ORDINANCE NO. 2008-21

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BOERNE, TEXAS, BY REPEALING AND REPLACING CHAPTER 18, SIGN REGULATIONS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PENALTIES NOT TO EXCEED $1,000

WHEREAS, from time to time, it becomes necessary to amend or repeal and replace certain ordinance in the best interest of the citizens;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS:

The Code of Ordinances, City of Boerne, Texas, is hereby amended by repealing and replacing Chapter 18, Sign Regulations with the following ordinance:

AN ORDINANCE REPEALING AND REPLACING ORDINANCE NO. 97-03, AND ALL ORDINANCES AMENDING SAID ORDINANCE, CAPTIONED "AN ORDINANCE PROVIDING FOR THE REGULATION OF THE INSTALLATION AND MAINTENANCE OF SIGNS WITHIN THE CITY OF BOERNE, TEXAS, AND WITHIN THE EXTRA-TERRITORIAL JURISDICTION OF THE CITY; PROVIDING FOR DEFINITIONS, LOCATIONS, SIZE AND HEIGHT RESTRICTIONS; PROHIBITING CERTAIN TYPES OF SIGNS; REQUIRING PERMITS; PROVIDING A MEANS OF VARIANCE HERETO; PROVIDING A REPEALING SECTION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PENALTIES NOT TO EXCEED $1,000.00"

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SECTION 1. IN GENERAL

No sign shall be erected, reconstructed, repaired, maintained or used after the effective date of this ordinance unless such erection, reconstruction, repairs, maintenance or use meets all the provisions of this or any other applicable ordinance adopted by the City Council of the City of Boerne, Texas.

SECTION 2. PURPOSE

The City Council finds that to protect the health, safety, property and welfare of the public it is necessary to prevent the unregulated proliferation of signs while at the same time respecting the public's right to freely engage in constitutionally protected speech. The purpose of these rules and regulations is to provide uniform sign standards and regulations in order to improve pedestrian and traffic visual safety, to provide for safe construction, location, erection, and maintenance of signs, to prevent proliferation of unauthorized signs, to minimize the possible adverse effect of visual clutter on nearby public and private property, and to promote a positive City image reflecting order, harmony and pride, thereby strengthening the economic stability of Boerne's commercial, cultural, historical and residential areas.

SECTION 3. DESIGN GUIDELINES

It is the policy of the City to encourage signage which is appropriate to the Hill Country setting and the rural scale of the city, and to discourage signs which are in conflict with the established character of the community. To this end, all sign owners are encouraged to conform to the following guidelines for sign location, configuration, design and materials.

A. Signs should be located with sensitivity to preserving the natural landscape and environment. Signs should be incidental complements to the principal use of a site, and should never be allowed to visually dominate a site.

B. The height, width and area of a sign should all be in proportion to the dimensions of a building to which the sign is attached and in architectural harmony with surrounding structures. Sign dimensions should respect the size, scale and mass of a building facade, the height of the building, and the rhythms and sizes of window and door openings.

C. No sign should be placed upon a building or structure in any manner which would disfigure, damage or conceal any window opening, door, or significant architectural feature or detail of the building.

D. Sign materials should be predominantly natural, such as native stone, rough cedar, pine or other types of wood, metal, or materials that simulate natural materials.

SECTION 4. JURISDICTION

The provisions of this ordinance shall apply within the City Limits and within the extra-territorial jurisdiction (ETJ) of the City as defined by state law.

SECTION 5. DEFINITIONS

Words and phrases used in this ordinance shall have the meanings set forth in this section. For the convenience of the reader, these defined words and phrases are indicated by **bold print**, but the absence of such indications does not imply a different meaning. Words and phrases which are not defined in this ordinance but are defined in the Zoning Ordinance of the City of Boerne shall be given the meanings set forth in the Zoning Ordinance. Other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise. Headings and captions are for reference purposes only, and shall not be used in the interpretation of this ordinance.

A. General Definitions.

Area: As applied to any sign, the square foot area enclosed by the perimeter of the sign face with each face contributing to the aggregate area. The area to be measured encompasses the extreme limits of the writing, representation, emblem or other display together with any material or color forming an integral part of the background of the display or used to differentiate the sign material from the backdrop or structure against which the sign is placed, but excludes any sign supports or supporting framework, and any finials, decorations or scrollwork entirely outside the area of substantive sign content. In cases where a sign, or a portion of a sign, is composed only of letters, figures, or other characters standing against no sign face background or secured to a monolith, then the sign face area is the area of the smallest simple imaginary figure (circle, triangle, rectangle, or other) which fully contains the sign content. The area of a sign with more than one face is the sum of the areas of all sign faces visible from any one point. However, a sign structure with two (2) faces back-to-back, oriented in opposite directions, with the same copy on both sides, shall be counted only as the area of one face.

Bed & Breakfast Identifier: A sign located on the property that includes a **bed & breakfast** (as defined in the City of Boerne Zoning Ordinance.)

Central Area: The B-3 zoning district, the River Corridor zoning district, the River South Arts & Design District, and lots that front River Road from Esser Road to Main Street.

City Manager: The City Manager or his/her duly authorized representative.

Commercial Complex: Any development which consists of two or more **establishments** on a single platted lot such as a shopping center or an Industrial Park/ Business Park or Campus office park on two or more contiguous lots, which may be separated only by a street or drainage rights of way.

Directional Sign, River Corridor: An off-premise sign that gives directions to an establishment located in the River Corridor Zone.

Establishment: A use of land for any purpose which requires a building on the land, regardless of the commercial, nonprofit or public nature of the activity, but excluding a residence or active agricultural use in any form.

Handheld Sign: A sign which is not permanently or temporarily attached to the ground or to a permanent structure, and which is designed to be transported or carried by an individual.

Height: As applied to any sign, the vertical distance between the highest attached component of the sign or of its supporting structure, whichever is higher, and the average established ground level beneath the sign. The established ground level beneath the sign is the lower of (1) the existing grade prior to construction of the sign or (2) the newly established grade after construction, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign, unless the curb elevation at the street in front of the sign is higher than the established ground level, in which case the height shall be measured from curb level.

Industrial Park/ Business Park or Campus: Developments which are intended to be either the site for a number of manufacturing, industrial, warehousing and related uses, or a mixed-use development which includes a number of separate office, commercial, wholesaling, and compatible laboratory, industrial and other uses which primarily support the function or employees of those uses, and which are designed and developed as an integrated unit but typically the establishments are on individual lots.

Non-residential Area: Inside the city limits, the area within any non-residential zoning district; in the City's extra-territorial jurisdiction, any lot or tract of land which is the site of an **establishment** or **commercial complex**.

Residential Area: Inside the city limits, the area within any residential zoning district; in the City's extra-territorial jurisdiction, any lot or tract of land which is vacant or in any form of agricultural use, or in which the principal use of the land is as a residence.

Responsible Party: The person, firm, organization or other entity whose product, service, activity or enterprise of any character is announced or advertised by the sign, or whose message is carried by the sign, and/or the owner of the land upon which the sign is located.

Sign Review Committee: The Committee is made up the Chief of Police, the Fire Marshal and the Director of Planning and Community Development.

B. Types of Signs.

For the purposes of this ordinance, a sign means any letters, figures, symbols, trademarks, or devices designed either to inform people or to attract the attention of people to an individual, firm, profession, business, organization, institution, commodity, service, activity, cause or purpose, and which is recognizable from any public right-of-way. Particular types of signs are defined by their purpose or use, by their location, and by the nature of their construction, and therefore any one actual sign may be encompassed by multiple definitions and subject to the regulations in multiple sections of this ordinance. Types of signs which are regulated by this ordinance are defined as follows.

Auxiliary Sign: A sign of any construction, not exceeding one square foot in **area**, which is not part of another sign and which is customarily secondary and incidental to the principal use of any non-residential premises, such as one indicating hours of operation, credit cards accepted, or restrictions of sale to minors, or which is customarily secondary and incidental to a residence, such as "no soliciting" or "beware of the dog."

Awning Sign: A sign painted on or attached to the outside of an awning, canopy or any similar structure such as is typically extended in front of a window or door or over a patio, deck or walkway as a protection from the sun or rain, regardless of whether the structure is retractable.

A sign which is suspended from or projects into the space beneath an awning, canopy or similar structure, or which is painted on, attached to or suspended from an interior surface, so as to be read from within the area enclosed by the structure, is a **canopy sign**.

Balloon: A non-porous, flexible inflated device used solely for the purpose of advertising including cold-air inflatable balloons, and inflatable devices of any other kind as well as devices supported by rushing air.

Banner: A flexible sign intended to be hung or mounted either with or without frames, made of paper, plastic, fabric or any other flexible material, and which is used by its colors, characters, lettering, illustration or ornamentation to call attention to an **establishment** on the site or to a community, civic or other event either on or off the site. **Flags** are distinguished from **banners** for the purposes of this ordinance.

Beacon: Any light with a beam directed into the atmosphere or directed at a point which is not on the same lot or tract of land as the light source, or a light with one or more beams that rotate or move.

Billboard: Any sign which is used or designed to be used to advertise or call attention to any product or service which is produced at a place other than on the premises on which the sign is located, or to advertise or call attention to any **establishment** which is not located on the same premises as the sign.

Bulletin Board: A sign which is principally devoted to posting announcements of interest to the members or clientele of an organization concerning the activities of the organization, such as is customarily erected by a church, social club, society or charitable organization.

Canopy Roof Sign: A sign which is mounted above a canopy roof parallel to the facing wall and which may not project higher than the main roof of the building.

Canopy Sign: A sign which is suspended from the underside of an awning or canopy structure or which projects into the space enclosed within or beneath an awning or canopy structure. A sign which is painted on or attached to the outside of an awning or canopy structure is an **awning sign**.

Central Business District: The zoning designation B-3, the limits of which are reflected in the official City of Boerne zoning map.

Changeable Copy Sign: A sign or part of a sign on which characters, letters or illustrations can be changed or rearranged without altering the face or surface of the sign, such as a theater marquee, a gasoline price sign, or a sign identifying the occupants of a shopping center. A sign on which the only copy that changes is a matter of general public information, such as the current time and temperature or an index of stock market averages, and which contains no other commercial message, is a **public service sign**. Any other sign on which the message changes more than once per day is a **flashing sign**.

Commercial Complex Identifier: A monument sign not to exceed thirty-two (32) square feet, five (5) feet in height, located on property that may be separated from the principal development; however, the property on which it is located shall be part of the same PUD or

subdivision. The Identifier shall contain the name of the commercial complex and shall not advertise for individual establishments.

Commercial Sign: Any sign, regardless of its location or construction, whose wording or other contents, directly or indirectly, names, advertises or calls attention to any business, product, service, institution, organization, event, cause, purpose or other activity.

Community Service Sign: A temporary sign which solicits support for, or participation in, a non-profit, non-political, community, public or social purpose, cause, event or activity, such as one marking a holiday or holiday season, or one supporting school activities, charitable programs, religious activities, or events of community interest.

Community Pride Sign: Temporary sign or banner which is used to identify establishments that have been recognized by the Chamber of Commerce or local newspaper not to exceed 90 days.

Construction Sign: A sign placed on a construction site identifying or announcing the character of the project and/or the names of the owners, developers, financiers, architects, engineers, contractors, leasing agents and others associated with the project.

Digital Wrap Sign: A freestanding sign made out of flexible material mounted on sign board or a similar rigid product.

Directional Sign: A sign which is separate from other signs, incidental and secondary to the principal use of the land on which it is located, and whose primary purpose is to give directions such as to parking lots, exits, entrances, or drive-through windows, or directives such as "no parking" or "loading only."

Event Sign, Off-Site: A sign giving directions to an occasional event at another location, other than a business event at a commercial **establishment**, such as directions to a civic or other non-commercial ceremony, to an event for the members of an organization, or to an event at a residence such as a garage sale, home for sale, real estate open house, or private party.

Event Sign, On-Site: A sign which is placed to advertise or mark the location of an occasional event on the same site, such as the location of a civic or other non-commercial ceremony, of an event for the members of an organization, or of an event at a residence such as a home for sale, real estate open house, or private party.

Flag: A flag adopted by a business, institution or other organization and containing the name, logo or other symbolic emblem of that business, institution or organization.

Flashing Sign: A sign with flashing, blinking, moving, rotating or traveling lights, or with lights that change in color or intensity, or have multiple views and objects that digitally or electronically produce color and/or black and white images whether the sign is directly or indirectly illuminated, or a sign which uses lights to form traveling messages or messages which change more than once per day, except for a **public service sign**.

Free Standing Sign: Either a **monument sign** or a **self supported sign.**

Governmental Flag: Flags of the United States, the state, the city, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction.

Governmental Sign: A sign owned or sponsored by the City of Boerne, Cow Creek Ground Water Control District, Kendall County or the Boerne Independent School District that is used to provide general information to the community.

Integral Sign: A sign indicating the name of a building, as distinct and clearly distinguished from the name of a business, institution or other entity occupying the building, or indicating the date or other information of historical interest about the building's construction, when such sign is cut or molded into a masonry surface which forms part of a wall of the building or when it is constructed as a plaque or tablet of bronze or other incombustible material and permanently mounted on the face of the building.

LED Sign: A sign composed of light emitting diodes.

Lighted Sign: A sign that is back-lighted or lighted from within, a **neon sign**, or a LED sign but not a sign that is only illuminated by external lights that shine upon it.

Model Home Sign: A sign which is located on the same lot as a model home in a residential subdivision and which calls the attention of prospective buyers to the model home.

Monument Sign: A sign which is built as a monument on the ground, independent of any other structure for its support

Monument Sign, Changeable Copy: A **monument sign** which incorporates a changeable copy feature into the sign.

Moving Sign: A sign or any part of a sign which rotates, moves, or uses lighting to simulate motion.

Name Plate: A sign, mounted flat against the wall of a building and not projecting more than one inch from the face of the wall, indicating the name and/or address of the building, and/or the name of an occupant thereof, and/or the practice of a permitted home occupation therein.

Neon Sign: Gas filled glass tubing sign.

New Business Sign: A temporary sign advertising the opening of a new business in an existing structure.

Nonconforming Sign: A sign that does not conform to all of the regulations of this or other City ordinances.

Political Sign: A sign which is primarily political in nature or which supports or opposes any candidate for public office or any proposition to be voted upon at an election, or which makes a political statement in the nature of constitutionally protected non-commercial free speech.

Portable Sign: Any sign which is not permanently attached to the ground or to a permanent structure or a sign designed to be transported, whether on attached wheels or otherwise, but

excluding **construction signs**, **on-site event signs**, **off-site event signs**, **realty signs** and **sidewalk signs**.

Projecting Sign: Any sign, other than an **awning sign** or **canopy sign**, whose outside edge extends more than four (4) inches from the face of a wall to which it is attached, or which extends at any point above or beyond a wall to which it is attached.

Public Service Sign: A sign or part of a sign which is devoted to changeable messages of general public information without other commercial content, such as the current time and temperature or an index of stock market averages.

Realty Sign: A sign which advertises the property on which it is located for sale, lease, or rent.

Residential Development Sign: A sign at the entrance to a residential development, such as a series of townhouses, an apartment complex or a residential subdivision, which identifies the name and/or the address of the residential development.

River Corridor District Directional Sign: An off-premise sign that provides directions to an establishment located within one block of Main Street or located in the River Corridor District.

Roof Sign: Any sign that is mounted on or above the roof of a building, but excluding a **projecting sign**, whose principal support fixtures are attached to a wall and a **wall sign** which is either painted directly on a sloping roof or mounted directly on a sloping roof in the same plane as the roof.

Self-Supported Sign: A permanent sign which is erected on supports placed on or anchored in the ground. The supports may be enclosed by a non-supporting veneer approved by the City Manager.

Sidewalk Sign: A sign, regardless of its construction, which is designed to be placed on the ground or sidewalk adjacent to an **establishment** in order to advertise or call attention to the goods or services offered at that **establishment**.

Single Family Address Sign: A sign, other than a **name plate**, which identifies the name of the occupants and/or the address of a single family or duplex residence, but excluding any **commercial sign**.

Special Event Sign: Signs or **banners** which announce or advertise a community event.

Vehicular Sign: A vehicle, whether motorized or a trailer, which is mounted above the ground as a sign or part of a sign, or any sign attached to or painted on such a vehicle which is mounted above the ground or which is parked so as to be visible from a street when such vehicle is not actually used for transportation in the day-to-day affairs of its owner. However, this term does not include a customary sign in a vehicle window advertising the vehicle itself for sale or containing an incidental non-commercial statement by the vehicle owner.

Wall Sign: A sign, other than a **name plate**, painted on or mounted parallel to the face of any building, provided that the sign does not project over any public land or street right-of-way, or extend more than four (4) inches from the face of the wall to which the sign is mounted, or

extend at any point above or beyond the end of such wall. A sign which is painted on a sloping roof or mounted on a sloping roof in the same plane as the roof is also a wall sign.

Window or Door Sign: Any sign which is painted or placed inside or upon a window or door, or mounted against a window or door and oriented so as to be read from outside the building.

SECTION 6. EXEMPTIONS FOR CERTAIN TYPES OF SIGNS

The following types of signs are exempt from regulation under this ordinance:

A. Any sign inside a building, or a **window or door sign**, except for a lighted **window** or **door sign**.

B. Commemorative plaques and historical markers mounted on the face of a building or erected on a site as a free-standing monument, when placed by a governmental entity, historical society or other civic organization to commemorate a person, event or other matter of historical interest.

C. Any sign erected or required to be erected by any governmental entity or public utility to give information, directions or warnings to the general public, regardless of the sign's location on public or private property.

D. Signs that advertise sales or "help wanted" not to exceed four (4) square feet, limited to one per street frontage.

E. Banners that advertise "help wanted", structures for sale or lease, space within structures for rent or lease, and retail "sales" signs. These banners shall be limited to one per category per building/lease space and banners must be kept in good repair throughout the time of their display.

F. Signs that provide directions to the Convention and Visitors Bureau.

G. Handheld signs of a non-commercial nature which do not rest on or otherwise touch the ground.

H. Any sign authorized by this ordinance displaying a commercial message which is subsequently substituted for a non-commercial message in place of the previous commercial message, or previous non-commercial message.

SECTION 7. CENTRAL AREA GUIDELINES AND RESTRICTIONS

A. For maximum height for all signs (monument and self supported) refer to Section 10, Subsections S and BB.

B. Maximum size for a self supported sign is thirty-two (32) square feet and a monument sign is forty-eight (48) square feet.

C. Pennants/streamers/balloons shall be prohibited with the exception of special theme events which are held in the **Central Area** that may be sponsored by the City, Chamber of Commerce, a recognized merchant association, or establishment and approved by the City Manager or his designee. The pennants/streamers/balloons shall not be erected more than five (5) days prior to the event and shall be removed within no more than three (3) days following the event to which they call attention.

D. Banners for "one day specials" shall be permitted

E. Projecting signs shall be limited to twenty-four (24) square feet if attached to the first floor of a building or thirty-two (32) square feet if attached to the second floor of a building.

F. **Wall Signs** are limited to 10% of wall space.

G. The following signs are prohibited:

1. Changeable copy monument signs
2. Digital Wrap freestanding signs

SECTION 8. HISTORIC DISTRICT RESTRICTIONS

The following provisions shall apply within the Historic District:

A. Within the Historic District, the provisions of this Section 8 shall prevail over any conflicting provisions elsewhere in this ordinance.

B. No **free standing sign**, **wall, awning, canopy roof, canopy, sidewalk sign** or **projecting sign** shall be permitted without the approval of the Historic Landmark Commission. In making its decision whether to approve such a sign, the Historic Landmark Commission shall consider the following criteria:

1. the purposes of this ordinance stated in Section 2;

2. the compatibility of the sign with the historic and architectural character of the **establishment** for which the sign is proposed;

3. the compatibility of the sign with the historic and architectural character of other buildings adjacent to the **establishment**;

4. the compatibility of the proposed sign with the Historic District and other signs, buildings and structures within the Historic District;

5. the visibility of architectural, historic and esthetic elements within the Historic District;

6. the general design, arrangement, materials, textures and colors of the sign and their relation to other signs in the Historic District, and

7. Whether the scale, height and mass of the sign are appropriate for its intended use in the Historic District.

C. Limit on the number of signs per establishment – the maximum number of signs per establishment shall be three. *(Ord. No. 2012-15, §8, 7-10-2012)*

D. An application submitted to the Landmark Commission for approval of a new or revised sign shall include the following support documentation and shall be submitted no later than ten (10) calendar days prior to the date that the application is to be considered by the Commission:

1. 12 copies of the sign design and colors
2. 12 photographs of front and/or side elevations of the structure with the sign image located on the structure
3. A photograph of the structure as viewed from the street(s)

E. Any decision of the Historic Landmark Commission under this Section 8 may be appealed to the City Council

SECTION 9. AUTOMOBILE DEALERSHIPS

Automobile dealerships that have frontage along the Interstate Highway shall be subject to the following guidelines:

1. Poles that are used for onsite lighting may have **banners** or **flags** attached to them. No more than two (2) **banners** or **flags** per pole that are no more than three (3) feet wide and eight (8) feet long.

2. Each dealership may have a **banner** at its entrance indicating which day of the weekend they are open or for special promotions.

3. **Balloons** may be used. The **balloons** must be spherical and not more than twenty-four (24) inches in diameter and held in place by a tether not to exceed ten (10) feet in length, balloons and tethers shall not be tied in sequence to form a longer balloon system and shall not fall into a state of disrepair (deflated).

4. Additional temporary signage may be utilized for national promotional events.

5. Automobile dealerships are limited to two types of **moving signs**, **balloons** and **flags**; the use of more than one of these at a time is prohibited.

6. The dealership may have an additional **free standing sign** for each three hundred (300) feet of frontage on the Interstate.

SECTION 10. RESTRICTIONS ON CERTAIN TYPES OF SIGNS

A. Awning Signs.

One-third of the **area** of an **awning sign** shall be counted toward the limit on the total **area** of **wall signs** on the wall to which the awning is attached.

B. Banners.

Banners that are required to be permitted must be securely attached to a building or other permanent structure and they must be kept in good repair throughout the time of their display. **Banners** shall not be erected for more than thirty (30) days in succession; the responsible party must remove them within no more than three (3) days after the permit has expired. **Banners** shall not be placed on any site more than five (5) times within a calendar year, with a minimum of twenty (20) days in between permits. *(Ord. No. 2010-33 §10, 10-12-2010)*

C. **Bed & Breakfast Identifiers** shall be erected on the property at which a **bed & breakfast** that is registered with the City of Boerne and the State Comptroller's Office as a **bed & breakfast** is located. The identifier shall not exceed two (2) square feet and not exceed four (4) feet in height.

D. Bulletin Boards.

Bulletin boards shall be located only on the premises of the institution or organization to whose activities it pertains. A **bulletin board** shall not exceed thirty-two (32) square feet in **area**.

E. Canopy Roof Signs.

1. Only one **canopy roof sign** shall be permitted per establishment.

2. Allowed only as business identifier mounted parallel to the building wall face on top of a canopy roof which may not extend above the main building roof line. **Canopy roof sign** area will count against allowed wall signage at the establishment and will only be allowed in lieu of a projecting sign or wall sign.

3. A **canopy roof sign** cannot exceed eighteen (18) inches in height with a maximum length of five (5) feet or ten percent (10%) of the width of the establishment whichever is greater.

F. Canopy Signs.

1. Only one (1) **canopy sign** shall be permitted per entrance to an **establishment**.

2. No **canopy sign** shall extend beyond an edge of the canopy structure to which it is attached. Except at a street corner, no **canopy sign** shall be closer than five (5) feet from the end of the longer side of the canopy structure.

3. A **canopy sign**, which is perpendicular to a building face, shall not exceed two-thirds (2/3) of the width of the canopy structure. A minimum spacing of ten (10) feet must be provided between such **canopy signs**.

4. A **canopy sign**, which is parallel to a building face, shall not exceed two-thirds (2/3) of the length of the canopy structure.

5. No **canopy sign** shall extend more than two feet either above or below the horizontal underside of the canopy structure. No **canopy sign** shall be less than seven (7) feet from ground clearance.

G. Community Service Signs.

A **Community Service Sign** shall be erected only by a unit of government, school, Chamber of Commerce, religious organization or other non-profit agency. The **area** of a **community service sign** shall not exceed six (6) square feet in a **residential area** or thirty-two (32) square feet in a **non-residential area**. A **community service sign**, which promotes any particular event, shall not be erected more than fourteen (14) days prior to the event and shall be removed by the **responsible party** not more than three (3) days after the event.

H. Construction Signs.

1. A **construction sign** may not exceed thirty-two (32) square feet in a **non-residential area** or sixteen (16) square feet in a **residential area**, except that a **construction sign** for an **establishment** that is located along an interstate highway and has actual frontage on the highway right-of-way may have an **area** of three hundred (300) square feet with a maximum height of fifteen (15) feet.

2. A **construction sign** must be removed at the time of the installation of the permanent sign or within thirty (30) days after the City issues a Certificate of Occupancy for the project whichever comes first.

3. **Construction signs** which are larger than three (3) square feet in **area** and not securely mounted on a wall shall be set back at least ten (10) feet from the property line.

4. Only one **construction sign** may be permitted per street fronting a building or other project under construction, reconstruction or repair, except that one additional sign, not exceeding three (3) square feet in area, may be placed on the site by any individual contractor or subcontractor working on the project and not acknowledged on the principal sign.

I. Directional Signs.

1. A **directional sign** may not contain any commercial message except the name, logo or other symbolic identification of the **establishment** to which the sign is secondary. The **area** of a **directional sign** may not exceed six (6) square feet.
2. A **River Corridor District Directional Sign** identifying an **establishment** in the River Corridor Zone shall not exceed twelve (12) square feet. With the prior approval of the City Manager, these signs may be located off-premises, and may be added to **nonconforming signs**. These signs may also be placed in areas designated by the City Manager to include rights-of-way.

J. Event Signs, Off-Site.

An **off-site event sign** shall not exceed an **area** of three (3) square feet and shall not be lighted. Such signs shall be placed only on private property and only with the consent of the owner of the property. No more than three (3) such signs may be used to give directions to the

same event. Such signs shall not be placed more than fourteen (14) days prior to the event and the responsible party must remove all such signs within one day after the conclusion of the event.

K. Event Signs, On-Site.

An **on-site event sign** shall not exceed an **area** of three (3) square feet at a residence or thirty-two (32) square feet at any other location. Such sign shall not be placed more than fourteen (14) days prior to the event and the responsible party must remove it within one (1) day after the conclusion of the event.

L. Flags.

Three flags are allowed per location, with a combined square footage equal to the permitted square footage for the **self-supported sign** for that establishment. The area of any additional flags shall be counted toward the total square footage for the **self-supported sign**. Any flagpole that does not fly a **governmental flag** shall not exceed thirty (30) feet in height.

M. Free Standing Signs.

1. Only one (1) **freestanding sign** shall be permitted per individual freestanding **establishment**.

2. Only one (1) **free standing sign** shall be permitted for a **commercial complex,** identifying the name and/or address of the complex and/or listing the individual tenants in the complex.

a. Except that a **commercial complex** with a land area of two (2) acres or more may have one (1) such **free standing sign** along each street which borders the complex for a distance of two hundred (200) feet or more.

b. If the **commercial complex** is an Industrial Park, Business Park or Campus **free standing monument sign** (not to exceed eighty (80) square feet, or ten (10) feet in height) may be located on a one corner lot at each primary entrance to the complex.

c. If a commercial complex sign is installed to identify the complex and the establishments within the complex under the circumstances described in section d (i), (ii) below each establishment may install a monument sign that does not exceed ten (10) feet in height and eighty (80) square feet in size.

d. If the occupants of a Commercial Complex choose not to install a commercial complex sign described in Section10.M.2 above. A separate **free standing sign** for an individual **establishment** located within a **commercial complex** may be permitted only if the **establishment** meets both of the following conditions (variance request for increases in height or size shall not be considered from single establishments under these circumstances.)

(i) The **establishment** is located along a street bordering, or within, the complex and in a separate building from the principal building of the complex; and

(ii) The **establishment** has a separate parking area from the principal parking area of the complex, which may connect with the principal parking area but is visually set off from that area by fencing or landscaping.

3. If a landscaped area is installed at the base of a **free standing sign**, this landscaped area shall be protected from damage by pedestrian and vehicular traffic by a retaining wall or other barrier or method of separation acceptable to the **City Manager**. The plants in such landscaped area shall be maintained in a healthy condition, and the responsible party shall keep the area free of weeds, trash and debris.

N. Governmental Flags.

Governmental flags are permitted in all zoning districts provided that they meet the following requirements.

1. United Stated flags shall be flown in accordance with the protocol established by the Congress of the United States for the Stars and Stripes, Title 4, Chapter 1 – The Flag.

2. When a flagpole is located on the top of a roof, the placement and attachment of the pole shall meet the building code for wind and structural loading requirements. The plan design criteria shall provide the proposed location, attachment method to the structure and wind load resistance. A building permit shall be required for this type of installation.

3. Within Zoning Districts B-2 and B-I, ground mounted flagpoles shall not exceed fifty (50) feet. In the RC zone the flagpole may not exceed the maximum building height of thirty-eight (38) feet. In all other zones the flagpole cannot exceed thirty (30) feet in height. The height is measured from the base of the pole to the top.

O. Handheld Signs.

The area of a **handheld sign** shall not exceed six (6) square feet. Handheld signs displaying a commercial message shall not be permitted on an establishment if the square footage of the **handheld sign** combined with the square footage of any lawfully permitted permanent sign exceeds the total allowable square footage of signage for that establishment.

P. Integral Signs.

The **area** of an **integral sign** shall not be counted toward the limit on the **area** of **wall signs** on the same wall, provided that the **integral sign** contains no commercial message substantially duplicating another sign.

Q. Lighted Signs.

An establishment shall only have one lighted window or door sign per store front, not to exceed three (3) square feet. These signs shall be turned off when the establishment is not open for business. Illuminated exterior signs not lit by internal lighting shall be illuminated by down lighting methods; "up–lighting" is prohibited.

R. Model Home Signs.

A **model home sign** shall be erected only on the actual site of a model home, and only one such sign may be erected on the site. The **area** of a **model home sign** shall not exceed sixteen (16) square feet, and the **height** of a **model home sign** shall not exceed six (6) feet. A **model home sign** shall not be internally illuminated. All **model home signs** must be removed within thirty (30) days after ninety (90) percent of the homes in the subdivision are sold.

S. Monument Signs.

1. The **area** of a **monument sign** for an individual **establishment** shall not exceed:

   a. Residential zoning district - sixteen (16) square feet
   b. NBO zoning districts – sixteen (16) square feet
   c. Central area – forty-eight (48) square feet
   d. Other zoning districts – sixty-four (64) square feet
   e. Extra-territorial jurisdiction (ETJ) – sixty-four (64) square feet

2. The **area** of a **monument sign** for a **commercial complex** shall not exceed:

   a. Residential zoning district - sixteen (16) square feet
   b. NBO zoning districts – sixteen (16) square feet
   c. Central area - forty-eight (48) square feet
   d. B-2 zoning district – eighty (80) square feet
   e. I-industrial zoning district – eighty (80) square feet
   f. Extra-territorial jurisdiction (ETJ) – eighty (80) square feet

3. The **height** of a **monument sign** shall not exceed eight (8) feet.

4. **Changeable copy monument sign.** A **monument sign** that contains the primary name of the establishment, as well as, a changeable copy feature, the changeable copy portion of the sign shall not exceed eight (8) square feet. **Changeable copy monument signs** shall not be permitted in the **Central area** or Historic District.

T. Name Plates.

The **area** of a **name plate** shall not exceed one (1) square foot in a **residential area** or two (2) square feet in a **non-residential area**. Only one (1) **name plate** may be permitted per residence or **establishment**.

U. New Business Signs.

New Business Signs or **banners** shall be no larger than thirty-two (32) square feet and must be removed upon installation of the permanent sign or within thirty (30) days after the City issues a Certificate of Occupancy for the project, whichever comes first. The City Manager or his designee may extend the use of a new business sign or banner for a period of sixty (60) days. *(Ord. No. 2010-33, §10, 10-12-2010)*

V. Political Signs.

A **political sign** that contains primarily a political message and that is located on private real property: 1) shall not be installed more than 90 days before the election to which the sign relates 2) political signs shall be removed within 7 days following the election to which the sign relates 3) shall not be constructed of roofing material, siding material, or balloons 4) shall not have an **area** greater than thirty-six (36) square feet, 5) shall not be more than eight (8) feet in height, 6) shall not be a lighted sign and shall not have any moving elements 6) may be placed on property only with the consent of the property owner, 7) **political signs** shall not be placed in, on or over any right of way or publicly owned land. *(Ord. No. 2012-15, §10, 7-10-2012)*

W. Portable Signs.

Portable signs may be used only to promote a non-profit community event. Such signs shall not be illuminated, either by internal or external means, and shall not exceed an **area** of thirty-two (32) square feet. Such signs may be placed on private property only with the permission of the owner of such property, on City property only with the approval of the **City Manager**, or on other public property only with the permission of the agency owning the property. Such signs shall not be erected more than fourteen (14) days prior to the event and all such signs must be removed by the **responsible party** not more than three (3) days after the event.

X. Projecting Signs.

1. Only one **projecting sign** shall be permitted per **establishment**, except that in the B-3 and RC zoning districts, an **establishment** which is located on the corner of a street intersection or at the end of a building in a **commercial complex** may have one (1) **projecting sign** on the front wall and one (1) **projecting sign** on the side wall of the building.

2. The **area** of a **projecting sign** shall not exceed sixteen (16) square feet in any residential zoning district and in the NBO and B-1 zoning districts, or thirty-two (32) square feet in any other zoning district and in the extra-territorial jurisdiction.

3. No **projecting sign** shall exceed a **height** of twenty (20) feet, and in the B-3 zoning district no **projecting sign** shall extend vertically above the window sill of a second story.

4. No **projecting sign** shall extend, either above the roof of the building or beyond the end of the wall to which it is attached, by more than four feet at the point of attachment, except that a theater marquee may extend completely across the sidewalk below the marquee.

5. A **projecting sign** attached to a building on private property shall not extend over any public land except a sidewalk adjacent to a building which is lawfully built up to the public right-of-way.

Y. Public Service Signs.

A **public service sign** shall be placed only in a **non-residential area** and only on the same lot or tract of land as the **establishment** sponsoring the sign. The **area** of a **public service sign** shall not exceed thirty-two (32) square feet, regardless of whether the **public service sign** is a separate sign or integrated as a component of another sign.

Z. Realty Signs.

Realty signs may be placed only upon the premises to which they refer, and only one such sign shall be permitted per street fronting the lot or tract. The **area** of a **realty sign** shall not exceed six square feet in a **residential area**, and shall not exceed thirty-two (32) square feet in a **non-residential area**. The size of a realty sign on properties that have frontage on Interstate IH 10, and HWY 46 shall not exceed three hundred (300) square feet and fifteen (15) feet in height.

AA. Residential Development Signs.

1. In addition to the name and/or the address of the residential development, a **residential development sign** may incorporate incidental leasing information and/or the contents of a **directional sign**.

2. For a residential development with six (6) or fewer residential units, the **area** of a **residential development sign** shall not exceed thirty-two (32) square feet. For a residential development with more than six (6) residential units, the **area** of a **residential development sign** shall not exceed the smaller of either five (5) square feet per residential unit or fifty (50) square feet in total.

3. A **residential development sign** shall not be internally illuminated.

4. For a **residential development sign** in a condominium development or in a subdivision in which the sign is common property of the subdivision homeowners, the condominium regime or restrictive covenants must provide adequate assurance, in the judgment of the **City Manager**, that the landscaped area, if present, at the base of the sign will be properly maintained by the condominium owners association or homeowners association.

BB. Self-Supported Signs.

1. **Self-supported** signs are permitted only in the Central area, B-2, B-1, I-industrial zoning districts and in the extra-territorial jurisdiction. The supports for **self-supported signs** may be enclosed by a veneer that is non structural and approved by the City Manager.

2. The **area** of a **self-supported sign** shall not exceed:

   a. a single **establishment** – thirty-two (32) square feet.
   b. a **commercial complex** in the **Central Area** – thirty-two (32) square feet
   c. a **commercial complex** located in the City limits or ETJ – sixty-four (64) square feet
   d. a **commercial complex** with a land area of two (2) acres or more and frontage of two hundred (200) feet or more on each of two (2) or more streets - the total **area** of all **self-supported signs** shall not exceed one hundred twenty-eight (128) square feet.

3. The **height** of a **self-supported sign** shall not exceed:

   a. In the Central Business District – eight (8) feet
   b. Along either side of Main Street from River Road south to Oak Park and along Main Street from Johns Road north to Frederick Street - twelve (12) feet

c. All others except those signs identified in item 4 below – twenty (20) feet

4. The height and area of self-supported signs for establishments or commercial complexes that are located on lots or tracts of land that are within one hundred (100) feet the right of way of Interstate 10 and whose signs are oriented so as to be read from the interstate highway shall be determined as outlined below:

   a. Height: maximum height of forty (40) feet for an establishment or commercial complex
   b. Area: maximum area for an establishment is one hundred (100) square feet; the maximum area for a commercial complex shall be as follows: a total of one hundred and fifty (150) square feet for the first two establishments plus 50 square feet for the each additional, establishments; however a commercial complex sign shall not exceed a total of two hundred and fifty (250) square feet regardless of the number of establishments in the complex.
   c. A property owner whose property is located within one hundred (100) feet of the right of way of Interstate 10 frontage and feels that, due to the topography of the property or other reasons that are directly related to the physical location of the property, that they need to have a self supported sign that is in excess of the parameters set forth in Section BB 4 (a) or (b) may request an increase in the area and or height of a self supported sign by requesting that the Sign Review Committee review their application. Said request shall be turned into the office of the City Secretary with all substantiating evidence that the applicant feels is necessary for the Committee to make its decision

   The Sign Review Committee shall take action on a request with in 10 working days of receiving the request and notify the applicant of its decision and forward a report of its decision to City Council. The committee shall only take into consideration the physical location of the property and sign and the ability of the traveling public to view the sign and make a decision to exit the Interstate in a safe manner. The Committee shall not approve a sign height in excess of seventy-five (75) feet or an area larger than three hundred (300) square feet.

CC. **Sidewalk Signs** shall be permitted only for establishments in the Central Area that do not have store fronts contiguous to the front property line directly on Main Street. Only one sidewalk sign is permitted per **establishment**. In the case of a complex it is strongly recommended that sidewalk signs have multiple listing rather than individual establishment signs especially when the sidewalks signs from the complex begin to create obstacles for pedestrians. A complex may have a sidewalk sign for each 20 feet of frontage on which multiple listing of the complex tenants may be placed.

A **sidewalk sign** may be placed or used only during the actual business hours of the **establishment** to which it refers. It shall be prohibited to erect or cause to be erected a **sidewalk sign** in any public right-of-way or sidewalk in a manner that endangers public safety, creates a pedestrian or traffic hazard, sidewalk signs shall maintain a minimum clearance between signs for pedestrian movement of at least 4 feet and be placed a minimum of 2 feet from the edge of the curb. Sidewalk signs are limited to eight (8) square feet in area and a maximum width of two (2) feet and a height of 4 feet. *(Ord. No. 2012-15, §10, 7-10-2012)*

DD. Single Family Address Signs.

In addition to the name of the occupants and/or the address of the residence, a **single family address sign** may contain an incidental personal message from the occupants, but it shall not contain any **commercial sign**. The **area** of a **single family address sign** shall not exceed two (2) square feet.

EE. Special Events Signs.

Special Events Signs shall not be displayed more than seven days before and three days after said event and must otherwise comply with the terms of this ordinance.

FF. Wall Signs.

1. A **wall sign** which is not painted directly on the surface of a wall must be securely mounted to and supported by the wall throughout the length and width of the sign.

2. Only one **wall sign** shall be permitted per **establishment** in any residential zoning district and in the NBO, B-1, and RC zoning districts.

3. The **area** of all **wall signs** on any single wall, including one-third of the **area** of any **awning signs** which are attached to the wall and required to be counted, shall not exceed: 16 square feet in any residential zoning district and in the NBO zoning district; or ten percent (10%) of the **area** of the wall. *(Ord. No. 2010-21, §10, 8-10-10)*

GG. **Gas Pricing Signs** are permitted only for those establishments that sell products for fueling vehicles used for transportation. The use of LED fuel pricing signs is prohibited unless they are attached or built into the canopy of the fueling area – these types of signs are prohibited in the Central Area. *(Ord. No. 2012-15, §10, 7-10-2012)*

HH. **Neon Signs** (to include highlighting) are permitted subject to design review by the Planning Department. Neon Signs shall be permitted provided that the neon is compatible and harmonious with the primary color(s), style and architecture of the building or development. The lumens produced by an exterior neon sign shall be used in the calculation of the total outdoor light output as required by Article 3 General Prohibitions and Requirements, Section 3.02.005 Total Outdoor Light Output of the Zoning Ordinance. Neon lighting may be used for backlighting or for the interior lighting of a sign box or canopy as long as the neon tube is not exposed. *(Ord. No. 2012-15, §10, 7-10-2012)*

SECTION 11. PROHIBITED SIGN TYPES

The construction, placement, existence, or use of signs of the following nature is prohibited by this ordinance.

A. **Balloons**. With the exception of those areas identified in section 9.

B. **Banners.** Whose sole purpose is to advertise a product rather than an event, or an establishment

C. **Beacons**.

D. **Billboards**. With the exception of **commercial complex** signs described in Article I, Section 5.A, General Definitions.

E. **Changeable Copy Signs** except in the categories of gasoline pricing signs, and **changeable copy monument signs**.

F **Flashing signs**.

G. **Moving signs**.

H. **LED signs** except for, window or door signs (only one per store front), and Public Service and Governmental signs, theater marquee signs and canopy gas pricing signs outside of the central area. *(Ord. No. 2012-15, §11, 7-10-2012)*

I. **Neon signs.** Exterior **Neon Signs** shall not be permitted.

J. **Roof signs**.

K. **Vehicular signs**.

L. Posters, pennants, ribbons, streamers, spinners, or other similar devices, provided that as regulated in Sections 7 and 8 are not included in this prohibition.

M. Signs, banners or posters which contain statements, words or pictures of an obscene, indecent, or immoral character or which offend public morals or decency.

N. Signs which by reason of their proximity to a public or private street, highway, alley, lane, parkway, avenue, road, sidewalk, or other right-of-way, constitute a hazard to vehicular or pedestrian traffic either because their location interferes with the safe operation of a vehicle, or because they obstruct the view of traffic, or because their design or content may be confused with any authorized traffic sign, signal or device.

O. **Commercial signs** of any character, in any form of construction, and at any location except as regulated by this ordinance.

P. Signs, to include **handheld signs** which, by reason of their proximity to a public or private street, highway, alley, lane, parkway, avenue, road, sidewalk, or other right-of-way, constitute a hazard to vehicular or pedestrian traffic either because their location interferes with the safe operation of a vehicle, or because they obstruct the view of a traffic sign, signal, or device, or the view of other vehicular or pedestrian traffic, or because their design or content may be confused with any authorized traffic sign, signal or device.

SECTION 12. PROHIBITED SIGN LOCATIONS

No sign shall be located anywhere in the City or the City's extra-territorial jurisdiction except in accordance with the following provisions.

A. No sign shall be placed on or attached to any tree.

B. No sign shall be placed on or attached to any utility pole or pedestal, except by a utility company owning the pole or pedestal or operating facilities mounted on the pole or in the pedestal.

C. No sign shall be placed or kept in use to advertise an activity, business or service no longer conducted on the premises upon which the sign is located.

D. No sign or part of a sign, including mounting fixtures and supporting structures, shall be located on or above any public land to include rights of way, except as regulated by other provisions of this ordinance.

E. No sign or part of a sign, including mounting fixtures and supporting structures, which is mounted above or projects over any sidewalk, street, drive or parking area, whether on public or private land, shall be hung with less than seven (7) feet of vertical clearance above the sidewalk or less than twelve (12) feet of vertical clearance above the street, drive or parking area.

F. No sign shall be located on any sidewalk or in any unpaved walkway intended for public use so as to allow less than three feet in radius of horizontal clearance on at least one side of the sign.

G. No sign or part of a sign frame shall be located between two (2) feet and ten (10) feet above the established ground level within the area of a clear sight triangle for traffic extending twenty-five (25) feet in each direction from the point of a street intersection.

H. No sign shall be located closer than six feet laterally to a secondary power line or closer than fifteen (15) feet laterally to a primary power line.

I. No lighted sign, and no permanent sign shall be mounted or placed on or extend above the side wall or rear wall of any building, or be located in the side yard or rear yard of any lot or tract of land, when such sign faces upon and is visible from a contiguous **residential area** not separated from the building, lot or tract containing the sign by a public street or alley.

SECTION 13. SIGN PERMITS

A. Permit and Fee Required.

Except as provided in Subsection B of this Section, no person shall erect, install, place, alter, repair or relocate any sign without first obtaining a sign permit from the **City Manager**. Each application for a sign permit must be accompanied by the appropriate fee established by City Council and by such drawings, descriptions and specifications as are reasonably determined by the **City Manager** to be necessary for proper review of the application. Upon receipt of a completed application accompanied by the requisite fee(s), the City Manager, upon the recommendation of the Historic Commission, if applicable, shall approve or deny said permit within thirty (30 days of receipt thereof.

B. Approval by the Historic Landmark Commission:

Those signs that require approval of the Historic Landmark Commission will require the applicant follow the provisions set forth in the City of Boerne Zoning Ordinance, Article VIII, Section 10, which sets forth procedures to obtain approval of a Certificate of Appropriateness.

C. Exemptions from Permit Requirement.

The following types of signs are exempt from the requirement to obtain a sign permit, provided the signs are not lighted, either internally or externally, and provided the signs comply with all other provisions of this ordinance and other applicable codes: **auxiliary signs**, **community pride signs**, **construction signs** with an **area** of three square feet or less, **off-site event signs**, **on-site event signs** with an area of three square feet or less, **flags**, **name plates**, **political signs**, **residential realty signs**, **commercial real-estate and banners**, **single family address signs, community services signs** and **handheld signs**. The following actions are also exempt from the requirement of a sign permit: repainting or replacing letters or characters on an existing sign, provided that the **area** of the sign is not enlarged and that the **height** of the sign is not increased, and that the sign does not advertise or announce a new business; changing the copy on a **bulletin board** or **changeable copy sign**; and replacing the fabric or other material of an **awning sign** when no other change is made in the sign.

D. Expiration of Certain Permits.

A sign permit for any sign whose use is limited to a time period specified by this ordinance, or whose removal is required at a certain time by this ordinance, must be for a specified term which shall not exceed the time limit established by this ordinance.

E. Enforcement.

After a sign permit has been issued by the **City Manager**, it shall be unlawful to change, modify, alter or otherwise deviate from the terms and conditions of the permit without prior approval by the **City Manager**. Whenever the **City Manager** has evidence of a sign that after the effective date of this ordinance was erected, constructed, altered, repaired or relocated in violation hereof, the **City Manager** shall require the **party responsible** for such sign to remove it. If the **responsible party** fails to remove the sign within seventy-two (72) hours after being notified to do so, or if it appears to the **City Manager** that the illegal sign placement poses an immediate danger to the public, then such sign may be removed by the City and the City's actual cost of removal shall be charged to the **responsible party**. Any sign so removed shall be impounded and shall not be returned to the **party responsible** until all applicable charges are paid. If any sign remains unclaimed for a period of more than thirty (30) days, the City may destroy, sell, or otherwise dispose of the sign.

SECTION 14. SIGN MAINTENANCE

A. Maintenance Required.

All signs must be maintained in a structurally safe condition, freshly painted and/or in good repair. The **City Manager** shall notify, by certified mail, the **responsible party** for any sign not so maintained, and the **responsible party** shall be required to perform the necessary maintenance or repairs within 30 days of the postmark on the notice. Any sign not repaired

within the allotted time may be removed by the City and the actual cost of such removal shall be charged to the **responsible party** for the sign. If an un-maintained or dis-repaired sign is removed by the City and the sign remains unclaimed for a period of more than thirty (30) days, the City may destroy, sell, or otherwise dispose of the sign.

B. Removal of Hazardous Signs.

Any sign which in the judgment of the **City Manager** has become an imminent hazard to public safety, either because of an incident of damage or because of neglect of maintenance, shall be repaired or removed by the **responsible party** without delay. Notice of the existence of the hazard shall specify the maximum time which may be allowed for repairs or removal in order to insure public safety, and the notice may be served upon the **responsible party** by any means available. A hazardous sign which is not repaired or removed within the time specified in the notice shall be removed by the City and the cost of such removal shall be charged to the **responsible party**. If a sign has been removed by the City as a hazardous sign and the sign remains unclaimed for a period of more than thirty (30) days, the City may destroy, sell, or otherwise dispose of the sign.

SECTION 15. NONCONFORMING SIGNS

A. Continuation in Use.

The lawful use of signs in existence at the time of passage of this ordinance, although such use or sign does not conform to the regulations contained in this ordinance, may be continued; but if the use of a **nonconforming sign** is discontinued for a period of ninety (90) consecutive days or more, then the sign must be removed by the **responsible party** without compensation and any future use of the sign must be in full compliance with this ordinance, except that signs displaying a commercial message that substitute that message for a non-commercial message are not subject to this section.

B. Limitations on Modification.

No **nonconforming sign** shall be enlarged in **area,** increased in **height**, moved, altered, or remodeled unless and until its construction, **area**, **height** and location are all in conformity with the ordinance. A lawfully existing sign may be repainted and the letters or characters on the sign may be rearranged or replaced, however the changes cannot be made to advertise a new business.

C. Removal of Damaged Signs.

A **nonconforming sign** which is damaged by any cause to the extent of fifty (50) percent or more of its value must be removed by the responsible party without compensation and within thirty (30) days of the damage. A **nonconforming sign** damaged to the extent of fifty (50) percent or more of its value shall not be replaced or rebuilt except by a sign that is constructed and located in full conformity with this ordinance.

SECTION 16. VARIANCES

A. Application and Fee Required.

Any person, business or other organization desiring to continue in use, locate, construct or otherwise place any sign which does not conform to the provisions of this ordinance may make application to the City Council for a variance to continue in use, locate, construct or otherwise place such a sign. The application shall be filed with the **City Manager**, accompanied by the appropriate fee established by City Council and by a drawing or sketch in sufficient detail to determine the location and type of construction for the proposed sign. Upon receipt of a completed application accompanied by the requisite fee(s), the City Council, upon the recommendation of the Landmark Commission, if applicable, shall approve or deny said variance within thirty (30) days of receipt thereof.

B. Conditions of Variances.

The City Council may impose such conditions or requirements in a variance as are necessary in the City Council's judgment to protect the overall character of the community and to achieve the fundamental purposes of this ordinance. A violation of such conditions or requirements shall constitute a violation of this ordinance. If a variance is granted and the sign so authorized is not substantially under construction within six months of the date of approval of the variance, the variance shall lapse and become of no force or effect.

SECTION 17. RELATION TO OTHER ORDINANCES

This ordinance shall not be construed to require or allow any act that is prohibited by any other ordinance. This ordinance is specifically subordinate to any ordinance or regulations of the City pertaining to building and construction safety or to pedestrian and traffic safety.

SECTION 18. SEVERABILITY

If any portion of this ordinance or any section or subdivision thereof be declared unconstitutional or in violation of the general laws of the state, such declaration shall not affect the remainder of this ordinance which shall remain in full force and effect.

SECTION 19. VIOLATIONS AND PENALTIES

Wherever by the provisions of this ordinance the performance of any act is required or the performance of any act is prohibited, or wherever any regulation, dimension or limitation is imposed on the location, design or use of any sign, a failure to comply with the provisions of this ordinance shall constitute a violation of this ordinance. The **City Manager** may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, relocation, alteration, repair or use of any sign, and to restrain, correct or abate such violation. Every day on which a violation exists shall constitute a separate violation and a separate offense. The penalty for each offense shall not exceed one thousand dollars ($1,000.00).

PASSED and APPROVED on first reading this the 10th day of June, 2008.

PASSED, APPROVED and ADOPTED on second reading this the 24th day of June, 2008.

APPROVED:

_____
Mayor

ATTEST:

_____
City Secretary