



AGENDA

**ZONING BOARD OF ADJUSTMENTS AND APPEAL REGULAR MEETING
WEDNESDAY, JANUARY 3, 2024, AT 5:30 P.M.
COUNCIL CHAMBERS, CITY HALL BUILDING
100 SOUTH MONORE STREET, EAGLE PASS, MAVERICK COUNTY, TEXAS**

ESTABLISHMENT OF QUORUM

CITIZENS COMMUNICATIONS

MINUTES

1. Approval of the minutes of the December 6, 2023, meeting.

PUBLIC HEARINGS

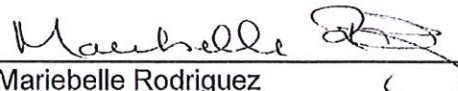
2. Public hearing on a variance request submitted by Oca Signs, seeking a variance from *City of Eagle Pass Code of Ordinances Appendix A - Zoning Ordinance Section 15(h)(D)(1)(A)* regulating placement of signs. Applicant seeks to erect more than the allowed wall-mounted signs on property located at 2824 N. Veterans Boulevard; closing of public hearing and possible action.

ADJOURNMENT

Note: The Board reserves the right to consider business out of the posted agenda order and reserves the right to adjourn into executive session to discuss an item(s) not listed as an executive session on the posted agenda, but which qualifies to be discussed in closed session pursuant to Texas Government Code Chapter 551.

CERTIFICATION

I, THE UNDERSIGNED COMMUNITY DEVELOPMENT ASSISTANT DIRECTOR, do hereby certify that the agenda mentioned above was posted on the Bulletin Board Located in the Lobby at City Hall, 100 S. Monroe Street, Eagle Pass, Texas, on December 27, 2023 at 9:30 a.m.



Mariebelle Rodriguez
Community Development Assistant Director

Item #1

THE STATE OF TEXAS)
COUNTY OF MAVERICK)
CITY OF EAGLE PASS)

The Zoning Board of Adjustments and Appeals of the City of Eagle Pass held their regular meeting on Wednesday, December 6, 2023, at 5:30 p.m. in the City Council Chambers of Eagle Pass City Hall, 100 S. Monroe Street. All legal notices were duly posted in accordance with the law.

ESTABLISHMENT OF QUORUM

Present: Chairperson, Matthew Gary; Alternate Vice-Chairperson, Priscilla Puente-Chacon; Board Member, Maria A. Chio; Board Member, Julie Mathiws; and Alternate Board Member, Crawford Adams Rhodes

Absent: Vice- Chairperson, Antonio Elizondo

Staff present: Community Development Director, Placido Madera; Community Development Assistant Director, Mariebelle Rodriguez; City Attorney, Ana Sophia Garcia; Fire Marshal, Eliazar Cuevas; and Records Management Specialist, Sydney Rodriguez

A quorum being present, Chairperson Gary called the meeting to order, and the items were considered as follows:

CITIZENS COMMUNICATIONS

At this moment, anyone wishing to address the Board on any item, was welcome to speak, keeping in mind that, although the Board would be unable to take formal action on such item, they would be glad to take it under consideration.

There were no citizen communications forms submitted.

MINUTES

1. Approval of the minutes of the June 7, 2023 meeting, the August 2, 2023 meeting, and the October 4, 2023 meeting.

Alternate Vice- Chairperson, Puente-Chacon moved to approve the minutes. Seconded by Board Member Chio. **MOTION PASSED-** Unanimously

AYES:	Gary, Mathiws, Puente-Chacon, Rhodes, and Chio
NAYS:	None
ABSTAINED:	None
ABSENT:	Elizondo

PUBLIC HEARING(S)

2. Continuation of a public hearing on a variance request submitted by Diana Aguirre, to (1) reduce the front yard building setback area from 25-feet to 20-feet, (2) reduce the side yard building setback area from 10-feet to 0-feet, and (3) reduce the rear yard building setback area from 16-feet to 5-feet, to allow the construction of carports in property located at 203 Medina Street; closing of public hearing and possible action.

Chairperson Gary opened the Public Hearing at 5:38 p.m.

Community Development Assistant Director, Rodriguez provided details on the item and stated that the Planning and Building Department recommend to deny of the applicant's variance requests of a reduction of setbacks for 203 Medina Street, as it does not conform with the regulations set forth in Section 7.1(c)(1)(2) and (3) regulating yard setback areas of Eagle Pass Code of Ordinances Appendix A- Zoning Ordinance, regulating front yard setbacks.

Fire Marshal, Cuevas gave input on the safety concern of the carports impeding the use of the fire hydrant near the property. There is no concern on the carports impeding the fire hydrant.

Community Development Assistant Director, Rodriguez, reported her findings on the concerns of the powerlines near the property.

A discussion ensued on the item.

Chairperson Gary closed the Public Hearing at 6:07 p.m.

Alternate Board Member, Rhodes moved to deny the front yard setback line, allow the rear yard setback line to relate to the side yard setback line, and to partially allow the side yard setback line to focus on the western most 100 feet of the parking lot with the condition that the carports be made of non-combustible materials. Seconded by Board Member Mathiwos.

The applicant wished to address the Board again. Therefore, Chairperson Gary re-opened the Public Hearing at 6:32 p.m.

Chairperson Gary closed the Public Hearing at 6:34 p.m.

Alternate Board Member, Rhodes moved to deny the front yard setback line, allow the rear yard setback line to relate to the side yard setback line, and to partially allow the side yard setback line to focus on the western most 100 feet of the parking lot with the condition that the carports be made of non-combustible materials. Second by Board Member Mathiwos. **MOTION DOES NOT PASS**

AYES: None

NAYS: Gary, Mathiwos, Puente-Chacon, Rhodes, and Chio

ABSTAINED: None

ABSENT: Elizondo

OLD BUSINESS

3. Ratify variance requested submitted by Ernesto Fuentes to (1) reduce the front yard building setback area from 25-feet to 10-feet, and (2) reduce the rear yard building setback area from 16-feet to 10-feet, to allow for construction of two 2-story detached apartment buildings in property located at 983 Colorado Street.

Alternate Vice- Chairperson Puente-Chacon moved to ratify the variance as requested. Seconded by Board Member Mathiwas. **MOTION PASSED-** Unanimously

AYES: Gary, Mathiwas, Puente-Chacon, Rhodes, and Chio

NAYS: None

ABSTAINED: None

ABSENT: Elizondo

OTHER BUSINESS

4. Consideration and possible action on the amendment of Appendix A-Zoning Ordinance Section 12 D of the Code of Ordinances of the City of Eagle Pass by adding new subsection (5) incorporating landscape and tree preservation requirements.

Community Development Director, Madera provided details to adopt the landscape ordinance.

Alternate Vice- Chairperson, Puente- Chacon asked for clarification on the item.

Alternate Board Member, Rhodes moved to not be in opposition to the City's decision to change or amend the statute for the item to be under the Zoning Board of Adjustments and Appeals. Second by Alternate Vice- Chairperson, Puente- Chacon. **MOTION PASSED-**

AYES: Gary, Mathiwas, Puente-Chacon, Rhodes, and Chio

NAYS: None

ABSTAINED: None

ABSENT: Elizondo

ADJOURNMENT

Board Member Puente-Chacon moved to adjourn the meeting at 6:52 p.m. Seconded by Board Member Mathiwas. **MOTION PASSED-** Unanimously

Passed and approved on

ATTEST:

Matt Gary
Chairperson

Sydney Rodriguez
Records Management Specialist

Item #2



Planning Department Executive Summary Report to the Eagle Pass Zoning Board of Adjustment and Appeals

Oca Signs Variance Request – 2824 N. Veterans Boulevard

I. BACKGROUND

General Information

Applicant: Bernardo Oca / DBA Oca Signs

Business Owner: Maverick County Hospital District

Property Owner: Maverick Cartel, LLC

Property ID Number: 8708488

Legal Description: Castle Rock Subdivision Unit #1, Block 2, Lot 1 & 2, (Portion of Lot 1 & 2)

Parcel Size: 42,678.01-sq ft and 36,261.63-sq ft

Current Use: Medical office

Current Zoning: B-3 (General Business District)

Master Plan: Commercial

Request: A variance from *Section 15(h)(d)(1)(a)* regulating placement of signs. Applicant seeks to erect more than the allowed wall-mounted signs on property located at 2824 N. Veterans Boulevard.

II. CURRENT CONDITIONS

Infrastructure: Property is serviced by public utilities/franchises

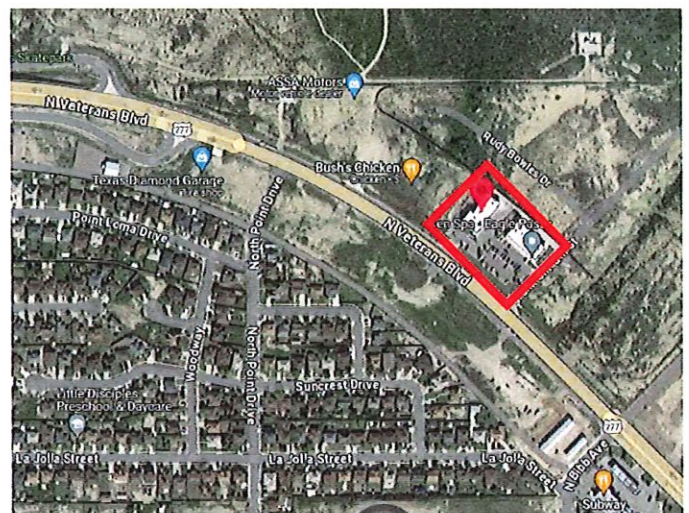
Vicinity: Property is bordered by single family dwellings to the rear and commercial developments.

Access to the site is provided by Veterans Boulevard and Frank Chisum Drive.

III. PUBLIC NOTICE

Public notification of the variance request before the Planning and Zoning Commission was completed consistent with the provisions of *Chapter 211* of the *State of Texas Local Government Code Title 7*. Two (2) notices were mailed to the abutting property owners within a 200 foot radius of the subject property on December 20, 2023.

Aerial Map (Figure 1)



Street View Photo



IV. STAFF ANALYSIS

The proposed construction with a total area of 124.22-square feet, as shown in the enclosed proposed Site Layout, does meet the requirements set forth in Appendix A of the Zoning Ordinance, particularly *Section 15(h)(d)(1)(a)* regulating placement of signs. In no case shall the sign(s) exceed two hundred

fifty (250) feet per legal lot. Business establishments which face two streets shall be allowed one sign for advertising on each street.

The applicant is seeking to erect or install more than the allowed signs for a corner lot. A corner lot is allowed 4 signs but being that the fifth proposed sign is not impeding or obstructing the visibility the Community Development Department recommends the approval of the request to install a fifth sign as the project conforms to the *City of Eagle Pass Code of Ordinances*.

V. STAFF RECOMMENDATION

Staff recommends **GRANTING** the applicant's variance request for property located at 2824 N. Veterans Boulevard.

TRANSMITTED to the parties listed hereafter:

Bernardo Oca via e-mail
Eagle Pass Planning Department Report dated December 19, 2023

Attachment 1
Application and related correspondence



**City of Eagle Pass Planning Department
Zoning Board of Adjustment Appeal
to Eagle Pass Zoning Ordinance**

3295 Bob Rogers Drive
Eagle Pass, TX 78852
(830) 773-7781
planning@eaglepasstx.us
eaglepasstx.us

Project	Legal Description: <u>Castle Rock Subd. unit #1, Block 2, Lot 2 (Porter lot 2)</u> Site Address: <u>2824 N. Veterans Blvd. Ste A</u> Acres: _____ Square feet: _____ Existing land use: _____
Owner	Name: <u>Maverick County Hospital District</u> Phone: <u>(830) 757-4900 ext. 4447</u> Address: <u>3406 Bob Rogers Drive</u> E-mail: _____ City: <u>Eagle Pass</u> State: <u>TX</u> Zip: <u>78852</u>
Applicant If not owner	Name: <u>Bernardo Oca d/b/a Oca Signs</u> Phone: <u>830-773-0770</u> Address: <u>135 Medina St</u> E-mail: <u>herny@ocasigns.com</u> City: <u>Eagle Pass,</u> State: <u>TX</u> Zip: <u>78852</u> Relationship to owner: <u>Contractor</u>
Authorization	To the best of your knowledge are there any deed restrictions, restrictive covenants, etc. which would prevent the utilization of the property in the manner indicated? Yes _____ No _____ I certify that I am the actual owner of the property described above and this application is being submitted with my consent (included corporate name if applicable). Attach written evidence (i. e. corporate documents) of such authorization. I acknowledge that application and publication fees are non-refundable, and that incomplete applications will not be accepted or processed. If additional information or documentation is pending submittal before a deadline, the item is subject to be removed from the agenda and the applicant is subject to cover re-advertising fees. Signature: <u>[Signature]</u> Date: <u>11-20-23</u> Print Name: <u>Bernardo Oca</u> ☐ Applicant ☐ Authorized Agent

Board Action	Description:	
	Board Chairman Signature	Date
Office	Accepted by <u>VB</u> Payment received by <u>VB</u> Date <u>11/20/23</u>	
	Zoning Classification <u>B3</u>	Case No. _____

The commission may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the board shall prescribe only conditions that it deems necessary or desirable to the public interest. No such variance shall be granted unless the board finds that the applicant meets the following conditions.

Description of variance request: Install a 5th logo on the west wall of Building as per drawing. Requested logo with letters is 23.19 sq ft.

For each question, check yes or no and provide a detailed explanation.

1. Is the financial cost of compliance greater than 50 percent of the appraised value of the structure?

Yes [] No [☒] Explain: Sign Cost is \$2500

2. Will compliance result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur?

Yes [] No [☒] Explain: Building Sign

3. Will compliance result in the structure not following a requirement of a municipal ordinance, building code, or other requirement?

Yes [☒] No [] Explain: According to ordinance only 4 signs per corner lot.

4. Will compliance result in the unreasonable encroachment on an adjacent property or easement?

Yes [] No [☒] Explain: wall sign

5. Does the municipality consider the structure to be a nonconforming structure?

Yes ☒ No ☐ Explain: Adding a 5th sign

6. Is the variance necessary for the preservation and enjoyment of a substantial property right of the applicant?

Yes ☐ No ☒ Explain: Installation of sign onto wall

7. Could the granting of the variance be detrimental to the public health, safety, or welfare, or injurious to other property in the area? Yes ☐ No ☒

Explain: Sign is located away from public walkway

VARIANCE APPLICATION CHECKLIST

APPLICATION COMPLETENESS REQUIREMENTS:

☐
☐

Development Application signed by owner or notarized affidavit
This checklist (signed by applicant/representative)

Applicant	Staff	Not Applicable	TECHNICAL REQUIREMENTS	
			Any application that is missing information will be considered incomplete and will not be processed.	
			1	A scaled site plan of the subject property showing property dimensions, building locations, setback dimensions, and other applicable information.
			2	Application Fee of \$100.00 is due upon submittal. (Money order or check made out to City of Eagle Pass) A Publication Fee will be invoiced and collected before the meeting date. These fees are non-refundable.
			3	Notarized owner authorization letter if application is submitted by individual other than the property owner. Proof of ownership as follows: Estate documents (i. e. Probate, Affidavit of Heirship, Administration), copy of the recorded warranty deed or copy of a purchase contract, copy of lease agreement.
			4	Copy of subdivision restrictions for subject property, as recorded in the Maverick County Court House. If no subdivision restrictions are filed, a copy of the certificate of no restrictions will be required.
			5	Photographs of site, project, and adjacent areas deemed appropriate for justification. Prior construction history, as applicable to the situation.

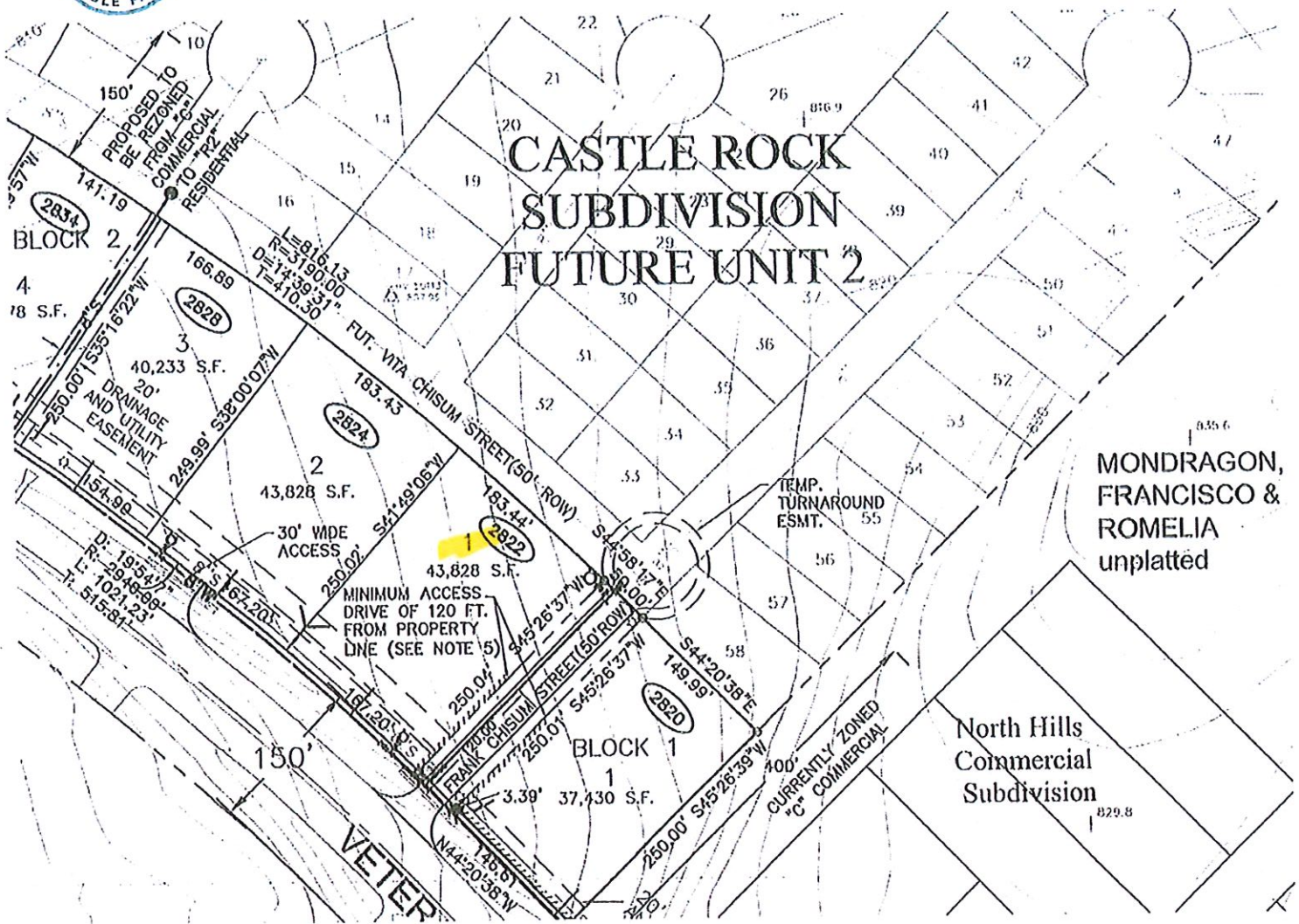
NOTE: By state law public hearing notices shall be published in a newspaper with a second-class postage.

Applicant Acknowledgment

Date



Plat of Record – Castle Rock Subdivision Unit #1, Block 2, Lot 2 (Portion of Lot 2)



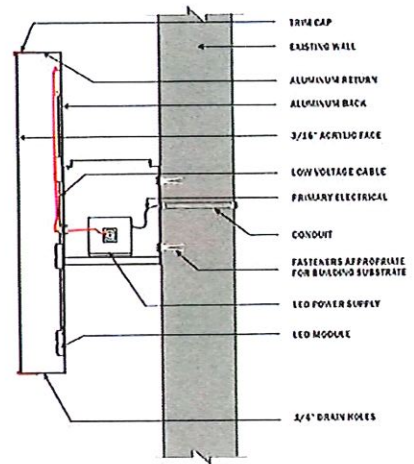


Street View of property





**101.03 SQFT
OF EXISTING SIGNAGE
WITH NEW ADDITION
THE TOTAL
SQFT WILL BE 124.22**



**Standard Face Lit -
LED Illuminated w/ Raceway**



Sec. 15. Regulations for placement of signs and billboards.

(a) Purpose.

- (1) The purpose of this section is to promote and protect the health, welfare and safety of the public by regulating existing and proposed signs of all types located in the City of Eagle Pass. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, preserve the scenic and natural beauty and provide a more enjoyable and pleasing community. It is further intended hereby to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more visual open space and curb the deterioration of the community's appearance and attractiveness.
- (2) This section is intended to promote attractive signs, which clearly present the visual message in a manner that is compatible with their surroundings. The appearance, character and quality of a community are affected by the location, size, construction and graphic design of its signs. Therefore, such signs should convey their messages clearly and simply to enhance their surroundings.
- (3) The regulations herein are designed to prevent the over concentration, improper placement, and excessive height, bulk, number, and area of billboards. It is recognized that, unlike on-premise signs which are actually a part of a business, billboards are a separate and distinct use of the public thoroughfare. Furthermore, for the purposes of this ordinance, billboards are considered by the City of Eagle Pass as an accessory to the principal use when located on the same lot. With a view to this distinction, billboard signs are regulated differently from on-premise signs. It is intended that billboards be located away from view of residential areas, and that such signs be regulated to protect the character of the area wherein billboards are located, and to conserve property values in these areas.
- (4) Therefore, pursuant to the general police and zoning powers conferred on the City of Eagle Pass, and with due deference to the constitutional rights of individuals and businesses living and operating within the geographical boundaries of the City of Eagle Pass, the City Council of Eagle Pass hereby enacts this section placing new restrictions upon the display of billboards within the city and its areas of jurisdiction.

(b) Definitions.

Banner. A sign intended to be hung with or without a frame, made of paper, plastic, or fabric of any kind, and which may possess colors, characters, letters, illustrations, or ornamentations. Flags of governmental jurisdictions and flags carrying the emblem of a business or institution are not to be considered a banner for the purposes of this chapter.

Billboard. A sign which has a sign area of larger than fifty (50) square feet, and which directs attention to a business, commodity, service, entertainment, facility, or other subject matter, not located, conducted, sold or offered upon the premises where such a sign is located or which calls public attention to a candidate, cause, public issue, or other such subject matter and which may be either freestanding or mounted upon the roof or wall of the building.

Canopy sign. A sign attached to a canopy that is attached to a building or its extension. The sign shall not extend above the roof line of the building by more than two (2) feet.

Community service or public service sign. A sign which solicits support for or advertises a nonprofit community use, public use, or social institution.

Construction sign. A sign temporarily placed on a construction site identifying the project, and/or owner, developer, contractor, architect, and other information regarding the project.

Damaged sign. A sign which is unsafe, unsecured, disfigured, or broken.

Detached sign. A structure located on the property to support a sign identifying a commercial building and signs identifying individual businesses occupying space therein.

Flashing sign. A sign flashing, blinking, or moving lights, regardless of wattage, whether directly or indirectly illuminated, except for time and temperature signs. This shall include a sign which makes use of traveling lights or traveling lighted messages, or flashing lights.

Office building. Two (2) or more separate or distinct businesses occupying a single or combined structure of consistent ownership.

Portable sign. A sign designed or constructed to be easily moved from one location to another, including signs mounted upon or designed to be mounted upon a trailer, wheeled carrier, or other non-motorized mobile structure. A portable sign which has its wheels removed shall still be considered a portable sign hereunder.

Realty sign. A sign located on real property that is for rent, lease or sale, the sign being for the purpose of advertising the rent, lease or sale of the property.

Roof sign. A sign that is mounted on, and is wholly supported by the roof of a building.

Sign. Any letters, figures, symbols, trademarks, or devices designed to inform people or to attract the attention of persons or of an individual, to a firm, profession, business, commodity or service, and which is recognizable from any public right-of-way, and which is more specifically defined as found in this section.

Sign height. The vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and the average established ground level beneath the sign.

Sponsorship. Signs placed in approved areas for sponsorship of nonprofit, city-approved organizations.

- (c) *Permit required.* Except as provided in the ordinance codes, no person may erect, relocate, or alter a sign within the incorporated city limits or the extraterritorial jurisdiction of the city without first obtaining a permit and paying the required fee. All applications for a sign permit must be made at the City of Eagle Pass' Building Department and be accompanied by plans and specifications showing the location of the sign, the proposed sign and its method of construction, and any other information required to show compliance with this chapter and all other applicable city ordinances. The building official or his designated representative(s) will examine the application and supporting information and, if the proposed sign complies with this chapter and all other applicable ordinance codes.
- (d) *Permit fee.* Every applicant for a permit under this chapter must pay the fee established by the city council by resolution.
- (e) *Variances.* An application may appeal a denial of a permit by the building department to the zoning board of adjustment and appeals by filing a request for a variance within thirty (30) days after the date the permit is denied. The ZBAA may grant a variance if it finds that the

unusual shape or topography of the property prevents signage allowable under this chapter from adequately identifying the business or other activity on the property.

- (f) *Revocation.* The building official may revoke a permit if there has been a violation of this chapter or a misrepresentation on the permit application.
- (g) *Exceptions.* A permit is not required for:
 - (A) Temporary real estate signs not exceeding six (6) square feet in area and three (3) feet in height in residential zoning districts and not exceeding sixty-four (64) square feet in area and twelve (12) feet in height in other zoning districts that advertise the property on which the sign is located for sale or lease. These signs must be removed within seven (7) days after the property is sold or leased.
 - (B) Temporary signs advertising "garage sale" or "yard sale" not exceeding six (6) square feet in area. These signs may not be posted earlier than three (3) days before and must be removed within one (1) day after the sale.
 - (C) Government signs regulating traffic, providing directions to public facilities, or giving notices of general interest to the community.
 - (D) Temporary signs placed on construction sites to identify the contractor, engineer, architect, or developer not exceeding sixty-four (64) square feet in area. These signs may not be erected prior to approval of a site plan and must be removed within seven (7) days after completion of the project.
 - (E) Private signs regulating traffic on the property on which the sign is located.
 - (F) Flat signs of solid-face construction that are placed against and attached to the vertical wall of a building located in a non-residential zoning district. These signs may not obstruct any wall opening, may not project beyond the wall to which they are attached, and must be attached at least ten (10) feet above ground level. These signs may only be located on the street side of any commercial establishment located within two hundred (200) feet of a residential zoning district.
 - (G) Banners approved by the city manager. These banners must be safely and securely installed with wires or steel cables and must not be permitted to obstruct any public right-of-way and must be installed on places designated by the city manager or his representative.
 - (H) Permanent subdivision identification signs approved with the subdivision plat.
 - (I) Temporary signs for special events such as charitable, church, or community activities. These signs may not be posted earlier than three (3) days before.

(h) General requirements.

- (A) Permit required for structural changes. Except as otherwise provided herein, no sign displaying on-premise advertising shall be erected, structurally changed or reconstructed in whole or in part, within the city without a permit having first been obtained.
- (B) Height limit. No detached sign shall be allowed that is higher than thirty-five (35) feet from the normal grade elevation to the top of the highest part of the structure.

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- (C) Setback. No sign or any part thereof shall be located within ten (10) feet of any property line (not to be confused with the curb or pavement line.) However, no sign may be placed within twenty-five (25) feet of the property line at an intersecting street.
- (D) Wind load pressure requirements. No sign, other than the exempt sign, shall be erected that does not meet the wind load pressure requirements as set out in the International Building Code. Permit applications for new signs and permit renewals required for signs which will have or have a height, in feet above ground, as measured above the average level of the ground adjacent to the proposed structure, of six (6) feet or more, must be accompanied by certificate signed by the owner of the sign, to the effect that the proposed or existing sign will withstand wind load pressures in pounds per square foot as set out in the following table. Solely at the discretion of the building department, further verification may be required to prove that the wind loading specifications will be met.
- (1) Each business establishment shall be allowed to erect and maintain two (2) permanent type signs for the advertising of its services or products.
- A. The signs may be attached to the principal building in which the business is situated and/or erected separately. The aggregate (total) area of the signs shall not exceed two hundred fifty (250) feet per legal lot. Free standing signs shall not exceed an amount equal to one and one-half (1.5) square feet for each one (1) linear foot of the lot's frontage abutting the primary street, except that a minimum of forty-eight (48) square feet of sign area is allowed regardless of the lot frontage. In no case shall the sign(s) exceed two hundred fifty (250) feet per legal lot. Business establishments which face two (2) streets shall be allowed one (1) sign for advertising on each street.
- B. A sign panel with advertising on both sides thereof shall be considered one (1) sign.
- C. In no event shall any portion of any sign extend to a height of more than thirty-five (35) feet above the surface of the ground.
- D. No sign of any kind shall be located any closer than fifteen (15) feet to adjacent right-of-way lines.
- E. Any sign incidental to a business shall be erected only upon the parcel, tract, lot or site upon which the business establishment is located.
- F. Two (2) portable type signs, each of a size no larger than twelve (12) square feet and extending to a height of not more than four (4) feet above the surface of the ground, may be displayed by a business establishment during regular business hours.
- (2) Location. No sign, other than public traffic control signs and other governmental signs, may be located within the public right-of-way. All signs, including any overhead projections, must be located completely within the boundaries of the property on which they are located.
- (3) Spacing. Only one (1) free-standing sign located adjacent to a public street will be permitted for each legal lot.

(i) *Temporary signs.*

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- A. Temporary sign standards. Any temporary sign authorized by this section, including temporary portable signs, shall comply with the sign standards of the International Building Code.
- B. Temporary signs allowed. Temporary signs of the type set forth below shall be allowed in all zones within the city, subject to the following specific standards:
1. *Real estate signs.* One (1) non-illuminated real estate "for sale" or "for rent" sign, not exceeding an area of eighteen (18) inches by twenty-four (24) inches, along with name strip sign(s) located either above or below the real estate sign, which name strip shall also not exceed an area larger than twelve (12) inches by twenty-four (24) inches, shall be allowed on the premises for the sole purpose of advertising the legally-divided parcel, tract, lot or site and improvements for sale or rental. For large tracts of land, signs may not exceed thirty-two (32) square feet. Real estate signs shall be removed from the premises no later than five (5) days after closing of the sale.
 2. *Open house signs.* Portable, non-illuminated real estate open house signs may be used in connection with open house sales campaigns, but only during those hours when sales personnel are actually in attendance on the open house premises. These signs must be of the "A-board" or "sandwich" type, and shall be no longer than two, 24-inch by 24-inch panels. For off-premises portable signs may be used to advertise or provide directions to the open house sales campaign.
 3. *Garage sale signs.* A maximum of two (2) signs may be used to advertise a garage sale, which signs shall not exceed four (4) square feet in size. Such signs shall be removed after the date of the garage sale.
 4. *Construction site signs.* One (1) sign, not to exceed a maximum of thirty-two (32) square feet in size, may be permitted to be located on a parcel, tract, lot or site for which a valid building permit has been issued for the purpose of directing and identifying for subcontractors to the site of the construction and not for the purpose of advertising the construction company. The sign shall be removed no later than five (5) days after completion of the work.
 5. *Miscellaneous signs.* Those noncommercial signs which are: (a) not otherwise prohibited by law or this chapter; (b) not exceeding three (3) square feet in size; and (c) if advertising an event, are posted not longer than five (5) days after the event, are allowed in all zones within the city. Governmental agencies may display banners larger than the size described in this subsection for the purpose of publicizing civic events over the public right-of-way, upon prior approval by the city for conformance.
- C. Any temporary signs that are placed on non-right-of-way city property in violation of this section may be removed by the city without notice to the sign owner. After such removal by the city, the city shall attempt, in good faith, to identify the owner of the sign and shall provide said identifiable owner with a minimum of five (5) days' written notice prior to discarding or destroying the sign(s).
- D. Temporary signs described in this section may be installed or placed on property for one five (5) day period only, subject to compliance with the other provisions of this chapter.

E. (1) Temporary real estate directional signs.

(2) *Portable signs.* Portable signs include signs with a display surface utilizing removable letters that are readily movable from site to site and signs that are not permanently attached to the ground, a building, or other fixed object, including those installed on trailers or other mobile structures. Portable signs may not exceed five (5) feet by ten (10) feet in area, and may be used only for the following purposes:

- (a) To promote or advertise the opening of a new business; or
- (b) To promote or announce charitable, church, community, or public events.

(j) *Compliance with the International Building Code.* All signs within the city limits must comply with the requirements of the adopted International Building Code and any subsequent revision. In the event of any conflict between the IBC and this chapter, this chapter controls.

(k) *Prohibited signs.*

(A) *Permitted signs.* No sign may be erected or maintained in violation of the permit requirements of this chapter.

(B) *Maintenance.* No sign may be inadequately maintained so as to show evidence of deterioration, including peeling, rust, dirt, fading, discoloration, or holes.

(C) *Outdated signs.* No sign may advertise a business or product that is no longer in existence.

(D) *Obstructions to doors, windows, or fire escapes.* No sign may be erected, relocated, or maintained so as to obstruct any door, window, or fire escape. No sign may be attached to a stand pipe or fire escape.

(E) *Traffic hazards.* No sign may:

- (1) Obstruct free and clear vision at any street intersection;
- (2) Interfere with, obstruct the view of, or be confusingly similar to any authorized traffic sign, or device because of its position, shape, or color; or
- (3) Make use of the words STOP, LOOK, DRIVE-IN, DANGER, or any other word, phrase, symbol, or character that interferes with, misleads, or confuses traffic.

(F) *Unsafe signs.* No signs may constitute a hazard to safety or health by reason of inadequate design, construction, repair, or maintenance.

(G) *Illuminated signs.* No sign may be illuminated with lights which glare into or upon the surrounding area or any residential area or district operators of vehicles or pedestrians on the public right-of-way.

(H) *Obscene signs.* No sign may display any matter in which the dominant theme of the material taken as whole appeals to the prurient interest in sex, or is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value.

(I) *Vehicular signs.* No sign may be painted on or attached to a motor vehicle which is not road-worthy.

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- (J) *Moving signs.* No sign may have visible moving, revolving, or rotating parts, or visible mechanical movement of any kind, except for the movable hands on street clocks, or other apparent visible movement achieved by electrical, electronic, or mechanical means, except for time/temperature/date signs.
- (K) *Flashing signs.* No sign may have lights or illuminations that flash, move, rotate, scintillate, blink, flicker, vary in intensity or color, or use intermittent electrical pulsations.
- (l) *Nonconforming signs.* Any sign legally in existence on the date of adoption of this chapter that violates or does not conform to its provisions must be removed, altered, or replaced so as to nonconforming sign. No nonconforming sign is required is otherwise prohibited by state or federal law.
- (m) *Unlawful signs.* If the building department finds that any sign is prohibited by the provisions of this chapter, the building department will give written notice to the permittee or the owner of the property upon which the sign is located. If the permittee or owner fails to remove or alter the sign so as to comply with this chapter within ten (10) days, the building department may remove or alter the sign to bring it into compliance and assess the costs to the permittee or owner. The building department may remove or any sign that presents an immediate peril to persons or property immediately and without notice.
- (n) *Penalty.* Any person violated any of the provisions of this chapter is guilty of a misdemeanor and, upon conviction, will be subjected to a fine not exceeding two hundred (\$200.00). Each day a violation is committed or permitted to continue constitutes a separate offense.
- (o) *Requirement for conditional use permit.*
- (1) *Billboards.* Billboards shall be allowed only upon grant of a conditional use by the city council, and shall only be allowed in the "B-3" General business district, and the "I" Industrial zoning district.
- (p) *Requirements.* The conditional use shall be allowed subject to the following regulations:
- (1) *Billboard size.* A maximum of two (2) sides are allowed per billboard. The sign area of a billboard in the "B-3" and "I" districts shall not exceed 12' x 48' on each side of the sign.
- (2) *Height.* The highest portion of a billboard shall not exceed thirty-five (35) feet in height measured from the elevation of the grade of the abutting roadway. The elevation of the grade is defined as the point on the centerline of the road which is perpendicular to the billboard location.
- (3) *Setbacks.* A freestanding billboard must have a setback from the property line equal to the height of the highest portion of the billboard, measured from the ground where the billboard is located. No other type of billboard sign or structure, or any part thereof, shall be erected or maintained within fifteen (15) feet of any ultimate right-of-way of a public street or road, nor within the side yard setback of the lot on which the billboard is located.
- (4) *Illumination and animation.* Illumination of billboards shall be allowed based upon the following standards:
- The billboard and the lighting thereof shall be effectively shielded so as to prevent beams or rays of light from being directed at a portion of the traveled ways of the adjacent roadway, and shall not be of such intensity or brilliance as to cause glare

or impair the vision of the driver of a vehicle, or which interferes with a driver's operation of a motor vehicle.

- The billboard shall not be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device, or signal. Any billboard which contains, includes, or is illuminated by a flashing, intermittent, or moving light or lights, or is animated as defined by this ordinance shall be prohibited.

(5) *Separation.* The location of each billboard shall comply with the following separation requirements:

- 1) At least one thousand (1,000) linear feet from any other billboard, and
- 2) At least five hundred (500) linear feet from any residential zoning district, including those of a neighboring municipality,

(6) *Obstruction.* No billboard shall overhang a public or private right-of-way nor shall it interfere with a two hundred-foot line of sight in any direction at an intersection.

(7) *Landscaping.* The base of each billboard shall be landscaped and maintained with a screening buffer.

(8) *Conformance with Texas Department of Transportation Requirements.* Other requirements established by the Texas Department of Transportation (TxDOT) that regulate signs along roadways governed by TxDOT shall also be in effect, and the more stringent of the two (2) ordinances shall prevail.

(9) *Other standards.* The conditional use process and standards set forth in section twenty-one (21) must be met.

(Ord. No. 06-13, § 2, 7-11-2006; Ord. No. 07-15, § 1, 7-24-2007)