



**CITY OF WHARTON
PLANNING COMMISSION MEETING**

**Monday, April 01, 2024
4:30 PM**

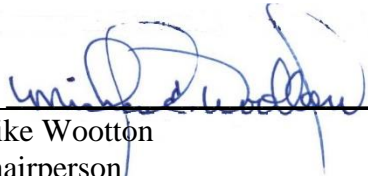
120 E. CANEY ST., WHARTON, TX 77488

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

Notice is hereby given that a Planning Commission Meeting will be held on Monday, April 1, 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 29 day of March 2024.

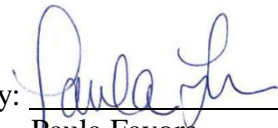
By:  _____
Mike Wootton
Chairperson

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 March 29, 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 29 day of March 2024.

CITY OF WHARTON

By:  _____
Paula Favors
City Secretary



A G E N D A
CITY OF WHARTON
Planning Commission Meeting
Monday, April 1, 2024
City Hall - 4:30 PM

Call to Order.

Roll Call.

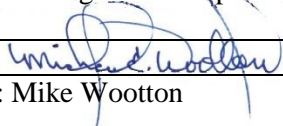
Review & Consider:

1. Reading of the minutes from the regular called meeting held March 4, 2024.
2. Request and presentation from Mr. Rusty Reichle on behalf of Sign Ad Outdoor for placement of three (3) advertisement signs within the City of Wharton.

Adjournment.

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

PLANNING COMMISSION

Meeting Date:	4/1/2024	Agenda Item:	Reading of the minutes from the regular called meeting held March 4, 2024.
At this time, the Commission may review and approve the minutes from the regular called meeting held March 4, 2024.			
Director of Planning & Development: Gwyneth Teves		Date: Friday, March 29, 2024	
Approval: 			
Chairperson: Mike Wootton			

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

**Monday, March 4, 2024
4:30 P.M.**

Mike Wootton, Chairperson declared the meeting of the Planning Commission duly open for the transaction of business at 4:30 p.m.

Commissioners present were: Mike Wootton, Joel Williams, Johnnie Gonzales, Adraylle Watson and Rob Kolacny.

Commissioners absent were: Marshall Francis and Michael Quinn.

Staff members present were: Gwyneth Teves, Director of Planning & Development, Shelby Robertson, Assistant to the Building Official and Claudia Velasquez, Building Official.

Visitors present were: Mr. Jose Infante

Call to Order.

Roll Call.

Review and Consider:

The first item on the agenda was to review and consider the reading of the minutes from the regular called meeting held February 19, 2024. Spelling correction requested to member attendance. Joel Williams, Commissioner, moved to approve the minutes with the presented correction. Johnnie Gonzales, Commissioner, seconded the motion.

The second item on the agenda was to review and consider a request from Mr. Jose Infante, Barbee Addition, Block 2, Lot 7 & 8 for a 0' building line setback to place a modular home across the lot line, Rob Kolacny, Commissioner, moved to recommend the variance to the City Council for final approval. Johnnie Gonzales, Commissioner, seconded the motion. All voted in favor.

The third item on the agenda was to review and consider a request from Ms. Ana Carillo, 107 E. Wayside Ave., Hawes 3, Block 3, Lot 1A for a 17' front building line setback from the required 25' setback to construct a patio cover 8' from the property line. Adraylle Watson, Commissioner moved to recommend the variance to the City Council for final approval. Rob Kolacny, Commissioner, seconded the motion. All voted in favor.

Adjournment. The meeting was adjourned at 4:41 p.m.

Regular Called Planning Commission Minutes
Monday, March 4, 2024
Page 2 of 2

Mike Wootton, Chairperson

Rob Kolacny, Secretary

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

PLANNING COMMISSION

Meeting Date:	4/1/2024	Agenda Item:	Request and presentation from Mr. Rusty Reichle on behalf of Sign Ad Outdoor for placement of three (3) advertisement signs within the City of Wharton.
---------------	----------	--------------	---

At this time, the Commission will receive a presentation and may review and consider a request from Mr. Rusty Reichle on behalf of Sign Ad Outdoor for placement of three (3) advertisement signs within the City of Wharton.

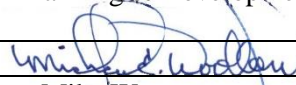
The request includes variances to the City of Wharton Code of Ordinances Chapter 66 – Signs and Advertising – Article I. – In General – Sec. 66-28. – Off-premises signs; commercial and noncommercial.

1. Variance from the required 80’ from residential. (Richmond Rd.)
2. Variance to have a greater area than 150 square feet.
3. Variance to distance between off premise signs. (Richmond Rd.)
4. Variance from the required 50’ setback.
5. Variance to the 25’ height limit.

Current approximate specs for the signs are 10’ x 24’ for each face (240 sq ft) and 40’ – 45’ in height.

Mr. Reichle will present information for his project and be available for any questions from the commission.

See attached supporting documents.

Director of Planning & Development: Gwyneth Teves	Date: Friday, March 29, 2024
Approval: 	
Chairperson: Mike Wootton	

**CITY OF WHARTON
CITY COUNCIL
APPLICATION FOR SIGN 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.

SignAd Outdoors
Name (Printed)
1010 North Loop, Houston, TX 77249
Physical Address
Multiple
Legal Address

03/28/2024
Date
PO Box 8626, Houston, TX 77249
Mailing Address
713-861-6013
Phone

Describe the variance request and the reason for requesting variance:

See attached.

SIGNATURE OF APPLICANT:

Signature 03/28/2024
Date

\$250.00
Non-Refundable Fee
Effective January 20, 2012

Planning Commission Meeting: 04/01/2024 4:30pm
City Council Meeting: 04/08/2024 7pm

ADJACENT PROPERTY OWNER(S):

_____ Name	_____ Phone
_____ Legal Address	_____ Physical Address
_____ Name	_____ Phone
_____ Legal Address	_____ Physical Address
_____ Name	_____ Phone
_____ Legal Address	_____ Physical Address

SIGNATURES:

Gwyneth Teves
Planning Department

03/29/2024
Date

Chairman of the Planning Commission

Date

Mayor

Date



SignAd Outdoor and the City of Wharton Outdoor Campaign

SignAd Outdoor and the City of Wharton Outdoor Campaign

Objective:

SignAd Outdoor – To build and operate three(3) double stacked back to back 10' X 24 ' structures for a total of four(4) faces per location; representing twelve(12) total faces within the Wharton market..

In Return:

The City of Wharton will receive: The ability to advertise on one(1) sign face per structure(for a total of three(3) structures) for a 4-week campaign prior to the following annual events based on space availability.

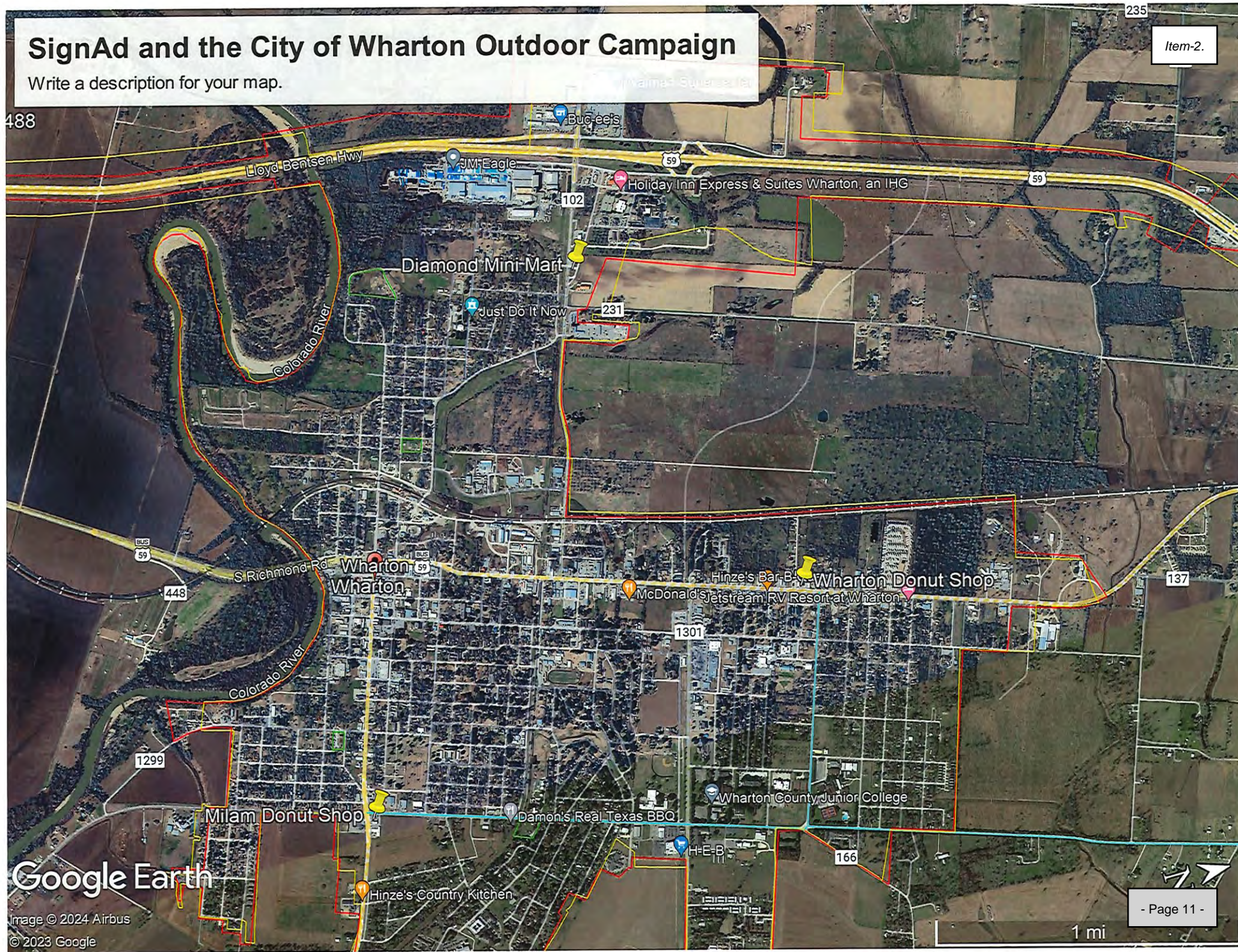
- Monterrey Square Wine Event – Fall Event
- Cops and Rodders – Spring Event
- SignAd Outdoor would incur the cost of the vinyl per location for each event

SignAd and the City of Wharton Outdoor Campaign

Write a description for your map.

Item-2.

488



Google Earth

Image © 2024 Airbus
© 2023 Google

1 mi

Diamond Mini Mart
1900 FM 102
Wharton, Texas 77488
Traffic – 8,550

Diamond Mart

1900 FM 102
Wharton, Texas 77488

Item-2.



Google Earth

Image © 2024 Airbus

1000 ft



OND
WART

SIGNAD
OUTDOOR

SIGNAD
OUTDOOR





Milam Donut Shop
1103 Milam
Wharton, Texas 77488
Traffic – 4,321

Milam Donut Shop

11103 Milam
Wharton, Texas 77488

Item-2.



Google Earth

Image © 2024 Airbus
© 2023 Google

900 ft









Wharton Donut Shop
2117 Richmond Road
Wharton, Texas 77488
Traffic – 15,687

Wharton Donut Shop

2117 Richmond Road
Wharton, Texas 77488

Item-2.
Cutting Edge

Wharton Donut Shop

Pizza Hut

Hinze's Bar-B-Que

9ers Grill Wharton

Wharton Civic Center

University

Meadow Apartments

1301

E Boling Hwy

Old Bo

Enterprise Rent-A-Car

Google Earth

Image © 2024 Airbus

1000 ft

Freddie's
"When You're Really Hungry"
Breakfast Lunch and more...
Specials Every Day

Freddie's "WHEN YOU'RE REALLY HUNGRY"
PLATE LUNCHES • HAMBURGERS

DONUT


WHARTON
DONUT SHOP
COFFEE • CROISSANTS


Country Fried Breakfast
Chicken







 **Map Search**

Address ▼ 123 Generic Street 

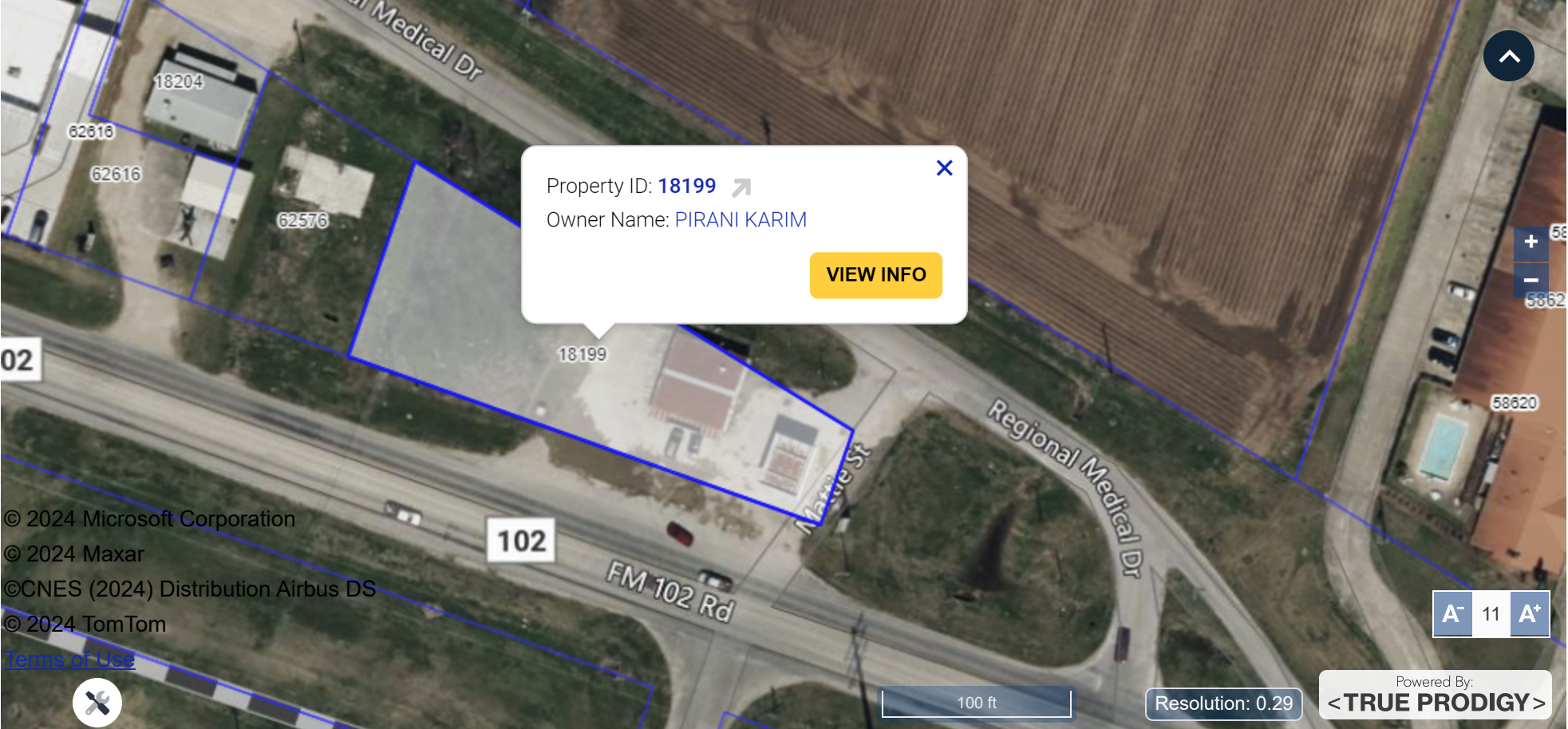
Bing Map Aerial

 Item-2.

Property ID: **18199** ↗

Owner Name: PIRANI KARIM

VIEW INFO



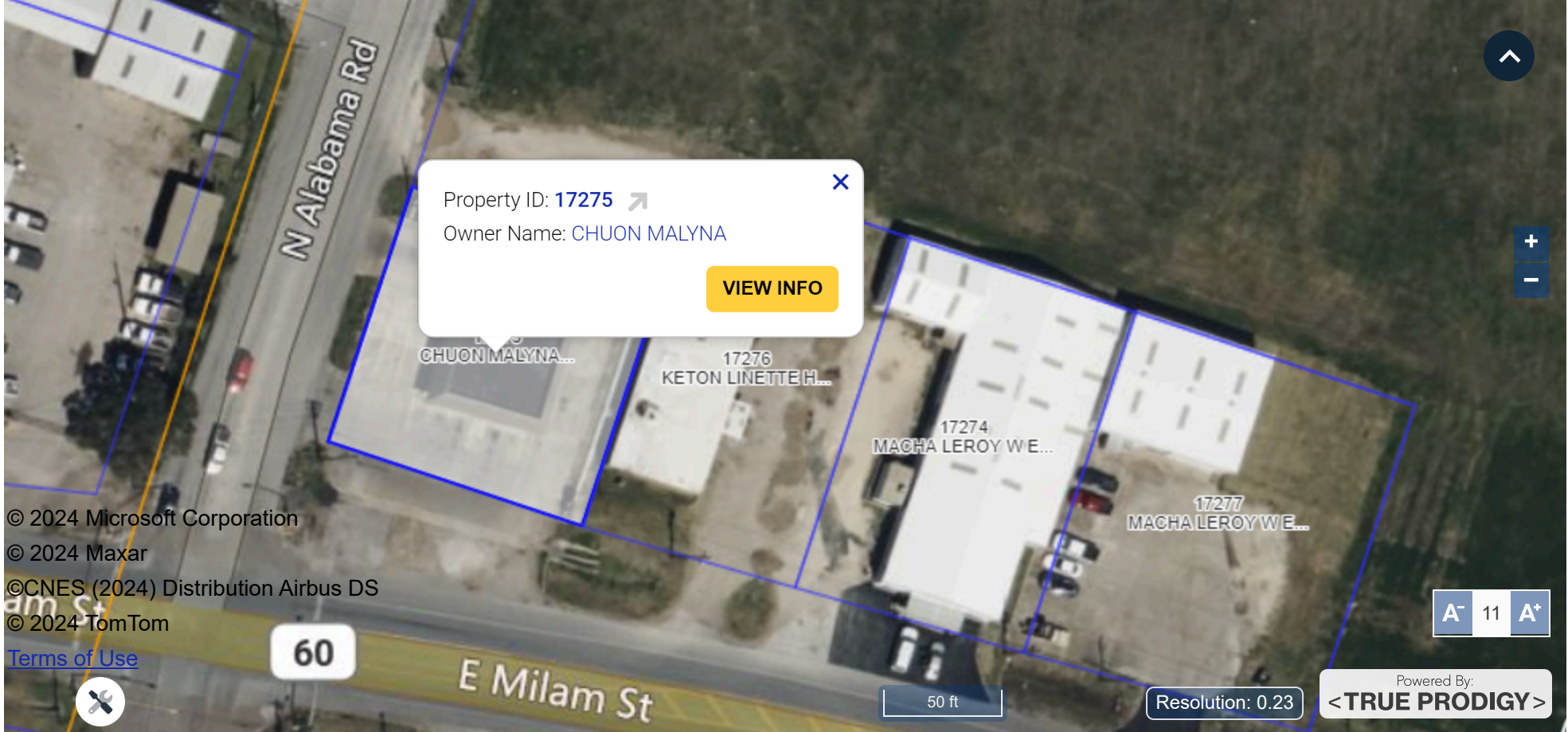
© 2024 Microsoft Corporation
 © 2024 Maxar
 ©CNES (2024) Distribution Airbus DS
 © 2024 TomTom
[Terms of Use](#)

Powered By:
<TRUE PRODIGY>

 **Map Search**

Address ▼ 123 Generic Street 

Bing Map Aerial



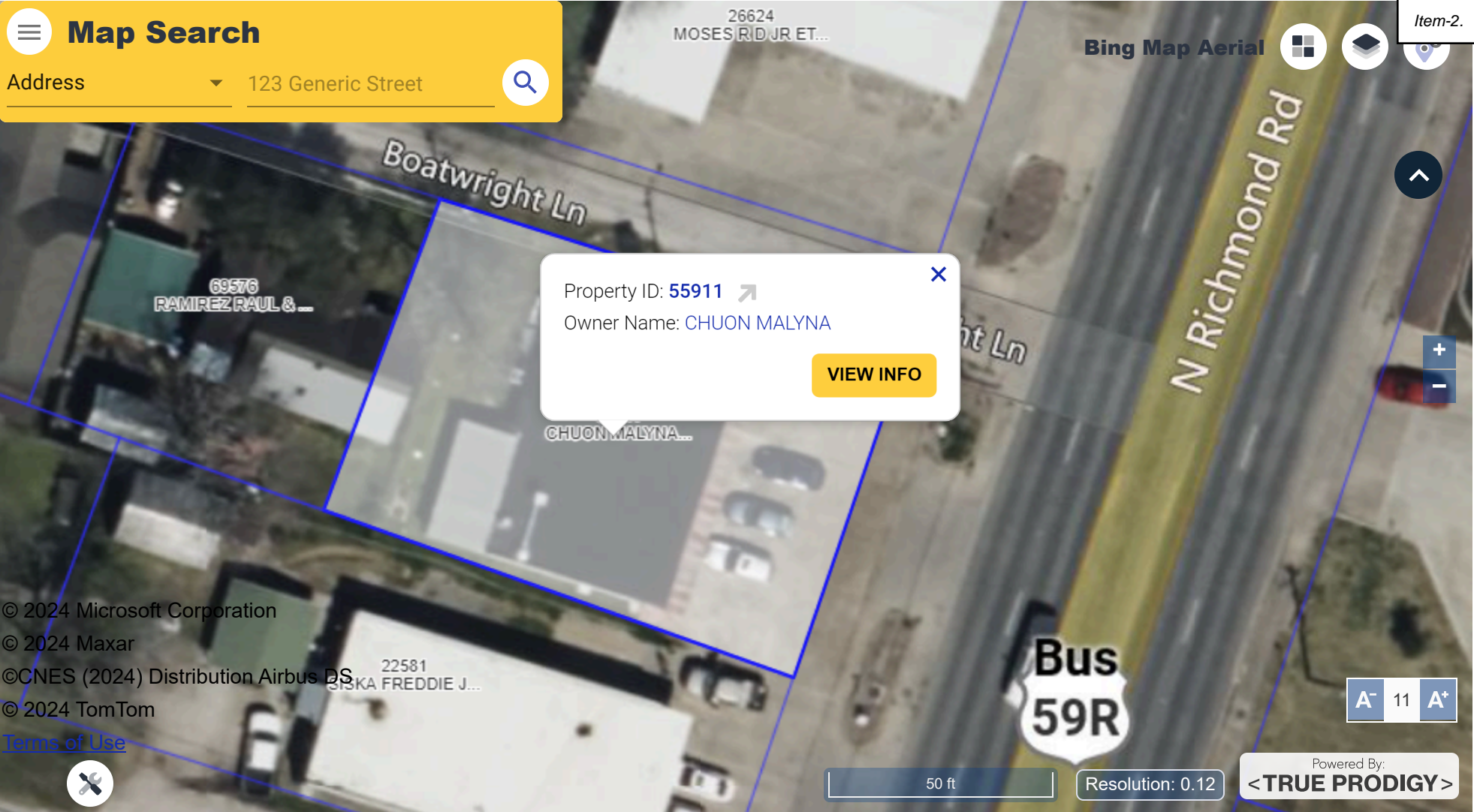
© 2024 Microsoft Corporation
 © 2024 Maxar
 © CNES (2024) Distribution Airbus DS
 © 2024 TomTom

[Terms of Use](#)

Powered By:
<TRUE PRODIGY>

 **Map Search**

Address ▼ 123 Generic Street 



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

A⁻ 11 A⁺



Approximately 190'

Chapter 66 - SIGNS AND ADVERTISING

Item-2.

Footnotes:

-- (1) --

Editor's note— 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— Alcoholic beverages, ch. 10; buildings and construction, ch. 18.

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

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.
- (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.

Item-2.

- (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.

- (a) Area identification signs shall be permitted upon private property in an area to identify subdivisions of ten to 50 acres in size and subject to the requirements set forth in Table II [located at the end of this chapter]. Area identification signs may also be used within a subdivision consisting of more than 50 acres to identify distinct areas within that subdivision, subject to the requirements in Table II.
- (b) Subdivision signs shall be permitted upon private property in an area to identify subdivisions of greater than 50 acres, subject to the requirements set forth in Table II.
- (c) Both area identification and subdivision signs must be located on the premises as identified by a preliminary or master preliminary plat of the subdivision. Subdivision signs will be permitted only at major intersections on the preliminary plat of the subdivision (intersection of two collector type or larger type streets). At each intersection either one or two subdivision signs may be permitted so long as the total area of the signs does not exceed 150 square feet. Banners or flags may be utilized as subdivision identification signs but the overall height of such banners and flags shall not exceed 40 feet.
- (d) Indirect lighting for area identification and subdivision signs is permissible but no unusually distracting optical effects, moving parts or alternating, sequential erratic or flashing lights shall be permitted for either type of sign. Landscaping when permissible shall be installed around each area identification or subdivision sign. Adequate arrangements for permanent maintenance of all signs and any landscaping in conjunction with area identification and subdivision signs shall be made by the subdivision developer, which may be through an owners association, or related organization if one exists or is created for this purpose.

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

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

An apartment/condominium/mobile home park identification sign may be either an attached sign or a freestanding sign. It shall be placed upon the private property of a particular multifamily project or mobile home park subject to the requirements set forth in Table II. The apartment/condominium/mobile home park identification sign shall list the name and facilities available and may have leasing or sales information incorporated as a part of the sign. Indirect lighting for apartment/condominium/mobile home park identification signs is permissible, but no unusually distracting optical effects, moving parts, or alternating, sequential, erratic or flashing lights or devices shall be permitted. Any mobile home parks existing at the time of this chapter that are nonconforming may only utilize an identification sign meeting the provisions of this chapter and Table II.

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

Sec. 66-12. - Development signs.

- (a) A development sign may be placed only on private property subject to the requirements in Table II.
- (b) A development sign for a building project shall be removed if the project has not received a building permit at the end of 12 months from the date the sign erected. The building official may renew the sign permit for one additional 12-month period upon application. Once a building permit for the project is received, the sign may stay in place until 75 percent of the project is leased or a permanent sign is installed, whichever comes first.
- (c) A development sign for a proposed subdivision shall be removed if a preliminary or final plat has not been approved by the end of 12 months from the date the sign erected. The building official may renew the sign permit for one additional 12-month period upon application. Once a plat has been approved, the sign permit is valid as long as a preliminary plat is in effect, or in the absence of a valid preliminary plat, for 24 months from the date of approval of a final plat.

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

Sec. 66-13. - Directional traffic control signs.

Directional traffic control signs may be utilized as traffic control devices in off-street parking areas subject to the requirements set forth in Table II. A logo or copy may be permitted to be placed on a directional traffic control sign but must be less than 50 percent of the area of the sign. No directional traffic control sign shall be permitted within or upon the right-of-way of any public street unless the sign's construction, design, and location have been approved by the chief of police.

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

Sec. 66-14. - Portable signs.

An applicant may seek a permit from the building official for the use of a portable sign. A permit granted for a portable sign will allow the applicant to use the sign for one consecutive 60-day period from the date the permit is issued. An applicant granted a permit under this section may not seek another permit for the use of any portable sign at that location for a 12-month period, which begins the date the permit expires. The fee for such a permit shall be established by resolution of the city council and may be changed from time to time. Any portable sign located on a commercial premises must direct attention to a business, commodity, service, entertainment or attraction, sold offered or existing on those premises. Any portable sign allowed pursuant to a permit will be subject to the following requirements:

- (1) All portable signs shall display an affixed tag which identifies the name, address and phone number of the sign owner and of the person in control of the sign, if different from the owner.
- (2) Portable signs shall be a minimum of 25 feet from any residential property line.
- (3) The maximum facial display area of all the sides combined of a portable sign shall be no larger than 32 square feet.
- (4) At least 25 feet of space shall separate all portable signs on the same side of the street regardless of property ownership.
- (5) Portable signs shall have a front property and side setback from the property line of not less than ten feet.
- (6) The maximum height of any portable sign from ground to top of sign shall be not greater than six feet.
- (7) All portable signs shall be staked or otherwise secured in such a manner that they may not be reasonable expected to be blown over or moved by wind gusts not associated with officially declared tropical storms, hurricanes or tornadoes. Extra grounding precautions or removal must be taken by portable sign owners in the event of an approaching tropical storm, hurricane or tornado.
- (8) All portable signs shall be kept in good repair.
- (9) Any other requirements as prescribed by the building code.

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

Sec. 66-15. - Real estate signs.

- (a) One real estate sign not exceeding 16 square feet in total area (exclusive of stakes and posts) may be erected at any time while the property is offered for sale or lease to the public. Properties with a minimum of 150 feet of frontage shall be allowed one real estate sign not exceeding 32 square feet in total area. Properties with a minimum of two acres and frontage on two public streets shall be allowed one real estate sign on each frontage street with the area of the sign to be determined by the amount of frontage as stated above. Such signs must be removed by the owner or person in control of the premises when either the property has been sold or leased.
- (b) Real estate signs may be either attached or freestanding and only those visible from a public street are limited in number (see exempt signs section 66-31). Real estate signs shall be maintained by the persons in control of the premises so as to remain erect and in good repair. Such signs shall be removed by the property owner or other person in control of the premises if they are damaged, broken or incapable of remaining erect.

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

Sec. 66-16. - Finance/construction signs.

- (a) One finance sign and three construction signs (for a total of four signs), not exceeding 16 square feet in total area each (exclusive of stakes and posts) may be erected once a building permit has been issued on a property. Properties with a minimum of ten acres and 1,000 feet of frontage shall be allowed one finance sign and three construction signs not exceeding 32 square feet in total area each.
- (b) Finance and construction signs may be either attached or freestanding and only those visible from a public street are limited in number (see exempt signs section 66-31).
- (c) All such signs shall be maintained by the owner or persons in control of the premises so as to remain erect and in good repair. Such signs shall be removed by the property owner or other person in control of the premises if they are damaged, broken or incapable of remaining erect.
- (d) Such signs must be removed by the owner or person in control of the premises when either the property has sold or been leased and/or when performance under the construction contract or subcontract (in the case of construction signs) has been completed. Financing and construction signs shall be removed prior to issuance of a certificate of occupancy by the city.

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

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

- (a) This chapter does not regulate the size, content or location of noncommercial signs, political signs except as follows:
- (1) No commercial message shall be shown on any noncommercial sign.
 - (2) No noncommercial sign:
 - a. May be located within a public road right-of-way of the State of Texas; or
 - b. May be located off the premises of the property owner who is displaying the sign; or
 - c. May exceed 32 square feet in area and six feet in height measured from the ground to the top of the sign.
Noncommercial/political signs exceeding an area of six square feet shall not be allowed in residential neighborhoods; or
 - d. May be located within a city right-of-way or on city property; or
 - e. May be posted at the polling site other than during the voting period during polling hours and in the designated location outside the 100-foot statutory electioneering limit of the polling entrance; or
 - f. May be placed on the polling site with any posts or wire greater than 9-gauge so as to eliminate any damage to existing underground wires, irrigation or property.
- (b) This provision is necessary to avoid visual clutter, proliferation, resulting rubbish and dangerous distraction to pedestrians and drivers caused by close proximity of such signs to automobile traffic, to avoid damage to automobiles which may leave the paved surface intentionally or by accident, and to avoid the necessity for pedestrians to step into the roadway to bypass such signs or to seek line-of-sight verification of traffic. No regulatory alternative exists to accomplish this police power obligation.
- (c) In the event that any noncommercial/political sign is located in a prohibited area or exceeds the maximum height or size limitations, it shall be removed by the city.
- (d) All political signs shall be removed within ten days after the election to which they are applicable. Any private restrictive covenants in real property deeds should be consulted by landowners to determine if their private property may otherwise be regulated regarding posting signage.

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

Sec. 66-18. - Home occupation signs.

A home occupation sign may contain only the name and occupation or commercial enterprise of the resident. It shall be attached directly to the face of the occupant's residence. It shall not exceed two square feet in area, shall not be illuminated in any way, and shall not project more than 24 inches beyond the building or porch. No permit is required. No display of merchandise or other forms of commercial communication shall be allowed in a residential area, unless same are in existence prior to the adoption of this chapter in connection with use which is presently a lawful nonconforming use within the area. Such nonconforming signs may be maintained until the nonconforming uses of the building cease, subject to the requirements for maintenance herein. Discontinuance of the display of such a sign for more than three consecutive months shall prevent future display, even if the nonconforming use of the premises is continuous. Any private restrictive covenants in real property deeds should be consulted by landowner to determine if their private property may be otherwise regulated regarding positive signage.

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

Sec. 66-19. - Roof signs.

Roof signs shall be regulated as freestanding signs.

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

Sec. 66-20. - Freestanding commercial signs.

- (a) Freestanding commercial signs are allowed only on developed commercial property. One freestanding sign shall be allowed only when the premises has a minimum of two acres, subject to the requirements set forth in Table II. One low profile sign shall be allowed when the premises has less than two acres subject to the requirements set forth in Table II. Height, area and setback from the property line requirements for all other freestanding signs are not found in Tables I and II (located at the end of this chapter). See section 66-23 concerning banners and flags.
- (b) A premises with less than 75 feet of public street frontage shall be allowed to use one low profile sign.
- (c) A premises with more than 75 feet of public street frontage shall be allowed to use Table I standards for one freestanding sign rather than one low profile sign.
- (d) A premises with more than 150 feet of public street frontage shall be allowed to use Table I standards for one freestanding sign or any number of low profile signs as long as there is a minimum separation between signs of 150 feet.

- (e) Premises with less than 75 feet of public street frontage may be combined in order to utilize signage corresponding to the result of the frontage as described in the preceding two paragraphs.
- (f) The sign applicant may elect the frontage street where two streets intersect at the corner are classified the same in accordance with the city's subdivision ordinance. If the intersection occurs at two differently classified streets, then the wider street shall be considered the frontage street.
- (g) No more than one freestanding sign shall be allowed on any premises except when all of the following conditions are met:
 - (1) The site must be 25 acres or more in area.
 - (2) The site must have 1,000 feet or more of continuous unsubdivided public frontage on any major arterial street (as determined by the city's subdivision ordinance) toward which one freestanding sign is to be displayed.
- (h) Balloons or floating devices anchored to the ground or structure may be used for display or advertising for special events. Maximum height shall be not greater than 50 feet. One balloon or other floating devices shall be allowed for a period not to exceed a cumulative total of 30 days per calendar year per location. A no-fee permit is required. Party balloons are not included in this chapter.

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

Sec. 66-21. - Attached signs.

An attached commercial sign shall advertise only the name of, uses of, or goods or services available within the building to which the sign is attached. Such signs shall be parallel to the face of the building, shall not be cantilevered away from the structure, and shall not extend more than one foot from any exterior building face, mansard, awning or canopy (see roof sign definition). There shall be no painted roof signs.

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

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

Changeable electronic variable message sign (CEVMS) regulations:

- (1) Images or messages shall be static in nature and shall not blink, flash or be animated in such a manner as to constitute a distraction to passing motorists.
- (2) No image or message may be displayed for less than six seconds.
- (3)

The changeable message portion shall not display images, words or colors so as to be confused for traffic signals or bear such words as "stop," "slow," "caution," "warning," or other similar words.

- (4) The face or display of the sign shall be placed so as to be easily visible and not cause distraction to passing motorist or pedestrians.
- (5) Shall automatically adjust the intensity of its display according to natural ambient lighting conditions.
- (6) Shall not have an intensity after dark so as to be a nuisance to passing motorists or nearby residential areas.

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

Sec. 66-23. - Corporate flags.

One freestanding corporate flag per premises, not to exceed 40 feet in height or 100 square feet in area is allowed in multifamily, commercial and industrial premises.

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

Sec. 66-24. - Church directional signs.

Church directional signs not larger than six square feet in area in size are not prohibited and are not subject to setback, spacing and size requirements contained in this chapter; provided, however, these church directional signs shall be subject to all other provisions of this chapter, including obtaining a permit and a height requirement of seven feet, zero inches, measured from the bottom of the sign to the base of the exposed sign pole, but shall not be subject to a permit fee.

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

Sec. 66-25. - Sports signs.

Signs displayed within sports stadiums, parks or fields are not prohibited and are not subject to permit, setback, spacing and size requirements of this chapter. However, these signs shall be subject to all other applicable provisions of this chapter.

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

Sec. 66-26. - Home/business address numbering.

Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property.

- (1) The primary location of the address numbers shall be located as near to the front entrance as possible.
- (2) Numbers shall contrast with their background and shall be Arabic numerals and/or alphabet letters if applicable.
- (3) Numbers and/or letters shall be four inches high with a minimum stroke width of one-half-inch.

In addition to the above building numbering, signs may also be erected for the purpose of identifying the address of residential homes. Such signs shall be no longer than 16 inches in length and eight inches in width and no more than 30 inches in height. Curb numbering can also be used in conjunction with the primary position numbers. These numbers shall have a contrasting background.

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

Sec. 66-27. - Garage/yard sale signs.

Garage/yard sale signs are not prohibited. However, there shall only be a maximum of three signs allowed. One sign shall be located on the property of the sale. Two additional signs can be placed on other private property locations with permission of the property owner. Signs shall not be allowed in city rights-of-way or on utility poles, street sign poles or traffic sign poles. The sign area shall not exceed six square feet and must provide address of sale. Signs may be placed the evening before the sale and must be removed no later than 8:00 p.m. on the final day of the sale. [See § 66-111 for any fine and penalty for violations.]

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

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.

(a) The city may erect a sign on city-owned property where there is a determination and approval of the city council which finds that the display of the sign:

(1) Promotes a positive image of the city for the attraction of business or tourism; and

(2) Depicts an accomplishment of an individual or group; and

(3) Creates a positive community spirit.

(b) Upon such order, the city can authorize, upon approved construction plans, the following:

(1) A sign on a city water tower; or

(2) An entrance sign to be located on city-owned property such that it is visible from the major thoroughfare as designated in the current major thoroughfare plan; or

(3) A sign to be located on city rights-of-way.

(c) Said sign shall be displayed for a period ordered by the city council or as may be decided by it from time to time.

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

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. Item-2.

(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.

The following signs are exempt from the requirements of this chapter:

- (1) Signs that are not easily read from beyond the boundaries of the lot or parcel on which they are located or from any public thoroughfare or traveled right-of-way. Such signs are not exempt from the safety regulations contained herein and in city building and electrical codes.
- (2) Official notices posted by government officials in the performance of their duties and government signs controlling traffic, regulating public conduct, identifying streets, or warning of danger or which perform some other governmental function. (Bulletin boards or identification signs accessory to government buildings or other buildings are subject to the provisions of this chapter.)
- (3) Temporary signs erected by private property owners for the purpose of warning of a dangerous defect or condition, or other hazard to the public.
- (4) Noncommercial signs on private property or works of art that in no way identify or advertise a product or business, or by their location and placement impede traffic safety.
- (5) Temporary decorations or displays, if they are clearly incidental to and are customarily and commonly associated with any national, local, ethnic, sporting or religious event or celebration.
- (6) Temporary or permanent signs erected by public utilities or construction related companies to warn of the location of pipelines, electrical conduits, or other dangers or conditions in public rights-of-way.
- (7)

Signs that are displayed on motor vehicles that are being operated or stored in the normal course of a business, such as signs indicating the name or the type of business that are located on automobiles, moving vans, delivery trucks, trailers and other commercial vehicles; but only if the primary purpose of such vehicles is not for the display of the signs thereon, and only if such vehicles are parked or stored in areas appropriate to their use as commercial or delivery vehicles, such as service areas or locations close to the business building(s) away from public traffic areas.

(8) Signs carried by a person and not set on or affixed to the ground.

(9) Off-premises outdoor advertising display signs/banners by sponsors of charitable events. These signs may be displayed for two weeks prior and during the event with written approval of the city manager.

(10) Flags used as political symbols including only the United States, Texas, city and church flags.

(11) Flags used solely for decoration and not containing any copy or logo and located only in multifamily, commercial and industrial districts or premises developments. In multifamily developments, commercial and industrial premises, flags will be restricted to 25 square feet in area, 30 feet in height, and the number shall be restricted to no more than 12 flags per building plot.

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

Sec. 66-32. - Fuel price signs.

Service stations will be allowed one freestanding sign per site, the area of which shall not exceed 16 square feet per side of the sign and will not be included in the allowable area of any freestanding sign. This sign cannot be located within a public right-of-way.

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

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.

- (a) All abandoned signs and their supports shall be removed within 60 days from the date of abandonment by either user or owner. Damaged signs shall be repaired or removed within 60 days. The building official shall have authority to grant a 30-day time extension where he determines there is a reasonable necessity for same.
- (b) A nonconforming sign that is damaged and not repaired within 60 days shall be deemed abandoned. A sign is considered damaged if the cost of repairing the sign would be more than 60 percent of the cost of erecting a new sign of the same type at the same location. The sign owner will before the repair of an existing sign or the erection of a new sign begins present to the building official cost estimates associated with the repairs or erection.

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

Sec. 66-35. - Removal of signs.

- (a) The city may, at its option, require the removal, relocation or reconstruction of any sign within its corporate limits in accordance with this chapter.
- (b) If application of a city regulation would require reconstruction for a sign in a manner that would make the sign ineffective for its intended purpose, such as by substantially impairing the sign's visibility, application of the regulation shall be deemed to require removal of the sign for purposes of this chapter.

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

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

Item-2.

Sec. 66-37. - Illegal nonconforming signs.

- (a) If the building official determines that a sign or a sign support is not in conformity with this chapter, the owner shall promptly, upon written notice from the building official, remove or repair the sign to bring it into conformity with this chapter.
- (b) If the owner of any nonconforming sign or sign support refuses or neglects to remove or repair it upon being notified to do so, the building official shall notify the owner or agent of the property on which the nonconforming sign or sign support is located to remove it.
- (c) If the owner or agent of the property on which the nonconforming sign or sign support is located refuses or neglects to act within 24 hours after the service of such written notice, the building official or his designated assistant may enter on the premises and remove or cause to be removed the nonconforming sign or sign support. The cost of the removal of such sign or sign support shall be taxed against the owner of record of the real property from which it is removed, and such costs shall constitute a lien against the real property.
- (d) The city shall hold any item impounded by authority of this section for a period of 30 days, after which the city may dispose of any such item in accordance with public surplus property laws and procedure. During this 30-day period, the owner of any such item, after showing proof of ownership, may reclaim the item at the place of storage by paying to the city the actual cost of removal and impounding.

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

Sec. 66-38. - Legal nonconforming signs—Notice of nonconformity.

- (a) The building official shall survey the city for signs that do not conform to this chapter. Upon determination that a sign is nonconforming, the building official shall use reasonable efforts to notify, either personally or in writing, the user or owner of the property on which the sign is located of the following:
 - (1) The sign's nonconformity; and
 - (2) Whether the sign is eligible for characterization either as legal, nonconforming, or unlawful.

(b) If the building official cannot locate the sign owner, user or owner of the property, the building official may affix the characterization notice in a conspicuous place on the sign or to the business premises with which the sign is associated.

Item-2.

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

Sec. 66-39. - Eligibility for characterization as legal nonconforming.

Any sign located within the corporate limits of the city on September 8, 2000 or located in an area annexed to the city after September 8, 2000 that does not conform with this article is eligible for characterization as a legal nonconforming sign if the sign was in compliance with applicable law on September 8, 2000.

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

Sec. 66-40. - Loss of designation.

(a) A legal nonconforming sign shall immediately lose its legal nonconforming designation if:

- (1) The sign is altered in any way in structure other than repairing normal wear and tear and providing routine maintenance.
- (2) The sign structure is relocated or replaced.

(b) On the happening of any one of the events described in subsection (a) of this section, the sign shall immediately lose its status as a legal nonconforming sign and shall become an unlawful nonconforming sign.

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

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

The following types of signs shall become nonconforming upon passage of this chapter, and shall be brought into compliance or removed within six months of the effective date of this chapter: Prohibited signs as defined in section 66-30.

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

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

- (a) The city may, at its option, require the removal, relocation or reconstruction of any sign within its corporate limits in accordance with this chapter.
- (b) The owner of a sign that is required to be relocated, reconstructed or removed is entitled to receive compensation from the city for costs associated with the relocation, reconstruction or removal.
- (c) If application of a city regulation would require reconstruction for a sign in a manner that would make the sign ineffective for its intended purpose, such as by substantially impairing the sign's visibility, application of the regulation shall be treated as the requiring the removal of the sign for purposes of this chapter.
- (d) In lieu of paying compensation, the city may, at its option, exempt from required removal, relocation or reconstruction any sign lawfully in place on the effective date of this chapter.

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

Sec. 66-43. - Sign control board.

- (a) If the city requires the removal, relocation or reconstruction of a sign within its corporate limits, the mayor shall appoint a municipal board on sign control. This board must be composed of the following:
 - (1) Two real estate appraisers, each of whom must be a member in good standing of a nationally recognized professional appraiser society or trade organization that has an established code of ethics, educational program and professional certification program;
 - (2) One person engaged in the sign business in the city;
 - (3) One employee of the state department of transportation who is familiar with real estate valuations in eminent domain proceedings; and
 - (4) One architect or landscape architect licensed by this state.
 - (5) Two City of Wharton residents.
- (b) A member of the municipal board on sign control shall be appointed for a term of two years.

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

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

The municipal board on sign control shall determine the amount and manner of payment of the compensation to which the owner of a sign that is required to be relocated, reconstructed or removed is entitled. The determination shall be made after the owner of the sign is given the opportunity for a hearing before the board about the issues involved in the matter.

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

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

The compensable costs for a sign that is required to be relocated include the expenses of dismantling the sign, transporting it to another site and re-erecting it. The municipal board on sign control shall determine the compensable costs according to the standards applicable in a proceeding under V.T.C.A., Property Code ch. 21 . In addition, the city shall issue to the owner of the sign an appropriate permit or other authority to operate a substitute sign of the same type at an alternative site of substantially equivalent value. Whether an alternative site is of substantially equivalent value is determined by standards generally accepted in the outdoor advertising industry, including visibility, traffic count and demographic factors. The city may compensate the owner for any increased operating costs, including increased rent, at the new location. The owner is responsible for designating an alternative site where the erection of the sign would be in compliance with this chapter.

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

Sec. 66-46. - Compensation for reconstructed sign.

The compensable costs for a sign that is required to be reconstructed include expenses of labor and materials and any loss in the value of the sign due to the reconstruction in excess of 15 percent of that value. The municipal board on sign control shall determine the compensable costs according to standards applicable in a proceeding under V.T.C.A., Property Code ch. 21 .

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

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

- (a) For an off-premises sign that is required to be removed, the compensable costs is an amount computed by determining the average annual gross revenue received by the owner from the sign during the two years preceding September 1, 1985 or the two years preceding the month in which the removal of the sign occurs, whichever is less, and by multiplying that amount by three. If the

has not been in existence for all of either of the two-year periods, the average annual gross revenue for that period, for the purpose of this Item-2. computation, is an amount computed by dividing 12 by the number of months that the sign has been in existence and multiplying that result by the total amount of the gross revenue received for the period that the sign has been in existence; however, if the sign did not generate revenue for at least one month preceding September 1, 1985, this computation of compensable costs is to be made using only the average annual gross revenue received during the two years preceding the month in which the removal date of the sign occurs, and by multiplying that amount by three. In determining the amounts under this subsection, a sign is treated as if it were in existence for the entire month if it was in existence for more than 15 days of the month and is treated as if it were not in existence for any part of the month if it was in existence for 15 or fewer days of the month.

- (b) The owner of the real property on which the sign was located is entitled to be compensated for any decrease in the value of the real property. The compensable cost is to be determined by the municipal board on sign control according to standards applicable in a proceeding under V.T.C.A., Property Code ch. 21 .

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

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

For an on-premises sign that is required to be removed, the compensable cost is an amount computed by determining a reasonable balance between the original cost of the sign, less depreciation, and the current replacement cost of the sign, less an adjustment for the present age and condition of the sign.

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

Sec. 66-49. - Method of compensation.

- (a) To pay the compensable costs required under this article, the city may use only a method or a combination of the methods prescribed by this section.
- (b) If a sign is required to be relocated or reconstructed, the city, acting in accordance with the Property Redevelopment and Tax Abatement Act (V.T.C.A., Tax Code ch. 312), may abate municipal property taxes that otherwise would be owed by the owner of the sign. The abated taxes may be on any real or personal property owned by the owner of the sign, except residential property. The right

to the abatement of taxes is assignable by the holder, and the assignee may use the right to abatement regarding taxes on any nonresidential property in the same taxing jurisdiction. In a municipality where tax abatement is used to pay compensable costs, the costs include reasonable interest, and the abatement period may not exceed five years.

- (c) The city may allocate to a special fund in the municipal treasury, to be known as the sign abatement and community beautification fund, all or any part of the municipal property taxes paid on signs, on the real property on which the signs are located or on other real or personal property owned by the owner of the sign. The city may make payments from that fund to reimburse compensable costs to owners of signs required to be relocated, reconstructed or removed.
- (d) The city may provide for the issuance of sign abatement revenue bonds and use the proceeds to make payments to reimburse costs to the owners of the signs within the corporate limits of the city that are required to be relocated, reconstructed or removed.
- (e) The city may pay compensable costs in cash.

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

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

For each nonconforming sign, the municipal board on sign control shall file with the appropriate property tax appraisal office the board's compensable costs value appraisal of the sign. The appraisal office shall consider the board's appraisal when the office, for property tax purposes, determines the appraised value of the real property to which the sign is attached.

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

Sec. 66-51. - Exceptions.

- (a) This article does not apply to a sign that was erected in violation of local ordinances, laws or regulations applicable at the time of its erection.
- (b) This article does not apply to a sign that, having been permitted to remain in place as a nonconforming use, is required to be removed because the sign or a substantial part of it is blown down or otherwise destroyed or dismantled for any purpose other than maintenance operations or for changing the letters, symbols or other matter on the sign.
- (c) For purposes of subsection (b) of this section, a sign or substantial part of it is considered to have been destroyed only if the cost of repairing the sign is more than 60 percent of the cost of erecting a new sign of the same type at the same location.

(d) This article does not limit or restrict the compensation provisions of the highway beautification provisions contained in the Litter Abatement Act. Item-2.

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

Sec. 66-52. - Appeal.

- (a) Any person aggrieved by a decision of the municipal board on sign control may file in district court a verified petition setting forth that the decision is illegal, in whole or in part, and specifying the grounds of the illegality. The petition must be filed within 20 days after the date the board renders the decision.
- (b) On the filing of the petition, the court may issue a writ of certiorari directed to the board to review the decision of the board and shall prescribe in the writ the time within which a return must be made, which must be longer than ten days, and which the court may extend.
- (c) The board is not required to return the original papers upon which it acted, but it shall be sufficient to return certified or sworn copies of the papers. The return must concisely set forth all other facts as may be pertinent and material to show the grounds of the decision appealed from and must be verified.
- (d) The court may reverse or affirm, wholly or partly, or modify the decision brought up for review.
- (e) Costs may not be allowed against the board unless it appears to the court that the board acted with gross negligence, in bad faith or with malice in making the decision appealed from.

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

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

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	<u>sec. 66-10</u>	yes

Area I.D.	16 sq. ft.	4'	10' from Property Line	<u>sec. 66-10</u>	yes	Item-2.
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— <u>32</u> sq. ft.	8'	10' from property line		no	<i>Item-2.</i>
Finance/construction	<150' frontage— 16 sq. ft. >150' frontage— <u>32</u> 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			<u>sec. 66-20</u>	yes	
Low profile	60 sq. ft.	4'	10' from property line	1	yes	
Attached	<u>section 66-21</u>				yes	

Exempt	<u>section 66-30</u>	Item-2.
Prohibited	<u>section 66-29</u>	

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

Secs. 66-113—66-130. - Reserved.