



PLANNING & ZONING COMMISSION
Regular Meeting
February 15, 2011 – 6:30 P.M.

NOTICE is hereby given of a **Regular Meeting** of the Planning and Zoning Commission of the City of Dickinson, Texas to be held on **Tuesday, February 15, 2011 at 6:30 p.m.** in the Council Chambers at City Hall, 4403 Highway 3, for the purpose of considering the following numbered items. The Planning and Zoning Commission of the City of Dickinson, Texas, reserves the right to meet in a closed session on any of the below items should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code

ITEM 1) CALL TO ORDER AND CERTIFICATION OF A QUOROM:

Roll call of members
Invocation
Pledge of Allegiance

ITEM 2) CONSIDERATION AND POSSIBLE ACTION REGARDING:

Approval of the minutes for December 21, 2010.

ITEM 3) PUBLIC HEARING:

A request to amend Section 18-11, Definitions of Terms and Phrases, of Article II, Definitions, of Chapter 18, Zoning, of the Code of Ordinances of the City of Dickinson, Texas to add definitions for "Bar," "Nightclub," and "Dance Hall"; Revising Section 18-58, Uses Requiring Specific Use Permit, of Article V, Specific Uses, of Chapter 18, Zoning, of the Code of Ordinances to require that Bars, Nightclubs and Dance Halls in either Neighborhood Commercial or General Commercial Zoning Districts must obtain a Specific Use Permit.

ITEM 4) CONSIDERATION & POSSIBLE ACTION REGARDING:

A request to amend Section 18-11, Definitions of Terms and Phrases, of Article II, Definitions, of Chapter 18, Zoning, of the Code of Ordinances of the City of Dickinson, Texas to add definitions for "Bar," "Nightclub," and "Dance Hall"; Revising Section 18-58, Uses Requiring Specific Use Permit, of Article V, Specific Uses, of Chapter 18, Zoning, of the Code of Ordinances to require that Bars, Nightclubs and Dance Halls in either Neighborhood Commercial or General Commercial Zoning Districts must obtain a Specific Use Permit.

ITEM 5) DISCUSSION AND DIRECTION:

Concerning the Creation of a Highway 3 Overlay Zoning District.

ITEM 6) DISCUSSION AND DIRECTION:

Concerning the Creation of an Intermediate Zoning District Between the Neighborhood Commercial (NC) and the General Commercial (GC)



PLANNING & ZONING COMMISSION
Regular Meeting
February 15, 2011 – 6:30 P.M.

Zoning Districts.

ITEM 7) DISCUSSION AND DIRECTION:
Concerning Reclassification of the Sign District Designation for FM 646 from Sign District Zone C to Sign District Zone B.

ITEM 8) ADJOURN

CERTIFICATION

This is to certify that a copy of the notice of a regular meeting of the Planning and Zoning Commission for **Tuesday, February 15, 2011** was posted on the bulletin board at City Hall, 4403 State Highway 3, Dickinson, Texas, on this the 10 day of **February, 2011**, prior to 5:00 p.m.

Kevin Byal, Chief Building Official

In compliance with the Americans With Disabilities Act, we will provide for reasonable accommodations for disabled persons attending our meetings. Request should be received at least 24 hours prior to the scheduled meeting by contacting the City Secretary's office at (281) 337-2489, ext. 217.

MINUTES

CITY OF DICKINSON Planning and Zoning Commission Regular Meeting December 21, 2010

A Regular Meeting of the Planning and Zoning Commission of the City of Dickinson, Texas held on December 21, 2010 at 6:30 p.m. at City Hall, 4403 State Highway 3, for the purpose of considering the following items:

ITEM 1) CALL TO ORDER:

Chairman R.G. Reeder called the meeting to order at 6:30 PM.

Commission members present were Chairman R.G. Reeder, Greg Smith, Paul Slater, John Overton, Jeff Adams and Ed Mokowski. The Permit Technician called roll and certified a quorum. City Staff present were Building Official-Kevin Byal, Assistant Building Official-Ray Burgess and Permit Technician-David Lopez.

Chairman R.G. Reeder gave the invocation and led the Pledge of Allegiance.

ITEM 2) CONSIDERATION AND POSSIBLE ACTION REGARDING:

Approval of the minutes for November 16, 2010.

Jeff Adam made a motion to approve the minutes for November 16, 2010, Bill Bonham seconded the motion. **MOTION PASSED UNANIMOUSLY**

ITEM 3) CONSIDERATION & POSSIBLE ACTION REGARDING:

Request for Final plat approval for Bayou Lakes Section 2A. A subdivision of 15.06 Acres out of the Perry and Austin Upper League, A-19, City of Dickinson, Galveston County, Texas on property zoned "CR" (Conventional Residential) consisting of 58 lots, 5 blocks and 1 reserve.

Bill Bonham made a motion to approve the Final plat. Greg Smith seconded the motion.

MOTION PASSED UNANIMOUSLY

ITEM 9) ADJOURN

The meeting was adjourned at 6:55pm.

Planning & Zoning Chairman

**Dickinson Planning & Zoning Commission
Agenda Item Data Sheet**

MEETING DATE February 15, 2011

TOPIC:	Consideration and possible action regarding a request to amend Section 18-11, Definitions of Terms and Phrases, of Article II, Definitions, of Chapter 18, Zoning, of the Code of Ordinances of the City of Dickinson, Texas to add definitions for “Bar,” “Nightclub,” and “Dance Hall”; Revising Section 18-58, Uses Requiring Specific Use Permit, of Article V, Specific Uses, of Chapter 18, Zoning, of the Code of Ordinances to require that Bars, Nightclubs and Dance Halls in either Neighborhood Commercial or General Commercial Zoning Districts must obtain a Specific Use Permit.
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BACKGROUND:	During the January 11, 2011 City Council workshop, staff discussed issues surrounding the absence of regulations concerning bars, nightclubs and dance halls in the zoning ordinance. Council directed staff to prepare an ordinance to amend the text of the zoning ordinance that would provide a definition and require these types of uses to acquire approval through the application of a Specific Use Permit. The zoning ordinance requires a public hearing to consider any amendments to the zoning ordinance text.
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RECOMMENDATION:	Staff recommends approval
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ATTACHMENTS:	<ul style="list-style-type: none">• Draft Ordinance
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SUBMITTING STAFF MEMBER:	Kevin Byal, Chief Building Official
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ACTIONS TAKEN

APPROVAL <input type="checkbox"/> YES <input type="checkbox"/> NO	OTHER
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ORDINANCE NUMBER XXX-2011

AN ORDINANCE OF THE CITY OF DICKINSON, TEXAS, AMENDING SECTION 18-11, DEFINITIONS OF TERMS AND PHRASES, OF ARTICLE II, DEFINITIONS, OF CHAPTER 18, ZONING, OF THE CODE OF ORDINANCES TO ADD DEFINITIONS FOR “BAR,” “NIGHTCLUB,” AND “DANCE HALL”; REVISING SECTION 18-58, USES REQUIRING SPECIFIC USE PERMIT, OF ARTICLE V, SPECIFIC USES, OF CHAPTER 18, ZONING, OF THE CODE OF ORDINANCES TO REQUIRE THAT BARS, NIGHTCLUBS AND DANCE HALLS IN EITHER NEIGHBORHOOD COMMERCIAL OR GENERAL COMMERCIAL ZONING DISTRICTS MUST OBTAIN A SPECIFIC USE PERMIT; PROVIDING FOR THE INCORPORATION OF PREAMBLE; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION HEREOF; AND PROVIDING A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, the City Council finds that it is in the best interest of the health, safety, and welfare of the citizens of the City of Dickinson to regulate the location of bars, dance halls and nightclubs by use of Specific Use Permit (SUP); and

WHEREAS, the City Council is of the opinion and finds that the regulations contained in this Ordinance are in the best interest of the health, safety, and welfare of the Citizens;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DICKINSON, TEXAS, THAT:

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. Section 18-11, Definitions, of Article II, Definitions, of Chapter 18, Zoning, of the Code of Ordinances of the City of Dickinson, Texas, is hereby amended by the addition of the following definitions of “Bar”, “Nightclub,” and “Dance Hall”:

“Bar or Nightclub shall mean any room, space, structure, building or resort open to the public, enclosed or unenclosed, where food or beer or wine, or other alcoholic beverage is served on the premises, and where patrons are provided with a space for dancing, or are permitted to dance. This term does not include restaurants and cafes, unless more than seventy-five (75%) of the total revenues of such restaurant or café are derived from the sale of alcoholic beverages.”

“Dance Hall shall mean an establishment open to the general public for entertainment, in particular, dancing.”

Section 3. Section 18-58, Uses Requiring Specific Use Permit, of Article V, Specific Uses, of Chapter 18, Zoning, of the Code of Ordinances of the City of Dickinson, Texas, is hereby revised to read as follows:

“Sec. 18-58. Uses requiring specific use permit.

In addition to the certificates of zoning compliance called for in this chapter, a specific use permit shall be required before the following specific uses can be permitted within the district specified:

<i>Use</i>	<i>Permitted Districts</i>
Airport, landing field, or landing strip for aircraft, including helipads and landing areas for other types of aircraft	All Districts
Automotive sales, new or used, leasing, service and repair shops, including auto bodywork shops	GC
Bars	NC, GC
Bed and breakfasts	RR, CR
Boat/RV storage, sales, leasing and service establishments	GC, GI
Car, Truck and RV washing facilities	GC
Cement/concrete plant	GI
Child day care centers	NC
Churches	All Districts
Circus or carnival grounds, but not within three hundred (300') of any residential district or use	NC, GC, GI
Community Center	DOS
Correctional institutions or facilities (public or private)	GC, GI
Dance Halls	NC, GC
Flea market	GC
Gamerooms	GC
Golf courses	RR, CR, SR, HR, MH
Group day care homes	RR, CR
Group homes, as defined in Article II, Definitions	RR, CR, SR, HR, MH
Livestock facilities and operations	RR, GI
Mini-warehouses	GC, GI
Nightclubs	NC, GC
Nonprofit recreational facilities (other than private recreational facilities permitted by use in RR, CR, SR, HR, and MH)	RR, CR, SR, HR, MH
Parking lots	DOS
Radio, television, telephone or communication broadcast tower or station of any type, subject to Chapter 16.5, Telecommunication Towers, of the Dickinson Code of Ordinances	RR, GC, GI
Restaurants that serve alcohol	NC
Recreational vehicle parks	GC
Registered family homes	CR
Salvage yards, junk yards, vehicle storage facilities or	GI

similar operations	
Schools, public or private	All Districts
Sexually oriented businesses	GC
Slaughterhouses, rendering operations, or other similar operations	GI
Swimming pool	DOS

Section 4. All provisions of the ordinances of the City of Dickinson in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Ordinances of the City of Dickinson not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section 5. The repeal of any ordinance or part of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

Section 6. Any person who shall intentionally, knowingly, recklessly or with criminal negligence violate any provision contained in this Ordinance, or who shall commit or perform any act declared herein to be unlawful, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount of not less than one dollar (\$1.00) and not more than two thousand dollars (\$2,000.00). Each day a violation continues shall constitute a separate offense.

Section 7. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Dickinson, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

DULY PASSED AND APPROVED on first reading this the _____ day of _____, 2011.

DULY PASSED AND APPROVED on second and final reading this _____ day of _____, 2011.

DULY PASSED, APPROVED, AND ADOPTED on third and final reading this _____ day of _____, 2011.

Julie Masters, Mayor
City of Dickinson, Texas

ATTEST:

Carol L. McLemore, City Secretary
City of Dickinson, Texas

APPROVED AS TO FORM AND CONTENT:

Loren B. Smith, City Attorney
City of Dickinson, Texas

**Dickinson Planning & Zoning Commission
Agenda Item Data Sheet**

MEETING DATE February 15, 2011

TOPIC:	Discussion and Direction Concerning the Creation of a Highway 3 Overlay Zoning District.
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BACKGROUND:	<p>As the City of Dickinson strives to enhance its image and entice new businesses to locate in our city, appearances of the city's "Gateway's" or "Entrances" can heavily influence a person's decision to locate their business here.</p> <p>Highway 3 is one such "Gateway". Although the City has zoning, an overlay district will give the City the ability to elevate the architectural standards and define additional uses that will promote a "Main Street" feel welcoming visitors and future business owners coming to Dickinson.</p> <p>City Administrator Julie Johnston will discuss this item with the Commission at the meeting.</p>
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RECOMMENDATION:	None at this time.
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ATTACHMENTS:	None
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SUBMITTING STAFF MEMBER:	Kevin Byal, Chief Building Official
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ACTIONS TAKEN

APPROVAL <input type="checkbox"/> YES <input type="checkbox"/> NO	OTHER
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**Dickinson Planning & Zoning Commission
Agenda Item Data Sheet**

MEETING DATE February 15, 2011

TOPIC:	Discussion and Direction Concerning the Creation of an Intermediate Zoning District Between the Neighborhood Commercial (NC) and the General Commercial (GC) Zoning Districts.
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BACKGROUND:	When comparing the permitted uses between the Neighborhood Commercial and the General Commercial zoning districts, there appears to be a gap in the intensity of permitted uses. Staff will be discussing with the Commission the possibility of creating an in intermediate zoning district that would be an avenue in bridging that gap.
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RECOMMENDATION:	None at this time.
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ATTACHMENTS:	None
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SUBMITTING STAFF MEMBER:	Kevin Byal, Chief Building Official
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ACTIONS TAKEN

APPROVAL <input type="checkbox"/> YES <input type="checkbox"/> NO	OTHER
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**Dickinson Planning & Zoning Commission
Agenda Item Data Sheet**

MEETING DATE February 15, 2011

TOPIC:	Discussion and Direction Concerning Reclassification of the Sign District Designation for FM 646 from Sign District Zone C to Sign District Zone B.
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BACKGROUND:	<p>The City of Dickinson sign ordinance designates Sign Districts in all areas of the city which in turn assigns a maximum size for permitted signs.</p> <p>Although FM 646 is similar in size, traffic activity and zoning districts as the other major thoroughfares within the City, it has been assigned to a district with the most restrictive sign regulations. In order to allow commercial development along FM 646 to have the same type of signage as other commercial development on the City's major thoroughfares, Staff recommends reclassifying FM 646 from Sign District Zone C to Sign District Zone B.</p>
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RECOMMENDATION:	
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ATTACHMENTS:	<ul style="list-style-type: none">• Copy of Chapter 15.1, Signs, of the City of Dickinson's Code of Ordinances
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SUBMITTING STAFF MEMBER:	Kevin Byal, Chief Building Official
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ACTIONS TAKEN

APPROVAL <input type="checkbox"/> YES <input type="checkbox"/> NO	OTHER
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[Sec. 15.1-1.](#) - Purpose.

The purpose of this chapter is to establish reasonable regulations for the design, construction, installation, and maintenance of all exterior signs within the City of Dickinson in order to:

(1)

Balance the right of individuals to identify their businesses and convey their messages and the right of the public to be protected against the unrestricted proliferation of signs;

(2)

Further the objectives of the city's comprehensive plan;

(3)

Protect the public health, safety, and welfare;

(4)

Reduce traffic hazards;

(5)

Facilitate the creation of an attractive and harmonious community;

(6)

Protect property values;

(7)

Promote economic development; and

(8)

Preserve the right of free speech exercised through the use of signs containing noncommercial messages.

(Ord. No. 338-98, Art. I, 2-24-98)

[Sec. 15.1-2.](#) - Definitions.

As used in this chapter, unless the context indicates otherwise:

Advertising shall mean to seek the attraction of or to direct the attention of the public to any goods, services, business, activity, or merchandise of any kind or type.

Amateur ball park signs shall mean those signs constructed, attached, hung, placed, suspended, affixed, or painted upon a structure in an amateur ball park which seek the attention of or direct the attention of patrons of the ball park to any goods, services, business, activities, or merchandise of any kind or type.

Business establishment shall mean any property, building, or structure, permanent or temporary, used for the purpose of conducting in said building or structure, or on said property, a legitimate commercial enterprise in compliance with all ordinances and regulations of the city governing such activity; business establishment shall not include any property, building, or structure used for the primary purpose of securing a permit to erect a sign.

Business purposes shall mean the erection or use of any property, building, or structure, permanent or temporary, used for the purpose of conducting in said building or structure, or on said property, a legitimate commercial enterprise in compliance with all ordinances and regulations of the city governing such activity; business purpose shall not include any property, building, or structure erected or used for the primary purpose of securing a permit to erect a sign.

Erect shall mean to build, construct, attach, hang, place, suspend, affix, or paint a sign.

Facing or *surface* shall mean the surface of the sign upon, against, or through which a message is displayed or illustrated on the sign.

Illuminated sign shall mean any sign that has characters, letters, fixtures, designs, or outlines illuminated externally by electric lights or internally by luminous tubes.

Incombustible material shall mean any material that will not ignite at or below a temperature of twelve hundred (1200) degrees Fahrenheit and will not continue to burn or glow at that temperature.

Monument sign shall mean any freestanding sign having a low profile and made of masonry, metal, rounded wood planks or beams, durable plastic or similar materials, including individual lettering, which repeat or harmonize with the architecture of the establishment it serves. Monument signs must be built on a monument base as opposed to a pole base. A message board or electronically displayed date, time, and temperature may not occupy more than twenty-four (24) square feet of the area of sign face.

Multifamily dwelling complex shall mean a townhouse, condominium, or apartment complex of one (1) or more buildings or portions thereof located on a single tract of land which contain three (3) or more separate dwelling units which share means of egress and other essential facilities.

Off-premise sign shall mean any sign advertising a business, person, activity, goods, products, or services not usually located on the premises where the sign is installed and maintained, or which directs persons to any location not on the premises.

On-premise sign shall mean any sign identifying or advertising the person, activity, goods, business, products, or services primarily sold or offered for sale on the premises or property where the sign is installed and maintained when such premise is used for business purposes.

Permittee shall mean a person receiving a sign permit pursuant to the provisions of this chapter.

Person shall mean an individual, company, corporation, partnership, association, or any other entity.

Pole sign shall mean any sign supported by one (1) or more columns, poles, uprights, or braces anchored in or on the ground and not attached to any building and as defined by the Standard Building Code adopted by Chapter 5 of this Code.

Portable sign shall mean any sign designed or constructed to be easily moved from one (1) location to another and which is mounted upon or designed to be mounted upon a wheeled carrier or other framed structure.

Residential purposes shall mean property devoted to use as a single-family or multifamily residence. Residential purposes shall include, but not be limited to, property used for houses, apartments, duplexes, condominiums, townhouses, townhomes, and patio homes; property used for hotels, motels, and boardinghouses shall not be considered as used for residential purposes.

Right-of-way shall mean that property or right-of-way owned by the city, country, or state and used for the purposes of roads, highways, drainage, and public utilities.

Shopping center or *integrated business development* shall mean a commercial development, such as a strip center, mall, multitenant office building, commercial center, or industrial complex, in which two (2) or more separate businesses occupy a single or multiple structure which share on-site parking facilities and common driveways.

Sign shall mean any writing, pictorial representation, illustration, emblem, symbol, design, or other figure of similar character which is a structure or a part thereof, or is attached to or in any manner represented on a building or other structure, is placed out of doors in view of the general public, and is used for purposes of advertisement, announcement, declaration, demonstration, display, identification, or expression. The term "sign" shall include the sign structure.

Sign administrator shall mean the person appointed by the mayor and approved by the city council to administer, enforce, and carry out the terms and conditions of this chapter and all other provisions of laws or ordinances relating to signs.

Sign permit shall mean a permit issued by the city to erect a sign. Additionally, a sign permit refers to the continuing authorization by the city for the permit holder to maintain and operate a sign within the city while such sign conforms with the provisions of this chapter.

Sign structure shall mean any structure, device, or system which supports or is capable of supporting a sign.

Snipe signs or *bandit signs* shall mean signs which are tacked, nailed, posted, pasted, glued, or otherwise attached to stakes or other like objects, the advertising on which is not applicable to the premises or property on which it is located.

Temporary business sign shall mean any sign, banner, pennant, or other advertising display constructed of cloth, canvas, light fabric, cardboard, or other light materials, with or without frames, with or without words, intended to be displayed for a limited period of time on the property of the business.

Wall sign shall mean any sign mounted parallel to a wall of any building extending eighteen (18) inches or less horizontally from the structure to which it is affixed.

Wind device sign shall mean any flag, banner, pennant, streamer, balloon, or similar sign made of cloth, canvass, plastic, or other flexible material, with or without a frame or other supporting structure, that moves or is designed or intended to move or blow in the wind.

(Ord. No. 338-98, Art. I, 2-24-98; Ord. No. 343-98, § 1, 4-28-98; Ord. No. 390-99, § 1, 1-25-00)

[Sec. 15.1-3.](#) - Sign districts created.

There are hereby created the following sign districts:

(1)

Sign District A. Sign District A shall include all property located within the city adjacent to and fronting on the right-of-way of I-45 and its frontage roads, adjacent to and fronting on the right-of-way of State Highway 517 West from I-45 to Hughes Lane, and all property adjacent to and fronting on the right-of-way of State Highway 517 East from I-45 to Spruce Street.

(2)

Sign District B. Sign District B shall include all property located within the city adjacent to and fronting on the right-of-way of State Highway 3 and all property located within the City adjacent to and fronting on the right-of way of State Highway 517 which is not included within Sign District A.

(3)

Sign District C. Sign District C shall include all property that is not located within Sign District A or Sign District B.

(Ord. No. 338-98, Art. II, 2-24-98)

[Sec. 15.1-4.](#) - Permit required.

Except as provided in section 15.1-11 hereof, it shall be unlawful for any person to erect, relocate, or structurally alter, any sign or other advertising structure as defined in this chapter, without first obtaining a sign permit from the sign administrator and paying the permit fee required by section 15.1-7. Additionally, all illuminated signs shall be subject to the provisions of the electrical code and its requisite permit fees. No permit is required for change of copy or message or for repair, repainting, or maintenance that does not entail structural change.

(Ord. No. 338-98, Art. III, 2-24-98)

Sec. 15.1-5. - Application for sign permit.

Application for a sign permit shall be made upon a form provided by the sign administrator and shall contain and have attached the following information:

(1)

The name, address, and telephone number of the applicant;

(2)

The location of the building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected;

(3)

The location of the sign or other advertising structure in relation to nearby buildings or structures;

(4)

Two (2) blueprints or drawings of the plans and specifications of the sign and a description of the proposed method of construction and attachment to the building or on the ground;

(5)

A certification and/or calculations showing that the sign is designed to meet the wind pressure and dead load requirements of the Standard Building Code adopted by Chapter 5 of this Code and all other laws and ordinances of the city. The building official may require such certification and calculation to be made by a registered professional engineer if the sign is in excess of seven feet in height or 100 square feet in area.

(6)

The name of the person erecting the sign;

(7)

The written consent of the owner of the building, structure, or land to which or on which the sign is to be erected;

(8)

Any required electrical permit;

(9)

Such other information as the sign administrator shall require to show full compliance with this and all other laws and ordinances of the city.

(Ord. No. 338-98, Art. III, 2-24-98; Ord. No. 390-99, § 2, 1-25-00)

[Sec. 15.1-6.](#) - Permit issuance.

Upon the filing of an application for a sign permit, the sign administrator shall:

(1)

Examine the plans and specifications and the premises upon which the proposed sign shall be erected; and

(2)

Issue a permit if the proposed sign complies with the requirements of this chapter and all other laws and ordinance of the city. If the work authorized under a sign permit is not completed within six (6) months after the date of issuance, the permit shall become null and void.

(Ord. No. 338-98, Art. III, 2-24-98)

[Sec. 15.1-7.](#) - Permit fee.

Every applicant, prior to issuance of a permit pursuant to section 15.1-6 hereof, shall pay to the city a nonrefundable fee, in accordance with the Southern Building Code adopted pursuant to Chapter 5 hereof and on file with the building official, for each sign or other advertising structure regulated by this chapter.

(Ord. No. 338-98, Art. III, 2-24-98)

[Sec. 15.1-8.](#) - Variances.

Within thirty (30) days after denial of a sign permit by the sign administrator, a request for variance may be filed with the city council. The city council may grant a variance and relax the terms of this chapter where such variance will not be contrary to the public interest and where,

because of conditions peculiar to the property and not as the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship.

(Ord. No. 338-98, Art. III, 2-24-98)

[Sec. 15.1-9.](#) - Revocation of permit.

The sign administrator may revoke any permit where there has been a violation of the provisions of this chapter or a misrepresentation of fact on the permit application.

(Ord. No. 338-98, Art. III, 2-24-98)

[Sec. 15.1-10.](#) - Number, date, and voltage.

Every permitted sign or other advertising structure shall display in a conspicuous place on such sign or structure, in letters no less than one (1) inch in height, the date of erection, the permit number, and the voltage of any electrical apparatus used.

The top of all signs and sign structures shall have a minimum vertical clearance from any other structure of fourteen (14) feet, and shall have a clearance equal to its height from any transmission line carrying seven hundred fifty (750) volts or greater.

(Ord. No. 338-98, Art. III, 2-24-98)

[Sec. 15.1-11.](#) - Signs allowed in all districts.

The following signs are allowed in all districts and are exempt from the permit requirements of this chapter:

(1)

Temporary real estate signs not exceeding sixteen (16) square feet in area that advertise the sale, rental, or lease of the premises upon which the sign is located. Such signs shall be removed not later than the seventh day following the sale, rental, or lease of the subject property. Such signs shall only be located on private property.

(2)

A sign that contains primarily a political message and that is located on private real property with the consent of the property owner. Private real property does not include real property subject to an easement or other encumbrance that allows a municipality to use the property for a public purpose. Provided, however, the sign may not have a sign area greater than thirty-six (36) square feet, be more than eight (8) feet height, be illuminated or have a moving part. This subsection does not apply to a sign, including a billboard, that contains primarily a political message on a temporary basis and that is generally available for rent or purchase to carry commercial advertising or other measures that are not primarily political.

(3)

Temporary signs advertising the date, time, and location of a garage or yard sale and not exceeding four (4) square feet in area. Such signs shall be erected not more than three (3) days prior to and removed not later than one (1) day after the date of the sale;

(4)

Signs which are an integral part of the historical character of a designated historic district or a building that has been designated a landmark;

(5)

Public signs regulating vehicular or pedestrian traffic or designating or giving direction to streets, schools, hospitals, historical sites, or public facilities;

(6)

Flags of any government or governmental agency or any patriotic, religious, charitable, civic, educational, or fraternal organization and not exceeding forty (40) square feet in area;

(7)

Temporary signs advertising special community events or other community activities sponsored by nonprofit organizations or churches. Such signs shall not exceed thirty-two (32) square feet in area, shall not be erected more than ten (10) days in advance of the event and shall be removed within three (3) days after such event. Temporary signs shall be securely anchored and shall not exceed seven (7) feet in height from ground level;

(8)

Temporary displays or decorations customarily associated with any national, state, local, or religious holiday or celebration. Such signs shall be erected not more than forty-five (45) days before the holiday or celebration and removed not later than ten (10) days after such holiday or celebration;

(9)

Handheld signs of a noncommercial nature not set on or affixed to the ground and not exceeding ten (10) square feet in area;

(10)

Temporary signs identifying the architect, engineer, developer or contractor when placed upon construction sites and not exceeding sixty-four (64) square feet in area. Such signs shall not be

erected prior to approval of a site plan and shall be removed not later than ten (10) days after completion of the project;

(11)

Signs identifying the name and profession of the occupant(s) of a business establishment and not exceeding two (2) square feet in area;

(12)

Memorial or commemorative plaques or tablets denoting a building name and/or date of erection or a location of historic significance and not exceeding four (4) square feet in area;

(13)

Any sign for informational (nonadvertisement) purposes not exceeding one (1) square foot in area with letters not exceeding four (4) inches in height;

(14)

Property identification signs indicating address and/or name and not exceeding two (2) square feet in area located on property used for residential purposes or five (5) square feet in area located on property used for business purposes;

(15)

Temporary business signs shall be permitted, provided that:

a.

Temporary business signs of combustible material shall not exceed sixty (60) square feet in area;

b.

Temporary business signs weighing in excess of fifty (50) pounds must conform to the safety requirements of the building code of the city and must be approved by the sign administrator;

c.

Temporary business signs shall not extend over or into any street right-of-way, alley, sidewalk, or other public thoroughfare;

d.

Temporary business signs shall be attached with wire or steel cables. Strings, ropes, or wood slats for anchorage or support purposes shall not be permitted;

e.

Temporary business signs shall not be allowed to remain for a period exceeding fifteen (15) days in a six (6) month period;

f.

Temporary business signs must be on-premise signs; and

g.

Only one (1) temporary business sign may be displayed at any given time.

(16)

Amateur ball park signs;

(17)

Signs erected by the city, the State of Texas (including its political subdivisions, such as school districts), or the United States government, or otherwise required by federal, state, or local laws;

(18)

Directory signs, menu boards and the like, which are designed to be read from a distance no greater than ten (10) feet; and

(19)

Approved sign plaza structures providing directions to subdivisions and homebuilders within the city and Subdivision Informational Signs, limited to no more than one per subdivision entrance and thirty (30) inches in width by sixty (60) inches in height, installed and maintained by a contractor authorized by the city; and

(20)

Religious emblems when installed in compliance with zoning regulations and constructions codes; and

(21)

Notwithstanding any other provision of this chapter, any sign that may display a commercial message may also display any noncommercial message, either in place of or in addition to the commercial message, so long as the sign complies with the other requirements of this chapter.

(Ord. No. 338-98, Art. IV, 2-24-98; Ord. No. 374-99, § 1, 4-27-99; Ord. No. 390-99, § 3, 1-25-00; Ord. No. 527-2004, §§ 1—3, 6-22-04; Ord. No. 544-2005, § 1, 2-8-05; Ord. No. 565-2005, § 1, 11-8-05)

[Sec. 15.1-12.](#) - Signs prohibited in all districts.

Signs prohibited by this chapter include, but are not limited to, the following:

(1)

Signs which are inadequately maintained so as to show evidence of deterioration, including peeling, rust, dirt, fading, discoloration or holes. Damaged signs shall be repaired or removed within thirty (30) days of receipt of notice from the city;

(2)

Signs which advertise a business or product which is no longer in existence. Abandoned or outdated signs shall be replaced or removed within thirty (30) days of receipt of notice from the city;

(3)

Signs which are erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape. No sign of any kind shall be attached to a stand pipe or fire escape;

(4)

Signs which obstruct free and clear vision at any street intersection;

(5)

Signs which interfere with, obstruct the view of, or may be confused with any authorized traffic sign, signal, or device because of its position, shape, or color;

(6)

Signs which use the words "STOP," "LOOK," "GO SLOW," "CAUTION," "DANGER," "WARNING," or any other word, phrase, symbol or character in a manner that interferes with, misleads, or confuses traffic;

(7)

Signs which constitute a hazard to safety or health by reason of inadequate design, construction, repair, or maintenance;

(8)

Signs which are illuminated with lights which cause a glare into or upon the surrounding area or any property used for residential purposes or which distract operators of vehicles or pedestrians on a public right-of-way;

(9)

Signs which contain reflectors or lights or illuminations that flash, move, rotate, scintillate, blink, flicker, vary in intensity or color, or use intermittent electrical pulsation;

(10)

Signs which display any matter in which the dominant theme of the material taken as a whole appeals to a prurient interest in sex, or is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value;

(11)

Signs which are painted on or attached to a motor vehicle used primarily for the display of such sign. This chapter shall not prohibit the identification of a business or its products or services on a vehicle(s) operated and parked in a manner appropriate to the normal course of business;

(12)

Signs which have visible moving, revolving, or rotating parts or visible mechanical movement of any kind, achieved by electrical or mechanical means, except for time-temperature-date signs;

(13)

Signs attached to or located upon outdoor exposed amenities such as trees, street signs, utility poles, or fences, which are visible from any street;

(14)

Signs which are off-premise signs, except snipe signs or bandit signs are permitted between the hours of 5:00 p.m. on Friday and 7:00 a.m. on Monday, provided no such sign shall be located less than one hundred (100) feet from another such sign and provided that no such signs shall be permitted after December 31, 2004.

(15)

Signs or portions thereof which are located on, or project or extend over, any public right-of-way, any public sidewalk, street, alley, or other public property; and

(16)

Wind device signs that cause confusion or obstruction to traffic on adjacent public streets.

(Ord. No. 338-98, Art. V, 2-24-98; Ord. No. 390-99, §§ 4, 5, 1-25-00; Ord. No. 527-2004, § 4, 6-22-04)

Sec. 15.1-13. - Additional signs allowed—Sign District A.

Business establishments within Sign District A shall be allowed signage in accordance with the provisions of this section. If, however, such business establishment is part of a shopping center or an integrated business development, the signage allowed shall be as provided in section 15.1-16 hereof. A permit is required for the sign(s) allowed under this section.

(1)

Pole signs.

a.

Each business establishment with less than two hundred (200) feet of frontage on I-45, or its frontage road, or on State Highway 517 is permitted one (1) pole sign not exceeding two hundred fifty (250) square feet in area and not exceeding fifty (50) feet in height, including the supporting structure, above the surrounding finished grade level. The bottom of such sign shall not be less than nine feet (9) feet above the surrounding finished grade level. Such pole sign may have a reader panel attached to it, however, a reader panel shall be included in the calculation of total sign area. The pole or support structure shall be visibly marked if such pole sign is located in a parking area.

b.

Each business establishment with more than two hundred (200) feet of frontage on I-45, or its frontage road, or on State Highway 517 is permitted one (1) pole sign not exceeding three hundred fifty (350) square feet in area and not exceeding seventy-five (75) feet in height, including the supporting structure, above the surrounding finished grade level. The bottom of such sign shall not be less than nine (9) feet above the surrounding finished grade level. Such pole sign may have a reader panel attached to it, however, a reader panel shall be included in the calculation of total sign area. The pole or support structure shall be visibly marked if such pole sign is located in a parking area.

c.

An additional pole sign may be permitted for a business establishment that is on the corner of an intersection of I-45, or its frontage road, or on State Highway 517 and a city street. Such additional sign shall face the adjacent city street. Such additional sign shall not exceed thirty-five (35) feet in height, including the supporting structure, above the surrounding finished grade

level. The bottom of such sign shall not be less than nine (9) feet above the surrounding finished grade level. Such additional sign shall not exceed one hundred fifty (150) square feet. The total sign area of both signs combined shall not exceed four hundred (400) square feet.

d.

A pole sign shall be located such that all parts of such sign are a minimum of five (5) feet from all property lines.

(2)

Monument signs.

a.

In lieu of and not in addition to a pole sign, each business establishment is permitted one (1) single or double-faced monument sign not exceeding one hundred fifty (150) square feet in area and not exceeding twelve (12) feet in height above the surrounding finished grade level.

b.

The location of a monument sign is subject to approval by the sign administrator to ensure that such location does not cause an obstruction to the view of traffic or create a hazard to traffic or pedestrians; provided, however, all monument signs shall be located not less than five (5) feet from all property lines and, provided further, monument signs shall be located not less than fifteen (15) feet from the edge of the property line on the corner of an intersection of two (2) streets.

c.

An additional monument sign may be permitted for a business establishment that is on the corner of an intersection of State Highway 517 or State Highway 3 and a city street. Such additional sign may face the adjacent city street at any angle. Such additional sign shall not exceed twelve (12) feet in height above the surrounding finished grade level. Such additional sign shall not exceed twenty-five (25) square feet in area. The total sign area of both signs combined shall not exceed seventy-five (75) square feet.

(3)

Wall signs.

a.

In addition to a monument sign, each business establishment is permitted one (1) wall sign per exterior wall, not exceeding in total square feet fifteen (15) percent of the facade to which it is

affixed. Business establishments located in "strip centers" may place one wall sign that does not exceed the average square feet of other existing wall signs within the same strip center.

b.

A wall sign may not project above the roof line of a building, except for buildings with parapet walls. A wall sign on a parapet wall shall not project above the parapet, except vertical wall signs perpendicular to a parapet wall which have a height of at least three (3) times its width may project above the parapet up to one-third (1/3) of its height, not to exceed (10) feet.

(Ord. No. 338-98, Art. VI, 2-24-98; Ord. No. 354-98, § 1, 9-8-98; Ord. No. 390-99, §§ 6, 7, 1-25-00)

[Sec. 15.1-14.](#) - Same—Sign District B.

Business establishments within Sign District B shall be allowed signage in accordance with the provisions of this section. If, however, such business establishment is part of a shopping center or an integrated business development, the signage allowed shall be as provided in section 15.1-16 hereof. A permit is required for the sign(s) allowed under this section.

(1)

Pole signs. Pole signs are prohibited.

(2)

Monument signs.

a.

Each business establishment with frontage on State Highway 517 or State Highway 3 is permitted one (1) single or double-faced monument sign not exceeding fifty (50) square feet in area and not exceeding twelve (12) feet in height above the surrounding finished grade level.

b.

The location of a monument sign is subject to approval by the sign administrator to ensure that such location does not cause an obstruction to the view of traffic or create a hazard to traffic or pedestrians; provided, however, all monument signs shall be located not less than five (5) feet from all property lines and, provided further, monument signs shall be located not less than fifteen (15) feet from the edge of the property line on the corner of an intersection of two (2) streets.

c.

An additional monument sign may be permitted for a business establishment that is on the corner of an intersection of State Highway 517 or State Highway 3 and a city street. Such additional sign may face the adjacent city street at any angle. Such additional sign shall not exceed twelve (12) feet in height above the surrounding finished grade level. Such additional sign shall not exceed twenty-five (25) square feet in area. The total sign area of both signs combined shall not exceed seventy-five (75) square feet.

(3)

Wall signs.

a.

In addition to a monument sign, each business establishment is permitted one (1) wall sign per exterior wall, not exceeding in total square feet fifteen (15) percent of the facade to which it is affixed. Business establishments located in "strip centers" may place one wall sign that does not exceed the average square feet of other existing wall signs within the same strip center.

b.

A wall sign may not project above the roof line of a building, except for buildings with parapet walls. A wall sign on a parapet wall shall not project above the parapet, except vertical wall signs perpendicular to a parapet wall which have a height of at least three (3) times its width may project above the parapet up to one-third (1/3) of its height, not to exceed (10) feet.

(Ord. No. 338-98, Art. VI, 2-24-98; Ord. No. 354-98, § 1, 9-8-98; Ord. No. 390-99, §§ 6, 7, 1-25-00)

[Sec. 15.1-15.](#) - Same—Sign District C.

Business establishments within Sign District C shall be allowed signage in accordance with the provisions of this section. If, however, such business establishment is part of a shopping center or an integrated business development, the signage allowed shall be as provided in section 15.1-16. A permit is required for the sign(s) permitted under this section.

(1)

Pole signs. Pole signs are prohibited.

(2)

Monument signs.

a.

Each business establishment is permitted one (1) single or double-faced monument sign not exceeding twenty-four (24) square feet in area and not exceeding six (6) feet in height above the surrounding finished grade level.

b.

The location of a monument sign is subject to approval by the sign administrator to ensure that such location does not cause an obstruction to the view of traffic or create a hazard to traffic or pedestrians; provided, however, all monument signs shall be located not less than five (5) feet from all property lines and, provided further, monument signs shall be located not less than fifteen (15) feet from the edge of the property line on the corner of an intersection of two (2) streets.

c.

An additional monument sign may be permitted for a business establishment that is on the corner of an intersection of State Highway 517 or State Highway 3 and a city street. Such additional sign may face the adjacent city street at any angle. Such additional sign shall not exceed twelve (12) feet in height above the surrounding finished grade level. Such additional sign shall not exceed twenty-five (25) square feet in area. The total sign area of both signs combined shall not exceed seventy-five (75) square feet.

(3)

Wall signs.

a.

In addition to a monument sign, each business establishment is permitted one (1) wall sign per exterior wall, not exceeding in total square feet fifteen (15) percent of the facade to which it is affixed. Business establishments located in "strip centers" may place one wall sign that does not exceed the average square feet of other existing wall signs within the same strip center.

b.

A wall sign may not project above the roof line of a building, except for buildings with parapet walls. A wall sign on a parapet wall shall not project above the parapet, except vertical wall signs perpendicular to a parapet wall which have a height of at least three (3) times its width may project above the parapet up to one-third (1/3) of its height, not to exceed (10) feet.

(Ord. No. 338-98, Art. VI, 2-24-98; Ord. No. 354-98, § 1, 9-8-98; Ord. No. 390-99, §§ 6, 7, 1-25-00)

[Sec. 15.1-16.](#) - Same—Shopping centers and integrated business development.

Shopping centers and integrated business developments shall be allowed signage in accordance with the provisions of this section. A permit is required for the sign(s) allowed under this section.

(1)

Sign District A.

a.

Each shopping center or integrated business development with less than two hundred (200) feet of frontage on I-45, or its frontage road, or on State Highway 517, is permitted one (1) pole sign not exceeding two hundred fifty (250) square feet in area plus an additional twenty (20) square feet in area for each business establishment located in such shopping center or integrated business development. Such pole sign shall not exceed thirty-five (35) feet in height, including the supporting structure, above the surrounding finished grade level. The bottom of such sign shall not be less than nine (9) feet above the surrounding finished grade level. Such pole sign may have a reader panel attached to it, however, a reader panel shall be included in the calculation of total sign area. The pole or support structure shall be visibly marked if such pole sign is located in a parking area.

b.

Each shopping center or integrated business development with more than two hundred (200) feet of frontage on I-45, or its frontage road, or on State Highway 517, is permitted one (1) pole sign not exceeding three hundred fifty (350) square feet in area plus an additional twenty (20) square feet in area for each business establishment located in such shopping center or integrated business development. Such pole sign shall not exceed thirty-five (35) feet in height, including the supporting structure, above the surrounding finished grade level. The bottom of such sign shall not be less than nine (9) feet above the surrounding finished grade level. Such pole sign may have a reader panel attached to it, however, a reader panel shall be included in the calculation of total sign area. The pole or support structure shall be visibly marked if such pole sign is located in a parking area.

c.

An additional pole sign may be permitted for a shopping center or integrated business development that is on the corner of an intersection of I-45, or its frontage road, or on State Highway 517 and a city street. Such additional sign shall face the adjacent city street. Such additional sign shall not exceed thirty-five (35) feet in height, including the supporting structure, above the surrounding finished grade level. The bottom of such sign shall not be less than nine (9) feet above the surrounding finished grade level. Such additional sign shall not exceed one hundred fifty (150) square feet plus an additional twenty (20) square feet in area for each business establishment located within such shopping center or integrated business establishment. The total sign area of both signs combined shall not exceed four hundred (400) square feet in area plus an additional twenty (20) square feet in area for each business establishment located in such shopping center or integrated business development.

d.

A pole sign shall be located such that all parts of such sign are a minimum of five (5) feet from all property lines.

e.

In lieu of a pole sign, a shopping center or integrated business development is permitted one (1) single or double-faced monument sign not exceeding fifty (60) square feet in area plus an additional five (5) square feet in area for each business establishment located in such shopping center or integrated business development and not exceeding twelve (12) feet in height above the surrounding finished grade level.

f.

The location of a monument sign is subject to the approval of the sign administrator to ensure that such location does not create hazards to traffic or pedestrians, provided, however, all monument signs shall be located not less five (5) feet from all property lines and, provided further, monument signs shall be located not less than forty-five (45) feet from the corner of an intersection of two (2) streets.

g.

If a shopping center or integrated business development chooses to erect a monument sign in lieu of a pole sign, an additional monument sign may be permitted for the shopping center or integrated business development that is on the corner of an intersection of I-45, or its frontage road, or State Highway 517 and a city street. Such additional sign shall face the adjacent city street. Such additional sign shall not exceed six (6) feet in height above the surrounding finished grade level. Such additional sign shall not exceed one (1) sixty (60) square feet, plus an additional five (5) square feet in area for each business establishment located within such shopping center or integrated business establishment. The total sign area of both signs combined shall not exceed one hundred twenty (120) square feet plus an additional five (5) square feet in area for each business establishment located in such shopping center or integrated business development.

h.

In addition to a pole sign or a monument sign as permitted herein, each business establishment located in a shopping center or integrated business development is permitted one (1) wall sign in accordance with section 15.1-13(3).

(2)

Sign District B.

a.

Each shopping center or integrated business development is permitted one (1) single or double-faced monument sign not exceeding sixty (60) square feet in area plus an additional five (5) square feet in area for each business establishment located in such shopping center or integrated business development and not exceeding twelve (12) feet in height above the surrounding finished grade level.

b.

The location of a monument sign is subject to the approval of the sign administrator to ensure that such location does not create hazards to traffic or pedestrians, provided, however, all monument signs shall be located not less than five (5) feet from all property lines and, provided further, monument signs shall be located not less than forty-five (45) feet from the corner of an intersection of two (2) streets.

c.

An additional monument sign may be permitted for each shopping center or integrated business development that has frontage on two (2) public streets. One (1) sign shall face each adjacent street. Such additional sign shall not exceed six (6) feet in height above the surrounding finished grade level. Such additional sign shall not exceed thirty (30) square feet in area plus an additional five (5) square feet for each business establishment located in such shopping center or integrated business development. The total sign area of both signs combined shall not exceed one hundred twenty-five (125) square feet plus an additional five (5) feet for each business establishment located in such shopping center or integrated business development.

d.

In addition to a monument sign as permitted herein, each business establishment located in a shopping center or integrated business development is permitted one (1) wall sign in accordance with subsection (2) of section 15.1-14 hereof.

(3)

Sign District C.

a.

Each shopping center or integrated business development is permitted one (1) single or double-faced monument sign not exceeding twenty-four (24) square feet in area plus an additional three (3) square feet in area for each business establishment located in such shopping center or integrated business development and not exceeding six (6) feet in height above the surrounding finished grade level.

b.

The location of a monument sign is subject to the approval of the sign administrator to ensure that such location does not create hazards to traffic or pedestrians, provided, however, all monument signs shall be located not less than five (5) feet from all property lines and, provided further, monument signs shall be located not less than forty-five (45) feet from the corner of an intersection of two (2) streets.

c.

An additional monument sign may be permitted for each shopping center or integrated business development that is on the corner of an intersection of two (2) public streets. One (1) sign shall face each adjacent street. Such additional sign shall not exceed four (4) feet in height above the surrounding finished grade level. Such additional sign shall not exceed sixteen (16) square feet in area plus three (3) square feet for each business establishment located in such shopping center or integrated business development. The total sign area of both signs combined shall not exceed forty (40) square feet plus an additional three (3) square feet for each business establishment located in such shopping center or integrated business development.

d.

In addition to a monument sign as permitted herein, each business establishment located in a shopping center or integrated business development is permitted one (1) wall sign in accordance with subsection (3) of section 15.1-15 hereof.

(Ord. No. 338-98, Art. VI, 2-24-98; Ord. No. 428-2001, § 1, 9-11-01)

[Sec. 15.1-17.](#) - Permanent identification signs.

(a)

Single-family residential subdivisions. Single-family residential subdivisions are permitted permanent monument signs at each major entrance to the subdivision. The total sign surface area at each entrance shall not exceed thirty-two (32) square feet in area and shall not exceed six (6) feet in height above the surrounding finished grade level. The location of the monument sign is subject to approval of the Sign Administrator to ensure that such location does not create hazards to traffic or pedestrians. Subdivisions which consist of more than one (1) platted section are allowed an additional monument sign of not more than sixteen (16) square feet in area and not exceeding six (6) feet in height for each major entrance to each section therein; however, in the case where the major entrance to the subdivision is also a major entrance to a section of the subdivision, that entrance shall be limited to a monument sign of not more than thirty-two (32) square feet.

(b)

Multifamily dwelling complexes. A townhouse, condominium, or apartment complex is permitted one (1) single or double-faced monument sign on the premises, not exceeding fifty (50) square feet in area and not exceeding twelve (12) feet in height above the surrounding finished grade

level. The location of the monument sign is subject to the approval of the sign administrator to ensure that such location does not create hazards to traffic or pedestrians; provided, however, all monument signs shall be not less than five (5) feet from all property lines and, provided further, monument signs shall be located not less than forty-five (45) feet from the corner of an intersection of two (2) streets. In addition to a monument sign, each multifamily dwelling complex is permitted one (1) wall sign not exceeding in total square feet fifteen (15) percent of the facade to which it is affixed. A wall sign may not project above the roof line of a building, except for buildings with parapet walls, in which case the signage shall be flush with the wall and shall not project above the parapet.

(c)

Permit required. A permit is required for the sign(s) allowed under this section.

(Ord. No. 338-98, Art. VI, 2-24-98)

[Sec. 15.1-18.](#) - Church, synagogue, or private school signs.

A church, synagogue, or private school shall be allowed to erect one (1) single or double-faced monument sign on the property on which the church, synagogue, or school is located. Such sign shall not exceed fifty (50) square feet in area and shall not exceed twelve (12) feet in height above the surrounding finished grade level. One (1) additional single or double-faced monument sign is allowed to identify a secondary use (such as a school) on the same property. Such sign shall not exceed twenty-eight (28) square feet in area and shall not exceed eight (8) feet in height above the surrounding finished grade level. A permit is required for the sign(s) allowed under this section.

(Ord. No. 338-98, Art. VI, 2-24-98)

[Sec. 15.1-19.](#) - Portable signs.

(a)

Portable signs for business establishment. An on-premise portable sign shall be permitted for use by a business establishment for the initial opening of such business for a period not exceeding thirty (30) days. An on-premise portable sign may also be permitted for use by a business establishment for a maximum period of thirty (30) days per calendar year.

(b)

Portable signs for nonprofit organization. On-premise portable signs shall be permitted for use on a temporary basis by nonprofit organizations for a maximum period of fifteen (15) days per calendar year.

(c)

Portable signs for governmental agencies. Portable signs shall be permitted for use on a temporary basis by governmental agencies for notification to the public of special events and public information.

(d)

Permit required. A permit is required for any portable sign(s) allowed under subsections (a) and (b) of this section. The location of a portable sign must be approved by the sign administrator to ensure that such location does not create hazards to traffic or pedestrians.

(e)

Maximum area per side. The maximum area per side of a portable sign shall not exceed thirty-two (32) square feet.

(f)

In accordance with city codes. Portable signs shall be securely anchored and constructed and erected in accordance with the city's building code and electrical code.

(g)

Location of signs. Portable signs shall be located not less than five (5) feet from all property lines and not less than forty-five (45) feet from the corner of and intersection of two (2) streets.

(Ord. No. 338-98, Art. VI, 2-24-98)

[Sec. 15.1-20.](#) - Nonconforming signs.

A permanent sign erected within the city prior to the effective date of this chapter, which does not conform to the regulations of this chapter, shall be deemed to be a nonconforming sign which shall be allowed to continue, with normal maintenance and repair only; provided, however, a nonconforming sign may not be enlarged upon, expanded, or extended, except as otherwise provided herein. It is not the intent of this section to encourage the survival of nonconforming signs; to the contrary, nonconforming signs are discouraged and contrary to the intent and purpose of this chapter.

(1)

Obsolescence or destruction. A nonconforming sign shall not be enlarged, expanded, extended, replaced, or rebuilt in case of obsolescence or total destruction by any means or cause.

(2)

Repair or reconstruction if damaged. In the event a nonconforming sign is damaged by any means or cause and the repair or reconstruction cost, whichever is applicable, equals or exceeds

fifty (50) percent of the fair market value of the sign at the time of the damage, it must be removed or brought into compliance with this chapter.

(3)

Removal of unlawful signs. In case any nonconforming sign is enlarged, expanded, extended, replaced, or rebuilt in violation of any of the terms of this chapter, the sign administrator shall give written notice by personal service or by certified mail, return receipt requested, to the owner, lessee, or person responsible for said sign, to remove the sign or bring the sign into compliance with this chapter. If such order is not complied with within ten (10) days, the sign administrator shall revoke the sign permit.

(4)

Placement and removal of signs. All signs shall be placed by the owner or the party in control of the property or with the permission of such owner or party in control, and the owner or party in control shall be responsible for the prompt removal of any sign in accordance with the provisions of this chapter.

(5)

Signs identified and described in section 15.1-12, subsections (2), (3), (4), (5), (6), (7), (10), (11), (13), (15), and (16) shall be removed within thirty (30) days after the effective date of this section.

(6)

Nonconforming temporary business signs and portable signs shall be removed or made to conform with the provisions of this chapter within thirty (30) days after the effective date of this section.

(7)

Additions and enlargements to a non-conforming monument sign in a shopping center or integrated business development are permitted provided such addition or enlargement:

a.

does not include replacement of the existing sign structure;

b.

does not increase the height or width of the sign; and

c.

does not cause the total area of all signs in the shopping center or integrated business development to exceed the total allowable square foot area.

(Ord. No. 338-98, Art. VII, 2-24-98; Ord. No. 428-2001, §§ 2, 3, 9-11-01)

[Sec. 15.1-21.](#) - Periodic inspection.

The sign administrator shall inspect periodically, or whenever deemed necessary, each sign or other advertising structure regulated by this chapter for the purpose of ascertaining whether the sign structure is unsafe, in need of repair, not in conformance with the permit application, or otherwise in violation of the provisions of this chapter.

(Ord. No. 338-98, Art. VII, 2-24-98)

[Sec. 15.1-22.](#) - Appeals.

Any person wishing to appeal a decision of the sign administrator on the grounds that the decision misconstrues or wrongly interprets this chapter may, within thirty (30) days after such decision, appeal the same to the city council, pursuant to the rules and regulations adopted from time to time by the city council; provided, however, the appealing party shall give notice of the appeal in writing to the city secretary within said thirty (30) days following the decision appealed from and, provided further, the appealing party shall comply with the sign administrator's decision pending appeal, unless the sign administrator shall direct otherwise.

(Ord. No. 338-98, Art. VII, 2-24-98)

[Sec. 15.1-23.](#) - Penal provision.

Any person violating any provision of this chapter, or failing to comply with any requirement of this chapter, shall be guilty of a misdemeanor and punishable as provided in section 1-4 of this Code. Each day during or upon which such person shall violate or continue violation of any provision of this chapter or noncompliance with any requirement of this chapter shall constitute a distinct and separate offense.

(Ord. No. 338-98, Art. VII, 2-24-98)