

ORDINANCE NO. 27-2018

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 21, "BUILDING REGULATIONS", AMENDING ARTICLE 21.09, "SIGNS", BY REPEALING DIVISION 1, "GENERALLY" IN ITS ENTIRETY AND REPLACING WITH A NEW DIVISION 1, "GENERALLY", TO AMEND THE SIGN REGULATIONS OF THE CITY; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Seagoville finds the development and enforcement of sign regulations is in direct relation to maintaining property values and to the protection of health, safety, welfare of the general public, and

WHEREAS, the City Council of the City of Seagoville finds that allowing for appropriate signage may enhance property values and sales revenues for the corporate citizens of the City of Seagoville, and

WHEREAS, the City Council of the City of Seagoville finds that providing for the control and regulations of signs, advertising and merchandise display with safeguards to protection of health, safety and welfare of the general public may further the Council's responsibility to guard the same; and

WHEREAS, the City Council of the City of Seagoville finds it to be in the public interest to adopt a revision to the City's sign regulations that amends and reorganizes certain provisions.

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

SECTION 1. That the Code of Ordinances of the City of Seagoville, Texas is amended by amending Chapter 21, "Building Regulations", Article 21.09, "Signs", by repealing Division 1, "Generally" in its entirety, and replacing with a new Division 1, "Generally", to read as follows:

"CHAPTER 21 - BUILDING REGULATIONS

....

ARTICLE 21.09 SIGNS

Division 1. Generally

Sec. 21.09.001 Title, purpose and objectives

(a) Title. These regulations shall be known as the city sign ordinance or the city sign code, may be cited as such, and may be referred to herein as "this article."

(b) Purpose and objectives. Signs use private land near the public rights-of-way to inform and persuade the general public by publishing a message. This article provides standards for the erection and maintenance of private signs. All private signs that are not exempt as provided below shall be erected and maintained in accordance with these standards. The general objectives of these standards are to promote and protect the health, safety, welfare, convenience and enjoyment of the public, and in part, to achieve the following objectives:

- (1) Safety. To promote and protect the safety of persons and property by providing that signs:
 - (A) Do not create a hazard due to collapse, fire, collision, decay or abandonment;
 - (B) Do not obstruct firefighting or police surveillance; and
 - (C) Do not create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles or other vehicles, or to read traffic signs, other traffic- control and safety devices, or emergency vehicles.
- (2) Communication efficiency. To promote the efficient transfer of information in sign messages by providing that:
 - (A) Those signs which provide messages and information most needed and sought by the public are given priorities;
 - (B) Businesses and services may identify themselves;
 - (C) Customers and other persons may locate a business or service;
 - (D) No person or group is arbitrarily denied the use of the sight lines from the public rights-of- way; and
 - (E) Persons exposed to signs are not overwhelmed by the number of messages presented and are able to exercise freedom of choice to observe or ignore said messages, according to the observer's purpose.
- (3) Landscape quality and preservation. To protect the public welfare and to enhance the appearance and economic value of the cityscape, by providing that signs:
 - (A) Do not interfere with scenic views;
 - (B) Do not create a nuisance to persons using the public rights-of-way;
 - (C) Do not create a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height or movement; and
 - (D) Are not detrimental to land or property values.

Sec. 21.09.002 Administration and jurisdiction

(a) Jurisdiction and applicability. This article shall be applied to all areas within the corporate limits of the city, as such limits may be changed from time to time, and to those areas within the city's extraterritorial jurisdiction (ETJ), as such areas may also be changed from time to time, as allowed by law.

- (1) All signs erected, constructed, installed or otherwise placed after the effective date of this article shall be in full conformance with all standards and regulations herein.
- (2) Signs which were in existence and in place on the effective date of this article, and which meet all provisions of this article, shall be classified as conforming signs.
- (3) Signs which were lawfully installed in compliance with all city codes and ordinances that were applicable at the time of installation, but that do not comply with one or more provisions of this article and/or other applicable codes or ordinances of the city (such as specific signage regulations in the city zoning ordinance) that were adopted after such signs were installed shall be classified as nonconforming signs (see section 21.09.014).

(b) Regulations not intended to permit violation. The regulations of this article are not intended to permit any violation of the provisions of any other lawful ordinance or of any state law.

(c) Conflicting regulations. In the event of any conflict between the provisions of this article and any other city code or ordinance the more restrictive regulation shall apply.

(d) Administrative official. The provisions of this chapter shall be administered and enforced by the building official (or designated representative) of the city. For such purposes, the building official (or designated representative) shall have the powers of a law enforcement officer.

(e) Inspections.

- (1) All signs for which a permit is required shall be subject to inspection by the city.
- (2) Footing inspections (as by a licensed structural engineer) may be required by the city for all signs having footings.
- (3) All signs containing electrical wiring shall be subject to the provisions as provided in the Code of Ordinances, and the electrical components used shall bear the label of, and shall comply with, the applicable regulations. Any electrical signs or devices that are located within reach of persons shall be protected by wire glass, safety glass, a metal locked box, or other approved safety method.
- (4) The city may order the revocation of any sign permit and/or the removal of any sign that is not maintained in accordance with the provisions of this article.
- (5) The city has the authority to inspect annually, or at such other times as it deems necessary, each sign regulated by this article for the purpose of ascertaining whether

the sign is secure or insecure, whether it still serves a useful purpose, and whether it is in need of removal or repair.

(f) Right of entry. Whenever necessary to make an inspection to enforce any of the provisions of this article, or whenever the building official (or his/her authorized representative) has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the building official (or his/her authorized representative) may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official by this article; provided that, if such building or premises are occupied, he shall first present proper credentials and request entry; and if such building or premises are unoccupied he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the building official (or his/her authorized representative) shall have recourse to every remedy provided by law to secure entry.

(g) Responsible parties. The permittee, owner, agent and/or person(s) having the beneficial use of any sign, the owner(s) of the land or structure upon which any sign is located, the person(s) responding on behalf of such advertising, and the person(s) in charge of erecting any sign are all subject to the provisions of, and compliance with, this article. It is the responsibility of all such parties to be knowledgeable of, and to be in compliance with, all provisions of this article.

(h) Signs not expressly permitted are prohibited. All signs not expressly defined, regulated and permitted under this article are hereby prohibited within the corporate limits of the city, and within the extraterritorial jurisdiction of the city (if applicable by law).

Sec. 21.09.003 Variances

Requests for special exceptions from the strict administration of this article may be sought through the Zoning Board of Adjustment in the same manner as a variance to a zoning regulation. Any such request shall follow the procedures set forth in the city Code of Ordinances. In order for the Board to grant a variance it must find the following facts.

- (1) The requested variance does not violate the intent of this chapter.
- (2) The requested variance will not adversely affect surrounding properties.
- (3) The requested variance will not adversely affect public safety.
- (4) Special conditions exist which are unique to this applicant or property.
- (5) The sign has not been installed prior to obtaining a permit.
- (6) A sign installed without a permit must be removed before a sign variance application can be accepted.

Sec. 21.09.004 Definitions and Regulations

Alter. To change the size, shape, outline, intent, footprint or type of sign.

Animation. Any type of mechanical movement or change of lighting to depict action or to create a special effect or scene.

Area (of a sign). See “sign area.”

Attach. To stick, tack, nail, or otherwise affix a sign to any object; to paint, stencil, write or otherwise mark on an object.

Attached sign. A sign that is attached to, applied to, applied on or supported by any part of a building (such as a wall, window, canopy, awning, arcade, marquee, etc. and specifically) which encloses or covers usable space. This does not include or apply to roof signs which are strictly prohibited.

Awning. A structure hung from the surface of a building, usually stretched over a frame and designed to provide protection from sun, rain, wind and other climatological conditions or to provide decoration to the building facade. An awning is typically composed of canvas, fabric or other similar lightweight material supported and shaped by a metal or wood frame. An awning shall have a minimum clearance of eight (8) feet above any sidewalk/pedestrian travel surface, and fourteen (14) feet above any vehicular parking or circulation surface. It shall be engineered and able to withstand the most recent revision of the latest adopted building code for wind speeds. All awning signs four hundred (400) square feet or larger shall have a flame-retardant certificate.

Awning sign. The copy/artwork on an awning sign shall not exceed the area and size that are allowed for a wall sign on the wall upon which it is attached, and the copy/artwork shall not be illuminated. However, the total area of wall signs and awning signs on any wall surface shall not exceed the area and size allowed for a single wall sign, and any awning sign shall not exceed seventy-five (75) percent of the awning's surface area. An awning and/or awning sign shall have a minimum clearance of eight (8) feet above any sidewalk/pedestrian travel surface, and fourteen (14) feet above any vehicular parking or circulation surface. It shall be engineered and able to withstand the most recent revision of the latest adopted building code for wind speeds. All awning signs four hundred (400) square feet or larger shall have a flame-retardant certificate. All awning signs must comply with the following regulations:

- (1) Maximum height: Height of vertical face only of awning.
- (2) Maximum size/area: Not to exceed seventy-five (75) percent of the awning's vertical surface area.
- (3) Allowed in all nonresidential zoning districts.
- (4) Placement/setbacks: On the vertical face of an awning which provides weather protection, identity, or decoration and is supported by the building the awning is attached to.

- (5) Maximum number: Not applicable.
- (6) Duration: No limit.
- (7) Permit is required.

Banner. A type of portable sign that is generally constructed of lightweight plastic, fabric, or a similar non-rigid material, and that is mounted/tethered to a pole, building or other structure at one or more edges. A banner typically (but not always) exhibits a text message and/or symbol(s) for the business located on the property, or for a product or service provided by that business. Banner signs shall not be utilized as permanent wall signs. National/state or local government flags are not considered banners (see "flag").

- (1) Maximum height: Six feet (6').
- (2) Maximum size/area: Sixty (60) square feet.
- (3) Allowed in all nonresidential, multifamily, townhome and manufactured housing zoning districts, and allowed for any nonresidential use (such as a church, school, day care center, etc.) that is located in an agricultural, single-family or two-family zoning district.
- (4) Placement/setbacks: Must be securely attached (such that the banner does not move, flap, wave, flutter, twirl, etc.) to the vertical face only of a building or a canopy, not to a fence, screening wall, tree, utility pole, permanent sign support, etc.
- (5) Maximum number: One per dedicated street frontage per business.
- (6) Duration. Establishments will be permitted for no more than one banner at a time per site.
- (7) Banners shall advertise specific on-site products, commodity promotions or grand openings, or shall provide leasing information. Banners will not be used for general advertising purposes.
- (8) Banner permits will be valid for a period not to exceed sixty (60) calendar days and additional banner permits for the same location will not be issued for a period of sixty (60) calendar days from the expiration date of the previous permit.
- (9) Banners with expired permits must be removed within two (2) calendar days of the permit expiration or be subject to citations.
- (10) Special Event/Promotion - Any non-residential premises or occupancy may display banner signs containing a message directly relating to a special event/promotion, limited to four (4) Special events/promotions per calendar year. The size of a Special event/promotion banner is limited to sixty (60) square feet. Special Event/Promotion banners may be displayed no more than fourteen (14)

calendar days and must be removed within two (2) calendar days after the conclusion of the Special Event/Promotion. Only one (1) Special event or promotion banner may be displayed on the premises at any one (1) time. The banner shall be located on the face of the building of the business offering the Special event/promotion with property owner's written permission provided to the city at the time the banner permit application is submitted for approval.

- (11) Permit is required. The permit fee(s) may be waived for registered 501(c)(3) non-profit organizations.

Billboard sign. A sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service and/or product not principally located or primarily manufactured or sold on the premises upon which the sign is located (i.e., off-premises). Billboard signs are prohibited in all zoning districts.

Building line. A line parallel or approximately parallel to the street line and beyond which buildings may not be erected.

Building official. For the purposes of this article, the building official, or other official duly authorized by the city, has the authority to administer and enforce the provisions of this article.

Canopy. A roof-like structure which is supported by free-standing columns or the building to which it is attached, and which is generally open on two or more sides. A canopy shall have a minimum clearance of eight (8) feet above any sidewalk/pedestrian travel surface, and fourteen (14) feet above any vehicular parking or circulation surface. It shall be engineered and able to withstand the most recent revision of the latest adopted building code for wind speeds. All canopy signs four hundred (400) square feet or larger shall have a flame-retardant certificate.

Canopy sign. A canopy sign may be placed, digitally printed, screen printed or has vinyl applied upon or is an integral part of the face of a canopy. All canopy signs 400 square feet or larger shall have a flame-retardant certificate.

- (1) Maximum height: Not to exceed the height of the canopy.
- (2) Maximum size/area: Not to exceed ten (10) percent of the area of the face of the canopy of which it is a part or to which it is attached, or a maximum of twenty-five (25) square feet, whichever is greater. The sign may consist of only the name and/or logo of the business at the location of the canopy. An illuminated stripe may be incorporated into a canopy. The stripe may extend along the entire length of the face of the canopy. The width or thickness of the stripe shall be limited to one-third (1/3) of the vertical dimension of the face of the canopy. The internal illumination of a canopy is limited to the portions of the canopy face upon which a sign or illuminated stripe is permitted.
- (3) Allowed in all nonresidential zoning districts.
- (4) Placement/setbacks: On the vertical face only of a canopy; minimum vertical clearance of eight (8) feet above any sidewalk/pedestrian travel surface, and fourteen

- (14) feet above any vehicular parking or circulation surface.
- (5) Maximum number: One (1) per canopy face.
- (6) Duration: No limit.

Changeable message sign (also reader board sign). A wall-mounted or free-standing sign (or a portion of a larger sign) that describes and advertises things such as movie listings, fuel pricing, dining and product or service specials, welcome greetings, etc., with manually interchangeable letters and symbols; includes non-electronic bulletin boards and theater marquees; **not a “message center”**.

- (1) Maximum height: See standard for the type of sign it is part of (monument sign, pole/pylon sign, wall sign, etc.).
- (2) Maximum size/area: See standard for the type of sign it is part of (monument sign, pole/pylon sign, wall sign, etc.).
- (3) Allowed. See standard for the type of sign it is part of (monument sign, pole/pylon sign, wall sign, etc.).
- (4) Placement/setbacks: See standard for the type of sign it is part of (monument sign, pole/pylon sign, wall sign, etc.).
- (5) Maximum number: One (1) per property/lot.
- (6) Duration: No limit.
- (7) Permit is required.

Commercial message. Any type of copy that, directly or indirectly, names, advertises or otherwise calls attention to a business, product, service or other commercial or for-profit activity.

Conforming sign. A sign that was in existence and in place on the effective date of this article, and which meets all provisions of this article.

Construction sign. A temporary, accessory sign identifying the property owner, architect, contractor, engineer, landscape architect, decorator and/or mortgagee engaged in the design, construction and/or improvement of the premises upon which the sign is located. Construction signs may be erected in non-residential and residential zoning districts and shall not exceed thirty-two (32) square feet in size and a maximum height of fifteen (15) feet. The required setback for a construction sign shall be twenty (20) feet from the front property line, and construction signs are limited to one (1) per street front. A construction sign may be erected and maintained only during the duration of construction and shall be removed prior to the issuance of a Certificate of Occupancy or, in the case of a residential dwelling, prior to the final building inspection.

Copy. Letters, characters, illustrations, logos, graphics, symbols, writing or any combination

thereof, that is intended to communicate information of any kind, or to advertise, announce or identify a person, entity, business, business product or service, or to advertise the sale, rental or lease of the premises.

Copy area. The area of the sign containing any copy, including the area between the separate lines and letters of text and the area between text and any symbol, illustration, logo or graphic.

Damaged, dilapidated or deteriorated condition. Dilapidated or deteriorated condition shall include instances where:

- (1) Elements of the surface or background can be seen, as viewed from a normal viewing distance (i.e., the intended viewing distance), to have portions of the finished material or paint flaked, broken off, missing and/or otherwise not in harmony with the rest of the surface;
- (2) The structural support or frame members are visibly bent, broken, dented or torn;
- (3) The sign panel is visibly cracked or, in the case of wood and similar products, splintered in such a way as to constitute an unsightly or harmful condition;
- (4) The sign and/or its elements are twisted or leaning or at angles other than those at which it was originally erected (such as may result from being blown by high winds or from the failure of a structural support);
- (5) The message or wording can no longer be clearly read by a person with normal eyesight under normal viewing conditions; or
- (6) The sign and/or its elements are not in compliance with the requirements of the Code of Ordinances of the city.

Decorative display. See “Promotional flags/pennants” and “Promotional signage.”

Development signs. A temporary, accessory sign identifying the name and general nature of the development project that is being constructed on the premises upon which the sign is located. Such signs must relate only to the property on which they are located.

- (1) Maximum height: Twenty feet (20').
- (2) Maximum size/area: One hundred (100) square feet.
- (3) Allowed in all zoning districts.
- (4) Placement/setbacks: Thirty feet (30') from any property or right-of-way line.
- (5) Maximum number: One per project or one (1) per fifty (50) acres of total project size.
- (6) Duration: Until project is ninety percent (90%) complete. In the case of a commercial project, "ninety (90) percent complete" means when a Certificate of Compliance is issued for a shell building. For a residential project, "ninety (90) percent complete"

means when ninety (90) percent of the subdivision is permitted.

- (7) Permit is required.

Directional sign (on-site). A sign designated specifically for the purpose of directing or providing guidance to vehicular and/or pedestrian traffic on private property. The sign will be allowed to have names/logos and arrows showing direction. Examples include, but are not limited to, signs with or without a directional arrow and wording such as “Entrance,” “Exit,” “Visitor Parking,” “Customer Service Department,” “One-Way,” “Leasing Office This Way,” etc.

- (1) Maximum height: Three feet (3').
- (2) Maximum size/area: Eight (8) square feet.
- (3) Allowed in all multifamily, single-family attached, manufactured home, and nonresidential zoning districts.
- (4) Placement/setbacks: Five feet (5') from any property or right-of-way line.
- (5) Maximum number: No limit.
- (6) Duration: No limit.
- (7) Permit is not required.

Directory sign (on-site). A sign used for the purpose of directing vehicular and/or pedestrian traffic to specific occupants/businesses on private property (i.e., within shopping centers, industrial parks, retail districts, office complexes and commercial sites). Sign will be allowed to advertise corporate logos other than the names of occupants/businesses and arrows directing traffic to those locations. Can be freestanding or wall-mounted.

- (1) Maximum height: Same as for monument sign if freestanding.
- (2) Maximum size/area: Eighteen (18) square feet if freestanding; eight (8) square feet and placed adjacent to the building’s primary entrance at the ground level if wall-mounted.
- (3) Allowed in all multifamily, single-family attached, manufactured home, and nonresidential zoning districts.
- (4) Placement/setbacks: Ten feet (10') from any property or right-of-way line for freestanding or monument-style.
- (5) Maximum number: One (1) per property/lot, or one (1) per twenty-five (25) acres (or portion thereof) for a development that is over twenty-five (25) acres in size.
- (6) Duration: No limit.

- (7) Permit is required.

Easement. An area restricted on private property where the city or a public utility has the right to remove and keep removed all or part of any buildings, fences, trees, shrubs and other improvements or growths which in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems within said easements. The city and public utilities have the right of ingress and egress to and from and upon easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or part of their respective systems without the necessity at any time of procuring the permission of anyone.

Electronic Message Sign.

- (1) Signs may be illuminated. Signs shall have no flashing copy or lights; revolving beacon lights; chasing, blinking, or stroboscopic lights; or, fluttering, undulating, swinging, or otherwise moving parts.
- (2) Electronic message signs are allowed.
 - (A) A maximum of 70% of the sign face may be devoted to changeable sign copy.
 - (B) Changeable message copy signs may not be used to display commercial messages relating to products or services that are not offered on the premises.
 - (C) Any marquee signs that are illuminated by artificial light or projects an electronic message through a changeable copy sign that is within 400 feet of a residence, park, playground, or scenic area as designated by a governmental agency having such authority shall not be lighted between the hours of 10:00 p.m. and 6:00 a.m.
 - (D) Such signs shall not exceed a brightness level of 0.3-foot candles above ambient light. In all zoning districts such signs shall come equipped with automatic dimming technology, which automatically adjusts the sign's brightness based on ambient light.
 - (E) A permit is required.

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

Facade or elevation. Any separate face of a building, including parapet walls and any other part of a building which encloses or covers usable space that is not classified as the roof. Where separate facades 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 facade.

Face panel or surface. A surface(s) of the sign upon, against or through which the message is displayed or illustrated on the sign.

Flag (official). A fabric, banner or bunting containing distinctive colors, patterns, words and/or insignia which is used as a symbol for a government, political subdivision or some other professional, religious, educational or non-profit entity, provided that such device is displayed for non-commercial (i.e., not-for-profit) purposes.

Flyer. Any advertising circular or piece that is affixed, glued, nailed, stapled or otherwise attached to a pole, fence, building or other structure.

For sale, rent or lease sign. See “Real estate sign.”

Free-standing sign. Any type of sign that is placed on or anchored in the ground, and that is structurally independent of any building or other structure. All types of freestanding signs require a permit (unless otherwise provided in this article for a specific type of freestanding sign). All types of freestanding signs shall be located entirely on private property and not within any public right-of-way or easement.

Garage Sale Sign. Any temporary, promotional sign for the occasional (i.e., not on-going) sale of personal household goods, typically displayed in a residential area or on the property of a non-profit organization. Off-premises garage sale signs are permitted, provided they have the address of the sale upon them, they are self-supporting, and they are not placed within public rights-of-way or mounted upon public/utility structures (e.g., telephone poles, street light standards, street sign poles, public buildings, etc.) or on trees, fences, etc.

- (1) Maximum Height: Five (5) feet.
- (2) Maximum Size/Area: Four (4) square feet.
- (3) Zoning Permitted: In all districts.
- (4) Placement: On private property (off-premises signs require the property owner's permission); cannot be mounted on public/utility structures or within public rights-of-way or easements.
- (5) Maximum Number: One (1) on the property having the sale; no more than five (5) off-site.
- (6) Duration: From 5:00 p.m. the day before the sale, until 8:00 a.m. the day after the sale. A fine will be assessed for each off-site garage sale sign left after 8:00 a.m. on the required removal date.
- (7) Permit is required.

Gaseous tubing. Exposed tubes which contain inert luminescent gases including, but not limited to, neon, argon and krypton.

Highway sign. A free-standing off-premises sign, or billboard, that is located within six hundred and sixty feet (660') of any state or federal highway right-of-way, and that is visible from such highway, and that requires an outdoor advertising license from the state department of

transportation. New highway signs or billboards are prohibited and shall not be allowed in any zoning district.

Human sign. A sign held by or attached to a human being who stands or walks on the ground, at a business location (***on-premise only***). A human sign includes a person dressed in costume, for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service, activity, or product on the premises where the human sign is located.

- (1) No sign permit is required.
- (2) Human signs may not be off-premise from where a promotion, sale, event or the like takes place. Podiums, risers, stilts, vehicles, roofs, or other structures or devices shall not support a human sign.
- (3) Human signs may be displayed only during normal business hours each and every continuing calendar day until the promotion, sale, special event, or the like has ended.
- (4) Human signs shall at all times remain outside of the roadways at or about the premise where the human sign is located, and shall refrain from interfering with, distracting or interfering with traffic on and about the roadways as well as pedestrian traffic on and about the sidewalk(s), if any.

Identification Sign. A sign which is used to identify the name of a retail shopping center, of a business park, or an industrial, commercial or office center.

Illegal sign. A sign that was erected in violation of any regulation applicable at the time of erection of such sign, including lack of a required permit.

- (1) Illegal conforming sign. A sign erected within the city or its ETJ that meets all provisions of this article but does not have a required permit.
- (2) Illegal nonconforming sign. A sign erected within the city or its ETJ that does not meet all provisions of this article and does not have a required permit (also deemed a “premature sign” or an “unauthorized sign” unless deemed by the city as an “illegal conforming sign”).

Illuminated Sign. A sign which has characters, letters, figures and/or designs that are illuminated by electric lights, luminous tubes or other means, and that are specifically placed to draw attention to, or to provide nighttime viewing of, the subject matter on the sign face.

Incidental Sign. A small sign of a noncommercial nature which is intended primarily for the convenience of the public. Included are signs designating restrooms, address numbers, hours of operation, entrances to buildings, public telephones, directions to locations, "Help Wanted" signs, civic organizations, and so forth. Also included in this group of signs are those designed to guide or direct pedestrians or vehicular traffic to an area or place on the premises of an office building or a business development by means of a directory designating names and addresses only (see "Directional Sign").

- (1) Maximum height: Not applicable.
- (2) Maximum size/area: Three (3) square feet.
- (3) Allowed in all single-family attached, multifamily, manufactured home and nonresidential zoning districts.
- (4) Placement/setbacks: On the vertical face only of a building, in a window, or on a gate or fence.
- (5) Maximum number: No limit.
- (6) Duration: No limit.
- (7) Permit is not required.

Inflatable Sign. A portable, hollow sign expanded or enlarged by the use of air, gas or lighter-than-air gas.

- (1) A permit is required and must be obtained prior to placement of an inflatable sign.
- (2) The sign must be set back a minimum of 10 feet from any property line.
- (3) A permit holder will be allowed to place one sign for three, 10-day periods per calendar year. Periods may not run consecutively.
- (4) Placement of signs on City right-of-way is prohibited.
- (5) Signs and their anchors or attachments shall not be placed in such a way as to create a traffic hazard.
- (6) Signs must be securely anchored to the pavement or ground.

Informational sign (on-site). A sign used for the purpose of directing vehicular and/or pedestrian traffic to specific occupants/businesses on private property (i.e., within shopping centers, industrial parks, retail districts, office complexes and commercial sites). Sign will be allowed to advertise corporate logos other than the names of occupants/businesses and arrows directing traffic to those locations. Can be freestanding or wall-mounted.

- (1) Maximum height: Same as for monument sign if freestanding.
- (2) Maximum size/area: Eighteen (18) square feet if freestanding; eight (8) square feet and placed adjacent to the building's primary entrance at the ground level if wall-mounted.
- (3) Allowed in all multifamily, single-family attached, manufactured home, and nonresidential zoning districts.

- (4) Placement/setbacks: Ten feet (10') from any property or right-of-way line; must be monument- style only.
- (5) Maximum number: One (1) per property/lot, or one (1) per twenty-five (25) acres (or portion thereof) for a development that is over twenty-five (25) acres in size.
- (6) Duration: No limit.
- (7) Permit is required.

Kiosk Sign. Multi-user directional or location sign constructed in the right-of-way, on- or off-premises, containing individual panels of a prescribed size for that particular kiosk, with each panel to contain an individual business logo, name or message, and, when appropriate, a directional arrow and/or distance indicator to the advertised business.

- (1) Kiosk signs must be designed and constructed according to the specifications contained in the license agreement approved by the City Council.
- (2) Prior to erecting any kiosk sign the licensee shall submit a sign location map to the building department for approval.
- (3) Kiosk signs shall include breakaway design features as required for traffic signs in the street rights-of-way.
- (4) Price information is prohibited on kiosk signs.
- (5) No signs, pennants, flags or other devices for visual attention of other appurtenances shall be attached to kiosk signs.
- (6) Individual sign panels on kiosk signs shall have a uniform design and color.
- (7) Kiosk signs shall not interfere with the use of sidewalks, walkways, bike and hiking trails; shall not obstruct the visibility of motorist, pedestrians, or traffic control signs; shall not be installed in the immediate vicinity of street intersections and shall comply with the any visibility triangle as dictated by the city.
- (8) No kiosk sign plaza or sign panel shall be installed within the right-of-way of a state highway without written authorization from the Texas Department of Transportation.
- (9) All kiosk signs shall be maintained in "like new" condition and shall be free of grass and weeds in surrounding vicinity.
- (10) The agreed upon license shall be consistent and comply with this ordinance.

Legal sign. A sign that, when erected, has met all city codes and ordinances pertaining to signs.

Logo. A formalized design or insignia (i.e., symbol) of a company or product, which is commonly used in advertising to identify that company or product.

Lot. Land occupied or to be occupied by a building and its accessory building and including such open spaces as are required under this article and having its principal frontage upon a public street or officially approved place.

Lot lines. The lines defining the limits of a parcel, lot, tract, or ownership.

Menu board. An on-site display of menu items, hours of operation, special upcoming events, and other business-specific information that is utilized by restaurant and entertainment establishments. Can be wall-mounted near the establishment's primary entrance, or can be freestanding at a drive-in or drive-through food service establishment, and may or may not have a speaker and/or an electronic visual order display board or panel that verifies what the patron is ordering at the drive-through.

- (1) Maximum height: Seven feet (7') if freestanding; top edge seven feet (7') above sidewalk grade if wall-mounted.
- (2) Maximum size/area: Thirty-two (32) square feet if freestanding; four (4) square feet if wall-mounted.
- (3) Allowed in retail, commercial and industrial zoning districts only.
- (4) Placement/setbacks: If freestanding, near rear of main building, and outside of all front, side and rear building setbacks; can be all changeable copy but only a maximum of four (4) square feet can be animated (at the order placement/confirmation speaker board only); if wall-mounted, must be placed near the primary entrance.
- (5) Maximum number: If standing [freestanding], two (2) allowed per establishment (only one of which may have a speaker and/or an electronic visual order display board or panel), except for drive-in style restaurants, which may have one menu board (with or without a speaker and/or an electronic visual order display board or panel) per parking stall, plus up to two menu boards (only one of which with a speaker and/or an electronic visual order display board or panel) for a drive-through lane; if wall-mounted, one (1) allowed per business.
- (6) Duration: No limit.
- (7) Permit is required.

Model Home Sign. A sign identifying model homes or a model home park, including home sales offices.

- (1) Maximum height: Six feet (6').
- (2) Maximum size/area: Sixteen (16) square feet.
- (3) Allowed in all single-family and multi-family residential zoning districts.

- (4) Placement/setbacks: Ten feet (10') from any property or right-of-way line or fifty percent (50%) of front setback. The sign shall be placed outside of any sight triangle on a corner lot.
- (5) Maximum number: One (1) per premises (each builder within a development may have one model home sign on each model home lot).
- (6) Duration: Until premises where sign is located are sold.
- (7) Permit is required.

Monument sign. A freestanding sign having a low profile and made of stone, concrete, decorative metal, brick or similar materials which is designed to complement the architecture of the building or complex on the premises where the sign is located. A monument sign shall be solid from the ground up. All poles and supports shall be concealed. The ground upon which a monument sign is located may be bermed up (or designed as a raised planter with heavy evergreen landscaping to conceal the planter on all sides) a maximum of two feet (2') from the top of the adjacent street curb.

- (1) Properties with multiple tenants such as shopping centers and office buildings with multiple tenants or businesses:
 - (A) Maximum height: Ten (10) feet, including the monument base, as measured from the average ground level at the base to the topmost portion of the sign.
 - (B) Maximum size/area: One hundred twenty-five (125) square feet.
 - (C) Allowed in all zoning districts.
 - (D) Placement/setbacks: Fifteen feet (15') from any property or right-of-way line; up to one-half (1/2) of a monument sign's allowable size/area can be devoted to a non-electronic changeable copy sign, or up to one-quarter (1/4) of its allowable size/area can be devoted to an electronic message center that shows only time/temperature or motor fuel pricing and that does not change message more frequently than once per five (5) seconds, provided the sign is located in a nonresidential zoning district, is within twenty-five feet (25') of the street right-of-way line, and outside of any sight triangle on a corner lot.
 - (E) Maximum number: One (1) per property/lot, or two hundred fifty feet (250') from another monument sign (measured along street right-of-way).
 - (F) Duration: No limit
 - (G) Permit is required.
- (2) Properties with single tenants such as businesses located on individually platted land, pad sites within a shopping center, apartment buildings, schools, and other nonresidential uses:

- (A) Maximum height: Eight (8) feet, including the monument base, as measured from the average ground level at the base to the topmost portion of the sign.
- (B) Maximum size/area: Eighty (80) square feet.
- (C) Allowed in all zoning districts.
- (D) Placement/setbacks: Fifteen feet (15') from any property or right-of-way line; up to one-half (1/2) of a monument sign's allowable size/area can be devoted to a non-electronic changeable copy sign, or up to one-quarter (1/4) of its allowable size/area can be devoted to an electronic message center that shows only time/temperature or motor fuel pricing and that does not change message more frequently than once per five (5) seconds, provided the sign is located in a nonresidential zoning district, is within twenty-five feet (25') of the street right-of-way line, and outside of any sight triangle on a corner lot.
- (E) Maximum number: One (1) per property/lot, or one hundred fifty feet (150') from another monument sign (measured along street right-of-way) on the same property.
- (F) Duration: No limit
- (G) Permit is required.

Municipally owned sign. An official sign which identifies a park, an entrance into the city, a place of interest within the city, a city-sponsored event, or any municipally owned site or facility. A municipally owned sign does not include traffic or street identification/name signs.

Nameplate or occupational. An attached sign that displays only the name or occupation of the owner or occupant of the premises upon which it is erected or placed, and no other information or copy pertaining to the name of the building, business, resident, commercial operation or other activity that is conducted on the site.

Neon sign. A sign or advertising device formed from neon (or other gaseous tubing, such as argon) lamps and/or tubing.

Noncombustible material. Any material which will not ignite at or below a temperature of twelve hundred degrees (1200°) Fahrenheit and will not continue to burn or glow at that temperature, and which would have a flame spread of twenty-five (25) feet or less.

Noncommercial sign. A sign that does not contain any type of commercial (i.e., "for profit") message, and that is not used to convey a commercial message.

Nonconforming sign. A sign that was lawfully installed in compliance with all city codes and ordinances that were applicable at the time of installation, but that does not comply with the provisions of this article and/or other codes or ordinances of the city that were adopted after the sign was installed.

Nonstructural trim. A retainer, molding, batten, capping, nailing strip, latticing, platform or other similar trim component which is attached to the sign or its structure but is not necessary for support and is not part of the sign support or framework.

Obsolete sign. A sign which no longer serves a bona fide use or purpose, including but not limited to signs relating to a product or service no longer available for purchase by the public, and all signs relating to a business which has been closed for at least six (6) months or has moved out of the city.

Obscenity. No person shall display on any sign any obscene or indecent matter as defined by the Texas Penal Code, or any matter soliciting or promoting unlawful conduct. Any sign which does contain any obscene, indecent or immoral matter must be removed within twenty-four (24) hours on notice. The owner or person in control of the property on which the sign is located shall be responsible for compliance with this Section.

Off-premises sign. A sign displaying copy that pertains to a business, person, organization, activity, event, place, service and/or product not principally located or primarily manufactured or sold on the premises upon which the sign is located.

Official sign. A sign erected by a governmental agency within its territorial jurisdiction for the purpose of carrying out an official duty or responsibility, and including, but not limited to, traffic signs and signals, zoning signs and street signs. Special lighting, banners and other promotional signage celebrating seasonal or civic events that are sponsored and/or endorsed by the city council may be classified as “official signs” provided that they are not for commercial (i.e., “for profit”) purpose.

On-premises sign. A sign identifying or advertising a business, person, organization, activity, event, place, service and/or product on the same premises upon which the sign is located.

Owner. The owner of a sign, piece of land or structure, or the person or entity who is responsible for erecting, altering, replacing, relocating, repairing or otherwise modifying a sign or sign structure.

Person. A person, firm, partnership, association, corporation, entity, company or organization of any kind.

Permanent sign. An attached or detached sign affixed to a permanent structure, or placed in a fixed location, that is intended to be displayed for a long period of time which is generally as long as the business, product, service, etc., that the sign advertises is in business, on the site where the sign is located, etc.

Pole sign. A free-standing sign is one that independent of any structure or building, supported by one or more poles, and having no additional guys, braces, supports, or anchors to the ground or to any other structure. Both the pole and its foundation shall be engineered and constructed to withstand the most recent revision of the latest adopted building code for wind speeds when the pole is over ten feet (10' - 0") in height. The plans for the pole and its foundation must be signed and stamped by a registered Texas structural engineer when submitted for the City's review. Landscaping is required around the base of the sign.

- (1) Maximum height: Seventy-five feet (75').
- (2) Maximum size/area: Two hundred (200) square feet for up to fifty feet (50') tall. Signs between fifty-one (51') and seventy-five (75) feet may be three hundred (300) square feet.
- (3) Allowed in all nonresidential zoning districts and planned developments located within fifty feet (50') of the right-of-way line of U.S. Highway 175. A multi-tenant or multi-user shopping center or business site/lot shall only be allowed one pole or pylon sign, not one sign for each individual tenant and/or business.
- (4) Placement/setbacks: Fifteen feet (15') from any curb line or a setback equal to one (1) foot for each foot of the sign's overall height, whichever is greater; must be pylon style, not single-pole style, for any sign that is forty feet (40') or less in height.
- (5) Maximum number: One (1) per property/lot.
- (6) Duration: No limit.
- (7) Permit is required.

Political sign. A temporary sign containing a political message, which is erected only on private property (i.e., not in public rights-of-way or easements) with the property owner's consent, for the sole purpose of advertising a candidate, a political party, or a ballot measure during a period of a public election.

- (1) To the extent regulation of political signs by a municipality is preempted and controlled by section 216.903 of the Texas Local Government Code, that section applies herein as if fully set forth. To the extent political signs are not subject to such statutory regulation, they shall be regulated as any other noncommercial sign as provided in this article.
- (2) No person shall place, or cause to be placed, a political sign on any public right-of-way or public property within the corporate limits of the city, except on the day of the election or early voting days at designated early voting locations. Such signs may be located at the polling places within the specified proximity as permitted by state election laws.
- (3) No person shall place, or cause to be placed, a political sign on any utility pole or tower (e.g., telephone pole, streetlight standard, street sign pole, electric utility tower, etc.) or on trees or fences within the corporate limits of the city.
- (4) A political sign may not:
 - (A) Have an effective area greater than thirty-six (36) square feet;
 - (B) Be more than eight feet (8') high;

- (C) Be illuminated; or
 - (D) Have any moving elements.
- (5) Duration: Sign may be put up beginning the day after the filing deadline for political office and must be removed within 10 days of election day.

Portable sign. Any type of sign that is not permanently attached to the ground or other permanent structure, and that is designed such that it can be moved from one location to another.

Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Private premises. A dwelling, house, building, or other structure designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited/vacant. A private premise shall include any yard, ground, lawn, walk, driveway, porch, steps, or mailbox belonging to appurtenant to such dwelling, house, building, or other structure.

Projecting Sign. A sign that projects from a building and has one end attached to a building or other permanent structure. Projecting signs shall have a minimum clearance of eight (8) feet above any sidewalk/pedestrian travel surface, and fourteen (14) feet above any vehicular parking or circulation surface.

Projecting structure. A covered structure of a permanent nature which is constructed of approved building materials, specifically excluding canvas or fabric material (i.e., an awning), and where such structure is an integral part of the main building or is permanently attached to a main building and does not extend over public property. A projecting structure is defined to include marquee and fixed-canopy types of structures. A projecting structure shall have a minimum clearance of eight (8) feet above any sidewalk/pedestrian travel surface, and fourteen (14) feet above any vehicular parking or circulation surface. It shall be engineered and able to withstand the most recent revision of the latest adopted building code for wind speeds.

Promotional flags/pennants. A type of temporary sign that is generally constructed of lightweight plastic, fabric or a similar material; that is mounted and/or tethered to one or more poles, buildings or other structures by a rope, wire, string or similar device; and that is designed to move in the wind (i.e., flutter) to attract attention. Promotional flags/pennants shall not exhibit a text message, copy, logo or symbol of any kind, but may be a single color or several colors. Promotional flags/pennants are permitted only in conjunction with a special promotion permit and shall be used as supplemental signs only. Permanent signs are required prior to issuance of a pennant permit.

- (1) Pennants may be displayed a total of four (4) fifteen-day periods per year.
- (2) Permit is required. The permit fee for pennants shall be twenty-five dollars (\$25.00) per display period or any part thereof and shall be paid in addition to any special

promotions permit fee.

- (3) Only four (4) pennants allowed per promotion.
- (4) Promotional banner shall be same size, and height allowed per the banner Section 21.09.

Promotional signage. A type of temporary signage that is used for special events and promotions or for special events, business grand openings or anniversaries. Promotional signage may include banners, flags, pennants, streamers, balloons, inflatable signs/devices, and any other legal types of signs allowed by this article. A searchlight may be used if it complies with all other provisions of this article.

- (1) Promotional signage is allowed on-premises only, for a maximum period of thirty (30) calendar days, and no more often than once per calendar quarter in any given year with at least a thirty- day separation between periods of display, and is only allowed for a legally operating business on the premises. A display period will commence on the first day promotional signage is displayed. A legally operating business shall include any retail, commercial, industrial or institutional use for which the city building official has issued a certificate of occupancy.
- (2) Any device described as promotional signage shall not exceed an overall height than the maximum building height allowed in that zoning district, or thirty-five feet (35'), whichever is smaller.
- (3) A separate permit is required for each display period promotional signage will be used. If any device described as promotional signage is installed prior to issuance of a permit, additional fees and/or fines for noncompliance with this article may be assessed in addition to the permit fee.
- (4) Promotional signage shall be fully contained on the property of the business which it advertises, and shall not extend into, onto, or over a public right-of-way or adjacent property. Signage shall not be located in any sight visibility triangle/area, nor shall any combustible materials be placed in contact with lighted signs or any electrical fixtures.

Property line. The line denoting the limits of legal ownership of property. Also called a lot line.

Public place. Any and all streets, boulevards, avenues, lanes, alleys or other public ways, and any and all public parks, squares, spaces, grounds and buildings.

Pylon Sign. A freestanding sign supported by a solid, ground up, tall monumental structure that is compatible with the main building on the premises. See "Pole Sign" for similar regulations.

Reader board sign. A wall-mounted or free-standing sign (or a portion of a larger sign) that describes and advertises things such as movie listings, fuel pricing, dining and product or service specials, welcome greetings, etc., with manually interchangeable letters and symbols; includes non-electronic bulletin boards and theater marquees.

- (1) Maximum height: See standard for the type of sign it is part of (monument sign, pole/pylon sign, wall sign, etc.).
- (2) Maximum size/area: See standard for the type of sign it is part of (monument sign, pole/pylon sign, wall sign, etc.).
- (3) Allowed. See standard for the type of sign it is part of (monument sign, pole/pylon sign, wall sign, etc.).
- (4) Placement/setbacks: See standard for the type of sign it is part of (monument sign, pole/pylon sign, wall sign, etc.).
- (5) Maximum number: One (1) per property/lot.
- (6) Duration: No limit.
- (7) Permit is required.

Real estate sign. A temporary accessory sign that advertises the availability for sale or rental of the premises upon which the sign is located, and which advertises property only for a use for which it is legally zoned. A real estate sign shall be promptly removed when the property is sold or rented (as applicable).

- (1) Maximum height: Five feet (5') in any residential zoning district; eight feet (8') in any nonresidential zoning district.
- (2) Maximum size/area: Eight (8) square feet in any residential zoning district; thirty-two (32) square feet in any nonresidential zoning district.
- (3) Allowed in all zoning districts.
- (4) Placement/setbacks: Five feet (5') from any property or right-of-way line.
- (5) Maximum number: One (1) per street frontage.
- (6) Duration: Until property is sold or rented (as applicable).
- (7) Permit is not required.

Rear wall. A wall with no main entrances or store fronts, and which does not face the front of the lot (i.e., the street). A building may have a maximum of one rear wall (either in a single wall segment or in several segments which are more or less parallel to one another or which follow the curvature of the overall building).

Roof Line. The height which is defined by the intersection of the roof of the building and the wall of the building with the following exception: for mansard-type roofs having two (2) slopes, the "roof line" shall be defined as the top of the lower slope of the roof. For mansard-type roofs having parapet walls, the "roof line" shall be the top of the parapet.

Roof sign. A sign affixed to, applied on, or erected upon or above a roof or parapet or the eave line of a building or structure. This type of sign is not allowed within the city limits or the ETJ of the city.

Sandwich board sign. A self-supporting A-, T-, or V-shaped portable sign with two visible sides that is self-supporting and placed in front of a business, generally on a sidewalk, to attract patrons into the establishment.

- (1) Maximum height: Three feet (3').
- (2) Maximum size/area: Eight (8) square feet; one per business.
- (3) Allowed in all nonresidential zoning districts and shall be taken inside every night and during non-open hours.
- (4) Placement/setbacks: On sidewalks in front of the advertised store, but a four-foot (4') walkway shall be kept open to pedestrians.
- (5) Maximum number: One (1) per street frontage.
- (6) Duration: Only during hours of operation.
- (7) Permit is required.

Searchlight. A source, classified as a temporary portable sign, of high-intensity light with one or more beams directed into the atmosphere or any type of light with one or more beams that rotate or move. Searchlights may be permitted in accordance with any other applicable city regulations and may include traditional searchlight devices or laser-type devices. A permit for use is required, and may be granted for use within a nonresidential zoning district only under the following additional regulations:

- (1) A searchlight shall be located a minimum distance of fifty (50) feet from any public right-of-way and from side or rear property lines and shall be positioned so as to project all beams at a minimum angle of thirty (30) degrees upward from grade level. No searchlight beam may project onto any street, onto any adjacent property, or onto property or buildings not owned/operated by the business utilizing the searchlight.
- (2) The maximum light intensity generated by searchlights on any premises may not exceed a total of one thousand six hundred (1600) million foot-candle power. No more than four (4) beams of light may be projected from any premises at any point in time.
- (3) All searchlights must be designed and maintained so as to prevent rays of light (or laser beams) from being directed at any portion of traveled ways, and no light shall be of such intensity or brilliance as to cause glare or to impair the vision of the driver of any vehicle, or to create any other type of traffic hazard (i.e., cannot be such an unusual, eye-catching display that would distract the attention of motorists).

- (4) No advertising searchlight may be operated between the hours of 11:00 p.m. and 6:00 a.m. Searchlights shall be operated in accordance with the city noise ordinance and with any other applicable ordinance designed to minimize public nuisances or disturbances.
- (5) No advertising searchlight may be operated on any premises for more than seven (7) consecutive days or for more than a total of fourteen (14) days within any calendar year. No permit for an advertising searchlight may be issued for any business entity for which a permit has been issued for a searchlight on the same premises within the last four (4) months preceding the date of the permit application. Searchlights shall be allowed (with a permit) for business “grand openings” and special events only such as “Seagofest,” special performances, and special holiday events.

Seasonal decorations. Noncommercial signs, structures or other materials (e.g., air-filled figures, strings of holiday or twinkle lights, ornaments, cut-out figures, etc.) that are temporarily displayed. Seasonal decorations shall not be placed in any way that affects traffic safety or visibility. They shall not pose a hazard or threat to public safety, and shall not negatively affect surrounding properties, neighbors, etc. They shall not advertise any type of business sales, marketing, grand opening or other commercial event.

- (1) Maximum height: Height of main structure on the property/lot. If located on the roof of a structure in an agricultural or residential zoning district, decorations shall not extend more than eight feet (8') above the top of the roof.
- (2) Maximum size/area: No limit.
- (3) Allowed in all zoning districts.
- (4) Placement/setbacks: Completely on private property (not in public right-of-way); can be erected or affixed to the roof, trees, fences and other fixtures on the property; can be illuminated and/or animated; can be mounted on the roof of a structure only within agricultural and residential zoning districts, only if securely tethered or secured to minimize movement of decorations, and only if decorations do not exceed eight feet (8') in height.
- (5) Maximum number: No limit.
- (6) Duration: Can be installed/displayed not more than fifty-nine (59) days.
- (7) Permit is not required.

Setback. The horizontal distance between a sign and the front, rear or side property line, as measured from that part of the sign, including its extremities and supports, nearest to any point on any imaginary vertical plane projecting vertically from the front, rear or side property line.

Side Wall. A wall with no main entrances or store fronts, and which does not face the front of the lot.

Sight visibility triangle/area. The areas of property on both sides of the intersection of an alley or driveway with a public street, or the intersection of two public rights-of-way, where visibility must be maintained. The triangular visibility area is defined as being formed by the intersection of two (2) or more public street rights-of-way with two (2) sides of each triangle being a minimum of twenty-five feet (25') in length from the point of the intersection (as measured along the property line, not the curb line), and the third side being a line connecting the ends of the other two (2) sides.

Sign (general). A name, number, identification, description, announcement, declaration, demonstration, device, display, flag, banner, pennant, illustration, beacon, light or insignia, and structure supporting any of the same, affixed directly or indirectly to or upon any building, window, door, outdoor structure or vehicle, or erected or maintained upon a piece of land, which directs attention to any object, product, service, place, activity, person, institution, organization or business. Any interior illuminated or moving sign or light which is visible from the exterior may be determined as being erected on the exterior of the building or structure. Signs may not have sign panels in three or more different directions.

Sign area. The area (i.e., square footage) of a sign made up of letters, words or symbols within a frame shall be determined from the outside edge of the frame itself. The square footage of a sign composed of only letters, words or symbols shall be determined from imaginary straight lines drawn around the entire copy or grouping of such letters, words or symbols. Double-faced signs shall be calculated as the area of one side only. Three-dimensional or multi-faceted signs shall be calculated as the largest area visible from any single direction at any point in time. When a sign is irregularly-shaped, the area shall be calculated by enclosing the extreme limits of the sign and all of its projections by no more than six (6) non-overlapping triangles and/or rectangles. The sum of all combined areas shall be no greater than the allowable area for that type of sign.

Sign height. The vertical distance of a sign from the average grade of the property where the sign will be located (as measured on a straight line projected between the main building, through the center of the sign, and to the nearest property line) to the highest point of the sign or its structure, whichever is highest.

Structural trim. Any retainer, molding, batten, capping, nailing strip, laticing, platform or other similar trim component which is attached to the sign or its structure, and which is necessary for support and is considered part of the sign support or framework.

Temporary sign. Any type of sign that is not permanently attached to the ground or other permanent structure, and that is intended to be displayed for a short period of time only (i.e., changeable) and that must be removed within a specified period of time unless otherwise provided in this article. Includes the following examples: banners, any type of portable sign, real estate signs, garage sale signs, development/construction signs, model home signs, political signs, promotional flags/pennants, and other similar signs.

Unified Lot Sign. Unified lot sign must meet all requirements of a monument sign, and may be placed on a premises consisting of two (2) or more contiguous lots where each lot owner has entered into a binding agreement through an easement to treat their separate lots as one (1) lot for the limited purpose of signage. The agreement shall contain a legal description of the

properties subject to the agreement; the agreement is a covenant running with the land to be filed and made a part of the Deed Records of Dallas or Kaufman County, Texas; and that the agreement cannot be amended or terminated without the consent of city.

Vehicle. For the purpose of this article, the term “vehicle” shall mean any automobile, truck, camper, tractor, van, trailer or any other device capable of being transported, and shall be considered a “vehicle” in both moving and stationary modes, irrespective of its state or repair or its physical condition.

Vertical clearance bar. A structure, usually comprised of two posts with a horizontal fixed or free-swinging cross-bar, that is installed to limit the height of vehicles at driveway openings, in drive-through lanes, under canopies and overhangs, and in other areas where vehicles may not go if they exceed the designated height; vertical clearance bars shall not bear any type of advertising signage or message or they shall be considered a “pylon sign” and regulated as such.

- (1) Minimum height: Fourteen feet (14') unless warning of a low clearance of an overhead structure.
- (2) Maximum size/area: Not applicable.
- (3) Allowed in all nonresidential, multi-family, townhome and manufactured housing zoning districts, and allowed for any nonresidential use (such as a church, school, day care center, etc.) that is located in an agricultural, single-family or two-family zoning district.
- (4) Placement/setbacks: Where needed; not within front yard setback unless approved as a special exception during site plan review and approval by the planning and zoning commission.
- (5) Must display the clearance height on the sign in six (6") inch numbers.
- (6) Maximum number: No limit.
- (7) Duration: No limit.
- (8) Permit is required.

Wall sign. A sign attached to, affixed upon, or painted upon a wall surface with the sign facing parallel to and projecting not more than six (6) inches out from the wall surface. A sign attached to or painted upon an awning or a canopy and visible to the exterior shall be considered in the allowable calculations for wall signs. Luminous gaseous tubing attached directly to a wall surface shall be considered a “wall sign” when forming a border for the subject matter, when directing attention to the subject matter, or when forming letters, logos, symbols or pictorial designs of any kind.

- (1) Maximum height: Height of wall surface (cannot extend above top of wall or roofline).

- (2) Maximum size/area: Ten (10) percent of wall surface in aggregate (i.e., all wall signs combined), exclusive of areas of the wall surface that are comprised of doors, windows, breezeways, etc. or two hundred fifty (250) square feet, whichever is smaller.
- (3) Allowed in all nonresidential zoning districts and similarly zoned property in planned developments.
- (4) Placement/setbacks: On the vertical face only of a building; must be comprised of individual letters/characters; must be attractively designed in colors that are not visually intrusive, and must be professionally designed, constructed and applied by an experienced sign contractor.
- (5) Maximum number: Limited by allowable area.
- (6) Duration: No limit.
- (7) Permit is required.

Window sign. A sign, any portion of which is painted or affixed to the exterior (or interior) surface of a window and visible from outside of the building (e.g., it is visible from the street or parking lot). The covering of a window for privacy, shading, or security reasons shall not be regulated provided there is no text or other advertising on it.

- (1) Maximum height: Height of window surface.
- (2) Maximum size/area: Forty percent (40%) of total window surface area for all building facades that are visible from a public street, but shall not exceed fifty percent (50%) of the surface area of any individual window on any building facade.
- (3) Allowed in all nonresidential zoning districts.
- (4) Placement/setbacks: Affixed to window surface and must be professionally designed, constructed and applied by an experienced window sign painter/contractor. A window sign that only displays information such as “open,” “closed,” hours of operation, credit cards accepted and similar information may be comprised of gaseous tubing, LED or other means of internal illumination, and of any color.
- (5) Maximum number: Limited by allowable area.
- (6) Duration: No limit.
- (7) Permit is required.

Sec. 21.09.005 Removal

- (a) Obsolete signs. Any sign which the Building Official determines no longer serves a bona fide use conforming to this Article, shall be removed by the owner, agent or person having the

beneficial use of the land, buildings or structure upon which such sign is located within fifteen (15) days after written notification to do so from the Building Official. Painted wall signs shall be immediately painted over with a color that resembles or matches the wall. Upon failure to comply with such notice, the Building Official is hereby authorized to cause the removal of such sign, and any expense incurred thereto shall be paid by the owner of the land, building or structure to which such sign is attached or upon which it is erected.

(b) Illegal signs. Any illegal sign is subject to removal, upon notice per subsection (d) of this section (or immediately in the case of a hazardous sign, per subsection (c) of this section).

(c) Unsafe signs. If the Building Official shall determine that any sign is unsafe or unsecure, or is a menace to the public, he shall give written notice to the person or persons responsible for such sign. If the sign permit holder, owner, agent or person having the beneficial use of the premises and/or the sign fails to remove or repair the sign within (15) days after such notice, such sign may be removed by the Building Official at the expense of the permit holder, sign owner, or owner of the property upon which the sign is located. The Building Official may cause any sign which is deemed to be an immediate hazard to persons to be removed summarily and without notice.

(d) Notice to remove sign or to correct noncompliance.

(1) Upon a determination that a sign must be removed, or that a sign is not in compliance with one or more provisions of this article, the building official shall give written notice to the sign owner (or the owner of the premises upon which the sign is located, as applicable) to remove such sign, or to bring such sign into compliance, within fifteen (15) days after notice is served. Notice shall be served by sending it via certified mail to the sign owner (or property owner), or by publication at least two (2) times in the official newspaper of the city if the owner cannot be served personally or if the owner's address is unknown. The sign owner (or property owner) shall then remove the sign (or correct any noncompliance, as applicable) within the fifteen-day period, and failure to do so shall cause the sign to be deemed a nuisance and the owner shall be subject to penalties for violation of this article.

(2) The notice period, and removal/compliance period, for all temporary and portable signs that are not in compliance with this article shall be seventy-two (72) hours rather than fifteen (15) days.

(e) Removal expenses. Upon failure of the sign permit holder, owner, agent or person responsible for a sign to remove it following a fifteen (15) day notice to do so, the Building Official is hereby authorized to enter the property upon which such sign is located, and to cause the removal of such sign. The owner of the land, building or structure to which such sign is attached and upon which it is erected and/or the owner/permit holder of such sign are jointly and severally liable for any expense incurred in removal of the sign.

Sec. 21.09.006 Maintenance

(a) All signs and sign support structures, together with all of their supports, braces, guys and anchors, shall be kept in good repair and in a proper state of appearance and preservation.

(b) No sign will be allowed to be kept in a dilapidated or deteriorated condition. Any sign which the building official determines is in an unacceptable deteriorated condition shall be removed by the owner, agent or person having the beneficial use of the land, building or structure upon which such sign is located within fifteen (15) days after written notification to do so from the building official. Upon failure to comply with such notice, the building official is hereby authorized to cause the removal of such sign, and any expense incurred thereto shall be paid by the owner of the land, building or structure to which such sign is attached or upon which it is erected.

(c) All signs within the fire limits or zones of the city shall be of noncombustible materials or approved combustible materials, as outlined in the building code.

(d) Every sign erected after February 21, 1974, shall have applied and maintained, in a legible format, in a conspicuous place thereon, and in letters not less than one inch (1") in height, all of the following information (or a copy of the sign permit shall be displayed, and accessible for inspection at all times, inside the business establishment for signs that cannot have the information placed directly on them):

- (1) Date of erection of the sign;
- (2) The sign permit number;
- (3) Voltages and electrical information (if electrical); and
- (4) The name, address, phone number and license number (if applicable, for certain types of signs) of the erector of the sign.

Sec. 21.09.007 Signs in a planned development district

In a PD district, the sign standards shall be as specified in the planned development's ordinance. It shall be part of the planned development to identify the type and number of signs. They shall comply with the regulations in the sign ordinance, unless a variance has been granted.

Sec. 21.09.008 Sign heights and setbacks

(a) Unless otherwise stipulated in Section 21.09.004 for the specific sign type or in the amending ordinance establishing a PD zoning district, no sign shall be constructed to exceed the maximum building height permitted except within shopping centers or similar commercial/office centers. Within local retail, commercial or industrial districts located adjacent to a highway, a pylon or major identification sign shall not to exceed fifty feet (50') in height may be erected when set back from all property lines a distance equal to the height of the sign. All such high-rise signs shall comply with the most recent revision of the latest adopted building code and with other applicable codes/ordinances of the city which pertain to design and construction. All signs twenty-five (25) feet in height and greater shall be set back a minimum distance of twenty-five (25) feet, plus one (1) foot for each foot the sign exceeds 25 feet, from all property lines.

(b) Unless otherwise specified, the minimum distance between signs means the horizontal distance as measured from all points on the sign, as if each sign touched the ground.

Sec. 21.09.009 Interference with traffic

No sign shall be located or constructed as to interfere with or confuse the flow or control of traffic on the public streets, and no sign shall use a rotating beacon, beam or flashing illumination resembling an emergency signal. It shall be unlawful to erect, relocate or maintain any sign in such a manner as to obstruct free and clear vision at any location whereby, by reason of position, size, movement, shape, color, flashing, manner or intensity of illumination, such sign may interfere with vehicular or pedestrian traffic. Further, it shall be unlawful to erect or maintain any sign in such a manner as to interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. Accordingly, no sign shall make use of the words, "Stop", "Go", "Look", "Slow", "Danger", or any other similar word, phrase, symbol or character or employ any red, yellow, orange, green or other colored lamp or light in such a manner as to cause confusion to or otherwise interfere with, vehicular or pedestrian traffic.

Sec. 21.09.010 Signs projecting into rights-of-way

No sign shall be erected so as to project into the public right-of-way of any street or alley. Projecting signs shall have a minimum clearance of eight (8) feet above any sidewalk/pedestrian travel surface, and fourteen (14) feet above any vehicular parking or circulation surface.

Sec. 21.09.011 Number of sign face panels/surfaces

No sign structure shall contain more than two (2) sign face panels facing (i.e., exposed; readable) in the same direction.

Sec. 21.09.012 Government flags

Flags, emblems and insignia of the United States and governmental agencies and offices, emblems and insignia of any state or local governmental body shall be exempt from this article. Only one (1) of each type shall be permitted per tract/lot or business. Any flag over sixty (60) square feet shall be classified as a general business sign.

Sec. 21.09.013 Wind pressure and dead load requirements

All signs shall be designed and constructed to withstand a 135-mile-per-hour lateral wind load and to withstand a wind pressure of not less than thirty (30) pounds per square foot of area and the most recent revision of the latest adopted building code for dead loads. Plans may, at the building official's discretion, require a Texas-licensed professional structural engineer's seal.

Sec. 21.09.014 Illegal signs

Owners with/of illegal (either conforming or nonconforming) signs must obtain a permit from the building department of the city prior to any expansion of an existing sign.

Sec. 21.09.015 Nonconforming signs

A sign which does not conform to the regulations prescribed in this Article and which existed lawfully on the date of adoption (i.e., on the effective date) of this Section, or amendment hereto,

shall be deemed a nonconforming sign. A nonconforming sign shall be allowed to remain as is in the same location wherein it existed on the effective date of this Article unless/until one or more of the conditions stated in subsection 1 below exists/occurs.

- (1) The right to continue all nonconforming signs shall cease and such sign shall be removed within fifteen (15) days whenever:
 - (A) A change of property ownership and/or business occupancy occurs;
 - (B) A sign is altered, moved or relocated without a permit pursuant to the provisions of this Article;
 - (C) A sign is damaged, defaced or destroyed and the cost to repair it exceeds sixty percent (60%) of the replacement/repair cost of the sign on the date of damage (if an existing nonconforming sign is already in a dilapidated/deteriorated condition or if it represents a public safety hazard as of the effective date of this Article, then it must either be repaired/refinished to a reasonable state of repair or removed at the owner's expense);
 - (D) A sign's angle to the ground decreases by fifteen (15) degrees or more; no sign, regardless of its original installation angle, shall be allowed to exist at less than a forty-five (45) degree angle to the ground for public safety reasons; or
 - (E) A property ownership and/or business occupancy change occurs, and an off-premises or on-premises wall sign is on the property.
- (2) Any sign designated by official action of the City as having special historic or architectural significance is exempt from the provisions of this Article.
- (3) A nonconforming sign situated on a property acquisition initiated by the City may be temporarily relocated on-site provided the sign is later removed or rebuilt to conform to this Section (and any other applicable codes/ordinances) within twenty-four (24) months following relocation of the sign. Relocation is limited to the same physical sign with no increase in height, area or change in other physical attributes. For the purposes of this provision, "a property acquisition initiated by the City" does not include right-of-way dedicated in the subdivision platting process.
- (4) Illegal Nonconforming Signs:
 - (A) Owners with/of illegal nonconforming signs which require a permit and which have been in place less than (3) months prior to notification of violation must apply for a permit and must upgrade the sign to conforming within thirty (30) days of original notification. If a permit is not granted, then the sign must be removed within sixty (60) days of original notification.
 - (B) Owners with/of illegal nonconforming signs which require a permit and which have been in place for longer than three (3) months prior to notification of violation must apply for a permit and upgrade the sign to conforming within

thirty (30) days of original notification. If a permit is not granted, then the sign must be removed within three (3) months of original notification.

- (C) In the case of painted wall signs, such signs shall be removed or painted over within thirty (30) days of original notification of violation.

Sec. 21.09.015 Signs exempt from permitting

A permit shall not be required for the following signs provided, however, such signs shall otherwise comply with all other applicable provisions of this Article and with any other applicable city code/ordinance:

- (1) Address signs;
- (2) Memorial plaques, building identification signs and building cornerstones when cut or carved into the masonry, surface or when made of noncombustible material and made an integral part of the building or structure. These signs shall not exceed four (4) square feet in area;
- (3) Nameplate or Occupational signs;
- (4) On-site directional and directory/informational signs behind the front building line;
- (5) Flags (official);
- (6) One (1) temporary wall sign not exceeding eight (8) square feet in area, which advertises the sale, rental or lease of the premises upon which such sign is located;
- (7) Political sign in or upon a motor vehicle if such sign does not exceed six (6) square feet in area and does not project from the front, side, rear or top surfaces of such vehicle. Said sign shall not be illuminated;
- (8) Protective/security signs;
- (9) Traffic or other municipal signs, official signs, legal notices, danger and such emergency, temporary or non-advertising signs as may be approved by the city, or as may be placed in compliance with the Uniform Manual of Traffic Control Devices and with applicable city codes/ordinances;
- (10) Temporary special occasion announcement signs on residential lots (e.g., "It's a Boy/Girl," etc.) for a maximum time limit of five (5) days;
- (11) Seasonal decorations;
- (12) Interior signs (i.e., fully within a building) that are not visible from the outside of the building;
- (13) On-site municipal park signage (including scoreboards and other sports field signs);

- (14) Unlighted and unanimated on-site signs at a public school or athletic facility operated by an applicable school district or other public governmental entity;
- (15) Street pole banners that are placed by nonprofit civic service organizations (such as the Chamber of Commerce), or by another organization that the city supports (e.g., promotional banners telling of special civic events, holidays, etc.)
- (16) Religious emblems when installed in compliance with this Article and with other applicable codes/ordinances.

Sec. 21.09.016 Prohibited signs and activities

(a) Traffic obstruction. No sign shall be erected in a manner that would confuse or distract motorists, or that would obstruct the view or interpretation of any official traffic sign, signal or device.

(b) Billboard signs. All billboards and signs advertising off-premises sale service or activity.

(c) Handbills, placards, etc. Miscellaneous advertising matter scattered or placed on or suspended from buildings, poles, sidewalks, fences and the like:

- (1) No person, firm, corporation, association or person shall paste, stick, stack, nail, affix, place or otherwise suspend from any building, light pole, utility pole, structure, sidewalk, parkway, driveway or parking area, any goods, wares, merchandise or other advertising or display of such items other than a sign, as defined, regulated and permitted by this Article.
- (2) No sign, cloth, paper, banner, flag, flyer, device or other similar advertising matter shall be permitted to be attached to, be suspended from or be allowed to hang from any sign, building or structure when the same shall create a public menace or danger.
- (3) No advertising matter of any sort (including flyers, handbills, bulletins, coupons, menus, etc.) may be affixed to parked cars or scattered on streets, sidewalks or parking areas.

(d) Inscriptions on streets, utility poles, etc. Painting, marking, etching or otherwise inscribing streets, sidewalks, utility poles, and the like is prohibited. No person shall attach any sign, paper, other material, paint, stencil or write any name, number (except address numbers) or otherwise mark, on any sidewalk, curb, gutter, street, utility pole, public building, fence or structure except as otherwise allowed by ordinance.

(e) Certain illuminated and animated signs.

- (1) No sign shall be illuminated to such an intensity or in such a manner as to cause a glare of brightness to a degree that constitutes a hazard or nuisance to traffic or to adjacent properties.
- (2) No lighted sign shall be erected within one hundred and fifty (150) feet of a residential

district unless the light source is completely shielded from view of the residential district with no light overspill or glare onto the residential property.

- (f) Roof signs. Roof signs of all types are prohibited.
- (g) Unsecured banners or balloons. No person shall erect, maintain or permit the erection of any type of banner, balloon, inflatable or other similar inflatable/floating device anchored to the ground or to any other structure within the City.
- (h) Vehicle signs.
 - (1) No signs attached to a trailer, skid, or similar mobile structure, where the primary use of such structure is for sign purposes, will be permitted. This provision does not restrict the identification signing on vehicles used for delivery, service, interstate commerce, or any bona fide transportation activity.
 - (2) Signs attached to or upon any vehicle shall be prohibited where any such vehicle is allowed to remain parked in the same location, or in the same vicinity, at frequent or extended periods of time where the intent is apparent to be one of using the vehicle and signs for purposes of advertising an establishment, service or product. Vehicles parked at the location of the business or activity or operating under a City franchise shall be excluded from this provision. Catering vehicles for that restaurant are allowed to be parked on site.
- (i) Location to be outside of easements and visibility areas; clearance from utility lines. All signs allowed by this article shall be placed completely outside of any public easement, outside of any required or necessary visibility area, and shall maintain a vertical and horizontal clearance of at least ten feet (10') from any overhead or underground power line, utility pole, telephone wire or cable, electrical streetlight standard or other above- or below-ground utility equipment or structure, or as required by the city electrical code (whichever is more stringent), except that such clearance is not required from the electrical feeder line to the sign itself, or to feeder electrical or telephone wires or cables that serve the building(s) on the same premises where the sign is to be located.
- (j) Blocking fire lane, fire hydrant, door, window or fire escape. No sign shall be erected, installed, located or maintained in a manner that blocks any fire lane, fire hydrant or other fire hose connection, or any building entrance or door, window or fire escape (except official signs).
- (k) Blocking view of preexisting sign. No permanent, temporary, portable or other type of sign shall be erected, installed, located or maintained in a manner that blocks or hides the viewing of another preexisting sign as viewed from adjacent roadways in a normal line of sight of a motorist on the roadway (i.e., a sign may have to be a smaller size and/or shorter height in order to not block the view of a preexisting sign).
- (l) Signs advertising alcoholic beverages. Signs that advertise the sale of alcoholic beverages by use of the terms "beer" or "wine" or any combination thereof shall be in accordance with Texas Alcoholic Beverage Commission regulations.

(m) Signs not specifically permitted are prohibited. Any type of sign not specifically addressed in this article shall be prohibited.

Secs. 21.09.017–21.09.060 Reserved.”

SECTION 2. That all provisions of the ordinances of the City of Seagoville in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Seagoville not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

SECTION 4. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000) for each offense; and each and every day such violation shall continue shall be deemed to constitute a separate offense.

SECTION 5. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF SEAGOVILLE, TEXAS ON THIS THE 3rd DAY OF DECEMBER, 2018.

APPROVED:



Dennis K. Childress, Mayor

ATTEST:



Kandi Jackson, City Secretary

APPROVED AS TO FORM:



Alexis G. Allen, City Attorney