

**CITY OF SHAVANO PARK
PLANNING & ZONING COMMISSION MEETING
CITY HALL, COUNCIL CHAMBERS
900 SADDLETREE COURT, SHAVANO PARK, TEXAS 78231
January 8, 2020**

6:30 P.M.

AGENDA

1. Call to order
2. Vote under Section 36-69 of the Shavano Park City Code (“Code”) concerning a finding that each of the items following item 2 on the agenda are “planning issues” or otherwise prescribed Planning & Zoning Commission duties under 36-69(l) of the Code or the severance of one or more of such items for an individual vote on such item or items.
3. The Planning and Zoning Commission welcomes “Citizens to be Heard.” If you wish to speak, you must follow these guidelines. **As a courtesy to your fellow citizens and out of respect to our fellow citizens, we request that if you wish to speak that you follow these guidelines.**
 - Pursuant to Resolution No. R-2019-011 citizens are given three minutes (3:00) to speak during “Citizens to be Heard.”
 - Members of the public may only speak once and cannot pass the individual’s time allotment to someone else
 - Direct your comments to the entire Commission, not to an individual member
 - Show the Commission members the same respect and courtesy that you expect to be shown to you

The Chairman will rule any disruptive behavior, including shouting or derogatory statements or comments, out of order. Continuation of this type of behavior could result in a request by the Mayor that the individual leave the meeting, and if refused, an order of removal. In compliance with the Texas Open Meetings Act, no member of the Commission may deliberate on citizen comments for items not on the agenda. (Attorney General Opinion – JC 0169)
4. Consent Agenda:
 - A. Approval - Planning & Zoning Commission minutes, December 4, 2019
5. Discussion / action - Amendments to the City of Shavano Park Code of Ordinances, Chapter 24 – Signs, regarding banner signs, monument signs and allowed signage in residential and business zoning districts. Possible Executive Session pursuant to Texas Government Code, § 551.071, Consultation with Attorney - City Manager
6. Report / update - City Council items considered at previous City Council meetings and discussion concerning the same - City Manager
7. **Chairman Announcements:**
 - A. Advise members to contact City staff to add new or old agenda items.
 - B. Advise members of pending agenda items, as follows:

- i. February, 2020 – Possible action item for possible amendments to Chapter 24 – Signs regarding banner signs and allowed signage in residential and business zoning districts.
- ii. February, 2020 - Amendments to Chapter 36 regarding MXD & PUD site plan approval to comply with the 30-day shot clocks from Texas Legislature.
- iii. February, 2020 – Semiannual presentation by Denton Communities regarding residential and commercial development in Shavano Park and surrounding areas and discussion concerning the same.

8. Adjournment

Accessibility Statement:

The City of Shavano Park City Hall is wheelchair accessible. The entry ramp is located in the front of the building. Accessible parking spaces are also available in the front and sides of the building. Sign interpretative services for meetings must be made 48 hours in advance of the meeting. Call the A.D.A. Coordinator at 817-447-5400 or TDD 1-800-735-2989.

Decorum Required:

Any disruptive behavior, including shouting or derogatory statements or comments may be ruled out of order by the Presiding Officer. Continuation of this type of behavior could result in a request by the Presiding Officer that the individual leave the meeting, and if refused, an order of removal.

Action by Commission Authorized:

The Planning and Zoning Commission may vote and/or act upon any item within this Agenda. The Commission reserves the right to retire into executive session concerning any of the items listed on this Agenda, pursuant to and in accordance with Texas Government Code Section 551.071, to seek the advice of its attorney about pending or contemplated litigation, settlement offer or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflict with the Open Meetings Act and may invoke this right where the City Attorney, the Mayor or a majority of the Governing Body deems an executive session is necessary to allow privileged consultation between the City Attorney and the governing body, if considered necessary and legally justified under the Open Meetings Act. The City Attorney may appear in person, or appear in executive session by conference call in accordance with applicable state law.

Executive Sessions Authorized:

This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

Attendance by Other Elected or Appointed Officials:

It is anticipated that members of City Council or other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and

action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the above named Shavano Park Planning and Zoning Commission is a true and correct copy of said Notice and that I posted a true and correct copy of said Notice on the bulletin boards, of the City Hall of said City Shavano Park, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted on this the 3rd day of January 2020 at 2:20 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Zina Tedford
City Secretary

1. **Call to order**

Chairman Aleman called the meeting to order at 6:30 p.m.

PRESENT:

Konrad Kuykendall

Albert Aleman

Carla Laws

William Stipek

Bill Simmons

Jason Linahan

Kerry Dike

Damon Perrin

ABSENT:

Shawn Fitzpatrick

2. **Vote under Section 36-69 of the Shavano Park City Code (“Code”) concerning a finding that each of the items following item 2 on the agenda are “planning issues” or otherwise prescribed Planning & Zoning Commission duties under 36-69(l) of the Code or the severance of one or more of such items for an individual vote on such item or items.**

Upon a motion made by Commissioner Stipek and a second made by Commissioner Kuykendall, the Planning & Zoning Commission voted seven (7) for and none (0) opposed to approve the agenda as it was provided as Planning & Zoning Commission issues. The motion carried.

3. **Citizens to be Heard**

No one signed up to address the Planning & Zoning Commission.

4. **Consent Agenda:**

A. Approval - Planning & Zoning Commission minutes, November 6, 2019

Upon a motion made by Commissioner Stipek and a second made by Commissioner Perrin, the Planning & Zoning Commission voted seven (7) for and none (0) opposed to approve the Planning & Zoning Commission November 6, 2019 minutes as presented. The motion carried.

5. **Discussion / action – Possible approval of Final Plat of Subdivision Plat Napier Park Unit-3 (Planned Unit Development), a 4.0 acre tract of land out of that 289.5 acre tract described in deed to Rogers Shavano Park Unit 18/19, LTD. – City Manager**

Upon a motion made by Commissioner Laws and a second made by Commissioner Perrin, the Planning & Zoning Commission voted seven (7) for and none (0) opposed to approve the Final Plat of Subdivision Plat Napier Park Unit-3 (Planned Unit Development), a 4.0 acre tract of land out of that 289.5 acre tract described in deed to Rogers Shavano Park Unit 18/19, LTD. The motion carried.

- 6. **Public Hearing - The purpose of the public hearing is to receive comments from members of the public regarding proposed amendments to the City of Shavano Park Code of Ordinances, Chapter 24 – Signs, regarding banner signs, monument signs and allowed signage in residential and business zoning districts.**

Public hearing opened at 6:36 p.m.

City Manager Hill presented an overview of proposed amendments to the City of Shavano Park Code of Ordinances, Chapter 24 – Signs, regarding banner signs, monument signs and allowed signage in residential and business zoning districts.

Public hearing closed at 6:47 p.m.

- 7. **Discussion / action - Possible amendments to the City of Shavano Park Code of Ordinances, Chapter 24 – Signs, regarding banner signs, monument signs and allowed signage in residential and business zoning districts. Possible Executive Session pursuant to Texas Government Code, § 551.071, Consultation with Attorney - City Manager**

The Planning & Zoning Commission reviewed the proposed amendments to the City of Shavano Park Code of Ordinances, Chapter 24 – Signs, regarding banner signs, monument signs and allowed signage in residential and business zoning districts. Staff will incorporate comments and will present an updated version for the Planning & Zoning Commission to review.

- 8. **Discussion / action – Possible rescheduling of the January 1, 2020 Planning & Zoning Commission meeting – Chairman Aleman**

Upon a motion made by Commissioner Simmons and a second made by Commissioner Laws, the Planning & Zoning Commission voted seven (7) for and none (0) opposed to reschedule the Planning & Zoning Commission Meeting to January 8, 2020. The motion carried.

- 9. **Report / update - City Council items considered at previous City Council meetings and discussion concerning the same - City Manager**

City Manager Hill provided an overview of items considered at the previous City Council Meeting.

- 10. **Chairman Announcements:**

- A. Advise members to contact City staff to add new or old agenda items.
- B. Advise members of pending agenda items, as follows:
 - i. January, 2020 – Possible action item for possible amendments to Chapter 24 – Signs regarding banner signs and allowed signage in residential and business zoning districts.
 - ii. January, 2020 - Amendments to Chapter 36 regarding MXD & PUD site plan approval to comply with the 30-day shot clocks from Texas Legislature.

- iii. February, 2020 – Semiannual presentation by Denton Communities regarding residential and commercial development in Shavano Park and surrounding areas and discussion concerning the same.

11. Adjournment

Upon a motion made by Commissioner Dike and a second made by Commissioner Simmons, the Planning & Zoning Commission voted seven (7) for and none (0) opposed to adjourn the meeting. The meeting adjourned at 8:37 p.m.

Albert Aleman
Chairman

Zina Tedford
City Secretary

PLANNING AND ZONING STAFF SUMMARY

Meeting Date: January 6, 2020

Agenda item: 5

Prepared by: Curtis Leeth

Reviewed by: Bill Hill

AGENDA ITEM DESCRIPTION:

5. Discussion / action - Possible amendments to the City of Shavano Park Code of Ordinances, Chapter 24 – Signs, regarding banner signs, monument signs and allowed signage in residential and business zoning districts. Possible Executive Session pursuant to Texas Government Code, § 551.071, Consultation with Attorney - City Manager

X

Attachments for Reference:

- 1) 5a Proposed Sign Ordinance Amendments
- 2) 5b Proposed Sign Ordinance Table
- 3) 5c Proposed Sign Policy Amendments
- 4) 5d Electric Sign Displays - Analysis

BACKGROUND / HISTORY: **Updates.** In 2016, the City made major revisions to the City’s sign code and created a sign policy for City property in light of 2015 Supreme Court *Reed v. Town of Gilbert* decision. In 2017, the City made further amendments to both the sign code and sign policy with regard to political signs.

Staff proposes new amendments to further legally strengthen the City’s sign code as advised by City’s Attorney. In addition, these amendments propose slightly more lenient signage in commercial zoning districts after feedback from business community since 2016 implementation of the revised sign code.

At the October 2, 2019 Planning & Zoning Commission meeting, staff presented possible amendments and no action was taken.

At the November 6, 2019 Planning & Zoning Commission meeting, staff presented possible amendments and no action was taken. On November 25, 2019 City staff received the attorney’s update sign amendments, on November 26 City staff meet with Planning & Zoning Chairman Aleman to further review the proposed amendments.

At the December 4, 2019 Planning & Zoning Commission meeting, staff presented possible amendments and no action was taken. Staff and attorney made further revisions after guidance from the Commission. Attached track changes ordinances show all updates since the December 4, 2019 meeting highlighted in yellow.

In addition, staff after consultation with Attorney recommend updating City Policy # 11 – Signs on Public Property to remove content-based restrictions and match the edits in the Sign Ordinance.

DISCUSSION: All proposed amendments are presented in red under attachment 16a. A brief list of proposed changes: December 4 updates are in blue. January 6 updates highlighted yellow.

General

- Attorney and staff drafted new Appendix for summary table of design standards
- Numerous grammatical and syntax edits from former Chairman Janssen
- Sec. 24-2 – added definition for *Banner Sign, Commercial Sign, Dilapidation, Feather banner, Flag, Flag - Non-Commercial, Government sign, Non-Commercial Sign, Nonconforming Sign, Off-premises Sign, Pennant Sign, Premises, Responsible Party, and Right-of-Way*
- Sec. 24-2 – deleted definitions for *Political Sign, Park or Municipal Property, and Fireproof structure*
- Sec. 24-2 – updated definition for banner signs to differentiate it from flags, pennants and feather banners. Added definitions for those displays to further clarify code.
- Sec. 24-2 – moved prohibition against signs protruding above the building structure from definition to body of the commercial sign regulations
- Clarified “Responsible Party” in definitions and throughout the code.
- Removed language referencing the City’s ETJ
- Added Sec 24-10 for miscellaneous authorized signs: traffic control devices, government notes, signs on vehicles, vending machine signs, memorial signs, signs wholly within confines of a building
- Added Sec. 24-10(10) regulations for flags in business and residential zoning districts
- Added Sec. 24-11 regulations on handling destroyed nonconforming signs
- Added Sec. 24-12 regulations on handling abandoned signs
- Sec. 24-13 – added subsection establishing City Manager responsible with enforcement
- Edits from the attorney to clarify Sign area vs Sign face confusion

Commercial Districts

- Sec. 24-5(1) – added 3 allowable signs totaling 128 ft² during construction
- Sec. 24-5(2) – deleted confusing phrase regarding 30 days from Certificate of Occupancy(C of O)
- Sec. 24-5(4) – Removed content based regulation of signs during building for sale/lease, increased allowable sign area from 40 to 64 ft², added clause for lot facing 2 streets
- Sec. 24-5(5)(b) – Increased allowable sign areas to 150 ft² for multi-tenant buildings with interior access to individual businesses; 250 ft² for buildings greater than 30,000 ft².

- Sec. 24-5(8) – Added new category of allowable directional & safety signs, removed any limit on number
- Sec. 24-5(9) – Added reference for appealing permit decisions to Board of Adjustment
- Sec. 24-5(10) – added noncommercial content allowed on signs in business districts

Residential Districts

- Sec. 24-6(3) – Removed the “in encouragement” of student achievement language
- Sec. 24-7(5) – Signs in voting period size increased to aggregate 44 square feet, with 36 square feet per sign
- Sec. 24-6(10) – Added storage of removed signs language

Banner Signs

- Sec. 24-7 – Deleted Banner Sign regulations – making banner signs prohibited across all zoning districts.

Flag Regulations

- Added Sec. 24-9(10) – Flag regulations: 4 flags, 3 flagpoles, flag size limit of 60 square feet, flagpole height limit of 40 feet. Allow commercial messages, but no off-premises commercial messages.

Monument Signs

- Sec. 24-10 – deleted monument sign section and moved language to Commercial and Residential zoning districts as appropriate.
- Complete re-write of Business Zoning District monument sign regulations to improve clarity and readability. Most regulations in new proposed language match current regulations.
- Sec. 24-6(6) Added authorization for Neighborhood monument signs
- Sec. 24-6(7) Added authorization for Street Monument Signs upon City Council approval (like the monuments on NW Military Hwy).

City Policy #11 – Signs on Public Property

- Re-worded *Voting Period* regulations to remove content-based restrictions

Staff requests guidance from the Commission on proposed amendments.

Recently a property received allowance for a monument sign with electric display under a Planned Unit Development. Staff provided some preliminary analysis for potential ways to allow consideration of monuments signs with electric display under attachment 5d.

COURSES OF ACTION: Provide guidance to staff.

FINANCIAL IMPACT: N/A

MOTION REQUESTED: Recommend approval of proposed amendments to the City of Shavano Park Code of Ordinances, Chapter 24 – Signs, and City Policy # 11 regarding banner signs, monument signs and allowed signage in residential and business zoning districts.

ARTICLE I. - IN GENERAL

Sec. 24-1. — Purpose and Scope.

These regulations shall apply in the City Limits. These regulations set forth by the City of Shavano Park, pursuant to its authority to regulate structures under Texas Local Government Code ~~ch.~~Chapter 211 and any authority it may have under Texas Local Government Code ~~ch.~~Chapter 216, combine the need to protect the public safety and welfare, the need to encourage pedestrian movement, the need for a well maintained and attractive community, and the need to adequately convey ideas, provide communication, and identify features within the community. The provisions do not ensure or provide for every property or business owner's desired level of visibility for signs. The sign standards are intended to allow signs to have adequate visibility from streets and rights-of-way that abut a site, but not for visibility from streets and rights-of-way farther away. The regulations for signs and awnings have the following specific objectives:

1. To ensure that signs and awnings are designed, constructed, installed and maintained according to standards to safeguard life, health, property, and public welfare, and to eliminate excessive and/or confusing sign displays that create potential hazards to motorists, pedestrians, and to property;
2. To allow and promote positive conditions for sign communication while at the same time restrict signs which create continuous visual clutter and hazards at public right-of-way intersections;
3. To reflect and support the desired character and development patterns of the various zoning districts in order to plan and promote an attractive environment;
4. To allow for adequate and effective signs in business and office districts, while preventing signs from dominating the appearance of the area, thereby encouraging a positive business atmosphere;
5. To establish a sign application and sign permit review process that effectively regulates issues pertaining to the location, placement, and physical characteristics of signs in an effort to ensure compatibility with adjoining land uses, architecture, and landscape; and
6. To provide for consistent, fair, and content neutral application and enforcement of regulations pertaining to signs and to ensure that the constitutionally guaranteed right of free speech is protected.

Sec. 24-2. - Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Advertising bench means any bench providing seating to the general public without charge, which may bear advertising.

Animated or moving sign means any sign, or part of a sign, which changes physical position or appearance by any movement or rotation or which gives the visual impression of such movement or rotation.

Awning, canopy, or marquee sign means a sign that is mounted, painted on, or attached to a building or, an awning, canopy, or marquee that is otherwise permitted by this chapter.

Banner sign means a sign made of fabric or any non-rigid material with no enclosing framework but does not include a flag, pennant, or feather banner. Banner signs are specifically prohibited except as permitted in Sec. 24-7.

Back-to-back sign means a structure containing two parallel signs whose faces are oriented in opposite directions and are spaced no more than ten feet apart.

Bandit signs shall means any sign erected without the written permission of the land owner which is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, utility poles, street signs, street furniture, stakes, or fences or other objects or placed in the right-of-way, and any temporary sign which is attached to another sign. No sign owned or placed by the City, the State, or a public utility shall be considered a bandit sign. A bandit sign is considered trash and may be discarded in accordance with section Sec. 24-132.

Billboard means any outdoor, off-premises sign, display, device, figure, painting, drawing, message, placed, poster, structure, or thing that is designed, intended, or used to advertise or inform.

Billboard operator means any person responsible party who installs, erects, services, maintains, alters, repairs, or demolishes billboards.

Bill posters means advertising poster or handbill.

Chief of Police means the City's duly appointed Chief of Police.

City means the City of Shavano Park, Texas.

City Code Compliance Officer means one or more individuals duly appointed by the City to enforce City Code violations.

Commercial sign means any sign which directs the attention of the general public to a place of business that sells, rents, or leases goods, services, or property, or advertises a location that sells, rents, or leases goods, services, or property.

Dilapidation means any sign where elements of the sign area or background have portions of the finished material missing, broken, or illegible; where the structural support is visibly bent, broken, dented, rusted, corroded, or loose; or where the sign or its elements are not in compliance with the adopted electrical code and/or the building code.

Early voting period means that period as prescribed by Tex. Elections Code § 85.001, as amended.

Electric sign means:

- (1) Any sign on which letters, figures, designs, or messages are formed or outlined by electric illumination, or by a transparent or translucent medium which is electrically illuminated, whether the illuminating device is contained within or on the sign, including digital signs illuminated by LCD, LED, plasma displays, projected images, or any other illumination format;
- (2) Any outside building outlining;
- (3) Any interim decorative displays; and
- (4) Any gas tube window outlining.

Any portable sign that has electrical components attached, connected to, or part of the sign, or support, whether electrified or not, shall be considered an electric sign and all provisions of this chapter pertaining to electric signs shall apply to such signs.

Embellishments means any feature such as a cutout, neon, or plastic letters, clock, electric device, or space extension, which is added to an outdoor advertising structure. All embellishments shall be included when measuring the sign area.

Feather banner means any sign that is constructed of lightweight material (such as cloth, canvas, or vinyl) affixed to a pole or building which is similar to a flag, except that it is longer than it is wide. A feather banner resembles a feather, in that it is tall and narrow, having more surface area vertically than horizontally when fully extended.

~~*Fireproof structure* means a sign constructed entirely of steel members including structural support for the sign face. The sign face and its support members shall be constructed of metal panels, and all electric signs on commercial property shall have a fireproof structure.~~

Flag means any fabric, banner, or bunting containing distinctive colors, patterns, or symbols used for the purpose of advertising or drawing attention to a business. Does not include non-commercial flags, which are separate and distinct by definition and treatment in this Code.

Flag, non-commercial means any flag not used for the purpose of advertising or attention to a business. Includes any flag that has a non-commercial message including, but not limited to, a flag of the United States, the state, the city, or foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction.

Flashing sign means any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever.

Government sign means any sign that is constructed, placed, or maintained by the federal, state, or local government. -Local Government includes any political subdivision including the county, the city, the school district, the water district, or an emergency services district.

Loop 1604 frontage means and shall include all Loop 1604 frontage and access roads.

Monument sign means any sign that is a ground-mounted structure of masonry, rock, brick, stone, or stucco. Monument signs shall ~~be made of at least~~ have a minimum of 90 percent masonry materials such as rock, brick, stone, or stucco. ~~Concrete and cinder blocks may be used structurally if faced with rock, brick, or stucco in accordance with the International Building Code.~~

Neighborhood means a distinct segment of the community, usually consisting of essentially similar housing stock, whose boundaries are defined by physical barriers such as major arterial streets and/or natural features such as creeks and rivers.

Non-commercial sign means any sign which does not advertise the sale, rent, or lease of goods, services, or property or a location that sells, rents, or leases goods, services, or property.

Non-conforming sign means any sign lawfully in existence on the date the provisions of this chapter are adopted that do not conform to the provisions of this chapter, but which were in compliance with the applicable regulations at the time they were constructed, erected, affixed, or maintained.

Off-premises sign means any commercial sign that advertises a business, responsible party, person, activity, goods, products, real property, or services not located on the property where the sign is installed, or that directs persons to a location other than the property where the sign is located.

On-premise sign means a freestanding sign identifying or advertising a business, person responsible party, person, or activity, and installed and maintained on the same premises as the business, person responsible party, or activity.

~~*On-site sign* means a monument or pole/pylon sign that is located along the street frontage.~~

~~*Park or municipal property* means property classified as Park Area District, Municipal and Utility District and any other properties owned by the City. Except for signs permitted under subsection 24-4(3) and signs authorized in advance by the City Council, no signs of any kind may shall be posted in a on park or municipal property.~~

Pennant sign means any sign of lightweight material suspended from a rope, wire, or string and displayed in a series with or without a message, designed to move in the wind.

Pole sign means any sign:

- (1) Supported by poles, uprights, or braces which are not concealed in an enclosed base but are permanently placed on or in the ground and wholly independent of any building for support, either single- or double-faced; or

- (2) Whose only structural support consists of exposed poles, posts, beams, or other devices mounted in the ground.

~~*Political sign* means any sign which is designated to influence the action of voters for the passage or defeat of a measure or candidate appearing on the ballot in connection with any national, state or local election.~~

Portable sign means any sign that is readily capable of being moved or removed, whether attached or affixed to the ground or any structure that is typically intended for temporary display. Portable signs include, but are not limited to:

- (1) Signs designed and constructed with a chassis or support with or without wheels;
- (2) Menu and "sandwich" board signs;
- (3) "A" and "T" frame signs;
- (4) Posters, flags, or banners affixed to windows, fences, railings, overhangs, trees, hedges, or other structures or vegetation, except for pole-mounted community event banners;
- ~~(5) Signs mounted upon vehicles parked and visible from the public right of way, except signs identifying the related business when the vehicle is being used in the normal day to day operation of the business, and except for signs advertising for sale the vehicle upon which the sign is mounted;~~
- ~~(6)~~(5) Searchlights; and
- ~~(7)~~(6) Inflatables.

For the purposes of this definition, no sign owned or placed by the City, the State, or a public utility shall be considered a portable sign.

Premises means any site on which a sign is requested, required, or placed including any lot, area, facility, or building which the responsible party owns, leases, or has a right to use on the site.

Private property means all property other than public property, as defined herein.

Prohibited neon means any use of neon lighting other than for lettering or logos. For the purposes of this chapter, all uses of neon lighting shall be considered a sign.

Public property means property owned by, or dedicated to the City, or owned by, or dedicated to other governmental entities. Signs located on public property shall be governed by a separate City policy.

Pylon sign means any freestanding sign with visible support structures or with a support structure with a pole cover or pylon cover.

Responsible party: means the owner/operator of the business being identified on the sign; the owner of the property upon which the sign or sign structure is located; the

owner of the sign or sign structure; the person who installs a sign or sign structure, contracts with or directs a person to accomplish the installation; and/or the person who retrieves a sign from the impound.

Right-of-way means the area on, below, or above a public road, highway, street, public sidewalk, alley, waterway, or utility easement in which a governmental entity has an interest.

Safety signs means signs owned, placed, or required by any governmental entity.

Setback means the line within a lot defining the minimum horizontal distance between a building and the property line. Building setback lines include front, rear, and side setbacks that are measured from the front, rear, and side property lines. ~~means the area from property lines back to buildings.~~ Signs posted within building setbacks, when authorized, should not be an obstruction to traffic vision.

Sign means an outdoor structure, sign, display, light device, figure, painting, drawing, message, plaque, poster, billboard, or other thing that is designed, intended, or used to advertise or inform.

Sign area means the measurement of the entire advertising or communicative area of a sign excluding the framing, trim, molding, and supporting structure. Unless otherwise addressed, sign area shall be is measured from the highest, lowest, and widest points in a rectangular or square format.

Sign face means that part of the sign dedicated to the message, logo, name, etc., and the sign face may be of a different material than the monument it is on. ~~If mounted or located on a building structure, the sign face and its framing, trim molding and/or supporting structure shall not protrude above the premises and shall not be of such a character as to violate any other provisions of this chapter.~~ Other than a monument sign, no sign face shall be deeper than two feet. The sign face may be the entire sign area that is measured or may be only a part of the sign that is measured depending on the type of sign.

Site means a parcel of land developed for commercial or residential use. A site may be a single platted lot, or may be a group of lots with a common or shared frontage.

Voting period means the period beginning with the early voting period and ending when the polls close or the last voter has voted, whichever is later. The voting period corresponds only with elections administered by Bexar County.

Wall sign shall mean any sign attached to or erected against the wall of a building or structure, with the exposed face of the sign parallel to the surface of the wall of the building.

Sec. 24-3. - Prohibited signs.

Except as otherwise provided for in this chapter, it ~~shall be unlawful~~ is an offense for a responsible party to erect, display, maintain, or cause to be erected, displayed, or maintained, on private property located in the City, any advertising bench, animated, or

moving sign, awning, canopy, or marquee sign, back-to-back sign, bandit sign, billboard, bill poster, electric sign, embellishment, flashing sign, monument sign, on-premise sign, prohibited neon, blinking, rotating, animated, moving, flashing or intermittently illuminated sign, pole sign, portable sign, pylon sign, any sign protruding above the building roof line or parapet line, painted or Day-Glo colored sign, banner sign, valance or display constructed of cloth, canvas, light fabric, paper, pliable vinyl, plastic, or other light material, feather banner, pennant, wall sign, any sign placed in exchange for a monetary or bartered benefit, any sign displaying any matter in which the dominant theme of the material taken as a whole appeals to the prurient interest in sex, or is patently offensive because it affronts contemporary community standards relating the description or representation of sexual matters, and is utterly without redeeming social value. Such action is hereby declared to be a public nuisance. Any sign not specifically listed as being allowed in this chapter is expressly prohibited. A responsible party shall not erect a sign in the right-of-way or on property owned or controlled by the City without specific written permission of the City Council.

Sec. 24-4. - Grandfather provisions.

This chapter is not intended to require the relocation, reconstruction, or removal of a sign which is already in place at the time of the adoption of the ordinance from which this chapter is derived and which was erected in compliance with local ordinances, laws and regulations applicable at the time of its erection, to the extent that Texas Local Government Code ~~ch. Chapter~~ 216 preempts the application of this chapter to those signs or to any signs otherwise approved pursuant to Ordinance [No.] 100-03-99, as amended from time to time, or by City Council approval, provided that all such signs are constructed in accordance with such approval. ~~Nor shall this chapter apply to on-premise signs in the extraterritorial jurisdiction of the City, which are located in a county, which is exempt from regulation under Texas Local Government Code ch. Chapter 216.~~

Sec. 24-5. - Non-nuisance signs in business and office districts.

The following signs are not deemed to be a public nuisance and may only be erected within the City limits in accordance with the following terms and conditions:

(1) —Construction Development: Upon final approval of a construction permit, three signs may be erected temporarily on the property of the approved plat or development, provided however, that such signs shall not exceed a total of 128 square feet in sign area and that no one sign exceeds 64 square feet in sign area, including its framing, trim and molding, and the signs shall be placed so as not to interfere with the occupancy or use of any neighboring lots. Such signs shall only be displayed during the time of active and ongoing building construction and shall be removed upon the issuance of the certificate of occupancy for the development. A responsible party shall not place any sign in the right-of-way.

(2) Post-Certificate of Occupancy: Beginning at the time of the issuance of the certificate of occupancy, a single sign may be erected temporarily on each

approved plat or development, provided, however, that such sign shall not exceed 640 square feet in sign area, including its framing, trim and molding, and shall be placed so as not to interfere with the occupancy or use of the business or office development. All such signs shall only be displayed for a maximum of one continuous 90-day period beginning from the issuance of the certificate of occupancy ~~no earlier than 30 days from the date of the issuance of the certificate of occupancy.~~ A responsible party shall not place any sign in the right-of-way.

(3) Monument Signs. Monument signs shall be permitted subject to the following specifications:

- a. In General. In business and office districts each property fronting a public or private street shall be allowed one monument sign. Properties fronting two public or private streets shall be allowed one monument sign on each street, for a total of 2 monument signs. Monument signs may have a "sign face" inserted into the structure provided the insert shall not exceed 75 percent of the average height and/or 90 percent of the average width of the structure. The sign face insert may be backlit or externally lit.
- b. Monument signs fronting Loop 1604 frontage.
 1. Monument signs fronting Loop 1604 frontage shall not exceed 25 feet in height from the top of the sign to the ground, except as expressly provided in section 24-5(3)(b)(2).
 2. For properties where the site elevation is below the adjacent driving lanes of Loop 1604, monument signs shall not exceed 25 feet in height as measured from the top of the sign to the adjacent elevation of the Loop 1604 driving lanes, nor shall such monument signs exceed 48 feet in height as measured from the top of the sign to the ground.
 3. Each monument sign located along Loop 1604 frontage shall not exceed an average of 25 feet in width at the base and not exceed an average of 20 feet in width above the base. The base shall not be less than 75 percent of the average width of the sign. The base of the monument sign can include signage for commercial center identification.
 4. The sign area of the sign face or insert of a monument sign shall not exceed 150 square feet of sign area per side.
- c. Monument signs fronting NW Military Highway.

Monument signs front NW Military Highway shall not exceed 12 feet in height as measured from the top of the sign to the ground.

1. Monument signs front NW Military Highway shall not exceed 12 feet in height as measured from the top of the sign to the ground.

2. Monument signs located on N.W. Military Highway shall not exceed an average of 15 feet in width at the base and not exceed an average of ten feet in width above the base. Monument signs on N.W. Military Highway do not require that a base be constructed. If a base is constructed on the monument sign, the base can include signage for commercial center identification.

3. The sign area of the sign face or insert of a monument sign shall not exceed 55 feet of sign area per side.

d. Monument signs fronting any other road.

1. Lots with street frontage greater than 250 feet. Monument signs fronting any road other than Loop 1604 frontage or NW Military Highway shall not exceed 10 feet in height as measured from the top of the sign to the ground.

2. Lots with street frontage less than 250 feet. Monument signs fronting any road other than Loop 1604 frontage or NW Military Highway shall not exceed six feet in height as measured from the top of the sign to the ground.

3. The sign area of the sign face or insert of a monument sign shall not exceed 50 square feet of sign area per side.

a.e. Convenience stores. Each convenience store, as defined by Sec. 36-1 of the City of Shavano Park Code of Ordinances, may erect one monument sign with electric display that conforms with Sec. 24-5(3). Convenience stores fronting on two streets shall be allowed one monument sign with electric display facing each street. The electric sign shall not be neon, blinking, rotating, animated, moving, flashing or intermittently illuminated.

No monument sign shall be placed in such a manner that the total distance from the top of the sign to the ground exceeds the following specifications:

a. Signs fronting on any road other than Loop 1604 frontage roads and any part of Loop 1604 within 150 feet of any other City street shall not exceed ten feet from the top of the sign to the ground for lots with street frontage greater than 250 feet, and shall not exceed six feet in height for lots with a street frontage less than or equal to 250 feet.

b. Signs fronting on Loop 1604 frontage roads more than 150 feet from N.W. Military Drive shall have a minimum spacing of 150 feet and shall not exceed 25

feet from the top of the sign to the ground, except as expressly provided in section 24-11.

- c. ~~Signs fronting on Loop 1604 frontage roads that are more than 150 feet but less than 500 feet from N.W. Military Drive where the site elevation is below the adjacent driving lanes of Loop 1604 frontage roads, shall not exceed 25 feet in height as measured from the top of the sign to the adjacent elevation of the Loop 1604 driving lanes, nor shall it exceed 48 feet in height as measured from the top of the sign to the ground.~~

~~(2)(4)3~~ During the period that a property is for sale, rent or lease a ~~single on-premise sign of not more than 6440 square feet pertaining to the sale, rental, or lease of property zoned O-1, B-1, B-2, or MXD is permitted, provided such sign is located entirely within the property to which the sign appears, is not illuminated, and is removed within ten days after the sale, rental or lease has been consummated.~~ Commercial lots fronting on two streets shall be allowed one sign of not more than 64 square feet facing each street.

~~(3)(5)4~~ Multi-tenant buildings.

- a. Each multi-tenant building that has exterior access to each individual business may attach one wall sign, and one awning sign for each window and/or exterior door, as set forth in this subsection. This sign shall be compatible with the character of the premises upon which it is placed. Each sign shall require a permit, which may be obtained separately or within a building permit. Such signs shall not exceed an aggregate of 50 square feet of sign area per wall per business on up to two walls. ~~Signage for rear delivery identification shall not exceed five square feet per business.~~
- b. Each multi-tenant building that has interior access to individual businesses or office suites shall be permitted either:
 1. One wall sign not to exceed 120 square feet in sign area; or
 2. Up to three wall signs may be placed on one side of a building, and said signs shall not collectively exceed 150~~120~~ square feet in sign area with no one sign exceeding 120 square feet in sign area; or
 3. For a building over 30,000 square feet in area, up to five wall signs may be placed ~~on one side of a building~~ on the building, and said signs shall not ~~to~~ collectively exceed 250~~200~~ square feet in sign area ~~and no one sign may exceed 120 square feet in sign area~~ with no one sign exceeding 120 square feet in sign area.
- c. ~~(All~~ lit-illuminated signs directed toward residential areas shall comply with ~~section~~ Sec. 24-8.

~~(4)(6)~~⁵ Single-tenant buildings. Each single-tenant building ~~in the~~ may have one wall sign, and one awning sign for each window and/or exterior door, subject to the limitations of this section. Such signs shall not exceed an aggregate of 50 square feet of sign area per wall on up to three walls.

~~(5)(7)~~ If any sign is mounted or located on a building structure, the sign face and its framing, trim molding and/or supporting structure shall not protrude above the building roof line or parapet line premises. ~~6~~ Convenience stores. Each convenience store, as defined by section Sec. 36-1 of the City of Shavano Park Code of Ordinances, may erect one monument sign with electric display that conforms with section Sec. 24-10-24-5(3). Convenience stores fronting on two streets shall be allowed one monument sign with electric display facing each street. The electric sign shall not be neon, blinking, rotating, animated, moving, flashing or intermittently illuminated.

~~(8)~~ Safety & Directional Signs. Signs on office or business property which point or direct a person or vehicle to a specific place or along a specific course in order to ensure the safe and orderly passage of vehicles and persons around the premises of a building, such as "entrance", "exit", "handicap access", "employee access only" or "patient drop off" are allowable provided they are no larger than six (6) square feet in sign area.

~~(6)(9)~~⁷ Permits.

- a. No non-nuisance signs in business or office districts shall be erected within the City unless a building permit for such sign has first been issued by the City's building official. The permit application shall be accompanied by engineered drawings and a site plan showing the proposed sign location.
- b. An electrical permit shall be required for any sign requiring the use of electricity in the operation of such sign.
- c. Before any permit is granted and before any work is begun, the person responsible party making such application for such sign permit shall pay to the City a fee in the amount as specified in the schedule of fees, as approved by the City Council.
- d. If the City Manager building official or his-their designee finds that the proposed sign conforms in all respects to this chapter, he-the City Manager official shall issue the permit; otherwise he-the City Manager official shall deny it.
- e. Any permit that does not comply with the provisions of the chapter or which is issued in violation of any provision hereof, shall be void and no right or privilege whatsoever shall accrue thereunder.
- f. The city manager-City Manager shall have the building official immediately inspect all permitted signs upon completion to determine compliance with the permit.

~~f.g.~~ An applicant or sign owner may appeal any denial of a permit or determination that a sign has not been built in compliance with a permit to the Board of Adjustment as described in Section 24-15.

~~h.~~ No ~~person~~ responsible party may reconstruct, move, alter, modify or relocate any sign which requires a permit without first obtaining a sign permit from the City. However, merely changing the price of advertised goods or services is not deemed to be altering the sign, and shall not require an additional permit.

(10) Any sign allowed under this section for a commercial message may also contain noncommercial content.

Sec. 24-6. - Non-nuisance signs in residential zoning districts.

In A-1, A-2, A-3, A-4, A-5 PUD, MXD and CE zoning districts the following signs are hereby not deemed to be a public nuisance and do not require a permit unless specifically required below:

- (1) Subdivision sign: Upon final plat approval, a single sign may be erected temporarily on each approved plat or development property, provided, however, that such sign shall not exceed sixty (60) square feet in sign area, including its framing, trim and molding, and shall be placed so as not to interfere with the occupancy or use of any lots in the subdivision. All such signs shall be removed upon completion of the sale of 95 percent of the lots in the subdivision. Such sign shall not be more than ten (10) feet in height.
- (2) Temporary noncommercial sign-6 sq ft: Each residential property may erect one temporary sign with a non-commercial message on the property that conforms to the following requirements:
 - a. ~~a.~~ ~~The sign cannot be displayed~~ A Responsible Party cannot display a sign in such a manner that it can be visibly viewed from the public right-of-way for more than 60 days per calendar year;
 - b. The gross sign area shall not exceed six square feet in sign area including framing, trim and molding;
 - c. The sign shall not be higher than six feet above grade;
 - ~~d. The sign shall not be placed on public property including a public easement or right-of-way; and~~
 - ~~e.d.~~ The sign cannot be an illuminated or backlit.
- (3) ~~(3) In encouragement of the practice of recognizing achievements and student activities,~~ Temporary signs-4 sq ft: Each residential property may erect two signs with non-commercial messages that conform to the following requirements:

- a. One of the two allowed signs may display a commercial message. If a second sign is erected, as allowed by the subsection, it must display a non-commercial message. Both signs may display a non-commercial message.
- ~~a.b.~~ The signs~~Each sign~~ cannot exceed four square feet in sign area, including framing, trim and molding;
- ~~b.c.~~ Signs shall be placed within ten feet of the front facing of the primary residence;
- ~~c.d.~~ Signs shall not be higher than four feet above grade;
- ~~d.e.~~ The sign cannot be an illuminated or backlit.
- (4) During the period the residential property is listed for sale or lease, a sign may be erected on the property, subject to the restrictions noted in ~~section~~ Sec. 24-6(2)(b)–(e). Residential lots fronting on two streets shall be allowed one sign facing each street.
- (5) Signs during voting periods. During voting periods as defined in Sec. 24-2, each~~Each~~ residential property may erect signs in addition to those described in ~~section~~ Sec. 24-6(2) and section Sec. 24-6(3) during voting periods, as defined in section 24-2, subject to the following restrictions:
- No sign ~~may~~ shall be erected more than 60 days prior to the start of the voting period;
 - All signs ~~must~~ shall be removed by 11:59 p.m. the day following the voting period;
 - The total sign area of all voting period signs ~~must~~ shall be no more than ~~36~~ 44 square feet, and no one sign shall be larger than ~~24~~ 36 square feet;
 - No voting period sign ~~may~~ shall be higher than six feet above grade; and
 - The signs ~~cannot~~ shall not be illuminated or backlit.

~~Signs erected in violation of these regulations are considered a nuisance and may be removed by the City Manager or his/her designee.~~

- (6) Neighborhood monument signs. Neighborhood monument signs may be erected on property owned by a property owner's association and shall be a maximum of ten feet in height and shall not exceed an average of six feet in width above the base, regardless of location. This sign requires a permit. This sign shall not be placed in the right-of-way without approval of the City Council.
- (7) Street monument signs. Street monument signs may be erected subject to approval of the City Council.
- ~~(6)~~(8) Each residential property shall prominently display its address as to be easily legible from the adjacent street. Addresses and monuments displaying the

address shall not constitute a sign in terms of limiting or eliminating the rights to a sign as allowed in other sections of this chapter.

~~(7)~~(9) No sign shall be placed on public property including a public easement or right-of-way unless otherwise specified in this chapter.

~~(8)~~ Signs erected in violation of these regulations are considered a nuisance and may be removed by the City Manager or ~~his/her~~the Manager's designee. A sign so removed under the provisions of this section which has more than minimal value as determined by the City Manager shall be kept in storage for a period of ten (10) days, and if it is not claimed within said period, it may be disposed of in a lawful manner by the city.

~~(9)~~(10) _____

Sec. 24-7. — Banner signs.

~~Banner signs in residential zoning districts are allowed subject to the following requirements:~~

~~(1) Banner signs may be erected by property owners' associations as defined by the Texas Residential Property Owners Protection Act;~~

~~(2) Each property owner's association may erect one banner sign at each entrance per calendar year;~~

~~(3) — Each residential property owner may erect one banner sign.~~

~~(4) — No banner sign may be erected more than seven days prior to the first Tuesday in October.~~

~~(5) — Banner signs must be removed by 11:59 p.m. the day following the first Tuesday in October.~~

~~— 6Banner signs on public property shall be governed by a separate City policy and no banner sign shall be placed on public property without the written permission of the owner of the property; and.~~

~~(3) Banners must be securely attached to a permanently installed building, fence, or wall and they must be kept in good repair throughout the time of their display. Pipes, poles, posts or other materials may not be used solely to erect banners.~~

Sec. 24-~~78~~. - Exterior lighting and hours for business and building wall signs.

Exterior lighting of the building and building wall signs shall not exceed the maximum height of the building or wall sign. Lighting for signs fronting on any street other than streets adjacent to or abutting commercial property shall be turned off not later than 11:00 p.m. or one-half hour after the business is no longer open to the public, if later. All signs shall be compliant with the Outdoor Lighting requirements of Chapter 14 as well as all requirements of this ordinance.

Sec. 24-~~89~~. - Displayed address of commercial property.

Each commercial establishment shall prominently display its address as to be easily legible from the adjacent street. Addresses and monuments displaying the address shall not constitute a sign in terms of limiting or eliminating the rights to a sign as allowed in other sections of this chapter.

Sec. 24-9 Authorized Signs.

The following signs under this section are authorized in every zoning district or property without a permit, unless specifically required below:

- (1) Government signs including signs placed by the city, county, state, or federal government in their governmental capacity which are not otherwise prohibited.
- ~~(1)~~ Traffic-control devices that are erected and maintained to comply with the Texas Manual on Uniform Traffic-Control Devices.
- (2)
- ~~(2)~~ Signs required by this chapter.
- (3)
- ~~(3)~~ Signs required by other law, including federal, state, or local law, including a sign that a property owner is required to post on the owner's property to warn of a danger or to prohibit access to the property either generally or specifically; the owner must comply with the federal, state, or local law to post a sign on the property.
- (4)
- (4)
- ~~(5)~~ Official governmental notices and notices posted by governmental officers in the performance of their duties for regulatory purposes such as neighborhood crime watch areas, to identify streets, or to warn of danger including those placed by the city, county, water district, or other governmental entity.
- (5)
- (6) Signs displayed on trucks, buses, trailers, mobile food vendors, or other vehicles that are less than thirty-two (32) square feet and are being operated as motor vehicles, provided that the primary purpose of the vehicles is not for display of signs and provided that they are parked in areas appropriate to their use as vehicles, are in operable condition, and carry a current and valid license plate and state inspection tag. Vehicle signs shall conform to the following restrictions:
 - (A) Vehicular signs shall contain no flashing or moving elements;
 - (B) Vehicular signs shall not be attached to a vehicle so that the driver's vision is obstructed from any angle;
 - (C) Signs, lights and signals used by authorized emergency vehicles shall not be restricted;
- ~~(6)~~ Vending machine signs where the sign face is not larger than the normal dimensions of the machine to which the sign is attached.
- (7)

- ~~(7)~~—Memorial signs or tablets when cut into any masonry surface or attached to a building when constructed of bronze or other metal up to six square feet as part of a building.
- ~~(8)~~—Any sign wholly within the confines of a building, and oriented to be out of view from outside the building.
- ~~(9)~~(10) Up to four flags with non-commercial messages on up to three flagpoles per premises. Each flag must be a maximum of sixty (60) square feet in area. Flagpoles shall be a maximum of forty (40) feet in height but no higher than the highest point of the nearest principal building's roof on the premises. In business zoning districts, a business is allowed to display a commercial message but the flag shall not be an off-premises sign.

Sec. 24-10 Destroyed nonconforming signs.

An existing nonconforming sign in the city may not be repaired or rebuilt in the case of obsolescence, dilapidation, or destruction by fire or other causes. In case of partial destruction by fire or other causes, where the cost of repairing the sign is less than sixty (60) percent of the cost of erecting a new sign of the same type at the same location, the City Manager or their designee may issue a "no fee" permit for the necessary repairs to be made to the sign. If the necessary repairs are not completed within sixty (60) days of the receipt of written notification to the responsible party by the City Manager or the City Manager's designee, then the sign shall be removed either by the responsible party or by the city at the responsible party's expense. Criminal or civil penalties may also be initiated against the responsible party as provided for in this article. If the cost of rebuilding or repair of an existing nonconforming sign exceeds sixty (60) percent of the cost of erecting a new sign of the same type at the same location, the sign shall be removed at the responsible party's expense. If the sign is not removed within thirty (30) days of written notification to the responsible party, then it shall be removed by the city or its designated agent(s) at the responsible party's expense. A sign so removed under the provisions of this section shall be kept in storage for a period of sixty (60) days, and if it is not claimed within said period, it may be disposed of in a lawful manner by the city.

Sec. 24-11 Abandoned or discontinued signs.

An abandoned or discontinued sign is a sign that advertises a business or project that has ceased operations more than one (1) year, unless the property is leased, in which case the sign shall be removed after two (2) years. The responsible party shall remove any sign and/or sign structure that has not been used for advertising or promoting a going concern for at least one (1) year. For the purposes of this section, a business or project has ceased to operate when it is no longer engaged in the sale of products or services in the normal course of business. A violation of this section is an offense.

~~Sec. 24-10. - Monument signs.~~

~~A monument sign may have a "sign face" inserted into the structure provided the insert shall not exceed 75 percent of the average height and/or 90 percent of the average width of the structure.~~

~~(1) Each monument sign located along Loop 1604 frontage shall not exceed an average of 25 feet in width at the base and not exceed an average of 20 feet in width above the base. The base shall not be less than 75 percent of the average width of the sign. The base of the monument sign can include signage for commercial center identification. No canister within the Loop 1604 frontage monument sign shall exceed 150 square feet in area. The sign face insert may be backlit or externally lit.~~

~~(2) Monument signs are allowed on the east and west side of N.W. Military Highway within 500 feet of the south right-of-way limits of Loop 1604. Only one monument sign will be allowed on each side of N.W. Military Highway. Monument signs located on N.W. Military Highway shall not exceed an average of 15 feet in width at the base and not exceed an average of ten feet in width above the base. Monument signs on N.W. Military Highway do not require that a base be constructed. If a base is constructed on the monument sign, the base can include signage for commercial center identification. The height of a monument sign on N.W. Military Highway shall not exceed 12 feet. No canister within the N.W. Military Highway monument shall exceed 55 square feet. The sign face insert may be backlit or externally lit.~~

~~(3) Each nonresidential lot fronting on a public or private street shall be allowed one multi-tenant on-premise monument sign, in addition to the wall signs referred to in section 24-4(4). Each nonresidential lot fronting on two public or private streets shall be allowed one monument sign on each street.~~

~~(4) The sign face or insert of a monument sign shall not exceed 50 square feet of sign area per side, except on (a) Loop 1604 frontage and (b) N.W. Military Highway frontage within 500 feet of the south right-of-way limits of Loop 1604.~~

~~(5) Neighborhood monument signs shall be a maximum of ten feet in height and not exceed an average of six feet in width above the base, regardless of location.~~

Sec. 24-~~11~~12. - City council sign approval.

- (a) On Loop 1604 frontage only ~~and~~ and more than 150 feet from N.W. Military ~~Drive~~ Highway, the City Council may, at its sole discretion, approve pole/pylon signs within the following parameters: one sign per site with a maximum height of 48 feet from the top of the sign to the site grade, but not to exceed 25 feet above the adjacent driving lane of Loop 1604. This sign may not exceed 150 square feet per side (two sides maximum) and may be allowed in place of, or in addition to, any signs allowed by other provisions of this chapter. On a corner lot that qualifies for two monument signs the total sign area for sign face allowance may be adjusted up to 70/30 for the major artery. (i.e. A total of 100 square feet of sign face-area may be allocated 70 square feet on Lockhill Selma Road and 30 square feet on DeZavala Road.) Such reallocation shall be at the sole discretion of the City Council.

- (b) The City Council reserves the right to establish policies governing signage on City property.

Sec. 24-~~12~~13. - Authority to Enforce the Ordinance; ~~I~~ssue citation.

(a) The City Manager is appointed by City Council with the authority to enforce this ordinance. The City Manager or designee shall review sign regulations, permit applications, nonconforming uses and destruction, and other requests under the ordinance unless otherwise defined by this section. The term also includes any person designated to act on behalf of the City Manager. Any final decision made by the City Manager may be appealed to the Board of Adjustment by the responsible party.

~~(a)~~(b) _____ The City Code Compliance Officer (or such other individual or classification of individuals as may be designated by the City Manager~~appointed by the City Council~~) may issue a citation requiring the removal, relocation, or reconstruction of any sign which does not meet the spacing, height, and size~~and setback~~ requirements of this chapter and other City ordinances for which the erection or construction ~~was~~ began on or after the effective date of the ordinance from which this chapter is derived. All safety signs shall be approved by the City Code Compliance Officer.

Sec. 24-~~13~~14. - Removal of prohibited signs.

Bandit signs may be removed and discarded without notice notwithstanding any conflicting regulation or requirement within this section. These signs will not be stored by the City but will be discarded.

Sec. 24-~~14~~15. - Variances.

(a) *Purpose.* Any person~~responsible party~~, business, or other organization desiring to construct, continue to construct, reconstruct, place, install, relocate, alter, or use any sign which does not conform to the provisions of this chapter may make application to the Board of Adjustment for a variance to the provisions of this chapter.

(b) *Application.* Application for a variance from the provisions of this chapter shall be made upon a form provided by the City Code Compliance Officer. The variance application shall include the application for a sign permit and shall also state the applicant's reasons for requesting the variance in accordance with the criteria set forth in this chapter.

(c) *Fees.*

(1) The applicant shall pay the fee as prescribed in the most recent adopted fee schedule passed and approved by the City Council. The fee shall be nonrefundable. If work requiring a variance is begun/completed before obtaining approval for such variance, the owner of the property and/or the

~~person~~responsible party/entity responsible for the commencement of such work shall request approval of an "after-the-fact" variance and pay triple the established, nonrefundable fee. Payment of such fee does not relieve the applicant from liability under the penalty provisions of this chapter.

- (2) Acceptance of the increased fee by the City does not constitute any commitment or warranty to approve the variance requested, nor does it relieve any ~~person~~responsible party/entity from fully complying with the requirements of this chapter. A stop work order shall be in effect until a decision on approval/denial is taken. Fees shall not be refunded if the request for variance is disapproved.
- (d) *Hearing.* Upon receipt of a variance application, the City Secretary shall set a date for hearing before the Board of Adjustment within 45 days of receipt of an administratively complete variance request.
- (e) *Standards for variances.* The Board of Adjustment may approve a variance only ~~if~~ ~~it~~ makes affirmative findings, reflected in the minutes of the Board of Adjustment's proceedings, as to all of the following:
- (1) The variance will not authorize a type of sign which is specifically prohibited by the chapter;
 - (2) The variance is not contrary to the goals and objectives outlined by the City;
 - (3) The variance is not contrary to the public interest;
 - (4) Due to special conditions applying to the land, buildings, topography, vegetation, sign structures, or other unique matters on adjacent lots or within the adjacent right-of-way, a literal enforcement of this chapter would result in unnecessary hardship. Ordinarily, hardship that is self-induced or that is common to other similarly classified properties will not satisfy this requirement. Financial or economic hardship alone will not satisfy this requirement;
 - (5) The spirit and purpose of this chapter will be observed and substantial justice done; and
 - (6) The applicant has not sought a variance from the City Council within the past 12 months.
- (f) *Conditions of variances.* The Board of Adjustment may impose such conditions or requirements in a variance as are necessary in the Board of Adjustment's judgment to achieve the fundamental purposes of this chapter. A violation of such conditions or requirements shall constitute a violation of this chapter. A variance, if granted, shall be for a specific event, use, or other applications of a business and shall not continue with the property. If a variance is granted and the sign so authorized is not substantially under construction within three months of the date of approval of the variance, the variance shall lapse and become of no force or effect.

Sec. 24-~~15~~16. - Violations to be reported as nuisances.

It is an offense for a responsible party to place or construct a sign in violation of this ordinance. Signs posted or placed in violation hereof are hereby declared to be public nuisances and such violations shall be reported promptly to the Chief of Police or City Code Compliance Officer.

Sec. 24-~~16~~17. - Provisions cumulative.

This chapter shall be cumulative of all provisions of ordinances of the City of Shavano Park, Texas, except where the provisions of this chapter are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. Any and all previous versions of this chapter to the extent that they are in conflict herewith are repealed.

APPENDIX A. CHART OF SIGN DESIGN STANDARDS

Type of Sign	Maximum Sign Area	Maximum Sign Height	Maximum Number of Signs	Permit Required?	Conditions (Section Number)	Fee?
All Districts						
Government signs	n/a	n/a	n/a	No Permit	24-10	No Fee
Vending machine	Size of machine	Size of machine	Equal to number of machines on site	No Permit	24- 910 (7)	No Fee
Memorial signs	6 sq ft	n/a	n/a	No Permit	24- 190 (8)	No Fee
Residential Districts (A-1, A-2, A-3, A-4, A-5 PUD, MXD and CE)						
Neighborhood monument sign	60 sq ft	10 ft	one	Permit Required	24-6(6)	No Fee
Flags – noncommercial	40 sq ft	Flagpole can be up to 25 ft	Two four (on three flagpoles)	No Permit	24- 190 (10)	No Fee
<u>Residential-subdivision sign</u>	<u>60 sq ft</u>	<u>10 ft</u>	<u>One until completion of sale of 95 percent of lots</u>	<u>No Permit</u>	<u>24-6(1)</u>	
Residential - <u>noncommercial signs - 4 sq ft signs</u>	4 sq ft	4 ft	Two signs - <u>1 allowed with a commercial message</u>	No Permit	24-6(3)	No Fee
Residential-address (required)	<u>n/a</u>	<u>n/a</u>	One (required)	No Permit	24-6(8 7)	No Fee
Residential-temporary sign	6 sq ft	6 ft	One sign up to <u>60 days</u>	No Permit	24-6(2)	No Fee
Signs during the period that a property is for sale,	6 sq ft	6 ft	One or Two signs depending	No Permit	24-6(4)	No Fee

rent or lease			on location			
Signs during voting periods	36 sq ft (one sign); 44 sq ft (aggregate)	6 ft	Unlimited so long as aggregate is 44 sq ft or less	No Permit	24-6(5)	No Fee
Business and Office Districts						
Construction Development Sign	128 sq ft (aggregate) no one sign larger than 64 sq ft		3 (up to 128 sq ft aggregate)- only allowed until Certificate of Occupancy	Permit Required	24-5(1)	Based on sign area size
Temporary Sign-Post Certificate of Occupancy	64 sq ft		1-only allowed for 90 days after the Certificate of Occupancy	Permit Required	24-5(2)	Based on sign area size
Commercial sign (multi-tenant with exterior access)	50 sq ft (aggregate)	Building height	One per window/exterior door	Permit Required	24-5(5)(a)	Based on sign area size
Commercial sign (multi-tenant with only interior access)	120 sq ft or 150 sq ft for up to three walls (aggregate)	Building Height	Up to 3 wall signs per wall	Permit Required	24-5(5)(b)(2)	Based on sign area size
Commercial sign (multi-tenant with only interior access) & Building larger than 30,000 square feet.	120 sq ft or 250 sq ft for up to three walls (aggregate)	Building Height	Up to 5 wall signs total	Permit Required	24-5(5)(b)(3)	Based on sign area size
Commercial sign (single tenant)	50 sq ft (aggregate)	building height	One per window/exterior door	Permit Required	24-5(6)	Based on sign area size

Commercial monument signs (1604 Frontage)	150 sq ft	Varies by site elevation in relation to 1604	One or Two signs depending on location	Permit Required	24-5(3)(b)	\$200
Commercial monument signs (NW Military)	55 sq ft	12 feet	One or Two signs depending on location	Permit Required	24-5(3)(c)	\$200
Commercial monument signs (All other locations)	50 sq ft	Varies by street frontage	One or Two signs depending on location	Permit Required	24-5(3)(d)	\$200
Signs during the period that a property is for sale, rent or lease	64 sq ft		One or Two signs depending on location	Permit Required	24-6(6)	Based on sign area size
Flags – noncommercial	60 sq ft	Flagpole can be up to 40ft	four	No Permit	24-10(10)	No Fee
Banners						
Banners in Residential District (see limitations in ordinance)	24 sq ft		One per HOA entrance	No Permit	24-7	No Fee



CITY OF SHAVANO PARK
900 Saddletree Court
Shavano Park, TX 78231

CITY POLICY NO. 11

SUBJECT: Signs on Public Property

October 23, 2020

1. References.

- a) Ordinance O-2016-010
- b) Ordinance O-2017-021

2. **Purpose.** This policy regulates signs that may be placed on public property.

3. **Staff Point-of-Contact.** The point of contact for this policy is the Code Enforcement Officer, at 210.391.0412 or codeenforcement@shavanopark.org.

4. Definitions.

- a) *Public Property.* Property owned by, or dedicated to the City, or owned by, or dedicated to other governmental entities.
- b) *Voting Period.* The period beginning when the polls open for voting with the early voting period and ending when the polls close or the last voter has voted, whichever is later. The voting period corresponds only with elections administered by Bexar County.

5. **Policy.** Signs erected in violation of this policy are considered a nuisance and may be removed by the City Manager or his/her designee without notice.

a) ~~Political Signs~~ *Signs during voting periods.* Any person may place a sign advocating for or against a measure or a particular candidate or naming a particular candidate to be voted on during the Voting Period may be erected on public property used as a polling place subject to the following restrictions:

- 1) No sign may be erected prior to the beginning of 12:01 a.m. on the first day the Voting Period begins;
- 2) All signs must be removed by 11:59 p.m. the day following the Voting Period;
- 3) No sign may greater in size than two feet by two feet;
- 4) No sign may be higher than eight feet above grade;
- 5) Signs may not be illuminated or have any moving elements;
- 6) ~~Only three signs per measure or candidate may be erected;~~ Each responsible party may only place three signs covered by this policy during each Voting Period. Each sign placed must have the name and contact number of the responsible party placing the sign on the sign itself.
- 7) Signs may only be erected within the area designated by the City Manager.

- b) *Public awareness signs.* It is recognized that there is a requirement for announcing and public awareness for city sponsored events. The City Manager approval is required for all public awareness signs on public property.

Staff Analysis – Options for regulating Electric Sign Displays

Staff Assumptions:

- electric displays limited to monument signs
- electric displays not a blank allowance but require some form of P&Z / Council scrutiny
- electric displays restricted from off-premise messages
- electric displays follow this restriction from Sec. 24-3. – Prohibited Signs; “prohibited neon, blinking, rotating, animated, moving, flashing or intermittently illuminated sign”
- electric displays follow [dark sky rules](#) + [Sec. 24-8](#) for illumination

Six (6) options researched by staff to allow consideration of monument signs with electric displays:

1. **Case-by-Case City Council Sign Approval** – Could be as simple as allow electric displays under [Sec. 24-11. – City Council sign approval](#). Would be as simple as a case-by-case approval by Council of individual signs. This would avoid zoning regulations, ordinances readings, notice requirements, etc of a PUD or Urban Corridor Sign Plan.
2. **Approval in Urban Corridor Sign Plan** – Add electric display monument signs as allow able under [Sec. 24-54. - Sign standards](#). This would restrict electric displays to Lockhill-Selma & 1604. Developer / Property owner(s) would submit amendments to the Urban Corridor Sign Plan with approval from P&Z / Council under [Sec. 24-56](#). Alternatively the City could update the Urban Sign Corridor agreement/ordinance itself and allow electric displays. Under Sec. 24-56 it would only require an action by P&Z and Council with no public notice / ordinances / public hearings.
3. **Approval through a PUD** – allow electric display monument signs to be allowed through a PUD. This is similar to the recent allowance for compact parking spaces through a PUD. Would mean public hearings, two reading zoning ordinances, public notices.
4. **Create a new Special Use Permit in Business Districts** – This would mean a property owner would submit a request to P&Z and Council for CC use under [Sec. 36-101. - Special use permits for certain uses in districts O-1, B-1, and B-2](#). Then we would add Electric Displays as a CC use to O-1 / B-1 / B-2 table of allowed uses. Would mean public hearings, two reading zoning ordinances, public notices.
5. **Board of Adjustments Sign Variance** – Could allow Board of Adjustments to approve monument signs with electric display as a Sign Variance under [Sec. 24-14. - Variances](#).
6. **Approval as an allowed sign but with design standards and limitations** – Similar to how the City handled the updated Carport Amendments this past summer. No Council / P&Z approval, just normal sign approval under permitting by City Manager.