

**CITY OF ALPINE  
PLANNING & ZONING COMMISSION MEETING  
MONDAY, OCTOBER 23, 2023 - 5:30 P.M.**

NOTICE IS HEREBY GIVEN THAT THE PLANNING & ZONING COMMISSION OF THE CITY OF ALPINE, TEXAS, WILL HOLD A MEETING AT 5:30 P.M. ON MONDAY, OCTOBER 23, 2023, AT CITY COUNCIL CHAMBERS LOCATED AT 803 WEST HOLLAND AVENUE AND VIA ZOOM FOR THE PURPOSE OF CONSIDERING THE ATTACHED AGENDA. THIS NOTICE IS POSTED PURSUANT TO THE TEXAS OPEN MEETINGS ACT. ACTION ITEMS APPROVED AT THIS MEETING WILL BE CONSIDERED BY THE CITY COUNCIL FOR FINAL ACTION.

**REGULAR MEETING AGENDA – 5:30 P.M.**

**1. Call to Order.**

**2. Public Comments.**

**3. Public Hearings –**

- a) Public Hearing to obtain citizen views and comments regarding Rezoning Application 2023-10-01, a rezoning application to allow the applicant, Terra Vaughn, to establish a beauty salon at the subject property. The property in question is located at 401 W. Sul Ross and is legally described as the East 18.89 feet of Lots 8, 9, 10, all of Lots 1, 2, and 3, and that portion of the platted alley lying between said lots, all out of Block 28, Original Townsite of Alpine, envelope 184, plat records of Brewster County, Texas. The property ID of the subject property is 35650. The record property owners are Thomas Robinson and Karen Chapman. The current zoning of the property is R-2 Two-Family District. the zoning classification if the rezoning is approved will be C-2 Business District.

**4. Approval of minutes of previous Board Meeting –**

- a) August 28, 2023 Regular Meeting Minutes. (A. Branch, Chair)

**5. Discussion Items –**

- a) Reminder regarding attendance at the November 27, 2023 regular meeting to consider two pending replat applications. (G. Calderon, City Secretary)
- b) Make necessary updates on M-1 Property Zoning to protect the safety and welfare of our citizens. (A. Branch, Chair)
- c) Evaluate the example of the M-1, Limited Industrial zoning ordinance and make changes accordingly. (A. Branch, Chair)
- d) Update the Code of Ordinances, Article IV – Coin Operated Machine Establishments. (A. Branch, Chair)

**6. Action Items –**

- a) Approve Rezoning Application 2023-10-01, a rezoning application to allow the applicant, Terra Vaughn, to establish a beauty salon at the subject property. The property in question is located at 401 W. Sul Ross and is legally described as the East 18.89 feet of Lots 8, 9, 10, all of Lots 1, 2, and 3, and that portion of the platted alley lying between said lots, all out of Block 28, Original Townsite of Alpine, envelope 184, plat records of Brewster County, Texas. The property ID of

the subject property is 35650. The record property owners are Thomas Robinson and Karen Chapman. The current zoning of the property is R-2 Two-Family District. the zoning classification if the rezoning is approved will be C-2 Business District. (A. Devaney, Director of Building Services)

- b) Appoint a member of the Commission to provide a report to the City Council at the November 7, 2023, City Council meeting regarding the Commission's recommendation to approve/deny Rezoning Application 2023-10-01. (G. Calderon, City Secretary)

**7. Board Member Comments.**

**8. Adjourn.**

---

**WORKSHOP AGENDA –**  
**IMMEDIATELY FOLLOWING CONCLUSION OF THE REGULAR MEETING**

**1. Call to Order.**

**2. Public Comments.**

**3. Workshop proposed changes to Chapter 74 – Signs to the Alpine Code of Ordinances:**

- a) Discussion about updating our sign ordinance.
- b) Commissioner Laxton Presentation and or notes on Monument Signs vs Pole Signs.
- c) Redline and update our current sign ordinance as a group, Chapter 78, attached.
- d) Read Sugarland, TX Sign Ordinance and see what parts if any we should adopt.

**4. Adjourn.**

**NOTICE:** This facility is wheelchair accessible and accessible parking space is available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the Office of the City Secretary at (432) 837-3301, option 1, or email [city.secretary@cityofalpine.com](mailto:city.secretary@cityofalpine.com) for further information.

**CERTIFICATION**

I, Geoffrey R. Calderon, hereby certify that this notice was posted at City Hall, a convenient and readily accessible place to the general public, and to the City website at [www.cityofalpine.com](http://www.cityofalpine.com) pursuant to Section 551.043, Texas Government Code. The said notice was posted at 5:00 P.M. on October 18, 2023, and remained so posted for at least 72 hours preceding the scheduled time of the said meeting.

  
Geoffrey R. Calderon, City Secretary



# **INTRODUCTION OVERVIEW**

## **1. Call to Order.**

## **2. Public Comments.**

## **3. Public Hearings –**

- a) Public Hearing to obtain citizen views and comments regarding Rezoning Application 2023-10-01, a rezoning application to allow the applicant, Terra Vaughn, to establish a beauty salon at the subject property. The property in question is located at 401 W. Sul Ross and is legally described as the East 18.89 feet of Lots 8, 9, 10, all of Lots 1, 2, and 3, and that portion of the platted alley lying between said lots, all out of Block 28, Original Townsite of Alpine, envelope 184, plat records of Brewster County, Texas. The property ID of the subject property is 35650. The record property owners are Thomas Robinson and Karen Chapman. The current zoning of the property is R-2 Two-Family District. The zoning classification if the rezoning is approved will be C-2 Business District.

## **4. Approval of minutes of previous Board Meeting –**

- a) August 28, 2023 Regular Meeting Minutes. (A. Branch, Chair)



**PLANNING & ZONING COMMISSION  
MEETING AGENDA ITEM COVER MEMO  
OCTOBER 23, 2023**

---

**PUBLIC HEARINGS**

---

- a) Public Hearing to obtain citizen views and comments regarding Rezoning Application 2023-10-01, a rezoning application to allow the applicant, Terra Vaughn, to establish a beauty salon at the subject property. The property in question is located at 401 W. Sul Ross and is legally described as the East 18.89 feet of Lots 8, 9, 10, all of Lots 1, 2, and 3, and that portion of the platted alley lying between said lots, all out of Block 28, Original Townsite of Alpine, envelope 184, plat records of Brewster County, Texas. The property ID of the subject property is 35650. The record property owners are Thomas Robinson and Karen Chapman. The current zoning of the property is R-2 Two-Family District. The zoning classification if the rezoning is approved will be C-2 Business District.

---

**BACKGROUND**

---

- None

---

**SUPPORTING MATERIALS**

---

- Feedback received from neighboring property owners.

---

**STAFF RECOMMENDATION**

---

NONE.



Gmail

City Secretary <city.secretary@ci.alpine.tx.us>

---

## Planning and Zoning

1 message

Mike

Wed, Oct 18, 2023 at 3:30 PM

To: city.secretary@ci.alpine.tx.us

Mike Atwood  
404 West Sul Ros Avenue  
Alpine, TX 79830

Dear Planning and Zoning Commission,

I am writing to express my opposition to the rezoning of 401 West Sul Ross Avenue from R-2 to C-2. I understand that City Council has sole discretion in this matter, but I believe it is important for the Planning and Zoning Commission to provide guidance.

I am concerned about the impact that rezoning this property to commercial would have on the surrounding neighborhood. Businesses do not last forever and the list of permissible C-2 businesses is long and includes many that could be disruptive to the quality of life for residents.

I urge you to recommend that the City Council deny the request to rezone this property to commercial. I believe that Alpine would be best served if the business applicant found a commercial property that is already zoned for commercial use.

Thank you for your time and consideration, I would be grateful if a member of the Planning and Zoning Commission would contact me to discuss my concerns.

Sincerely,

Mike Atwood



**PLANNING & ZONING COMMISSION  
MEETING AGENDA ITEM COVER MEMO  
OCTOBER 23, 2023**

---

---

**APPROVAL OF MINUTES**

---

---

**Approval of minutes of previous Board Meeting –**

- a) August 28, Regular Meeting Minutes. (G. Calderon, City Secretary)

---

---

**BACKGROUND**

---

---

- None

---

---

**SUPPORTING MATERIALS**

---

---

- August 28, Regular Meeting Minutes.

---

---

**STAFF RECOMMENDATION**

---

---

**APPROVE.**

**CITY OF ALPINE  
PLANNING & ZONING COMMISSION  
HISTORIC DISTRICT WORKSHOP  
& REGULAR MEETING  
AUGUST 28, 2023 - 5:30 P.M.  
MINUTES**

**HISTORIC DISTRICT WORKSHOP**

1. **Call to Order** – Abbey Branch, Chair of the Planning & Zoning Commission, called the workshop meeting to order at 5:30 P.M. The meeting was held in City Council Chambers located at 803 West Holland Avenue, Alpine, Texas, 79830 and via Zoom video conference.

2. **Public Comments** – None.

**Commissioners Physically Present:**

Richard Portillo, Place 1  
Tom Griffith, Place 3  
Abbey Branch, Place 4 – *Chair*  
Joanna Laxton, Place 5  
Matthew Walter, Place 6 – *Vice-Chair*  
Eva Olivas, Place 7

**City Staff & Officials Present:**

Megan Antrim, City Manager  
Geoffrey R. Calderon, City Secretary  
Andrew Devaney, Building Official  
Jessica Boorse, Code Enforcement

**Commissioners Present via Zoom:**

**Commissioners Not Present:**

Wendy Little, Place 2 – *Secretary*

a) Historic District Presentation by Abbey Branch, Chair of the Planning & Zoning Commission.

**Public Comments:** Guy Fielder, JoAntoinette Valenzuela, Kirsten Moody, Greg Egan, Ramona Moore.

b) Discuss Boerne Historic District and Design Guidelines.

c) Discuss other updates, ideas, commissioner feedback, staff feedback, and resident feedback on the proposed Alpine Historic District including updates to Ordinance 2011-01-01.

4. **Adjourn (7:09 P.M.)**

**REGULAR MEETING**

1. **Call to Order** – Abbey Branch, Vice-Chair of the Planning & Zoning Commission, called the meeting to order at 7:20 P.M. The meeting was held in City Council Chambers located at 803 West Holland Avenue, Alpine, Texas, 79830 and via Zoom video conference.

**Commissioners Physically Present:**

Richard Portillo, Place 1  
Tom Griffith, Place 3  
Abbey Branch, Place 4 – *Chair*  
Joanna Laxton, Place 5  
Matthew Walter, Place 6 – *Vice-Chair*  
Eva Olivas, Place 7

**City Staff & City Officials Present:**

Megan Antrim, City Manager  
Geoffrey R. Calderon, City Secretary  
Andrew Devaney, Building Official  
Jessica Boorse, Code Enforcement

**Commissioners Present via Zoom: None.**

**Commissioners Not Present:**

Wendy Little, Place 2 – *Secretary*

Minutes:08-28-2023

Approved: 10-23-2023

**2. Public Comments** – None.

**3. Public Hearings** – None.

**4. Approval of minutes of previous Board Meeting** –

a) July 24, 2023 Regular Meeting Minutes. (G. Calderon, City Secretary)

*On a motion by Commissioner Olivas and seconded by Commissioner Laxton to approve the minutes, the Planning & Zoning Commission unanimously voted to adopt the motion.*

**5. Discussion Items** –

a) Continue discussion of updating our sign ordinance. (A. Branch, Chair)

b) Read Sugarland, TX Sign Ordinance and see what parts, if any, we should adopt. (A. Branch, Chair)

**Public Comments:** Clayton Shoot, Kirsten Moody.

c) Discussing forming a sign committee to redline our current ordinance and make new recommendations with Commissioner Laxton so we could have something by October. (A. Branch, Chair)

d) Discussion on M-1 Property within the city and what types of industrial businesses that would not be in the best interest of the safety of Alpine residents and how we can update our zoning accordingly. (A. Branch, Chair)

e) Discuss updates on the tasked City Council objectives for 2023 and discuss the action plan going forward for each item.

I. Ordinance Review.

II. Updating the Zoning Map.

III. Comprehensive Zoning Plan. (On Hold).

IV. Historic District.

V. Control Growth of stores deemed detrimental to small economies. (A. Branch, Chair)

**6. Action Items** – None.

**7. Board Member Comments.**

*On a motion by Commissioner Branch and seconded by Commissioner Walter to adjourn the regular meeting, the regular meeting was adjourned.*

**8. Adjourn (8:02 P.M.)**

APPROVED:

---

Officer of the Planning & Zoning Commission

Minutes:08-28-2023

Approved: 10-23-2023



### **CERTIFICATION**

I, Geoffrey R. Calderon, hereby certify that this notice was posted at City Hall, a convenient and readily accessible place to the general public, and to the City website at [www.cityofalpine.com](http://www.cityofalpine.com) pursuant to Section 551.043, Texas Government Code. The said notice was posted at 5:00 P.M. on August 22, 2023, and remained so posted for at least 72 hours preceding the scheduled time of the said meeting. This facility is wheelchair accessible and accessible parking space is available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the Office of the City Secretary at (432) 837-3301, option 1, or email [city.secretary@cityofalpine.com](mailto:city.secretary@cityofalpine.com) for further information.

---

Geoffrey R. Calderon, City Secretary

## **DISCUSSION OVERVIEW**

### **5. Discussion Items –**

- a) Reminder regarding attendance at the November 27, 2023 regular meeting to consider two pending replat applications. (G. Calderon, City Secretary)
- b) Make necessary updates on M-1 Property Zoning to protect the safety and welfare of our citizens. (A. Branch, Chair)
- c) Evaluate the example of the M-1, Limited Industrial zoning ordinance and make changes accordingly. (A. Branch, Chair)
- d) Update the Code of Ordinances, Article IV – Coin Operated Machine Establishments. (A. Branch, Chair)



**PLANNING & ZONING COMMISSION  
MEETING AGENDA ITEM COVER MEMO  
OCTOBER 23, 2023**

---

**DISCUSSION ITEMS**

---

- a) Reminder regarding attendance at the November 27, 2023 regular meeting to consider two pending replat applications. (G. Calderon, City Secretary)

---

**BACKGROUND**

---

- None

---

**SUPPORTING MATERIALS**

---

- None.

---

**STAFF RECOMMENDATION**

---

**NONE.**



**PLANNING & ZONING COMMISSION  
MEETING AGENDA ITEM COVER MEMO  
OCTOBER 23, 2023**

---

**DISCUSSION ITEMS**

---

- b) Make necessary updates on M-1 Property Zoning to protect the safety and welfare of our citizens. (A. Branch, Chair)
- c) Evaluate the example of the M-1, Limited Industrial zoning ordinance and make changes accordingly. (A. Branch, Chair)

---

**BACKGROUND**

---

- None

---

**SUPPORTING MATERIALS**

---

- Proposed Amendments to the Alpine Code of Ordinances regarding M-1 zoning district.

---

**STAFF RECOMMENDATION**

---

**NONE.**

---

## Section VII. "M-1"—**Limited Industrial District. (A Branch)**

- A. Principal permitted uses. Building, structures, and lands shall be used, and buildings and structures shall hereinafter be erected, altered or enlarged only for the following:

R-1 single-family residential

R-2 multi-family residential

R-4 mobile home district

C-1 neighborhood commercial district

C-2 business district

- B. Each site in the M-1 district shall be subject to the following site development regulations: *Reserved.*

Discussion

## **ZONES: M-1—LIMITED MANUFACTURING**

The M-1 Limited Manufacturing Zone is intended for limited manufacturing and limited industrial uses. Except as specifically provided elsewhere in this title, any and every building and premises or land in the M-1 Zone shall be used for, or occupied, and every building shall be erected, constructed, established, altered, enlarged, maintained, and moved into or within such M-1 Zone exclusively and only in accordance with the provisions set forth in this chapter.

- A. Principal permitted uses. Building, structures, and lands shall be used, and buildings and structures shall hereinafter be erected, altered or enlarged only for the following:

R-1 single-family residential

R-2 multi-family residential

R-4 mobile home district

C-1 neighborhood commercial district

C-2 business district

~~B. Each site in the M-1 district shall be subject to the following site development regulations:~~

B. The following uses shall be permitted in the M-1 Zone provided site plans are approved by the Planning Commission and provided, further, no dwelling or other structure designed or intended for residential use shall be converted to or used for nonresidential uses:

Retail or wholesale stores, businesses, or commercial activities, except that residential uses, hotels, motels, auto courts, trailer courts, lodging houses, institutions, hospitals (other than emergency hospitals), or homes shall not be permitted in the M-1 Zone; provided, however the provisions of this subsection shall not prohibit the use of such property for living purposes exclusively by the caretaker or superintendent of the property in connection with the business carried on on such property;

---

Light manufacturing and light industrial uses which are not obnoxious by reason of sound, fumes, toxic, harmful, or obnoxious odors and the like, whether the same constitute an actual nuisance or not, and including such uses as:

Assembly plants

Automobile painting, rebuilding, and reconditioning, body and fender works, and truck or tractor repairing or overhauling when enclosed within solid masonry walls not less than 6 feet in height.

Bakeries, wholesale

Bottling plants

Breweries and Distilleries

Cabinet shops and furniture manufacture

Canning and packing

Canvas products manufacture

Cereal factories

Cleaning and dyeing plants

Cosmetics manufacture

Creameries

Electroplating

Feed and fuel yards when enclosed with solid masonry walls not less than 6 feet in height

Food products manufacture, except fish and meat products, sauerkraut, vinegar, yeast, and the rendering or refining of fats and oils

Fruit and vegetable packing plants

Garment manufacture

Ice and cold storage plants

Laboratories, experimental and the like

---

Laundries

Livery stables

Machine, welding, and blacksmith shops, excluding the use of equipment producing undue noise or vibration.

Neon and electric sign manufacture

Poultry and rabbits, wholesale and retail sales, including slaughtering and dressing within a building.

Public utility service yards and electric receiving and transforming stations.

Radio manufacture and assembly and electrical and electronic appliances

Rug and carpet cleaning plants

**Storage of goods, materials, liquids, and equipment (except the bulk storage of matter or materials such gasses or chemical substances which are inflammable or explosive or which may create dust, toxic odor, or fumes)**

Tire retreading and recapping and battery manufacture.

Toy and novelty manufacture

Warehouses and storage buildings

Wholesale buildings

## **Section VIII. Additional use, height and area regulations and exceptions.**

- A. *Use regulations.* On all existing rights-of-way of railroad companies, regardless of the zoning district in which such rights-of-way are located, railroad tracks and accessories to railroad movement may be constructed or maintained.
- B. *Height and area regulations.*
  - 1. Public, semi-public or public service buildings, hospitals, institutions or schools, when permitted in a district, may be erected to a height not exceeding 60 feet, and churches and temples may be erected to a height not exceeding 75 feet, if the building is set back from each yard line at least one foot for each two feet additional height above the height limit otherwise provided in the district in which the building is located.
  - 2. Chimneys, cooling towers, elevator bulk heads, fire towers, grain elevators, flour mills, monuments, stacks or scenery lofts, tanks, water towers, ornamental towers and spired church steeples, radio or

---

television towers or necessary mechanical appurtenances, may be erected to a height in accordance with ordinances which may be hereafter adopted by the City of Alpine. In the absence of such ordinances, there shall be no height limitation for these structures.

C. *Area regulations.*

1. Front yard—Where 40 percent or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have observed (with a variation of five feet or less) a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the front yard so established by the existing buildings. In determining such front yard depth, buildings located entirely on the rear one-half of a lot shall not be counted.
2. A side yard of not less than 25 feet on the side of the lot adjoining an R-1 or R-2 district, shall be provided for all schools, libraries, churches, community houses, clubs and other public or semi-public buildings hereafter erected or structurally altered.
3. Garages detached or attached to the main use building which enter on the side street of a corner lot, shall maintain a side yard of five feet in front of the garage.

Cross reference(s)—Businesses, Ch. 22.





**PLANNING & ZONING COMMISSION  
MEETING AGENDA ITEM COVER MEMO  
OCTOBER 23, 2023**

---

**DISCUSSION ITEMS**

---

- d) Update the Code of Ordinances, Article IV – Coin Operated Machine Establishments. (A. Branch, Chair)

---

**BACKGROUND**

---

- None

---

**SUPPORTING MATERIALS**

---

- Proposed Amendments to Chapter 90 – Taxation, Article IV – Coin Operated Machines.

---

**STAFF RECOMMENDATION**

---

NONE.

- CODE OF ORDINANCES  
Chapter 90 - TAXATION  
ARTICLE IV. COIN-OPERATED MACHINE ESTABLISHMENTS

---

## ***ARTICLE IV. COIN-OPERATED MACHINE ESTABLISHMENTS***

### **Sec. 90-101. General.**

This article as herein established has been written for the purpose of promoting and protecting the public health, safety and general welfare of the community and in the furtherance of conserving the value of property and establishing a community desirable to reside therein.

*(Ord. No. 2020-02-04, § 1, 3-3-20)*

### **Sec. 90-102. Definitions.**

*Business owner* means and includes any person, individual, firm, company, association, or corporation, owning or having the care, control, management or possession of any skilled or pleasure "coin-operated machine" who exhibits, displays or permits to be exhibited or displayed, in his location of business or upon premises under his or its control, any "coin-operated amusement machine" in this city, save and except religious, charitable and educational organizations authorized under the laws of this state.

*Coin-operated machine* means any machine or device of any kind or character, which is operated by or with coins or metal slugs, tokens or checks.

*Manager* means and includes a person or sole individual having the care, control, management of any skilled or pleasure "coin-operated machine" in his/her location of business or upon premises under his/her control within this city.

*Merchandise coin-operated machine* means any coin-operated machine which dispenses or vends merchandise, commodities or confections.

*Music coin-operated machine* means any coin-operated machine of any kind or character, which dispenses or vends or which is used for dispensing or vending music.

*Property owner* means and includes a person, individual, firm, company, association or corporation owning a building, property or facility on which a business will operate within the confines of all laws regulating the business in local, state or federal laws.

*Service coin-operated machine* means any pay toilet or other machine or device which dispenses service only and not merchandise, music, skill or pleasure.

*Skill or pleasure coin-operated machine* means any coin-operated machine of any kind or character, which dispenses or is used or is capable of being used or operated for amusement or pleasure or when such machine is operated for the dispensing or affording skill or pleasure, or for any other purpose other than the dispensing or vending of merchandise, commodities, confections, services, or plays music in addition to or in connection with the dispensing of skill or pleasure shall be considered as skill or pleasure machines. The term skill or pleasure coin-operated machine shall exclude coin-operated machines designed exclusively for children.

*Skill or pleasure coin-operated machine establishment* means any structure where one or more skill or pleasure coin-operated machines are operated for profit.

*Skill or pleasure coin-operated machine permit* means a permit to operate a skill or pleasure coin-operated machine establishment.

*(Ord. No. 2020-02-04, § 1, 3-3-20)*

---

### **Sec. 90-103. Exemptions.**

The permitting and regulation provisions of this article do not apply to:

- (1) Skill or pleasure coin-operated machines kept in private residences or apartments and used without charge by members of the family or bona fide guest;
- (2) Skill or pleasure coin-operated machines provided on the premises of religious, charitable, educational or fraternal organizations for the use of members or their guests and not for private profit, although a charge is made for playing;
- (3) Skill or pleasure coin-operated machines provided on the premises of bona fide clubs or social organizations, not operated for private profit although a charge is made for playing, which provide other membership privileges and activities usual in bona fide private clubs organized for promotion of some common object and whose members must be passed upon and elected as individuals, by a committee or board of directors, executive committee or similar body chosen by the members at their annual meeting;
- (4) Skill or pleasure coin-operated machines provided on the premises of publicly owned facilities;
- (5) Service coin-operated machines, music coin-operated machines, and merchandise coin-operated machines.

*(Ord. No. 2020-02-04, § I, 3-3-20)*

---

### **Sec. 90-104. License required.**

- (a) It shall be unlawful to own, possess, maintain, or operate a skill or pleasure coin-operated machine establishment as defined herein within the city, unless and until said establishment shall first have been licensed and permitted for such purposes; provided, this requirement shall not apply to those places which are exempt from the provision of this article.
- (b) A maximum of 20 coin-operated machines shall be licensed per establishment, subject to adherence with applicable occupancy limits and fire safety requirements. Establishments that have more than 20 machines at the time of enactment of this subsection shall be considered in preexisting nonconforming use ("grandfathered") under this clause as to machines already registered with the city (as determined by serial number). No new machines with an updated serial number may be allowed to operate in a grandfathered establishment unless the number of machines in the establishment has dropped below the 20 machine limit.
- (c) Application for license and permit shall be made with the city secretary initially and on or before January 1 of each succeeding year.
- (d) The annual license and permit fee shall be as follows: \$1,000.00 license fee per year and \$100.00 permit fee per year. The city secretary is authorized to collect this annual license and permit fee, which shall be due and payable on January 1 of each year. The city shall permit a maximum of four coin-operated amusement businesses to operate within the city limits. A first come, first served waiting list will be established with the city building department after four coin-operated amusement businesses are operating within the city limits.
- (e) Any license and permit issued pursuant to this article shall be non-transferable and non-refundable.
- (f) The license and permit shall be posted conspicuously, noticeable to common view.
- (g) An application shall be denied if an applicant has been convicted in any jurisdiction for any of the following offenses within the last ten years prior to the date of the application:
  - (1) Any offense punishable by imprisonment for more than one year;
  - (2) Theft or any crime involving false statements or declarations; or

- 
- (3) Gambling, as defined by the laws or ordinances of municipality, county, or state, the United States, or any similar offense in any other jurisdiction.
  - (h) Applicant must register each skill or pleasure coin-operated machine with the city by identifying the following information:
    - (1) The name of the manufacturer;
    - (2) The serial number;
    - (3) The type of machine.

*(Ord. No. 2020-02-04, § I, 3-3-20; Ord. No. 2021-04-06, § I(Exh. A), 4-6-21; Ord. No. 2022-03-01, § I(Exh. A), 4-15-22)*

### **Sec. 90-105. Applications; permit form.**

Any person desiring a permit to operate a skill or pleasure coin-operated machine establishment shall file with building services a written sworn application for a special use permit (coin-operated machine permit). An initial permit fee of \$350.00 (nonrefundable) will include the preliminary fire inspection fees. Upon completion of all required forms, payment of the initial permit fee, approval of each coin-operated machine establishment by the building official and the chief of police (or the city manager in the case of an absence of the building official or chief of police), a special use permit (coin-operated machine permit) may be considered by the planning and zoning commission. The planning and zoning commission may then make a recommendation to the city council to approve or deny the permit. Once approved by the city council, a special use permit (coin-operated machine permit) shall be issued.

The application shall state:

- (1) The location, by street and number, of the business;
- (2) If the operator is an individual, that he has not been convicted of a felony or, if he has, the nature of the offense and the length of his residence in the city;
- (3) If a firm, association or partnership, all the information prescribed in subsection (2) as to each individual composing the firm, association or partnership;
- (4) If a corporation, that is organized and chartered under the corporation laws of this state applicable to such corporation or, if a foreign corporation, that such has complied with the laws of the state applicable to such corporation and the same information with reference to the operator or person in charge of the operation of the skill or pleasure coin-operated machine establishment to be permitted, as is prescribed in subsection (2); in addition thereto, a statement as to the names of incorporators or stockholders and amount of interest owned by each; provided, however, that the applicant shall not be required to list the names of shareholders owning less than ten percent of the stock of the corporation;
- (5) The applicant's name, address and interest in the business;
- (6) The operator's name, address, if different from the applicant; and
- (7) The number of skill or pleasure coin-operated machines to be permitted, not to exceed the maximum of 20 machines.

*(Ord. No. 2020-02-04, § I, 3-3-20; Ord. No. 2022-03-01, § I(Exh. A), 4-15-22)*

---

**Sec. 90-106. Enforcing compliance by operator; revocation of license or permit for violation.**

The operator of any skill or pleasure coin-operated machine establishment shall not permit the violation of any of the terms of this article and any violation of a provision of this article in the operation of a skill or pleasure coin-operated machine establishment shall be grounds for revocation of the permit therefor.

(Ord. No. 2020-02-04, § 1, 3-3-20)

**Sec. 90-107. Inspection of premises and condition of premises.**

- (a) Officers of the city police department on official duty are authorized and empowered to enter during regular business hours, for the purposes of inspection and for the preservation of law and order, any skilled or pleasure coin-operated machine establishment within the city.
- (b) All Skill or Pleasure Coin-Operated Machine Establishments shall be operated in accordance with the following restrictions that are not noted in Sec 90-103 Exemptions shall be in accordance with the following restrictions, regulations, controls, and limitations.
  - a. Shall have doors providing ingress and egress from the establishment which are to remain unlocked during business hours.
  - b. The owner or operator of the establishment must always be present in the establishment to supervise the activities within the operation of the game room.
  - c. Amusement Redemption Machines must be situated within the licensed premises as to be in full and open view being visible to all persons within the establishments.
  - d. The establishment shall have transparent, non-opaque glass in each game room window with adequate lighting inside and around the premises.

(Ord. No. 2020-02-04, § 1, 3-3-20)

**Sec. 90-108. Location.**

The location of any skill or pleasure coin-operated machine establishment is hereby prohibited where the place is within 300 feet of any church or school.

The measurements of the distance between locations shall be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections.

(Ord. No. 2020-02-04, § 1, 3-3-20)

**Sec. 90-109. Hours.**

A skill or pleasure coin-operated machine establishment shall be open for business as set forth below:

Monday—Thursday: 7:00 a.m. — Midnight

Friday, Saturday: 7:00 a.m. — 2:00 p.m.

Sunday: Noon—Midnight

(Ord. No. 2020-02-04, § 1, 3-3-20)

---

### **Sec. 90-110. Age limits.**

The following age limit shall be applied to skill or pleasure coin-operated machine establishments:

- (1) Persons under the age of 21 shall not be permitted to operate skill or pleasure coin-operated machines.
- (2) Persons under the age of 21 shall not be allowed access to the gaming area.

*(Ord. No. 2020-02-04, § 1, 3-3-20)*

### **Sec. 90-111. Alcohol.**

The sale of alcoholic beverages in or on the premises of a skill or pleasure coin-operated machine establishment is prohibited, except to the extent the business is licensed to sell alcoholic beverages by the Texas Alcoholic Beverage Commission. No individual, person, owner or manager shall give, bring to, or allow the bringing of any alcoholic beverage in or upon the premises of a skill or pleasure coin-operated machine establishment, except, as outlined above.

*(Ord. No. 2020-02-04, § 1, 3-3-20)*

### **Sec. 90-112. Gambling; intoxication.**

It shall be unlawful for any person while in a skill or pleasure coin-operated machine establishment to gamble, make bets, consume or have in his possession any alcoholic beverage, or to be under the influence of any alcoholic beverage; provided, however, that the terms of this section relating to the possession and consumption of any alcoholic beverage shall not be applicable to parties on premises that are operating pursuant to a mixed beverage permit issued by the Texas Alcoholic Beverage Commission and zoned for such use by the city.

*(Ord. No. 2020-02-04, § 1, 3-3-20)*

### **Sec. 90-113. Violations.**

Any person, business owner, or manager violating any provision of this article shall, upon conviction of such violation, be deemed guilty of a misdemeanor and shall be fined in any sum not to exceed \$500.00 per incident. Each day that such violation is permitted to continue shall constitute a separate offense. In addition to any other penalty or punishment imposed by law, violation of this section shall cause for revocation of skill or pleasure coin-operated machine premises permit and licenses issued pursuant to this section.

Two or more violations of this article, other city ordinance or state law at any time shall result in the revocation of the city permit for six months. More than four violations of this article, other city ordinance or state law at any time shall result in the permanent revocation of a license and or permit by any person, business owner, or manager violating any portion of this article.

*(Ord. No. 2020-02-04, § 1, 3-3-20; Ord. No. 2021-04-06, § 1(Exh. A), 4-6-21)*

### **Sec. 90-114. Savings and severability.**

If for any reason a skill or pleasure coin-operated machine establishment permitted and licensed hereunder is not being conducted in accordance with this article, the laws of the state, or other ordinances of the city shall be held invalid or unconstitutional by final judgement of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word, or provision hereof be given full force and effects for its purpose.

*(Ord. No. 2020-02-04, § 1, 3-3-20)*

---

**Secs. 90-115—90-120. Reserved.**

## **CONCLUSION OVERVIEW – SIGN WORKSHOP TO IMMEDIATELY FOLLOW**

### **6. Action Items –**

- a) Approve Rezoning Application 2023-10-01, a rezoning application to allow the applicant, Terra Vaughn, to establish a beauty salon at the subject property. The property in question is located at 401 W. Sul Ross and is legally described as the East 18.89 feet of Lots 8, 9, 10, all of Lots 1, 2, and 3, and that portion of the platted alley lying between said lots, all out of Block 28, Original Townsite of Alpine, envelope 184, plat records of Brewster County, Texas. The property ID of the subject property is 35650. The record property owners are Thomas Robinson and Karen Chapman. The current zoning of the property is R-2 Two-Family District. The zoning classification if the rezoning is approved will be C-2 Business District. (A. Devaney, Director of Building Services)
- b) Appoint a member of the Commission to provide a report to the City Council at the November 7, 2023, City Council meeting regarding the Commission's recommendation to approve/deny Rezoning Application 2023-10-01. (G. Calderon, City Secretary)

### **7. Board Member Comments.**

### **8. Adjourn.**





**PLANNING & ZONING COMMISSION  
MEETING AGENDA ITEM COVER MEMO  
OCTOBER 23, 2023**

---

**ACTION ITEMS**

---

- a) Approve Rezoning Application 2023-10-01, a rezoning application to allow the applicant, Terra Vaughn, to establish a beauty salon at the subject property. The property in question is located at 401 W. Sul Ross and is legally described as the East 18.89 feet of Lots 8, 9, 10, all of Lots 1, 2, and 3, and that portion of the platted alley lying between said lots, all out of Block 28, Original Townsite of Alpine, envelope 184, plat records of Brewster County, Texas. The property ID of the subject property is 35650. The record property owners are Thomas Robinson and Karen Chapman. The current zoning of the property is R-2 Two-Family District. The zoning classification if the rezoning is approved will be C-2 Business District. (A. Devaney, Director of Building Services)

---

**BACKGROUND**

---

- None

---

**SUPPORTING MATERIALS**

---

- Replat Application and documentation.

---

**STAFF RECOMMENDATION**

---

NONE.



CITY OF ALPINE BUILDING SERVICES DEPARTMENT

309 W SUL ROSS AVENUE ALPINE, TX 79830

(432) 837-3281

## APPLICATION FOR REZONING & CONDITIONAL USE PERMIT

Section 21.03. The city council shall have jurisdiction with respect to all rezoning requests. The planning and zoning commission shall review and submit a recommendation to the city council on all applications for rezoning.

<b>ADDRESS OF PROPERTY:</b>		<b>ACREAGE OF SITE:</b>	
401 W SUL ROSS		.4273	
<b>LEGAL DESCRIPTION:</b>		<b>CURRENT ZONE:</b>	
OT, Block 28, Lot 1, 2, 3		R2	
<b>PROPERTY OWNER:</b>	<b>APPLICANT NAME:</b>	<b>TELEPHONE:</b>	<b>EMAIL:</b>
Karen Chapman	Terra Vaughn		
<b>APPLICANT MAILING ADDRESS:</b>		<b>CITY, STATE &amp; ZIP:</b>	
806 E AVENUE E Alpine, TX 79830			
<b>APPLICANT MAILING ADDRESS:</b>		<b>CITY, STATE &amp; ZIP:</b>	
Same		Alpine TX 79830	
<b>PROJECT FOR WHICH REZONING IS SOUGHT:</b>		<b>APPLICABLE ZONING, BUSINESS, SECTION/SUBSECTION</b>	
Beauty Salon		ORDINANCE: SUPCUP NOT ALLOWED	
<b>SPECIFIC USE OF THE PROPERTY:</b>		<b>EXISTING USES OF ADJACENT PROPERTIES:</b>	
VACANT / Residential		Residential / Commercial (C-2)	
<b>PARCEL ID#:</b> 35650		<b>SURVEY INCLUDED:</b> <input checked="" type="checkbox"/>	

\*\*If the applicant is not the legal owner of the property, a signed statement by the owner that the applicant is the authorized agent of the owner of the property.

### REZONING CHECKLIST

Initiation of zoning or rezoning:

☐ Section 21.01. Zoning or rezoning of property may be initiated by the:

☐ Council;

☐ Planning and zoning commission;

☒ Record owner;

☐ Petition of:

a. The owners of at least 51 percent of the land, by land area, in the proposed district; or

b. At least 51 percent of the owners of individual properties in the proposed district.

i. Property owned by the City Of Alpine or other governmental entities shall be fully excluded from the area subject to petition of the owners, except such property may be included in support if it contains structures or features that contribute to the historic character of the district, as determined by the historic landmark commission. The amount of such property to be calculated

as supporting shall not exceed one-third of the 51 percent of the land in the proposed district.

(Ord. No. 2016-08-02, 9-20-16; Ord. No. 2016-10-03, 11-1-16)

☒ **Section 21.02. Proposed district boundaries must be contiguous.**

*Except as provided in section 21.01, the boundaries of the districts proposed in a zoning or rezoning application must be contiguous.*

*\*\* The boundaries of the districts proposed in a zoning application may be noncontiguous if the zoning is initiated by the council or the planning and zoning commission. (Ord. No. 2016-08-02, 9-20-16; Ord. No. 2016-10-03, 11-1-16)*

**SUBMITTAL VERIFICATION/INSPECTION AUTHORIZATION:**

I as owner of the property hereinafter referenced, do hereby execute this document, and acknowledge the above statements to be true and, accurate to the best of knowledge. I have received, read and understand the terms and conditions of this request and agree to compliance with all applicable codes and ordinances of the City. I authorize the City or their representatives to visit and inspect the property for which this application is being submitted.

**OPTIONAL:**

IV I authorize my duly authorized agent to coordinate with the City and its representatives and speak in my behalf for the purpose of representing me in regards to this request.

APPLICANT SIGNATURE

Tehra Vaughn

PRINTED NAME

Tehra Vaughn

DATE

9/7/2023

**FOR STAFF USE ONLY**

PERMIT # 23-006996

TOTAL FEES 350<sup>00</sup>

DATE: 09/11/2023

**Section 21.15. Refunds.**

*The fees established shall be non-refundable to the applicant, unless the request is completely withdrawn before the procedure of notices as set forth in section 20.13 have begun.*

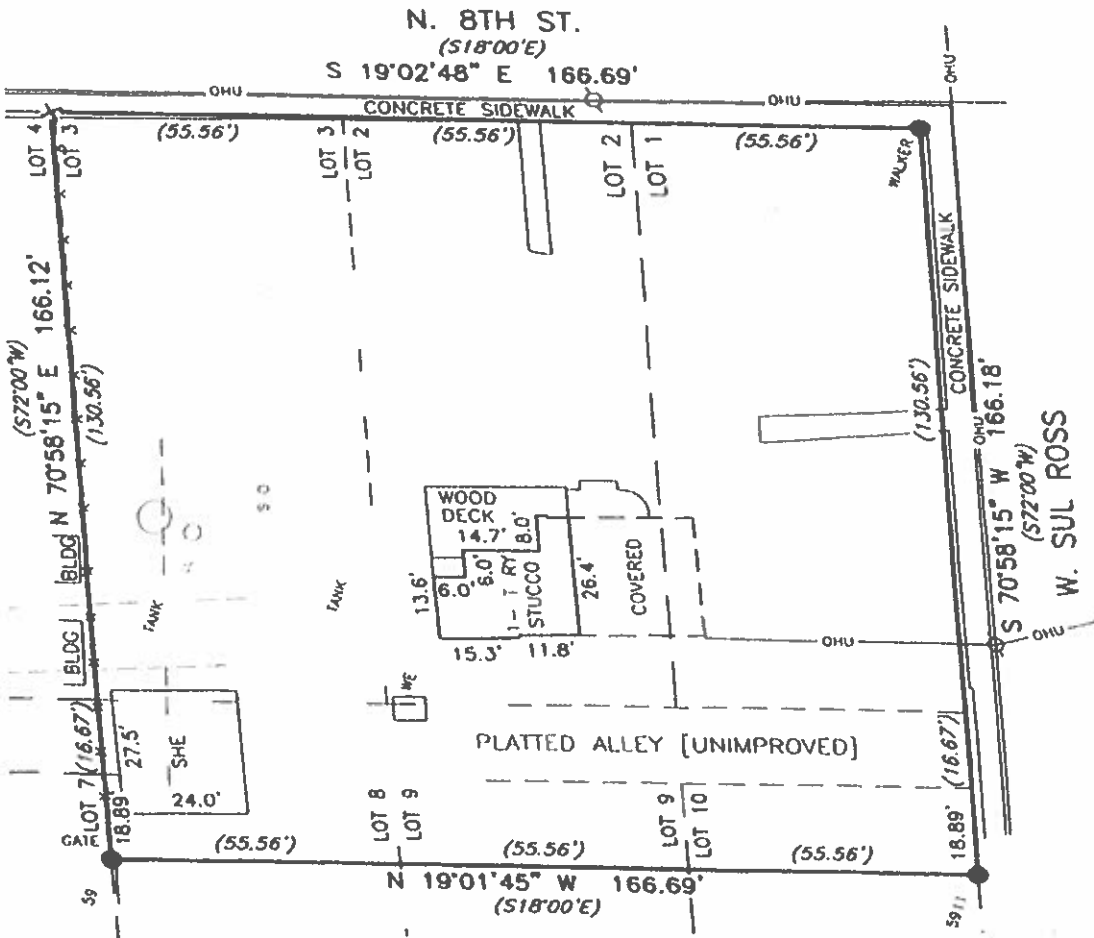
(Ord. No. 2016-08-02, 9-20-16; Ord. No. 2016-10-03, 11-1-16)

*I, Karen Chapman, give Tehra Vaughn rights as an authorized agent of 401<sup>N</sup> Sue Ross Ave.*

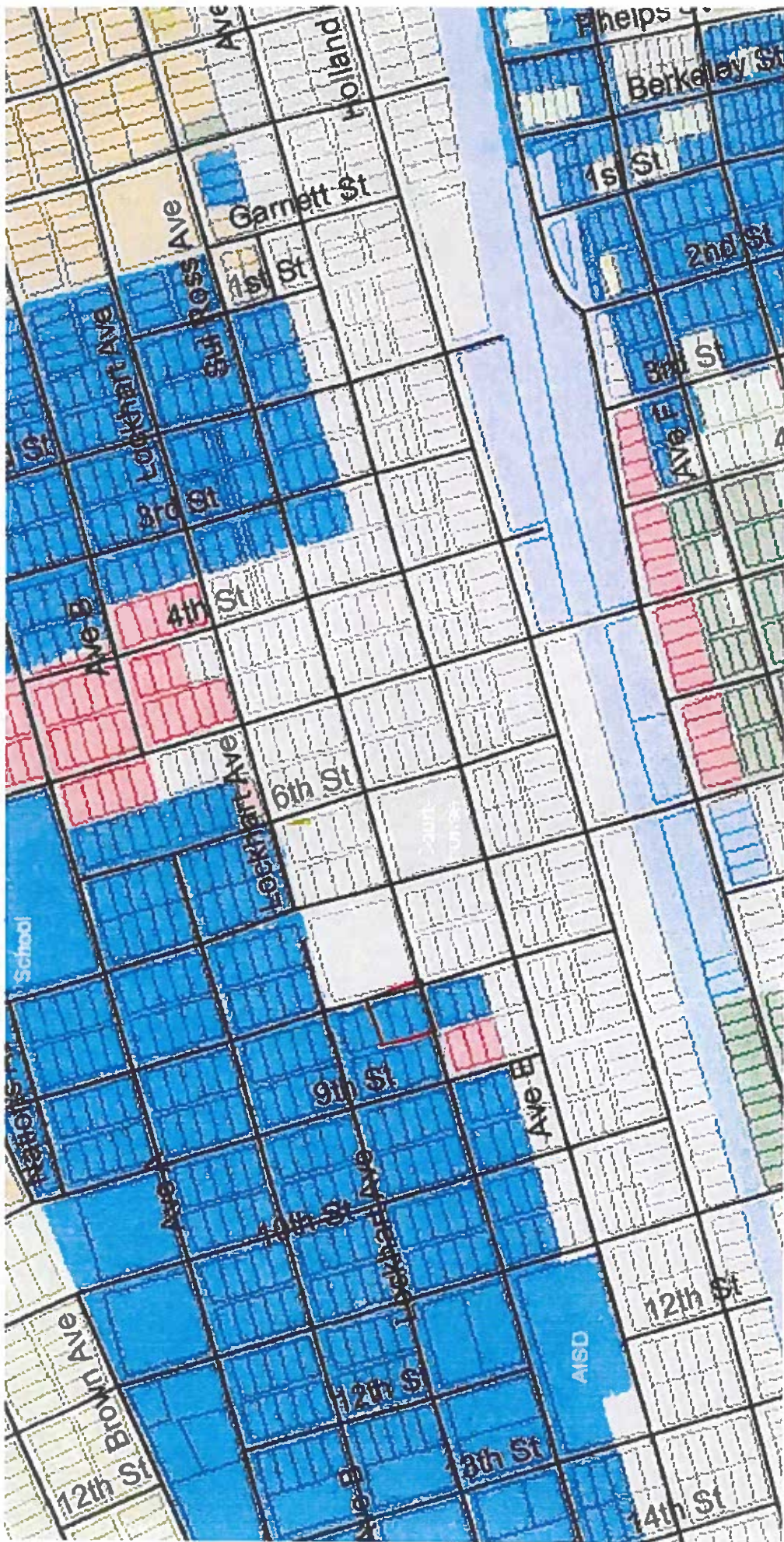
*Karen Chapman*  
*9.7.2023*



**PAID**  
28963686576





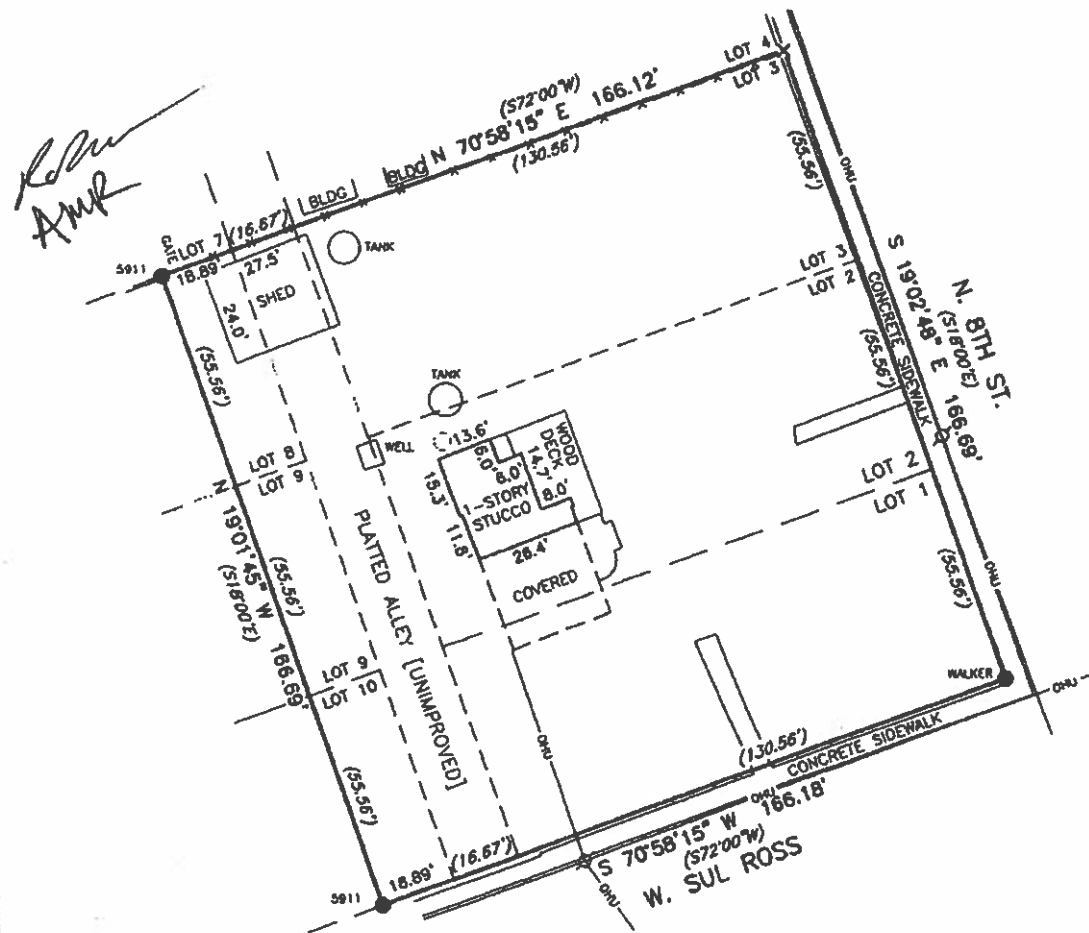


## SURVEY PLAT

THE EAST 18.89 FEET OF LOTS 8, 9, AND 10, ALL OF LOTS 1, 2, AND 3, AND THAT PORTION OF THE PLATTED ALLEY LYING BETWEEN SAID LOTS, ALL OUT OF BLOCK 28, ORIGINAL TOWNSITE OF ALPINE ENVELOPE 184, PLAT RECORDS OF BREWSTER COUNTY, TEXAS

ALPINE, TEXAS

EXHIBIT A



AN INDEPENDENT EXHAUSTIVE SEARCH OF THE PUBLIC RECORD HAS NOT BEEN CONDUCTED. EASEMENTS/RESTRICTIONS NOT SHOWN HEREON MAY AFFECT THIS TRACT.

## LEGEND

- IRON ROD FOUND [CAPPED AS NOTED]
- X "X" FOUND IN CONCRETE
- UTILITY POLE
- OHU OVERHEAD UTILITY
- - - FENCE
- ( ) RECORD INFORMATION

BEARING BASIS: WGS 84



ACCORDING TO FEMA FIRM MAP PANEL 48008500028, DATED 11/16/1990, THIS TRACT APPEARS TO LIE WITHIN ZONE X (AREAS OUTSIDE THE 500-YR FLOODPLAIN).

I HEREBY CERTIFY THAT THIS PLAT IS BASED ON AN ACTUAL ON THE GROUND SURVEY AND THAT THE LINES AND CORNERS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

KEVIN MUELLER  
105 N. COCKRELL ST.  
(432) 538-2115  
KEVIN.MUELLER@SAWTOOTHSSURVEY.COM

6-29-2022

SAW TOOTH SURVEY  
P.O. BOX 1751  
ALPINE, TX 79831



**PLANNING & ZONING COMMISSION  
MEETING AGENDA ITEM COVER MEMO  
OCTOBER 23, 2023**

---

**ACTION ITEMS**

---

- b) Appoint a member of the Commission to provide a report to the City Council at the November 7, 2023, City Council meeting regarding the Commission's recommendation to approve/deny Rezoning Application 2023-10-01. (G. Calderon, City Secretary)

---

**BACKGROUND**

---

- None.

---

**SUPPORTING MATERIALS**

---

- None.

---

**STAFF RECOMMENDATION**

---

**NONE.**



# **SIGN WORKSHOP OVERVIEW**

**1. Call to Order.**

**2. Public Comments.**

**3. Workshop proposed changes to Chapter 74 – Signs to the Alpine Code of Ordinances:**

- a) Discussion about updating our Sign ordinance.
- b) Commissioner Laxton Presentation and or notes on Monument Signs vs Pole Signs.
- c) Redline and update our current sign ordinance as a group, Chapter 78, attached.
- d) Read Sugarland, TX Sign Ordinance and see what parts if any we should adopt.

**4. Adjourn.**





**PLANNING & ZONING COMMISSION  
MEETING AGENDA ITEM COVER MEMO  
OCTOBER 23, 2023**

---

**WORKSHOP**

---

**Workshop proposed changes to Chapter 74 – Signs to the Alpine Code of Ordinances:**

- I. Discussion about updating our Sign ordinance.
- II. Commissioner Laxton Presentation and or notes on Monument Signs vs Pole Signs.
- III. Redline and update our current sign ordinance as a group, Chapter 78, attached.
- IV. Read Sugarland, TX Sign Ordinance and see what parts if any we should adopt.

---

**BACKGROUND**

---

- None.

---

**SUPPORTING MATERIALS**

---

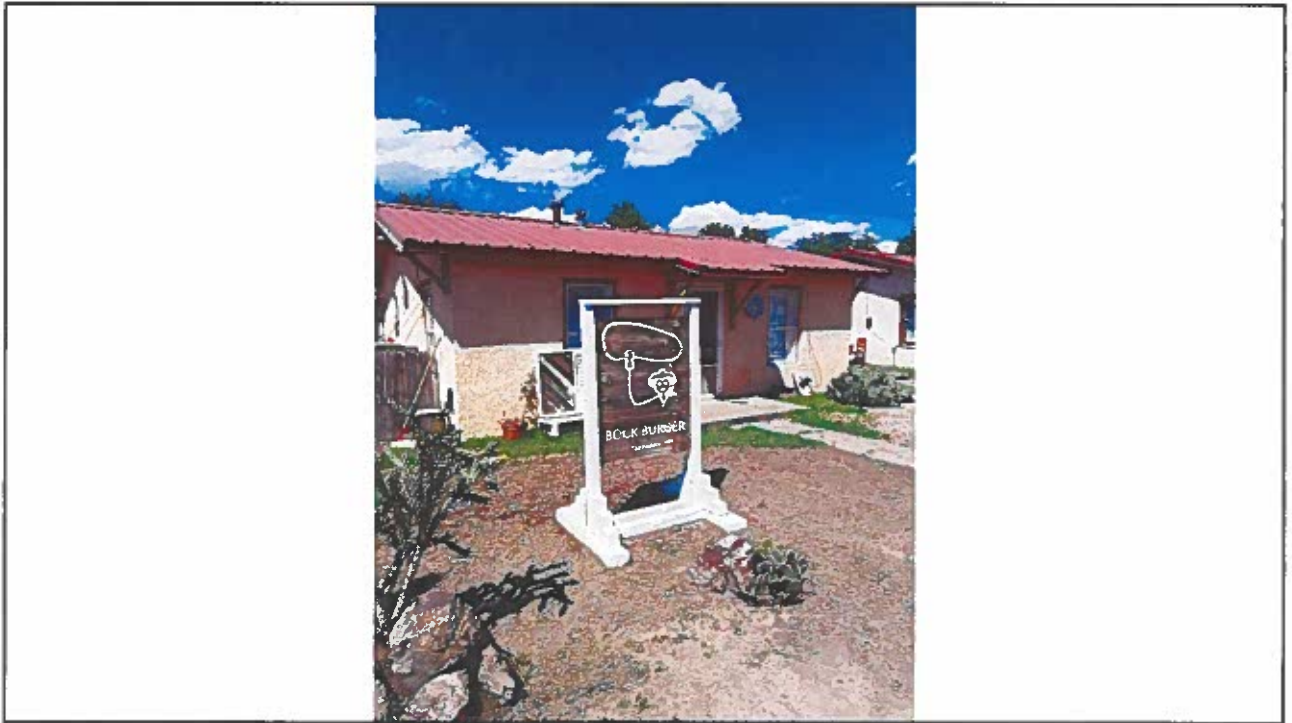
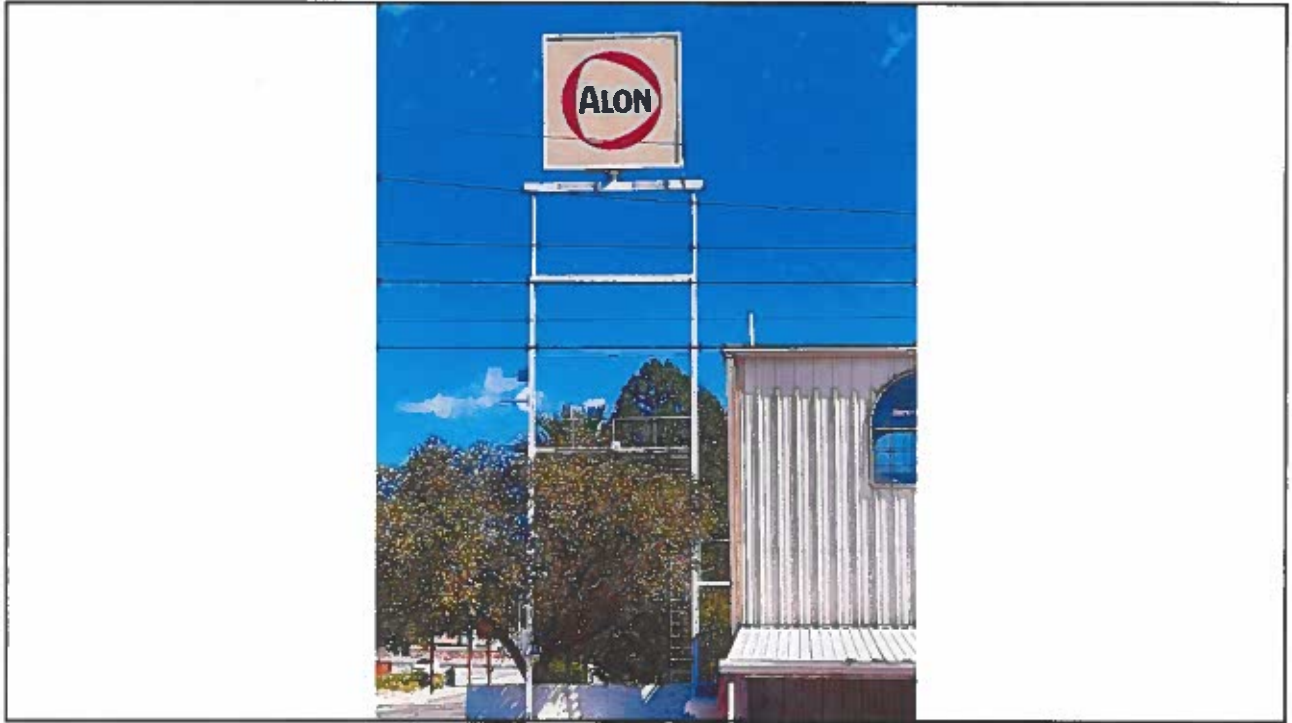
- Photos of local signs.
- Chapter 78 – Signs marked up by Commissioner Laxton.
- Sugarland, Texas Sign ordinance.

---

**STAFF RECOMMENDATION**

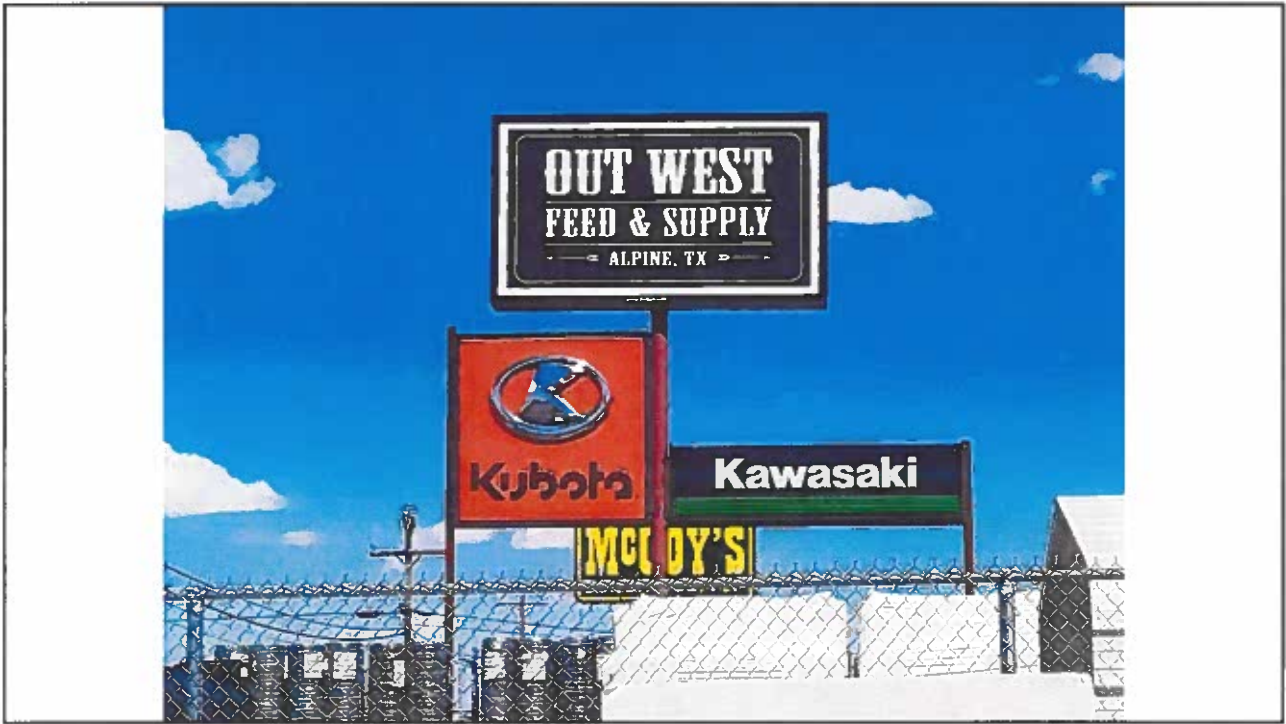
---

**NONE.**









Footnotes:

— (1) —

**Cross reference**— *Buildings and building regulations, ch. 18; streets, sidewalks and other public places, ch. 86; subdivisions, app. B; zoning, app. C.*

**State Law reference**— *Regulation of signs by municipalities, V.T.C.A., Local Government Code ch. 216; outdoor advertising, V.T.C.A., Transportation Code § 391.031 et seq.*

David Menard

Sec. 78-1. - Definitions.

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

*OR frame, pole, framework or canopy frame*  
**Abandoned sign** means a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product or activity, and/or for which no legal owner can be found.

**Administrator** means the code administrator, code enforcement officer, committee or board so designated, or their representative.

**Animated sign** (see also and note difference from "Changeable sign") means a sign, or display, manifesting either kinetic or illusionary motion occasioned by natural, manual, mechanical, electrical or other means. Animated signs include the following types:

- (1) **Naturally energized sign** means a sign whose motion is activated by wind or other atmospheric impingement. Wind driven signs include flags, banners, pennants, streamers, spinners, metallic disks or other similar devices designed to move in the wind.
- (2) **Mechanically energized sign** means a sign manifesting a repetitious preprogrammed physical movement or rotation in either one or a series of planes activated by means of mechanically based drives.
- (3) **Electrically energized sign** means an illuminated sign whose motion or visual impression of motion is activated primarily by electrical means. Electrically energized animated signs are of two types:
  - a. **Flashing sign** means an illuminated sign exhibiting a preprogrammed repetitious cyclical interruption of illumination from one or more sources in which the duration of the period of illumination (on phase) is either the same as, or less than, the duration of the period of darkness (off phase), and which the intensity of illumination varies from zero (off) to 100 percent (on during the programmed cycle).
  - b.

*Illusionary movement sign* means an illuminated sign exhibiting the illusion of movement by means of a preprogrammed repetitious sequential switching action in which illuminated elements of the sign are turned on or off to visually simulate the impression of motion characteristic of chasing, running, blinking, oscillating, twinkling, scintillating or expanding and contracting light patterns.

*Area* (see "Sign, area of").

*Assembly or meeting room* means a room or portion of a building used for gathering together of 50 or more persons for such purpose as deliberation, education, instruction, worship, entertainment or amusement.

*Awning* means a shelter projecting from, and supported by, the exterior wall of a building, constructed of nonrigid materials on a supporting framework (compare "Marquee").

*Awning sign* means a sign painted on, printed on or attached flat against the surface of an awning.

*Back lit awning* (see "Electric awning sign").

*Banner sign* means a sign made of fabric, or any nonrigid material, with no enclosing framework.

*Billboard* (see "Off-premises sign").

*Blade sign* (see "Ground sign").

*Canopy, building*, means a rigid multisided structure covered with fabric, metal or other material, and supported by a building at one or more points or extremities, and by columns or posts embedded in the ground at other points or extremities and may be illuminated by means of internal or external sources (compare "Marquee").

*Canopy, freestanding*, means a rigid multisided structure covered with fabric, metal or other material, and supported by columns or posts embedded in the ground and may be illuminated by means of internal or external sources.

*Canopy sign* means a sign affixed or applied to the exterior wall facing surface of a building or freestanding canopy.

*Changeable sign* means a sign whose informational content can be changed or altered by manual or electric, electro-mechanical or electronic means. Changeable signs include the following types:

- (1) *Manually activated* means signs that show alphabetic, pictographic or symbolic informational content and can be changed or altered by manual means.
- (2) *Electrically activated* means signs whose alphabetic, pictographic or symbolic informational content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments and includes the following two types:

- a. *Fixed message electronic signs* means signs whose basic informational content has been preprogrammed to include only certain types of information projection, such as time, temperature, predictable traffic conditions or other events subject to prior programming.
- b. *Computer controlled variable message electronic signs* means signs whose informational content can be changed or altered by means of computer-driven electronic impulses.

*City* means the City of Alpine and/or any jurisdiction of the city outside the city boundaries, unless the context clearly discloses a contrary intent.

*Clear sight triangle* means an area enclosed within an isosceles triangle having equal sides of 25 feet with the apex of the triangle at the point where two abutting streets meet.

*Clearance (of a sign)* means the smallest vertical distance between the grade of the adjacent street, highway or street curb and the lowest point of any sign, including framework and embellishments.

*Construction sign* means a temporary sign identifying an architect, project, contractor, subcontractor and/or material supplier participating in construction on the property on which the sign is located.

*Copy* means the graphic content of a sign surface in either permanent or removable letter, pictograph, symbolic or alphabetic form.

*Directional/information sign* means an on-premises sign giving directions, instructions or facility information, and which may contain the name or logo of an establishment but no advertising copy, e.g., parking or exit and entrance signs. Informational signs may contain the name or logo provided that the name or logo may not comprise more than 30 percent of the total sign area, which is three square feet per sign.

*Double-faced sign* means a sign with two faces, essentially back-to-back.

*Electric awning sign* or *back lit awning* means an internally illuminated fixed space-frame structure with translucent, flexible, reinforced covering designed in awning form, and with graphics or copy applied to the visible surface of the awning.

*Electrical sign* means a sign or sign structure in which electrical wiring, connections or fixtures are used.

*Electronic message center* (see "Changeable sign, electrically activated").

*Facade* means the entire building front including the parapet.

*Face of sign* means the area of a sign on which the copy is placed.

*Festoons* means a string of ribbons, tinsel, tassels, small flags or pinwheels.

*Flashing sign* (see "Animated sign, electrically energized").

*Freestanding sign* means a sign supported permanently upon the ground by poles or braces and not attached to any building.

*Frontage* means the length of the property line of any one premises along a public right-of-way on which it borders.

*Frontage, building*, means the length of an outside building wall on a public right-of-way on which it borders.

*Government sign* means any temporary or permanent sign erected and maintained by the city, county, state or federal government for traffic direction, or for designation of, or direction to any school, hospital, historical site or public service, property or facility.

*Grade* means the average elevation of the finished ground level at the center of all facades of a building.

*Graphic design* means any artistic design, portrayal or mural, painted directly on the exterior wall, fence, window or sculpture, or other structure which is visible from any public right-of-way, and which has its artistic purpose visible from any public right-of-way, which has its purpose and effect artistic and not the identification of the premises or the advertisement or promotion of the interest of any person or business. Such graphic design may be subject to a sign permit or building permit and review and approval by the building official or the code enforcement officer.

*Ground sign or blade sign* means a sign which is anchored to the ground similar to a pylon or freestanding sign, but which has a monolithic or columnar line and which maintains essentially the same contour from grade to top. Height and setbacks are to be the same as for freestanding signs.

*Height (of a sign)* means the vertical distance measured from the highest point of the sign, including decorative embellishments, to the grade of the adjacent street, or the surface grade beneath the sign, whichever is less (compare "Clearance").

*Identification sign* means a sign whose copy is limited to the name and address of a building, institution or person and/or activity or occupation being identified.

*Illegal sign* means a sign which does not meet requirements of this Code and which has not received legal nonconforming status.

*Illuminated sign* means a sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

*Incidental sign* means a small sign less than one square foot, emblem or decal informing the public of goods, facilities or services available on the premises, e.g., a credit card sign.

*Lot* means a parcel of land legally defined on a subdivision map recorded with the assessment department or land registry office, or a parcel of land defined by a legal record or survey map.

*Low profile sign or monument sign* means a sign mounted directly to the ground with maximum height not to exceed six feet.

8' x 13'  
(14) wide



*Maintenance* means the cleaning, painting, repair or replacement of [defective parts] of a sign in a manner that does not alter the basic copy, design or structure of the sign. → poles or frame work

*Mansard* means a sloped roof or roof-like facade architecturally comparable to a building wall.

*Marquee* means a lettering changeable sign, not to exceed 24 square feet in size. This type of sign may also be known as a reader board.

*Menu* means a comparable list or assortment of offerings, either food items or merchandise.

*Monument sign* (see "Low profile sign").

*Multiple-faced sign* means a sign containing three or more faces, not necessarily in back-to-back configuration.

*Nameplate* means a nonelectric, on-premises identification sign giving only the name, address and/or occupation of an occupant or group of occupants.

*Nonconforming sign* means an illegal sign which does not comply with the sign ordinance or to the sign code requirements, but for which a special exception or variance has been issued.

*Occupancy* means the portion of a building or premises owned, leased, rented or otherwise occupied for a given use.

*Off-premises sign* or *billboard* means a sign structure advertising an establishment, merchandise, service or entertainment, which is not sold, produced, manufactured or furnished at the property on which such sign is located, e.g., billboards or outdoor advertising.

*Off-site directional sign* means a sign which provides directional assistance to access an establishment conveniently and safely. Such signs shall be limited by the administrator in size, height and placement, as justified.

*On-premises sign* means a sign, the content of which is related to the premises on which it is located, referring exclusively to the name, location, product, persons, accommodations, services or activities of those premises, or the sale, lease or construction of those premises.

*Owner* means a person recorded as such on official records. For the purposes of this chapter, the owner of property on which a sign is located is presumed to be the owner of the sign, unless facts to the contrary are officially recorded or otherwise brought to the attention of the administrator.

*Painted wall sign* means any sign which is applied with paint, or similar substance, on the surface of the wall.

*Parapet* means the extension of a false front or wall above a roof line.

*Person* means any individual, corporation, association, firm, partnership or similarly defined interest.

*Point of purchase display* means advertising of a retail item accompanying its display, e.g., an advertisement on a product dispenser, tire display, etc.

*Pole cover* means a cover enclosing or decorating poles or other structural supports of a sign.

*Political sign* means a temporary sign used in connection with a local, state or national election or referendum.

*Portable sign* means any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

*Portal* means a covered structure forming an entrance to a building outside and with a separate roof, or as a recess in the interior as a kind of vestibule.

*Premises* means a parcel of land with its appurtenances and buildings which, because of its use, may be regarded as the smallest conveyable unit of real estate, and any tract that has been surveyed and delineated by a legal description, and the property upon which the business is located.

*Projecting sign* means a sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

*Real estate sign* means a temporary sign advertising the real estate upon which the sign is located as being for rent, lease or sale.

*Roof line* means the top edge of a roof or building parapet, whichever is higher, excluding any mansards, cupolas, pylons, chimneys or minor projections.

*Roof sign* means any sign erected over, or on top of, a building (compare "Mansard," or "Sign, wall").

*Rotating sign* (see "Animated sign, mechanically energized").

*Sign* means any device, fixture, placard or structure that uses any color, forms, graphic, illumination, symbol or writing to advertise, announce the purpose of or identify the purpose of a person or entity, or to communicate information of any kind to the public, except for the following: [Refer to Light ordinance]

- (1) Nonilluminated names of buildings, dates of erection, monument citations, commemorative tables and the like, when carved into stone, concrete, metal or any other permanent type of construction and made an integral part of a permitted structure, or made flush to the ground.
- (2) Signs required by law or signs of a duly constituted governmental body.
- (3) Signs placed by a public utility for safety, welfare or convenience of the public such as signs identifying high voltage, public telephone or underground cables.
- (4) Signs upon a vehicle; provided, any such vehicle with a sign face over two square feet is not conspicuously parked as to constitute a sign.
- (5) Temporary holiday decorations.

*Sign, area of, means:*

- (1) *Projecting and freestanding sign.* The area of a freestanding or projecting sign shall have only one side of any double-faced sign counted in calculating its area. The area of the sign shall be measured as a rectilinear line of not more than eight sides drawn around and enclosing the perimeter of each cabinet or module. The area shall then be summed and totaled to determine total area. The perimeter of the measurable area shall not include embellishments such as pole covers, framing, decorative roofing, support structures, etc.; provided, there is no written advertising copy on such embellishments.
- (2) *Wall sign.* The area of a wall sign shall be with a single, continuous perimeter composed of any rectilinear line geometric figure which encloses the extreme limits of the advertising message. If the sign is composed of individual letters or symbols, using the wall as the background with no added decoration, the total sign area shall be calculated by measuring the area of the smallest rectangle within the perimeter of the signage. The combined areas of the individual figures shall be considered the total sign area.

*Sign, canopy, means* any sign which is mounted to, and supported by, a permanent canopy, arcade or portal, the ceiling of which is no more than 16 feet above grade.

*Sign, joint identification, means* a sign whose area is shared by three or more businesses.

*Sign, projecting, means* any sign with no more than two faces supported by a building wall and projecting from such building wall.

*Sign, wall, means* any sign painted on, incorporated in or affixed to the building wall, or any sign consisting of cutout letters and devices affixed to the building wall with no background or border defined on the building wall.

*Snipe sign means* a sign not constructed or intended for long-term use.

*Subdivision identification sign means* a freestanding sign, or wall sign, identifying a recognized subdivision, condominium complex or residential development.

*Temporary sign means* a sign not constructed or intended for long-term use.

*Under-canopy sign means* a sign suspended beneath a canopy, ceiling, roof or marquee.

*Use means* the purpose for which a building, lot, sign or structure is intended, designed, occupied or maintained.

*V sign means* a sign consisting of two essentially equal faces, positioned at an angle subtending less than 179 degrees.

*Value means* replacement costs, including any amount owed on a sign.

*Window sign* means any sign, pictures, symbol or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, that is placed inside a window, or upon the window panes or glass, and is visible from the exterior of the window.

(Code 1978, § 21.5-1)

**Cross reference—** Definitions generally, § 1-2.

Sec. 78-2. - Permits.

It shall be unlawful for any person to erect, alter or relocate, within the jurisdiction and extraterritorial jurisdiction of the city, any sign without first obtaining a permit and making payment of fees.

(1) *Required.* Permits shall be required for the following types of new or temporary signs:

- a. All signs having an area greater than six square feet. 3X2
- b. All illuminated signs.
- c. All signs with moving elements.
- d. All signs over a public right-of-way.
- e. All temporary signs that are portable, wheeled or footed.
- f. All off-premises signs, except temporary real estate, political and contractor signs.

(2) *Applications.* Permit applications shall contain the following:

- a. Signature of applicant.
- b. Name and address of sign owner.
- c. Name and address of person erecting the sign.
- d. Location of the building or lot to which or upon which the sign is to be attached or erected.
- e. Drawings or description showing the design and dimensions of the sign.
- f. Drawing or detailed description showing the site plan or building facade.
- g. Written consent of the owner of the building, structure or land to which, or on which, the sign is to be erected.

(3) *Fee.* Fifty cents per square foot of the sign face with a \$50.00 maximum.

(4) *Permit exceptions.*

- a. Replacing or updating copy.
- b. General maintenance to any sign should not require a permit.

(5) *Variances.* The planning and zoning commission shall have authority and power to grant variances of this chapter in a duly conducted public hearing. The commission shall also have the power to recommend extensions of time to comply.

- a. When requesting a permit, the applicant may apply to the planning and zoning commission through the administrator for a variance from certain requirements of this chapter.
- b. There will be a \$20.00 application fee on request for a variance.
- c. The granting of a variance would not be contrary to the general objectives of this Code and any land use plan.
- d. In granting a variance, the administrator may attach additional requirements necessary to carry out the spirit and purpose of this chapter in the public interest.
- e. Written notice shall be given to adjoining and other property owners of a hearing on request for a variance, and shall be given pursuant to the procedures set forth by the codes set forth by the city.
- f. The planning and zoning commission shall either grant or deny the variance or extension requested. Any party aggrieved by the decision of the planning and zoning commission may appeal within ten days to the city council by filing an appeal with the city clerk.

(Code 1978, § 21.5-2)

Sec. 78-3. - General regulations.

- (a) *Prohibited signs in all zones.* The following prohibited signs shall be removed or brought into compliance:
  - (1) Signs, or any part of a sign, that might contribute to confusion of traffic control, or imitating signs or devices for control of traffic or railroad.
  - (2) Rotating or oscillating beacons of light, or strobe lights.
  - (3) Freestanding signs with overhead wiring to supply electric or support cables.
  - (4) Temporary signs for any period over seven days. Temporary signs may be renewed eight times per year.
  - (5) Canopy signs or hanging signs, the bottom of which are less than seven feet above grade.
  - (6) Freestanding signs whose top exceeds 30 feet above grade.
  - (7) Any sign, or part thereof, erected or constructed wholly upon or over the roof of any building that is visible from any grade of street level.
  - (8) Any wall sign, or part thereof, that projects more than 12 inches from the building wall at a height lower than ten feet.
  - (9) Signs (except wall signs) in a clear sight triangle.
  - (10) Any sign, or part thereof, that contains any audible devices.
  - (11)

Any sign, or part thereof, that is partially or wholly illuminated by floodlights or spotlights, unless such lights are used for indirect lighting, and the illumination is shielded as not to be directly visible from the public right-of-way, or to a residential area that may be within 40 feet distant.

*Refer to Outdoor lighting ord.?*

\* (12) Any sign that is in obvious poor repair as determined by the code enforcement officer or agency representative, which decision may be appealed to the planning and zoning commission. *By ? P (date this ordinance is amended)*

(13) Any sign attached to trees, fences, utility poles or street furniture, which is in the public right-of-way.

(b) *Exempt signs.* The following exempt signs shall not require a permit or payment of fee:

- (1) Construction signs. One sign shall be permitted for all building contractors, all professional firms and all lending institutions on premises under construction. Such signs shall be confined to the site of construction and shall be removed within 14 days of the beginning of the occupancy of the project.
- (2) Real estate signs. One temporary sign located on the property it refers to for each street frontage. In residential zones, the signs shall not exceed four square feet. An additional sign with the word "sold" or "leased" may be added but not to exceed one-half of the size of the original real estate sign. In nonresidential zones, the signs shall not exceed 16 square feet and be over five feet in height.
- (3) Advertising for community or civic events, flags or emblems or civic, philanthropic, educational or religious organizations, maintained for a temporary period not in excess of one month.
- (4) Temporary directional signs not exceeding three square feet in area placed on private property may be permitted on approach routes to a real estate open house, garage sale, benefit sale or car wash.
- (5) Official national, state, city or school flags for any period of time.
- (6) Street banners and holiday decorations may be displayed during appropriate season or event.
- (7) Residential name signs and/or address signs not exceeding 1.5 square feet.
- (8) Private traffic directional signs which are necessary for and function only to direct traffic movement on, off of or within a premises, shall be allowed without limit as to number. Maximum size shall not exceed six square feet. Such signs shall not contain commercial advertising.
- (9) Nameplates on mailboxes.
- (10) Religious emblems that are located on the premises of the religious institution.
- (11) Window signs, show cards and bulletins, as long as such signs are not illuminated.



(12) Memorial signs or historic markers.

(13) Signs required by law.

(14) Street banners owned and maintained by the city.

(c) *Fee exempt signs.* The following fee exempt signs shall require a permit, but any applicable fees shall be waived:

(1) Murals or wall art which contain no commercial message.

(2) Gasoline price signs. Service stations shall be permitted one double-faced, on-site sign not to exceed 12 square feet per face, and five feet in height, advertising the price of gasoline. Such signs shall not contain any advertisement other than brand name.

(3) One permanent identification sign setting forth the name of a center, civic, religious, educational, charitable, public or quasi-public institution, shall be permitted in accordance with the requirements of the zone in which the sign is placed.

(4) A single permit shall be required for the placement of temporary political signs. Such signs shall be placed only with the consent of the owner of the property on which they are posted. Such signs may be erected no earlier than 90 days prior to any primary or general election. They shall be removed within 14 days after the election to which the sign pertains. The candidate for whom the sign advertises, or the candidate's duly responsible agent, shall bear the responsibility for removal of such sign.

(5) One bulletin board or changeable public notice sign, not over 32 square feet and seven feet in height, for public, charitable or religious institutions, when the bulletin board or changeable public notice sign is located on the premises of such institution.

(d) *R-3 zones, apartments.*

(1) Signs permissible in the R-3 district include nameplates not exceeding two square feet in area.

(2) An apartment premises with five to 24 dwelling units may have wall signs identifying the apartments, provided the sign on any facade does not exceed 32 square feet.

(3) An apartment premises with more than 24 units may have wall signs identifying the apartments, provided the total number of square feet per facade does not exceed 100 square feet.

(4) Each premises may have one freestanding sign per each 750 feet of public street frontage. No freestanding sign shall be more than 12 feet in height.

(e) *R-1, R-2, R-4 zoned residential areas.*

(1) No portion of an illuminated sign shall have a luminance greater than provided by a 100 watt bulb. *ref: [Outdoor Lighting Ordinance]*

(2) No sign, or part of a sign, shall move, flash or rotate.

Refer to  
Art VIII?  
Out. Lighting

(3) No more than one sign per premises shall be illuminated.

(4) Any and all illuminated signs within 40 feet of residential zones, must use shielding for the source of lighting in such manner that will prevent glare or light from the source from shining directly into or toward the residential area.

(5) One unlighted sign, which shall not exceed one square foot in area, indicating the name of the occupant or occupation of a customary home occupation, provided the sign is attached flat to the building.

(6) One sign, which shall not exceed 15 square feet in area, for church or school.

(7) One sign, which shall not exceed four square feet in area, for temporary unlighted sign pertaining to the lease, hire or sale of building or property upon which it is located; provided, the sign is immediately removed upon the lease, hire or sale of such building or property.

(8) One unlighted temporary political sign which shall not exceed 32 square feet in area.

\* (f) **Nonresidential regulations.** The additional provisions of this subsection apply to all signs not in a residential zone or within 40 feet of a residential zone.

Art VIII  
Out. Light

(1) **Height.**

a. Height of a freestanding sign shall not exceed 30 feet above grade. *delete* *(EXEMPT Billboards)* *Approved*

b. Height of a building mounted sign or projecting sign shall not exceed 40 feet above grade. *Replace w/ 8x13 ft* *Low profile* *EFF: 12x10x3*

(2) **Size.**

a. Size of a freestanding or projecting sign shall not exceed 100 square feet. *Per VIII (200 sf.)?* *0.4* *104 = 8x13* *100*

b. Size of a building mounted sign, except a projecting sign, shall not exceed 15 percent of the area of the facade to which they are applied.

c. Canopy signs shall not extend beyond the sides or edges of the canopy.

(3) **Number.**

a. Wall signs shall be limited to four per facade.

b. One *Monument style* freestanding sign shall be permitted for each 100 feet of street frontage.

c. One projecting sign shall be permitted for each premises, provided it is oriented to the primary entrance, or entrance frontage.

d. *delete* One marquee sign shall be permitted for each street frontage.

e. One perpendicular canopy sign every 15 feet shall be permitted for each premises.

(4) **Location.**

a. No off-premises sign shall be nearer than 150 feet to any other off-premises sign.

b. Flush mounted wall mounted signs may protrude up to one foot into the public right-of-

\* way, granted the bottom of such sign is at least ten feet from the grade.

c.

*Abandon Poles*

*Street Clearance for public right of way*

*Note this is the way of the street signs @ each entrance*



Building mounted signs extending above the roof shall be permitted only if they are a continuation of the plane of the facade. No roof mounted signs will be permitted.

d. Signs painted on the roof of any building shall be permitted as long as they are not visible from any plane of pedestrian or vehicular traffic.

(5) *Illuminance near residential zones.* Any and all illuminated signs within 40 feet of residential zones must use shielding for the source of lighting in such manner that will prevent glare or illumination from the source from shining directly into or toward the adjacent residential area.

(g) *General illumination and design.*

- (1) No single light bulb used to indicate time or temperature shall have a rating greater than 40 watts.
- (2) No portion of an illuminated sign, apart from the light bulbs used to indicate time or temperature, shall have a luminance greater than that provided by a 150-watt bulb.
- (3) Separate light sources aimed at a sign, and not intended as general illumination, shall not have a wattage greater than 150 watts.
- (4) All new internally lit signs erected shall have their faces recessed within a decorative trim a minimum of two inches.
- (5) All freestanding signs over 12 feet in height, shall have a base, i.e., planter box, wall, banco, trees, bushes or other landscaping material, as long as it does not create a hazard, which shall be compatible in color and design of the building which it advertises.
- (6) All signs shall be constructed to withstand a wind velocity of not less than 75 miles per hour.

(Code 1978, § 21.5-3)

#### Sec. 78-4. - Right of inspection.

The administrator, code enforcement officer or agency representative, shall have the right to inspect all signs in the city for the purpose of ascertaining whether they are safe, secure, in need of repair or conforming to this chapter.

(Code 1978, § 21.5-4)

#### Sec. 78-5. - Enforcement.

(a) *Compliance.*

- (1) If the code enforcement officer or agency representative finds that any sign is unsafe or a hazard to the public, or has been erected or is being maintained in violation of this chapter, he shall give written notice to the permittee or owner of the property on which the sign is erected. If the permittee or owner fails to remove or alter the sign so as to comply with this

chapter within ten days after mailing of such notice, such sign may be removed by the city; and the permittee or owner shall bear the expense of such removal. No person refusing to pay the costs assigned, shall be issued a sign permit. If a sign is an immediate peril to persons or property, the code enforcement officer or agency representative may cause such sign to be removed summarily and without notice.

- 60?
- ★ (2) An abandoned sign, which no longer advertises a bona fide, ongoing business or a product sold, shall be subject to the rules and enforcement action as outlined in subsection (1) of this section.
- (3) The exception to this chapter is historic signs. Any sign which can be shown to exist at least 45 years ago, even if nonconforming today, may be kept in place and used in its historical context.
- a. Historic signs must be maintained and be structurally sound.
  - b. Electrical elements of historic signs, if used, must meet requirements of the National Electrical Code and any city electrical codes that may apply.
- (b) *Penalties for violation.* Any person violating any provisions of this chapter, shall be deemed guilty of a petty misdemeanor, and upon conviction thereof, shall be punished as provided in section 1-11. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punished as provided in section 1-11.

(Code 1978, § 21.5-5)

Sec. 78-6. - Applicability and enforcement in city's extraterritorial jurisdiction.

The sections and provisions of this chapter shall extend and be enforced within the area of the city's extraterritorial jurisdiction, as provided by V.T.C.A., Local Government Code § 216.902.

(Code 1978, § 21.5-6)

★ Propose a one time waiver of <sup>fees</sup> to owner for removal of poles and/or unsightly broken Signage. Refer to David Menard for removal

★ Amend Ordinance VIII Out door Lighting to the same. 104<sup>S.F</sup> or 8x13 (it's currently 200 S.F.)

Sec. 4-3. - Definitions.

A. In this Chapter:

*Abandoned Sign* means a Sign that advertises or directs persons to any business, commercial transaction or activity, goods, products or services that were once, but are no longer, offered, available, or located at the advertised premises.

*Balloon Sign* means an inflatable bag made of nonporous material that is filled with air or gas. Balloon Signs are a type of Wind Device Sign.

*Banner Sign* means a Sign with or without characters, letters, illustrations, or ornamentations applied to cloth, paper, flexible plastic, or fabric of any kind with only such material for backing. Banner Signs are a type of Wind Device Sign and includes pennants and streamers.

*Curbline* means an imaginary line drawn along and parallel to the back of curb edge of the pavement of a Street or Primary Access Easement.

*Electronic Sign* means a Sign with the ability to have a fixed or changing display or message composed of a series of lights that may be changed through electronic means. An Electronic Sign is also referred to as a digital sign and is not considered an Illuminated Sign.

*Flagpole* means a freestanding pole with an attached lanyard that is permanently affixed to the ground or a building and is designed for and is intended to be used for the display of 1 or more flags.

*Flag Sign* means a flexible fabric material, usually rectangular in shape, that is specifically designed for display by attaching it to the lanyard of a flagpole.

*Freestanding Sign* means a detached Sign anchored in or attached to the ground. Freestanding Signs include Monument Signs, Temporary Freestanding Signs (Type I), and Temporary Freestanding Signs (Type II).

*Human Sign* means a Sign held by or attached to a human or living being for the purposes of advertising or otherwise drawing attention to a business, commodity, service or product. This may also include a person dressed in costume for the purpose of advertising or drawing attention to a business, commodity, service or product.

*Illuminated Sign* means a Sign internally lighted by any electrical light source behind the Sign face. Illuminated Signs do not include Signs illuminated by an exterior light source shining upon the Sign.

*Off-Premises Sign* means any Sign advertising a business, commercial transaction or activity, goods, products or services not located on the premises where the Sign is located or which directs persons to any premises other than where the Sign is located.

*Pennant Sign* means any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, string, stake or temporary pole, usually in a series, designed to move in the wind. Pennants also include streamers and are a type of Banner Sign.

*Portable Sign* means a Sign whose principal supporting structure is intended, by design, use or construction to be used by resting upon the ground for support and which may be easily moved or relocated or reused. Portable Signs shall include, but not be limited to, signs mounted upon or designed to be mounted upon a trailer, bench, wheeled carrier or other non-motorized mobile structure, with or without wheels, and A-frame and other similar Signs, resting or leaning on the ground or other structures, but not permanently attached thereto.

*Premises* means:

1. For any developed property, the area of real property which encompasses all the Buildings, Structures, appurtenances and contiguous land devoted to a common use and not separated by a public Street, such as a shopping center; or

2. For undeveloped property, the area of real property designated as a Lot on a Plat approved in accordance with law and filed with the County Clerk's Office, or an unplatted tract of land as conveyed by deed or operation of law and recorded in the deed records of the county.

*Right-of-Way (ROW)* means a strip of land that allows for the passage of people or goods. Right-of-Way includes passageways such as freeways, streets, bike paths, alleys, and walkways. A public Right-of-Way is dedicated or deeded to the public for public use.

*Sign* means any surface, material or device used for advertising a business, commercial transaction or activity, goods, products or services with or without the display of letters, words, characters, designs, pictures or other information.

*Sign Base* means the area of the sign that does not contain letters, words, characters, designs, pictures or other information and serves as the structure or support for the Sign Face. A Sign base must be a solid form; poles are not a permitted sign Base.

*Sign Face* means the display area of a sign that includes the Effective Area of the sign.

*Stake Sign* means a Sign whose supporting structure is so designed and shaped, usually by making 1 end pointed, so as to be erected and used by pushing, pounding, hammering or forcing it into the ground so as to allow quick and easy placement, removal or relocation. Examples of Stake Signs include real estate, contractor services, and event signs.

*Subdivision Entrance Sign* means a Sign identifying an entrance or exit of a neighborhood or subdivision.

*Temporary Freestanding Sign* means a Freestanding Sign located on a property temporarily. Temporary Freestanding Signs are classified as either Type I or Type II as defined in this Chapter.

*Wall Sign* means any Sign wholly affixed to, supported by or painted upon the exterior wall or window of any Building. Signs on permanent awnings attached to Buildings are classified as Wall Signs.

*Window and Door Sign* means a sign affixed to or mounted behind the interior surface of a window or door or placed immediately behind a window pane.

*Wind Device Sign* means any Banner, Pennant, Balloon or similar Sign made of cloth, canvas, plastic or other flexible material, with or without a frame or other supporting structure, that moves or is designed or intended to move or blow in the wind.

B. General definitions may be found in Chapter 10.

Sec. 4-4. - Exemptions.

This Chapter does not apply to the following types of Signs, which may be erected or constructed without a permit:

1. *Governmental Signs.* Any Sign that is:
  - a. Erected or maintained pursuant to and in discharge of any governmental function;
  - b. Required by law, ordinance or governmental regulation; or
  - c. Located on property owned, leased or under the control of a Governmental Entity.
2. *Private traffic control.* Signs on private property, containing no advertising, that direct the movement of traffic, warn of obstacles or overhead clearances, or control parking, including entrance and exit Signs.
3. *Railways Signs.* Any Sign on railway property placed or maintained in reference to the operation of the railway.
4. *Utility and hazard Signs.* Signs marking utility or underground communication or transmission lines and hazards.

5. *Plaques.* Historical and commemorative plaques of recognized historical societies and organizations, if the Signs are less than 15 square feet in Effective Area.
6. *Mailboxes and addresses.* Addresses, address markers, and names located on mailboxes.
7. *Vehicle Signs.* Signs displayed or used upon vehicles and trailers, unless the vehicle or trailer is permanently stationed or regularly used at a fixed location to serve the same or similar purpose of a permanent or Portable Sign.
8. *Athletic field signs.* Signs located on the field side of scoreboards and Fences of athletic fields.
9. *Signs not visible from Street.* Any Sign not visible from a public Street.
10. *Holiday Signs.* Temporary Signs, including holiday lights, containing only holiday messages and no commercial advertising.
11. *Unused Signs.* Signs being manufactured or transported and not used for advertising.
12. *Signs on outdoor machines, devices, and equipment.* Signs located on outdoor machines, devices or equipment which display the trademark, trade name, manufacturer, cost, or operating or service instructions or similar information but do not advertise the business where located. This exemption includes Signs on coin-operated vending machines, fuel-dispensing pumps, telephone facilities, automatic teller machines, automotive vacuum cleaners, amusement rides, and similar machines, devices, or equipment.
13. *Political signs.* Signs that contain primarily a political message and that are located on private real property with the consent of the property owner. For purposes of this exemption:
  - a. A political sign may not:
    - 1) Have an Effective Area greater than 36 square feet;
    - 2) Be more than 8 feet high;
    - 3) Be Illuminated or Electronic; or
    - 4) Have any moving element.
  - b. "Private real property" does not include real property subject to an easement or other encumbrance that allows the City to use the property for a public purpose.
  - c. "Effective area" means the surface area of a sign face or panel, but does not include the supporting structure of a sign.
14. Signs permitted by court order.

#### Sec. 4-5. - Prohibited Signs.

It is unlawful for any person to erect, install, construct, display, maintain, reconstruct, place, locate, relocate or make use of any of the following Signs for Advertising purposes:

1. Revolving or moving Signs.
2. Portable Signs.
3. Signs located on a roof or attached to a Building if it projects above the highest point of the facade or parapet.
4. Signs that are deteriorated, dilapidated, or unsafe.
5. Signs located on or attached to a Street light, utility pole, hydrant, bridge, traffic-control device, Street Sign, or other City-owned Building, facility, Structure, or equipment, without the consent of the City.
6. Signs that do not comply with this Chapter or other City ordinances.
7. Signs located on Trees and Shrubs.

8. Signs located or illuminated so that they obscure or interfere with the effectiveness of an official traffic Sign, signal, or device, or obstruct or interfere with the view of approaching, emerging or intersecting traffic, or prevent any traveler on any Street from obtaining a clear view of approaching vehicles.
9. Signs, illuminated from within or without, which:
  - a. Are illuminated to such intensity or without proper shielding so as to constitute a hazard to the operation of motor vehicles upon a public Street or substantially interfere with the reasonable enjoyment of residential property; or
  - b. Have any type of intermittent illumination, including flashing, fading, revolving or blinking lights, or any type of moving, traveling or changing message by means of lights or illumination.
10. Electronic Signs.
11. Any Sign that violates any sight visibility regulations of the City.
12. Off-premises Wall Signs.
13. A Freestanding Sign located on any railroad Right-of-Way that is not used for or related to railroad operations.
14. Any Sign which is located on or is part of an awning if the awning is translucent and contains any form of interior illumination that is intended to or has the effect of making the Sign more readily visible from a public Street.
15. Human Signs.

Sec. 4-6. - Conflicts.

Any regulation governing Signs contained in the zoning regulations govern over any conflicting provision contained in this Chapter.

Secs. 4-7—4-10. - Reserved.

ARTICLE II. - ADMINISTRATION AND ENFORCEMENT

Sec. 4-11. - Application and Permits.

The application for a Sign permit and the applicable fee, as identified in Chapter 2 of the Code of Ordinances, must be submitted on such forms provided by the City and must be accompanied by the information, drawings and descriptive data required by the Director to ensure proper regulation of the Sign and to ensure compliance with this Chapter.

Sec. 4-12. - Issuance of Permits.

If the plans and specifications for a Sign set forth in any application for a permit conform to all of the requirements of this Chapter and other City regulations, the Director will issue the appropriate permit. The City shall review and respond to a completed Sign permit application within 30 days.

Sec. 4-13. - Revocation.

A Sign permit may be revoked for a violation of this Chapter. The Director shall give prior written notice of a proposed revocation to the permittee and an opportunity to respond to the reasons for revocation prior to making a decision thereon.

Sec. 4-14. - Appeals.

Any person aggrieved by a decision of the Director in the application of this Chapter may appeal the decision to the Zoning Board of Adjustment in accordance with the procedures applicable to appeals of decisions under the City's zoning regulations (Chapter 2). The Board is not authorized to hear or grant variances to the provisions of this Chapter.

Secs. 4-15—4-22. - Reserved.

### ARTICLE III. - REGULATIONS

#### Sec. 4-23. - Classification of Signs.

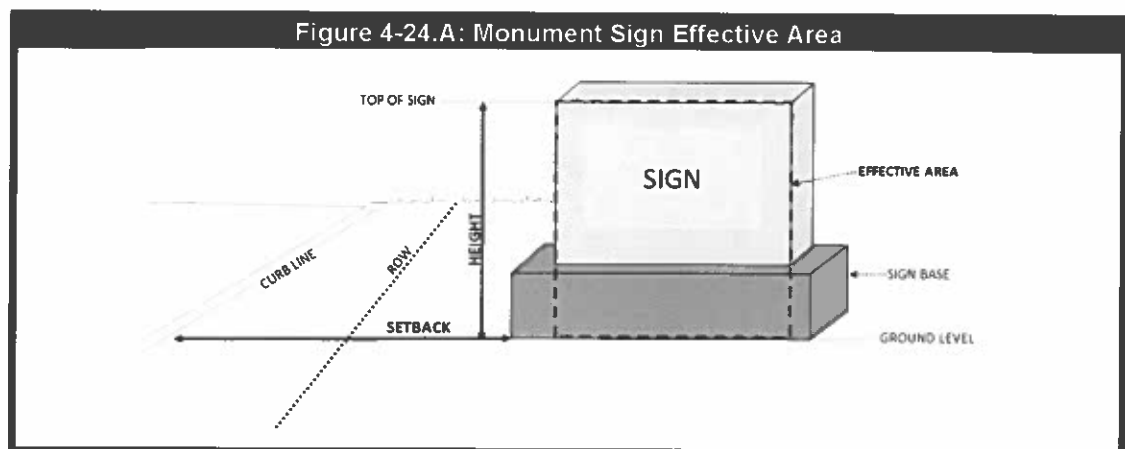
A. For purposes of applying these regulations, all Signs are defined and classified, as follows:

1. Freestanding Signs.
  - a. Monument Signs;
  - b. Temporary Freestanding Signs (Type I); and
  - c. Temporary Freestanding Signs (Type II).
2. Wall Signs.
3. Window and Door Signs.
4. Stake Signs.
5. Wind Device Signs.
  - a. Banner Signs; and
  - b. Balloon Signs.
6. Flags and Flagpoles.

#### Sec. 4-24. - Freestanding Signs.

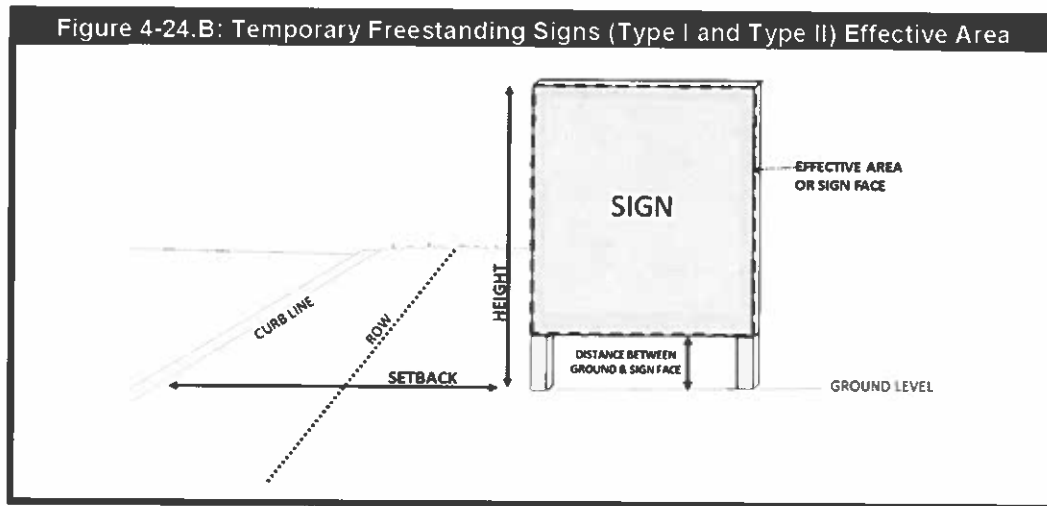
A. *Manner of Measurement.*

1. *Size.* The size of a Sign is determined by its Effective Area.
  - a. For Monument Signs, the Effective Area includes the entire Structure on which the Sign is placed or mounted, including only the portion of the Sign Base that extends directly below the Sign Face (see Figure 4-24.A).

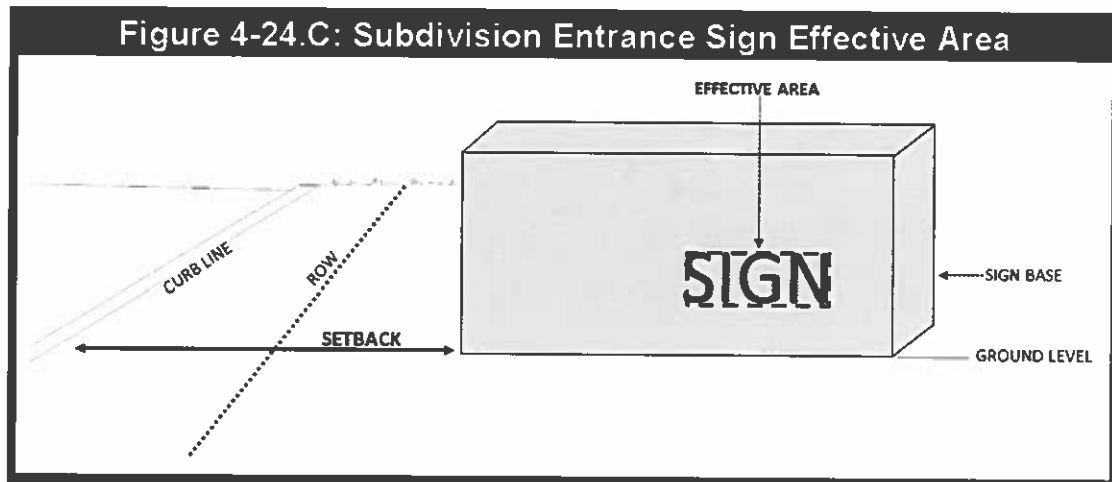


**Figure 4-24.A**

- b. Temporary Freestanding Signs (Type I and II) and Subdivision Entrance Signs are measured by the length and height of the Sign Face or display area only, not including the measurements of the support structure (see Figure 4-24.B and Figure 4-24.C).



**Figure 4-24.B**



**Figure 4-24.C**

2. **Setback.** The Setback is measured perpendicularly from the curblines to the closest point of the Sign.
  3. **Height.** The Height of a Freestanding Sign is measured from the natural ground level at the base of the Sign to the highest point of the Sign.
  4. **Width.** The width of a Freestanding Sign is measured along a line drawn from the outermost edges of the Sign, parallel to the ground.
- B. Abandoned Freestanding Signs.**
1. Any Abandoned Freestanding Sign must be removed within 1 year of the date the Sign becomes an Abandoned Sign.
  2. Any Abandoned Freestanding Sign located on leased property must be removed within 2 years of the date the Sign becomes an Abandoned Sign.



3. Within 60 days of the date a Freestanding Sign becomes an Abandoned Sign, the message portion of the Sign must be painted over, covered, removed, or modified so that the remaining sign structure is left visually unobtrusive, presents a solid facade, and does not appear to be in disrepair or dismantled, as approved or required by the Director.
- C. *Monument Signs.* Except as otherwise provided in this section, Monument Signs must comply with the following requirements:
1. *Size.* The following table details size requirements for Monument Signs:

Requirements	Residential Zoning District	Nonresidential Zoning District	
		Frontage Not on U.S. Highway 59	Frontage on U.S. Highway 59
Maximum Effective Area (sq. ft.)	36	60	100
Maximum Height (ft.)	4	6	10
Minimum Setback (ft.) <sup>a</sup>	10	10	10
Number per feet of frontage	1/500	1 for the first 125, 1 for each additional 125	1 for the first 125, 1 for each additional 125
<sup>a</sup> Measured from the back of curb; or if no curb exists, measured from the edge of pavement.			

2. *Location.*
  - a. *Additional Spacing Requirements.*
    - 1) A Monument Sign may not be located within 50 feet of another Freestanding Sign on another premises.
    - 2) A Monument Sign may not be located within 125 feet of another Freestanding Sign on the same premises.
    - 3) An Off-premises Monument Sign may not be located within 2,000 feet of another Off-premises Freestanding Sign.
    - 4) A Monument Sign may not be placed or located within the public Right-of-Way unless the City gives its written consent to the encroachment.
3. *Materials.* All Monument Signs must be designed and constructed to substantially appear as a solid mass, such as a cylinder, block, rectangle, or square, from ground level to the highest portion

of the Sign. All Monument Signs must be made of masonry, metal, routed wood planks or beams, or durable plastic.

4. *Number.* All Signs [with] 1 common supporting Structure are counted together as 1 Sign for purposes of applying the regulations on the number of Monument Signs allowed on any 1 Premises.

5. *Permit.*

- a. It is unlawful for any person to place, locate, relocate, erect, construct, replace or alter the size or shape of any part of a Monument Sign, including the face or other integral part, or to thereafter make use of a Sign without having first secured a Sign permit from the City as required, except as otherwise provided in this Chapter.
- b. A Sign permit is not required to repaint a Sign or to restore a conforming Sign to its original condition if the Sign otherwise complies with this Chapter, or to periodically change only the letters, numbers or message portion of a conforming Sign.
- c. Unless earlier revoked, a Sign permit to construct, erect or place a Monument Sign is valid for 180 days from the date of issuance.

6. *Additional Regulations.*

- a. *Size Exception for Monument Signs in M-1 Districts.* Any real property located in an M-1 zoning district that would be allowed to have 3 or more Monument Signs under Table 4-24.1 of this Chapter, may choose to have 1 Monument Sign with a maximum Effective Area of 100 feet and another Monument Sign with a maximum Effective Area of 60 square feet, in lieu of all other Monument signs allowed under Table 4-24.1 of this Chapter.
- b. *Off-Premises Signs in the ETJ.* The regulations of Table 4-24.1 applicable to Nonresidential Zoning Districts apply to all Off-Premises Monument Signs located in the City's extraterritorial jurisdiction regardless of land use.
- c. Subdivision Entrance Signs must meet the requirements for Monument Signs in this Chapter but have a different method of calculating the maximum Effective Area, see Sec. 4-24.A: Manner of Measurement.

D. *Temporary Freestanding Sign (Type I).*

1. *Size.* A Temporary Freestanding Sign (Type I) must have a maximum Effective Area of 32 square feet and a maximum Height of 10 feet.
2. *Location.* A Temporary Freestanding Sign (Type I) must comply with the following requirements:
  - a. *Setbacks.* Temporary Freestanding Sign (Type I) must be setback from the curb a minimum of 10 feet.
  - b. *Spacing Requirements:*
    - 1) For properties in residential zoning districts, spacing requirements are 1 per 500 feet.
    - 2) For properties in nonresidential zoning districts, spacing requirements are 1 for the first 125 feet and 1 for each additional 125 feet.
    - 3) A Temporary Freestanding Sign (Type I) may not be located within 50 feet of any Freestanding Sign on other premises.
    - 4) A Temporary Freestanding Sign (Type I) may not be located within 125 feet of any Freestanding Sign on the same premises.
    - 5) A Temporary Freestanding Sign (Type I) may not be placed or located within the public Right-of-Way unless the City gives its written consent to the encroachment.

3. *Materials.* A Temporary Freestanding Sign (Type I) must be made of plywood, fiber cement board, or durable plastic. Temporary Freestanding Signs (Type I) may not be lighted or illuminated and may not be an Electronic Sign.
  4. *Permit.* A Sign permit is not required to erect and maintain 1 Temporary Freestanding Sign (Type I) on any 1 Premises for a maximum of 75 days in any 1 calendar year. If locating a Temporary Freestanding Sign (Type I) for more than 75 days, the Sign is a Temporary Freestanding Sign (Type II) and shall comply with regulations applicable to a Temporary Freestanding Sign (Type II).
  5. *Additional Regulations.* A Temporary Freestanding Sign (Type I) shall not contain Off-Premises Advertising.
- E. *Temporary Freestanding Sign (Type II).*
1. *Size.* A Temporary Freestanding Sign (Type II) must have dimensions of 4 feet in width and 8 feet, 6 inches in Height. The plywood face of the Sign must be 4 feet by 8 feet where no part of the frame or posts extend beyond the Sign faces at the sides or top of the Sign. The face of the Sign must extend down to within 6 inches of the ground.
  2. *Location.* A Temporary Freestanding Sign (Type II) shall comply with the following Setback and spacing requirements:
    - a. *Setbacks.* Temporary Freestanding Sign (Type II) must be setback from the curb a minimum of 10 feet.
    - b. *Spacing Requirements:*
      - 1) For properties in residential zoning districts, spacing requirements are 1 Sign per 500 feet of frontage.
      - 2) For properties in nonresidential zoning districts, spacing requirements are 1 Sign for the first 125 feet of frontage and 1 Sign for each additional 125 feet of frontage.
      - 3) A Temporary Freestanding Sign (Type II) may not be located within 50 feet of any Freestanding Sign on another premise.
      - 4) A Temporary Freestanding Sign (Type II) may not be located within 125 feet of any Freestanding Sign on the same premises.
      - 5) An Off-premises Temporary Freestanding Sign (Type II) may not be located within 2,000 feet of another Off-premises Freestanding Sign.
      - 6) A Temporary Freestanding Sign (Type II) may not be placed or located within the public Right-of-Way unless the City gives its written consent to the encroachment.
  3. *Materials.*
    - a. The Sign Face must be fabricated of ½ inch thick medium density overlay plywood of treated wood or fiber cement board mounted on both sides of a frame;
    - b. A Temporary Freestanding Sign (Type II) may not be electronic, lighted or illuminated;
    - c. A Temporary Freestanding Sign (Type II) must be anchored by 2 "4 × 4" treated wood posts anchored in sand filled holes extending down at least 2 feet in the ground; and
    - d. The plywood face must be securely held to the frame by galvanized nails or screws installed with the heads flush to the surface; all seams are tight; all holes are filled and sanded smooth; and all surfaces are coated with primer and painted with good quality exterior grade semi-gloss paint.
  4. *Permit.*
    - a. It is unlawful for any person to place, locate, relocate, erect, construct, replace or alter the size or shape of any part of a Temporary Freestanding Sign (Type II), including the face or

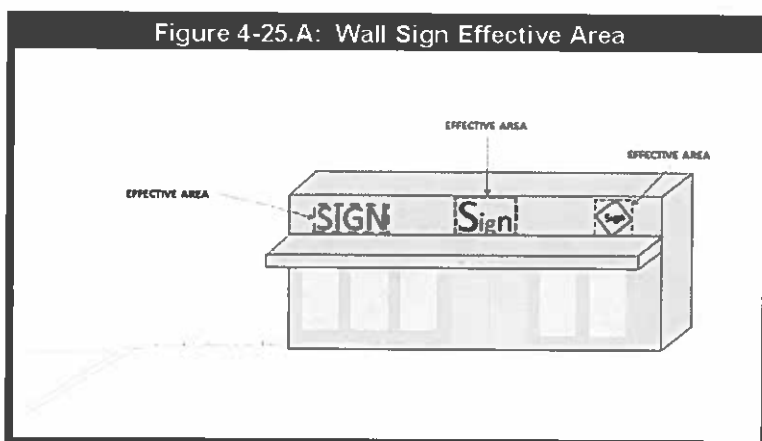
other integral part, or to thereafter make use of a Sign without having first secured a Sign permit from the City as required, except as otherwise provided in this Chapter.

- b. A Sign permit, valid for 1 year and renewable for 1 additional year, may be issued for 1 Temporary Freestanding Sign (Type II) on any 1 premises.
- c. Unless earlier revoked, a Sign permit to construct, erect or place a Temporary Freestanding Sign (Type II) is valid for 180 days from the date of issuance.

#### Sec. 4-25. - Wall Signs.

##### A. *Manner of Measurement.*

1. *Size.* The size of a Sign is determined by its Effective Area. For Wall Signs, the Effective Area includes the entire area enclosing the extreme limits of the Sign display, excluding any adjacent parts of the Sign structure (see Figure 4-25.A).
2. *Height.* The Height of a Wall Sign is measured between the lowest and highest vertical extremes of the Sign display.
3. *Width.* The Width of a Wall Sign is measured between the right-most and left-most horizontal extremes of the Sign display.
4. *Illustration.*



**Figure 4-25.A**

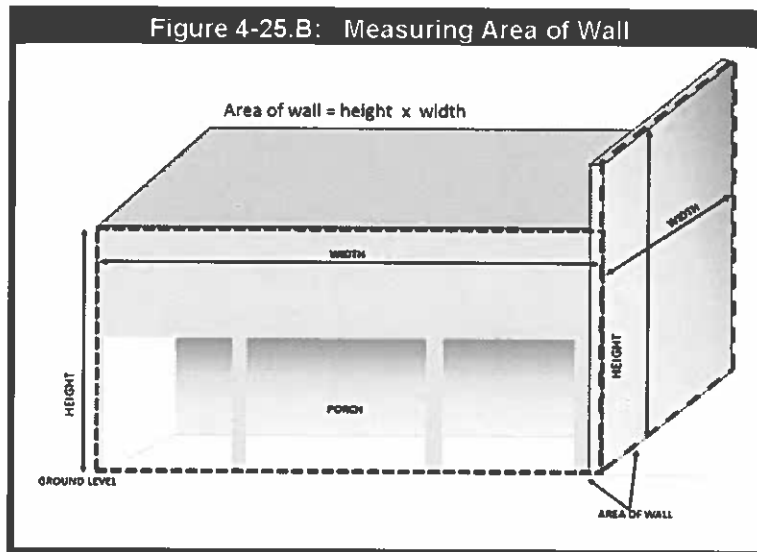
##### B. *Abandoned Wall Signs.*

1. Within 60 days of the date a Wall Sign becomes an Abandoned Sign, the message portion of the Sign must be painted over, covered, removed, or modified so that the remaining sign structure is left visually unobtrusive, presents a solid facade, and does not appear to be in disrepair or dismantled, as approved or required by the Director.

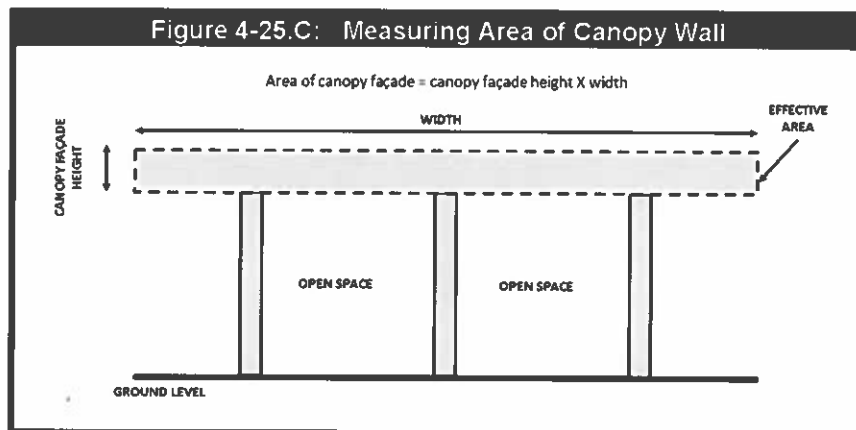
##### C. *Wall Signs.*

1. *Size.* The following regulations apply:
  - a. *Maximum Effective Area.*
    - 1) *Principal Buildings.* The Effective Area of all Wall Signs located on a Principal Building devoted to a Residential Use may not exceed 1% of the area of the wall or facade upon which they are located. The Effective Area of all Wall Signs located on a Principal Building serving as a Nonresidential Use may not exceed 15% of the area of the wall or facade upon which they are located, or 300 square feet, whichever is less.

- 2) *Accessory Buildings and Structures.* Wall Signs are prohibited on Accessory Buildings serving a single-family or two-family residential use. The Effective Area of all Wall Signs located on an Accessory Building or Structure serving a Nonresidential Use may not exceed 5% of the area of the wall or facade upon which they are located, or 100 square feet, whichever is less.
- 3) *Measurements.* In measuring the area of the wall or facade of a Principal Building or an Accessory Building or Structure in this Section, the area of all doors and windows are included. In measuring the area of a wall or facade of an Accessory Structure that contains open space (i.e., not occupied by walls, glass, or other material used to permanently enclose the interior space) such as a canopy or porte-cochere, the area of the open space is not included (see Figure 4-25.B and Figure 4-25.C).



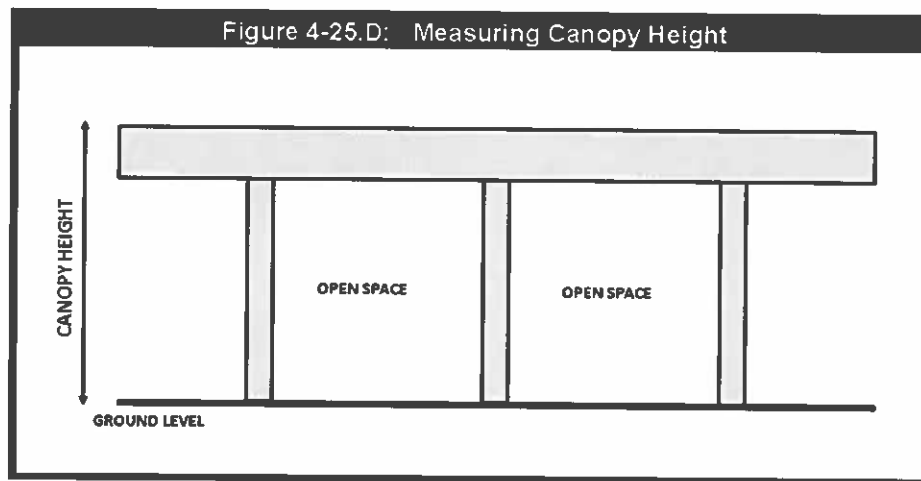
**Figure 4-25.B**



**Figure 4-25.C**

- b. *Multi-tenant Buildings.* For multi-tenant Buildings, the Effective Area regulations apply to that portion of the Building facade leased by each tenant.
2. *Height.*

- a. For Buildings containing 10,000 square feet or more of floor space, the maximum height of the Wall Sign is 2 inches in height for every 1 foot of height of the wall to which it is attached.
- b. For Buildings containing less than 10,000 square feet in Floor Area, the maximum height of the Wall Sign is 1½ inches for every 1 foot of height of the wall to which it is attached. Under this provision, the height of the wall is measured from the base of the wall vertically to the highest point of the wall to which the sign is affixed.
- c. For wall signs on motor vehicle canopies, such as drive-throughs or gas sales, the maximum height of the sign shall be 2 inches in height for every 1 foot of height of the canopy. Under this provision, the height of the canopy is measured from ground level to the top of the vertical canopy façade. In no case shall the sign extend below or above the vertical façade of the canopy (see Figure 4-25.D).



**Figure 4-25.D**

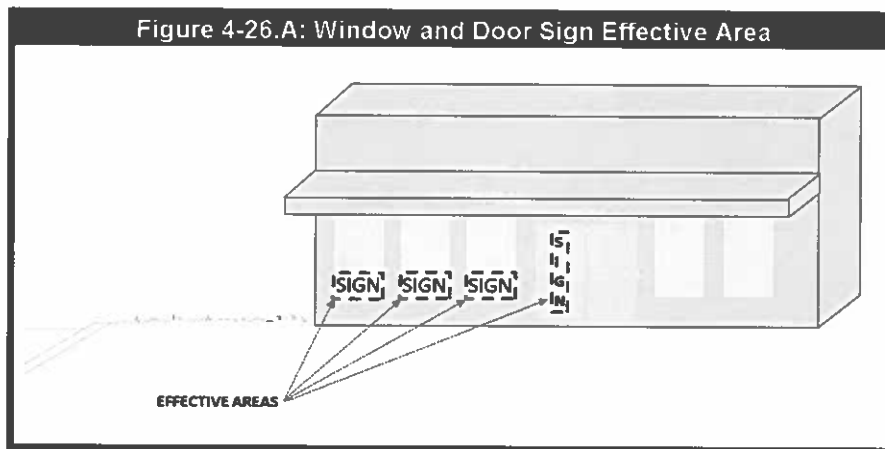
3. *Location.*
  - a. A Wall Sign may not extend beyond the perimeter of any part of the wall to which it is attached. A Wall Sign may be placed on a canopy or roof if there is a solid wall of the same building visible behind the entire sign.
  - b. Wall Signs may be illuminated; however, illuminated Wall Signs on rear building facades shall be prohibited if facing a residential zoning district or use.
4. *Materials.*
  - a. Wall Signs should be constructed of durable, weather-resistant materials such as metal, plastic, or other durable materials approved by the Director.
  - b. Wall Signs must be attached to the wall of a Building in accordance with current building code.
5. *Permit.*
  - a. It is unlawful for any person to place, locate, relocate, erect, construct, replace or alter the size or shape of any part of a Wall Sign, including the face or other integral part, or to thereafter make use of a Sign without having first secured a Sign permit from the City, except as otherwise provided in this Chapter.
  - b. Unless earlier revoked, a Wall Sign permit to construct, erect or place a Wall Sign is valid for 180 days from the date of issuance.

(Ord. No. 2031, § 1, 10-20-15)

## Sec. 4-26. - Window and Door Signs.

### A. *Manner of Measurement.*

1. *Size.* The size of a Sign is determined by its Effective Area. For Window and Door Signs, the Effective Area includes the entire area enclosing the extreme limits of the Sign display, excluding any adjacent parts of the Sign structure (see Figure 4-26.A).
2. *Height.* The Height of a Window and Door Sign is measured between the lowest and highest vertical extremes of the Sign display.
3. *Width.* The Width of a Window and Door Sign is measured between the right-most and left-most horizontal extremes of the Sign display.
4. *Illustration.*



**Figure 4-26.A**

### B. *Abandoned Window and Door Signs.*

1. Within 60 days of the date a Window and Door Sign becomes an Abandoned Sign, the Sign must be removed.

### C. *Window and Door Signs.*

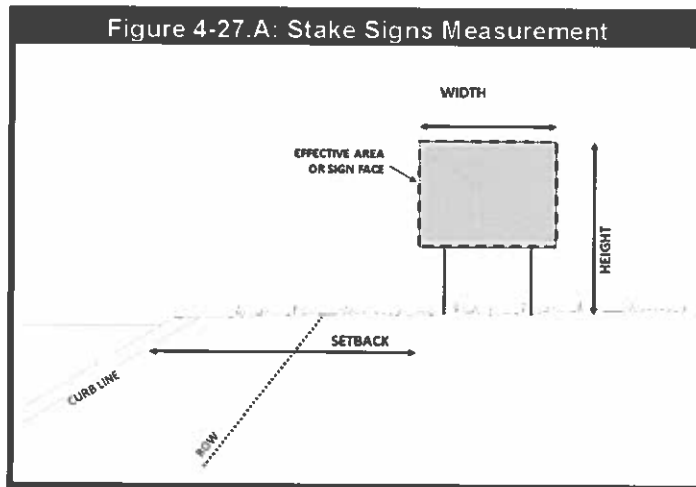
1. *Size.* Window and Door Signs shall not exceed 25% of the total window and door area of the Building elevation identified for placement of the Sign.
2. *Location.* Window and Door Signs are limited to the ground floor of a building. Window and Door Signs must be affixed to the interior face of the window surface. Signs affixed to the exterior face of a window or door are Wall Signs.
3. *Materials.* Window and Door Signs include any material painted, etched, or affixed to the interior side of a window or door. Window and Door Signs include Electronic and Illuminated Signs hanging within the interior space and viewable from the public Street through the window or door.
4. *Permits.* A Sign permit is not required for the placement or use of Window and Door Signs.

## Sec. 4-27. - Stake Signs.

### A. *Manner of Measurement.*

1. *Size.* The size of a Sign is determined by its Effective Area. For Stake Signs, the Effective Area includes the entire Structure on which Signs are placed or mounted. (See Figure 4-27.A)

2. *Setback.* The Setback is measured perpendicularly from the curblines to the closest point of the Sign.
3. *Height.* The Height of a Sign is measured from the natural ground level at the base of the Sign to the highest point of the Sign.
4. *Width.* The width of a Sign is measured along a line drawn from the outermost edges of the Sign, parallel to the ground.
5. *Illustrations.*



**Figure 4-27.A**

**B. Stake Signs.**

1. *Size.* A Stake Sign may not have an Effective Area in excess of 9 square feet or a Height in excess of 4 feet.
2. *Location.* A Stake Sign may not be located within the Right-of-Way of a public Street or within a railroad Right-of-Way.
3. *Materials.* Stake Signs may include materials such as wood or metal stakes with a wood, plastic or metal Sign Face.
4. *Number.* No more than 2 Stake Signs are permitted on a nonresidential property at any time. Stake Signs may not be located within 25 feet of another Sign on the same Premises or on an adjacent Premises. However, every property is permitted at least 1 Stake Sign.
5. *Permit.* A Sign permit is not required for the placement or use of a Stake Sign. A Stake Sign that advertises a particular event or happening must be removed within 3 days after the conclusion of the event by the owner of the Premises on which it is located.

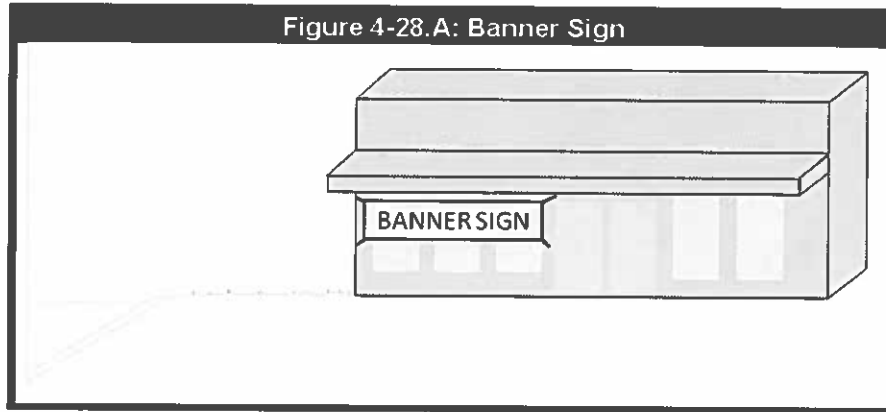
**Sec. 4-28. - Wind Device Signs.**

**A. Manner of Measurement.**

1. *Size.* The size of a Sign is determined by its Effective Area. For Wind Device Signs, the Effective Area includes the entire Sign display area or Sign Face, excluding the Structure on which Signs are placed (see Figure 4-28.A).
2. *Setback.* The Setback is measured perpendicularly from the curblines to the closest point of the Sign.



3. *Height.* The Height of a Wind Device Sign is measured from the natural ground level below the Sign to the highest point of the Sign.
4. *Width.* The width of a Sign is measured along a line drawn from the outermost edges of the Sign, parallel to the ground.
5. *Illustrations.*



**Figure 4-28.A**

- B. *Banner Signs.* Banner Signs are a type of Wind Device Sign and include Pennant Signs. The following regulations apply to Banner Signs:
  1. *Size.* A Banner Sign may not project above the roofline or parapet walls of a Building. Banner Signs may not extend to a greater Height than the maximum Height of the Building on the Premises. Banner Signs on vacant Premises may not exceed 10 feet in Height.
  2. *Location.* Banner Signs may not extend beyond the property lines of the Premises where located or over any Public Highway, Street or sidewalk.
  3. *Materials.* A Banner Sign must be constructed of weather-resistant materials, be unlighted and may not be not an Illuminated Sign or Electronic Sign.
  4. *Permit.*
    - a. *It is unlawful for any person to place, erect or make use of a Banner Sign on a Premises devoted to a Nonresidential Use without having first secured a Sign permit from the City. For Buildings leased to multiple tenants, the permit applies to each leased Premises.*
    - b. *A permit to make use of 1 or more Wind Device Signs on a Premises devoted to a nonresidential use may not exceed a period of use of 28 consecutive days in 1 calendar year or 2 periods of use of 14 consecutive days in 1 calendar year.*
- C. *Balloon Signs.* Balloon Signs are a type of Wind Device Sign and the following regulations apply:
  1. *Size.* A Balloon Sign may not project above the roofline or parapet walls of a Building. Balloon Signs may not exceed or be a greater Height than the maximum Height of the building on the Premises. Balloon Signs on vacant properties may not exceed 10 feet in Height.
  2. *Location.* Balloon Signs may not extend beyond the property lines of the Premises where located, or over any Public Highway, Street or sidewalk.
  3. *Permit.*
    - a. *It is unlawful for any person to place, erect or make use of a Balloon Sign on a Premises devoted to a Nonresidential Use without having first secured a Sign permit from the City. For Buildings leased to multiple tenants, the permit applies to each leased Premises.*

- b. A permit to make use of 1 or more Balloon Signs on a Premises devoted to a Nonresidential Use may not exceed a period of use of 28 consecutive days in 1 calendar year or 2 periods of use of 14 consecutive days in 1 calendar year.
- c. A permit is not required for up to 3 Balloon Signs less than 24 inches in diameter displayed for less than 3 days.

Sec. 4-29. - Flags and Flagpoles.

A. *Manner of Measurement.*

- 1. *Size.*
  - a. In a Nonresidential District: A Flag's Effective Area may not exceed 60 square feet and a Flagpole may not exceed 50 feet in Height.
  - b. In a Residential District: A Flag's Effective Area may not exceed 40 square feet and a Flagpole may not exceed 25 feet in Height.
- 2. *Location.* A Flagpole may be placed adjacent to the public Right-of-Way provided it does not encroach on the sight visibility triangle as identified in the Code of Ordinances and is setback a minimum of 10 feet from the curb.
- 3. *Materials.* Flags must be made of a flexible fabric material such as polyester, cotton, or a synthetic blend. Flagpoles must be constructed of a metal material.
- 4. *Number.*
  - a. In a Nonresidential District: A lot may not have more than 3 Flags and 3 Flagpoles.
  - b. In a Residential District: A lot may not have more than 1 Flag and 1 Flagpole.

B. *Permit.*

- 1. It is unlawful for any person to place, erect or make use of Flagpoles on a Premises devoted to a Nonresidential Use without having first secured a Sign permit from the City. For Buildings leased to multiple tenants, the permit applies to each leased Premises. Flags mounted to a permitted Flagpole do not require a permit. No permit is required for Flagpoles located on Residential Premises.

Sec. 4-30. - Reserved.

ARTICLE IV. - NONCONFORMING SIGNS

Sec. 4-31. - Definition.

A Sign is nonconforming if it does not comply with a regulation of this Chapter, and:

- 1. Was erected in compliance with the regulations then in effect; or
- 2. Was lawfully in place at the time it was annexed to the City.

Sec. 4-32. - Registration.

The owner of a nonconforming Sign must register the Sign with the City by completing a form provided for that purpose by the City.

Sec. 4-33. - Portable Signs.

A nonconforming Portable Sign that is removed from a Premises loses its nonconforming status.

Sec. 4-34. - Destruction; Repair.

- A. Any nonconforming Sign, including its supporting Structure, which is destroyed, damaged, dilapidated or deteriorated may not be replaced, repaired or renovated, in whole or in part, if such replacement, repair or renovation would require an expenditure of monies in excess of 60% of the reproduction cost of a new Sign, including its supporting Structure, which is substantially the same or similar to the nonconforming Sign destroyed, damaged, dilapidated or deteriorated, unless such alteration or repair makes the Sign conforming. A person may not repair, renovate or alter a nonconforming Sign without first receiving a Sign permit. A permit is not required to repaint a Sign.
- B. The Director may, whenever he or she deems necessary to reasonably determine the applicability of subsection A. of this Section, require the owner of the nonconforming Sign to submit 2 or more independent estimates from established Sign companies of the cost of replacing, repairing or renovating, in whole or in part, the existing nonconforming Sign and 2 or more independent estimates from established Sign companies of the reproduction cost of a new Sign, including its supporting Structure, which is substantially the same or similar to the nonconforming Sign destroyed, damaged, dilapidated or deteriorated.
- C. Any part of a Sign or the supporting structure of a Sign that is a nonconforming use may be repaired or renovated only by the use of the types of materials and dimensions of materials that are the same as the parts of the Sign or supporting structure being repaired or renovated.

Sec. 4-35. - Relocation.

The State may relocate a nonconforming Freestanding Sign, including its supporting structure, that is located in a railroad Right-of-Way to another location within the same railroad Right-of-Way so that the State may widen, construct, or reconstruct a public roadway under the State's jurisdiction. The Sign and its supporting structure, as relocated, must be placed within 250 feet of its original location and may not be increased in size or height or otherwise altered to increase or add any nonconforming characteristic to the Sign.

Chapter 5 - SUBDIVISION REGULATIONS

ARTICLE I. - IN GENERAL

Sec. 5-1. - Authority.

The following rules and regulations are hereby adopted as the Subdivision Regulations of the City of Sugar Land, Texas, also known and cited as the "Sugar Land Subdivision Ordinance." These regulations shall be applicable to the filing of plats and the subdivision of land, as that term is defined herein and in Chapter 212 of Texas Local Government Code, within the corporate City limits of the City of Sugar Land as they may be from time to time adjusted by annexation or disannexation and within all the areas of the extraterritorial jurisdiction of the City of Sugar Land as that area may exist from time to time as provided by Chapter 42, Texas Local Government Code. The City shall have all remedies and rights provided by such Chapter 212 with regard to the control and approval of subdivisions and plats both within the City and within its extraterritorial jurisdiction.

Sec. 5-2. - Interpretation and Purpose.

In the interpretation and application of the provisions of these regulations, it is the intention of the City Council that the principles, standards and requirements provided for herein shall be minimum requirements for the platting and developing of subdivisions in the City and its extraterritorial jurisdiction.

Subdivision of land is one of the first steps in the process of urban development. The distribution and relationship of residential, commercial, industrial and agricultural uses throughout the community along with the system of improvements for thoroughfares, utilities, public facilities and community amenities determine in large measure the quality of life enjoyed by the residents of the community. Health, safety, economy, amenities, environmental sensitivity and convenience are all factors which influence and determine a community's quality of life and character. A community's quality of life is of public interest. Consequently, the subdivision of land, as it affects a community's quality of life, is an activity where

regulation is a valid function of municipal government. The regulations contained herein are designed and intended to encourage the development of a quality urban environment by establishing standards for the provision of adequate light, air, open space, stormwater drainage, transportation, public utilities and facilities, and other needs necessary for ensuring the creation and continuance of a healthy, attractive, safe and efficient community that provides for the conservation, enhancement and protection of its human and natural resources. Through the application of these regulations, the interests of the public, as well as those public and private parties, both present and future, having interest in property affected by these regulations are protected by the granting of certain rights and privileges. By establishing a fair and rational procedure for developing land, the following requirements further the possibility that land will be developed for its most beneficial use in accordance with existing social, economic, and environmental conditions.

The procedure and standards for the development, layout and design of subdivisions of land within the corporate limits and extraterritorial jurisdiction of the City of Sugar Land, Texas, are intended to:

1. Promote and develop the utilization of land in a manner to assure the best possible community environment in accordance with the City's Comprehensive Plan and, where applicable, the zoning ordinance of the City;
2. Guide and assist the subdividers in the correct procedures to be followed and to inform them of the standards which shall be required;
3. Protect the public interest by supervising the location, design, class and type of streets, sidewalks, utilities and essential areas and services required;
4. Assist orderly, efficient and coordinated development within the City and its extraterritorial jurisdiction;
5. Provide neighborhood conservation and prevent the development of slums and blight;
6. Harmoniously relate the development of the various tracts of land to the existing community and facilitate the future development of adjoining tracts;
7. Prevent pollution of the ground, air and water; to assure the adequacy of drainage facilities; to safeguard both surface and groundwater supplies; and to encourage the wise preservation, use and management of natural resources throughout the City in order to preserve the integrity, stability, and beauty of the community and the value of the land;
8. Preserve the natural features of the City and to ensure appropriate development with regard to these natural features;
9. Establish adequate and accurate records of land subdivision;
10. Ensure that public or private facilities are available and will have a sufficient capacity to serve proposed subdivisions and developments within the extraterritorial jurisdiction;
11. Protect and provide for the public health, safety, and general welfare of the community;
12. Protect the character and the social and economic stability of all parts of the community and encourage the orderly and beneficial development of all parts of the community;
13. Protect and conserve the value of land throughout the community and the value of buildings and improvements upon the land, and minimize the conflicts among the various uses of land and buildings;
14. Guide public and private policy and action in providing adequate and efficient transportation systems, public utilities, and other public amenities and facilities;

Minimum standards for development are contained herein and in the City's current Design Standards and all other applicable ordinances, codes and requirements. The Comprehensive Plan expresses policies designed to achieve an optimal quality of development in the City. If only the minimum standards are followed, as expressed by the various ordinances regulating land development, a standardization of development will occur. Subdivision design should be of a quality to carry out the purpose and spirit of the

policies expressed in the Comprehensive Plan and in this chapter, and are encouraged to exceed the minimum standards required herein.