

EXHIBIT "A"

**CHAPTER 12 – SIGN ORDINANCE
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SECTION 12.01 – PURPOSE

Signs use private land near the public rights-of-way to inform and persuade the general public by publishing a message. This section provides standards for the erection and maintenance of private signs. All private signs not exempt as provided herein shall be erected and maintained in accordance with those standards. These standards are intended to be the minimum necessary and least burdensome to accomplish the purposes stated in this section. The general objectives of these standards are to promote health, safety, welfare, convenience and enjoyment of the public and, to achieve the following:

Safety. To promote the safety of persons and property by providing that signs:

- (1) do not create a hazard due to collapse, fire, collision, decay or abandonment;
- (2) do not obstruct fire fighting or police surveillance; and
- (3) do not create traffic hazards by confusing or distracting motorists or by impairing the driver's ability to see obstacles, pedestrians or other vehicles, or to read traffic signs;

Communications efficiency. To promote the efficient transfer of information in sign messages by providing that:

- (1) businesses and services may identify themselves;
- (2) customers and other persons may locate a business or service;
- (3) no person or group is arbitrarily denied the use of the sight lines from the public rights of-way; and
- (4) persons exposed to signs are not overwhelmed by the number of messages presented, and are able to exercise freedom of choice to observe or ignore said messages, according to the observer's purpose.

Landscape quality and preservation. To protect the public welfare and to enhance the appearance and economic value of the cityscape, by providing that signs:

- (1) do not interfere with scenic views;
- (2) do not create a nuisance to persons using the public rights-of-way;
- (3) do not create a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height or movement; and
- (4) are not detrimental to land or property values.

SECTION 12.02 - DEFINITIONS

For purposes of this chapter, the following definitions shall apply, unless clearly indicated to the contrary.

ALTER: To change the size, shape or outline, or type of sign or to change the electrical lighting, except for the replacement of lamps not brighter than the original or the replacement of a surface panel.

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

BALLOON: An air tight envelope of paper, silk, plastic or similar material usually globose or pear-shaped, which, when inflated with light gas, rises in the air. In this ordinance a balloon is

limited in size to eighteen inches (18") in any dimension and cannot be higher than thirty feet (30') above ground level.

BILLBOARD: A freestanding off-site sign that is owned by a person who engages in the business of selling the advertising space on that sign. Further, a sign that advertises commodities or services available at a location other than where the sign is located and shall include those signs whose message space is available for lease, rent or hire.

BUILDING: A structure which has a roof supported by walls for the shelter, support, or enclosure of persons, animals, or chattel.

BUILDING OFFICIAL: The Building Official of the City of Howe, Texas, or his designee.

CERTIFIED CITY: A city certified by the Texas Department of Transportation (TxDOT) to exercise control of outdoor advertising signs within its city limits.

CIVIC ORGANIZATION: An organization which offers community programs to citizen, city or civic affairs groups.

COMMENCEMENT OF WORK: For construction of a sign shall be the point in time when the sign has been delivered to the site or attachment to a building has begun or holes are excavated for ground installation.

COMMERCIAL MESSAGE: A message which refers to the offer for sale or existence for sale of products, property, accommodations, services or attractions or activities or attracts attention to a business or to products, property, accommodations, services, or activities that are offered or exist for hire.

DILAPIDATED OR DETERIORATED CONDITION: Any sign which in the opinion of the Building Official has any of the following characteristics:

- (a) Where elements of the surface or background can be seen, as viewed from the normal viewing distance (approximately 20 feet), to have portions of the finished material or paint flaked, broken off, or missing, or otherwise not in harmony with the rest of the surface; or
- (b) Where the structural support or frame members are visibly bent, broken, dented, or torn; or
- (c) Where the panel is visibly cracked, or in the case of wood and similar products, splintered in such a way as to constitute an unsightly or harmful condition or renders the sign unsafe; or
- (d) Where the sign or its elements are twisted or leaning or at angles other than those at which it was originally erected (such as may result from being blown or the failure of a structural support) or renders the sign unsafe; or
- (e) Where the message or wording can no longer be clearly read by a person with normal eyesight under normal viewing conditions;
- (f) Where any part of the sign is missing or visibly damaged; or
- (g) Where the sign is obsolete and not in current use.

DISTANCE: Distance of signs from right-of-way shall mean the shortest horizontal distance from the nearest right-of-way to a vertical line to the ground from the nearest element of the sign or the shortest horizontal distance in a straight line between the nearest elements of signs.

ERECT: To build, construct, attach, hang, place, suspend or affix any form of sign. This shall also include the painting of signs on the exterior surface of a building or structure.

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

FLAG: An emblem usually consisting of a rectangular piece of cloth with a distinctive design (i.e. U.S., State or Corporate).

GRAND OPENING: The celebration of the opening of a new business including a change in ownership, change of use, or name change of an existing business.

GROSS SURFACE AREA OR AREA OF A SIGN: Methods of area measurement shall be in accordance with Appendix 'A' attached to this ordinance.

HEIGHT: As applied to a sign, height shall be measured as the vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and natural grade at the center of the base of the sign (see Appendix 'A' for clarification).

ILLUMINATION: The enhancement of a sign utilizing electric lights, luminous tubes or other similar means.

LEASE SPACE: Any area of a building separated internally and intended for use by an individual tenant.

LOGO: Any registered trademark of an organization, individual, company, or product which is commonly used in advertising to identify that organization, individual, company or product.

NON-COMMERCIAL MESSAGE: Any message which is not a commercial message.

OBSOLETE: Any sign which advertises a business, use or purpose that is no longer in existence.

PAD SITE: A tract, lot, or land lease intended for the single use of a freestanding building typically adjacent to street right-of-way and may also be a portion of a tract or lot.

PENNANT: A flag longer than it is wide and often tapering.

PERSON: Any individual, corporation, company, firm, partnership, association or any other group or combination of individuals or business entity.

PUBLIC PROPERTY: Any property which is owned or controlled by a governmental entity. It shall also include property for which the primary use is for the operations of a governmental entity.

ROOF LINE: The highest point of the roof.

SCULPTED ALUMINUM PANEL: An aluminum sign panel with text or graphic depictions cut out from the panel, typically, with a translucent material covering the cut-out from the inner side of the panel.

SETBACK: The distance from the closest portion, whether the support or edge of the sign, to the right-of-way.

SIGHT TRIANGLE: The term refers to (a) a sight triangle, as designated and depicted by the City Engineer for the intersection of two streets, public and/or private, and (2) a sight triangle, as depicted and designated by the City Engineer for the intersection of a private non-single family driveway with a public or private street.

SIGN: Every sign, name, number, identification, description, and announcement, declaration, demonstration, device, display, flag, banner, pennant, illustration, logo, balloon, streamer, valance, advertising display, poster, beacon, light or insignia, and structure supporting any of the same, affixed directly or indirectly to or upon any building or outdoor structure or approved sign poles, or erected or maintained upon a piece of land, which directs attention to any object, project, service, place, activity, person, institution, organization, or business.

SIGN, ATTACHED: Any sign attached to, applied on, or supported by any part of a building (including canopy fascia, walls and awnings) which encloses or covers usable space.

SIGN, BANNER: A temporary sign made of cloth, flexible plastic, canvas or any other like materials.

SIGN, BUILDER: A temporary sign on-site identifying the builder or general contractor of a residential construction site.

SIGN, BULLETIN BOARD: A permanent on-site sign providing public information to the residential subdivision within which it is located.

SIGN, BUSINESS: A permanent on-site sign that is used to identify a business, profession, organization, institution, service, activity or other non-residential use conducted, sold or offered on the site where such sign is located. This sign may also identify the name of the site or development or may identify the occupants within the site or development.

SIGN, DEVELOPMENT: A temporary on-site sign providing identification or information pertaining to a residential or commercial development to include the builder, property owner, architect, contractor, engineer, landscape architect, decorator, or mortgagee, within that development, but shall not include a subdivision marketing sign.

SIGN, DIRECTIONAL: A permanent on-site sign intended to aid in vehicular movement on the site.

SIGN, DIRECTORY: A permanent on-site sign providing direction to or identifying the buildings or businesses in the development.

SIGN, FACE: The surface of one side of a sign. For a monument sign, the sign face shall include the sign structure (excluding base).

SIGN, GARAGE/YARD SALE: A temporary sign intended to advertise garage sales or yard sales.

SIGN, GASOLINE PRICING: A permanent on-site sign which displays the price per gallon of fuel sold by that business, and which may be periodically changed to reflect changes in fuel prices.

SIGN, GOVERNMENT: A sign erected by or on behalf of a federal, state or local government or an agency thereof.

SIGN, GROUND: Any sign connected to the ground by legs, poles, or other supports and which is not an attached, portable, monument, or vehicular sign.

SIGN, INSTITUTIONAL: A permanent on-site sign used to identify governmental and municipal agencies, public schools, churches, or similar public institutions, and used to communicate messages of public importance to the general public.

SIGN, MENUBOARD: A permanent on-site sign which displays a menu and pricing for food services and may include an audible speaker and microphone integral to the sign.

SIGN, MODEL HOME: A temporary real estate sign identifying a homebuilder's model home open for inspection.

SIGN, MONUMENT: Any sign which is connected to the ground and which has no openings for the full width of the sign between the bottom of the sign and the surface of the ground.

SIGN, OFF-SITE: A sign which directs attention to a business, commodity, service, good, product, or entertainment not related to the site upon which such sign is located or to which it is affixed, including billboards.

SIGN, ON-SITE: Any sign, the content of which relates to the site on which it is located, referring exclusively to businesses, commodities, services, products, goods, or entertainment on the site, or the sale, lease, or construction of those sites.

SIGN, PERMANENT: A sign other than a temporary sign.

SIGN, POLE: A sign wholly supported by a sign structure in the ground.

SIGN, POLITICAL: A type of off-site sign which refers only to the candidates or issues involved in a political election

SIGN, PORTABLE: Any sign which is not attached or affixed to the ground, a building, vehicle, or other fixed structure or object. Portable signs include those signs installed on wheels, trailers, skids, and similar mobile structures.

SIGN, READERBOARD (electronic): A sign that utilizes alternating electronic data control components.

SIGN, READERBOARD (manual): A sign comprised of non-permanent letters, numerals or symbols which allows a change of sign copy by adding, removing or rearranging said letters, symbols or numerals.

SIGN, REAL ESTATE: A temporary sign intended to advertise real estate for sale or lease.

SIGN, SPECIAL PURPOSE: A temporary sign that is either on-site or off-site that provides identification or information pertaining to a special event or occurrence sponsored by a non-profit or civic organization.

SIGN, SUBDIVISION ENTRY: Any permanent on-site sign identifying a residential subdivision.

SIGN, SUBDIVISION MARKETING: A temporary sign used to market or advertise residential subdivisions within the City and to direct interested persons to the subdivision location (also known as “Bandit Signs”)

SIGN, TEMPORARY: Any sign constructed of cloth, canvas, light fabric, cardboard, wallboard, or other like materials, with or without frames, and any type sign not permanently attached to the ground, wall, or building, intended to be displayed for a short period of time only. (Not to exceed 15 days, twice a year.)

SIGN, VEHICULAR: Any sign which is affixed to a vehicle.

SIGN, WIND DEVICE: A flag, banner, pennant, streamer, inflatable balloon or similar device made of cloth, canvas, plastic, or other similar flexible material, with or without a frame or other supporting structure, and used as a sign.

SIGN, WINDOW: Any sign located on the internal and/or external surface of the window, or is located within two (2) feet of the window, of any establishment.

SITE: A lot, tract or pad site.

STREAMER: A long, narrow strip of cloth used for decoration or advertising.

ADMINISTRATION

SECTION 12.03 - RESPONSIBILITY FOR ENFORCEMENT

The Building Official or designee shall interpret, administer and enforce the requirements of this Chapter.

SECTION 12.04 – SIGN PERMIT REQUIRED

- (A) *Offense:* A person commits an offense if the person erects, alters or displays or allows the alteration or display of any sign upon any property within the City owned or controlled by him without first obtaining a permit from the City.
- (B) *Time of Issuance:* No sign permit shall be issued until after the building permit for the principal building on the site has been issued, except as hereinafter provided.

- (C) *State Highways.* The City shall issue a sign permit for a sign erected or displayed on a State controlled highway provided the sign complies with the requirements of this chapter and of state law. Although a state sign permit is not required, the applicant for the sign permit must obtain and maintain an Outdoor Advertising License, and obtain a building permit, and pay the appropriate plan review fees and annual renewal fees.

SECTION 12.05 – APPLICATION FOR SIGN PERMIT

- (A) *Application:* A person shall make application for a sign permit and submit the following information as separate documents:
1. A completed application form.
 2. A general plan that illustrates:
 - Location of the building, structure, or tract to which or upon which the sign is to be attached.
 - Position of the sign in relation to streets, roads, alleys, rights-of-way, easements, buildings, structures, existing signs, etc.
 3. A drawing of the sign that illustrates the height length, width, and all other dimensions associated with the sign.
 4. A letter from owner of the property stating that the applicant has permission to erect such sign(s).
 5. Proof that all electrical components of signage installation comply with the electrical code in effect at the time of application.
 6. Proof of compliance with the applicable building codes (i.e., building, plumbing, foundation, etc.).
- (B) *Procedure:* The Building Official shall either approve or deny the application or refer the application back to the applicant in any instance where insufficient information has been furnished. The Building Official shall deny an application if it does not comply with the requirements of this chapter. A denial and the reasons for the denial shall be noted on the application, and the applicant shall be notified of the denial by notice mailed to the applicant at the address shown on the application or the applicant's last known address. An applicant whose application for a sign permit has been denied may appeal that decision in accordance with Sec. 12.14.

SECTION 12.06 – FEES

- (A) *Sign Permit:* The fee for a sign permit shall be established by the fee schedule adopted by the City Council, as amended from time to time.
- (B) *Renewal Fee:* The annual renewal fee for temporary signs shall be established by the fee schedule adopted by the City Council, as amended from time to time.

SECTION 12.07 – REVOCAION OF PERMIT

- (A) *Grounds for Revocation:* The Building Official may revoke a sign permit if he determines that the permit is issued in error or on the basis of incorrect or false information supplied, or whenever such permit is issued in violation of any of the provisions of this chapter. Such revocation shall be effective when communicated in writing to the person to whom the permit is issued, the owner of the sign, or the owner of the site upon which the sign

is located. Upon revocation, all construction related to the sign permit shall immediately cease.

- (B) *Appeal:* A person may appeal the revocation of the sign permit to the City Administrator by filing a written appeal within five days of the receipt of notice of revocation. The City Administrator shall affirm, reverse, or modify the revocation and such decision shall be final.
- (C) *Removal of Sign:* Upon final determination that the permit is properly revoked, any portion of the sign in place as a result of the permit shall be removed within seven (7) days by the owner of the sign or the owner of the site on which the sign is located. Failure to remove the sign shall be deemed a violation of this Chapter.

SECTION 12.08 – INSPECTION

The Building Official shall periodically inspect each sign for the purpose of ascertaining whether the same is obsolete and whether it is in need of removal or repair.

SECTION 12.09 – PERMIT VALID FOR ONE HUNDRED EIGHTY (180) DAYS

If the work authorized by a permit for a permanent sign has not been commenced within one hundred eighty (180) days after the date of issuance, the permit shall become null and void.

SECTION 12.10 – INVESTIGATION FEES: WORK WITHOUT A PERMIT

- (A) *Investigation.* Whenever any work for which a permit is required has been commenced or completed without first obtaining a permit, an investigation shall be made before a permit may be issued for such work.
- (B) *Fee.* An investigation fee, in addition to the permit fee shall be collected whether or not a permit is subsequently issued. The investigation fee shall be equal to the amount of the required permit fee.
- (C) *Work Without a Permit.* Work begun without first obtaining a permit is subject to issuance of a citation and fines.

SECTION 12.11 – REMOVAL OF SIGNS

- (A) *Unsafe, Dilapidated or Deteriorated Signs:* If the Building Official determines that any sign is unsafe or insecure, or is dilapidated or deteriorated, he shall give written notice to remove or replace (in accordance with this ordinance) said sign to the owner or person responsible for the sign. If this sign is not a valid, non-conforming sign, and the permit holder, owner of the sign or owner of the site on which the sign is located fails to remove or repair the sign within seven (7) days after such notice or to file an appeal of the decision, the Building Official may cause the removal of such sign. Nothing contained herein shall prohibit the immediate removal, without notice, of any sign or portion of a sign which is determined by the Building Official to be an immediate threat or danger to the public health, safety, or welfare. Any expense incident to the removal of a sign pursuant to this subsection shall be paid by the permit holder, owner of the sign or owner of the site on which the sign is located. The removal of the sign or portion of the sign shall be limited to the extent necessary to eliminate the threat to public health, safety

and welfare. A person commits an offense if the person fails to, within seven days of receipt of notice, remove or correct an unsafe, dilapidated or deteriorated sign.

- (B) *Signs on Utility Poles:* The Building Official may remove a sign that is erected, constructed or otherwise attached to a utility pole located upon any public right-of-way or utility easement. The owner of the sign or owner of the site on which the sign is located shall be charged a sign recovery fee in accordance with the city fee schedule to recover the sign from the City unless the permit holder or owner satisfactorily establishes that such sign was not placed in the right-of-way by the owner of such sign or by any authorized agent, representative, or employee of said owner. Any sign so removed by City personnel may be held for a period of seventy-two (72) hours and upon expiration of such time may be disposed of. The City is not required to notify the permit holder or owner of the sign that it has been picked up or that disposal of the sign is imminent.
- (C) *Signs in Rights-of-Way and/or on Public Property:* The Building Official may remove a sign that is erected, constructed or otherwise located within or upon public right-of-way or on public property. The owner of such sign shall be charged a sign recovery fee in accordance with the city fee schedule to recover such sign from the City. No fee shall be charged if the permit holder or owner satisfactorily establishes that such sign was not placed in the right-of-way by the permit holder or owner of such sign or by any authorized agent, representative or employee of said owner. Any sign so removed by City personnel may be held for a period of seventy-two (72) hours and upon expiration of such time may be disposed of. The City is not required to notify the permit holder or owner of the sign that it has been picked up or that disposal of the sign is imminent.
- (D) *Illegally Erected Signs:* The Building Official may remove any sign that is erected, constructed or otherwise displayed, in direct violation of this ordinance. The permit holder, owner of the sign or owner of the site on which the sign is located shall be charged a sign recovery fee in accordance with the city fee schedule to recover such sign from the City. Any such sign removed by City personnel may be held for a period of seventy-two (72) hours and upon expiration of such time may be disposed of. The city is not required to notify the permit holder or owner of the sign that it has been picked up or that disposal of the sign is imminent. For permanent signs, the sign must be removed by the permit holder, owner of the sign, or owner of the site upon which the sign is located within a reasonable time period as determined by the Building Official. Upon failure to comply with such notice or to file an appeal of the decision, Building Official is authorized to cause the removal of such sign, and any expense incident thereto shall be paid by the permit holder, owner of the sign or owner of the site on which the sign is located.
- (E) *Extent of Sign Removal:* The Building Official shall determine to what extent the elements of the sign must be removed to comply with this section. This may include but is not limited to the following:
 - 1. Sign Copy: Removal of the text or copy portion of the sign.
 - 2. Sign Box: Removal of the portion of the sign excluding the structural support of the sign.
 - 3. Entire Sign: Removal of all structural elements of the sign.

SECTION 12.12 – FILING OF LIENS AGAINST PROPERTY

The City is authorized to file a lien against any property which is not otherwise exempt to recover expenses incurred by the City for the removal of a sign or portion of a sign from the property, pursuant to Section 12.12.

SECTION 12.13 – APPEALS

- (A) *Procedure:* A person may appeal a decision by the Building Official relating to a sign to the City Administrator by any person, agent, or representative affected by such decision. The appeal must be received within ten (10) days after the placement of a letter in the U.S. Mail addressed to the address on the permit or to the address of the current owner of record in the County tax records which contains the written decision rendered by the Building Official. Such appeal shall be filed in writing with the Building Official and shall specify the grounds on which the appeal is based. The Building Official shall transmit to the City Administrator all documents pertaining to the action appealed.
- (B) *Hearing:* The City Administrator shall hear the appeal within ten (10) business days to determine whether the decision of the Building Official was in accordance with all ordinances and regulations. The decision of the City Administrator shall be final.

SECTION 12.14 – GENERAL SIGN REQUIREMENTS

(A) WIND PRESSURE, DEAD LOAD AND ELECTRICAL REQUIREMENTS

- 1. All signs shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area and shall be constructed to receive dead loads as required by the International Building Code. An applicant for a sign permit must submit, with the application, a written statement of compliance with this requirement.
- 2. Electrical components for all signage must meet current NEC requirements.

(B) ATTACHED SIGN: Unless otherwise specifically provided herein, an attached sign shall comply with the regulations set forth in this subsection.

- 1. **GENERALLY:**
 - a. Signs may not be attached to light fixtures, poles, curbs, sidewalks, gutters, streets, utility poles, public buildings, fences, railings, public telephone poles, or trees.
 - b. The direct painting of signs on buildings is prohibited except for signs used for building identification which are less than three (3) square feet in area.
- 2. **MINIMUM/MAXIMUM LETTER/LOGO HEIGHT:** The minimum height allowed for letters or logos shall be six (6) inches. The maximum height allowed for letters or logos shall be based on the following criteria:

<u>Distance From R.O.W. *</u>	<u>Maximum Letter/Logo Height</u>
200 ft.	24 inches
201 – 250 ft.	30 inches

251 – 300 ft.	36 inches
301 ft. and greater	42 inches

* For any lease space which does not front on a street, the maximum letter/logo height shall be based on the distance from the vehicular driveway access (see Appendix 'B' for further clarification).

3. MAXIMUM AREA: 0.75 square feet for every one foot of width of building or lease space not to exceed 400 square feet (see Appendix 'A' for further clarification).
4. NUMBER OF SIGNS:
 - a. One attached sign per side of lease space shall be allowed.
 - b. Attached signs shall be located within the first story of the main exterior entrance for a building or lease space (see Appendix 'B' for further clarification).
5. SIGN WIDTH: The width of an attached sign may not exceed the middle seventy five percent (75%) of the width of any building or lease space. In the event the lease space façade is horizontally articulated, the 75% rule shall apply to the allowed sign to be located on any single plane façade (see Appendix 'B' for further clarification).
6. ROOF LINE LIMITATIONS: An attached sign shall not project above the roof line of any building, except those attached to parapet walls and the sign may not extend above the parapet wall. A sign shall be no closer vertically to the eave of the roofline or overhang than the predominant letter height (see Appendix 'B' for further clarification). A sign may be attached to a continuous plane fascia, if the sign does not extend above or below the projection of the fascia. A sign may be attached to fascia only if it is attached to structural canopy supported to the ground by columns constructed of similar masonry material as the primary structure (see Appendix 'B' for further clarification).
7. ILLUMINATION: An attached sign may only be illuminated with internal lighting. Exterior letters with exposed neon lighting are not allowed.
8. PROTRUSIONS: An attached sign may not protrude farther than eighteen inches (18") from the building, excluding signs attached to canopies.
9. RESIDENTIAL ADJACENCY: An attached sign shall not be allowed on any façade (other than the main front of the building) which faces property zoned for single-family residential use if the sign is within one hundred fifty feet (150') of the property line of the residential property.

(C) MONUMENT SIGN:

1. GENERAL: Unless otherwise specifically provided, the regulations set forth in this subsection shall apply to all monument signs.
2. MINIMUM LETTER/LOGO HEIGHT: The minimum height allowed for letters or logos shall be six (6) inches.

3. MAXIMUM HEIGHT: The sign structure shall not exceed five (5) feet.
4. MAXIMUM AREA: One hundred (100) square feet per sign with a maximum area per sign face of fifty (50) square feet. The maximum area for the sign structure shall not exceed seventy (70) square feet (see Appendix 'A' for measurement criteria).
5. NUMBER OF SIGNS: Only one monument sign, excluding menuboard signs, shall be allowed along each street frontage on any site, unless otherwise specifically provided herein. Monument signs may be no closer than five hundred (500) feet on any one site.
6. MINIMUM SETBACK: Fifteen (15) feet from any property line.
7. MATERIAL REQUIREMENTS: All monument sign bases shall be constructed of the same masonry material as the front building façade on the same site or shall be stone or brick. Sculpted aluminum sign panels will be allowed. All sign text and graphic elements shall be limited to a minimum of six (6) inches from the outer limits of the sign structure.
8. ILLUMINATION: A monument sign may only be illuminated by internal lighting for sculpted aluminum panels or a ground lighting source if the light and its supporting structure are not visible from public right-of-way.
9. Readerboards (electronic or manual) may be included as part of a monument sign. Messages may not change more frequently than every five (5) minutes.

(D) GROUND SIGN:

1. GENERAL: Unless otherwise specifically provided, the regulations set forth in this subsection shall be applicable to all ground signs.
2. MINIMUM SETBACK: Fifteen (15) feet from any property line.
3. MAXIMUM HEIGHT: Three (3) feet.
4. MAXIMUM AREA: Eight (8) square feet with a maximum of four (4) square feet per sign face.
5. NUMBER OF SIGNS: One (1) sign per site.

(E) POLE SIGN:

1. GENERAL: A pole sign may only be erected and displayed along Highway 75.
2. MINIMUM SETBACK: fifteen (15) feet from property line.
3. MAXIMUM HEIGHT: Fifty (50) feet from service road grade on Highway 75 [thirty-five (35) feet from road grade].

4. MAXIMUM AREA: Two hundred (200) square feet per sign face with a maximum of two (2) sign faces.
5. NUMBER OF SIGNS: One (1) sign per site (subdivision or platted lot).

(F) FLAG POLE:

1. GENERAL: All flag poles over Twenty-five (25) feet in height must be permitted.
2. MINIMUM SETBACK: Fifteen (15) feet off property line.
3. MAXIMUM HEIGHT: Thirty-five (35) feet.
4. MAXIMUM AREA: N/A
5. NUMBER OF POLES: Three (3).

SECTION 12.15 – PROHIBITED SIGNS

- (A) GENERAL: Any sign which is not specifically permitted and erected in accordance with this chapter shall be prohibited. Billboard and off-site signs are specifically prohibited.
- (B) OBSCENE SIGNS or FLAGS: A person commits an offense if the person erects or displays on any site a sign or flag in which the dominant theme of material taken as a whole appeals to a prurient interest in sex, or is patently offensive because it affronts community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value.
- (C) OBSTRUCTING DOORS, WINDOWS, OR FIRE ESCAPES: A person commits an offense if the person erects or displays on any site a sign which prevents free ingress to or egress from any door, window, or fire escape.
- (D) OBSTRUCTING VISION / SITE TRIANGLE: A person commits an offense if the person erects or displays on any site a sign in such a manner as to obstruct free and clear vision at any location, street, intersection, or driveway. All signs placed at any intersection shall comply with the requirements of the sight triangle as designated by the City Engineer.
- (E) INTERFERENCE WITH TRAFFIC:
1. A person commits an offense if the person erects or displays on any site a sign which interferes with vehicular or pedestrian traffic as a result of the position, size, shape, movement, color fashion, manner, or intensity of illumination or any other characteristics causing such interference.
 2. A person commits an offense if the person erects or allows to be displayed a sign in such a manner as to interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, including, without limitation, signs making use of the words “stop”, “go”, “look”, “slow”, “danger”, or any other similar word, phrase, symbol or character, or employ any red, yellow, green, or other

colored lamp or light in such a manner as to cause confusion or otherwise interfere with vehicular or pedestrian traffic.

- (F) PORTABLE SIGNS: A person commits an offense if the person erects or displays a portable sign not specifically authorized by this ordinance.
- (G) CERTAIN ILLUMINATED SIGNS:
1. No sign shall be illuminated to such an intensity or in such a manner as to cause a glare or brightness to a degree that it constitutes a hazard or nuisance to traffic. Moving, flashing, intermittent lighted, changing color, revolving, or similarly constructed signs shall not be allowed.
 2. No lighted sign shall be erected or displayed within one-hundred fifty (150) feet of a single-family residentially zoned property unless the lighting is shielded from view of the residentially zoned property and indirect light does not exceed ½ lumen measured from any property line of the residentially zoned property.
- (H) SIGNS PROJECTING ON/OVER PUBLIC PROPERTY OR PUBLIC RIGHT-OF-WAY: A person commits an offense if the person erects or displays any type of sign on or over public right-of-way or other public property, unless the same is erected by the City, County, State or other authorized governmental agency, or with the permission of the City, for a public purpose.
- (I) ROOF SIGNS:
1. Any sign erected on a vertical framework supported by and located immediately and entirely over the roof of a building is prohibited.
 2. Any sign attached to a fascia extending above the projection of the fascia shall be prohibited.
 3. The painting or otherwise affixing of signs on a roof is prohibited.
- (J) SIGNS ON UTILITY POLES: A person commits an offense if the person erects or displays any sign on any utility pole located upon any public right-of-way or utility easement.
- (K) SIGNS – OFF SITE: The Building Official shall not allow off-site signs including billboards to be permitted or installed in the City. Billboards that are substantially destroyed or dismantled shall not be permitted for reconstruction.
- (L) POLITICAL SIGNS: See Section 12.21 – Exempt Signs.
- (M) ITEMS FOR SALE: Flags, banners and signs with designs referencing sex, drugs, obscene matters, offensive messages, or those inciting civil or racial unrest may not be displayed for sale in any outdoor display.

SECTION 12.16 – PERMANENT SIGNS REQUIRING PERMIT

The regulations set forth in this section shall apply to all of the following signs.

(A) BUSINESS SIGN:

1. PERMITTED SIGN STRUCTURE: Attached, ground, and/or monument
2. MODIFICATIONS TO GENERAL REGULATIONS: None

(B) MENUBOARD SIGN:

1. PERMITTED SIGN STRUCTURE: Attached and/or monument
2. MODIFICATIONS TO GENERAL REGULATIONS:
 - a. MINIMUM LETTER/LOGO HEIGHT: Not applicable
 - b. MAXIMUM HEIGHT: Six (6) feet
 - c. MAXIMUM AREA: Twenty four (24) square feet. Only one face will be allowed per sign.
 - d. MAXIMUM NUMBER OF SIGNS: No more than two (2) signs per site.
 - e. LOCATION LIMITATIONS: A menuboard sign must be located at the side or rear of the principal building. If two (2) signs are erected, signs must be at least eighteen (18) feet apart.
 - f. ILLUMINATION: Internal lighting may be utilized for sign panel.

(C) SUBDIVISION ENTRY SIGN:

1. PERMITTED SIGN STRUCTURE: Attached and/or monument
2. MODIFICATIONS TO GENERAL REGULATIONS:
 - a. MAXIMUM HEIGHT: Attached sign may not project above top of wall
 - b. MAXIMUM AREA: Thirty-two (32) square feet for attached sign.
 - c. MAXIMUM NUMBER OF SIGNS: One (1) monument sign or two (2) attached wall plaque signs (not a combination thereof) per street entrance.
 - d. PLACEMENT OF SIGN: Monument sign must be approved by City Council on Concept Plan or by a separate vote.

(D) BULLETIN BOARD SIGN:

1. PERMITTED SIGN STRUCTURE: Attached, monument and/or ground.
2. MODIFICATIONS TO GENERAL REGULATIONS:
 - a. MINIMUM LETTER/LOGO HEIGHT: Not applicable
 - b. MAXIMUM HEIGHT: Six (6) feet
 - c. MAXIMUM AREA: Eighteen (18) square feet. Only one face allowed per sign.
 - d. MAXIMUM NUMBER OF SIGNS: One (1) per subdivision entrance, not to exceed two (2) per subdivision.
 - e. MINIMUM SETBACK: Not applicable
 - f. LOCATION WHERE ALLOWED: No closer than one- hundred (100) feet from an arterial. Sign must be located on designated common area and maintained by the home owner's association.
 - g. MATERIAL REQUIREMENTS: Bulletin board must have a lockable covering. Masonry requirement shall not apply.

(E) DIRECTORY SIGN:

1. PERMITTED SIGN STRUCTURE: Attached and/or monument
2. MODIFICATIONS TO GENERAL REGULATIONS:
3. MINIMUM SETBACK: Seventy-five (75) feet from drive entrance at right-of-way.
4. MAXIMUM NUMBER OF SIGNS: One (1) sign per street entrance.
 - a. RESIDENTIAL ADJACENCY: Not applicable
 - b. LOCATIONS WHERE ALLOWED: Only distance measurements shall apply.

(F) INSTITUTIONAL SIGN:

1. PERMITTED SIGN STRUCTURE: Attached and/or monument
2. MODIFICATIONS TO GENERAL REGULATIONS:
 - a. GENERAL:
 - i. Sign must be on site
 - ii. Readerboards, whether electronic or manual, are permitted.
 - iii. Manual readerboard sign using alphabetical lettering must have lockable covering.
 - b. MAXIMUM AREA: Readerboard display shall not exceed two-thirds (2/3) of the permitted gross surface area per face of the sign, excluding monument sign border.
 - c. ILLUMINATION: Internal illumination may be utilized for sign panel.

(G) RETAIL GASOLINE AND/OR PRICING SIGN:

1. PERMITTED SIGN STRUCTURE: Monument. Pole sign may be used on Highway 75 only.
2. MODIFICATIONS TO GENERAL REGULATIONS
 - a. GENERAL: Sign must be on site.
 - b. MINIMUM LETTER HEIGHT: Not applicable for the fuel classification (i.e. "Unleaded", "Diesel", etc.) and the price-per-gallon display.
 - c. MAXIMUM AREA: Price-per-gallon display cannot exceed two-thirds (2/3) of the permitted gross surface area per face of the sign, excluding monument sign border.
 - d. NUMBER OF SIGNS: One (1) per site.
 - e. ILLUMINATION: Internal illumination may be utilized for fuel classification and price-per-gallon panels only.

(H) DIRECTIONAL SIGN:

1. PERMITTED SIGN STRUCTURE: Monument
2. MODIFICATIONS TO GENERAL REGULATIONS:
 - a. MAXIMUM HEIGHT: Three (3) feet

- b. MAXIMUM AREA: Eight (8) square feet with a maximum of four (4) square feet per sign face.
- c. NUMBER OF SIGNS: Maximum of two (2) signs per site.

SECTION 12.17 – TEMPORARY SIGNS REQUIRING PERMIT

A person commits an offense if the person shall erect any of the following signs on property without first obtaining a sign permit.

(A) BANNER:

- 1. PERMITTED SIGN STRUCTURE: Attached to building, excluding roof.
- 2. MODIFICATIONS TO GENERAL REGULATIONS:
 - a. MAXIMUM AREA: 200 Square Feet
 - b. MAXIMUM NUMBER OF SIGNS: One (1) per site elevation.
 - c. DURATION: Not to exceed ninety (90) days for each permit. Limited to two (2) permits per calendar year.

(B) MODEL HOME SIGN:

- 1. PERMITTED SIGN STRUCTURE: monument and/or ground
- 2. MODIFICATION TO GENERAL REGULATIONS:
- 3. MAXIMUM HEIGHT: Five (5) feet for ground signs.
- 4. MAXIMUM AREA: Sixty-four (64) square feet with a maximum of thirty-two (32) square feet per sign face.
 - a. MAXIMUM NUMBER OF SIGNS: One (1) sign per model home per builder per subdivision.
 - b. MATERIAL REQUIREMENTS: Not applicable.

(C) SPECIAL PURPOSE SIGN:

- 1. PERMITTED SIGN STRUCTURE: Attached banner, and/or ground.
- 2. MODIFICATIONS TO GENERAL REGULATIONS:
 - a. MAXIMUM HEIGHT: Nine (9) feet for ground signs.
 - b. MAXIMUM AREA: Sixty-four (64) square feet with a maximum of thirty-two (32) square feet per sign face.
 - c. MAXIMUM NUMBER OF SIGNS: Six (6) total per event or occasion, not to exceed five (5) off-site signs and one (1) on site sign.
 - d. PLACEMENT TIME: Twenty-one (21) days, must be removed within three (3) days after termination of the event.
 - e. MATERIAL REQUIREMENTS: Not applicable.
 - f. RESIDENTIAL ADJACENCY: Not applicable.

(D) DEVELOPMENT SIGN:

- 1. PERMITTED SIGN STRUCTURE: Monument and/or ground.

2. MODIFICATIONS TO GENERAL REGULATIONS:
 - a. MAXIMUM HEIGHT: Eight (8) feet.
 - b. MAXIMUM WIDTH: Four (4) feet.
 - c. MAXIMUM AREA: Sixty-four (64) square feet with a maximum of thirty-two (32) square feet per sign face.
 - d. MAXIMUM NUMBER OF SIGNS: Two (2) per site.
 - e. DURATION: Must be removed or re-permitted one year from the date permit is issued. Must be removed or re-permitted when 90% of lots in the development are sold.

(E) GRAND OPENING SIGNS:

1. PERMITTED SIGN STRUCTURE: flags, banners, pennants, streamers, inflatable balloon, or similar device.
2. MODIFICATIONS TO GENERAL REGULATIONS:
 - a. MINIMUM LETTER/LOGO HEIGHT: Not applicable.
 - b. MAXIMUM HEIGHT: Inflatable devices shall not be more than thirty (30) feet above ground level unless it is attached to the roof of a building, in which case it shall not extend more than ten (10) feet above the highest part of the roof and shall be securely anchored at all times.
 - c. MAXIMUM AREA: Unlimited.
 - d. MAXIMUM NUMBER OF SIGNS: Unlimited.
 - e. DURATION: Grand Opening signs shall be permitted for thirty (30) days.
 - f. LOCATION LIMITATIONS: Shall not be allowed to extend over any public street or right-of-way or over any other property not under the control of the permittee.
 - g. ILLUMINATION: Shall not be a nuisance to adjacent residential property.

SECTION 12.18 – VARIANCES

- (A) *Criteria:* The City Council may authorize a variance to any provision of this chapter, including but not limited to the number, type, area, height, or setback of signs, or any other aspect involved in the sign permitting process. In granting a variance, the City Council shall determine that a literal enforcement of the sign regulations will create an unnecessary hardship or practical difficulty on the applicant, that the situation causing the unnecessary hardship or practical difficulty is unique to the affected property and is not self-imposed, that the variance will not injure and will be wholly compatible with the use and permitted development of adjacent properties, and that the granting of the variance will be in harmony with the spirit and purpose of the Chapter.
- (B) *Procedure:* A person may request a variance from the Sign Ordinance by filing the request with the Building Official, accompanied by a completed application and request for variance.

SECTION 12.19 – CONDITIONAL SIGN PERMIT

- (A) *General.* Notwithstanding any provision to the contrary, the City Council may approve the erection of a sign or signs pursuant to a conditional sign permit. The purpose of this section is to allow for a specialized review of signs which may not be appropriate

generally without certain restrictions, but which, if controlled as to number, size, height, color, location, lighting, time limitations or relation to adjacent properties, would promote the health, safety, and welfare of the community. A conditional permit of a sign shall not be based upon the content of the sign, but is intended to allow for the evaluation of the physical impact of the proposed sign on adjacent properties and to ensure adequate mitigation of potentially unfavorable factors, such as the number, size, height, color, location, lighting and other potentially unfavorable impacts.

- (B) *Application:* An application for a conditional sign permit shall be submitted to the Building Official and shall include all documents as required by Section 155.05. Additionally, the applicant shall submit construction plans drawn by a registered professional engineer or architect in the State of Texas and provide renderings of the particular sign types, facades, materials, compositions, dimensions, lighting and colors.
- (C) *Fees:* The fee for a conditional sign permit shall be established by the fee schedule adopted by the City Council, as amended from time to time.
- (D) *Annual Renewal Fee:* An annual renewal fee for a conditional sign permit shall be established by the fee schedule adopted by the City Council, as amended from time to time.

SECTION 12.20 – TEMPORARY SIGNS EXEMPT FROM PERMIT

Subject to the regulations of this section, the following signs are exempt from the permit requirements of this Chapter.

(A) SUBDIVISION MARKETING SIGN:

- 1. PERMITTED SIGN STRUCTURE: Ground sign less than three (3) feet.
- 2. MODIFICATIONS TO GENERAL REGULATIONS:
 - a. MAXIMUM NUMBER OF SIGNS: Not to exceed a total of ten (10) signs for any builder currently active in the City of Howe.
 - b. LOCATION OF SIGNS: No sign shall be in State or Federal right-of-way.
 - c. MINIMUM SETBACK: Not applicable.
 - d. PLACEMENT TIME: 4:00 p.m. Friday to 8:00 a.m. the following Monday.

(B) BUILDER SIGN:

- 1. PERMITTED SIGN STRUCTURE: Ground.
- 2. MODIFICATIONS TO GENERAL REGULATIONS:
 - a. MAXIMUM NUMBER OF SIGNS: One (1) per lot per site.
 - b. MINIMUM SETBACK: Ten (10) feet from property line.

(C) REAL ESTATE SIGN:

- 1. PERMITTED SIGN STRUCTURE: Attached, monument, and/or ground.
- 2. MODIFICATIONS TO GENERAL REGULATIONS:
 - a. MINIMUM LETTER/LOGO HEIGHT: Not applicable.

- b. MAXIMUM HEIGHT: Five (5) feet above grade for ground signs; below roof line for attached.
- c. MAXIMUM AREA: Sixty-four (64) square feet with a maximum of thirty-two (32) square feet per sign face.
- d. MAXIMUM NUMBER OF SIGNS: One (1) per site.
- e. MINIMUM SETBACK: Ten (10) feet from property line.

(D) GARAGE/YARD SALE SIGNS:

- 1. PERMITTED SIGN STRUCTURE: Ground.
- 2. MODIFICATIONS TO GENERAL REGULATIONS:
 - a. MAXIMUM NUMBER OF SIGNS: Five (5) per sale.
 - b. MINIMUM SETBACK: Not applicable.
 - c. PLACEMENT TIME: From 5:00 p.m. Friday to 8:00 a.m. the following Monday.
 - d. FREQUENCY LIMITATION: Not to exceed four (4) times per twelve-month period.

SECTION 12.21 – EXEMPT SIGNS

The following signs are exempted from the requirements of this ordinance:

- (A) Vehicular signs, unless the sign is used or intended to be used as an on-site or off-site sign. It shall be prima facie evidence that a sign is used as an on-site or off-site sign if a vehicle is parked at the same location for a continuous period exceeding forty-eight (48) hours. No person shall attach any sign to a trailer, skid, or similar mobile structure, where the primary use of such structure is to provide a base for such sign or to constitute the sign itself. This provision shall not be interpreted to prohibit identification signs on vehicles used for business purposes, nor shall it be interpreted to prohibit bumper stickers.
- (B) Warning and security signs.
- (C) Government signs and signs for organizations sponsored and/or co-sponsored by government including flags, insignia, legal notices, informational, directional, and traffic signs which are legally required or necessary to the essential functions of government agencies.
- (D) “No Dumping” and “No Trespassing” signs.
- (E) Signs in public parks placed inside ball field fencing by the City, which are intended for advertising to raise funds for recreation programs which have copy on only one face with the copy facing toward the interior of the field.
- (F) POLITICAL SIGNS: A person commits an offense if the person erects or displays a political sign more than ninety (90) days before the election date or more than ten (10) days after the election. It is an affirmative defense to prosecution under the section that if a person commits an offense if the person erects a political sign which:

- 1) is less than 36 square feet in effective area;

- 2) is not illuminated;
- 3) is less than eight feet in height; and
- 4) does not have any moving elements.

A person commits an offense if the person erects a political sign within the State or Federal right-of-way or on public property.

- (G) Banners, flags, portable signs and special purpose signs of sixteen (16) square feet with a maximum of sixteen (16) square feet per sign face or less providing information on an event for a local civic or non-profit organization or entity and not being placed more than three (3) weeks prior to the event. Said item must be removed within three (3) days after the conclusion of the event. The total number of items shall not exceed those allowed for a “special purpose sign” under Section (C) above, except two (2) onsite items shall be allowed.

SECTION 12.22 – NON-CONFORMING EXISTING SIGNS

All signs that are lawfully in existence on the effective date of this ordinance may exist in their present form, but no such signs shall be altered or moved unless a permit is issued pursuant to the provisions of this ordinance.

A legal, non-conforming sign which has been substantially destroyed or dismantled for any purpose other than maintenance shall be deemed as completely destroyed if the cost of repair the sign is more than sixty percent (60%) of the cost of erecting a new sign of the same type at the same location. It is the intent of this ordinance that all non-conforming uses cease when they are destroyed, dismantled or their continued use ceases. Thereafter, the non-conforming use will not be recognized and under this provision, the sign shall be removed. A permit shall be required to erect a new sign, in compliance with this ordinance.

SECTION 12.23 – NON-COMMERCIAL MESSAGE

Notwithstanding anything contained herein to the contrary, any sign authorized in this ordinance is allowed to contain non-commercial message in lieu of a commercial message.

SECTION 12.24 – APPENDICES

It is anticipated that appendices will be changed periodically by the Building Official/City Engineer in response to changes in the administration of this ordinance.