

ORDINANCE NO. 2011-3495

ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE, ARTICLE 12, SIGNS BY ADDING AN INTENT PURPOSE AND APPLICATION STATEMENT; PROVIDING FOR A PERMIT AND LICENSE REQUIREMENT; PROVIDING FOR CERTAIN EXEMPTIONS AND PROHIBITIONS OF SIGNS; DELETING PORTABLE SIGN REGULATIONS; AMENDING ON-PREMISE SIGN REGULATIONS; PROVIDING A REFERENCE SECTION FOR THE DOWNTOWN DISTRICT FORM BASED CODES; ADDING GARAGE SALE AND POLITICAL SIGN REGULATIONS; AMENDING SIGN VARIANCE REQUIREMENTS; PROVIDING FOR MAINTENANCE, REPAIR, AND REMOVAL REGULATIONS; PROHIBITING AND PROVIDING FOR REMOVAL OF SIGNS IN PUBLIC RIGHT-OF-WAY AND A PENALTY; RENUMBERING AND AMENDING ARTICLE 17, DEFINITIONS BY PROVIDING FOR THE ADDITION OF SIGN DEFINITIONS; CONTAINING A REPEALER CLAUSE; PROVIDING FOR A WAIVER OF THREE SEPARATE READINGS; PROVIDING FOR CODIFICATION IN THE UNIFIED DEVELOPMENT CODE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE; AND ORDAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER THEREOF.

Division 12.100 Generally

SECTION I. (Sec. 12.102 As Amended Herein) Intent, Purpose and Application

It is the intent of this Article to establish clear and unambiguous regulations pertaining to signs in the City of Edinburg and billboard signs within the City's extraterritorial jurisdiction (ETJ) to promote an attractive community, foster traffic safety, and enhance the effective communication and exchange of ideas and commercial information. These regulations contain standards intended to avoid visual clutter, which is potentially harmful to traffic, and pedestrian safety, property values, business opportunities, and community appearance. These regulations govern the use, size location, construction and maintenance of signs.

It is the purpose of the regulations of this section to protect property values within the city, to enhance the beauty of the city, and to protect the general public from damage and injury, which may be caused by the construction of signs. Pursuant to these purposes, it is the intent of this Article to authorize the use of signs, which are compatible with their surroundings, appropriate to the activity that displays them, expressive of the identity of individual activities and the community as a whole, legible in the circumstances in which they are seen.

Any sign which was not lawfully existing at the time of adoption of this Article shall not become or be made legal solely by adoption of this Article. By passage of this Article, no presently illegal sign shall be deemed to have been legalized.

SECTION II. (Section 12.103 As Amended Herein) Permit Required

- A. Except as otherwise provided in this Code, no person shall erect, construct, reconstruct, move, install or replace a sign until a sign permit has been issued by the city according to this Article. No permits are required for the maintenance of a sign or for a change of copy on painted, printed or changeable copy signs.

- B. Application; suspension, revocation of permit.
 - (1) Application for a sign permit shall be made to the building official upon a form provided by such official and shall include the following information:
 - (a) Name and address of the owner of the sign.

 - (b) Street address or location of the property on which the sign is to be located, along with the name and address of the property owner.

 - (2) The type of sign or sign structure, as defined in this chapter.

 - (3) A site plan showing the proposed location of the sign along with the locations and square footage areas of all existing signs on the same premises or drawings of buildings showing the area where the sign shall be installed.

 - (4) Specifications and scale drawings showing the materials, design, dimensions, structural supports and electrical components of the proposed sign.
 - (b) If, in the opinion of the building official, the size, shape or design of a proposed sign renders it structurally unsound, he shall disapprove the application for a permit.

 - (c) The building official may suspend or revoke an issued permit for any false statement or misrepresentation of fact in the application. All signs must be erected in accordance with approved plans, without changes, unless authorized by the building official.

 - (d) Permits shall be processed as expeditiously as possible.

 - (5) Fees and conditions.

(a) A minimum fee of \$50.00 or a fee based on the value of the sign whichever is greater.

(b) sign permit shall expire after 120 days after date of issuance if it is not used. A permit may be canceled by an applicant at any time but the permit fee may be retained by the city.

(6) Inspection.

(a) Any person installing, altering or relocating a sign for which a permit has been issued shall notify the building official upon completion of the work. The building official may require a final inspection, including an electrical inspection and inspection of footings on freestanding signs.

(b) The building official may require in writing, upon issuance of a permit, that he be notified for inspection prior to the installation of certain signs.

SECTION III. (Section 12.104) License Required

No person shall erect, construct, reconstruct, install, replace, rent, lease or service any sign for which a permit is required within the corporate limits of the city until such person has obtained a sign license as required by this chapter. The original license fee shall be \$100.00 per year and the renewal license fee shall be \$50.00 per year with each renewal license fee payable on or before January 1 of each year.

A. **Exemption from requirement.** No license will be required under this chapter for:

(1) The installation or maintenance of those signs that are exempted from the requirement to obtain a permit; or

(2) The installation of non-electrified signs of less than 32 square feet to be erected personally by the owner or occupant of a parcel of real estate to advertise the business activity located thereon.

The exemptions from the license requirement set out in this section shall not operate to exempt a person from the permit requirements or regulations of this chapter nor from any other applicable ordinance, statute or regulation.

B. **License not transferable.**

No license issued under this chapter shall be transferable. It shall be unlawful for any holder of any license issued under this chapter to allow his name to be used by any other party, either for the purpose of doing work requiring such a license, or for the purpose of obtaining a permit for such work. It shall further be unlawful for any person not holding a license under this chapter to use the name or the license of any other party

for the purpose of doing such work, or obtaining a license or permit for such work. The building official shall revoke the license of any license holder who violates this section. It shall further be unlawful for a person not entitled to an exemption from the license or permit requirements of this chapter to fraudulently claim such exemption.

C. **Service equipment.**

All service equipment utilized by the licensee and operating within the city must have the firm's or individual's name, as listed on the sign license, on the equipment.

D. **Bond requirements.**

A surety bond issued by a surety company authorized to do business in the state shall be furnished by the applicant for a license under this chapter, providing for payment to the city or applicable property owner in the maximum amount of \$2,000.00 upon the failure of such licensee to maintain or construct according to this chapter any sign for which such licensee is responsible for.

E. **Revocation of license; reinstatement.**

- (1) Upon learning of any sign erected, maintained, serviced, sold, rented, leased, altered or neglected in violation of this chapter, the building official may give notice of such violation by registered or certified mail, return receipt requested, to the responsible license holder or owner of the sign, as applicable. If the violation involves erection or alteration of such sign, the person who performed the work shall also be responsible. If a license holder or employee of a license holder is responsible, the building official may inform such license holder that continued violation for a period of 30 days from such notice will result in the revocation of such license holder's license. If the license holder so notified fails to correct the violation within 30 days of such notice, the building official may revoke such sign license and request the appropriate state official to revoke the highway department permit of the license holder, as applicable. During the time that a license is revoked, the affected license holder shall not be issued any sign permit and no new work shall be commenced under any sign permit which was granted to the affected license holder.
- (2) Any person who has his license revoked under the provisions of this chapter shall not have his license reinstated nor a new license issued until after the expiration of 30 days from the later of the date of revocation or the date of correction of the cause of revocation, and upon payment of a license fee in the same amount as is then required for an original license

SECTION IV. (Section 12.105) Exempt Signs

The following types of signs, provided such signs are not electrified, are exempt from permit requirements, but must be in conformance with all other requirements of this Article:

- A. Agricultural signs of 32 square feet or less in area.
- B. Construction signs of 32 square feet or less, denoting the project, architect, engineer and/or contractors. Construction signs shall be removed no later than 10 days after a certificate of occupancy is issued by the building official.
- C. Directional signs of 8 square feet or less which denote the entrance, exit and direction of traffic flow.
- D. One professional nameplate per building or per occupancy not exceeding four square feet in area fastened directly to the building.
- E. One bulletin board not exceeding 12 square feet in area for public charitable or religious institutions when the same is located on the premises of such institutions.
- F. Memorial signs or tablets and names of buildings or date of erection when cut into masonry surface or when constructed of bronze or other permanent material.
- G. Home Occupation nameplate of one (1) square foot in area.
- H. Political signs, including political signs on trailer signs except in the Downtown District.
- I. Real estate signs not exceeding 16 square feet in residential districts and 32 square feet in non-residential districts as classified by this Code.
- J. Incidental signs.
- K. Window signs.
- L. Human Signs.
- M. Flags.
 - (1) Noncommercial flags bearing the official design of a nation, state, municipality, any other political subdivision, any flag or banner of a bona fide religion, fraternal or charitable organization, and flags of corporations, subdivisions, or community associations or organizations.

- (2) Commercial flags advertising a business, product or service and limited to one per premises.
- N. Repair or maintenance of existing signs: Any sign being repainted where the painting constitutes the only alteration to the sign, when the sign is not being enlarged or structurally altered, and further provided that the painting is done with the sign structure in place. Service on any electric sign consisting only of the replacement of electrically identical components is permitted.
- O. Any changing of copy to be done on poster panels.
- P. Temporary street banner signs over public right-of-way.
- Q. Traffic or other municipal signs, legal notices, railroad crossing signs, danger signs, and temporary emergency or non advertising signs as may be approved by the City.
- R. Signs denoting whether a business is open or closed and traffic signs for private businesses, none of which shall exceed four square feet in area.
- S. Subdivision Marketing Signs.
- T. Gasoline price signs attached to a permanent fixture or structure not exceeding a total of twelve (12) square feet.
- U. Signs not exceeding three (3) square feet in area attached to gas pumps or gas pump canopies that are informational, or contain advertising matter.
- V. Banner signs three feet or less in width. A maximum of one sign.
- W. Wall decorations and works of art that do not include a commercial message.
- X. Signs prepared by or for the local, county, state or federal government, including sites of historical significance.

SECTION V. Sections 12.204 (Adding Subsection E) Non-Conforming Signs

- E. Nonconforming signs. Allowing nonconforming signs to remain in place indefinitely hampers a primary function of this Article of improving the appearance of the community through sign control. For any nonconforming sign lawfully in place on the effective date of this Article requiring relocation, reconstruction, or removal, the city may reimburse the owner or provide the owner with an exemption as provided by state law. No con-conforming

sign shall be repaired or renovated where the effect of such repair or renovation shall be to enlarge or increase the structure of the nonconforming sign. For the normal maintenance shall not be considered to be repair or renovation.

SECTION VI. Division 12.300 (As Amended Herein) On-Premise Signs

Section 12.301 On–Premise Signs in Agricultural, Residential, Commercial and Industrial Districts.

A. The following on-premise signs shall be permitted in Agriculture (AG), Suburban (S), Neighborhood Commercial (NC), Auto Urban (AU), and Urban Residential (UR) Districts.

(1) **Home occupations, registered family day care home and group day care home.** One sign is permitted. It shall not exceed four (4) square feet in size. Lighted and portable signs are prohibited.

(2) **Day Care.** One sign is permitted. It shall not exceed sixteen (16) square feet in size.

(3) **Wall Signs.** Walls signs for institutional uses shall be limited to two (2) per premises of which there shall be no more than one facing each direction. Wall signs shall be attached or painted to wall. The maximum size of walls signs shall be thirty (30) percent of the wall. Wall signs may be installed at entrances to subdivisions, apartment complexes and institutional uses. The maximum size of walls signs for subdivision entrances shall be thirty-two (32) square feet and shall be attached to wall or entry fence. Wall signs shall comply with the prevailing building codes.

(4) **Free Standing Sign.** One permanent sign per site is allowed for institutional uses as defined by this Code. Minimum setback is five feet from the property line, provided the sign does not overhang into public right-of-way, is not placed in a utility easement or below electric power lines. The maximum size is forty (40) square feet. The maximum height is sixteen (16) feet. The sign may be illuminated only if located along a collector, arterial or higher roadway classification according to the City's Thoroughfare Plan.

(5) **Commercial, Neighborhood (CN).** In the CN district, professional offices and other permitted uses shall be limited to one permanent attached sign and one permanent detached sign are permitted on parcels that were zoned C-O immediately prior to the adoption of this Code, subject to the following conditions:

One permanent attached sign.

(a) The sign shall not exceed forty (40) square feet in area;

(b) The sign shall not exceed the height of the wall of the building to which it is attached; and

- (c) The sign shall not have any flashing lights or any type of intermittent illumination.

One permanent detached sign.

- (a) The sign shall not exceed 40 square feet in area;
- (b) The sign shall not exceed 16 feet in height;
- (c) The sign shall not have any flashing lights, intermittent illumination, or revolve or rotate in any manner;
- (d) The sign shall not be located in any required yard, open space, utility easement or street right-of-way;
- (e) The sign shall meet the wind load requirements in the latest adopted building code;
- (f) Temporary signs shall pertain only to the sale, lease or hire of the building; and
- (g) Portable signs shall not be allowed.

B. The following on-premise signs shall be permitted in the Commercial, Neighborhood (CN), Commercial, General (CG), Urban University (UU), Business Park (BP), and Industrial (I) Districts except as provided in Subsection A. of this Section. Signs in the downtown shall be governed by Article 18. Downtown District. Signs shall be limited to a combination of any two permanent signs per business or site unless otherwise specified.

- (1) **Awning Sign.** A sign permit is required. Awnings may be used to advertise products, services, name of the business or other pertinent information. Awnings shall not exceed thirty (30) percent of the wall on which such signs are mounted. No building shall have both an awning sign and wall sign.
- (2) **Canopy Sign:** A sign permit is required. Canopy sign shall be limited to one per canopy side and comply with the prevailing building code. Such signs shall not extend beyond the sides of the canopy.
- (3) **Changeable Copy sign.** A sign permit is required. Changeable copy sign shall comply with the prevailing building code. Changeable copy signs may be manually or electrically activated, include fixed message electronic signs and computer controlled variable message electronic or video displays:

Changeable copy signs shall have:

- (a) minimum setback of five (5) feet
- (b) maximum size of forty (40) square feet
- (c) maximum height of twenty-feet (20)

(4) **Directory Sign.** A sign permit is required. Directory sign shall have:

- (a) minimum setback of five (5) feet
- (b) maximum size of forty (40) square feet
- (c) maximum height of (20) feet.

(5) **Free Standing Sign.** A sign permit is required. Free standing sign shall be limited to one permanent sign per site. For lots fronting on more than one public street, one sign shall be allowed for each street, with each sign oriented toward, a different street or street corner. A free standing sign may include a changeable message unit on the same pole.

(a) For property with frontage on Expressway 281 are as follows:

The maximum size of each sign shall be (200) square feet and the total area of all signs shall be six hundred (600) square feet.

The maximum height of the sign shall be sixty (60) feet.

(b) For property which has frontage on State Highway 107, Business Highway 281, Monte Cristo Road, and Trenton Road the following shall apply:

The size of the sign shall be two-hundred (200) square feet

The maximum height shall be forty (40) feet

(c) For non-residential property with frontage along other roadways, the following shall apply:

The maximum size of the sign shall be one-hundred (100) square feet

The maximum height of the sign shall be thirty (30) feet for a multi-tenant sign and twenty feet (20) for a single tenant sign.

(6) **Hanging Sign.** A sign permit is not required. One sign may be beneath a canopy, provided such sign shall:

- (a) maintain a minimum clearance of (8) above grade.
- (b) have a maximum size of ten (10) square feet.

(7) **Marquee Sign.** A sign permit is required. One sign shall be allowed and such sign:

- (a) shall comply with the prevailing building code
- (b) shall not exceed eight (8) feet in width
- (c) shall not exceed a length of thirty-two (32) feet.

(d) may be illuminated to accommodate varying types of marquee signs.

(8) Projecting Sign. A sign permit is required. Projecting Signs:

(a) shall maintain a clearance of eight (8) feet between the grade of the sidewalk and the lowest portion of the projecting sign.

(b) shall maintain a clearance of fifteen (15) feet above grade and the lowest portion of the projecting sign over driveways or alleys.

(c) shall project a maximum of four feet from the supporting wall.

(d) shall not exceed thirty-two (32) square feet.

(9) Roof Signs. A sign permit is required. Roof signs:

(a) shall not exceed four feet in height

(b) shall not exceed sixteen (16) feet in length

(c) shall be limited to one per site

(d) shall not project beyond any exterior wall

(e) shall not exceed a maximum height of fifteen (15) above the building

(f) shall comply with the prevailing building code.

(10) Temporary Signs.

(a) **Temporary Civic signs.** Sign permit is not required. A temporary civic sign not exceeding thirty-two (32) square feet in area pertaining to drives or events of civic, philanthropic, education, or religious organizations are permitted without a permit provided that said signs are posted only during said drive or no more than thirty (30) days prior to said event and are removed no more than seven (7) days after an event.

(b) **Temporary street banners.** Sign permit is required. A temporary street banner over a street right-of-way is permitted with the approval of the City Department of Public Works and Texas Department of Transportation on state highways. A temporary banner over a street right-of-way may not exceed one hundred and sixty (160) square feet in area.

(c) **Temporary Signs.** Temporary sign permit is required. Temporary Signs include but are not limited to banners, feather signs, pennants, streamers, balloons, or any legal on-premises sign allowed by this Code. Temporary signs shall be charged an annual fee of \$50.00. The following are restrictions for banner signs and feather signs.

1. **Banner Signs:**

- a. may be used for a promotional period not to exceed one 60 day, two thirty day or three 15 day periods.
- b. shall not exceed 32 square feet
- c. shall maintain a minimum clearance of 8 feet from grade
- d. shall not create a site obstruction for vehicles and pedestrians
- e. shall not encroach into public right-of-way
- f. shall not be affixed to a wall of a building
- g. shall not be faded, tattered or torn

2. **Feather Signs**

- a. shall be placed twenty five feet (25) apart
- b. shall be placed ten (10) feet from the right-of-way
- c. shall not create a traffic hazard.
- d. shall be limited to four signs at any business meeting the required distance between signs.

(11) **Wall Sign.** A sign permit is required. Walls signs:

- a. shall be limited to four (4) per site of which there shall be no more than one facing in each direction.
- b. shall be attached or painted on the wall.
- c. may be internally or externally lit.
- d. shall not project more than two feet horizontally from the wall.
- e. shall not exceed thirty (30) percent of the wall on which such signs are mounted or painted.
- f. In multi-tenant buildings on a single lot, the wall sign area allowed for each tenant space shall not exceed thirty (30) percent of each tenant's space on which such signs are mounted.
- g. shall comply with the prevailing building code

(12) **Window Sign.** A sign permit is not required. Lettering shall be stenciled or professionally printed to present a uniform appearance. Window signs shall not exceed twenty-five (25) percent of the total window area. Signs on doors shall not exceed ten (10) percent of the glass door area for safety purposes.

SECTION VII.

Section 12.303. Refer to Article 18, Form Based Codes for Downtown District Sign Standards.

SECTION VIII. **Section 12.304-12.379 Reserved.**

SECTION IX. **Section 12.380 Prohibited Signs**

- A. All signs not expressly authorized by this Section or exempt from the regulations hereunder in accordance with this Code are prohibited. Such unauthorized signs include, but are not limited to:
- (1) Inflatable signs, tethered balloons, and the use of beacons or search lights for advertising purposes except as temporary signs for grand openings.
 - (2) Any signs which resemble an official traffic sign or signal which bear the words "stop," "go slow," "caution," "danger," "warning" or similar words, and which were not placed by proper governmental authority.
 - (3) Signs which by reason of their size, location, movement, content, coloring or manner of illumination may be confused with or construed to be a traffic control sign, signal, or device, and which were not placed by proper governmental authority, or the light of an emergency or road equipment vehicle, or which hide from view any traffic or street sign, signal or device.
 - (4) Snipe or bandit signs or any advertisement placed on trees, rocks or utility poles.
 - (5) Signs that block other signs, fire escapes, doors and windows.
 - (6) Signs which emit audible sound, odor, smoke, steam, or any visible matter.
 - (7) Signs erected or placed within street, alley, roadway or thoroughfare public right-of-way.
 - (8) Signs advertising businesses on residential fences except as otherwise provided in this Article
 - (9) Signs advertising businesses on residential properties except as otherwise provided in this Article.
 - (10) Mobile Advertisement signs, except when painted or wrapped on a vehicle and the purpose of the sign is to promote a community event, service, activity or political campaign.
 - (11) Feathered Flags are prohibited except for grand openings or special events and may not be placed in public right of way.

(12) Portable Signs

(13) Animated Signs

SECTION X. Section 12.382 Garage Sale Signs

- A. A permit shall not be required for any garage sale sign. However, garage sale signs within the city shall comply with the following requirements:
- B. Garage sale signs shall be located on private property only. Garage sale signs shall not be allowed on any public property, right-of-way, or utility, light, traffic signal or sign pole.
- C. Garage sale signs shall not exceed six square feet in area.
- D. Garage sale signs shall not exceed three feet in height.
- E. Garage sale signs shall not be posted more than 24 hours prior to the beginning of the sale and shall be removed within 24 hours following the end of the sale.
- F. Garage sale signs shall not be illuminated.
- G. Garage sale signs found in violation of this Section shall be removed by the director of parks and recreation or his designee, or any city employee without notice to the owner.

SECTION XI. Section 12.383 Political Campaign Signs

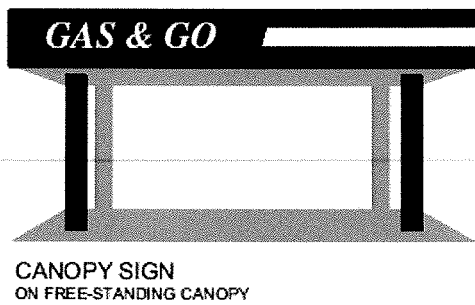
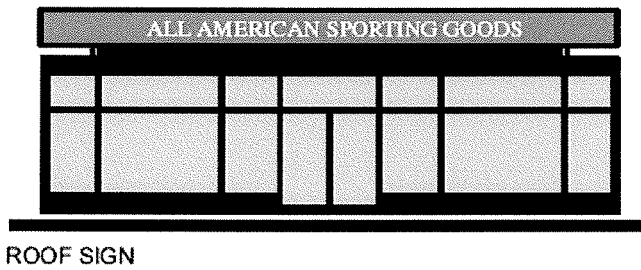
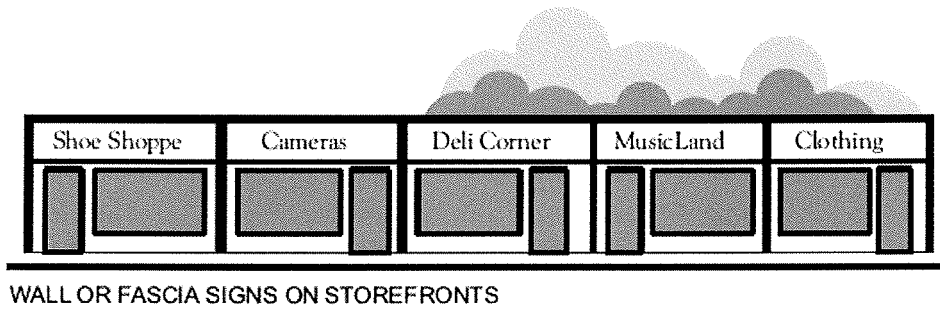
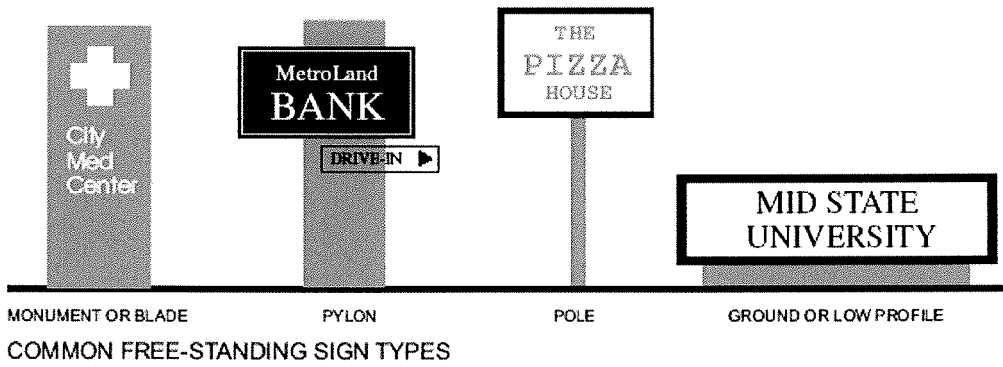
- A. As an exception as set forth in this Article and as a temporary privilege during a political campaign, political signs which meet the standards established in this Section shall be permitted.
- B. With the consent of the property owner, political signs complying with state law may be placed on private property.
- C. As an exception to this Article, political signs may be posted on privately owned fences, and are allowed on commercial and recreational vehicles except in the areas prohibited by existing rules and regulations of the City.
- D. It shall be unlawful to place political signs on or within any public right-of-way within the City.
- E. Lettering on all political signs shall be stenciled or professionally printed to present a uniform appearance. A political sign may not be more than eight feet in height, be illuminated, have any element projecting from the sign back or have any moving elements.

- F. It shall be unlawful for any person to post, place or display on or in any public or City property or facility any political sign, except such notices, memoranda and material officially posted by the City. Public or City property or facility includes but is not limited to any City-owned building or grounds such as City Hall, the Library, Public Safety Building, City parks, etc. Such provision shall not apply at a public facility during debates which are held at such location for all official candidates for city or other governmental office election; provided, further, that any such signs or material displayed or posted during such debates shall be removed immediately following the conclusion of such activity.
- G. It shall be unlawful for any person to post, place, display or erect a political sign including a trailer sign, earlier than ninety (90) days before the election, and such signs shall be removed within ten (10) days after the election.
- H. All political signs shall comply with the provisions of the Texas Election Code, including but not limited to such provisions pertaining to disclosures which must be placed on Political signs in accordance with Section 255.001, Texas Election Code and notice as set out in Section 255.07, Texas Election Code.
- I. It is the responsibility of the candidate or political committee to ensure all political signs are in compliance with these regulations. It is the intention of these regulations that all political signs comply with pertinent state law regulations and ethics commission opinions. Any political signs not retrieved from the City will be discarded within ten (10) days after the election.
- J. In addition to civil and criminal penalties as set forth generally in this Code, Political Signs in violation of this ordinance are subject to immediate removal.

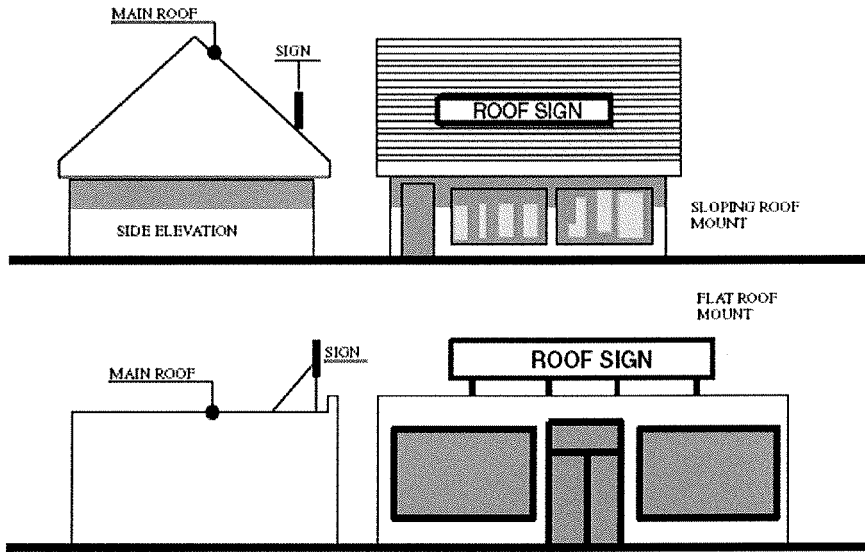
SECTION XII. Section 12.384. Table and Illustrations of Permitted Signs.

The table and illustrations of permitted signs, included in this section, presents the zoning districts where the locations of signs shall be allowed or prohibited by the regulations of this Article. Signs are listed in accordance: P=Allowed without sign permit, S=Allowed only with sign permit, and N=Not allowed.

Sign Type	AG	S	AU	UR	NC	UU	CN	CG	UC	BP	I
Awnings	S	N	N	S	N	S	S	S	S	S	S
Canopy	N	N	N	S	N	S	S	S	S	S	S
Changeable Copy	S	S	S	S	S	S	S	S	S	S	S
Directory	S	S	S	S	S	S	S	S	S	S	S
Free Standing	S	S	S	S	S	S	S	S	S	S	S
Hanging	N	N	N	N	N	P	P	P	P	P	P
Home Based Business	S	S	N	N	N	N	S	S	S	S	S
Home Occupation	S	S	S	S	S	N	S	S	S	S	S
Marquee	S	S	S	S	S	S	S	S	S	S	S
Off-Premise	N	N	N	N	N	N	N	P	N	N	P
Political	P	P	P	P	P	P	P	P	P	P	P
Portable	N	N	N	N	N	N	N	N	N	N	N
Real Estate Subdivision Marketing	P	P	P	P	P	P	P	P	P	P	P
Temporary	S	S	S	S	S	S	S	S	S	S	S
Window	N	N	N	N	N	P	P	P	P	P	P
Wall	S	S	S	S	S	S	S	S	S	S	S
Roof	N	N	N	N	N	N	N	S	N	N	S
Projecting	N	N	N	N	N	S	S	S	S	S	S



ROOF SIGNS



FASCIA SIGNS ON ROOF-LIKE PROJECTIONS

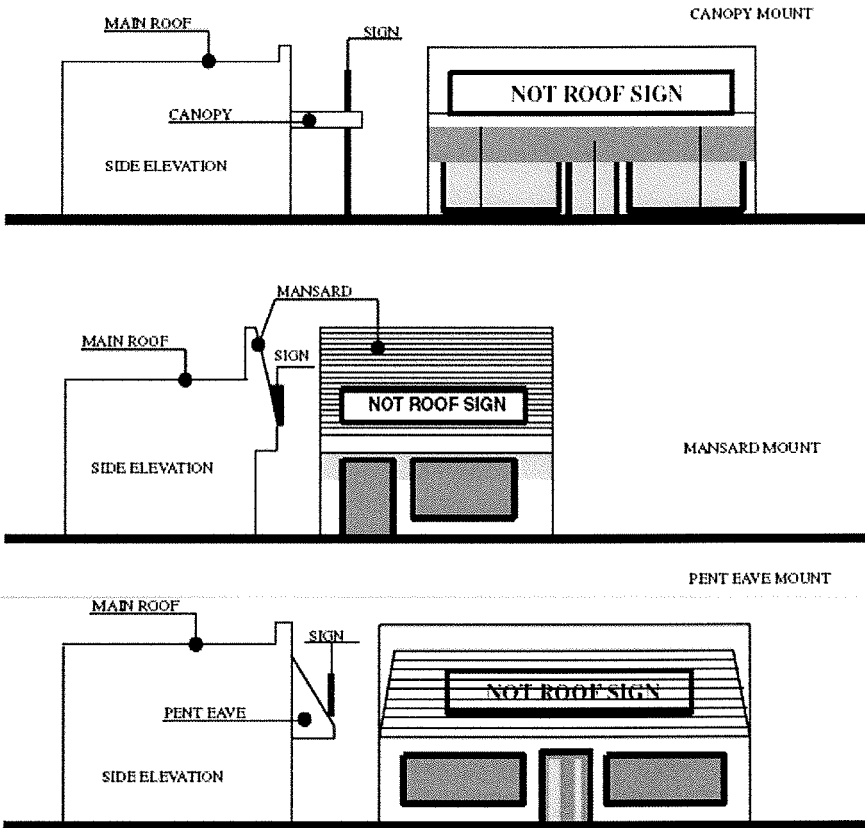


FIGURE 1003.1(2)
COMPARISON—ROOF AND WALL OR FASCIA SIGNS

SECTION XIII. Division 12.400 Variances for On-Premise and Off-Premise Sign Permits Amends Division 12.400, B. and D. as follows:

- B. Sign Variance.** The City Council may by an affirmative two-thirds vote grant a variance on the standards for on-premise and off-premise (i.e. billboards set out in Section 12.202 On-Premise Signs and Section 12.203, Off- Premise Signs in Commercial and Industrial Districts) and may impose appropriate conditions and safeguards in granting the variance.
- D. Hearings.** Public hearings shall be held in relation thereto before the Planning and Zoning Commission and the City Council. Notices and publications of the time and place for public hearings shall conform to procedure described in Article 14 of this Code.

SECTION XIV. Section 12.500 (As Amended Herein) Maintenance, repair and removal of Unsafe; Abandoned Signs

A. Maintenance, repair and removal of Unsafe Signs. Every sign permitted by this code shall be kept in good condition and repair. When any sign becomes insecure, in danger of falling or is otherwise deemed unsafe by the building official, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this code, the owner thereof or the person or firm using same shall, upon written notice by the building official, forthwith in the case of immediate danger, and in any case within not more than 10 days, make such sign conform to the provisions of this code, or shall remove it.

If within 10 days the order is not complied with, the building official shall be permitted to remove or cause such sign to be removed at the expense of the owner and/or the user of the sign. Notwithstanding the provisions of this section, in cases of emergency, the building official or duly authorized representative may cause the immediate removal of a dangerous or defective sign without notice.

B. Abandoned Signs. Except as otherwise provided in this Article, any sign that is located on property which becomes vacant and unoccupied for a period of six months or more, or any sign which pertains to a time, event, or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of one year or more. An abandoned sign is prohibited and shall be removed by the owner of the sign, owner of the premises, or the building official after written notice has been served in the same manner required by this Section.

SECTION XV. Section 12.600 Signs, Posters and Outdoor Advertising Prohibited In Public Rights Of-Way; Penalty

It is unlawful and a misdemeanor for any person to place a sign, poster or outdoor advertising within the public ways, streets, or road rights-of-way within the incorporated limits or extraterritorial jurisdiction of the City, Pursuant to this Article. Any sign, poster or outdoor advertising found within the prohibited area shall be declared a public nuisance and may be removed by the City. The removal of any sign, poster or outdoor advertising by the City shall not preclude the City from issuing a citation and prosecuting any person for violating this subsection.

A. Removal of Illegal Signs

By Director of Parks and Recreation and Code Enforcement Officers

The director of parks and recreation or his authorized agents and Code Enforcement Officers of the City are hereby authorized to remove any sign found posted within the corporate limits of the city and extraterritorial jurisdiction when such sign is in violation of the provisions of this Article.

B. Removal Procedure for Political Signs

When the director of parks and recreation, his agents or Code Enforcement Officers of the City find that a sign has been posted in violation of this Article they shall attempt to contact the owner, candidate, committee, or person responsible for the posting of such sign. If successful, he shall give twenty-four (24) hours advance telephonic notice of his intention to remove the sign, indicate the nature of the violation and the location of the sign. If, after such notification, the illegal sign remains in violation, the director parks and recreation, his agents or Code Enforcement Officers of the City shall remove said sign and store it in a safe location. If, after reasonable diligence, the director parks and recreation or the City's Code Enforcement Officers are unable to contact the owner, candidate, committee, or person responsible for the sign, he may dispense with the notice requirement and remove the sign, storing it in a safe location.

C. Storage, Notice, Return

If the director of parks and recreation, his agents or the City's Code Enforcement Officers remove any sign, he shall keep a record of the location from which the sign was removed. He shall store the campaign sign in a safe location for at least ten (10) days and shall immediately notify by telephone the owner, candidate, committee, or person responsible for the posting of the sign, indicating the fact of removal and the location where it may be retrieved. If the director of parks and recreation, his officers or Code Enforcement Officers are unable to make telephone contact, he shall provide written notice if the address of the owner, candidate, committee, or person is known or can be ascertained.

SECTION XVI. DIVISION 17.300 General Definitions

Division 17.300 is amended with the addition of the following definitions.

- (a) **Downtown District.** The area of the City reflected on the City's Zoning Map for the implementation of Form Based Codes.
- (b) **Grand Opening.** A grand opening is a promotional event marketing the opening of a new business. Grand opening signage shall be allowed to be displayed within 180 days or six (6) months of being issued a certificate of occupancy. Any grand opening shall be displayed for no more than sixty (60) days. Pennants, balloons and other temporary signs permitted as part of a grand opening may not be attached to signs, trees, fences, poles, railings, vehicles, existing signage, display items, other structures or placed in

required parking spaces, may not block pedestrian or vehicular visibility or cause a safety hazard. Grand opening balloons must be secured to the ground. A permit is not required for grand opening signage. A person using grand opening signage shall notify and obtain approval from the City.

- (c) **Public Right-of-Way.** Public right-of-way shall mean the entire width between property lines of any road, street, alley, bridge, or similar thoroughfare publicly maintained when any part thereof is open to the public for pedestrian, bicycle or vehicular use.
- (d) **Sign, Animated.** Any sign that uses movement or change of lighting to depict action or motion.
- (e) **Sign, Banner.** Any temporary sign intended to be hung with or without frames, characters, letters, illustrations, or ornamentations applied to paper, plastic or any fabric of any kind.
- (f) **Sign Brightness:** All electronic signs must comply with the sign restrictions on intersections and applicable federal and state law regarding the maximum brightness as measured in lumens.
- (g) **Sign, Canopy.** Canopy sign means a sign that is hung, affixed, or suspended beneath an awning or canopy and is intended to identify a business, product or service primarily for the benefit of pedestrian traffic. A canopy is defined as being a structure, not including a carport, either attached to or detached from any existing structure, having no side walls, consisting of a roof with support columns or posts and being constructed of noncombustible materials to be used solely for the purpose of providing shade and/or for the purpose of providing protection for gasoline and fuel dispensing equipment. For the sake of this chapter, this definition shall also include canopies used for the purpose of shade and/or protection over a public right-of-way, and further defined as a structure projecting from, extending beyond, and supported by a building.
- (h) **Sign, Changeable Copy.** Changeable sign means a sign whose informational content can be changed or altered by manual or electric, electro-mechanical, or electronic means. Changeable signs include the following types:
 - (1) Manually activated: Signs that have alphabetic, pictographic, or symbolic informational content can be changed or altered by manual means.
 - (2) Electrically activated: Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments. Includes the following two types:
 - (3) Fixed message electronic signs: Signs whose basic informational content has been pre-programmed to include only certain types of information projection,

such as time, temperature, predictable traffic conditions, or other events subject to prior programming.

- (4) Computer controlled variable message electronic or video displays: Signs whose informational content can be changed or altered by means of computer-driven electronic impulses.
- (i) **Sign, Directional.** A sign which contains only information designed to direct pedestrian or vehicular traffic to the location of a facility on the property on which such sign is located. Such signs may include but are not limited to arrows, words or logos. No goods or services may be listed on a directional sign.
- (j) **Sign, Directory.** A directory sign lists the tenants in the building and may list the name of the building, but displays no goods or services for sale or other advertising.
- (k) **Sign, Feather.** A feather flag is a wind device that contains a harpoon pole or staff driven into the ground for support.
- (l) **Sign, Free Standing.** A free standing sign is any sign which is attached to or part of a completely self-supporting structure. The supporting structure shall be firmly in or below the ground surface and not attached to any building or other structure, whether portable or stationary.
- (m) **Sign, Incidental.** A sign intended for informational purposes as opposed to commercial or advertising purposes. Typically smaller in size, examples of incidental signs include parking signs, restroom signs and entrance and exit signs loading only, telephone, address or signs indicating hours of operation.
- (n) **Sign, Human.** A sign held by or attached to a human being. A human sign includes a person dressed in costume for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service, activity, or product. A human sign is prohibited within public right-of-way and shall be on located where the sale or promotion is taking place.
- (o) **Sign, Marquee.** A sign that indicates the name of an institution or organization on whose premises it is located and which contains the name of the institution or organization, the name or names of persons connected with it, and announcement of persons, events, or activities occurring at the institution. Such sign may also present a greeting or similar message. In addition, a marquee sign means any sign attached to and made a part of a marquee. A marquee is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.
- (p) **Sign, Master Plan.** Multiple properties as shown on a site plan, concept plan or on a subdivision plat shall require a master sign plan.
- (q) **Sign, Mobile Advertisement.** An operable or inoperable vehicle and/or trailer with

illuminated or non-illuminated panels, other devices or appendages, used to advertise, promote or draw attention to individual businesses, commodity, service, activity, event, product or events, other than those of the vehicles owner or other similar purpose.

- (r) **Sign, Monument.** A sign free standing sign which is separate from buildings and the entire bottom of which is in contact with or in close proximity to the ground.
- (s) **Sign, Menu Board.** A sign erected in conjunction with a use that incorporates a drive-thru or drive in generally, generally used to provide service or product options and pricing for customers in a vehicle.
- (t) **Sign, On-premise.** A sign which advertises a business, product, service, or activity offered, sold, or conducted on the premises on which the sign is located.
- (u) **Sign, Pole.** A free standing sign is a sign that is supported by a pole or poles, said pole or poles being separate from buildings.
- (v) **Sign, Projecting.** A sign other than a flat wall sign which is attached to and projects from a building wall or other structure not designed primarily to support the sign.
- (w) **Sign, Roof.** Any sign attached to the roof of the building.
- (x) **Sign, Trailer.** Trailer signs means any sign mounted on a vehicle normally licensed by the state as a trailer and used for advertising or promotional purposes.
- (y) **Sign, Wall.** Any sign shall be affixed to the wall or painted on the wall of any building in such a manner as to read parallel to the wall on which it is mounted, however said wall sign shall not project above the top of the wall or beyond the end of the building.
- (z) **Sign, Window.** Any sign, poster, or other similar material affixed on commercial properties or that is painted directly on a window, affixed to the inside of a window, or hung within twelve (12) inches of a window promoting any message, including but not limited to, grand openings and special events (commercial and non-commercial), provided the sign or signs do not exceed twenty-five (25) percent of each window area, is not illuminated, or within 3 feet of a public door.

SECTION XVII. AUTHORITY. This article is adopted pursuant to V.T.C.A., Texas Local Government Code Chapter 216, Regulation of Signs by Municipalities as well as the Federal Highway Beautification Act 23 U.S.C.A § 131

SECTION XVIII. SEVERABILITY In addition, if any section, part or provision of this Ordinance is declared unconstitutional or invalid, then, in that event, it is expressly provided, and it is

the intention of the City Council in passing this Ordinance that all other parts of this Ordinance shall not be affected thereby and remain in full force and effect.

SECTION XIX. CODIFICATION. The provisions of this Ordinance shall be codified in the Unified Development Code upon passage of the Ordinance.

SECTION XX. PUBLICATION. This Ordinance shall be published in the official newspaper of the City of Edinburg, Texas, as provided by law, and shall be and remain in full force and effect ten (10) days from date of passage.

SECTION XXI. PENALTY CLAUSE. Each violation of any of the provisions of this Ordinance shall constitute a separate offense and shall, upon conviction thereof, be punishable by a fine not to exceed \$2,000 in accordance with section 10.99 of the Code of Ordinances of the City of Edinburg.

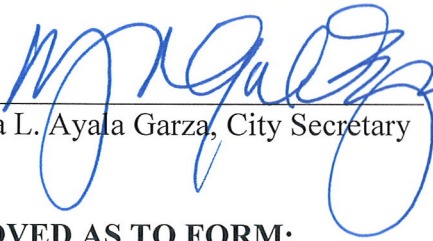
SECTION XXII. WAIVERS CLAUSE. The requirement of three separate readings of this Ordinance is hereby dispensed with by a vote of not less than a majority of all the members of the City Council.

READ, CONSIDERED, PASSED AND APPROVED on this first reading of the ordinance at a special meeting of the City Council of the City of Edinburg, Texas, at which a quorum was present and which was held in accordance with V.T.C.A., Government Code, Section 551.041, on the 5th day of April, 2011.

CITY OF EDINBURG

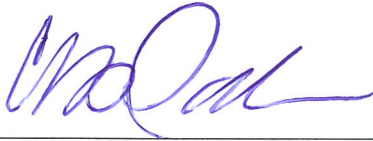
By: 
Richard H. Garcia, Mayor

ATTEST:

By: 
Myra L. Ayala Garza, City Secretary



APPROVED AS TO FORM:

By: 
Gonzalez-Palacios, Attorney at Law
City Attorney