

**CITY OF FARMERSVILLE SIGN CODE**  
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**Article 1.      POLICY AND PURPOSE**

***Sec. 1-1.      Application.***

These regulations shall be known as the City of Farmersville Sign Code, may be cited as such, and will be referred to herein as “this Code”. The terms and conditions of this Code shall apply to signs located within the corporate limits of the City of Farmersville and its extraterritorial jurisdiction.

***Sec. 1-2.      Purpose.***

- (A) The purpose of this Code is to encourage aesthetically pleasing design, establish uniform standards for the placement of signs, and provide minimum standards to safeguard life, health, property and the public welfare by regulating and controlling the design, quality of materials, construction, location, electrification and maintenance of all sign structures not located within a building.
- (B) The regulations of this Code are not intended to authorize nor shall they be deemed to permit any violation of the provisions of any other ordinance, statute, rule or regulation.

**Article 2      ENFORCEMENT**

***Sec. 2-1.      Sign permits.***

- (A) No sign, other than those signs allowed without a permit by Sections 3-1 and 4-2 of this Code, shall be erected, placed, attached, secured, altered or displayed to/on the ground, any building, or any structure, until a permit for such sign has been issued by the building official. An application for a sign permit may be obtained from the City of Farmersville.
- (B) The City shall approve or deny an application for a sign permit within 30 days of the building inspection division's receipt of the application. A sign permit will be issued if a proposed sign conforms to all City ordinances.
- (C) Upon request by the City, a diagram shall be provided showing the location of all signs on the property and/or adjacent properties. Incorrect information on an application shall be grounds for denial or revocation of a sign permit.
- (D) *Not to issue for prohibited locations.* No sign permit shall be issued under this section for any sign in a district where signs are prohibited by the City's Comprehensive Zoning Ordinance, as it currently exists or may hereafter be amended.
- (E) A sexually oriented business seeking a sign permit must also comply with all City ordinances regulating such businesses.

(F) *Fees.* The sign permit fee shall be a fee as established from time to time in the Master Fee Schedule.

(D) *Interpretation and administration.* The Building Official shall be responsible for interpreting and administering this article. The Building Official may revoke any permit for a sign issued in error.

**Sec. 2-2. Responsibility of Compliance.**

The permittee, owner, agent, person or persons having the beneficial use of a sign, the owner of the land or structure on which the sign is located, and the person in charge of erecting the sign, are all subject to the provisions of this Code.

**Sec. 2-3. Enforcement.**

(A) *Authority.* The Building Official or his designee or such other person as may be appointed by the City Manager is hereby designated to be the City's Sign Inspector and is further authorized and directed to interpret and enforce all the provisions of this Code. For such purposes the Sign Inspector shall have the powers of a law enforcement officer.

(B) *Right of entry.* Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever there is reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous or hazardous, the Sign Inspector may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed by this Code, provided that if such building or premises is occupied, he shall first present proper credentials and request entry; and if such building or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused or the owner or other persons having charge or control of the building or premises cannot be located, the Sign Inspector shall have recourse to every remedy provided by law to secure entry.

**Article 3. DEFINITIONS AND REGULATIONS**

**Sec. 3-1. Definitions and requirements.**

For the purpose of this chapter, the words below shall have the following definitions, whether or not capitalized unless the context clearly requires another meaning, ascribed to them and the requirements and regulations set forth for each shall apply in the City of Farmersville and its extraterritorial jurisdiction:

*A-frame sign.* A temporary sign constructed of two pieces of wood, metal or other similar material connected at the top by hinges or similar devices and may collapse when the connecting devices are overextended or the two pieces of wood, metal or other similar material are against one another.

- (A) The maximum width allowed is 4 feet. The maximum height allowed is 4 feet. The maximum copy area allowed is 16 square feet.
- (B) A-frame signs are only allowed to be displayed during normal daytime business hours between 8:00 a.m. and 5:00 p.m.
- (C) A-frame signs are prohibited in the Central Area (CA) Zoning District in the City of Farmersville. *See "Sandwich Board" for CA zoning district.*
- (D) A sign permit is not required.
- (E) A-frame signs must be located a minimum of four feet from any curb of any adjacent street. An A-frame sign shall not be closer than 20 feet to another A-frame sign. A maximum of one A-frame sign may be placed per business or tenant on the property where the A-frame sign is located. A-frame signs must provide an unobstructed pedestrian clearance of at least four feet in width. An A-frame sign shall not be placed in any manner that interferes with vehicular traffic or causes a potential hazard.
- (F) An A-frame sign shall not be placed in any median. An A-frame sign shall not be placed within a utility or right-of-way easement. An A-frame sign shall not be illuminated or contain any moving parts other than the fasteners holding the faces of the A-frame sign together.

***Abandoned or Neglected sign.*** A sign that is not maintained, has missing panels, burned out lights, missing letters or characters, has rust, loose or damaged parts, has faded from its original color, advertises a product or service no longer available or a business no longer in operation; a sign which is illegible, non-functional, in disrepair, or hazardous as a result of a lack of maintenance; a previously nonconforming sign structure that has lost its lawful nonconforming status as a result of abandonment or lack of use.

- (A) Abandoned or neglected signs shall be considered a public nuisance.
- (B) Neglected or abandoned signs are prohibited in the City of Farmersville and its extraterritorial jurisdiction. (*See Public Nuisance.*)

***Apartment sign.*** A temporary stake sign made of wood, metal or other similar material used to convey information that relates to the operations of an apartment community or complex.

- (A) An apartment sign shall not exceed 6 square feet in total area. The maximum height of an apartment sign shall not exceed four feet.
- (B) No sign permit required.

- (C) Apartment signs may be placed in the front yard of a property developed as an apartment complex no earlier than Friday at 12:00 p.m. and shall be removed from the property no later than Sunday at 6:00 p.m.
- (D) Apartment signs may not be installed on any public property or right-of-way area. Apartment signs shall only be placed on the property for the apartment community to which it pertains. Apartment signs installed within the front of a property shall not be placed closer than 60 feet from another apartment sign. Apartment signs shall not be installed within 30 feet from a side property line.

**Audible sign.** Any sign that emits music, talking, words, or other sound or amplification.

- (A) Audible signs are prohibited in the City of Farmersville and its extraterritorial jurisdiction.

**Awning.** A retractable or nonretractable projection, shelter or structure of rigid or nonrigid canvas, metal, wood, or other similar material, attached to the building, that extends above a window, door, patio, or deck used as a shading device for windows and/or entryways, used as protection from the weather, used as a decorative embellishment, and/or used for identity. For the purposes of this ordinance an Awning is not a Canopy. *Refer to Canopy and Canopy sign.*

- (A) Minimum height of the lowest part of an awning shall be 7 feet above grade.

**Awning sign.** A permanent sign that is directly applied, attached or painted onto an awning that extends above a window, door, patio, or deck used as a shading device for windows and/or entryways, intended for protection from the weather or as a decorative embellishment, and/or used for identity. An awning sign is used to advertise the name of the business, hours of operation, business telephone number, business address, and/or website address.

- (A) No building shall have both a wall sign and an awning sign on the same building face.
- (B) A sign permit is required.
- (C) The maximum height of an awning sign shall not exceed four feet. The width of an awning sign shall not exceed 75 percent in length of any side of an awning.
- (D) An awning sign shall only be permitted in conjunction with a nonresidential use or in a nonresidential zoning district.
- (E) An awning sign shall be secure and may not swing, sway, or move in any manner. An awning sign shall not contain any moving devices. *Also refer to Canopy and Canopy Sign*

**Balloons and other floating devices.** A visible airtight, inflatable apparatus with a maximum size not to exceed three square feet in total area in various shapes and/or designs made of latex, mylar, or other similar material that extends by, or is anchored to the ground by, a cord, rope, string, wire or other similar material.

- (A) Balloons and all other floating devices are allowed for temporary events only. Temporary events include business grand openings, festivals, fairs, tournaments, or other similar happenings.
- (B) No sign permit is required.
- (C) No person shall erect, maintain, or allow the installation of any floating devices anchored to the ground, any vehicle, structure or any other fixed object for the purpose of advertising or attracting attention to a business, commodity, service, sale, or product, except as otherwise permitted in this section. See *Special Event, Special Event signs, Grand Opening and Grand Opening signs*. . Also refer to *Wind Devices*.

**Banner.** A temporary single sign or a grouping of pennants having characters, letters, or illustrations applied to plastic, cloth, canvas, or other light fabric or similar material, with the only purpose of such nonrigid material being for background used to promote awareness of special events or as seasonal decoration. Banners will include all flags or pennants that contain no names, initials, logos, insignia or similar items and are not national, state or municipal flags, or the official flag of a public or private institution. A banner does not include a municipal banner.

- (A) A sign permit is required for each display period lasting for up to a maximum of thirty (30) calendar days. One banner sign may be placed on a building for a maximum of 30 days or less, two times in a twelve month period. Each suite within a retail development shall be considered a building and, therefore, shall be allowed to erect a banner accordingly.
- (B) **Exemption:** Religious organizations that temporarily operate in a school or other nonreligious facility may erect a banner no earlier than two hours before a worship service and remove the banner no later than two hours after said worship service without the issuance of a sign permit.
- (C) A banner shall be securely attached to the front, side or rear face of a building. A banner shall not face a residential neighborhood, unless the site of the banner is separated from the residential neighborhood by a major thoroughfare. However, banners are permitted only in conjunction with a nonresidential use or in a nonresidential zoning district.
- (D) A banner may be erected during social or athletic events at a public park or other city-owned property attached to pavilions, fences, vehicles, stakes, rails, or poles up to two hours prior to the start of the event and shall be removed no later than one hour after the conclusion of the event.

- (E) A banner shall not exceed 100 square feet in area. A banner shall be placed a minimum of nine feet above grade at any pedestrian traveled way. Where a building wall is nine feet in height or less, is adjacent to an approved parking surface, and is not a designated pedestrian walkway, one banner shall be placed a minimum of five feet above the grade above the parking surface.
- (F) Banners shall not be draped over vehicles.

**Beacon (or Searchlight or Skylight).** A source of high-intensity light with one or more beams directed into the atmosphere or any other point; or any light with one or more beams that rotate or move.

- (A) Beacons, Searchlights or Skylights are prohibited in the City of Farmersville except by written permission from the Farmersville City Council.

**Billboard.** A sign erected in the outdoor environment for the purpose of the display of commercial or noncommercial messages not pertinent to the use of products sold or primarily manufactured on the premises, or the sale or lease of the property on which it is displayed. Billboards include any of its support, frame or other appurtenances.

- (A) Billboards are prohibited in the City of Farmersville and its extraterritorial jurisdiction.

**Building Marker/Memorial Plaque/Cornerstone.** A sign indicating the name, date and information about the building's historical significance; which is cut into or made an integral part of a wall surface; or a wall-mounted or freestanding plaque of bronze or other permanent material describing such information.

- (A) No sign permit is required.
- (B) This type of sign is not an address sign.

**Building Official.** The City Manager or his designee.

**Canopy.** A roof-like structure on a framework sheltering an area or forming a sheltered walkway to the entrance of a building. For the purposes of this ordinance a Canopy is not an Awning. *Refer to Awning and Awning sign.*

**Canopy sign.** A sign that is applied, attached, painted or affixed on a canopy or other roof-like cover over gasoline fuel pumps, vacuum areas at car detail facilities, or other areas where services are provided to a patron in a vehicle intended for protection from the weather or as a decorative embellishment.

- (A) A canopy sign may contain only the business's name and/or logo on the canopy band.

- (B) Canopy signs may only be erected on the sides of the canopy band that face a public street.
- (C) A sign permit is required.
- (D) Canopy signs may not exceed 15 square feet in size. Canopy signs must be attached directly to or painted on the exterior face of the canopy band and shall not project more than 18 inches from the canopy band. Only the canopy band may be illuminated, not the entire canopy. Canopy signs attached or applied to a canopy shall not extend above or below the canopy band. *Also refer to Awning Signs.*

***Canopy sign attachments.*** Canopy sign attachments are accessory supplemental signs attached above or below a canopy, commonly used in conjunction with a wall sign. Canopy sign attachments provide the name of the business.

- (A) A sign permit is required. Structural drawings, as required by the building official, sealed by a licensed engineer must be submitted with the permit application.
- (B) Canopy sign attachments shall only suspend from or extend above the edge of a pedestrian canopy. Canopy sign attachments installed for pedestrian display located and attached on the underside of a pedestrian canopy shall be centered.
- (C) Canopy sign attachments shall have a maximum height of 12 inches. Suspended or extended awning sign attachments shall not alternate up-and-down at a business's storefront. Suspended canopy sign attachments suspended over a pedestrian canopy shall maintain a minimum nine-foot clearance from pedestrian grade measured from the lowest hanging portion of the attachment. Canopy sign attachments, in the Central Area, suspended over a pedestrian canopy shall maintain a minimum seven-foot clearance from pedestrian grade measured from the lowest hanging portion of the attachment.
- (D) Canopy sign attachments shall not be used in conjunction with a canopy sign. Only one type of canopy sign attachment shall be used per storefront.

***Central Area Zoning District (CA).*** The area consists of the historic downtown area as established by the City of Farmersville Zoning Ordinance, as it currently exists or may be amended, and as indicated on the City of Farmersville Zoning Map.

- (A) All signs for the Central Area Zoning District (CA) shall be regulated according to the provisions of this Code. *Refer to Section 4-1 regarding signs in the Central Area. Also see "Zoning Districts".*

***Changeable Copy Sign.*** A freestanding sign or wall-mounted sign, with manually interchangeable plastic letters and symbols, communicating information to the public

such as bulletin boards, and marquees and the like. A Changeable Copy Sign is usually secondary to and part of the sign area of a larger freestanding sign for which a sign permit is required.

- (A) If the Changeable Copy Sign is to be the primary sign then it must meet the sign requirements as outlined in this Code. *Refer to Monument Sign, Pylon Sign or Wall Sign. Also refer to Electronic Message Center. .*

***Church and Civic Organizations Sign.*** Signs identifying groups such as churches or civic organizations.

- (A) These sign shall be regulated according to the provisions of this ordinance.

***Cloud buster balloon and air devices.*** Any visible airtight or air-flow through, inflatable apparatus that exceeds one square foot in total area made of latex, mylar, or other similar material that extends higher than ten feet into the sky which extends by, or is anchored to the ground by, a cord, rope, string, wire, or other similar material. A cloud buster balloon or air device is commonly-used to attract passersby/patrons to a location having a promotion, sale, or other function.

- (A) Cloud buster balloons, blimps, and other air devices are allowed for temporary special events only. No sign permit is required.

***Code Enforcement*** - The building official or other designated authority, appointed by the City Manager, charged with the administration and enforcement of this Code.

***Commercial real estate sign (CRES).*** An onsite, temporary sign made of wood, metal or similar material approved by the building official that pertains to the sale or lease of the commercial property where the sign is located. A CRES is a vertical framework consisting of one or more uprights supported by the ground. A CRES generally advertises the name of a building or property for sale or lease, property owner name, realtor information, telephone number, zoning information, and other information relating to the sale or lease of nonresidential property.

- (A) A CRES shall not exceed 32 square feet in area. A CRES shall not exceed eight feet in height. The maximum width of a CRES shall not exceed four feet. .
- (B) A V-shape sign is not a CRES.
- (C) A sign permit is required.
- (D) A CRES requires removal within ten days after the sale or lease of a property or business.
- (E) A CRES shall be located no closer than 15 feet to any property line. A maximum of one CRES per property shall be placed on a lot. For a property with more than 500 feet of single street frontage, more than one

CRES is allowed, provided, that each CRES is spaced a minimum of 200 feet from other signs.

**Conforming Sign.** A sign that is lawfully in place on a tract of land which complies to all regulations of this Code.

**Construction (Project Development) sign.** Any temporary sign identifying the property owner, architect, contractor, engineer, landscape architect, opening dates, decorator and/or financiers engaged in the construction or improvement of the premises on which the sign is located. A construction sign is generally constructed of wood, metal or other similar materials. A construction sign is a vertical framework consisting of one or more uprights supported by the ground.

- (A) A construction sign may include zoning information and advertise residential builders selling homes within a subdivision.
- (B) In no case shall a construction sign contain information that pertains to off-premise uses.
- (C) A sign permit is required.
- (D) A construction sign must be removed when 95 percent of the buildings/homes/units in the commercial project/subdivision have been issued a certificate of occupancy.
- (E) The construction sign shall be installed no closer than 15 feet to any property line. The minimum distance between a construction sign on one site and a construction sign on another construction sign is 200 feet.
- (F) A construction sign installed on a lot where a contractor requests a final inspection must be removed prior to the final inspection and issuance of a certificate of occupancy.
- (G) The maximum area of a construction sign is 96 square feet. The maximum height of a construction sign is 16 feet.
- (H) A maximum of one construction sign is allowed along a major street frontage per subdivision. When a subdivision has more than one major thoroughfare, one construction sign may be placed on each major thoroughfare. *Also see Subdivision Entrance Sign.*

**Copy.** Letters, characters, illustrations, logos, graphics, symbols, writing or any combination thereof, designed to communicate information of any kind, or to advertise, announce or identify a person, entity, business, business product, or to advertise the sale, rental or lease of premises.

**Copy Area.** The area within the sign containing any copy, including the area between separate lines of text and the area between text and any symbol, sign, logo or graphic as well as the area between any symbols, signs, logos or graphics.

**Decorative Display.** A flag or banner that contains no name, initials, logos, insignia or similar items and does not represent a government or private organization.

- (A) Decorative displays are not signs.
- (B) Decorative displays shall not protrude over property lines.

**Developed Property.** A developed property is a nonresidential property for which a certificate of occupancy has been issued by the building official to occupy a building on the property, or a residential property for which a certificate of final acceptance has been issued by the City.

**Dilapidated.** Any surface element, background, or support of any sign that has finished materials that are missing, broken, bent, cracked, decayed, dented, harmful, hazardous, illegible, leaning, splintered, ripped, torn, twisted, or unsightly.

**Directional sign.** Any sign relating solely to internal pedestrian and vehicular traffic circulation within a complex or project without any form of advertising.

**Electronic Message Center.** Any sign composed of lights, LEDs, or other form of illumination that displays a message or picture. An Electronic Message Center is usually secondary to and part of the sign area of a larger freestanding sign for which a sign permit is required.

- (A) The displayed message or picture of an Electronic Message Center shall remain static for not less than two hours per message or picture.
- (B) An Electronic Message Center shall not scroll, fade, blink, flash, travel, or any other means that does not provide at least two hours of constant illumination.
- (C) If the Electronic Message Center is to be the primary sign then it must meet the sign requirements as outlined in this code. *Refer to Monument Sign, Pylon Sign or Wall Sign.*

**Erect or install.** To build, construct, attach, hang, place, suspend, affix, display, apply, assemble or place in any manner, including but not limited to the exterior of a building or structure.

**Exempt.** A sign permit is not a requirement; however, compliance with all other City ordinances and the comprehensive zoning ordinance, as it currently exists or may be amended, is required.

**Flag or flagpole.** A piece of fabric or other flexible material attached to a ground-supported staff on one end used as a symbol of a nation, state, political subdivision, or organization.

- (A) No sign permit required.
- (B) A flag and its ground-supported staff shall be located on private property behind the property line.
- (C) At a property that contains a building with less than four floors, the maximum height of a ground-supported flagpole shall be 40 feet measured from the ground with the maximum area of the flag not to exceed 60 square feet in area. At a nonresidential property that contains a building with four floors or more aboveground, the maximum height of a flagpole shall be 60 feet measured from the ground with the maximum area of a flag not to exceed 96 square feet in area.
- (D) A maximum of four flags or flagpoles may be located on a property.
- (E) A flag not displayed on a ground-supported staff shall meet the permit and display requirements of a banner (see "banner").
- (F) Temporary flags for special interest groups (e.g. schools, Boy Scouts, Girl Scouts, and the like) may be placed at public parks during social and athletic events.

**Flashing sign.** Any sign that incorporates the use of a pulsating, blinking, revolving or rotating light source; including a light source that changes or alternates the color of the light in sequence.

- (A) Flashing signs are prohibited in the City of Farmersville and its extraterritorial jurisdiction. Also see Illuminated Signs.

**For Sale, Rent, Lease or Realtor Open House signs.** A sign that advertises the availability for sale, rent or lease of a tract of land, a structure, or portions of a structure.

- (A) No permit is required.
- (B) Said signs are allowed in the right-of-way, minimum three feet from back of curb, but not allowed in median.
- (C) Maximum sign area: 6 square feet. Maximum height: 3 feet. Maximum number of signs: 1 Builder, 1 Realtor and 1 Open House.

**Free Standing sign.** Any type of sign supported by structures that are placed on or anchored in the ground, structurally independent of any building or other structure, and intended to be permanent.

- (A) A sign permit is required. *Refer to Monument, Pole, or Pylon signs*

**Garage Sale sign.** An onsite temporary stake sign used to advertise a garage sale, yard sale, or estate sale at an occupied residential property that has obtained a certificate of occupancy.

- (A) No permit is required.
- (B) Garage sale signs shall be located only on the private property of the resident having the garage sale.
- (C) Garage sale signs shall not be placed on a vehicle, fence, pole, tree, median, or railing. Garage sale signs shall not be balloons, wind devices or other type of sign, except stake signs, unless meeting the definition and requirements for that type of sign.
- (D) A garage sale sign shall not exceed six square feet in area. The maximum height of a garage sale sign shall not exceed four feet

**Grade.** The ground elevation located at the base of a sign.

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

- (A) Graffiti is prohibited in the City of Farmersville and its extraterritorial jurisdiction.

**Grand opening sign.** A commemoration that promotes the opening of a new business is a grand opening.

- (A) A grand opening sign shall be permitted within 180 days of the issuance of a certificate of occupancy from the building official. Grand openings occurring more than 180 days after the issuance of a certificate of occupancy require approval from the building official.
- (B) A grand opening sign may only be located at the business that received a certificate of occupancy from the building official.
- (C) The period for which a grand opening sign may be permitted shall not exceed 14 consecutive days in length.

**Grand opening balloons and/or balloon arrangement.** A Grand Opening Balloon is a visible airtight, inflatable apparatus with a maximum size not to exceed three square feet in total area, in various shapes and/or designs made of latex, mylar, or other similar

material that extends by, or is anchored to the ground by, a cord, rope, string, wire or other similar material.. Grand Opening Balloon arrangements are balloons tied, twisted, or connected in such a manner to design creative figures, shapes, crescents, and/or other displays.

- (A) Grand opening balloon arrangements may not exceed 20 feet in height.
- (B) No sign permit is required.
- (C) Grand opening balloon arrangements shall only be displayed during a grand opening at a business. Grand opening balloons and/or balloon arrangements require removal within two hours after the conclusion of the grand opening event.
- (D) Grand opening balloon arrangements shall only be displayed within 20 feet of the business' public entrance.
- (E) Grand opening balloon arrangements shall not be placed or displayed in front of (or at) other businesses. Grand opening balloons and/or balloon arrangements shall not be attached to parking signs, bicycle stands, benches, trees, fences, poles, railings, vehicles, existing signage, display items, other structures, or placed in required parking spaces. Grand opening balloons and/or balloon arrangements shall not block pedestrian or vehicular visibility or cause a safety hazard.

***Highway Commercial Zoning District (HC).*** The area as established by the City of Farmersville Zoning Ordinance, as it currently exists or may be amended, and as indicated on the City of Farmersville Zoning Map.

- (A) All signs for the Highway Commercial Zoning District (HC) shall be regulated according to the provisions of this Code. *Also see "Zoning Districts"*.

***HOA-neighborhood sign (HOA-NS).*** A temporary stake sign used to convey residential subdivision board meetings, announcements, or other subdivision-related events to residents within the subdivision.

- (A) No sign permit required.
- (B) A HOA-NS shall be located on private property within the subdivision.
- (C) A HOA-NS shall not be located along any major thoroughfare or street artery outside of the subdivision screening wall or perimeter barrier. A HOA-NS shall not exceed six square feet in area. The maximum height of a HOA-NS shall not exceed four feet.

***Home Builder Directional Signs.*** A temporary sign which directs pedestrian or vehicular traffic to a particular home development or residential subdivision.

- (A) An annual permit is required.
- (B) A Home Builder Directional sign may not be closer than 100 feet or more than 150 feet back from major intersections.
- (C) Home Builder Directional signs are allowed in the right-of-way, minimum three feet from back of curb.
- (D) Home Builder Directional signs are not allowed in the median.
- (E) Individual builder signs shall be spaced at least 100 feet apart. Home Builder Directional signs are allowed to be displayed from noon Friday until noon on the following Monday, with the following exceptions: from noon Thursday until noon Tuesday when a Friday or Monday falls on New Year's Day, Memorial Day, Fourth of July or Christmas.
- (F) Maximum 25 signs per builder. Maximum sign area: 6 square feet. Maximum height: 3 feet.

***Home Improvement sign.*** An onsite temporary stake sign that advertises the name, phone number, website address, and/or type of construction being performed on the property, such as a roof, fence, pool, paint, landscape, or other home improvement contractor.

- (A) No sign permit required.
- (B) A home improvement sign shall be removed within 15 days of being initially installed or when the home improvement work is completed, whichever occurs first. A home improvement sign shall be located only on the lot at which the home improvement is occurring.
- (C) A home improvement sign shall not be erected on private property closer than 10 feet from the edge of any street pavement or designated roadway. A home improvement sign shall not exceed 6 square feet in area. A home improvement sign shall not exceed four feet in height. A maximum of one home improvement sign shall be erected on a lot.

***Human sign.*** A sign held by or attached to a human being who stands or walks on the ground, on private property, at a business location.

- (A) No sign permit is required.
- (B) A human sign includes a person dressed in costume, both for the purpose of advertising or otherwise drawing attention to an individual, business, commodity, service, activity or product on the premise where the human sign is located.

(C) Human signs may not be off-premise from where a promotion, sale, event or the like takes place. Podiums, risers, stilts, vehicles, roofs, or other structures or devices shall not support a human sign.

(D) Human signs may be displayed 24 hours each and every continuing day until the promotion, sale, special event, or the like has ended.

***Illuminated sign.*** A sign designed or made that consists of lights, LEDs, or other form of illumination that displays a message or picture that does not scroll, fade, blink, flash, travel, or any other means that does not provide constant illumination. *Also see Electronic Message center signs.*

***Impounded sign.*** A sign that is legally removed by a city-authorized official, inspector, officer, other city employees or city-authorized persons in accordance with the provisions of this section.

(A) Impounded signs may be recovered by the owner within 15 days from the date of impoundment by paying a fee as established from time to time in the Master Fee Schedule.

(B) Illegal signs removed from public property, including the City of Farmersville's right-of-way, park property or other city maintained area may be immediately disposed of by the city in any manner it shall elect. *Also refer to "Public Nuisance".*

***Inflatable device sign (IDS).*** A sign manufactured of plastic, cloth, canvas or other flexible or light fabric, inflated with air. An IDS only brings attention to a business, advertises the opening dates, sale of items offered or sold, date of sale, name of business, telephone number, and/or website information of a business.

(A) An IDS shall be secured directly to, and not suspended or floating from, the ground.

(B) An IDS shall not be placed on a roof, canopy, parking garage, or awning, or suspended or floating from any building or garage.

(C) The maximum height of an IDS shall not exceed 30 feet. One banner may be applied to an IDS. A banner applied to an IDS shall not count toward the allotted number of banners during a calendar year. The maximum area of a banner applied to an IDS shall not exceed 48 square feet.

(D) An IDS shall not be installed within 200 feet from another IDS measured in a straight line in any direction.

(E) Cloud buster balloons, blimps, wind devices or any similar type of apparatuses are not an IDS. *Also see "Wind Device"*

(F) A sign permit is required.

(G) One IDS may be erected on a lot for not more than three 14-day periods per calendar year. A business can only display one IDS at a time. In the case of multiple businesses or tenants located on a single lot, each business is allowed to erect an IDS on the lot for not more than three 14-day periods per calendar year, provided that not more than one IDS is installed along any street frontage at the same time. One IDS per street frontage may be installed each time.

(H) An IDS shall not be located in required parking places, or driveways that provide access to parking spaces or fire lanes, nor shall any IDS or its securing devices encroach into a right-of-way.

(I) IDSs are only permitted within a nonresidential zoning district.

***Instructional/informational sign.*** The sole purpose of an instructional/informational sign is to provide instruction, information, or direction to the general public that is essential to the health, safety, and public welfare of the community.

(A) An instructional/informational sign shall contain no other message, copy, announcement, or decoration other than the essential instruction, information or direction and shall not advertise or otherwise draw attention to an individual, business, commodity, service, activity, or product. Such signs shall include, but are not limited to, a sign identifying a property address, street address, restrooms, public telephones, handicap parking spaces, reserved parking spaces, freeze warning, no trespassing, no dumping, no loitering, no soliciting, beware of warning, water resource information, neighborhood watch informational, lock/take and hide informational, construction entrance and/or exit signage.

(B) Instructional/informational signs erected by the city, local, federal or state governments for the purpose of public instruction, warnings or other similar hazards, street or highway designation, traffic control and similar purposes incidental to public interests shall be considered an instructional/informational sign. An instructional/informational sign will include a sign of a warning, directive or instruction erected by a public utility company that operates under a franchise agreement with the City of Farmersville and/or signs required by federal, state or other local authorities.

(C) A sign permit is not required.

(D) No restrictions.

(E) The maximum area of an instructional/informational sign is 16 square feet.

***Logo.*** Any design, insignia or other marking of a company or product, which is used in advertising to identify the company, business or product.

***Lot.*** An individual parcel or tract of land recorded by a plat or deed in the County Clerk's office.

**Lot line.** A line dividing one lot from another, or from a street or place.

**Menu board sign.** A sign erected in conjunction with a use that incorporates a drive-thru or drive-in and generally used to provide service and/or product options and pricing for patrons who remain in a vehicle.

(A) A sign permit is required.

(B) A menu board sign is permitted only in conjunction with a nonresidential use or in a nonresidential zoning district. The minimum front building setback is 25 feet from the property line.

(C) *Drive-thru menu board sign.* A menu board sign shall be supported from the grade to the bottom of the sign having or appearing to have a solid base. The design, materials, and finish of a menu board sign shall match those of the buildings on the same lot. One menu board sign is permitted per drive-thru use on a lot. The maximum sign area of a menu board sign is 60 square feet. The maximum height of a menu board sign is six feet.

(B) *Drive-thru pre-order sign.* A drive-thru pre-order sign shall be supported from the grade to the bottom of the sign having or appearing to have a solid base. The design, materials, and finish of a drive-thru pre-order sign shall match those of the buildings on the same lot. One drive-thru pre-order sign is permitted at the entrance of the drive-thru lane on a lot. The maximum sign area of a drive-thru pre-order sign is 24 square feet in area. The maximum height of a drive-thru pre-order sign is six feet.

(C) *Drive-in menu board sign.* A drive-in menu board sign shall be supported from the grade to the bottom of the sign having or appearing to have a solid base. If the drive-in stalls are covered by a canopy, the drive-in menu board signage may be attached directly to the canopy support columns. The design, materials, and finish of a drive-in menu board sign shall match those of the buildings on the same lot. One drive-in menu board sign is permitted per ordering station. The maximum sign area of a drive-in menu board sign is nine square feet. The maximum height of a drive-in menu board sign is six feet.

**Mobile Advertisement sign.** An operable or inoperable vehicle with illuminated or non-illuminated panels, other devices, or appendages, used to advertise, promote or draw attention to products, services, events, or other similar purpose, designed or intended to be relocated from time-to-time. A mobile advertisement includes signs on wheels or mobile structures, such as, among other things, trailers, skids, banners, tents or other mobile structures. The primary purpose of a mobile advertisement sign is advertising and is not used in the daily function of the business it advertises.

(A) A mobile advertisement is prohibited in the City of Farmersville and its extraterritorial jurisdiction for longer than 20 minutes in a 24 hour day.

(B) A mobile advertisement sign shall only be driven on public streets in the City of Farmersville and its extraterritorial jurisdiction. A mobile advertisement sign is not a “*Vehicle sign*”. Also refer to “*Portable sign*” and/or “*Vehicle sign*”.

***Model Home sign.*** A sign used to identify a builder or contractor model house that is open to the public for inspection by customers and located within a residential district. A model home sign provides a builder's name, corporate logo, hours of operation, website information, and/or telephone number.

(A) A sign permit is required.

(B) A model home sign is permitted on a lot that has been issued a building permit for construction of a residential dwelling or temporary sales trailer. A Model Home sign is a vertical framework consisting of one or more uprights supported by the ground. One model home sign is allowed per residential lot.

(C) The minimum front setback of a model home sign shall be 15 feet from the property line. The minimum side or rear setback of a model home sign shall be ten feet from the property line. The maximum area of a model home sign shall not exceed 32 square feet. The maximum height of a model home sign shall not exceed ten feet. The average finished grade of the lot shall not be altered to increase the height of a model home sign.

(D) Model home signs shall not contain neon or prohibited lights. Exterior lighting must meet the requirements of the light and glare standards as defined in Farmersville’s Comprehensive Zoning Ordinance, as it currently exists or may be amended.

***Monument sign.*** A freestanding sign having a low profile, supported from the grade to the bottom of the sign having, or appearing to have, a solid base, made of stone, concrete, metal, brick, routed wood planks or beams, or similar materials equivalent to the architecture of the building or complex.

(A) A sign permit is required.

(B) Maximum height for lots 5 acres or less: 8 feet including base, measured from grade.

(C) Maximum sign area for lots 5 acres or less is 64 square feet.

(D) Maximum height for lots 5 acres or more is 10 feet including base, measured from grade.

(E) Maximum sign area for lots 5 acres or more is 150 square feet.

(F) Setback: 15 feet from property line, if no curb line exists, the setback shall be 15 feet from property line.

(G) Number of signs allowed: No more than one monument sign per lot with the following exceptions:

(1) For lots over 5 acres, abutting a state highway which is not classified as a business route: Minimum 200 feet separation between other allowed permanent freestanding signs on the same lot.

(2) For lots over 20 acres: Minimum 300 feet separation between other allowed permanent freestanding signs on the same lot. *Also refer to Pylon sign.*

***Moving sign.*** Any sign, sign appendages or apparatus designed or made to move freely in the wind or designed or made to move by an electrical or mechanical device.

(A) Moving signs, and/or any sign appendage that moves, are prohibited in the City of Farmersville and its extraterritorial jurisdiction.

***Municipal Banner.*** A temporary sign having characters, letters, or illustrations applied to plastic, cloth, canvas, or other light fabric or similar material, with the only purpose of such nonrigid material being for background used by the City, either acting alone or in cooperation with another person or entity, to promote the City, aide in economic development or economic activity in the City, promote citizenry and good will, promote awareness of happenings in the City, promote municipal-related places, activities, events, or promote municipal-related information or an event or similar happening determined by the City to directly relate to the City's objectives in speaking on its own property. A municipal banner includes ornamentations and seasonal decorations.

(A) Written permission from the Building Official is required. No time restriction.

(B) A municipal banner may be erected on any city-owned property, including but not limited to pavilions, fences, walls, vehicles, poles and light poles, and/or any other structure or apparatus approved by the Building Official.

(C) Municipal banners shall not be faded, tattered or torn.

***Mural.*** Noncommercial pictures or artwork painted, drawn or applied on the exterior walls that do not depict or contain advertising, logos, or images of a product or service offered or sold on-premise or off-premise.

(A) Murals shall not be used to advertise products or services of any kind offered or sold off-premise or on-premise. Any form of wording or logo shall be of secondary nature to a mural.

(B) A sign permit is required.

- (C) A detailed drawing of the proposed mural shall be submitted to the City with the sign permit application for review to determine conformity with all applicable city, state and federal laws, statutes and ordinances.
- (D) The mural shall be executed in conformity to the detailed drawing of the proposed mural that is submitted to the City with the sign permit application.
- (E) A mural shall be located above grade and below a roof and only be located within a nonresidential zoned district. Murals shall not be applied to a roof or other similar cover of a building or structure. The maximum area of a mural shall not exceed the length or height of the exterior wall on which it is painted, drawn or applied. A mural shall not face a residential neighborhood, unless separated by a major thoroughfare.
- (F) Murals are permitted only in conjunction with a nonresidential use or in a nonresidential zoning district.
- (G) Murals shall not contain any matter that is obscene, or which offends the public morals, or that is inappropriate viewing material for anyone under the age of eighteen years including, but not limited to:
  - (1) “Nudity or a state of nudity,” “specified anatomical areas” and “specified sexual activities” as those terms are defined in the Section 5.105.1 of the Code of Ordinances of the City of Farmersville;
  - (2) Less than completely and opaquely covered human genitals, buttocks, or that portion of the female breast below the top of the areola; and
  - (3) Human male genitals in a discernibly turgid stage whether covered or uncovered.

***Nameplate sign or Address sign.*** A sign showing only the name and address of the owner or occupant of the premises with a maximum area of 2 square feet.

- (A) No sign permit is required.

***Neon tubing.*** A discharge tube containing neon that ionizes and glows with various colors when electric current is sent through it.

***Nonconforming sign.*** Any sign and its supporting structure that does not conform to all or any portion of this Code and was in existence and lawfully erected prior to the effective date of this Code; and was in existence and lawfully located and used in accordance with the provision of any prior ordinances applicable thereto, or which was considered legally nonconforming thereunder, and has since been in continuous or regular use; or was used on the premises at the time it was annexed into the city and has since been in regular and continuous use. A nonconforming sign may be maintained.

(A) The right to continue all nonconforming signs shall cease and such sign shall be removed whenever:

(1) An approved application for a certificate of occupancy has been submitted or a certificate of occupancy is issued as provided in the Comprehensive Zoning Ordinance and a sign is associated with such occupancy. This provision applies to on-premise advertising signs only.

(2) A sign is altered, moved or relocated without a permit pursuant to the provision of this Code.

(3) A sign leans such that an angle between the sign and the ground is 45° or less.

(B) If a structurally sound nonconforming sign is destroyed in part or in whole by fire, storm, wind, or any other uncontrollable event, the sign may be rebuilt to its original state unless the cost to repair exceeds 60% of the replacement cost on the date of damage. If a nonconforming sign is destroyed and removed by any other means, the sign must be repaired or replaced in compliance with this sign ordinance.

(C) Signs designated by official action of the City as having special historic or architectural significance are exempt from paragraph (A) of this section.

(D) A nonconforming general business sign situated on property purchased by the City may be relocated provided the sign is removed or rebuilt to conform to this Code within one year by the sign owner or responsible party. Relocation is limited to the same physical sign with no increase in height, area, or change in other physical attributes. For purposes of this provision, "A property acquisition initiated by the City" does not include right-of-way dedicated in the subdivision plat process. *Also refer to Public Nuisances*

**Notice.** Notice required by this Chapter shall be sufficient if it is affected by personal delivery or by registered or certified mail, return receipt requested, by the United States Postal Service and/or by posting notice at the premises.

**Off-premise or Off-location sign.** A sign that advertises, promotes, or pertains to a business, person, organization, activity, event, place, service, product, etc. at a location other than where the business, person, organization, activity, event, place, service, product, etc. is located.

(A) Off-location and off-premises signs are prohibited in the City of Farmersville and its extraterritorial jurisdiction.

**Official sign.** A sign erected by a governmental agency within its territorial jurisdiction for the purpose of carrying out an official duty or responsibility and including, but not limited to, traffic signs and signals, zoning signs, and street signs. Special lighting or

banners celebrating seasonal or civic events sponsored and/or endorsed by the City Council may be Official signs.

***On-premise or On-location.*** The property or location on which a business, person, organization, activity, event, place, service, product, etc. is located.

***Owner.*** The owner of the sign, land or structure, or person responsible for erecting, altering, replacing, relocating, or repairing the sign or structure.

***Permanent sign.*** Any attached or detached sign placed in a fixed location or affixed to a permanent structure of a maximum height and area.

***Pole sign.*** A sign erected on a vertical framework consisting of one or more uprights supported by the ground.

(A) Pole Signs are prohibited in the City of Farmersville and its extraterritorial jurisdiction. *Refer to Monument signs, Pylon signs, or Wall signs.*

***Political sign.*** A sign that relates to the election of a person to a public office, relates to a political party, relates to a matter to be voted upon at an election called by a public body, or contains primarily a political message.

(A) No sign permit required.

(B) Political signs shall be located only on private property with the consent of the property owner.

(C) A political sign shall not be erected closer than ten feet from the edge of the street pavement, located on any public property, or within a designated easement or right-of-way. Political signs shall not exceed eight feet in height measured from the ground to the highest point of the sign. Political signs shall not exceed 36 square feet in area. Political signs shall not be illuminated. Political signs shall not contain any moving elements or parts. Political signs shall not be dilapidated or cause a hazard.

***Portable sign.*** Any sign with illuminated or non-illuminated panels, other devices, or appendages, used to advertise, promote or draw attention to products, services, events, or other similar purpose, designed or intended to be relocated from time-to-time, whether or not it is permanently attached to a building or structure. Portable signs include signs on wheels or on portable or mobile structures, such as, among other things, trailers, skids, banners, tents or other portable structures.

(A) Portable signs are prohibited in the City of Farmersville and its extraterritorial jurisdiction except as specifically allowed by other sections of this Chapter.

(B) A portable sign is not a Vehicle sign. Also refer to “*Mobile Advertisement sign and Vehicle sign*”.

**Prohibited lights/lights.** Lights are any form of light sources or lumens, whether by electromagnetic radiation, flame, reflection, or any other form of lumens that act upon the retina of the eye and optic nerve that makes sight possible. Prohibited lights are lights that blink, strobe, flash, fade, scroll, or are anything other than stationary or static that attracts the attention of the general public, or causes light pollution or light trespass.

(A) Prohibited lights placed in any manner where the light is visible from the exterior of a business or other nonresidential use facility are prohibited in the City of Farmersville and its extraterritorial jurisdiction.

(B) Exception: Federal, state and municipal authorized emergency devices or apparatuses, emergency vehicles, utility repair vehicles, fire and building code light devices for emergency and/or security purposes, or other required lighting for public safety purposes are not prohibited and must comply with all applicable ordinances or regulations.

**Projecting sign.** A sign attached and projecting out from a building face or wall, generally at a right angle to the building. A projecting sign advertises the name, telephone number, street address, and/or website information of a business.

(A) A sign permit is required.

(B) A projecting sign is permitted only in conjunction with a nonresidential use or in a nonresidential district. When a projecting sign is constructed over a pedestrian sidewalk, a minimum of nine-foot clearance shall be provided between the grade of the sidewalk and the lowest portion of a projecting sign.

(C) A projecting sign shall not extend above a building wall.

(D) The maximum area of a projecting sign is 12 square feet.

**Property line.** The line denoting the limits of legal ownership of property.

**Public nuisance.** Any sign or similar device erected, constructed or placed in a manner that constitutes a traffic hazard, that causes annoyance either to a limited number of persons or to the general public, or causes a hazard or dangerous condition, any sign erected or constructed in or over any public right-of-way, or any prohibited or noncompliant sign.

(A) Any sign deemed to present an immediate danger to public health, safety or welfare; the City shall remove immediately. Within 10 days after the removal of the sign the owner of the property on which the sign was located shall be notified of the reasons for the removal of such sign.

(B) Upon written notification, to the owner, agent, or person having beneficial use of the land, building or structure upon which a neglected sign or an abandoned sign is located such neglected sign shall be repaired by the owner,

agent or person having beneficial use thereof and/or such abandoned signs shall be removed. The notification shall state that the offending sign shall be repaired or removed within 10 days after written notification to do so. The notification shall further state that if the sign is not removed or repaired, a citation may be issued and the City may pursue any remedy available to it to remove or repair the sign up to and including impoundment. Also refer to “Impounded signs”.

**Public view.** Visible from any public right-of-way, city right-of-way, or access easement.

**Pylon sign** - A freestanding sign supported from the grade to the bottom of the sign having, or appearing to have, a solid base made of stone, concrete, metal, brick, or similar materials designed to complement the architecture of the building or complex.

- (A) A sign permit is required.
- (B) Pylon signs are prohibited in Farmersville’s Central Area (CA) zoning districts.
- (C) Minimum height: 8 feet, maximum height: 20 feet, including base, measured from grade.
- (D) Maximum sign area: 150 square feet.
- (E) Setback: 15 feet from the back of curb or if no curb line exists the setback shall be 15 feet from property line.
- (F) Number of signs allowed: No more than one pylon sign per lot with the following exceptions:
  - (1) For lots over 5 acres, abutting a state highway which is not classified as a business route: Minimum 200 feet of separation between other allowed permanent freestanding signs on the same lot.
  - (2) For lots over 20 acres: Minimum 300 feet of separation between other allowed permanent freestanding signs on the same lot. Also refer to “Monument Sign” and “Pole Sign”.

**Rear Wall sign.** A sign erected onto a wall with no main entrances, no store fronts, and which does not face the front or side of the lot.

- (A) A sign permit is required.
- (B) A building may have a maximum of one rear wall sign.
- (C) Rear wall signs shall only be permitted in the Farmersville CA zoning district.

**Revolving sign.** Any sign that turns, spins, or partially revolves or completely revolves 360 degrees on an axis.

- (A) Revolving signs are prohibited in the City of Farmersville and its extraterritorial jurisdiction.

**Right-of-Way.** The area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the City has an interest.

**Roof sign.** A sign mounted on and supported by the roof portion of a building or above the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such a building or a sign that is painted directly to or applied on the roof or top of a building or structure.

- (A) A sign that is mounted on mansard facades, pent eaves or architectural projections, such as canopies or the fascia (wall) of a building or structure shall not be considered to be a roof sign.
- (B) Roof signs are prohibited in the City of Farmersville and its extraterritorial jurisdiction.

**Roof (secondary) sign.** A roof (secondary) sign is a sign that is mounted to or projects from a canopy or secondary roof over the entry to a building, but does not project above the highest point of the building. A roof (secondary) sign may be attached to a parapet wall.

- (A) A sign permit is required.
- (B) In lieu of a wall sign, a roof (secondary) sign may be installed on a parapet wall; provided, the parapet wall extends around the entire perimeter of the building at the same elevation. A roof (secondary) sign may be erected on a secondary canopy or a secondary roof over an entry to a building.
- (C) The structural or mechanical elements of a roof (secondary) sign shall not be visible from six feet above the grade of adjacent streets.

**Sandwich Board sign.** A temporary sign constructed of two pieces of wood, metal, or other similar material connected at the top by hinges or similar devices and may collapse when the connecting devices are overextended or the two pieces are against one another.

- (A) A sign permit is not required.
- (B) Sandwich board signs are only allowed to be displayed during normal daytime business hours between 8:00 a.m. and 5:00 p.m.
- (C) The maximum height is four feet. The maximum width is two feet. The maximum copy area is 8 square feet per side.

(D) One sandwich board is allowed per primary entrance to a commercial structure. A sandwich board sign must provide an unobstructed pedestrian clearance of at least four feet in width.

(E) A sandwich board sign shall not be placed in any median. A sandwich board sign shall not be placed within a utility or right-of-way easement. A sandwich board sign shall not be illuminated or contain any moving parts other than the fasteners holding the faces of the sandwich board sign together.

(F) A Sandwich board sign shall not be placed in any manner to interfere with vehicular traffic or cause a potential hazard. Sandwich board signs are allowed only in the CA zoning district. *Refer to "Signs in Central Area Zoning District". Also see "A-frame sign".*

**School sign.** An onsite temporary stake sign used to convey school registrations, enrollments, open houses, award ceremonies, PTA meetings, or other school-related events or functions for a Farmersville-based public or private educational facility to which the information pertains.

(A) A school sign excludes information pertaining to dates, times, and/or locations of scheduled athletic games.

(B) No sign permit is required.

(C) A school sign may be erected up to seven days prior to the event and shall be removed no more than 48 hours after the conclusion of the meeting or event.

(D) With permission of the owner, a school sign may be placed at a private or public school, and/or at an improved property that has received a certificate of occupancy. A school sign erected on private property shall be no closer than ten feet from the edge of any street pavement.

(E) The maximum area of a school sign shall not exceed six square feet. The maximum height of a school sign shall not exceed four feet.

(F) A school sign shall not contain balloons, streamers, flags, pennants, or wind devices.

**Security sign.** A sign which identifies emergency telephone numbers, hours, and security information.

(A) No sign permit is required.

**Sign.** Shall mean and include any medium, including its structure and component parts, including a name, number, identification, description and announcement, declaration, demonstration, device, display, flag, banner, pennant, illustration, beacon, light or insignia, and structure supporting any of the same, affixed directly or indirectly to or upon any building, structure, or vehicle, or erected or maintained upon a piece of land,

which directs attention to any object, project, product, service, place, activity, person, institution, organization or business. This definition shall also include any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, to communicate information of any kind to the public.

**Sign Area.** The gross surface area of the sign, including a single surface of a sign with messages on both sides, the sum of all surfaces where two or more signs share a single structure; the gross surface area of both faces of a V-shaped sign not to exceed a 45 degree angle; and the copy area of a monument sign.

- (A) The square footage of a sign made up of letters, words or symbols within a frame shall be determined from the outside edge of the frame itself.
- (B) The square footage of a sign composed of only letters, words or symbols shall be determined from imaginary straight lines drawn around the entire copy or grouping of such letters, words, or symbols.
- (C) Double-faced signs shall be calculated as the area of one side only.
- (D) Three-dimensional or multifaceted signs shall be calculated as the maximum area visible from any single direction at any point in time.
- (E) In the case of an irregularly shaped sign, the sign area is calculated by enclosing the extreme limits of the sign by no more than four rectangles. The sum of the area of the rectangles shall be the gross surface area. The maximum allowable area is reduced by 10% for the second and each subsequent rectangle used in the calculation.

**Sign Height.** The vertical height of a sign measured from the sign grade to the highest point of the sign or its structure.

**Sign Setback.** The horizontal distance between the closest portion of a sign, whether the support structure or edge of the sign area, and the front or side property line, as measured from that part of the sign, including its extremities and supports, nearest any point on an imaginary vertical plane projecting vertically from the front or side property line.

**Special Event.** Special events are generally defined as a festival, fair, tournament, or other similar happening.

- (A) Should City staff question a proposed activity or celebration as a valid special event, a description of the proposed activity or celebration will be prepared by the applicant and forwarded to the City Council by City staff for the City Council's consideration of the event as a special event.
- (B) Business promotions, such as grand openings and sales events, shall not be classified as a special event.

**Special Event signs.** Temporary signs, banners, pennants, or lights as may be authorized for a special event.

- (A) No sign permit is required.
- (B) Signage associated with a special event shall be erected no earlier than seven days prior to the event and removed no later than 24 hours after the conclusion of the event.

**Stake sign.** A temporary directional sign with a maximum height of 3 feet and a maximum copy area of 6 square feet with an end for driving into the ground. A stake sign includes but is not limited to “garage sale,” “realtor/open house,” “homebuilder directional,” “for rent/sale,” and similar signage.

**Subdivision Identity/Entrance sign.** A subdivision identity/entrance sign is a sign mounted to a screening wall or engraved into a masonry block which identifies a residential development or a planned development, whether residential or noncommercial, and generally refers to the platted name of the subdivision or planned development.

- (A) A sign permit is required.
- (B) A sign permit shall not be issued to erect or place a subdivision identity/entrance sign on a property until a final plat is approved by the planning and zoning commission for development of the property.
- (C) All subdivision identity/entrance signs shall be located within the platted limits of a residential subdivision to which it pertains. Subdivision identity/entrance signs may be in the form of a sign mounted to a screening wall that does not project from the fascia of the wall more than one inch. Subdivision identity/entrance signs are limited to two signs per entrance

**Temporary Religious sign.** A temporary stake sign used to provide the name of and direction to a location occupied by a religious organization or religious group that temporarily operates in a school or other facility. A temporary religious sign identifies the meeting location/address, website information, hours of service, and/or telephone number of a religious organization or group.

- (A) A sign permit is not required.
- (B) A temporary religious sign may be erected during times of worship provided that the sign is placed no earlier than two hours prior to worship and removed no later than two hours after worship.
- (C) A temporary religious sign shall be placed on private property with consent of the property owner. Temporary religious signs shall be erected on private property not closer than ten feet from the edge of any street pavement or designated roadway or right-of-way.

(D) The maximum area of a temporary religious sign shall not exceed six square feet. The maximum height of a temporary religious sign shall not exceed four feet.

(E) A temporary religious sign shall not contain balloons, streamers, flags, pennants, or wind devices. *Refer to Banner signs.*

**Temporary sign.** Any sign used to display information that relates to a land use, or a sign with a limited duration which is not rigidly and permanently installed into or on the ground, attached to a building, or as identified in this chapter.

**Traffic lights and signage.** Any traffic-related sign, light, apparatus, or device installed that provides information to vehicular drivers and/or pedestrian traffic.

(A) No sign permit is required.

(B) Traffic-related signs, lights, apparatuses, or devices requires approval from the engineering department, which includes the review and approval of design, size, placement, and any other specifications or requirements prior to installation from the traffic engineer.

(C) Exemption: Signs, lighting, apparatuses, and/or devices installed or required by federal or state laws.

**V-shaped sign.** A sign that fronts two street frontages with more than five degrees of parallel.

(A) V-shaped signs are prohibited in the City of Farmersville.

**Vacant Building sign.** No sign shall be permitted to remain on the lot of or on any vacant building, except a sign regarding the lease or sale of the building and property to which it pertains, or a sign which is under lease from an owner or his authorized agent when such sign is maintained by a person operating under his own bond.

(A) Vacant building signage is prohibited in the City of Farmersville.

**Variance request.** An official written request, to the planning and zoning commission, to allow exceptions to the regulations or requirements of this Code.

(A) Variance requests shall be in writing, authorized by the property owner. Variance request shall be heard by the Planning and Zoning Commission at a public hearing.

(B) An application for such a request may be obtained from the City.

**Vehicle.** Any operable or inoperable motorized machine on wheels, treads, or runners by which any person, materials, commodity, or property is or may be transported.

**Vehicle sign.** Any sign attached to any vehicle, truck, car, bus, trailer, boat, recreational vehicle, motorcycle or any other vehicle.

- (A) Any vehicle, whether operable or not, shall not be parked and/or decorated where the primary purpose is to use the vehicle as a sign.
- (B) Vehicle signs shall exclude bumper stickers and state required registration or inspection stickers.
- (C) No sign permit is required.
- (D) Vehicle signs are allowed 24 hours each and every continuing day. Vehicles signs are permitted provided the vehicle is operable, currently registered, and licensed to operate on public streets and actively used in the daily function of the business to which such sign relates.

**Vending Machine sign.** A sign attached to or incorporated as part of a vending machine or gasoline pump and generally advertises products dispensed, offered or sold from the vending machine or gasoline pump.

- (A) No sign permit required.
- (B) Vending machine signs may be displayed 24 hours each and every day.
- (C) Vending machine displaying vending machine signs shall not obstruct pedestrian or vehicular traffic.
- (D) Vending machine signs shall be directly attached to a vending machine or gasoline pump. Vending machine signs shall be flat and shall not project from the vending machine or gasoline pump. Unless, otherwise, required by federal, state or local laws, signs that promote products or other items shall not be attached to light poles, canopy supports, rails, trees, parking signs, vehicles, or other objects.

**Wall sign.** Any sign erected against an exterior wall, erected parallel directly onto a wall. A wall sign is a sign erected parallel to and extending not more than 12 inches from the facade of any building to which it is attached, supported throughout its entire length by the building face. A wall sign identifies the name of a business and/or logo of a business.

- (A) A sign permit is required.
- (B) Wall signs are permitted only in conjunction with a nonresidential use or in a nonresidential zoning district.
- (C) Maximum wall coverage for signs placed on the front or side of a building, which wall contains a main entrance into the building, above the highest opening (window or door), shall be limited to twenty-five percent (25%) of the area measured vertically from the highest opening (window or door) up to the

highest point of the wall; and horizontally from outside corner to outside corner of said wall, including openings.

(D) Maximum wall coverage for signs placed on the front or side of a building, which wall contains a main entrance into the building, below the top of the first floor opening (window or door), shall be limited to ten percent (10%) of the area measured vertically from the top of the highest opening (window or door) down to the sidewalk; and horizontally from outside corner to outside corner of said wall, including openings.

(E) Maximum wall coverage for rear wall signs shall be limited to fifteen percent (15%) of the rear wall surface; measured vertically from the bottom of the wall to the roof, and horizontally from outside corner to outside corner of the rear wall.

**Window sign.** Any sign, poster, window slick, or other similar displayed item, excluding banners, located on the internal or external surface of a window for the purpose of advertising a business' name, telephone number, website information, services, commodities, and/or products offered or sold that are available within the building that is visible from a public street or sidewalk.

(A) No sign permit required.

(B) The maximum area of a window sign shall not exceed 50 percent of the window where the sign is displayed. Illuminated window signs shall not exceed 25 percent of a window and shall not be closer than three feet from a public door. A window sign may be displayed 24 hours each and every continuing day.

(C) Window signs may be displayed and installed on the inside or exterior of a window.

(D) Illuminated and non-illuminated window signs or its appendages shall not blink, strobe, fade, flash, scroll, or move in any manner. Illuminated window signs shall remain static and stationary.

**Wind device.** Any pennant, streamer, spinner, balloon, cloud buster balloon, inflatable objects or similar devices made of cloth, canvas, plastic or any flexible material designed to float or designed to move, or which moves freely in the wind, with or without a frame or other supporting structure, used for the purpose of advertising or drawing attention to a business, commodity, service, sale or product.

(A) No permit is required.

(B) Wind devices are allowed for temporary events only. Temporary events include business grand openings, festivals, fairs, tournaments, or other similar happenings.

- (C) Wind devices shall be erected no earlier than seven days prior to an event and removed no later than 24 hours after the conclusion of the event.
- (D) Wind devices are allowed for not more than three 14 day periods per calendar year.
- (E) Flags and grand opening balloons or balloon arrangements shall not be considered a wind device.

***Yard sign.*** A temporary stake sign used to publicize the arrival of a newborn, participation of a family member in a school activity or sport, the presence of a security system, animals, and seasonal decorations.

- (A) No sign permit required.
- (B) Yard signs may be erected 24 hours each and every day.
- (C) Yard signs shall be located only on lots containing an occupied single-family, two-family, or multifamily dwelling. Yard signs shall be erected no closer than ten feet from the street pavement.
- (D) Signs advertising the presence of a home security system shall not exceed one square foot in area.
- (E) Signs advertising the arrival of a newborn, the participation of a family member in a school activity or sport, or the presence of animals shall not exceed four square feet in area.
- (F) Seasonal decorations are excluded from place and manner requirements.

***Zoning sign.*** A temporary sign erected to publicize a request to zone or rezone a property.

- (A) No sign permit required.
- (B) The zoning sign shall be placed in a location visible from all streets adjacent to the property included in the zoning request. One zoning sign shall be erected adjacent to each street frontage of the property. The area of a zoning sign shall be 16 square feet. The width of a zoning sign shall be four feet.

***Sec. 3-2. Prohibited Signs.***

- (A) The following signs are prohibited in the City of Farmersville:
  - (1) Any sign that uses any combination of forms, words, colors, or lights which imitate emergency or traffic signs or signals;
  - (2) Any obsolete or abandoned sign;

- (3) Any sign not specifically permitted by this ordinance;
  - (4) Any sign which exceeds the maximum height and area requirements established in this ordinance and any temporary sign exceeding the time limits established in this ordinance;
  - (5) Any sign not referenced in or governed by this Code;
  - (6) Any sign erected or installed without the issuance of a permit (if a permit was required), either prior to or after the adoption of this Code;
  - (7) Any sign that emits odor or visible matter;
  - (8) Any sign erected or installed in or over a right-of-way or access easement, unless permitted within this Code;
  - (9) Any sign that does not comply with this or other applicable municipal ordinances, or those which do not comply with federal or state laws;
  - (10) Pole signs;
  - (11) Off-Premise signs; or
  - (12) Vehicular signs.
- (B) It shall be unlawful for any person to display upon any sign any obscene, indecent or immoral matter, such as will offend public morals or decency.
- (C) No person shall place or suspend from any building, light pole, utility pole, structure, sidewalk, parkway, and driveway or parking area, any goods, wares, merchandise or other advertising or display of such items other than a sign, as defined, regulated and permitted by this code.
- (D) No cloth, paper, banner, flag, device or other similar advertising matter shall be permitted to be attached to, suspended from or be allowed to hang from, any sign, building or structure, when the same shall create a public nuisance or danger.
- (E) No person shall attach any sign, paper or other material, or paint, stencil, or write any name, number (except address numbers) or otherwise mark on any sidewalk, curb, gutter, street, utility pole, public building, fence or structure except as otherwise allowed by ordinance.
- (F) No person, firm, corporation or association of persons, shall paste, stick, tack, nail or otherwise place any advertisement, handbill, placard or printed,

pictured or written matter or thing for any purpose upon any fence, railing, sidewalk or public property, including trees thereon.

(G) It shall also be unlawful for any person to scatter or throw any handbills, circulars, cards, tear sheets or any other advertising device of any description, along or upon the street or sidewalk in the City.

(H) No sign shall be illuminated to such intensity or in such a manner as to cause a glare of brightness to a degree that it constitutes a hazard or nuisance to traffic. Moving, flashing, intermittently lighted, color changing, beacons, undulates, swings, rotates, revolving or similarly constructed signs shall not be allowed, except for time and temperature on an otherwise permitted sign, except as signs hung or displayed inside a window.

(I) No rear lighted, or internally lighted, plastic signs shall be allowed in the Central Area zoning district.

(J) No portion of any sign shall be erected on or over public property, unless the same is erected by the City, or with the permission of the City.

(K) Any sign erected on a vertical framework supported by and located immediately and entirely over the roof of a building is prohibited.

(L) No portion of any sign shall be painted directly on to the exterior wall or facade of any building or structure other than on a window or door.

#### **Article 4. ZONING DISTRICTS AND SPECIAL REQUIREMENTS**

##### ***Sec. 4-1. Signs for the Central Area Zoning District (CA).***

(A) Policy and Purpose.

(1) The CA is a unique historical and cultural environment that provides a certain charm and aura to the City which cannot be replaced and is worthy of preservation.

(2) In an age of uniform franchise signs and generic plastic “box” signs, historic signs and even new historic styled signs (signs which emulate or imitate historic signage) often attract by their individuality. Historic signage typically allowed buyers and sellers to communicate quickly using images that were the medium of daily life. By communicating names, addresses, prices, products, images and other fragments of daily life, historic styled signs also bring the past to life.

(B) Design Considerations.

(1) In order to preserve the benefits of the CA, all signs in the CA shall have a design appearance compatible with, reflective of, and incorporating materials and

design elements utilized in the original building design, time era, and historic downtown character of the CA. The following points should be considered when designing and constructing new signs for structures in the CA:

- (a) New signs should emulate or imitate historic signage. The simple signs that were originally used on these buildings serve as the best example for new signs.
- (b) Signs should be viewed as part of an overall graphics system for the historic building to which they are attached. Signs should work with the building, rather than against it.
- (c) New signs should respect the size, scale and design of the historic building.
- (d) Sign placement is an important decision and new signs should not obscure significant architectural features and building elements or design details of a historic building.
- (e) New signs should also respect neighboring buildings and add to the tapestry and appeal of the CA. New signs should not overpower the historic building to which they are attached or adjacent structures.
- (f) Sign materials should be compatible with the historic character of the building and the CA. Materials characteristic of the building's period and style, used in contemporary designs, can form effective new signs.
- (g) New signs should be attached to the building carefully to prevent damage to historic fabric and to ensure the safety of pedestrians. Fittings should penetrate mortar joints rather than brick, for example, and sign-loads should be properly calculated and distributed.

(C) Sign Standards.

- (1) Allowable signs in the CA include general business signs, incidental signs, menu boards, nameplates, wall signs and rear wall signs.
- (2) Signs shall be designed for pedestrian and slow moving traffic. Big does not mean better.
- (3) Signs shall be flat signs with an allowable thickness of no more than four inches (4"), measured from the wall surface to that portion of the face of the sign which projects furthest away from the building wall.
- (4) Signs should be placed under the lower cornice. No sign shall be allowed above the top of the second-story windows of a building.

(5) Signs may be placed on the building's fascia or on the sign frieze, which is the horizontal flat bank above the store windows. Such signs may be on a flat signboard or made of individual letters or symbols attached to the building's fascia or sign frieze.

(6) Signs may be placed on an awning.

(a) Only one awning sign is allowed per building.

(b) Awnings shall be positioned to emphasize special shapes or details of the façade, draw attention to shop entrances, or to emphasize a display window.

(c) Awning signs positioned along the first floor level of the façade shall be no less than eight feet (8') from the sidewalk to the sign.

(d) Awning signs shall not extend beyond the awning or canopy projection.

(e) Awnings and Awning Signs shall not be made of metal, shiny plastic, barrel or square extension awning, or internally-illuminated vinyl awning.

(7) Sandwich boards are allowed provided they adhere to the following criteria:

(a) One sign per primary entrance;

(b) May extend out a maximum of two feet from the building, with the maximum of six square feet of sidewalk area used.

(8) Projecting signs that hang over the sidewalk are discouraged because they often obscure individual buildings and interrupt the visual harmony of the street. A projecting sign that is attached to a wall and extends out from a building may be used provided it meets the following criteria:

(a) The projecting sign shall not extend more than fifteen inches (15") in whole or in part horizontally or diagonally beyond the surface of the building to which it is attached;

(b) The projecting sign shall be placed along the first floor level of the facade;

(c) Projecting signs must have a minimum clearance above the sidewalk of eight feet (8') and shall not extend twelve feet (12') or more above the sidewalk nor above the roof line of the building to which it is affixed;

- (d) The projecting sign shall be of a unique shape and design or symbolize the services offered within the business being advertised such as a bowl and trestle advertising a drug store or pharmacy; and,
- (e) The projecting sign shall be no more than four inches (4”) thick.
- (9) Materials and colors shall be harmonious with the architecture of surrounding structures in the CA.
- (10) Sign materials should be durable and easy to maintain. Appropriate and acceptable sign materials include: painted or carved wood; carved wooden letters; galvanized sheet metal; porcelain enamel; slate, marble, or sandstone; gold leaf; gilt, painted, stained, or sandblasted glass; or stained glass. Plastic shall not be allowed unless it is determined to have the appearance of one of the appropriate sign materials identified herein.
- (11) A sign in the CA shall not visually dominate the structure to which it belongs or call undue attention to it.
- (12) No “Day Glow,” fluorescent, neon or brilliant bright colored signs shall be allowed in the CA. Standard or traditional colors shall be used.
- (13) No rear lighted, or internally lighted, plastic signs shall be allowed in the CA.
- (14) No sign shall contain any moving parts or be lit from behind or internally unless and except it is a historically accurate reproduction of a sign previously existing in the specific location proposed.

**Sec. 4-2. Zoning Districts.**

The zoning district in which the sign is located as established by the City of Farmersville Comprehensive Zoning Ordinance and as indicated on the City of Farmersville Zoning Map. The Comprehensive Zoning Ordinance and the Zoning Map may be amended from time to time.

- **Single-family Residential District** – includes area located in districts zoned SF-1, SF-2, SF-3, and PD-Planned Development
- **Multi-family Residential District** – includes area located in districts zoned 2-F Duplex, MF-1, MF-2 Multi-family, and PD-Planned Development.
- **Office and Office Technology District** - – includes area located in districts zoned O–Office, CA-Central Area, HC-Highway Commercial, and PD-Planned Development.
- **Commercial/Retail District** - includes area located in districts zoned GR-General Retail, NS-Neighborhood Services, HC-Highway Commercial, CA-Central Area, and PD-Planned Development .

- **Industrial District** - includes area located in districts zoned L1-Light Industrial, L2-Heavy Industrial, and PD-Planned Development.

**Article 5.      INSPECTIONS AND DESIGN REQUIREMENTS**

**Sec. 5-1.      Inspection.**

The building official is authorized to perform an inspection of all signs. The purpose of the inspection is to ensure that the sign has been constructed in accordance with this article, other applicable ordinances, and the applicable permits. The method and time of such inspections shall be determined by the building official.

**Sec. 5-2.      Sign specifications, design and other requirements.**

(A) *Compliance with comprehensive zoning ordinance, International Building Code, National Electrical Code, and other ordinances.* All sign structures shall comply with the City's Comprehensive Zoning Ordinance, as it currently exists or may be amended, the International Building Code, the National Electrical Code, and other City ordinances, as they currently exist or may be amended. If the standards as described herein are more restrictive than another ordinance or code, then the provisions of this article shall apply.

(B) *Visibility.* All signs shall observe all visibility requirements. Signs shall not be placed within visibility triangles, corner clips, or easements as defined in the City's Thoroughfare Design Manual, as it currently exists or may hereafter be amended. Signs shall not create a hazard.

(C) *Signs posted in specified areas.* Unless otherwise permitted within this article, no person shall post or cause to be posted, attach or maintain any sign upon:

- (1) Any city-owned property or right-of-way without written permission of the city manager or his designated representative;
- (2) Any utility easement. Should a property owner be able to demonstrate to the city engineer and/or franchise utility company that there is no other viable location for a sign other than a utility easement, a sign may be located within the utility easement subject to written approval from the city engineer and/or franchise utility company and subject to the providing of a letter to the city releasing the city of any liability for repair or replacement of a sign damaged by work occurring within the utility easement;
- (3) Any tree, utility pole or structure, street sign, rail, or any fence;
- (4) Any fence, railing or wall, except in accordance with section 3-1 of this article (wall sign); or
- (5) Any sidewalk within the right-of-way or sidewalk easement, curb, gutter, or street, except for house numbers or fire lane designation.

(D) *Signs attached to fire escapes.* No sign shall be attached in any manner to any fire escape or to the supporting members of any fire escape, nor shall it be guyed to or supported by any part of a fire escape.

(E) *Accumulation of rainwater.* All signs shall be constructed to prevent the accumulation of rainwater in the sign.

(F) *Location near telephone cable, power line, or street light.* No sign shall be erected nearer than two feet from any telephone cable, power line or any street light standard.

(G) *Signs not to block or interfere with exits or windows, or pedestrian and vehicular traffic.* No sign shall be erected to block, partially block, or interfere in any way, with a required means of exit from any building nor with any window. No sign shall block, interfere, or otherwise hinder pedestrian or vehicular traffic on a public sidewalk, a public thoroughfare, a fire lane easement, or a driveway required to access parking.

(H) *Glass signs over public property or pedestrian area.* Signs constructed of glass or other materials which may shatter upon impact are prohibited over a public right-of-way or pedestrian area.

(I) *Assumed wind load for design purposes.* For the purposes of design of structural members in signs, an assumed wind load of 20 pounds per square foot shall be used.

(J) *Multiple signs on a property or building.* The permitting of a sign on a property or building shall not preclude the permitting of other types of signs on a property or building, unless the signs are expressly prohibited herein.

(K) *Exemptions.* Signs located within a building, with the exception of window signs, shall not be regulated by this article.

## **Article 6. VARIANCES**

### **Sec. 6-1. Variance Procedures.**

The Farmersville Planning and Zoning Commission shall perform the functions of the Sign Board of Appeals (the Board). Refer to Section 7-1 for more information regarding the Sign Board of Appeals.

(A) Requests for variances to sign regulations and allegations of errors in orders, decisions, or determinations by an administrative official in the administration of the sign regulations shall be made in writing by the applicant and heard by the Board at a public hearing. An application for such appeal may be obtained from the City. The Board shall hear, if possible, the request for a variance or the allegation of error within 30 days after receipt of a completed application and applicable application fees. The application will require written authorization from the property owner before being filed.

(B) Before the tenth day before the date of the public hearing conducted by the Board, written notice of the public hearing shall be sent by its deposit in the United States mail to each owner, as indicated by the most recently approved municipal tax roll of property within 200 feet of the property on which the variance is proposed. The notice shall include a description of the time and place of such hearing, a description of the location of the subject property, and a description of the requested variance. In addition, the notice shall be published in the official newspaper of the City stating the time and place of such hearing, a minimum of ten days prior to the date of the public hearing.

(C) In order to approve a request for a variance, the Board shall determine whether the request meets three of the following four criteria:

- (1) The proposed sign shall not adversely impact the adjacent property (visibility, size and the like);
- (2) The proposed sign shall be of a unique design or configuration;
- (3) The variance is needed due to restricted area, shape, topography, or physical features that are unique to the property or structure on which the proposed sign would be erected;
- (4) The variance will substantially improve the public convenience and welfare and does not violate the intent of this article.

(D) Should the Board deny a request for a variance, the applicant may appeal the request to City Council. A vote of three-fourths of the council members present, or four votes, whichever is greater is required to approve the appeal. The City Council's decision is final. The appeal to the City Council will require re-notification of the surrounding property owners and publication in the newspaper in the same manner described in subsection (B), above.

(E) A variance shall not be approved for a sign that is prohibited by this article.

## **Article 7. THE SIGN BOARD OF APPEALS**

### **Sec. 7-1. Operation Procedures for Sign Board of Appeals.**

(A) The Sign Board of Appeals shall adopt rules to govern its proceedings provided that such rules are not inconsistent with this Code. Meetings of the Board will be held at the call of the Chairman or at times the Board determines necessary. All meetings shall be held in accordance with the Texas Open Meetings Act. The Chairman or, in his absence, the acting Chairman, may administer oaths and compel the attendance of witnesses.

(B) The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote, indicating such fact, and other

official actions. All records shall be immediately filed in the office of the City Secretary and shall be a public record.

(C) The Board may hear appeals by any person aggrieved, or by any officer, department or board of the City affected by any decision of the Building Official. Such appeal shall be taken within 10 days' time after the decision has been rendered by the Building Official, by filing with that officer and with the Board a notice of appeal specifying the grounds thereof, accompanied by a filing fee as provided for in the Master Fee Schedule. The Building Official shall transmit to the Board all of the papers constituting the records upon which the action appealed from was taken.

(D) An appeal shall stay all proceedings in furtherance of the action appealed for, until the Board takes action, unless the Building Official certifies to the Board, after the notice of appeal shall have been filed, that in his opinion such stay will cause imminent peril to life. In such a case, proceeding shall not be stayed. Notwithstanding the foregoing, any criminal action having been commenced in the Municipal Court shall not be stayed.

(E) No appeal to the Board for the same or a related variance on the same piece of property shall be allowed prior to the expiration of six months from the previous ruling by the Board, unless other property in the immediate vicinity has within said six months, been changed or acted on by the Board or City Council so as to alter the facts and conditions upon which the previous Board action was based, as determined by the Board. Such change of circumstances shall permit the rehearing of an appeal prior to the expiration of a six-month period, but such conditions shall not have any force in law to compel the Board after hearing, to grant a subsequent appeal; such subsequent appeal shall be considered entirely on its merits and the peculiar and specific conditions related to the property on which the appeal is brought.

(F) At a public hearing, any interested party may appear before the Board in person or by agent or by attorney. The burden of proof shall be on the applicant to establish the necessary facts to warrant favorable action of the Board on any matter. Any action granting a variance authorizing the issuance of a sign permit shall be valid for only 60 days, unless said permit is secured in this 60-day period and construction is commenced in accordance with the Building Code, in which event the action of the Board shall be permanent with regard to the specific sign for which a variance is granted. If said sign permit is not secured in the 60 days, or such period granted by the Board, the action subsequent appeal and such appeal shall be subject to the same regulation and requirement for hearing as herein specified for the original appeal.

***Sec. 7-2. Action of The Board.***

(A) In exercising its powers, the Sign Board of Appeals may amend, reverse or affirm, wholly or in part, or may modify the order, requirements, decision or determination appealed from and make such order, requirement, decision or determination in the Board's opinion as ought to be made. The Board shall have the power to impose reasonable conditions in order to assure compliance and protect adjacent property.

(B) The concurring vote of at least four members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Official, or to decide in favor of the applicant in any matter upon which the Board is required to act under this subchapter or to cause any variance to this Code.

***Sec. 7-3. Notice of Hearing before the Board.***

(A) The Sign Board of Appeals shall hold a public hearing on all requests made to it. Notice shall be given by publishing the same in the official publication of the City at least ten days prior to the date set for the hearing, which notice shall state the time and place of the hearing.

(B) Before the tenth day before the date of the public hearing conducted by the Board, written notice of the public hearing shall be sent by its deposit in the United States mail to each owner, as indicated by the most recently approved municipal tax roll of property within 200 feet of the property on which the variance is proposed. The notice shall include a description of the time and place of such hearing, a description of the location of the subject property, and a description of the requested variance. In addition, the notice shall be published in the official newspaper of the City stating the time and place of such hearing, a minimum of ten days prior to the date of the public hearing.

(C) The Sign Board of Appeals shall also comply with the notice requirements of the Texas Open Meetings Act.

***Sec. 7-4. Jurisdiction of the Board.***

(A) When, in its judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially injured, the Sign Board of Appeals may, in specific cases, after public notice and hearing, and subject to appropriate conditions and safeguards, authorize the following variances to the regulations established by this ordinance and take action relative to the continuance or discontinuance of a nonconforming use as follows:

(1) Hear and decide appeals where it is alleged there is an error on any order, requirement, decision or determination made by the Building Official in the enforcement of this Code.

(2) Authorize the reconstruction of a nonconforming sign provided such reconstruction does not, in the judgment of the Board, increase the degree of nonconformity of the sign.

(3) Authorize such variance where the literal enforcement of the provisions of this Code would result in an unnecessary hardship, and where such variances are deemed necessary to permit a sign on a specific parcel of land which differs from other parcels of land in the same zoning district by being of such restricted area, shape or slope that a sign cannot be placed on the parcel in a manner commensurate with those signs permitted on other parcels of land in the same zoning district. The modification of the standards established in this Code shall

not be granted to relieve a self-created or personal hardship, not for financial reason alone, nor shall such modification be granted to permit any person a privilege in placing a sign on a parcel of land not permitted by this Code to other parcels of land in that district.

(4) Authorize a special exception for one off-site temporary directional ground sign for residential subdivisions. The sign shall be limited to 32 square feet in area, 20 feet in height and placed a minimum of 15 feet from any street abutting property lot lines. Such a sign shall be allowed only in case of a geographical hardship and for a specific time period, but no longer than 3 years.

(5) Authorize a special exception allowing a single business to include their company logo or name on a subdivision entry sign structure when the Board determines the following:

(a) That the granting of such special exception will be consistent with the general purpose and intent of this Code, and will serve the general welfare and preserve the community interest; and

(b) The request is for a minimum subdivision size of 100 acres; and

(c) A single logo or company name is limited to the permitted subdivision entry sign structures at only one main entrance to the subdivision; and

(d) The logo or name must be subordinate to the subdivision identification sign; and

(e) Any conditions that the Board believes are necessary to secure substantially the purpose and intent of this Code.

(6) Authorize a special exception allowing a business wall sign increased area when the Board determines the following:

(a) That the granting of such special exception will be consistent with the area's 19th and early 20th century small town Texas character in size, shape, style, color and content; and

(b) The wall sign is placed on a single tenant building with a minimum floor area of 4,000 square feet; and

(c) The maximum wall sign area authorized is 100 square feet; and

(d) The maximum number of wall signs with an area increase allowed is two per building, meeting the criteria of (b) above; and

(e) Any conditions that the Board believes are necessary to secure substantially the purpose and intent of this Code.

(7) Authorize a special exception allowing multiple lots to be considered as a single site in determining the maximum number of signs allowed, the maximum sign size, or determining whether the sign is an on-premise sign. The Board shall make the following findings:

- (a) That the granting of such special exception will be consistent with the general purpose and intent of this Code, and will serve the general welfare and preserve the community interests; and
- (b) At least one of the lots being considered is three acres or larger; and
- (c) Freestanding signs serving individual lots on the multiple lot site are removed.

(B) No variance may be granted if the granting of that variance will create an unnecessary hardship upon another parcel of land. The Board is not authorized to grant a variance to any provision of the zoning district in which a sign is permitted. In order to make a finding of hardship and to grant a variance, the Board shall find:

- (1) The requested variance does not eliminate any requirement of this Code and does not allow any prohibited signs or acts;
- (2) The hardship is not in any way the result of the applicant's own action; and
- (3) The hardship is peculiar to the property of the applicant and not due to the general conditions of the neighborhood.

Economic gain or loss shall never be sufficient grounds for the finding of a hardship or the granting of a variance.