

ORDINANCE NO. 938

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CANYON, TEXAS; AMENDING THE ZONING CODE, CHAPTER 156 OF THE CODE OF ORDINANCES, SECTION 5.10, BY DELETING THE ENTIRE SECTION AND REPLACING WITH NEW AND REVISED LANGUAGE FOR SIGN REGULATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS; upon the recommendation of the Planning and Zoning Commission, the City Commission now finds it is in the best interest of the City of Canyon to amend the Regulatory Sign Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CANYON, TEXAS:

SECTION 1: That Chapter 156, Section 5.10, Sign Regulation is hereby deleted in its entirety.

SECTION 2: That Chapter 156, Section 5.10, Sign Regulation is hereby adopted as follows:

Definitions

Awning Sign – A sign on a supporting framework that projects from and is supported by the exterior wall of the building.

Banner Sign – Any sign printed or displayed upon cloth or other flexible material without frames. A banner sign is for temporary use only.

Bench Sign – A sign which is affixed or painted in any manner to a bench.

Billboard Sign – Any outdoor sign, description, device, figure, painting, drawing, message, placard, poster, or structure which directs the attention of the traveling public to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

Business Sign – A sign which advertises only commodities or services offered on the premises upon which the sign is placed.

Canopy Sign – A sign on a roof structure, where the roof structure is free standing or is attached to and supported by a building and by columns, poles, or braces extended to the ground.

Construction Sign – A temporary on-premise sign identifying any or all property owners, engineers, architects, mortgagees, or other participants in the construction or improvement of the premises, but displays no goods or services for sale or other advertising.

Detached Accessory Island Canopy – A self supporting structure, detached from the primary structure on the premises, which is designed to provide shelter for gasoline service islands, drive-up banking islands, or other accessory uses.

Development Sign – A temporary on-premise sign identifying one or more developments, projects, or buildings proposed or currently under construction which displays no goods or services for sale or other advertising.

Directional Sign – A sign located on private property which displays warnings, instructions, or directions and on which no other form of business promotion or advertising appears.

Electronic Changeable Copy Sign – A sign containing changeable electronic variable message areas which permit light to be turned on or off intermittently or which are operated in a way whereby light is turned on or off intermittently, including any illuminated signs on which such illumination is not kept stationary or constant in intensity and color at all times when such signs are in use, including LED (light emitting diode) or digital signs which vary in intensity or color.

Frontage – The length of a building or lot which faces a street.

Institutional Sign – A permanent, on premise sign for the identification of a public or private school, university, church, hospital or other similar use.

Lot – A single tract or platted lot. In addition, multiple adjacent tracts or platted lots under common ownership will be deemed to be a single lot if they meet the following requirements:

1. The lots or tracts are not separated by intervening streets, alleys, or other interruption.
2. The property contains a single primary use.

Menu Board Sign – Any sign displaying the items offered at a business.

Monument Sign – Any outdoor sign attached to a contiguous structural base, which shall be of the same width as or greater width than the message portion of the sign, and is permanently affixed to the ground. Poles and supports shall be concealed.

Nameplate Sign – An on-premise sign showing only the name and/or address of the occupant.

On-premise Sign – Any sign identifying or advertising a business, person, or activity, and installed and maintained on the same premises as the business, person, or activity.

Pole Sign – Any outdoor sign that is mounted on one or more freestanding poles or other support so that the bottom edge of the sign face is not in direct contact with a solid base or the ground.

Political Sign – A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election.

Portable Sign – A sign, not including a bench sign, whose principal supporting structure is intended by design, use or construction, to be used by resting upon the ground for support and to be easily removed and relocated for reuse.

Projecting Sign – A sign, other than a wall sign, fixed to any building or wall, which extends more than two (2) feet beyond such building or wall. An awning/canopy sign is not defined as a wall sign.

Pylon Sign – A permanent freestanding sign having at least twenty five (25) percent of the sign structure width in contact with the ground and in which the sign face is separated from ground level by means of one (1) or more supports such as poles, pole covers or columns. Poles and supports shall be concealed.

Real Estate Sign – A sign pertaining to the sale or lease of the premises, or part of the premises, on which the sign is located.

Roof Sign – A sign that extends above or is supported on the roof a building.

Sign – A structure, display, device, figure, painting, drawing, message, plaque, poster, or billboard, intended to be visible from the outside of a building, that is designed or used to advertise or inform. The term “sign” includes the supporting structure of the sign.

Sign Area – The entire advertising area of the sign including any framing, trim, or molding and the supporting structure.

Sign Height – The vertical distance between the highest point of the sign or its supporting structure and the natural grade directly below the sign.

Subdivision Entry Sign – A sign that is allowed at the entrance(s) into a legally recorded residential subdivision and which contains only the name of the subdivision.

Substantially Damaged Sign – Where the cost of repairing the sign is more than sixty (60) percent of the cost of erecting a new sign of the same type at the same location.

Wall Sign – Any sign painted on or attached to an exterior wall of a building in a parallel manner.

Permits

Before any sign is erected, constructed, reconstructed, installed, painted or replaced, a permit for the sign must be obtained. Sign permits are issued by the Building Official of the City. Permits are not required for the following:

1. Any sign being repainted where the painting constitutes the only alteration to the sign.
2. Any on-premise sign posted on private property on maximum twenty-four (24) inch by thirty (30) inch sheet poster panels.
3. Any singular wall sign not exceeding five (5) square feet in area and not projecting more than six (6) inches from the wall of the building.
4. All signs erected by municipal, state, or federal government for the purpose of public instruction, street or highway designation, control of traffic and similar uses relating to the public interest.
5. Construction, development or real estate signs placed on private property and in compliance with this ordinance.
6. The replacement of plastic sign faces or panels where the original frame is used and the frame size is not altered and the substructure is not altered or removed.
7. The replacement of bulbs that illuminate the sign where the original or identical frame is used and the frame size is not altered and the substructure is not altered or removed.
8. Directional signs placed on private property and in compliance with this ordinance.
9. Portable signs, for on-premise advertising, not exceeding twelve (12) square feet in area.
10. Banner signs, for on-premise advertising, not exceeding twenty four (24) square feet in area.
11. Nameplate signs for residential locations not exceeding two (2) square feet in area.
12. Contractor signs identifying the contractor or subcontractor performing work on the premises where the sign is displayed. Such signs must not exceed six (6) square feet in area and must be removed when the work is completed.
13. Professional nameplates and occupational signs, when attached to the building face and which denote only the name and occupation of an occupant in a commercial building or public institutional building and not exceeding four (4) square feet of sign area.
14. Temporary political signs placed on private property in compliance with Texas Local Government Code Section 216.903 and this ordinance.

Application for a Sign Permit

An application for a sign permit must be accompanied by the permit fee and shall include such information as necessary to assure compliance with the City of Canyon ordinances, including but not limited to:

1. A completed application form.
2. Scaled and/or dimensioned plans of the sign(s) which clearly show how the sign(s) will be constructed.
3. A site plan of:
 - a. The location of the sign relative to property lines, easements, setbacks, buildings and other structures.
 - b. Other existing and proposed signs on the property and, where the sign is a billboard, the location of the sign in relation to other billboards, churches, public schools, public parks or playgrounds, and residential districts.

Sign permits shall be issued only to contractors licensed in accordance with this section; except property owners or business owners may obtain permits for signs located at his/her own property or business. The Building Official has the power to revoke permits at any time for failure to comply with any sign regulation of the City. In such cases, all work on the sign must immediately cease, except the work necessary to remove the portion of the sign or sign structure that has been erected.

Permit Fees

Each applicant, before being granted a permit for any sign, shall pay to the City of Canyon a fee in the amount of thirty dollars (\$30) per sign for processing and issuing such permit.

When work for which a permit is required is begun prior to obtaining a permit or otherwise receiving approval from the Code Enforcement Department to begin work, a late fee of one hundred twenty dollars (\$120) shall be assessed in addition to the required permit fee.

Registration

It is unlawful for any person to erect, construct, reconstruct, install, or replace any sign without first registering as a Sign Contractor with the City of Canyon. The registration fee shall be thirty dollars (\$30). Registrations shall expire one year from the date of issuance. No person required to be registered as a Sign Contractor by this section shall be issued a permit until a License and Permit Surety Bond or Certificate of Insurance, as required by Section 150.23 of the City of Canyon Code of Ordinances, is provided to the Building Official.

Licensing is not required where the permit is issued to a property owner or business owner for signs located at his/her property or business.

Prohibited Signs

The following signs are prohibited:

1. Billboard signs.

Exception: Where allowed by this ordinance and subject to the provisions of 23 USC § 131et seq. and Chapter 391 of the Texas Transportation Code.

2. Electronic changeable copy signs.

Exception: Where allowed as on-premise monument signs.

3. Electronic changeable copy billboard signs within the city limits of Canyon and its Extra Territorial Jurisdiction (ETJ).

4. Bench signs

Exception: Any bench sign lawfully existing on the effective date of this ordinance may remain during such time it is legally permitted, in place at its permitted location, and is not substantially damaged. The annual permit fee shall be fifty dollars (\$50) per bench sign. Existing bench signs may not be relocated or enlarged.

5. Pole signs

Exception: Where allowed as billboards, construction, development, real estate, directional, or political signs complying with this ordinance.

6. Roof signs

7. Signs with revolving beacons, fluttering, undulating, swinging, or otherwise moving parts.

8. Signs which imitate or resemble any official traffic sign, signal, or device.

9. Any sign which is so illuminated that it would interfere with the effectiveness of or obscure an official traffic sign, device, or signal.

10. A sign placed on a vehicle or trailer that is parked or located for the primary purpose of displaying the sign.

11. Any sign placed in the right-of-way of a road or highway maintained by the City of Canyon or which is a part of the state highway system or which is or has been placed in violation of Chapter 393 of the Texas Transportation Code unless permitted by Section 393.0026 of the Texas Transportation Code.

Sign Locations and Construction Standards

No sign shall be located in or erected so as to project into any public right-of-way except as allowed by this ordinance.

All signs must be designed to withstand wind pressure as required by the City Building Code. Any sign more than twenty (20) feet in height shall have plans sealed by an architect or engineer licensed to practice in the state. The Building Official may use discretion in whether sealed plans are required for signs under twenty (20) feet.

Nonconforming Signs

A nonconforming sign shall be allowed to be continued and maintained at the existing location, when lawfully existing on the effective date of this ordinance, subject to the following conditions:

1. The face of the sign may be changed, but no change or alteration shall be made that would increase the non-conformity.

2. A nonconforming sign shall be removed if any of the following conditions applies:

a. The city may require removal of an on-premise sign if the business, person, or activity that the sign identifies or advertises has ceased to operate on the premises for one (1) year. If the premises containing the sign or sign structure is leased, the sign or sign structure must be removed no later than two (2) years after the date the most recent tenant ceases to operate on the premises. This section shall also apply to any sign structure containing no signage.

b. The city may require removal of a sign or sign structure if the Building Official determines it to be substandard under any applicable ordinances of the City of Canyon to the extent that the sign becomes a hazard.

c. The city may require removal of a sign or sign structure if it becomes substantially damaged as defined by this ordinance.

General Sign Regulations

Awning/Canopy Signs

1. *Maximum Area:* Awning/Canopy signs, excluding detached accessory island canopy signs, shall be counted as a part of, and limited to, the percentage allowable for wall signs. The area of the sign shall be determined by the smallest rectangle within which the advertising area can be enclosed.

2. Signs placed on detached accessory island canopies shall not project beyond the width of that canopy, more than two (2) feet above that canopy, or more than one (1) foot below that canopy.

3. No more than one (1) awning/canopy sign shall be allowed per tenant. Where a tenant space abuts more than one street, no more than one (1) awning/canopy sign shall be allowed on each frontage.

4. The sign shall not project above the roof of the building.

5. The sign shall not project beyond the edge of the sidewalk or the area otherwise defined as a pedestrian area.

6. The sign shall not project into the public right-of-way except as allowed by the International Building Code as adopted in Chapter 150 of the City of Canyon Code of Ordinances.

Banner Signs

1. *Maximum Area:* Banner signs shall be counted as part of, and limited to, the percentage allowable for wall signs.

2. A permit shall be required for any banner sign or combination of banner signs having more than twenty four (24) square feet in total area per frontage.

3. Permits will expire at the end of thirty (30) days, at which time the banner sign must be removed.

4. A maximum of three (3) permits shall be issued in a calendar year.

5. A permit shall not be required for any banner sign or combination of banner signs less than or equal to twenty four (24) square feet in total area per frontage. However, such signage shall not be located on the premises for more than ninety (90) days per 12 month period.

6. All banner signs must be securely anchored in place.

Billboards

1. *Maximum Area:* The sign shall not exceed three hundred and fifty (350) square feet in area.

2. *Maximum Height:* The sign shall not exceed forty (42) feet in height above normal grade.

3. Billboards shall be allowed on properties that adjoin U.S. Highway 60 or Interstate 27 only.

4. Billboards shall be allowed in Retail/Commercial or Industrial Districts only.

5. The area displaying the message must be perpendicular to the immediately adjacent right-of-way of U.S. Highway 60 or Interstate 27.

6. *Spacing Standards:*

- a. No billboard shall be located nearer than three hundred (300) feet to any public school, church, public park, or playground designated by a governmental agency.
- b. No billboard shall be located nearer than seven hundred fifty (750) feet as measured along the right-of-way line to any other billboard on the same street, regardless of which side of the street the sign is located or regardless of which direction the sign is facing.
- c. No billboard shall be located nearer than two hundred (200) feet as measured by the shortest, most direct distance to any other billboard intended for view along any other street.
- d. No illuminated billboard shall be located nearer than three hundred (300) feet to any residential zoned property.
- e. No non-illuminated billboard shall be located nearer than one hundred fifty (150) feet to any residential zoned property.

Construction Signs

1. *Maximum Area:* The sign shall not exceed thirty two (32) square feet in area.
2. *Maximum Height:* The sign shall not exceed ten (10) feet in height above normal grade.
3. No more than one (1) construction sign shall be allowed for each lot. Where a lot abuts more than one street, no more than one (1) construction sign shall be allowed on each frontage.
4. The sign shall be removed not later than thirty days after a certificate of occupancy has been issued by the Building Official.

Development Signs

1. *Maximum Area:* The sign shall not exceed thirty two (32) square feet in area.
2. *Maximum Height:* The sign shall not exceed ten (10) feet in height above normal grade.
3. No more than one development sign shall be allowed for every fifty (50) lots, not to exceed thirty-two (32) signs.
4. The sign may be displayed once the subdivision plat is recorded and shall be removed when ninety (90) percent of each phase to which the sign is a part is completed.

Directional Signs

1. *Maximum Area:* The sign shall not exceed four (4) square feet in area.
2. *Maximum Height:* The sign shall not exceed four (4) feet in height above normal grade.
3. The maximum pole height shall not exceed thirty (30) inches.

Monument Signs

1. *Maximum Area:* The sign shall not exceed one hundred and fifty (150) square feet in area.
2. *Maximum Height:* The sign shall not exceed fifteen (15) feet in height above normal grade.

3. No more than one (1) monument sign shall be allowed for each lot. Where a lot abuts more than one street, no more than one (1) monument sign shall be allowed on each frontage.

Exception: Menu board signs may be placed in addition to the maximum number of monument signs. Menu board signs must comply with area, height, and electronic changeable copy requirements for monument or pylon signs.

4. Electronic changeable copy shall not exceed thirty (30) percent of the sign area.

5. Finish materials for monument signs shall be stone, brick, split face block, sculpted aluminum, wood or carved wood which is painted or sealed, approved stucco, or high density urethane sign foam. Other materials, such as plastic sign panels shall not exceed eighty (80) percent of the total sign area.

Political Signs

1. Political signs shall not:

- a. have an effective area greater than thirty-six (36) square feet,
- b. have a height of more than eight (8) feet,
- c. be illuminated, or
- d. have any moving elements.

2. Political signs shall be placed on private property and only with the permission of the property owner.

3. Political signs shall not be placed on utility poles or in the right-of-way of any street or highway.

Portable Signs

1. Portable signs with an area of twelve (12) square feet or more will be prohibited except under the following conditions:

a. Portable signs advertising the opening or relocation of a business shall be authorized by permit for a maximum period of ninety (90) days. No more than one (1) such permit shall be issued in a calendar year to any business or group.

b. Portable signs advertising special events shall be authorized by permit for a maximum period of five (5) days. No more than one (1) such permit shall be issued in a calendar year to any business or group.

c. Portable signs advertising special events of non-profit, charitable and civic organizations shall be authorized by permit for a maximum of fourteen (14) days. No more than one (1) such permit shall be issued in a calendar year to any organization.

d. No portable sign, regardless of its size, shall be located in such a manner that it creates or causes a sight restriction on any public street, intersection, or private driveway.

e. All portable signs must be securely anchored to the ground to resist movement or overturning from wind or other forces.

f. The source of electrical power for any portable sign must be an approved electrical outlet or receptacle with ground fault protection located not more than 6 feet from the sign. Power cords or extension cords used for connecting the sign to the electrical source shall not be laid across or over pedestrian or vehicle pathways.

g. No more than one (1) portable sign over twelve (12) square feet in area shall be allowed per property or within fifty (50) feet of another portable sign.

h. Portable signs with an active sign permit on the effective date of this ordinance will be allowed to remain as non-conforming under the following conditions:

1. Permit fees for such signs shall be thirty dollars (\$30).
2. Permits shall expire one hundred and twenty (120) days from issuance and must be renewed.
3. Upon such time as any portable sign permit expires under this section, the non-conforming status shall cease and the sign must be brought into compliance with subparagraph a, b, or c.

Projecting Signs

1. *Maximum Area*: The sign shall not exceed forty-eight (48) square feet in area.
2. No more than one (1) projecting sign shall be allowed per tenant. Where the tenant space abuts more than one street, no more than one (1) projecting sign shall be allowed on each frontage.

Exception: Where an awning/canopy exists, one (1) projecting sign may be located above the awning/canopy and one (1) projecting sign below the awning/canopy.

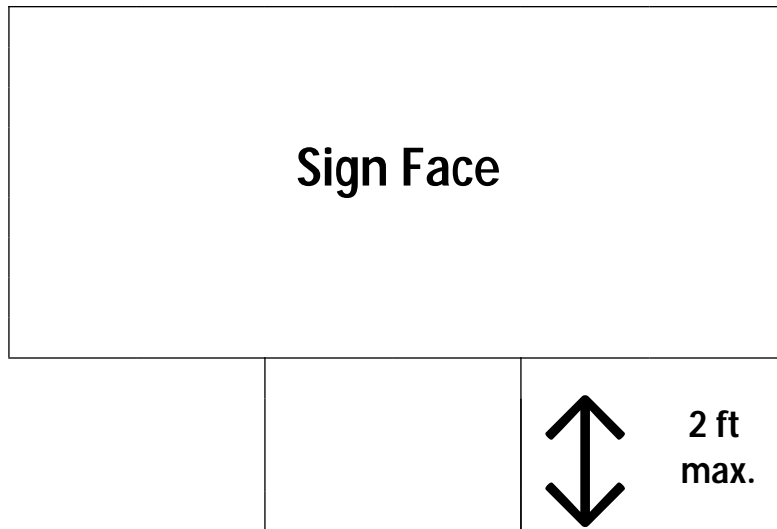
3. The sign shall not project above the roof of the building.
4. The sign shall not project into the public right-of-way except as allowed by the International Building Code as adopted in Chapter 150 of the City of Canyon Code of Ordinances. In no case shall the sign project more than six (6) feet from the building.

Pylon Signs

1. *Maximum Area*: The sign shall not exceed one hundred and fifty (150) square feet in area.
2. *Maximum Height*: The sign shall not exceed fifteen (15) feet in height above normal grade.
3. No more than one (1) pylon sign shall be allowed for each lot. Where a lot abuts more than one street, no more than one (1) pylon sign shall be allowed on each frontage.

Exception: Menu board signs may be placed in addition to the maximum number of pylon signs. Menu board signs must comply with area, height, and electronic changeable copy requirements for monument or pylon signs.

4. Electronic changeable copy shall not exceed thirty (30) percent of the sign area.
5. The lowest point of the sign face shall not exceed two (2) feet above normal grade.



6. Finish materials for pylon signs shall be stone, brick, split face block, sculpted aluminum, wood or carved wood which is painted or sealed, approved stucco, or high density urethane sign foam. Other materials, such as plastic sign panels shall not exceed eighty (80) percent of the total sign area.

Real Estate Signs

1. Residential

- a. *Maximum Area:* The sign shall not exceed six (6) square feet in area.
- b. No more than one (1) real estate sign shall be allowed per frontage.

2. Commercial

- a. The maximum area for a freestanding commercial real estate sign is thirty-two (32) square feet.
- b. The maximum height for a freestanding commercial real estate sign is ten (10) feet.
- c. The maximum area of a wall mounted commercial real estate sign is ten (10) square feet.
- d. No more than one (1) commercial real estate sign shall be allowed per building or tenant space. Where the building or tenant space abuts more than one (1) street, no more than one (1) sign shall be allowed for each frontage.

Subdivision Entry Signs

1. Primary Subdivision Entrance Signs

- a. *Maximum Area:* The sign shall not exceed thirty-two (32) square feet in area. If the sign face is incorporated into landscape features, a wall, or other architectural features, the area of the sign shall be determined by the area of the smallest rectangle within which the face of the sign can be enclosed.
- b. *Maximum Height:* The sign shall not exceed eight (8) feet in height.
- c. No more than two (2) primary entrance signs shall be allowed per primary entrance.
- d. The primary subdivision entrance sign(s) must be located within the subdivision and within one hundred fifty (150) feet of the primary entrance.
- e. Primary subdivision entrance signs may be located at only one entrance for each subdivision.

2. Secondary Subdivision Entrance Signs

- a. *Maximum Area:* The sign shall not exceed sixteen (16) square feet in area. If the sign face is incorporated into landscape features, a wall, or other architectural features, the area of the sign shall be determined by the area of the smallest rectangle within which the face of the sign can be enclosed.
- b. *Maximum Height:* The sign shall not exceed eight (8) feet in height.
- c. No more than two (2) secondary entrance signs shall be allowed per secondary entrance.
- d. The secondary subdivision entrance sign(s) must be located within the subdivision and within one hundred fifty (150) feet of the secondary entrance.

3. Building materials for subdivision entry signs shall be stone, brick, or split face block.

Wall Signs

1. *Maximum Area:* Not more than twenty (20) percent of any wall shall be devoted to signs. The maximum area of any wall sign shall not exceed five hundred (500) square feet.
2. No wall sign shall project above the roof of the building.
3. No wall sign shall project more than two (2) feet from the wall to which it is attached.

Removal of Signs

If the Building Official determines any sign is in violation of this ordinance, he shall give written notice to remove or replace (in accordance with this ordinance) said sign to the owner or person responsible for the sign. If the owner or person responsible for the sign fails to remedy the violation within ten (10) days after such notice, the Building Official may cause removal of the sign. A bill for the resulting costs incurred by the city shall be mailed to the owner or person responsible for the sign and must be satisfied within thirty (30) days of the date of mailing of the bill. In the event the bill has not been satisfied within the thirty (30) day period, the city may file a statement with the County Clerk of the expenses incurred. The city shall have a privileged lien on the lot upon which the expense was incurred and ten percent (10%) on the amount from the date such payment is due.

The city may immediately remove any sign or circular posted on a utility pole or in the public right-of-way without prior notice to the person responsible. The person(s) responsible shall be in violation of Chapter 393 of the Texas Transportation Code.

SECTION 3: That Chapter 156, Appendix A, Section A.02 is hereby amended by deleting the section of terms entitled "Sign Types".

SECTION 4: That Chapter 156, Table No. 1-1 is hereby amended as follows:

"Signs, Real Estate Development" is amended to "Development Signs" and is hereby a permitted use in all zoning districts.

"Signs, Special Development or Construction" is amended to "Construction Signs" and is hereby a permitted use in all zoning districts.

"Billboard and Advertising Sign" is hereby deleted from the table.

"Business and Pole Signs" is hereby amended to "Business Signs".

SECTION 5: Severability. If any provision, section, subsection, sentence, clause or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or

for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of the City Commission of the City of Canyon, Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reasons of unconstitutionality of any other portion or provision.

SECTION 6: Repealer. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of conflict with this ordinance.

SECTION 7: Publishing and Effective Date. This ordinance shall be published according to law and become effective 10 days from the date of passage.

INTRODUCED AND PASSED by the City Commission of the City of Canyon, Texas,
on the 5th day of December, 2011.

Quinn Alexander, Mayor

ATTEST:

Gretchen Mercer, City Clerk