ORD. NO. 11-031

AN ORDINANCE

AMENDING CHAPTER 3, "BUILDING REGULATIONS," ARTICLE 3.04, "SIGNS," SECTION 3.01.013, "TEMPORARY SIGNS

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, THAT:

1. Chapter 3, "Building Regulations," Article 3.04, "Signs," Section 3.04.013, "Temporary Signs," is hereby amended to read as follows:

"Sec. Sec. 3.04.013 Temporary signs

Sec. 3.04.013 Temporary signs

(a) Permits are required for temporary signs.

(b) Each business may be allowed a total of one (1) temporary sign per six (6) month period for a time period of up to thirty (30) days. A permit is required and must be obtained each time a sign is displayed. A seasonal business may apply for a variance to display temporary signs for up to 120 days in lieu of thirty (30) days per quarter.

(c) A deposit is required for each temporary sign permit issued. The deposit will be returned at the expiration of the permit time period provided that the temporary sign has been moved within 24 hours of permit expiration.

(d) Special event temporary signs may be allowed within the flyover area and Loop 410 without a permit for a planned group of temporary signs to advertise special events on a business property. Special event temporary signs shall be installed no earlier than Friday at 6:00 p.m. and shall be removed on Sunday by 8:00 p.m. If a federal holiday falls on either the Friday or Monday of that weekend, the signs may be installed and removed to include the holiday.

(e) Maximum size for temporary sign banners is fifty (50) square feet for banner signs placed on the property and one hundred (100) square feet for banner signs attached to the building.

(f) The following temporary signs are allowed:

(1) Banners. Banners must be wall mounted or attached with temporary stakes in the ground on the property. Banners must be kept in good condition and stakes firmly anchored so as to prevent dilapidation.

(2) Airborne signs. Hot or cold air balloons may be either attached to the building or

placed behind the property line. There are no size restrictions for hot or cold air balloons. Balloons shall be allowed only as a part of a special event temporary sign event and as specified. Balloons must be kept in good condition and firmly anchored so as to prevent dilapidation or from being astray.

(3) Grand opening signs. Grand opening signs shall be allowed under this section, except that such permit shall be valid for thirty (30) consecutive days and shall not be renewable. One permit will be issued for each building occupant per certificate of occupancy.

(4) Street banners. Nonprofit organizations may erect street banners across collector and arterial roadways. The dimensions of the banner will not exceed 4' x 36' (144 square feet).

(5) Temporary weekend signs.

(A) Time period. Temporary weekend signs are permitted from Friday 6:00 p.m. to Sunday at 8:00 p.m. Temporary signs including banners, airborne/balloon signs, grand opening signs and street banners shall not be displayed simultaneously with temporary weekend signs.

(i) If a federally recognized holiday falls on a Friday, then the signs are permitted from the preceding Thursday to the following Monday.

(ii) If a federally recognized holiday falls on a Monday, then the signs are permitted from Friday until the following Tuesday.

(B) Size. Signs shall not exceed 24" by 32" in size. Irregular shaped signs shall fit in a 24" by 32" rectangle; the total height shall not exceed 36" in height from ground level. Signs may be two-dimensional only and shall be of a nonreflective surface.

(C) Spacing between signs. A minimum of five feet (5') spacing must be maintained between each temporary weekend sign of different advertisers. The signs of each advertiser must be spaced so that no two (2) signs advertising the same good, service, product, business, political campaign, or particular piece of real property (for sale or lease) are closer than one hundred feet (100') from each other measured in a straight line.

(D) Location. Signs must be self-supporting and placed into the ground by a single stake.

(i) No temporary weekend sign shall be permitted on a utility pole, streetlight pole, sign pole, fence, tree or other man-made natural feature, wooden-frame or portable frame.

(ii) No sign may be placed closer than twenty-five feet (25') from a street intersection or median opening. Any temporary weekend sign determined to be in a location that

causes an immediate hazard to public safety will be immediately removed by the city.

(iii) Signs shall be no closer than three feet (3') from the edge of the sign to the street curb or, if no curb is present, to the edge of the pavement. Signs shall not encroach on either sidewalks or streets.

(iv) No signs shall be placed in island medians or esplanades.

(v) Except for political signs, no signs shall be placed further than three (3) miles from the location of the sale of the good, product, service, business or piece of real property being advertised.

(E) Permit.

(i) An annual permit fee, as stated in the schedule of fees in appendix A of this code, must be paid by the advertiser. Where an advertiser wishes to advertise multiple locations, a permit must be obtained for each location, subdivision location, or service location to be advertised by temporary weekend signs.

(ii) A temporary weekend sign shall not be placed on the right-of-way of a road or highway unless an annual temporary signs permit has been first obtained.

(F) Map of locations; placement on state roads prohibited. In addition to the payment of the appropriate fees, the advertiser shall provide an area map, drawn to scale, and listing the street and block number where the signs shall be placed. No temporary weekend sign shall be placed along the side of any road or highway belonging to the state department of transportation.

(Ordinance 06-034, sec. 1 (5.5), adopted 11/5/06)

Sec. 3.04.014 Prohibited signs

The following signs shall be prohibited in the city:

(1) Any sign constructed or located in such a manner that it is or becomes an immediate hazard or danger to persons or property because of being in an unsafe condition, or which obstructs any window, door, or fire escape of any building.

(2) Illegal signs or any other sign constructed after the enactment of this article which is not in compliance with the terms of this article.

(3) Illuminated, highly reflective signs or spotlights which hamper the vision of motorists or bicyclists.

(4) Any sign, banner or display placed on any public right-of-way, utility pole, traffic-control device, curb, sidewalk, post, pole, hydrant, bridge, tree, or other surface located

on, over, or across any public street or right-of-way (other than a government sign or allowed sign as per section 3.04.011).

(5) Any banner placed on stakes on a property, unless otherwise permitted.

(6) Portable signs. Any sign not permanently attached to the ground or other permanent structure, including those signs which may be transported to the site on wheels, on skids or on a truck; signs constructed as or converted to a T-frame sign; or umbrellas used for advertising purposes. Such sign, whether or not bolted or cemented to the ground, shall nonetheless be deemed to be a portable sign.

(7) Signs which contain or are an imitation of an official traffic sign or signal, or which are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic-control device, or which may hide from view any traffic or street sign or signal.

(8) Snipe/parasite signs.

(9) Temporary signage, except as permitted in section 3.04.013.

(10) Vehicle signs. Signs placed on or affixed to vehicles and/or trailers that are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product, or direct people to a business or activity located on the same or nearby property, shall be prohibited. However, this is not intended in any way to prohibit signs placed on or affixed to vehicles and trailers where the sign is incidental to the primary use of the vehicle or trailer and where the vehicle is being operated in the normal course of business, is in operable condition, and carries a current and valid license plate and state inspection tag.

(11) Any sign placed on a property without the permission of the property owner.

(Ordinance 06-034, sec. 1 (5.6), adopted 11/5/06)

(12) Light emitting diode (LED) and static electronic digital display signs, except as allowed on-premises for freestanding, multitenant, window and door signs (only one per storefront) and government signs as regulated and defined in this article.

(Ordinance 08-025, sec. 1, adopted 6/17/08)

(13) Wind-waver flags.

(14) Portable or vehicle driven digital or LED signs.

Sec. 3.04.015 Address numbers required

For the purposes of this article, address numbers attached to the front plane of a building

face and visible from the adjacent public right-of-way or private ingress/egress for the purpose of identifying the street address of the structure shall be considered a required sign. Such numbers shall be a minimum of four inches (4") in height, shall be of a color in distinct contrast to the color of the background, and shall be plainly visible from the adjacent public right-of-way or private ingress/egress. (Ordinance 06-034, sec. 1 (5.7), adopted 11/5/06)

Sec. 3.04.016 Signs exempt from permit requirements

The following signs are exempt from permit requirements. In no case shall a sign be placed in a public right-of-way, as per section 3.04.003(c) of this article.

(1) Required signs.

(2) Construction signs. One construction sign per construction project, provided that such signs shall not exceed the sign area allowed for a temporary sign under section 3.04.013. Construction signs shall be erected no more than five (5) days prior to the beginning of construction for which a valid building permit has been issued, shall be confined to the site of construction, and shall be removed within ten (10) days after completion or issuance of the certificate of occupancy.

(3) Directional or instructional signs. Directional signs are designed to provide directions to pedestrian and vehicular traffic. Signs directing to entrances, exits and other non-business elements of a project shall be exempt from this article if they do not exceed four (4) square feet in area.

(4) Flags. The flags, emblems or insignia of any nation, state, county, city, and religious [organization].

(5) Garage sale signs. Signs pertaining to garage sales in R-1, R-2, R-4, or R-6 zoned property, not exceeding four (4) square feet, as long as they shall be removed by the agent or owner within twenty-four (24) hours after the sale. Garage sale signs shall not be placed in the right-of-way.

(6) Governmental signs are exempt, provided that the sign substantially complies with the provisions of this article.

(7) Residential signage. House numbers, nameplates and residential business signs not exceeding one (1) square foot in area for each residential building. Refer to article 14.02 (zoning ordinance) of the city code for more information about home occupations.

(8) Interior signs. Signs on the interior of buildings which are not visible from the exterior of the building.

(9) Memorial plaques or building identification signs when cut into any masonry surface or inlaid so as to be part of the building or when constructed of other

noncombustible material, provided that such signs shall not exceed two (2) square feet.

(10) "No Trespassing" or "No Dumping" signs. "No Trespassing" or "No Dumping" signs not to exceed one and one-half (1-1/2) square feet in area per sign and not to exceed four (4) in number per lot, except that special permission may be obtained from the city for additional signs under proven special circumstances.

(11) Political and campaign signs. Political or campaign signs on behalf of candidates for public office or measures on election ballots provided that said signs are erected not earlier than sixty (60) days prior to said election and shall be removed within fifteen (15) days following said election.

(12) Public notices. Official notices posted by public officers or employees in the performance of their duties.

(13) Public utility signs. Temporary or permanent signs erected by companies or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines and similar devices.

(14) Real estate signs. One real estate "for sale" (including lease or rental) sign (single- or double-faced) on any lot or parcel zoned R-1, R-2, R-4, or R-6, provided such sign is located entirely within the property to which the sign applies, is not illuminated, does not exceed four (4) square feet in area, and is removed within ten (10) days after the sale, rental, or lease has been consummated. One (1) additional sign, as described above, is permitted where a parcel has in excess of three hundred feet (300') of frontage or fronts on two (2) streets.

(15) Permanent menu boards. Menu boards shall not count in the total sign area for the type of sign erected, provided that the menu board is designed specifically for drive-through ordering and does not exceed the sign area requirements for that sign type.

(16) Warning signs. Signs warning the public of the existence of danger, but containing no advertising material, of a size as may be necessary, to be removed upon subsidence of danger.

(17) Works of fine art.

2. This ordinance shall become effective on and after its passage, approval, and publication, as prescribed by law.

PASSED and **APPROVED** this the 6th day of December, 2011.

Chris Riley

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney

CITY OF LEON VALLEY
TEXAS

MAYOR AND COUNCIL COMMUNICATION

DATE: December 6, 2011
M&C: 12-08-11

TO: **MAYOR AND CITY COUNCIL**

SUBJECT: **CONSIDER REVISIONS TO CHAPTER 3, "BUILDING REGULATIONS," ARTICLE 3.04, "SIGNS," SECTION 3.04.013, "TEMPORARY SIGNS"**

PURPOSE

In July 2010 the Mayor selected individuals to serve on an Ad-Hoc Committee to review temporary sign regulations. Under the direction of then City Manager Lanny Lambert, the committee began meeting in August of 2010.

The committee is made up of the following individuals: Joey Blackmon-Ancira, Mary Williams-Pinnacle Signs, Jim Carrillo-Halff Associates, Walter Geraghty-Geraghty Tennis, Councilmember Jack Dean, and Councilmember Art Reyna with staff assistance from Edward Tijerina-Code Enforcement and Kristie Flores-Director Community Development.

The committee finalized their proposed revisions in January 2011, but in the transition of losing Manager Lambert, the changes were not submitted to the City Council for consideration and action.

Mr. Longoria, City Manager, has asked that this item be picked up where the committee had left off and the revisions are now being presented to the Council.

On November 1, 2011 the City Council directed staff to return to Council with the recommended Sign Committee revisions and City Council suggested modifications.

FISCAL IMPACT

None. The temporary sign permit fees will remain the same $25 for the permit and $50 for the deposit.

RECOMMENDATION

The Ad-Hoc Sign Committee recommends approval of the proposed temporary sign revisions.

S.E.E IMPACT STATEMENT

Social Equity – evaluation of these revisions are applicable to all businesses and business owners in Leon Valley.
Environmental Stewardship – less temporary signage is less visual clutter to the environment and along the retail/ commercial corridors.
Economic Development – in some instances less or no visual clutter is preferred by big name or solidly established businesses because they have marketing campaigns or large lease spaces so they do not like large banners or flags blocking the view of their businesses. For some of the small, less established businesses in the City they rely on banners and flags for visibility and advertisement of their business. They feel that further regulation is a hindrance for their business making the City appear less business friendly.

APPROVED: ✓ _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING COMMENTS:_____

_____

ATTEST:

Janie Willman, City Secretary