



**CITY OF FRIENDSWOOD
PLANNING AND ZONING COMMISSION REGULAR MEETING
THURSDAY, AUGUST 24, 2023 - 6:00 PM
CITY COUNCIL CHAMBERS, CITY HALL
910 S. FRIENDSWOOD DRIVE
FRIENDSWOOD, TEXAS 77546**

AGENDA

1. CALL TO ORDER

2. COMMUNICATIONS FROM THE PUBLIC

In order to comply with provisions of the Open Meetings Act, the Commission may not deliberate on subjects discussed under this agenda item. However, the Commission may direct such subjects to be placed on a later regular Commission agenda for discussion and/or possible action.

3. CONSENT AGENDA

These items are considered routine or ministerial in nature and will be enacted with one motion. There will be no separate discussion of items unless a commissioner so requests in which case the item would be removed from the consent agenda and considered separately.

- A. Consider approval of the minutes for the Planning and Zoning Commission Regular Meeting held Thursday, August 10, 2023.

4. ACTION ITEMS

A. SITE PLAN: FM 2351

Consider approving a site plan for a new building at 4426 FM 2351, an additional building for Site One Landscape.

B. SITE PLAN AMENDMENT: 106 WHISPERING PINES AVE

Consider approving a site plan amendment for the development at 106 Whispering Pines Ave, Texas Behavioral Health, to provide for additional parking area.

C. RECOMMENDATION: AMENDMENTS TO APPENDIX A, SIGN ORDINANCE

Consider making a recommendation to City Council regarding the proposed amendments to Appendix A, Sign Ordinance.

5. COMMUNICATIONS

- A. Announcement of the next Planning and Zoning Commission regular meetings for (i) Thursday, September 14, 2023 and (ii) Thursday, September 28, 2023.
- B. Receive Council Liaison updates concerning action taken by the City Council on Planning and Zoning related items, and Commissioner comments concerning items of community interest and/or requesting future agenda items.

6. ADJOURNMENT

PUBLIC NOTICE IS GIVEN THAT IN ADDITION TO ANY EXECUTIVE SESSION LISTED ABOVE, THE PLANNING AND ZONING COMMISSION RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME AS AUTHORIZED BY THE TEXAS GOVERNMENT CODE SECTIONS 551.071 - 551.090 TO DISCUSS ANY MATTERS LISTED ABOVE.

THE CITY OF FRIENDSWOOD IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. REASONABLE ACCOMMODATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED UPON REQUEST. PLEASE CONTACT THE CITY SECRETARY'S OFFICE BY PHONE AT (281) 996-3270, FAX (281) 482-1634, OR CONTACT (281) 996-3270 VIA RELAY TEXAS AT 711 OR 1-800-735-2988 FOR TYY SERVICES. FOR MORE INFORMATION CONCERNING RELAY TEXAS, PLEASE VISIT: [HTTP://RELAYTEXAS.COM](http://RELAYTEXAS.COM).



Aubrey Harbin, LEED AP
Director of Community Development/City Planning



Posted by: Leticia Brysch, City Secretary
Posted in compliance with the Texas Open Meetings
Act this 21st day of August 2023, at 11:00 A.M.



FRIENDSWOOD PLANNING & ZONING COMMISSION AGENDA ITEM FORM

Meeting Date: August 24, 2023

Subject: Consider approval of the minutes for the Planning and Zoning Commission Regular Meeting held Thursday, August 10, 2023.

Action:

SUMMARY / ORIGINATING CAUSE

This item allows the Commission to review and approve the minutes for the Planning and Zoning Commission Regular Meeting held Thursday, August 10, 2023.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

RECOMMENDATIONS

Staff recommends approval.

ATTACHMENTS

1. 08-10-2023 PZ Minutes



**CITY OF FRIENDSWOOD
PLANNING AND ZONING COMMISSION
THURSDAY, AUGUST 10, 2023 - 6:00 PM**

Minutes

MINUTES OF A FRIENDSWOOD REGULAR MEETING HELD AT 910 S. FRIENDSWOOD DRIVE, FRIENDSWOOD, TEXAS, FRIENDSWOOD CITY HALL, COUNCIL CHAMBERS

STATE OF TEXAS
CITY OF FRIENDSWOOD
COUNTIES OF GALVESTON/HARRIS
AUGUST 10, 2023

1. CALL TO ORDER

MINUTES OF A REGULAR MEETING OF THE FRIENDSWOOD PLANNING AND ZONING COMMISSION THAT WAS HELD ON THURSDAY, AUGUST 10, 2023, AT 06:00 PM 910 S. FRIENDSWOOD DRIVE, FRIENDSWOOD, TEXAS

CHAIRMAN TOM HINCKLEY
VICE-CHAIRMAN RICHARD SASSON
COMMISSIONER MARCUS RIVES
COMMISSIONER BRIAN BOUNDS
COMMISSIONER MARSHA CONRAD
COUNCIL LIAISON JOE MATRANGA
DIRECTOR OF CDD/PLANNER AUBREY HARBIN
ASSISTANT PLANNER BECKY BENNETT

COMMISSIONERS TRAVIS MANN AND CATHERINE KOERNER WERE ABSENT FROM THE MEETING. CITY ATTORNEY KAREN HORNER WAS ABSENT FROM THE MEETING.

2. COMMUNICATIONS FROM THE PUBLIC

In order to comply with provisions of the Open Meetings Act, the Commission may not deliberate on subjects discussed under this agenda item. However, the Commission may direct such subjects to be placed on a later regular Commission agenda for discussion and/or possible action.

None.

3. CONSENT AGENDA

These items are considered routine or ministerial in nature and will be enacted with one motion. There will be no separate discussion of items unless a commissioner so requests in which case the item would be removed from the consent agenda and considered separately.

A. Consider approval of the minutes for the regular meeting held Thursday, July 27, 2023

**Commissioner Brian Bounds moved to approve the minutes for the regular meeting held Thursday, July 27, 2023. Seconded by Commissioner Marcus Rives. The motion was approved unanimously.

4. ACTION ITEMS

A. **ZONE CHANGE REQUEST: 209 E EDGEWOOD DR TO CHANGE UNDERLYING ZONING FROM PLANNED UNIT DEVELOPMENT (PUD) TO OFFICE PARK DISTRICT (OPD)**

- i Conduct a public hearing regarding a request for a zone classification change located at 209 E Edgewood Drive, .2983 acre out of Lot 2, in Block 1, of Final Replat of Melody Plaza, Section Two (2), a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Volume 18, Page 1136, in the Office of the County Clerk of Galveston County, Texas, to change the underlying zoning from Planned Unit Development (PUD; Ord. 97-22) to Office Park District (OPD), keeping the Specific Use Permit (SUP; Ord. 98-5) that allowed the use of print shop.

Director Harbin said the property requesting a zone change was originally platted with Melody Plaza and later sold by metes and bounds. She said the property was zoned Office Park District (OPD) in 1997 but changed to Planned Unit Development (PUD) and Specific Use Permit (SUP) in 1998 for a print shop. She explained the City's Permitted Use Table (PUT) that lists allowed uses was updated in 2011 to remove PUD as a category. She said the purpose of a PUD is for creative, mixed-use development and removing PUD from the PUT created an unintended consequence for this tract of allowing only one use while all the adjacent tracts are zoned OPD and allowing multiple uses.

Robert Smithhart/owner said he has owned the print shop for three years and only needs the downstairs space. He would like to rezone to OPD and rent the upstairs space to an office professional.

David O'Farrell, the original developer of Melody Plaza, said he built the 12,000 square foot front office spaces for rent plus the building in question for a friend's print shop. He said they had an agreement, in perpetuity, to limit the use of a print shop only in order to protect the parking for the front building. O'Farrell said the PUD/SUP on the rear building was intentionally different than the surrounding tracts. O'Farrell said the city would not enforce internal parking arrangements and civil litigation would be difficult. Therefore, he may litigate the city instead as a "taking" of available parking if the zone change is approved.

- ii Consider making a recommendation to City Council for the requested zone classification change located at 209 E Edgewood Drive, .2983 acre out of Lot 2, in Block 1, of Final Replat of Melody Plaza, Section Two (2), a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Volume 18, Page 1136, in the Office of

the County Clerk of Galveston County, Texas, to change the underlying zoning from Planned Unit Development (PUD; Ord. 97-22) to Office Park District (OPD), keeping the Specific Use Permit (SUP; Ord. 98-5) that allowed the use of print shop.

****Vice-Chairman Richard Sasson** moved to approve making a positive recommendation to City Council for the requested zone classification change located at 209 E Edgewood Drive to change the underlying zoning from Planned Unit Development (PUD; Ord. 97-22) to Office Park District (OPD), keeping the Specific Use Permit (SUP; Ord. 98-5) that allowed the use of print shop. Seconded by Commissioner Marcus Rives. The motion was approved 4-1 with Commissioner Marcus Rives opposed.

Commissioner Sasson stated PUD is not the appropriate zoning for a single building and prevents any uses without the SUP. He said it sets a bad precedent to use PUDs in that manner plus the tract is surrounded by other OPD zoning. Sasson questioned why the original developer split nine parking spaces when he sold the print shop building by metes and bounds. Sasson said he visited the site multiple times and observed many of the parking spaces open. He commented that while staff does not enforce parking on redeveloped or interior parking arrangements, had this site been newly developed, the current number of parking spaces is fairly close to what would be required for building square footage. He said he spoke with the other commercial neighbor who supports the zone change request.

Commissioner Rives said he can understand both sides. He mentioned he had not seen the parking lot full either and questioned why the parking spaces were cut in half between the two properties. He mentioned if there is an agreement to limit the use or the parking, it could be civilly enforced. Commissioners Conrad and Bounds both commented similarly that the parking lot is never full and questioned why the parking between the two buildings was cut in half horizontally.

Rives asked if the Commission could impose conditions on the approval. Harbin answered zone changes cannot be approved conditionally. Sasson clarified the print shop use would remain with the SUP regardless of the underlying zoning being PUD or OPD. Rives asked if there was an analysis performed on the parking situation. Bennett answered that the existing parking was fairly close to what the current code would require. Chairman Hinckley reminded the Commission the zone change did not include a site plan and was to be based on the use of the property.

B. SITE PLAN AMENDMENT: 3201 E FM 528 RD

Consider approval of a site plan amendment for the property located at 3201 E FM 528 RD for the proposed Friendswood Community Hospital.

****Vice-Chairman Richard Sasson** moved to approve the site plan amendment for the property located at 3201 E FM 528 RD for the proposed Friendswood Community Hospital. Seconded by Commissioner Marcus Rives. The motion was approved unanimously.

Harbin explained the proposed hospital would remodel the former Walgreens at the corner of Bay Area Blvd. and FM 528 with 24 beds being used for emergency patients and scheduled patients. She said the accessible route would be moved to the side of the building and connect to Bay Area Blvd. where three trees would be removed. She said the trees being removed are not substantial trees and the property has lots of mature landscaping. Harbin mentioned the backup generator would be screened, also.

Sasson asked which street would access the ambulance bay. Sel Thint/Everest Design Group answered that ambulances could use either entrance. Sasson said the plan indicates more

landscape islands and trees were being added and asked if more perimeter trees would be added. Thint said due to the existing, mature trees along the streets, no additional trees are being proposed in those areas.

Rives asked if a 20-foot fire lane was approved by the Fire Marshal. Bennett answered the 20-foot fire lane is the required width and was approved by the Fire Marshal's Office during plan review. Hinckley said it would be a nice change to reoccupy that building.

C. RECOMMENDATION: AMENDMENTS TO APPENDIX A, SIGN ORDINANCE

Consider making a recommendation to City Council for the proposed amendments to Appendix A, Sign Ordinance

****Commissioner Marcus Rives moved to approve making a positive recommendation to City Council for the proposed amendments to Appendix A, Sign Ordinance. Seconded by Vice-Chairman Richard Sasson. The motion was approved unanimously.**

Rives asked if the Sign Ordinance contains language to address derelict signs. Bennett said the existing ordinance has provisions to keep signs in good repair and any out of compliance could be reported to the City's Code Enforcement division. Sasson asked if the Sign Ordinance would come back to the Commission if any changes are made. Harbin said staff would not make any changes before presenting it to City Council, but that City Council does have the authority to make changes and they would not need to be reviewed by the Commission. She explained the Sign Ordinance does not require public hearings, so the Council will need to read the ordinance at two meetings instead.

D. Consider approving a one-time, one-year extension for the following final plats: Avalon at Friendswood Detention Final Plat

****Commissioner Marcus Rives moved to approve a one-time, one-year extension for the Avalon at Friendswood Detention Final Plat. Seconded by Commissioner Brian Bounds. The motion was approved unanimously.**

Harbin stated this section of the subdivision is still under construction and the developer needs more time. Sasson commented that plat extensions are fairly common.

5. COMMUNICATIONS

A. Announcement of the next Planning and Zoning Commission regular meetings for (i) Thursday, August 24, 2023 and (ii) Thursday, September 14, 2023.

B. Receive the July 2023 DRC Report, Council Liaison updates concerning action taken by the City Council on Planning and Zoning related items, and Commissioner comments concerning items of community interest and/or requesting future agenda items.

Councilmember Matranga reported the hot topic at the Council meeting was the budget and the proposed tax rate. He said the original increase of 4+ cents had been reduced to an increase of 2 cents. He also said the Permitted Use Table changes passed unanimously with no discussion. Matranga announced the City hired its first EMS Chief, Lisa Camp. And lastly, he announced the Library Gala would occur on September 30th and that tickets were selling fast.

Rives reported he attended the Galveston County Consolidated Drainage District (GCCDD)

meeting where the board approved preliminary plans for Friendswood Trails dependent upon updating the calculations to comply with Atlas 14.

Harbin said the City Council approved the creation of an Ad Hoc Parking Committee that consisted of a mix of existing board members. She said she and Bennett would liaise with the new committee.

6. ADJOURNMENT

This meeting was adjourned at 06:49 PM.



FRIENDSWOOD PLANNING & ZONING COMMISSION AGENDA ITEM FORM

Meeting Date: August 24, 2023

Subject: **SITE PLAN: FM 2351**

Consider approving a site plan for a new building at 4426 FM 2351, an additional building for Site One Landscape.

Action:

SUMMARY / ORIGINATING CAUSE

Site One Landscape acquired the lot next door to their current location. The property is zoned Industrial (I). They are building a new 11,602 square foot storage building and providing for additional outdoor storage. Access to the lot will be through their existing site and the entirety of their property will be fenced. The overall building height is approximately 20 feet and they meet the minimum landscaping requirements.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

Approval of the site plan will allow the business to expand their operations to the adjacent site.

RECOMMENDATIONS

The plans were reviewed by staff in the following departments: Planning, Public Works, Engineering, Fire Marshal, and Police Department. The proposed project appears to be in compliance with current city codes. This plan is subject to approval by the Planning and Zoning Commission.

ATTACHMENTS

1. Compliance Memo_Site One Storage
2. Cover Sheet_Site One Landscape Expansion
3. Site Plan_Site One Landscape Expansion
4. Landscape Plan_Site One Landscape Expansion
5. Elevations_Site One Landscape Expansion
6. Photometric_Site One Landscape

Memo

To: Planning and Zoning Commission

From: Becky Bennett, Assistant Planner

Date: August 21, 2023

Re: 4456 FM 2351
Site One Landscape Supply
Commercial Site Plan Amendment

Project Description: The proposed project is to add a 11,602 square foot storage building and new outside storage to the existing landscape supply company. Four new parking spaces will be constructed to accommodate the extra square footage.

The plans were reviewed by staff in the following departments: Planning, Public Works, Engineering, Fire Marshal, Parks, and Police Department. The proposed project appears to be in compliance with current city codes.

The site plan is subject to approval by the Planning and Zoning Commission.

SITE ONE LANDSCAPE SUPPLY
NEW STORAGE BUILDING

4456 FM 2351 -- Friendswood, Texas 77546

Site One Landscape Supply - New Storage Building

Building Code Analysis
Issued for Permit and Construction

PROPOSED BUILDING

The proposed building is a non-sprinklered single story, pre-engineered metal building structure.

DESCRIPTION OF OPERATIONS

New building for warehouse storage of commercial landscaping supplies.
No high-piled combustible storage or hazardous materials over exempt amounts.
Storage of class I-IV commodities not to exceed 12' a.i.f., storage of high-hazard commodities not to exceed 6' a.i.f.
See the submitted Hazardous Materials Inventory Statement and Summary indicating no hazardous materials over exempt amounts.

NOTE: This is a normally unoccupied storage building where staff are only in the building when placing or removing product.
Area measured to the outside of the foundation as required by the Fire Marshal: 11,956 s.f. = 24 calculated occupants
Gross floor area per the 2018 IBC (measured to the inside perimeter of the exterior walls): 11,602 s.f. = 24 calculated occupants

As this building is normally unoccupied, we are requesting the existing toilet facilities in the existing building serve the calculated occupant load for the new building, variance as needed.

PER 2018 IBC, TABLE 2002.1, FOOTNOTE E: For business and mercantile classifications with an occupant load of 15 or fewer, a service sink shall not be required. We are requesting this exception be applied to this normally unoccupied S occupancy with a calculated occupant load of 24, variance as needed.

PER 2018 IBC, SECTION 2002.6: Drinking fountains shall not be required for an occupant load of 15 or fewer.
We are requesting this exception be applied to this normally unoccupied building with a calculated occupant load of 24, variance as needed.

REFERENCE CODES

2018 International Building Code
2018 International Fire Code
2018 International Mechanical Code
2020 National Electrical Code
2018 International Plumbing Code
2018 International Energy Conservation Code
Local Amendments to the above codes

OCCUPANCY TYPES (Chapter 3)

Moderate-Hazard Storage Group S-1 Moderate-Hazard Storage

ALLOWABLE HEIGHT (Tables 504.3 and 504.4)

Moderate-Hazard Storage Group S-1 2 Stories 55' OK

ALLOWABLE AREA (Table 506.2)

Moderate-Hazard Storage Group S-1 17,500 s.f. OK
The total building area is less than the basic area for an S-1 occupancy, therefore the building area is OK.
Frontage increase not calculated (the building area is less than the basic area for the proposed occupancy).

TYPE OF CONSTRUCTION (Chapter 6)

Type II-B Non-sprinklered

ACTUAL AREAS/NUMBER OF OCCUPANTS (Table 1004.5)

Note: Building area measured from the outside to outside of the foundation as required by the Fire Marshal.

Occupancy	Gross Area	Factor (1)	No. Occupants	2 Exits Req.
Storage (S-1)	11,956	600		24 Refer to Plan.
Total	11,956			24

GENERAL REQUIREMENTS

EGRESS REQUIREMENTS

Doors (Sec. 1010.1.2.1)
Doors shall swing in the direction of egress travel if serving 50 or more persons. Re: plans OK
Common Path of Egress Travel (Table 1006.2.1) S, <30 occ. = 100' max. OK
Minimum No. of Exits (Table 1006.2.1, Table 1006.3.2) S, <30 occ. = 1 (2 provided) OK
Exit Access Travel Distance (Table 1017.2) S-1 = 200' OK
Corridor Fire-Resistance Rating (Table 1020.1) Non-sprinklered S, <30 occ. = 0 hr. OK
Minimum Corridor width (Table 1020.2) 44" OK

FIRE-RESISTANCE RATINGS FOR BUILDING ELEMENTS (Table 601)

None required

FIRE-RESISTANCE RATINGS FOR EXTERIOR WALLS (Table 602)

None required

ALLOWABLE COMBUSTIBLE MATERIALS (Sec. 603.1)

Fire-Retardant-Treated Wood shall be permitted in:
Nonbearing partitions where the required fire-resistance rating is 2 hours or less.
Nonbearing exterior walls where fire-resistance rated construction is not required.
Roof construction, including girders, trusses, framing and decking.
Balconies, porches, decks and exterior stairways not used as required exits on building three stories or less above grade plane
Thermal and Acoustical Insulation (other than foam plastics) w/Flame Spread <25
Foam Plastic
Roof Insulation in accordance with NFPA 276 or UL 1256
Thermal barrier where separated from the interior of the building by an approved thermal barrier of minimum 1/2" gypsum wallboard
Interior Trim & Signs
Roof Coverings with an A, B or C Classification
Interior Floor Finish, Trim, Millwork & Doors
Wood Blocking for handrails, millwork, etc.
Light-transmitting plastics as permitted by Chapter 26

THERMAL- & SOUND-INSULATING MATERIALS (Sec. 720)

Flame Spread: <25
Smoke Developed: <450
Re: Foam Plastic Insulation, Sec. 2603 for foam plastic insulation requirements

INTERIOR WALL FINISH REQUIREMENTS (Table 803.13)

S occupancies
Exit Enclosures Class B Flame Spread 26-75/Smoke Developed 0-450
Corridors Class B Flame Spread 26-75/Smoke Developed 0-450
Rooms Class C Flame Spread 76-200/Smoke Developed 0-450

INTERIOR FLOOR FINISH REQUIREMENTS (Sec. 804)

Rooms and Corridors Class II, per NFPA 263 (0.22 watts/cm² or greater)

FOAM PLASTIC INSULATION (Sec. 2603)

Roof Insulation: In accordance with NFPA 276 or UL 1256
Roofing: Class A, B or C required
Thermal barrier where separated from the interior of the building by an approved thermal barrier of minimum 1/2" gypsum wallboard
Flame Spread: <75
Smoke Developed: <450

FIRE PROTECTION SYSTEMS

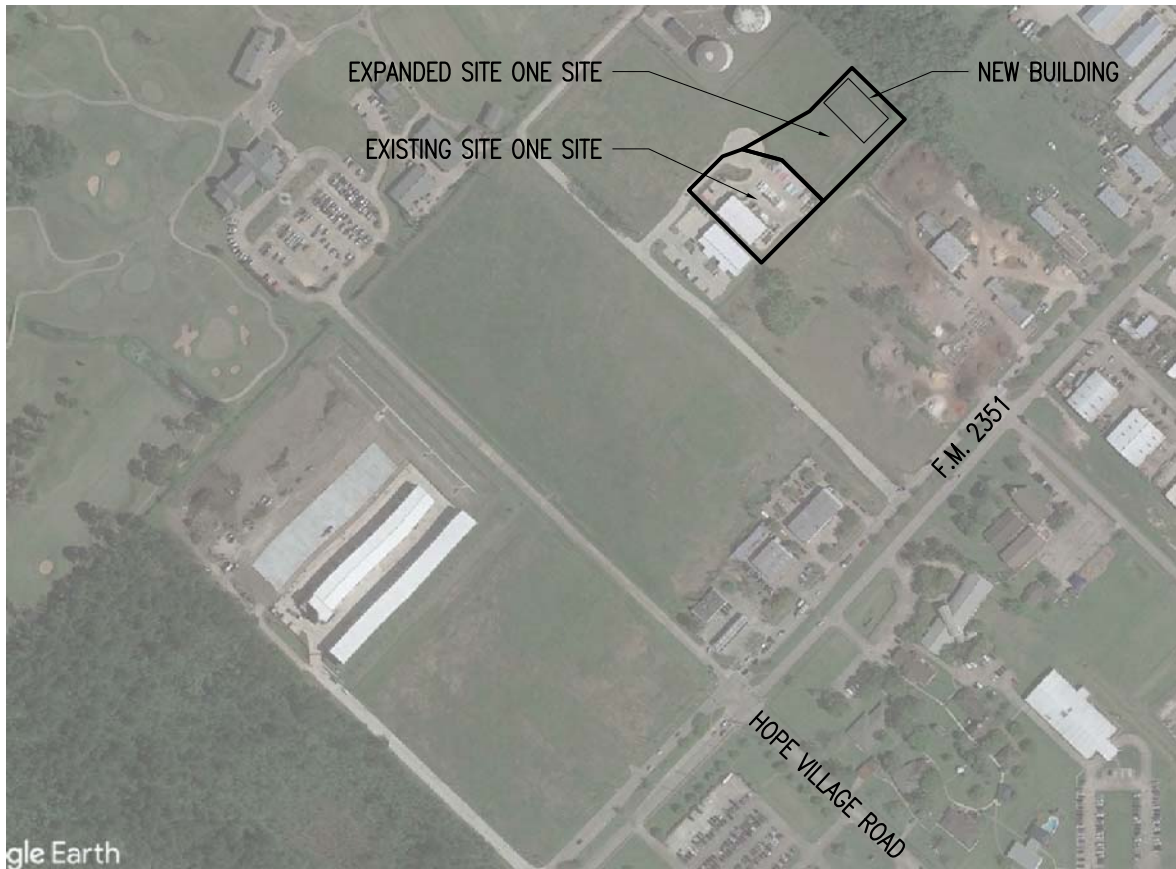
Automatic Sprinkler System: Not required per IFC Chapter 9
Standpipe System: Not required per IFC Section 905
Portable Fire Extinguishers: Required per IFC Section 906
Fire Department Access Doors: Not required per IFC Section 3206.7
Fire Alarm System: Not required per IFC Chapter 9
Smoke and Heat Vents: Not required per IFC Section 3206.8
Emergency Alarm System: Not required per IFC Section 908

ENERGY CODE

Envelope Unconditioned space
HVAC Unconditioned space
Electrical COMcheck submitted with permit documents

EMERGENCY RESPONDER RADIO COVERAGE (IBC Section 916, IFC Section 510)
The intent is for the building to comply with Section 916 of the 2018 IBC and Section 510 of the 2018 IFC (emergency responder radio coverage) without the installation of additional equipment.

TABS PROJECT REGISTRATION NUMBER: TABS2023020019



NOTE: APPROVAL OF THE SITE PLAN WILL EXPIRE ONE YEAR AFTER THE APPROVAL BY THE COMMISSION. UPON EXPIRATION OF THAT TIME, THE APPLICANT MUST RESUBMIT A SITE PLAN THAT CONFORMS TO CURRENT ORDINANCES. PROVIDED, HOWEVER, THE APPLICANT MAY REQUEST AN EXTENSION IN WRITING, WHICH MAY BE GRANTED BY THE COMMISSION. FOR A PERIOD NOT TO EXCEED A TOTAL OF (6) SIX MONTHS.

A0 COVER SHEET
C0 COVER SHEET
C1 DRAINAGE PLAN
C2 UTILITY PLAN
C3 GRADING / PAVING PLAN
C4 STORM WATER POLLUTION PREVENTION PLAN

A1.1 ARCHITECTURAL SITE PLAN
A1.2 LANDSCAPE PLAN AND TREE SURVEY
A2.0 FOUNDATION/PLUMBING DIMENSION PLAN
A2.1 ARCHITECTURAL FLOOR PLAN
A3.1 BUILDING ELEVATIONS
A4.1 WALL SECTIONS
A6.1 DOOR/HARDWARE AND GLAZING SCHEDULES

S0.01 STRUCTURAL GENERAL NOTES
S1.11 FOUNDATION PLAN
S4.01 TYPICAL FOUNDATION DETAILS
S4.02 TYPICAL FOUNDATION DETAILS
S4.05 FOUNDATION DETAILS

M-1 MECHANICAL FLOOR PLAN
M-2 MECHANICAL DETAILS

E-1 ELECTRICAL SITE PLAN
E-2 ELECTRICAL FLOOR PLAN
E-3 ELECTRICAL SCHEMATICS PLAN
1 OF 1 SITE PHOTOMETRICS

19 TABLE OF CONTENTS

OWNER
APOLLO COMMERCIAL CAPITAL LLC
15400 VANTAGE PARKWAY WEST
HOUSTON, TX 77032
CONTACT: JEFF ROBINSON
713-671-5300

TENANT
SITE ONE
1734 1ST ST E
HUMBLE, TX 77338
CONTACT: BRAD BASS
281-713-9996

GENERAL CONTRACTOR
NORTHWINDS CONSTRUCTION
15400 VANTAGE PARKWAY WEST
HOUSTON, TX 77032
CONTACT: JEFF ROBINSON
713-671-5300

ARCHITECT
HARRY GENDEL ARCHITECTS
1807 DECATUR
HOUSTON, TX 77007
CONTACT: ROBERT MITTENDORF
713-266-6100

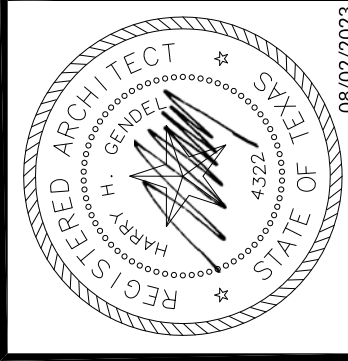
CIVIL ENGINEER
COASTAL BEND ENGINEERING
4558 FM 2351
FRIENDSWOOD, TX 77546
CONTACT: STEPHANIE CANADY
281-646-1268, X102

GEOTECHNICAL ENGINEER
COASTAL TESTING LABORATORIES, INC.
1217 GEORGIA AVE.
DEER PARK, TX 77536
713-477-0121

STRUCTURAL ENGINEER
GARZA + McLAIN STRUCTURAL ENGINEERS, INC.
13313 SOUTHWEST FREEWAY, SUITE 163
SUGAR LAND, TEXAS 77478
CONTACT: TONY McLAIN
281-494-1230

MECHANICAL SUBCONTRACTOR
BATES A/C
620 RANKIN CIR. N.
HOUSTON, TEXAS 77073
CONTACT: ANDY MAHONEY
713-669-5521

ELECTRICAL SUBCONTRACTOR
D & L ELECTRIC COMPANY, LTD.
15353 VANTAGE PARKWAY EAST
HOUSTON, TEXAS 77032
CONTACT: BILLY McDONALD
281-987-3069



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SEAL NOT VALID
UNLESS SIGNED

Harry GendelArchitects



15400 Vantage Parkway West
Houston, Texas 77032

Phone: (713) 671-5300
Fax: (713) 671-5340

SITE ONE LANDSCAPE SUPPLY

NEW STORAGE BUILDING

4456 FM 2351 -- Friendswood, Texas 77546

DATE: 05/17/2023 08/02/2023

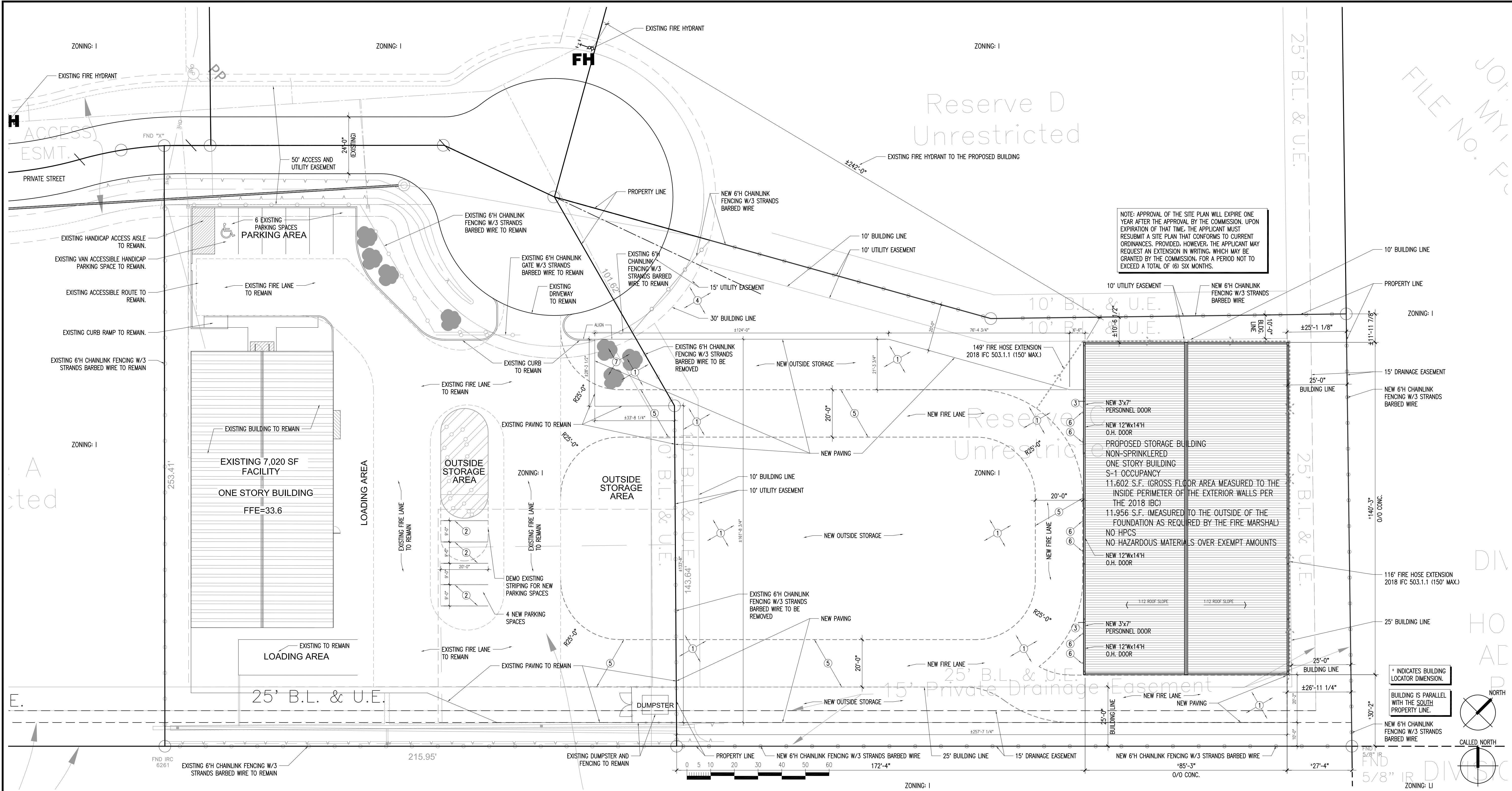
ISSUE/REVISION: ISSUED FOR REVIEW AND BACKGROUND ISSUED FOR PERMIT AND CONSTRUCTION

TITLE:

Cover Sheet
and Code Data

DRAWING:

A0



03 ARCHITECTURAL SITE PLAN
1" = 20'

- ALL SITE DIMENSIONS ARE TO THE OUTSIDE FACE OF BUILDING UNLESS NOTED OTHERWISE.
- ALL SITE DIMENSIONS ARE TO THE FACE OF CURB UNLESS NOTED OTHERWISE.
- MINIMUM CURB RADIUS = 3'-0"
- REFER TO CIVIL DRAWINGS FOR GRADING, DRAINAGE, AND SITE UTILITIES.
- REFER TO MECHANICAL, ELECTRICAL, AND PLUMBING DRAWINGS FOR ADDITIONAL SITEWORK ITEMS.
- REFER TO GEOTECHNICAL INVESTIGATION FOR EARTHWORK REQUIREMENTS.
- REFER TO BOUNDARY SURVEY FOR LOCATION AND LENGTH OF PROPERTY LINES. SURVEY INFORMATION OVERRIDES INFORMATION ON ARCHITECT'S SITE PLAN.
- IF LANDSCAPE SPRINKLERS WILL BE INSTALLED, PROVIDE SLEEVES UNDER ALL PAVED AREAS AND WALKS FOR LANDSCAPE SPRINKLERS. VERIFY W/OWNER.
- REMOVE ALL CONSTRUCTION DEBRIS FROM GRASS AND LANDSCAPE AREAS.
- WHEELCHAIR ACCESSIBILITY SLOPES:
WALKS:
IN DIRECTION OF TRAVEL: MAX. 5% (1:20); CROSS SLOPE: MAX. 2% (1:50)
LANDINGS:
ANY DIRECTION: MAX. 2% (1:50)
ACCESSIBLE PARKING SPACES AND STRIPED AREAS:
ANY DIRECTION: MAX. 2% (1:50)
CURB RAMPS:
SLOPES: MAX 1:12
FLOOR DRAIN:
SLOPE TO DRAIN IN ANY DIRECTION: MAX 2% (1:50)

04 PROJECT NOTES

FIRE LANE = 20' WIDE WITH 25' RADIUS
WHERE THE FIRE LANE IS DEPICTED, CURB MARKINGS OR STRIPING SHALL BE PAINTED USING 4" WHITE LETTERS AT 30 FT INTERVALS STATING "NO PARKING - FIRE LANE" OR "TOW-AWAY ZONE" ON A 12" WIDE RED TRAFFIC PAINT BACKGROUND OR ON A CURB WHERE AVAILABLE ACCORDING TO CITY OF FRIENDSWOOD'S CODE OF ORDINANCES.

06 FIRE LANE MARKING

NOTES:
1. SEE SHEET A1.2 - LANDSCAPE PLAN AND TREE SURVEY

07 LANDSCAPING NOTES

BUILDING AREA = 11,956 SF
LOT AREA = 55,799 SF
LOT COVERAGE = 21.4%
MAX. LOT COVERAGE = 60.0%

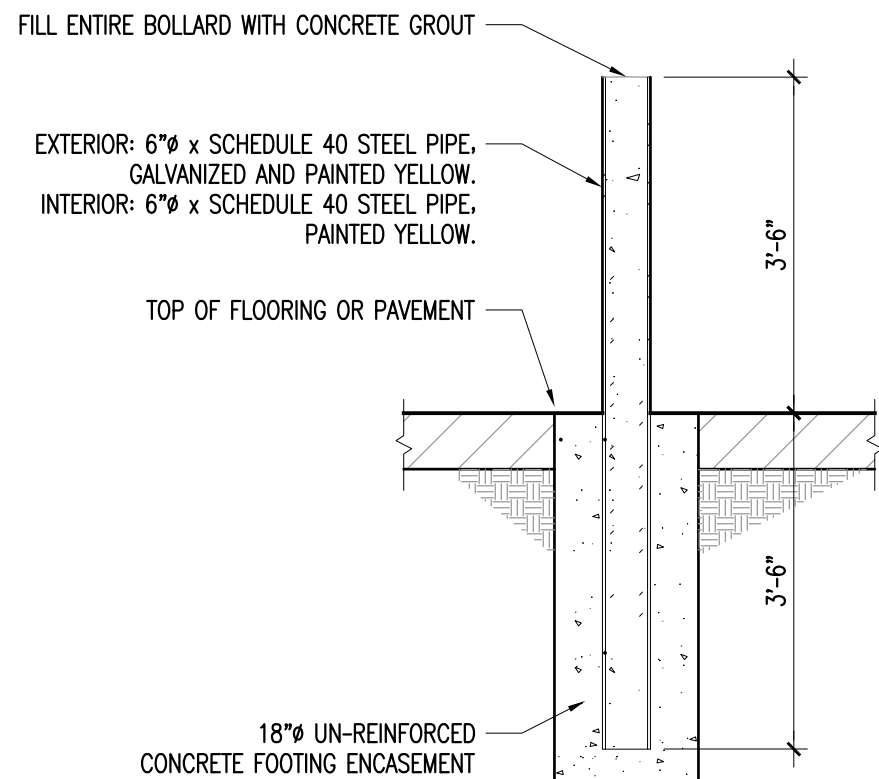
08 LOT COVERAGE ANALYSIS

PARKING TABLE:
WHOLESALE TRADE: 1 SPACE PER 2,000 SQ. FT. GROSS FLOOR STORAGE PER SALES AREA.
EXISTING BUILDING: 7,020 S.F.
NEW BUILDING: 11,956 S.F.
TOTAL: 18,976 S.F.
18,976 SF GFA X 1.0 SPACES/2,000 SF = 10 PARKING SPACES REQUIRED
TOTAL REQUIRED PARKING SPACES = 10 SPACES
(1 ACCESSIBLE SPACE PER 25 SPACES) X 10 SPACES = 1 ACCESSIBLE PARKING SPACE REQUIRED
10 SPACES REQUIRED
10 SPACES PROVIDED (6 EXISTING, 4 NEW)
1 ACCESSIBLE SPACE REQUIRED
1 ACCESSIBLE SPACE PROVIDED (EXISTING)

12 OFF-STREET PARKING ANALYSIS

- NEW 6" REINFORCED CONCRETE AUTO PAVING, RE: CIVIL DWGS.
- PAINTED STRIPING (WHITE).
- LANDING: SLOPE MAX 2% (1:50) IN ALL DIRECTIONS
- LANDSCAPING AREA, RE: DRAWING A1.2
- FIRE DEPARTMENT ACCESS ROAD - 20' MIN. WIDTH, RE: 04 FOR MARKING REQUIREMENTS
- 6" PIPE BOLLARD, RE: 20
- RELOCATE EXISTING TREES PER LANDSCAPING PLAN, RE: DRAWING A1.2

16 KEYED NOTES



20 TYPICAL PIPE BOLLARD
1/2" = 1'-0"

1807 Decatur
Houston, Texas 77007
www.harrygendet.com
for 713.266.5861
for 713.266.6100

REGISTERED ARCHITECT
STATE OF TEXAS
08/02/2023

Harry GendelArchitects

NORTHWINDS
CONSTRUCTION

15400 Vintage Pkwy West
Houston, Texas 77052
Phone: (713) 671-5300
Fax: (713) 671-5340

SITE ONE LANDSCAPE SUPPLY
NEW STORAGE BUILDING
4456 FM 2351 -- Friendswood, Texas 77546

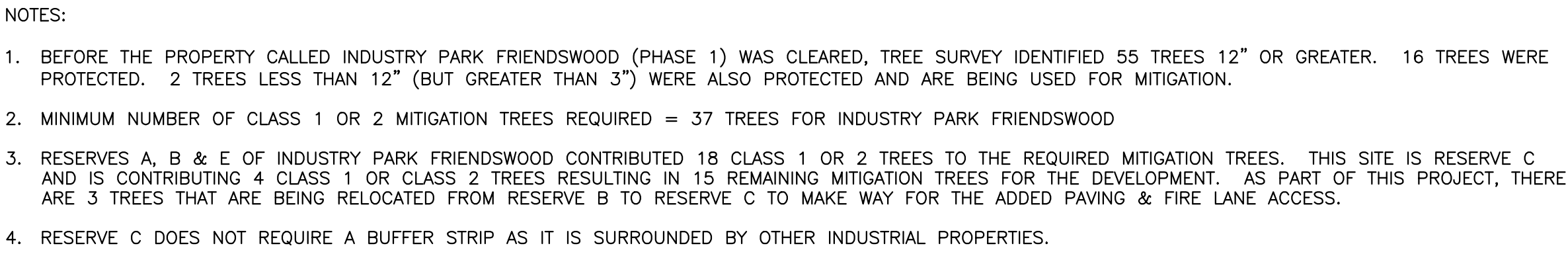
DATE: 12/21/2022
ISSUED FOR REVIEW AND BACKGROUND
05/17/2023
ISSUED FOR PERMIT AND CONSTRUCTION
08/02/2023

ISSUE/REVISION:
12/21/2022
05/17/2023
08/02/2023

TITLE:
Architectural
Site Plan

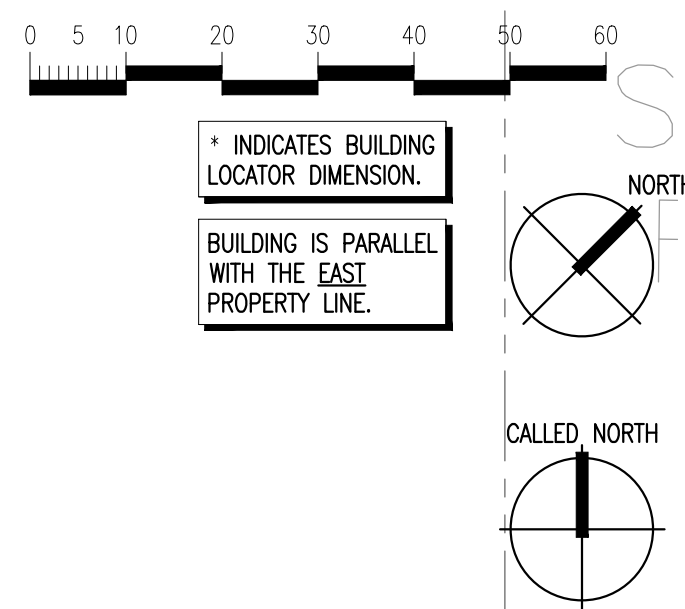
DRAWING:
A1.1

Page 12 of 70

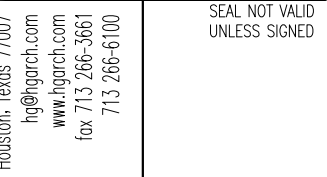


- CLASS 1 OR CLASS 2 MITIGATION TREE

02 | TREE SURVEY & LANDSCAPING NOTES



03	TREE SURVEY 1" = 40'-0"
----	----------------------------



**NORTHWINDS
CONSTRUCTION**

Phone: (713) 671-5300
Fax: (713) 671-5340
15400 Vantage Pkwy West
Houston, Texas 77032

NEW STORAGE BUILDING
4456 FM 2351 -- Friendswood, Texas 77546

DATE:	ISSUE/REVISION:
06/17/2023	ISSUED FOR REVIEW AND BACKGROUND
08/02/2023	ISSUED FOR PERMIT AND CONSTRUCTION

Building Elevations

A3.1



Schedule																
Symbol	Label	Image	Quantity	Manufacturer	Catalog Number	Description	Lamp	Number Lamps	Filename	Lumens Per Lamp	Lumen Multiple	Light Loss Factor	Wattage	Efficiency	Distribution	Notes
	WP1		3	Lithonia Lighting	WDGE1 LED P0 40K BCH1 VW			1	WDGE1_LED_P 0_40K_BCH1_ VW.ies	7920	1	0.9	6,7947	100%	TYPE II, VERY SHORT, BUD RATING: B0 - U0 - G0	
			2	Lithonia Lighting	WDGE2 LED P3 40K BCH1 VW	WDGE2 LED WITH P3 PERFORMANCE PACKAGE, 4000K, BCH1, VISUAL COMFORT WIDE OPTIC		1	WDGE2_LED_P 3_40K_BCH1_ VW.ies	3213	1	0.9	22.55	100%	TYPE III, VERY SHORT, BUD RATING: B1 - U0 - G0	



FND
5/8" IR
FND
5/8" IR



FRIENDSWOOD PLANNING & ZONING COMMISSION AGENDA ITEM FORM

Meeting Date: August 24, 2023

Subject: **SITE PLAN AMENDMENT: 106 WHISPERING PINES AVE**

Consider approving a site plan amendment for the development at 106 Whispering Pines Ave, Texas Behavioral Health, to provide for additional parking area.

Action:

SUMMARY / ORIGINATING CAUSE

Texas Behavioral Health (TBH Holdings) is in the process of building a new structure at 106 Whispering Pines Ave. Once this building is complete, they plan to relocate from the building at 104 Whispering Pines Ave. This proposal is to add 18 parking spaces, landscaping, and a dumpster pad site.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

n/a

RECOMMENDATIONS

The plans were reviewed by staff in the following departments: Planning, Public Works, Engineering, Fire Marshal, and Police Department. The proposed project appears to be in compliance with current city codes. This plan is subject to approval by the Planning and Zoning Commission.

ATTACHMENTS

1. Compliance Memo_106 Whispering Pines Ave
2. Cover Sheet_106 Whispering Pines Parking
3. Site Plan_106 Whispering Pines Parking
4. Landscape_106 Whispering Pines Parking

Memo

To: Planning and Zoning Commission

From: Becky Bennett, Assistant Planner

Date: August 21, 2023

Re: 106 Whispering Pines Ave
Commercial Site Plan Amendment

Project Description: The proposed project is currently under construction for a new strip center and parking lot. The owner would like to add additional parking the rear corner with 18 more parking spaces. They will also be relocating the dumpster to this area.

The plans were reviewed by staff in the following departments: Planning, Public Works, Engineering, Fire Marshal, Parks, and Police Department. The proposed project appears to be in compliance with current city codes.

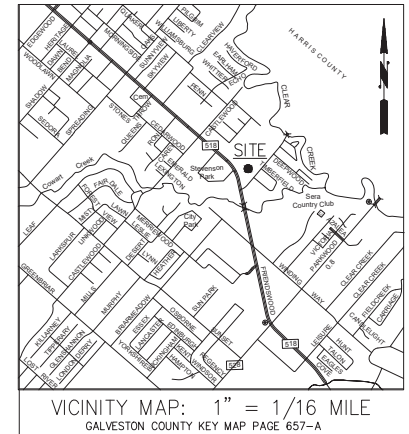
The site plan is subject to approval by the Planning and Zoning Commission.

FRIENDSWOOD SHOPPING CENTER
106 WHISPERING PINE AVENUE
FRIENDSWOOD, TX 77456
AUGUST, 2023



OWNER
TBH HOLDING GROUP, LLC
104 WHISPERING PINES AVE
FRIENDSWOOD, TX 77546
(409)454-9422

T1.0	COVER SHEET
A1.0	SITE PLAN PARKING ANALYSIS
A1.10	LANDSCAPING PLAN
C1.0	DRAINAGE AREA PLAN & PAVEMENT
C2.0	DRAINAGE PLAN
C3.0	DRAINAGE CALCULATIONS AND DETAILS
C4.0	SWPPP
C5.0	UTILITIES PLAN
C6.0	UTILITIES DETAILS



NOTES:
1. WHERE CITY AND PROJECT TYPICAL DETAILS AND NOTES
CONFLICT, THE STRICTER OF THE TWO SHALL SUPERSEDE

FINAL Signature Block
For Drainage Plans

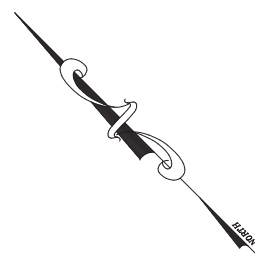
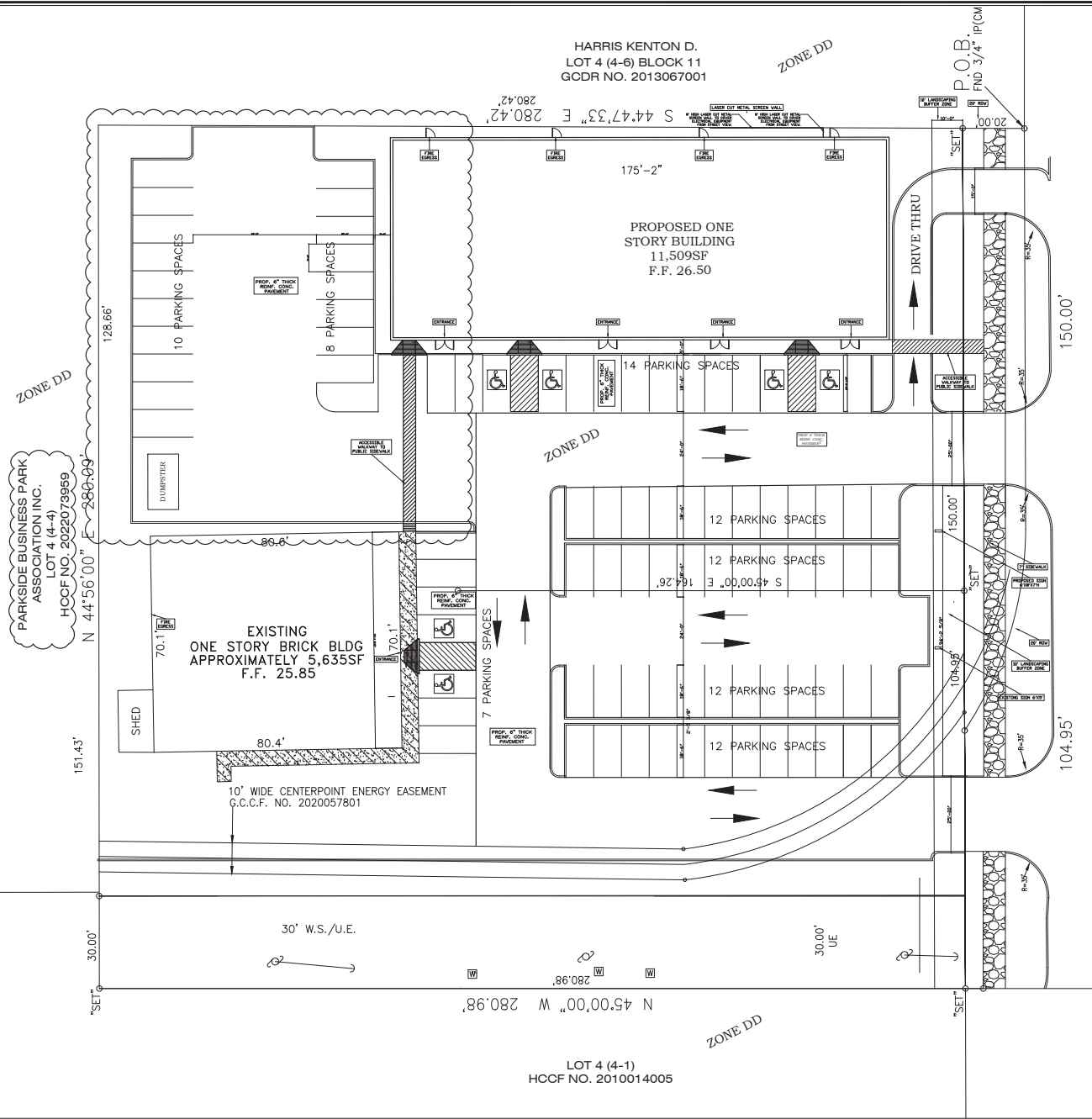
Approved by the GALVESTON COUNTY CONSOLIDATED DRAINAGE DISTRICT

Director _____ Date _____

Director _____ Date _____

This is to certify that the above was signed based on the representation of the Drainage Engineer having reviewed all details provided and found them to be in
substantial compliance with the Drainage District Ordinance Manual. This signature is only valid for two hundred and forty (240) calendar days.
The undersigned hereby certifies that the signature is valid for two hundred and forty (240) calendar days. Please note, this is not
a professional Engineer stamp and is not to be used in place of a professional Engineer stamp. This signature is not to be used in place of a professional Engineer stamp
and is not to be used in place of a professional Engineer stamp. This signature is not to be used in place of a professional Engineer stamp.

[illegible]



SITE PLAN NOTES

1. COORDINATE ALL WORK UNDER THIS CONTRACT WITH EXISTING UTILITIES AND STREET WORK ON AND OFF THE SITE. MAKE ALL ADJUSTMENTS REQUIRED FOR CONNECTIONS OR ALTERATIONS CALLED OUT IN THIS CONTRACT.
2. COORDINATE ALL WORK UNDER THIS CONTRACT WITH WORK DONE BY OTHER CONTRACTORS.
3. ALL WORK TO COMPLY WITH THE INTERNATIONAL BUILDING CODE 2018, AND THE CITY OF FRIENSDWOOD CODE OF ORDINANCES AND PLANNING & ZONING REGULATIONS.
4. PROTECT AND SAFEGUARD EXISTING BUILDING AND SERVICES WHICH MAY BE AFFECTED BY THIS WORK. REPORT ANY UNFORESEEN CONDITIONS TO THE GENERAL CONTRACTOR AND CONSULTANT BEFORE PROCEEDING.
5. ALL DIMENSIONS TO EXISTING TO BE VERIFIED ON SITE.

DOWNTOWN ZONE DISTRICT "ZONE DD" HAS ZERO SETBACKS

PARKING CALCULATION			
OCCUPANCY TYPE	SQUARE FOOTAGE	OCCUPANCY LOAD	PARKING REQUIRED
1. EXISTING BUILDING - CLINIC	5,635 SF	PARKING FOR CLINIC BUILDING 4.5 SPACE / 1000SF CITY OF FRIENSDWOOD	5,635 / 1000 = 5.6 + 4.5 = 10.1 PARKING
2. PROPOSED BUILDING - MULTI TENANT RETAIL BUILDING	10,400 SF	PARKING FOR RETAIL BUILDING 4.5 SPACE / 1000SF CITY OF FRIENSDWOOD	10,400SF / 1000SF = 10.4 + 4.5 = 14.9 PARKING
REQUIRED PARKING			20 + 4.5 = 24.5 PARKING SPACES

PARKING TYPE	PARKING REQUIRED	PARKING PROVIDED
ADN PARKING SPACES	4	6
INCLUDED (8 H/C PARKING) 1 CAR SPACES AT 18'-0" X 9'-0"		
TOTAL PARKING SPACES	65	65 + 19 (ADDED PARKING) = 84



PROJECT
FRIENDSWOOD SHOPPING CENTER
ONE STORY
106 WHISPERING PINES AVENUE
FRIENDSWOOD, TX 77456

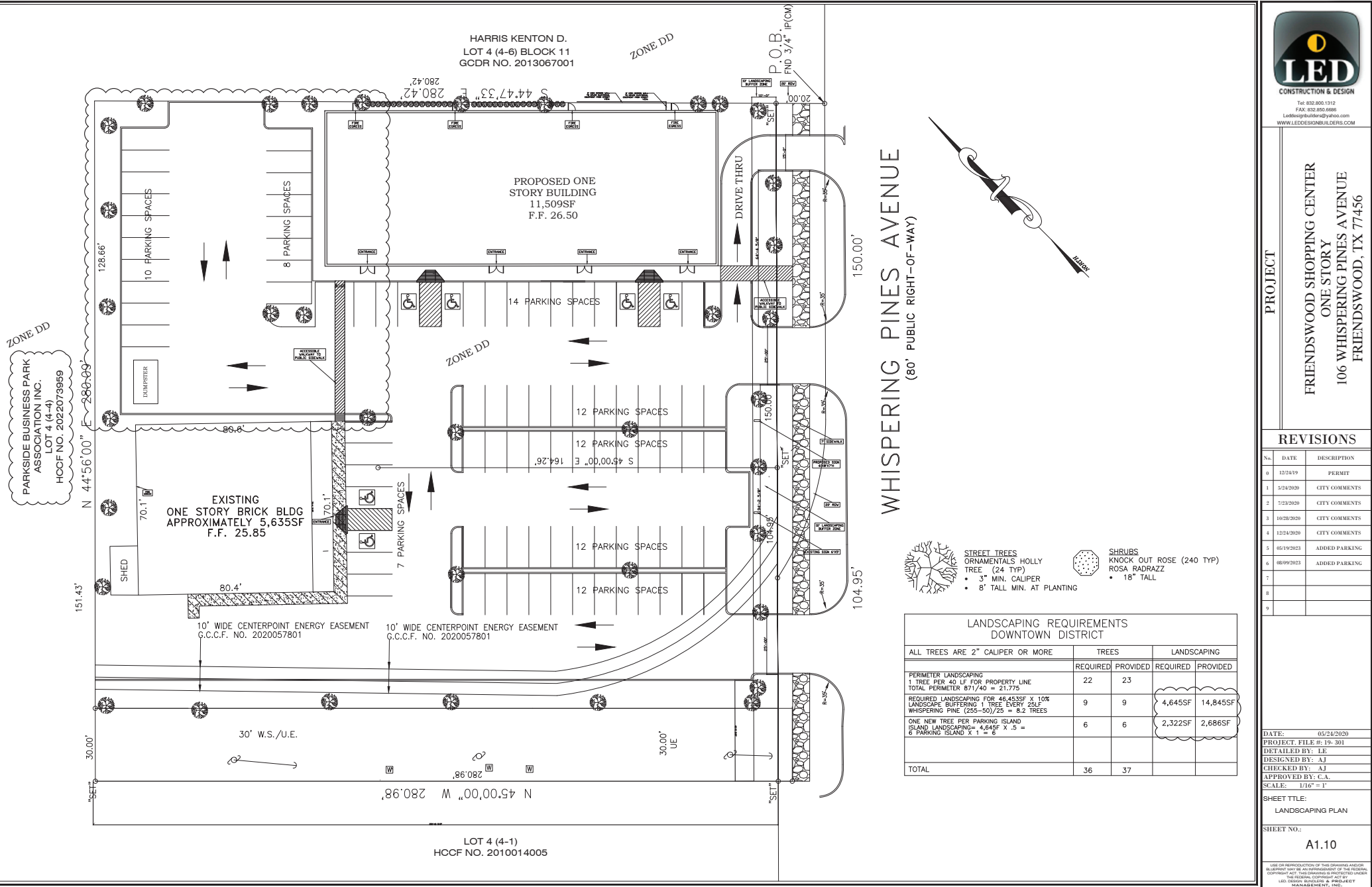
REVISIONS

No.	DATE	DESCRIPTION
0	12/21/19	PERMIT
1	3/24/2020	CITY COMMENTS
2	7/23/2020	CITY COMMENTS
3	10/28/2020	CITY COMMENTS
4	12/24/2020	CITY COMMENTS
5	10/17/2022	CITY COMMENTS
6	05/19/2023	ADDED PARKING
7	08/09/2023	ADDED PARKING
8		
9		

DATE: 05/24/2020
PROJECT FILE #: 19_301
DETAILED BY: LE
DESIGNED BY: AJ
CHECKED BY: AJ
APPROVED BY: C.A.
SCALE: 1/16" = 1'
SHEET TITLE: SITE PLAN
SHEET NO.: A1.00

USE OR REPRODUCTION OF THIS DRAWING AND/OR BLUEPRINT MAY BE AN INFRINGEMENT OF THE FEDERAL COPYRIGHT ACT. IT IS THE POLICY OF LED DESIGN BUILDERS & PRESENT MANAGEMENT, INC.,

PORTIONS OF THIS DRAWING MAY NOT BE TO SCALE. THEREFORE, THIS DRAWING SHALL NOT BE SCALED



WHISPERING PINES AVENUE
(80' PUBLIC RIGHT-OF-WAY)

- STREET TREES
ORNAMENTALS HOLLY
TREE (24 TYP)
• 3" MIN. CALIPER
• 8" TALL MIN. AT PLANTING
- SHRUBS
KNOCK OUT ROSE (240 TYP)
ROSA RADRAZZ
• 18" TALL

LANDSCAPING REQUIREMENTS DOWNTOWN DISTRICT				
ALL TREES ARE 2" CALIPER OR MORE	TREES		LANDSCAPING	
	REQUIRED	PROVIDED	REQUIRED	PROVIDED
PERIMETER LANDSCAPING 1 TREE PER 40 LF FOR PROPERTY LINE TOTAL PERIMETER 871/40 = 21.775	22	23		
REQUIRED LANDSCAPING FOR 46,453SF X 10% LANDSCAPE BUFFERING 1 TREE EVERY 25LF WHISPERING PINE (255-50)/25 = 8.2 TREES	9	9	4,645SF	14,845SF
ONE NEW TREE PER PARKING ISLAND ISLAND LANDSCAPING= 4,645F X .5 = 6 PARKING ISLAND X 1 = 6	6	6	2,322SF	2,686SF
TOTAL	36	37		

LED
CONSTRUCTION & DESIGN
Tel: 832.800.1312
Fax: 832.800.6666
Ledesignbuilders@yahoo.com
WWW.LEDESIGNBUILDERS.COM

PROJECT

FRIENDSWOOD SHOPPING CENTER
ONE STORY
106 WHISPERING PINES AVENUE
FRIENDSWOOD, TX 77456

REVISIONS

No.	DATE	DESCRIPTION
0	12/24/19	PERMIT
1	5/24/2020	CITY COMMENTS
2	7/23/2020	CITY COMMENTS
3	10/28/2020	CITY COMMENTS
4	12/24/2020	CITY COMMENTS
5	05/19/2023	ADDED PARKING
6	08/09/2023	ADDED PARKING
7		
8		
9		

DATE: 05/24/2020
PROJECT FILE #: 19-301
DETAILED BY: LE
DESIGNED BY: AJ
CHECKED BY: AJ
APPROVED BY: C.A.
SCALE: 1/16" = 1'
SHEET TITLE:
LANDSCAPING PLAN
SHEET NO.:
A1.10

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FRIENDSWOOD PLANNING & ZONING COMMISSION AGENDA ITEM FORM

Meeting Date: August 24, 2023

Subject: **RECOMMENDATION: AMENDMENTS TO APPENDIX A, SIGN ORDINANCE**

Consider making a recommendation to City Council regarding the proposed amendments to Appendix A, Sign Ordinance.

Action:

SUMMARY / ORIGINATING CAUSE

The Commission approved proposed changes to the Sign Ordinance at the August 10, 2023 meeting. Staff has one additional change to propose regarding sign projection in relation to rooflines.

Current Regulation:

c. No sign shall be attached to a building in such a manner that the sign surface, or any part thereof, exceeds in height the lowest uniform roofline or parapet of such building, whichever is higher.

Proposed Regulation:

c. No sign shall be attached to a building in such a manner that the sign surface, or any part thereof, exceeds in height the **lowest highest uniform** roofline or parapet of such building, **is higher**.

Clean Version of Proposed Change:

c. No sign shall be attached to a building in such a manner that the sign surface, or any part thereof, exceeds in height the highest roofline or parapet of such building.

The change allows some latitude in allowing signage to exceed the uniform (most predominant) roofline, but still not exceed another roofline or parapet wall that might not be as predominant.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

RECOMMENDATIONS

ATTACHMENTS

1. Proposed Amendments to Appendix A Sign Ordinance 08-21-2023
2. Proposed Amendments to Appendix A Sign Ordinance 08-21-2023

PART II - CITY CODE
Appendix A SIGNS

TABLE OF CONTENTS

Section 1.	Definitions
Section 2.	Administration
Section 3.	Violations are prohibited
Section 4.	Maintenance
Section 5.	Projection of signs
Section 6.	Structural requirements
Section 7.	Measurement standards
Section 8.	Traffic hazards
Section 9.	Prohibited signs
Section 10.	Signs on public property
Section 11.	Painted signs
Section 12.	Changeable copy signs
Section 13.	Illumination of signs
Section 14.	Portable signs
Section 15.	Temporary signs
Section 16-20.	Reserved
Section 21.	Permanent signs in residential districts
Section 22.	Permanent signs in non-residential districts
Section 23.	Reserved
Section 24.	Signs on vehicles
Section 25.	Obsolete signs
Section 256.	Nonconforming signs
Section 267.	Exceptions and exemptions
Section 278.	Variances
Section 28.	Appeals

Appendix A SIGNS¹

Sec. 1. Definitions.

The following words, terms and phrases, when used in this appendix, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

For the purposes of this Appendix A to subsection K of section 8 of Ordinance No. 84-15 as created by Ordinance No. 91-15 ("Appendix"), the following definitions shall apply:

Animated sign means a sign that uses movement to depict action or create a special effect or scene, or contains visible moving or rotating parts.

Awning means a shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework.

Banner sign means a temporary sign made of fabric or other non-rigid material that is fire-retardant.

Billboard means any sign containing a commercial or noncommercial message that directs attention to a business establishment, commodity, service, or entertainment conducted, sold, or offered elsewhere than on the premises where such sign appears. If such business establishment, commodity, service, or entertainment is merely incidental to the use of such property where such sign appears, such sign shall be deemed a billboard.

Business establishment means a project or undertaking that involves the use of one lot with buildings or structures, permanent or temporary, for the primary purpose of conducting on said lot a commercial enterprise, or other nonresidential use, in compliance with all ordinances and regulations of the city. Multiple services and/or goods offered by a business establishment shall be considered one business establishment for the purposes of this appendix.

Business frontage means the side of a building that contains the primary entrance of the building.

Business ~~P~~park means business establishments located in a business park zoning district (per Appendix C zoning ordinance).

Changeable copy sign ~~(automatic)~~ means a sign on which the copy changes either automatically, such as by electrical or electronic time and temperature units or.

~~Changeable copy sign (manual)~~ means ~~a sign on which copy is changed~~ manually in the field, such as reader boards with changeable letters.

¹Editor's note(s)—Printed herein are the sign regulations, as adopted by Ord. No. 98-29 on Sept. 28, 1998, which amended Ord. No. 84-15, the zoning ordinance (Appendix C hereof). Ord. No. 98-29, § 1, adopted Sept. 28, 1998, repealed Appendix A, Signs, in its entirety and replaced it with a new Appendix A. Former Appendix A derived from Ord. No. 91-15, adopted June 17, 1991. Amendments to Ord. No. 98-29 are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance.

State law reference(s)—Restriction on signs advertising tobacco products, V.T.C.A., Health and Safety Code § 161.122; regulation of signs by home-rule municipality, V.T.C.A., Local Government Code § 216.901; regulation of political signs by municipality, V.T.C.A., Local Government Code § 216.903.

Changeable electronic variable message sign (CEVMS) means a sign that permits light to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including an LED (light emitting diode) or digital sign, and which varies in intensity or color. The term "CEVMS" 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.

Civic sign means a sign that identifies a nonprofit institution or organization, ~~that contains:~~

- ~~(1) —The name of the institution or organization;~~
- ~~(2) —The name of the person connected with it; and/or~~
- ~~(3) —Greetings, announcements of events or activities occurring at the institution, or similar message.~~

Commercial message means a message that, directly or indirectly, names, advertises or calls attention to a business, product, service, or other commercial activity that is conducted for profit by a person or entity in business for profit.

Development means:

- (1) A single lot (as defined in this section) with multiple buildings on it with said buildings not intended for sale but which may be leased, or square footage sold, on a condominium basis; or
- (2) An assemblage of multiple lots within a common plat boundary with multiple buildings on it with said buildings intended for sale, lease, or sale on a condominium basis, and which in either case makes up one business establishment or industrial complex.

Directory sign means a sign for the purpose of uniformly listing the names of tenants in an office park or business park.

Double-faced sign means a single sign with two parallel sign faces back-to-back.

Finished grade shall mean the highest grade elevation within five feet of the foundation or wall of the building, said grade having been established by means of an approved grading and/or drainage plan. Finished grade may also be the natural grade elevation when no terrain alteration is proposed, or where otherwise applicable. Any fill which is not required to achieve positive site drainage or slope stabilization, or which is otherwise proposed to raise the site for any other purpose, shall not be finished grade for the purpose of measuring height.

Fire-retardant means not capable of supporting combustion or flame.

Flag banner means a sign made of non-rigid material attached to the ground and supported on a horizontal, rigid pole, but does not include a flag; also known as a teardrop banner, feather banner, or feather flag.

Flagpole means a free-standing structure permanently mounted on the ground and designed and constructed for the purpose of hanging flags.

Flashing sign means a sign that contains an intermittent or sequential flashing light source used primarily to attract attention, but not including changeable copy signs, animated signs, or signs which, through reflection or other means, create an illusion of flashing or intermittent light.

Garage sale means the sale of items that a resident or group of residents wish to dispose of at discount prices, conducted from a garage and/or yard, and which items offered for sale are used or discarded by, or from those residents offering them for sale.

Grand opening means the formal offering by a new business of its goods, wares, merchandise, service, entertainment, or activity.

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(Supp. No. 4, Update 2)

Ground sign means any sign mounted on the ground or supported by one or more columns, poles, uprights, or braces anchored in or on the ground and not attached to any building, including changeable copy signs.

Handheld sign means any sign that is not self-supporting and is carried by or is under the immediate control of a person; and shall include sandwich-board signs and persons in costume or otherwise dressed to call attention to a business.

Identification sign means any sign that carries only the firm, business establishment, or corporate name, the major enterprise on the premises, or the principal products offered for sale on the premises.

Integrated business development means a development consisting of two or more interrelated business establishments using common driveways and onsite parking facilities, including, but not limited to, shopping centers, office complexes, office buildings, and business parks.

Lot means a physically undivided tract or parcel of land having frontage on an accessway and which is, or in the future may be, offered for sale, conveyance, transfer, or improvement; and which is:

- (1) Designated as a distinct and separate tract; and
- (2) Identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly recorded.

Master sign plan means a plan depicting the location, size, height, and materials of all signs to be placed on a building and on the site.

Monument sign means a sign not more than seven feet in height from natural ground level to the highest portion of the sign, designed and constructed to substantially appear as a solid ~~mass, such as a~~ block, rectangle, or square, ~~and supported by an integral structural framework.~~

Multi-faced sign means a single sign with two or more faces, which are not parallel or back-to-back.

Natural grade means the natural ground adjacent to the slab at its centerline paralleling the front of the structure. Natural ground is assumed to be the ground surface existing prior to placement of the building pad.

New business means a business new to the premises on which it is located, a business having a change in ownership of 50 percent or more, or the expansion of an existing building or structure if such expansion increases the size of the area devoted to the primary use, in building floor square footage, by 50 percent or more.

Noncommercial message means any message other than a commercial message.

Nonconforming sign means a sign ~~lawfully~~ erected and maintained prior to the adoption of the ordinance from which this appendix is derived, or any applicable amendment thereto, that does not conform with the requirements hereof.

Nonresidential district means any district that is not a residential district.

Obsolete sign means any on-premises sign, or any part thereof, which identifies or advertises a business, person, product, accommodation, service, or activity that has ceased to operate on the premises upon which the sign or sign structure is located.

Off-premises sign means a sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

Office complex means one or more commercial buildings with multiple business establishments providing services but not delivering products directly to customers; and consisting of two or more tenants using common driveways.

Office Park means business establishments located in an office park zoning district (per Appendix C zoning ordinance.)

On-premises sign means a sign identifying or advertising a business, person, activity, goods, products, or services, located on the premises where the sign is located.

Open house means a designated period ~~of time~~ during which a property is open for viewing by prospective purchasers.

Portable sign means any sign designed or constructed to be easily moved from one location to another, including signs mounted upon or designed to be mounted upon a trailer, wheeled carrier, or other non-motorized mobile structure. A portable sign which has its wheels removed shall still be considered a portable sign hereunder.

Public service sign means a sign that provides a service or message to the public, such as time, temperature, and charity appeals.

Reader panel/reader board means a permanently constructed changeable copy bulletin board lighted or unlighted with detachable precut letters and figures.

Residential district means those districts zoned single-family residential dwelling district (SFR), single-family residential dwelling district - estate (SFR-E), multi-family residential dwelling district - low (MFR-L), multi-family residential dwelling district - medium (MFR-M), multi-family residential dwelling district - high (MFR-H), ~~multi-family residential dwelling district~~—garden home district (MFR-GHD), and mobile home residential dwelling district (MHR) in the zoning ordinance of the city, contained in Appendix C to this Code.

Roofline means the height above finished grade of the upper beam, rafter, ridge, or purlin of any building.

Sign means any structure, part thereof, or device or inscription which is located upon, attached to, or painted or represented on any land, or on the outside of any building or structure, or on an awning, canopy, marquee, or similar appendage, or permanently affixed to the glass on the outside of the building or structure, and which displays or includes any numeral, letter, word, model, banner, emblem, insignia, symbol, device, monogram, heraldry, trademark, light, or other representation used as or in the nature of an announcement, advertisement, attention arrester, direction, warning, or designation of any person, firm, group, organization, corporation, association, place, commodity, product, service, business establishment, profession, enterprise, industry, activity, or any combination thereof; where the term "sign" is used herein without further modification, the same shall be understood to embrace all regulated signs and replicas.

~~*Sign area* means the total square footage of all sign facing, including that portion of the supporting structure or trim which carries any wording, symbols, or pictures; provided, however, in the case of double-faced signs, only one face shall be computed to determine sign area; provided further, however, in the case of multi-faced signs, all faces shall be computed to determine sign area.~~

~~*Sign facing* means the facing of any sign upon, against, or through which the message is displayed or illustrated; provided, however, for signs in which the words, letters, or symbols are independently mounted, the sign facing shall mean the smallest regular geometric form containing all of the individual words, letters, and symbols. Size of the sign shall be determined by the lettering; provided, however, if there is background in addition to the lettering, background material shall be included if the background is uniquely associated with the letters.~~

Snipe sign means a sign which is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, stakes, fences, utility poles, or other like objects, the advertising matter of which is not applicable to the present use of the premises on which the sign is located.

Street banner means a sign constructed of porous material of at least 80 percent cotton mesh with tie-down ropes on each corner.

Temporary sign means any sign constructed of materials with short life expectancies. A portable sign shall not be considered a temporary sign.

Vision triangle means an unoccupied triangular space at the street corner of a corner lot. The triangle is formed by connecting the point where each right of way line intersects, and two points located twenty-five (25) feet along each right of way line.

Wall sign means a sign, either of solid face construction or individual letters, symbols, or pictures, which is attached to the exterior of any building or structure.

(Ord. No. 2002-2, § 1, 1-21-2002; Ord. No. 2005-08, § 1, 3-21-2005; Ord. No. 2008-11, § 1, 5-19-2008; Ord. No. 2008-14, § 1, 6-2-2008; Ord. No. 2008-17, § 1, 7-21-2008; Ord. No. 2010-40, § 1, 1-10-2011; Ord. No. 2014-38, § 1, 1-5-2015)

Sec. 2. Administration

- a. Sign Administrator. The community development director or their designee shall be the sign administrator charged with administering and enforcing the terms and conditions of this chapter and all other provisions of laws relating to signs. The sign administrator is empowered to delegate the duties and powers granted to and imposed upon him by this chapter to other persons serving under the sign administrator.
- b. Enforcement responsibility. The duties of the sign administrator shall include not only the issuance of permits as required by this chapter, but also the responsibility of ensuring that all signs comply with this chapter and any other applicable laws and that every sign for which a permit is required does in fact have a permit.

Permits.

- c.a. *Sign permits.* It shall be unlawful for any person, unless provided otherwise in this appendix, to erect, structurally alter, relocate, lease, rent, or own any sign within the city without first obtaining a permit for such sign.
- (1) *Application.* All applications for sign permits shall be accompanied by a plan or plans drawn to a standard architectural or engineering scale which shall include the following:
- (a) The dimensions of the sign and, where applicable, the dimensions of the surface of the building to which it is to be attached.
 - (b) The dimensions of the sign's supporting members.
 - (c) The maximum and minimum height of the sign.
 - (d) The proposed location of the sign in relation to all buildings on the premises where the sign is to be located.
 - (e) The proposed location of the sign in relation to the boundaries of the premises upon which it is to be situated.
 - (f) The location of all electrical transmission lines within 30 feet of any part of such proposed sign structure.
 - (g) Each permit application shall be signed by the property owner, or his agent, and the sign installer.
- (2) *Issuance.* Upon the filing of an application for a sign permit, the plans, specifications, and other data shall be examined by the community development division. If it appears that such proposed sign is in compliance with the requirements of this appendix and other laws of the city, and the applicant being in compliance with all building ordinances of the city and other permits issued by the city, the community development division shall issue the applicant a permit for such sign. Such sign shall

thereafter be constructed in accordance with the plans, specifications and other data submitted to the community development division.

- (3) Revocation. The sign administrator may suspend or revoke any permit issued under the provisions of this ordinance whenever it is determined that the permit is issued in error or on the basis of ~~an~~ incorrect or false information supplied, or whenever such permit is issued in violation of any local, state, or federal regulations. Notice of suspension or revocation shall be issued to the permit holder, owner of the sign, or owner of the subject property in writing.

d. Fees.

- (1) Required. Fees for the permits required under this division shall be paid to the community development department as established in Appendix D, Fees.
- (2) Refund. The applicant for a permit or holder of a permit shall not be entitled to a refund of any fee paid if the permit is revoked.
- (3) Work without permit. Work started without a permit shall be double the permit fee.

e. Inspections. The sign administrator shall make such inspections as may be necessary and shall initiate appropriate action to bring about compliance with this chapter and other applicable law if such inspection discloses any instance of noncompliance. The sign administrator shall investigate thoroughly any complaints of alleged violations of this chapter.

f. Exceptions. A permit shall not be required for the following:

- (1) The electrical, repainting, or cleaning maintenance of a sign.
- (2) The changing of the message of a changeable copy sign.
- (3) ~~Temporary Residential~~ real estate ~~subdivision~~ signs for single-family units pursuant to section 15.3.b.d.(2).
- (4) ~~Temporary Residential~~ real estate signs for multi-family units pursuant to section 15.3.d.d.(3).
- (5) Temporary direction signs pursuant to section 15.4e.
- (6) Temporary political signs pursuant to section 15.5f.
- (7) Garage sale signs pursuant to section 15.6g.
- (8) Open house signs pursuant to section 15.7h.

g. Stop orders. The issuance of a permit under this appendix shall not constitute a waiver of this appendix or other ordinances of the city. The ~~community development divisions~~sign administrator is authorized to issue stop orders for any sign which is being constructed or used in violation of this appendix or any other ordinance of the city.

(Ord. No. 2005-08, § 2, 3-21-2005; Ord. No. 2014-38, § 1, 1-5-2015)

Sec. 3. Violations are prohibited.

- a. It shall be unlawful for any person to erect, structurally alter, relocate, lease, rent, or own within the city any sign not expressly exempted from regulation by this appendix without first satisfying the requirements of this appendix.
- b. It shall be unlawful for any person to violate any provision of this appendix.

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- c. The violation of any provision of this appendix shall constitute a misdemeanor. The imposing of any penalty under this subsection shall not prevent the enforced removal and abatement by the city of any prohibited condition.
- d. Any person found to have violated any provision of this appendix shall, in addition to any fine imposed under this section, reimburse the city for any of its costs and expenses, direct or indirect, including removal of the violating sign, attorney's fees, and employee wages and salaries, incurred in enforcing this appendix against such person.
- e. The community development department sign administrator may suspend or revoke any permit issued under the provisions of this ordinance whenever it is determined that the permit is issued in error or based on incorrect or false information supplied, or whenever such permit is issued in violation of any of the provisions of this ordinance or any other ordinance of this City or laws of this state or the federal government. 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 site upon which the sign is located. Upon such revocation, all construction related to the revoked permit shall cease.
- Upon final determination that the revocation of the permit is properly revoked, any portion of the sign in place because of the permit shall be removed within 10 days by the owner of the sign or the owner of the site on which the sign is located. Failure to remove the sign shall be deemed a violation of this ordinance.
- f. The community development department sign administrator may periodically inspect each sign regulated by this ordinance for the purpose of ascertaining whether the same is obsolete and whether it needs removal or repair.
- g. Whenever any work for which a permit is required by this ordinance has been commenced or completed without first obtaining a permit, an investigation may be made before a permit may be issued for such work.

(Ord. No. 2014-38, § 1, 1-5-2015)

Sec. 4. Maintenance.

All signs and sign structures shall be kept in good repair and neat in appearance, including replacement of defective parts, painting, repainting, and cleaning.

(Ord. No. 2014-38, § 1, 1-5-2015)

Sec. 5. Projection of signs.

- a. No sign or any portion thereof shall project or extend over any public sidewalk, street, alley, or other public property. A supporting member of a sign shall be located at least three feet from the property line of the property upon which it is situated.
- b. Signs projecting more than 18 inches from the face of the building or supporting structure over private property used or intended to be used by the general public shall have a minimum clearance of eight feet above the pavement of finished grade.
- c. No sign shall be attached to a building in such a manner that the sign surface, or any part thereof, exceeds in height the ~~lowest~~highest uniform roofline or parapet of such building, ~~whichever is higher.~~

(Ord. No. 2014-38, § 1, 1-5-2015)

(Supp. No. 4, Update 2)

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Sec. 6. Structural requirements.

- a. *Compliance with building code.* All signs and sign structures shall comply with the pertinent requirements of the building codes of the city, including, but not limited to, all structural, electrical, and windstorm requirements.
- b. *Transmission lines, minimum spacing.* All signs and sign structures shall have a minimum clearance of eight feet vertically and eight feet horizontally from any transmission line carrying 750 volts or greater.
- c. *Wiring.* Any wiring to an energized sign shall be installed underground, except where impractical or infeasible, as determined by the building official, and in such instances shall be at least 14 feet above ground level.

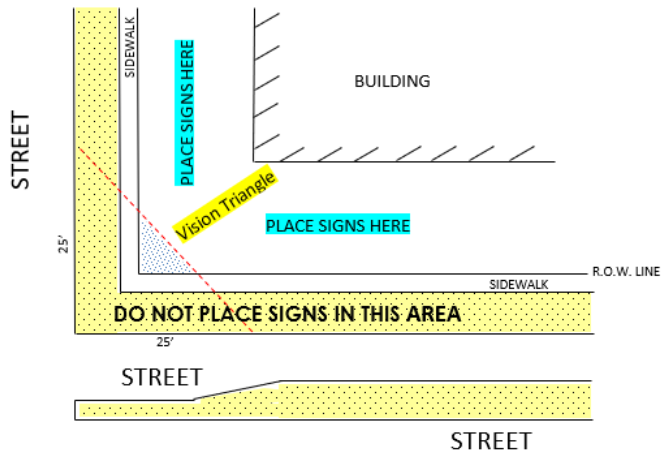
(Ord. No. 2005-08, § 3, 3-21-2005; Ord. No. 2014-38, § 1, 1-5-2015)

Sec. 7. ~~Reserved.~~Measurement standards.

- a. Sign face area shall be measured as the smallest area enclosed by straight lines drawn to the extremities of the letters, numbers, recognizable symbols, and trademarks; provided, however, if there is background in addition to the lettering, background material shall be included if the background is uniquely associated with the letters.
- b. Sign height shall be measured from finished grade level to the top of the sign structure and shall not exceed 7 feet. Sign pads shall not be mounded to achieve additional height.
- c. Double-faced sign area shall be calculated only on one side of the sign.
- d. Awnings. The portion of an awning that contains graphics, symbols and/or written copy shall be included as part of the aggregate sign area calculation.
- e. Business frontage shall be measured by the horizontal width of a tenant's building or lease space, where the front entrance is located. When two or more entrances are utilized on separate sides of a building, the entrance where the tenant is addressed shall apply.

Sec. 8. Traffic hazards.

- a. It shall be unlawful for any person to erect, structurally alter, relocate, lease, rent, or own any sign in such a manner as to constitute a hazard to pedestrian or vehicular traffic, or in such a manner as to obstruct free and clear vision, regardless of location, by reason of the position, shape, color, or movement which may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device; nor shall such sign make use of any word, phrase, symbol, or character in such a manner as to interfere with, mislead, distract or confuse vehicular or pedestrian traffic.
- b. The chief of police of the city, or his duly qualified representative, shall be the sole judge of a violation under this section.
- c. Attaching, placing, affixing, or leaning any material onto, painting over, changing the wording of, or covering a traffic sign (regulatory or informational) shall be prohibited.
- d. Signs shall not be placed within the vision triangle.



(Ord. No. 2005-08, § 5, 3-21-2005; Ord. No. 2014-38, § 1, 1-5-2015)

Sec. 9. Prohibited signs.

Signs of the following nature are expressly prohibited unless specifically authorized by this appendix:

- a. Billboards, including, but not limited to, new off-premises, [changeable electronic variable message signs \[CEVMSs\]](#). Exception: existing billboards may be converted to CEVMSs, provided that they meet the requirements in section 26.f.
- b. Signs that contain statements, words, or pictures of an obscene, indecent, or immoral character as will offend public morals or decency.
- c. Obsolete signs.
- d. Animated signs.
- e. Signs that contain or have attached thereto banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, flash tags or other similar devices.
- f. Signs attached to exposed amenities, such as benches or trash containers.
- g. Any stereopticon or motion picture machine used in conjunction with or attached to any sign in such a manner as to permit the images projected therefrom to be visible from any public street or sidewalk.
- h. Snipe signs.
- i. Signs placed on the side or rear of any building or property when such sign faces upon a contiguous residential area.
- j. Signs placed on private property without the consent of the owner of the property.
- k. Flashing signs.
- l. Ground signs, except monument signs.

(Supp. No. 4, Update 2)

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- m. ~~In the Downtown District Boundary, Miniature~~ mini, Christmas, rope string lights, exposed LED storefront lights, or other similar lighting in or framing windows (interior or exterior), including attached to the window frames ~~with the exception of except for holiday~~ lighting from November 15 to January 15.

n. Flag banners.

o. Inflatable signs and tethered balloons greater than 18 inches in diameter.

(Ord. No. 2005-08, § 6, 3-21-2005; Ord. No. 2008-17, § 2, 7-21-2008; Ord. No. 2014-38, § 1, 1-5-2015; Ord. No. 2017-22, § 1, 9-11-2017; Ord. No. 2019-20, § 2, 6-3-2019)

Sec. 10. Signs on public property.

- a. *Signs on public property.* It shall be unlawful to place a sign in or upon any public property, including, but not limited to, a public street, sidewalk, right-of-way, easement, curb, grounds, bridge, or building, unless express consent therefor shall have been first granted by the city council. This subsection shall not apply to signs required to be placed by a public employee in the regular course and scope of his employment.
- b. *Impoundment.*
- (1) Any sign in violation of subsection a of this section may be removed without notice to the owner thereof. Employees of the police department, the department of public works, and community development are hereby authorized to remove any such signs and transport or cause the same to be transported to a location to be designated by the community development division. Snipe signs may be discarded immediately. The custodian of the storage area shall maintain records of where such signs were located when they were so removed and the date on which they were so removed and, except for snipe signs, shall hold the same in the storage area for a period of not less than 30 days.
 - (2) Any sign so held may be redeemed by the owner thereof upon the payment of a fee to the city set by resolution and printed in Appendix D to this Code. Such fee shall be in addition to and not in lieu of any fine imposed upon such owner for violation of this subsection. Any sign impounded and stored and not redeemed by the owner thereof within 30 days may be disposed of or sold at public auction in the same manner as surplus property of the city.
- c. *Exceptions.*
- (1) *Public athletic facilities.* Public athletic facilities may have signs attached to fences surrounding such facility to give public information or team sponsor advertising. Except for scoreboards, such signs shall not project above the fence line and shall face the athletic facility.
 - (2) *Public and private parks.* Public and private parks may have signs to give information and/or regulations concerning park use.

(Ord. No. 2005-08, § 7, 3-21-2005; Ord. No. 2014-38, § 1, 1-5-2015)

Sec. 11. Painted signs.

Painted signs shall be on permanently weatherproofed materials, and all sign surfaces shall be painted or treated with weatherproofed materials.

(Ord. No. 2014-38, § 1, 1-5-2015)

Sec. 12. Changeable copy signs.

- a. *Residential districts.* A changeable copy sign, such as a reader board, may be integrated into the allowable sign so long as the total area of the changeable copy message does not exceed six square feet of the sign area, subject to the restrictions set forth in subsection c of this section.
- b. *Nonresidential districts, and ~~churches-religious organizations~~ and schools in residential districts.* A changeable copy sign, such as a reader board, may be integrated into a permanent monument sign so long as the total area of the changeable copy message is limited to a maximum of 25 square feet of the sign area, subject to the restrictions set forth in subsection c of this section.
- c. *Restrictions.* All changeable copy signs shall be subject to the following restrictions:
 - (1) The message conveyed by the sign face shall not blink, flash, scroll or be so animated as to be deemed a distraction to passing motorists.
 - (2) ~~Reserved.~~
 - (3) ~~All changeable copy sign faces shall be limited to a maximum of 25 square feet in sign area, or the maximum size of the type of permanent sign on which the face is placed, whichever is less.~~

(Ord. No. 2005-08, § 8, 3-21-2005; Ord. No. 2007-17, § 1, 10-15-2007; Ord. No. 2014-38, § 1, 1-5-2015)

Sec. 13. Illumination of signs.

- a. ~~It shall be unlawful for any person to erect, structurally alter, relocate, lease, rent, or own any sign which creates glare (as that term may otherwise be defined in the zoning ordinance of the city) upon a public street, alley, driveway, parking area, sidewalk, or adjacent property.~~
- b. ~~Signs may be illuminated from an independent artificial source provided such illumination is concentrated upon the area of the sign only, and does not cause glare (as that term may otherwise be defined in the zoning ordinance of the city) upon any public street, alley, driveway, parking area, sidewalk, or adjacent property.~~
- a. A conforming sign may be illuminated but only by:
 - (1) Upward lighting of no more than 4 bulbs per direction of the sign face or faces of the structure; or
 - (2) Downward lighting of no more than 4 bulbs per direction of the sign face or faces of the structure.
- b. Lights that are a part of or illuminate a sign:
 - (1) Must be shielded, directed, and positioned to prevent beams or rays of light from being directed at any portion of the traveled ways of a regulated roadway public or private street;
 - (2) May not be of such intensity or brilliance as to cause vision impairment of a driver of any motor vehicle on a regulated highway public or private street or otherwise interfere with the driver's operation of a motor vehicle;
 - (3) May not obscure or interfere with the effectiveness of an official traffic sign, device, or signal; and
 - (4) Shall be shielded to prevent the source of lighting from being directly visible from residential property.
- c. Awnings shall not be backlit. Any down lit awning shall be opaque. ~~The portion of an awning that contains graphics, symbols and/or written copy shall be included as part of the aggregate sign area calculation.~~
- d. All wiring to monument signs shall be installed underground.

(Ord. No. 2005-08, § 9, 3-21-2005; Ord. No. 2014-38, § 1, 1-5-2015)

Sec. 14. Portable signs.

- a. Grand Opening. One ~~on-premises~~ portable sign, ~~not exceeding 32 square feet in sign area,~~ may be displayed by a new business enterprise to give notice of its grand opening for a period not to exceed ~~14-30~~ consecutive days ~~from the date the Certificate of Occupancy is issued.~~
- b. Allowed. One portable sign, ~~not exceeding 32 square feet in sign area,~~ may be displayed on nonresidential property, in addition to that allowed for grand openings, for 21 days during any calendar year; ~~provided, however, use of any such portable sign shall be in increments of not less than seven consecutive days.~~
- c. Size. The portable sign shall not exceed 32 square feet in sign area.
- d. Location. Signs shall be placed no closer than three feet from the edge of the property and/or any sidewalk; in no case shall the sign be placed in a state or city right-of-way or street median.
- e. Permits. Required.
- ef. Limit.
 - (1) If a changeable copy sign is located on the property, a portable sign is not permitted.
- d. (2) No more than one portable sign shall be displayed on any one nonresidential property at a time.
- eg. Handheld signs that include a commercial message are prohibited upon any public rights-of-way, including, but not limited to, any public sidewalk, street, alley, or other public property.
- fh. Handheld signs that are on private property, but are visible from a street or roadway, are permitted where an applicant satisfied the following:
 - (1) Size. Sign size does not exceed four square feet.
 - (2) Permits. Required.
 - (3) Location. May be located where the applicant has legal permission to display the sign. If the applicant does not own or lease the private property upon which the handheld sign will be displayed, applicant must provide a letter of approval from the property owner where the sign will be displayed.
- gi. Regulations involving handheld signs on private property do not apply to political signs that are otherwise compliant with this appendix and V.T.C.A., Local Government Code ~~ch.Ch.~~ 216.

(Ord. No. 2005-08, § 10, 3-21-2005; Ord. No. 2010-40, § 2, 1-10-2011; Ord. No. 2014-38, § 1, 1-5-2015)

Sec. 15. Temporary signs.

Sec. ~~15.1a.~~ Generally.

- a. (1) Contractors may place a sign on property where actual construction (landscaping, roofing, pool, etc.) is taking place, unless otherwise regulated by section b. below. Such sign may be placed on such property for the duration of construction plus ten days, shall not exceed six square feet in sign area, and shall not exceed seven feet in height above the natural ground level. No permit is required for such signs.
- b. (2) Except as otherwise provided, a permit shall be required for any temporary sign authorized in this section ~~through section 15.8,~~ Such permits shall be granted for a period not to exceed 24 months, and at the expiration of the permit period all such temporary signs shall be removed unless a new permit is obtained.

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~~c.~~(3) Temporary signs shall be placed no closer than three feet from the edge of the property and/or any sidewalk; in no case shall the temporary sign be placed in a state or city right-of-way or street median.

(4) Temporary signs may not be illuminated or have moving elements.

Sec. ~~15.2b.~~ *Construction signs.*

(1) Allowed. Two (2) temporary signs denoting the owner, architect, financial institution, general contractor, "coming soon," or any statement pertaining to a non-residential project.

(2) Location. Such temporary sign(s) shall be located on the premises where the project is located.

(3) Size. For tracts of two acres or less, each sign shall not exceed 16 square feet in sign area; for tracts of greater than two acres, each sign shall not exceed 32 square feet in sign area.

(4) Removal. Signs must be removed within 10 days of the issuance of a certificate of completion or certificate of occupancy, whichever is sooner.

(5) Permits. Required.

Sec. c. *Banners.*

a.(1) Allowed. In lieu of using a portable sign to advertise a grand opening as authorized by section 14.a, one on-premises banner sign not exceeding 32 square feet in sign area may be displayed ~~by a new business to give notice of its grand opening for a period not to exceed 14 consecutive days.~~

b.(2) Location. On the property where the business is located; affixed to business structure and not above the roofline. ~~In lieu of using a portable sign as authorized by section 14.b, one banner sign not exceeding 32 square feet in sign area may be displayed on nonresidential property for 21 days during each calendar year; provided, however, use of such banner sign shall be in increments of not less than seven consecutive days.~~

(3) Size. The banner shall not exceed 32 square feet in sign area.

(4) Permits. Required.

(5) Placement and removal. The banner shall be placed no sooner than the begin date on the approved sign permit and shall be removed no later than the end date on the approved sign permit.

Sec. ~~15.3d.~~ *ResidentialTemporary real estate-subdivision signs.*

a.(1) Subdivision, Builder, or Model Home-entrance signs.

(1a) Allowed. Up to two temporary real estate subdivision signs may be allowed at each entrance. One sign is allowed per three hundred feet (300') of main street frontage. Signs on model home lots do not count against this limit.

(2b) Location.

(i) A lot, tract, or reserve that is not intended for sale and the maintenance of which is the responsibility of the builder, developer, or homeowner association. Such signs are commonly located at the main or secondary entrance of any new residential subdivision or other residential development, and/or at secondary entrances to such subdivision or development.

~~(i)(ii)~~ A lot on which a model home is located.

(3c) Size. Each sign not to exceed ~~3250~~ square feet in sign area.

(4d) *Removal.* Such temporary real estate subdivision signs shall be removed 24 months from the date the permit is issued ~~or when 80 percent of the lots in the subdivision have been sold to homebuyers, whichever occurs first.~~

(5e) *Permits.* Required.

~~b.~~ (2) *Single-family units.*

(1a) *Allowed.* One temporary sign allowed for each single-family dwelling unit or lot ~~in order to~~ give information concerning leasing, renting, or selling of a single-family unit or lot.

(2b) *Location.* Such temporary sign may be located anywhere on the premises except as restricted by the zoning ordinance, provided that such sign may not project beyond the property line and is only for the property upon which such sign is erected.

(3c) *Size.* Each temporary sign not exceeding six square feet in sign area.

(4d) *Removal.* Single-family residence signs shall be removed within ten days of the unit or lot being leased, rented, or sold.

(5e) *Permits.* Not required.

~~c.~~ *Model homes.*

(1) ~~*Allowed.* One monument sign for each model home or model home park for each separate home building company located in the subdivision which is used or designated as a sales office and/or model home.~~

(2) ~~*Location.* See section 15.1.c.~~

(3) ~~*Size.* Not to exceed 16 square feet in sign area.~~

(4) ~~*Removal.* Signs must be removed within ten days after the time that the model home or model home park ceases to be used as a sales office or model home for the subdivision.~~

(5) ~~*Permits.* Required.~~

~~d.~~ (3) *Multi-family units.*

(1a) *Allowed.* Two temporary signs shall be allowed for each complex ~~in order to~~ give information concerning leasing, renting, selling, or financing of the unit on the property upon which such sign is erected.

(2b) *Location.* On the property where each complex is located.

(3c) *Size.* Not to exceed six square feet in sign area.

(4d) *Removal.* Signs must be removed within ten days after the time that the leasing, renting, selling, or financing of all the units in each complex occurs.

(5e) *Permits.* Not required.

~~e.~~ (4) *Vacant acreage.*

(1a) *Allowed.* One temporary sign may be allowed for each street frontage advertising vacant acreage ~~in order to~~ give information concerning selling, leasing, or renting of the property.

(2b) *Location.* ~~See section 15.1.c. On the property that is intended for sale, lease, or rent.~~

(3c) *Size.* For vacant tracts of two acres or less, such sign shall not exceed 16 square feet in sign area; for vacant tracts of greater than two acres, such sign shall not exceed 32 square feet in sign area.

(4d) *Removal.* Signs must be removed within ten days after the time that the acreage is has been sold, leased, or rented.

(5e) *Permits.* Required.

f.(5) *Temporary signs for new integrated business developments, shopping centers, office parks, and business parks.*

(1a) *Allowed.* One temporary sign for each street frontage of any new integrated business development, shopping center, office park, or business park ~~in order to~~ give information concerning leasing, renting, construction, financing or selling of such property upon which such sign is erected.

(2b) *Location.* May be located at the entrance for the development.

(3c) *Size.* The sign area for such temporary sign shall not exceed 32 square feet.

(4d) *Removal.* Signs must be removed no later than 24 months after the date the permit is issued.

(5e) *Permits.* Required.

Sec. 15.4e. *Temporary direction signs.*

a.(1) *Allowed.* Temporary signs that direct the public to a special event of civic interest, such as parades, organized holiday festivities, or other special events which are conducted by and benefit charitable or nonprofit organizations. A maximum of up to two temporary direction signs are allowed per lot.

b.(2) *Size.* Such signs shall not exceed 32 square feet in area.

c.(3) *Location.* Signs may be placed on private property with the permission of the property owner. See ~~section 15.1.c.~~

d.(4) *Removal.* Such signs are erected only for ~~a time period~~ a period not to exceed ten days before and two days after the event.

e.(5) *Permits.* Not required under the following conditions: The event must be conducted by a charitable or nonprofit organization, all proceeds derived from such event will be used to further the purpose of said organization, and that the management and supervision of such event will be under the total control of the said organization. If ~~all of~~ the above conditions are not met, a permit shall be required. The city shall ~~make contact with~~ contact event organizers when necessary to confirm that the event in question is charitable and/or nonprofit, consistent with the conditions herein.

Sec. 15.5f. *Temporary political signs.*

a. ~~Temporary political signs shall comply with the regulations set forth in Texas Local Election Code, Chapter 259. Political Signs. Political signs on private property.~~

(1) ~~Allowed. On private property with the permission of the property owner. Political signs may not be illuminated or have moving elements.~~

(2) ~~Location. See section 15.1.c.~~

(3) ~~Size. No such sign shall exceed 36 square feet in sign area or be higher than eight feet from ground level.~~

(4) ~~Removal. All such signs shall be removed per state regulations on political signage.~~

(5) ~~Permits. Not required.~~

b. ~~Political signs on public property.~~

(1) ~~Removal.~~ All such signs shall be removed from public property within 24 hours following the election date on which the office or proposition is finally determined in accordance with the state election code; signs outside a polling place not meeting these criteria can be removed by city officials.

(1) Private property. No permit shall be required under this chapter for a sign that contains primarily a political message and that is located on private real property with the consent of the property owner, provided that such sign:

- (a) Does not have a surface area greater than 36 feet, excluding the sign structure;
- (b) Is not more than eight feet high;
- (c) Is not illuminated; and
- (d) Has no moving elements.

(2) As used in this subsection, "private real property" does not include real property subject to an easement or other encumbrance that allows the city to use the property for a public purpose.

(3) Public property.

(a) Prohibited. Except as provided in subsection (b)(2) of this section, a sign that contains primarily a political message is prohibited on public property, including the rights-of-way.

(b) Exception. A sign that contains primarily a political message may be in a designated area at least 100 feet from the main entrance to a polling place during a voting period at such polling place. An area may be designated by the city manager when a city facility is used as a polling place or by an official of another governmental entity when such entity's facility is used as a polling place. As used in this subsection, "voting period" means the continuous period beginning on the date that the polls are open for voting and ending on the date when the polls at such location are closed or the last voter has voted, whichever is later.

Commented [AH1]: Clarify that area is not designated.

(4) Removal. The sign administrator may remove and dispose of any political sign placed on public property or within the public rights-of-way.

(5) Permits. Not required.

Sec. ~~15-6-g.~~ Garage sale signs.

a. ~~(1)~~ Allowed. Up to four signs can be posted no more than 24 hours before the sale begins.

b. ~~(2)~~ Location. Signs may be placed on private property with the permission of the property owner; no sign shall be placed on public property or in the city rights-of-way. See also section 15-1-e.

c. ~~(3)~~ Size. Each sign shall not exceed six square feet in sign area.

d. ~~(4)~~ Removal. Signs must be removed on the last day of the sale by day's end.

e. ~~(5)~~ Permits. Not required.

Sec. ~~15-7-h.~~ Open house signs.

a. ~~(1)~~ Allowed. Up to four signs for each open house. Once an open house has been held on a property, open house signs shall not be placed on the same property before the expiration of five days from the removal of the signs for the previous open house.

b. ~~(2)~~ Location. Signs may be placed on private property with the permission of the property owner; no sign shall be placed on public property or in the city rights-of-way. See also section 15-1-e.

c. ~~(3)~~ Size. Each sign shall not exceed six square feet in sign area.

d. ~~(4)~~ Removal. Signs must be removed at the close of the open house.

e. ~~Permits. Not required.~~

Sec. ~~15.8i.~~ *Temporary street banner signs.*

- a. ~~(1)~~ *Allowed.* Subject to the requirements of this section, ~~c~~Charitable organizations and nonprofit organizations having a principal office in the city, ~~Clear Creek Independent School District, and Friendswood Independent School District~~ are allowed one temporary street banner sign during a calendar year to advertise an event to be held within the city limits and to which the general public is invited. ~~constructed of porous material of at least 80 percent cotton mesh with tie-down ropes on each corner.~~
- (2) *Application.* A charitable and non-profit organization, CCISD, or FISD desiring a temporary street banner sign shall make application for a license to the director of public works at least sixty (60) days in advance of the advertised event. Such application shall be made in writing and shall include the following:
- (a) The name and address of the charitable and non-profit organization, CCISD, or FISD located within the city's corporate limits conducting the public event as well as the name, address, phone number, and email address of the contact person for the application;
 - (b) The name, location, and dates of the event;
 - (c) The content of the temporary street banner sign;
 - (d) A copy of the signed permit or agreement from the state department of transportation for the temporary street banner sign;
 - (e) A license agreement, as prescribed by the city, for the temporary street banner sign, which agreement is executed by the charitable and non-profit organization, CCISD, or FISD;
 - (f) A certificate of insurance issued by a company authorized to do business in the state naming the city, its officers, and employees as an additional insured and including a waiver of subrogation in favor of the city, in amounts of not less than the amounts printed in Appendix D to this Code;
 - (g) A copy of proof of non-profit organization;
 - (h) A \$25 non-refundable application fee; and
 - (i) Such other information as may be requested by the director of public works.
- (3) *Materials.* All temporary street banner signs shall be constructed of porous material of at least 80 percent cotton mesh with tie-down ropes on each corner. The director of public works may promulgate additional standards as necessary to protect public health, safety, and welfare.
- ~~b.~~ (4) *Location.* Temporary street banner signs must may only be erected in front of Stevenson Park and extend across Friendswood Drive from city to the designated poles provided by Texas New Mexico Power.
- ~~c.~~ ~~(5)~~ (3) *Size.* Each temporary street banner sign shall not exceed ~~twenty-five~~ 25 feet (25') in width and no more than four feet (4') in height.
- ~~d.~~ ~~(6)~~ *Remove/Timing limitations.*
- (a) Except as provided in subsection 7 of this section, temporary street banner signs, other than the city's temporary street banner signs, must be removed at the end of a day be erected for no more than seven (7) consecutive days following their erection.
 - (b) No temporary street banner signs, other than the city's temporary street banner signs, shall be permitted each year during the following periods:

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(Supp. No. 4, Update 2)

- (i) The months of November and December;
- (ii) Between June 20 and July 14;
- (iii) Between the commencement date of early voting for a general or special municipal election and seven (7) days after the date of uch election or any runoff election resulting therefrom.No banners shall be permitted during the periods before and during elections when city "vote" banners are in place.

(c) No charitable and non-profit organization, CCISD, or FISD shall be granted more than one temporary street banner sign permit in any calendar year.

e.(7) Approval. Temporary banner sign permits along with the city license agreement must be approved by the city manager. The license agreement may extend the period specified in subsection f for no more than seven (7) additional consecutive calendar days by the city council if the city council makes the following findings:

- (a) The length of the event and the expected attendance at the event justify an extension of the permit;
- (b) The general purposes of this section are observed and maintained; and
- (c) The granting of such an extension will not be injurious to the public health, safety, or welfare.

(8) Fee. If a permit application under this section is approved by the city manager, the permittee must pay the city \$100 prior to the erection of the banner to defray the city's cost.

(9) Revocation. Notwithstanding anything in this code or in the license agreement to the contrary, the director of public works has the right, power, and authority to revoke a permit and terminate a license agreement if:

- (a) the temporary street banner sign poses a risk to the public health, safety and welfare as determined by the director of public works;
- (b) the city manager determines that the licensee has breached the license agreement; or
- (c) the city council approves another temporary street banner sign that is to be on display after the period specified in subsection f.1 of this section but during an extension granted pursuant to subsection (7), and there is no other banner space available.

Permits. Required by both the city and state department of transportation. In addition, a completed license agreement to place a banner on a public street right-of-way shall be submitted with the permit application with an original certificate of insurance issued by a company authorized to do business in the state naming the city as an additionally insured, in amounts of not less than the amounts set by resolution and printed in Appendix D to this Code. Complete applications must be submitted to the public works department 60 days in advance of the advertised event. City council approval is required.

(Ord. No. 2005-08, § 11, 3-21-2005; Ord. No. 2014-22, § 2, 9-8-2014; Ord. No. 2014-38, § 1, 1-5-2015)

Secs. 16—20. Reserved.

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(Supp. No. 4, Update 2)

Sec. 21. Permanent signs in residential districts.

- a. *Applicability.* This section shall apply to all residential districts as defined in the zoning ordinance as well as PUDs and SUPs with residential components.
- b. *Multifamily residential subdivisions.*
 - (1) For each multi-family residential subdivision, a maximum of two wall or monument signs with a combined total sign area not exceeding 50 square feet shall be allowed.
 - (2) Allowed signs may be anywhere on the premises except as restricted by the zoning ordinance and this appendix. They may not project beyond any property line and, if ground-mounted, the top shall not be more than seven feet over natural ground level.
- c. *Single-family residential subdivisions.* Each single-family residential subdivision is allowed one monument entrance identification sign at each entrance not to exceed 50 square feet. However, two signs with a maximum of 32 square feet each may be placed on opposite sides of the entrance in lieu of a single 50-square-foot sign. The top of such signs shall be not more than seven feet over natural ground level. As part of one sign, a changeable copy area not exceeding six square feet shall be allowed for the purpose of placing civic announcements by the homeowners' association.

(Ord. No. 2005-08, § 17, 3-21-2005; Ord. No. 2014-38, § 1, 1-5-2015)

Sec. 22. Permanent signs in nonresidential districts.

- a. *Applicability.* This section shall apply to all nonresidential districts as defined in the zoning ordinance as well as PUDs and SUPs with nonresidential components.
- b. *Wall signs.*
 - (1) Wall signs are allowed for each business establishment with an allowable total sign area of 1½ square feet for each linear foot of business frontage.
 - (2) Where two or more tenants utilize a common building, the total allowable wall sign area shall be equal to 1½ square feet for each linear foot of business frontage. It shall be the responsibility of the property owner to allocate such sign area to each tenant. A master sign plan drawn to a standard architectural or engineering scale shall be submitted to the community development department for this type of project showing the exact size and location of each sign for this project.
 - (3) Each tenant's wall sign must be attached to that part of the building in which the tenant is located.
- c. *Monument signs.*
 - (1) *Individual monument sign.* One monument sign is allowed for each business establishment, with an allowable sign area of 50 square feet. The highest part of any such sign or structure shall not be greater than seven feet above the highest finished grade at the front property line. Monument signs must be permitted separately from the building permit.
 - (2) *Multi-tenant monument sign.* Where two or more tenants make up a business establishment, they shall collectively be entitled to one monument sign that would be authorized for said business establishment. The total sign area shall not exceed 50 square feet plus ten square feet for each tenant in the complex up to a maximum of 100 square feet. The highest part of any such sign or structure shall not be greater than seven feet above the highest finished grade at the front property line. It shall be the responsibility of the property owner to allocate such sign area to each tenant. A master sign plan drawn to a standard architectural or engineering scale shall be submitted to the community

development department for this type of project showing the exact size and location of each sign for this project.

- (3) *Shared monument sign.* Business establishments on contiguous lots may utilize one common monument sign. Such sign shall be placed on either of the contiguous lots and sign dimensions and requirements will be the same as a multi-tenant monument sign.
- (4) *Changeable copy signage.* Up to 25 square feet of the allowable monument sign area may be used for changeable copy signage.
- (5) *Second monument sign.* A second monument sign is allowed for business establishments with buildings consisting of 40,000 square feet or more. Consideration and approval of a second monument sign shall be based on the square footage of buildings shown on an approved site plan for the entire business establishment. The second monument sign may be constructed as part of the initial site construction, but shall not be advertised on until the square footage of the structures constructed on-site exceeds 40,000 square feet. The second monument sign must be permitted separately.

d. *Option for directory sign in office park district (OPD) and business park districts (BP).*

- (1) One monument sign for the sole purpose of uniformly listing the names of the tenants is allowed for each building in which there are multiple tenants in the office complex if the complex chooses not to use wall signs.
- (2) The total sign area of such sign shall not exceed 240 square inches per tenant.
- (3) Such signs shall not exceed five feet in height and shall be located within 20 feet of the building.

e. *Fast-food/drive-through menu boards.* Menu reader boards for fast-food/drive-through restaurants shall not be considered as a ground sign if such menu board is screened from adjacent buildings or structures. Landscaping around menu boards shall be required ~~so-as-to~~ screen to the degree reasonably possible such menu board from abutting properties.

f. *Off-premises directional signs.* Off-premises directional signs of up to a maximum of four-square feet are allowed if the property on which the sign is located and the property which is described in the sign are contiguous. The permit application shall be signed by both property owners.

g. *Fuel canopy signs. Fuel canopy signs are allowed for each gasoline station with an allowable total sign area of .5 square feet for each linear foot of canopy measured along the shortest side of the canopy.*

(Ord. No. 2005-08, § 18, 3-21-2005; Ord. No. 2008-14, § 2, 6-2-2008; Ord. No. 2014-38, § 1, 1-5-2015)

Sec. 23. Reserved.

Sec. 24. Signs on vehicles.

- a. No type of vehicle, including, but not limited to, cars, trucks, motor-driven cycles, or vehicles built of miscellaneous parts of other vehicles, such as sand or dune buggies, and no type of trailer, boat, or other similar type of property shall be placed on private property within the city for the purpose of advertising such item for rent, sale, or lease unless such property is on the premises where the owner of such property advertised for sale or lease resides or conducts business or is on the premises of a business establishment engaged in the rental, sale, or lease of such property.
- b. A motor vehicle not used on a regular basis for the transportation of persons or property, or that is inoperable, shall not be parked or stored with one or more signs displayed thereon or otherwise used as a substitute sign structure.

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(Supp. No. 4, Update 2)

- c. Any vehicle containing advertising must be parked in an approved parking space and shall not be parked for a continuous period exceeding 72 hours. Any such vehicle is prohibited from otherwise being parked upon any public rights-of-way, including, but not limited to, public sidewalks, streets, alleys, or other public property, with one or more signs displayed thereon or otherwise used as a substitute sign structure.

(Ord. No. 2010-40, § 3, 1-10-2011; Ord. No. 2014-38, § 1, 1-5-2015)

Sec. 25. Obsolete signs.

~~Obsolete signs shall be removed, or brought into compliance with the other provisions of this appendix, not later than the first anniversary date that the sign, or any part thereof, first became obsolete. If the premises upon which the obsolete sign, or any part thereof, is leased, then the obsolete sign, or any part thereof, shall be removed, or brought into compliance with the other provisions of this appendix, not later than the second anniversary date that the sign, or any part thereof, becomes obsolete, as established by the date of the tenant most recently ceasing to operate on the premises after the effective date of the enabling ordinance. These provisions are in accordance with the provisions of V.T.C.A., [Local Government Code] § 216.003(e) and (f).~~

~~If the owner fails to remove or render blank the sign within the prescribed time, the sign administrator shall notify the owner by certified mail to correct the violation within ten days after receipt of notification of violation. If the owner does not correct the violation, the sign administrator may remove the sign at the property owner's expense.~~

- ~~c. An obsolete business may be determined by disconnection of water, sewer, power, postal service, or any other indicators of vacancy.~~

(Ord. No. 2005-08, § 20, 3-21-2005; Ord. No. 2008-11, § 2, 5-19-2008; Ord. No. 2014-38, § 1, 1-5-2015)

Sec. 26. Lawfully-nNonconforming signs.

- a. *Definition.* A ~~lawfully~~ nonconforming sign shall be any sign that does not comply with the requirements of this appendix, and which was in existence prior to the effective date of the enabling ordinance, whether permitted or not by the city's building division.

~~(1) It is the intent of this appendix to permit those nonconforming signs to continue until they are removed, but not to encourage their survival. The city's building division is charged with establishing a list of all such signs, and shall serve notice by U.S. Mail and permit holders to the owners of such signs as to the status of said signs.~~

~~(2) A sign permit issued by the city's building division is required for any repair work to be performed under this subsection.~~

- b. *Exemptions. Signs*

~~(1) Signs lawfully in place on Month Day, 2023, the effective date of these requirements.~~

~~(2) Sign associated with an issued Certificate of lawful nonconformity required. A certificate of lawful nonconformity-i issued by the city's building division shall be required for existing any lawfully nonconforming signs in 2008. that does not comply with the requirements of this appendix and which were in existence prior to the effective date of the enabling ordinance Month 00, 2008. After notice to the owners of such signs in accordance with subsection a of this section, said owners shall have 90 calendar days from the date of such notice by the city to obtain a certificate of lawful nonconformity from the city's~~

building division. The application for a certificate should include photographs of the signs and any construction plans that are available.

(1) —

(2) c. — *Conformity required.* It is the intent of this section that all nonconforming signs for which, ~~both with and without a certificate of lawful nonconformity is issued, must be brought into compliance with the requirements of this appendix, and under the conditions set forth in subsection e of this section, and owners of such signs shall secure a permit from the city's building division for all necessary work to effect said compliance.~~

d. *Repair, appearance, and alteration.* ~~Lawfully-n~~Nonconforming signs, and any part thereof, ~~for which a certificate of lawful nonconformity has been issued~~ shall be kept in good repair, as to structure, electrical and appearance components, and no structural alterations of any kind shall be made thereto that increases the existing extent of nonconformity. A ~~lawfully~~ nonconforming sign may have its message changed, ~~face replaced,~~ or be illuminated internally or externally ~~as long as if~~ the existing extent of nonconformity is not increased.

de. *Replacement.* ~~In the event that if~~ a ~~lawfully~~ nonconforming sign or sign structure, or a substantial part of it, is damaged, destroyed, or dismantled for any purpose (other than maintenance operations or for changing the letters, symbols, or other matter on the sign), in an amount more than 60 percent of the cost of erecting a new sign of the same type at the same location, the sign and any sign structure shall ~~either be:~~

(a) — ~~Replaced with a new sign conforming to the requirements of this appendix, or~~

(b) — ~~Removed.~~

e. *Removal.* ~~Obsolete signs shall be removed or brought into compliance with the other provisions of this appendix, not later than the first anniversary date that the sign, or any part thereof, first became obsolete. If the premises upon which the obsolete sign, or any part thereof, is leased, then the obsolete sign, or any part thereof, shall be removed or brought into compliance with the other provisions of this appendix, not later than the second anniversary date that the sign, or any part thereof, becomes obsolete, as established by the date of the tenant most recently ceasing to operate on the premises after the effective date of the enabling ordinance. These provisions are in accordance with the provisions of V.T.C.A., [Local Government Code] § 216.003(e) and (f).~~

(1) ~~If the owner fails to remove or render blank the sign within the prescribed time, the sign administrator shall notify the owner by certified mail to correct the violation within ten days after receipt of notification of violation. If the owner does not correct the violation, the sign administrator may remove the sign at the property owner's expense.~~

~~(3)(2)~~ An obsolete business may be determined by disconnection of water, sewer, power, postal service, or any other indicators of vacancy.

~~A sign permit issued by the city's building division is required for any repair work to be performed under this subsection.~~

f. *Conversion of existing billboards to changeable electronic variable message signs (CEVMS).*

(1) The overall size, height, location, and number of support poles used to support the sign structure of the existing billboard shall not be altered.

(2) Electrical service to the sign must be underground from the property line to the sign.

(3) Each message on an electronic sign shall be displayed for at least eight seconds, and a change of message shall be accomplished within two seconds.

(4) A change of message must occur simultaneously on the entire sign face.

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(Supp. No. 4, Update 2)

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- (5) No flashing, dimming, or brightening of the message is permitted except to accommodate changes of messages.
 - (6) Malfunction. CEVMS sign operators must respond to a malfunction or safety issue within one hour after notification and must remedy that malfunction or safety issue within 12 hours after notification. In case of a sign malfunction, the digital display must freeze until the malfunction is remedied.
 - (7) Display of emergency information. The city may exercise its police powers to protect public health, safety, and welfare by requiring emergency information to be displayed on digital display signs. Upon notification, the sign operators shall display amber alerts, silver alerts, information regarding terrorist attacks, natural disasters, and other emergency situations in appropriate sign rotations. Emergency information messages must remain in rotation according to the issuing agency's protocols.
 - (8) Public service announcements. Companies shall permit the city to place one public service announcement on each of the digital billboards for up to the equivalent time of an eight-week period for each year; provided, however, that such public service announcements shall consist of one slot of at least eight seconds in the standard rotation utilized by the advertising company on the applicable digital billboards.
 - (a-) Public service announcements shall be limited to city-sponsored event announcements and city-related public health, safety, and welfare announcements. The city shall be responsible for:
 - 1-(i) Providing the company with its public service announcements, which may be updated by the city at any time; and
 - 2-(ii) Any costs associated with providing the company with the artwork in an acceptable format.
 - (b-) The public service announcements must be submitted to the company at least five business days before the proposed display date. Content of public service announcements shall be determined in the sole discretion of the city. In addition:
 - 1-(i) The company shall provide use of the advertising space on the digital billboards, as reasonably necessary for emergency broadcasts, amber alerts, and silver alerts; and
 - 2-(ii) The company and city will work cooperatively and in good faith for the city to place additional city-related public service announcements on a space availability basis.
 - (9) The sign owner shall provide to the department contact information for a person who is available to be contacted at any time, and who is able to turn off the electronic sign promptly after a malfunction occurs.
 - (10) If the city finds that an electronic sign causes glare or otherwise impairs the vision of the driver of a motor vehicle or otherwise interferes with the operation of a motor vehicle, the owner of the sign, within 12 hours of a request by the city, shall reduce the intensity of the sign to an acceptable level.
 - (11) The sign owner or its designated contractor shall obtain permits and comply with adopted codes, including building and electrical codes.

(Ord. No. 2005-08, § 21, 3-21-2005; Ord. No. 2008-11, § 3, 5-19-2008; Ord. No. 2014-38, § 1, 1-5-2015; Ord. No. 2017-22, § 2, 9-11-2017)

Sec. 276. Exceptions and exemptions.

The following described signs are exempt from the provisions of this appendix except for sections 5 through 13 inclusive:

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(Supp. No. 4, Update 2)

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- a. Professional nameplates and occupational signs denoting only the name and occupation of an occupant in a commercial building or public institutional building, and not exceeding two square feet in area.
 - b. Identification nameplates or signs on apartment houses, boardinghouses or rooming houses, or similar uses, not exceeding two square feet in area.
 - c. One nameplate denoting only the name of the occupants of a dwelling, and not exceeding two square feet in area nor located closer than ~~two~~three feet to the property line.
 - d. Memorial and/or historical signs as designated by federal, state, or local governments.
 - e. Traffic or other municipal signs, legal notices, or danger signs by federal, state, or local governments.
 - f. Warning signs or trespassing signs on private property, not exceeding two square feet in area.
 - g. Signs required by any law or regulation of the federal, state, or local governments.
 - h. On-premises directional signs for ~~public and private developments denoting the entrance, exit, and direction of traffic flow~~setting forth the location of or directions to parking or buildings located on the premises, warning of on-premises obstacles or overhead clearances, or regulating the flow of on-premises traffic, including entrance and exit signs. Such signs may be lighted, consistent with other requirements for sign lighting, and not exceeding two square feet in area, provided such sign is not prohibited or further regulated by any other ordinance of the city.
 - i. Street banners erected by the city advertising a bona fide public event such as legal holidays, nonpolitical election instructions, and similar occasions.
 - j. Civic and ~~religious organization~~church signs. The city council may erect, or approve and permit to be erected, entrance signs at or near the city limits for the benefit of visitors, on which may be listed institutional names, ~~churches~~religious organizations, and points of interest. Civic organizations and ~~churches~~religious organizations may be permitted to place their insignias thereon. In addition, each ~~church or~~ institution may erect a maximum of four off-premises directional signs, with permission of the property owner, as long as if each sign does not exceed four square feet.
 - k. Signs on motor vehicles, as such term "motor vehicle" is defined in Vernon's Tex. Transportation Code Ann. § 541.201(11) (V.T.C.A., Transportation Code § 541.201(11)), as amended, when the primary use of such motor vehicle is the transportation of persons or property; is not parked or located for the primary purpose of displaying the sign, and is not parked on a site for a continuous period exceeding 72 hours.
 - l. Flags of the United States, the state, or any other political subdivision; or any flag of a religious, fraternal, or charitable organization; flags of a historic, political, religious, or military nature displayed on residential property with the consent of the owner.
 - m. Company flags displaying only a company logo, provided such flag is affixed to a flagpole and the length of flag does not exceed one-quarter of the height of the flagpole.
 - n. Decorations for stores, storefronts, and yards from November 20 through January 10 of each year commemorating the holiday season and from June 27 through July 7 of each year commemorating Independence Day.
 - o. Sculptures, statues, or works of art; provided, however, that such object or structure is not identifiable in any way, by use of a trademark or logo, advertising campaign link, or other business activity.
 - p. Signs containing noncommercial messages or messages otherwise protected by the constitutions of the United States or the state; provided, however, that there shall be no more than four such signs on any one property and the total square footage of all such signs shall not exceed 36 square feet.

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(Supp. No. 4, Update 2)

g. Automated teller machine (ATM) signage. Signage on the cabinet, such as a graphic wrap, or directional signs to an automated teller machine.

(Ord. No. 2005-08, § 22, 3-21-2005; Ord. No. 2014-38, § 1, 1-5-2015)

Sec. 28~~7~~. Variances.

A variance may be authorized by the zoning board of adjustment under this appendix only for height of sign and setback of signs and sign structures. Further, it is the purpose and intent of the city council that no variance is granted under the terms of this appendix unless undue hardship will result therefrom. Undue hardship shall mean that strict application of the requirements hereof relating to height and setback of signs and sign structures shall deprive the applicant of reasonable use of his property.

(Ord. No. 2014-38, § 1, 1-5-2015)

Sec. 28. Appeals.

a. All appeals to the zoning board of adjustment shall be perfected by a request in writing to the building official for a hearing, in which the following information shall be contained:

- (1) Name, address, and primary e-mail address of the person making the appeal;
- (2) Facts surrounding the particular ruling or refusal to make a ruling;
- (3) The ruling, if any, of the sign administrator; and
- (4) Reasons why such ruling should be set aside, or if a ruling was refused, why such ruling should be made.

Appeals must be perfected within 30 days after the decision of the sign administrator.

b. An application for appeal shall be based on a claim that the true intent of the applicable code or the rules legally adopted thereunder have been incorrectly interpreted or the provisions of the code do not fully apply.

c. The sign administrator shall take prompt action in accordance with the decision of the zoning board of adjustment.

d. During the pendency of any appeal to the zoning board of adjustment, the ruling of the sign administrator shall be in full force and effect.

TABLE OF CONTENTS

Section 1.	Definitions
Section 2.	Administration
Section 3.	Violations are prohibited
Section 4.	Maintenance
Section 5.	Projection of signs
Section 6.	Structural requirements
Section 7.	Measurement standards
Section 8.	Traffic hazards
Section 9.	Prohibited signs
Section 10.	Signs on public property
Section 11.	Painted signs
Section 12.	Changeable copy signs
Section 13.	Illumination of signs
Section 14.	Portable signs
Section 15.	Temporary signs
Section 16-20.	Reserved
Section 21.	Permanent signs in residential districts
Section 22.	Permanent signs in non-residential districts
Section 23.	Reserved
Section 24.	Signs on vehicles
Section 25.	Nonconforming signs
Section 26.	Exceptions and exemptions
Section 27.	Variances
Section 28.	Appeals

Appendix A SIGNS¹

Sec. 1. Definitions.

The following words, terms and phrases, when used in this appendix, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animated sign means a sign that uses movement to depict action or create a special effect or scene or contains visible moving or rotating parts.

Awning means a shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework.

Banner sign means a temporary sign made of fabric or other non-rigid material that is fire-retardant.

Billboard means any sign containing a commercial or noncommercial message that directs attention to a business establishment, commodity, service, or entertainment conducted, sold, or offered elsewhere than on the premises where such sign appears. If such business establishment, commodity, service, or entertainment is merely incidental to the use of such property where such sign appears, such sign shall be deemed a billboard.

Business establishment means a project or undertaking that involves the use of one lot with buildings or structures, permanent or temporary, for the primary purpose of conducting on said lot a commercial enterprise, or other nonresidential use, in compliance with all ordinances and regulations of the city. Multiple services and/or goods offered by a business establishment shall be considered one business establishment for the purposes of this appendix.

Business frontage means the side of a building that contains the primary entrance of the building.

Business Park means business establishments located in a business park zoning district (per Appendix C zoning ordinance).

Changeable copy sign means a sign on which the copy changes either automatically, such as by electrical or electronic time and temperature units or manually in the field, such as reader boards with changeable letters.

Changeable electronic variable message sign (CEVMS) means a sign that permits light to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including an LED (light emitting diode) or digital sign, and which varies in intensity or color. The term "CEVMS" does not include a sign located within the right-of-way that functions as a traffic control

¹Editor's note(s)—Printed herein are the sign regulations, as adopted by Ord. No. 98-29 on Sept. 28, 1998, which amended Ord. No. 84-15, the zoning ordinance (Appendix C hereof). Ord. No. 98-29, § 1, adopted Sept. 28, 1998, repealed Appendix A, Signs, in its entirety and replaced it with a new Appendix A. Former Appendix A derived from Ord. No. 91-15, adopted June 17, 1991. Amendments to Ord. No. 98-29 are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance.

State law reference(s)—Restriction on signs advertising tobacco products, V.T.C.A., Health and Safety Code § 161.122; regulation of signs by home-rule municipality, V.T.C.A., Local Government Code § 216.901; regulation of political signs by municipality, V.T.C.A., Local Government Code § 216.903.

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.

Civic sign means a sign that identifies a nonprofit institution or organization.

Commercial message means a message that, directly or indirectly, names, advertises or calls attention to a business, product, service, or other commercial activity that is conducted for profit by a person or entity in business for profit.

Development means:

- (1) A single lot (as defined in this section) with multiple buildings on it with said buildings not intended for sale but which may be leased, or square footage sold, on a condominium basis; or
- (2) An assemblage of multiple lots within a common plat boundary with multiple buildings on it with said buildings intended for sale, lease, or sale on a condominium basis, and which in either case makes up one business establishment or industrial complex.

Directory sign means a sign for the purpose of uniformly listing the names of tenants in an office park or business park.

Double-faced sign means a single sign with two parallel sign faces back-to-back.

Finished grade shall mean the highest grade elevation within five feet of the foundation or wall of the building, said grade having been established by means of an approved grading and/or drainage plan. Finished grade may also be the natural grade elevation when no terrain alteration is proposed, or where otherwise applicable. Any fill which is not required to achieve positive site drainage or slope stabilization, or which is otherwise proposed to raise the site for any other purpose, shall not be finished grade for the purpose of measuring height.

Fire-retardant means not capable of supporting combustion or flame.

Flag banner means a sign made of non-rigid material attached to the ground and supported on a horizontal, rigid pole, but does not include a flag; also known as a teardrop banner, feather banner, or feather flag.

Flagpole means a free-standing structure permanently mounted on the ground and designed and constructed for the purpose of hanging flags.

Flashing sign means a sign that contains an intermittent or sequential flashing light source used primarily to attract attention, but not including changeable copy signs, animated signs, or signs which, through reflection or other means, create an illusion of flashing or intermittent light.

Garage sale means the sale of items that a resident or group of residents conduct from a garage and/or yard, and which items offered for sale are used or discarded by those residents offering them for sale.

Grand opening means the formal offering by a new business of its goods, wares, merchandise, service, entertainment, or activity.

Ground sign means any sign mounted on the ground or supported by one or more columns, poles, uprights, or braces anchored in or on the ground and not attached to any building, including changeable copy signs.

Handheld sign means any sign that is not self-supporting and is carried by or is under the immediate control of a person and shall include sandwich-board signs and persons in costume or otherwise dressed to call attention to a business.

Identification sign means any sign that carries only the firm, business establishment, or corporate name, the major enterprise on the premises, or the principal products offered for sale on the premises.

Integrated business development means a development consisting of two or more interrelated business establishments using common driveways and onsite parking facilities, including, but not limited to, shopping centers, office complexes, office buildings, and business parks.

Lot means a physically undivided tract or parcel of land having frontage on an accessway and which is, or in the future may be, offered for sale, conveyance, transfer, or improvement; and which is:

- (1) Designated as a distinct and separate tract; and
- (2) Identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly recorded.

Master sign plan means a plan depicting the location, size, height, and materials of all signs to be placed on a building and on the site.

Monument sign means a sign not more than seven feet in height from natural ground level to the highest portion of the sign, designed and constructed to substantially appear as a solid block, rectangle, or square.

Multi-faced sign means a single sign with two or more faces, which are not parallel or back-to-back.

Natural grade means the natural ground adjacent to the slab at its centerline paralleling the front of the structure. Natural ground is assumed to be the ground surface existing prior to placement of the building pad. *New business* means a business new to the premises on which it is located, a business having a change in ownership of 50 percent or more, or the expansion of an existing building or structure if such expansion increases the size of the area devoted to the primary use, in building floor square footage, by 50 percent or more.

Noncommercial message means any message other than a commercial message.

Nonconforming sign means a sign erected and maintained prior to the adoption of the ordinance from which this appendix is derived, or any applicable amendment thereto, that does not conform with the requirements hereof.

Nonresidential district means any district that is not a residential district.

Obsolete sign means any on-premises sign, or any part thereof, which identifies or advertises a business, person, product, accommodation, service, or activity that has ceased to operate on the premises upon which the sign or sign structure is located.

Off-premises sign means a sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

Office complex means one or more commercial buildings with multiple business establishments providing services but not delivering products directly to customers and consisting of two or more tenants using common driveways.

Office Park means business establishments located in an office park zoning district (per Appendix C zoning ordinance.)

On-premises sign means a sign identifying or advertising a business, person, activity, goods, products, or services, located on the premises where the sign is located.

Open house means a designated period during which a property is open for viewing by prospective purchasers.

Portable sign means any sign designed or constructed to be easily moved from one location to another, including signs mounted upon or designed to be mounted upon a trailer, wheeled carrier, or other non-motorized mobile structure. A portable sign which has its wheels removed shall still be considered a portable sign hereunder.

Public service sign means a sign that provides a service or message to the public, such as time, temperature, and charity appeals.

Reader panel/reader board means a permanently constructed changeable copy bulletin board lighted or unlighted with detachable precut letters and figures.

Residential district means those districts zoned single-family residential dwelling district (SFR), single-family residential dwelling district - estate (SFR-E), multi-family residential dwelling district - low (MFR-L), multi-family residential dwelling district - medium (MFR-M), multi-family residential dwelling district - high (MFR-H), garden home district (GHD), and mobile home residential dwelling district (MHR) in the zoning ordinance of the city, contained in Appendix C to this Code.

Roofline means the height above finished grade of the upper beam, rafter, ridge, or purlin of any building.

Sign means any structure, part thereof, or device or inscription which is located upon, attached to, or painted or represented on any land, or on the outside of any building or structure, or on an awning, canopy, marquee, or similar appendage, or permanently affixed to the glass on the outside of the building or structure, and which displays or includes any numeral, letter, word, model, banner, emblem, insignia, symbol, device, monogram, heraldry, trademark, light, or other representation used as or in the nature of an announcement, advertisement, attention arrester, direction, warning, or designation of any person, firm, group, organization, corporation, association, place, commodity, product, service, business establishment, profession, enterprise, industry, activity, or any combination thereof; where the term "sign" is used herein without further modification, the same shall be understood to embrace all regulated signs and replicas.

Sign facing means the facing of any sign upon, against, or through which the message is displayed or illustrated.

Snipe sign means a sign which is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, stakes, fences, utility poles, or other like objects, the advertising matter of which is not applicable to the present use of the premises on which the sign is located.

Street banner means a sign constructed of porous material of at least 80 percent cotton mesh with tie-down ropes on each corner.

Temporary sign means any sign constructed of materials with short life expectancies. A portable sign shall not be considered a temporary sign.

Vision triangle means an unoccupied triangular space at the street corner of a corner lot. The triangle is formed by connecting the point where each right of way line intersects, and two points located twenty-five (25) feet along each right of way line.

Wall sign means a sign, either of solid face construction or individual letters, symbols, or pictures, which is attached to the exterior of any building or structure.

(Ord. No. 2002-2, § 1, 1-21-2002; Ord. No. 2005-08, § 1, 3-21-2005; Ord. No. 2008-11, § 1, 5-19-2008; Ord. No. 2008-14, § 1, 6-2-2008; Ord. No. 2008-17, § 1, 7-21-2008; Ord. No. 2010-40, § 1, 1-10-2011; Ord. No. 2014-38, § 1, 1-5-2015)

Sec. 2. Administration

- a. *Sign Administrator.* The community development director or their designee shall be the sign administrator charged with administering and enforcing the terms and conditions of this chapter and all other provisions of laws relating to signs. The sign administrator is empowered to delegate the duties and powers granted to and imposed upon him by this chapter to other persons serving under the sign administrator.
- b. *Enforcement responsibility.* The duties of the sign administrator shall include not only the issuance of permits as required by this chapter, but also the responsibility of ensuring that all signs comply with this

chapter and any other applicable laws and that every sign for which a permit is required does in fact have a permit.

- c. *Sign permits.* It shall be unlawful for any person, unless provided otherwise in this appendix, to erect, structurally alter, relocate, lease, rent, or own any sign within the city without first obtaining a permit for such sign.
- (1) *Application.* All applications for sign permits shall be accompanied by a plan or plans drawn to a standard architectural or engineering scale which shall include the following:
 - (a) The dimensions of the sign and, where applicable, the dimensions of the surface of the building to which it is to be attached.
 - (b) The dimensions of the sign's supporting members.
 - (c) The maximum and minimum height of the sign.
 - (d) The proposed location of the sign in relation to all buildings on the premises where the sign is to be located.
 - (e) The proposed location of the sign in relation to the boundaries of the premises upon which it is to be situated.
 - (f) The location of all electrical transmission lines within 30 feet of any part of such proposed sign structure.
 - (g) Each permit application shall be signed by the property owner, or his agent, and the sign installer.
 - (2) *Issuance.* Upon the filing of an application for a sign permit, the plans, specifications, and other data shall be examined by the community development division. If it appears that such proposed sign is in compliance with the requirements of this appendix and other laws of the city, and the applicant being in compliance with all building ordinances of the city and other permits issued by the city, the community development division shall issue the applicant a permit for such sign. Such sign shall thereafter be constructed in accordance with the plans, specifications and other data submitted to the community development division.
 - (3) *Revocation.* The sign administrator may suspend or revoke any permit issued under the provisions of this ordinance whenever it is determined that the permit is issued in error or on the basis of incorrect or false information supplied, or whenever such permit is issued in violation of any local, state, or federal regulations. Notice of suspension or revocation shall be issued to the permit holder, owner of the sign, or owner of the subject property in writing.
- d. *Fees.*
- (1) *Required.* Fees for the permits required under this division shall be paid to the community development department as established in Appendix D, Fees.
 - (2) *Refund.* The applicant for a permit or holder of a permit shall not be entitled to a refund of any fee paid if the permit is revoked.
 - (3) *Work without permit.* Work started without a permit shall be double the permit fee.
- e. *Inspections.* The sign administrator shall make such inspections as may be necessary and shall initiate appropriate action to bring about compliance with this chapter and other applicable law if such inspection discloses any instance of noncompliance. The sign administrator shall investigate thoroughly any complaints of alleged violations of this chapter.
- f. *Exceptions.* A permit shall not be required for the following:
- (1) The electrical, repainting, or cleaning maintenance of a sign.

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- (2) The changing of the message of a changeable copy sign.
 - (3) Residential real estatesigns for single-family units pursuant to section 15.d.(2).
 - (4) Residential real estate signs for multi-family units pursuant to section 15.d.(3).
 - (5) Temporary direction signs pursuant to section 15.e.
 - (6) Temporary political signs pursuant to section 15.f.
 - (7) Garage sale signs pursuant to section 15.g.
 - (8) Open house signs pursuant to section 15.h.

g. *Stop orders.* The issuance of a permit under this appendix shall not constitute a waiver of this appendix or other ordinances of the city. The sign administrator is authorized to issue stop orders for any sign which is being constructed or used in violation of this appendix or any other ordinance of the city. (Ord. No. 2005-08, § 2, 3-21-2005; Ord. No. 2014-38, § 1, 1-5-2015)

Sec. 3. Violations are prohibited.

- a. It shall be unlawful for any person to erect, structurally alter, relocate, lease, rent, or own within the city any sign not expressly exempted from regulation by this appendix without first satisfying the requirements of this appendix.
- b. It shall be unlawful for any person to violate any provision of this appendix.
- c. The violation of any provision of this appendix shall constitute a misdemeanor. The imposing of any penalty under this subsection shall not prevent the enforced removal and abatement by the city of any prohibited condition.
- d. Any person found to have violated any provision of this appendix shall, in addition to any fine imposed under this section, reimburse the city for any of its costs and expenses, direct or indirect, including removal of the violating sign, attorney's fees, and employee wages and salaries, incurred in enforcing this appendix against such person.
- e. The sign administrator may suspend or revoke any permit issued under the provisions of this ordinance whenever it is determined that the permit is issued in error or based on incorrect or false information supplied, or whenever such permit is issued in violation of any of the provisions of this ordinance or any other ordinance of this City or laws of this state or the federal government. 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 site upon which the sign is located. Upon such revocation, all construction related to the revoked permit shall cease.

Upon revocation of the permit, any portion of the sign in place because of the permit shall be removed within 10 days by the owner of the sign or the owner of the site on which the sign is located. Failure to remove the sign shall be deemed a violation of this ordinance.

- f. The sign administrator may periodically inspect each sign regulated by this ordinance for the purpose of ascertaining whether the same is obsolete and whether it needs removal or repair.
- g. Whenever any work for which a permit is required by this ordinance has been commenced or completed without first obtaining a permit, an investigation may be made before a permit may be issued for such work.

(Ord. No. 2014-38, § 1, 1-5-2015)

Sec. 4. Maintenance.

All signs and sign structures shall be kept in good repair and neat in appearance, including replacement of defective parts, painting, repainting, and cleaning.

(Ord. No. 2014-38, § 1, 1-5-2015)

Sec. 5. Projection of signs.

- a. No sign or any portion thereof shall project or extend over any public sidewalk, street, alley, or other public property. A supporting member of a sign shall be located at least three feet from the property line of the property upon which it is situated.
- b. Signs projecting more than 18 inches from the face of the building or supporting structure over private property used or intended to be used by the general public shall have a minimum clearance of eight feet above the pavement of finished grade.
- c. No sign shall be attached to a building in such a manner that the sign surface, or any part thereof, exceeds in height the highest roofline or parapet of such building.

(Ord. No. 2014-38, § 1, 1-5-2015)

Sec. 6. Structural requirements.

- a. *Compliance with building code.* All signs and sign structures shall comply with the pertinent requirements of the building codes of the city, including, but not limited to, all structural, electrical, and windstorm requirements.
- b. *Transmission lines, minimum spacing.* All signs and sign structures shall have a minimum clearance of eight feet vertically and eight feet horizontally from any transmission line carrying 750 volts or greater.
- c. *Wiring.* Any wiring to an energized sign shall be installed underground, except where impractical or infeasible, as determined by the building official, and in such instances shall be at least 14 feet above ground level.

(Ord. No. 2005-08, § 3, 3-21-2005; Ord. No. 2014-38, § 1, 1-5-2015)

Sec. 7. Measurement standards.

- a. *Sign face area* shall be measured as the smallest area enclosed by straight lines drawn to the extremities of the letters, numbers, recognizable symbols, and trademarks; provided, however, if there is background in addition to the lettering, background material shall be included if the background is uniquely associated with the letters.
- b. *Sign height* shall be measured from finished grade level to the top of the sign structure and shall not exceed 7 feet. Sign pads shall not be mounded to achieve additional height.
- c. *Double-faced sign area* shall be calculated only on one side of the sign.
- d. *Awnings.* The portion of an awning that contains graphics, symbols and/or written copy shall be included as part of the aggregate sign area calculation.e. *Business frontage* shall be measured by the horizontal width of a tenant's building or lease space, where the front entrance is located. When two or more entrances are utilized on separate sides of a building, the entrance where the tenant is addressed shall apply.

Sec. 8. Traffic hazards.

- a. It shall be unlawful for any person to erect, structurally alter, relocate, lease, rent, or own any sign in such a manner as to constitute a hazard to pedestrian or vehicular traffic, or in such a manner as to obstruct free and clear vision, regardless of location, by reason of the position, shape, color, or movement which may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device; nor shall such sign make use of any word, phrase, symbol, or character in such a manner as to interfere with, mislead, distract or confuse vehicular or pedestrian traffic.
- b. The chief of police of the city, or his duly qualified representative, shall be the sole judge of a violation under this section.
- c. Attaching, placing, affixing, or leaning any material onto, painting over, changing the wording of, or covering a traffic sign (regulatory or informational) shall be prohibited.
- d. Signs shall not be placed within the vision triangle.



(Ord. No. 2005-08, § 5, 3-21-2005; Ord. No. 2014-38, § 1, 1-5-2015)

Sec. 9. Prohibited signs.

Signs of the following nature are expressly prohibited unless specifically authorized by this appendix:

- a. Billboards, including, but not limited to, new off-premises, changeable electronic variable message signs (CEVMSs). Exception: existing billboards may be converted to CEVMSs, provided that they meet the requirements in section 26.f.
- b. Signs that contain statements, words, or pictures of an obscene, indecent, or immoral character as will offend public morals or decency.
- c. Obsolete signs.
- d. Animated signs.

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- e. Signs that contain or have attached thereto banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, flash tags or other similar devices.
 - f. Signs attached to exposed amenities, such as benches or trash containers.
 - g. Any stereopticon or motion picture machine used in conjunction with or attached to any sign in such a manner as to permit the images projected therefrom to be visible from any public street or sidewalk.
 - h. Snipe signs.
 - i. Signs placed on the side or rear of any building or property when such sign faces upon a contiguous residential area.
 - j. Signs placed on private property without the consent of the owner of the property.
 - k. Flashing signs.
 - l. Ground signs, except monument signs.
 - m. Miniature, mini, Christmas, rope string lights, exposed LED storefront lights, or other similar lighting in or framing windows (interior or exterior), including attached to the window frames except for lighting from November 15 to January 15.
 - n. Flag banners.
 - o. Inflatable signs and tethered balloons greater than 18 inches in diameter.

(Ord. No. 2005-08, § 6, 3-21-2005; Ord. No. 2008-17, § 2, 7-21-2008; Ord. No. 2014-38, § 1, 1-5-2015; Ord. No. 2017-22, § 1, 9-11-2017; Ord. No. 2019-20, § 2, 6-3-2019)

Sec. 10. Signs on public property.

- a. *Signs on public property.* It shall be unlawful to place a sign in or upon any public property, including, but not limited to, a public street, sidewalk, right-of-way, easement, curb, grounds, bridge, or building, unless express consent therefor shall have been first granted by the city council. This subsection shall not apply to signs required to be placed by a public employee in the regular course and scope of his employment.
- b. *Impoundment.*
 - (1) Any sign in violation of subsection a of this section may be removed without notice to the owner thereof. Employees of the police department, the department of public works, and community development are hereby authorized to remove any such signs and transport or cause the same to be transported to a location to be designated by the community development division. Snipe signs may be discarded immediately. The custodian of the storage area shall maintain records of where such signs were located when they were so removed and the date on which they were so removed and, except for snipe signs, shall hold the same in the storage area for a period of not less than 30 days.
 - (2) Any sign so held may be redeemed by the owner thereof upon the payment of a fee to the city set by resolution and printed in Appendix D to this Code. Such fee shall be in addition to and not in lieu of any fine imposed upon such owner for violation of this subsection. Any sign impounded and stored and not redeemed by the owner thereof within 30 days may be disposed of or sold at public auction in the same manner as surplus property of the city.
- c. *Exceptions.*
 - (1) *Public athletic facilities.* Public athletic facilities may have signs attached to fences surrounding such facility to give public information or team sponsor advertising. Except for scoreboards, such signs shall not project above the fence line and shall face the athletic facility.

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- (2) *Public and private parks.* Public and private parks may have signs to give information and/or regulations concerning park use.

(Ord. No. 2005-08, § 7, 3-21-2005; Ord. No. 2014-38, § 1, 1-5-2015)

Sec. 11. Painted signs.

Painted signs shall be on permanently weatherproofed materials, and all sign surfaces shall be painted or treated with weatherproofed materials.

(Ord. No. 2014-38, § 1, 1-5-2015)

Sec. 12. Changeable copy signs.

- a. *Residential districts.* A changeable copy sign, such as a reader board, may be integrated into the allowable sign so long as the total area of the changeable copy message does not exceed six square feet of the sign area, subject to the restrictions set forth in subsection c of this section.
- b. *Nonresidential districts, and religious organizations and schools in residential districts.* A changeable copy sign, such as a reader board, may be integrated into a permanent monument sign so long as the total area of the changeable copy message is limited to a maximum of 25 square feet of the sign area, subject to the restrictions set forth in subsection c of this section.
- c. *Restrictions.* All changeable copy signs shall be subject to the following restrictions:
- (1) The message conveyed by the sign face shall not blink, flash, scroll or be so animated as to be deemed a distraction to passing motorists.
- (2) All changeable copy sign faces shall be limited to a maximum of 25 square feet in sign area, or the maximum size of the type of permanent sign on which the face is placed, whichever is less.

(Ord. No. 2005-08, § 8, 3-21-2005; Ord. No. 2007-17, § 1, 10-15-2007; Ord. No. 2014-38, § 1, 1-5-2015)

Sec. 13. Illumination of signs.

- a. A conforming sign may be illuminated but only by:
- (1) Upward lighting of no more than 4 bulbs per direction of the sign face or faces of the structure; or
- (2) Downward lighting of no more than 4 bulbs per direction of the sign face or faces of the structure.
- b. Lights that are a part of or illuminate a sign:
- (1) Must be shielded, directed, and positioned to prevent beams or rays of light from being directed at any portion of the traveled ways of a public or private street;
- (2) May not be of such intensity or brilliance as to cause vision impairment of a driver of any motor vehicle on a public or private street or otherwise interfere with the driver's operation of a motor vehicle;
- (3) May not obscure or interfere with the effectiveness of an official traffic sign, device, or signal; and
- (4) Shall be shielded to prevent the source of lighting from being directly visible from residential property.
- c. Awnings shall not be backlit. Any down lit awning shall be opaque.

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- d. All wiring to monument signs shall be installed underground.
(Ord. No. 2005-08, § 9, 3-21-2005; Ord. No. 2014-38, § 1, 1-5-2015)

Sec. 14. Portable signs.

- a. *Grand Opening.* One portable sign may be displayed by a new business enterprise to give notice of its grand opening for a period not to exceed 30 consecutive days from the date the Certificate of Occupancy is issued.
- b. *Allowed.* One portable sign may be displayed on nonresidential property, in addition to that allowed for grand openings, for 21 days during any calendar year.
- c. *Size.* The portable sign shall not exceed 32 square feet in sign area.
- d. *Location.* Signs shall be placed no closer than three feet from the edge of the property and/or any sidewalk; in no case shall the sign be placed in a state or city right-of-way or street median.
- e. *Permits.* Required.
- f. *Limit.*
- (1) If a changeable copy sign is located on the property, a portable sign is not permitted.
 - (2) No more than one portable sign shall be displayed on any one nonresidential property at a time.
- g. Handheld signs that include a commercial message are prohibited upon any public rights-of-way, including, but not limited to, any public sidewalk, street, alley, or other public property.
- h. Handheld signs that are on private property, but are visible from a street or roadway, are permitted where an applicant satisfied the following:
- (1) *Size.* Sign size does not exceed four square feet.
 - (2) *Permits.* Required.
 - (3) *Location.* May be located where the applicant has legal permission to display the sign. If the applicant does not own or lease the private property upon which the handheld sign will be displayed, applicant must provide a letter of approval from the property owner where the sign will be displayed.
- i. Regulations involving handheld signs on private property do not apply to political signs that are otherwise compliant with this appendix and V.T.C.A., Local Government Code Ch. 216.

(Ord. No. 2005-08, § 10, 3-21-2005; Ord. No. 2010-40, § 2, 1-10-2011; Ord. No. 2014-38, § 1, 1-5-2015)

Sec. 15. Temporary signs.

Sec. a. Generally.

- (1) Contractors may place a sign on property where actual construction (landscaping, roofing, pool, etc.) is taking place, unless otherwise regulated by section b. below. Such sign may be placed on such property for the duration of construction plus ten days, shall not exceed six square feet in sign area, and shall not exceed seven feet in height above the natural ground level. No permit is required for such signs.
- (2) Except as otherwise provided, a permit shall be required for any temporary sign authorized in this section., Such permits shall be granted for a period not to exceed 24 months, and at the expiration of the permit period all such temporary signs shall be removed unless a new permit is obtained.

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- (3) Temporary signs shall be placed no closer than three feet from the edge of the property and/or any sidewalk; in no case shall the temporary sign be placed in a state or city right-of-way or street median.
 - (4) Temporary signs may not be illuminated or have moving elements.

Sec. b. Construction signs.

- (1) *Allowed.* Two (2) temporary signs denoting the owner, architect, financial institution, general contractor, "coming soon," or any statement pertaining to a non-residential project.
- (2) *Location.* Such temporary sign(s) shall be located on the premises where the project is located.
- (3) *Size.* For tracts of two acres or less, each sign shall not exceed 16 square feet in sign area; for tracts of greater than two acres, each sign shall not exceed 32 square feet in sign area.
- (4) *Removal.* Signs must be removed within 10 days of the issuance of a certificate of completion or certificate of occupancy, whichever is sooner.
- (5) *Permits.* Required.

Sec. c. Banners.

- (1) *Allowed.* In lieu of using a portable sign as authorized by section 14., one on-premises banner sign may be displayed.
- (2) *Location.* On the property where the business is located; affixed to business structure and not above the roofline.
- (3) *Size.* The banner shall not exceed 32 square feet in sign area.
- (4) *Permits.* Required.
- (5) *Placement and removal.* The banner shall be placed no sooner than the begin date on the approved sign permit and shall be removed no later than the end date on the approved sign permit.

Sec. d. Residential real estate signs.

- (1) *Subdivision, Builder, or Model Home signs.*
 - (a) *Allowed.* One sign is allowed per three hundred feet (300') of main street frontage. Signs on model home lots do not count against this limit.
 - (b) *Location.*
 - (i) A lot, tract, or reserve that is not intended for sale and the maintenance of which is the responsibility of the builder, developer, or homeowner association. Such signs are commonly located at the main or secondary entrance of a subdivision or other residential development.
 - (ii) A lot on which a model home is located.
 - (c) *Size.* Each sign not to exceed 32 square feet in sign area.
 - (d) *Removal.* Such temporary real estate subdivision signs shall be removed 24 months from the date the permit is issued.
 - (e) *Permits.* Required.
- (2) *Single-family units.*
 - (a) *Allowed.* One temporary sign allowed for each single-family dwelling unit or lot to give information concerning leasing, renting, or selling of a single-family unit or lot.

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- (b) *Location.* Such temporary sign may be located anywhere on the premises except as restricted by the zoning ordinance, provided that such sign may not project beyond the property line and is only for the property upon which such sign is erected.
 - (c) *Size.* Each temporary sign not exceeding six square feet in sign area.
 - (d) *Removal.* Single-family residence signs shall be removed within ten days of the unit or lot being leased, rented, or sold.
 - (e) *Permits.* Not required.
- (3) *Multi-family units.*
- (a) *Allowed.* Two temporary signs shall be allowed for each complex to give information concerning leasing, renting, selling, or financing of the unit on the property upon which such sign is erected.
 - (b) *Location.* On the property where each complex is located.
 - (c) *Size.* Not to exceed six square feet in sign area.
 - (d) *Removal.* Signs must be removed within ten days after the time that the leasing, renting, selling, or financing of all the units in each complex occurs.
 - (e) *Permits.* Not required.
- (4) *Vacant acreage.*
- (a) *Allowed.* One temporary sign may be allowed for each street frontage advertising vacant acreage to give information concerning selling, leasing, or renting of the property.
 - (b) *Location.* On the property that is intended for sale, lease, or rent.
 - (c) *Size.* For vacant tracts of two acres or less, such sign shall not exceed 16 square feet in sign area; for vacant tracts of greater than two acres, such sign shall not exceed 32 square feet in sign area.
 - (d) *Removal.* Signs must be removed within ten days after the time that the acreage is has been sold, leased, or rented.
 - (e) *Permits.* Required.
- (5) *Temporary signs for new integrated business developments, shopping centers, office parks, and business parks.*
- (a) *Allowed.* One temporary sign for each street frontage of any new integrated business development, shopping center, office park, or business park to give information concerning leasing, renting, construction, financing or selling of such property upon which such sign is erected.
 - (b) *Location.* May be located at the entrance for the development.
 - (c) *Size.* The sign area for such temporary sign shall not exceed 32 square feet.
 - (d) *Removal.* Signs must be removed no later than 24 months after the date the permit is issued.
 - (e) *Permits.* Required.

Sec. e. Temporary direction signs.

- (1) *Allowed.* Temporary signs that direct the public to a special event of civic interest, such as parades, organized holiday festivities, or other special events which are conducted by and benefit charitable or nonprofit organizations. A maximum of up to two temporary direction signs are allowed per lot.
- (2) *Size.* Such signs shall not exceed 32 square feet in area.

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- (3) *Location.* Signs may be placed on private property with the permission of the property owner.
 - (4) *Removal.* Such signs are erected only for a period not to exceed ten days before and two days after the event.
 - (5) *Permits.* Not required under the following conditions: The event must be conducted by a charitable or nonprofit organization, all proceeds derived from such event will be used to further the purpose of said organization, and that the management and supervision of such event will be under the total control of the said organization. If all the above conditions are not met, a permit shall be required. The city shall contact event organizers when necessary to confirm that the event in question is charitable and/or nonprofit, consistent with the conditions herein.

Sec. f. Temporary political signs. Temporary political signs shall comply with the regulations set forth in Texas Local Election Code, Chapter 259. *Political Signs.*

- (1) Private property. No permit shall be required under this chapter for a sign that contains primarily a political message and that is located on private real property with the consent of the property owner, provided that such sign:
 - (a) Does not have a surface area greater than 36 feet, excluding the sign structure;
 - (b) Is not more than eight feet high;
 - (c) Is not illuminated; and
 - (d) Has no moving elements.
- (2) As used in this subsection, "private real property" does not include real property subject to an easement or other encumbrance that allows the city to use the property for a public purpose.
- (3) Public property.
 - (a) Prohibited. Except as provided in subsection (b)(2) of this section, a sign that contains primarily a political message is prohibited on public property, including the rights-of-way.
 - (b) Exception. A sign that contains primarily a political message may be in a designated area at least 100 feet from the main entrance to a polling place during a voting period at such polling place. An area may be designated by the city manager when a city facility is used as a polling place or by an official of another governmental entity when such entity's facility is used as a polling place. As used in this subsection, "voting period" means the continuous period beginning on the date that the polls are open for voting and ending on the date when the polls at such location are closed or the last voter has voted, whichever is later.
- (4) Removal. The sign administrator may remove and dispose of any political sign placed on public property or within the public rights-of-way.
- (5) *Permits.* Not required.

Sec. g. Garage sale signs.

- (1) *Allowed.* Up to four signs can be posted no more than 24 hours before the sale begins.
- (2) *Location.* Signs may be placed on private property with the permission of the property owner; no sign shall be placed on public property or in the city rights-of-way.
- (3) *Size.* Each sign shall not exceed six square feet in sign area.
- (4) *Removal.* Signs must be removed on the last day of the sale by day's end.
- (5) *Permits.* Not required.

Sec. h. Open house signs.

- (1) *Allowed.* Up to four signs for each open house. Once an open house has been held on a property, open house signs shall not be placed on the same property before the expiration of five days from the removal of the signs for the previous open house.
- (2) *Location.* Signs may be placed on private property with the permission of the property owner; no sign shall be placed on public property or in the city rights-of-way.
- (3) *Size.* Each sign shall not exceed six square feet in sign area.
- (4) *Removal.* Signs must be removed at the close of the open house.

Sec. i. Temporary street banner signs.

- (1) *Allowed.* Subject to the requirements of this section, charitable organizations and nonprofit organizations having a principal office in the city, Clear Creek Independent School District, and Friendswood Independent School District are allowed one temporary street banner sign during a calendar year to advertise an event to be held within the city limits and to which the general public is invited.
- (2) *Application.* A charitable and non-profit organization, CCISD, or FISD desiring a temporary street banner sign shall make application for a license to the director of public works at least sixty (60) days in advance of the advertised event. Such application shall be made in writing and shall include the following:
 - (a) The name and address of the charitable and non-profit organization, CCISD, or FISD located within the city's corporate limits conducting the public event as well as the name, address, phone number, and email address of the contact person for the application;
 - (b) The name, location, and dates of the event;
 - (c) The content of the temporary street banner sign;
 - (d) A copy of the signed permit or agreement from the state department of transportation for the temporary street banner sign;
 - (e) A license agreement, as prescribed by the city, for the temporary street banner sign, which agreement is executed by the charitable and non-profit organization, CCISD, or FISD;
 - (f) A certificate of insurance issued by a company authorized to do business in the state naming the city, its officers, and employees as an additional insured and including a waiver of subrogation in favor of the city, in amounts of not less than the amounts printed in Appendix D to this Code;
 - (g) A copy of proof of non-profit organization;
 - (h) A \$25 non-refundable application fee; and
 - (i) Such other information as may be requested by the director of public works.
- (3) *Materials.* All temporary street banner signs shall be constructed of porous material of at least 80 percent cotton mesh with tie-down ropes on each corner. The director of public works may promulgate additional standards as necessary to protect public health, safety, and welfare.
- (4) *Location.* Temporary street banner signs may only be erected in front of Stevenson Park and extend across Friendswood Drive from city designated poles.
- (5) *Size.* Each temporary street banner sign shall not exceed twenty-five feet (25') in width and no more than four feet (4') in height.
- (6) *Timing limitations.*

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- (a) Except as provided in subsection 7 of this section, temporary street banner signs, other than the city's temporary street banner signs, may be erected for no more than seven (7) consecutive days.
 - (b) No temporary street banner signs, other than the city's temporary street banner signs, shall be permitted each year during the following periods:
 - (i) The months of November and December;
 - (ii) Between June 20 and July 14;
 - (iii) Between the commencement date of early voting for a general or special municipal election and seven (7) days after the date of such election or any runoff election resulting therefrom.
 - (c) No charitable and non-profit organization, CCISD, or FISD shall be granted more than one temporary street banner sign permit in any calendar year.
- (7) Approval. Temporary banner sign permits along with the city license agreement must be approved by the city manager. The license agreement may extend the period specified in subsection f for no more than seven (7) additional consecutive calendar days by the city council if the city council makes the following findings:
- (a) The length of the event and the expected attendance at the event justify an extension of the permit;
 - (b) The general purposes of this section are observed and maintained; and
 - (c) The granting of such an extension will not be injurious to the public health, safety, or welfare.
- (8) *Fee.* If a permit application under this section is approved by the city manager, the permittee must pay the city \$100 prior to the erection of the banner to defray the city's cost.
- (9) *Revocation.* Notwithstanding anything in this code or in the license agreement to the contrary, the director of public works has the right, power, and authority to revoke a permit and terminate a license agreement if:
- (a) the temporary street banner sign poses a risk to the public health, safety and welfare as determined by the director of public works;
 - (b) the city manager determines that the licensee has breached the license agreement; or
 - (c) the city council approves another temporary street banner sign that is to be on display after the period specified in subsection f.1 of this section but during an extension granted pursuant to subsection (7), and there is no other banner space available.
- (Ord. No. 2005-08, § 11, 3-21-2005; Ord. No. 2014-22, § 2, 9-8-2014; Ord. No. 2014-38, § 1, 1-5-2015)

Secs. 16—20. Reserved.

Sec. 21. Permanent signs in residential districts.

- a. *Applicability.* This section shall apply to all residential districts as defined in the zoning ordinance as well as PUDs and SUPs with residential components.

b. *Multifamily residential subdivisions.*

- (1) For each multi-family residential subdivision, a maximum of two wall or monument signs with a combined total sign area not exceeding 50 square feet shall be allowed.
- (2) Allowed signs may be anywhere on the premises except as restricted by the zoning ordinance and this appendix. They may not project beyond any property line and, if ground-mounted, the top shall not be more than seven feet over natural ground level.

c. *Single-family residential subdivisions.* Each single-family residential subdivision is allowed one monument entrance identification sign at each entrance not to exceed 50 square feet. However, two signs with a maximum of 32 square feet each may be placed on opposite sides of the entrance in lieu of a single 50-square-foot sign. The top of such signs shall be not more than seven feet over natural ground level. As part of one sign, a changeable copy area not exceeding six square feet shall be allowed for the purpose of placing civic announcements by the homeowners' association.

(Ord. No. 2005-08, § 17, 3-21-2005; Ord. No. 2014-38, § 1, 1-5-2015)

Sec. 22. Permanent signs in nonresidential districts.

a. *Applicability.* This section shall apply to all nonresidential districts as defined in the zoning ordinance as well as PUDs and SUPs with nonresidential components.

b. *Wall signs.*

- (1) Wall signs are allowed for each business establishment with an allowable total sign area of 1½ square feet for each linear foot of business frontage.
- (2) Where two or more tenants utilize a common building, the total allowable wall sign area shall be equal to 1½ square feet for each linear foot of business frontage. It shall be the responsibility of the property owner to allocate such sign area to each tenant. A master sign plan drawn to a standard architectural or engineering scale shall be submitted to the community development department for this type of project showing the exact size and location of each sign for this project.
- (3) Each tenant's wall sign must be attached to that part of the building in which the tenant is located.

c. *Monument signs.*

- (1) *Individual monument sign.* One monument sign is allowed for each business establishment, with an allowable sign area of 50 square feet. The highest part of any such sign or structure shall not be greater than seven feet above the highest finished grade at the front property line. Monument signs must be permitted separately from the building permit.
- (2) *Multi-tenant monument sign.* Where two or more tenants make up a business establishment, they shall collectively be entitled to one monument sign that would be authorized for said business establishment. The total sign area shall not exceed 50 square feet plus ten square feet for each tenant in the complex up to a maximum of 100 square feet. The highest part of any such sign or structure shall not be greater than seven feet above the highest finished grade at the front property line. It shall be the responsibility of the property owner to allocate such sign area to each tenant. A master sign plan drawn to a standard architectural or engineering scale shall be submitted to the community development department for this type of project showing the exact size and location of each sign for this project.
- (3) *Shared monument sign.* Business establishments on contiguous lots may utilize one common monument sign. Such sign shall be placed on either of the contiguous lots and sign dimensions and requirements will be the same as a multi-tenant monument sign.

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- (4) *Changeable copy signage.* Up to 25 square feet of the allowable monument sign area may be used for changeable copy signage.
 - (5) *Second monument sign.* A second monument sign is allowed for business establishments with buildings consisting of 40,000 square feet or more. Consideration and approval of a second monument sign shall be based on the square footage of buildings shown on an approved site plan for the entire business establishment. The second monument sign may be constructed as part of the initial site construction but shall not be advertised on until the square footage of the structures constructed on-site exceeds 40,000 square feet. The second monument sign must be permitted separately.
- d. *Option for directory sign in office park district (OPD) and business park districts (BP).*
- (1) One monument sign for the sole purpose of uniformly listing the names of the tenants is allowed for each building in which there are multiple tenants in the office complex if the complex chooses not to use wall signs.
 - (2) The total sign area of such sign shall not exceed 240 square inches per tenant.
 - (3) Such signs shall not exceed five feet in height and shall be located within 20 feet of the building.
- e. *Fast-food/drive-through menu boards.* Menu reader boards for fast-food/drive-through restaurants shall not be considered as a ground sign if such menu board is screened from adjacent buildings or structures. Landscaping around menu boards shall be required to screen to the degree reasonably possible such menu board from abutting properties.
- f. *Off-premises directional signs.* Off-premises directional signs of up to a maximum of four-square feet are allowed if the property on which the sign is located and the property which is described in the sign are contiguous. The permit application shall be signed by both property owners.
- g. *Fuel canopy signs.* Fuel canopy signs are allowed for each gasoline station with an allowable total sign area of .5 square feet for each linear foot of canopy measured along the shortest side of the canopy.
- (Ord. No. 2005-08, § 18, 3-21-2005; Ord. No. 2008-14, § 2, 6-2-2008; Ord. No. 2014-38, § 1, 1-5-2015)

Sec. 23. Reserved.

Sec. 24. Signs on vehicles.

- a. No type of vehicle, including, but not limited to, cars, trucks, motor-driven cycles, or vehicles built of miscellaneous parts of other vehicles, such as sand or dune buggies, and no type of trailer, boat, or other similar type of property shall be placed on private property within the city for the purpose of advertising such item for rent, sale, or lease unless such property is on the premises where the owner of such property advertised for sale or lease resides or conducts business or is on the premises of a business establishment engaged in the rental, sale, or lease of such property.
- b. A motor vehicle not used on a regular basis for the transportation of persons or property, or that is inoperable, shall not be parked or stored with one or more signs displayed thereon or otherwise used as a substitute sign structure.
- c. Any vehicle containing advertising must be parked in an approved parking space and shall not be parked for a continuous period exceeding 72 hours. Any such vehicle is prohibited from otherwise being parked upon any public rights-of-way, including, but not limited to, public sidewalks, streets, alleys, or other public property, with one or more signs displayed thereon or otherwise used as a substitute sign structure.

(Ord. No. 2010-40, § 3, 1-10-2011; Ord. No. 2014-38, § 1, 1-5-2015)

Sec. 25. Nonconforming signs.

- a. *Definition.* A nonconforming sign shall be any sign that does not comply with the requirements of this appendix, and which was in existence prior to the effective date of the enabling ordinance, whether permitted or not by the city's building division.
 - (1) It is the intent of this appendix to permit those nonconforming signs to continue until they are removed, but not to encourage their survival.
- (2) A sign permit issued by the city's building division is required for any repair work to be performed under this subsection.b. *Exemptions. Signs*
 - (1) Signs lawfully in place on Month Day, 2023, the effective date of these requirements.
 - (2) Sign associated with an issued Certificate of lawful nonconformity issued by the city's building division for existing lawfully nonconforming signs in 2008.
- c. *Repair, appearance, and alteration.* Nonconforming signs, and any part thereof, shall be kept in good repair, as to structure, electrical and appearance components, and no structural alterations of any kind shall be made thereto that increases the existing extent of nonconformity. A nonconforming sign may have its message changed, face replaced, or be illuminated internally or externally if the existing extent of nonconformity is not increased.
- d. *Replacement.* If a nonconforming sign or sign structure, or a substantial part of it, is damaged, destroyed, or dismantled for any purpose (other than maintenance operations or for changing the letters, symbols, or other matter on the sign), in an amount more than 60 percent of the cost of erecting a new sign of the same type at the same location, the sign and any sign structure shall be replaced with a new sign conforming to the requirements of this appendix.
- e. *Removal.* Obsolete signs shall be removed or brought into compliance with the other provisions of this appendix, not later than the first anniversary date that the sign, or any part thereof, first became obsolete. If the premises upon which the obsolete sign, or any part thereof, is leased, then the obsolete sign, or any part thereof, shall be removed or brought into compliance with the other provisions of this appendix, not later than the second anniversary date that the sign, or any part thereof, becomes obsolete, as established by the date of the tenant most recently ceasing to operate on the premises after the effective date of the enabling ordinance. These provisions are in accordance with the provisions of V.T.C.A., [Local Government Code] § 216.003(e) and (f).
 - (1) If the owner fails to remove or render blank the sign within the prescribed time, the sign administrator shall notify the owner by certified mail to correct the violation within ten days after receipt of notification of violation. If the owner does not correct the violation, the sign administrator may remove the sign at the property owner's expense.
 - (2) An obsolete business may be determined by disconnection of water, sewer, power, postal service, or any other indicators of vacancy.
- f. *Conversion of existing billboards to changeable electronic variable message signs (CEVMS).*
 - (1) The overall size, height, location, and number of support poles used to support the sign structure of the existing billboard shall not be altered.
 - (2) Electrical service to the sign must be underground from the property line to the sign.
 - (3) Each message on an electronic sign shall be displayed for at least eight seconds, and a change of message shall be accomplished within two seconds.
 - (4) A change of message must occur simultaneously on the entire sign face.

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- (5) No flashing, dimming, or brightening of the message is permitted except to accommodate changes of messages.
 - (6) Malfunction. CEVMS sign operators must respond to a malfunction or safety issue within one hour after notification and must remedy that malfunction or safety issue within 12 hours after notification. In case of a sign malfunction, the digital display must freeze until the malfunction is remedied.
 - (7) Display of emergency information. The city may exercise its police powers to protect public health, safety, and welfare by requiring emergency information to be displayed on digital display signs. Upon notification, the sign operators shall display amber alerts, silver alerts, information regarding terrorist attacks, natural disasters, and other emergency situations in appropriate sign rotations. Emergency information messages must remain in rotation according to the issuing agency's protocols.
 - (8) Public service announcements. Companies shall permit the city to place one public service announcement on each of the digital billboards for up to the equivalent time of an eight-week period for each year; provided, however, that such public service announcements shall consist of one slot of at least eight seconds in the standard rotation utilized by the advertising company on the applicable digital billboards.
 - (a) Public service announcements shall be limited to city-sponsored event announcements and city-related public health, safety, and welfare announcements. The city shall be responsible for:
 - (i) Providing the company with its public service announcements, which may be updated by the city at any time; and
 - (ii) Any costs associated with providing the company with the artwork in an acceptable format.
 - (b) The public service announcements must be submitted to the company at least five business days before the proposed display date. Content of public service announcements shall be determined in the sole discretion of the city. In addition:
 - (i) The company shall provide use of the advertising space on the digital billboards, as reasonably necessary for emergency broadcasts, amber alerts, and silver alerts; and
 - (ii) The company and city will work cooperatively and in good faith for the city to place additional city-related public service announcements on a space availability basis.
 - (9) The sign owner shall provide to the department contact information for a person who is available to be contacted at any time, and who is able to turn off the electronic sign promptly after a malfunction occurs.
 - (10) If the city finds that an electronic sign causes glare or otherwise impairs the vision of the driver of a motor vehicle or otherwise interferes with the operation of a motor vehicle, the owner of the sign, within 12 hours of a request by the city, shall reduce the intensity of the sign to an acceptable level.
 - (11) The sign owner or its designated contractor shall obtain permits and comply with adopted codes, including building and electrical codes.

(Ord. No. 2005-08, § 21, 3-21-2005; Ord. No. 2008-11, § 3, 5-19-2008; Ord. No. 2014-38, § 1, 1-5-2015; Ord. No. 2017-22, § 2, 9-11-2017)

Sec. 26. Exceptions and exemptions.

The following described signs are exempt from the provisions of this appendix except for sections 5 through 13 inclusive:

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- a. Professional nameplates and occupational signs denoting only the name and occupation of an occupant in a commercial building or public institutional building, and not exceeding two square feet in area.
 - b. Identification nameplates or signs on apartment houses, boardinghouses or rooming houses, or similar uses, not exceeding two square feet in area.
 - c. One nameplate denoting only the name of the occupants of a dwelling, and not exceeding two square feet in area nor located closer than three feet to the property line.
 - d. Memorial and/or historical signs as designated by federal, state, or local governments.
 - e. Traffic or other municipal signs, legal notices, or danger signs by federal, state, or local governments.
 - f. Warning signs or trespassing signs on private property, not exceeding two square feet in area.
 - g. Signs required by any law or regulation of the federal, state, or local governments.
 - h. On-premises directional signs for setting forth the location of or directions to parking or buildings located on the premises, warning of on-premises obstacles or overhead clearances, or regulating the flow of on-premises traffic, including entrance and exit signs. Such signs may be lighted, consistent with other requirements for sign lighting, and not exceeding two square feet in area, provided such sign is not prohibited or further regulated by any other ordinance of the city.
 - i. Street banners erected by the city advertising a bona fide public event such as legal holidays, nonpolitical election instructions, and similar occasions.
 - j. Civic and religious organization signs. The city council may erect, or approve and permit to be erected, entrance signs at or near the city limits for the benefit of visitors, on which may be listed institutional names, religious organizations, and points of interest. Civic organizations and religious organizations may be permitted to place their insignias thereon. In addition, each institution may erect a maximum of four off-premises directional signs, with permission of the property owner, if each sign does not exceed four square feet.
 - k. Signs on motor vehicles, as such term "motor vehicle" is defined in Vernon's Tex. Transportation Code Ann. § 541.201(11) (V.T.C.A., Transportation Code § 541.201(11)), as amended, when the primary use of such motor vehicle is the transportation of persons or property; is not parked or located for the primary purpose of displaying the sign, and is not parked on a site for a continuous period exceeding 72 hours.
 - l. Flags of the United States, the state, or any other political subdivision; or any flag of a religious, fraternal, or charitable organization; flags of a historic, political, religious, or military nature displayed on residential property with the consent of the owner.
 - m. Company flags displaying only a company logo, provided such flag is affixed to a flagpole and the length of flag does not exceed one-quarter of the height of the flagpole.
 - n. Decorations for stores, storefronts, and yards from November 20 through January 10 of each year commemorating the holiday season and from June 27 through July 7 of each year commemorating Independence Day.
 - o. Sculptures, statues, or works of art; provided, however, that such object or structure is not identifiable in any way, by use of a trademark or logo, advertising campaign link, or other business activity.
 - p. Signs containing noncommercial messages or messages otherwise protected by the constitutions of the United States or the state; provided, however, that there shall be no more than four such signs on any one property and the total square footage of all such signs shall not exceed 36 square feet.

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- q. *Automated teller machine (ATM) signage.* Signage on the cabinet, such as a graphic wrap, or directional signs to an automated teller machine.

(Ord. No. 2005-08, § 22, 3-21-2005; Ord. No. 2014-38, § 1, 1-5-2015)

Sec. 27. Variances.

A variance may be authorized by the zoning board of adjustment under this appendix only for height of sign and setback of signs and sign structures. Further, it is the purpose and intent of the city council that no variance is granted under the terms of this appendix unless undue hardship will result therefrom. Undue hardship shall mean that strict application of the requirements hereof relating to height and setback of signs and sign structures shall deprive the applicant of reasonable use of his property.

(Ord. No. 2014-38, § 1, 1-5-2015)

Sec. 28. Appeals.

- a. All appeals to the zoning board of adjustment shall be perfected by a request in writing to the building official for a hearing, in which the following information shall be contained:
 - (1) Name, address, and primary e-mail address of the person making the appeal;
 - (2) Facts surrounding the particular ruling or refusal to make a ruling;
 - (3) The ruling, if any, of the sign administrator; and
 - (4) Reasons why such ruling should be set aside, or if a ruling was refused, why such ruling should be made.

Appeals must be perfected within 30 days after the decision of the sign administrator.

- b. An application for appeal shall be based on a claim that the true intent of the applicable code or the rules legally adopted thereunder have been incorrectly interpreted or the provisions of the code do not fully apply.
- c. The sign administrator shall take prompt action in accordance with the decision of the zoning board of adjustment.
- d. During the pendency of any appeal to the zoning board of adjustment, the ruling of the sign administrator shall be in full force and effect.