

**ORDINANCE NO. 2012-042-02**

**SIGN REGULATIONS**

**AN ORDINANCE OF THE TOWN OF PROVIDENCE VILLAGE, TEXAS, AMENDING ORDINANCE NO. 2012-042 ENTITLED SIGN REGULATIONS, ESTABLISHING REGULATIONS FOR SIGNS IN THE TOWN OF PROVIDENCE VILLAGE AND EXTRATERRITORIAL JURISDICTION; PROVIDING RULES AND STANDARDS; COLLECTION OF FEES; ENFORCEMENT; INCLUDING FINES AND CRIMINAL PENALTIES NOT TO EXCEED \$500; A REPEALER; SEVERABILITY; AND PROPER NOTICE.**

**WHEREAS**, the Town Council of the Town (“Town Council”) seeks to provide for the orderly development and use of property within the corporate limits of the Town (“Town”) and its extraterritorial jurisdiction (“ETJ”); and

**WHEREAS**, the Town Council seeks to maintain the value of Town’s scenic beauty and rural charm, which are the keystones of the Town's quality of life, through a comprehensive regulatory program that includes zoning, subdivision control, and restrictions on signs; and

**WHEREAS**, in its 1989 planning advisory, “*SIGN REGULATION: for Small and Midsize Communities*,” the American Planning Association characterized sign regulation as an art that requires careful balancing of: (a) the need of businesses and others to communicate with the public, with (b) the need of the public to receive that communication, and with (c) the community planning goals related to streetscape aesthetics and traffic safety; and

**WHEREAS**, in his 1996 report entitled, “*WARNING SIGNS: Billboard, Signs and Traffic Safety*,” Luther Dudich of Scenic America summarized that the majority of legitimate scientific studies from 1948-1980 indicate a correlation between increased signage and accident prevalence; and

**WHEREAS**, in its 2001 advisory entitled, “*SIGNS: Showcasing Your Business on the Street*,” by R. James Claus, Ph.D., and Susan L. Claus, the United States Small Business Administration recognized that today’s sign design and production technology make it possible for signage to reflect the character and architecture of its surroundings without sacrificing any of its primary communications functions; and

**WHEREAS**, the Town Council finds that improperly constructed and poorly maintained signs are safety hazards that constitute a public health risk; and

**WHEREAS**, the Town Council finds that certain signs can create a pleasing environment for tourists, shoppers, and the rest of the community; and

**WHEREAS**, the Town Council finds that certain signs overwhelm the public, unduly distract and confuse motorists by diverting attention away from the roadway, and result in safety threats to vehicular and pedestrian traffic; and

**WHEREAS**, the Town Council finds that certain signs cause aesthetic harm by cluttering the rural landscape and highway corridors, and adversely affect the naturally scenic views and native environment of the area; and

**WHEREAS**, the Town Council finds that certain signs may conceal or obstruct windows, doors, or significant architectural features or details of buildings; and

**WHEREAS**, the Town Council desires to encourage residents and business owners to bring their pre-existing nonconforming signs into conformance with this ordinance and finds that providing incentives to encourage compliance benefits the Town as a whole; and

**WHEREAS**, the Town Council finds it to be in the best interest of the public safety, health and general welfare to regulate the construction, design, repair, demolition, maintenance and use of signs so to preserve the quality of life for Town residents, visitors, and property owners; and

**WHEREAS**, the Town Council finds it to be in the best interests of the public to maintain the public rights-of-way, prevent threats to public safety, prevent traffic hazards, restrict signs that unduly interfere with scenic views and constitute a public nuisance, and deter signs that are detrimental to property values; and

**WHEREAS**, the Town Council finds it to be in the best interest of the public to regulate signs so as to promote roadway and pedestrian safety, encourage effective communication with the public, improve the appearance of the Town, and uphold the principles of free speech, and enhance the community's small town character while preserving the authentic cultural heritage of the area; and

**WHEREAS**, the Town Council is authorized to regulate signs by virtue of the Texas Constitution, the Town's police power, by the Texas Transportation Code Chapter 393, and by the Texas Local Government Code, Chapters 51, 54, 211, 216, and 217; and

**WHEREAS**, the Town Council has conducted public hearings and issued public notices on this Ordinance; and

**WHEREAS**, the Town Council finds that it is necessary and proper for the good government, peace or order of the Town to adopt this Ordinance regulating signs; and

**WHEREAS**, it is necessary to modify the ordinance to remove Section 8.3.6 entitled "Billboards" in its entirety to clarify and coincide with the prohibition of billboard signs and make other modifications associated with the removal of Section 8.3.6, including renumbering of the remaining sections and modifying any references to said Section 8.3.6 within the ordinance; and

**WHEREAS**, it is necessary to modify the ordinance to remove the language in Section 8.3.20 entitled “Private Traffic-Control Signs” in its entirety and add language to ensure that any and all traffic-control signs on private property comply with the standards outlined in the Texas Manual Uniform Traffic Control Devices (TMUTCD).

**NOW, THEREFORE, BE IT ORDAINED by the Town Council:**

**1. FINDINGS OF FACT**

The foregoing recitals are incorporated into this Ordinance by reference as legislative findings of fact as if expressly set forth herein.

**2. ENACTMENT**

The Town Ordinance is established so to read in accordance with *Exhibit A*, which is attached hereto and incorporated into this Ordinance for all intents and purposes.

**3. CODIFICATION**

The Town Secretary is hereby directed to record and publish the attached rules, regulations and policies in the Town’s Code of Ordinances as authorized by Section 52.001 of the Texas Local Government Code.

**4. REPEALER**

All ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

**5. SEVERABILITY**

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.


**6. EFFECTIVE DATE**

This Ordinance shall be effective immediately upon passage and publication as provided for by law.

**7. PROPER NOTICE & MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**PASSED AND APPROVED** on this 12<sup>th</sup> day of August, 2013.

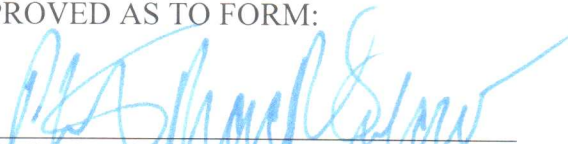
By:   
Brian D. Roberson, Mayor

ATTEST:

By:   
Connie S. Hansen, Town Secretary



APPROVED AS TO FORM:

By:   
Philip Mack Furlow, Town Attorney

*Exhibit “A”*

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## **SECTION 1. ENACTMENT PROVISIONS**

### **1.1. POPULAR NAME**

This Chapter shall be commonly cited as the “Sign Ordinance.”

### **1.2. PURPOSE**

This Chapter provides standards for the erection, repair, maintenance and removal of signs within the Town and its ETJ. All signs not exempted as provided in this Chapter shall conform to these standards. The general objectives of these standards are to promote health, safety, welfare, convenience and enjoyment of the public, and to achieve the following:

#### **1.2.1. Safety**

To promote the safety of persons and property by providing that signs do not:

- (a) Create a hazard due to collapse, fire, decay or abandonment;
- (b) Obstruct firefighting effort, EMS response, or police surveillance;
- (c) Create traffic hazards by confusing or distracting pedestrians, obstacles or other vehicles or to read traffic signs; or
- (d) Become obstacles that hinder the ability of pedestrians or motorists to read traffic signs.

#### **1.2.2. Communications Efficiency**

To promote the efficient transfer of information in sign messages provided that:

- (a) Those signs providing public safety messages are given priority;
- (b) Businesses and services may identify themselves;
- (c) Customers and other persons may locate a business or services;
- (d) No person or group is arbitrarily denied the use of the sight lines from the public rights-of-way for communication purposes;
- (e) Persons exposed to signs are not overwhelmed by the number of messages presented and are able to exercise freedom of choice to observe or ignore such messages, according to the observer's purpose; and
- (f) Preserve the right of free speech exercised through the use of signs.

#### **1.2.3. Landscape Quality & Preservation**

To protect the public welfare and maintain the appearance and economic value of the landscape by providing that signs:

- (a) Do not interfere with scenic views;



- (b) Do not create a nuisance to persons using the public rights-of-way for transportation;
- (c) Do not create a nuisance to occupants of adjacent or nearby property due to brightness, size, height, or movement;
- (d) Are not detrimental to land or property values;
- (e) Do not contribute to visual blight or clutter; and
- (f) Are architecturally compatible and harmonious with the structure to which they pertain and to neighboring structures.

#### **1.2.4. Balance**

The purpose of this Chapter is to create the legal framework for a comprehensive and balanced system of signs that will preserve the right of free speech and expression, provide an easy and pleasant communication between people and their environment, and avoid the visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance. With these purposes in mind, it is the intent of this Chapter to authorize the use of signs that are:

- (a) compatible with their surroundings;
- (b) appropriate to the activity that displays them;
- (c) expressive of the identity of individual activities and the community as a whole; and
- (d) legible in the circumstances in which they are seen.

#### **1.3. GEOGRAPHIC SCOPE**

This Chapter applies to all property within the incorporated municipal boundaries (i.e., “town limits”) and the Extraterritorial Jurisdiction (“ETJ”) as they exist at the time this ordinance is adopted and as may be modified in the future.

#### **1.4. EXEMPTIONS**

The following signs are exempt from regulation under this Chapter:

- (a) Any sign wholly within the confines of a building, and oriented so as to be out of view from outside the building.
- (b) Commemorative plaques and historical markers mounted on the face of a building or erected on a site as a free-standing monument, when placed by a governmental entity, or historical society to commemorate a person, event or other matter of historical interest.
- (c) Any sign erected or required to be erected by any governmental entity or public utility to give information, directions, or warnings to the general public, regardless of the sign's location on public or private property.
- (d) Signs required by law.
- (e) A political sign that is carried by a person or is a bumper sticker on a vehicle.

## SECTION 2. DEFINITIONS

### 2.1. RULES OF INTERPRETATION

Words and phrases used in this Chapter shall have the meanings set forth in this section. Terms that are not defined below, but are defined elsewhere in the Town's Code of Ordinances, shall be given the meanings set forth in the Code. Words and phrases not defined in the Code of Ordinances shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). The words "shall" and "must" are always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only. Signs that fit more than one definition under this Chapter shall be regulated under the definition with the more restrictive provisions.

### 2.2. GENERAL TERMINOLOGY

**Applicant:** The person or entity requesting sign permit approval(s) from the Town. Typically, to obtain status of an applicant, the person must be the property owner, tenant, or an authorized agent of the property owner or tenant. The Town may require documentation of a person's authority to act as an applicant before processing a request.

**Arts and Crafts Style:** Buildings incorporating locally handcrafted wood, glass, and metal work creating objects that were both simple and elegant, the style incorporated a visible sturdy structure, of clean lines and natural materials.

**Building:** Any structure intended for shelter, occupancy, housing or enclosure for persons, animals or chattel.

**Cape Cod Style:** Buildings of simple design, using wood siding or simulated materials, incorporating wide overhangs, porches, and tall windows

**Day:** A calendar day.

**ISD:** The Independent School District.

**ETJ:** The Extraterritorial Jurisdiction of Town, which is the unincorporated area contiguous to and surrounding the Town that is established by law, particularly Chapter 42, Texas Local Government Code, as being the area in which the Town may exercise certain authority, including sign regulation, in order to promote and protect the general health, safety, and welfare of persons residing in and adjacent to the Town, the size of which is determined by the number of inhabitants residing in the Town.

**Install, Installation:** The process of creating, placing, and using a sign. This term includes construction, erection, painting, attaching, or otherwise creating and displaying a sign.

**Permittee:** A person receiving a permit from the Town pursuant to the provisions of this Chapter.

**Person:** Any human individual, firm, partnership, association, corporation, company or organization of any kind, and its agents, representatives, or employees. For purposes of determining liability for actions taken in violation of this Chapter, the term person shall include the owner, lessor, lessee, and tenant of the property upon which the sign is located.

**Sign:** A lettered, numbered, symbolic, pictorial, or illuminated visual display designed to identify, announce, direct, or inform that is visible from a public right-of-way. The term “sign” includes banners, pennants, streamers, moving mechanisms, three dimensional objects/representations, logos, and lights.

**Sign Administrator:** The officer appointed by the Town Council with the authority to enforce this Chapter. In the absence of further action by the Town Council, the Town Secretary shall serve as the Sign Administrator. The term also includes any person designated to act on behalf of the Sign Administrator.

**Structure:** Anything built that requires a permanent location. This term includes a building.

**Town:** The Town, an incorporated municipality located in Texas.

**Town Limits:** The corporate municipal boundary of the Town.

### 2.3. SIGN TERMINOLOGY

**Architectural Detail:** Any projection, relief, cornice, column, change of building material, window, or door opening on any building.

**Architectural, Historic, or Scenic Area:** An area that contains unique architectural, historic, or scenic characteristics that require special regulations to ensure that signs displayed within the area enhance its visual character and are compatible with the area.

**Athletic Sponsorship Signs:** Signs on field fences and scoreboards that are leased by ISD and the Youth Sports Association. Other signs of support related to athletic events, such as those put up by booster clubs, are Special Event signs as defined by this Chapter.

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

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

**Banner:** A sign composed of a lightweight material (such as cloth, canvass, or vinyl), that is not permanently affixed to a rigid frame constructed of wood or metal.

**Billboard:** A sign that is freestanding, attached to, or part of a building, and is an off premise sign that is designed for a change in copy, so that the characters, letters or illustrations can be changed or rearranged within a fixed sign face which advertises a business, organization, event, person, place or thing.

**Business:** The physical location, or storefront, of an enterprise engaged in by an entity, partnership, or sole proprietor. In the context of multi-unit complexes, each tenant is a separate business. For an enterprise with multiple locations within the town limits, for the purposes of this Chapter, each location is treated as a separate business.

**Canopy:** A structure at the entrance to a building made of cloth, metal, or other material with frames affixed to a building and carried by a frame that is supported by the ground. This definition does not include awnings.

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

**Community Service Sign:** A sign that solicits support for or advertises a non-profit organization, public service organization, or social institution. Such signs may include, but shall not be limited to, holidays, school activities, charitable programs, religious activities, sports boosters, or events of community interest. Such signs shall be placed only by: units of local, state, or federal governments; registered non-profit organizations; schools; the chamber of commerce; or religious organizations.

**Construction/Development Sign:** A sign placed on a piece of property advertising planned construction and providing related information, including but not limited to the name of the contractor, the name of the owner, and the planned date of completion.

**Copy:** The text, symbols, letters, or numbers used to form the informational portion of a changeable copy sign.

**Corner Lot:** A non-residential property that has contiguous frontage on two public rights-of-way.

**Direct Illumination:** Light sources that make up the text, symbols, letters, or number used to form the informational portion of a sign, including but not limited to: Light Emitting Diodes (LEDs), neon tubes, krypton tubes, argon tubes, and light bulbs.

**Directory Sign:** A type of monument sign that serves as a directory of individual occupants/tenants in a multi-unit complex.

**Electrical Sign:** Any sign for which the text, letters, numbers, pictures, or symbols forming the informational portion of the sign consists of flashing, intermittent, or moving lights, including any LED screen or any other type of video display. This definition does not include signs that have internal or indirect illumination that is kept stationary or constant in intensity and color at all times when such sign is in use. This definition does not include open/closed signs. This definition does not include a sign located within the right-of-way that functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) approved by the Federal Highway Administrator as the National Standard.

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

**Flag:** A piece of cloth, usually rectangular, used as the symbol, standard, or emblem of a nation, state, or organization, that is typically flown from a pole.

**Frontage:** The width of the perimeter of a piece of property measured along the public street right-of-way.

**Governmental Entity:** A political subdivision or agency of the United States of America or the State of Texas. The term specifically includes, but is not limited to, the Town, County, and ISD.

**Government signs:** Signs required by governmental bodies or specifically authorized for a public purpose by any law, statute, or ordinance. Such public signs may be of any type, number, area, height, location, or illumination as required by law, statute, or ordinance. Said signs may also include traffic or similar regulatory devices, legal notices, warnings at railroad crossings, and other instructional, informative, or regulatory signs having to do with the general welfare, health, and safety of the community

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

**Height:** (a) Except as applied to a monument sign, height refers to the vertical distance between the highest attached component of the sign or of its supporting structure (whichever is higher) and the lowest attached component of the sign or of its supporting structure (whichever is lower). (b) As applied to a monument sign, height refers to the vertical distance between the highest attached component of the sign or of its supporting structure (whichever is higher) and the natural grade of the ground at the point where the sign is located. (c) If a monument sign sits on property that is adjacent to a public right-of-way, and the natural grade of the property is lower than the average grade of the public right-of-way, the responsible party may raise the grade of the property on which the sign is located up to four (4) feet, in accordance with zoning and all other ordinances, and height will be measured from the highest attached component of the sign or of its supporting structure (whichever is higher) and the increased grade. The responsible

party may only increase the grade an amount equal to the difference between the average grade of the right-of-way and the natural grade of the property on which the sign is located.

***Historic District:*** The business and residential area designated by the Historic District Ordinance.

***Home Occupation Sign:*** A sign placed on a residence that is used to identify a business or enterprise that is conducted out of that residence.

***Illumination or Lighting:*** A source of any artificial or reflected light, either directly from a source of light incorporated in, or indirectly from an artificial source, so shielded that no direct illumination from it is visible elsewhere than on and in the immediate vicinity of the sign.

***Indirect Illumination:*** A light source not seen directly. The term includes a source of illumination which is not a part of the sign or the sign structure, which provides light for the sole purpose of making the sign visible when natural light is not sufficient.

***Ingress/Egress Signs:*** Small signs that designate the exit or entrance of a property that has one (1) or more driveways.

***Internal Illumination:*** A light source that is concealed or contained within the sign and becomes visible in darkness through the sign's translucent surface.

***Monument Sign:*** A sign permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole or part of a building.

***Multi-Unit Complex:*** A grouping of two (2) or more business establishments that either share common parking on the lot where they are located, or that occupy a single structure or separate structures that are physically or functionally related or attached. This term also includes multi-unit residential complexes, including apartment complexes, garden homes, and retirement communities as defined by the zoning ordinance.

***Noncompliant Sign:*** A sign that is placed, constructed, installed, and/or used in violation of this Chapter, and which was not in place before the provisions of this Chapter went into effect. This term also refers to a sign that does not comply with this Chapter and was also in violation of any applicable regulations which were in affect at the time that the sign was originally installed.

***Nonconforming Sign:*** A sign that was lawfully installed prior to the adoption of this Chapter, and was in compliance with all of the provisions of this Chapter then in effect, and any applicable regulations which were in affect at the time that the sign was originally installed, but which does not presently comply with this Chapter.

***Non-governmental Flags:*** Flags representing a corporation, or other business entity, which incorporate a logo and/or trademark belonging to the corporation or entity. Specifically excluded from this definition are flags that are purely decorative, or have a noncommercial message.

**Occupants:** Proprietors or tenants using or occupying a building or parcel of land to which a sign or proposed sign refers.

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

**Peak:** The highest point on a roof or the highest point on another architectural element.

**Personal Signs:** The yard signs that celebrate special occasions or show support for family members such as; births, birthdays, school activities, sports teams, anniversaries, graduations or seasonal. These are temporary signs and area not attached to permanent structures and must not obstruct the right-of-way to include public sidewalks.

**Pole Sign:** A sign that is permanently supported in a fixed location by a structure of poles, posts, uprights, or braces from the ground and not supported by a building, fence, vehicle, base structure, or other support. Any sign that has a time limit in accordance with this chapter that is supported by stakes, posts, poles, pylons, uprights, or braces is not a pole signs within the meaning of this Chapter.

**Political Sign:** A sign upon which the content is primarily related to notice of or advocacy for an election of a person to public office, a political party, a primary election, a matter to be voted upon at an election called by a public body, or an ongoing issue of public concern.

**Portable Sign:** A sign not permanently attached to the ground or a building, which is designed to be easily transported or conveyed to different locations. This term includes, but is not limited to: sandwich boards, signs affixed to trailers, or signs on metal stands with skids or wheels.

**Projecting Sign:** A sign attached to and projecting from the wall of a building, and not on the same plane as the wall (i.e. not flush with wall surface).

**Property:** A tract of land including its buildings or other appurtenances. With respect to a tenant in a multi-unit complex, the term property refers only to the leased space.

**Responsible Party:** The party responsible for a sign shall be: (1) the owner/operator of the business being identified on the sign; (2) the owner of the property upon which the sign is located; (3) the owner of the sign or sign structure; and/or (4) the person who installs a sign, or contracts with a third party to accomplish the installation.

**Real Estate Sign:** A temporary sign erected by the owner of the real property on which the sign is located, or his agents, advertising the property for lease or sale.

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

**Seasonal Decorations:** Signs or materials displayed in a temporary manner during traditional, civic, patriotic or religious holidays.

**Sign Structure:** The supports, mounts, poles, braces, or base with or without a sign thereon, situated upon or attached to the property, upon which any sign is or is intended to be installed. This definition does not include a building, fence, wall, or earthen berm.

**Signable Area:** An area: (a) enclosed by a box or outline, or (b) within a single continuous perimeter composed of a single rectangle, circle, triangle, or parallelogram enclosing the extreme limits of characters, lettering, illustrations, ornamentations, or other figures. Because projecting signs and awnings have flat surfaces, it is not necessary to select an area free of architectural detail. Signable area for wall signs are free of architectural details on the facade of a building or part of a building, which shall include the entire area: (1) enclosed by a box or outline, or (2) within a single continuous perimeter composed of a single rectangle, circle, triangle, or parallelogram enclosing the extreme limits of characters, lettering, illustrations, ornamentations, or other figures. Except for balloon signs, directory signs, and monument signs, the definition of signable area is applicable when referring to limitations on the area of a sign in this chapter. When referring to area limitations of balloon signs, area and signable area refers to a single continuous perimeter composed of a single rectangle, circle, triangle, or parallelogram enclosing the extreme limits of the balloon sign. When referring to area limitations of monument and directory signs, area and signable area refers to an area within a continuous perimeter that includes the sign structure as well as the lettering, illustrations, ornamentations, or other figures.

**Special Event Sign:** Signs for specific occasions with a predetermined date, duration, and end point. Examples include but are not limited to: Sale, Clearance, Athletic Events, Garage Sale, Yard Sale, Open House, and Farmers Market signs.

**Traffic Control Sign:** A sign, other than an ingress/egress sign, that is used to direct or prohibit pedestrian or vehicle traffic.

**Vehicular Sign:** A sign painted on or attached to a motor vehicle, or on a trailer. This definition includes, but is not limited to, vehicles with logos or other information related to the identification of a business or its products or services. This definition does not include billboard trucks, billboard trailers, bumper stickers, legally required vehicular inspection or registration information, or information identifying of the make and model of the vehicle.

**Vending Machine Sign:** Any sign integrated into or placed on a coin operated machine, vending machine, gas pump, or telephone booth.

**Wall Sign:** A sign painted on, etched in, visible through, or otherwise made part of a wall of a building. Typically a wall sign is on the same plane as the wall (i.e. flush with the wall surface). The term includes signs on windows and doors, or that are visible through same from a



public right-of-way. The term does not include a sign that can be removed from the wall and remain substantially intact (i.e. banners or projecting signs as they are defined in this Chapter).

**Warning Sign:** Signs whose purpose is to limit permissible uses of private property, including but not limited to signs prohibiting trespassing, solicitation, hunting, fishing, or loitering.

## **SECTION 3. GENERAL PROVISIONS**

### **3.1. NONCOMPLIANT SIGNS PROHIBITED**

The installation, maintenance, repair, alteration, or relocation of a sign within the Town Limits or ETJ, except in accordance with the provisions of this Chapter, is prohibited. No owner of real property in the Town or its ETJ shall have any sign located on such property, except in accordance with the provisions of this Chapter.

### **3.2. ADDRESS SIGNS**

Address signs shall be required to be visible from an adjacent right-of-way for the primary structure on each piece of property, including residential and non-residential property. The letters, numbers, and symbols that make up these signs must be a minimum of three inches (3”) in height.

### **3.3. DILAPIDATED SIGNS**

Signs are required to be maintained in a good and sound condition as determined by the Building Inspector in accordance with the International Building Code. Responsible parties must repair or replace signs that are rotting, peeling, rusting, fading, becoming discolored, covered in dirt, or filled with holes. Responsible parties shall not allow signs or sign structures to become dangerous, within the meaning of the International Building Code, as a result of inadequate design, construction, repair, or maintenance.

### **3.4. DISCONTINUED SIGNS**

The responsible party shall remove any sign that advertises a business or project that has ceased operations in excess of one (1) year, unless the property is leased, in which case the sign shall be removed after two (2) years. The responsible party shall remove any sign and/or sign structure that has not been used for advertising or promoting a going concern for at least one (1) year. For the purposes of this section, a business or project has ceased to operate when it is no longer engaged in the sale of products or services in the normal course of business.

### **3.5. GRAFFITI PROHIBITED**

The owner of any property in the town commits an offense if the owner fails to remove all graffiti from the property that is visible from any public property, easement or right-of way or that is visible only from any private property, unless the graffiti was created or placed on the

property with the owner's consent and does not violate the town's sign regulations or any applicable ordinance, regulation or State or Federal law.

### **3.6. OBSTRUCTIONS TO PASSAGEWAYS**

No sign shall be installed so as to prevent free ingress to or egress from any door, window, or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.

### **3.7. TRAFFIC HAZARDS**

No sign or sign structure shall:

- (a) Obstruct free and clear vision at any street intersection.
- (b) Interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device because of its position, shape or color.
- (c) Use illumination resembling an emergency signal.
- (d) Be the cause of a recurring traffic slow down, whether because of its positioning, content, visual impact, or a combination of these or other factors.

### **3.8. STREET RIGHT-OF-WAY PROTECTED**

- (a) A person shall not install a sign on the right-of-way of a street or highway maintained by the Town unless explicitly authorized by this Chapter.
- (b) Signs installed in violation of this Chapter are hereby declared a public nuisance, and may be removed and disposed of by the Town without notice and without compensation to the sign owner.

### **3.9. UTILITY RIGHT-OF-WAY PROTECTED**

The installation of a sign or sign structure shall not inhibit access to or interfere with a utilities or drainage easement.

### **3.10. TRASH RECEPTACLES**

Signs are prohibited on trash receptacles except for signs that are required by law, provide direction on the trash receptacle's use, provide safety instructions, or are otherwise customarily found on trash receptacles as a means of identifying the trash collection company.

### **3.11. SIGNS ON TREES**

Signs are prohibited from being installed on any trees.

### **3.12. SIGNS ON UTILITY POLES**

Signs are prohibited from being installed on utility poles except for signs that are required by law, provide safety instructions, or are otherwise customarily found on utility poles.

### **3.13. REFLECTIVE SURFACES**

Signs with reflective surfaces are prohibited.

### **3.14. BUILDING & ELECTRICAL CODES**

Signs and sign structures will be installed, repaired, replaced, and maintained in compliance with all applicable building and electrical codes adopted by the Town.

## **SECTION 4. PERMITS**

### **4.1. REGULATED SIGNS**

The signs listed in this section are permissible within the Town Limits and the ETJ, in accordance with all applicable requirements of this Chapter.

#### **4.1.1. Permit Required**

The following signs require a permit:

1. Awning signs.
2. Balloon Signs – Non-residential property
3. Banners – Non-residential property, not including property owned/leased by Aubrey or Denton ISD's.
4. Canopy signs.
5. Construction/Development signs over six (6) square feet.
6. Directory Signs
7. Hanging signs.
8. Ingress/Egress signs.
9. Monument signs – Multi-unit.
10. Monument signs – Single.
11. Monument signs – Subdivision.
12. Non-governmental flags.
13. Private Traffic Control signs.
14. Pole Signs.
15. Projecting signs.
16. Real Estate signs over six (6) square feet.
17. Special Event signs.
18. Wall Signs.

#### **4.1.2. Permit Not Required**

The following signs do not require a permit:

1. Address signs.
2. Athletic event and sponsorship signs.
3. Balloon signs on residential property.
4. Banners on ISD property.
5. Community Service signs.
6. Construction/Development signs under six (6) square feet.
7. Governmental or Political Flags.
8. Personal signs.
9. Political signs.
10. Private street, road name, and residence signs.
11. Real Estate signs under six (6) square feet.
12. Seasonal Decorations to include temporary decorations that are clearly incidental to and are customarily and commonly associated with any national, local, or religious holiday or celebration.
13. Signs or notices issued by any Court or governmental entity.
14. Small, business related signs on or visible through doors or windows indicating: store hours, security systems, trade organization memberships, credit cards accepted, and open/closed.
15. Vehicle Signs.
16. Vending machine signs.
17. Warning signs.

#### **4.2. APPLICATION**

Prior to installing a sign requiring a permit, a person must obtain a permit from the Town. The permit application must be accompanied by the fee, the illustration, the master sign plan (if applicable), and must contain the following:

- (a) name, address, and telephone number of the owner of the sign;
- (b) name, address, and telephone number of occupant sponsoring the sign;
- (c) name, address, and telephone number of the contractor, if any, installing the sign;
- (d) name, address, and telephone number of the property where the sign is to be installed;
- (e) date on which it is to be installed;
- (f) location in which the proposed sign will be located
- (g) Two (2) copies of site plans; and
- (h) any variance that will be requested or has been approved.

#### **4.3. ILLUSTRATION**

An applicant proposing to install a sign shall file with the Town an illustration to scale that shows:

- (a) all existing signs displayed on the property;
- (b) the location, height, and size of any proposed signs;
- (c) the items of information proposed to be displayed;
- (d) the percentage of the signable area covered by the proposed signs;
- (e) specifications for the construction or display of the sign, including the materials to be used in the construction of the sign or sign structure; and
- (f) specifications for any internal or indirect illumination of the sign.

#### **4.4. INSPECTIONS**

##### **4.4.1. Illustration Inspection**

At the discretion of the Sign Administrator, each applicant may be required to submit the illustrations listed above to the Town’s Building Inspector for approval before a permit may issue. The Sign Administrator may require the submission of illustrations pursuant to this section when the size, materials, or electrical components of the sign and/or sign structure warrant review by the Town’s Building Inspector. Refusal to submit illustrations when requested pursuant to this subsection is grounds for denial of a sign permit.

##### **4.4.2. Follow-up Inspection**

- (a) Each applicant required by the above subsection to submit illustrations for review by the Town’s Building Inspector may be required by the Sign Administrator to submit to a physical inspection of the sign and/or sign structure after the completion of the construction phase. Refusal to allow access for an on-site inspection constitutes a violation of this Chapter.
- (b) Failure of sign compliance with result in a re-inspection at additional cost in ten (10) days from applicant’s notification of denial.

#### **4.5. REVIEW & TIME LIMITS**

The Sign Administrator shall promptly review the application upon the receipt of a complete permit application and upon payment of the permit fee by the applicant. The Sign Administrator shall grant or deny the permit application within twenty (20) days from the date the complete application, including all required documentation and permit fee, was filed with the Sign Administrator. Failure to act within twenty (20) days constitutes a denial of the application.

#### **4.6. APPROVAL**

The Sign Administrator shall approve a permit for the sign if it complies with the building, electrical or other adopted codes of the Town, and with:

- (a) The regulations for signs contained in this Chapter; and
- (b) Any variance that has been granted from these regulations; and

- (c) Any special regulations that have been adopted for a type of sign or for signs located in a district established under this Chapter; and
- (d) The master plan for signs, with regards to a multi-unit property or in a Planned Unit Development that has been approved under this Chapter.

#### **4.7. DENIAL**

If the Sign Administrator does not approve a permit for the sign, the Sign Administrator shall state the reasons for the denial in writing, and shall mail a certified copy of the reasons for denial to the address of the applicant stated on the application.

#### **4.8. APPEALS**

Any applicant who is denied a permit for the display of a sign may file a written appeal to the Town Council within ten (10) days after receipt of the written copy of the denial provided by the Sign Administrator by certified mail.

#### **4.9. DURATION & EXPIRATION**

##### **4.9.1. Commencement**

The approval of a sign permit shall be effective for a period of six (6) months. If the authorized sign work has not commenced within six (6) months of the date the permit was issued, the permit shall be deemed to have automatically expired and shall become null and void, requiring the submittal of a new sign permit application.

##### **4.9.2. Completion**

If the authorized sign work is not fully completed within nine (9) months of the date the permit was issued, the permit shall be deemed to have expired and shall become null and void.

##### **4.9.3. Extension**

Prior to expiration of a sign permit, the applicant may request an extension in writing. The Sign Administrator may grant an extension under the following circumstances: (a) The applicant has adequately demonstrated weather delays; or (b) the applicant adequately demonstrated delays due to market situations beyond the applicant's control. Two (2) extensions of three (3) months each in length may be granted.

#### **4.10. FEES**

The fees for permit applications and extensions shall be in conformance with the Fee Schedule adopted by the Town Council, as may be amended. See Exhibit B.

## **SECTION 5. VARIANCES**

### **5.1. VARIANCE PROCEDURE**

- (a) A responsible party that wants a variance from this Chapter must file a Request for Variance with the Sign Administrator. The Sign Administrator will indicate what documentation the responsible party must provide in support of the request.
- (b) Once the necessary documentation has been provided to the Sign Administrator, the Town Council will review the request and make a determination based on the documentation provided by the responsible party as well as any opinions of the sign administrator.
- (c) The Town Council can affirm, reverse, or modify the decision of Sign Administrator. If the Town Council takes no action within thirty (30) days of the Town's receipt of the written request for review, The Sign Administrator's decision is affirmed.

### **5.2. DESIGN STANDARDS FOR VARIANCES**

When considering granting a variance in accordance with this section, the following considerations may be considered by the Town Council

- (a) Special or unique hardship because of the size or shape of the property on which the sign is to be located.
- (b) Hardship claim based on the exceptional topographic conditions or physical features uniquely affecting the property on which a sign is to be located.
- (c) The proposed sign is not listed in sections 4.1.1 or 4.1.2 but is an acceptable alternative design.
- (d) Proposed sign location, configuration, design, materials and colors are harmonious with the existing setting.
- (e) The proposed sign does not visually dominate the structure to which it belongs or call undue attention to itself.
- (f) Visible sign materials for permanent signs are predominantly natural such as native stone, granite, wood, bronze, or other rustic metals (non-reflective). This section does not apply to portions of the sign or sign structure that are not readily visible once construction has been completed.
- (g) The sign and its supporting structure should be in architectural harmony with the surrounding structures.
- (h) Natural colors (earth tones) and muted colors are favored. Color schemes must be compatible with the surrounding structures. Predominate use of bold and/or bright colors is prohibited under this section.
- (i) Landscaping, where required, shall be designed to harmonize with the building and surrounding natural landforms and native plants, and be maintained in a neat, clean, and healthy condition.
- (j) The Town may take into consideration the demonstrated and documented correlation between the variance and protecting the public health and safety.

- (k) The Town will be more inclined to consider a variance request when it is sought during an earlier stage of the construction approval process.

### **5.3. FINANCIAL HARDSHIP**

A showing that the display of a sign would be more profitable or the sign would be more valuable is *not* a special or unique hardship as required by this Section.

## **SECTION 6. NONCONFORMING SIGNS**

### **6.1. NONCONFORMING SIGNS**

In addition to signs within the definition of nonconforming signs found in Section 2 of this Chapter, any sign lawfully existing in an unincorporated area prior to annexation by the Town, but which does not conform with the provisions of this Chapter, is hereby deemed to be a nonconforming sign.

### **6.2. MODIFICATION**

A nonconforming sign or sign structure shall be brought into conformity with this Chapter if more than fifty percent (50%) of the nonconforming sign is altered, reconstructed, or replaced; or if the sign is relocated. A change in copy is not an alteration or replacement for purposes of this Subsection.

### **6.3. REMOVAL**

- (a) Removal of a nonconforming sign, or replacement of a nonconforming sign with a conforming sign is required when a nonconforming sign, or a substantial part of a nonconforming sign, is blown down, destroyed, or for any reason or by any means taken down, altered, or removed.
  - (i) As used in this subsection, “substantial” means fifty percent (50%) or more of the entire sign structure.
  - (ii) As used in this subsection, the term “substantial” also applies if the cost of reconstruction or replacement of the sign, sign structure, or building exceeds fifty percent (50%) of the value of the sign, sign structure, or building prior to the event that necessitated its reconstruction or replacement.
  - (iii) Nothing contained in this section is intended to prevent the routine repair and maintenance of a nonconforming sign.
- (b) Removal of a nonconforming sign, or replacement of a nonconforming sign with a conforming sign is required when the condition of the nonconforming sign or nonconforming sign structure has deteriorated or has been damaged and the cost of restoration of the sign to its condition immediately prior to such deterioration



exceeds fifty percent (50%) of the value of the sign or sign structure prior to its deterioration.

- (c) Removal of a nonconforming sign, or replacement of a nonconforming sign with a conforming sign, in accordance with this section, must be completed within sixty (60) days of the occurrence in which the nonconforming sign, or a substantial part thereof, was blown down, destroyed, or for any reason or by any means taken down, altered, or removed.

#### **6.4. PERMITS FOR OTHER SIGNS**

Before any permit may be issued for a new sign under this Chapter, the responsible party shall modify or remove any nonconforming sign displayed on the same property for which the permit is being sought, so that all the signs on the property conform to the provisions of this Chapter.

#### **6.5. REDEVELOPMENT PERMIT**

Any building addition that increases the gross floor area of a property by fifty percent (50%) or more, or any exterior structural remodeling of a building façade of fifty percent (50%) or more on which a nonconforming sign is located, shall require all nonconforming signs on the property for which the permit is issued to be brought into conformity with the provisions of this Chapter.

#### **6.6. SEPARATION**

No sign that is nonconforming solely because it violates a requirement for the spacing of monument signs shall be required to eliminate that nonconformity if compliance with the spacing regulation on the property is not practicable.

#### **6.7. INVENTORY**

The owner or operator of one or more off-premise signs within the Town and its ETJ must inventory the signs on forms provided by the Town and file the completed forms with the Town before 30 days after the signing of this ordinance. No permit for alteration or relocation may be issued for an off-premise sign that was not timely inventoried and reported to the Town.

#### **6.8. ALTERATION**

An off-premise sign may not be altered with regard to amount of surface area, shape, orientation, height, illumination, or location without the prior issuance of a sign alteration or relocation permit. Ordinary and routine necessary repairs that do not change the size, shape, orientation, height, illumination, or location of an inventoried off premises sign do not require an alteration permit. A sign alteration permit expires if the approved modifications are not completed within ninety (90) days of permit issuance.

## **6.9. MAINTENANCE**

If the Sign Administrator finds that any off-premise sign on the authorized list is not maintained in good repair, the Sign Administrator will notify and order the owner to repair the sign within thirty (30) calendar days. If the Sign Administrator finds that an off-premise sign has deteriorated more than fifty percent (50%) of its replacement value, or is not repaired within thirty (30) calendar days, the Sign Administrator shall notify the owner of the off-premise sign and the owner of the real property on which the off premise sign is located to remove the off-premise sign or poster panel from the property within a specified time. All off-premise signs ordered to be removed shall be stricken from the authorized list.

## **6.10. INCENTIVES FOR COMPLIANCE**

### **6.10.1. Variance Incentive**

When considering granting a requested variance under this Chapter or any other chapter, the Town may take into consideration an applicant's commitment to bring pre-existing nonconforming signs into compliance with this Chapter, and/or remove pre-existing nonconforming signs.

### **6.10.2. Permit Incentive**

If a responsible party voluntarily elects to bring a pre-existing nonconforming sign into compliance with this Chapter, the Sign Administrator may waive the application fee for any required sign permits related to the specific property and the nonconforming sign.

## **SECTION 7. PROHIBITED SIGNS**

### **7.1. PROHIBITED SIGNS**

No person shall install any of the following:

- (a) Banners on residential property.
- (b) Billboards.
- (c) Changeable canopy signs.
- (d) Electrical signs.
- (e) Feather banners.
- (f) Hand-Held signs, other than political.
- (g) Home Occupation signs.
- (h) Off-Premises signs.
- (i) Pennants.
- (j) Portable signs.
- (k) Pole/Pylon Signs
- (l) Roof signs.
- (m) Signs that move or have moving parts.

## **7.2. EXCEPTIONS**

### **7.2.1. Changeable Copy Exception**

The Changeable Copy sign prohibition does not apply to the following:

- (a) Governmental buildings.
- (b) Gas stations, however this exception is limited to gas prices.
- (c) Scoreboards for athletic fields owned, leased, and/or operated by the Town, ISD, or an athletic association.

### **7.2.2. Monument Sign Requirement**

Signs permitted under subsection 7.2.1. (a) and (b) must be in the form of monument signs.

### **7.2.3. Electrical Sign Exception**

Scoreboards for athletic fields owned, leased, and/or operated by the Town, ISD, or an athletic association are excepted from the Electrical sign prohibition. Scoreboards may only be powered when in use for a game, match, or event, and must be shut off at all other times. The power to the scoreboard may be on during the game, match, or event for one hour and a half before and for one hour after the conclusion of the game, match, or event.

### **7.2.4. Off-Premises Sign Exception**

Community service signs, directional signs related to religious or civic institutions, political signs, signs related garage sales, yard sale signs, open house signs, farmers market signs, and athletic sponsorship signs are specifically excepted from the off premises prohibition.

### **7.2.5. Feather Banners and Utility Poles Exception**

It is an exception to the prohibition against signs on utility poles in section 3.11. and the prohibitions against banners and feather banners, if a subdivision places banners or feather banners on light poles that are located on privately owned streets and are not visible from a publicly owned right-of-way.

### **7.2.6. Seasonal/Personal Decorations**

Signs or materials displayed in a temporary manner during traditional, civic, patriotic or religious holidays or temporary decorations that are clearly incidental to and are customarily and commonly associated with any national, local; or religious holiday or celebration; or those celebrating personal events are not prohibited by this chapter.

## **SECTION 8. DESIGN STANDARDS**

### **8.1. GENERAL**

#### **8.1.1. Lighting**

- (a) Indirect lighting is preferred. Direct lighting is prohibited if the source of the light spills over into other properties or public right-of-ways causing light pollution; except for Open/Closed signs.
- (b) Internal lighting is allowed, however the light source must be fully enclosed within a translucent/opaque covering.
- (c) The lights used to make a sign visible, or as a part of the sign, must comply with the Town's lighting ordinance.
- (d) All flood lights shall be shielded.
- (e) No sign or other sign structure shall have illumination which is intermittent or varies in color or intensity from time to time; which interferes with the use of any neighboring property; which obscures an official traffic sign, device or signal; or which distracts operators of vehicles or pedestrians on a public right-of-way.
- (f) The illumination of any sign is allowed between sunrise and 11:00 p.m., except in instances that meet one of the following criteria:
  - (1) On-premises signs may remain illuminated between 11:00 p.m. and sunrise only while the business is open to the public; or
  - (2) On or off premises signs may remain illuminated between 11:00 p.m. and sunrise only if no light is emitted above a horizontal plane and the light emitted does not constitute light trespass. Light trespass is defined as light emitted from fixtures designed or installed as to cause light to fall where it is not wanted, usually on neighboring property, motor vehicle driver's eyes, or wasted upwards, illuminating the sky.

#### **8.1.2. Location**

- (a) Athletic sponsorship signs shall only be located on HOA, Town property or ISD property and shall be located only on ball field fences and/or score boards facing the playing area, and shall be erected by the Town, HOA or ISD.
- (b) Unless otherwise associated with such location, no sign shall be located nearer than twenty (20) feet to any church, cemetery, public building, historic site or district.

#### **8.1.3. Measurement of Surface Area**

Only one (1) side of a double faced, v-shape, back to back, or other similar type of sign shall be measured to determine the surface area of a sign.

#### **8.1.4. Setback from Right-of-Way**

All signs and supporting structures shall be required to be setback at a minimum of eight (8) feet from the street right-of-way.

#### **8.1.5. International Building Code**

All sign installation commenced in accordance with this Chapter must be in compliance with the International Building Code, as adopted by the Town Council.

### **8.2. GENERAL DESIGN AND CONFIGURATION**

The exterior of a building shall be compatible with the adjacent structures and be located to fit the site conditions respecting existing vegetation and topographical features. All Buildings within the corporate limited and the extra territorial jurisdiction (ETJ) of the Town of Providence Village shall maintain the harmonious design.

#### **8.2.1. Material and Colors**

Hardiplank (or equal) and stone in light, warm earth tone colors are encouraged. Front-oriented treatments in dissimilar materials which do not appear integrated into the design and inappropriate changes in material between elevations may not be allowed.

- (a) No more than two dominant wall surface materials should be used on any elevations.
- (b) Hardiplank (or equal) in natural stain colors with appropriate trim details. Rough or smooth finish vertical boards with battens, horizontal shiplap and clapboard and T&G board siding with joint finished – Grooved plywood panels are prohibited.
- (c) Hardiplank (or equal) is limited in width to four (4) inches, six (6) inches and eight (8) inches. Twelve (12) inch hardiplank may be approved by the Council, based on architectural style and function.
- (d) Hardiplank is limited to smooth or wood textured. Stucco or sand is prohibited.

#### **8.2.2. Prohibited Materials**

Inappropriate use of materials and colors is prohibited.

- (a) Painted Concrete
- (b) Sheet Metal siding and trim
- (c) Brick Material
- (d) Mirrored Glass
- (e) Ceramic Tile
- (f) Brightly Colored Masonry
- (g) Speckled or Glazed brick
- (h) Clear or Gold Anodized Aluminum Windows
- (i) Certain Types of Artificial stone

- (j) Ferro-Cement Siding
- (k) Exposed Cinder Block
- (l) Concrete Brick (any brick with surface applied, non-integral, color)
- (m) Vinyl Siding
- (n) Log Siding
- (o) Synthetic Siding
- (p) Bricks with non-integral colors

### **8.3. TYPES OF SIGNS (SEE APPENDIX A – SUMMARY TABLE)**

#### **8.3.1. Athletic Sponsorship Signs**

- (a) The maximum area of a sign shall not exceed thirty-two (32) square feet.
- (b) The maximum height for a sign shall not exceed the height of the fence or scoreboard to which it is attached.
- (c) Athletic Sponsorship signs in Town parks shall only be installed on fences and scoreboards and must be facing the playing area.
- (d) Athletic Sponsorship signs for University Interscholastic League related events may be installed on fences and scoreboards that are visible from public rights-of-way, except when such events are being held in Town parks.

#### **8.3.2. Awning Signs**

- (a) One-third (1/3) of the area of an awning sign shall be counted toward the limit on the total area of wall signs on the wall to which the awning is attached.
- (b) Only one (1) awning sign is permitted per property, unless the property is a corner lot in which case two (2) awning signs are permitted.
- (c) For Multi-unit buildings the maximum square footage of signage will be based on the numbers of tenants and size of property.

#### **8.3.3. Balloon Signs**

- (a) A balloon sign on residential property may not exceed eight (8) feet in height or twenty-four (24) square feet in area.
- (b) A balloon sign on non-residential property may not exceed twelve (12) feet in height or forty-eight (48) square feet in area.
- (c) A non-residential property is limited to thirty (30) days in a calendar year in which it may have a balloon sign.
- (d) Only one (1) balloon sign is permitted per non-residential property

#### **8.3.4. Banners on Non-Residential Property**

- (a) Banners must be securely attached to a building or other permanent structure and they must be kept in good repair throughout the time of their display.

- (b) Banners shall not be erected for more than thirty (30) days in a calendar year. This time limit shall not be applied to banners on ISD property that are related to officially recognize academic achievement.
- (c) The responsible party must remove them within no more than three (3) days following any event to which they call attention.
- (d) Banners shall not be placed on any site more than four (4) times within a calendar year.
- (e) The maximum surface area for banners on non-residential property shall be thirty-two (32) square feet.
- (f) Banners hung on non-residential property shall not exceed fifteen (15) feet in height.
- (g) Only one (1) banner is permitted per non-residential property.

### **8.3.5. Banners over Highway X**

- (a) The party responsible must obtain a banner permit from TxDOT and provide the Sign Administrator with proof of the permit.
- (b) The permit applicant must submit a sign permit application including the dates for the banner to be hung. A banner may be hung for no more than thirty (30) days in a calendar year.
- (c) The sign permit application must be submitted to the Administrator at least five (5) working days before, but no more than ninety (90) days before the date requested for the banner to be hung.
- (d) Banners will be hung solely by the Electric Co-op (EC), pursuant to EC policies.
- (e) Locations
  - (1) Two (2) banner locations are across Highway X at X.
  - (2) Two (2) banner locations are across Highway X at X.
  - (3) Two (2) banner locations are adjacent to Highway X at X.
- (f) Banners will be hung and removed on a first come first serve basis.
- (g) Once a banner has been removed, it must be picked up at Town Hall by the party responsible for it within ten (10) working days. If the responsible party fails to pick up a removed banner, the banner shall be deemed abandoned and the Sign Administrator shall dispose of it.
- (h) Specifications for banners
  - (1) Banners must be made of a mesh material to insure air flow.
  - (2) Banners must have two to three foot ropes on each end to attach to PEC facilities.
  - (3) Banners must not exceed four (4) by thirty-six (36) feet (or 144 square feet).
- (i) The maximum surface area for banners hung across Highway X shall be 144 square feet.
- (j) Banners hung across Highway X shall hang a minimum of eighteen (18) feet in height.

### **8.3.6. Canopy Signs**

- (a) Only one (1) canopy sign shall be permitted per entrance to each business in a single or multi-unit complex.
- (b) No canopy sign shall extend beyond an edge of the canopy structure to which it is attached. Except at a street corner, no canopy sign shall be closer than five (5) feet from the end of the longer side of the canopy structure.
- (c) No canopy sign shall extend more than two (2) feet either above or below the horizontal underside of the canopy structure. No canopy sign shall be less than eight (8) feet from the ground.
- (d) The area of a canopy sign shall not exceed eight (8) square feet.

### **8.3.7. Community Service Signs**

- (a) The area of a community service sign shall not exceed six (6) square feet in a residential zoning district.
- (b) The area of a community service sign shall not exceed thirty-two (32) square feet in a non-residential zoning district.
- (c) The height of a community service sign shall not exceed six (6) feet.
- (d) A community service sign that promotes any particular event shall not be installed more than fourteen (14) days prior to the event and shall be removed by the responsible party not more than three (3) days after the event. The same or similar event shall not be advertised more frequently than four (4) times a year.

### **8.3.8. Construction/Development Signs**

- (a) The maximum area of a Construction/Development sign shall not exceed thirty-two (32) square feet.
- (b) The maximum height for a sign shall not exceed six (6) feet.
- (c) Construction/Development signs may only be erected on the land being developed and shall be removed when eighty percent (80%) of the construction/development is completed or twelve (12) months after the sign is first installed, whichever comes first. The twelve (12) month term may be extended pursuant to the variance procedure of this Chapter.
- (d) If the Construction/Development sign is attached to stakes, posts, poles, uprights, or braces the height of the sign is measured from the average grade of the ground on which the sign is located.
- (e) Only one (1) Construction/Development sign is permitted per property.

### **8.3.9. Directory Signs: Multi-Unit Complexes**

- (a) The maximum height of a directory sign is three (3) feet.
- (b) The maximum area of a directory sign is fifteen (15) square feet.

### **8.3.10. Flags**

- (a) One (1) non-governmental flag is allowed per property.



- (b) The area of a governmental flag shall not exceed thirty (30) square feet. The area of a non-governmental flag shall not exceed twenty-five (25) square feet.
- (c) Flagpoles shall not exceed thirty (30) feet in height, and if governmental flags and non-governmental flags are to be flown on the same property, the responsible party must comply with the Texas Flag Code, found in Chapter 3100 of the Texas Government Code.
- (d) The area of non-governmental flags will count towards the total cumulative signable area for a particular property.
- (e) The area of governmental or political flags will not count towards the total cumulative signable area for a particular property. With the exception of national or state holidays, there must be a distance of sixteen (16) feet between each flag, and the cumulative signable area of governmental or political flags may not exceed sixty-four (64) square feet per property.

#### **8.3.11. Hanging Signs**

- (a) The maximum area of a hanging sign shall not exceed eight (8) square feet.
- (b) The clearance from the ground to the bottom of any hanging sign must be at least seven (7) feet.
- (c) Only one (1) hanging sign is permitted per property (or tenant for multi-unit Buildings) unless the property is a corner lot, in which case two (2) hanging signs are permitted.

#### **8.3.12. Ingress/Egress Signs**

- (a) Each entrance to a property from a right-of-way and each exit from a property to a right-of-way may be appropriately designated as such.
- (b) The maximum area of each sign shall not exceed three (3) square feet.
- (c) The maximum height for each sign shall not exceed six (6) feet.

#### **8.3.13. Monument Signs: Multi-Unit Complexes**

- (a) The area of a monument sign for a multi-unit complex with up to four units in a non-residential zoning district shall not exceed sixty-four (64) square feet. The height shall not exceed six (6) feet.
- (b) The area of a monument sign for a property with five (5) or more units shall not exceed eighty (80) square feet. The height shall not exceed eight (8) feet.
- (c) One (1) sign is permitted every two hundred (200) feet along a public right-of-way for each multi-unit complex, and one (1) monument sign is permitted per building if there is more than one building in the complex.

#### **8.3.14. Monument Signs: Use by a Single Business**

- (a) The area of a monument sign for an apartment complex and/or town home complex in a residential zoning district shall not exceed thirty-two (32) square feet.

- (b) The area of a monument sign for a model home/sales office in a residential zoning district shall not exceed twenty-four (24) square feet.
- (c) The area of a monument sign for a property with a single business in a nonresidential zoning district shall not exceed forty-eight (48) square feet.
- (d) The height of any monument sign in a residential zoning district shall not exceed six (6) feet, except for a monument sign for a model home/sales office which may not exceed four (4) feet. The height of any monument sign in a non-residential zoning district shall not exceed six (6) feet.
- (e) Only one (1) monument sign is permitted for use by a single business, unless it is on a corner lot, in which case the business is entitled to one (1) monument sign per entrance to a public right-of-way, up to two (2) signs.

### **8.3.15. Monument Signs: Subdivisions**

- (a) One (1) Monument sign shall be permitted at each entrance to a neighborhood or residential subdivision from a public right-of-way.
- (b) The maximum area of a sign shall not exceed thirty-two (32) square feet.
- (c) The maximum height for a sign shall not exceed six (6) feet.

### **8.3.16. Pole Signs**

- (a) One (1) Pole sign shall be permitted to a commercial property from each public right-of-way.
- (b) The maximum area of the pole sign for a building having one street shall not exceed 80 square feet. Where a building has two or more street frontage, each permitted pole sign in excess shall be no greater than one-half the area of the first sign.
- (c) The maximum height for a sign shall not exceed twenty (20) feet. The height shall be measured from the base of the sign or grade of the nearest roadway, whichever is lower.
- (d) No part of the pole sign shall be closer than five (5) feet from the front property line.

### **8.3.17. Political Signs**

- (a) A political sign shall not have an area greater than thirty-six (36) square feet.
- (b) A political sign shall not be more than eight (8) feet in height.
- (c) A political sign shall not be lighted or have any moving elements.
- (d) Political signs may be installed on property only with the consent of a property owner and may not be installed in, on or over any street or public right-of-way.
- (e) Political signs related to a particular candidate may be erected no earlier than ninety (90) days prior to the election or primary for which the sign is installed and must be removed no later than seven (7) days after the election.

### **8.3.18. Private Street, Road Name & Residence Signs**

- (a) The maximum area of a private street, road name, or residence sign shall not exceed four (4) square feet.
- (b) The maximum height for a private street, road name, or residence sign shall not exceed eight (8) feet.

### **8.3.19. Private Traffic-Control Signs**

- (a) Any and all private traffic-control signs placed on private property shall comply with the Texas Manual Uniform Traffic Control Device standards.
- (b) This subsection does not apply to traffic control signs authorized, required, or placed by a governmental entity for use in a public right-of-way.

### **8.3.20. Projecting Signs**

- (a) Only one (1) projecting sign is permitted per business on each property.
- (b) The signable area of the projecting sign for each business shall not exceed sixteen (16) square feet in a residential zoning district.
- (c) The signable area of the projecting sign for each business shall not exceed twenty-four (24) square feet in a non-residential zoning district.
- (d) No projecting sign shall extend, either above the roof of the building or beyond the wall to which it is attached by more than four (4) feet at the point of attachment. In no instance shall the height of the sign exceed the maximum building height established for the zoning district.
- (e) A projecting sign attached to a building on private property shall not extend over any public land except a sidewalk adjacent to the building.

### **8.3.21. Real Estate Signs**

- (a) Only one (1) non-illuminated Real Estate sign shall be permitted per lot, except that two (2) non-illuminated Real Estate signs shall be permitted if it is a corner lot.
- (b) The maximum area of a sign shall not exceed thirty-two (32) square feet.
- (c) The maximum height for a sign shall not exceed six (6) feet.
- (d) Real Estate signs advertising the sale or lease of property shall be removed at the completion of the transaction advertised or within twenty-four (24) months, whichever comes first, unless the twenty-four (24) month term is extended by the Town Council.

### **8.3.22. Special Event Signs**

- (a) The maximum area of a special event sign shall not exceed twelve (12) square feet in a residential area. The maximum area of a special event sign shall not exceed thirty-two (32) square feet in a non-residential area.
- (b) The maximum height for a special event sign shall not exceed six (6) feet.

- (c) Special event signs must be removed within three (3) days after the end of the event to which the sign refers, but in any case may only be installed for a period not to exceed thirty (30) days in a calendar year.
- (d) Garage Sale, Yard Sale, and Open House signs shall be installed only during the day of the event and during daylight hours.

### **8.3.23. Vehicular Signs**

- (a) The maximum area for vehicular signs is thirty-two (32) square feet.
- (b) Only one vehicular sign is permitted per property.
- (c) Vehicular signs that are related to a particular business are exempted from the prohibition against off-premises signs only when they are in use.
- (d) The signable area of a vehicle sign is not counted towards the cumulative sign limits of Section 9 if it is regularly and frequently used in the course of business and cannot reasonably be parked out of view from a public right-of way.
- (e) There is a rebuttable presumption that the vehicle is not regularly and frequently used in the course of business if it is inoperable (e.g. flat tire) and/or if it does not have current license, registration, or inspection.
- (f) There is a rebuttable presumption that the vehicle can be parked out of view from a public right-of-way if there is a parking space that:
  - (1) is of sufficient size,
  - (2) is out of view from a public right-of-way,
  - (3) is on land owned or leased by the responsible party; and
  - (4) is on or near the property that contains the business to which the vehicle sign is related.

### **8.3.24. Vending Machine Signs**

- (a) Vending machine signs may not be in excess of the normal dimensions of the machine to which the sign is attached.
- (b) Each side of the vending machine that has signable area which is visible from a public right-of-way gets counted towards the total amount of signable area for that property.

### **8.3.25. Wall Signs**

- (a) Only one (1) wall sign shall be permitted per business in a non-residential zoning district, unless the property is a corner lot in which case two (2) signs are permitted. Wall signs are not permitted in residential zoning districts.
- (b) The area of the wall sign, including the area of any awning signs which are required to be counted, shall not exceed ten percent (10%) of the area of the wall on which it is attached, or painted, but in no event may it exceed sixty four (64) square feet.
- (c) The height of a wall sign is limited to the size of the wall to which the sign is affixed.

### **8.3.26. Warning Signs**

- (a) The maximum area of a sign shall not exceed two (2) square feet.
- (b) The maximum height for a sign shall not exceed six (6) feet.

## **SECTION 9. SIGN LIMITS**

### **9.1. GOVERNMENTAL SIGNS**

Nothing in this chapter shall be construed to prevent the display of a national or state flag, or to limit flags, insignias, legal notices, or informational, directional or traffic signs which are legally required or necessary to the essential functions of government agencies.

### **9.2. CUMULATIVE SIGN LIMITATIONS**

In addition to limits on the number of each type of sign permitted per property, with exception of properties in the Historic District, the following provisions shall apply to all other properties within the Town.

#### **9.2.1. Single Unit Property.**

- (a) The cumulative total signable area for a single unit property may not exceed the amounts set in this subsection. The cumulative total signable area for each property is determined by adding the signable area (as defined above) for each sign on the property.
- (b) The cumulative total signable area for a single property may not exceed thirty two (32) square feet in a residential area.
- (c) The cumulative total signable area for a single property in a non-residential area may not exceed sixty-four (64) square feet, unless the property is a corner lot.
- (d) The cumulative total signable area for a corner lot in a non-residential area may not exceed ninety-six (96) square feet, provided that at least one third (1/3) of the cumulative total signable area is facing each right-of-way.

#### **9.2.2. Multi Unit Property**

- (a) Multi-unit properties in non-residential areas are limited to the number of monument signs permitted in accordance with Section 8 of this Chapter.
- (b) In addition to monument signs on public rights-of-way, one (1) directory sign is permitted per building in a multi-unit complex.
- (c) In addition to the above, and in accordance with the master sign plan, each unit in the multi-unit complex will be entitled to one (1) additional sign.
- (d) A master sign plan shall be required for all Multi-unit complexes and/or Planned Unit Developments before any signs for such development may be installed on the property. All owners, tenants, subtenants and purchasers of individual units within the development shall comply with the approved master sign plan.

## **SECTION 10. ENFORCEMENT**

### **10.1. COMPLAINTS**

- (a) Complaints alleging violations of this Chapter may be filed with the Town by any person, including but not limited to Town officials.
- (b) The Sign Administrator may, at the Administrator's discretion, notify the responsible party informally.
- (c) Sworn complaints shall be filed with the Municipal Court.

### **10.2. CIVIL & CRIMINAL PENALTIES**

The Town shall have the power to administer and enforce the provisions of this Chapter as may be required by governing law. Any person violating any provision of this Chapter is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this Chapter is hereby declared to be a nuisance. In addition to other available relief, the Town shall be entitled to issue a stop work order on the construction of noncompliant signs.

### **10.3. CRIMINAL OFFENSES**

- (a) Each violation of the following sections of this Chapter constitutes a separate criminal offense, punishable by a fine not exceeding five hundred dollars (\$500.00):

- Section 3.1
- Section 3.3
- Section 3.4
- Section 3.5
- Section 3.6
- Section 3.7
- Section 3.8.
- Section 3.9.
- Section 3.10.
- Section 3.11.
- Section 3.12.
- Section 4.2.
- Section 4.3.
- Section 4.4.2.
- Section 6.2.
- Section 6.3.
- Section 6.4.
- Section 6.5.
- Section 7.1.
- Section 8.1.1.
- Section 8.1.2.

- (b) Each day that a provision of this Chapter is violated shall constitute a separate offense. An offense under this Chapter is a misdemeanor.
- (c) The culpable mental state required for conviction for a violation of this Chapter shall be recklessness.

#### **10.4. CIVIL REMEDIES**

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

- (a) injunctive relief to prevent specific conduct that violates the Chapter or to require specific conduct that is necessary for compliance with the Chapter, including removal of signs that violate this Chapter at the expense of the Responsible Party; and
- (b) a civil penalty up to one thousand dollars (\$1,000.00) a day when it is shown that the defendant was actually notified of the provisions of the Chapter and after receiving notice committed acts in violation of the Chapter or failed to take action necessary for compliance with the Chapter; and other available relief.

#### **10.5. REMOVAL**

Any sign violating this Chapter must be removed or brought into compliance within thirty (30) days of receipt of written notice from the Town. If the Responsible Party fails to remove or alter the structure so as to comply with the standards set forth in this Chapter within thirty (30) days after such notice, the Town may undertake such removal or alteration as is necessary to bring the structure into compliance and assess the costs to the Responsible Party. The Town may cause any sign or other sign structure which presents an immediate peril to persons or property to be removed or altered immediately and without notice, and without compensation to the sign owner.

#### **10.6. IMPOUNDMENT**

- (a) The Sign Administrator shall have the authority to remove all signs, without notice to the owners thereof, placed within any street or highway right-of-way; attached to trees, telephone and utility poles, other natural features; or otherwise prohibited by this Chapter.
- (b) The Sign Administrator shall have the authority to impound such confiscated signs for a period of five (5) business days.
- (c) The owner of a sign impounded by the Town may recover same upon payment of an impoundment fee for each sign, as established by the Town Council. Payment of the impoundment fee must be rendered to the Town prior to the expiration of the five (5) business days impoundment period. Upon expiration of the impoundment period, the Sign Administrator shall have authority to dispose of such sign at the Administrator's discretion.

## **10.7. ADMINISTRATIVE GUIDANCE**

The Town is authorized to promulgate one or more interpretive documents to aid in the administration of, and compliance with, this Chapter. Such interpretive documents shall be educational only and shall not constitute regulations, amendments, or exceptions.

## **SECTION 11. NO WAIVER**

### **11.1. LIABILITY**

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



**Signs**  
**APPENDIX A: SIGN TYPES**

**SIGN TYPES**

