



**CITY OF WHARTON
PLANNING COMMISSION MEETING**

**Monday, October 7, 2024
4:30 PM**

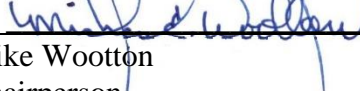
120 E. CANEY ST., WHARTON, TX 77488

**NOTICE OF
CITY OF WHARTON
PLANNING COMMISSION MEETING**

Notice is hereby given that a Planning Commission Meeting will be held on Monday, October 7, 2024 at 4:30 PM at the Wharton City Hall, 120 East Caney Street, Wharton, Texas, at which time the following subjects will be discussed to-wit:

SEE ATTACHED AGENDA

Dated this 3 day of October 2024.

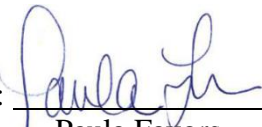
By:  _____
Mike Wootton
Chairperson

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the Planning Commission Meeting is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin board, at City Hall of said City in Wharton, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted on October 4, 2024, at 4:30 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said Meeting.

The Wharton City Hall is wheelchair accessible. Access to the building and special parking is available at the primary entrance. Persons with disabilities, who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the City Secretary's Office at (979) 532-4811 Ext. 225 or by FAX (979) 532-0181 at least two (2) days prior to the meeting date. BRAILLE IS NOT AVAILABLE.

Dated this 4 day of October 2024.

CITY OF WHARTON

By:  _____
Paula Favors
City Secretary



A G E N D A
CITY OF WHARTON
Planning Commission Meeting
Monday, October 7, 2024
City Hall - 4:30 PM

Call to Order.

Roll Call.

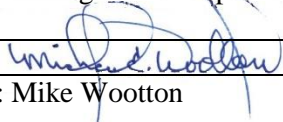
Review & Consider:

1. Reading of the minutes from the special called meeting held July 30, 2024.
2. Request from Mr. Larry Sitka, for: (1) a front setback variance on Fulton St. of 25' from the required 50', (2) a variance to allow more than 1 free standing commercial sign on the same property and (3) have a separation of less than 500 feet between off-premise signs on the same side of a public street.

Adjournment.

City of Wharton
120 E. Caney Street
Wharton, TX 77488

PLANNING COMMISSION

Meeting Date:	10/7/2024	Agenda Item:	Reading of the minutes from the special called meeting held July 30, 2024.
At this time, the Commission may review and approve the minutes from the special called meeting held July 30, 2024.			
Director of Planning & Development: Gwyneth Teves		Date: Thursday, October 3, 2024	
Approval: 			
Chairperson: Mike Wootton			

**MINUTES OF
CITY OF WHARTON
SPECIAL CALLED
PLANNING COMMISSION MEETING
CITY HALL
120 EAST CANEY STREET
WHARTON, TEXAS 77488**

**Tuesday, July 30, 2024
4:30 P.M.**

Mike Wootton, Chairperson declared the meeting of the Planning Commission duly open for the transaction of business at 4:31 p.m.

Commissioners present were: Mike Wootton, Michael Quinn, Adraylle Watson and Johnnie Gonzales.

Commissioners absent were: Rob Kolacny and Joel Williams.

Staff members present were: Gwyneth Teves, Director of Planning & Development.

Visitors present were: None.

Call to Order.

Roll Call.

Review and Consider:

The first item on the agenda was to review and consider the election of officers. Commissioner Michael Quinn motioned for the following officers to be appointed: Michael Wootton for chairperson, Rob Kolacny for vice-chairperson and Michael Quinn for secretary. Adraylle Watson, Commissioner seconded the motion. All voted in favor.

The second item on the agenda was to review and consider reading of the minutes from the regular called meeting held July 1, 2024. Michael Quinn, Commissioner, moved to approve the minutes as presented. Adraylle Watson, Commissioner, seconded the motion. All voted in favor.

The third item on the agenda was to review and consider a request from Ms. Sheila Hoffman, 212 S. Resident St., Wharton, Block 5, Lot 5A, 7 & 8 for a 20' front building line setback from the required 25' setback to construct a patio cover 5' from the property line. Adraylle Watson, Commissioner, moved to recommend approval of the variance request to the City Council for final decision noting the recommendation would also show the approval took into consideration the commercial occupancy of the adjoining properties. Johnnie Gonzales, Commissioner, seconded the motion. All voted in favor.

The fourth item on the agenda was to review and consider a request from Mr. Ronnie Wittig. on behalf of F&W Storage Company LLC to replat 1014 N. Richmond Rd., Toxey, Block ODD, Lot 3, 3B & Victor Subdivision, Block 4, Lot 7 replat for commercial redevelopment. Michael Quinn, Commissioner, moved to recommend approval of the replat request to the City Council for final decision. Adraylle Watson, Commissioner, seconded the motion. All voted in favor.

Special Called Planning Commission Minutes
Monday, July 30, 2024
Page 2 of 2

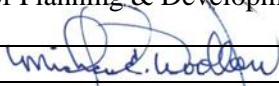
Adjournment. The meeting was adjourned at 4:39 p.m.

Mike Wootton, Chairperson

Michael Quinn, Secretary

City of Wharton
120 E. Caney Street
Wharton, TX 77488

PLANNING COMMISSION

Meeting Date:	10/7/2024	Agenda Item:	Request from Mr. Larry Sitka, for: (1) a front setback variance on Fulton St. of 25' from the required 50', (2) a variance to allow more than 1 free standing commercial sign on the same property and (3) have a separation of less than 500 feet between off-premise signs on the same side of a public street.
<p>At this time, the Commission may review and consider a request from Mr. Larry Sitka, for: (1) a front setback variance on Fulton St. of 25' from the required 50', (2) a variance to allow more than 1 free standing commercial sign on the same property and (3) have a separation of less than 500 feet between off-premise signs on the same side of a public street.</p> <p>See attached supporting documents.</p>			
Director of Planning & Development: Gwyneth Teves		Date: Thursday, October 3, 2024	
Approval: 			
Chairperson: Mike Wootton			

**CITY OF WHARTON
PLANNING COMMISSION
APPLICATION FOR VARIANCE**

Item-2.

NOTE: If variance request is approved by the Planning Commission, the request will then be presented at the next City Council meeting for City Council consideration. Attendance by the applicant requesting the variance is mandatory during the City Council meeting. If applicant fails to attend the meeting, the variance request will not be considered by the City Council at that time. The expiration date for approved variance application will be six months from the date of approval of the variance. If construction has not commenced within that six month period, the applicant must re-apply for the variance.

LARRY SITHA 9-11-24
Name (Printed) Date

Physical Address Mailing Address
[Redacted] [Redacted]
Phone [Redacted]

Describe the variance request and the reason for requesting variance:
To place a sign

ATTACH A SITE PLAN WITH DIMENSIONS TO PROPERTY LINES:

SIGNATURE OF APPLICANT:
Larry Sitha 9-11-24
Signature Date
Planning Commission Meeting: 10-7-24 430p
City Council Meeting: 10-14-24 7pm

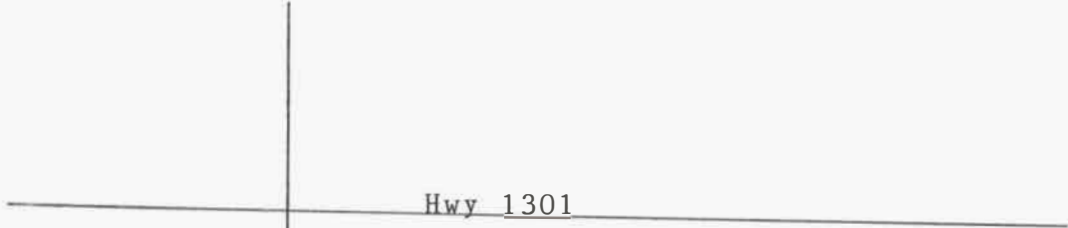
Building line setbacks Only	
Residential	\$100.00
Non-Residential	\$150.00 ✓
Non-Refundable fee	
Effective November 3, 2006	

ADJACENT PROPERTY OWNER (S):
LARRY SNAKE RANCH
Name
[Redacted]
Legal Address
BARBARA MORRIS
Name
PO Box 686 WHARTON
Legal Address
Name
Legal Address

[Redacted]
Physical Address
Phone
Physical Address
Phone
Physical Address

George H. Jones 9-18-2024
Planning Department Date
Chairman of the Planning Commission Date
Mayor Date

Larry Sitka
[REDACTED]
Wharton, Texas 77488



Fulton Street

SIGN

8' x 8'

DOUBLE FACE SIGN

TWO DIFFERENT STREETS



10ft - 12ft

N.G.





Item-2.

© 2024 Microsoft Corporation
© 2024 Maxar
© CNES (2024) Distribution Airbus DS
© 2024 TomTom
[Terms of Use](#)

A⁺ 11 A⁻

50 ft Resolution: 0.27 Powered By: <TRUE PRODIGY>

Chapter 66 SIGNS AND ADVERTISING¹

ARTICLE I. IN GENERAL

Sec. 66-1. Purpose.

- (a) The purpose of this chapter is to establish clear and unambiguous regulations pertaining to signs in the City of Wharton and to promote thereby an attractive community, foster traffic safety, preserve and protect the quality of life and real estate values forming the city's tax base, and enhance the effective communication and exchange of ideas and commercial information. The City Council of the City of Wharton hereby finds the following legislative facts:
- (1) The proliferation of signs creates commercial confusion and makes it difficult for travelers and motorists to locate the goods and services they seek.
 - (2) The increasing height of signs within the city is an endless battle for higher and more visible signs, and a reasonable limitation on the height of signs is necessary to prevent potential visual pollution, windstorm damage, injury or death.
 - (3) Excessive height in signs creates visual clutter and the establishment of a reasonable maximum height for signs will allow effective communication, pedestrian and vehicular safety, and prevent altitude competition.
 - (4) Reasonable provisions pertaining to size, scale, location, design, lighting, permanency, and maintenance are necessary to avoid visual clutter, preserve and improve the appearance and character of the community, to avoid traffic line-of-sight problems caused by signs or structures in close proximity to streets, which compete with traffic signs and signals for the attention of motorists, and to prevent deterioration, disregard, and abandonment of signs or structures.
- (b) The council recognizes that signs are necessary for visual communication for public convenience, and that businesses and other activities have the right to identify themselves by using signs which are incidental to the use on the premises where the signs are located. The city council herein seeks to provide a reasonable balance between the right of a person to identify his or her business or activity, and the public interest of protecting against visual discord confusion and resulting safety hazards to pedestrians and motoring public that result from the unrestricted proliferation, location and construction of signs. This chapter will insure that signs are compatible with adjacent land uses and with a positive total visual environment in the community.

¹Editor's note(s)—Ord. No. 2017-03, adopted Feb. 13, 2017, amended ch. 66 in its entirety to read as herein set out. Former ch. 66, §§ 66-1—66-112, pertained to similar subject matter, and derived from: Ord. No. 1991-09, 7-23-91; Ord. No. 1991-24, adopted Nov. 12, 1991; Ord. No. 1999-06, §§ 2—4, adopted Apr. 12, 1999; Ord. No. 2000-15, § 2(Exh. A), adopted Aug. 28, 2000; Ord. No. 2008-07, adopted June 9, 2008; Ord. No. 2012-01, adopted Jan. 9, 2012; and Ord. No. 2013-25, adopted Oct. 14, 2013.

Cross reference(s)—Alcoholic beverages, ch. 10; buildings and construction, ch. 18.

State law reference(s)—Regulation of signs by municipalities, V.T.C.A., Local Government Code § 216.001 et seq.

- (c) The city council finds that the rights of residents of this city to fully exercise their rights of free speech by the use of signs containing noncommercial messages are subject to minimum regulation regarding structural safety and setbacks for purposes of traffic and pedestrian protection. The council seeks herein to provide for the reasonably prompt removal and disposal of such signs after they have served their purpose and yet to avoid any significant interference with First Amendment freedoms.
- (d) The council finds that instances may occur in the application of this chapter where strict enforcement would deprive a person of the reasonable use of a sign, or the reasonable utilization of a sign in connection with other related property rights, and herein provides for such persons to have the right to seek variances from the requirements of this chapter for good cause. The council finds that it is imperative that any city representative, agent or official who is responsible for enforcing the ordinance from which this article derives, do so as it is written, in the interest of equality and fair and impartial application to all persons, and that the use of the variance procedure shall remain the sole administrative means to obtain any exception to the terms hereof.

(Ord. No. 2017-03, 2-13-17)

Sec. 66-2. Definitions.

Apartment/condominium/mobile home park identification sign: An attached sign or a freestanding sign with permanent foundation or moorings, designed for identification of a multifamily residential project or a mobile home park project.

Area identification sign: A freestanding or wall sign with permanent foundation or moorings, designed for identification of subdivisions of ten to 50 acres, or identification of a distinct area within a subdivision.

Attached sign: A sign attached to or applied on and totally supported by a part of a building.

Banner: A graphic composed primarily of cloth, paper, fabric or other similar means, not including decorative streamers with no lettering thereon.

Building: A structure that has a roof supported by columns or walls for the shelter, support, or enclosure of persons, animals or property.

Building official: The City of Wharton Building Official as prescribed by chapter 18 Buildings and Construction, article II, Building Official, sections 18-36—18-40 of the City of Wharton Code of Ordinances.

Changeable electronic variable message signs (CEVMS): Means a sign which permits lights to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including a light emitting diode (LED) or digital sign, and which varies in color or intensity. A CEVMS sign does not include a sign located within the right-of-way which functions as a traffic control device and which is described and identified in the Manual on Uniform Traffic Control Devices (MUCTD), approved by the federal highway administrator as the national standard.

Church directional sign: An off-premises sign that furnishes directions to a church.

Commercial sign: A sign which directs attention to a business, commodity, service, entertainment, or attraction sold, offered or existing.

Construction sign: An attached or freestanding sign erected upon a lot or parcel of land for the purpose of advertising the furnishing of labor, materials, or the practice of crafts for a subdivision or building project.

Corporate signs/flags: A piece of fabric of distinctive design meant to draw attention to the main entrance of an apartment complex, hotel, church, nursing home, home for the aged, business or school.

Development sign: A sign announcing a proposed subdivision or a proposed building project.

Directional traffic control sign: A sign utilized as a traffic control device in off-street parking or access areas.

Finance sign: An attached or freestanding sign erected upon a lot or parcel of land for the purpose of advertising by a bank or other lending institution, the furnishing of interim or permanent financing for a subdivision or proposed building project.

Freestanding commercial sign: A sign supported by one or more columns, poles or bars extended from the ground or from an object on the ground, or that is erected on the ground; the term includes all signs which are not substantially supported by a building or part thereof, or which are substantially supported by a building or part thereof, when the sole significant purpose of the building or part thereof, is to support or constitute the sign.

Fuel price sign: A sign used to advertise the current price of fuel at locations where fuel is sold.

Garage/yard sale sign: A sign used to advertise the sale of personal property at a person's residence.

Home occupation sign: A sign used to identify the name and occupation of a person with a legal home commercial enterprise.

Low profile sign: A sign with a permanent foundation which is not attached to a building, but is a stand-alone sign and which does not exceed 60 square feet in area and four feet in height.

Noncommercial sign: A sign containing a work of art or message which is political, religious or pertaining to a point of view, expression, opinion or idea that contains no reference to the endorsement, advertising of or promotion of patronage, of a business, commodity, service, entertainment, or attraction that is sold, offered or existing.

Off-premises commercial sign: A sign which directs attention to a business, commodity, service, entertainment, or attraction sold, offered, or existing elsewhere than upon the premises where such sign is displayed.

On-premises commercial sign: A sign which directs attention to a business, commodity, service, entertainment, or attraction sold, offered or existing upon the premises where such sign is displayed. This definition does not include noncommercial signs.

Pennants/festoons: A piece(s) of fabric or other pliable material used for decoration (contains no copy or logo) or for identification (contains copy and/or logo).

Political sign: Any sign which promotes a candidate for any public office or which advocates a position on any social issue as its primary purpose. Political signs shall be considered in the category of noncommercial signs except where there are regulations pertaining to their removal after an election.

Portable sign: An on-premises sign which is not permanently affixed or attached to real property by poles, stakes or other members which are placed into the ground or upon some other type of permanent foundation; including trailer signs, any sign with wheels or skids, and any sign which is constructed so as to sit upon the surface of the ground, without subsurface attachment or extension.

Premises: An area of land planned and designed as a single comprehensive project, considered from the time the plan is first submitted to the planning department either at plat stage or site plan stage.

Real estate sign: An attached or freestanding sign erected upon a lot or parcel of land for the purpose of advertising same for sale or lease.

Roof sign: An outdoor advertising display sign erected, constructed, or maintained on the roof of a building or which is wholly dependent upon a building for support, and which projects above the point of a building with a flat roof six feet above the eave line of a building with a shed, gambrel, gable or hip roof, or the deck line of a building with a mansard roof.

Sign: Means any written or graphic representation, decoration, form, emblem, trademark, flag, banner, or other feature or device of similar character which is used for the communication of commercial information, or communication of ideas or subjects of political significance, and which:

- (1) Is a structure or any part thereof, including the roof or wall of a building, or a freestanding wall or fence.
- (2) Is written, printed, projected, painted, constructed or otherwise placed or displayed upon or designed into a building, board, plate canopy, awning, or vehicle, or upon any material, object or device whatsoever.
- (3) By reason of its form, color, wording, symbol design, illumination or motion attracts or is designed to attract attention to the subject thereof, or is used as a means of identification, advertisement or announcement.
- (4) A sign shall be considered to be a single display surface, a double-faced display surface, or display device-containing elements clearly organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign; provided, however, that the display of actual physical merchandise through glass windows in any store where such merchandise may be sold in the ordinary course of business shall not constitute a sign or signs.

Spinners: Any sign display or attention-seeking device (that is not a flag) which spins or flutters when contacted by air currents or is propelled by a mechanical fan.

Subdivision identification sign: A freestanding or wall sign with permanent concrete foundation or moorings, designed for permanent identification of a subdivision of greater than 50 acres.

Voting period: The period beginning when the polls open for voting and ending when the polls close or the last voter has voted, whichever is later.

(Ord. No. 2017-03, 2-13-17)

Sec. 66-3. Applicability.

- (a) Any reference to the masculine gender, including but not limited to, him and his in this chapter also includes the feminine gender.
- (b) This chapter shall apply to all signs within the corporate limits of the city.
- (c) This chapter supersedes any conflicting ordinance unless this chapter expressly provides otherwise.

(Ord. No. 2017-03, 2-13-17)

Sec. 66-4. Prohibited acts.

Within the corporate limits of the city, it shall be unlawful for any person to do any of the following acts:

- (1) Post, paint or otherwise exhibit any type of sign or sign support on any property not owned or controlled by him, without the written permission of the person owning or controlling the property.
- (2) Tear down, remove or otherwise interfere with any type of sign or sign support erected by another, unless the sign or sign support was placed or maintained on the property of the person removing the sign or sign support without written permission.

- (3) Erect, maintain or paint any type of sign upon a tree, rock or other natural feature.
- (4) Erect any type of off-premises sign or sign support without having obtained from the city a permit therefore, except as specifically exempted by this chapter.
- (5) Remove, without the building official's authorization, any official tag that was placed on a sign in accordance with this chapter.
- (6) Erect or allow any type of off-premises sign or sign support to remain upon any property if the off-premises sign or sign support is in violation of this chapter.
- (7) Place or cause to be placed anywhere in the city any type of sign, poster, placard, handbill or other advertising material on any motor vehicle or in any location in such a manner that the sign or advertising material may reasonably be expected to move to the ground by the blowing of the wind or any other act of nature. For purposes of this section, it shall be presumed that any sign, poster, placard, handbill or other advertising material placed under the windshield wipers of any motor vehicle shall reasonably be expected to move to the ground.
- (8) Erect, place or maintain any type of sign, poster, placard, handbill or other advertising material in any public right-of-way or on any public utility poles.
- (9) Erect or cause to be erected or maintained any sign using any combination of forms, words, colors or lights that imitate standard public traffic regulatory, emergency signs or signals.
- (10) Erect or cause to be erected or maintained any sign that creates a traffic or safety hazard by virtue of significant distraction, reflection, unusual or excessive lighting or blockage of line-of-sight.
- (11) Erect or cause to be erected or maintained any sign that contains vulgar, lewd or pornographic figures, pictures, paintings, drawings, words, characters or symbols.

(Ord. No. 2017-03, 2-13-17)

Sec. 66-5. Permits.

(a) *Erection permits:* A permit shall be required for the following types of signs:

(1) All types of off-premises signs, whether commercial or noncommercial.

a. The building official, upon filing of an application for a permit to erect a sign, shall examine applicant's sign plans and specifications and other data and the premises upon which the applicant proposes to erect the sign. If it shall appear that the proposed sign is in compliance with this chapter and all other laws and ordinances of the city, the building official shall then issue the erection permit. If the work authorized under a sign erection permit has not been completed within six months after the date of issuance, the permit shall become null and void and the applicant shall be required to remove any portion of the sign that has been erected.

b. The fee for such erection permits shall be established by resolution of the city council and may be changed from time to time.

(b) No permit shall be required for the following signs:

- (1) Real estate signs, finance signs and construction signs.
- (2) Directional traffic control signs.
- (3) Home occupation signs.
- (4) Political signs.

(5) Home numbering signs.

(Ord. No. 2017-03, 2-13-17)

Sec. 66-6. Permit number.

Every sign registered, shall display its permit number in a conspicuous place on the sign so that the permit number is visible from the ground to the building official and is readable without artificial visual aids while standing at a distance of 30 feet.

(Ord. No. 2017-03, 2-13-17)

Sec. 66-7. Maintenance.

The owner of a sign shall maintain the sign and any leased or owned real estate immediately surrounding the sign in a clean, sanitary and inoffensive condition and free and clear of all obnoxious substances, rubbish and weeds.

(Ord. No. 2017-03, 2-13-17)

Sec. 66-8. Construction standards.

All signs erected or maintained in accordance with this chapter shall be erected and maintained in compliance with all applicable state laws and with the city building code, electrical code and other applicable ordinances of the city. If a conflict exists between this chapter and any other laws, the most restrictive standard applies.

(Ord. No. 2017-03, 2-13-17)

Sec. 66-9. Lighting.

- (a) All lighting of signs shall be so shielded as not to produce intensive or excessive light or glare to the traveling public and adjacent property.
- (b) No sign shall be placed so as to obstruct the public lighting of any street, alley or public property.
- (c) No sign shall be located in such a manner as to obscure or interfere with the effectiveness of official traffic signs, signals or devices or in such a manner as to obstruct or interfere with the view by a pedestrian or a driver of a motor vehicle or any other type vehicle or approaching, merging or intersecting traffic.
- (d) Signs that are lighted and that are visible from any public street must be so designed and so maintained that the lights are effectively shielded to prevent beam rays of light from being directed at any portion of the traveled ways and the lights shall not be of such intensity or brilliance to cause glare or to impair the vision of a pedestrian or the driver of a motor vehicle or any other type of vehicle.
- (e) No sign may be so illuminated that it interferes with the effectiveness of identifying, or obscures an official traffic sign, signal or device.

(Ord. No. 2017-03, 2-13-17)

Sec. 66-10. Subdivision and area identification signs.

(Supp. No. 55)

Created: 2024-08-02 08:44:25 [EST]

Sec. 66-11. Apartment/condominium/mobile home park identification sign.

Sec. 66-12. Development signs.

Sec. 66-13. Directional traffic control signs.

Sec. 66-14. Portable signs.

Sec. 66-15. Real estate signs.

Sec. 66-16. Finance/construction signs.

Sec. 66-17. Noncommercial signs—Political signs.

Sec. 66-18. Home occupation signs.

Sec. 66-19. Roof signs.

Sec. 66-20. Freestanding commercial signs.

Sec. 66-21. Attached signs.

Sec. 66-22. Changeable electronic variable message signs (CEVMS).

Sec. 66-23. Corporate flags.

Sec. 66-24. Church directional signs.

Sec. 66-25. Sports signs.**Sec. 66-26. Home/business address numbering.****Sec. 66-27. Garage/yard sale signs.****Sec. 66-28. Off-premises signs; commercial and noncommercial.**

Any commercial or noncommercial off-premises sign erected in accordance with this chapter shall meet the following requirements:

- (1) Be a minimum of 80 feet from any residential property line.
- (2) Have a total area not greater than 150 square feet.
- (3) Five hundred feet of space shall separate all off-premises signs on the same side of a public street.
- (4) Have a front setback from the property line of not less than 50 feet.
- (5) Shall be no greater than 25 feet in height from the ground.

(Ord. No. 2017-03, 2-13-17)

Sec. 66-29. City-sponsored signs.**Sec. 66-30. Prohibited signs.**

- (a) The following signs shall be prohibited within the corporate limits of the city:
- (1) Signs painted on roof tops.
 - (2) Except as permitted in section 66-23, corporate banners, flags, pennants, festoons or spinners are prohibited. However, if a business holds a grand opening or special event flags, pennants, festoons or spinners may be displayed for a cumulative total of 30 days per calendar year per location. A no-fee permit is required. The flags of any country, state, city, church, or school are not prohibited.
 - (3) Signs and displays with flashing, blinking or traveling lights, or erratic or other moving parts, either internal or external to the premises, and oriented and visible to vehicular traffic, provided that time and temperature signs are permissible if the maximum area and setback requirements of this chapter are met and if the commercial information or content of such sign is restricted to no more than eight square feet.
 - (4) Any signs which are intended to or designed to resemble traffic signals and bear such words as "stop," "slow," "caution," "warning," or other words, and which are erected for purposes other than actual traffic control or warning to the public.
 - (5) Any sign which emits sound, odor or visible matter.

(Ord. No. 2017-03, 2-13-17)

Sec. 66-31. Exempt signs.**Sec. 66-32. Fuel price signs.****Sec. 66-33. Structural requirements.**

For the erection of any sign, a building permit shall be required in addition to the erection permit required under this chapter, in accordance with the provisions of the city building code. If a conflict exists between this chapter and the building code, the most restrictive standard applies.

(Ord. No. 2017-03, 2-13-17)

Sec. 66-34. Abandoned, damaged or unsafe signs.**Sec. 66-35. Removal of signs.****Sec. 66-36. Miscellaneous regulations.**

- (a) No sign shall be placed in or across a city drainage, street or utility easement or a city right-of-way. Any damage to or relocation of signs illegally located in public easements shall be the responsibility of the owner of the sign. Any resulting damages to the traveling public shall be borne by the sign owner. The city, when possible, shall give the sign owner prior notice of the location and use of the public easement or right-of-way which will affect the sign. This is also applicable to all exempt signs.
- (b) Signs may be internally or externally lighted as long as the light is so designed as to be shielded away from adjoining residential premises and does not impair visibility on adjoining public rights-of-way.

(Ord. No. 2017-03, 2-13-17)

ARTICLE II. REMOVAL, RELOCATION AND RECONSTRUCTION

Sec. 66-37. Illegal nonconforming signs.**Sec. 66-38. Legal nonconforming signs—Notice of nonconformity.****Sec. 66-39. Eligibility for characterization as legal nonconforming.****Sec. 66-40. Loss of designation.**

(Supp. No. 55)

Created: 2024-08-02 08:44:26 [EST]

Sec. 66-41. Amortization and abatement of non-conforming signs.

Sec. 66-42. Applicability; compensation to owner.

Sec. 66-43. Sign control board.

Sec. 66-44. Determination of amount of compensation.

Sec. 66-45. Compensation for a relocated sign.

Sec. 66-46. Compensation for reconstructed sign.

Sec. 66-47. Compensation for removal of off-premises sign.

Sec. 66-48. Compensation for removal of on-premises sign.

Sec. 66-49. Method of compensation.

Sec. 66-50. Tax appraisal of property with nonconforming sign.

Sec. 66-51. Exceptions.

Sec. 66-52. Appeal.

Secs. 66-53—66-75. Reserved.

ARTICLE III. VARIANCES

Sec. 66-76. Variances.

- (a) Variations of this chapter will be considered by the planning commission when in its judgment special or particular factors and conditions warrant such variation and they do not affect the general application or spirit of this chapter. An application for a variance shall be obtained through the code enforcement department and submitted to the planning commission at the next regularly scheduled meeting for consideration. Advice and cooperation is to be offered and will always be fully given by the members of the city staff and planning commission. For the granting of a variance, a favorable vote of no less than a majority of members of a quorum of the planning commission shall be necessary.
- (b) Before any initial decision of the planning commission regarding a variance shall become final, such initial decision shall be subject to review by the city council, if within ten days from the date of the planning commission's initial decision, any member of council requests review of such initial decision at the next regularly scheduled council meeting. If the initial decision of the planning commission is not reviewed by the council at its next regularly scheduled council meeting it is deemed a final decision. The council may approve or deny the initial decision of the planning commission.
- (c) If an the application is denied by the planning commission, an applicant may appeal the final decision to the city council within ten days from the date of the final decision, if the city council also denies the application, the applicant may appeal the final decision to the appropriate local court.
- (d) If an application is denied, an applicant may not seek another substantially similar variance for a period of 12 months from the date the original variance was denied by the planning commission or city council.
- (e) The applicant pays a variance fee as established by the City Council of the City of Wharton under separate resolution.

(Ord. No. 2017-03, 2-13-17)

Secs. 66-77—66-110. Reserved.***ARTICLE IV. PENALTIES; EFFECTIVE DATE*****Sec. 66-111. Penalties.**

Any person violating any of the terms or provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be subject to punishment as provided in section 1-5, City of Wharton Code of Ordinance, General Provisions for each offense. If the terms or provisions of this chapter are violated by any corporation or firm, the officers and agents actively in charge of the business of such corporation or firm and the person actually performing the work for such corporation or firm shall be subject to the penalties provided in this section.

(Ord. No. 2017-03, 2-13-17)

Sec. 66-112. Effective date.

This chapter shall become effective on September 8, 2000 at 12:01 a.m.

(Ord. No. 2017-03, 2-13-17)

TABLE I
Allowable Areas For Freestanding Signs

(Supp. No. 55)

Created: 2024-08-02 08:44:26 [EST]

Frontage (Feet)	Maximum Area (Square Feet)
0—50	25
51—100	50
101—150	75
151—200	100
201—250	125
251—300	150
301—350	175
351—400	200
401—450	225
451—500	250
501—550	275
551—600+	300

Notes:

Frontage: The number of feet fronting on a public street to which a sign is oriented.

Area: The area in square feet of a single-face sign, or one sign of a double-face sign, or half the sides of a multi-face sign.

The area of a freestanding sign is the area enclosed by the minimum imaginary rectangle of vertical and horizontal lines which fully contain all extremities, exclusive of supports, or a horizontal view of the sign.

The maximum area of any freestanding sign may not exceed either that allowed by the chart above.

On corner lots, the frontage street shall be the greater street as classified on the thoroughfare plan. Where two streets are the same, the applicant may choose the frontage street.

Allowable Heights For Freestanding Signs (Distance From Property Line In Feet)		
At Least	Less Than	Height
10		50

Notes:

1. *Height:* Height of the sign measured from the elevation of the ground to the top of the sign.
2. On corner lots only, the frontage street can be used to determine height and area.
3. Commercial and Industrial tracts with a minimum of 100 feet of frontage on Highway 59 may have a sign up to a maximum of 50 feet in height. The sign shall not be closer than 200 feet to any residential property.

(Ord. No. 2017-03, 2-13-17)

**TABLE II
SUMMARY OF SIGN REGULATIONS**

Sign Classification	Maximum Area	Maximum Height	Setback	Number Allowed	Permit Required
Subdivision	150 sq. ft.	15'	10' from property line	sec. 66-10	yes
Area I.D.	16 sq. ft.	4'	10' from Property Line	sec. 66-10	yes
Apt./condo/mobile home	100 sq. ft.	10'		1/Project	yes
Development (project)	35 sq. ft. on 50' ROW 60 sq. ft. on 50' ROW 150 sq. ft. on 70' ROW 250 sq. ft. on >70' ROW	15'	10' from property line	1	yes
Development (Subdivision)	35 sq. ft. on 50' ROW 60 sq. ft. on 50' ROW 150 sq. ft. on 70' ROW 250 sq. ft. on '70' ROW	15'	10' from property line	1	yes
Traffic control	3 sq. ft.	4'	4' from curb	1/curbcut	no
Real estate	<150' frontage— 16 sq. ft. >150' frontage— 32 sq. ft.	8'	10' from property line		no
Finance/construction	<150' frontage— 16 sq. ft. >150' frontage— 32 sq. ft.	8'	10' from property line	2 construction 1 finance	no
Political	See Table I		10' from property line if area >2 sq. ft.	N/A	no
Roof	Shall be treated as commercial freestanding sign				

Freestanding	100 sq. ft.	10'	10' from property line	1/premises if >1 acre	yes
Freestanding	see Table I			sec. 66-20	yes
Low profile	60 sq. ft.	4'	10' from property line	1	yes
Attached	section 66-21				yes
Exempt	section 66-30				
Prohibited	section 66-29				

(Ord. No. 2017-03, 2-13-17)

Secs. 66-113—66-130. Reserved.