

CITY OF Spring Branch

ORDINANCE No. 2026-01

**SIGN ORDINANCE**

AN ORDINANCE OF THE CITY OF SPRING BRANCH, TEXAS, ADOPTING REGULATIONS FOR SIGNS; PROVIDING FOR THE FOLLOWING: RULES; STANDARDS; PROCEDURES; CRIMINAL PENALTIES INCLUDING A CRIMINAL PENALTY, UPON CONVICTION, NOT TO EXCEED \$ 500.00 PER VIOLATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

**WHEREAS**, the City Commission (“City Commission”) of the City of Spring Branch seeks to provide for the regulation of signs within the corporate limits (“City”); and

**WHEREAS**, the City Commission seeks to maintain the value of the City’s scenic beauty and charm, which are the keystones of the City’s quality of life, through a comprehensive regulatory program that includes restrictions on signs; and

**WHEREAS**, the City Commission finds that to promote the safety of its citizens and their property it is necessary that signs do not create a hazard due to collapse, fire, decay, and/or abandonment; obstruct public safety; or create traffic hazards; and

**WHEREAS**, efficient transfer of information through the effective use of signs allows for the conveyance of public safety messages, allows businesses and services to identify themselves to the public, and allows potential customers to locate a business or service all while ensuring the right of free speech is preserved; and

**WHEREAS**, the City Commission desires to protect the health, safety and welfare of the general public, and to preserve and enhance the appearance and economic value of the built environment through signs that do not interfere with scenic views; do not create visual clutter to persons using public rights of way; do not create a nuisance to occupants or customers of adjacent property by sign size, height, brightness, or materials; and does not have a detrimental effect on land; and

**WHEREAS**, pursuant to Texas Local Government Code, Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

**WHEREAS**, proposed sign ordinance is designed to benefit residents and businesses in the City by constituting public safety, conveyance of information in an efficient manner, and preservation of the visual environment; and

**WHEREAS**, the City Commission finds that it is necessary and proper for the good government, peace or order of the City to adopt an ordinance regulating signs.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SPRING BRANCH THAT:**

**1. FINDINGS OF FACT**

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

**2. ADOPTION**

The Sign Ordinance is hereby adopted as set forth in Exhibit A, attached hereto, and incorporated herein.

**3. REPEALER**

To the extent reasonably possible, ordinances are to be read together in harmony. However, all ordinances, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

**4. SEVERABILITY**

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

**5. CODIFICATION**

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

**6. EFFECTIVE DATE**

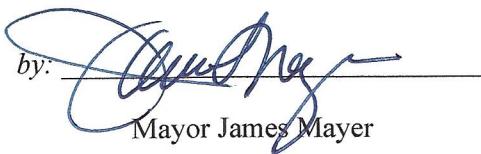
This Ordinance shall be effective immediately upon passage and publication of caption.

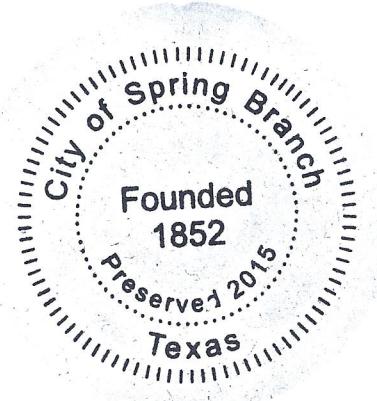
**7. PROPER NOTICE & MEETING**

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

PASSED & APPROVED this, the 12<sup>th</sup> day of January 2026, by a vote of 3 (ayes) to 0 (nays) to   (abstentions) of the City Commission of Spring Branch, Texas.

CITY OF SPRING BRANCH:

by:   
Mayor James Mayer



ATTEST:

Terrie Barnes

Terrie Barnes, City Clerk

## SIGNS

### Section 1 – Purpose.

The purpose of this ordinance is to regulate the location, size, construction, duration, use, and maintenance of all signs within the City of Spring Branch, Texas on a content-neutral basis. The general objectives of this chapter are to balance the rights of individuals to convey their messages through the lawful use of signs with the rights of the public to be protected from potential harm, to promote the health, safety, and welfare of the general public, and to aid in achieving the following goals:

- (a) *Safety.* To promote the safety of persons and property by providing that signs do not:
  - (1) Create a hazard due to collapse, fire, decay, and/or abandonment;
  - (2) Obstruct public safety; or,
  - (3) Create traffic hazards by confusing or distracting pedestrians, motorists, or cyclists.
- (b) *Provide information.* To promote the efficient transfer of information through the effective use of signs, with messages that:
  - (1) Afford priority to the conveyance of public safety messages;
  - (2) Allow businesses and services to identify themselves to the public;
  - (3) Allow potential customers to locate a business or service; and,
  - (4) Ensure that the right of free speech is preserved.
- (c) *Environmental preservation and aesthetics.* To protect the public welfare and to preserve and enhance the appearance and economic value of the built environment, by providing that signs:
  - (1) Do not interfere with any scenic views;
  - (2) Do not create visual clutter to persons using the public rights-of-way;
  - (3) Do not create a nuisance to occupants or customers of adjacent property by sign size, height, brightness, or materials; and,
  - (4) Do not have a detrimental effect on land or property values.
- (d) Any pictures or graphics depicted in this ordinance are not intended to portray the content or intended message of a sign but are intended only to provide a visual example of the applicable requirements.

## **Section 2 - Authority, Precedence and Jurisdiction.**

- (a) The terms and conditions of this chapter shall apply to all signs located within the City of Spring Branch, pursuant to Chapter 216 of the Texas Local Government Code, as amended.
- (b) Nothing herein shall be construed as preventing or limiting the City from applying this Ordinance within the surrounding areas where the City asserts power of extraterritorial jurisdiction through agreements with property owners, or as a term affixed to a conditional approval (such as a variance) or if authorized by the State of Texas
- (c) Where the rules and regulations of any other ordinance conflicts with this ordinance, the regulations contained herein shall prevail and take precedence over any other regulation, including provisions as recorded in any zoning overlay district.
- (d) Where single- and multiple-family projects in the City have established separate restrictions through their homeowners' association or property owners' association (association), the provisions of this Ordinance shall not override a provision contained in the restrictions of such association if that provision is more restrictive than this Ordinance. The restrictions of such an association shall not override this Ordinance if the association restrictions are less restrictive. The associations are responsible for enforcing their deed restrictions. Such separate instruments are not binding on the City.

## **Section 3. - Definitions.**

For the purposes of this Ordinance, the following words shall have the following definitions ascribed to them. Words not defined in this Ordinance shall be given their common and ordinary meaning.

*Applicant.* The person or entity requesting sign permit approval, a variance, or a master sign plan from the City. All applicants must provide sufficient proof, to be determined by the sign administrator, showing a real property ownership interest in the property on which the sign will be located or sufficient proof of authorization from the real property owner for sign placement on the property.

*Billboard.* A sign that is freestanding, attached to or part of a building, and is an off-premises sign that is designed for a change in copy, so that the characters, letters, display, or illustrations can be changed or rearranged within a fixed sign face.

*Building.* A building means any structure built for the support, shelter and enclosure of persons, animals, goods, or movable property of any kind. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building.

*Canopy.* A roof-like structure which shelters a use such as, but not restricted to, a gasoline pump island, and is supported by either one (1) or more columns or by the building to which it is accessory to and is open on two (2) or more sides.

*Canopy Sign.* A permanent sign that is applied, attached, painted, or affixed on a canopy or other roof-like cover over gasoline fuel pumps, vacuum area at car detail facilities, drive-through ATMs (when structure is not attached to the machine), or other areas where services are provided to a patron in a vehicle of which the structure is intended for protection from the weather or as a decorative embellishment.

*City Commission.* The City Commission of the City of Spring Branch, Texas.

*Dilapidated Sign.* Any surface element, background, panels, or support of any sign that has finished materials that are missing, broken, bent, cracked, decayed, dented, harmful, hazardous, illegible, leaning, splintered, ripped, torn, twisted, or unsightly. Dilapidated is further defined as when the sign or its elements are not in compliance with the requirements of the National Electrical Code and/or the International Building Code currently adopted by the City.

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

*Expressway.* US Highway 281 and any tollway/toll road, whether currently existing or in the future existing, within the City of limits of Spring Branch.

*Façade.* The principal face of a building, including parapet walls and omitted wall lines, or any part of a building which encloses or covers usable space. Where separate faces are oriented in the same direction, or in directions within 45 degrees of one another, they are to be considered as part of a single façade.

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

*Feather sign.* A lightweight and portable wind device utilized for advertising.

*Flag.* A piece of fabric attached to a staff or cord on one (1) end and generally used as a symbol of a nation, state, political subdivision, or organization.

*Flagpole.* A freestanding device permanently placed in the ground for the purpose of flying a flag of a nation, state, political subdivision, or organization.

*Garage Sale Sign.* Any on site promotional sign for the sale of personal household goods in a residential zoning district or on the property of a non-profit organization.

*Government/regulatory sign.* Signs for identification purposes, street signs, warning signs, railroad crossing signs, and signs of public utility and service companies indicating danger or construction, which are erected by or upon the order of a public officer, employee, or agent thereof, in the discharge of official duties.

*Graffiti.* Pictures, words, slogans, images, or other artwork painted, drawn, scratched, or applied in any manner to exterior walls, fences, structures, vehicles, stone, statues, buildings, or other items in public view. Graffiti includes the illegal or unauthorized defacing of a building, wall, or other edifice or object by painting, or otherwise, marking it with words, pictures, symbols, advertising, logos, relations with a group, indecent/vulgar images, or offensive language.

*Human Sign.* Any hand-carried or held sign, symbol, or display on persons visible from the public right-of-way, which may include persons dressed in costume.

*Illuminated sign.* Any sign which has characters, letters, figures, or designs illuminated by electric lights, luminous tubes or other means that are specifically placed to draw attention to, or to provide night time viewing of, the subject matter on the sign face.

*Impounded Sign.* A sign that is legally removed by the City in accordance with the provisions of this Chapter.

*Incidental Sign.* A sign that is normally incidental to the allowed use on the property such as, but not limited to, directional signs, entrance, exit, or overhead clearance.

*Inflatable Sign.* A temporary sign manufactured of plastic, cloth, canvas, or other light fabric and inflated with air including large balloons containing advertising of the on-premise business.

*Logo.* Any registered or recognized design, insignia, or other mark, which is used in advertising to identify an organization, individual, company, or product.

*Mechanical Sign.* Any sign, which rotates, shakes, or moves by means of a motor, battery, or the like.

*Major Thoroughfare.* Any public right-of-way designated as a major thoroughfare by the ordinance of the City, as amended.

*Marquee Sign.* A canopy or covering structure bearing a signboard or copy projecting from and attached to a building.

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

may be used to construct a monument sign so long as the poles are not visible below the sign.

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

*On-Premise Sign.* A sign that advertises, promotes, or pertains to a business, person, organization, activity, event, place, service, product, etc. at the location of which the sign is located.

*Pole Sign.* A sign that is permanently supported in a fixed location by a structure of poles, posts, stakes, uprights, or braces from the ground and is not supported by a building, fence, vehicle, base structure, or other support.

*Portable Sign.* Any sign without a permanent foundation, or otherwise permanently attached to a fixed location, that can be carried, towed, hauled, or driven and is primarily designed to be moved rather than be limited to a fixed location regardless of modifications that limit its movability.

*Projecting.* A sign, other than a wall sign, which physically projects from and is supported by a wall of a building or structure.

*Property Owner.* The owner of the property on which a sign is located. A lessor may have the same rights and authority as the Property Owner if given such authority through written agreement with the Property Owner.

*Residential Development.* A residential building project that includes multiple residences, also referred to as a neighborhood or subdivision.

*Responsible Party.* The owner/operator of the business being identified on the sign; the owner of the property upon which the sign or sign structure is located; the owner of the sign or sign structure; the person who installs a sign or sign structure, or contracts with a third party to accomplish the installation; and/or the person who retrieves a sign from the impound.

*Right-of-way.* The area on, below, or above a public road, highway, street, public sidewalk, alley, waterway, or utility easement in which a governmental entity has an interest.

*Sign.* A structure, sign, display, light device, figure, painting, drawing, message, plaque, poster, billboard, or other object that is designed, intended, or used that includes text or images designed to communicate. Signs located completely within an enclosed building and not exposed to view from a street shall not be considered a sign. Each display surface of a sign or sign face must be considered to be a sign.

*Sign Area.* The space enclosed within the extreme edges of the sign for each sign face, not including the supporting structure or where attached directly to a building wall or surface, the space within the outline enclosing all the characters of the words, numbers, or design.

*Sign Administrator.* The officer appointed by the City Commission with the authority to enforce this Ordinance. The Commissioners or designee shall review sign regulations and applications. In the absence of designation by the Commissioners, the Mayor shall serve as the sign administrator. The term also includes any person designated to act on behalf of the sign administrator.

*Sign face.* The entire display surface area of a sign upon, against, or through which copy is placed.

*Temporary.* A banner, pennant, poster, or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood, or other like materials and that appears to be intended or is determined by the code official to be displayed for a limited period of time.

*Vehicle Sign.* Any sign attached to or displayed on a vehicle.

*Wall sign.* A sign painted on or otherwise made an integral part of a wall. Typically a wall sign is on the same plane as the wall (i.e. flush with the wall surface). The term does not include a sign that can be removed from the wall and remain substantially intact (e.g., banners or projecting signs as they are defined in this Ordinance).

#### **Section 4. – Prohibited Signs.**

1. All signs are prohibited in the city unless:

- a. Constructed, maintained, structurally altered, or improved pursuant to a valid permit when required under this Ordinance; and
- b. Expressly authorized under this Ordinance.

2. Signs which cannot be expressly authorized include:

- a. Signs are prohibited to be located in or projected over any public right-of-way or across the public right-of-way line extended across a railroad right-of-way, except when attached to and projecting no more than 18 inches from a building wall legally located at or near the right-of-way line in the City Limits or in the Extraterritorial Jurisdiction or are an authorized marquee sign attached to a building.
- b. Portable signs, except those used for temporary purposes as otherwise provided for in this chapter.
- c. Electronic signs.
- d. Off-Premise sign (including billboards) containing commercial advertising of goods or services.
- e. Signs with lights that blink, fluctuate, or move. Light rays must shine only upon the sign and

upon the property within the premises.

- f. Signs on bus benches.
- g. Signs of a size, location, movement, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal.
- h. Signs that are taller than 15 feet.
- i. Signs that are attached to any utility pole or wire, traffic sign, or are placed in City easement or right of way or on City-owned property unless placed by written permission of the City.
- j. Signs that obstruct any fire escape, required exit, window, or door opening intended as a means of ingress and egress.
- k. Feather signs.
- l. Handheld signs with a commercial message.
- m. Commercial balloon signs.
- n. Inflatable signs.

## **Section 5. – Authorized Signs.**

- 1. The following signs authorized in this Section are allowed in the City without a permit:
  - a. Government signs.
  - b. Traffic control devices that are erected and maintained to comply with the Texas Manual on Uniform Traffic Control Devices.
  - c. Signs required by this Ordinance.
  - d. Signs required by other law, including federal, state or local law, including a sign that a property owner is required to post on the owner's property to warn of danger or to prohibit access to the property either generally or specifically. The owner must comply with the federal, state, or local law to post a sign on the property.
  - e. Official governmental notices and notices posted by government officials in the performance of their duties, governmental signs to control traffic, or for other regulatory purposes such as neighborhood crime watch areas, to identify streets, or to warn of danger.
  - f. Signs displayed on trucks, buses, trailers, or other vehicles that are less than thirty-two (32) square feet and are being operated as motor vehicles, provided the primary purpose of the vehicles is not for display of signs and provided that they are parked in areas appropriate to their use vehicles, are in operable condition, and carry a current and valid license plate and state registration sticker.
    - i. Vehicular signs shall contain no flashing or moving elements;
    - ii. Vehicular signs shall not be attached to a vehicle so that the driver's vision is obstructed from any angle; and
    - iii. Signs, lights, and signals used by authorized emergency vehicles shall not be restricted.
  - g. Vending machine signs where the sign face is not larger than the normal dimensions of the machine to which the sign is attached.

## **Section 6. – Lessors.**

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

## **Section 7. – Permit Required.**

1. A sign permit is required prior to the display and erection of any sign except as otherwise provided in this Ordinance.
2. Creation of Site. For all signs, the Sign Administrator shall not issue a sign permit for construction, erection, placement, or maintenance of a new or existing sign until a site is established under the requirements of the City's Subdivision Regulations.

## **Section 8. – Sign Permit Not Required.**

1. Signs that do not require a permit include:

- a. Signs described in Section 5 with a total area of up to thirty-two (32) square feet and a maximum height of eight (8) feet.
- b. Official notices or advertisements posted or displayed by or under the direction of any public or court official in the performance of official or directed duties, provided that all such signs must be removed no more than ten (10) days after their purpose has been accomplished.
- c. Any sign wholly within the confines of a building and oriented so as to be out of view from outside the building.
- d. One sign per entrance door in a non-residential building which shall be limited two (2) square feet in size and located within five (5) square feet of the entrance door.
- e. Signs located within the grounds of public facilities such as baseball fields, stadiums, community centers, and other public facilities placed by a government entity.
- f. Any sign not expressly requiring a permit under this Ordinance.

## **Section 9. – General Sign Criteria.**

### **1. Sign Specification and Design**

#### **a. Compliance**

- i. All sign structures shall comply with this Ordinance, the Subdivision Regulations of the City of Spring Branch, and the Lighting Ordinance as currently adopted or may be amended, the National Electrical Code as currently adopted or may be amended, and other City ordinances as currently adopted or may be

amended. If any of the aforementioned standards conflict with this chapter or each other, the most restrictive provisions shall apply.

b. Visibility

- i. All signs shall observe all visibility requirements. No sign shall be constructed or displayed in such a manner as to interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device. See Section 9.2. for measurements.

c. Restrictions

- i. Unless otherwise permitted within this chapter, no person shall post or cause to be posted, attach, or maintain any sign:
  1. Upon any City-owned property or right-of-way except in accordance with Section 61.003 and Section 85.036 of the Texas Election Code, as amended; or as permitted by this chapter;
  2. Upon any utility easement;
  3. Upon any tree, publicly owned light pole, or any utility pole or structure;
  4. Upon any fence, railing, or wall, except in accordance with this chapter;
  5. Upon any sidewalk within the right-of-way or a sidewalk easement, curb, gutter, or street, with the exception of house numbers or fire lane designations;
  6. Upon or to the supporting members of any fire escape, nor shall it be guyed to or supported by any portion of the fire escape;
  7. No sign shall be located closer than two feet (2') from any telephone cable, power line, or any street light standard
  8. No sign shall be located as to block, partially block, or interfere in any way with a required means of egress from any building or window;
  9. No sign shall block, interfere, or otherwise hinder pedestrian or vehicular traffic on a public sidewalk, a public thoroughfare, a fire lane easement, or a driveway required to access parking; and,
  10. Signs constructed of glass or other material, which may shatter upon impact, are prohibited over public right-of-way.

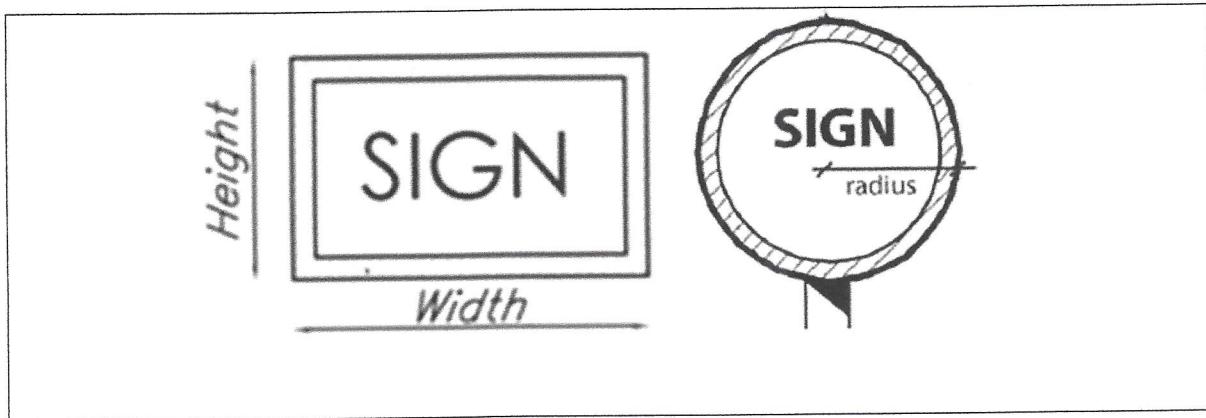
d. Multiple Signs on a Property or Building

- i. The permitting of a sign on a property or building shall not prevent the permitting of other types of signs on a property or building unless the signs are expressly prohibited herein.

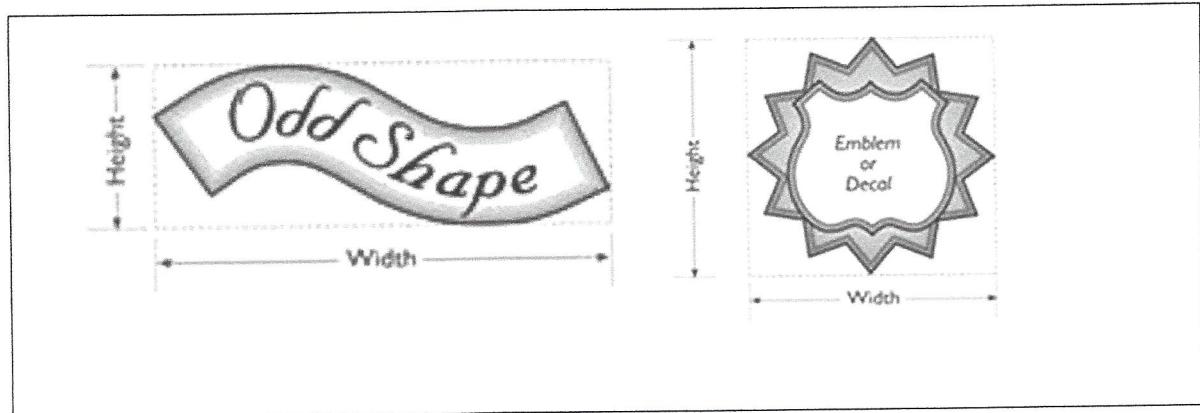
## 2. Sign Measurements

a. Area—The area of a sign shall be measured as follows:

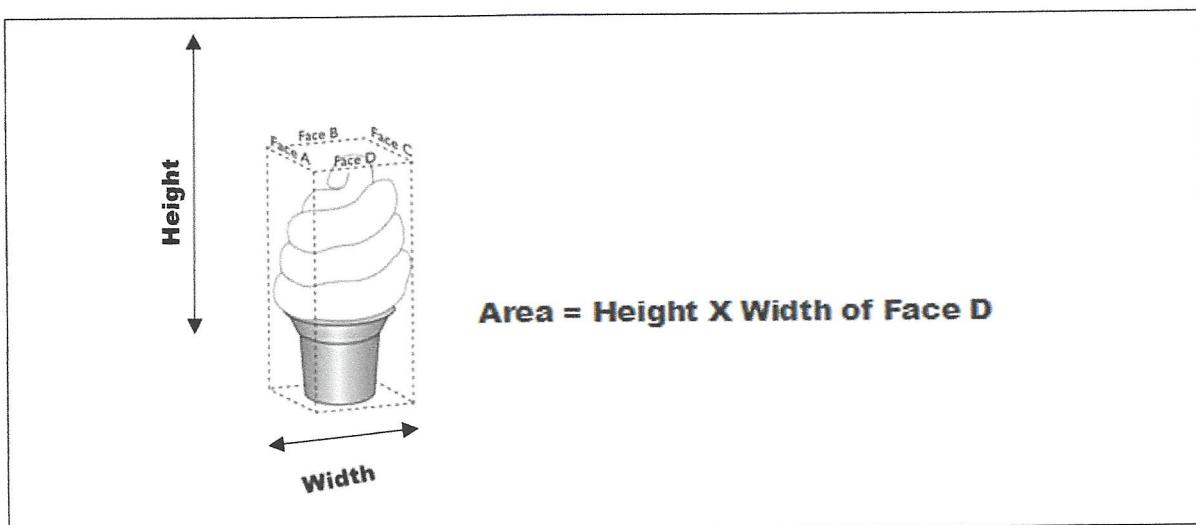
- i. For signs in the shape of a square, rectangle, circle, or similar standard geometric shape, the area shall be calculated by using the standard mathematical formula (height multiplied by width, 3.14 multiplied by radius squared, etc.).



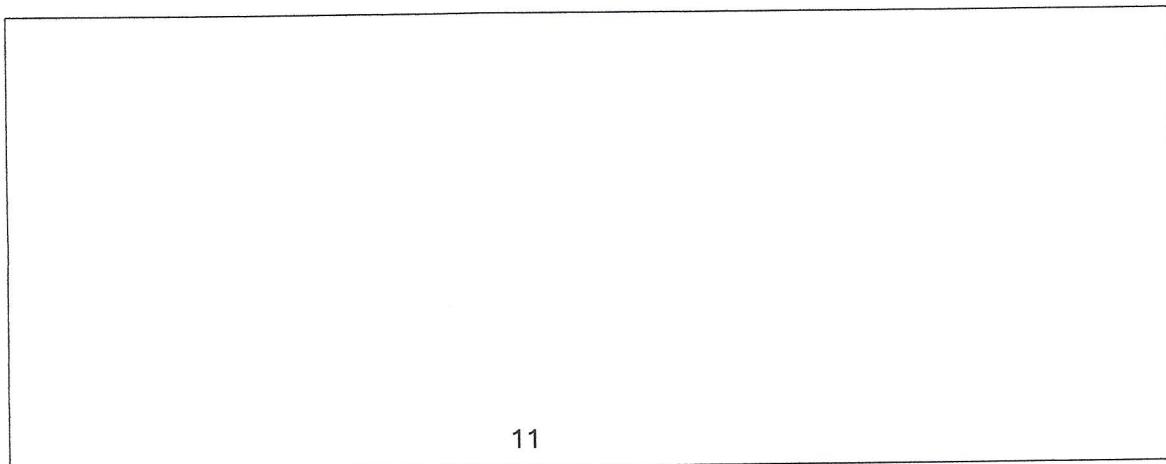
- ii. For signs with an irregular shape, the area shall be measured by drawing a box around the entire body of the sign, enclosing the sign elements with four (4) intersecting lines and using the standard mathematical formula (height multiplied by width).

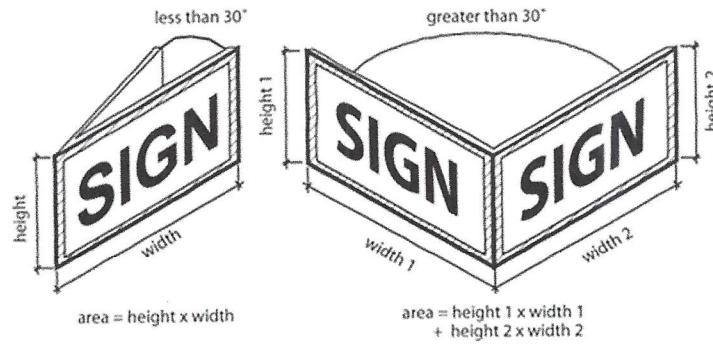


iii. The area of a spherical, cylindrical, or other three-dimensional sign shall be measured by calculating the area of a two-dimensional drawing of the largest elevation of the sign.

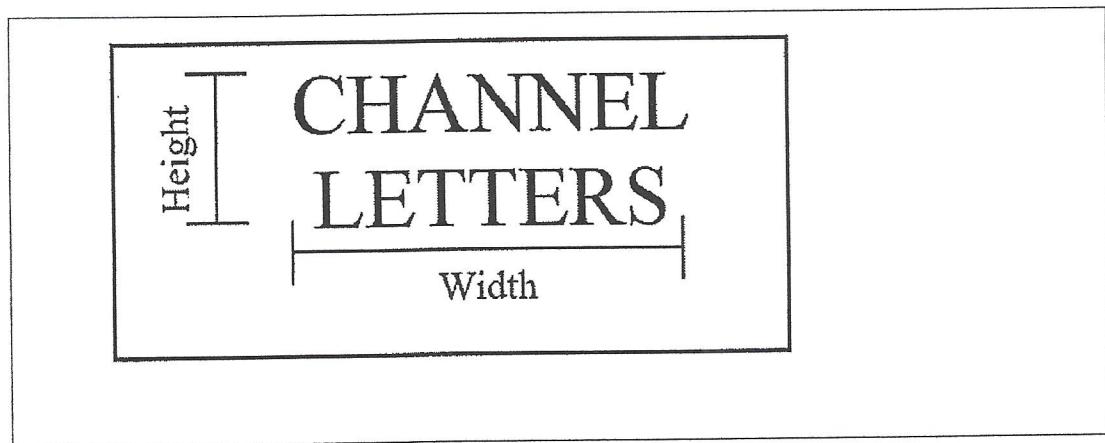


iv. Where a sign has two (2) faces, the area of the largest sign face shall be used to determine the area of the sign provided the two (2) faces are within thirty (30) degrees from parallel. Where a sign has two (2) or more faces that are greater than thirty (30) degrees from parallel, the sign area shall either be calculated as the sum of the area of each face, or the sign will constitute two (2) signs (a V-shaped sign).



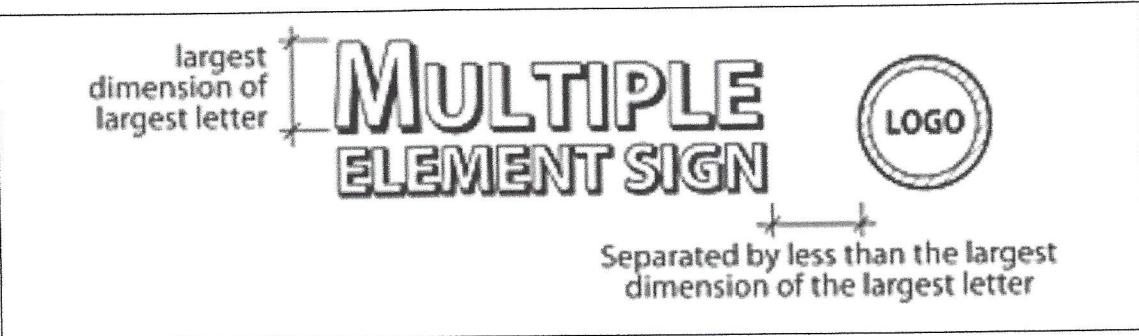


v. Letters forming a word or name shall be considered a single sign, regardless of the spacing between letters.

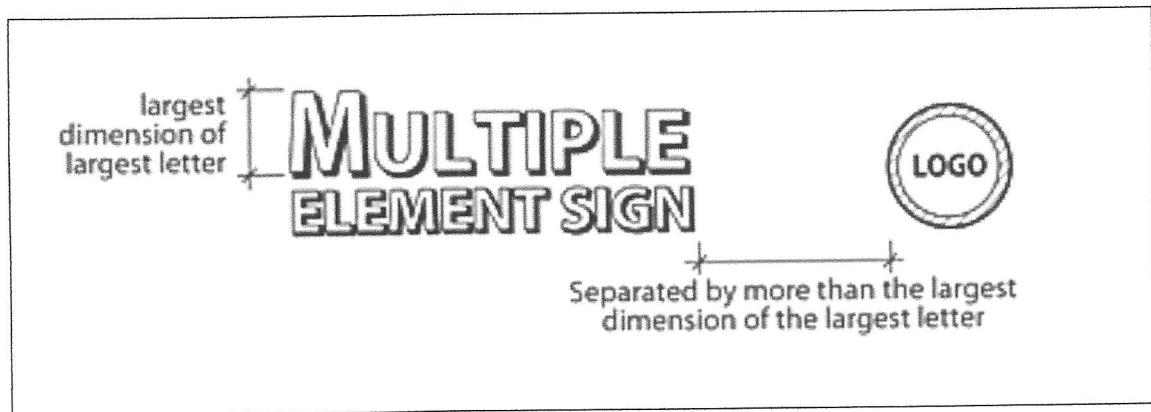


b. Multiple Elements

i. When two (2) or more separate items in a sign are separated horizontally or vertically by LESS than the width or height of the largest letter, the items shall be considered a single sign and the area shall be determined by measuring the area enclosing the sign elements with straight, intersecting lines.

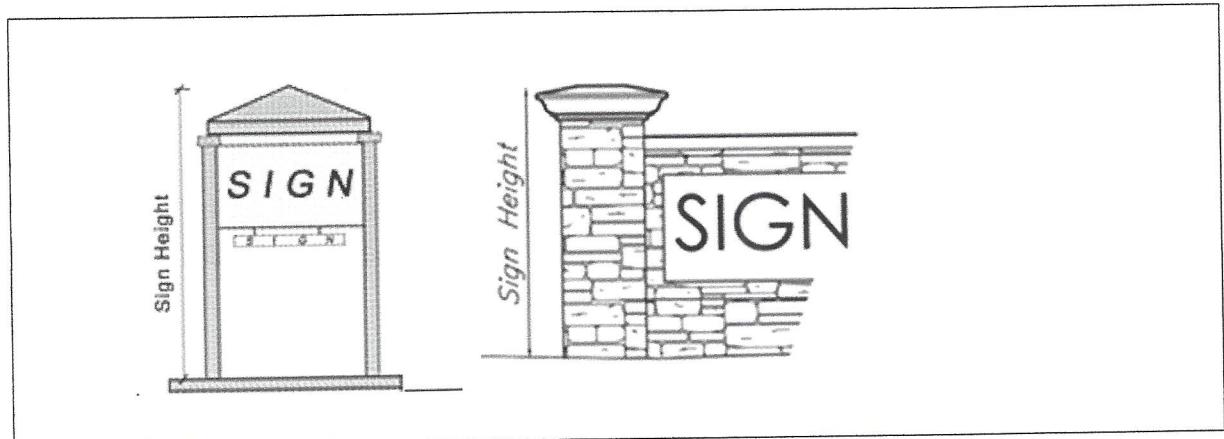


- ii. When two (2) or more separate items in a sign are separated horizontally or vertically by more than the width or height of the largest letter, the items shall be considered separate signs and the area shall be determined individually.



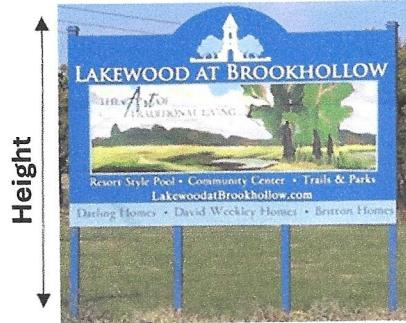
c. Height

- i. The height of all signs shall be measured from the top edge of the sign and/or support structure to the average finished grade of the ground below the sign and/or support structure. If a sign is located on a mound, berm, or other raised area for the sole purpose of increasing the height of the sign, the height of the mound, berm, or other raised area shall be included in the height of the sign.

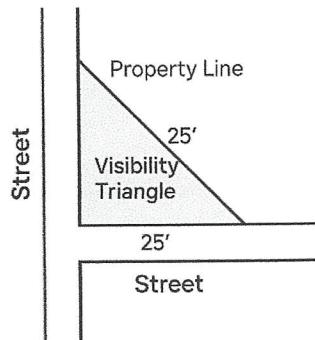


d. Supports

- i. The supports of a freestanding sign shall not be included in calculating the area of the sign, but shall be included in the measurement of the height of the sign.



e. Visibility



## Section 10. – Specific Sign Regulations by Type of Use

1. High Density Development. High density development includes townhouse subdivisions, garden home subdivisions, condominiums, and multi-family residential units. No sign shall be permitted in a High Density Development unless it meets the following standards.

a. Types of Signs Allowed With a Permit:

- i. High Density Development Complex Sign. The sign shall be located at least thirty (30) feet from the right-of-way and may be indirectly lighted. The maximum size and number of signs that the owner or owners of the residential development may erect and maintain at the entrances to the development shall be controlled according to the following:

1. Multifamily Residential Complexes with twenty units or less in area may have a monument sign or signs with a total area of no more than twenty-four (24) square feet at each entrance to the Complex.
2. Multifamily Residential Complexes with over twenty units may have a monument sign or signs which have a total area of no more than thirty-six (36) square feet at each entrance to the Complex.

3. Before a Residential Complex Sign may be installed under this section, the sign permit application shall be reviewed by the City Commission and must be approved by the City Commission. Prior to review by the City Commission, the Sign Administrator shall review the permit application for completeness and compliance with state and City codes.
  - ii. Identification Signs. There may be one (1) sign no larger than fifteen (15) square feet in sign area identifying the complex and placed flush on the wall near the office entrance or, as an alternative, one (1) hanging sign or one (1) ground sign containing no more than six (6) square feet in sign area may be erected.
- b. Types of Signs Allowed Without a Permit: One temporary sign, including a pole sign, wall sign, or monument sign, may be located on a property without a permit when the owner consents to the placement of the sign and that entire property is for sale or lease or if an individual unit or units is for sale or lease. This subsection does not affect the content of the sign allowed under this subsection.
  - i. Entire Property: One additional sign, not exceeding one hundred (100) square feet in sign area, while the entire property or property is for sale or lease. A sign posted under this section must be removed within ten (10) days following when a contract of sale has been executed or a rental agreement has been executed. This sign shall be placed at least thirty (30) feet from any public right of way.
  - ii. Individual Unit(s): One additional sign, not exceeding nine (9) square feet in sign area, where an individual unit or units is being offered for sale or lease. A sign posted under this section must be removed within ten (10) days following when a contract of sale has been executed or a rental agreement has been executed. This sign shall be placed at least thirty (30) feet from any public right of way.

2. Commercial (Non-Residential) Use. No signs shall be permitted on a property used commercially (non-residential) unless it meets the following standards:
  - a. Types of Signs Allowed With a Permit.
    - i. Wall, Canopy, Marquee, or Projecting Signs. Wall, Canopy, Marquee, and Projecting Signs may be erected. The total sign area for all signs on each lot shall not exceed sixty-four (64) square feet. Sign area allotment is computed by adding the sign area of all signs allowed by this subsection on the lot. Projecting signs shall project no more than two (2) feet perpendicular from the wall and not more than three (3) feet vertically above the wall of the building. Each sign under this section requires a sign permit. Each sign shall be placed at least thirty (30) feet from any public right of way.
    - ii. Monument Signs. One (1) non-attached sign per lot may be erected. No sign under this section shall exceed one hundred (100) square feet in sign area and shall not exceed fifteen (15) feet in height. The setback shall be a minimum of thirty (30) feet from property lines. Sign placement must comply with any additional setback that may

be prescribed by the Sign Administrator when there is a potential safety issue.

- iii. Gasoline Pump Islands. For a property that contains a gasoline pump island, the owner may exhibit one (1) logo sign not exceeding thirty-two (32) square feet in sign area and one (1) price sign per gasoline pump island not exceeding forty (40) square feet in sign area. The signage under this subsection does not count against a non-residential property's total signage allotment. This sign shall be placed at least thirty (30) feet from any public right of way.
- iv. Restaurant Menus. For a property with a Restaurant Menu sign, detached or attached, to a building used in connection with a drive-in or drive-through, that does not attract the attention of persons not on the premises. Signs under this subsection shall not exceed thirty-two (32) square feet and shall not be illuminated other than internally illuminated. This sign shall be placed at least thirty (30) feet from any public right of way.

b. Types of Signs Allowed Without a Permit:

- i. Equipment Signs. Words may be attached to machinery or equipment which is necessary or customary to the business, including but not limited to devices such as gasoline pumps, vending machines, ice machines, etc., provided that words so attached refer exclusively to products or services dispensed by the device, and project no more than one inch from the surface of the device.

ii. Non-Commercial Signs Allowed Without a Permit:

- 1. Each lot may have one non-commercial sign, including a pole sign, wall sign, or monument sign, that meets the requirements of this section.
- 2. A non-commercial sign shall not have an area greater than twenty-five (25) square feet.
- 3. A non-commercial sign shall not be more than five (5) feet in height.
- 4. A non-commercial sign shall not be lighted or have any moving elements.
- 5. Non-commercial signs may be installed on private property only with the consent of a Property Owner and may not be installed in, on, or over any street or right-of-way.
- 6. Non-commercial signs under this section may not advertise the sale of goods or services.
- 7. Any sign allowed under this section for a commercial message may also contain non-commercial content.

- iii. One additional temporary sign, which may be a pole sign, wall sign, or monument sign, may be located on a property without a permit when the owner consents to the placement of the sign and that entire property is for sale or lease or if an individual unit or units is for sale or lease.

- 1. This subsection does not affect the content of the sign allowed under this subsection.
- 2. Entire Property: One additional sign, not exceeding sixty-four (64) square feet in sign area, while the entire property or property is for sale or lease. A sign posted under this section must be removed within ten (10) days following when a contract of sale has been executed or a rental agreement has been executed. This sign shall be placed at least thirty (30) feet from any public right of way.
- 3. Individual Unit(s): One additional sign, not exceeding sixteen (16) square feet in sign

area, where an individual unit or units is being offered for sale or lease. A sign posted under this section must be removed within ten (10) days following when a contract of sale has been executed or a rental agreement has been executed. This sign shall be placed at least thirty (30) feet from any public right of way.

- c. One flag per twenty-five (25) feet of frontage on a right-of-way up to a maximum of six flags with noncommercial messages and six flag poles per premises. Each flag must be a maximum of twenty-four (24) square feet in area. Flag poles shall be a maximum of fifteen (15) feet in height but no higher than the highest point of the nearest principal building's roof on the premises. Flag poles must meet the minimum yard setback requirements for a principal building or a minimum of ten feet, whichever is more restrictive. Any flag with a commercial message shall count towards other total signage for each nonresidential property as square footage related to the maximum amount of square feet for a monument sign or a wall sign.
- d. No sign may be placed without the consent of the Property Owner or without a sign permit, when required.
- e. The Responsible Party is responsible for compliance with this Ordinance.
- f. Any sign under this section shall not advertise the sale of goods, services, or activities that are not available on the building or property on which the sign is attached or placed.
- g. Height. The following maximum heights shall apply to signs on individual properties used commercially (non-residential).
  - i. Unless otherwise specified in this Section, if ground-mounted, the top must not be over 15 feet above the ground; and
  - ii. If building mounted, the sign must be flush mounted and must not project above the roof line.

**Section 11. – Permit Application Process.** Applications for a sign permit must be processed through the Sign Administrator or the Sign Administrator's designee.

- 1. Requirements. Except as otherwise provided for herein, no sign shall be erected, posted, painted, or otherwise produced, changed, or reconstructed, in whole or in part, within the City Limits without first obtaining a permit.
- 2. Applications: Application for a permit required by this Ordinance shall be made upon forms provided by the Sign Administrator or the Sign Administrator's designee. The application for sign permits shall contain all information, drawings, and specifications necessary to fully advise the Sign Administrator, or the Sign Administrator's designee, of the type, size, shape, location, zoning district if within City Limits, construction, and materials of the proposed sign and the building structure or premises upon which it is to be placed. Drawings shall also show all existing signs on the property. An application is not considered complete until all necessary information listed in this Code are provided with the application.
- 3. Application for permit. An application for a sign permit must be filed with the Sign Administrator. An application for any sign must state the date when the owner intends to erect the sign.
  - a. An application shall include:
    - i. Name, address, and telephone number of the owner of the sign;

- ii. Name, address, and telephone number of lessor sponsoring the sign, if any;
  - iii. Name, address, and telephone number of the contractor, if any, installing the sign;
  - iv. Name, address, and telephone number of the property where the sign is to be installed;
  - v. Date on which it is to be installed;
  - vi. Zoning district in which the proposed sign will be located;
  - vii. Any variance that will be requested or has been approved; and
  - viii. An illustration including the location, appearance, and dimensions of the proposed sign;
  - ix. An application is not considered complete unless all the above information is provided with the application.
- b. The Sign Administrator or designee shall promptly process the sign permit application and approve the application, reject the application, or notify the applicant of deficiencies in the application within thirty (30) calendar days after receipt. Any application that complies with all provisions of this ordinance, the subdivision ordinance, the lighting ordinance, and other applicable laws, regulations, and ordinances shall be approved after inspection and approval of the plans and the site.
- c. If the application is rejected, the Sign Administrator shall provide in writing a list of the reasons for the rejection. An application shall be rejected for non-compliance with the terms of this ordinance, the subdivision ordinance, the lighting ordinance, and other applicable laws, regulations, or ordinances.
- d. If no action is taken by the Sign Administrator or designee within thirty (30) calendar days after receipt the City shall not collect a fee for the sign permit application. The Sign Administrator then shall approve or reject the application as soon as practical after the thirty (30) day deadline. However, if the Sign Administrator has not approved or rejected the permit within forty-five (45) calendar days after the completed application is filed, the applicant can file a complaint as an appeal to the City Commission as if the permit had been denied.
- e. Permit fee. No permit shall be issued until applicable non-refundable fees have been paid to the City. Fees may be subject to change without prior notification. Sign permit fee schedule shall be in accordance with the fee schedule enacted by the City Commission and located at City Hall.
- f. Duration and revocation of a permit. If a sign is not completely installed within six months following the issuance of a sign permit, the permit shall be void. The City may revoke a sign permit under any of the following circumstances:
  - i. The City determines that information in the application was materially false or misleading;
  - ii. The sign as installed does not conform to the sign permit application;
  - iii. The sign violates this Ordinance, the zoning ordinance, building code, or other applicable law, regulation, or ordinance; or
  - iv. The Sign Administrator determines that the sign is not being properly maintained or has been abandoned.

- g. Appeals. If the Sign Administrator denies a permit, the applicant may appeal to the City Commission under Section 15.
- h. All applications for permits shall include a drawing to scale of the proposed sign and all existing signs maintained on the premises and visible from the right-of-way, a drawing of the lot plan or building facade indicating the proposed location of the sign, and specifications for its construction, lighting, motion, and wiring, if any. All drawings shall be of sufficient clarity to show the extent of the work.
- i. Qualifications. Only those individuals who properly obtained a permit by the Sign Administrator, the Sign Administrator's designee, or other statutorily required permit or approval shall receive a permit to erect or alter any sign. Permits for the installation, erection, or alteration of any electrical components on a sign shall be issued only to those individuals who hold a commercial sign operator's license and master electrician's license and who have filed the bond and insurance required by the City. It shall be an offense for any person licensed under the provisions of this Ordinance to obtain a permit on behalf of or for the benefit of any unlicensed person whose business activities are such that such unlicensed person would need a license to obtain a permit.
- j. Conditions for issuing permits. No permit for the erection or alteration of any sign over any sidewalk, alley, or other public property, or on or over any roof or building shall be issued to any person except upon the condition that the permit may be withdrawn at any time, in which case the sign shall be immediately removed by the Responsible Party, who will also be liable under the penalties provided for in this Ordinance.
- k. Issuance. A permit shall not be issued when:
  - i. An existing billboard sign is in a deteriorated, unsafe, or unsightly condition as described below in Section 16.
  - ii. A sign on the premises is not in compliance with this Ordinance.
  - iii. Authorization of the property owner on which the sign is to be placed has not been obtained.
- l. Inspection. Any sign for which a permit is issued shall be inspected after its erection for conformity to the provisions of this Ordinance.

**Section 12. – Permit Not Required.** A permit shall not be required for:

1. Simple routine maintenance, adjustments, replacement of light globes, etc, on existing signs.
2. When a sign has been damaged by fire, windstorm, or other causes, immediate work may be done to prevent damage to property or hazard to persons, and to this extent only. Notice will be given as soon as practical to the Sign Administrator or the Sign Administrator's designee.
3. Changing a commercial message to a noncommercial message on any legal sign surface. Any sign surface on which a commercial message may contain a noncommercial message.

4. Changing of permitted copy of an existing sign, provided that no increase occurs with respect to either the sign area or the manner in which the sign is structurally supported.
5. For any sign or display exempted from the sign ordinance or permit requirement.

### **Section 13. – Variances.**

1. A Responsible Party that wants a variance from this Ordinance must file a request for variance with the Sign Administrator along with a variance fee, as stated in the City's most recent fee schedule. The Sign Administrator will indicate what documentation the Responsible Party must provide in support of the request.
2. Once the complete and necessary documentation has been provided to the Sign Administrator, the City Commission shall review the request and make a determination based on the documentation provided by the Responsible Party as well as the recommendation of the Sign Administrator.
3. The City Commission has final authority to approve a variance.

### **Section 14. – City Commission.**

1. Except as provided in subsection 3 of this section, the City Commission may, in specific cases and subject to appropriate conditions, and only after a special finding based on the evidence presented that strict compliance with the requirements of this Ordinance will result in substantial undue hardship or inequity to the applicant without sufficient corresponding benefit to the City and its citizens in accomplishing the objectives of this Ordinance:
  - a. Permit a variance for a noncommercial or commercial sign of the setback, effective area, or height requirements of this Ordinance;
  - b. Authorize one additional sign on a premises in excess of the number permitted by this Ordinance; or
  - c. Review the denial of a permit or other action by an administrative official on request of the applicant or sign owner.
2. The City Commission shall consider
  - a. Special or unique hardship because of the size or shape of the property on which the sign is to be located, or the visibility of the property from public roads.
  - b. Hardship claim based on the exceptional topographic conditions or physical features uniquely affecting the property on which a sign is to be located.
  - c. Proposed sign location, configuration, design, materials and colors are harmonious with the design review guidelines.
  - d. The sign and its supporting structure should be in architectural harmony with the surrounding structures.
  - e. The City may take into consideration the demonstrated and documented correlation between the variance and protecting the public health and safety.

- f. The City will be more inclined to consider a variance request when it is sought during an earlier stage of the construction approval process, for instance when the Responsible Party is submitting/obtaining a plat, high density unit development, development agreement, or site plan.
3. The City Commission may impose conditions upon the granting of a variance under this Ordinance. Such conditions must be related to the variance sought and be generally intended to mitigate the adverse effects of the sign on neighboring tracts and the general aesthetic ambiance of the community. A non-exhaustive list of examples of conditions include increased setbacks, added vegetation, muted colors, and decreased lighting. The City Commission may condition sign variances on the Responsible Party bringing other existing, nonconforming signs into compliance with current regulations. A Responsible Party's failure to comply with conditions placed on a variance may result in the City Commission voiding the variance and authorizing all available code enforcement actions and other remedies available in equity or at law.
4. The City Commission may authorize the remodeling, renovation, or alteration of a sign when some nonconforming aspect of the sign is thereby reduced.
5. Where a permit was required for a sign's erection according to the law in effect at the time the sign was erected and where the Sign Administrator finds no record of a permit being issued, the City Commission may authorize the issuance of a replacement permit when, from the evidence presented, the board finds either that a permit was issued or that arrangements were made with a sign company to obtain such permit.

## **Section 15. – Maintenance of Existing Signs.**

1. All signs in the City shall be properly maintained at all times to the satisfaction of the Sign Administrator. The Sign Administrator shall have the authority to order the painting, repair, or removal of a sign which constitutes a hazard to the safety, health, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment. The Sign Administrator's decision shall be subject to the review of the City Commission as listed below regarding appeal of a decision of an administrative official under Section 15. If within fifteen (15) days the maintenance orders are not complied with, the Sign Administrator may order the sign removed at the owner's expense under the provisions of this ordinance.
2. It is an offense for a Responsible Party to fail to maintain signs and sign structures in a good and sound condition as determined by the Sign Administrator in accordance with the International Building Code. Responsible Parties must repair or replace signs and sign structures that are rotting, pealing, rusting, fading, becoming discolored, covered in dirt, or filled with holes. Responsible Parties shall not allow signs or sign structures to become dangerous, within the meaning of the International Building Code, as a result of inadequate design, construction, repair, or maintenance. The City can seek to compel immediate removal of signs that are in such a state of disrepair as to constitute an imminent threat to public health, safety and welfare.

## **Section 16. – Newly Annexed Signs.**

Signs in areas newly annexed into the City Limits shall be treated as nonconforming signs. If required for the type of existing sign, a permit shall be issued upon application.

## **Section 17. – Off-Premise Pole Signs (Billboards).**

1. Off-Premise Pole Signs (Billboards) with commercial advertising are prohibited in the City. Off-Premise Pole Signs (Billboards) in existence prior to the enactment of this Ordinance shall be exempt from the provisions of the Ordinance, only if they are not hazardous to the health and safety of the public and are maintained in accordance with this Ordinance. After 120 months from the enactment of this Ordinance, all billboards in the City shall conform to the restrictions and standards of this Ordinance and any lighting regulations adopted by the City.
2. No existing Off-Premise Pole Signs (Billboards) shall exceed forty (40) feet in height from the ground level. No Off-Premise Pole Signs (Billboards) shall interfere with visibility of pedestrians or drivers of motor vehicles at street intersections or otherwise obstruct traffic or create a traffic hazard.

## **Section 18. – Destroyed Nonconforming Signs.**

An existing non-conforming sign in the City Limits may not be repaired or rebuilt in the case of obsolescence or total destruction by fire or other causes. In case of partial destruction by fire or other causes, where the cost of repairing the sign is less than sixty 60 percent of the cost of erecting a new sign of the same type at the same location, the Sign Administrator may issue a “no fee” permit for the necessary repairs to be made to the sign. If the necessary repairs are not completed within sixty (60) days of the receipt of written notification to the Responsible Party by the Sign Administrator or the Sign Administrator’s designee, then the sign shall be removed either by the Responsible Party or by the City at the Responsible Party’s expense. Criminal or civil penalties may also be initiated against the Responsible Party as provided for in this Ordinance. Under unusual circumstances and/or where the Responsible Party has shown “good faith” in attempting to comply with the provisions of this Ordinance, an extension period of thirty (30) days may be granted to the Responsible Party to facilitate repairs. If the cost of rebuilding or repair of an existing non-conforming sign exceeds sixty percent (60%) of the cost of erecting a new sign of the same type at the same location, the sign shall be removed at the Responsible Party’s expense. If the sign is not removed within thirty (30) days of written notification to the Responsible Party, then it shall be removed by the City or its designated agent(s) at the Responsible Party’s expense. A sign so removed under the provisions of this section shall be kept in storage for a period of sixty (60) days, and if it is not claimed within said period, it may be disposed of in a lawful manner by the City.

## **Section 19. Abandoned or Discontinued Signs.**

An abandoned or discontinued sign is a sign that advertises a business or project that has ceased operations in excess of one (1) year, unless the property is leased, in which

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

## **Section 20. Signs and Modifications.**

1. Signs lawfully in existence on the date the provisions of this Ordinance are adopted that do not conform to the provisions of this Ordinance, but which were in compliance with the applicable regulations at the time they were constructed, erected, affixed, or maintained, must be regarded as nonconforming.
2. For the purpose of amortization, these signs may be continued from the effective date of this Ordinance for a period not to exceed ten (10) years, unless under a previous regulation the signs were to be amortized as allowed by law. In that case the amortization period must be as previously required or ten years, whichever is less. Signs that cannot be amortized by the city may continue in existence so long as the sign continues to be properly maintained as required by this Code.
3. Signs which were nonconforming to the prior Ordinance and which do not conform to this Ordinance must be removed immediately.

## **Section 21. Altered, Relocated, or Replaced Signs.**

Any sign which is altered, relocated, or replaced must be brought immediately into compliance with all provisions of this Ordinance.

## **Section 22. Temporary Signs.**

Temporary Signs may be displayed with the approval of a temporary sign permit if the temporary sign will be displayed longer than 14 days. A temporary sign permit is valid for fourteen (14) days. Each lot in the City may have up to three (3) temporary sign permits per year. Square footage of the sign may not exceed forty (40) square feet. Signs must be securely attached to a permanently installed building or wall and they must be kept in good repair throughout the time of their display. Pipes, poles, posts or other materials may be used to erect signs if the signs and supporting materials are kept in good repair. The Responsible Party must affix the permit sticker to the back of the sign. A temporary sign must obtain a permit and pay a temporary sign fee as required by the City fee schedule for the number of days for which a temporary will be displayed. A temporary sign under this section shall comply with all setback requirements of other signs on similarly zoned lots.

## **Section 23. Violations.**

Should the Responsible Party or parties after due notice fail to correct a violation of this Ordinance, the Sign may cause such signs and supports to be removed. The Sign Administrator may also take necessary action to file a lien against the property a lien to

recover the cost of removal if the removal costs are not paid by the property owner within fifteen (15) days after the property owner is billed. The Sign Administrator may also pursue criminal and/or civil penalties as provided for under this Ordinance.

**Section 24. Amendments, enforcement, civil remedies, and public nuisance.**

1. Amendment. This Ordinance may be amended from time to time as local conditions change, if the City Commission wishes to do so.
2. Enforcement.
  - a. It will be the responsibility of the City to publish this Ordinance in the newspaper of record and to disseminate the ordinance by other appropriate means; to publish information about the ordinance on the City website; and, as time permits, to inform owners of noncompliant lighting of these provisions.
  - b. The City Commission shall promulgate one or more interpretive documents to aid in the administration of, and compliance with, this Ordinance. Such interpretive documents, shall be educational only and shall not constitute regulations, amendments, or exceptions.
3. Violations.
  - a. The City shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations.
  - b. Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum not exceeding \$500.00. Each day that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this Ordinance is a class A misdemeanor. The culpable mental state to incur criminal liability under this Ordinance is recklessness.
  - c. In the event work is not being performed in accordance with this Ordinance, the City shall issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect.
4. Civil remedies. Nothing in this Ordinance shall be construed as limiting the right of any person or entity to pursue legal action against any other person or entity under any applicable law, including but not limited to, injunctive relief, monetary damages, and other relief as directed by a court with jurisdiction over the matter.
5. Public nuisance. Any violation of this Ordinance that results in an unreasonable interference with the common and usual use of any other property is hereby declared to be a public nuisance, which is prohibited by this Ordinance.