

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OLMOS PARK, TEXAS AMENDING CHAPTER 26 *SIGNAGE & LIGHTNING* OF THE MUNICIPAL CODE OF ORDINANCES; DECLARING A PUBLIC PURPOSE; AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS ORDINANCE; INCORPORATING RECITALS; PROVIDING FOR SEVERABILITY; AND ADOPTING AN EFFECTIVE DATE.

WHEREAS, the regulation of the location, size, placement, and certain features of signs is necessary to enable the public to locate goods, services, and facilities within the corporate limits of the City of Olmos Park and to promote self expression while encouraging general community aesthetics, preserving the attractiveness of the community, and protecting property values therein; and

WHEREAS, the City Council finds that unless the location, number, setback, lighting and size of signs are regulated, the scattering of such signs throughout the City would be detrimental to the preservation of those scenic resources and so to the economic base of the City; and

WHEREAS, the City Council has further determined that the proliferation of signs in the City has an adverse affect on adjacent properties; and

WHEREAS, the City Council finds that the orderly and uniform regulation of signs is a substantial factor in guiding the attractive and aesthetic development of properties in accordance with the comprehensive plan and thereby avoiding detrimental impacts of signs on the appearance of the City; and

WHEREAS, the City Council of the City of Olmos Park, Texas has determined that the amendments to the sign ordinance made herein are made in the best interest of the health, safety, and general welfare of the citizens of the City of Olmos Park.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HELOTES, TEXAS THAT:

SECTION ONE. *Amendments.* Chapter 26 *Signage & Lighting* of the Municipal Code of Ordinances are hereby amended to read as follows:

NOTE: Under the City Code of Ordinances, signs are regulated under chapter 4. Why are the regulations being moved to chapter 26?

Chapter 26
SIGNAGE & LIGHTING ORDINANCE

- SEC. 26-1 – PURPOSE
 SEC. 26-2 – DEFINITIONS
 SEC. 26-3 – ERECTION OF SIGNS
 SEC. 26-4 – CONSTRUCTION - RESTRICTIONS – LIMITATIONS
 SEC. 26-5 – REQUIREMENTS – STANDARDS
 SEC. 26-6 – PROHIBITED SIGNS
 SEC. 26-7- SIGN ILLUMINATION REQUIREMENTS & STANDARDS
 SEC. 26-8- PERMITS (Sec. 26-8 and 26-9 will be written by the city staff and will be based on
 SEC. 26-9- FEES the requirements for building permits, fees, timelines, and penalties
 as they relate to this signage ordinance)

SEC. 26-1 PURPOSE

Signs are a valuable means of commercial advertising and noncommercial speech. This Ordinance is intended to reasonably regulate signs in the city of Olmos Park while showing full deference to the right to engage in constitutionally protected speech. It shall hereafter be unlawful for any person to erect, place, or maintain a sign in the City of Olmos Park except in accordance with the provisions of this ordinance.

The Ordinance regulates signs by establishing signage districts. These districts are defined as the Single Family Residence, Apartment, Local Retail and Mixed Retail Commercial Districts. Size, height, materials, number, location on a lot, methods of construction, maintenance, and illumination are dictated by the Ordinance. It is believed that such controls will improve the general appearance of the City of Olmos Park, protect the lives and health of residents and visitors, protect public investments; have positive impact upon the economy of the City; and enhance the attractiveness of Olmos Park as a place to live, recreate, and do business

A. This signage regulation is intended to promote a positive city image reflecting order, harmony and pride, thereby strengthening the economic stability of Olmos Park business, cultural and residential areas. The intent is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance or use of signs; and by regulating and licensing those persons who will install or maintain such signs. This code applies to on-premises and off-premises signs in the City of Olmos Park.

B. The Objectives to be pursued in applying specific standards are as follows:

- (1) *To promote the safety* of persons and property by providing that signs:
 - a. Do not create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs;
 - b. Do not create a hazard due to collapse, fire, collision, decay, or abandonment; and
 - c. Protect the public welfare by enhancing the appearance and economic value of property.
- (2) *Communications efficiency* - To promote the efficient transfer of information in sign messages by providing that:
 - a. Businesses and services may identify themselves;
 - b. Customers and other persons may locate a business or service;
 - c. No person or group is arbitrarily denied the use of the sight lines from the public right-of-way for communication purposes; and

d. Persons exposed to signs are not so overwhelmed by the number of messages presented that they cannot see the information they seek, and are able to observe or ignore messages, according to the observer's purpose.

(3) *Landscape quality and preservation* to protect the public welfare and to enhance the appearance and economic value of the landscape by providing that signs:

- a. Do not interfere with scenic views;
- b. Do not create a nuisance to persons using the public rights-of-way;
- c. Do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, or height;
- d. Are not detrimental to land or property values; and
- e. Maintain a scale of size of signs proportionate to their structure and lot size.

(4) To assure that the size, scale, height and location of all signs are directly related to the size and character of the sites upon which the signs are located.

SEC. 26-2 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:

For the purpose of this ordinance a sign means any structure, placard, display, notice, device or sandwich board which is arranged, intended, designed, maintained or used as an advertisement, announcement or direction, including any medium used for attracting attention to a subject matter for advertising purposes, such as illuminated or non-illuminated advertisements or placards showing through a window from the interior of a building or affixed thereon from the inside. Displays, notices, names and other announcements on canopies or awnings are signs. Logos on currently licensed and not abandoned vehicles are not considered signs for any purpose of this ordinance.

Abandoned sign means 1) a sign located on property which is vacant and unoccupied for three (3) months, 2) a sign which was erected for a previous occupant or business unrelated to the present occupant or business, or 3) a sign left devoid of a message or advertisement related to business located on the said property for a period of (6) six months.

Advocacy sign means a sign used as a form of marketing to support a particular message or cause. Advocacy advertising is considered to be undertaken in the interest of an individual, a group, or the public, and includes commercial advertising and the promotion of a product or service.

A Frame/sidewalk/sandwich sign means a moveable sign not secured or attached to the ground or surface upon which it is located. It may be weighted, attached with springs or built in the shape of an A when viewed from its side profile.

Awning means a building mounted sign made of canvas, cloth, metal, or other material stretched on a ream and used to keep the sun or rain off a storefront, window, doorway, or deck.

Banner means A long strip of cloth or similar material bearing a slogan or design, hung in a public place or carried in a demonstration or procession; a flag or a piece of cloth bearing a symbol, logo, slogan or other message hung over a street or entrance.

Billboard means a flat surface (as of a panel, wall, or fence) on which bills are posted; specifically: a large panel designed to carry outdoor advertising.

Building inspector means the City of Olmos Park building inspector or her/his designated representative.

Business sign means any notice or advertisement, pictorial or otherwise, that directs attention to goods, commodities, products, services or entertainment sold or offered upon the premises where such sign is located.

Cabinet/Can sign means a sign that contains all the text and/or logo symbols within a single enclosed cabinet. It is a traditional box type sign made up of a face and back or two faces, with designs ranging from simple plastic faces to metal faces with push-thru letters.

Canopy means a roof-like cover or structure (other than an awning) made of cloth, metal or material with frames attached to a building, and carried by a frame supported by the ground or sidewalks.

Changeable electronic variable message sign (CEVMS) shall mean a sign which permits light to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including an LED (light emitting diode) or digital sign, and which varies in intensity or color. A CEVMS sign does not include a sign located within the right-of-way that functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) approved by the Federal Highway Administrator as the National Standard.

City Manager means the administrator appointed by a city council to manage the affairs of the municipality.

Civic event sign means a sign posted to advertise or provide direction to a civic event sponsored by the city, a school, church, civic-fraternal organization or similar noncommercial organization.

Cutoff luminaire" means a luminaire in which two and a half percent (2.5%) or less of the lamp lumens are emitted above a horizontal plane through the luminaire's lowest part and ten (10%) or less of the lamp lumens are emitted at a vertical angle eighty (80) degrees above the luminaire's lowest point. (TEXAS HEALTH AND SAFETY CODE, TITLE 5. SANITATION AND ENVIRONMENTAL QUALITY SUBTITLE F. LIGHT POLLUTION, CHAPTER 425. REGULATION OF CERTAIN OUTDOOR LIGHTING).

Damaged sign means a sign which is unsafe, unsecured, disfigured, or broken.

Directory sign means any sign, or combination of signs, with a brick, metal, or stone base and frame, attached to or part of a common structure, which identifies, announces or advertises five (5) or more businesses or offices.

Door sign means any type of sign attached to a door (including the doorframe or jamb), the lettered, numbered, pictorial or sculptured matter of which is visible from the exterior of the building.

Double-faced sign means a sign that has two display areas back to back which is designed to be seen from two directions.

Electrical sign means a sign whereon letters, figures or designs are formed or outlined by electric or other illumination, or formed by a transparent medium which is illuminated from such lamps, tubes, or other illuminate within or on the sign, and all outside building outlining, and shall include interior decorative displays and gas tube or other illuminated window outlining. Signs which are illuminated by electric or other lights which are not attached to the sign or which are not essential

elements of the sign proper, and signs which are lighted by flood lights or projectors, are not classified as electric signs within the meaning of this chapter.

Façade means any face of a building. The dominant façade of the building is where its principal entrance is located and which may or may not face the street upon which its legal address is located.

Facade sign means any sign attached to the façade or face of a building that has been painted as a means of representation for visual communication used for the purpose of bringing the subject of the sign to the attention of others.

Fascia means a wooden board or other flat piece of material covering the ends of rafters or other fittings.

Flat sign means any sign attached to or inset in the wall of any building in approximately the same plane or parallel to the face of such wall.

Footcandle means a quantitative unit measuring the amount of light cast onto a given point, measured as one lumen per square foot. It is defined as the amount of illumination the inside surface of a one-foot-radius sphere would be receiving if there were a uniform point source of one candela in the exact center of the sphere. Alternatively, it can be defined as the illuminance on a one-square foot surface of which there is a uniformly distributed flux of one lumen.

Garage Sale Sign means a sign which advertise the sale of miscellaneous household items for the purpose of a residential garage or yard sale.

Gateway means an area of the City of Olmos Park as delineated as the entrances to the City important by virtue of its geography.

Glare means an intense and blinding light which causes visual discomfort and/or disability.

Free Standing sign means any sign that is not attached to a building.

Fully shielded (full cutoff) luminaire means a luminaire emitting no light above the horizontal plane. Fixtures are shielded in such a manner that light rays emitted by the fixture, either directly from the lamp (shielded or indirectly from the fixture), are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

Identification sign means any sign identifying a business, including its name, address, and/or logo. For an individual this includes title or designation including but not limited to (e.g., M.D., D.C., D.V.M., C.P.A., etc.).

Light source means the element of a lighting fixture that is the point of origin of the lumens emitted by the fixture.

Illuminated sign direct means a sign illuminated by an internal light source.

Illuminated sign indirect means a sign illuminated by an external light source directed toward such sign.

Interior sign means a sign located within the interior of a building or structure and intended to be viewed from the exterior of the building.

Landscape lighting -Luminaries mounted in or at grade (but not more than three (3) feet above grade) and used solely for landscape rather than any area lighting.

Light pollution means the night sky glow caused by the scattering of artificial light in the atmosphere.

Light Trespass is spill light falling over property lines that illuminates adjacent grounds or buildings.

Lumen is the unit used to measure the actual amount of visible light, which is produced by a lamp. The unit of luminous flux in the International System, equal to the amount of light given out through a solid angle by a source of one candela intensity radiating equally in all directions.

Luminary means the complete lighting assembly, less the support assembly.

Luminaire (light fixture) A complete lighting unit consisting of one or more electric lamps, the lamp holder, any reflector or lens, ballast (if any), and any other components and accessories.

Outdoor lighting fixture means any type of fixed or movable lighting equipment that is designed or used for illumination outdoors. The term includes sign lighting, street lights, searchlights and other lighting used for advertising purposes, and area lighting. The term does not include lighting equipment that is required by law to be installed on motor vehicles or lighting required for the safe operation of aircraft.

Marquee means a roofed structure that is vertically-oriented, two-sided sign attached to and supported by a building which projects over public or private sidewalk or rights-of-way.

Marquee sign means a business sign painted on, attached to, or hung from a marquee

Menu board means a sign or portion of a sign constructed to accommodate regular changes in content (ordinarily by removing and replacing letters and numbers).

Monument sign means any ground sign with low overall height with a brick, metal or stone base and frame on which identification panel(s) are contained.

Nonconforming sign means any sign that does not conform to the provisions of this chapter.

Nonconforming use means a structure on land lawfully occupied by an existing use which does not conform with the permitted uses for the zoning district in which it is located as outlined in the zoning ordinance.

Normal maintenance and repair means painting and cleaning. This does not include significant structural alteration, modifications that require a building permit or a modification that cost in excess of 50% of the replacement cost value of the sign prior to such maintenance and repairs. The value of the sign shall be determined by the replacement cost of the sign.

Occupant means a legal occupant of a building or premises licensed to engage in a business occupation or profession, or exempt from license due to governmental, educational, religious or other exempt status.

Off-premises sign means a sign designed for identifying or advertising a specific establishment, merchandise, service product, or entertainment which exists or is sold, produced, manufactured, and/or furnished at a place other than on the property on which such sign is located.

Pedestal sign means a single sign that is freestanding and stands unconnected to any permanent structures and is mounted on a pedestal.

Permanent sign means any sign intended to be displayed, to exist, or function for a long, indefinite period.

Pole and Panel Sign means an unlighted sign fabricated by using one or more visible posts to support the sign body.

Pole sign means a projecting or flat sign supported and placed upon a pole or standards permanently affixed to the ground.

Political signs are signs which support one or more candidates for elective office, or causes, positions, beliefs or views.

Portable sign means any sign that is 1) on wheels or other mobile base not attached or affixed to the ground, a building or other structure and that is capable of being moved or which is intended to be moved from one location to another; removal of wheels does not indicate permanence. 2) considered a portable sign in the normal course of commerce, even though the sign may be temporarily or permanently affixed to the ground, and 3) the design of which indicates it is capable of being moved from one location to another.

Principal identification sign means a permanent sign with the purpose of identifying the business on the premises rather than to market the product or service(s).

Projecting sign means a sign that is attached to a building and extends beyond the building structure at a perpendicular angle to the wall or corner of a building to which it is attached.

Real estate sign means a temporary sign erected by the owner or his agent, advertising the real property upon which the sign is located as being for rent, lease or sale.

Regulatory sign means a directional sign or notices erected and maintained by public officers or governmental agencies pursuant to and in accordance with directions or authorizations contained in state or federal laws, for the purpose of carrying out official duty. This includes those signs that are regulatory in nature but are located on private property for vehicle circulation, parking or entry onto a public roadway.

Replacement Permit means a permit issued for the exact replacement of a damaged sign as it originally existed, in order to verify that no material change is being made to the size or location.

Right of Way is a strip of property encompassing the public roadway plus the easement (area between the road and private property). The right of way does not extend into private property. It begins where one property ends and goes all the way across the road to where another property begins.

Roof sign means any sign erected on or over the roof of a building or on a related freestanding canopy.

Sandwich Board or A-Frame Signs means a two sided sign connected at one edge to form a triangle when extended on a surface. It is a movable sign not permanently secured or attached to the ground or surface upon which it is located.

Sign means any device used to convey information, advertise a product or service, identify a trade name, and/or attract attention.

Sight Distance Triangle the intersection sight distance triangle, in the case of 90 degree intersecting streets, shall be described as the area within a triangle formed by connecting the following three points: the point of intersection of the curb lines adjacent to the lot of the intersecting streets, a point thirty (30) feet from said point of intersection along one curb line, and a point thirty (30) feet from said point of intersection along the other curb line.

Shopping center means any building or group of contiguous buildings containing five (5) or more businesses or offices, such as a strip center, shopping center or office building.

Temporary permanent sign shall mean any sign which serves as an interim permanent identification sign until a permanent sign is available.

Temporary sign shall mean any sign displayed for thirty (30) days or less. Temporary signs may be of cloth, canvass, light fabric, cardboard or wallboard of at least one-fourth inch thickness, or other light material. *For Sale* or real estate signs are not considered temporary signs.

Vision Clearance at Intersections shall refer to intersections not controlled by electric traffic devices in the business district and multi-family zoning districts within Olmos Park where adequate vision clearance areas shall be provided at or near all street corners to prevent the obstruction of sight of converging vehicular or pedestrian traffic at normal vehicular height levels.

Wall sign means a sign applied to or mounted to the wall or surface of a building or structure, the display surface of which does not project more than twelve (12) inches from the outside wall of such building or structure which consist of a single pane, individual letter, or a logo. The total lettering on one side of a building or structure shall constitute one wall sign.

Window sign means a sign that is painted or applied directly to the storefront window(s) and/or door(s). It consists of individual letters and/or a logo.

SEC. 26-3 ERECTION OF SIGNS

Signs are prohibited except in business and office districts unless otherwise provided for in this Code. It shall be unlawful for any person, firm, entity, or corporation to erect, place or maintain a sign in the City of Olmos, Park Texas without first obtaining a permit from the City Building Official. Any sign erected in violation of this section is declared a nuisance and is subject to removal by the city. Some temporary signs are permitted in the residential district of the city §26-5.10.

SEC. 26-3.1 NOTICE OF VIOLATION

Notices of violation shall be delivered in person or mailed by certified mail with a return receipt requested, to such person. Any person so notified of a violation may appeal the determination of the City Manager. Such appeal must be filed with the City Manager within thirty (30) days from delivery or mailing of the notice from the Building Inspector, or his/her determination becomes final. Upon completion of the appeal, the decision of the City Manager shall become final. It shall be a violation of this section to fail or refuse to comply.

SEC. 26-3.2 PENALTY FOR VIOLATION

Any owner, person, firm, corporation or business entity violating this article shall be deemed guilty of a Class C misdemeanor, and upon conviction thereof, shall be fined a sum not exceeding \$500 per day. Each continuing day's violation under this article shall constitute a separate offense. The penal provisions imposed under this article shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, State and federal law.

SEC 26-3.3 ABATEMENT

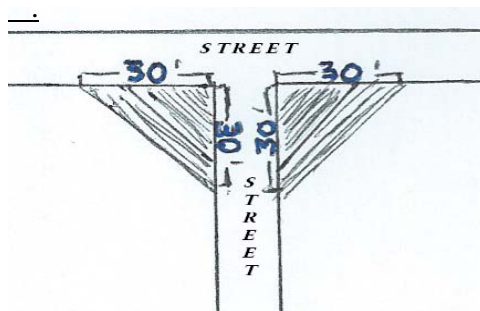
1. The City Manager and the Chief of Police are directed and ordered to effect the abatement of every such nuisance caused by, a) illegally placed billboards and signs, b) signs not maintained, repaired and/or painted and cleaned, now or hereafter existing within the City, by physically removing, or having the same removed. 2) Any abated sign will be stored by the city and may only be recovered upon the owner's payment of the greater of a minimum of \$25.00 or the actual cost of removing the sign. In addition, the owner shall pay a daily storage fee of \$10.00 per day. Any such signs so impounded and stored shall be retained and held by the city and the city shall have a lien against such signs until all charges for removal and storage shall have been paid to the duly authorized officer in charge. All signs stored by the city, which remain unclaimed by the owner or person who has the immediate right to possession thereof, for at least 60 days shall be disposed of.

SEC. 26-4 CONSTRUCTION, RESTRICTIONS AND LIMITATIONS

1. No more than two identification signs of any type shall be permitted upon any one business or business premises or vacant lot.
2. Brand name type signs are prohibited unless the lettering pertaining to the local business is at least twice the size of the brand being advertised.
3. All signs shall be securely fastened or anchored to a building wall, structural framing or other foundation or support with a sufficient number of bolts or anchors to resist the stress due to the dead weight of the sign and wind loads.
4. All signs governed by this chapter shall be situated in a manner which does not interfere with or obstruct windows, doors, or other means of exit from a building. No sign shall be supported on or attached to any fire escape.
5. No commercial signs of any kind or character shall be erected, maintained or permitted on any property situated in any residential zoning district (temporary signs which are approved by a city ordinance are exempt.)
6. Directory signs located in a designated 'shopping center' may be placed at the easement or the right of way but shall not infringe on the easement of the right of way of the city.
7. No signs shall be placed where they interfere with the sight of motorists trying to exit a driveway onto a public road.
8. Commercial signs shall not be placed in such a manner as to distract motorists from the primary purpose of safely maneuvering a vehicle along the road.
9. Commercial Signs shall not mimic traffic safety signals and signs.
10. No signs shall be constructed within an intersection sight distance triangular shaped area on corners.
 - a. Intersection sight distance needs to be provided so that drivers approaching an intersection have an unobstructed view of the intersection along with sufficient length along the intersecting streets to anticipate and minimize potential conflicts. Intersections include all cases where two streets intersect. The sight distance requirements affect the location of all obstructions, including signs, landscaping, fencing, on-street parking, buildings and other improvements.

b. On any corner lot no structure, including signs and off-premises signs, shall be maintained within the triangular area formed by the intersecting street lines and a straight line connecting such street lines, at points thirty feet (30') from the point of intersection measured along such street lines that exceed 36" above the elevation of the curb or street centerline.

Sight Distance Triangle



11. When electrical signs are installed, their installation shall comply with National Electrical Code adopted by the city of Olmos Park.

12. The construction of all permitted signs shall be in conformance with the provisions of *APPENDIX H of the International Building Code (IBC)* which hereby is adopted by reference and made a part of this Chapter.

SEC 26-4.1 MAINTENANCE OF SIGNS AND REPLACEMENT OF NONCONFORMING SIGNS WITHIN THE CITY OF OLMOS PARK

Any sign which does not conform to the standards set forth in this chapter and which is already in place at the time of its adoption shall be classified as a “non-conforming sign” and such non-conforming signs shall be considered “grandfathered” and the old ordinance standards shall continue to apply to these nonconforming signs. However, non-conforming signs which are grandfather shall comply with the new ordinance that requires ordinary maintenance of all signs.

1. Ordinary maintenance of all signs is permitted without the necessity of obtaining a permit. Ordinary maintenance shall mean the refurbishment of signs as they exist with no alteration. Examples of permissible maintenance would be replacement of a rotten board, repainting of the sign elements without alteration of content, or repair of loose parts of the sign. Ordinary maintenance shall not include significant structural alteration, modifications that require a building permit; or a modification that the cost is greater than 50% of the replacement value of the sign.
2. In the event of a change in use, occupancy, or ownership occurs and that necessitates the alteration of a sign in any manner, the entire sign must then comply with any and all provisions of this code.
3. Non-conforming signs which have been damaged, blown down or otherwise destroyed or dismantled for any purpose, other than ordinary maintenance as described in 26-4.1.1 subsection (1) of this section, if replaced, shall comply with this code.

SEC 26-4.2 LIMITATIONS OF SIGNS FOR BUSINESS OR OFFICE PREMISES

1. *Vacant lot.* Only (1) temporary identification sign shall be permitted facing a street which borders the lot. The city manager shall authorize the issuance of permits for additional temporary signs at his/her discretion.
2. Signs for business or office building:
 - a. only two (2) permanent identification signs shall be permitted. Buildings that face more

than one (1) street may have an identification sign attached to the building facing each direction.

b. Size: The total area of a sign shall not exceed one and a half (1.5) square feet of surface area for each one linear foot of building frontage. An additional one square foot of signage is allowed for multi-frontage lots for each additional five linear feet of building depth.

c. It shall be the responsibility of the lessee, licensee, owner, or agent of the owner of the property to keep the ground under and adjacent to the sign free of weeds and litter.

d. It shall be the responsibility of the lessee, licensee, owner, or agent of the owner of the property to keep the sign(s) and adjacent areas free of tagging and/or graffiti.

3. Shopping center

a. A business or office located in a shopping center may have one (1) identification sign attached to the building and one (1) identification sign on a directory sign for the shopping center.

b. A business or office located in a shopping center and that faces more than one (1) street may have an identification sign attached to the building facing each direction and one (1) identification sign on a directory sign for the shopping center.

SEC. 26-4.3 SIGNS ON OR OVER PUBLIC PROPERTY

1. No person shall attach, place, paint, write, stamp, erect or paste any sign, advertisement or other announcement on or over public property, any lamppost, street sign post, electric light, utility pole, tree, fire hydrant, bridge, pavement, sidewalk or crosswalk, public building or park (unless specifically permitted by ordinances within this section). Notwithstanding the foregoing, the City Manager is authorized to issue permits for banner-type temporary signs across McCullough for the promotion of upcoming community events to be held in the City which are sponsored by non-commercial, non-profit or not-for-profit organizations, as evidenced by a valid 501(c)(3) or 501(c)(6) certificate, or for the promotion of community events outside of the city that are sponsored by non-commercial, non-profit or not-for-profit organizations whose principal office is located in Olmos Park, as evidenced by a valid 501(c)(3) or 501(c)(6) certificate, with such banner locations being limited to one (1) sign across McCullough Ave south of Olmos Dr. and one (1) sign across McCullough north of Olmos Dr.

2. No sign shall be erected on or over public property so as to interfere with any fire hydrant, traffic light, fire alarm box or street light, nor shall any sign be erected in any location where, by reason of traffic conditions, fire or explosion hazards, it would imperil public safety or interfere with the functions of the fire department. No sign projecting over a sidewalk or path used by the public shall be erected with its lowest part nearer to sidewalk grade than nine (9) feet.

3. No sign shall be erected on or over public property higher than sixteen (16) feet or higher than the highest elevation of the building to which the sign relates, whichever is lower.

4. Any permit for the erection or alteration of any sign on or over any sidewalk, alley or other public property, or over any roof or building, if considered hazardous, may be revoked by the city manager and shall be issued with the understanding that it may be revoked or withdrawn at any time for good cause, in which case such sign shall immediately be removed by the owner thereof. Every application for the erection or alteration of any sign shall include an agreement recognizing such right and privilege of the city.

SEC. 26-5 SIGNAGE REQUIREMENTS & STANDARDS

1. Height regulations a) the top of any sign shall not be higher than sixteen (16) feet above the ground below it, or higher than the highest elevation of the building to which it relates, whichever height is lower. b) exceptions may be granted if natural or manmade features would obstruct the view of the sign or the sign cannot be seen by those intended to see it.

2. Size/Surface area regulations: Unless specified in a specific sign design description within this section, the total area of any sign shall not exceed 1.5 square feet of surface area for each one linear foot of building frontage. An additional one square foot of signage is allowed for multi-frontage lots for each additional five linear feet of building depth. Building that face more than one (1) street may have an additional sign attached to or inset in the building facing the side street.

3. A-Frame/ Sidewalk and/ or Sandwich Board Signs

- a. A-Frame or Sandwich Board Signs to publicize a 'special event' may be used without restrictions on the number of days specified by the city of Olmos Park, provided all of regulations in this section are met.
- b. Only one (1) A-Frame or Sandwich Board Sign shall be permitted for each business establishment. If an A-Frame or Sandwich Board Sign is being used as a Temporary Special Event Sign, no other A-Frame or Sandwich Board Sign shall be used during the time that the Temporary Special Event Sign is displayed.
- c. The A-Frame or Sandwich Board Sign shall be located so that pedestrian traffic on the sidewalk is not blocked, access to any on-street or off-street parking spaces is not impeded and visibility for traffic on adjoining streets and intersections is not obstructed.
- d. The A-Frame or Sandwich Board Sign shall not be used during inclement weather conditions such as high winds or when the sign could create a hazard for pedestrian or vehicular traffic.
- e. The A-Frame or Sandwich Board Sign shall be removed and stored inside a completely enclosed building during the hours when the business is closed.
- f. The A-Frame or Sandwich Board Sign shall only contain information related to features, products or services available on the premises of the business utilizing the sign. The A-Frame or Sandwich Board Sign shall be located on the premises with the business it is advertising.
- g. One A-Frame/Sandwich Board/Sign on Wheels not to exceed 8-square feet in area per side for each business entrance is allowed. The edges of each sign face shall not be more than thirty six (36) inches apart. The sign may not be lighted or powered by any means.
- h. The text of any one Temporary Special Event Sign shall not be displayed for more than thirty (30) days per calendar year.
- i. The maximum cumulative time that a business may display a temporary sign is one hundred eighty (180) days per calendar year.

4. Awning / Canopy Sign

- a. Description of awning / canopy sign. A sign that is integral to the awning or canopy above a storefront. This type of sign can be located on the valance face including feature area on the main panel.
- b. Design Standards
 1. Maximum of one (1) sign per awning or canopy. Where a single awning expands more than one business each business shall have no more than one sign on such awning.
 2. Internal illumination of awning(s) shall be prohibited. Canopies for Service Station lighting are an exception provided that Service Station canopies' luminaries are flush with the lower surface of canopies and utilize flat glass or plastic covers.
 3. The edge of the canopy or awning sign shall not extend beyond the length or width of the canopy or awning to which it is attached.
 4. Signs mounted on the underside of the awning or canopy, which are perpendicular to the building face, shall not exceed (2/3) two thirds the width of the canopy. A minimum spacing of ten feet (10') from sign to sign and five feet (5') from the end of the canopy (except at a street corner) shall be required.
 5. The edging of a canopy shall be free of any announcements, advertisements, and/or notices. Service Station canopies can display a company logo or insignia.

5. Directory Signs

- a. The maximum area for directory signs shall not exceed 32 square feet per tenant within a site; however, in no case shall the sign area exceed 200 square feet.
- b. No sign shall be erected that is higher than sixteen (16) feet or higher than the highest elevation of the building to which the sign relates, whichever is lower.

6. Flat signs (standards):

- a. Sign hooks, expansion bolts or thru bolts with washers on the inside of the wall shall be used for installation, depending upon the weight and area of the sign and the condition of the wall to which it is attached;
- b. Such signs shall project not more than twelve (12) inches from the face of the building;
- c. Flat signs may be erected on commercial buildings nonconforming to zoning setback requirements, provided a nine foot (9') clearance is maintained under same sign.

7. Electrical signs. (Flashing lights of any configuration, either interior or exterior to the sign proper, are prohibited.)

- a. All provisions of the electrical code of the city shall apply to the erection, alteration, installation and maintenance of electric signs.
- b. All electrical connectors shall be concealed from view.
- c. All lighting installations shall be designed and installed to be fully shielded (full cutoff) and shall have a maximum lamp wattage of 250 watts HID (or lumen equivalent) for commercial lighting, 100 watts incandescent, and 26 watts compact fluorescent for residential lighting (or approximately 1,600 lumens). In residential areas, light should be shielded such that the lamp itself or the lamp image is not directly visible outside the property perimeter thus avoiding light trespass.
- d. Signage using light emitting diode (LED)'s shall be allowed as a light source in a manner that the LED is behind acrylic, aluminum or similar sign face and returns in such a manner that the LED modules are not visible from the exterior of the sign. No changeable electronic variable message signs (commonly referred to as CEVMS signs) shall be installed in the city.

8. Marquee

- a. Description – a marquee sign may project above the building's parapet to be viewable along the sidewalk and down the street from the adjacent block.
- b. Design Standards
 1. Maximum (1) one 1 sign per building;
 2. Sign shall be vertically-oriented and placed high enough on the facade to be viewable from the adjacent block;
 3. The sign shall not extend more than three (3') feet from the building face, or wall, to which it is attached, it shall not extend two (2') above the building and shall not exceed ten (10) square feet in area.
 4. The distance from the bottom of the sign to the ground or sidewalk shall be a minimum of 7 feet.
 5. Signs shall be pinned away from the building wall at least six (6") inches.

9. Monument Signs

- a. The maximum surface area of a Monument Sign shall be twelve (32') square feet.
- b. The maximum height of the Monument Sign shall be three (6') feet.
- c. The bottom of a monument sign shall be no higher than two (2) feet from the ground at the natural grade at the area on which it is set.
- d. A monument sign shall comply with the visibility requirements of §26-4.
- e. A monument sign shall be located not closer than one foot (1') from the edge of the right of way of the city.

f. If a monument sign is comprised of two opposing surfaces the sides shall be parallel planes.

g. A monument sign shall display only the name and address of the business. Where applicable the sign may display the company's logo.

10. Pole and Panel Signs

a. The maximum surface area of a Pole and Panel Sign shall be twelve (12) square feet.

b. The maximum height of the Pole and Panel Sign shall be three (3') feet.

c. The bottom of a Pole and Panel sign can be no higher than two (2) feet from the ground at the natural grade at area on which it is set.

d. The Pole and Panel sign shall comply with the visibility requirements of § SEC. 26-4.

e. A Pole and Panel sign shall be located not closer than one foot (1') from the edge of the right of way of the city.

f. If a Pole and Panel sign is comprised of two opposing surfaces the sides shall be parallel planes.

g. A Pole and Panel sign shall display only the name and address of the business. Where applicable the sign may display the company's logo.

11. Projecting Signs

a. One projecting sign per building face, or wall, of a business property,

b. A projecting sign shall not extend more than four feet from the building face, or wall, to which it is attached and shall not exceed twelve and a half square feet (12 ½ ') in area.

12. Temporary signs.

a. No sign shall be placed on public property.

b. A set back of twenty five feet (25') from the curb is required.

c. Residential Real Estate Signs

1. Must be made of durable materials.

2. For sale signs must be located on the property being sold.

3. One (1) "For Sale" sign is allowed per parcel

a. maximum size shall be eight (8) square feet.

b. maximum height shall be five (5) feet from the ground.

d. Open House Signs

1. Only one "Open House" sign is allowed on a property for sale.

2. Open house signs and open house directional signs shall only be displayed during daylight hours, while an agent is on the site and must state "open house" on the sign.

e. Banners May not be used for permanent signage. They shall be:

1. made of durable materials and shall be well maintained;

2. limited to two thirty (30) day placements per calendar year,

3. only be placed on building walls, tacked down on all four corners, and

4. limited to 10% of wall area.

f. Garage Sale / Estate Sale signs / Yard Sale

1. A garage sale permit issued by the City of Olmos Park is required,

2. Only one (1) sign may be displayed on the premises of the sale,

3. The maximum size of the sign shall be no more than four (4) square feet,

4. The sign must be removed at the end of day following the event to which it pertains.

h. No business or office shall display more than two (2) temporary signs at a time, and the maximum cumulative time that temporary signs may be displayed at one location is one hundred eighty (180) days per calendar year.

i. The text of any one sign shall not be displayed more than thirty (30) days per calendar year. The city manager shall not approve a temporary sign application when the text of such

temporary sign is the same or substantially the same as another temporary sign permitted for the same location during any calendar year.

j. Temporary signs shall be well maintained throughout the time they are displayed.

k. A temporary permanent sign shall not be displayed for more than ninety (90) total days.

13. Political Signs and Advocacy Signs

a. On public property – it shall be unlawful for any person to post or place any advocacy sign or advertisement, of any kind or character, at any time, on any public property, whether belonging to the City local, state, federal agency or branch of government, and whether owned in fee or by easement thereon, or by prescription or limitation. Political signs shall not be placed on municipal property or within the public right of way.

b. On private property - It shall be unlawful for any person, other than the owner thereof, or someone duly authorized by such owner, to place any political sign in or on any private property. Any political sign properly placed on private property may not be removed without the express authorization of the property owner. Political signs may be erected on the first day of filing for political office, and all political signs must be removed immediately following the election for which they were displayed.

c. Size, Placement - It shall be unlawful for the owner of any private property, or any person acting for such owner or with such owner's knowledge, permission or consent, express or implied, to post or place any political sign in or on his property that has an effective area greater than thirty two (32) square feet; is greater than five (5) feet high; is illuminated; has any moving elements; or to place the sign within a public easements or where it interferes with visibility.

(1) SINGLE FAMILY RESIDENCE DISTRICTS. Each property may contain advocacy signs facing each street which directly abuts the property. Each property may have one issue advocacy sign within the yard. The signs must be placed behind the building setback line OR within five feet of the main structure, whichever is closer to the street. No advocacy signs may be placed on municipal property or within the public right of way.

(2) APARTMENT/MULTI-FAMILY DISTRICTS. For each separate tenant space that has a private outside entrance one sign per candidate may be placed directly in front of the entry with the property owner's written permission. No political signs may be placed on municipal property or within the public right of way. Political signs may be erected on the first day of filing for political office, and all political signs must be removed immediately following the election for which they were displayed. For each separate tenant space that has a private outside entrance one issue advocacy sign may be placed directly in front of the entry with the property owner's written permission. No advocacy signs may be placed on municipal property or within the public right of way.

(3) RETAIL DISTRICTS For each separate tenant space that has a private outside entrance one sign per candidate may be placed directly in front of the entry with the property owner's written permission No political signs may be placed on municipal property or within the public right of way. Political signs may be erected on the first day of filing for political office, and all political signs must be removed immediately following the election for which they were displayed. For each separate tenant space that has a private outside entrance one issue advocacy sign may be placed directly in front of the entry with the property owner's written permission. No advocacy signs may be placed on municipal property or within the public-right-of-way.

d. Removal after event –signs/advertisements shall be removed or pulled down within twenty-four (24) hours following the election/event to which it pertains.

14. Wall Sign - Design Standards

a. The maximum of one (1) wall sign per facade along a frontage is permitted. The sign shall not exceed one and a half (1½) square feet for each linear foot of building frontage but in no case shall such wall sign exceed 50 square feet. Buildings that

- face more than one (1) street may have an identification sign attached to or inset in
- a. building facing each street.
 - b. The maximum thickness of sign as measured from the wall shall not exceed four (4) inches.
 - c. A wall sign shall be no less than twenty-four (24) inches from any opening or edge of a façade.
 - d. A wall sign shall be a minimum of twelve (12) inches from an eave or parapet.
 - e. A wall sign shall not exceed twenty-five (25) feet in height measured from the ground at the base of the wall.
15. Window Sign - Design Standard
- a. May be painted or applied directly to the storefront window(s) and/or door(s). Its text shall consist of individual letters and a logo.
 - b. The width shall not exceed more than forty percent (40%) of the width of the storefront window.

SEC 26-6 PROHIBITED SIGNS

1. Abandoned signs;
2. Advertising benches;
3. Cabinet/Can signs attached to a building. An exception shall be made for Service Station and or Convenience stores who use cabinet signs (attached to a building) as a means of advertisement for products sold on the premises.
4. Changeable electronic variable message sign.
5. Digital Signs
6. Flashing light signs;
7. Inflated or inflatable signs;
8. Interior signs -while signs on the interior of a building or office are allowed, the intent of such an authority is for signs intended for those interior to the building, while the viewing of same on the exterior of the building is incidental. The posting of signs on the interior of the building for the sole purpose of exterior viewing, thereby attempting to circumvent the city's sign ordinance, is prohibited, except where such signage is permitted as a temporary sign, following the regulations of such.
9. Moving signs;
10. Off-premises sign;
11. Pennants;
12. Pole Signs;
13. Portable sign means a sign not permanently attached to the ground or building, utilizing a power-cord for connection to an electrical source and readily removable;
14. Roof signs of any size or type, mounted or affixed to any roof or roof like structure or canopy (freestanding or attached);
15. Search lights;
16. Signs that emit sound or smoke;
17. Signs that may resemble or be confused with any traffic- control sign or device;
18. Signs that identify uses, services or products not sold on the premises;
19. Signs upon the face of any marquee except a theater building marquee (regardless of whether the building is being used as a theater);
20. Signs attached to exterior display items shall be deemed temporary signs, and regulated as such;
21. Time and/or temperature signs.
22. Writing on building fascias or canopies fascias (Convenience stores operated with Service Stations may utilize building fascias).

SEC. 26-7 SIGN ILLUMINATION REQUIREMENTS & STANDARDS

The purpose of these regulations is to:

- Permit reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night;

- Curtail and reverse any degradation of the nighttime visual environment and the night sky;
- Minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary;
- Conserve energy and resources to the greatest extent possible; Help protect the natural environment from the damaging effects of night lighting.
- Define acceptable lighting standards that are objective and objectively applicable, regardless of changes in technology:
 - quality (“soft” or “hard”, and/or the power or wattage used);
 - quantity (bright or dim as measured by accepted technological standards)
 - types (diffused or direct light) and the
 - spectrum of the light (“cool” vs. “warm”).

(A) *Non-residential districts.* Monument and wall signs for business entities and institutions located in non-residential districts (commercial and mixed use) may be either internally- or externally-illuminated.

(B) *Internally-illuminated signs.* Illumination of an internally-illuminated sign shall be by a light source that is contained inside such sign's structure comprising the display surface area and consisting of its frame and face(s).

(C) *Externally-illuminated signs.* Illumination of an externally-illuminated sign shall conform to the following:

1. Externally Illumination shall be steady, stationary, fully shielded light fixture directed solely at the sign.
2. The light source shall not: a) be visible from any street right-of-way; b) cause glare to pedestrians or vehicle drivers; or c.) create a nuisance to adjacent properties.
3. The intensity of the light shall not exceed twenty foot candles (20 fc) at any point on the sign face.
4. Colored lamps are not permitted.
5. All electrical signs shall have a disconnecting switch located in a readily accessible place.

(D) *Lighting installations.* All lighting installations shall be designed and installed to be fully shielded (full cutoff) and shall have a maximum lamp wattage of 250 watts HID (or lumen equivalent).

SEC 26-7.1 LIGHTING THAT IS EXEMPT FROM THESE REGULATIONS:

- a. Lighting in swimming pools and other water features governed by Article 680 of the National Electrical Code.
- b. Exit signs and other illumination required by building codes.
- c. Lighting for stairs and ramps, as required by the building code.
- d. Holiday and temporary lighting (limited to less than sixty days use in any one year).