

ORDINANCE NO. 10-32

AN ORDINANCE OF THE CITY OF SOUTH PADRE ISLAND, TEXAS, AMENDING CHAPTERS 4 AND 15 OF THE CODE OF ORDINANCES TO SUBSTITUTE THE DEVELOPMENT STANDARDS REVIEW TASK FORCE FOR THE NAME AND FOR ALL THE FUNCTIONS OF THE DEVELOPMENT PLAN REVIEW BOARD [hereby abolished] AND THE PADRE BOULEVARD REVITALIZATION IMPLEMENTATION COMMITTEE [hereby abolished] AND CHANGE THE MEMBERSHIP ON THE BOARD FROM NINE MEMBERS TO SEVEN, AND CHANGE ANY REFERENCE TO BOARD OF ALDERMEN TO CITY COUNCIL AND TOWN TO CITY; PROVIDING FOR A PENALTY FOR VIOLATION NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00); PROVIDING FOR SEVERABILITY; AND AUTHORIZING PUBLICATION IN CAPTION FORM.

WHEREAS, the City of South Padre Island has heretofore enacted Ordinance No. 10-30 wherein it created the Development Standards Review Task Force to carry out all the functions of the Development Plan Review Board, Form-Based Code Commission and the Padre Boulevard Revitalization Implementation Committee; and

WHEREAS, the Development Plan Review Board was created by ordinance and is part of the Code of Ordinances and this ordinance is to amend Chapter 4 and 15 of the Code of Ordinances to substitute the Development Standards Review Task Force in name and for all the functions of the Development Plan Review Board; and

WHEREAS, the City has changed its designation of "Town" to "City" by the adoption of a Home Rule Charter and "Board of Aldermen" to "City Council"; and

WHEREAS, the City Council has determined that such an ordinance should be enacted.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH PADRE ISLAND, TEXAS:

Section 1. The Development Plan Review Board is abolished and Article V of Chapter 4 and Chapter 15 of the Code of Ordinances of the City of South Padre Island is hereby amended to substitute the Development Standards Review Task Force for the name and for all the functions of the Development Plan Review Board and change the membership on the board from nine members to seven, and change any reference to Board of Aldermen to City Council and Town to City in the revised portions of said Chapter 4 being attached hereto as Exhibit "A" and the revised Chapter 15 being attached hereto as Exhibit "B".

Section 2. The Padre Boulevard Revitalization Implementation Committee as established by Resolution 2009-30 is abolished and the Development Standards Review Task Force will perform all of its functions.

Section 3. This Ordinance repeals all portions of any prior ordinances or parts of ordinances of the Code of Ordinances in conflict herewith.

Section 4. Any violation of this Ordinance may be punished by a fine not to exceed Five Hundred Dollars (\$500.00) for each offense or for each day such offense shall continue and the penalty provisions of Section **21-1** of the Code of Ordinances is hereby adopted and incorporated for all purposes.

Section 5. If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this Ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this Ordinance for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

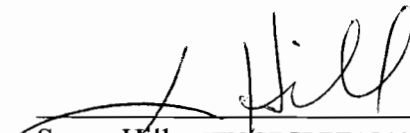
Section 6. This Ordinance shall become effective when published in summary form or by publishing its caption.

PASSED, APPROVED AND ADOPTED on First Reading, this 1st day of December, 2010.


PASSED, APPROVED AND ADOPTED on Second Reading, this 15th day of December, 2010.

ATTEST:

**CITY OF SOUTH PADRE
ISLAND, TEXAS**



Susan Hill, CITY SECRETARY



ROBERT N. PINKERTON, JR., MAYOR



ARTICLE V
Development Standards Review Task Force

Sec. 4-40 Composition.

There is hereby established an advisory Board called the Development Standards Review Task Force (hereafter "Review Board"). The Review Board shall consist of seven (7) members of the public appointed by the City Council. [Ord 09-01]

Sec. 4-41 Term of Office.

Each member of the Review Board shall be appointed for a term of two (2) years [The initial board shall draw straws for one and two year terms (Three for one year terms and four for two year terms)] with terms expiring on 30th of September.. Vacancies shall be filled for an unexpired term in the same manner in which the original appointments are made. Continued absences of a member of the Review Board shall, at the discretion of the City Council, subject any such member to immediate removal from office.

Sec. 4-42 Quorum.

Four (4) members of the Review Board shall constitute a quorum. No Board member shall act in any case in which he or she has a personal interest. [09-01]

Sec. 4-43 Procedure.

- A) The Review Board shall establish rules and regulations for its own procedures consistent with the provisions of this Code.
- B) The Review Board shall meet at least twice each month at a regularly established time and may hold any such additional meetings that the Chairman may call.

Sec. 4-44 Chairman.

The Review Board shall elect a Chairman, Vice Chairman and such other offices as the Board may determine to be necessary to carry out its duties.

Sec. 4-45 Purpose.

- (A) The purpose of the Development Standards Review Task Force is to develop recommended site plan and exterior design guidelines and ordinances for non-residential uses [all uses other than One (1) or Two (2) family structures] to the City Council, as well as to review all such non-residential building site plans and specifications to insure their compliance with City Ordinances and City Design Guidelines. Review and approval of said site plans and specifications shall take place prior to receipt of a building permit for said structure(s).
- (B) Development Standards Review Task Force will establish goals annually including the following general objectives:



- Make recommendations regarding design guidelines and ordinances for all development, public and private
- Administer the City's Form-Based Code as adopted by the City Council
- Develop guidelines for the enhancement of Padre Boulevard
- Consider and grant variances to established development regulation, when appropriate

Sec. 4-46 Appeal

Any person aggrieved by the decision of the Development Standards Review Task Force may appeal such decision to the City Council. Such appeal to the City Council must be made within ten (10) days from the date the applicant received Notice from the Development Standards Review Task Force. The City Council will hear the appeal within Thirty (30) days of receipt of Notice of the Appeal. The decision of the City Council is final.

Sec. 4-47 Required Review by the Development Standards Review Task Force

Prior to issuance of permits from the Public Works Department, the Development Standards Review Task Force shall first review and approve the following:

- (A) Site plans and elevation drawings for all structures excluding one (1) or two (2) family structures and multifamily structures with two (2) or less stories or with sixteen (16) or less units in one (1) building.
- (B) All structures, excluding one (1) or two (2) family use structures and multifamily structures with two (2) or less stories or with sixteen (16) or less units in one (1) building, desiring exterior color and material use changes (i.e. painting, siding, stucco, etc.) must obtain a permit from the Public Works Department, except color changes that comply with the design guidelines do not require review by the Development Standards Review Task Force. [Ord 08-04, April 2008]

The Development Standards Review Task Force may only deny an application if it does not meet all existing applicable ordinances or the Review Board may refer an applicant to the City Council if their project does not meet existing design guidelines.



Chapter 15

SIGNS

Sec. 15-1 Purpose.

The purposes of these sign regulations are to encourage the effective use of signs as a means of communication in the City of South Padre Island, Texas to maintain and enhance the aesthetic environment and South Padre Island's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effects of signs on nearby public and private property; and to enable the fair and consistent enforcement of community standards. These regulations are aimed at achieving the goals, objectives, and policies enumerated in South Padre Island Plan 2010. This Ordinance is adopted pursuant to Chapter 216, of the Texas Local Government Code.

Sec. 15-1.1 Review-Amendment.

In order to carry out the purpose of this Chapter the Board of Alderman in 1996 appointed an Ad Hoc Sign Ordinance Review Committee which made recommendations to the Board of Alderman and which amendments were passed. The Board of Alderman do not wish to consider further amendments to this Chapter without recommendations from an appropriate citizen committee such as the Ad Hoc Sign Ordinance Review Committee. The Board of Alderman may appoint an Ad Hoc Sign Ordinance Review Committee every three years to review this Chapter and the Board of Alderman will review said recommendations prior to amending this Chapter.

Sec. 15-1.2 Provisions of this Chapter apply to ETJ.

All provisions of this Chapter 15 (sign regulatory ordinances) that regulate outdoor signs shall apply within the area of the extraterritorial jurisdiction of this city as defined by Chapter 42 of the Texas Local Government Code. [Ord 10-09]

Sec. 15-2 Definitions.

For purposes of this Ordinance, the following definitions shall apply:

- (1) Abandoned Sign: A sign which no longer correctly directs or exhorts any person, advertises a bona fide business or service provided, lessor, owner, project, activity conducted, or product available on the premises where the sign is displayed. (A temporary closing of a business, not to exceed 90 days, shall not be considered an abandoned sign.)
- (2) Airborne Sign: A sign on a balloon, flag, pennant, or inflatable sign.
- (3) Altered: A change of copy, logo, or other means in which the message is changed or enlarged, changing shape or location.
- (4) Animated Sign: Any sign which includes action or motion.
- (4.1) Art in Public Spaces: Art located in places easily seen by the public but which has no direct commercial connection to the structure or location in which this art is located. Reviewed and approved by the Development Plan Review Board on a case by case basis.
- (5) Average Grade: The grade of the finished ground level at the midpoint of each exterior surface of a sign, or a structure, in the event that the sign is attached to the structure. The height of a sign shall be computed as the distance from the base of the sign



normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of existing grade prior to construction or the newly established grade after construction, exclusive of any filing, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure of the zone lot, whichever is lower.

- (6) Banner: A temporary sign made of fabric, plastic, paper, or other light, pliable, or non-rigid material, not enclosed in a rigid frame (not including a "fabric sign" as defined herein).
- (7) Billboard: Any sign that is freestanding or attached to or part of a building and is an off-premise sign.
- (8) Building Face or Wall: All window and wall area of a building in one plane or elevation.
- (9) Business Information Sign: A sign that is permanently and professionally attached to a door or window at the entrance of a business that contains information that may include the Business Name, Address, Phone Numbers, Hours of Operation, and Trade Associations the Business is a member of, e.g. FDIC, SBA, etc. All of the information must be located within the maximum Area of Sign for Business Information Sign as defined in Table 15-1. A Business Information Sign is not a Window Sign or a Wall Sign. [Ord 05-13]
- (10) Canopy: Any structure attached to a building at the inner end or a free-standing structure, with one or more supports, meant to provide shelter from the weather.
- (11) Changeable Copy Sign (Manual): A sign on which copy is changed manually in the field, i.e., reader boards with changeable letters or changeable pictorial panels.
- (12) Changeable Copy Sign (Automatic): A sign such as an electronically or electrically controlled public service time, temperature and date sign, message center, or reader board where different copy changes are shown on the same lamp bank.
- (13) Charitable Project or Benefit: Proceeds must be for a qualified 501C entity pursuant to the Internal Revenue Code.
- (13.1) Commercial Art: Art on commercially-used structures which draws attention from the ROW and which identifies or advertises a product or business. Since this type of art is intentionally located and chosen to draw attention to the store and/or store products, the square footage of the art will be counted towards maximum signage area requirements.
- (14) Commercial Sign: A sign other than a real estate "For Sale" or "For Lease" sign, "Open House" sign, political sign, residential nameplate sign, public information sign, traffic control sign, temporary new business opening sign, or exempted sign, which directs the attention of the general public to a business, product, service, or other commercial or business activity.
- (15) Conforming Sign: Signs built and maintained in accordance with the terms of this Ordinance.
- (16) Contractor's Sign: A sign intended to identify a contractor or subcontractor on the site of a construction project where the contractor or subcontractor is conducting work.
- (17) Copy: The wording or graphics on a sign surface.
- (18) Erect: To build, construct, alter, reconstruct, pour, lay, move upon, attach, hang, place, suspend or affix, and also includes the painting of wall signs, murals or super graphics.



- or any physical operations on the premises which are required for the construction of a sign including excavation, site clearance, landfill and the like.
- (19) Fabric Sign: A sign made of fabric or other non-rigid material, enclosed in a permanent frame and erected as a permanent, on-site sign for a business, service, product, or person.
 - (20) Facade: The front or main part of a building facing a street.
 - (21) Face of Sign: The entire area of a sign on which copy could be placed. The area of a sign which is visible from one direction as projected on a plane.
 - (22) Fine Art: Art, as reviewed and approved by the Development Plan Review Board which is created by a recognized artist and which is displayed in or on Town of South Padre Island owned property.
 - (23) Flashing Sign: Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation or an extremely mounted intermittent light source.
 - (24) Freestanding Sign: Any sign which is not attached to or on the walls, face, or exterior of a building.
 - (25) Future Project Development Signs: those temporary signs announcing a future business or development on the site which the sign is located. Future Project Development Signs should be allowed only on the site which the project will be located and for only one (1) year. After which time the owner may apply for an extension (but only one extension) of the sign permit for one (1) additional year, but only if the permit holder shows progress in the development of the site.
 - (26) Grand Opening: The initial opening of an entirely new business.
 - (27) Ground level: The immediate surrounding grade.
 - (28) Height of Sign: The vertical distance measured from the surrounding grade to the highest point on the sign or sign structure.
 - (29) High Rise Building: A structure of more than Six (6) stories in height.
 - (30) Illegal Sign: Signs existing on the effective date of the adoption of this Ordinance which are not registered in accordance with the terms of Subsection 15-3A shall be categorized as illegal.
 - (31) Image Sign: A two dimensional picture/poster used in lieu of models or actual merchandise displays, displayed through a window, and which has no wording other than trademark or brand name/brand logo. For example: portraits and brand name posters/product pictures portraying models wearing/using products; model wearing Nike swimming apparel or a model using a boogie board. *Ord 04-03; 3/17/04*
 - (32) Indirect Lighting: A light source separated from the surface and illuminating the sign surface by means of spot lights or similar fixtures.
 - (33) Joint Directory Sign: A sign which consists of a composite of several individual signs identifying the businesses located in a commercial or office complex.
 - (34) Landscaping: For the purposes of this Ordinance, landscaping shall include any combination of shrubs, vines, hedge plantings, plants, trees or palms located in a planting area at the base of the sign. For the purposes of this ordinance, the term "landscaping" shall not mean solely turf or grass, or the total absence of vegetable matter.
 - (35) Legally Non-Conforming: Signs existing on the effective date of the adoption of this Ordinance which are not in conformance with the Ordinance but which are registered with the Building Department in accordance with the terms of Section 15-3, shall be categorized as legally non-conforming.



- (36) Logo: A letter, character, or symbol used to represent a person, corporation, or business enterprise.
- (37) Lot: A parcel, tract, plot or area of land accessible by means of a street or other permanently reserved principal means of access. It may be a single parcel separately described in a deed or plat, or it may include parts of or a combination of such parcels when adjacent to one another and used as a whole.
- (38) Major Corporate Sponsor: The sponsor of a public event, listed on all advertising and other public promotions, resulting from the contribution of funds, equipment, products, and/or in-kind services to the event.
- (39) Marquee: Any permanent roof-like structure at the entry to a building, which projects beyond the building or extends along and projects beyond the wall of the building, and which generally contains a commercial message(s), and is designed to provide protection from the weather.
- (40) Minimum Sight Triangle: A triangular area bounded by the right-of-way lines of a corner lot and a line connecting the two points on the right-of-way lines measured twenty (20) feet from the point of intersection of the right-of-way lines. For ingress/egress points and private roads, the minimum sight triangle shall be determined using the intersection of the curb line or edge of pavement for the ingress/egress point or private road and the public right-of-way.
- (41) Monument Sign: A freestanding sign, other than a pole sign, which has a skirt, dressed base, or other means of enclosing the structural members which support the sign, and which skirting or dressing has been approved by the Development Plan Review Board base must equal at least Fifty Percent (50%) of sign width and not to exceed One Hundred Twenty Percent (120%) of the width of the sign for signs up to Eight (8) feet in height. For signs proposed to be taller than Eight (8) feet in height, the width of the of the approved skirting or dressing must equal a minimum of Fifty Percent (50%) of the sign width, but shall in no case exceed Four (4) feet in width. For the purposes of this Ordinance, the terms "skirting" and/or "dressing" shall mean the enclosing of the structural members which support the sign with materials such as decorative masonry, natural and decorative stone, masonry with a stucco finish, and decorative wood such as redwood or cedar when appropriately finished to prevent decay and discoloration; no skirting may be made from metal or plastic materials. No signage is permitted on the skirting except street address.
- (42) Multi-Pole, Single Pole Sign: A sign whose only structural support consists of exposed poles, posts, beams, or other devices mounted in the ground.
- (43) Office Complex/Multi-Tenant Shopping Center: Means Two (2) or more offices or stores sharing customer parking area, regardless of whether said offices or office establishments occupy separate structures or are under separate ownership.
- (44) Official Sign: Any sign erected by or at the direction of any governmental body.
- (45) Off-Premises Sign: Any sign other than an on-premise sign.
- (46) On-Premises Sign: A sign which advertises only goods, services, facilities, events or attractions available on the premises where located, or identifies the owner or occupant or directs traffic on the premises. All other signs are off-premises signs.
- (47) Owner: A person recorded as such on official records and including duly authorized agent, notary, purchaser, lessee, devisee, or judiciary; anyone having a vested or contingent interest in the property or business in question.
- (48) Painting: The application of paint in the course of normal maintenance which in no way shall alter the message or group of works or letters.



- (49) Permanent Multi-Family or Subdivision Identification Sign: A sign which designates the name of a project, subdivision, or other residential district, and which is located at or in close proximity to the main entrance.
- (50) Person: Any natural person, firm, partnership, association, corporation or organization of any kind.
- (51) Place of Business: One enclosed structure with a Certificate of Occupancy regardless of the number of commercial uses within. For the purposes of this ordinance regulating signage, each place of business must be separated from other places of business with non-penetrable walls in such a manner that the public must enter and/or exit the business through an exterior door. *Ord 04-03; 3/17/04*
- (52) Political Sign: Any sign which is designated to influence the action of voters for the passage or defeat of a measure appearing on the ballot in connection with any national, state or local election.
- (53) Portable Sign: Any sign not permanently affixed to a building, structure or the ground, and designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes. This definition includes, but is not limited to, A-frame signs, sandwich signs, curb signs, sail flag signs, feather flag signs and signs on trailers with or without wheels or on other vehicles which are primarily used as signs.
- (54) Premises: An area of land, with its appurtenances and buildings, which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.
- (55) Project Development Sign: A temporary sign for a commercial or multi-family tract during the construction of the proposed development which may identify a project under construction and includes the project's name and address, general contractor, architect, financing, and contact agent, with appropriate phone numbers. These signs should not be allowed until or unless the property owner receives a Building Permit for the site, and should be removed either immediately after receipt of the Certificate of Occupancy or immediately after the expiration or revocation of a Building Permit. (see also Future Project Development Sign)
- (56) Projecting Sign: A wall-mounted sign, erected in lieu of the permitted, free-standing monument sign, which projects from the face of a structure, meeting the following requirements:
- (a) The sign shall be pinned away from the wall of the structure a minimum of six (6) inches.
 - (b) The sign shall not extend over any adjacent right-of-way or property line.
 - (c) Projecting signs shall be designed as an integral architectural element of the building to which it principally relates. The mounting brackets of such signs will be an integral part of the sign and complementary to the design of the sign. No projecting sign shall be entirely supported by an unbraced parapet wall.
 - (d) No unshielded lights will be permitted. All lighting fixtures shall be placed in such a way as they will not be struck or otherwise damaged by the sign in the event of high wind.
 - (e) Projecting signs shall be designed to meet the wind resistance requirements of Section 15-10.
- (57) Public Information Sign: Any sign or banner which is intended to identify community, civic and social events, special events, facilities, no-trespassing areas and is not a commercial sign or official sign as defined herein.
- (58) Reader Board: A sign that has changeable or removable lettering.



- (59) Real Estate "For Sale", "For Lease", or "Open House" Sign: A temporary sign designating that the premises upon which it is erected is for sale, rent, or lease or that an open house is being held on the day on which the sign is displayed.
- (60) Reflective Surface: Any material or devise which has the effect of intensifying reflected light, including but not limited to scotch light, day glow, glass beads and luminous paint.
- (61) Required Signs: Any sign required by law for the protection of the general health, safety and welfare of the public. For the purposes of this Ordinance, numbers attached to the front plane of a facing 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 (4) inches in height, shall be of a color in distinct contrast to the color of the wall to which it is attached, and shall be plainly visible from the adjacent public right-of-way or private ingress/egress.
- (62) Residential Nameplate Sign: A sign permitted for the sole purpose of identifying the inhabitant residing therein, the house name, or identifying the address of the house. The sign may contain no advertising of any kind.
- (63) Roof Line: The highest point of the coping on a flat roof, false mansard, or parapet wall; the deckline of a true mansard roof; the ridge line between the upper and lower slopes of a gambrel roof; or the mean height level between the eaves and the ridge of a gable or hip roof.
- (64) Roof Sign: A sign attached to, and wholly or partially dependent upon, the roof of a structure for support, or attached to the roof in any way, but not extending above the roof line, as defined by this Ordinance. Such signs will be completely enclosed between the sign and the corresponding roof, and shall be designed to meet the wind resistance requirements of Section 15-10.
- (65) Sign: Any thing of visual appearance primarily used for, or having the effect of, attracting attention from the streets, sidewalks, or other curbside public areas for identification purposes, whether illuminated or non-illuminated. An identification logo, description, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land, and which directs attention to a product, place, activity, person, service, institution or business, whether illuminated or non-illuminated. For the purposes of removal, the definition of "sign" shall include all of the sign structure. For the purposes of this Ordinance, this definition shall also include paintings directly upon a building, other structure or vehicle and any manufacture incorporated or added to a building or property that is not a normal structural or architectural component of a building shall be considered a "sign" (i.e. to attract attention from public right-of-way) and must comply with all the commercial sign regulations of this Chapter pertaining to either a monument sign or a projecting sign. (Ord. 02-14; Nov.20, 2002) The basic intent behind this definition is not to discourage product displays, design, or art from epitomizing simplicity, good taste, and compatibility with the community's desired image.
- (66) Sign Area: The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any

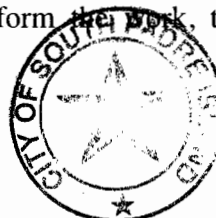


supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.

- (67) Sign Structure: The sign and all parts associated with its construction.
- (68) Snipe Sign: A sign which is tacked, nailed, posted, pasted, glued or otherwise attached to trees, utility poles, stakes, or fences or to other objects, and whose message is not associated with the premises upon which such sign is located.
- (69) Temporary Signage: A sign erected for a special purpose and for a specifically stated short term of duration, as regulated by Sections 15-6(G), 15-7, and 15-12. Temporary signage may include such otherwise prohibited forms of signage as portable signs [Section 15-5(E)] and banners [Section 15-5(F)].
- (70) Traffic Control Sign: A permitted sign for the purpose of identifying parking areas and directing the flow of traffic on private property.
- (71) Wall Sign: A sign attached to, painted on, or erected against the wall of a building or structure with the exposed face of the sign in a plan parallel to the face of the wall and not projecting more than Nine (9) inches from the face of the wall at any point.
- (72) Window Sign: A sign – printed, painted, neon or otherwise – no greater than thirty-two (32) square feet, displayed in or through a window or glass door and which can be seen from the front property line / right of way line. All windows signs except open or closed, name of store or business and national product logos (Image signs are permitted) are prohibited after February 1, 2012. *Ord 04-03; Ord 10-02*

Sec. 15-3 Permits, Renewals, Expiration and Transfers.

Permit Required: It shall be unlawful to commence or to proceed with the erection, construction, reconstruction, conversion, alteration, enlargement, extension, placement, or moving of any sign or sign structure or any portion thereof without first having applied in writing to the City Manager, or his designee, for a sign permit to do so, and a sign permit has been granted therefore. Should any existing sign be enlarged, replaced, moved, or reconstructed, it shall be considered a new sign, requiring a sign permit. If an existing sign is repainted or the sign panels replaced for the purpose of changing the business or tenant, it shall require the filing of an assignment permit, pursuant to Section 15-3(G)(2). However, the re-painting of a sign face or the replacement of sign panels for ordinary maintenance, shall not constitute such a change as to classify the sign as a new sign, and shall not require a sign permit, providing that the repair and/or replacement shall be in conformance with the height, location, and dimensions as shown in accordance with the original sign permit, and that any damage to the sign shall not be sufficient to make the sign subject to the requirements of Section 15-13. The primary responsibility for securing the necessary permit(s) shall be the property owner's. However, if the property owner should contract part or all of the proposed work, it shall become the responsibility of the person or firm hired to perform that work to ensure that all required permits and approvals have been secured prior to any work being initiated. For the purposes of this Ordinance, through the acceptance of the contract to perform the work, the third party so



contracted shall become equally liable for all fees, fines, and penalties prescribed by this Ordinance arising from violations resulting from that work.

- (A) Applications shall be submitted to the Public Works Department for review and approval. Said application shall consist of a scale drawing showing the detail and dimensions of said sign along with the dimensions of the building and proposed location of the sign(s).
- (B) All signs which are electrically illuminated by neon and other means shall require a separate electrical permit and inspection.
- (C) All signs shall be erected within Ninety (90) days of issuance of the permit; otherwise the permit shall become null and void.
- (D) Signs erected and maintained by the Town shall not require a permit nor may they be restricted by the provisions of this Ordinance.
- (E) All signs existing on the original date of passage of this Ordinance shall be registered and contain the information of 15-3(A) by February 15, 1993, conforming or legally non-conforming.
- (F) The City Manager or designee shall cause an inspection of the sign for which each permit for a new sign or for modification of an existing sign is issued during the fourth (4th) month after the issuance of such permit or at such earlier date as the owner may request. If the construction is not substantially complete at the time of inspection, the permit shall lapse and become void. If the construction is complete and in full compliance with this Ordinance and with the building and electrical codes, the City Manager or designee shall affix to the premises a permanent symbol identifying the sign(s) and the applicable permit by number or other reference. If the construction is substantially complete, but not in full compliance with this Ordinance and applicable codes, the City Manager or designee shall give the owner or applicant notice of the deficiencies and shall allow an additional Thirty (30) days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse. If the construction is then complete, the City Manager or designee shall affix to the premises the permanent symbol described above.
- (G) The owner of a sign requiring a permit under this Ordinance shall at all times maintain in force a sign permit for such sign.
 - (1) A continuing sign permit shall lapse automatically if the business ceases. A sign permit shall also lapse if the business activity on the premises is discontinued for a period of Ninety (90) days or more and is not renewed within Thirty (30) days of a Notice from the city to the last permittee, sent to the premises, that the sign permit will lapse if such activity is not renewed.
 - (2) A current and valid sign permit shall be freely assignable to a successor as owner of the property of a business for the same premises, subject only to filing such application as the City Manager or designee may require and paying any applicable fee. The assignment shall be accomplished by filing and shall not require approval.

Sec. 15-4 Administrative Procedures.

- (A) All applicants for a sign permit shall use forms provided by the City Manager or designee. The applicant shall answer all questions and, if required, include a site plan indicating the location of all structures in relation to property lines.
- (B) All signs shall conform to the standards contained in Section 15-7, unless otherwise provided herein.



- (C) All fees shall be approved by the Board of Aldermen and may be amended from time to time.
- (D) Applicants are encouraged to use designs which enhance the aesthetic appearance of the Town and shall be given incentives.
- (E) Representations by the Sign Permit Applicant: All representations, whether oral or written, made by an applicant or his agent on behalf of the application for a sign permit under this Ordinance shall constitute a material factor in granting a sign(s) permit. It shall be unlawful for the permittee to vary from such representations unless the permittee first makes application, as required by the provisions of this Ordinance.
- (F) Voiding of Sign Permit: Any permit may be revoked by the City Manager or his designee, at any time prior to the completion of the sign for which the same was issued, when it shall appear to him that there is departure from the plans, specifications or conditions as required under the terms of the permit, that the same was procured by false representation, or that any provision of this Ordinance are being violated. Written notice of such revocation shall be served upon the owner, his agent, or contractor, or upon any person employed in the building or structure for which such permit was issued, via a stop-work order, which shall be posted in a prominent location, and thereafter, no such construction shall proceed.
- (G) Replacement of Permanent Signs: In those instances where a permit is requested to replace an existing permanent sign, the original sign shall be completely removed prior to erection of the replacement sign. The sign structure of the original sign may be maintained in those instances where the replacement sign merely involves replacement of the sign lens or face, and where the replacement of the original sign does not invoke the requirements of Section 15-13.

Sec. 15-5 Certain Signs Prohibited.

The following signs shall be prohibited in the Town of South Padre Island:

- (A) Airborne signs.
- (B) Illegal signs as defined by the terms of Section 15-2(29), above, or any other sign constructed after the enactment of this Ordinance and which is not in compliance with the terms of this Ordinance.
- (C) Moving, Swinging, Flashing Signs, including electronic message centers, with the exception of time and temperature signs, however, such time and temperature signs shall be for that purpose only, shall be constant in nature, and shall not grow, melt, x-ray, up or down scroll, write-on travel, inverse, roll, snow or present pictorial or other animation.
- (D) Off-Premise signs.
- (E) Portable signs, except those used for temporary purposes as authorized by this Ordinance.
- (F) Banners.
- (G) Sidewalk sandwich signs.
- (H) Pole signs.
- (I) Snipe signs.
- (J) Signs with a reflective surface as herein defined.
- (K) Signs which contain characters, cartoons, or other representation, or statements, words or pictures of an obscene, prurient, or immoral character.



- (L) 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.
- (M) Any sign construed or located in such a manner that 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. Such signs will be subject to immediate removal by the City Manager, or his designee, without notice, at the expense of the owner.
- (N) Signs attached directly to a door or window. The only exceptions to this provision are a Business Information Sign, "Open" and "Closed" signs, Credit Card signs, ATM signs, and "Help Wanted" signs. [Ord 05-13]
- (O) Signs painted on or affixed to benches.

Sec. 15-6 Sign Types Permitted.

The following signs shall be permitted under the provisions of this Ordinance.

- (A) Residential Signs:
 - 1. Residential nameplate signs.
 - 2. Permanent multi-family or subdivision identification signs.
- (B) Commercial Signs for Multi-Tenant Centers and Office Complexes:(See Sec. 15-7(B) Sign Standards)
 - 1. Monument signs.
 - 2. Awning and wall signs.
 - 3. Joint directory commercial signs.
 - 4. Nameplate Signs.
 - 5. Roof Sign.
 - 6. Window Signs – see Tables 15-3A & 15-3B for further details. *Ord 04-03; 3/17/04*
- (C) Commercial Signs for Single Business Use:
 - 1. Monument signs.
 - 2. Awning and wall signs.
 - 3. Nameplate Signs.
 - 4. Projecting Sign.
 - 5. Roof Sign.
 - 6. Window Signs – see Tables 15-3A & 15-3B for further details. *Ord 04-03; 3/17/04*
- (D) High Rise Building Signs.
- (E) Traffic-Control Signs upon private property.
- (F) Political Signs.
- (G) Temporary Signage:
 - 1. Future Project Development Signs – only allowed on the site which the project will be located and for only one (1) year. After which time the owner may apply for an extension (but only one extension) of the sign permit for one (1) additional year, but only if the permit holder shows progress in the development of the site.
 - 2. Project Development Signs: temporary sign for a commercial or multifamily tract during the construction of the proposed development. These signs



should not be allowed until or unless the property owner receives a Building Permit for the site, and should be removed either immediately after receipt of the Certificate of Occupancy or immediately after the expiration or revocation of a Building Permit.

3. Real Estate, For Sale, For Lease-- 30 days after sale or lease
4. Open House signs – The day of the Open House only.
5. Contractor's Sign.
6. The following miscellaneous allowed Business Marketing / Advertising Temporary Signs:
 - a. Advertising a "grand opening," one time only permit per business, for a ten (10) day period.
 - b. For general business purposes, limited to four (4) permits per year per business.
 - c. For charitable projects and benefits, limited to two (2) permits per year per business.
 - d. For recognized events and Town holidays, as provided in Section 15-12.

(H) Any sign not specifically listed as being permitted herein, is expressly prohibited.

Sec. 15-7 Sign Standard.

(A) General:

1. All signs, temporary or permanent, must appear to be professionally made and/or printed.
2. No sign that appears to be hand printed will be allowed.
3. No awning, wall and/or roof signage may be used for advertising prices of products or services.
4. The following tables contain standards which are applicable to all signs permitted under the terms of this Ordinance.
5. The provisions of Tables 15-3A & 15-3B become effective midnight December 1, 2004.
6. Backlit signs with removable letters shall be allowed only on monument-style signs. In such cases, no more than 70% of the sign face can be used for marquee/removable letter area, and the remaining 30% or greater area may be used only for background color, the business name and/or logo.
7. Wall signs cannot be painted directly on the walls or surfaces of any structure and can include only the name of the on-premise business, business logo, business byline, and/or business products and services.



TABLE 15-1
Sign Number, Area and Height Regulations***

SIGN TYPE	MAX. No. SIGNS PER LOT	MAX. AREA OF SIGN	MAX. HEIGHT	SETBACK
Residential Signs				
1) Residential Nameplate signs	1 per dwelling unit	2 sq. ft per residence OR 0.5 sq. ft per multi-family unit	6 ft from average grade	15 ft from ROW & Property Line (PL)
2) Permanent multi-family or subdivision identification signs	1 per project or subdivision	24 sq. ft	16 ft from average grade	15 ft from ROW & PL
Commercial Signs for Multi-Tenant Centers & Office Complexes				
1) Monument Signs (Doubled Faced)	1 sign per center	72 sq. ft per face	16 ft from average grade	15 ft from ROW & PL
2) Awning, Wall & Roof Signs	As determined by tenant**	64 sq. ft. total		15 ft from ROW & PL
3) Joint directory commercial signs	1 per tenant	2 sq. ft per tenant	16 ft from average grade	15 ft from ROW & PL
4) Nameplate Sign	1 per tenant	2 sq. feet		15 ft from ROW & PL
5) Window Sign <i>Ord 04-03; 3/17/04 Prohibited after Feb 1, 2012; Ord 10-02</i>	4 - As per Table 15-3A & 15-3B	32 sq. ft. per sign		No closer than 6 inches from glass of window or door
6) Business Information Sign	1 Per Business	9 sq. ft. & no portion of the sign more than 5 ft. from the entrance,		
Commercial Signs for Single Business Use				
1) Monument (Double Faced)	1 sign per lot*	50 sq. feet per face	16 ft from average grade	15 ft from ROW & PL
2) Projecting Sign	1 sign per lot in lieu of monument sign	36 sq. ft. per face	16 ft from average grade	15 ft from ROW & PL



3) Awning, Wall, Roof Signs	As determined by business**	64 sq. ft total		15 ft from ROW & PL
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SIGN TYPE	MAX. No. SIGNS PER LOT	MAX. AREA OF SIGN	MAX. HEIGHT	SETBACK
4) Nameplate Sign	1 per tenant	2 sq ft.		15 ft from ROW & PL
5) Window Sign <i>Ord 04-03; 3/17/04 Prohibited after Feb 1, 2012 Ord 10-02</i>	4 As per Table 15-3A & 15-3B	32 sq. ft. per sign		No closer than 6 inches from glass of window or door
6) Business Information Sign	1 Per Business	9 sq. ft. & no portion of the sign more than 5 ft. from the entrance,		

High Rise Buildings

1) Monument Double-Faced	1 sign per lot*	72 sq. ft. per face	16 ft from average grade	15 ft from ROW & PL
2) Awning & Wall Signs	1 sign per lot	10% of the wall plane surface area, or 250 sq. ft., whichever is less.	Height of the wall	15 ft from ROW & PL

Traffic Control Signs located on Private Property

	Comply with state standards	2 sq. ft.	8 ft. from average grade	
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Political Signs

		No greater than 36 sq. ft.	No greater than 8 ft tall	
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Temporary Signage

1) Future Project Development Signs (issued prior to construction of project)	1 per Development (not allowed in addition to Project Dev. Sign)	32 sq. ft.	8 ft from average grade	15 ft from side property line
2) Project Development Signs (Issued during construction of project)	1 per Development (not allowed w/ Future Project Dev. Sign)	32 sq. ft.	8 ft from average grade	15 ft from side property line
3) Freestanding Real	1 per lot	Sites with less	3 ft. from	15 ft from



Estate Signs, For Sale , For Lease		than 1 acre = max of 6 sq. ft.	average grade	ROW & PL
		Sites > 1 acre and < 5 acres = max of 16 sq. ft.	8 ft from average grade	15 ft from ROW & PL
		Sites 5+ acres = max of 32 sq. ft.	8 ft. from average grade	15 ft from ROW & PL

SIGN TYPE	MAX. No. SIGNS PER LOT	MAX. AREA OF SIGN	MAX. HEIGHT	SETBACK
4) Open House Signs	1 per lot	6 sq. ft.	3 ft. from average grade	15 ft from ROW & PL
5) Contractor's Signs	1 per contractor and subcontractor	6 sq. ft.	3 ft. from average grade	15 ft from ROW & PL
6) Miscellaneous Allowed Business Marketing / Advertising Temporary Signs – See Sec. 15-6(G)(6)	1 per business per permit [see Sec. 15-6(G)(6)]	36 sq. ft. per sign	16 ft from average grade, if free standing	15 ft from ROW & PL
7) Sail Flag Signs and Feather Flag Signs	2 per business except multi-Tenant center only 1 per business	18 sq ft per sign	16 ft. from average grade	15 ft from ROW and property line

* One per property, except where a business owns, under single ownership, the entire street frontage of a block, that is, the entire frontage of a public street between two other intersecting public streets, may be permitted two, free-standing monument signs, as defined by this Ordinance, providing the signs are placed a minimum of 150 feet apart. In those areas on the north and south ends of the community where the "C" District is not divided in the traditional grid pattern of "blocks," a business which owns, under single ownership, a minimum of 200 feet of lineal street frontage, as measured on a single street (i.e., the measurement shall not be made around the corner of one street onto another), the business may be permitted two, free-standing monument signs, provided they are placed a minimum of 150 feet apart. In no instance shall a business with a(n) existing non-conforming free-standing sign(s) be permitted the two free-standing monument signs permitted under this provision unless and until the non-conforming free-standing sign(s) is (are) first removed.

**Single businesses and tenants of multi-tenant centers and office complexes may have any number of awning, wall, or roof signs, as defined and permitted by this Ordinance provided the total square footage of all such signs does not exceed the allowed square footage as defined by this ordinance as seen from the public right of way from any line of sight.

***A variance of the requirements of this Table may be granted by the Development Plan Review Board. [See Section 15-14]



TABLE 15-2

Review, Lighting, Landscaping, and Duration Requirements for Signs***

SIGN TYPE	REVIEW REQUIRED?	OPTIONAL LIGHTING TYPE	DURATION LIMIT (Subject to Sec. 15-3G)
Residential Signs			
1) Residential Nameplate	No	Direct or Indirect	None
2) Permanent multi-family or subdivision identification	Yes	Direct or Indirect	None
Commercial Signs for Multi-tenant Centers and Office Complexes			
1) Monument	Yes	Direct or Indirect	None
2) Awning, Wall, Roof	Yes	Direct or Indirect	None
3) Joint Directory Commercial	Yes	Direct or Indirect	None
4) Nameplate	Yes	Direct or Indirect	None
5) Window* <i>Ord 04-03; 3/17/04</i>	Yes	Neon only	None
Commercial Signs For Single Business Use			
1) Monument Double-Faced	Yes	Direct or Indirect	None
2) Projecting	Yes	Direct or Indirect	None
3) Awning, Wall, Roof	Yes	Direct or Indirect	None
4) Nameplate	Yes	Direct or Indirect	None
5) Window* <i>Ord 04-03; 3/17/04</i>	Yes	Neon only	None
High Rise Buildings			
1) Monument Double-Faced	Yes	Direct or Indirect	None
2) Awning, Wall, Roof	Yes	Direct or Indirect	None

*All windows signs are prohibited after February 1, 2012 except open or closed, name of store or business and national product logos (Image sign(s) are permitted).



SIGN TYPE	REVIEW REQUIRED ?	OPTIONAL LIGHTING TYPE	DURATION LIMIT (Subject to Sec. 15-3G)
Traffic Control Signs Located on Private Property			
	Yes	Not Applicable	
Political Signs			
	No.	Not permitted	
Temporary Signage			
1) Future Project Development Signs (issued prior to construction of project)	Yes	Not permitted	Up to one year OR until receipt of Building Permit for project, whichever is the lesser time period. One (1) extension may be granted with proof of satisfactory progress of on-site development.
2) Project Development Signs (Issued during construction of project; after receipt of Building Permit)	Yes	Direct or Indirect	Valid for the life of the project until/unless the Building Permit expires, OR no longer than 30 days after receipt of Certificate of Occupancy
3) Freestanding Real Estate Signs, For Sale , For Lease	If less than 6 sq. ft. - No.	Not permitted	30 days after sale or lease
	All Others - Yes.	Not permitted	30 days after sale or lease
4) Open House signs	No	Not permitted	The day of the Open House Only
5) Contractor's Sign	No	Not permitted	With issuance of certificate of occupancy OR 15 days if building permit not required
6) Miscellaneous Allowed Business Marketing / Advertising Signs – See Sec. 15- 6(G)(6)	Yes	Direct or Indirect	15 days per permit
7) Sail Flag Signs and Feather Flag Signs	Yes	Not permitted	6 months per permit

***A variance of the requirements of this Table may be granted by the *Development Plan Review Board*. [See Section 15-14]



Table 15-3A Window Signage* Ord 04-03; 3/17/04

Allowing the name of the business, byline, logo, and/or specials & advertising
All windows signs are prohibited after February 1, 2012. except open or closed, name of store or business and national product logos (Image signs are permitted). Ord 10-02

Total Linear ft. per street side with windows per place of business	Max. No. of Window Signs Per Place of Business	Max. area Per window/ image sign	Max. total area of Window Signage	Minimum Distance between window signs
100 ft or less	1	32 sq. ft.	32 sq. ft.	N/A
101 ft or greater	2	32 sq. ft.	64 sq. ft.	10 ft. or equally spaced whichever is greater.
150 ft. or greater	3	32 sq. ft.	96 sq. ft.	10 ft. or equally spaced whichever is greater.
200 ft. or greater	4	32 sq. ft.	128 sq. ft.	10 ft. or equally spaced whichever is greater.

Table 15-3B Image Signage Ord 04-03; 3/17/04

Allowing 2D images of models and product display

Total Linear ft. per street side with windows per place of business	No. of Image Signs Per Place of Business	Max. area per each image sign	*Maximum possible area of Image Signage	
100 ft. or less	1	32 sq. ft.	64 sq. ft.	
101 ft or greater	2	32 sq. ft.	128 sq. ft.	
150 ft. or greater	3	32 sq. ft.	192 sq. ft.	
200 ft. or greater	4	32 sq. ft.	256 sq. ft.	

* Businesses can substitute window signage (*Table 15-3A*) for display of additional image signage (*Table 15-3B*), but cannot substitute allowable image signage for additional window signage. For ex a business allowed to have 4 window signs and 4 image signs, may choose to have 2 window signs and 6 images signs; however they may NOT have 6 window signs and 2 image signs. Under no circumstance may a business have more than four (4) window signs.

The provisions of Table 15-3A & 15-3B become effective midnight December 1, 2004.

*All windows signs are prohibited after February 1, 2012 except open or closed, name of store or business and national product logos (Image signs are permitted).



(B) Multi-tenant Structures: Unified sign plans are requested by the Design Review Committee in order to promote a compatible style or theme between all signs within a single multi-tenant development. The unified sign plan, which will include a plan for all monument and awning, wall, or roof signage, is not intended to prevent multi-tenant establishments from self-expression or creative advertisement. Each business within the multi-tenant center will still be required to obtain individual sign permits. Approval of a unified sign plan will only set the parameters for the future signs within a multi-tenant development.

- The proposed sign type should be complimentary to the architectural style of the development.
- The lettering style, sign background color and/or awning color should be compatible with one another.

1. New Construction: All new multi-tenant commercial developments are required to provide a unified sign plan (to include all monument signage, and awning, wall or roof signage) at the time of site plan submission, to be reviewed by the Development Plan Review Board. This plan shall include the following information.

- a. Sign locations
- b. Sign dimensions
- c. Sign background and/or awning colors
- d. Sign materials/lighting

2. Existing Developments: All existing multi-tenant developments will be required to submit a unified sign plan by December 1, 2004 (to include all monument and awning, wall or roof signage). No new sign permits will be issued to any tenant or to the owner of a multi-tenant development until such plan has been submitted and approved by the Development Plan Review Board. The Development Plan Review Board will review proposed sign plans with input and cooperation from the owners and/or existing tenants of the development. A time line and future sign plan may be established in order to reasonably phase in changes needed to comply with a unified sign plan. The existing sign plan will include the following information for each tenant currently located within the center and for all vacant tenant space within the center:

- a. Sign locations
- b. Sign dimensions
- c. Sign background and/or awning colors
- d. Sign materials/lighting

3. Sign Dimensions: Businesses located within a multi-tenant development must comply with the submitted and approved unified sign plan for that multi-tenant development. Owners/tenants may not combine the use of awning, wall and roof signage; they must instead choose one kind of signage of the three. The table below should be used as a general policy to



determine the maximum amount of awning, wall or roof signage per place of business.

Another suggested alternative for multi-tenant owners to determine the maximum area of signage for each place of business is to divide the total linear feet of store frontage of the multi-tenant structure by the number of places of business located within the structure, and using the table below, determine the average maximum square footage of signage allowed for each place of business.

Total Linear Feet of Store Frontage per Place of Business	Proposed Total Square Footage of Awning, Wall or Roof Signage
18 feet or less	24 square feet or less
Over 18 feet to 36 feet	32 square feet or less
Over 36 feet to 54 feet	48 square feet or less
Over 54 feet	64 square feet or less

* Awning, wall, and roof signs can only be business identity signs which may include the name of the on-premise business, business logo, business byline, and/or business product and services but under no circumstance shall a business use awning, wall and/or roof signage for the purpose of advertising prices of their products (i.e. 4 T-shirts for \$20; beer bong for \$9.99, etc.).

** A business may potentially have more than 64 square feet of signage, but no more than 64 square feet can be seen at any one time from any one line of sight.

Sec. 15-8 Signs Exempt from Regulation.

The provision of this Ordinance shall not apply to the following signs:

- (A) Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other metal provided that such signs shall not exceed Two (2) square feet.
- (B) Signs erected and maintained by the Town.
- (C) Official Governmental Notices and notices posted by governmental officers in the performance of their duties, governmental signs to control traffic or for other regulatory purposes, or to identify streets, or to warn of danger.
- (D) Works of fine art, as identified by the Development Plan Review Board which in no way identify or advertise a product or business.
- (E) Temporary decorations or displays, when they are clearly incidental to and are customarily and commonly associated with any national or local holiday or celebration; provided, that such decorations are maintained in an attractive condition, do not constitute a fire or traffic or pedestrian hazard, and are removed within a reasonable time after the event or celebration has occurred.
- (F) Temporary or permanent signs erected by public utility companies or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines and similar devices.



- (G) Signs displayed on trucks, buses, trailers or other vehicles which are being operated in the normal course of business, indicating the name of the owner, business and location, (e.g. moving vans, delivery trucks, rental trucks and trailers and the like); provided that the primary purpose of the vehicles is not for display of signs, and provided that they are parked in areas appropriate to their use as vehicles, are normally used in the course of business, are in operable condition, and carry a current and valid license plate and state inspection tag.
- (H) "Open" and "Closed" signs, Credit Card signs, ATM signs, and "Help Wanted" signs, provided that the sign does not exceed five (5) square feet. No more than one (1) such sign is allowed per Building Face or Wall. [Ord 05-13]

Sec. 15-9 Signs exempt from permitting requirements.

- (A) Political signs.
- (B) Real Estate "For Sale" Signs.
- (C) Required signs.
- (D) Contractor's Sign.

Sec. 15-10 Wind Pressure Load Requirements for Signs.

Any sign as defined in this Ordinance, which will have a height, of Six (6) feet or more, shall be designed and constructed to withstand wind load pressures in pounds per square foot as set out in Table 15-4.

TABLE 15-3

Minimum Wind Load Pressure Resistance in Pounds Per Square Foot

<u>Sign Height</u>	<u>Pressure</u>
0 - 30 feet	35 PSF
31-50 feet	45 PSF
51-99 feet	55 PSF
Over 100 feet	70 PSF

Sec. 15-11 Fees, Maintenance of and Abandoned Signs.

- (A) The Board of Aldermen shall approve all fees for issuance of permits pursuant to Chapter 15. A current list of fees shall be maintained in the Office of the City Manager and the Building Department. The Board may change and alter these fees at any time.
- (B) All signs, sign supports and skirting shall be maintained in good repair so as to prevent rust, peeling, flaking, or fading; if skirting is painted it shall match the base color of the building. Broken panels, missing letters, flaking and peeling paint, sign lighting not maintained in operating condition, and all other visual damage to a sign shall be repaired and all dead landscaping associated with the sign shall be replaced within thirty (30) days of notification by the Code Enforcement Officer.
- (C) Any sign or sign structure which advertises a business, or use no longer conducted or service no longer rendered, or a product no longer offered on the premises where the sign is located shall be classified an abandoned sign, and shall be removed by the owner, agent, or person having beneficial use of the property upon which the sign is located within ten (10) days of notification by the Code Enforcement Officer concerning the



removal. "Removal" shall include the subject sign, as well as the sign structure, poles, and other supporting members.

Sec. 15-12 Special Provisions for Recognized Events and Town Holidays.

Regardless of any provision to the contrary contained in this chapter, during the Period of recognized events and Town holidays, the Board of Aldermen, or the City Manager or his designee may grant permits for temporary signage of any nature for the specific period of the respective event or holiday without a review by the Development Plan Review Board.

(A) To qualify for a permit, the proposed temporary signage must directly incorporate reference to the applicable recognized event or Town holiday. The use of inflatables, placed at the site of recognized events, is strictly limited to major corporate sponsors of the respective event.

(B) If a permit has been issued for temporary parking facilities pursuant to Sec. 13-22 of this code, that permit holder may also obtain a temporary sign permit to identify the parking facility. The sign may be a flashing type sign, the exact nature of the sign is subject to approval of the City Manager or his designee. There shall be a \$10 fee if the permit is issued simultaneous with the temporary parking facilities permit.

Sec. 15-13 Legally Non-Conforming Signs - Abatement

A. Any existing non-conforming sign legally registered, as required by this Ordinance, may continue to be maintained and used subject to the following provisions:

1. Enlargement - No non-conforming sign shall be enlarged, expanded, or extended to occupy a greater square footage or height than was occupied on the date of its registration.

2. Relocation - No non-conforming sign shall be moved in whole or in part to any other portion of the lot, parcel, or building not so occupied on the date of its registration. Any legally non-conforming sign that is removed from its original location may not be reinstated at any other location within the Town unless it shall conform with all of the requirements of this Chapter.

3. Discontinuance - If the business, service, product, or person advertised or identified by a legally non-conforming on-site sign ceases to be conducted at that site, all signs must be brought into conformance with the requirements of this Ordinance prior to utilization by any new business, service, product or person. (See Section 15-2 for definition of "abandoned" sign.).

4. Destruction - Should any non-conforming sign be damaged or destroyed by any means to an extent that repairs exceed Sixty Percent (60%) of the cost of erecting a new sign of the same type, it shall not be reconstructed except in conformance with all of the requirements of this Chapter.

5. Removal - If a legally registered non-conforming sign is removed for any reason it shall not be replaced except with a conforming sign.



6. Wind Load Pressure Requirements – If a legally non-conforming sign is damaged by the wind, and the damage involves less than Fifty Percent (50%) of the surface area of the sign or the sign structure, then the repair of the sign must comply with the wind pressure requirements of Table 15-3, providing that the wind load pressure requirements can be met without repairing or altering more than Fifty Percent (50%) of the sign surface or sign structure, in which case the sign must then be removed.

7. Replacement – The replacement of any portion or part of a legally non-conforming sign shall classify the non-conforming sign as a “new” sign requiring the conformance of the sign to all of the requirements of this Ordinance at that time.

8. All non-conforming, off-premise signs must be removed no later than June 1, 2005.

B. Determination of Non-Conformance -- In any instance of cases of doubt or a specific question raised as to whether a non-conforming sign exists, it shall be a question of fact and shall be determined on appeal to the Board of Alderman as referenced in Section 15-14 of this Ordinance.

Sec. 15-14 Appeals and Variances.

Any person aggrieved by any decision of the City Manager or his designee in the administration of this Chapter may appeal such decision to the Development Plan Review Board. The Development Plan Review Board shall:

(A) Hear and decide appeals that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this Chapter,

(B) Grant variances from the strict enforcement of the requirements of this Chapter due to special conditions, a literal enforcement of this Chapter would result in unnecessary hardship, and so that the spirit of Chapter 15 is observed and substantial justice is done,

(C) Provide recommendations to the Board of Aldermen regarding ordinance revisions and changes to this chapter to better address the Town’s desired direction for aesthetic improvement.

Any person aggrieved by the decision of the Development Plan Review Board in granting approval or denial of a sign permit may appeal such decision to the Board of Aldermen, requesting a determination by that body. A Notice of Appeal must be filed in the Office of the Town Secretary within ten (10) calendar days following the decision by the Development Plan Review Board. The appeal will specifically state how the application, as filed or subsequently modified, meets or fails to meet the applicable criteria set forth in these regulations. No appeals will be accepted after the tenth calendar day following the decision of sign permit approval/denial. However, if an appeal is submitted, the aggrieved party shall be placed on the agenda for the next regular meeting of the Board of Aldermen for a final decision.

Sec. 15-15 Bond required.



(A) Upon the granting of the permit required by this chapter, and prior to the commencement of erection and or construction, a bond with good and sufficient sureties for a sum of not less than Ten Thousand (\$10,000.00) Dollars providing for the payment to the Town and to any person or persons injured or damaged in person or property, including damages to streets, culverts or any other property of the Town, for all injuries and damages caused by, or growing out of, or in any manner connected with the erection, construction, structural alteration, placing or locating of the sign covered by the permit.

(B) Upon filing of the required bond, the Building Inspector shall determine whether or not the sum of Ten Thousand (\$10,000) Dollars is sufficient to cover the amount of probable damage. In the event that it is determined that a higher amount is necessary to cover such damages, such bond shall be made and increased to such determined amount.

Sec. 15-16 Penalty Provisions.

Any person convicted of a violation of any provision of this Chapter shall be fined in an amount not to exceed Five Hundred Dollars (\$500.00) as provided by Sec. 21-1 of Chapter 21 of the Code of Ordinances and each day that the violation continues shall be a separate violation.

