

ORDINANCE NO. 6-2008
SIGN ORDINANCE

"AN ORDINANCE ADOPTING RULES AND REGULATIONS FOR THE ERECTION, RECONSTRUCTION, ALTERATION OR REPAIR OF SIGNS WITHIN THE VILLAGE OF BONNEY, TEXAS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING CRIMINAL AND CIVIL VIOLATIONS AND PENALTIES; PROVIDING A PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE EXCEPT WHERE A DIFFERENT PENALTY HAS BEEN ESTABLISHED BY STATE LAW AND EACH AND EVERY DAY SAID VIOLATION IS CONTINUED SHALL CONSTITUTE A SEPARATE OFFENSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR PUBLICATION"

BE IT ORDAINED BY THE VILLAGE OF BONNEY:

SECTION 1.0 PURPOSE

The purpose of this ordinance is to establish clear and unambiguous regulations pertaining to signs in the Village of Bonney and the City's Municipal Extraterritorial Jurisdiction, as allowed by Texas Local Government Code, Section. 216.902, to promote thereby an attractive community, foster traffic safety, and enhance the effective communication and exchange of ideas and commercial information. The City Council of the Village of Bonney hereby finds the following legislative facts:

1. The proliferation of signs creates commercial confusion and makes it difficult for travelers and motorists to locate the goods and services they seek.
2. The increasing height of signs within the City is an endless battle for a higher and more visible sign, and a reasonable limitation on the height of signs is necessary to prevent visual pollution, potential windstorm damage, injury or death.
3. Excessive height in signs creates clutter and is unsightly and offensive to the members of this Council and many, if not most, of the citizens in Bonney. The establishment of a reasonable maximum height for signs will allow effective communication, prevent altitude competition, and will not penalize smaller business concerns which may not be able to compete for aerial superiority.
4. Reasonable provisions pertaining to size, scale, location, design, lighting, permanency, and maintenance are necessary to avoid visual clutter, preserve and improve the appearance and character of the community, to avoid traffic problems caused by distracting signs or structures in close proximity to streets, which compete with traffic signs and signals for the attention of motorists, and to prevent deterioration, disregard, and abandonment of signs or structures.

This section will complement the provisions of the Federal Highway Beautification Act of 1972.

The Council recognizes that signs are necessary for visual communication for public convenience, and that businesses and other activities have the right to identify themselves by using signs that are incidental to the use on the premises where the signs are located. The City Council herein seeks to provide a reasonable balance between the right of a person to identify his or her business or activity, and the rights of the public to be protected against visual discord and safety hazards that result from the unrestricted proliferation, location and construction of signs. This section will insure that signs are compatible with adjacent land uses and with the total visual environment of the community, in accordance with the City's comprehensive plan for zoning and land use.

The City Council finds that the rights of residents of this City to fully exercise their rights of free speech by the use of signs containing non-commercial messages are subject to minimum regulation regarding structural safety and setbacks for purposes of traffic protection. The Council seeks herein to provide for the reasonably prompt removal and disposal of such signs after they have served their purpose, and yet to avoid any interference with First Amendment freedoms, especially as to persons who are of limited financial means.

Instances may occur in the application of this ordinance where strict enforcement would deprive a person of the reasonable use of a sign, or the reasonable utilization of a sign in connection with other related property rights, and herein provides for such persons to have the right to seek variances from the requirements of this chapter for good cause. It is imperative that enforcement officials apply this ordinance as it is written, in the interest of equality and fair and impartial application to all persons, and that the use of the variance procedure shall remain the sole administrative means to obtain any exception to the terms hereof.

FINDINGS:

Whereas the city council agrees that outdoor advertising signs tend to deface nearby scenery, whether natural or built, rural or urban;

Whereas city council agrees with courts that have recognized that outdoor advertising signs tend to interrupt what would otherwise be the natural landscape as seen from the highway, whether the view is untouched or ravished by man, and that it would be unreasonable and illogical to conclude that an area is too unattractive to justify aesthetic improvement;

Whereas the city council has determined that outdoor advertising signs, including changeable electronic variable message signs, pose a distraction to drivers, bikers and pedestrians from the roadway;

Whereas the city council has determined that in order to preserve and enhance the City as a desirable community in which to live and do business, a pleasing, visually attractive environment is of foremost importance; and these regulations are a highly contributive means

by which to achieve this desired end and have been prepared with the intent of enhancing the visual environment of the City and promoting safety and continued well-being;

Whereas the city council has determined that these regulations maintain and enhance the aesthetic environment, improve pedestrian and traffic safety, lessen unnecessary visual clutter that competes for the attention of pedestrian and vehicular traffic, regulates signs in a manner so as to not interfere with, obstruct the vision of or distant motorists, bicyclists or pedestrians, conserve, protect, and enhance the aesthetic quality of the City, protect property values by precluding sign-types that create a nuisance to the occupancy or use of other properties;

Whereas the city council has determined that off-premises signs, commonly known as billboards, are inconsistent with the above-stated goals;

Whereas the city council has determined that changeable electronic variable message signs (CEVMS), as defined herein, are inconsistent with the above-stated goals;

Whereas the city council finds that Section 216.902 of the Local Government Code provides for the application of its outdoor advertising sign regulations to extend into the extraterritorial jurisdiction (ETJ) of the city.

SECTION 2.0 DEFINITIONS

SIGN means any written or graphic representation, decoration, form, emblem, trademark, flag, banner, or other feature or device of similar character that is used for the communication of commercial information, or communication of ideas or subjects of political significance, and which:

1. Is a structure or any part thereof, including the roof or wall of a building, or a free standing wall or fence;
2. Is written, printed, projected, painted, constructed or otherwise placed or displayed upon or designed into a building, board, plate, canopy, awning or vehicle, or upon any material, object or device whatsoever; and
3. By reason of its form, color, wording, symbol design, illumination or motion attracts or is designed to attract attention to the subject thereof, or is used as a means of identification, advertisement or announcement.
4. A sign shall be considered to be a single display surface, a double-faced display surface, or display device containing elements clearly organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign; provided, however, that the display of merchandise through glass windows in any zone where such merchandise may be sold in the ordinary course of business shall not constitute a sign or signs.

ACCESSORY SIGN - A small sign that is not part of the total allowable square footage permitted for the building.

ALLEY SIGN - A sign used to identify the alley entrance to a building or business.

APARTMENT/CONDOMINIUM/MOBILE HOME PARK IDENTIFICATION SIGN - An attached sign or a freestanding sign with permanent foundation or moorings, designed for identification of a multi-family residential project or a mobile home park project, and where adequate provision is made for permanent maintenance hereunder.

ARCHITECTURAL FEATURES - Ornamentation or decorative features attached to or protruding from or otherwise accentuating an exterior wall.

AREA IDENTIFICATION SIGN - A freestanding or wall sign with permanent foundation or moorings, designed for identification of subdivisions of ten (10) to fifty (50) acres, or identification of a distinct area within a subdivision, and where adequate provision is made for maintenance hereunder.

ATTACHED SIGN - A sign attached to or applied on and totally supported by a part of a building.

AWNING SIGN - A rigid roof-like cover extending out from the wall of a building to provide cover over windows or doors, that is supported by the exterior wall of the building, and that may include a type that can be retracted, folded, or collapsed against the face of a supporting building. A sign placed directly on top of the awning.

BANNER - A temporary sign, either attached or free standing, with or without characters, letters, illustrations, or ornamentations, applied to cloth, paper, flexible plastic or fabric of any kind, attached to the exterior of the structure or free standing on the site with temporary fastening devices such as rope, string, wire, twine, or similar materials, which is in addition to the permitted permanent signs, announcing a special event for a business, i.e., business openings, grand openings, sales or promotion events.

CANOPY – Any non-rigid material such as fabric or flexible plastic, that is supported by or stretched over a frame, that is attached to an exterior wall, and that may include a type that can be retracted, folder, or collapsed against the face of a supporting building.

CANOPY SIGN - A sign that is an integral part of the canopy, which is painted on or applied to the canopy.

CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGN (CEVMS) – A sign which permits light to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including an LED (light emitting diode) or digital sign, and which varies in intensity or color. A CEVMS sign does not include a sign located within the right-of-way that functions as a

traffic control device and that is described and identified in the Manual or Uniform Traffic Control Devices (MUTCD) approved by the Federal Highway Administrator as the National Standard.

COMMERCIAL SIGN - A sign which directs attention to a business, commodity, service, entertainment, or attraction sold, offered, or existing.

DEVELOPMENT SIGN - A sign announcing a proposed subdivision or a proposed building project.

DIRECTIONAL TRAFFIC CONTROL SIGN - A sign utilized as a traffic control device in off-street parking or access areas.

FAÇADE - The portion of any exterior elevation on the building extending from the grade to parquet, wall, or eaves, and the entire width of the building elevation which are adjacent to the front on any right-of-way.

FAÇADE, PRIMARY - The façade with the main entrance

FLAG/PENNANT - A piece of fabric of distinctive design that is used as a symbol (as of a nation), identification, as a signaling device or as a decoration.

FREESTANDING COMMERCIAL SIGN - A sign supported by one or more columns, poles or bars extended from the ground or from an object on the ground, or that is erected on the ground; the term includes all signs which are not substantially supported by a building or part thereof, or which are substantially supported by a building or part thereof, when the sole significant purpose of the building or part thereof, is to support or constitute the sign.

FRIEZE - A flat area surrounded by architectural features dedicated to sign placement

FUEL PRICE SIGN - A sign used to advertise the current price of fuel at locations where fuel is sold.

HANGING SIGN - A sign attached to underneath the canopy or awning.

HOME OCCUPATION SIGN - A sign used to identify the name and occupation of a person with a legal home occupation.

INDIVIDUAL LETTERS, NUMBERS AND/OR SYMBOLS – used to create signage or identification of a building or business.

LOW PROFILE SIGN - A sign with a permanent foundation that is not attached to a building, but is a stand-alone sign and which does not exceed sixty square feet (60 sf). in area and four (4) feet in height.

MURAL - Artwork applied to the wall of a building that covers all or substantially all of the wall and depicts a scene or event of natural, social, cultural, or historic significance. Excludes any commercial message

NON-COMMERCIAL SIGN - A work of art or message which is political, religious, or pertaining to a point of view, expression, opinion, or idea that contains no reference to the endorsement, advertising of, or promotion of patronage, of a business, commodity, service, entertainment, or attraction that is sold, offered, or existing.

OFF-PREMISE SIGN - Any sign, commonly known as a billboard, that advertises a business, person, activity, goods, products or services not located on the premises where the sign is installed and maintained.

ON-PREMISE SIGN - Any sign identifying or advertising the business, person, activity, goods, products or services sold or offered for sale on the premises where the sign is installed and maintained when such premises is used for business purposes.

PERMANENT SIGN - A sign constructed of durable materials which is affixed or attached to real property by poles, stakes or other members which are placed into the ground, or upon some other type of permanent foundation and is intended for long term use. A permanent sign excludes a sign attached to a building or other permanent structural members with rope, string, wire, twine, or similar material.

POLITICAL SIGN - Any sign which promotes a candidate for any public office or which advocates a position on any social issue as its primary purpose. Political signs shall be considered in the category of non-commercial signs except where there are regulations pertaining to their removal after an election.

PORTABLE SIGN - A sign which is not affixed or attached to real property by poles, stakes or other members which are placed into the ground, or upon some other type of permanent foundation; trailer signs, any sign with wheels or skids, and any sign which is constructed so as to sit upon the surface of the ground, without subsurface attachment or extension.

PREMISES - An area of land planned and designed as a single comprehensive project, considered from the time the plan is first submitted to the Planning Department either at plat stage or site plan stage.

PRIMARY SIGN – The most dominate sign on the building. This may be a single sign or a combination of signs providing that the total square footage of the primary sign or signs does not exceed the total allowable square footage permitted for the building.

PROJECTION SIGN – A sign which is supported by an exterior corner of a building.

REAL ESTATE, FINANCE and CONSTRUCTION SIGN - An attached or freestanding sign erected upon a lot or parcel of land for the purpose of advertising same for sale or lease, or

advertising the furnishing of interim or permanent financing for a project, or for the furnishing of labor, materials or the practice of crafts on the job site.

ROOF SIGN - An outdoor advertising display sign erected, constructed, or maintained on the roof of a building or which is wholly dependent upon a building for support, and which projects above the point of a building with a flat roof, six feet above the eave line of a building with a shed, gambrel, gable or hip roof, or the deck line of a building with a mansard roof. See illustrations at the end of this ordinance.

SANDWICH /SIDEWALK SIGN - A movable sign not secured or attached to the ground or surface upon which it is located.

SECONDARY SIGN - A sign that is intended to supplement or complement the primary sign, and is subordinate to the primary sign, which is included in the total allowable square footage permitted for the building.

SIGN CODE APPLICATION AREA – Corporate limits of the city and the area of its extraterritorial jurisdiction as defined by Section 42.021 of the Local Government Code.

SUBDIVISION IDENTIFICATION SIGN - A freestanding or wall sign with permanent concrete foundation or moorings, designed for permanent identification of a subdivision of greater than fifty (50) acres, and where adequate provision is made for permanent maintenance hereunder.

WALL SIGN – See attached sign

WINDOW SIGN - A sign affixed to the interior or exterior of a window or placed immediately behind a windowpane.

PROHIBITIONS:

PROHIBITION OF NEW OFF-PREMISE SIGNS – From and after the effective date, no new construction permit shall be issued for the erection of an off-premises sign, including but not limited to a new off-premise CEVMS or the conversion of an existing non-CEVMS off-premise sign to a CEVMS, within the Sign Code Application Area.

PROHIBITION OF CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGNS – From and after the effective date, no CEVMS shall be allowed within the Sign Code Application Area.

SECTION 3.0 GENERAL PROVISIONS

3.1 Building Permits

A permit shall be required for the following types of signs:

- Subdivision and Area Identification Signs
- Apartment/Condominium/Mobile Home Park Identification Signs
- Development Signs
- Roof Signs
- Freestanding Commercial Signs
- Attached Signs
- Fuel Price Signs
- Banners
- Alley Signs
- Awning Signs
- Canopy Signs
- Hanging Signs
- Corner Projection Signs
- Sandwich/Sidewalk Signs
- Wall Signs
- Window Signs

Permits shall be issued by the Office of the City upon receipt of a properly completed application which demonstrates that the applicant's request is in accordance with the provisions of this section. The fee for such permits shall be established by the City Council from time to time by ordinance.

No permit shall be required for the following signs:

- Directional Traffic Control Signs
- Real Estate, Finance Signs and Construction
- Non-Commercial Signs: Political Signs

3.2 Subdivision and Area Identification Signs

Area Identification signs shall be permitted upon private property in any zone to identify subdivisions of ten (10) to fifty (50) acres in size and subject to the requirements set forth in Table 1. Area Identification signs may also be used within a large subdivision to identify distinct areas within that subdivision, subject to the requirements in Table 1.

Subdivision signs shall be permitted upon private property in any zone to identify subdivisions of greater than fifty (50) acres, subject to the requirements set forth in Table 1.

TABLE 1

Both area identification and subdivision signs must be located on the premises as identified by a site plan or survey of the subdivision. Subdivision signs will be permitted only at major intersections on the perimeter of the subdivision (intersection of two collector or larger streets). At each intersection either one or two subdivision signs may be permitted so long as the total area of the signs does not exceed one hundred fifty (150) square feet. Banners or

flags may be utilized as subdivision identification signs but the overall height shall not exceed thirty-five (35) feet.

Indirect lighting is permissible but no optical effects, moving parts or alternating, erratic or flashing lights shall be permitted. Landscaping shall be installed around each subdivision sign. Adequate arrangements for permanent maintenance of all signs and any landscaping in conjunction with such signs shall be made, which may be through an owners association if one exists or is created for this purpose.

3.3 Apartment/Condominium/Manufactured Home Park Identification Sign

An apartment/condominium/manufactured home park identification sign may be either an attached sign or a freestanding sign. It shall be placed upon the private property of a particular multi-family project or manufactured home park subject to the requirements set forth in Table 1. The apartment/condominium/ manufactured home park identification sign shall list the name and facilities available and may have leasing or sales information incorporated as a part of the sign. An apartment or condominium project must have a minimum of twenty-four (24) dwelling units to qualify for an identification sign. Indirect lighting is permissible, but no optical effects, moving parts, or alternating, erratic or flashing lights or devices shall be permitted. Any manufactured home parks existing at the time of this ordinance that are non-conforming may still utilize an identification sign meeting the provisions of this section and Table 1.

3.4 Development Sign

A development sign may be placed only on private property subject to the requirements in Table 1. A development sign for a building project shall be removed if the project has not received a building permit at the end of twelve (12) months. The Office of the City may renew the sign permit for one additional twelve (12) month period upon request. Once a building permit for the project is received, the sign may stay in place until seventy-five percent (75%) of the project is leased or a permanent sign is installed, whichever comes first.

A development sign for a proposed subdivision shall be removed if a preliminary or final plat has not been approved by the end of twelve (12) months. The Office of the City may renew the sign permit for one additional twelve (12) month period upon request. Once a plat has been approved, the sign permit is valid as long as a preliminary plat is in effect, or in the absence of a valid preliminary plat, for twenty-four (24) months from the date of approval of a final plat.

3.5 Directional Traffic Control Sign

Directional traffic control signs may be utilized as traffic control devices in off-street parking areas subject to the requirements set forth in Table 1. Logo or copy may be permitted but shall be less than fifty percent (50%) of the area of the directional sign. No directional traffic control sign shall be permitted within or upon the right-of-way of any public street unless its construction, design, and location have been approved by the Mayor.

3.6 Portable Signs

Portable signs are not permitted within the city limits of the Village of Bonney.

3.7 Real Estate/Finance/Construction Signs

One real estate sign not exceeding sixteen (16) square feet in total area (exclusive of stakes and posts) may be erected at any time while a property is offered for sale or lease to the public. Properties with a minimum of one hundred fifty (150) feet of frontage shall be allowed one real estate sign not exceeding thirty-two (32) square feet in total area. Properties with a minimum of two (2) acres and frontage on two streets shall be allowed one real estate sign on each frontage street with the area of the sign to be determined by the amount of frontage as stated above.

One finance sign and three construction signs (for a total of four signs), not exceeding sixteen (16) square feet in total area each (exclusive of stakes and posts) may be erected once a building permit has been issued on a property. Properties with a minimum of ten (10) acres and one thousand (1,000) feet of frontage shall be allowed one finance sign and three construction signs not exceeding thirty-two (32) square feet in total area each.

Real estate, finance and construction signs may be either attached or freestanding and only those visible from the street are limited in number (see Exempt Signs Section 3.16).

All such signs shall be maintained by the persons in control of the premises so as to remain erect and in good repair. Such signs shall be removed by the property owner or other person in control of the premises if they are damaged, broken or incapable of remaining erect.

Such signs must be removed by the owner or person in control of the premises when either the property has sold or been leased and/or when performance under the construction contract or subcontract (in the case of construction signs) has been completed. In all cases, financing and construction signs shall be removed prior to issuance of a certificate of occupancy.

3.8 Non-Commercial Signs: Political Signs

This section does not regulate the size, content or location of non-commercial signs, political signs except as follows:

1. No commercial message shall be shown on any non-commercial sign.
2. No non-commercial sign:
 - a. May be located within public road right-of-way of the State of Texas; or
 - b. May be located off the premises of the property owner who is displaying the sign; or

- c. May exceed the restrictions set forth in Table 2 or
- d. Where determined by the Mayor or his designate as a location that would hinder intersection visibility.
- e. May be located within the City right-of-way adjacent to undeveloped property.

This provision is necessary to avoid clutter, proliferation, and dangerous distraction to drivers caused by close proximity of such signs to automobile traffic, to avoid damage to automobiles which may leave the paved surface intentionally or by accident, and to avoid the necessity for pedestrians to step into the roadway to bypass such signs. No regulatory alternative exists to accomplish this police power obligation.

In the event that any political sign is located in a public right-of-way of the State, it shall be removed by the City.

All political signs shall be removed within ten (10) days after the election.

3.9 Roof Signs

Roof signs shall be regulated as freestanding signs.

3.10 Freestanding Commercial Signs

Freestanding commercial signs are allowed only on developed commercial property. A premise with less than seventy-five (75) feet of frontage shall be allowed to use one low profile sign. A premise with more than seventy-five (75) feet of frontage shall be allowed to use Table 2 standards for one freestanding sign rather than one low profile sign.

A premise with more than one hundred fifty (150) feet of frontage shall be allowed to use Table 2 standards for one freestanding sign or any number of low profile signs as long as there is a minimum separation between signs of one hundred fifty (150) feet.

Premises with less than seventy-five (75) feet of frontage may be combined in order to utilize signage corresponding to the resulting frontage as described in the preceding two paragraphs.

TABLE 2

The sign applicant may elect the frontage street where two streets at the corner are classified the same on the thoroughfare plan. If on two differently classified streets, then the greater shall be considered the frontage street.

No more than one freestanding sign shall be allowed on any premises except when all of the following conditions are met:

1. The site must be twenty-five (25) acres or more in area.
2. The site must have one thousand (1,000) feet (or more) of continuous unsubdivided frontage on any major arterial street (as classified in the thoroughfare plan) toward which one additional freestanding sign is to be displayed.

Balloons or gas-filled objects may be used for display or advertising for special events with no required permit. Maximum height thirty-five (35) feet. One use allowed for three days maximum time per premise per thirty (30) day period.

3.11 Master Sign Plan

The purpose of the Master Sign Plan is to allow a property owner or developer, subject to approval of the City, the option of designating an area that will allow flexibility in sign location due to peculiarities in the location or configuration of parcels of real property, such as parcels with no street frontage, or multiple parcels organized into combined uses, or to allow creative sign management in exchanged for a cumulative reduction in sign area, sign height or the total number of signs.

3.11.1 Minimum Requirements

To qualify for a Master Sign Plan, an area must:

1. Include one lot or parcel or two or more contiguous lots or parcels that are not included in any other Master Sign Plan;
2. The owner(s), or the authorized representatives of the owner(s), of all lots within the proposed Master Sign Plan area must sign the application for a Master Sign Plan.
3. Not on a street with through access and no residential district fronting on the street.

3.11.2 Required Submittals

In order to obtain a Master Sign Plan, the owner(s) of the property located within the proposed Master Sign Plan Area must sign and submit an application to the Office of the City on a form provided by the City, which application must be accompanied by the following:

1. A site plan showing the proposed boundaries of the Master Sign Plan area;
2. A site plan showing the location of all existing or proposed freestanding signs;

3. A table showing the type, square footage and heights of each sign indicated on the site plan;
4. The application fee, fifty dollars (\$50.00) established by the City for the processing of such applications.

3.11.3 When Effective

A Master Sign Plan shall not become effective until all owners of the property within the Master Sign Plan area have signed an agreement which indicate the property owners agreement that:

1. The Master Sign Plan can be amended only by the written consent of all parties or their successors, and the City;
2. The agreement is binding on all successors in interest to the property within the Master Sign Plan area; and
3. Each party waives any right to apply for or install any sign inconsistent with the provisions of the Master Sign Plan, even though such sign might otherwise be allowed under this section.

3.11.4 City Review of Signs

All freestanding signs included within a Master Sign Plan area shall be individually subject to review and approval of placement, size and height, as approved by the City.

3.12 Attached Signs

An attached sign shall advertise only the name of, uses of, or goods or services available within the building to which the sign is attached.

3.13 Flags

One freestanding corporate flag per premise, not to exceed thirty-five (35) feet in height or one hundred (100) square feet. in area is allowed in multi-family, commercial, and industrial zones or developments.

3.14 Prohibited Signs

The following signs shall be prohibited in the Village of Bonney:

1. Billboards
2. Portable and Trailer Signs

3. Off premise signs, both commercial and non-commercial, except on Village of Bonney property where there has been a determination and minute order of the Village of Bonney City Council which finds that the display of the sign does as follows:
 - a. promotes a positive image of the Village of Bonney for the attraction of business or business or tourism;
 - b. depicts an accomplishment of an individual or group; and
 - c. creates a positive community spirit.

Upon such order, the Village of Bonney can authorize, upon approved construction plans, the following:

- a. an entrance sign to be located on Village of Bonney property such that it is visible from FM521 or Highway 288; or
- b. a sign to be located on City rights-of-way.

Said sign shall be displayed for a period ordered by the City Council or as may be decided by it from time to time.

4. Signs painted on rooftops.
5. Flags/pennants containing copy or logo, excluding the flags of any country, state, city or school, are prohibited in residential zones and on any residentially developed property (except when flags are used as subdivision signs). Flags/pennants as described in Section 3.13 will be permitted.
6. Signs and displays with flashing, blinking or traveling lights, or erratic or other moving parts, either internal or external to the premise, and oriented and visible to vehicular traffic, provided that time and temperature signs are permissible if the maximum area and setback requirements of this section are met and if the commercial information or content of such signs is restricted to no more than eight (8) square feet.
7. Any signs which are intended to or designed to resemble traffic signs or signals and bear such words as "stop", "slow", "caution", "danger", "warning", or other words, and which are erected for purposes other than actual traffic control or warning to the public.
8. Any sign that emits sound, odor or visible matter.
9. Banners are prohibited in residential zones and on any residentially zoned property. Applicants must apply for a banner sign permit prior to displaying the sign. Approved banner signs shall be displayed for a maximum of ninety (90) days per calendar year. The following organizations shall be exempt from paying the banner permit fee:

- Governmental/public agencies
- Faith-based organizations
- Non-profit organizations
- Service clubs

10. Home occupation signs.

3.15 Exempt Signs

The following signs are exempt from the requirements of this ordinance:

1. Signs that are not easily read from beyond the boundaries of the lot or parcel on which they are located or from any public thoroughfare or traveled right-of-way. Such signs are not exempt from the safety regulations contained herein and in City building and electrical codes.
2. Official notices posted by government officials in the performance of their duties; government signs controlling traffic, regulating public conduct, identifying streets, or warning of danger. (Bulletin boards or identification signs accessory to government buildings or other buildings are subject to the provisions of this chapter.)
3. Temporary signs erected by private property owners for the purpose of warning of a dangerous defect or condition, or other hazard to the public.
4. Non-commercial signs on private property or works of art that in no way identify or advertise a product or business, or by their location and placement impede traffic safety.
5. Temporary decorations or displays, if they are clearly incidental to and are customarily and commonly associated with any national, local or religious celebration.
6. Temporary or permanent signs erected by public utilities or construction companies to warn of the location of pipelines, electrical conduits, or other dangers or conditions in public rights-of-way.
7. Signs that are displayed on motor vehicles that are being operated or stored in the normal course of a business, such as signs indicating the name or the type of business, that are located on moving vans, delivery trucks, trailers and other commercial vehicles; but only if the primary purpose of such vehicles is not for the display of the signs thereon, and only if such vehicles are parked or stored in areas appropriate to their use as commercial or delivery vehicles, such as service areas or locations close to the business building(s) away from public traffic areas.

8. Signs carried by a person and not set on or affixed to the ground.
9. Outdoor advertising display signs for sponsors of charitable events held on public properties. These signs may be displayed for the duration of the event or not more than three (3) days with approval of the City Mayor or his designee.
10. Flags used as political symbols being the United States and Texas flags only.
11. Security signs at residences or businesses.
12. Flags used solely for decoration and not containing any copy or logo and located only in multi-family, commercial, and industrial districts or developments. In multi-family developments, such flags will be restricted to twenty five (25) square feet in area, thirty (30) feet in height, and the number shall be restricted to no more than twelve (12) flags per building plot.
13. Balloons and/or other gas filled objects located in any zoning district; which balloon and/or gas filled object shall not exceed twenty (20) feet in height and shall not contain or display any logo but shall be used solely for decorative purposes.

3.16 Fuel Price Sign

Service stations will be allowed one sign per site, the area of which shall not exceed sixteen (16) square feet and will not be included in the allowable area of any freestanding sign. This sign cannot be located within the right-of-way.

3.17 Structural Requirements

1. A building permit shall be required in addition to any permit under this section, in accordance with the provisions of the Building Code. The provisions of this ordinance shall control over the provisions of the Building Code only where clearly inconsistent therewith.
2. Abandoned, Damaged, or Unsafe Signs:
 - a. The provisions of this section shall apply when in conflict with the provisions of the Building Code, but where the provisions of both ordinances are not inconsistent, the enforcement of either shall be permissible and remedies or penalties cumulative.
 - b. All abandoned signs and their supports shall be removed within sixty (60) days from the date of abandonment. All damaged signs shall be repaired or removed within sixty (60) days. The Mayor/City Council shall have authority to grant a thirty (30) day time extension where he determines there is a reasonable

necessity for same. Excluding signs deemed historically significant to the property or heritage of the City.

- c. Removal of any non-conforming sign shall create a presumption of an intent to abandon said sign.
- d. A non-conforming sign that is damaged and not repaired within sixty (60) days shall be presumed to be abandoned.
- e. Discontinuance of any non-conforming use for a period of six months or more shall create a presumption of an intent to abandon said non-conforming uses and any non-conforming signs.

3.18 Miscellaneous Regulations

No sign shall be placed in a Village of Bonney drainage or utility easement unless approval is granted by the City. Location in an easement shall be subject to a written agreement entered into by all parties involved. Any damage to or relocation of signs located in easements because of the City's use of the easement shall be the responsibility of the owner of the sign. The City, when possible, shall give the owner prior notice of the use of the easement which will affect the sign. This is also applicable to all exempt signs.

Signs may be internally or externally lighted as long as the light is so designed as to be shielded away from adjoining residential premises and does not impair drivers' visibility on adjoining rights of way.

3.19.1 Primary and Secondary Size Calculation

The square footage is calculated based on the width of the front building façade: one (1) square foot of sign area per two (2) horizontal linear feet which the sign is to be located and subject to the following maximum sizes.

3.19.2 Primary Signs

Canopy Signs - Shall not exceed sixteen (16) square feet in area.

Corner Projection Sign - Shall not exceed twelve (12) square feet in area. The top of all projecting signs shall be located below the roofline and at a height not greater than sixteen (16) feet above the ground. The base of all projecting signs shall be no less than eight (8) feet above the ground. Projecting signs shall not project from the exterior wall of the building more than six (6) feet.

Wall Sign - Shall not exceed the maximum allowable square footage for primary sign.

3.19.3 Secondary Signs

Awning Sign – Shall not exceed of sixteen (16) square feet in area. No awning sign shall extend above the top of the awning.

Hanging Signs - Shall not exceed eight (8) square feet in area, and provide a minimum of eight (8) feet clearance between the sidewalk surface and the bottom of the sign. Sign shall be within six (6) feet of the door. Must hang perpendicular to the façade of the building.

3.19.4 Accessory Signs

Banner Sign - Shall not exceed sixteen (16) square feet in area. Banner Signs are for temporary use only and shall not exceed the permitted time period. *See Section 3.14(9)*

Sandwich/Sidewalk Sign - These signs must conform to the following regulations:

1. Maximum sign height shall be four (4) feet
2. Maximum sign width shall be two (2) feet and signs shall not be placed in front of adjoining property and no portion of the sign shall extend more than three (3) feet from the building face.
3. Signs must be properly anchored (temporarily) or weighted against wind.
4. A minimum clear sidewalk width of forty-eight (48) inches shall be maintained.
5. Chalkboards may be used for daily changing messages and no changeable letter on tracks may be used.
6. Signs must be removed after business hours.
7. No other portable signs are permitted.

Window Signs-The coverage area shall not exceed thirty (30) percent of the window area

3.19.5 Other Provisions

Mechanical Equipment - Shall not be mounted on awnings where it is visible from the public street.

Internally Illuminated Signs - Not permitted

Pole Signs - Not permitted

Projection Signs (other than corner projection signs) - Not permitted

SECTION 4.0 NONCONFORMING SIGN

Within the City and extraterritorial jurisdiction there exists signs which were lawful before this ordinance was enacted, amended or otherwise made applicable, but do not now conform to the regulations of this ordinance. It is the intent of this ordinance to permit such nonconforming signs to continue, as long as the conditions within this ordinance are met. It is further the intent of this ordinance that nonconforming signs shall not be enlarged upon or expanded. However, the content of the signs can change.

If fire, the elements, or some other cause destroys a sign, it may not be rebuilt except to conform to the provisions of this ordinance. In the case of partial destruction of a nonconforming sign which does not exceed fifty (50%) percent of its replacement value, reconstruction will be permitted, but the previously existing square footage of the sign cannot be expanded.

SECTION 5.0 VARIANCES

The City Council shall have jurisdiction to hear requests for a variance from the terms of this ordinance. The Board shall be authorized to grant a variance from the terms hereof if, and only if, they find:

1. that the strict enforcement of this section would create a substantial hardship to the applicant, by virtue of unique special conditions not generally found within the City, and
2. that the granting of the variance would preserve the spirit and intent of the Ordinance, and would serve the general interests of the public and the applicant.

SECTION 6.0 FEES

Fees shall be in accordance with the City's Fees Ordinance, as amended, from time to time.

SECTION 7.0 PENALTY

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the Village of Bonney, Texas, shall be subject to a fine not to exceed the sum of five hundred (\$500.00) dollars for each offense, except however, where a different penalty has been established by state law for such offense the penalty shall be that fixed by state law, and for any offense which is a violating of any provision of law that governs fire safety, zoning, or public health and sanitation, including dumping of refuse, the penalty shall be a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense; and each and every day said violation is continued shall constitute a separate offense.

An offense under this ordinance is punishable by a fine not to exceed:

1. Five Hundred Dollars (\$500.00); or
2. The amount fixed by state law if the violation is one for which the state has fixed a fine.

SECTION 8.0 SEVERABILITY CLAUSE

That if any provision of this ordinance or its application to any person or circumstances is held invalid for any reason, the invalidity does not affect any other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this extent the provisions of this ordinance are declared to be severable.

SECTION 9.0 REPEALER CLAUSE

All other ordinances, parts of ordinances or resolutions in conflict with this ordinance are hereby repealed to the extent of any such conflict.

SECTION 10.0 PUBLICATION

The City Clerk is hereby authorized and directed to publish the caption of this ordinance, together with the penalty provision contained therein, in the manner and for the length of time prescribed by law.

SECTION 11.0 INTRODUCTION

This ordinance shall be effective immediately upon its passage and approval.

READ, PASSED AND APPROVED this the ____ day of _____, 2008.

Raymond Cantu, Mayor
VILLAGE OF BONNEY

ATTEST:

Sunday Strickler, City Secretary
VILLAGE OF BONNEY

**TABLE 1
SUMMARY OF SIGN REGULATIONS**

SIGN CLASSIFICATION	PERMITTED DISTRICT	MAXIMUM AREA (Square Feet)	MAXIMUM HEIGHT (Feet)	SETBACK	NUMBER ALLOWED	PERMIT REQUIRED
Subdivision	All	150	15	10' from ROW	Sec. 3.2	Yes
Area I.D.	All	16	4	10' from ROW	Sec. 3.2	Yes
Apt/Condo/MH	All	100	10	10' from ROW	1 per project Sec.	Yes
Development (Project)	All	35 sf on 50' ROW 65 sf on 60' ROW 150 sf on 70' ROW 250 sq on 70'+ ROW	15	10' from ROW	1	Yes
Development (Subdivision)	All	Same as above	15	10' from ROW	1	Yes
Traffic Control	All	3	4	4' from curb	1 per curbcut	No
Real Estate	All	<150' frontage - 16 sf >151' frontage - 32 sq.	8	10' from ROW	Sec. 3.7	No
Finance/Construction	All	<150' frontage - 16 sf >151' frontage - 32 sq.	8	10' from ROW	1 - Finance 3 - Construction	No
Political	All	See Table 2	See Table 2	10' from curb if area is >2 sf	n/a	No
Roof	Shall be treated as commercial freestanding sign					
Freestanding	All	100	10	10' from ROW	1 per premise if >2 acres	Yes
Freestanding	All	See Table 2	See Table 2	See Table 2	Sec. 3.10	Yes
Low Profile	All	60	4	10' from ROW	Sec. 3.10	Yes
Attached		Section 3.13				Yes
Exempt		Section 3.16				
Prohibited		Section 3.15				

**TABLE 2
FREESTANDING SIGN RESTRICTIONS**

ALLOWABLE AREAS		NOTES
FRONTAGE (Feet)	MAX. AREA (Sq. Ft)	
0-50	25	FRONTAGE - the number of feet fronting on a public street to which a sign is oriented
51-100	50	
101-150	75	AREA - the area in square feet of a single face sign or (1) side of a double face sign, or half the sides of a multi-face sign.
151-200	100	
201-250	125	The area of a freestanding sign is the area enclosed by the minimum imaginary rectangle of vertical and horizontal lines which fully contain all extremities exclusive of supports of a horizontal view of the sign.
251-300	150	
301-350	175	
351-400	300	
401-450	225	The maximum area of any freestanding sign may not exceed either that allowed or the square of one-sixth (1/6) the distance in feet from the base of the sign to the curb or pavement edge of the frontage street, whichever is greater.
451-500	250	
501-550	275	
551-600+	300	On corner lots, the frontage street shall be the greater street as classified on the thoroughfare plan. Where two streets are the same, the applicant may choose the frontage street.

ALLOWABLE HEIGHTS (Distance from curb/pavement edge)			NOTES
AT LEAST (Feet)	LESS THAN (Feet)	HEIGHT (Feet)	
10	15	4.5	DISTANCE FROM THE CURB - the distance in feet from the curb or pavement edge to the nearest part of the sign.
15	20	8.0	
20	25	11.0	HEIGHT - height of the sign measured from the elevation of the curb or pavement edge.
25	30	14.0	
30	35	16.0	No freestanding sign shall exceed thirty-five (35) feet in height.
35	40	19.0	
40	45	21.0	On corner lots only, the frontage street can be used to determine height and area.
45	50	23.0	
50	55	26.0	Tracts with a minimum one hundred (100) feet of frontage on state highways may have a sign up to a maximum of fifty (50) feet in height with a minimum distance from the right-of-way of one hundred (100) feet. The sign shall not be closer than two hundred (200) feet to any property
55	60	29.0	
60	65	31.0	
65	70	34.0	
65	70	34.0	
70+	-	35.0	