shall not be counted against any maximum sign allotment for a particular property, and shall not be required to pay fees, provided said signs shall not obstruct visibility as determined by the building official, and remain subject to all other provisions of this section. These exempted signs are:
  1. Signs (temporary or permanent) located inside a building.
  2. Yard, estate, and garage sale signs.
  3. Temporary contractor/construction signs denoting the architect, engineer, and/or contractor, not exceeding sixteen square feet in surface area when located on the premises of the property tract under development.
  4. Temporary contractor/construction signs not exceeding sixteen square feet in surface area which provide information about construction entrances or permitted construction working hours for a project in the process of development.
  5. Any single temporary banner or sign announcing a community, civic, charitable or organizational event that is located on the premises of the sponsoring organization or event site.
  6. State, national, local, institutional, or non-commercial flags attached to an approved flagpole, emblems, insignia, or decorative displays for holidays or public demonstrations which do not contain advertising and are not used as such.
  7. On-site directional signs, not exceeding two square feet. Placement of such directional signs must conform to visibility standards and other safety criteria.
  8. Changing sign content or other copy change for signs otherwise allowed herein.
  9. Customary and usual maintenance of any sign.
  10. Incidental signs in a nonresidential zoning district.

11. Window signs.
12. Bulletin boards not over twelve square feet in area for public, charitable, or religious institutions when the same are located on the premises of said institutions.
13. Nonresidential occupational signs denoting only the name and profession of an occupant, located within a commercial building or public institutional building, and not exceeding two square feet in area.
14. Memorial signs or tablets, such as inclusion of the name of a building and/or date of erection, when cut into any masonry surface or when constructed of bronze or other incombustible materials.
15. A protective sign that has as its purpose the protection of life and/or property.
16. A sign or marker giving information about the location of underground electrical transmission lines, telegraph/telecommunications lines or cables, pipelines, water or sewer lines, or other public/private utility line/structure.
17. Temporary signs on private residential property not exceeding six square feet in surface area, which advertise the sale, rental or lease of the premises only upon which such signs are located.
18. Inflatable signs that are safely attached to the ground or a building.

#### C. Authorized Government & Protective Signs

These regulations do not apply to signs erected, maintained or posted by the state, federal, or city government under their legal authority to do so, or to those signs they may require to be placed by others. Further, these regulations clarify that government signs which form the expression of that government are allowed in every zoning district and include the signs described and regulated herein when erected and maintained pursuant to law.

1. Traffic control devices on private or public property must be erected and maintained to comply with the Manual on Uniform Traffic Control Devices (MUTCD). Because these regulations do not apply to state, federal, or city government, a failure to comply with this provision by those governments does not constitute evidence of negligence or form the basis for a cause of action.
2. Where a federal, state or local law requires a property owner to post a sign on the owner's property to warn of a danger (e.g., vicious dog, underground cable) or to prohibit access to the property (e.g. no trespass) either generally or specifically, the owner must comply with the federal, state or local law to exercise that authority by posting a sign on the property. If the federal, state, or local regulation describes the form and dimensions of the sign, the property owner must comply with those requirements; otherwise, when not defined, the sign shall be no larger than three square feet and located in a place on the property to provide access to the notice that is required to be made.
3. Official legal notices or advertisements; signs required or authorized by law or by federal, state, county, or city authority; and historical plaques may be posted or displayed by or under the direction of any court officer, public body, or person in the performance of official, legal, or directed duties; provided that all such signs must be removed by the property owner no more than ten days after their purpose has been accomplished or as otherwise required by law.
4. Consistent with Section 4-16 of this Code of Ordinances, all buildings fronting on any street or alley in the city shall be marked in some conspicuous place by the owner thereof, using numerals that identify the address of the property so that public safety departments can easily identify the address from the public street right-of-way. Where required under this code or other law, the identification must be on the curb and may be on the principal building on the property. The size and location of the identifying numerals and letters if any are placed on the building, must be proportional to the size of the building and the distance from the street to the building and in no case larger than sixteen inches. In cases where the building is not located within view of the public street, the identifier must be located on the mailbox or other suitable device such that it is visible from the street.

5. The signs described in this ordinance are an important component of measures necessary to protect the public safety and serve the compelling governmental interest of protecting traffic safety, complying with legal requirements, serving the requirements of emergency response and protecting property rights or the rights of persons on property.

#### **Section 4. General regulations**

- A. The following regulations apply to all signs not exempted by this article:
  1. All signs must be well maintained so that they are structurally safe and do not cause litter to the surrounding area or appear to be in a dilapidated condition.
  2. No sign shall project over any right-of-way except as permitted in the case of federal, state, and city directional and/or regulatory signs.
  3. Signs located near utility lines and streetlights must comply with the distance clearance requirements of the most recent edition of the electric code adopted by the city and any and all local utility standards. No variances or special exceptions may be granted.
  4. For the purpose of applicability of zoning classifications, setbacks, and the like elsewhere under this Code of Ordinances, all signs located outside of a principal structure shall be considered structures unless such signs are placed flat against such principal structure, subject to all requirements in this article applicable to structures.
  5. Wherever used in this section or elsewhere in this article, the term "installed," "erected" or "constructed" shall also mean "reinstalled," "re-erected" or "reconstructed" except with respect to periodic and normal maintenance, including repainting or other refurbishing, and shall also mean "built" or "rebuilt," all as may be appropriate to the context or conditions thereof.
  6. Notwithstanding anything contained herein to the contrary, any person who displays a sign in compliance with this code may substitute the message on that sign without first securing any additional approval, permitting, or notice, provided that any such substitution would not result in the sign becoming noncompliant.
  7. After enactment of this article, no sign shall be erected, placed or modified except in conformance with this article.
- B. Electrical signs.
  1. Electrical signs must comply with the requirements of the city's most recently adopted electrical code. In addition, all illuminated signs must be built to comply with Underwriters' Laboratory requirements and standards and shall bear the Underwriters' Laboratory label. Electrical devices or signs must be protected by wire glass, safety glass, a locked box of metal or wood, or other materials approved by the building official.
  2. No lighted sign shall be erected within 150 feet of a residential development unless the lighting is shielded from view of the residential development. In no case shall lighting spill over one foot candle onto public streets or 0.03 foot candles onto adjacent residential property.
  3. Programmed electronic display is allowed on one sign per street frontage per business. Animation, video, or scrolling is not allowed. A ten-second hold time is required with transition time not to exceed one second. Transitions shall not be allowed between the hours of 12:00 midnight and 6:00 a.m. Electronic displays shall have automatic dimmers and brightness shall not exceed 0.3 foot candles above ambient light conditions.
  4. Any spotlight or other sign illumination shall be so directed or shielded that the light source is not directly visible from any street, sidewalk, or adjacent property.

C. Safety.

1. No sign may be erected or maintained in such a manner so as to obstruct free and clear vision, or any location where, by reason of its position, shape, color, features, degree, or manner/intensity of illumination, it may interfere with or cause visual distraction for vehicular or pedestrian traffic or endanger traffic by obstructing the view of any street, road, highway, or intersection.
2. No sign may be erected, enlarged, relocated, or maintained in such a manner that any portion of its surface or supports will obstruct or interfere in any way with the free ingress to or egress from any fire escape, fire equipment, required ventilator, stairway, door, window, or other exit.
3. No person may erect or maintain any fluttering, undulating, swinging or rotating beacons, or strobe lights with lighting interruptions of less than ten-second intervals.
4. No sign may be erected or maintained in such a manner as to be likely to interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device.
5. The safety regulations contained herein apply to all signs, including those classified as excepted from this ordinance, and those that are part of a PD or overlay plan.

D. Construction standards.

1. All signs shall conform to the city's building standards specifications and the city's building codes for building materials and design.
2. All signs shall be designed and constructed to withstand a wind pressure of not less than thirty pounds per square foot of area, and shall be constructed to receive dead loads as required in the building code or other codes/ordinances of the city. Plans shall be sealed by a registered engineer for all wall signs (not painted on the wall or building surface), roof-mounted signs, and free-standing signs of fifty square feet or larger, and ten feet or more in height.
3. All supporting hardware shall be concealed from view or integrated into the sign design.
4. Supporting structures of permanent signs shall employ the same material, colors, and textures as the associated primary structures.
5. All commercial signs must be printed and professional in appearance. No handwritten or spray painted commercial signs are allowed, save and except window signs painted or applied directly to the window using paints or similar media.

E. Maintenance.

1. Each sign shall be constructed of durable material and shall be kept in a high state of repair at all times. All parts, portions, and support structures of each sign shall be maintained in good condition to prevent deterioration, oxidation, rust, discoloration, or other unsightly conditions, and in a safe condition free from all hazards including but not limited to faulty wiring and loose fastenings so as not to be detrimental to public health and safety. Maintenance includes the replacement of defective parts and other acts required for the maintenance of such sign, without altering the basic copy, design, or structure of the sign. The building official shall require compliance or removal of any sign determined to be in violation of this Code in accordance with the enforcement provisions herein.
2. No person shall maintain or permit to be maintained on any premises owned or controlled by him/her any sign, banner, flag, or pennant which is in a dilapidated or deteriorated condition or otherwise in a state of disrepair as defined herein. Upon notice of violation, any such sign shall, within ten days, be removed or repaired by the owner of the sign or the owner of the premises upon which the sign is located.
3. Upon failure to comply with such notice, the municipal development director or his/her designee is authorized to enter the property upon which such sign is located and cause the removal of same sign. The owner of the land, building, or structure to which such sign is attached and upon which it is erected, and

the owner of such sign and holder of the sign permit, are jointly and severally liable for any expense incident to removal, including reasonable administrative costs.

4. All sign copy relating to an activity, service, use, or product no longer available for use or purchase by the public and all sign copy relating to a business which is closed or has vacated the premises shall be deemed obsolete and must be removed. Painted wall signs must be painted over with a color that resembles or matches the wall. If the owner, occupant, or person in control of the premises, or person responsible for the sign, fails to remove or paint over the sign, the owner of the premises shall be responsible and the work shall be completed within thirty days following the date of notification from the city.

#### **Section 5. Permitting & review.**

- A. A primary purpose of the City's permitting process is to protect the public's health and safety by ensuring that signs with structural elements that could pose a health and safety risk are properly installed.
  1. It shall be unlawful for any person to erect, repair, alter/modify, or relocate within the city limits any sign as defined in this ordinance not otherwise exempted from the permit requirement without first obtaining a sign erection permit from the building official.
  2. Permit applications (when required) must be submitted, the permit application fees (when applicable) must be paid, and the application must be approved prior to placing any sign.
  3. Permit applications that comply with this sign ordinance, the zoning ordinance, the building code, and other applicable laws, regulations, and ordinances shall be granted.
  4. If the application is rejected, the building official or designee shall provide the reasons for the rejection in writing. An application must be rejected for non-compliance with the terms of this code, the zoning ordinance, building code, or other applicable law, regulation, or ordinance.
  5. If a sign lacks a required permit but is otherwise permitted under the sign code, the sign's continued display shall be allowed as long as the sign owner applies for a permit within five business days.
- B. To obtain a sign permit, a written application for permit shall be made upon forms provided by the building official and shall contain (or have attached thereto) the following:
  1. Name, address, and telephone number of the applicant(s), and date of application.
  2. Written consent of the owner of the building, structure, or land to which or upon which the sign structure is to be erected, if different from applicant.
  3. Site plan showing the location of the sign, including its location in relation to nearby buildings or structures, signs, property/right-of-way lines, driveways, public streets, fences, and sidewalks.
  4. Zoning classification of the property.
  5. Dimensioned drawing illustrating the sign and sign copy; the location and design of the sign; the height, width, and distance from the ground at the base of the sign to the top of the sign; color schemes, and the letter size to be contained within the sign; specifications showing method of construction; method of attachment to the building or ground; construction materials; and such other information as the building official may require.
  6. When requested by the building official or his/her designee, more detailed plans may be required to evidence full compliance with this and other ordinances of the city and such plans may be required to be prepared by a registered professional engineer or architect.
  7. Where required, copy of stress sheets and calculations showing that the structure is designed for dead load and wind pressure in any direction in the amount required by this and all other ordinances of the city. Plans shall include a registered engineer's seal for wall signs, roof-mounted signs, or free-standing signs of fifty square feet or larger and ten feet or more in height.

8. An application for a temporary sign must state the dates intended for the installation and removal of the sign, not to exceed forty-five days duration unless another time is provided in this code or the zoning ordinance.
9. The payment (if required) of a nonrefundable fee for both permanent and temporary signs in an amount set, from time to time, by the city council and as required by the city's master fee schedule.
10. Every applicant for a permit under this article for permanent exterior attached or detached signs must state the date when the owner intends to erect it, and carry a liability insurance policy in amount satisfactory to the municipal development director, and which covers the subject sign, the installer and the sign installation. The policy must be carried by an approved and Best A-rated insurance company authorized to do business in Texas. Proof of liability coverage shall be submitted by means of certificate.
11. An application for any permanent exterior sign shall provide a bond in an amount and from an issuer approved by the building official to protect the city from the cost of removing the sign should it no longer be allowed under the laws of the city, state, or federal government, or if it is not properly maintained or if it is abandoned. If the permit is issued, a condition of the permit must be that the bond is maintained and increased or decreased based upon the then current estimate of the cost of removal of the sign. If the sign is removed without cost to the city the code official must release the bond, but may execute upon it should the city be held responsible for or incur any cost in removing the sign.

C. If the sign is an electrical sign, the application shall include electrical plans and specifications, the type of lighting to be used, placement of lights, and the area which will be illuminated. The building official shall examine all plans and specifications related to any wiring and electrical connections to determine if the same complies with the electrical code of the city. The building official shall approve said permit if the plans and specifications comply with these requirements, or disapprove the application if noncompliance is found. All electrical service for detached or free-standing signs shall be underground and in conduit. No temporary electrical services are allowed.

D. It shall be the duty of the building official, upon the filing of an application for a sign installation permit, to examine such plans and specifications, other data, and the premises upon which the sign will be erected. If the proposed structure is in compliance with all the requirements of this section, the zoning ordinance, the building code, and all other laws and ordinances of the city, the permit shall be issued conditional to inspection passage. Once the submittal has been deemed complete, the building official or his/her designee shall have seven business days if this sign code does not require a requested sign to have an inspection, and fourteen business days if the code does require a requested sign to have an inspection, to process the permit application, and approve the application, reject the application, or notify the applicant of deficiencies in the application. If the work authorized under a sign permit is not started within sixty days after the permit is issued, or is not completed within 120 days after work is commenced following the issuance of a sign permit (or within thirty days in the case of a temporary sign permit), the permit shall become null and void.

E. The building official may inspect annually, or at such other times as deemed necessary, each sign regulated by this section for the purpose of ascertaining whether the same is secure or insecure, whether it still serves a useful purpose, and whether it is in need of removal or repair.

F. Any signage requiring a conditional or special use permit shall be governed by those conditional or special use regulations that apply to the basic zoning classification under which the conditional or special use permit is granted. Similarly, any signage permitted and installed pursuant to or part of a Planned Development zoning

or a Downtown or CBD sign overlay district shall be governed by the conditions established by said PD or overlay district.

- G. The city may suspend or revoke any permit issued under the provisions of this article whenever it determines that the permit was issued in error or that information in the application was materially false or misleading; such permit was issued in violation of any of the provisions of this article, any other applicable law, regulation, or ordinance of this city, or any laws of this state or of the federal government; the sign as installed does not conform to the sign permit application; or the building official or his/her designee determines that the sign is not being properly maintained. Such suspension or revocation shall be effective when communicated in writing to the person to whom the permit is issued, the owner of the sign, or the owner of the premises upon which the sign is located. Any sign for which a permit is revoked shall be deemed a nonconforming sign, and shall be removed by the permit holder, sign owner, or property owner within thirty days of written notice of the revocation.
- H. If the building official finds any sign regulated herein that no longer meets the provisions of this section or any other city code, is unsafe, insecure, unlawful, or a menace to the public, the building official shall give written notice to the permittee thereof. If the permittee fails to remove or repair the structure within ten days after such notice, such sign may be removed by the city at the expense of the permittee or owner of the property upon which it is located. The building official shall refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed. The building official may cause any sign which is an immediate peril to persons or property to be removed summarily and without notice, at the permittee/owner's expense.
- I. Any sign that is obsolete, abandoned, or which no longer advertises an existing bona fide on-site business conducted or product sold, shall be removed by the owner, agent, or person having the beneficial use of the land, building, or structure upon which such sign is located within sixty days after written notification to the owner, agent, or person having the beneficial use of the land, building, or structure from the building official. Upon failure to comply with such notice to remove the sign within the time specified, the building official is hereby authorized to cause removal of such sign and any expense incident thereto shall be paid by the owner of the land, building, or structure to which such sign is attached or upon which it is erected. Any sign located in public right-of-way (except as authorized herein) may be immediately removed by the building official, police department, or any duly authorized agent for the city without notice to the owner.
- J. All rights and privileges acquired under the provisions of this section, or any amendment thereto are mere licenses revocable at any time by the Terrell City Council, and permits should contain this provision.

#### **Section 6. Specific sign regulations.**

- A. Single-family residential
  - 1. With the exception of federal, state and city directional and/or regulatory signs, no sign in single-family residential, AG, TX, EE-32, SF-16, SF-10, SF-7.5, SF-6, TH-12, MH zones and residential PDs, shall be artificially illuminated, or constructed with iridescent or other highly reflective materials.
  - 2. For purposes of this article, single-family residential zones are defined as those zones where single-family homes may be constructed on individual lots.
  - 3. Attached and permanent detached signs are prohibited on lots occupied by single-family uses, except that a monument sign that serves as a residential subdivision entry sign shall be allowed. Such monument signs may be located on private property or in the public right-of-way if approved on a construction plat.

4. A temporary marketing sign(s) for a new residential development meeting the following standards shall be permitted:
  - a. Residential developments ten acres or less in area may have a sign of not more than sixteen square feet surface area. Developments over ten but less than fifty acres in area may have a sign or signs which have a total area of not more than thirty-two feet. Developments of fifty acres but less than 100 acres in area may have a sign or signs with a total area of not more than sixty-four square feet. Developments of more than 100 acres in area may have a sign or signs with a total area of not more than ninety-six square feet.
  - b. The sign(s) must be framed with sides not to exceed six inches in width, and with the top and bottom framing of the sign not to exceed ten inches in width.
  - c. The minimum distance between signs shall be 150 feet.
  - d. Signs larger than eight square feet must be set back a minimum of ten feet from the property line. All others must be set back a minimum of three feet from the right-of-way.
  - e. No sign may exceed twelve feet in height above grade level, excluding decorative features (a decorative extension, crowns, frames, etc.).
  - f. The sign(s) may go up once the final plat has been approved by the city council, and must be taken down once 75% of the lots have been sold.
  - g. One development ground sign shall be also permitted per premise. Additional ground signs may be allowed for each additional 150 feet of frontage.
  - h. On developed sites, ground signs shall be allowed for two-week periods, up to six times per year.
  - i. The developer must complete an application for a sign permit, pay a sign permit fee as required by the city schedule of permits and fees to the city, and receive the approved sign permit before the sign may be erected.
  - j. The location of the sign(s) will be approved through the platting process and shall be submitted in conjunction with the preliminary plat.
  - k. The sign(s) may relate only to the property upon which they are located.
  - l. Placement of such sign(s) shall not constitute a visibility or other safety hazard.
  - m. The sign(s) must remain in good condition or the city reserves the right to remove it.
5. In a residential zone the property owner may use string lights or rope lights to decorate the residence as well as natural objects without a permit if no more than one foot candle is projected onto public streets or 0.03 foot candles onto adjacent residential property, and provided:
  - a. String and rope lights must be designed to meet GCFI standards and installed in accordance with the city's most recently adopted electric code.
  - b. String light bulbs and rope lights must be of standard wattage and designed for outdoor use.
  - c. String and rope lights must be securely hung.

B. Multiple-family (MF)

1. One single or multi-tenant monument commercial sign shall be permitted for every 300 feet of street frontage, with no more than twenty-five square feet per tenant or address, and subject to the following restrictions:
  - a. One sign may be wall-mounted to the building near the entrance or set back one-half the distance from the building line to the property line.
  - b. The sign shall not exceed thirty-two square feet in total area.
  - c. The sign height shall not exceed six feet.
  - d. Construction design and material shall match the main building(s).
  - e. Entire sign must be located on and within private property.

- f. Signs shall be set back a minimum of ten feet from any street right-of-way.
- g. All buildings containing residential units shall provide signage that clearly identifies the numbers (i.e. the addresses) of the units within each building.
- h. Signage shall be visible from entrances into the complex and/or from vehicular drive aisles within the complex such that each individual unit is easy to locate by visitors, delivery persons, and/or emergency personnel.

C. Institutional

- 1. One commercial sign per street frontage shall be permitted for churches, schools, hospitals, child care facilities, parks, and similar public or quasi-public institutions, subject to the following restrictions:
  - a. The maximum size shall be thirty-two square feet.
  - b. Construction design and material shall match the main building(s).
  - c. The entire sign must be located on and within private property.
  - d. Signs shall be set back a minimum of ten feet from any street right-of-way.
  - e. Portable signs for public, religious, educational, or charitable institutions shall be permitted for a cumulative maximum of sixty calendar days per year.

D. Business sites (in O, NS, R, HC, C, I, AG).

- 1. One flat-to-wall sign per business permanently affixed on any wall of the building is permitted.

<b>Business/Suite Size</b>	<b>Max. Sign Size</b>
1500 sq. ft. or less	24 sq. ft.
1501 - 3000 sq. ft.	36 sq. ft.
3001 - 6000 sq. ft.	48 sq. ft.
6001 sq. ft. and greater	60 sq. ft.
a. Further, the maximum size of each sign shall be no more than 15% of the wall surface area, nor more than 50% of the width of the building face or store frontage.	
b. An attached sign located at a height of twenty-four feet or less from the ground shall have a maximum vertical height of four feet. An attached sign located at a height more than twenty-four feet above the ground shall have a maximum vertical height of six feet.	
c. The sign's height shall not be above the highest part of the building, and shall provide a minimum of ten feet of vertical clearance from sidewalk or ground level.	
d. Attached signs shall be designed to transmit all dead and live loads throughout the structural frame of a building in such a manner as not to overstress any building element.	
e. A flat-to-wall sign must project from the wall surface less than twenty inches at all points.	
2. One permanent freestanding sign per site is permitted per street frontage, or one sign per 480 linear feet of frontage along street. Where more than one sign is allowed, there shall be a minimum of 100 feet between signs. All signs shall be set back a minimum of five feet from any public right-of-way.	

<b>Frontage</b>	<b>Maximum size</b>
Less than 240 ft.	40 sq. ft.
240 - 480 ft.	135 sq. ft.
Greater than 480 ft.	200 sq. ft.
a. A business that fronts multiple streets may erect a sign facing each street; however, the total square footages allowed above may not be exceeded by all signs combined.	
b. The maximum height of the signs from the ground (level grade) shall not exceed twenty-eight feet.	

- c. A freestanding sign must not be located in a required side or rear yard.
- d. A freestanding sign may project up to the street right-of-way provided there is a minimum ground clearance of ten feet above any sidewalk or walkway, and twenty feet above driveways, fire lanes, or other traffic circulation areas; and provided the location complies with the Manual on Uniform Traffic Control Devices.
- e. Such signs shall be located a minimum of thirty feet from adjacent private nonresidential property lines and at least fifty feet from adjacent residential property lines.
- f. Signs shall be constructed of materials that are noncombustible.
- g. Sign supports in contact with the ground shall be protected steel or concrete.
- h. No detached sign may be erected in any portion of a required parking space. When detached signs are adjacent to parking areas, such signs shall be protected by wheel or bumper guards.
- i. A change panel may be incorporated within the allowable sign area for price information signs at vehicle fueling stations and in other signs (typically used by institutional organizations such as churches, schools, governmental entities and nonprofit service agencies) where information is periodically updated.

- 3. No moving, flashing or animated signs are permitted.
- 4. Signs may be either externally illuminated with concealed or low-profile shielded floodlighting or backlit with halo illumination.
- 5. A single temporary sign, other than real estate, may be used either as a freestanding or building-mounted sign for up to forty-five days per year, except as otherwise specified herein.
  - a. The size of such temporary sign shall not exceed thirty-two square feet.
  - b. Temporary signs may be used only for "grand openings" for new businesses (in addition to permanent signs); announcing special events (such as parades, concerts and similar); during the renovation of or a change in any permanent sign; awaiting construction or reconstruction of a permanent sign; and announcing a zoning change request.
- 6. One temporary "construction entrance" sign not to exceed thirty-two square feet in size is allowed at each construction entrance within a project development for the duration of the project construction or while structures within the project are being constructed. One temporary "construction hours" sign, not to exceed thirty-two square feet in size, providing information about permitted construction hours in the city is allowed at each project development entrance during the construction period of the project.
- 7. A legally erected Automated Teller Machine (ATM) may have signs placed on it. However, the sign must be an integral part of the ATM and it may not exceed two square feet in total size, including any border or background color.
- 8. Outdoor lighting at eating or drinking establishments, such as restaurants, cafes, coffee houses, and bars must comply with all limitations on luminance, and string and rope lights may only be used in outdoor patio areas. All string and rope lights must be turned off when the establishment is closed.

E. Building facades/shopping centers/industrial parks

- 1. A Sign District Overlay may be created through the overlay process in site plan form for shopping centers, multi-tenant parcel centers, corporate brand identification, industrial parks, and master planned developments.
- 2. Restrictions within a Planned Development, downtown or CBD sign overlay district, or historic overlay district, in each of which a specific sign plan unique to that district or project shall be designed, submitted, approved, and installed, shall prevail over regulations contained in this code.
- 3. Within all Planned Development zoning districts, the municipal development director may approve signage affixed to or extending from the building façade if such signage meets all the following criteria:

- a. Is consistent with the brand identification standards of the on-site business(es);
- b. Does not create a traffic hazard or unsafe visual distraction to drivers or pedestrians;
- c. Is professionally designed, and submitted with sufficient design detail to determine that the materials and fixtures are of a high quality, long-lasting nature;
- d. The placement and size of the signage is not in conflict with pedestrian traffic or site lines;
- e. Complies with Section 4, General Regulations, Subsection C, Safety; and
- f. The maximum height of any element of the signage does not exceed the height of the roof line by more than ten feet.

4. The city may suspend or revoke any permit issued under the provisions of this code whenever it determines that the permit was issued in error or that information in the application was materially false or misleading; such permit was issued in violation of any of the provisions of this code, any other applicable law, regulation, or ordinance of this city, or any laws of this state or of the federal government; the sign as installed does not conform to the approved sign plan or is or becomes dangerous or a hazard; or the building official or his/her designee determines that the sign is not being properly maintained. Any sign for which a permit is revoked shall be deemed a nonconforming sign, and shall be removed by the permit holder, sign owner, or property owner within thirty days of written notice of the revocation.

F. Central business district (CBD).

1. Any sign within the CBD zoning district shall conform to the following:

- a. No attached sign may be mounted in a manner that results in the lowest portion of the sign being less than eight feet or greater than twenty feet above the sidewalk surface. Businesses and offices may mount signs at lower elevations that indicate the name of the establishment and street address only. These signs must not exceed eight square feet in size.
- b. Attached signs shall be allowed a maximum height of twenty feet at the highest point above the sidewalk surface. They shall not be allowed to extend above the existing building roof line. Where a building is less than twenty feet tall, the roof line shall constitute the maximum allowable elevation.
- c. Attached signs do not have to be flush with the building surface. To accommodate structural and electrical equipment, an attached sign may be up to one foot thick.
- d. There shall be only one display face for an attached sign. Allowable square footage (area) shall be based upon the following formula:

Frontage	Surface area	Additional/story	Max. total area
1 - 50 ft.	25 sq. ft.	30 sq. ft.	40 sq. ft.
51 - 100 ft.	30 sq. ft.	15 sq. ft.	45 sq. ft.
> 100 ft.	35 sq. ft.	15 sq. ft.	50 sq. ft.

- e. Interior signs may be illuminated externally through the use of gooseneck reflectors and lights, provided that such reflectors are provided with proper glass lenses concentrating the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property. All electrical signs shall have an Underwriters' Laboratory listed marker on the sign.
- f. Attached signs shall not be permitted to move, rotate, gyrate, or give the impression of movement.
- g. Attached signs may have lettering up to three feet in height. Letters should be contained within the sign face. Individually mounted letters must be no greater than four feet in height. Letters must be permanent and non-removable.
- h. There shall be only one attached sign per business, or each building facade.

- i. Monuments are required for any permanent detached sign. Therefore, pole signs and pylon signs are not permitted within the central business (CBD) district.

#### G. Temporary real estate signs

1. A temporary real estate sign indicating its availability for sale or lease, or announcing project development on the site, may be placed on a property in any zone. Real estate signs which are six square feet in size or less do not require a sign permit. All real estate signs larger than six square feet require a permit. The following size, dimension and height restrictions apply to temporary real estate signs:

Property Size	Max Size	Max Ratios	Max Height
0 - <10 acres	16 square feet	2 to 1	4 feet
10 - <50 acres	32 square feet	2 to 1	4 feet
50 -100 acres	64 square feet	2 to 1	8 feet
>100 acres	96 square feet	2.5 to 1	12 feet

- a. Property size shall mean the total contiguous acreage owned by a single or joint owner, or the total acreage of each separately platted lot. Where a single project includes several platted lots, both a project sign and individual lot signs may be used, each conforming to the sizes and dimensions stated above.
- b. Dimension ratios shall be measured from height to width or width to height; maximum height shall be measured from the ground to the lowest part of the sign.
2. Notwithstanding the foregoing, when a property available for sale, lease, or project development fronts on two or more streets, roads or highways, an additional temporary sign may be placed on the property at each of the secondary frontage locations.
3. No flags, banners or other attention-getting devices may be attached to temporary real estate signs.
4. Lighting of temporary real estate signs is not permitted.
5. Temporary real estate signs must be of professional, quality construction and must be maintained in an attractive condition. Signs that fade, tilt, decay, or become defaced, broken or otherwise deteriorated shall be repaired to original condition or removed from the property as directed by the city within ten days.
6. Temporary real estate signs are allowed for a period of eighteen months and may be renewed, for a fee, for one additional eighteen-month period, provided such signs are kept in good condition/appearance, and do not otherwise become detrimental to the community in terms of safety, communication effectiveness, or environmental quality.
7. In those situations where temporary real estate signs are needed for periods longer than thirty-six months, a new sign permit application for a new or refurbished sign must be submitted to the city for approval.
8. A sign identifying a real estate agent or manager may be added on a separate panel at the top or bottom of the sign. Any such panel addition may not exceed twenty inches in width and must be contained within the width of the primary sign.

#### H. Attached Signs

1. Window signs
  - a. The maximum size of a window sign shall be 25% of the total window area, measured per façade of the premise or lease space.
  - b. No window signage is allowed above the first floor except in multi-level facilities that have direct exterior entries, in which case they are allowed only on said additional levels.

- c. Where an establishment is licensed to serve food, the restaurant may also display a menu that is used in the restaurant and that is no larger than two square feet, and is either in the window of the restaurant or attached to a wall on a portion of a building occupied by the restaurant if it is enclosed in a casing that is architecturally compatible with the building design and color and extends no more than four inches in depth away from the wall to which it is attached.
- 2. Wall signs
  - a. The maximum size of a wall sign shall be the greater of 10% of the façade or sixty square feet.
  - b. The maximum height shall be equal to one-third the height of the façade, up to a maximum of ten feet, or the top of a parapet wall or a roofline at the wall, whichever is higher.
  - c. The maximum width shall be 75% of the façade's width.
  - d. A wall sign may not project more than twelve inches from the wall.
- 3. Awning signs
  - a. A business may have one awning per window and door/entrance.
  - b. All awnings, at their minimum height (clearance), must be at least eight feet above the sidewalk surface. The maximum height of any awning shall be equal to one-third the height of the façade up to fifteen feet above the sidewalk surface.
  - c. Awnings should be at an appropriate scale to the building size. The maximum area shall be the greater of 10% of the façade or sixty square feet. The maximum width shall be 75% of the façade width. They shall not extend above the roof line of any single-story structure, or above the top of the second floor of any multi-story structure at the awnings' highest points. Awnings shall not completely obstruct any windows on the building.
  - d. Since awnings must extend from the building facade, a reasonable amount of projection is allowed. However, no awning shall be erected which extends more than four feet beyond the building surface. A separation of at least two feet must also be maintained between the outer edge of the awning and any utility pole, light standard, traffic control sign/device, or curb line. The inner edge of the awning must be flush with the surface of the building, and the awning sides must be a 90-degree angle with respect to the building facade.
  - e. Awnings must provide necessary room for structural and electrical considerations.
  - f. Awnings must maintain a consistent color scheme for each business. Colors must also be appropriate for building color, neighboring awnings, and buildings, and any associated signs. Mirrors, or other highly polished/reflective materials, shall not be permitted.
  - g. Only the lettering of an awning may be illuminated with back lighting. The area illuminated shall not be larger than the area allowed for an attached sign. Flood lamps and gaseous tubes will not be permitted. Illumination intensity will not be allowed to vary. Flashers, beacons, or other similar devices are prohibited. Awning illumination may be activated at dusk and shall be deactivated no later than dawn.
  - h. Except for fabric awnings which are designed to be moved for maintenance purposes or retracted for storm protection, awnings shall not be designed to provide movement. With the exception of fabric awnings' edges, which will move with light breezes, no awning shall be designed to have physical, electrical, pneumatic, or other type of movement except for maintenance purposes only. Awnings shall not be constructed of materials which imply movement.
  - i. Awnings shall be constructed of approved, environmentally sound materials which are in compliance with all city building and electrical codes.
  - j. Awnings shall contain only the name of the establishment, a logo, and/or street address. No other lettering or image will be allowed, aside from the color pattern.
  - k. Any lettering on an awning must be no greater than one foot tall.

- I. No awning may overlap another awning of the same or neighboring building. Awnings may be no closer than eighteen inches to one another. Heights should vary no greater than one foot between adjacent awnings.
- m. Awnings and wall (attached) signs may be used on the same façade. Small signs may hang from underneath the awning. These under-canopy signs must be no lower than eight feet from any sidewalk or other walkway. These signs may be no larger than five feet in width, one foot in height, and two inches in depth/thickness. They may not be illuminated. Only one of these signs will be allowed for each business. If wall and awning signs are to be used on the same façade, the combined area shall not exceed the area permissible for a wall sign.
- 4. Incidental signs
  - a. One incidental sign shall be allowed per structure or façade.
  - b. The maximum size of an incidental sign shall be one square foot.
- 5. Projecting signs
  - a. One projecting sign shall be allowed per premise.
  - b. The maximum area of a projecting sign shall be twelve square feet.
  - c. The sign may project horizontally no more than four feet.
  - d. Eight feet of clearance is required if the sign projects more than one foot.
  - e. The sign shall not be closer than two feet from the back of the curb nor encroach into right-of-way.
  - f. If wall or awning and projection signs are to be used on the same façade, the combined area shall not exceed the area permissible for a wall sign.
- 6. Marquee signs
  - a. One changeable message marquee sign, limited to entertainment-oriented land uses, shall be permitted per premise.
  - b. The maximum area of a marquee sign shall be 100 square feet.
  - c. The maximum height shall equal one-third of the building height, but no greater than twenty feet above the sidewalk surface at its highest point nor exceed five feet above the existing roof line. If a building is less than twenty feet tall, the roof line shall constitute the maximum allowable height.
  - d. A minimum of eight feet of clearance is required above the sidewalk surface.
  - e. The sign shall be no greater than four feet from the building surface.
  - f. The sign shall not be closer than two feet from the back of the curb or any traffic control sign or device, nor encroach into right-of-way.
  - g. Changeable message signs shall not be permitted to move, rotate, gyrate, or give the impression of movement.
  - h. Changeable message signs shall be no closer than thirty feet from neighboring signs, measured by the nearest sign face to the nearest sign face.
- 7. Blade signs
  - a. One blade sign shall be permitted per building.
  - b. The maximum size of a blade sign shall be sixty square feet.
  - c. The maximum height shall be equal to two-thirds the building height
  - d. A minimum of eight feet of clearance is required.
  - e. The sign shall not be closer than two feet from the back of the curb nor encroach into right-of-way.
- 8. Hanging signs
  - a. One hanging sign shall be permitted per premise.
  - b. The maximum size of a hanging sign shall be eight square feet.
  - c. A minimum of seven and one-half feet of clearance is required above sidewalks.
- 9. Roof signs

- a. One roof sign shall be permitted per premise.
- b. The maximum size of a roof sign shall be the greater of 10% of the façade or sixty square feet.
- c. The maximum height shall be equal to one-third the distance from the eave to the ridge line
- d. The maximum width shall be equal to 60% of the roof width.
- e. Roof signs shall only be permitted on a sloped or eave roof and in lieu of a wall sign.
- f. If roof and wall or awning signs are to be used on the same façade, the combined area shall not exceed the area permissible for a roof sign.

10. Murals

- a. Murals may include graphics, design, or text.
- b. Murals shall be allowed on any building in areas zoned commercial or industrial with permission from the building owner.

11. Original art displays are allowed provided they meet the following requirements:

- a. Must be located within the CBD, historic overlay districts, or Planned Development.
- b. Must not be placed on a dwelling.
- c. Must not extend more than six inches from the plane of the wall upon which it is painted or to which it is affixed.
- d. Must be no more than sixty-four square feet in size, per lot or parcel.
- e. The property owner must not be compensated for the display of the original art or the right to place the original art on site.
- f. Must not be illuminated.

12. Integral signs

- a. Must not exceed seventy-two square feet per façade.
- b. May be illuminated externally but must not be internally.

## I. Detached Signs

1. Monument signs

- a. One monument sign shall be allowed per building in all nonresidential and multiple-family zoning districts. Additional monument signs are allowed only if the frontage exceeds 300 feet and the signs are at least 150 feet from the closest monument sign.
- b. At a single tenant site, the maximum size shall be forty-eight square feet, eighty square feet including the frame. A multi-tenant site up to 75,000 square feet shall be allowed a monument sign up to 120 square feet, 150 square feet including the frame; and a multi-tenant shopping center shall be allowed up to 180 square feet, 220 including the frame.
- c. The maximum height shall be eight feet at a single tenant site, and fifteen feet at a multi-tenant site.
- d. Signs may be single or double-faced.
- e. Monument signs must be set back a minimum of ten feet from the property line.
- f. The monument base shall not be less than two feet high. The minimum base width is one foot. Total cross-sectional area (thickness) shall not exceed eight square feet.
- g. Bases shall be landscaped.
- h. A monument sign contains only the company or corporation name, logo, address, and/or product or service of the establishment. No advertising or promotional information is permitted thereon.

2. A-frame signs

- a. Only one A-frame sign shall be permitted per premise.
- b. The maximum size of an A-frame sign shall be eight square feet.
- c. The maximum width shall be four feet.

- d. A-frame signs may be erected on public sidewalks without the need of first securing a sign permit, and without counting against any maximum sign allotment, provided:
  - An establishment may display one A-frame sign on each sidewalk that it abuts, provided it allows at least four feet of clear sidewalk for pedestrian movement.
  - The sign must be stored inside and may only be displayed during that establishment's hours of operation.
- 3. Residential Subdivision
  - a. Two subdivision signs shall be allowed per entrance
  - b. The maximum size of a residential subdivision sign shall be eighty square feet.
  - c. Bases shall be landscaped.
- 4. Menu signs
  - a. Two menu board signs shall be allowed per drive through lane or one per order box (drive-in dining only).
  - b. The maximum size of a menu board sign shall be thirty-five square feet.
  - c. The maximum height shall be seven feet.
- 5. Directional signs
  - a. The maximum size of a directional sign is five square feet.
  - b. The maximum height is three feet.
  - c. Directional signs may be no closer than three feet to the edge of the pavement.
- 6. Canopy signs
  - a. Canopy signs shall have a maximum size equal to the greater of twenty-five square feet or 50% of the canopy face.
  - b. The maximum height of any canopy shall be equal to one-third the height of the façade up to fifteen feet above the sidewalk surface.
  - c. The canopy must conform to accessory structure regulations.
- 7. Signs not in an enclosed building and not exposed to view from a street or public right of way, public place or other property such as those not visible to a person from a public right of way, public place or other property, shall be allowed.
- 8. Vehicle signs
  - a. Vehicles shall not be parked where the intent is to use the vehicle as advertising.
  - b. Vehicle signs must be covered if the vehicle is parked on the same property for longer than sixteen hours, so that the sign is not visible from a public way.
- 9. Signs within ballparks and athletic fields
  - a. Scoreboards must be facing inward to the audience.
  - b. Such other signs as may be affixed to the fence or scoreboard must face inward to the field of play and be no larger than thirty-two square feet in area.
- 10. Signs on street benches
  - a. The benches must not be higher than four feet above ground.
  - b. The sign must be limited to ten square feet in area, said area included as part of the total permitted sign area of the premise on which it is located.
  - c. The benches must not be located closer than five feet from any street right-of-way line, nor located in a manner to obstruct vision.

J. Flags

- 1. Non-advertising flags
  - a. A maximum of three flags shall be allowed per premise.

- b. Flags shall not exceed twelve square feet in area in single-family residential zones, 150 square feet in all other zones.
- c. Flag poles shall not exceed twenty feet in height in single-family residential zones, as measured from the ground, thirty-five feet in all other zones, or be higher than the highest point of the principal building's roof, whichever is lower.
- d. Flags shall be set back a minimum of fifteen feet from the property line.
- e. Flag poles must meet the minimum yard setback requirements for a principal building
- f. Extra flags are permitted for federal holidays.

2. Advertising flags, single-family residential zones
  - a. Advertising flags are allowed at the main entry of a residential development (subdivision) and at one model home of each participating builder during the period of time during which the development is actively marketing homes or lots for sale. When a development has sold 75% of its platted lots or constructed residences, such advertising flags must be removed. Flags of governmental entities (such as the United States, the state, and the city) may remain at a development entry if incorporated and approved as part of the development landscape plan.
  - b. There shall be no advertising flags allowed in AG, TX, or EE-32.
3. Advertising flags, non-residential zones
  - a. One flag per twenty-five feet of frontage on a right-of-way shall be permitted, up to a maximum of six flags and six flag poles per premises.
  - b. Each flag must be a maximum of twenty-four square feet in area.
  - c. Flag poles in commercial zones shall not exceed forty-eight feet in height, as measured from the ground, but no higher than the highest point of the nearest principal building's roof on the premises.
  - d. Flag poles must meet the minimum yard setback requirements for a principal building or a minimum of ten feet whichever is more restrictive.
  - e. Flagpoles in industrial and agricultural zones shall not exceed thirty-six feet in height, as measured from the ground.
  - f. Flag poles may be erected vertically or may be attached to buildings horizontally or at an angle.
  - g. One organizational flag per business is permitted.
  - h. Organizational flags may not be displayed on the same flagpole used to display the flag of a governmental entity.
  - i. Flags of governmental entities and organizations (e.g., U.S. flag, state flags, city flags, and corporate organizations) may be displayed in conjunction with project developments when shown on project development plans filed with the city.
  - j. Flags must be kept in good repair and displayed in accordance with established etiquette for that flag. Inappropriately displayed or deteriorated flags are not allowed and must be removed immediately from display.
  - k. One small flag of no more than one square foot in area may be attached to vehicles on display for sale or rent at vehicle sales and service establishments. Such flag must be no higher than two feet above the height of the vehicle as if it were displayed at grade level.

K. Temporary Signs

1. Temporary signs allowed at any time.
  - a. Signs shall only be located on property that is owned by the person whose sign it is and must not be placed on any utility pole, street light, similar object, or on public property.
  - b. A property owner may place one sign with a sign face no larger than two square feet on the property at any time. This does not include snipe signs.

- c. Total size of all temporary signs may not exceed thirty-two square feet in area on one property.
- d. A property owner may place a sign no larger than 8.5 inches by 11 inches in one window on the property at any time.
- e. Temporary signs may be located on the owner's property for a period of forty-five days prior to a sale, rental, lease, special event, or election, and removed within ten days after the conclusion of the sale, rental, lease special event, or election.
- f. It is the intent of this article to limit the aesthetic impact of signs on properties to prevent clutter and protect streetscapes, thereby preserving property values and protecting traffic safety. The accumulation of signs adversely affects these goals, property values and public safety; accordingly a person exercising the right to place temporary signs on a property as described above must limit the number of signs on the property at any one time to four per 0.25 acre, or if the property is smaller than 0.25 acres then no more than four signs per principal building on the property. This section does not authorize snipe signs.
- g. One temporary "For Sale" sign, not to exceed six square feet of surface area, may be located on a property when:
  - The owner consents and that property is being offered for sale through a licensed real estate agent;
  - If not offered for sale through a real estate agent, when the sign is owned by the property owner and that property is offered for sale by the owner through advertising in a local newspaper of general circulation; and
  - For a period of fifteen days following the date on which a contract of sale has been executed by a person purchasing the property.
- h. One temporary sign may be located on the owner's property on the day prior to and on a day when the property owner is opening the property to the public; provided, however, the owner may not use this type of sign in a residential zoning district on more than two days in a year and the days must be consecutive and may not use this type of sign in any commercial zoning district for more than fourteen days in a year and the days must be consecutive. For purposes of this section a year is counted from the first day on which the sign is erected counting backwards and from the last day on which the sign exists counting forward. This section does not authorize snipe signs.
- i. During the period November 25 to January 10, a property owner may place three temporary signs on the property and may use lights that no more than one foot candle is projected onto public streets or 0.03 foot candles onto adjacent residential property to decorate the property, even if the lights might be arranged to form a sign. This section does not authorize snipe signs.
- j. A property owner may place and maintain one temporary sign on the property on July 4, Easter, and the two weeks immediately preceding those holidays. This section does not authorize snipe signs.
- k. Temporary signs may not be illuminated except as specifically allowed in certain districts.

- 2. Temporary signs of any type may not be erected on municipally-owned property, including city rights-of-way and easements, whether dedicated or owned in fee simple or as an easement, unless specifically authorized by the city.
- 3. Banner signs may be used as temporary signs in accordance with the following provisions:
  - a. Banner signs are limited to only one per façade viewable from a public street, parking area, or other public space, unless otherwise specified below.
  - b. The maximum size of a banner shall be thirty-two square feet. However, when used adjacent to any limited access freeway or toll road, or within planned mixed use developments greater than 250,000 square feet of floor space, banner size may be up to seventy-two square feet. Banners may be displayed once per year for up to forty-five days. Multiple banners are allowed for display for said

large project developments provided the total seventy-two square feet gross maximum is not exceeded by the sum of all banners. Sign permits are required.

- c. Banners larger than eight square feet must be set back a minimum of ten feet from the property line.
- d. *Announcement banners*, including feather banners, may be used only for "grand openings" or business/organization opening announcements; awaiting installation or renovation of a permanent sign; and special events. An announcement banner must be mounted flat against a premises wall or may be mounted on poles within the landscape area of the premises. Announcement banners require a sign permit and may be mounted two times per calendar year per premise; and must be kept on the business premise defined as the lease space or lot.
- e. *Decorative banners*, including feather banners, may be used for decorative or seasonal/special event promotional purposes for a business or other organization on a temporary basis and: must be mounted against a premises wall or on utility pole cross-members or other structures specifically designed to mount banners and pennants; may not be used to advertise products, sales events or business entities; individual banners may not exceed sixteen square feet in size; may be mounted for a two-week period two times per calendar year per premise; and must be kept on the business premise defined as the lease space or lot.
- f. *Advertising banners* designed to advertise products, prices, sales events or business/organizational entities are not allowed for display, and are subject to abatement by the City of Terrell. This includes the use of feather advertising banners, which is prohibited in all zones.
- g. Pole-mounted banners shall be securely attached to their poles with metal brackets or other suitable mounting device. The minimum distance between poles shall be twenty feet. Pole-mounted banners shall not be connected together or suspended between their respective poles. A display of more than one pole-mounted banner shall be permitted as a single installation. Pole-mounted banners shall have a minimum vertical height clearance of ten feet over parking areas, sidewalks, and landscaped areas, and twenty feet over street rights-of-way and fire lanes. Such banners shall be allowed to have a text message, logo, or symbol identifying the business or its goods/services.
- h. Linear banners (i.e., are wider than they are tall, and affixed to a wall surface or between short poles) shall be securely attached to the building (or their poles), and shall not be located any closer together than a minimum twenty-feet spacing, and cannot be connected together. Each linear banner shall require a separate sign permit, including payment of a separate fee for each banner pursuant to the sign ordinance. The size and height of linear banners shall conform to the requirements for attached signs (if mounted on a building face). Linear banners are limited to one per three acres of property per street frontage. Linear banners shall be allowed to have a text message, logo, or symbol identifying the business or its goods/services.
- i. The size, location, configuration, and general appearance of approved, permitted changeable banners shall not substantially deviate from that of the original installation. A permit for a changeable banner shall be valid for a period of one year, and an application must be submitted to the city for renewal each year. Failure to comply with any provision of this code will immediately void any permit then in existence, and will constitute grounds for denial of a renewed permit.
- j. Banners must be kept in good repair and non-faded condition, or will be subject to removal.

4. Pennants and bunting may be used as temporary signs in accordance with the following requirements:

- a. May be used only for a "grand opening" event for a period not to exceed forty-five days.
- b. May not be used as part of a recurring display.
- c. A sign permit is required for the exterior display of pennants or bunting, except that pennants and bunting may be used without permit for celebration of official U.S. and state holidays.

- d. No individual holiday display of pennants or bunting may exceed fifteen days in duration, except as otherwise provided herein.
- 5. One "construction entrance" sign not to exceed sixteen square feet in size is allowed at each construction entrance within a project development for the duration of the project construction or while structures within the project are being constructed. One "construction hours" sign, not to exceed thirty-two square feet in size, providing information about permitted construction hours in the city is allowed at each project development entrance during the construction period of the project.
- 6. Off-site directional signs
  - a. Temporary, off-premise real estate directional signs are permitted in any nonresidential zoning district.
  - b. The maximum size of a directional sign shall be six square feet.
  - c. The maximum height shall be three feet.
  - d. Signs must be at least three feet back from the curb and not in city right-of-way.
  - e. Signs may not be placed earlier than noon on Friday and must come down no later than noon on Monday. If a holiday falls on Monday or Friday, the sign may be extended an extra day.
  - f. Signs may not be illuminated.
  - g. Persons placing signs shall have operating appropriate flashing lights and reflective tape on the vehicle and trailer when placing such signs.
- 7. In single-family residential, AG, TX, EE-32, SF-16, SF-10, SF-7.5, SF-6, TH-12, MH zones and residential PDs, there shall be allowed on any one lot or parcel of land under a single ownership not more than one sign, temporary in nature, the size of which shall not exceed six square feet in area, nor exceed five feet in height inclusive of mounting. Permitted signs may be anywhere on the premises, except such signs shall not be erected or placed closer to any side or rear lot line than permitted under the regulations for the appropriate zone, nor less than ten feet from any street-side lot line.
- 8. One temporary real estate or contractor/construction sign (not to exceed six square feet in size) is allowed in single-family residential, AG, TX, EE-32, SF-16, SF-10, SF-7.5, SF-6, TH-12, MH zones and residential PDs, provided that such sign is placed at the location of the property concerned. The foregoing notwithstanding, if the property offered for rental or sale comprises ten or more acres, and fronts on two or more streets, roads, or highways, additional signs of identical dimensions may be erected, the total is not to exceed one for each frontage. No city sign permit is required for these temporary real estate signs.
- 9. Temporary signs announcing requests for zoning changes are allowed in single-family residential, AG, TX, EE-32, SF-16, SF-10, SF-7.5, SF-6, TH-12, MH zones and residential PDs, and must follow the rules as outlined in this ordinance.
- 10. Subject to the size limitations in this ordinance, temporary signs providing directional or other information concerning special home or farm occupation events (horse or other animal shows, special auctions, special produce sales, and the like) may be erected at the site of the event, or at locations other than those of the special events, providing always these conform additionally to the following:
  - a. The erection of such signs shall be for a period not to exceed fifteen days, and the applicant(s) must demonstrate that such signs are to be placed with the permission of the property owner(s) or occupant(s) involved, if they are other than the sponsor of the special event(s); and
  - b. Any such signs will not be erected or placed more than ten days in advance of the event(s), and will be removed within five days following the event(s); however, an exception to the time limit above may be granted by the city municipal development director in those cases where special event(s), by their nature, require a longer period, but in no case shall the period exceed 120 days, inclusive of the time periods specified above.
- 11. Balloon or inflatable

- a. One inflatable sign shall be permitted per premise.
- b. The maximum size of a balloon or other inflatable shall be ninety-six square feet.
- c. The maximum height shall be twenty feet.
- d. Balloons or inflatable signs are allowed only once per year, and are limited to a seven-day period.

12. Temporary signs announcing occasional sales, including garage, yard, patio, estate, and porch sales, are allowed subject to the following restrictions:

- a. One yard or garage sale sign, not to exceed five square feet in area, is allowed at the location of the yard/garage sale.
- b. Four off-site directional yard or garage sale signs, each not to exceed five square feet in area, may be placed at or near the intersections of roads, but outside of municipal rights-of-way, during the period of the sale.
- c. Off-site garage sale signs shall have the address of the sale upon them, be self-supporting, and not within municipal rights-of-way or mounted upon public or utility structures (e.g., telephone poles, street light standards, street sign poles, public buildings, etc.) or on trees, fences, etc.
- d. Yard or garage sale signs may be erected one day prior to the yard sale event and must be removed immediately upon conclusion of the sale event.

13. Temporary signs for the purpose of advertising civic, nonprofit, or philanthropic organization activities may be erected within the city within the following guidelines:

- a. The maximum size of the sign shall be six square feet.
- b. Each sign shall be located on private property.
- c. Such signs shall be erected for a maximum of seven days, no more often than six times per calendar year.
- d. A maximum of six signs may be permitted during each seven-day period.
- e. Each sign shall be self-supporting, and shall not be attached to fences, posts, utilities, trees, etc.
- f. No sign shall be erected or maintained in such a manner as to obstruct free and clear vision.
- g. It shall be the responsibility of the organization who registers the signs to remove them promptly at the end of each seven-day period.

14. Temporary signs for nonresidential uses only may be permitted when such signs are located on the premises of the nonresidential uses, and are subject to the following restrictions:

- a. No permit fee is required for temporary signs under this section for public, religious, educational, or charitable institutions.
- b. Sign shall not exceed thirty-two square feet in size, except as otherwise provided.
- c. The permit for a temporary sign including a temporary banner may be issued for a maximum of forty-five days, with a maximum of three temporary sign permits issued each year for each business. No permit for the same location shall be issued until a minimum of thirty days has elapsed since the previous permit expired. Said temporary sign shall be physically removed from the referenced location upon expiration of the permit.
- d. Temporary signs, including banners, shall be set back a minimum of fifteen feet from the curb or edge of pavement, and completely outside of city right-of-way. Further, said sign shall not be located within the intersection visibility triangle area, and shall not obstruct visibility of motorists or pedestrians.
- e. Temporary signs, including banners, may be internally or indirectly lighted; however, such lighting shall not be of a flashing, intermittent, moving, or similar lighting type. Any temporary sign located within a residentially zoned district shall not be lighted.
- f. All temporary signs, including banners, shall be securely attached to their mounting structures at all times, shall not project above the roof line of the building on the premises, and shall not be attached

to or suspended from any other sign, including poles, a fence/wall, or a structure other than a building.

- g. All temporary signs, including banners, shall be kept in good repair (i.e., not tattered, unanchored, faded, frayed, or unsightly).

15. Portable signs

- a. A maximum of one portable sign permit, not to exceed sixty consecutive days per year may be issued for each business address.
- b. Portable signs shall not exceed thirty-two square feet in size.
- c. There shall be a minimum distance of 200 feet between portable signs, measured along the street right-of-way. Each side of the street shall be counted separately.
- d. Portable signs shall be set back a minimum of fifteen feet from the curb or edge of pavement, and completely out of the city's right-of-way. Said signs must not obstruct visibility of motorists or pedestrians.
- e. Portable signs shall be set back a minimum of thirty feet from nonresidential side property lines, and a minimum of fifty feet from adjacent residential side property lines.
- f. Portable signs shall not be converted to become permanent signs, unless such conversion conforms to this section and is properly permitted under the provisions of this section as a permanent sign.
- g. Prior to the use or placement of any portable sign, a permit must be obtained from the building official. Upon obtaining a sign permit, the owner of the sign shall sign a statement identifying and holding the city harmless of any damages which may result from the placement of said sign; and such statement shall further give the city the right to impound such sign should it be placed in violation of this section.
- h. Portable signs shall permanently display on the sign, in easily readable form, the name, address, city, ZIP code, and telephone number of the owner of said sign.
- i. Portable signs may be internally or indirectly lighted; however, such lighting shall not be a flashing, intermittent, moving, or similar lighting type. Any sign constructed of or containing material capable of reflecting light, images, or sound waves, or of producing glare or mirrored images shall not be permitted.
- j. The owner or occupant of any property upon which there is located a portable sign in violation of this section, or the owner or lessee of any portable sign which is in violation of this section, shall be given notice by the building official stating the nature of the violation and ordering that the violation be corrected or the sign removed from said property within seventy-two hours.
- k. If the owner, lessor, lessee, or the representative of the lessor of the portable sign fails to remove such sign within seventy-two hours of the official's notification, the portable sign may be removed by the city, or its duly authorized agent, at the expense of the sign owner or the person erecting, leasing, using, or maintaining it.
- l. Any portable sign so removed shall be subject to a fee of \$50.00 for moving the sign to the city's storage area; plus \$10.00 per day fee for each day the sign is stored by the city. Any portable sign so removed from public or private property shall be stored or impounded by the city until all applicable charges have been paid, or until thirty days have passed. Any sign unclaimed for a period of thirty days after its removal, or if the removal and storage costs are not paid within such thirty-day period, the city may destroy, sell, or otherwise dispose of the sign at its discretion. In calculating the length of the storage period and the storage fee, the first working day after the date of the impoundment shall be considered day number one. Thereafter, all calendar days, including weekends and holidays, shall be counted.

- m. The building official, or any duly authorized agent, may enter upon private property which is accessible to the public for the purposes specified in this section to examine signs or their locations, to obtain information as the ownership of such signs, and to remove or cause the removal of any sign declared to be a nuisance pursuant to this section.
- n. If the city determines that the owner or occupant of the property upon which there is located a portable sign in violation of this section, or if the owner or lessee of the portable sign in violation of this section has had three previous sign violations without reasonable cause, the city shall withhold issuing further such permits to such property owner, lessee, sign owner, or sign lessee.
- o. Portable signs which are in existence as of the effective date of this section shall be allowed to remain for a period of one year, and shall be removed by the property or sign owner at the end of this time

L. **Illumination**

- 1. No sign can be erected or maintained without a permit which, by use of lights or illumination, creates a distracting or hazardous condition to a motorist, pedestrian or the general public. In addition:
  - a. No exposed reflective type bulb, par spot, or incandescent lamp, which exceeds twenty-five watts, may be exposed to direct view from a public street or highway, but may be used for indirect light illumination of the display surface of a sign.
  - b. When gaseous tubing is employed on the exterior or interior of a sign, the capacity of such tubing must not exceed 300 milliamperes rating for white tubing or 100 milliamperes rating for any colored tubing.
  - c. When fluorescent tubes are used for the interior illumination of a sign, such illumination must not exceed: illumination equivalent to 425 milliamperes rating tubing behind a Plexiglas face with tubes spaced at least seven inches, center to center, within residential zoning districts; or 800 milliamperes rating tubing behind a Plexiglas face spaced at least nine inches, center to center, in non-residential districts.

M. **Highway signs (including billboards, pole signs, pylon signs, integral signs, and flat wall signs.)**

- 1. No highway sign (unless specifically permitted by other sections of this article) shall be built or erected by any person, group, business establishment, organization, unincorporated association, or corporation within the city or its extraterritorial jurisdiction, except that highway signs adjacent to or within eighty feet of a limited access freeway or toll road right-of-way shall be permitted, and subject to a one-time inspection and permit fee.
- 2. Such signs must not exceed 740 square feet per face.
- 3. The maximum height, excluding foundation and supports, is fifty feet.
- 4. The maximum allowable width of the face is forty-eight feet.
- 5. Multiple faced detached signs, whether double-faced, back-to-back, multiple signs on one freestanding pole, or V-type construction, must be considered as one sign.
- 6. Highway signs on limited access freeways and toll roads that have a face greater than 300 square feet shall be spaced such that they are a minimum of 1,500 feet apart when on the same side of the roadway and a minimum of 500 feet from any highway interchange. Highway signs with a face 300 square feet or less shall be spaced such that they are a minimum of 500 feet apart on the same side of the roadway. No such signs shall be permitted or erected within the City of Terrell or its extraterritorial jurisdiction other than along the roadways specified above.
- 7. Signs may not be located in such a manner as to create a safety hazard; obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device; obstruct or interfere with the driver's

view of approaching, merging, or intersecting traffic; or be likely to cause a driver to be unduly distracted in any way.

8. Permitted highway signs may be allowed anywhere on the premises except in a required side yard or rear yard; however, they must be at least 250 feet from any residential property, and comply with all other distance and spacing requirements.
9. An off-premises detached sign (e.g., billboard) in existence prior to the effective date of this section shall be permitted to remain in its current location and, as a part thereof, change messages or advertisements. However, it shall not be allowed to undergo any modifications or changes that would in any way conflict with the provisions of this code. Any such existing nonconforming billboard standing at the time of the enactment of this article shall also be subject to a renewal permit; must be maintained in compliance with all applicable laws and regulations, including but not limited to other applicable provisions of this ordinance and the Terrell Code of Ordinances; or otherwise brought into conformance (shall cease to exist) when said billboard becomes structurally unsafe.

**N. Digital billboards**

1. Billboards may:
  - a. Display only static messages that remain constant in illumination intensity and do not have movement or the appearance or optical illusion of movement;
  - b. Not operate at an intensity level of more than 0.3 foot-candles over ambient light as measured at a distance of one hundred fifty feet;
  - c. Be equipped with a fully operational light sensor that automatically adjusts the intensity of the billboard according to the amount of ambient light;
  - d. Change from one message to another message no more frequently than once every ten seconds and the actual change process is accomplished in two seconds or less; and
  - e. Be designed to freeze the display in one static position, display a full black screen, or turn off in the event of a malfunction.
2. No portion of a digital billboard may be located within 250 linear feet of the property line of a parcel with a residential land use designation or residential use that fronts on the same street and within the line of sight of the billboard face.
2. An applicant for a permit to illuminate a sign must submit a plan to the Municipal Development Department showing the illumination plan including the effect of the illumination on any other property that might be affected by the light and how the illumination conforms aesthetically to the site and the neighborhood.
3. The application must be reviewed to determine the effect on other properties and the aesthetics of the site and the neighborhood.
4. Billboards shall not be authorized until the building official is provided evidence that best industry practices for eliminating or reducing up-light and light trespass were considered and built into the digital billboard.
5. The application must not be approved if the effect on other properties would create adverse results and must not be approved if the plan does not conform to the aesthetics of the neighborhood or the site.

**Section 7. Measurement standards.**

- A. For the purposes of this section, sign area shall be measured as follows:
  1. Square or rectangular signs shall be measured as the length times the height of the sign.

2. Irregular shaped signs shall be measured as the sum of the areas of rectangles, triangles, circles, or combination thereof necessary to enclose the sign face.
3. Signs composed of individual cutout letters or figures shall be measured as the sum of areas of rectangles, triangles, circles, or combination thereof necessary to enclose the letters or figures.
4. Three dimensional signs shall be measured based on the rectangle or square shape that can be used to form a cube around the sign. The sign area shall be the sum of the four sides perpendicular to the ground divided by two.
5. For double-faced signs with less than eighteen inches between faces, and less than a thirty-degree interior angle between faces, only one side shall be counted as the total area. Where the faces are not equal in size, the larger sign face shall be used as the basis for calculating sign area.

B. Sign height shall be measured as follows:

1. When measuring sign height, the height of the entire structure, including decorative and structural elements must be included. Monument and freestanding signs shall be measured from the base of the sign. Wall and attached signs will be measured from the lowest point of the sign or its supporting structures to the highest point of the sign or its supporting structures.
2. Berming or increasing the ground height to increase sign height is not permitted. Height measurement shall be from average grade if berms are used.
3. Clearance for a projecting sign is measured from the base of the building or sidewalk passing under the sign to the lowest point of the sign or its supporting structure.

C. Distance

1. Whenever a minimum distance between signs is indicated, it means the horizontal distance measured from the closest points of each sign as if each sign's closest point touched the ground.
2. Whenever a minimum setback distance is indicated, it means the horizontal distance measured from the closest two points as if the sign's closest point touched the ground.

## **Section 8. Prohibited and nonconforming signs**

A. The following are prohibited in all districts:

1. Any sign which is structurally unsafe, unsafely installed, or otherwise hazardous to physical safety.
2. Any sign not maintained in good condition.
3. Any sign that obstructs free ingress to or egress from a fire escape, door, window, or other required access way to or from a building or site.
4. Any sign that blocks a driver's clear line of sight of traffic or pedestrians.
5. Any sign erected or maintained in such a manner as to interfere with or which hides from view any authorized traffic or street sign, signal, or device, and any sign that misleads or confuses traffic flow.
6. Any sign of a size, location, movement, coloring, or manner of illumination which imitates, may be confused with or construed as an official traffic sign or signal, or which contain the words "stop," "slow," "caution," "danger," "warning," or similar words, except on private property where they will not be confused with any official traffic sign or signal.
7. Any sign with obscenities, as defined by federal court precedent, or in which the dominant theme of material taken as a whole appeals to a prurient interest in sex, or is patently offensive because it affronts community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value. It shall further be unlawful for a person, upon any sign, to display obscene, profane, indecent, or pornographic words, pictures, or gestures.

8. Any sign, paper, name or number (except house numbers), or other materials nailed, fastened, affixed to, attached, maintained, painted, stenciled, inscribed, or otherwise marked on any sidewalk, curb, gutter, street, public building, the outside of a fence or railing (other than a nameplate), or structure unless specifically permitted by this article.
9. Any sign painted on or otherwise attached to utility poles, bridge abutments, or constructed elements which are within or part of a public right-of-way.
10. Any sign painted on or otherwise attached to natural features such as shrubs, trees, or rocks.
11. Any sign located on private property against the wishes of the property owner.
12. Any blinking, flashing, fluttering, animated, intermittently lighted, changing color, coursing, rotating, moving, or revolving or similarly constructed sign.
13. Any sign containing or consisting of posters, whirling devices, ribbons, streamers, strings of lights, spinners, or other similar types of attention-getting, moving devices or signs which may move or swing as a result of wind pressure. These devices when not part of any sign are similarly prohibited, unless they are permitted specifically by other legislation.
14. Any balloon or other floating device anchored to the ground or to any structure, except on a temporary basis.
15. Any sign constructed of or containing material capable of reflecting light, images, or sound waves; of producing glare; or of mirroring images, which may interfere with or otherwise distract traffic, is strictly prohibited.
16. Any goods, wares, merchandise, or other advertising objects or structures placed on or suspended from any building, pole, structure, canopy, fence/wall, sidewalk, parkway, driveway, or parking area for the purpose of advertising such items, other than a sign as defined, regulated, and otherwise prescribed by ordinance.
17. Any cloth, paper, banner, advertising, flag (excluding government flags such as those for the U.S., Texas, etc.), device or other similar advertising matter attached, suspended from, or hanging from any sign, fence/wall, building, or structure, except as allowed by other provisions of this ordinance.
18. Any advertising sign of any type erected within fifty feet of an adjacent residential district, except by special permit from the city and subject to appropriate conditions and safeguards.
19. Any sign placed, erected, or maintained upon any public right-of-way, utility easement, or public area, except as otherwise allowed by this article and the city engineer.
20. Any pole sign or billboard, except along any limited access freeway or toll road, or in an industrial or technology zoned area, as further described herein.
21. Any searchlight.
22. Any sign with visible gaseous elements (except for authorized interior signs).
23. Any portable sign that does not comply with the location, size, or use restrictions of this ordinance. (This provision does not restrict identification signs on vehicles or other signs attached to vehicles which are legally licensed and operated upon public streets; however, these vehicles shall not be parked where the intent is to use the vehicle as advertising.)
24. Any internally illuminated cabinet sign, except where specifically permitted in commercial planned development district zones.
25. Any sign that emits audible sounds or visible matter such as smoke or steam.
26. Any sign that produces a three dimensional image.
27. Any graffiti or clutter signs.
28. Any Original Art Display that does not have the permission of the owner of the property on which it is located or is graffiti.

29. Any sign not constructed pursuant to nor specifically permitted when required under this article, or that otherwise violates this sign code.
- B. Commercial signs are prohibited in residential zones or on property used for non-transient residential uses, except for those properties on which a home occupation or a transient residential use has been approved.
- C. Nonconforming signs located within the city limits shall be governed by the following rules:
  1. All signs that are lawfully in existence on the date of adoption of this article, but which do not conform to the provisions of this or subsequently adopted codes, must be regarded as nonconforming, but may exist in their present form and location, except portable signs and signs that are determined to be unsafe. However, no such signs shall be replaced or moved unless a permit is issued pursuant to the provisions of this article.
  2. Any legal nonconforming sign which has been substantially destroyed or dismantled for any cause other than maintenance shall be deemed as completely destroyed if the cost of repairing the sign is more than sixty percent of the cost of erecting a new sign of the same type at the same location. Under this provision and without further action by the city council, the sign shall be subject to all applicable regulations of this article and shall be removed and a permit shall be required to erect a new sign. For the purposes of this subsection, normal maintenance shall not be considered to be repair or renovation.
  3. Signs that were unlawful under the prior Ordinance and which do not conform with all current standards under this section and all other codes and ordinances of the city, must be removed immediately.
  4. For the purpose of amortization, a nonconforming sign described herein may be continued and maintained in reasonable repair, subject to other applicable regulations set forth in subsequent sections of this ordinance pertaining to nonconforming signs, from the effective date of this ordinance for a period not to exceed the shorter of the period the signs were allowed under any prior sign ordinance or ten years, whichever is less. Grandfathered status, however, shall not prevent the city from taking action to correct or remove a grandfathered sign when the sign causes a clear and immediate threat to the public safety or welfare of the community.
  5. Temporary signs, including snipe signs and graffiti that do not comply with this ordinance must be removed immediately.
  6. Any sign that is altered, relocated, or replaced must be brought immediately into compliance with all provisions of this ordinance.
  7. Abandoned and obsolete signs may be removed by the city after they have been unused for sixty days.
  8. All nonconforming portable signs shall be removed within thirty days following the effective date of this section.
  9. All existing nonconforming signs, other than highway signs, located on any land parcel at the time of the enactment of this article shall be brought into conformance when:
    - a. There is a change in ownership of the property;
    - b. There is a change in the use of the land parcel;
    - c. There is a change in the sign's nature or intent;
    - d. There is any alteration of the sign; or
    - e. There is a change of business occupancy.
  10. It shall be unlawful to maintain any sign erected without a valid permit, where a permit was required for the erection of the sign according to the ordinance that was in effect at the time the sign was erected. It is a defense to prosecution under this subsection if the sign is made to comply with the provisions of this section such that a permit may be issued.

## **Section 9. Administration and enforcement**

The provisions of this article shall be administered and enforced by the city manager or his/her designees.

## **Section 10. Additional lighting regulations**

The city has established a lighting ordinance designed to protect night skies from unnecessary glare and light pollution, because signs can create various levels of nighttime lighting brightness. If this present ordinance in any way conflicts with current or future lighting restrictions enacted through other ordinances, the most stringent restriction shall rule.

## **Section 11. Appeals and variances**

- A. There is hereby created a sign board of appeals which shall have the following power and authority:
  1. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by the code enforcement officer or building official in the enforcement of this article;
  2. In appropriate cases and subject to appropriate conditions as set forth below, to grant variances from the size, spacing, height, setback, location and other requirements set forth in this article;
  3. To authorize the alteration or reconstruction of a nonconforming sign provided such reconstruction does not, in the judgment of the board, increase the degree of nonconformity of the sign and that the long-term goal of bringing signs into conformance is achieved; and
  4. To permit the use of potential sign exceptions where authorized by this article, and where the board determines after a public hearing that the sign will not have a significant adverse impact on traffic or pedestrian safety, or on the use or enjoyment of adjacent properties.
- B. In order to grant a variance, the board must find that:
  1. The requested variance does not eliminate any requirement of this article and does not allow any prohibited signs.
  2. The variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity.
  3. The hardship is peculiar to the property of the applicant and not due to the general conditions of surrounding properties. (Note: A hardship is intended to include a change in elevation, a curve in a roadway, or other substantial physical element which obstructs sign visibility.)
  4. Financial gain or loss is not the sole basis for finding a hardship or granting a variance.
  5. A variance would not create an unnecessary hardship upon another parcel of land or business entity occupying such land.
- C. In considering a request for an exception to the requirements of this section, the board shall consider, but not be limited to, such facts as pre-existing conditions beyond the applicant's control, the proposed location, the type of sign, existence of signs in the general area, the degree of change requested, the reason for the exception requested, the duration of the requested variance, the effect on public safety, protection of neighborhood and neighboring property, the degree of hardship or manifest injustice involved, the effect of the exception on the general regulation of signs within the city, and such other factors the sign board of appeal deems pertinent.
- D. Such decision of the sign board of appeals to vary provisions(s) contained herein shall not be granted by the board if the exception sought conflicts with the spirit of this section, which is intended to ensure public safety; provide adequate lighting, open space, and air; encourage the appropriate use and conservation of land; and protect building and property values.

- E. A variance applies only to the particular sign for which it was granted. Any subsequent change to that sign terminates the variance. Any change or alteration of a sign requires a new permit without consideration of any prior variance or ordinance.
- F. A property owner or authorized agent may initiate a request for an appeal or a variance by filing an application in writing with the building official using forms prescribed for that purpose. The application for an appeal must be received within ten days after placement of a letter in U.S. mail addressed to the address on the application or to the address of the current owner of record in the county tax records. The application for a variance shall be accompanied by a site plan, drawn to scale, showing the dimensions and an illustration of the sign or proposed sign. The board may require other drawings, pictures, copies of the permit application, or other information necessary to an understanding of the sign, the property site and the relationship to surrounding properties. The applicant shall pay a fee, as established by the city, at the time the application is filed. The board shall hear and determine the appeal or application for a variance as soon as practicable after receipt of an application.
- G. The sign board of appeals shall also be responsible for initiating and/or reviewing possible amendments to this article, as may become necessary, and for making recommendations to the city council for consideration and adoption of such amendments.
- H. The zoning board of adjustment is hereby designated to serve as the sign board of appeals.

#### **Section 12. Violations**

- A. The owner or lessor of the sign, the lessee of the sign, the owner of the land or structure where the sign is located, and/or the person responsible for erecting the sign or structure are all subject to the provisions of this section, and are therefore subject to the penalty(s) hereinafter provided for noncompliance with this section.
- B. If, upon inspection, the building official determines that a sign violates this code, the building official should give notice to the sign owner specifically stating the nature of the violation and requiring them to repair, remove, or modify the sign within ten business days after receipt of notice.
- C. In cases of emergency, meaning cases where a sign presents an imminent hazard to public safety, the building official may cause the immediate removal of a dangerous or defective sign, at the owner's expense.
- D. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof after due process of law, shall be fined an amount not to exceed \$2,000 per offense.
  - 1. Notwithstanding the above provisions, no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state.
  - 2. Each day such violation is committed or permitted to continue shall constitute a separate offense, and shall be punishable as such hereunder.