



Regulation of Signs

Ordinance Number 10-010
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1.01 **DEFINITIONS**

For the purpose of this Ordinance, the following words shall have the following definitions ascribed to them. Definitions may also be provided elsewhere in this Ordinance. Words not defined in this Ordinance shall be given their common and ordinary meaning:

BUILDING OFFICIAL - The Building Official or other Town employee appointed by the Building Official.

CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGN (CEVMS) - means a sign which permits light 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 light emitting diode (LED) or electronic message board or digital display, and which varies in intensity or color. A CEVMS does not include a sign located within the right-of-way that functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) approved by the Federal Highway Administration or the Texas Department of Transportation.

DEVELOPED - A developed property is a non-residential property for which a Certificate of Occupancy has been issued by the Town to occupy a building on the property or a residential property for which a Certificate of Final Acceptance has been issued by the Town.

DIGITAL DISPLAY - for the purpose of this code shall have the same meaning as an Electronic Message Board (EMB) or a Changeable Electronic Variable Message Sign (CEVMS).

DNT/380 CORRIDOR - means either the Dallas Parkway/Dallas North Tollway right of way or the University Drive/U.S. Hwy. 380 right of way.

ELECTRONIC MESSAGE BOARD (EMB) - means any sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means. Signs that contain alphabetic, pictographic or symbolic informational content can be changed or altered on a fixed display screen composed of electrically illuminated segments.

GARAGE SALE SIGN - An off-site or on-site temporary sign that advertises or conveys information relating to the date, time, location, directions, operation, and/or name of a garage sale, neighborhood sale, estate sale, yard sale or similar event.

NON-RESIDENTIAL USE - Any structure, activity, or use not included in the definition of Residential Use contained in this ordinance. A home builder model home, a temporary sales trailer, and an apartment leasing office are included in this definition.

NOTICE - Notice required by this Ordinance shall be sufficient if it is affected by personal delivery, registered or certified mail, return receipt requested, and/or depositing the notice with the United States mail.

ON-PREMISE - The area of real property designated as a lot on a final plat approved by the Town and filed with the County Clerk's Office, or an unplatted tract of land as shown on an abstract.

PERSON - Any person, firm, partnership, corporation, company, organization or business entity of any kind.

PROHIBITED SIGN - Any sign listed in Section 1.11 herein, signs that do not comply with this or other applicable ordinances, and signs that are otherwise prohibited.

PUBLIC VIEW - A view from any public or Town right-of-way or access easement.

RESIDENTIAL USE - Any detached single family, attached single family, duplex, town home, condominium, multifamily, agricultural, or other structure, activity, or use occupied or operated primarily to provide a place of residence to an individual or family.

SIGN - Any form of publicity or advertising which directs attention to an individual, business, commodity, service, activity, or product, by means of words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, trade names or trademarks, or other pictorial matter designed to convey such information and displayed by means of print, bills, posters, panels, or other devices erected on an open framework, or attached or otherwise applied to stakes, posts, poles, trees, buildings, or other structures or supports. This definition shall also include any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of a person or entity, or communicate information of any kind to the public.

STAKE SIGN - An off-site or on-site sign of a temporary nature supported by a metal or wood stake placed in the ground. Such signs may advertise the sale of a product, good or service or other similar venture with an economic purpose to include but not limited to directional signs, real estate signs, moving services, housekeeping services, lawn care services or any other type of service or sales. Signs may also be utilized for supporting, encouraging, expressing or identifying a philosophy, theory, belief, view, principle, concept, insight or opinion, political posture, position or event, public services or civic announcement or advisory event and/or personal or individual use without a commercial intent. Such signs may include but are not limited to political signs, ideological signs, no trespassing, special event or public services announcements, alarm signs and beware of dog signs, but do not include, among other things, garage sale signs.

TOWN - The Town of Prosper.

TOWN MANAGER - The Town Manager or other Town employee appointed by the Town Manager.

UNDEVELOPED - An undeveloped property is a property for which a Certificate of Occupancy has not been issued by the Town to occupy a building on the property or a residential property for which a Certificate of Final Acceptance has not been issued by the Town.

VEHICLE - Any device in, upon, or by which any person or property is or may be transported.

1.02 **APPLICABILITY**

The terms and conditions of this Ordinance shall apply to signs located within the Town of Prosper and its extraterritorial jurisdiction (ETJ).

1.03 **PERMIT REQUIRED TO ERECT OR INSTALL A SIGN**

A. **PERMIT REQUIRED.** No sign, other than those exceptions listed in Section 1.10 of this Ordinance, shall be erected, placed, attached, altered, displayed, or secured to

the ground, any building, or any structure, until a permit for such sign has been issued by the Building Official. An application for a sign permit may be obtained from the Town's Public Works/Inspection Department. The Building Official shall approve or deny an application for a sign permit within thirty (30) days of the Town's receipt of the application. A permit will be issued if a proposed sign conforms to all Town ordinances. Upon request by the Town, a diagram shall be provided showing the location of all signs on the property and/or adjacent properties. Incorrect information shall be grounds for revocation of a permit.

- B. PERMIT EXPIRATION. If the work authorized by a permit issued under this ordinance has not been commenced within one hundred eighty (180) days after the date of issuance, the permit shall become null and void.
- C. TO WHOM ISSUED. No permit for the erection of any sign, with the exception of banner and sandwich board signs, shall be issued to any person other than those licensed and bonded in Prosper in accordance with this Ordinance.
- D. FEES.
 - The fee for sign permits, excluding garage sale signs, shall be seventy-five (75) dollars per sign.
 - The permit fee for a garage sale sign shall be ten dollars (\$10.00) or as amended in the Town's Garage Sale Ordinance.
 - The fee for a variance request to the sign ordinance shall be two hundred dollars (\$200.00), plus the costs incurred by the Town for the postage and newspaper publishing for the required public hearing notices.
 - The fee for a Special Purpose Sign District request shall be five hundred dollars (\$500.00), plus the cost incurred by the Town for the postage and newspaper publishing for the required public hearing notices.
- E. INVESTIGATION. Whenever any work for which a permit is required by this ordinance has been commenced or completed without first obtaining a permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then subsequently issued. The investigation fee shall be double the amount of the permit fee required by this ordinance.
- F. INTERPRETATION AND ADMINISTRATION. The Building Official shall be responsible for interpreting and administering this Ordinance. Allegations of errors in orders, decisions, or determinations of the Building Official in the administration of this Ordinance shall be in accordance with Section 1.16 of this Ordinance.

1.04 LICENSE REQUIRED

- A. Only a sign contractor licensed under this Section is authorized to install, erect or maintain any sign, except banner and sandwich board signs and all signs for which a permit is not required, or contract for such service. To be licensed under this Section, a sign contractor must apply to the Building Official for a license to install, erect and/or maintain signs. The Building Official shall approve or deny an application for a license within thirty (30) days of the Town's receipt of the application. A license will be issued if all requirements of Town ordinances are met. The fee for such license shall be one hundred dollars (\$100.00) per year. A license is valid twelve (12) months from the date of issuance.

- B. The license of any sign contractor may be canceled by the Building Official, when such contractor repeatedly violates the requirements of this Ordinance. Conviction in court, whether appealed or not, on two (2) violations over a period of twelve (12) months, shall constitute evidence of repeated violation. Any license thus canceled shall not be renewed for such contractor or anyone operating in concert with such contractor until all such violations have been corrected. Upon correction of violations, the contractor's license may be renewed upon furnishing the bond required in Section 1.05.

1.05 SIGN CONTRACTOR BOND REQUIRED

- A. No license for the installation, erection and/or maintenance of signs shall be issued to any person nor shall any person install, erect or maintain any sign, except banner and sandwich board signs and all signs for which a permit is not required, or medium of display or advertising, electric or otherwise, until such person has provided proof of general liability insurance in the amount of one hundred thousand dollars (\$100,000.00) to the Building Official or filed with the Town Secretary a surety bond in the sum of five thousand dollars (\$5,000.00). Such bond shall be approved by the Town Manager or his/her designee and shall be conditioned for the installation and erection of signs in accordance with the ordinances of the Town and the laws of the state, and shall provide for the indemnification of the Town for any and all damages or liability which may accrue against it by reason of faulty installation, erection, demolition, repair, removal or defects in, or collapse of, any sign for a period of one (1) year after erection or for such period of time that such sign is maintained or serviced by or under the direction of the maker of such bond, whichever is longer. Such bond shall further provide for the indemnification of any person who shall, while upon public property or in any public place, incur damage for which the principal name in the bond is legally liable.
- B. When any sign contractor's license has been canceled as provided in Section 1.04(B), such license shall not be renewed until the contractor furnishes an additional bond in the amount of five thousand dollars (\$5,000.00) guaranteeing compliance with the provisions of this Ordinance, which bond shall be for a period of two (2) years following renewal of the license, in a form approved by the Town Attorney.

1.06 INSPECTION

- A. The Building Official reserves the right to perform periodic inspections of all signs regulated by this ordinance. The purpose of the inspection is to ascertain whether the same is obsolete, is unsafe or insecure, is dilapidated or deteriorated, and to ensure that the sign has been constructed in accordance with this Ordinance, any other applicable ordinances, and the applicable permits. The method and time of such inspections shall be determined by the Building Official.
- B. If the Building Official determines that any sign is unsafe or insecure, or is dilapidated or deteriorated, he shall give written notice to remove or replace (in accordance with this ordinance) said sign to the person or persons responsible for such sign. If the permit holder, owner of the sign or owner of the property on which the sign is located fails to remove or repair the sign within ten (10) days after such notice or to file an allegation of error in accordance with this ordinance, the Building Official is hereby authorized to cause the removal of such sign. Nothing contained herein shall prohibit the immediate removal, without notice, of any sign or portion of a sign which

is determined by the Building Official to be an immediate threat or danger to the public health, safety, or welfare. Any expense incident to the removal of a sign pursuant to this paragraph shall be paid by the permit holder, owner of the sign or owner of the site on which the sign is located. The removal of the sign or portion of the sign shall be limited to the extent necessary to eliminate the threat to the public health, safety and welfare.

- C. The Town is authorized to file a lien against any property which is not otherwise exempt to recover expenses incurred by the Town for the removal of a sign or portion of a sign from the property.

1.07 **SIGN SPECIFICATIONS AND DESIGN**

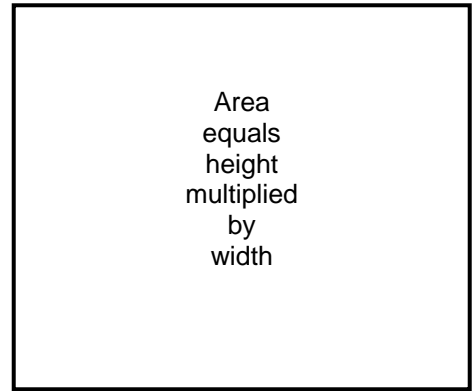
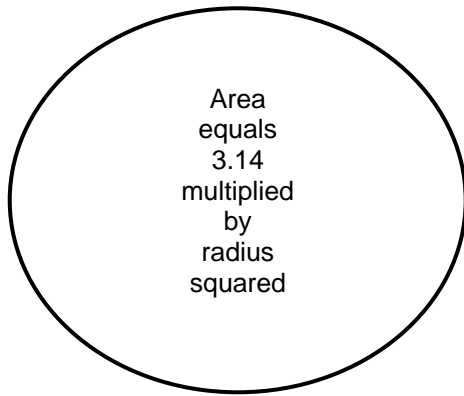
- A. **Compliance with Zoning Ordinance, Building Code, National Electrical Code, and other ordinances** – All sign structures shall comply with the Town's Zoning Ordinance, the Building Code, the National Electrical Code, and other Town ordinances, as they currently exist or may be amended. If the standards as described herein are more restrictive, then the provisions of this Ordinance shall apply.
- B. **Visibility** – All signs shall observe all visibility requirements. Signs shall not be placed within visibility triangles, corner clips, and V.A.M. (Visibility, Access, and Maintenance) easements.
- C. **Signs Posted in Specified Areas** – Unless otherwise permitted within this Ordinance, no person shall post or cause to be posted, attach or maintain any sign upon:
 - 1. Any Town owned property or right-of-way without the written permission of the Town Manager;
 - 2. Any utility easement. Should a property owner be able to demonstrate to the Building Official and/or franchise utility company that there is no other viable location for a sign other than a utility easement, a sign may be located within the utility easement subject to written approval from the Building Official and/or franchise utility company and subject to the providing of a letter to the Town releasing the Town of any liability for repair or replacement of a sign damaged by work occurring within the utility easement.
 - 3. Any tree, light pole, or any utility pole or structure;
 - 4. Any fence, railing or wall, except in accordance with Section 1.09(L) and 1.09(M);
or
 - 5. Any sidewalk within the right-of-way or a sidewalk easement, curb, gutter, or street, except for house numbers or fire lane designation.
- D. **Signs Attached to Fire Escapes** – No sign shall be attached in any manner to any fire escape or to the supporting members of any fire escape, nor shall it be guyed to or supported by any part of the fire escape.
- E. **Traffic Signs, Signals, or Devices** – No sign shall be erected or displayed in such a manner as to interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, including, but not limited to, signs making use of the words “stop”, “go”, “look”, “slow”, “danger”, or any other similar word, phrase, symbol or character or employ any red, yellow, green, or other colored lamp or light in such a

manner as to cause confusion or otherwise interfere with vehicular or pedestrian traffic.

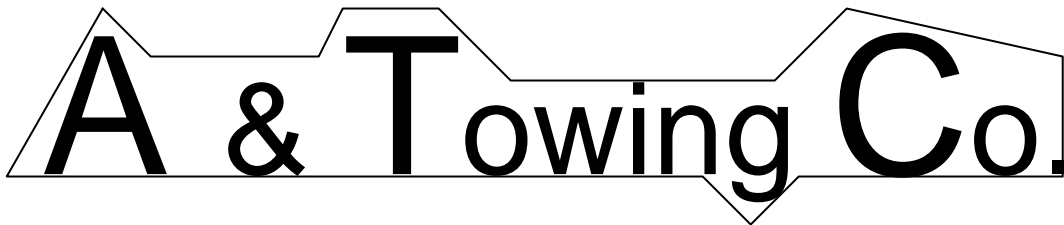
- F. **Accumulation of Rainwater** – All signs shall be constructed so as to prevent the accumulation of rainwater in the sign.
- G. **Location Near Telephone Cable, Power Line, or Street Light** – No sign shall be erected nearer than two (2) feet from any telephone cable, power line or any street light standard.
- H. **Signs Not to Block or Interfere with Exits or Windows and Pedestrian and Vehicular Traffic** – No sign shall be so erected as to block, partially block, or interfere in any way with a required means of exit from any building nor with any window. No sign shall block, interfere, or otherwise hinder pedestrian or vehicular traffic on a public sidewalk, a public thoroughfare, a fire lane easement, or a driveway required to access parking.
- I. **Glass Signs over Public Property** – Signs constructed of glass or other materials which may shatter upon impact are prohibited over public right-of-way.
- J. **Identification Marking Required** – All wood frame signs permitted after adoption of this Ordinance shall have attached, written, or painted in a weatherproof manner and in a conspicuous place thereon, in letters not less than one (1) inch in height, the date of erection and the permit number of the sign.
- K. **Assumed Wind Load for Design Purposes** – For the purposes of design of structural members in signs, an assumed wind load of thirty (30) pounds per square foot shall be used. All signs shall be constructed to receive dead loads as required by the Uniform Building Code. The sign permit application must include a statement signed by the applicant which states compliance with these requirements.
- L. **Multiple Signs on a Property or Building** – The permitting of a sign on a property or building shall not preclude the permitting of other types of signs on a property or building unless the signs are expressly prohibited herein.
- M. **Exemptions** – Signs located within a building with the exception of window signs shall not be regulated by this Ordinance.
- N. **Signs on property owned by the Town of Prosper or an Independent School District (ISD)** – Signs located on property owned by the Town of Prosper or an Independent School District (ISD), for the purpose of advertising Town or ISD sponsored events or activities, that do not meet the requirements for a sign permitted in Sections 1.09 and 1.10 of this ordinance, may be permitted upon approval by the Town Council and are not subject to the variance process in Section 1.16 of this ordinance. Signs prohibited by Section 1.11 of this ordinance shall not be approved by the Town Council.

1.08 **MEASUREMENT OF SIGN AREA AND HEIGHT**

- A. The area of a sign shall be measured as follows:
 - 1. For signs in the shape of a square, rectangle, circle, or similar standard geometric shape, the area shall be calculated by using the standard mathematical formula (height multiplied by width, 3.14 multiplied by radius squared, etc.). This method of measurement is most commonly used for monument signs, wood frame signs, and stake signs.



2. For signs with an irregular shape, the area shall be measured by enclosing the sign elements with intersecting lines. This method of measurement is most commonly used for wall signs with individual lettering and for irregularly shaped monument signs. (See diagram)



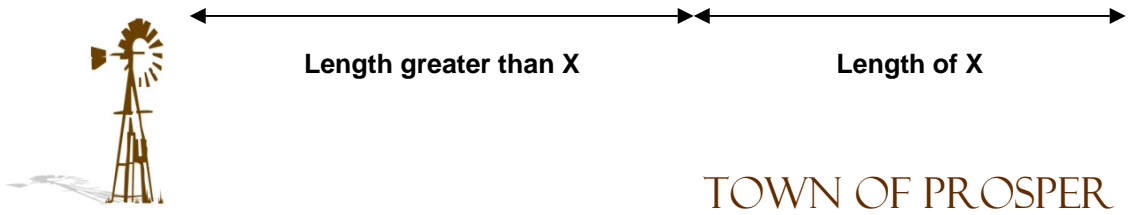
3. The area of a spherical, cylindrical, or other three-dimensional sign shall be measured by calculating the area of a two-dimensional drawing of the largest elevation of the sign.
- B. Where a sign has two faces, the area of the largest sign face shall be used to determine the area of the sign provided the two faces are within five (5) degrees of parallel. Where a sign has two or more faces that are greater than five (5) degrees from parallel, the sign area shall either be calculated as the sum of the area of each face, or the sign will constitute two signs (a V-sign).
- C. The area of wall signs containing multiple elements shall be calculated as follows:
1. Regardless of the spacing between letters, letters forming a word or name shall be considered a single sign.
 2. When two or more separate items in a sign, such as a word or logo, are separated horizontally or vertically by less than the width or height of the largest item, the items shall be considered a single sign and the area shall be determined by measuring the area enclosing the sign elements with straight, intersecting lines.

The following sign elements are considered one sign:



3. When two or more separate items in a sign, such as a word or logo, are separated horizontally or vertically by more than the width or height of the largest item, the items shall be considered a separate sign and the area of each item shall be determined individually.

The following sign elements are considered two signs:



- D. The supports of a stake sign or wood frame sign shall not be included in calculating the area of the sign, but shall be included in the measurement of the height of the sign.
- E. The height of all signs shall be measured from the top edge of the sign and/or support structure to the average finished grade of the ground below the sign and/or support structure. If a sign is located on a mound, berm, or other raised area for the sole purpose of increasing the height of the sign, the height of the mound, berm, or other raised area shall be included in the height of the sign.

1.09 PERMISSIBLE SIGNS THAT REQUIRE THE ISSUANCE OF A SIGN PERMIT

The following signs are permissible, upon issuance of a sign permit, subject to the following conditions and the specifications listed in Section 1.07 of this Ordinance. Signs that do not comply with the following conditions and the specifications are considered prohibited.

A. AWNING SIGNS

1. Definition – An awning sign is a sign which is applied to, attached, or painted on an awning or other roof-like cover, intended for protection from the weather or as a decorative embellishment, projecting from a wall or roof of a structure over a window, walk, door, or the like.
2. Awning signs are permissible subject to the following conditions and upon the issuance of a sign permit:
 - a. Time – A permit shall not be issued to erect or place an awning sign on a property until a site plan and/or final plat has been approved by the Town for development of the property.
 - b. Place –

1. Awning signs are permitted in conjunction with a non-residential use.
2. In no case shall the supporting structure of an awning sign extend into or over the street right-of-way.
- c. Manner - No building shall have both a wall sign and an awning sign on the same building face.

B. BANNER SIGNS

1. Definition - A banner sign is a sign having characters, letters, or illustrations applied to plastic, cloth, canvas, or other light fabric, with the only purpose of such non-rigid material being for background.
2. Banner signs are permissible subject to the following conditions and upon the issuance of a sign permit:
 - a. Time –
 1. A sign permit shall not be issued to erect or place a banner sign on a property until a site plan and/or final plat has been approved by the Town for development of the property.
 2. One banner sign may be placed on a building for three (3) two (2) week periods per calendar year. The periods may be combined. Each suite within a retail development shall be considered a building and shall therefore be allowed to erect a banner sign accordingly.
 3. New businesses shall be permitted to place a banner on their building prior to the issuance of a Certificate of Occupancy if the business has been issued a building permit and up to six (6) weeks after the date of issuance of a Certificate of Occupancy. The banner(s) shall not count against the allowances provided in Section 1.09(B)(2)(a)(2).
 4. Religious organizations that operate in a school or other temporary facility may erect a banner during times of worship provided the banner is placed no earlier than two (2) hours prior to worship and is removed no later than two (2) hours after worship. The banner shall not count against the allowances provided in Section 1.09(B)(2)(a)(2).
 - b. Place –
 1. All four corners of a banner sign shall be securely attached to the front, side, or rear surface of a building. However, such sign shall not face a residential neighborhood unless separated by a major or minor thoroughfare.
 2. Banner signs are permitted only in conjunction with a non-residential use.
 3. With written permission of the Town Manager or his/her designee, banner signs may also be erected during social or athletic events at a park or other Town owned property. The banners shall be attached to pavilions, fences, vehicles, stakes, or poles.
 - c. Manner - The maximum area of a banner sign is forty-eight (48) square feet, and the width of a banner sign may not exceed seventy-five percent (75%) of the width of the building or lease upon which the banner sign is located.

C. INFLATABLE SIGNS

1. Definition – An inflatable sign is a sign manufactured of plastic, cloth, canvas, or other light fabric and inflated with air.
2. Inflatable signs are permissible subject to the following conditions and upon the issuance of a sign permit:
 - a. Time –
 1. A sign permit for an inflatable sign shall not be issued until the Town has issued a Certificate of Occupancy for a building on the property.
 2. An inflatable sign may be erected on a lot for no more than three (3) two (2) week periods per calendar year. In the case of multiple businesses or tenants located on a single lot, each business is allowed to erect an inflatable sign on the lot for three (3) two (2) week periods provided that no more than one inflatable sign is located on the lot at any one time and provided a minimum of thirty (30) days transpires between the removal of an inflatable sign permitted by one business and the placement of another inflatable sign permitted by another business.
 - b. Place –
 1. Inflatable signs shall not be located in required parking spaces, driveways that provide access to parking spaces, or fire lanes, nor shall the sign or its securing devices encroach into the right-of-way.
 2. Inflatable signs are permitted only in conjunction with a non-residential use.
 - c. Manner –
 1. Inflatable signs shall be secured directly to, and not suspended from, the ground. Inflatable signs may not be placed on a roof or suspended from a building. A balloon or other floating device as discussed in Section 1.11(C) is not an inflatable sign.
 2. The maximum height of an inflatable sign is thirty (30) feet.
 3. An inflatable sign shall not be installed within two hundred (200) feet of any other inflatable sign, measured in a straight line in any direction. A banner sign may be applied to an inflatable sign without the banner counting towards the allotted number of banner signs per calendar year. The maximum area of a sign placed or applied to an inflatable sign shall be forty-eight (48) square feet.

D. MONUMENT SIGNS

1. Definition - A monument sign is a sign that is supported from the grade to the bottom of the sign having or appearing to have a solid and opaque base and generally used to identify the name of a business or development.
2. A monument sign is permissible subject to the following conditions and upon the issuance of a sign permit:
 - a. Time – A sign permit shall not be issued to erect or place a monument sign on a property until a site plan and/or final plat has been approved by the

Town for development of the property and after the issuance of a building permit for a building on the property.

b. Place –

1. Monument signs are permitted only in conjunction with a non-residential use or on a lot containing a multifamily use.
2. A monument sign is permitted on the same lot as a unified development sign, but the total number of unified development signs and monument signs located within a unified development zone shall generally not exceed the number of lots located within the unified development zone. The total number of signs shall be permitted to exceed the number of lots when additional monument or unified development signs are permitted on a property in accordance with Section 1.09(D)(2)(c)(3) and 1.09(G)(2)(c)(5).
3. Minimum setback is fifteen (15) feet from the front, side, and rear property lines.

c. Manner –

1. Monument signs shall be constructed of the same primary masonry materials as the front building façade of the principal or main building on the same lot or shall be stone or brick and shall be of similar architectural style. All sign text and graphic elements shall be attached to this masonry structure not closer than six (6) inches from the top and side edges and twelve (12) inches from the bottom edge of the sign structure. The minimum height permitted for text and graphic elements is six (6) inches.
 2. Monument signs constructed in conjunction with unified development and internal directional signs shall be consistent with the building elements and materials of the unified development and internal directional signs on the same lot and/or within the unified development. Architectural embellishments are also encouraged and may be considered through the review of the sign coordination plan defined in Section 1.18.
 3. A lot is allowed a maximum of one (1) monument sign per street frontage.
 4. The maximum area of a monument sign, including the masonry border, is sixty four (64) square feet.
 5. The maximum height of a monument sign is eight (8) feet.
 6. Monument signs may only be illuminated utilizing internal lighting for sculpted aluminum panels or a ground lighting source where the light itself and supporting structure are not visible from any public right-of-way.
3. A Digital Display Sign, as defined in Section 1.01, may only be permitted as part of an approved Monument Sign as defined in paragraph 1.
- a. Time – A Digital Display Sign may only be permitted in conjunction with an approved Monument Sign, whether new or retrofitting an existing monument sign. In the case of retrofitting an existing Monument Sign, all current provisions of the sign code, as they exist or may be amended, shall apply.

- b. Place – A Digital Display Sign shall meet the same requirements as a Monument Sign.
- c. Manner –
 - 1. A Digital Display Sign shall meet the same requirements as a Monument Sign, including the minimum height for text and graphic elements shall be six inches (6”).
 - 2. A light detection device and/or photocell sensor shall be installed as part of the sign to ensure the sign’s brightness is dimmed when ambient light conditions darken. No sign within one hundred fifty feet (150’) of an adjacent residential tract shall create a light nuisance. No sign adjacent to a thoroughfare shall create a light nuisance or an impairment of vision creating a hazard for vehicular or pedestrian traffic.
 - 3. Duration of message display shall not be less than 10 seconds. Public Service information such as date, time, temperature, weather, or information related to a public emergency (local, regional, state or national) shall be permitted to display not less than 5 seconds. This is also referred to as Hold Time or Frame Duration.
 - 4. Message transition such as entry or exit effect shall not be greater than 1 second, meaning the message should transition from one message to another within 1 second.
 - 5. Frame effects such as flashing shall be prohibited.
 - 6. All Digital Display Signs shall be maintained and kept in good working order. Reasonable accommodations shall be made within thirty (30) days to repair damaged or non-working displays.
 - 7. Digital Display Signs may not be used to display commercial messages relating to products or services that are not offered on the premises.

E. INTERNAL DIRECTIONAL SIGNS

- 1. Definition – An internal directional sign is a sign that is supported from the grade to the bottom of the sign having or appearing to have a solid base and generally used to provide direction to drive-through lanes and to buildings and tenants within large multi-tenant retail, multi-family, or office developments.
- 2. An internal directional sign is permissible subject to the following conditions and upon the issuance of a sign permit:
 - a. Time – A sign permit shall not be issued to erect or place an internal directional sign on a property until a site plan and/or final plat has been approved by the Town for development of the property and after issuance of a building permit on a building on the property.
 - b. Place –
 - 1. Internal directional signs are permitted only in conjunction with a non-residential or multifamily use.
 - 2. The minimum front yard setback for an internal directional sign shall be fifty (50) feet from the property line. The minimum side yard and rear yard setback for an internal directional sign shall be equal to the height of the internal directional sign.

c. Manner –

1. The design, materials, and finish of internal directional signs shall match those of the front building façade of the primary structure on the same lot. Signs constructed in conjunction with unified development and monument signs shall be consistent with the building elements and materials of the unified development and monument signs on the same lot and within the unified development.
2. If a property that is larger than five (5) acres averages more than two (2) internal directional signs per acre, a sign coordination plan as defined in Section 1.18 shall be approved for the placement of the signs. Properties smaller than five (5) acres shall not be permitted to exceed two (2) internal directional signs per acre.
3. The maximum area of an internal directional sign is six (6) square feet.
4. The maximum height of an internal directional sign is thirty (30) inches.

F. MENU BOARD SIGNS

1. Definition – A menu board sign is a sign erected in conjunction with a use that incorporates a drive-through or drive-in and generally used to provide service and/or product options and pricing for customers who remain in their vehicles.
2. A menu board sign is permissible subject to the following conditions and upon the issuance of a sign permit:
 - a. Time – A sign permit shall not be issued to erect or place a menu board sign on a property until a site plan and/or final plat has been approved by the Town for development of the property and after issuance of a building permit on a building on the property.
 - b. Place –
 1. Menu board signs are permitted only in conjunction with a non-residential use that includes a drive-through or drive-in.
 2. Minimum front yard setback shall be twenty-five (25) feet.
 - c. Manner –
 1. Drive-through menu board:
 - a. Shall be supported from the grade to the bottom of the sign having or appearing to have a solid base.
 - b. The design, materials, and finish of a drive-through menu board shall match those of the front façade of the building(s) on the same lot. Internal lighting may be utilized for the sign panels.
 - c. One drive-through menu board sign is permitted per drive-through lane.
 - d. The maximum area of a drive-through menu board is forty-eight (48) square feet with a maximum height of six (6) feet.
 - e. Drive-through menu boards shall be located at the side or rear of the principal building(s) on the lot.
 2. Drive-through pre-order sign:

- a. Shall be supported from the grade to the bottom of the sign having or appearing to have a solid base.
 - b. The design, materials, and finish of a drive-through menu board shall match those of the front façade of the building(s) on the same lot. Internal lighting may be utilized for the sign panels.
 - c. One drive-through pre-order sign is permitted at the entrance of a drive-through lane and shall be setback a minimum of twenty (20) feet from the drive-through menu board in the same drive-through lane.
 - d. The maximum area of a drive-through pre-order sign is eighteen (18) square feet with a maximum height of six (6) feet.
 - e. Drive-through pre-order signs shall be located at the side or rear of the principal building(s) on the lot.
3. Drive-in menu board:
- a. Shall be supported from the grade to the bottom of the sign having or appearing to have a solid base. If the drive-in stalls are covered by a canopy, the drive-in menu board signs may be attached directly to the canopy support columns.
 - b. The design, materials, and finish of a drive-in menu board's sign base shall match those of the front façade of the building(s) on the same lot. Internal lighting may be utilized for the sign panels.
 - c. One drive-in menu board sign is permitted per ordering station.
 - d. The maximum area of a drive-in menu board sign is nine (9) square feet with a maximum height of six (6) feet.

G. UNIFIED DEVELOPMENT SIGNS

- 1. Definition - A unified development sign is a sign that is supported from the grade to the bottom of the sign having or appearing to have a solid base and is used to identify multiple non-residential tenants within a unified development zone.
- 2. A unified development sign may not be erected without a sign permit issued by the Town. A sign permit shall not be issued to erect or place a unified development sign on a property until: (1) a unified development zone is approved by the Town Manager or his/her designee; (2) a sign coordination plan is approved as provided for herein; and (3) the proposed unified development sign meets all of the applicable requirements as set forth in this Ordinance.
- 3. The Town Manager or his/her designee shall approve a proposed unified development zone if:
 - a. It consists of multiple lots within the same subdivision or depicted on the same preliminary site plan, final plat, or site plan, and which are united through common building architecture, color, materials, landscaping, and parking; and if
 - b. all property owners located with the proposed unified development zone have submitted notarized letters to the Town authorizing the creation of the unified development zone; or

- c. covenants, conditions, restrictions, reciprocal easement agreements, or a similar recorded document exist, apply to all of the property and property owners within the area of the proposed unified development zone, and bind the property owners within the proposed unified development zone to consent to the unified development zone for purposes of allowing a unified development sign.
4. Approval of a Sign Coordination Plan. A sign coordination plan as defined in Section 1.19 must be approved as part of a final plat or site plan for the area that is part of the unified development zone in accordance with Section 1.19.
5. General Restrictions on Unified Development Signs
- a. Except as otherwise provided, a unified development sign is permitted on the same lot as a monument sign, but the total number of unified development signs and monument signs located within a unified development zone shall not exceed the number of lots located within the unified development zone. The total number of signs shall be permitted to exceed the number of lots when additional unified development signs are permitted on a property in accordance with Section 1.09(G)(2)(b)(8).
 - b. The minimum front yard setback for a unified development sign is fifteen (15) feet from the property line.
 - c. No minimum side and rear yard setbacks are required for a unified development sign, but a unified development sign shall not be located closer than seventy-five (75) feet to another unified development sign or a monument sign.
 - d. A unified development sign shall be constructed of the same primary masonry materials as the front building façade of the principal or main building in the unified development zone, or shall be stone or brick, and shall be of similar architectural style. All sign text and graphic elements shall be attached to this masonry structure not closer than six (6) inches from the top and side edges and twelve (12) inches from the bottom edge of the sign structure. The minimum height permitted for text and graphic elements is six (6) inches.
 - e. The maximum area of a unified development sign shall be based on the size of the unified development zone. The maximum area of a unified development sign for a unified development zone of ten (10) acres or less shall be eighty (80) square feet. For every whole acre over ten (10) acres, the area of the sign may be increased by ten (10) square feet with the maximum area of a unified development sign being one hundred twenty (120) square feet. But when the unified development sign is located in a unified development zone of at least thirty (30) acres and the content of a unified development sign is intended to be read from the DNT/380 Corridor:
 - 1. the maximum area of a unified development sign shall be two hundred forty (240) square feet; and
 - 2. no more than fifty-five percent (55%) of the area of the unified development sign may be used for the cabinet or text area displaying the development's tenants; and

3. the name of the subdivision or development may be displayed on the unified development sign, but shall not exceed twenty (20%) of the area of the unified development sign.
6. The maximum height of a unified development sign shall be twelve (12) feet. But, when the unified development sign is located in a unified development zone of at least thirty (30) acres and the content of a unified development sign is intended to be read from the DNT/380 Corridor, the maximum height is twenty (20) feet.
7. Architectural embellishments for unified development monument signs are encouraged.
8. One unified development monument sign is permitted per street frontage of the unified development zone. One additional unified development monument sign is permitted along a street for each additional 750 linear feet, or portion thereof, of street frontage that exceeds 750 linear feet of street frontage.

H. RESIDENTIAL/CIVIC DIRECTIONAL SIGNS

1. Definition - A residential/civic directional sign is a temporary off-site sign that advertises and directs traffic to developing single-family or two-family subdivisions and civic uses, such as schools, Town facilities, or churches.
2. A residential/civic directional sign is permissible subject to the conditions listed below and upon the issuance of a sign permit. A sign permit for a residential/civic directional sign is only valid for a period of one (1) year. Upon expiration of a sign permit, a new permit may be issued so long as each of the conditions below are still satisfied. However, a maximum of four (4) new permits may be issued for any single residential/civic directional sign, for a maximum total of five (5) years for the life of the sign. The sign applicant shall remove the sign from the property within thirty (30) days after the final expiration of the sign permit. If the applicant fails to remove the sign within the thirty (30) days, the Town will remove the sign. The applicant shall provide a one thousand (1,000) dollar deposit at the time of the original permit application for removal of the sign. If the applicant removes the sign within the thirty (30) days referenced above, the one thousand (1,000) dollar deposit will be refunded to the applicant with fourteen (14) business days of a written request for refund.
 - a. Time – A sign permit shall not be issued to erect or place a residential/civic directional sign on a property until a final plat for the single-family or two (2) family subdivision, being advertised has been filed at the County or until a certificate of Occupancy has been issued for the civic use being advertised. The sign shall be removed upon the issuance of Certificates of Occupancy for ninety-five (95) percent of the homes within the single-family or two (2) family subdivision being advertised.
 - b. Place –
 1. Residential/civic directional signs are permitted on a property that is adjacent to a Major Thoroughfare, as designated on the Town’s Thoroughfare Plan with the exception that residential/civic directional signs are not permitted where they are visible from University Drive.
 2. Residential/civic directional signs are permitted on a property that is either undeveloped or used for agricultural purposes. Upon development or change of use from agricultural, the sign shall be removed.

3. Minimum setback is fifteen (15) feet from the front, side, and rear property lines. There shall be a minimum separation of one thousand (1,000) feet between any two (2) residential/civic directional signs located on the same side of the same street.

c. Manner –

1. A maximum of three (3) residential/civic directional signs shall be permitted for each single-family or two (2) family subdivision, including those subdivisions with multiple phases, or civic use being advertised.
2. A maximum of one (1) residential/civic directional sign shall be placed on a property per street frontage. If multiple residential/civic directional signs are permitted on a tract of land, only one (1) sign shall be placed along each street frontage. It shall be the responsibility of the sign applicant to secure the necessary permission from the owner of the property on which the sign is to be installed, including permission for the Town to access the property to remove the sign, if necessary. Proof of this permission shall be submitted for review prior to issuance of a sign permit.
3. Residential/civic directional signs may only be used to advertise single-family or two-family subdivisions or civic uses that are located within the Town.
4. Residential/civic directional signs shall have a solid stone border, a minimum of twelve (12) inches thick, along at least two (2) sides of the sign.
5. The maximum area of a residential/civic directional sign, including the one-foot stone border, is eighty (80) square feet.
6. The maximum height of a residential/civic directional sign is eight (8) feet.
7. The minimum height permitted for text and graphic elements is six (6) inches.
8. Residential/civic directional signs may not be illuminated.

I. PROJECTING SIGNS

1. Definition – A projecting sign is a sign attached to and projecting out from a building face or wall more than twelve (12) inches, generally at a right angle to the building.
2. Projecting signs are permissible only in conjunction with a non-residential use and subject to the following conditions and upon the issuance of a sign permit:
 - a. Time – A sign permit shall not be issued to erect or place a projecting sign on a property until a building permit has been issued for the building on which the sign is to be attached.
 - b. Place –
 1. Projecting signs are permitted in conjunction with a non-residential use.
 2. If a projecting sign is constructed over a sidewalk, a minimum of nine (9) feet shall be provided between the grade of the sidewalk and the lowest portion of the projecting sign.
 - c. Manner – The maximum area of a projecting sign is twelve (12) square feet.

J. SECONDARY ROOF SIGNS

1. Definition – A secondary roof sign is a sign that is mounted to or that projects from a canopy or secondary roof over an entry to a building, but that does not project above the highest point of the building. Secondary roof signs may also be attached to parapet walls.
2. Secondary roof signs are permissible only in conjunction with a non-residential use and subject to the following conditions and upon issuance of a sign permit:
 - a. Time – A sign permit shall not be issued to erect or place a secondary roof sign on a property until a site plan and/or final plat has been approved by the Town for development of the property and after issuance of a building permit on a building on the property.
 - b. Place –
 1. Secondary roof signs are permitted in conjunction with a non-residential structure or use.
 2. In lieu of a wall sign, a secondary roof sign may be erected on a parapet wall provided the parapet wall extends around the entire perimeter of the building at the same elevation.
 3. Secondary roof signs may also be erected on a canopy or a secondary roof over an entry to a building.
 - c. Manner – The structural or mechanical elements of a secondary roof sign shall not be visible from six (6) feet above the grade of adjacent streets.

K. SANDWICH BOARD SIGNS

1. Definition – A sandwich board sign is a sign constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top and each angular face held at an appropriate distance by a supporting member.
2. Sandwich board signs are permissible only in conjunction with a non-residential use and subject to the following conditions and upon the issuance of a sign permit:
 1. Time –
 1. A sign permit shall not be issued to erect or place a sandwich board sign on a property until a Certificate of Occupancy has been issued for a building on the property.
 2. Sandwich board signs may be placed on properties during business hours only.
 - b. Place –
 1. Sandwich board signs must be located a minimum of three (3) feet from the curb of any adjacent street, drive, or parking lot.
 2. Should a sandwich board sign be placed on or adjacent to a sidewalk, an unobstructed pedestrian clearance of at least four (4) feet in width must be provided adjacent to the sign.
 - c. Manner –

1. The maximum size of a sandwich board sign is fifteen (15) square feet with a maximum height of four (4) feet.
2. A maximum of one sandwich board sign may be placed per business or tenant on the property the sandwich board sign(s) are located.
3. Sandwich board signs shall be placed no closer that twenty (20) feet from other sandwich board signs.

L. SUBDIVISION ENTRY SIGNS

1. Definition – A subdivision entry sign is a sign that generally identifies a residential development and that generally refers to the platted name of the subdivision.
2. Subdivision entry signs are permissible subject to the following conditions and upon the issuance of a sign permit:
 - a. Time – A sign permit shall not be issued to erect or place a subdivision entry sign on a property until a final plat has been approved by the Town for development of the property.
 - b. Place - All subdivision entry signs shall be located within the platted limits of a residential subdivision.
 - c. Manner –
 1. Subdivision entry signs may be in the form of a sign mounted to a screening wall, so long as the sign does not project above the top of the wall.
 2. Subdivision entry signs shall have a maximum area of sixty (60) square feet and a maximum height of eight (8) feet.
 3. The maximum number of subdivision entry signs shall equal one (1) monument sign or two (2) signs attached to screening walls (not a combination of both) per street entrance.
 4. Alternative types of subdivision entry signs, including, but not limited to neighborhood entry signs within an overall subdivision, shall be approved as part of a sign coordination plan as outlined in Section 1.18. The sign coordination plan shall be submitted for review with the final plat, landscaping, and screening wall plans.

M. SUBDIVISION MONUMENTS

1. Definition – Subdivision monuments are physical improvements such as signs, walls, or structures, constructed to draw attention to or enhance a subdivision or its surrounding area.
2. Subdivision monuments are permissible subject to the following conditions and upon the issuance of a sign permit:
 - a. Time – A sign and/or building permit shall not be issued to erect or place subdivision monuments on a property until a site plan has been approved by the Town for development of multifamily or non-residential use or a final plat has been approved by the Town for development of a single-family or two (2)-family use. The requirement to prepare the fore mentioned plans may be waived should the owner of the property on which the monument is proposed to be located or his/her representative prepare written and/or graphic

documentation to the satisfaction of Town staff to explain the relationship of the proposed monument to future land uses on the property.

b. Place –

1. Subdivision monuments placed on private property shall observe all building line and setback requirements. A non-habitable monument may encroach into a required setback provided all visibility clips and easements are observed and the monument is deemed by Town staff not to negatively impact fire protection of existing or future development.
2. Subdivision monuments may be placed in the right-of-way subject to Town Council approval and so long as the requirements of Section 1.07 can be met.
3. Subdivision monuments may not be erected within an area designated as future right-of-way on the Town's Thoroughfare Plan, unless otherwise approved by the Town Council and so long as the requirements of Section 1.07 can be met.

c. Manner –

1. The developer of the subdivision monument must provide a plan for future maintenance of the monument to the Town for review.
2. The maximum height of subdivision monuments shall be twenty-five (25) feet, unless otherwise approved by the Town Council.
3. Subdivision monuments shall be approved as part of a sign coordination plan as outlined in Section 1.19. The sign coordination plan shall be submitted for review with the final plat, landscaping, and screening wall plans.

N. WALL SIGNS

1. Definition - A wall sign is a sign painted on or erected parallel to and extending not more than twelve (12) inches from the façade of any building to which it is attached, supported throughout its entire length by the building face.
2. Wall signs are permissible only in conjunction with a non-residential use, subject to the following conditions, and upon the issuance of a sign permit:
 - a. Time – A sign permit shall not be issued to erect or place a wall sign on a property until a site plan and/or final plat has been approved by the Town for development of the property and after the issuance of a building permit for a building on the property.
 - b. Place –
 1. Wall signs are permitted in conjunction with a non-residential use.
 2. Wall signs of any character placed directly on the face of a wall shall be set at a minimum of nine (9) feet above the grade.
 3. When projections on the wall face prevent the erection of the sign flat against the wall face, the space between the back of the sign and the wall shall be closed at the top, bottom and ends with incombustible materials.
 4. In no case shall an attached sign project above the roof line or parapet wall of any building. Signs shall be no closer vertically to the eave of the

roofline or overhang than the predominant height of the text or graphic elements.

c. Manner –

1. Wall signs with visible or exposed neon, florescent, or LED lighting are not allowed.
2. Wall signs shall not be allowed on any façade (other than the main front of the building) that faces property zoned, or designated on the Future Land Use Plan, for single-family uses if the sign is within one hundred fifty (150) feet of the property line of said residential property.
3. The minimum height allowed for text or graphic elements shall be six (6) inches.
4. The maximum size of wall signs shall be as follows:

<u>Wall Height (Does not include roof)</u>	<u>Maximum Sign Height</u>	<u>Maximum Percentage of Wall Length*</u>
0 feet - 20 feet	3 feet	75%
20+ feet - 30 feet	4 feet	60%
30+ feet	5 feet	50%

O. WOOD FRAME SIGNS

1. Definition – A wood frame sign is a sign that is generally used to advertise a new building, opening dates, leasing opportunities, and/or to identify the property owner, architect, contractor, engineer, landscape architect, or financier engaged in the design, construction or improvement of the premises on which the sign is located. Wood frame signs are also used to advertise sales and zoning information of properties. In no case shall a wood frame sign contain information pertaining to off-premise uses. Although wood frame signs are generally constructed of wood, the definition does not exclude metal or plastic signs used for the same purpose. A wood frame V-sign shall be prohibited.
2. Wood frame signs are permissible subject to the following conditions and upon the issuance of a sign permit:
 - a. Time –
 1. For properties with single-family or two-family zoning or Future Land Use Plan designation, the sign shall be removed upon the issuance of Certificates of Occupancy for ninety-five (95) percent of the homes within a single-family or two-family subdivision.
 2. For properties with Agricultural, Multi-Family, or non-residential zoning or Future Land Use Plan designation, the sign shall be removed prior to the issuance of the Certificate of Occupancy for any building on the property.
 - b. Place –
 1. The sign shall be located no closer than fifteen (15) feet to any property line.
 2. The minimum distance between wood frame signs is two hundred (200) feet.

- c. Manner –
 - 1. The maximum area of a wood frame sign is ninety-six (96) square feet.
 - 2. The maximum height of a wood frame sign is twelve (12) feet.
 - 3. A maximum of one (1) wood frame sign shall be placed on a property per street frontage. If multiple wood frame signs are permitted on a tract of land, only one (1) sign shall be placed along each street frontage. A platted single-family or two-family subdivision shall be considered a single property for the purpose of this provision.

P. SCOREBOARDS

- 1. Definition – Scoreboards are signs erected at an athletic field or stadium and which are generally used to maintain the score or time expired in an event at the field or stadium. This definition shall also include signs mounted or applied to the outfield wall within a baseball field.
- 2. Scoreboards are permissible subject to the following conditions:
 - a. Time – No restrictions.
 - b. Place – Scoreboard signs shall be erected within the limits of and face into the athletic field or stadium.
 - c. Manner – No restrictions.

Q. CANOPY SIGNS (ORD. NO. 10-090)

- 1. Definition – A canopy sign is a sign that is applied to, attached, or painted on a canopy or other roof-like cover over gasoline fuel pumps, intended for protection from the weather or as a decorative embellishment.
- 2. Canopy Signs are permissible only in conjunction with a non-residential use, subject to the following conditions and upon the issuance of a sign permit:
 - a. Time – A sign permit shall not be issued to erect or place a canopy sign on a property until a site plan and/or final plat has been approved by the Town for development of the property and after the issuance of a building permit for a building on the property.
 - b. Place –
 - 1. Canopy signs may only be erected on the sides of the canopy band that face a public street.
 - 2. A maximum of two canopy signs shall be permitted per public street frontage.
 - c. Manner –
 - 1. The maximum area of a canopy sign shall be forty-five (45) square feet.
 - 2. The maximum height of a canopy sign shall be three (3) feet.
 - 3. The minimum height for text or graphic elements shall be six (6) inches.
 - 4. No greater than fifty percent (50%) of the length of any one side of the canopy band shall be used for signage.

5. Canopy signs shall be attached directly to or painted on the face of the canopy band, shall not project more than twelve (12) inches from the canopy band, and shall not project above, below, or beyond the edge of the canopy band.

R. STAKE SIGNS

1. Stake signs are permissible upon the issuance of a sign permit. Stake sign permits are available for a single weekend event or yearly. A stake sign with a yearly permit may be re-used every weekend from the date the permit was issued to the end of that same calendar year.
2. Time – A stake sign shall not be erected earlier than 8:00 a.m. on the Friday before the sale or event and must be removed by 8:00 a.m. on the Monday following the sale or event. Stake signs may also be erected not earlier than 8:00 a.m. on the day before a Town holiday and must be removed by 8:00 a.m. on the day after a Town holiday.
3. Place –
 - a. Stake signs shall not be placed so as to impair the corner visibility of intersections of streets, driveways and alleys.
 - b. Stake signs shall not be placed closer than thirty (30) feet from another stake sign.
 - c. Stake signs shall not be placed within the public right-of-way (ROW).
 - d. Stake signs shall not be placed on public property including but not limited to parks, public facilities and public open spaces.
 - e. Stake signs shall only be erected on private property with owner consent.
 - f. Stake signs shall not be affixed to utility poles, official signs or any traffic control devices.
 - g. Stake signs shall comply with Section 1.07 (Sign Specifications and Design) of the sign code, as amended.
4. Manner –
 - a. Stake signs shall not exceed six (6) square feet in area.
 - b. Stake signs shall not exceed three (3) feet in height.
 - c. Stake signs may only be used to advertise or convey information relating to the date, time, location, directions, operation, and/or name of a sale or event that is located within the Town and its extraterritorial jurisdiction (ETJ).
 - d. The number of yearly stake signs that may be permitted for any one (1) advertised entity, sale, or event at the same location shall be a maximum of twenty (20) signs.
 - e. The number of single weekend event stake signs that may be permitted for any one (1) advertised entity, sale, or event at the same location shall be a maximum of twenty (20) signs.

Exceptions:

The portion of the Stake Sign definition that reads: *“Signs may also be utilized for supporting, encouraging, expressing or identifying a philosophy, theory, belief, view,*

principle, concept, insight or opinion, political posture, position or event, public services or civic announcement or advisory event and/or personal or individual use without a commercial intent. Such signs may include but are not limited to political signs, ideological signs, no trespassing, special event or public services announcements, alarm signs and beware of dog signs.”, shall be exempt from the requirements of Section 1.09(R)(1), (2) & (4)(d). Political signs shall continue to meet the requirements of Section 1.10(M), unless otherwise allowed or exempted by the sign code.

S. GARAGE SALE SIGNS

1. Garage sale signs issued by the Town in accordance with the Town's Garage Sale ordinance, as it exists or may be amended, are permissible.
2. Time – A garage sale sign may only be erected at times authorized by the Town's Garage Sale ordinance, as it exists or may be amended.
3. Place –
 - a. Garage sale signs shall not be placed so as to impair the corner visibility of intersections of streets, driveways and alleys.
 - b. Garage sale signs shall not be placed closer than sixty (60) feet from another garage sale sign.
 - c. Garage sale signs shall not be placed within the public right-of-way (ROW).
 - d. Garage sale signs shall not be placed on public property including but not limited to parks, public facilities and public open spaces.
 - e. Garage sale signs shall only be erected on private property with owner consent.
 - f. Garage sale signs shall not be affixed to utility poles, official signs or any traffic control devices.
 - g. Garage sale signs shall comply with Section 1.07 (Sign Specifications and Design) of the sign code, as amended.
4. Manner –
 - a. Garage sale signs shall not exceed six (6) square feet in area.
 - b. Garage sale signs shall not exceed three (3) feet in height.
 - c. Garage sale signs must be issued by the Town in accordance with the Town's Garage Sale ordinance. Garage sale signs may only be used to advertise or convey information relating to the date, time, location, directions, operation, and/or name of a sale or event that is located within the Town or its extraterritorial jurisdiction (ETJ).

1.10 PERMISSIBLE SIGNS THAT DO NOT REQUIRE THE ISSUANCE OF A SIGN PERMIT

The following signs are permissible and do not require the issuance of a sign permit provided the signs comply with the following conditions and the specifications listed in Section 1.07, unless otherwise specified. Signs that do not comply with the following conditions and the specifications are considered prohibited.

A. FLAGS

1. Definition – A flag is a piece of fabric attached to a staff or cord on one end and generally used as a symbol of a nation, state, political subdivision, or organization.
2. Flags are permissible subject to the following conditions:
 - a. Time – No restrictions.
 - b. Place –
 1. Flags are permitted in conjunction with both residential and non-residential uses.
 2. A flag and its supporting structure shall be located on private property behind the property line.
 3. Flags may be placed at parks during social and athletic events.
 - c. Manner –
 1. The maximum height of a flag pole or other supporting structure shall be thirty (30) feet.
 2. The maximum area of a flag is sixty (60) square feet.
 3. A maximum of three (3) flags shall be located on a property.

B. HUMAN SIGNS

1. Definition – A human sign is a sign held by or attached to a human for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service, activity, or product. A person dressed in costume for the purpose of advertising or otherwise drawing attention to an individual, business, commodity, service, activity, or product shall also be construed as a human sign.
2. Human signs are permissible subject to the following conditions:
 - a. Time – Human signs are permitted between the hours of 7am to 8pm.
 - b. Place – All human signs shall be located on private property. Human signs shall not be located within a distance of three hundred (300) feet of an intersection of two public streets or thoroughfares for the purpose of traffic and pedestrian safety.
 - c. Manner – The maximum area of a human sign shall be six (6) square feet.

C. INSTRUCTIONAL SIGNS

1. Definition - An instructional sign is a sign that provides instruction, information, or direction to the general public. The sole purpose of an instructional sign is to provide instruction, information, or direction to the general public that is essential to the health, safety, and public welfare of the community. An instructional sign shall contain no other message, copy, announcement, or decoration other than the essential instruction, information, or direction and shall not advertise or otherwise draw attention to an individual, business, commodity, service, activity, or product. Such signs shall include, but are not limited to, the following: signs identifying a property's street address, rest rooms, public telephones, handicap parking spaces, reserved parking spaces, freeze warning, no trespassing, no dumping, no loitering, and construction entrance signs. Signs erected by the

municipal, state or federal government for the purpose of public instruction, warning, street or highway designation, control of traffic and similar uses incidental to the public interests shall be considered instructional signs. An instructional sign also includes signs of a warning, directive or instructional nature erected by a public utility company that operates under a franchise agreement with the Town.

2. Instructional signs are permissible subject to the following conditions:
 - a. Time – No restrictions.
 - b. Place – No restrictions.
 - c. Manner – The maximum area of an instructional sign is sixteen (16) square feet.

D. VENDING MACHINE SIGN

1. Definition – A vending machine sign is a sign that is attached to a vending machine or gasoline pump and which generally advertises the products dispensed from the vending machine or gasoline pump.
2. Vending machine signs are permissible subject to the following conditions:
 - a. Time – No restrictions.
 - b. Place – No restrictions.
 - c. Manner - Vending machine signs shall be directly attached to a vending machine or gasoline pump. The signs shall be flat and shall not project from the vending machine or gasoline pump.

E. CIVIC SIGNS

1. Definition – A civic sign is a temporary stake sign that publicizes times or locations of meetings or special events of homeowners associations, religious organizations or groups, or civic groups. This definition excludes directional signs for regularly scheduled religious events. A civic sign may also publicize times or locations of special events for schools and athletic team registrations.
2. Time – Civic signs shall be erected no more than seven (7) days prior to the meeting or event and removed no more than forty-eight (48) hours after the meeting or event.
3. Place – See Section 1.07 (Sign Specifications and Design).
4. Manner – Civic signs shall not exceed six (6) square feet in area.

F. GOVERNMENT SIGNS

1. Definition – A government sign is a temporary stake sign used to convey information to the public regarding Town, State, or Federal government activities and events.
2. Time – No restrictions.
3. Place – See Section 1.07 (Sign Specifications and Design).
4. Manner – No restrictions.

G. HOME IMPROVEMENT SIGN

1. Definition – A home improvement sign is a temporary stake sign that displays the name of a roofing, fence, pool, paint, landscape, or other home improvement contractor.
2. Time – The home improvement sign shall be removed after thirty (30) days of being installed or when the home improvement work is completed, whichever occurs first.
3. Place – A home improvement sign shall be erected on the lot on which the home improvement is occurring. In general, a home improvement sign shall not be erected closer than ten (10) feet from the edge of the street pavement.
4. Manner –
 - a. Home improvement signs shall not exceed six (6) square feet in area.
 - b. A maximum of one (1) home improvement sign shall be erected on a lot.

H. RESIDENTIAL REAL ESTATE SIGN

1. Definition – A residential real estate sign is a temporary stake sign that advertises a home or property for sale or lease.
2. Time – No restrictions.
3. Place – A residential real estate sign shall be erected only on the lot on which the home or property is for sale or lease. In general, a residential real estate sign shall be erected no closer than ten (10) feet from the street pavement.
4. Manner –
 - a. Residential real estate signs shall not exceed six (6) square feet in area.
 - b. A maximum of one (1) residential real estate sign shall be erected on a lot.

I. YARD SIGN

1. Definition – A yard sign is a temporary stake sign that publicizes the arrival of a newborn or the participation of a family member in a school activity or sport. Yard signs shall also include signs that advertise the presence of a home security system and seasonal decorations.
2. Time – No restrictions.
3. Place – Yard signs shall be located only on lots containing an occupied single-family, two-family, or multi-family dwelling. In general, a yard sign shall be erected no closer than ten (10) feet from the street pavement.
4. Manner – Signs advertising the presence of a home security system shall not exceed one (1) square foot in area.

J. VEHICLE SIGNS

1. Definition - A vehicle sign is a sign that is attached to or placed in or on a truck, bus, car, trailer, boat, recreational vehicle, or any other vehicle. Vehicle signs shall exclude bumper stickers, license plates, and inspection and registration stickers.
2. Vehicle signs are subject to the following conditions:

- a. Time – No restrictions.
- b. Place –
 - 1. Vehicle signs are permitted provided that during periods of inactivity such vehicle is not parked in the right-of-way or placed in a manner that the sign is readily visible from adjacent public right-of-way.
 - 2. "For Sale" signs placed in or on vehicles when the vehicle is parked or placed in a manner that the sign is readily visible from adjacent public right-of-way are prohibited with the exception that one (1) vehicle containing a "For Sale" sign parked or placed at an occupied single-family, two-family, townhome, or multi-family dwelling unit is permitted.
- c. Manner – Vehicle signs are permitted provided that:
 - 1. The primary purpose of such vehicle is not for display of the sign;
 - 2. The signs are painted upon or applied directly to an integral part of the vehicle;
 - 3. The vehicle is in operating condition, currently registered and licensed to operate on public streets, and actively used in the daily function of the business to which such sign relates; and
 - 4. The vehicles are not used primarily as static displays, advertising a product or service, not utilized as storage, shelter or distribution points for commercial products or services for the general public.

K. WINDOW SIGNS

- 1. Definition – A window sign is a sign that is visible from a public street or sidewalk and that is posted, attached, painted, placed, or affixed in or on a window or a sign that is located within ten (10) feet of a window.
- 2. Window signs are permissible subject to the following conditions:
 - a. Time – No restrictions.
 - b. Place – No illuminated window signs shall be allowed within ten (10) feet of the window glazing except for open/closed signs.
 - c. Manner –
 - 1. The number of window signs per window shall not exceed four (4).
 - 2. The maximum aggregate area for all window signs shall be ten percent (10%) of the total window area per façade/elevation per tenant.

Addresses, open/closed signs, hours of operation, and window signs required by the Town of Prosper are exempt from 1.10(K)(2)(c).

L. ZONING SIGNS

- 1. Definition – A zoning sign is a sign erected to publicize the request for zoning or rezoning of a property.
- 2. Zoning signs are permissible subject to the following conditions:
 - a. Time –

1. The property owner or his/her representative shall erect the sign on the property ten(10) days prior to the first public hearing scheduled to discuss the applicable zoning case. The property owner shall be responsible for maintaining the sign on the property throughout the entire zoning case.
 2. The property owner or his/her representative must provide verification with a photograph that the zoning sign is in place one (1) week prior to the first public hearing meeting date.
 3. The property owner or his/her representative must remove the sign within three (3) days after the Town's approval of the ordinance rezoning the property or after the Town denies the request.
- b. Place –
1. The sign shall be placed in a location visible from all streets adjacent to the property included in the zoning request.
 2. Signs shall be located no greater than twenty (20) feet from front property line, unless otherwise directed by the Director of Planning or his/her designee.
- c. Manner –
1. One (1) zoning sign shall be erected adjacent to each street frontage of the property.
 2. The area of a zoning sign shall be sixteen (16) square feet.
 3. The width of a zoning sign shall be four (4) feet.
 4. The sign shall be constructed in accordance with Prosper's design standards for zoning signs.

M. POLITICAL SIGNS

1. Definition – A sign (1) relating to the election of a person to a public office, (2) relating to a political party, (3) relating to a matter to be voted upon at an election called by a public body, or (4) containing primarily a political message.
2. Time – No restrictions.
3. Place –
 - a. Political signs shall be located only on private real property with the consent of the property owner. In general, a political sign shall not be erected closer than ten (10) feet from the edge of the street pavement.
 - b. See Section 1.07 (Sign Specifications and Design).
4. Manner –
 - a. Political signs shall not exceed thirty-six (36) square feet in area.
 - b. Political signs shall not exceed eight (8) feet in height measured from the ground to the highest point of the sign.
 - c. Political signs shall not be illuminated.
 - d. Political signs shall not contain any moving elements or parts.

5. A sign (i) not meeting each of the requirements of this Section M; or (ii) containing primarily a political message on a temporary basis and that is generally available for rent or purchase to carry commercial advertising or other messages that are not primarily political, is not exempt from the requirements of obtaining a permit, assuming the sign is otherwise allowed by this Ordinance.

1.11 PROHIBITED SIGNS

The following signs and activities are prohibited.

- A. Signs on Vacant Buildings** - No sign shall be permitted to remain on any vacant building, except a sign pertaining to the lease or sale of the building, or a sign which is under lease from an owner or his agent, when such sign is maintained by a person operating under his own bond.
- B. Merchandise Displays** - No person shall suspend from any building, or pole, structure, sidewalk, parkway, driveway, parking area, or fuel pump island any goods, wares, merchandise or other advertising object or structure for the purpose of advertising such items, other than a sign as defined, regulated and prescribed by this Ordinance, except as otherwise allowed by any ordinance of Prosper.
- C. Balloons or Other Floating Devices** - No person shall erect, maintain or permit the erection of any balloon or other floating device anchored to the ground, vehicle, structure, or any other fixed object for the purpose of advertising or drawing attention to a business, commodity, service, sale, or product, except as permitted in Section 1.09(C).
- D. Commercial Billboard Signs** - A large sign, generally supported by a metal frame and consisting of two parallel sign faces oriented in opposite directions, used for the display of posters, printed or painted advertisements that generally direct attention to goods, merchandise, entertainment, or services conducted, sold, or offered at a location other than the premises on which the sign is located. The conversion of existing traditional static commercial billboard signs to signs employing digital or any similar electronic technology shall be prohibited.
- E. Graffiti** - Pictures, words or slogans, images or other artwork painted, drawn, scratched or applied in any manner to exterior walls, fences, structures, vehicles, stone, statues, buildings, or other items in public view. Graffiti includes the illegal or unauthorized defacing of a building, wall, or other edifice or object by painting, or otherwise, marking it with words, pictures, or symbols, advertising, logos, relations with a group, indecent/vulgar images or offensive language(s). Graffiti is prohibited.
- F. Portable Signs** - Signs designed or intended to be relocated from time to time, whether or not it is permanently attached to a building or structure, or is located on the ground, are prohibited. Portable signs include signs on wheels or on portable or mobile structures, such as, among other things, trailers, skids, tent signs, A-frame, or T-shaped signs and similar devices, and airborne signs.
- G. Revolving Signs** – Signs that turns, spins, or partially revolves or completely revolves 360 degrees on an axis. Revolving Signs are prohibited.
- H. Roof Signs** - Signs painted directly upon or mounted on the roof of any building are prohibited.
- I. Wind Device Signs** - With the exception of inflatable signs addressed in Section 1.09(C) and the flags addressed in Section 1.10(A), a pennant, streamer, spinners,

balloon, inflatable object or similar device made of cloth, canvas, plastic, or any flexible material that moves or is designed to move freely in the wind, with or without a frame or other supporting structure, used for the purpose of advertising or drawing attention to a business, commodity, service, sale, or product, is prohibited.

- J. Pole Signs** - A sign which is erected on a vertical framework consisting of one (1) or more uprights supported by the ground is prohibited, with the exception of the pole signs specifically authorized by this Ordinance such as wood frame signs and zoning signs.
- K. Obscene Signs** - No person shall erect or display on any site a sign in which the dominant theme of material taken as a whole appeals to a prurient interest in sex, or is patently offensive because it affronts community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value.
- L. Other Signs** - The following signs are prohibited:
 - 1. Signs which move and/or are animated by means of flashing, traveling or blinking lights, or other means not providing constant illumination; unless specifically allowed herein;
 - 2. Skylights and searchlights;
 - 3. Appendages to primary signs which have flashing, blinking, or traveling lights; unless specifically allowed herein;
 - 4. Any sign which emits audible sound, odor, or visible matter;
 - 5. Any sign located on a property where the contents of that sign do not pertain to a person, activity, idea, business, or product being sold, promoted, or expressed on the premises where the sign is located, unless specifically permitted within this ordinance;
 - 6. Any sign not referenced within, or governed by this Ordinance;
 - 7. Any sign erected without a permit, either prior to or after the adoption of this Ordinance, if a permit was required;
 - 8. Any sign erected in or over public right-of-way or other public property, unless the same is erected by the Town, County, State or other authorized governmental agency, or with the permission of the Town, for public purposes, unless permitted within this ordinance; and
 - 9. Any lighted sign erected or displayed within one-hundred fifty (150) feet of a residentially zoned property, or designated as residential on the Future Land Use Plan, unless the lighting is shielded from view of the residential property and indirect light does not exceed ½ lumen measured from any property line of the residential property.

1.12. SPECIAL PURPOSE SIGN DISTRICT

- A. GENERAL** - A Special Purpose Sign District (“SPSD”) is an overlay district that exclusively addresses sign regulations. It allows an applicant, subject to approval of the Town Council, the option of designating an area where the signs may deviate from the underlying sign regulations, to the extent so expressly provided in the

ordinance adopting the particular SPSD. If not so expressly provided, the underlying sign regulations shall control.

B. THE PURPOSE OF THE SPSD IS TO:

1. Promote consistency among signs within a development thus creating visual harmony between signs, buildings, and other components of the property;
2. Enhance the compatibility of signs with the architectural and site design features within a development;
3. Encourage signage that is in character with planned and existing uses thus creating a unique sense of place; and
4. Encourage multi-tenant commercial uses to develop a unique set of sign regulations in conjunction with development standards.

C. APPLICATION PROCESS.

1. Each applicant for the creation or amendment of an SPSD shall submit an SPSD application (available from the Development Services Department) to the Development Services Department on or before a scheduled submission date and shall be accompanied by payment of the appropriate fee as established by the Town. All applications received on a date other than an official submittal date shall be dated received on the next official submittal date. Applications must be complete for acceptance.
2. Consideration for the creation or amendment to an SPSD may be initiated only with written consent of the property owners or by the Town Council on its own motion when it finds that public benefit will be derived from consideration of such matter. In the event the ownership stated on an application and that shown on the Town records are different, the applicant shall submit written proof of ownership acceptable to the Town.
3. To ensure the submission of adequate information, the Development Services staff is hereby empowered to maintain and distribute a list of specific requirements for SPSD applications. Upon periodic review, the Planning staff shall have the authority to update such requirements for SPSD application details.
4. The Development Services Staff shall review the application and shall make a report to the Town Council. Every application shall automatically be forwarded to the Town Council for setting and holding of public hearing thereon. No change, however, shall become effective until after the adoption of an ordinance for same and its publication.
5. Notice of Town Council hearing shall be given by publication in the official newspaper of the Town, stating the time and place of such hearing, a minimum of fifteen (15) days prior to the date of the public hearing. Prior to the tenth (10th) day before each public hearing before the Town Council, written notice of the hearing shall be sent to each owner, as indicated by the most recently approved Municipal Tax Roll, of property within two (200) hundred feet outside of the proposed boundary for the SPSD. The notice may be served by its deposit by the municipality, properly addressed with postage paid, in the United States mail.

6. Town Council, after the public hearing is closed, may vote to approve, approve with amendments and conditions, table, or deny in whole or in part the application. Should the applicant wish to submit a request to table, the request shall be submitted in writing to the Development Services Department a minimum of seven (7) days prior to the meeting. The Town Council may deny an application if the applicant or representative fails to appear at one (1) or more hearings before the Town Council.
7. The Town Council may deny any request with prejudice. If a request has been denied with prejudice, the same or similar request may not be resubmitted to the Town for six (6) months from the original date of denial.
8. Approval of any SPSD application, including amendments to existing SPSDs, shall constitute an instruction to Town staff to prepare the appropriate ordinance for final formal passage at a subsequent time. If the ordinance is finally approved by the required number of votes, the ordinance shall be executed by the Mayor.
9. The ordinance creating the SPSD, or any amendments thereto, shall expressly state how the sign regulations in the SPSD differ from the standards set forth in the Town's Sign Ordinance and shall include any other regulations that the Town Council deems appropriate.
10. The ordinance creating the SPSD, or any amendments thereto, shall include a statement as to the purpose and intent of the SPSD granted therein, including a general statement citing the reason for the SPSD request.
11. The ordinance creating the SPSD, or any amendments thereto, shall include a legal description of the area of the SPSD.
12. The SPSD District shall conform to all sections of the Town's Sign Ordinance unless specifically addressed in the ordinance creating or amending the SPSD District.
13. The application for an SPSD shall also include additional information set forth in Section 1.12(D) below and shall generally comply with the Design Guidelines set forth in Section 1.12(E) below.
14. No request for establishing or amending an SPSD shall be accepted for filing or processing unless such request is accompanied by a completed application and all documents required by and prepared in accordance with the requirements of the Town's Sign Ordinance. The acceptance or processing by a Town official of an SPSD application prior to the time a complete application is submitted hereby is deemed to be null and void and, upon discovery, shall be grounds for denial or revocation of such application. A typographical error shall not constitute an incomplete application. The applicant will be notified, and the reasons for such denial or revocation shall be sent within ten (10) business days of submitting a complete application.

D. ADDITIONAL INFORMATION REQUIRED - The application for an SPSD shall also include the following or the application shall be considered incomplete.

1. A depiction of all the signs that the applicant intends will deviate from the underlying sign regulations, including but not limited to Unified Development Signs, wall or other attached building signs, monument signs, window signs,

directional/way finding signs, directory signs, pedestrian oriented signs, subdivision monument signs.

2. Location of all proposed signs in the proposed SPSD.
3. Size and number of all signs in the proposed SPSD, including maximum area, letter height, and height.
4. Materials proposed for all signs and sign structures in the proposed SPSD.
5. Color and style for all signs in the proposed SPSD (letter colors, background colors, text, fonts, etc...) including context of where signs are to be placed on any given façade.
6. Type of illumination (external, internal, etc...) for all signs in the proposed SPSD.
7. Landscaping and/or ornamental structures including fences, fountains, public art, ground cover, and other landscaping elements that are intended to complement those proposed signs that would deviate from the underlying sign regulations.
8. The Town Council or the Director of Development Services may request any other information to be included in the applications that they deem necessary.

E. DESIGN GUIDELINES - The sign design guidelines are designed to help ensure quality signs that communicate their message in a clear fashion; however, the “guidelines” are not as strict as sign “standards.” The Town Council may interpret the design guidelines with some flexibility in their application to specific signs/projects, as not all design criteria may be workable or appropriate for each sign or project. In some circumstances, one guideline may be relaxed to facilitate compliance with another guideline determined by the Town Council to be more important in the particular case. The overall objective is to ensure that the intent and spirit of the design guidelines are followed.

1. Compatibility with surroundings.

- a. *Proportional size and scale.* The scale of signs should be based on the building façade on which they are placed and the area in which they are located. The size and shape of a sign should be proportional with the scale of the structure. Large storefronts such as big boxes may be allowed to have proportionally larger signs than smaller storefronts. Signs should not overwhelm the section of the building façade on which it is placed upon.
- b. *Integrate signs with the building.* Signs should be designed so that they are integrated with the design of the building. A well designed building facade or storefront is created by the careful coordination of sign and architectural design, and a coordinated color scheme. Signs in multiple tenant buildings should be designed to complement or enhance the other signs in the building. Sign placement and design should be reviewed within the context of building.
- c. *Corporate Franchise Signage.* Corporate franchise signage should conform to the community’s visual desires while maintaining some elements of corporate identity. Corporate logos should fit the context, color, scale, and building elements.

2. Location and mounting.

- a. Signs should be mounted in locations that respect the design of a building and site, including the arrangement of bays and openings. Signs should not obscure windows, (including second story windows), window trim/molding, grillework, piers, pilasters, and other ornamental features.
- b. Attached signs on fascias above storefront windows should be sized to fit within existing friezes, lintels, spandrels, and other such features and not extend above, below, or beyond them. Typically, attached signs should be centered on horizontal surfaces (e.g., over a storefront opening).
- c. When a large building contains several storefronts, signs for the individual businesses should relate well to each other in terms of locations, height, proportion, color, and illumination. Maintaining continuity will reinforce the building's facade composition while still retaining each business's identity.

3. Color.

- a. *Avoid using too many colors.* Colors or color combinations that interfere with legibility of the sign copy or that interfere with viewer identification of other signs should be avoided.
- b. *Use contrasting colors.* Contrast is an important influence on the legibility of signs. A substantial contrast should be provided between the color and material of the background and the letters or symbols to make the sign easier to read in both day and night. Light letters on a dark background or dark letters on a light background are most legible. Light letters on a dark background work best for both day and night time use.

4. Materials.

- a. *Compatibility of materials.* Sign materials should be compatible with the design of the facade on which they are placed. Consider the architectural design of the building's facade and select materials that complement the design. The selected materials should also contribute to the legibility of the sign. For example, glossy finishes are often difficult to read because of glare and reflections.
- b. *Appropriate materials.* Sign materials should be extremely durable. Paper and cloth signs are not suitable for exterior use (except on awnings) because they deteriorate quickly. If wood is used, it should be properly sealed to keep moisture from soaking into the wood and causing the sign's lettering to deteriorate.

5. Sign legibility.

- a. *Concise Name Identification.* A concise name or limited lines of copy should be used whenever possible given the limited amount of time the vehicle traveling public has to identify and read the sign. The fewer number of words, the more effective the sign. A simple and

succinct sign is easier to read and looks more attractive because it is less cluttered.

- b. *Use symbols and logos.* Symbols and logos can be used in place of words whenever appropriate. Pictographic images will usually register more quickly in the viewer's mind than a written message. And, they can be an expression of the owner's creativity.
- c. *Limit the number of letter styles.* The number of lettering styles that are used on a sign should be limited in order to increase legibility. As a general rule, limit the number of different letter types to no more than two for small signs and three for larger signs. Intricate typefaces and symbols that are difficult to read reduce the sign's ability to communicate.

6. Sign illumination.

- a. *Internal illumination.* Individually illuminated letters, either internally illuminated or backlit solid letters (reverse channel) are a preferred alternative to internally illuminated plastic cabinet signs. Signs comprised of individual letters mounted directly on a structure can often use a distinctive element of the structure's facade as a backdrop, thereby providing a better integration of the sign with the structure.
- b. *Use a projected light source.* Signs along roadways with slower moving traffic or in pedestrian oriented environment should consider illumination by a projected light source (e.g., spotlight). Projection lighting is usually a better alternative because the sign will appear to be integrated with the building's architecture. Light fixtures supported in front of the sign cast light on the sign and generally a portion of the building's face as well. Projected lighting emphasizes the continuity of the structure's surface and signs become an integral part of the façade. The use of small, unobtrusive fixtures for external (projection) lighting is encouraged. Avoid the use of oversized fixtures that are out of scale with the sign and structure. Whenever projection lighting is used (fluorescent or incandescent), care should be taken to properly shield the light source to prevent glare from spilling over into residential areas and any public right-of-way. Signs should be lighted only to the minimum level required for nighttime readability.
- c. *Cabinet signs.* The use of internally illuminated cabinet signs is discouraged. When such signs are proposed, the background field is required to be opaque so that only the lettering appears illuminated (e.g., routed or push-through lettering/graphics). When the background is not opaque, the entire sign face becomes bright and the sign becomes visually separated from the building. As a result, this type of sign can disrupt the continuity of the facade.
- d. *Electrical raceways and conduits.* Electrical transformer boxes and raceways are required to be concealed from public view. If a raceway cannot be mounted internally behind the finished exterior wall, the exposed metal surfaces of the raceway should be finished to match the background wall, or integrated into the overall design of the sign.

If raceways are necessary, they should be as thin and narrow as possible and should never extend in width or height beyond the area of the sign's lettering or graphics. All exposed conduit and junction boxes should also be concealed from public view.

- e. *Neon Signs.* Neon/L.E.D. or similar types of lighting are discouraged.

7. Shopping Center Monument Signs.

- a. Freestanding signs are allowed to display a limited number of individual tenant signs and the name of the center. Multiple message panels make the sign ineffective in conveying a message and could potentially be a safety hazard.
- b. Individual tenant sign panels should be uniform in size. The address, the name of the center or the major tenant may have a larger sign panel.
- c. The sign structure should be architecturally designed and incorporate design details, materials, and colors of the associated buildings.
- d. Sign panels should be limited in size to the width of the architectural support elements of the sign.
- e. Signs should be externally illuminated.
- f. The size of the sign should be primarily dependent on the speed of the traffic viewing the sign and the distance from the roadway.
- g. Monument signs should include a landscaping element.

8. Shopping Center Store Signage.

- a. Require consistency (color, size, etc.) of tenant signage in shopping centers.
- b. Signs should be designed to complement or enhance the other signs in the center.
- c. A coordinated sign program should be encouraged for multi-tenant development.

9. Multi-story Corporate Offices and Hotels.

- a. Signs should be limited to monuments signs and possibly a single façade sign of appropriate scale and size that identifies the name of the major tenant or building.

1.13 REMOVAL/IMPOUNDMENT OF PROHIBITED SIGNS

- A. All signs listed in Section 1.11 and other prohibited or non-compliant signs shall be considered a public nuisance and are prohibited by this Ordinance. Upon identification of any prohibited sign, the Building Official shall provide written notification of the violation to the owner of the property on which the prohibited sign is located and/or the permittee of the sign. The notification shall state that the offending sign shall be removed by the property owner, agent or person having beneficial use of the land, building or structure upon which such sign is located within

Signs authorized by a sign permit with an expiration date shall be removed promptly upon the date of expiration. Signs remaining after the date of expiration shall be deemed prohibited. The sign permit listing the expiration date shall be considered adequate notice of violation.

- B. It shall be unlawful for any person, firm or corporation receiving such written notice or having an expired permit to fail to comply with the direction of the notice. In the event failure to comply with such notice provided under Section 1.12(A), the Building Official is hereby authorized to cause the removal and impoundment of such sign. Any expenses incident thereto shall be the responsibility of the owner, agent or person having beneficial use of the land, building or structure upon which such sign was located.
- C. If a sign is placed within the public right-of-way or on a Town-owned property in violation of this Ordinance, the sign may be immediately removed and impounded.

1.13.1 PRESUMPTION; VIOLATIONS IN OR ON PUBLIC PROPERTY

- A. If any sign of any nature is erected, constructed or maintained on public property in violation of the sign code, as amended, including but not limited to garage sales, yard sales, estate sales, neighborhood sales, directional signs, real estate signs, moving services, housekeeping services, lawn care services or any other type of service or sales, such sign shall be subject to the following:
 - 1. The sign may be subject to confiscation by town personnel.
 - a. Signs confiscated will be retained for a period of five (5) calendar days from the day after confiscation;
 - b. Confiscated signs may be reclaimed by the owner within the five (5) day retention period provided that an impoundment fee as set forth in section 1.13 of the sign code, as amended, is paid;
 - 2. When any address appears on such a sign, it shall be prima facie evidence that the record property owner at the address so specified is responsible for the offense of erecting, constructing or maintaining such sign, and that person shall be guilty of a misdemeanor, upon conviction; and
 - 3. If such a sign contains no identifying information other than a telephone number, such information shall be prima facie evidence that the record property owner at the telephone number so specified is responsible for the offense of erecting, constructing or maintaining such sign, and that person shall be guilty of a misdemeanor, upon conviction.
- B. The following evidence relative to the name, address or telephone number contained in the following records is prima facie evidence of the contents of the record.

1. *Name.* An authenticated photograph of the sign showing the name of the person allegedly responsible, or the sign itself.
 2. *Address.* A certified copy of that section of the most recent tax roll or appraisal district record which shows the name and address of the record property owner and an authenticated photograph of the sign or the sign itself.
 3. *Telephone number.* An authenticated photograph of the sign or the sign itself, showing the telephone number, and a copy of the most recent telephone directory showing the listing, or a letter or other document from the telephone company showing the listed person and address at that telephone number.
- C. Any presumption contained in this section is rebuttable and shall have the effects and consequences set forth in V.T.C.A. Penal Code § 2.05.

1.14 RECOVERY OF IMPOUNDED SIGNS

- A. Impounded signs may be recovered by the owner within five (5) days from impoundment by paying a fee as follows:
1. The first violation shall result in a fee of ten dollars (\$10.00) per sign for signs that are six (6) square feet or less in area. All subsequent violations shall result in a fee of twenty dollars (\$20.00) per sign for sign that are six (6) square feet or less in area.
 2. The first violation shall result in a fee of two hundred dollars (\$200.00) per sign for signs that are greater than six (6) square feet in area. All subsequent violations shall result in a fee of four hundred dollars (\$400.00) per sign for signs that are greater than six (6) square feet in area.
- B. Signs not recovered within five (5) days of impoundment may be disposed of by the Town in any manner it shall elect.

1.15 NEGLECTED AND ABANDONED SIGNS

- A. A neglected sign is a sign which contains any of the following characteristics:
1. Missing, cracked, or broken panels, missing cabinets or cans, burned out or broken lights, missing or broken letters, rust, loose parts, missing or flaking paint, is faded from its natural color, has damage or is not maintained.
 2. A visibly bent, broken, dented, or torn structural support or frame.
 3. Is twisted, leaning, or at angles other than those at which the sign was originally erected.
- B. An abandoned sign is a sign which, for at least thirty (30) continuous days, does not identify or advertise a bona fide business, lessor, service, owner, product, or activity; or pertains to a time, event, or purpose which no longer applies.
- C. Abandoned signs and neglected signs shall be considered a public nuisance and are prohibited by this Ordinance. Upon written notification to the permit holder by the Building Official, such abandoned signs shall be removed from the premises and neglected signs shall be repaired or removed from the premises by the property owner, agent, or person having beneficial use of the land, building, or structure upon which such sign is located. The notification shall state that the offending sign shall be repaired or removed by the owner, agent or person having beneficial use of the land, building or structure upon which such sign is located within ten (10) days after

written notification to do so by the Building Official. The notification shall further state that if the sign is not removed or repaired, a citation may be issued and the Town may resort to any civil remedy available to remove or repair the sign, up to and including impoundment. If any sign is determined to present an immediate danger to public health, safety, or welfare, the Town shall remove it immediately. Within ten (10) days of the removal of the sign, the Town shall notify the owner of the property on which the sign was located of the reasons for removal of the sign.

- D. It shall be unlawful for any Person, firm or corporation receiving such written notice to fail to comply with the direction of the notice. In the event failure to comply with such notice provided under Section 1.14(C), the Building Official is hereby authorized to cause the removal and impoundment of such sign. Any expenses incident thereto shall be the responsibility of the owner, agent or person having beneficial use of the land, building or structure upon which such sign was located.

1.16 **NONCONFORMING SIGNS**

- A. Definition - A nonconforming sign is a sign and its supporting structure which does not conform to all or part of the provisions of this Ordinance, and:
 - 1. Was in existence and lawfully erected prior to the effective date of this Ordinance;
 - 2. Was in existence and lawfully located and used in accordance with the provisions of the prior ordinance applicable thereto, or which was considered legally nonconforming there under, and has since been in continuous or regular use; or
 - 3. Was in existence, located, and used on the premises at the time it was annexed into the Town and has since been in regular and continuous use.
- B. Any nonconforming sign and its supporting structure, which is destroyed, damaged, dilapidated or deteriorated, shall not be replaced, repaired, or renovated, in whole or in part, if such replacement, repair or renovation would require an expenditure of monies in excess of sixty (60) percent of the cost of a new sign, including its supporting structure, which is substantially the same or similar to the nonconforming sign destroyed, damaged, dilapidated or deteriorated. Changing an interior panel of a nonconforming sign is permitted in all cases.
- C. No sign or supporting structure which is lawfully reproduced, repaired, or renovated as a nonconforming sign shall be increased in area or height.
- D. Notwithstanding any other provision of this Ordinance, any sign which is a legally existing nonconforming sign hereunder may be relocated on the same lot or tract of land, if the sign is required to be removed from its present location because the property upon which the sign is located is acquired by any governmental agency or other entity which has or could have acquired the property through the exercise of its power of eminent domain. Such relocated sign shall be placed, insofar as possible, as to comply with all the provisions of this Ordinance.
- E. A nonconforming sign in the Town or its extraterritorial jurisdiction (ETJ) may be relocated, reconstructed or removed as provided by law, including but not limited to Chapter 216 of the Texas Local Government Code as it exists or may be amended.
- F. If a nonconforming sign is required to be relocated, reconstructed or removed by the Town, the Mayor of the Town, or the person fulfilling the duties of the Mayor if the Mayor is unable to act, shall appoint a municipal board in accordance with Section

216.004 of the Texas Local Government Code, as it exists or may be amended, to be known as the "Municipal Board on Sign Control for Nonconforming Signs". Once appointed, Board members shall serve for two (2) year terms unless they are removed by the Mayor, they resign, they fail to qualify to serve, or are otherwise removed.

1.17 **VARIANCES**

- A. Requests for variances to sign regulations and all allegations of errors in orders, decisions, or determinations by an administrative official in administration of the sign regulations shall be made in writing by the applicant and heard by the Town Council at a public hearing. An application for such appeal may be obtained from the Town. The Town Council shall hear, if possible, the request for a variance or the allegation of error within thirty (30) days after receipt of a completed application and applicable application fees. The application will require written authorization from the property owner.
- B. Before the tenth (10th) day of the date of the public hearing conducted by the Town Council, written notice of the public hearing shall be sent by its deposit in the United States mail to each owner, as indicated by the most recently approved Municipal Tax Roll, of property within two hundred feet (200') of the property on which the variance is proposed. The notice shall include a description of the time and place of such hearing, a description of the location of the subject property, and a description of the requested variance. In addition, the notice shall be published in the official newspaper of the Town, stating the time and place of such hearing, a minimum of ten (10) days prior to the date of the public hearing.
- C. In order to approve a request for a variance, the Town Council shall determine that the request meets four (4) of the following five (5) criteria:
 - 1. The literal enforcement of the sign regulations will create an unnecessary hardship or a practical difficulty on the applicant;
 - 2. The proposed sign shall not adversely impact and will be wholly compatible with the use and permitted development of the adjacent property (visibility, size, etc.);
 - 3. The proposed sign shall be of a unique design or configuration;
 - 4. The special exception is needed due to a hardship caused by restricted area, shape, topography, or physical features that are unique to the property or structure on which the proposed sign would be erected, and such hardship is not self imposed;
 - 5. The special exception will substantially improve the public convenience and welfare and does not violate the intent of this Ordinance.
- D. A variance shall not be approved for a sign that is prohibited by Section 1.11 of this Ordinance.

1.18 **SPECIAL EVENTS SIGNAGE**

- A. Special events are generally defined as a festival, fair, tournament, or other similar happening. Should Town staff question a proposed activity or celebration as a valid special event, a description of the proposed activity or celebration will be prepared by the applicant and forwarded to the Town Council by Town staff for the Town

- B. Banner signs, stake signs, and inflatable signs may not be erected to advertise a special event until a sign coordination plan as defined in Section 1.18 has been approved by the Town. The sign coordination plan will be required to illustrate the location of the banners, stake signs, and inflatable signs to be used for a special event.
- C. Signage associated with a special event may be erected for a maximum of twenty-one (21) days, unless otherwise approved by the Town Council. All signage associated with a special event shall be removed no later than twenty-four (24) hours after the event.

1.19 SIGN COORDINATION PLAN

- A. A sign coordination plan is required to be prepared for variance requests. A sign coordination plan is also required prior to the permitting of specified signs to determine overall sign locations on a property, the relationship of the signs to surrounding existing, proposed, and future improvements, and to determine consistency and uniformity among buildings and signs within a unified development zone or residential development. The sign coordination plan shall be submitted to the Development Services Department. A calendar of official submittal dates shall be published by the Town thirty (30) days prior to the beginning of each calendar year. All applications received on a date other than an official submittal date shall be dated received on the next official submittal date.
- B. A sign coordination plan shall contain the following information:
 - 1. Elevations of the signs illustrating the materials of construction, colors, lighting, font of letters, and dimensions of the signs. If the sign is to be attached to a building, the elevation shall be a composite of the sign and the building.
 - 2. Elevations depicting the size of the signs in relation to the size of the buildings within the development.
 - 3. A plan drawn to preliminary site plan or site plan specifications of the site illustrating the location of existing and proposed signs on the property and, if required by Town staff, on adjacent properties.
 - 4. Other information to illustrate the consistency and uniformity of the signs.
 - 5. For unified development signs, the sign coordination plan shall identify a unified development zone. Only those properties and businesses included within the unified development zone shall be included on the unified development signs erected within the unified development zone.
- C. For non-residential and multi-family developments, the sign coordination plan shall be submitted to the Town for review with a preliminary site plan or site plan of the property. For single family and two-family developments, the sign coordination plan shall be submitted to the Town for review with a preliminary plat or final plat of the property.
- D. A sign coordination plan required of specified signs shall be submitted to the Development Services Department. The plan will be reviewed in accordance with the Town's Development Review Schedule and considered for approval by Town staff. Staff may approve or deny a sign coordination plan. Should staff deny a sign

coordination plan, the plan may be forwarded to the Town Council for their review and consideration upon receipt of a written appeal request. The Town Council may approve or deny the plan. The decision of staff and the Town Council is discretionary. The Town Council's decision is final.

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1.20 ILLUSTRATIONS

A. Permissible signs that require the issuance of a sign permit.

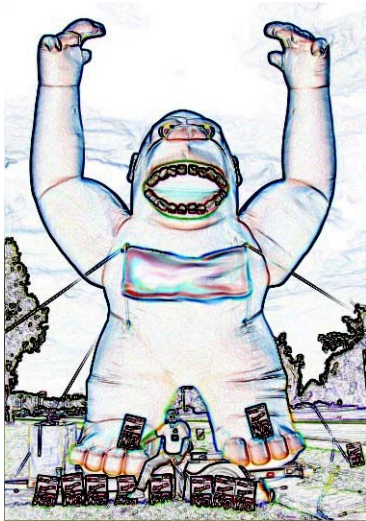
1. Awning Sign



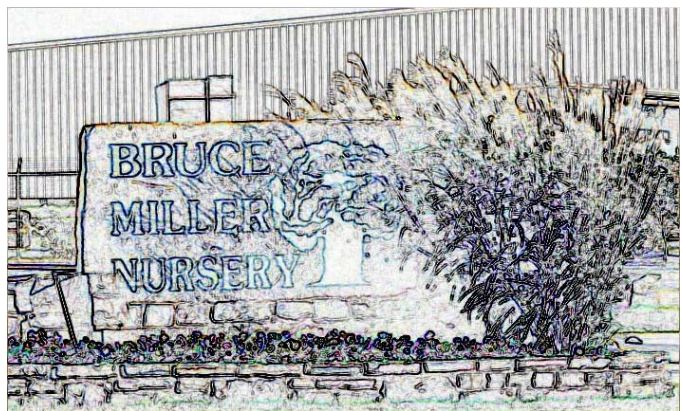
2. Banner Sign



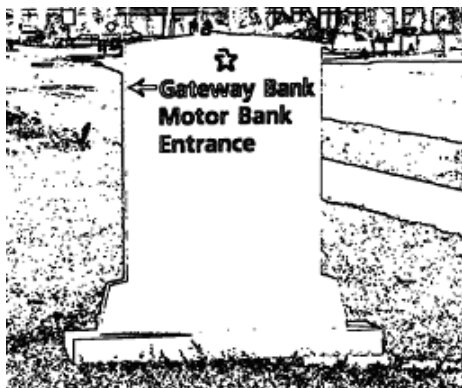
3. Inflatable Sign



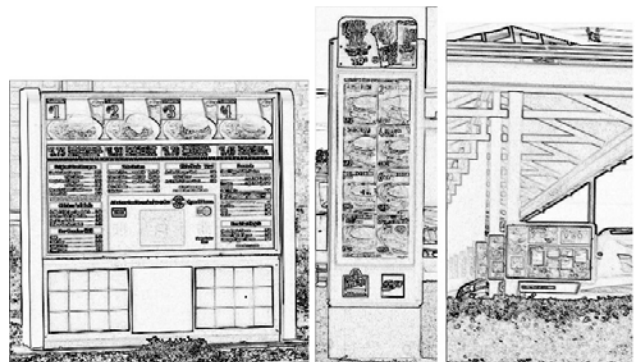
4. Monument Sign



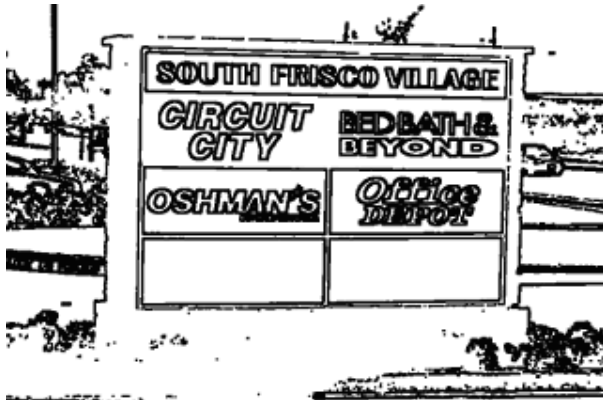
5. Internal Directional Sign



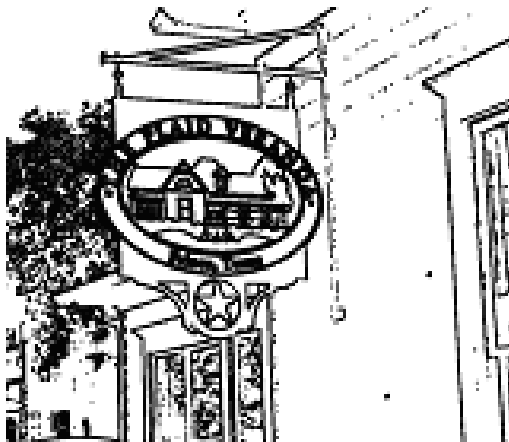
6. Menu Board Signs



7. Unified Development Sign



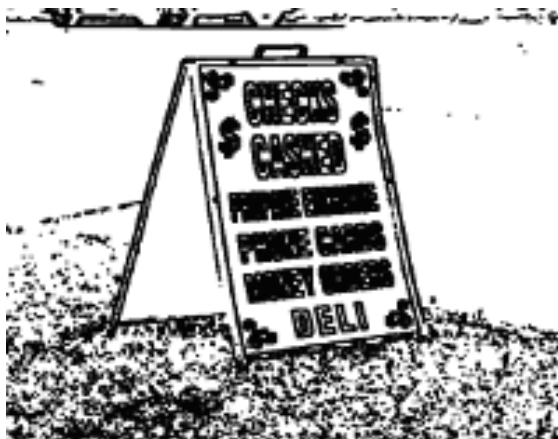
8. Projecting Sign



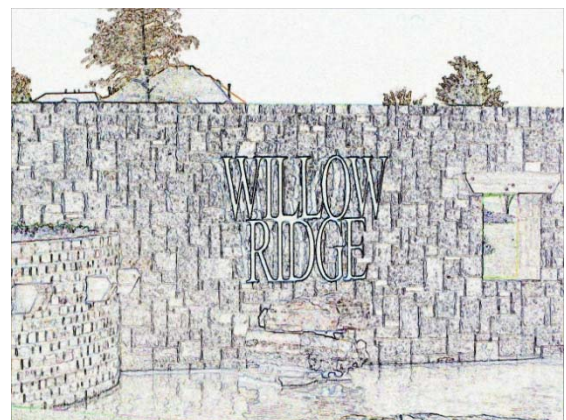
9. Secondary Roof Sign



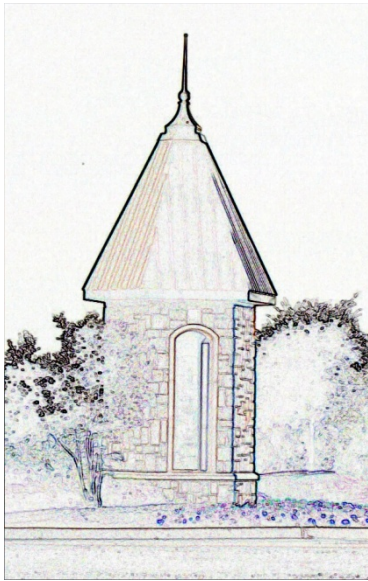
10. Sandwich Board Sign



11. Subdivision Entry Sign



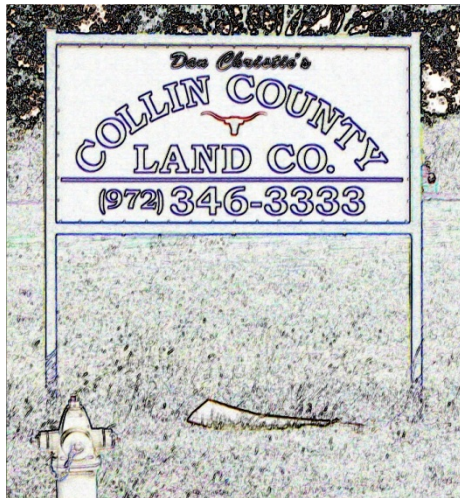
12. Subdivision Monument



13. Wall Sign



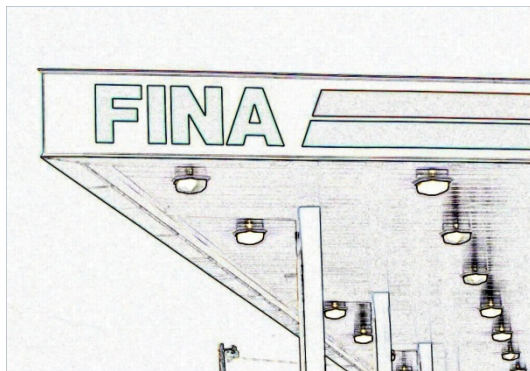
14. Wood Frame Sign



15. Scoreboard



16. Canopy Sign

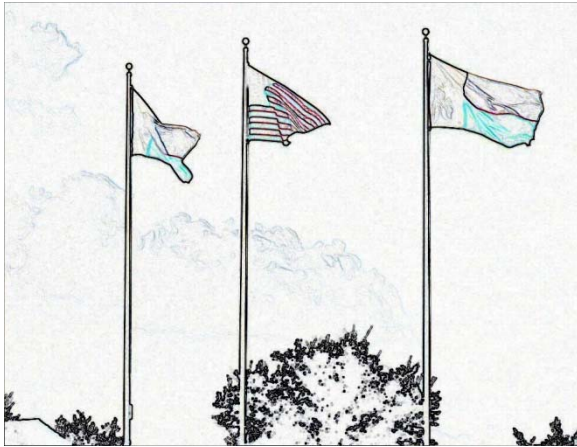


17. Stake Sign



B. Permissible signs that do not require the issuance of a sign permit.

1. Flags



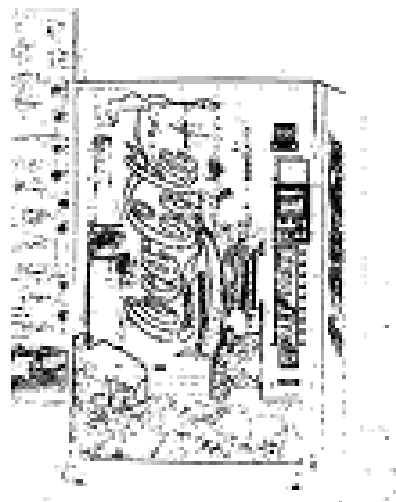
2. Human Sign



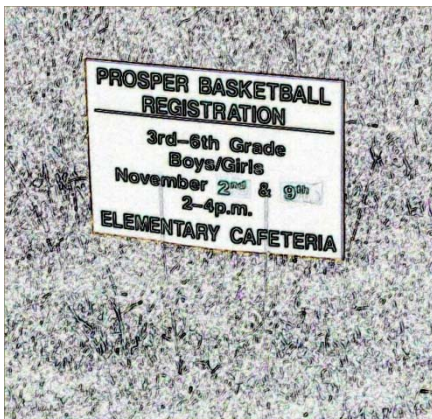
3. Instructional Sign



4. Vending Machine Sign



5. Civic Sign



6. Vehicle Sign



7. Window Sign

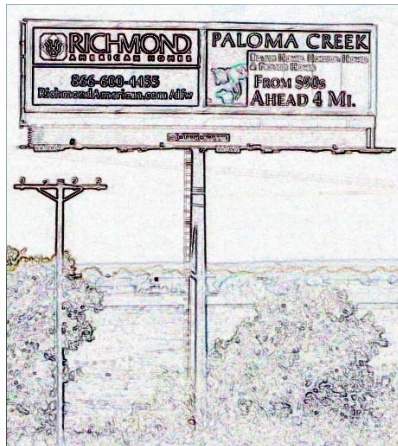


8. Zoning Sign



C. Prohibited Signs

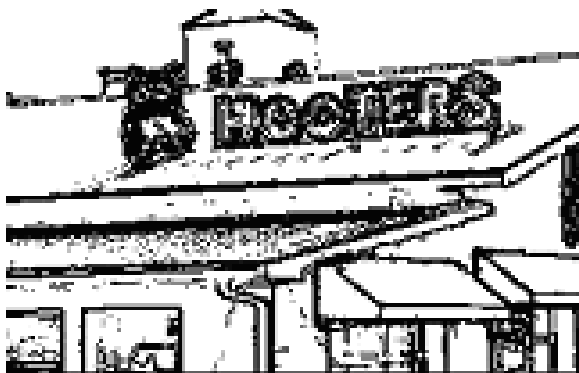
1. Commercial Billboard Sign



2. Portable Sign



3. Roof Sign



4. Pole Sign

