

ORDINANCE NO. 83-1985

AN ORDINANCE REPEALING CHAPTER 23, "PLANNING AND COMMUNITY DEVELOPMENT," SUBPART C., "SIGNS AND BILLBOARDS" AND SUBPART E., "ZONING," SECTION 23-314, "SIGN REGULATIONS," OF THE ABILENE MUNICIPAL CODE; AND ADOPTING NEW SIGN REGULATIONS AS PROVIDED HEREIN; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY AND CALLING A PUBLIC HEARING.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 23, "Planning and Community Development," Subpart C., "Signs and Billboards," of the Municipal Code of the City of Abilene be repealed and replaced with Exhibit "A" and;

PART 2: That Chapter 23, "Planning and Community Development," Subpart E., "Zoning," Section 23-314, "Sign Regulations," of the Municipal Code of the City of Abilene be repealed, and;

PART 3: That the Municipal Code of the City of Abilene be amended as set out in Exhibit "A" attached hereto and made a part of this ordinance for all purposes.

PART 4: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 5: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 7th day of November A.D. 1985.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 19th day of November, 1985, to permit the public to be heard prior to final consideration of this ordinance. Said ordinance shall become effective February 1, 1986, which is ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter

of the City of Abilene.

PASSED ON SECOND AND FINAL READING this 21 day of _____

November _____, A.D. 19 85 _____.

ATTEST:


Patricia Patton
CITY SECRETARY

David Stillheman
MAYOR

APPROVED:

Thomas Cayce
CITY ATTORNEY



ORDINANCE NO. _____

EXHIBIT A

SIGN REGULATIONS

REVISED DRAFT

August 27, 1985

September 5, 1985

September 12, 1985

September 25, 1985

October 1, 1985

As Revised by Planning and Zoning Commission

October 7, 1985

CHAPTER 23

Subpart C. Signs and Billboards - 23-126--23-250

ARTICLE I. IN GENERAL

SECTION 23-126 Goals

In order to assure continuity and effectiveness in the regulation of signs, the City of Abilene has adopted the following goals to be attained by these regulations:

- (A) Sign regulation in the City of Abilene will recognize and appreciate the value of advertising and signage to a successful business climate.
- (B) Sign regulation in Abilene will address contemporary and future needs of Abilene by responding to:
 - 1. Public Safety
 - 2. New Patterns of Growth
 - 3. More Flexible Zoning and Land Use Practices
 - 4. The Quality of the Visual Environment
- (C) Sign regulation in Abilene will be understandable to the public in order to encourage maximum voluntary compliance.
- (D) Sign regulation in Abilene will be simplified to the greatest extent possible so as to improve enforcement and compliance.

SECTION 23-127 General Statement of Purpose

It is the purpose of this ordinance to further those goals of the City of Abilene set forth in Section I and to provide uniform sign standards which promote a positive city image reflecting order, harmony, and pride, thereby strengthening the economic stability of Abilene's business, cultural, and residential areas. Objectives to be pursued in applying specific standards are as follows:

- (A) To identify individual business, residential, and public uses without creating confusion, unsightliness or visual obscurity of adjacent uses;
- (B) 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 and to further assure compatibility of all such signs, including the design features herein specified, with existing land uses on adjacent properties; and
- (C) To assure that all signs, sign supports, and sign bases shall be so constructed and designed to provide for safety and for design compatibility with the development site; where possible, the materials used, the form, color, lighting, and design should be similar to the materials used in the development.

SECTION 23-128 Definitions

- (A) The following definitions shall apply in the

interpretation and the enforcement of this article. In the event a word or term is not defined in this Article but is defined in Article 23 of this Chapter, the definition set forth in Article 23 shall be deemed controlling. In the event of conflict between the definition of a word or term set forth in this Article and the definition of the same word or term set forth in Article 23 of this Chapter, the definition set forth in this Article shall be deemed controlling as to the interpretation and enforcement of this Article.

- (1) Advertising. To seek the attraction of or to direct the attention of the public to any goods, services, or merchandise whatsoever.
- (2) Area. The area shall be considered to be the entire area within any geometric figure, including, but not limited to, all elements of the matter displayed but not including blank masking, frames, or structured elements outside the sign bearing no advertising or graphic matter.
- (3) Business entity. Any person, corporation or group of persons associated for the common purpose of engaging in a commercial or mercantile activity legally permissible under federal, state, and local laws.
- (4) Combined Commercial, Shopping or Office Center. A group of three or more retail, office, and/or commercial establishments built on a site which is planned, developed, and managed as an operating unit related in its size, location, and type of shops or offices to the trade area that the unit serves. The commercial, retail, or office establishments may or may not be architecturally unified, may be single or multiple ownership, and may be located on single or multiple lot development sites.
- (5) Commercial vehicle. Any vehicle which is used on a regular basis during working hours to transport persons, goods, or services for the purpose of engaging in business activities.
- (6) Crown of street. The highest point of grade elevation of a cross section of a street, usually at a point approximately on the center line of a street.
- (7) Development site. A parcel or abutting parcels of land that have definite boundaries, which is improved or that is to be improved as a single unit of use.
- (8) Height. Height shall be considered to be the vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and that point on the crown of the street which is nearest to the point on the sign which is used to establish the setback of the sign, as setback is hereinafter defined. For signs located 200 feet or further from a street, height shall be considered to be the vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and the highest adjacent grade. Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the structural support of the sign.

(9) Mansard roof. A roof having two slopes on all sides, with the lower slope steeper than the upper slope.

(10) Primary use or service. A use or service that is the principal activity on a site.

(11) Secondary use or service. A use or service that is subordinate and incidental to and serves a principal use or service.

(12) Setback. A line parallel to, and the required distance from, the lot frontage adjacent to any street abutting the lot or tract in question, or a line parallel to and the required distance from any lot abutting the side of the lot or tract in question. For purposes of determining the requirements of this section, no portion of any sign or its support shall project or extend beyond the required setback line.

(13) Sign. Any words, numbers, figures, devices, designs, trademarks, or other symbols, which attract attention to or make known such things as an individual, firm, profession, business, commodity, or service, and which are visible from any public street. This definition of "sign" shall include any structure designed to be used for said display. For the purpose of removal, "sign" shall also include sign supports.

(14) Sign, abandoned. Any sign which no longer correctly directs or exhorts any person or advertises a bona fide business lessor, owner, product, service, or activity.

(15) Sign appendage. A subordinate or accessory sign or object attached to a primary sign.

(16) Sign, construction. A temporary, non-portable, on-site sign indicating the names of architects, engineers, builders, contractors, or craftsmen involved in the design and construction of a project.

(17) Signs, church or institutional. Any structure, device, display board, screen, surface, or wall with characters, letters or illustrations placed thereon, by any method or means, showing names, activities and services provided by a church or other public services non-profit institution; such sign shall be located on property occupied by such church or non-profit institution. Portable signs are not considered church or institutional signs.

(18) Sign, damaged. Any sign which has become deteriorated or dilapidated and requires reconditioning to restore it to an average, normal state of repair, when such reconditioning and restoration shall include the replacement of any missing portion of the sign, including letters, numbers, figures or designs, or the replacement of broken or damaged glass or other materials, or the straightening of any sign support or other portion of the sign when the sign structure is leaning to such a degree as to be in danger of falling or collapse. A sign shall be considered damaged whenever the cost of repairing such damage is equal to or greater than 50% of the cost of erecting a new sign of the same type at the same location.

- (19) Sign, electrical. Any illuminated sign or sign utilizing any electrical devices.
- (20) Sign, free-standing. Any sign permanently affixed to the ground and which is not affixed to a building and which is not used for off-premises advertising.
- (21) Sign, free-standing (monument). A sign with a display surface that is an integral part of the support structure, which in turn is affixed or permanently fixed in the ground, as contrasted to any other free-standing sign that has separate support or supports attached to the display surface. For the purposes of interpretation in this Article, "free-standing signs" shall include monument signs but "free-standing monument signs" shall not include other types of free-standing signs.
- (22) Sign, garage sale. Any sign for sale of twenty (20) or more items of used personal property from a residence, including "patio sales," "porch sales" and "driveway sales," "yard sales," and similar terminology.
- (23) Sign, government. Any sign indicating public works projects, public services or other programs or activities conducted or required by any governmental subdivision.
- (24) Sign, instructional (private). A permanent, on-site sign used to provide warning, identification, information, or directions such as traffic signs, parking signs, and loading area signs.
- (25) Sign, moving message. Any sign which has automatically changing advertising or which has any moving message.
- (26) Sign, multi-party. Any sign which is used or intended to be used for advertising purposes by more than one business entity located on the development site.
- (27) Sign, off-site advertising or billboard. A sign which advertises or directs attention to commodities, services, entertainment, business, or activities offered off the premises where the sign is located. This category includes the conventional painted bulletin or poster panel.
- (28) Sign, on-site business and/or identification. A sign directing attention to or presenting commodities, services, or activities conducted, sold or offered on the premises where the sign is located, and may include name of the establishment or business offering such commodities, services or activities. An on-site sign which does not advertise commodities or services, but calls attention to name and/or address of the business located on the premises is included within this category.
- (29) Sign, political or non-commercial. A sign erected on private property by or with approval of the property owner solely for the purpose of advocating certain political candidates; or for a specific identifiable date or certain election; or propositions. This definition shall not apply to portable signs.

(30) Sign, portable. A sign which is not designed or manufactured to be permanently anchored or affixed to the ground, building or other structure, but rather is designed or primarily used as a sign which is movable from place to place and which includes but is not limited to signs affixed to a trailer or other portable structure and "A" frame or sandwich signs.

(31) Sign, non-portable. A sign designed or manufactured to be anchored or affixed to the ground, buildings or other structures in a manner restricting easy movement from place to place. Non-portable signs do not include portable signs which have had wheels removed or have been modified in such a way as to be anchored to the ground or other structures by means of chains, cables, stakes, or similar devices unless such modifications will prohibit removal of the sign and reinstallation at another location.

Non-portable signs may, however, include signs utilizing posts, poles, beams, and similar structural components that may be affixed to the ground in a temporary fashion. Non-portable signs may also include signs utilizing braces, hangers, wall anchors and similar structural components that may be affixed to buildings or other structures in a temporary fashion. In either case, non-portable signs will conform to the Uniform Building Code.

(32) Sign, realty. A sign located on real property that is for rent, lease or sale, said sign being for the purpose of advertising the rent, lease or sale of said property.

(33) Sign, special development temporary. A temporary, non-portable on-site sign indicating the name of a project or subdivision under development, including the name and address of the project developer, contractors and builders involved in the construction of the development.

(34) Sign, structural. A non-portable sign other than wall signs.

(35) Sign, temporary. Any sign which is displayed, as permitted under the terms and provisions of this Article, for a limited period of time for the purposes of sales promotion or providing information concerning an event or activity occurring upon the property where the sign is displayed, which sign shall be removed promptly upon the conclusion of any such sale, event or activity.

(36) Sign, wall. Any sign affixed flat against and parallel to a building wall. For the purpose of this definition, wall shall include window areas.

(37) Visibility triangle. A triangle formed by a diagonal line extending through two points on the two property lines twenty-five feet (25') from the street corner intersection of the two property lines. No sign or supporting structure shall be placed within the visibility triangle unless there is a minimum height of eight feet (8') from the ground to the lowest point on the sign or structure projecting over the triangle. In no instance, however, shall such projections extend or project beyond the required setbacks.

- (A) All signs, other than address identification signs, shall pertain to the identification of the primary uses, by name of the occupant or business, and/or primary services provided or primary products sold on the premises, except for off-site advertising (or billboards) signs, other noncommercial, and private instructional signs as hereinafter provided.
- (B) Where applicable, a sign shall, at the time the sign is permitted, meet all requirements of Chapter 8 of the Code of Ordinances of the City of Abilene and any other applicable requirement of said Code.
- (C) All signs, including those painted on the walls of buildings, shall be permanently maintained in a safe, presentable condition. All signs shall be kept in good repair and, unless of galvanized or non-corroding metal or treated with appropriate wood preservative, shall be thoroughly painted as often as is necessary consistent with good maintenance. All braces, bolts, clips, supporting frames and fastening shall be free from deterioration, termite infestation, rot or loosening. All signs shall further be maintained in compliance with any additional requirements for signs as are specified in Chapter 8 of the Code of Ordinances of the City of Abilene and any other applicable requirements of said Code.
- (D) No sign in any zoning district shall project into the public right-of-way of any street or alley except in the Central Business district. In a Central Business district, no sign shall extend outward from any building face into the public right-of-way for a distance of more than within two feet (2') of the street curb, nor shall be erected so as to overhang a sidewalk or public right-of-way at a height of less than eight feet (8').
- (E) Every business location shall be adequately identified by a street address, i.e. street numbers and/or street name, which is clearly visible from the street adjacent to the front entrance of such business. However, the area of a sign which is erected for the sole purpose of providing such street address identification shall not be subtracted from or count against the total allowable sign area requirements for the several districts as hereinafter specified in this Article. Further, such street address identification may be incorporated into any sign permitted under the terms and provisions of this Article so long as such street address identification does not increase the maximum allowable sign area of any sign by more than ten percent (10%) or does not constitute more than ten percent (10%) of the actual sign area. The incorporation of such street address identification shall not change the height or setback requirements from the maximums or minimums allowable for such sign prior to incorporation thereof.
- (F) All signs hereinafter erected shall bear the name of the contractor and date of erection painted on, or permanently affixed to, the lower margin of the sign.
- (G) All lighting shall be so shielded as to prevent intensive light or glare on adjacent property and roadways.

ARTICLE II. Permits

SECTION 23-146 Permits Required

Except as provided in Section VI, a permit shall be obtained from the City of Abilene for a proposed sign.

(A) Structural Signs

For purposes of design of structural members on signs, the current Uniform Building Code of the City of Abilene shall be utilized.

(B) Electrical Signs

All illuminated signs or signs utilizing any electrical devices shall require an electrical permit and shall be wired in accordance with the Electrical Code of the City of Abilene.

(C) Permit to Enlarge, Alter, Repair, Etc.

No sign shall be altered, rebuilt, enlarged, extended, replaced or relocated, nor shall sign faces be renewed or neon tubing be rearranged when the values of such work exceeds 50% of the cost of erecting a new sign of the same type at the same location, except upon the issuance of a permit, and all work done under such permit shall be in conformity with the requirements of this Chapter.

The changing of movable parts of signs which are designed for changing, or the repainting of display matter or the repairing of damaged neon tubing while a sign is in place shall not be deemed to be alterations for the purpose of this Section.

SECTION 23-147 Signs Exempted from Permit Requirements

(A) No permit shall be required to erect any of the signs set forth in this section:

- (1) Signs indicating only the name and/or address of the occupants of residential units;
- (2) Non-illuminated realty signs located on private property that are no greater than six (6) square feet in area;
- (3) Non-illuminated signs pertaining to construction on residential property upon which the signs are located, as permitted under Section IX of this Article;
- (4) Non-illuminated political signs located on private property in residential zones or on private property in commercial/office zones, for the purpose of advocating certain political candidates, or for a specific, identifiable date or certain election, or propositions. This provision shall not apply to portable signs.

- (5) Non-illuminated temporary business promotional signs placed in or on windows of structures in commercial/office use, except as provided in Section X Special Regulations for Portable Signs;
- (6) Non-illuminated community service signs placed in or on windows of structures in commercial/office use.

SECTION 23-148 Prohibited Signs

The following signs shall be prohibited in all zoning districts:

- (A) All signs, other than address identification signs, which do not identify the primary uses, by name of the occupant or business, or the primary services provided or products sold on premises, except for off-site advertising (or billboard) signs and private instructional signs as hereinafter provided;
- (B) Appendages which have flashing, blinking or traveling lights to primary signs;
- (C) Signs which are animated by means of flashing, traveling or blinking lights, or other means not providing constant illumination;

Exception: Time and temperature signs shall be permitted but shall not be located within forty-three feet (43') of the right-of-way or within forty-three feet (43') of a street intersection;

Exception: Signs utilizing chasers, scintillators, or other flashing systems which cause lights to flicker or flash in a manner that does not present the effect of the sign or its parts being intermittently illuminated and darkened; crawler and speller type signs shall be permitted.

(D) Signs or posters of miscellaneous character, not otherwise regulated, which are tacked, painted, pasted or otherwise affixed and visible from any public right-of-way or pedestrian passageway or plaza, located on the walls of buildings or sheds, on trees, poles, posts, fences or other structures;

(E) Banners, pennants, searchlights, twirling signs or any other advertising sign of a similar nature, located anywhere upon the development site or upon the sidewalk, curb or right-of-way adjacent to the development site;

(E) 1. Exception: Banners, pennants and searchlights shall be permitted for a period not to exceed thirty (30) days for which a written permit shall be obtained from the City of Abilene.

(E) 2. Exception: Banners and pennants are permitted accessory to public service events such as fund raising events, sporting events, and similar activities for a period not to exceed 10 days. Banners and pennants accessory to public service events lasting more than 10 days will be subject to the permit provisions set forth in VII. (E) 2.

- (F) Flags which obstruct the view of traffic.
- (G) Any signs which resemble official traffic-control signs, signals or devices, which bear the words, "Stop," "Go Slow," "Caution," "Danger," "Warning," or similar words;
- (H) Signs which, by reason of their size, location, content, coloring, manner of illumination, or devices causing motion or movement may be confused with or construed as traffic-control signs, signals or devices, or the lights of an emergency or road equipment vehicle, or which hide from view any traffic-control or street signs, signals or devices; or any sign which may, in the opinion of the Director of Traffic and Transportation, create or cause a hazard.
- (I) Any sign or advertising device attached to or located on any vehicle or trailer parked on a public right-of-way, on public property or on private property so as to be visible from a public right-of-way, the basic purpose of which sign or advertising device is to provide advertisement of products or to direct people to a business or activity located on the same property or other property or premises;
- (I) 1. Exception: This subsection shall not be construed so as to prohibit typical vehicular signage such as is lettered on a commercial vehicle;
- (J) Any sign which emits audible sound, odor, or visible matter.

SECTION 23-149 Bonding

(A) Performance Bond (Sign Contractor's Bond)

No permit for the installation, erection, and/or maintenance of signs shall be issued to any person (or entity) until a Performance Bond has been filed with the City of Abilene to guarantee performance under Section _____ of Chapter _____ of the Code of the City of Abilene.

Such bond shall be issued by a corporate surety, licensed to do business in the State of Texas, shall be approved by the City Manager or his designee and be in the sum of Three Thousand dollars (\$3,000).

Said bond shall guarantee that permittee shall install, erect, repair, and/or demolish signs, as regulated by this ordinance, in a good and workmanlike manner and in accordance with the prevailing standards of the trade. Said bond shall further guarantee any and all sign work performed by permittee, and subject to the provisions of this ordinance.

SECTION 23-150
THROUGH

SECTION 23-160 RESERVED

ARTICLE III. LOCATION STANDARDS

SECTION 23-161 Area, Height, Placement and Number

(A) All non-portable signs not specifically exempted from permits (by the terms of Section VI, A) shall be permitted only for the purposes identified herein this Section IX and within the limitations prescribed by this Section IX.

(B) Area shall be considered to be the entire area within any geometric figure, including, but not limited to, all elements of the matter displayed, but not including blank masking, frames, or structured elements outside the sign bearing no advertising or graphic matter.

(C) Height shall be considered to be the vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and that point on the crown of the street which is nearest to the point on the sign which is used to establish the setback of the sign, as setback is herein defined. For signs located 200 feet or further from a street, height shall be considered to be the vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and the highest adjacent grade. Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the structural support of the sign.

(D) Setback shall be considered to mean a line parallel to, and the required distance from, the lot frontage adjacent to any street abutting the lot or tract in question, or a line parallel to and the required distance from any lot abutting the side of the lot or tract in question. For purposes of determining the requirements of this section, no portion of any sign or its support shall project or extend beyond the required setback line.

(E) Visibility triangle shall be considered to mean a triangle formed by a diagonal line extending through two points on the two property lines twenty-five feet (25') from the street corner intersection of the two property lines. No sign or supporting structure shall be placed within the visibility triangle unless there is a minimum height of eight feet (8') from the ground to the lowest point on the sign or structure projecting over the triangle. In no instance, however, shall such projections extend or project beyond the required setbacks.

(F) Footnotes

(1) No off-site advertising signs shall be permitted less than 135 feet from a lot in a Residential Single-Family or RM-3 district.

No off-site advertising signs shall be permitted less than 400 feet from a lot in a Residential Single-Family or RM-3 district when adjacent to Interstate or Primary systems.

In A0 zoning districts, off-site advertising signs may be permitted upon issuance of a Special Exception by the Zoning Board of Adjustment after a public hearing. In determining the suitability of a site for placement of an off-site advertising sign, the Board shall consider the proximity of the proposed location to existing or proposed residential uses as may be indicated on the zoning map of the City of Abilene or any land use plans that have been approved by either the Planning and Zoning Commission or the City Council. Setbacks for off-site advertising signs on Interstate/Primary roads shall be established by the State of Texas.

(2) The minimum separation shall be measured from signs on the same side of the street.

(3) Free-standing institutional signs (identifying churches and other public service non-profit institutions) located within residential districts are permitted to be up to 80 square feet in area and up to 25 feet in height. Such institutions are permitted only one free-standing sign per street front. In addition, such institutions shall be permitted one wall sign (for identification purposes) per street frontage so long as such sign exceeds no more than 100 square feet in area. A permit from the City shall be required for installation of all signs identifying churches and other institutions within residential districts. Except as otherwise stated above, all other requirements for identification signs in residential districts shall be applicable to those identifying churches and other institutions.

(4) Front setback shall be a minimum of ten feet (10') from back of curb or edge of pavement where there is no curb, provided, however, that no sign shall project into the public right-of-way of any street or alley except in the Central Business district as provided in Section IV (D), "General Provisions."

Side setbacks shall be ten feet (10') from any side abutting a lot or tract in an A0, RS, RM, MH, or CU district. In all other cases there shall be no side setback.

(5) Freestanding signs shall have a minimum grade clearance of 8 feet. Freestanding monument signs shall not exceed a height of 42 inches.

SECTION 23-162
THROUGH
SECTION 23-170 RESERVED

**STANDARDS FOR AREA, HEIGHT, PLACEMENT AND NUMBER:
PERMANENT, NON-PORTABLE SIGNS**

Sign Classification	Permitted Zoning Districts	Maximum Area	Maximum Height	Setback Required	Number and/or Spacing Limitations	Illumination Permitted	Motion Permitted	Additional Requirements
ON SITE ADVERTISING (A NON-COMMERCIAL)	AO SC CB GC HC LI HI ①	42.5 feet Interstate, primary ⑤ 700 sq. ft. per side ⑥	Interstate, primary ① Others 10ft. abutting RS, RM, MH, CU, AO ②	Interstate, primary no more than four attached signs spaced no less than 1500 ft. apart Others 750 ft. apart ②	yes	yes	1. permit from building official 2. the base of all signs shall be at least 8 feet above ground level	
	AO MU O	36 sq. ft. wall signs no more than 25% wall front (cumulative) other signs no more than 300 sq. ft. ⑤	10 feet from property line ④	one per business none for wall signs two per street frontage, 3 max. ③	yes	no	Permit from building official	
	SC CB GC HC LI HI	50 feet except in CB District (no restrictions) ⑤			none for wall signs one per business ⑥	yes	yes	permit from building official
	LC PI	36 feet ⑥			one per business one per business ⑥	yes	no	permit from building official
	RM MH CU	20 sq. ft. ③	10 feet from property line ③	10 feet from street frontage, 3 max. ③	one per street frontage, 3 max. ③	yes	no	permit from building official ③
	RS	1 sq. ft. ③			one per premises ③	no	no	wall signs only ③
	All Districts Except RS	8 sq. ft.	10 feet		as needed	yes	no	permit from building official
	INSTRUCTIONAL PRIVATE			IIA				

**STANDARDS FOR AREA, HEIGHT, PLACEMENT AND NUMBER:
TEMPORARY, NON-PORTABLE SIGNS**

Sign Classification	Permitted Zoning Districts	Maximum Area	Maximum Height	Setback Required	Number and/or Spacing Limitations	Illumination Permitted	Motion Permitted	Maximum Duration	Additional Requirements
ON SITE	CONSTRUCTION	80 sq. ft.	15 feet	10 feet from all property lines except in CB	one per street front, 2 max.	no	no	until approx. 90% complete	permit from building official
	SPECIAL DEVELOPMENT	80 sq. ft.	15 feet	10 feet from all property lines except in CB	one for each 300 feet of street frontage	no	no	until approx. 90% complete	permit from building official

ARTICLE IV. PORTABLE SIGNS

SECTION 23-171

Special Regulations for Portable Signs

(A) Portable signs are prohibited in residential areas, including multi-family and mobile home developments. Prior to the use or placement of any portable sign, a permit must be obtained pursuant to the following terms and conditions. Permits for portable signs may be issued to persons other than sign contractors and no bonds are required.

(1) A portable sign permit may be issued for a business, office, or use (not within a shopping center or combined commercial, retail or office development) for the placement of a portable sign for any period not to exceed thirty (30) days. No permit for the same business and/or location shall be issued until thirty (30) days has elapsed since the previous permit has expired. Said portable sign shall be physically removed from the referenced location upon expiration of the permit.

A permit for up to six 30 day periods within each calendar year may be issued for any business and/or location. The issuance of permits in this manner shall not negate the provisions of this subsection prohibiting the location of a portable sign for any period exceeding 30 consecutive days and such permitting shall not negate the provisions of this subsection requiring removal of the portable sign at the end of each 30 day period for an additional period no less than 30 consecutive days.

(2) A portable sign permit may be issued for shopping centers or combined commercial, retail or office developments; however, no permit shall be issued for the placement or location of a portable sign, for the same business, office or use until a period of thirty (30) days has elapsed since the previous permit has expired, and in no case shall any shopping center, or combined commercial, retail or office development display, or be permitted, for more than three portable signs per major street frontage. In addition, the center must maintain a distance of 150' between portable signs and more than one (1) sign cannot be permitted unless the 150' distance can be maintained.

(3) Portable signs shall be located no closer than fifteen (15) feet to the street and a greater distance if necessary to be located off of the right-of-way. In no case shall the portable sign be located within the public right-of-way. Further, said signs shall not be located in the area described as the intersection visibility triangle area.

(4) No portable sign shall be placed so as to project into the public right-of-way of any street or alley, except as otherwise provided in the City Code of Ordinances.

(5) Portable signs shall permanently display on the sign in easily readable form the name, address, city, zip code and telephone number of the owner of said sign.

(6) Portable signs may be internally or indirectly lighted; however, such light or lights shall not be of a flashing, intermittent, moving or similarly lighted type. Any accessory lighting, if present, surrounding the message display area, shall contain only white, non-flashing, "A" type incandescent lamps not to exceed 60 watts. All portable signs utilizing electrical power shall be wired in accordance with the City of Abilene's electrical code. Electrical outlets serving the sign must be located entirely beneath the frame of the sign and must be equipped with a ground-fault interrupter device.

(7) Unsafe signs listed in Section (B) shall not be eligible for a permit.

(8) A permit for each portable sign shall be obtained. Said permits shall be obtained for each sign, location and period of installation. A fee of \$5.00 will be charged for each approved permit.

If a permit for multiple periods is issued as provided in X. (A) (1), the fee for said permit shall be \$5.00 per period, maximum six periods in any calendar year, not to exceed 30 consecutive days each. Permits for less than 30 days in a period are subject to the same \$5.00 fee. The fee paid for multiple permits is non-refundable.

(9) If required, each portable sign shall satisfy any permit requirements in the Building Code and Electrical Code.

(B) Unsafe Signs Prohibited

It is hereby expressly declared that the following signs are in fact unsafe signs causing immediate danger, and it shall be the duty of the owner of the sign, the lessee of the sign, the owner of the property on which the sign is located, and the owner and manager of any business advertised on the sign to immediately remove the sign, or correct the unsafe conditions, and the refusal to do so will constitute a violation of this ordinance.

(1) Any portable sign erected, placed, used, altered, or maintained in the public right-of-way.

(2) Any portable sign or sign-supporting structure which is located within the area defined as the intersection visibility triangle.

(3) Any portable sign which is not in compliance with the Zoning Ordinance.

(4) Any portable sign which becomes insecure, in danger of falling or otherwise unsafe, or any portable sign which is erected or maintained in violation of the provisions of the Building Code or Electrical Code.

(5) Any portable sign located nearer than fifteen (15) feet from the street.

(6) Any portable sign which is located or constructed so as to interfere with or confuse the control of traffic on the public streets and any portable sign which uses a rotating beacon, beam or flashing illumination.

(7) Any portable signs which resemble an official traffic sign or signal or which bear the words "Stop," "Go Slow," "Caution," "Danger," "Warning," or similar words are prohibited.

(C) Impoundment.

(1) The owner or occupant of any property upon which there is located a sign in violation of this ordinance or the owner or lessee of any portable sign, or the owner and manager of any business advertised on a portable sign which is in violation of this ordinance as herein defined shall be given written notice by the City Manager or his designee stating the nature of the violation and ordering that the violation be corrected or removed from said property within seventy-two (72) hours.

(2) If the owner, lessor, lessee, or the representative of the lessor or the owner and manager of any business advertised on a portable sign fails to remove such sign within seventy-two (72) hours of written notification, or by publication if the address is unknown, the portable sign may be removed by the City at the expense of the sign owner or the person erecting, leasing, using, or maintaining it.

(3) Any portable sign so removed shall be subject to a fee of Fifteen Dollars (\$15.00) for hauling the sign to the City storage area plus a Four Dollars (\$4.00) per day storage fee for each day the sign is stored by the City.

(4) Any portable sign so removed from public or private property shall be stored or impounded by the City until all applicable charges have been paid, or until thirty (30) days have passed.

(5) If any sign remains unclaimed for a period of thirty (30) days after its removal, or if the removal and storage costs are not paid within such thirty (30) days period, the City may destroy, sell, or otherwise dispose of the sign. If sold, the sign shall be marked by City personnel and shall not be brought back inside the City limits for display. In calculating the length of the storage period and the storage fee, the first working day after the date of the impoundment shall be considered day number one; thereafter, all days including weekends and holidays shall be counted.

(6) The City Manager or his designee may enter upon private property which is accessible to the public for the purposes specified in this ordinance to examine signs or their location, obtain information as to the ownership of signs and to remove or cause the removal of a sign declared to be a nuisance pursuant to this ordinance.

(D) Appeal Procedures.

Appeals of the provisions of this section shall be in accordance with the procedures set forth in Section XV.

(E) Applicability.

The provisions of this ordinance shall be applicable to all portable signs in the City of Abilene and non-conforming status or rights will not be granted to existing portable signs.

ARTICLE 23-172
THROUGH
ARTICLE 23-180

RESERVED

ARTICLE V. ENFORCEMENT

SECTION 23-181

Enforcement Responsibility

The City Manager of the City of Abilene shall designate a member of the City's staff who shall have the responsibility for enforcement of the provisions of this Article. References herein made to the performance of certain functions by the City shall be deemed references to performance by the City Manager's designee. The duties of such designee shall include not only the issuance of permits as required by this Article but also the responsibility of ensuring that all signs conform with this Article and with any other applicable laws, requirements and regulations of this Code of Ordinances or of the City of Abilene and that all signs for which permits are required do in fact have permits. The City Manager or his designee shall have the authority to adopt regulations and procedures not inconsistent with the terms of this Chapter, necessary to implement the provisions of this Article.

SECTION 23-182

Violations.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use or maintain any sign or structure in the City, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this Article. The regulations of this Article are not intended to permit any violation of the provisions of any other lawful ordinance or regulation of the City.

SECTION 23-183

Stop Orders, Revocation of Permit; Repair or Removal Required.

The City of Abilene shall have the power to issue stop orders, to require the repair or removal of certain signs and/or to revoke sign permits, as provided in this Section. In so doing, the City shall comply with all procedural requirements specified in this Section for the giving of notice, the issuance of orders, the removal of signs and storage and/or sale thereof by the City, and the conduct of hearings on permit revocations.

- (A) Stop orders. If the City shall determine that work on any sign is being performed without a permit or in a dangerous or unsafe manner, upon written notice and issuance of a stop order by the City, such

work shall be immediately stopped. Such notice shall be given to the owner of the property or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. However, where an emergency exists, written notice shall not be required.

Following the issuance of a stop order, the City shall initiate proceedings to revoke any permit issued for the work covered by such stop order unless the cause of the stop order is resolved to the City's satisfaction.

(B) Revocation of permit. The City shall have, and is hereby granted, the power and authority to revoke any and all permits authorized by this Code for violation of the terms and provisions of this Code, subject to the procedural requirements of this Code, subject to and hearing. Permits may be revoked if they were issued in error or as a result of misinformation or misinterpretation of the facts associated with their issuance.

(C) Repair or removal required. The City is authorized to require the repair or removal of signs within the City under the following conditions. Should the responsible party or parties fail or refuse, after due notice, to bring a sign into conformity with this Code or to remove the same, the City is authorized to remove said sign and to store and dispose of the same in accordance with the procedural requirements of this Code of Ordinances.

1. Signs erected without permit. In the event any sign shall be erected within the City without a permit, when such sign shall require a permit, the City is authorized to remove said sign and to store and dispose of the same in accordance with the procedural requirements of this Code of Ordinances.

(D) All abandoned signs and their supports shall be removed within forty-five (45) days from the date of abandonment. The City Manager or his designee shall have the authority to grant a time extension not exceeding an additional 15 days during which period an abandoned sign must be removed.

(E) All damaged signs shall be repaired or removed within forty-five (45) days from the date of damage. The City Manager or his designee shall have the authority to grant a time extension not exceeding an additional fifteen (15) days during which period a damaged sign must be repaired or removed.

A sign shall be considered damaged whenever the cost of repairing such damage is equal to or greater than 50% of the cost of erecting a new sign of the same type at the same location except as provided in Section F.

(F) A legally nonconforming sign that has been blown down or otherwise destroyed or dismantled for any purpose other than maintenance operations or for changing the letters, symbols, or other matter on the sign, may not be re-erected except in compliance with all the terms of this ordinance. For purposes of this Section, a sign or substantial part of it is considered to have been destroyed only if the cost of

repairing the sign is more than 60% of the cost of erecting a new sign of the same type at the same location.

(G) Any sign which in the opinion of the City Manager or his designee clearly presents an immediate hazard to the public must be removed or repaired upon notice to the owner of the sign, the lessee of the sign, the owner of the property on which the sign is located, or the owner and manager of any business advertised on the sign to immediately remove the sign or correct the unsafe condition.

(H) Signs not properly maintained. If the City shall determine that any sign is not being maintained as required by the terms and provisions of this Code, the City shall give written notice to the owner or lessee thereof to so maintain the sign or to remove the sign.

(I) Unlawful signs. Should any sign be installed, erected, constructed or maintained in violation of any of the terms of this Code, the City shall give written notice to the owner, lessee or person responsible for said sign, ordering that the sign be altered so as to comply with this Code or to remove the sign.

1. If a sign is determined to have been erected, installed, or constructed in violation of the regulations applicable at the time of its erection, installation, or construction, the City shall give written notice to the owner, lessee, or person responsible for said sign ordering that the sign be altered so as to comply with this code or to remove the sign.

(J) Should the responsible party or parties, after due notice, fail to correct a violation of this code, the City shall cause such signs and their supports to be demolished and removed. If such sign cannot be demolished because it is painted on a building or other non-sign structure, such sign shall be painted over or removed by sandblasting. The City shall also file against the property a lien in the amount of the cost of all such work.

SECTION 23-184

Appeals, Interpretations, Variances

(A) Except as provided herein this Section, the Zoning Board of Adjustment is authorized to hear and decide appeals, provide interpretation, and grant variances subject to the rules and procedures for the Zoning Board of Adjustment as set forth in 23-356.2., "Administration," of the Zoning Ordinance of the City of Abilene, Texas, provided however:

(1) The Board of Adjustment may not grant a variance to the terms of this ordinance the effect of which would allow erection or placement of any sign prohibited by Section VII, "Prohibited Signs."

(2) The Board of Adjustment may not grant a variance to the terms of this ordinance the effect of which would allow placement of any sign in any district where such sign is prohibited in that district.

(3) The Board of Adjustment may not grant a variance which will allow any sign erected in violation of any previous ordinance in effect at the time of the sign's erection to violate the terms of this ordinance.

(4) The Board of Adjustment may not waive any requirement for any permit, bond, or inspection required under the terms of this ordinance.

(5) The Board of Adjustment shall not hear any appeal, interpretation, or variance from the provisions of the Building Code of the City of Abilene as they apply to the construction of any sign. In instances where such questions arise, it shall be the responsibility of the Board of Building Standards of the City of Abilene to hear and decide those questions in accordance with its rules and procedures.

(6) The Board of Adjustment shall not hear any appeal, interpretation, or variance from the provisions of the Electrical Code of the City of Abilene as they apply to any electrical aspects of any sign. In instances where such questions arise, it shall be the responsibility of the Board of Electrical Examiners of the City of Abilene to hear and decide those questions in accordance with its rules and procedures.

(B) Any person who is required to remove or modify a portable sign as a result of Section X, "Special Regulations for Portable Signs," may, within a seventy-two (72) hour period after service of notice is given, request in writing a hearing to determine whether he or she is in violation of this ordinance. If such hearing is requested, it will be held at the next regularly scheduled meeting of the Zoning Board of Adjustment subject to meeting the requirements of the Open Meetings Act and appropriate notice provisions.

(1) If the Board of Adjustment, after considering the evidence, decides that the sign in question is in fact in violation, then, the sign shall be removed or brought into compliance within seventy-two (72) hours from the time the Board's decision is rendered.

(2) This section shall not in any way negate the right of the City to immediately remove any portable sign creating a real and immediate danger to life or property.

SECTION 23-185

Penalties and Violations

Violations of provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with approval of variances) shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined in accordance with Section 1-9 "General Penalties" of this code. Each day such violation continues shall be considered a separate offense.

The owner or occupant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits,

participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

It is further the intent and declared purpose of this Ordinance that no offense committed, and no liability, penalty, or forfeiture, either civil or criminal, incurred prior to the time that the existing Ordinance was repealed and such Ordinance adopted shall be discharged or affected by such repeal, but prosecutions and suits for such offenses, liabilities, penalties, or forfeitures may be instituted, and causes presently in process may be prosecuted in all respects as if such prior Ordinance had not been repealed.

SECTION 23-186

THROUGH

SECTION 23-250

RESERVED

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