



CITY OF GAINESVILLE
NOTICE OF JOINT WORKSHOP MEETING

CITY COUNCIL, PLANNING & ZONING, BOARD OF APPEALS

Tuesday, April 2, 2013, 5:00 P.M.

MUNICIPAL BUILDING, 200 SOUTH RUSK, GAINESVILLE, TEXAS

Jim Goldsworthy, Mayor

Carolyn Hendricks, Councilmember, Ward 1
Beverly Snuggs, Councilmember, Ward 2
Keith Clegg, Councilmember, Ward 3

Ray Nichols, Mayor Pro Tem
Ken Keeler, Councilmember, Ward 4
Vince Rippy, Councilmember, Ward 6

WORKSHOP AGENDA

- 1. CALL TO ORDER.....Mayor Jim Goldsworthy
2. Discussion of Sign Code.

ADJOURN

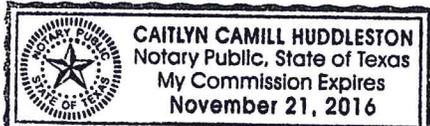
At any time during the meeting and in compliance with the Texas Open Meetings Act, Chapter 551, Government Code, Vernon's Texas Codes, Annotated, the City Council may meet in executive session on any of the above agenda items for consultation concerning attorney-client matters (§551.071); deliberation regarding real property (§551.072); deliberation regarding prospective gift (§551.073); personnel matters (§551.074); deliberation regarding security devices (§551.076); and deliberation regarding economic development negotiations (§551.087). Any subject discussed in executive session may be subject to action during the open meeting.

- i. Citizen comments will be limited to persons who have registered with the City Secretary in advance, except by majority vote of the City Council. In accordance with the Open Meetings Act, the Council will hear comments of public interest, but any discussion shall be limited to placing the item on a future agenda for consideration.
ii. Items on the Consent Agenda will be voted on in one motion unless request is made for separate discussion and approved by the City Council.
iii. In order to be fair to all persons who have items on the agenda or interest in one or more of the items, the Council may impose time limitations on speakers in Public Hearings. Applicants must limit presentations to 5 minutes. The Mayor may impose other time constraints at his discretion, depending on other prevailing factors. Speakers will be notified by the Mayor Pro Tem when their time has expired.
iv. The Council reserves the right to retire into executive session concerning any of the items listed on this Agenda, whenever it is considered necessary and legally justified under the Open Meetings Act.
v. Persons with disabilities who plan to attend this meeting and who may need assistance should contact the City Secretary at (940) 668-4500 two working days prior to the meeting so that appropriate arrangements can be made.

I, Kay Lunnon, City Secretary, posted this Agenda on the official City of Gainesville bulletin board in the Municipal Building, 200 S. Rusk Street, Gainesville, Texas 76240, which is accessible to the public twenty-four hours each day at 11:45 a.m./p.m. on March 28, 2013

Kay Lunnon (signature)

Sworn to and subscribed before me on this the 28 day of March, 2013.



Caitlyn Camill Huddleston (signature)
Notary Public, State of Texas
My Commission expires: Nov. 21, 2016



**ARTICLE IV. - SIGNS**  <sup>1171</sup>

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Sec. 5-161. - Title.

Sec. 5-162. - Purpose and intent.

Sec. 5-163. - Interpretation.

Sec. 5-164. - Definitions.

Sec. 5-165. - Recourse.

Sec. 5-166. - Sign permits and fees.

Sec. 5-167. - Exempt signs.

Sec. 5-168. - Temporary signs.

Sec. 5-169. - Signs requiring a special permit or conditions of use.

Sec. 5-170. - Prohibited signs.

Sec. 5-171. - Off-premises sign regulations.

Sec. 5-172. - Determining the number of signs.

Sec. 5-173. - Computation of sign area.

Sec. 5-174. - Total sign surface area.

Sec. 5-175. - Number of free standing signs allowed.

Sec. 5-176. - Subdivision and multi-family development entrance signs.

Sec. 5-177. - Awnings, canopies and marquees.

Sec. 5-178. - Location and height requirements for on-premises signs.

Sec. 5-179. - Sign illumination and signs containing lighting.

Sec. 5-180. - Miscellaneous restrictions and prohibitions.

Sec. 5-181. - Sign construction.

Sec. 5-182. - Sign maintenance and removal.

Sec. 5-183. - Nonconforming signs.

Sec. 5-184. - Amortization of nonconforming signs.

Sec. 5-185. - Overlay zoning district signs.

Sec. 5-186. - Notice to alter or remove signs.

Sec. 5-187. - Penalties.

Secs. 5-188—5-200. - Reserved.

**Sec. 5-161. - Title.**

This article shall be known as "The 2006 Gainesville Sign Code".

(Ord. No. 1156-10-2006, § 2, 10-17-06)

**Sec. 5-162. - Purpose and intent.**

The purpose of this article is to encourage the most appropriate use of signs, to promote the health, safety, and general welfare and to protect and enhance the attractiveness of the City of Gainesville as a place of residence, employment and civic activity.

(Ord. No. 1156-10-2006, § 3, 10-17-06)

**Sec. 5-163. - Interpretation.**

The provisions of this article shall be considered the minimum requirements to meet the purpose and intent expressed in this article. Interpretation of the provisions of this article may be made by the City of Gainesville Sign Code Administrator.

(Ord. No. 1156-10-2006, § 4, 10-17-06)

**Sec. 5-164. - Definitions.**

*Act of God:* Destruction of a sign by tornado, large hail, windstorm or similar natural event.

*Balloon sign:* Any sign or attention-attracting device that is normally filled with air or any type of gas.

*Banner:* A flexible sign, usually constructed from cloth, plastic, nylon or similar materials, and displayed by tying from supporting objects with rope or other fasteners in such a manner that the sign is not free to fly in the wind, or so that it does not hang loosely on a wall or fence.

*Billboard:* A freestanding off-premises sign owned by a person, corporation or other entity that engages in the business of selling the advertising space on that sign. Such sign shall not exceed three hundred (300) square feet in surface area, which advertises or directs attention to a business, product service or event not appurtenant to the use(s) of the property on which it is located.

*Canopy:* A cloth, nylon or similar material, usually stretched over a metal frame, used to provide shelter from the elements at the entrance to a structure, and usually bearing an advertising message.

*Dilapidated or deteriorated signs:*

(1)

A sign in which the elements of the surface or background can be seen as viewed from the normal intended viewing distance, to have portions of the finished material or paint flaked, broken off, or missing, or otherwise not in harmony with the rest of the surface;  
or,

(2)

The structural support of frame members are visually bent, broken, dented or torn; or,

(3)

The panel is visibly cracked or in the case of wood or similar products, splintered in such a way as to constitute an unsightly or harmful condition; or,

(4)

The sign, or its elements are twisted or leaning at angles other than those at which it was originally erected; or,

(5)

The message or wording can no longer be clearly read by a person with normal eyesight under normal viewing conditions.

*Display sign:* A structure that is arranged, intended, designed or used as an advertisement, announcement or direction, and includes a sign, sign screen, billboard and/or advertising devices of every kind.

*Flags:* For sign code purposes, any flag that is not a federal, state or local government flag, or a single corporate flag displayed at a location.

*Flashing sign:* Lights that flash, flicker or rotate, to include the flashing arrow type of sign.

*Freestanding sign:* A sign that is attached to, erected on, or supported by some structure that is not itself an integral part of the sign, and is usually a pole or poles.

*Ground sign:* An outdoor advertising display sign supported by uprights or braces in or upon the ground, used for the purpose of advertising

*Internally illuminated sign:* A sign where the source of the illumination is inside the sign and light emanates through the message of the sign, rather than being reflected off the surface of the sign from an external source.

*LED sign:* An electronic type of sign that displays changeable or scrolling messages. The messages shall also include the time and temperature as a part of the display, and shall be displayed in between the other advertising data to be displayed on the sign. Messages may flash, scroll or fade in and out.

*Marquee sign:* A projecting sign attached to or hung from a covered structure projecting from and supported by a building, when such canopy or covered structure extends beyond the building, building line or property line. Also known as a projection sign.

*Mural:* A sign or display in the form of art or a painting, usually painted on the side of a building or wall.

*Off-premises sign:* Any sign identifying or drawing attention to or communicating information about a business, commodity, accommodation, attraction, person, or other enterprise or activity that exists or is conducted, sold, offered, maintained or provided at a location other than the premises on which the sign is located, installed or maintained.

*On-premises sign:* A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction or other enterprise or activity that exists or is conducted, sold, offered, maintained or provided on the premises where the sign is located, installed and maintained.

*Pennants:* For the purpose of the sign code, they are generally small triangle shaped flags, usually twelve (12) inches or less in length, displayed in a continuous row on a string or rope. Large triangle shaped flags, commonly called pennants, are classified as flags in this article.

*Political signs:* As defined by the State of Texas and regulated by state law.

*Portable sign:* Any outdoor advertising display which is moveable from one (1) location to another and which is not attached to a fixed structure or does not have permanent supports embedded in the ground. The term "portable sign" shall specifically include an outdoor advertising display located in or on a vehicle, except where:

(1)

Such sign merely identifies the vehicle as belonging to such business by displaying the name, address, and/or telephone number of such business, and/or identifying the type of product or service offered by such business; and

(2)

The primary use of such vehicle is for transportation of persons or products or the delivery of services in connection with such business; and

(3)

Such vehicle is currently State of Texas licensed, State of Texas inspected and is in operable condition.

Other types of portable signs include, but are not limited to, counter-balanced signs of the type normally seen at gas stations and convenience stores for the purpose of displaying ads for various products sold there, flashing arrow type of sign, a-frame or sandwich board type signs, and signs mounted on stakes or other types of support and normally found displayed in public right-of-ways.

*Property line:* An imaginary line that exists on all sides of a person's/entities's property that designates the extent of the person's/ entities's property and the start of the adjacent property. The property line is usually established by a property survey done by a registered public land surveyor or by a registered engineer, and certified public land documents are cross referenced to establish boundaries and ownership.

*Reader board:* A sign that displays a changeable message and may be wall mounted or pole sign mounted. Also see LED sign.

*Right-of-way:* For the purpose of this article, the right-of-way (ROW) is the established property line between roads or public land and private property.

*Roof sign:* An outdoor advertising display sign erected, constructed or maintained above the roof of any building.

*Sandwich board sign:* A special type of portable sign consisting normally of two (2) opposing pieces of wood or plastic, and normally displayed in front of the business during business hours.

*Shingle sign:* A projection or wall sign constructed of metal or other approved materials attached to a building and not projecting more than thirty-six (36) inches over public property.

*Sight visibility triangle:* Where one (1) street, alley, driveway or combination thereof, intersects with another, the "sight visibility triangle" is the

triangular area formed by extending the two (2) property lines a distance of fifteen (15) feet from their point of intersection, and connecting these points with an imaginary line to join the said points and form the hypotenuse of the triangle. The edges of a driveway shall be used as property lines for the purpose of interpreting this requirement.

*Spectacular sign:* An outdoor advertising display sign, with the advertising copy usually animated, constructed of metal or other approved materials, wired for lights or luminous tubing, or both, with copy action controlled by electronic means especially for that purpose. Spectacular signs may be built upon the ground, attached to a wall or roof, or projecting from a wall, provided that such signs meet the requirements of the provisions of this code governing ground, roof, wall, projection or marquee signs, depending on where such signs are built, as set forth in this article. Spectacular signs shall be illuminated with electricity only.

*Sign:* Any device, outdoor display, or design that is sufficiently visible to persons not located on the lot where such device is located and which is so constructed, placed, attached, painted, erected, fastened or manufactured so as to attract the attention of such persons, or to communicate information to them.

*Streamers:* For the purpose of this article, streamers are small flags or strips of various types of materials, usually reflective or brightly colored, approximately twelve (12) inches long and displayed on strings or ropes in various lengths, and used to attract attention to the site where they are displayed. Air powered streamers are typically several feet long and have air blowing through them to produce motion to attract attention.

*Temporary sign:* A sign that (1) is used in connection with a circumstance, situation or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, or (2) is intended to remain on the location where it is erected or placed for a period of not more than fifteen (15) days. A portable sign shall not be considered as a temporary sign.

*Vertical banner:* Advertising media that has its long axis mounted perpendicular to a normal level ground surface.

*Wall sign:* An outdoor advertising display sign affixed to the wall of any building, projecting not more than twelve (12) inches from the building.

(Ord. No. 1156-10-2006, § 5, 10-17-06)

**Sec. 5-165. - Recourse.**

Any parties aggrieved by the decisions of the building official may file an appeal with the planning and zoning commission. Decisions of the planning and zoning commission may be appealed to District Court. Such parties shall have ten (10) days from the date of the decision to file such appeals. Variances for items or issues that are permitted may be requested from the planning and zoning commission. There is a non-refundable processing fee for each variance requested.

*(Ord. No. 1156-10-2006, § 6, 10-17-06)*

**Sec. 5-166. - Sign permits and fees.**

(a)

No person shall hereinafter construct, erect, move, enlarge, illuminate or substantially alter any sign regulated by this article except in accordance with the provisions of this article. Mere repainting of the message of a sign shall not, in and of itself, be considered a substantial alteration, unless the size or shape of the sign is also changed.

(b)

The application for a permit shall be submitted in such form as the building official may prescribe, and shall be accompanied by drawings and descriptive data to verify compliance with the provisions of this article. The application shall also contain or have attached thereto the following information:

(1)

Sign use classification.

(2)

Name, address and telephone number of the applicant.

(3)

Name, address and telephone number of the property owner on whose property the sign will be located.

(4)

Name, address and telephone number of the person or firm erecting the sign. Also state sign installer license number, if applicable. Sign installers shall have a City of Gainesville Contractor's license prior to performing any work within the city limits of the City of Gainesville, Texas. Sign electricians shall also be registered with the city and the state.

(5)

Two (2) copies of a scaled or dimensional drawing of the sign illustrating the size and shape of the sign, and of the message to be displayed thereon. The drawings shall contain a certification that the sign will withstand a one hundred ten (110) mile-per-hour wind load.

(6)

In the case of a freestanding sign, two (2) copies of a site plan, drawn to a scale, showing the location of the freestanding sign in relation to the property lines and to any other buildings or structures on the property, and to any other signs within a one-hundred-foot radius of the proposed sign.

(7)

In the case of a wall sign, two (2) copies of a scaled drawing of the building elevation on which the sign will be erected, indicating the length of the elevation and any other existing signs on the elevation, with their dimensions. Drawings shall also make note of any other signs located on the building.

(8)

Such other information as the building official may require showing full compliance with this article and all other laws and ordinances of the city and state.

(9)

The applicant shall be responsible for requesting scheduling of applicable inspections as are determined to be necessary under this article by the building official.

(c)

In addition, the following requirements shall also apply:

(1)

Sign permit applications and sign permits shall be governed by the same administrative provisions applicable to building permits.

(2)

Permit fees shall be set by the city council and are found in the current City of Gainesville Fee Schedule. Replacing any existing sign shall be the same fee as for a new sign.

a.

Billboards: Five hundred dollars (\$500.00) per face plus twenty-five dollars (\$25.00) electric permit fee.

b.

Billboard annual renewal fee: One hundred twenty-five dollars (\$125.00) per face, payable by January 31.

- c. Moving a billboard: Same as new permit fee.
- d. Replacing existing billboard: Same as new permit fee.
- e. Off-premises sign with P&Z approval: Six hundred twenty-five dollars (\$625.00).
- f. Wall mural: One hundred dollars (\$100.00) plus one dollar (\$1.00) per square foot with P&Z approval.
- g. Sandwich board signs: One hundred dollars (\$100.00). Shall apply to existing signs.
- h. Three-dimensional signs: Twenty-five dollars (\$25.00) per cubic foot or fraction thereof.
- i. Banner over 3 x 5 feet: Fifty dollars (\$50.00) plus five dollars (\$5.00) per SF over fifteen (15) SF.
- j. Attached or freestanding signs:
  - 1. 0—16 SF .....\$ 25.00
  - 2. 16—32 SF .....37.50
  - 3. 32—64 SF .....75.00
  - 4. 64—100 SF .....120.00
  - 5. 100—160 SF .....200.00
  - 6. Over 160 SF (per additional) .....2.00
- k. Variances: One hundred fifty dollars (\$150.00) per variance item.

(3)

Any permit for construction of a sign shall become null and void unless construction of the sign is commenced within six (6) months

from the date of issuance of the permit, and completed within twelve (12) months. Requests for extensions of time shall be in writing and in accordance with the administrative procedures established in the adopted building code, and shall require the payment of additional fees as established by the fee schedule.

(4)

When any sign, or a substantial part thereof is blown down, or otherwise destroyed, taken down or removed for any purpose other than maintenance operations, or for changing letters, symbols or other matter on such sign, it shall not be re-erected, reconstructed or rebuilt except in full conformance with this article.

(5)

Permit and variance filing fees are non-transferable either from person to person, or from sign to sign, and are non-refundable.

(6)

The planning and zoning commission may attach any additional stipulations or requirements to requests for variances and/or special sign permits that the commission deems necessary for safety or other issues or considerations.

(7)

The building official shall not issue a permit under the provisions of this article to any person who has previously failed or refused to pay any fees and /or costs assessed against him under the provisions of this article.

(8)

Whenever any work for which a permit that is required by this article has been commenced without first obtaining a permit, an investigation shall be made before a permit may be issued for such work. An investigation fee equal to the amount of the permit fee shall be collected in addition to the permit fee in the event that the investigation reveals that a permit is required for such work.

(9)

The building official may suspend or revoke any permit issued under the provisions of this article whenever he shall determine that the permit is issued in error or on the basis of incorrect or false information supplied by the applicant, or whenever such permit is issued in violation of any of the provisions of this article or any other ordinance of this city or of the laws of this state or of the federal government. Such suspension or revocation shall be effective when communicated in writing to the person to whom the permit issued,

the owner of the sign or the owner of the premises upon which the sign is located. Any signs installed under a revoked permit shall be removed by the permit holder, sign owner or property owner within ten (10) days of receipt of the written notice of the revocation. Filing for a variance with the planning and zoning commission shall stay the decision of the code official until a decision by the commission is rendered.

(10)

Any sign which the building official determines no longer serves a bona fide use conforming to this article shall be removed by the owner, agent or person having the beneficial use of the land, buildings or structure upon which sign is located within ten (10) days after receiving written notification to do so from the building official.

(11)

Permit fees are required for all signs. Only the city council has the authority to waive sign code fees.

*(Ord. No. 1156-10-2006, § 7, 10-17-06)*

**Sec. 5-167. - Exempt signs.**

The following signs are exempt from regulation under this article, except for those stated in section 5-179:

(1)

Signs not exceeding four (4) square feet in area that are customarily associated with residential use and that are not of a commercial nature, such as:

a.

Signs giving property identification names or numbers or names of occupants;

b.

Signs on mailboxes or newspaper tubes; and

c.

Signs posted on private property relating to private parking or warning the public against trespassing or danger from animals.

(2)

Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs, and traffic, directional or regulatory signs.

- (3) Official signs of a noncommercial nature erected by public utilities.
- (4) Decorative or architectural features of buildings or works of art, as long as such features or works do not contain letters, trademarks, moving parts or lights.
- (5) Signs directing and guiding traffic on private property and located on the property, that do not exceed six (6) square feet each, thirty-six (36) inches in height, and that bear no advertising matter.
- (6) Signs painted on or otherwise permanently attached to currently licensed motor vehicles that are not primarily used as signs.
- (7) Signs for churches and schools located in residential areas shall be allowed after their signage request is approved by the planning and zoning commission and any appropriate requirements are met. If approved, a sign permit fee is still required.
- (8) No signs shall be placed in the sight triangle at intersections in any manner that will obstruct the view of motorists.
- (9) Signs painted on or placed in windows.
- (10) Public information signs belonging to the City of Gainesville, including billboards.
- (11) Political signs, in accordance with state law.
- (12) Pawn shop signs in accordance with state law.

(Ord. No. 1156-10-2006, § 8, 10-17-06)

**Sec. 5-168. - Temporary signs.**

The following temporary signs are allowed without a sign permit; however, such signs shall conform to the requirements set forth below and shall be erected and maintained in a safe condition in conformity with all construction requirements:

- (1)

Signs containing the message that the real estate on which the sign is located (including buildings) is for sale, lease or rent, together with information identifying the owner or agent. Such signs may not exceed four (4) square feet in residential zones, sixteen (16) feet in central area, general retail, office and neighborhood service zones, and thirty-two (32) square feet in commercial and industrial zones, and shall be removed immediately after sale, lease or rental. Signs exceeding this size requirement shall be required to have a special sign permit issued by the planning and zoning commission, or such signs shall be immediately removed by or caused to be removed by the building official at the expense of the owner of such sign. Real estate signs shall not be located on public property or in sight visibility triangles, and shall observe the required setback for the zoning district in which they are located.

(2)

Signs for occasional (garage) sales, however, such signs must conform to any other applicable references or issues established by this article, be confined to the property where the sale is taking place, and not exceed two (2) square feet in area. Signs for occasional sales that are displayed on utility poles, traffic sign poles, on stakes in the public right-of-way or on living vegetation are unlawful, and a citation shall be issued for such instances. A garage sale permit issued by the city secretary shall also be available at the site of the sale.

(3)

Banners, flags or other displays, including lighting, erected in connection with the observance of holidays, fiestas or other special events. Such signs shall be removed within ten (10) days following the holiday or event. No more than two (2) banners or vertical banners shall be displayed by a single business or on a single lot at one time. Decisions of the building official shall be final.

(4)

Temporary signs not covered in the foregoing categories, as long as such signs meet the following restrictions:

a.

Not more than one (1) such sign may be located on any lot.

b.

No such sign may exceed four (4) square feet in surface area.

c.

Such sign may not be displayed for longer than three (3) consecutive days nor more than ten (10) days out of any three-hundred-sixty-five-day period.

d.

Temporary cloth, plastic or signs of similar materials with wood or other approved material frames may be kept in place for thirty (30) days, with special approval and filing fees, pending installation of a permanent approved sign.

(5)

Temporary signs shall observe the setbacks established for the zoning district that they are located in. Temporary signs located in a residential zoning district shall observe a ten-foot setback from the property line. No sign shall be placed in the sight triangle at intersections in any manner that will obstruct the view of motorists.

(6)

Construction and roofing contractors may place one (1) sign, not to exceed four (4) square feet in the yard of the residence or business when they have a signed contract with the owner. When the job is completed, the sign must be removed from the site and taken with the contractor. In addition to being registered as a licensed contractor with the city, contractors who do door to door solicitation shall also have a solicitor permit issued by the city secretary.

(7)

Banners less than 3 x 5 feet (or equivalent dimensions equal to fifteen (15) square feet), streamers, pennants and flags shall be allowed without a sign permit, provided said displays are maintained in a neat and orderly appearance. Banners exceeding this size may obtain a permit good for two (2) weeks in any six-month period. No more than two (2) such banners are allowed at any business location, including vertical banners.

a.

Banners, streamers, pennants and flags when displayed above sidewalks, driveways and parking areas shall be displayed at least eight (8) feet above said areas so as not to endanger persons or vehicles.

b.

Tattered, torn or weathered banners, streamers, pennants or flags are not allowed and shall be removed upon official notification by the Building Official.

c.

Banners, streamers, pennants, flags and similar displays shall not be displayed in any manner that will obstruct the view of motorists at intersections, parking lot entrances or similar situations.

d.

Banners, streamers, pennants and flags shall be displayed only on the property where the service that they advertise is available from the owner of the banner, and shall not be located in or anchored in the Public Right-of-way.

e.

Banners shall not be displayed on the ends of strings or ropes which will allow them to fly freely in the wind. They shall be mounted on both ends to a wall, fence, pole or other approved structure with screws, bolts or other approved fasteners, and stretched tight in a manner to minimize their movement due to wind or other weather occurrences.

f.

A maximum of two (2) counterbalanced signs shall be allowed at convenience stores, gasoline service stations and similar facilities. Such signs shall not be placed on the public right-of-way or in any sight visibility triangle.

g.

Banners displayed by public entities such as the Chamber of Commerce or Gainesville Independent School District. Such banners shall be removed within three (3) days after the event that they advertise is concluded.

*(Ord. No. 1156-10-2006, § 9, 10-17-06)*

**Sec. 5-169. - Signs requiring a special permit or conditions of use.**

(a)

A sign not over thirty-two (32) square feet in area setting forth information concerning a building or other structure under repair or construction. Such signs may identify the project, the owner or developer, architect, engineer, contractor and subcontractors, funding sources and related information including sale or leasing information. No more than one (1) such sign may be erected per site and such signs shall not be erected prior to the issuance of the building permit and shall be removed within three (3) days after the issuance of the final occupancy permit.

(b)

Signs indicating that a special event such as a grand opening or similar event is to take place on the lot where the sign is located. Such signs may be erected not sooner than two (2) weeks before the event and must be removed not later than three (3) days after the event. In addition, all provisions concerning banners, streamers, pennants and flags associated with said special event, that apply to section 5-168 shall also apply. Actual time of grand opening shall not exceed two (2) weeks.

(c)

A permit must be applied for and obtained prior to displaying banners that are over 3 x 5 feet in size, or equivalent square foot area. Permits are non-transferable. That is, you may not display a certain banner or flag until it is destroyed by the wind or the elements and then display a different new banner. The permit is only valid for the banner that it is issued for, and to the tenant or property owner to whom it was originally issued. Minimum sign permit fee required.

(1)

Permits are for ninety (90) days only, with one (1) renewal if requested in writing and approved. A renewal fee equal to original sign fee is required.

(2)

Banners destroyed by acts of God may be replaced with exactly the same type of banner that was destroyed at no additional fee within ninety (90) days of original permit issuance date.

(3)

All provisions applicable to said types of displays in section 5-168 shall also apply.

(d)

Any odd, different, unusual or spectacular signs not specifically covered by this article shall be referred to the planning and zoning commission for special approval on a case-by-case basis. Pictures or scale drawings that illustrate the sign's features shall be presented as evidence along with permission from the property owner to locate said sign on the property, and reasons why the sign should be approved. Includes neon signs. Filing fee as per fee schedule.

(e)

Outline lighting of building eaves, fascia work or other architectural features may be approved by the planning and zoning commission on a case-by-case basis. Pictures of similar installations or scale drawings shall be presented for the commission's consideration along with evidence that the eaves, fascia work or other architectural details are/were designed by

a design professional licensed to work in the State of Texas, and are capable of sustaining the weight of the lighting or other materials, and that the affected surfaces of the structure(s) is of a fire resistant or fire proof material that is adequate to protect the structure in the event of fire caused by such outline lighting. Outline lighting of fences, antennas or other outdoor structures is prohibited except in concurrence with the observation of holidays.

(f)

No signs or banners shall be displayed in the sight visibility triangle in any manner that will obstruct the view of motorists.

(g)

Signs in overlay zoning districts shall conform to the requirements of the overlay-zoning district. Exception: subsection 5-167(1).

(h)

Temporary signs to give directions to subdivisions, home shows or similar events are not to exceed four (4) square feet. They may be placed after 3:00 p.m. on Fridays and must be retrieved by 8:00 p.m. on Sundays. A permit must be granted and a plan submitted stating the number and locations of the signs. The permit fee plus an additional five dollars (\$5.00) per sign must be paid. Permits shall be good for ninety (90) days. The city is not responsible for notifying permit holders to renew their permits.

(i)

A-frame or sandwich board signs shall require a permit that is good for twelve (12) months, at which time permit may be renewed. The sign shall be limited in size to two (2) feet wide by three (3) feet tall. The message shall be permanent and professionally done. Such signs shall be only displayed in front of the business that they advertise and shall not be placed outside until the start of business hours, and shall be removed at the close of business. Such signs shall not be placed in sight visibility triangles, handicap ramps or path of travel nor on the public right-of-way. Only one (1) sign per business shall be authorized. A permit is required. This requirement shall apply to all existing signs of this type. Any non-conforming signs shall be impounded and disposed of by the building official.

(j)

All off-premises signs require permit issued by planning and zoning.

(k)

Signs depicting sex or sex related issues, or signs that may be construed as being in bad taste shall require an approval by the planning and zoning commission prior to issuing a permit.

(l)

Off premises signs that are not billboards, for churches, civic organizations and similar groups shall require an approval by the planning and zoning commission prior to the issuance of a permit. All such existing signs shall apply for and receive an approval from the planning and zoning commission or shall be removed. Exception: These and any similar type signs authorized by TXDOT on state highway right-of-ways.

*(Ord. No. 1156-10-2006, § 10, 10-17-06; Ord. No. 1176-06-2007, § 4, 6-5-07)*

**Sec. 5-170. - Prohibited signs.**

(a)

Any sign erected on public land other than those erected at the direction of the duly authorized public authority. Any such unlawfully erected sign is subject to immediate removal and disposal by the building official, and at the expense of the property owner or sign owner. Signs mounted on fences on the right-of-way line shall be considered to be in the right-of-way.

(b)

Any sign so erected so that by its location, color, size, shape, nature or message, would tend to obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies.

(c)

Any portable sign including any sign displayed on a stationary vehicle when said vehicle is used primarily for the purpose of and serving the function of an off-premises sign.

(d)

Any sign painted directly on a building, except with special planning and zoning commission approval and a permit and must show research to be historically accurate.

(e)

Signs that revolve, flash or are animated or that utilize movement or apparent movement to attract the attention of the public. This restriction does not apply to signs indicating the time, date or weather conditions between messages. EXCEPTION: Specialty signs approved on a case-by-case basis by the planning and zoning commission. This includes flashing, rotating or strobe lights in windows. Processing fee as per fee schedule. Flashing arrow type signs are prohibited without exception.

(f)

Balloons over eighteen (18) inches in diameter or air filled representations of objects or animals, etc. may be displayed for three (3) days with

planning and zoning commission approval and a permit. Large balloons on a tether line must have the length of the tether limited to less than the distance to the nearest electrical power lines or public street.

(g)

Any sign attached to natural living vegetation.

(h)

Any sign attached to a building, extending five (5) feet or more above the roofline of said building or its parapet wall.

(i)

Any sign attached to utility poles or traffic sign poles.

(j)

Large, generally life sized recreations of animals, vehicles or other creations, usually made from plastic, but may be constructed from other approved materials.

(k)

Home occupation signs in a residentially zoned district.

(l)

Search lights, except on the first day of a grand opening. A permit is required.

(m)

Balloons or other gas filled objects. See subsection (f) above.

(n)

Signs advertising sexually oriented businesses, sexually explicit ads or ads for unlawful products.

(o)

Flashing signs or lights that flash or rotate.

(p)

Cargo trailers, semi-truck trailers or vehicles used primarily as signs are prohibited.

(q)

Signs that are not professionally done, such as hand drawn signs on pieces of plywood, sheets of paper or similar items. Example: Hand drawn signs on sheets of paper advertising daily specials at a market.

(r)

Signs that are not professionally done, such as hand drawn signs on pieces of plywood, sheets of paper or similar items. Example: Hand drawn signs on sheets of paper advertising daily specials at a market.

(s)

Spectacular signs as defined in this article.

- (t) No off-premises sign shall be allowed without appropriate permit issued by planning and zoning.
  - (u) Any sign using curse words or vulgar language.
  - (v) Any sign that is hand painted by an individual and is not consistent with professional workmanship.
- (Ord. No. 1156-10-2006, § 11, 10-17-06; Ord. No. 1176-06-2007, § 4, 6-5-07)*

**Sec. 5-171. - Off-premises sign regulations.**

The provisions of this section shall apply only to off-premises signs (billboards) as defined in this article. Off-premises signs shall only be allowed in the following zoning districts: C, I-1, I-2 and only along Interstate Highway 35 and U.S. Highway 82. Such signs shall be subject to the following limitations:

- (1) No off-premises sign shall be located within three hundred (300) feet of any residential zoning district, historic district, hospital, retirement home, cemetery, convention center or government building, nor within one thousand, five hundred (1,500) feet of any public park, school or church. Exception: Signs owned by the City of Gainesville. Existing billboards are not affected by this paragraph.
- (2) No off-premises signs shall be allowed on the roofs of buildings.
- (3) No off-premises sign shall exceed thirty-five (35) feet in height and three hundred (300) square feet in surface area.
- (4) There shall be a minimum of one thousand, five hundred (1,500) feet of spacing between off-premises signs on the same side of the highway on U.S. Highway 82 and on Interstate Highway 35. Exception: Signs owned by the City of Gainesville may observe the seven-hundred-fifty-foot limitation established by state law.
- (5) No off-premises sign shall be stacked over or placed next to another off-premises sign.
- (6)

There shall be a minimum of one hundred (100) feet between an off-premises sign and any other freestanding on-premises signs on the property or adjacent property.

(7)

All off-premises signs shall be set back a minimum of twenty-five (25) feet from any portion of the sign to any property lines on which they are located.

(8)

Special considerations for any off-premises signs located in the Interstate Highway 35 Corridor as defined by the Interstate 35 Development Corridor Ordinance:

a.

The maximum height of an off-premises sign shall be thirty-five (35) feet measured from the principal travel lanes of Interstate 35 or Highway 82, its frontage roads or the ground, whichever allows the greater height.

b.

The maximum effective signage area for off-premises signs is three hundred (300) square feet. No extensions, projections or pop-ups off of the normal display surface are allowed.

c.

No off-premises signs located within I-35 Corridor shall be located closer than three hundred (300) feet to any residential use structure within the Corridor. Residential structures being used as a business or abandoned or substandard residential structures do not count toward this requirement.

(9)

All off-premises signs are required to be structurally designed to be steel monopole of sufficient size and constructed to meet the engineer's design specifications for a minimum one hundred ten (110) mile-per-hour wind load. Flagpoles in excess of twenty (20) feet tall shall be designed for the required wind load. A professional engineer's certification is required.

(10)

Property immediately adjacent to and underneath any off-premises sign for a distance of twenty-five (25) feet in any direction from said sign shall be kept clear of any rubbish, brush or high weeds as defined by the various city codes.

- (11) Off-premises signs shall be subject to the fees found in the fee schedule.
- (12) Illumination of signs shall not spill onto adjacent property or shine into public right-of-way.
- (13) All electric services shall be underground, regardless of the distance from the nearest electric transmission line.
- (14) If the provisions of this section are found to be in conflict with state or federal law, the provisions of those laws shall take precedence.
- (15) In the event of a dispute over the ownership of a billboard structure or the moving of a billboard structure, the rights of the original actual landowner at the time of the dispute shall take precedence. If a satisfactory solution cannot be arrived at, the issues shall be resolved in district court at the expense of the parties involved prior to the issuance of a permit.
- (16) Public service billboards owned by the city or a city entity such as the Economic Development Corporation shall be exempt from the distance requirements between signs; however, no such sign shall be located closer than seven hundred fifty (750) feet from another billboard.
- (17) Failure to pay the required annual permit renewal fee within thirty (30) days of the due date of January 31 of each year, shall result in having the electric service to the sign to be ordered disconnected by the building official. Failure to pay within ninety (90) days shall require the building official to revoke the permit and order the sign to be removed. Failure to comply shall result in condemnation proceedings through the building and standards commission.
- (18) Billboards shall not advertise sexually oriented businesses nor shall they contain sexually explicit ads or media.
- (19) New billboards shall not be allowed in the parking lots of malls, shopping centers, strip centers or other similar commercial developments.

(20) No billboards allowed that have flashing messages or changeable messages.

(21) No pop-ups or extensions allowed outside of the three hundred-square foot maximum area that is allowed.

(22) Billboard messages that need repainting, that are tattered or torn, or that are otherwise unsightly or unserviceable shall be repainted or removed immediately upon notification by the sign code administrator.

(23) All billboards on Broadway Street, California Street and Grand Avenue are located in areas where billboards are not allowed. Such signs shall be amortized and removed within three (3) years from the effective date of this section.

(24) All billboards on I-35 and US Highway 82 that are nonconforming due to zoning issues shall be rezoned to the proper zoning or amortized and removed within three (3) years from the effective date of this section.

*(Ord. No. 1156-10-2006, § 12, 10-17-06; Ord. No. 1176-06-2007, § 4, 6-5-07)*

**Sec. 5-172. - Determining the number of signs.**

(a) A sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without any organized relationship of elements, each element shall be considered to be a sign.

(b) A two-sided or multi-sided on premises sign shall be regarded as one (1) sign as long as the following conditions are met:

(1) With respect to a V-type sign, the two (2) sides are at no point separated by a distance that exceeds five (5) feet; and

(2) With respect to double-faced (back-to-back) signs, the distance between the backs of each face of the sign does not exceed three (3) feet.

(c)

Each sign on a lot or structure shall require a separate fee, except as otherwise permitted in this article. Replacement of sign faces, even if they are the same size and dimensions as the old sign, shall require a permit.

(Ord. No. 1156-10-2006, § 13, 10-17-06)

**Sec. 5-173. - Computation of sign area.**

(a)

The surface area of a sign shall be computed by including the entire area within a single, continuous, rectilinear perimeter of not more than eight (8) straight lines, or of a circle or an ellipse, enclosing the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself.

(b)

If the sign consists of more than one (1) section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign area.

(c)

With respect to two-sided, multi-sided, or three-dimensional signs, the sign surface area shall be computed by including the total of all sides designed to attract attention or communicate information that can be seen at one (1) time by a person from one (1) vantage point. Without otherwise limiting the generality of the foregoing:

(1)

The sign surface area of a double faced, back to back on-premises sign shall be calculated by using the area of only one (1) side of such sign, as long as the distance between the backs of such signs does not exceed three (3) feet.

(2)

The sign surface area of a double faced on-premises sign constructed in the form of a "V" shall be calculated by using the area of only one (1) side of such sign (the larger side if there is a size difference), as long as the angle of the "V" does not exceed thirty (30) degrees and at no point does the distance between the backs of such sides exceed five (5) feet.

(Ord. No. 1156-10-2006, § 14, 10-17-06)

**Sec. 5-174. - Total sign surface area.**

- (a) Unless otherwise provided in this article, the total surface area devoted to all signs on any lot shall not exceed the limitations set forth in this section, and all signs except temporary signs shall be included in this calculation.
- (b) Unless otherwise provided in this article, the maximum sign surface area permitted on any lot in any residential district is four (4) square feet.
- (c) Subject to the other provisions of this section, the maximum sign surface area permitted on any lot in a non-residential district shall be determined as follows:
  - (1) There may not be more than 1.5 square feet of sign surface area per linear foot of lot street frontage up to two hundred (200) lineal feet of frontage.
  - (2) There may be up to 0.5 square feet of additional sign surface area per linear foot of lot street frontage in excess of two hundred (200) lineal feet.
- (d) If a lot has frontage on more than one (1) street, then the total sign surface area permitted on the lot shall be the sum of the sign surface area allotments related to each street on which the lot has frontage. However, the total sign surface area that is oriented toward a particular street may not exceed the portion of the lot's total sign surface area allocation that is derived from frontage on that street. In shopping centers, the sides of buildings facing driveways or parking areas shall determine this requirement.
- (e) Whenever a lot is situated such that it has no street frontage on any lot boundary and an applicant desires to install on such a lot a sign that is orientated toward a street, then the total sign surface area permitted on that lot shall be the sign surface area that would be allowed if the lot boundary closest to the street toward which such sign is to be oriented fronted on such street. The applicant shall be restricted to using only one (1) street for determining the total permitted sign surface area. However, the applicant shall be given the opportunity to determine the one (1) street used in the calculations.
- (f)

Tenants in shopping centers shall compute the area of signs allowed by using the width of the front of their tenant space. Tenants with frontage on a third side shall have additional signs approved by the planning and zoning commission.

(g)

Tenants in malls or shopping centers with rear doors that open into alleys or service courts shall display on the rear door, the address and the name of the business. Maximum size of this sign shall be four (4) square feet. Any additional signs on the rear shall require a special permit and shall not exceed sixteen (16) square feet in area. This requirement counts as the second side of a tenant space.

NOTES: *Residential district* includes: A, SF-E, SF-1, SF-2, SF-3, SF-4, SF-G, 2F, 4F, MF-1, MF-2, and MH. *Non-residential district* includes: P, O, NS, GR, CA, C, I-1, I-2, and PD.

(Ord. No. 1156-10-2006, § 15, 10-17-06)

**Sec. 5-175. - Number of free standing signs allowed.**

(a)

Except as authorized by this section, no development shall have more than one (1) freestanding sign.

(b)

If a development is located on a corner lot that has at least one hundred (100) feet of frontage on each of the two (2) intersecting public streets, then the above development shall have not more one (1) freestanding sign along each side of the development bordered by such streets. Such signs shall be at least fifty (50) feet and placed a minimum of fifty (50) feet from each corner.

(c)

If a development is located on a lot that is bordered by public streets that do not intersect at the lot's boundaries (double front lot), then the development shall have not more than one (1) freestanding sign on each side of the development bordered by such streets.

(d)

Any development that has more than five hundred (500) feet of public street frontage may make use of one (1) additional freestanding sign for each additional five hundred (500) feet of frontage, if each additional sign permitted is located more than two hundred fifty (250) feet from another permitted freestanding sign on the same development.

(e)

Where a non-residential building houses more than one (1) activity, one (1) attached sign shall be permitted per public entrance.

(f)

Shopping centers and strip malls are allowed one (1) freestanding sign per five hundred (500) feet of property frontage as in "D" above. A sign identifying the mall shall not exceed one hundred sixty (160) square feet. Under the mall identification sign, signs for individual tenants may be displayed. Such signs shall not exceed 2 x 8 feet or equivalent area per tenant. Special requirements for overlay zoning districts shall supersede this requirement.

(g)

No sign shall be located in the sight triangle in any manner that will interfere with the visibility of motorists.

*(Ord. No. 1156-10-2006, § 16, 10-17-06)*

**Sec. 5-176. - Subdivision and multi-family development entrance signs.**

At the entrance to a residential subdivision or multi-family development, there shall not be more than two (2) signs identifying such subdivision or development. A single side of any such sign may not exceed sixteen (16) square feet, and the total surface area of all such signs located at a single entrance may not exceed thirty-two (32) square feet. No sign shall be located in the sight triangle in any manner that will interfere with the visibility of motorists.

*(Ord. No. 1156-10-2006, § 17, 10-17-06)*

**Sec. 5-177. - Awnings, canopies and marquees.**

(a)

Fixed awnings, marquees and/or canopies shall be entirely supported from the building.

(b)

Fire resistance of materials.

(1)

All combustible materials except coverings used in the construction of such canopies, awnings or marquees shall be protected with not less than one-hour fire rated materials.

(2)

Textile, fabric, plastic, nylon or other similar material coverings shall be flame resistant as determined in accordance with both the small scale and large scale tests as determined in NFPA 701. A flame-spread certificate shall be filed with the permit application. Permits

shall not be processed until the certificate is on file. The maximum flame spread rating allowed is twenty-five (25).

(3)

All glazing in marquees, canopies or fixed awnings shall be of safety glass.

(c)

Every fixed awning, canopy or marquee shall be at least nine (9) feet in the clear, between the lowest point of projection and the sidewalk or other finished surface immediately below. The fixed awning, canopy or marquee shall not extend or occupy more than two-thirds the width of the sidewalk measured from the building, except that such fixed awning, canopy or marquee may occupy the entire width of the sidewalk, provided it is fourteen (14) feet in the clear above the sidewalk. The overall height of any marquee, canopy or awning, including signs, shall not exceed eight (8) feet. Any valance attached to an awning or canopy shall not be less than seven (7) feet in height above a public way.

(d)

Marquees or canopies designed for a roof live load of not less than five (5) psf shall be permitted the full width of the building (front), and the full depth of the building for a corner location.

(e)

Metal or canvas awnings may extend over public property for a distance of not more than five (5) feet provided such awnings or any part thereof maintain a clear height of eight (8) feet above the sidewalk. All such movable awnings shall be supported on metal frames attached to the building.

(f)

Every awning, canopy or marquee shall be so located as not to interfere with the operation of any exterior standpipe, hydrant, stairway or exit from the building. Awnings, marquees or canopies shall not be used as a landing for any exterior fire escape or stair.

(g)

Any additional requirements found in the adopted building code of the jurisdiction shall also apply. In the event of a conflict in regulations, the building official shall determine which requirement shall apply.

*(Ord. No. 1156-10-2006, § 18, 10-17-06)*

**Sec. 5-178. - Location and height requirements for on-premises signs.**

(a)

Freestanding signs shall observe the following setback requirements:

- (1) Permanent signs—CA: five (5) feet; all other districts: ten (10) feet.
  - (2) Temporary signs—Not over property line.
- (b) No sign attached to a building shall extend more than five (5) feet above any parapet or roof surface. For the purposes of this section, roof surfaces constructed at an angle of seventy-five (75) degrees or more from the horizontal shall be regarded as wall space. This subsection shall not apply to displays, including lighting, erected in connection with the observance of holidays on the roofs of residential structures.
- (c) No sign attached to a building shall project more than eight (8) feet from the building wall, nor be less than seven (7) feet above ground level, unless mounted flush with the building wall.
- (d) No sign attached to a building or supporting structure shall be located in or over the public right-of-way or city property, except as provided for in section 5-176
- (e) The following height requirements shall be observed for freestanding signs:
- (1) GR, CA, C, I-1, I-2 districts: Thirty-five (35) feet\*.
  - (2) All other districts: Sixteen (16) feet\*.
- \* All measurements are made from the ground level to the top of the sign.
- (f) Maximum height for wall signs and projecting signs is five (5) feet above the top of the wall or facade to which it is attached.
- (g) No sign shall be located in the sight triangle in any manner that will interfere with the visibility of motorists.
- (h) No sign or any part thereof shall be located within ten (10) feet of any overhead electrical power lines of any type.
- (i) No sign shall be permitted that is taller than the elevation of the top of the seventy-foot tall Braum's sign located at 400 West California Street. It

shall be the responsibility of the applicant to provide proof of the elevation of the sign in the variance request.

(Ord. No. 1156-10-2006, § 19, 10-17-06)

**Sec. 5-179. - Sign illumination and signs containing lighting.**

(a)

Unless otherwise prohibited by this article, signs may be illuminated if such illumination is in accordance with this section. All electrical connections shall be made under the supervision of, or by individuals licensed as master electricians or master sign electricians, and shall have or be employed by an individual or business licensed as an electrical contractor in the City of Gainesville.

(b)

No sign within one hundred fifty (150) feet of a residential zone may be illuminated between the hours of 11:00 p.m. and 6:00 a.m., unless the impact of such lighting beyond the boundaries of the lot where it is located is entirely inconsequential.

(c)

Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into a public right-of-way or into residential premises.

(d)

Except as herein provided, internally illuminated signs are not permissible in residential zoning districts. Where it is permissible, internally illuminated freestanding signs may not be illuminated during the hours that the business or enterprise advertised by such sign is not open for business or in operation. This subsection shall not apply to the following types of signs:

(1)

Signs that constitute an integral part of a vending machine, telephone booth, device that indicates the time, date or weather conditions, or a similar device whose principal function is not to convey an advertising message.

(2)

Signs that do not exceed two (2) square feet in area and that convey a message that a business enterprise is open or closed, or that a place of lodging does or do not have a vacancy.

(e)

Subject to subsection (g) below, illuminated tubings or strings of lights that outline property lines, sales areas, doors, windows or similar areas are prohibited.

(f)

Subject to subsection (g) below, no sign may contain or be illuminated by flashing or intermittent lights, or lights of changing degrees of intensity, except signs indicating the time, date or weather conditions. Exception: Signs approved by the planning and zoning commission. Filing fee as per fee schedule.

(g)

Subsections (e) and (f) above do not apply to temporary signs erected in connection with the observance of holidays.

(h)

All illuminated signs shall be constructed to meet the provisions of the State of Texas Electrical Code.

(i)

All electrical connections to signs shall be in conduit.

(j)

All electrical connections to freestanding signs shall be underground.

(k)

Down lighting in parking lots shall not shine into right-of-way or adjoining properties.

(l)

The allowable LED sign surface area shall be calculated following the guidelines established by sections 5-173 and 5-174 of this article up to a maximum of forty (40) square feet per face. LED signs in or adjacent to residential neighborhoods are allowed to flash during daylight hours only.

*(Ord. No. 1156-10-2006, § 20, 10-17-06)*

**Sec. 5-180. - Miscellaneous restrictions and prohibitions.**

(a)

No sign may be located so that it substantially interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads.

(b)

Freestanding signs shall be securely fastened to the ground or to some other substantial supportive structure so that there is virtually no danger that either the sign or the supporting structure may be removed by the wind or other forces of nature, and cause injury to persons or property. All

signs shall be designed for a one hundred ten (110) mile per hour wind load.

(c)

No signs shall be located directly under overhead power lines, nor shall any part of a sign or its supporting structure be located within ten (10) feet in any direction of power transmission lines.

(d)

All electrical power to free standing signs, monument signs and any other types of signs not directly attached to and supported by the structure shall be run underground.

(Ord. No. 1156-10-2006, § 21, 10-17-06)

**Sec. 5-181. - Sign construction.**

Except as provided for or as amended elsewhere in this article, the following provisions relating to the construction and erection of signs shall apply:

(1)

*Ground signs.*

a.

Lighting reflectors may project beyond the face of the sign.

b.

No sign shall violate the fifteen (15) feet sight visibility triangle at road or street intersections.

c.

Every ground sign shall provide rigid construction to withstand wind action of one hundred ten (110) miles per hour or flooding from any direction.

d.

Any person or persons, partnership, firm or corporation occupying any vacant lot or premises by means of a ground sign shall be subject to the same duties and responsibilities as the owner of the lot or premises, with respect to keeping the same clean, sanitary, inoffensive, free and clear of all obnoxious substances and unsightly conditions on the ground in the vicinity of such ground sign on said premises for which they may be responsible.

(2)

*Roof signs.*

a.

Every roof sign shall be constructed entirely of steel construction, including the upright supports and braces, except that only ornamental moldings and battens behind the steel facing and decorative latticework may be made of wood construction.

b.

The bearing plates of all roof signs shall distribute the load directly to or upon masonry walls, steel roof girders, columns or beams. The building shall be designed to avoid overstress of these members. Signs bearing on wood roof structures shall be certified as being safe by a registered structural engineer in the State of Texas.

(3)

*Wall signs.*

a.

Wall signs attached to exterior walls of solid masonry, concrete or stone, shall be safely and securely attached by means of metal anchors, bolts or expansion screws of not less than three-eighths-inch diameter and shall be embedded at least five (5) inches. Wood blocks shall not be used for anchorage, except in the case of wall signs attached to buildings with walls of wood. A wall sign shall not be supported by anchorages secured to an un-braced parapet wall.

b.

Walls in new construction shall be designed by the design professional to withstand any loads imposed by the wall sign. In existing structures, the building official may require a certificate from a design professional stating that the structure is capable of supporting the additional loading of such signs.

(4)

*Projecting signs.*

a.

All projecting signs shall be constructed entirely of metal or other approved noncombustible material and securely attached to a building or structure by metal supports such as bolts, anchors, supports, chains, guys or steel rods. Staples or nails shall not be used to secure any projecting sign to any building or structure.

b.

The dead load of projecting signs not parallel to the building or structure and the load due to wind or other natural forces shall be supported with chains, guys or steel rods having a net cross-sectional area of not less than three-eighths inch diameter. Such supports shall be erected or maintained at an angle of at least forty-five (45) degrees with the horizontal to resist the dead load, and at an angle of forty-five (45) degrees or more with the face of the sign to resist the specified wind pressure. If such projecting sign exceeds thirty (30) square feet in one (1) facial area, there shall be provided at least two additional supports on each side at intervals of not more than eight (8) feet apart to resist the wind pressure.

c.

All supports shall be secured to a five-eighths-inch minimum eyebolt, expansion screw, or lag screw that will support the chains, guys or steel rods. Turnbuckles shall be placed in all chains, guys or steel rods.

d.

Chains, cables, guys or steel rods used to support the live or dead load of projecting signs may be fastened to masonry walls with expansion bolts or by machine screws in iron or steel supports, but such supports shall not be fastened or attached to an un-braced parapet wall. Where the supports must be fastened to walls made of wood, the supporting anchor bolts must go through the wall and be plated or fastened on the inside in a secure manner.

e.

A projecting sign shall not be erected on the wall of any building so as to project above the roof or cornice wall, or above the roof level where there is no cornice wall; except when a sign erected at a right angle to the building, the horizontal width of such sign being perpendicular to such wall and does not exceed eighteen (18) inches, may be erected to a height not exceeding two (2) feet above the roof or cornice wall, or above the roof level where there is no cornice wall. A sign attached to a corner of a building and parallel to the vertical line of such corner shall be deemed to be erected at a right angle to the building wall.

f. The above provisions are subject to setback requirements established elsewhere in this article.

g. Construction details for methods of attachment shall be submitted with the permit application and shall specify live and dead loads, wind loads and any other details necessary to establish the safety factors of the installation, especially for existing structures.

(5)

*Marquee signs.* Marquee signs shall be constructed entirely of metal or other approved noncombustible material, and may be attached to, or hung from a marquee. Such signs when hung from a marquee shall be at least eight (8) feet at its lowest level above the sidewalk or ground level, and, such signs shall not extend outside the line of such marquee. Marquee signs may be attached to the front or sides of a marquee, and such signs may extend the entire length and width of said marquee, provided such signs do not extend more than six (6) feet above, nor more than one (1) foot below such marquee. Under no circumstances shall the sign or signs have a vertical dimension greater than eight (8) feet.

(6)

*Plastic materials.*

a.

Notwithstanding any other provisions of this article, plastic materials which burn at a rate no faster than two and one-half inches per minute when tested in accordance with ASTM D 635 shall be deemed approved plastics and may be used as the display surface material, and for letters, decorations and facings on signs and outdoor display structures.

b.

If the area of the display surface exceeds two hundred (200) square feet, the area occupied or covered by approved plastics shall be limited to two hundred (200) square feet.

c.

The building official may require certificates of flame spread from the manufacturer of the plastic materials to be filed with the permit application for proof of compliance.

(7)

*Sidewalk or street obstructions.* Public property shall be maintained clear of any and all obstructions, including among others, posts, columns, display of wares or merchandise, and sidewalk signs. Exceptions may be made for Depot Days, street fairs, or other community sponsored special events with a permit from the community services department.

(8)

No sign shall be located in the sight visibility triangle in any manner that will interfere with the visibility of motorists.

(Ord. No. 1156-10-2006, § 22, 10-17-06)

**Sec. 5-182. - Sign maintenance and removal.**

(a)

All signs and all components thereof, including without limitation, all supports, braces and anchors, shall be kept in a good state of repair. With respect to freestanding signs, components (supporting structures, backs, etc.) not bearing a message, shall be constructed of materials that blend with the natural environment, or shall be painted a neutral color to blend with the natural environment. All signs shall be able to safely withstand at all times the wind pressures equal to a one hundred ten (110) mile per hour wind load and a ten (10) psi snow load.

(b)

If a business, service, accommodation, attraction or other enterprise or activity ceases operation for a period of over one hundred eighty (180) days, the sign owner or lessee, or the property owner shall remove any sign identifying or advertising said business or any product sold thereby, within five (5) business days after such abandonment.

For the purposes of this subsection, the word "remove" shall mean: to paint out, obscure, cover or remove the face portion of the sign in such a manner as to leave the sign and supporting structure neat and unobtrusive in appearance, or in harmony with the adjacent buildings to which it is located or attached; to take down the face, posts, columns, or supports for a ground sign and remove said materials from the property; or to take down the face and supporting structures of a roof or wall sign and remove all sign materials from the property. This shall apply to existing signs.

(c)

If the message portion of a sign is removed, leaving only the supporting shell of a sign or the supporting braces, anchors, or similar components, the owner of the sign or the owner of the property where the sign is

located, or other person having control over the sign shall, within thirty (30) days of the removal of the message portion of the sign, either replace the entire message portion of the sign with a current lawful message or blank panel, or remove the remaining components of the sign. This subsection shall not be construed to alter the effect of section 5-180, which prohibits the replacement of a nonconforming sign. Nor shall this subsection be construed to prevent the changing of a message of a sign. The provisions of subsections (b) and (c) shall apply to all signs in existence at the time of passage of this article.

(d)

The area within ten (10) feet in all directions of any part of a freestanding sign shall be kept clear of all debris and all undergrowth more than five (5) inches in height.

(e)

Any written notice to alter or remove a sign shall be given by the building official by certified mail, return receipt requested, to the owner, lessee or person responsible for the sign. If such order is not complied with within five (5) working days from the receipt of the order, the building official shall initiate proceedings to revoke the permit and/or order removal of the sign at the expense of the owner(s), lessee or person responsible thereof. In the event of non-compliance by the owner(s), lessee or person(s) responsible, the sign may be removed by any reasonable means possible by the building official at any time after the five (5) working day period has expired and charges incurred on the person responsible for the sign.

(f)

Every outdoor advertising display sign hereafter erected, constructed and maintained, for which a permit is required, shall be plainly marked in a conspicuous location, with the name of the person, firm or corporation erecting and maintaining such sign, and shall have affixed on the front lower right hand corner thereof, the permit number issued for said sign by the building official, and the date of the installation. Signs found not to be in compliance by the building official are subject to immediate removal at the expense of the property owner.

(g)

Every new or existing ground sign, roof sign, projection sign, freestanding sign or any other type of sign, may be inspected by the building official or his designated representative at intervals as required by the building official. Non-conformances shall be corrected in accordance with the provisions of section 5-183

*(Ord. No. 1156-10-2006, § 23, 10-17-06)*

**Sec. 5-183. - Nonconforming signs.**

- (a)

Subject to the remaining restrictions in this section, nonconforming signs that were otherwise lawful on the effective date of this article may be continued until they are required to be removed under the provisions of this article.
- (b)

No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign. Without limiting the foregoing, no nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition. Illumination may not be added to a nonconforming sign.
- (c)

A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this article.
- (d)

If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all the provisions of this chapter, and the remnants of the former sign structure shall be cleared from the land. For the purpose of this section, a nonconforming sign is destroyed if damaged to an extent that the cost of repairing the sign equals or exceeds the value (tax value, if listed for tax purposes) of the sign so damaged. Such sign shall be removed or rebuilt to conform to these regulations within one hundred eighty (180) days of the date of destruction.
- (e)

The message of a nonconforming sign may be changed as long as this does not create any new nonconformity.
- (f)

Subject to the other provisions of this section, non-storm damaged nonconforming signs may be repaired and renovated as long as the cost of such work does not exceed fifty (50) percent of the value of such sign within a twelve-month period.
- (g)

If a nonconforming billboard or sign remains blank for a continuous period of one hundred eighty (180) days, that billboard shall be deemed abandoned and shall, within thirty (30) days after such abandonment, be altered to comply with this section or be completely removed by the sign owner, owner of the property where the sign is located, or other person

having control over such sign. For the purpose of this section, a sign is "blank" if:

(1)

It advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted, or

(2)

The advertising message it displays becomes illegible in whole or in substantial part; or

(3)

The advertising copy paid for by a party other than the sign owner or promoting an interest other than the rental of the sign has been removed.

(h)

Signs that are considered to be nonconforming under the provisions of the previous ordinance shall still be considered to be nonconforming under the provisions of this article.

*(Ord. No. 1156-10-2006, § 24, 10-17-06)*

**Sec. 5-184. - Amortization of nonconforming signs.**

(a)

All signs, and/or advertising structures currently in use, which do not wholly conform and cannot be altered to conform to all applicable provisions of this article, but were constructed in compliance with previous regulations, and possess no variance, shall be removed within five (5) years of the effective date of this article.

(1)

Nonconforming signs that existed under the provisions of the previous ordinance shall have the five-year period computed from the effective date of that ordinance.

(2)

All flashing arrow type signs that were amortized in 1989 now have expired permits and are hereby declared to be unlawful.

(b)

The following types of nonconforming signs or signs that are nonconforming in any of the following ways shall be altered to comply with the provisions of this article, or be removed within one (1) year of the effective date of this article:

(1)

Portable signs not otherwise permitted under the provisions of this article.

(2)

Temporary signs.

(3)

Portable signs that existed under a previous ordinance.

(c)

Billboards that are protected from enforced removal by the "Outdoor Advertising Control Act" shall not be subject to the provisions of subsection (a) of this section unless and until just compensation is provided in accordance with the cited statute.

*(Ord. No. 1156-10-2006, § 25, 10-17-06)*

**Sec. 5-185. - Overlay zoning district signs.**

All signs placed in areas defined as overlay zoning districts or development corridors shall be permitted under and comply with the sign provisions specified in the ordinance for that particular district, with the following exceptions:

Signs in violation of this code.

(1)

All types of portable signs including the flashing arrow type portable sign and others as specified in section 5-169 are prohibited in overlay zoning districts or development corridors.

*(Ord. No. 1156-10-2006, § 26, 10-17-06)*

**Sec. 5-186. - Notice to alter or remove signs.**

(a)

Any sign which is erected, located or maintained in violation of this article may be removed by the building official, after proper notification, as provided herein. The notice shall:

(1)

Be delivered or sent by certified mail, return receipt requested;

(2)

Describe the nature of the violation;

(3)

Order the correction of the violation within a time limit specified, which shall not be less than five (5) business days from the receipt of the notice; and

(4)

Give notice that the building official may remove and impound the unlawful sign at the owner's expense if the violation is not corrected within the time specified in the notice.

(b)

If the person, or business, ordered to correct the violation fails to do so within the time specified, the building official may remove or cause the removal of the unlawful sign, or file charges against the offending person or business with the municipal court. Any person or business aggrieved by said notice or order may file an appeal with the board of code appeals in accordance with the provisions applicable for other appeals from decisions of the building official. In case such appeal is filed on a timely basis, the procedures applicable to other appeals shall be followed and the order of the building official may be stayed in accordance thereof, pending the final determination of the board of code appeals.

*(Ord. No. 1156-10-2006, § 27, 10-17-06)*

**Sec. 5-187. - Penalties.**

Enforcement procedures shall be in accordance with the provisions of Chapter One of the adopted building code as amended by the City Council of Gainesville, Texas. Any violation of this article shall be subject to penalties as follows:

(1)

First violation: Five hundred dollar (\$500.00) fine.

(2)

Second violation of the same sign or by the same business or contractor of a similar type of sign: One thousand dollar (\$1,000.00) fine.

(3)

Third violation of same sign, or by the same business or contractor of a similar type of sign: Two thousand dollar (\$2,000.00) fine plus up to thirty (30) days in jail.

(4)

Fourth violation of the same sign or by the same business or contractor of a similar type of sign: Five thousand dollar (\$5,000.00) fine plus up to one hundred eighty (180) days in jail.

Any person or persons, permit holder, property owner, sign owner, agent, firm or corporation having the beneficial use of the sign, the owner of the land or structure on which the sign is located, and the person in charge of erecting the

sign are all subject to the provisions of this article and are subject to the penalties provided for violations of this article.

By the passage of this article, no presently illegal or nonconforming signs or use of signs shall be deemed to have been legalized.

(Ord. No. 1176-06-2007, § 4, 6-5-07)

**Secs. 5-188—5-200. - Reserved.** 

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FOOTNOTE(S):

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<sup>(17)</sup> **Editor's note**— Ord. No. 1156-10-2006, adopted Oct. 17, 2006, repealed the former Art. IV., §§ 5-161—5-186, and enacted a new Art. IV as set out herein. The former Art. IV pertained to similar subject matter and derived from Ord. No. 1071-1-2005, §§ 2—31, adopted Jan. 4, 2005. (Back)

<sup>(17)</sup> **Charter reference**— Corporate and general powers, Art. II; fines and penalties and debts, Art. II, § 19; police power, Art. II, § 23; city manager, Art. VII, § 8. (Back)

<sup>(17)</sup> **Cross reference**— Administration, Ch. 2; building code and amendments, §§ 5-2, 5-3; electricity, § 5-26 et seq.; electrical permits and inspections, § 5-46; fire prevention and protection, Ch. 7; licenses and business regulations, Ch. 9; signs over streets, § 13-2; posting signs on property of another, § 13-3; signs and other advertising devices in parks, § 14-4; planning and development, Ch. 15; streets and sidewalks, Ch. 17; obstructions to streets and sidewalks, § 17-9. (Back)