

CHAPTER 32
SIGNS

Sec. 32-1. Objectives.

- (a) To assure that each business or individual maintains adequately their right to communicate to the public.
- (b) To insure that the size, location and lighting of each sign meets the standards necessary to protect the health, welfare and safety of the public and preserves the values of adjacent properties.
- (c) To insure that passing motorists or pedestrians can be adequately informed by signs providing information and directions.
- (d) To alleviate the proliferation of sign usage which is detrimental to the growth of the city and the safety and welfare of the citizens traveling on city streets.
- (e) To encourage business to provide an attractive means of informing, directing and attracting the shopper and prospective client.
- (f) To protect and enhance the physical appearance of the city.

Sec. 32-2. Definitions.

A-FRAME. A structure, such as a house, with steeply angled sides that meet at the top in the shape of the letter A.

ABANDONED SIGN. Shall mean a sign structure that has ceased to be used for a period of six months or more, or which the other intends no longer to use, for display of sign copy, or as otherwise defined by state law.

ANIMATED SIGN. Shall mean a sign employing actual motion or the illusion of motion and shall include multi-colored electronic changeable message light emitting diode ("LED" signs and billboards). Animated signs, which are differentiated from changeable signs as defined and regulated by this code, include the following types:

ELECTRICALLY ACTIVATED. Animated sign producing the illusion of movement by means of electronic, electrical or electro-mechanical input and/or illumination capable of simulating movement through employment of the characteristics of one or both of the classifications noted below:

- I.* Flashing. Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of nonillumination. For the purposes of this ordinance, flashing will not

be defined as occurring if the cyclical period between on-off phases of illumination exceeds 4 seconds.

2. **Patterned illusionary movement.** Animated sign or animated portions of sign whose illumination is characterized by simulated movement through alternate or sequential activation or various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

ENVIRONMENTALLY ACTIVATED. Animated signs or devices motivated by wind, thermal changes or other natural environmental input. Includes spinner, pinwheels, pennant strings, and/or other devices or displays that respond to naturally occurring external motivation.

MECHANICALLY ACTIVATED. Animated signs characterized by repetitive motion and/or rotation activated by mechanical system powered by electric motors or other mechanically induced means.

ARCHITECTURAL PROJECTION. Any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building, but that does not include signs as defined herein. See also “Awning”; “Backlit awning”; and “Canopy, attached and freestanding.”

AWNING. An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or nonrigid materials and/or fabric on a supporting framework that may be either permanent or retractable, including such structures that are internally illuminated by fluorescent or other light sources.

AWNING SIGN. A sign displayed on or attached flat against the surface or surfaces of an awning. See also “Wall or fascia sign.”

BACKLIT AWNING. An awning with a translucent covering material and a source of illumination contained within its framework.

BANNER. A flexible substrate on which copy or graphics may be displayed.

BANNER SIGN. A sign utilizing a banner as its display surface.

BILLBOARD. See “Off-premise sign” and “Outdoor Advertising Sign.”

BUILDING ELEVATION. The entire side of a building, from ground level to the roofline, as viewed perpendicular to the walls on that side of the building.

CABINET SIGN. A sign consisting of metal enclosures which have a face area to provide messages or advertising and which may or may not be illuminated.

CANOPY (ATTACHED). A multisided overhead structure or architectural projection supported by attachments to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and/or soffit of an attached canopy may be illuminated by means of internal or external sources of light. See also “Marquee.”

CANOPY (FREE-STANDING). A multisided overhead structure supported by columns, but not enclosed by walls

CANOPY SIGN. A sign affixed to the visible surface(s) of an attached or free standing canopy.

CITY. The City of Del Rio. Texas.

CHANGEABLE SIGN. A sign with the capability of content change by means of manual or remote input, including signs which are:

ELECTRICALLY ACTIVATED. Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light emitting devices; or it may be from an external light source designed to reflect off the changeable component display. See also “electronic message sign or center.”

MANUALLY ACTIVATED. Changeable sign whose message copy or content can be changed manually.

COLLECTION BOXES. Collection boxes for charitable or nonprofit organizations containing no commercial advertising and located on private property in any commercial or manufacturing zoning district.

COMBINATION SIGN. A sign that is supported partly by a pole and partly by a building structure.

CONSTRUCTION SIGN. Shall mean a temporary sign that denotes contractors or building owner’s work at a building site. Such sign signs shall be only a temporary sign.

COPY. Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, excluding numerals identifying a street address only.

DARK SKY STANDARDS. Shall mean the minimization of generated and reflected outdoor light established for the purpose of reducing nighttime glare and the degradation of the night sky when viewed from the ground. Such standards are currently described by the lighting industry and professional illumination societies and have been recognized in

the commercial and industrial lighting industry by the granting of the term “Dark Sky” or similar branding on light fixtures and sources.

DEVELOPMENT COMPLEX SIGN. A free-standing sign identifying a multiple-occupancy development, such as a shopping center or planned industrial park, which is controlled by a single owner or landlord.

DIRECTIONAL SIGN. Any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

DOUBLE-FACED SIGN. A sign with two faces, back to back.

ELECTRIC SIGN. Any sign activated or illuminated by means of electrical energy.

ELECTRONIC MESSAGE SIGN OR CENTER. An electrically activated changeable sign whose variable message capability can be electronically programmed.

EXTERIOR SIGN. Any sign placed outside a building.

FASCIA SIGN. See “wall or fascia sign.”

FLASHING SIGN. See “animated sign, electrically activated.”

FLAGS. Official flags of government jurisdictions, including flags indicating weather conditions and flags which are emblems of on-site business firms and enterprises, religious, charitable, public and nonprofit organizations, but not including streamers. The US, Mexico and Texas flags shall be exempt from regulation as signs or as approved by the Building Official.

FREE-STANDING SIGN. A sign principally supported by a structure affixed to the ground, and not supported by one or more columns, poles or braces placed in or upon the ground.

FRONTAGE (BUILDING). The length of an exterior building wall or structure of a single premise orientated to the public way or other properties that it faces.

FRONTAGE (PROPERTY). The length of the property line(s) of any single premise along either a public way or other properties on which it borders.

GROUND SIGN. See “Free-standing sign.”

HAZARD SIGN. Signs warning of construction, excavation, or similar hazards so long as the hazard exists.

HOLIDAY DECORATIONS. Temporary holiday decorations.

ILLUMINATED SIGN. A sign characterized by the use of artificial light, either projecting through its surface(s) (internally illuminated); or reflecting off its surface(s) (externally illuminated).

INTERIOR SIGN. Any sign placed within a building, but not including “window signs” as defined by this ordinance. Interior signs, with the exception of window signs as defined, are not regulated by this chapter.

LOT FRONTAGE. The area from one side lot line to the other side lot line and between the main building and the street on which the lot fronts. On corner lots (lots abutting on two (2) or more streets at their intersections) the front yard shall face the shortest street dimension of the lot except that if the lot is square or almost square, i.e., has dimensions in a ratio of from 3.2 to 3.3, then the front yard may face either street.

MANSARD. An inclined decorative roof-like projection that is attached to an exterior building façade.

MARQUEE. See “Canopy (attached).”

MARQUEE SIGN. See “Canopy sign.”

MENU BOARD. A free-standing sign orientated to the drive-through lane for a restaurant that advertises the menu items available from the drive-through window, and which has no more than 20 percent of the total area for such a sign utilized for business identification.

MISCELLANEOUS INFORMATION SIGNS. Miscellaneous permanent information signs for nonresidential uses indicating addresses, hours and days of operation, whether a business is open or closed, credit card information and emergency address and telephone numbers.

MONUMENT SIGN. Shall mean a sign constructed at ground level as part of a masonry wall or other structure.

MOTOR VEHICLE. *A self-propelled wheeled conveyance, such as a car or truck, that does not run on rails.*

MULTIPLE-FACED SIGN. A sign containing three or more faces.

NONCONFORMING SIGN. A sign, legally existing on the effective date of this chapter which does not comply with the regulations and restrictions contained herein. Such a sign shall be allowed to continue to exist subject to the terms and conditions governing nonconforming uses contained in this chapter.

OFF-PREMISE SIGN. See “Outdoor advertising sign.”

OFFICIAL SIGNS. Official federal, state or local governmental traffic, directional and informational signs and notices issued by any court, person or officer in performance of a public duty.

ON-PREMISE SIGN. A sign erected, maintained or used in the outdoor environment for the purpose of the display or messages appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

OUTDOOR ADVERTISING SIGN. A permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

PARAPET. The extension of a building façade above the line of the structural roof.

POLE SIGN. See “Free-standing.”

POLITICAL SIGN. A temporary sign intended to advance a political statement, cause or candidate for office that will be on a ballot at a regular or special election. A legally permitted outdoor advertising sign or a sign containing political speech unrelated to an election shall not be considered to be a political campaign sign.

PORTABLE SIGN. Any sign not permanently attached to the ground or to a building or building surface.

PROHIBITION SIGN. “No Trespassing,” “No Parking,” and other similar warning signs.

PROJECTING SIGN. A sign other than a wall sign that is attached to or projects more than 18 inches (457 mm) from a building face or wall or from a structure whose primary purpose is other than the support of a sign.

PYLON SIGN. Shall mean a free standing structure which contains two (2) or more separate business signs for entities within a single project.

REAL ESTATE SIGN. A temporary sign advertising the sale, lease or rental of the property or premises upon which it is located.

RESIDENTIAL IDENTIFICATION SIGNS. Signs indicating the name and/or address of the occupants of the residence

REVOLVING SIGN. A sign that revolves 360 degrees (6.28 rad) about an axis. See also “Animated sign, mechanically activated.”

ROOF LINE. The top edge of a peaked roof or, in the case of an extended facade or parapet, the uppermost point of said facade or parapet.

ROOF SIGN. A sign mounted on, and supported by, the main roof portion of a building, or above the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such a building. Signs mounted on mansard facades, pent eaves and architectural projections such as canopies or marquees shall not be considered to be roof signs.

SAFETY SIGNS. Parking lot and other private traffic directional signs and signs indicating the use of the parking lot (i.e. private, public or for lease), each not exceeding five (5) square feet in area. Such signs are to be limited to guidance of pedestrian or vehicular traffic within the premises on which they are located and that are not intended to advertise a product or service.

SETBACK. The distance from the leading edge of the sign to the curb line or property line, whichever is applicable under the terms of this chapter.

SIGN. Any device visible from a public place that displays either commercial or noncommercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Noncommercial flags or any flags displayed from flagpoles or staffs will not be considered to be signs.

SIGN AREA. The area of the smallest geometric figure, or the sum of the combination of regular geometric figures, which comprise the sign face. The area of any double-sided or "V" shaped sign shall be the area of the largest single face only. The area of a sphere shall be computed as the area of a circle. The area of all other multiple-sided signs shall be computed as 50 percent of the sum of the area of all faces of the sign.

SIGN COPY. Those letters, numerals, figures, symbols, logos and graphic elements comprising the content or message of a sign, exclusive of numerals identifying a street address only.

SIGN FACE. The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, nonstructural or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

1. In the case of panel or cabinet type signs, the sign face shall include the entire area of the sign panel, cabinet or face substrate upon which the sign copy is displayed or illustrated, but not open space between separate panels or cabinets.
2. In the case of sign structures with routed areas of sign copy, the sign face shall include the entire area of the surface that is routed, except where interrupted by a reveal, border, or a contrasting surface or color.

3. In the case of signs painted on a building, or individual letters or graphic elements affixed to a building or structure, the sign face shall comprise the sum of the geometric figures or combination of regular geometric figures drawn closest to the edge of the letters or separate graphic elements comprising the sign copy, but not the open space between separate groupings of sign copy on the same building or structure.

4. In the case of sign copy enclosed within a painted or illuminated border, or displayed on a background contrasting in color with the color of the building or structure, the sign face shall comprise the area within the contrasting background, or within the painted or illuminated border.

SIGN STRUCTURE. Any structure supporting a sign.

SLOPING ROOF SIGN. A sign affixed to the roof of any building, which does not extend above the roof line.

TEMPORARY SIGN. A sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, are considered temporary signs.

TEMPORARY BANNER SIGN shall mean a fabric banner which is designed to be temporarily attached to poles or buildings for the purpose of advertizing events of a public nature such as holiday's, special events, and the like, which are approved as a Special Permit in accordance with this ordinance .

UNDER CANOPY SIGN OR UNDER MARQUEE SIGN. A sign attached to the underside of a canopy or marquee.

V SIGN. Signs containing two faces of approximately equal size, erected upon common or separate structures, positioned in a "V" shape with an interior angle between faces of not more than 90 (1.57 rad) degrees with the distance between the sign faces not exceeding 5 feet (1524 mm) at their closest point.

WALL OR FASCIA SIGN. A sign that is in any manner affixed to any exterior wall of a building or structure and that projects not more than 18 inches (457 mm) from the building or structure wall, including signs affixed to architectural projections from a building provided the copy area of such signs remains on a parallel plane to the face of the building facade or to the face or faces of the architectural projection to which it is affixed.

WINDOW SIGN. A sign affixed to the surface of a window with its message intended to be visible to and readable from the public way or from adjacent property.

ZONING DISTRICT OR DISTRICTS. A zoning district as defined in the zoning ordinances of the City of Del Rio, Texas.

Sec. 32-3. General provisions.

(a) The standards and regulations prescribed in this section shall apply to all signs classified and defined in the adopted by the City of Del Rio Code of Ordinances and shall apply within the corporate limits of the City and its extraterritorial jurisdiction (“ETJ”). Application of such standards and regulations in the ETJ shall apply to the full extent permitted by Section 216.902, Local Government Code.

(b) Sign permit required. A building permit shall be obtained prior to erection, repair, alteration or relocation of any sign. Acceptance of the permit by the applicant shall require compliance by the applicant with all requirements of the city's building codes and applicable state regulations. This section shall apply to all signs except those specifically exempted by Section 32-8(c) of this chapter.

(c) Use of public right-of-way prohibited. No sign in any zoning district shall project into the public right-of-way in any street or alley or shall be attached to any utility pole.

(d) The provisions of this section shall be applicable to the location, size and placement of signs and shall otherwise be supplementary to the adopted City of Del Rio Building Code. No provisions specified herein shall be construed to amend or nullify any provision of the Building Code. Where standards herein are more restrictive than the Building Code, they shall govern; where the standards of the Building Code are more restrictive, they shall govern.

(e) Signs shall be permitted for all legally existing non-conforming uses of land or buildings, and if such signs are not in accordance with the provisions of this section, shall be deemed a non-conforming use co-extensive with the non-conforming use of the land or building on the same premises; See Section 32-10.

(f) Violations. See Section 32-15.

(g) A sign in direct line of vision of any signal light, traffic light, traffic control sign or other such device from any point in a moving traffic lane within fifty (50') feet of an approach to such traffic control shall not be permitted with exception to temporary construction signs or maintenance operation signs approved by the City ENgineer.

(h) Setbacks for signs will conform within the zoning district in which the sign is located.

(i) No revolving beam or beacon of light resembling any emergency vehicle light shall be permitted as part of a sign display in any zoning district, nor shall any sign be located

so as to obstruct the vision or sight distance of motor vehicle operators or pedestrians at any street intersection, street crossing, or other point of traffic concentration.

(j) No high intensity light shall be permitted as part of a sign display visible from an adjacent street in any zoning district; and in this regard, no reflectorized light shall be permitted which shall exceed the intensity of a twenty five (25) watt frosted face bulb, except general informational type signs approved by the Building Official. Outdoor signs and lighting shall meet the following requirements:

(1.) Off premise advertizing on LCD and/or Plasma signs is prohibited except at regulated by Section 32-6 of this ordinance.

(2.) Internally lit signs, LCD and Plasma signs shall be constructed so that from dusk to dawn the illumination shall decrease automatically to no more than 4 lumens intensity measured on the face of the sign or the ground under the closest point to the light source.

(3.) Free standing lights shall utilize a “cut off” of not greater than 60 degrees measured from the vertical point below any free standing pole or 60 degrees from the vertical face of any structure on which a sign is mounted.

(4.) Internally lit signs shall be shaded or canopied in such a manner that light shall be cut off at 80 degrees measured from the top of the ground mounted sign and 80 degrees for a pole or building mounted sign.

(l) Anchoring of portable signs – Portable signs shall be anchored to prevent movement caused by winds, rain, or manual effort by an individual by one of the following:

(1.) Structurally attached to a permanent anchor device as approved by the building official.

(2.) Chaining to a permanent anchor device so long as the chain does not exceed two (2) feet in length between attachment points; and the links in the chain are of sufficient strength to withstand ten times the deadweight load of the portable sign.

(m) The area of the sign shall be computed length times height

(n) The maximum sign area in square feet as prescribed in Table B shall apply to only one face. If the sign has more than one face, the maximum area of all faces shall be the area prescribed in Table B multiplied by the number of faces.

(o) The height of the sign shall be measured from the existing grade to the top of the sign structure.

Sec. 32-4. Signs allowed in residential zoning districts.

(a) Residential identification signs. A sign identifying the occupant, resident, or family occupying a single-family or two-family residence within an appropriate zoning district. Except as otherwise provided within Section 32-8, supplemental regulations, the following shall apply:

- (1) Size: two (2) square feet per sign.
- (2) Number: one (1) per residence.
- (3) Height: six (6) feet.
- (4) Setback: ten (10) feet from any property line
- (5) Illumination: not allowed.

(b) Subdivision development signs. A sign identifying a residential development or subdivision. Such sign is designed to be of a permanent nature and the ongoing future maintenance of the sign shall be provided for prior to construction or placement. Except as otherwise provided within Section 32-8, supplemental regulations, the following regulations shall apply:

- (1) Size: thirty-two (32) square feet.
- (2) Number: two (2) per development.
- (3) Height: six (6) feet.
- (4) Setback: ten (10) feet from any property line
- (5) Illumination: allowed by lighting standards in this ordinance

Sec. 32-5. On-site regulations.

The maximum sign heights prescribed in Table B shall apply to all detached signs. Permits for detached signs, except for monument signs, shall have a height in feet above ground, as measured above the average level of the ground adjacent to the proposed structure, of six feet-eight inches (6.8) or more.

(a) The maximum number of detached on-site signs allowed shall be determined by the linear feet of land on the lot's frontage abutting the primary street, as follows:

TABLE A

Lot Frontage (feet)	No. of Signs Permitted
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0--299.99	1
300--449.99	2
450--599.99	3
600+	4

(b) Franchised motor vehicle dealers are permitted to have one sign per franchise with the maximum sign area in square feet as prescribed in Table B. These signs shall either be pylon signs or shall meet the spacing requirements shown in Table A. above.

(c) Attached signs. Attached on-site signs shall be allowed on any building, wall or canopy within any commercial or industrial zoning districts and shall be governed by the following regulations:

(1) Area: Total aggregate area of canopy, fixed awning, fascia, projecting or sloping roof signs attached to a structure shall not exceed thirty (30) percent of the area of the wall on which the sign is attached or fronts.

(2) Height:

a. No sloping roof sign shall project horizontally beyond the perimeters of the roof or vertically more than three (3) feet above the roof ridge line.

b. No fascia sign shall extend more than three (3) feet above the top of the wall to which the sign is attached.

c. No projecting sign shall extend vertically or horizontally beyond the perimeter of the wall on which it is attached.

(d) Roof signs. For purposes of this article, standard roof signs excluding those on sloping roofs, shall be considered as freestanding signs, and as such, shall conform to all of the requirements for freestanding signs contained within this chapter.

Sec. 32-6. Off-premise regulations.

(a) Ground clearance. Signs shall maintain a clearance from the ground of nine (9) feet unless the sign is a ground sign with the base of the sign within three (3) feet of the average crown of the street.

(b) Spacing. Spacing between off-site signs shall be at least three thousand (3000) feet measured along the same side of the street.

(c) Identification. Every off-site sign erected in the city shall bear a clearly marked means of identification, attached to the fascia or structure, which can be easily read and is

clearly visible. This identification shall show the name and phone number of the owner of the sign.

Sec. 32-7. Portable and temporary signs.

- (a) Garage sale signs are permitted only after a permit is obtained by the Code Compliance Department and shall be removed within 24 hrs after the sale.
- (b) Temporary signs are allowed 30 days before the event and must be taken down 10 days after the event.
- (c) All portable signs and temporary signs, as herein defined, are prohibited, except as follows:
 - (1) Hazard signs, prohibition signs, holiday decorations, flags, temporary window signs, collection boxes, political signs, real estate signs, construction/financing signs and personal celebratory and commemorative signs are permitted.
 - (2) Banners, pennants, streamers, air activated graphics and similar devices are permitted provided the pennants, banners, streamers, air activated graphics and devices are attached to permanent structures to include buildings, carports, building porches, fences and light standards.
 - (3) Air activated devices and graphics are permitted on the business concerned only during special events such as grand openings, liquidation sales, clearance sales, special promotions, going out of business sales, spring sales, annual special sales provided these devices and graphics meet all provisions of this and all other City of Del Rio Code of Ordinances.

Sec. 32-8. Supplemental regulations.

- (a) Additional sign area. The following signs which shall be allowed in C2A and Industrial zoning districts, require a building permit but shall not be used in computing allowed sign area:
 - (1) Time and temperature signs without advertising matter.
 - (2) Any fuel dispensing business may install an additional thirty-six (36) square feet of signage attached to any legally conforming sign or structure, or utilize an A-frame sign, excluding those signs allowed by section 32-8(a)(2) or wherever otherwise prohibited by this article.
- (b) Signage on freestanding canopies may include the business name and logo on all four (4) sides of the canopy. The lettering on the canopy shall not exceed four (4) feet in height. This signage shall not be computed in the number of allowable freestanding signs.

(c) Allowed without permit.

(1) Routine maintenance or repair of existing signs

(2) The following signs are allowed in any zoning district and do not require a permit, and will not be included in determining the allowable number, type or area of signs as described elsewhere in this chapter.

a. Construction/financing sign

b. Garage sale signs: Nonilluminated signs advertising garage sales as regulated elsewhere in the City Code. The owner of the property on which said sign is placed shall be responsible for its removal. No garage sale sign shall be placed on any property, structure or building without first obtaining the permission of the property owner. No garage sale sign shall be placed upon a right-of-way, traffic sign or signal or utility pole.

c. Hazard signs

d. Prohibition signs

e. Holiday decorations

f. Miscellaneous information signs

g. Flags

h. Official signs

i. Safety

j. Collection boxes

k. Political signs: The candidate and the owner of the property on which said sign is placed shall be jointly responsible for its removal. No political sign shall be placed on any property, structure or building without first obtaining the permission of the property owner. No political sign shall be placed upon a right-of-way, traffic sign or signal or utility pole. Signs must be made of lightweight material and be no larger than 50 square feet. Political campaign signs may not be erected more than Ninety (90) days prior to the date of the election that is subject of the sign, and shall be removed no later than Ten(10) days after the date to that election.

l. Home occupation signs: One (1) nonilluminated sign erected to advertise legal home occupations as defined elsewhere in the City Code. Such sign shall not exceed two (2) square feet in size.

m. Real estate signs

n. Residential identification signs: not to exceed two (2) square feet in area, and should follow requirements of Section 32-4(a).

o. House numbers on curbs and/or mailboxes.

p. Personal celebratory or commemorative signs of a temporary nature.

Sec. 32-9. Prohibited sign location and types.

(a) Prohibitions. Unless specifically exempted or specified elsewhere in this article, the following locations and types of signs are prohibited:

(1) Prohibited locations:

a. Signs attached to or supported by any utility pole, parking meter, traffic sign post, traffic signal or any other official traffic control device;.

b. Signs located in such a manner as to hinder or prevent free ingress or egress from any door, window, or fire escape;

c. Signs attached in any form, shape or manner which will interfere with any opening required for ventilation;

d. Signs located at or near an intersection of two (2) or more streets in such a manner as to hinder or obstruct free and clear vision;

e. Signs erected, maintained, or painted upon a tree, rock or other natural feature are prohibited excluding official dedicatory and commemorative plaques; or

f. Signs placed upon public right-of-way.

Sec. 32-10. Nonconforming uses.

(a) Nonconforming signs. Nonconforming signs are those which do not meet the intent and specifications of this chapter.

(b) All non-conforming signs shall be registered by the owner within six months of the effective date of this ordinance with the Building Official, and a Permit (Non-Conforming) shall be obtained.

(c) Loss of legal nonconforming status. A nonconforming sign shall immediately lose its nonconforming designation and must be brought into compliance with these regulations, or be removed, if:

(1) The sign is replaced; at an additional height or square footage of the original sign; or

(2) The sign is relocated; or

(3) The sign is part of an establishment that discontinues its operation for a period of six (6) months; or

(4) The sign is damaged to an extent of greater than fifty (50) percent of the estimated replacement value.

(d) Abatement of nonconforming signs. In order to eliminate hazards to the safe flow of pedestrian and vehicular traffic, to eliminate obstructions in the rights-of-way and to eliminate visual barriers at points of ingress and egress to public and private streets, alleys and property, the following timetable is established for the removal or movement of certain signs:

(1) Any sign which is located so as to obstruct the vision or sight distance of motor vehicle operators or pedestrians at any intersection, crossing, ingress or egress or other point of traffic concentration shall be removed within sixty (60) days of adoption of this article.

(2) Signs located on a corner lot and situated within thirty (30) feet of the intersection of the two (2) street property lines which are greater than three (3) feet in height and lower than nine (9) feet above the average crown of the street shall be relocated or removed so as to conform with this article within one hundred and eighty (180) days of adoption of this article.

(3) Signs with flashing, blinking or traveling lights shall be made to conform to this article within one hundred and eighty (180) days of the adoption date of this article.

(4) Any sign supported by, or attached to, any utility pole, parking meter, traffic sign post, traffic signal or any other official traffic control device, shall be immediately removed by the owner of such sign. Failure to remove any such signs shall result in the removal by the city or its agent.

Sec. 32-11. Sign maintenance and removal.

(a) Sign maintenance. Every sign shall be maintained in a safe, presentable and structurally sound condition at all times, including the replacement of defective parts, painting, repainting, cleaning and other acts required for maintenance. The owner of any property on which a sign is located and those responsible for maintenance of the sign shall be equally responsible for the condition of the sign and for the conditions of the area in the vicinity of the sign and shall be required to keep this area clean, sanitary and free from noxious or offensive substances, rubbish, and flammable waste materials. The Building Official shall require compliance with this article and if the sign does not comply with adequate safety standards, the Building Official shall require the removal of the sign in accordance with this article.

(b) Abandoned on-site signs. Except as otherwise provided in this article, any sign that is located on property that becomes vacant or any sign which pertains to a time, event, or purpose which no longer applies, shall be deemed to have been abandoned.

(c) Dangerous or defective signs. Any dangerous or defective sign, as determined by the Building Official shall be removed or repaired by the owner of the sign or owner of the premises.

(d) Removal of signs. All abandoned signs and their supports shall be removed within ninety (90) days from the date of abandonment. All dangerous or defective signs shall be removed within ten (10) days after notice of the Building Standards Commission. Should the responsible party or parties, after due notice (if such responsible party can be located after diligent search), fail to remove an abandoned, dangerous or defective sign, or any sign that endangers the public safety, the Building Standards Commission shall cause such signs and their supports to be demolished and removed. The City shall recover the costs of all such work from the property owner or owner of the sign.

(e) Identification and Designation of Signs Subject to Removal. The Building Official shall have authority to identify and designate signs that have been abandoned or which are subject to removal or abatement under the terms of this chapter by notifying the responsible party for such sign, in writing, of such identification and designation. If the responsible party is not known or may not be located, such written notice shall be delivered to the owner of the property, if known, on which the sign is located and shall be posted on the sign. The date of abandonment or other date from which a time period shall be measured under the terms of this chapter shall be date of delivery or posting of such written notice or the date identified in the written notice if different than the date of its delivery or posting.

Sec. 32-12. Responsible parties.

Parties responsible for signs shall be identified as follows:

- (1) A sign shall have printed upon it, in a legible manner, the name and address of the party responsible for the placement, maintenance and removal of the sign; or
- (2) A sign shall clearly indicate through its advertising medium the party responsible for the placement, maintenance and removal of the sign; or
- (3) All signs which do not comply with either (1) or (2) above, shall become the responsibility of the property owner upon whose property the sign is placed. Said responsibility shall include that of repair, maintenance or removal, as may be necessary.

Sec. 32-13. Permits.

Fees for the permits required by this article shall be set by the City Council.

Sec. 32-14. Variance procedure.

Special Height and Area Signs:

In order that the City may develop in accordance with the intent and purpose of this chapter, and in order that substantial justice may be done, signs may be erected which exceed the height and area limitations contained in Table B after approval of the same as a Special Permit in compliance with Chapter 7, Article VI of the City of Del Rio Municipal Code of Ordinances.

(a) Purpose. In order to lessen practical difficulties and prevent unnecessary hardships, variances from the regulation may be granted. A practical difficulty or unnecessary hardship may result from:

- (1) The size, shape or dimensions of a structure,
- (2) The location of the structure,
- (3) Topographic or physical conditions on the site or in the immediate vicinity,
or
- (4) Elevation of the adjacent roadways
- (5) Height of building or other structures in the vicinity

(b) Application. Application for a variance shall be made upon a form provided by the City and shall include the application for a Sign Permit. The applicant shall state on the application why compliance with the provisions of the article is not possible. The City shall establish a fee to cover the cost of staff time and other expenses incidental to the

review of the application. This fee shall be paid at the time of application and shall not be refundable.

(c) Action on application. The Board of Adjustment shall act on the application. The Board of Adjustment may approve the application as submitted, approve the application for a variance subject to such modification or conditions as it deems necessary to accomplish the purpose of this article or deny the application for the Variance.

(d) Criteria for approval. Before the Board of Adjustment acts on the Variance application, the applicant must show a hardship exists, and the board of adjustment shall determine that **all** of the following are present:

(1) There are special circumstances or conditions applying to the land, buildings, topography, vegetation, sign structures or other matters on adjacent lots or within the adjacent right-of-way, which would substantially restrict the effectiveness of the sign in question; provided, however, that such special circumstances or conditions are unique to the particular business or enterprise to which the applicant desires to draw attention and do not apply generally to all businesses or enterprises;

(2) That such special circumstances were not created by the applicant;

(3) That the granting of the Variance will be in general harmony with the purposes of this article and will not be materially detrimental to adjacent property, to the adjacent neighborhood, to the persons residing or working in the vicinity or to the public welfare in general;

(4) That the Variance applied for represents the minimum variance necessary in order to afford relief from the hardship;

(5) That the Variance applied for does not depart from the provisions of this article any more than is required to identify the applicant's business or use.

Sec. 32-15. Administration, Penalties and Enforcement.

(a) This ordinance shall be administered by the Building Official

(b) Any person, firm or corporation violating any of the terms shall be subject to a fine in accordance with the general penalty provision found in City of Del Rio Code of Ordinances. Each day such violation shall be continued, or shall be allowed to continue to exist, shall constitute a separate offense.

(c) The owner or owners of any property or part thereof where a sign in violation of this article shall be construed, placed or shall exist, and any architect, builder, contractor, agent, attorney, person, firm or corporation employed in connection therewith and who

has assisted in the commission of such violations, shall be guilty of a separate offense, and upon conviction thereof, shall be fined as provided in the City of Del Rio Code of Ordinances.

(d) In the event that a sign owner or owner of property upon which a sign is placed shall fail to comply with this article, then any code compliance officer, code enforcement officer or peace officer may issue a summons for the violator to appear in court within ten (10) days to answer charges contained in the summons relating to the violation of this article.

(e) In addition to the remedies provided for hereinabove, the enforcing officer may, in case any signs are erected, constructed or placed in violation of this article, institute any appropriate action or proceedings to prevent such unlawful erection, construction or placement or to restrain, correct or abate such violation or prevent any illegal act.

(f) Pursuant to Section 216.004, Local Government Code, the Mayor may, if necessary for the accomplishment of the objectives of this chapter, appoint a municipal board on sign control in the manner and for the purposes specified in Chapter 216.

TABLE B: SCHEDULE OF SIGN REGULATIONS							
SIGN USE	ZONING DISTRICT ALLOWED	TYPE ALLOW ED	MAX. AREA (SQ.FT.)	MAX. HEIGHT IN FEET	MIN. SPACING IN FEET	NUMBER ALLOWED	SPECIAL CONDITIONS
SPECIAL EVENT BANNER	ALL DISTRICTS	FABRIC ONLY	32 FOR ONSITE	N/A	N/A	1	30 DAYS BEFORE AND 10 DAYS AFTER
RESIDENTIAL DIRECTORY	RESIDENTIAL DISTRICTS AND MULTI FAMILY DISTRICTS	MO	32	6	N/A	1 PER SUBDIVISION	
MULTI-TENANT	C-2, INDUSTRIAL DISTRICTS	PYLON ONLY	250	40	150	23	MUST HAVE A MINIMUM OF 2 BUSINESSES AND BE 150 FT FROM THE NEAREST SIDE PROPERTY LINE
BUSINESS OUTDOOR ADVERTIZING	HIGH DENSITY MF, C-2, INDUSTRIAL DISTRICTS	FS/P/ MA/MO	72	25	N/A	2	40% MARQUEE ADVERTISING ALLOWED 1 PER STREET SERVING THE FACILITY

BUSINESS OUTDOOR ADVERTIZING	AO, C-1	F/PO	32	6	N/A	1	40% MARQUEE ADVERTISING ALLOWED
CONSTRUCTION	ALL DISTRICTS	FS/P/M O	32	10	N/A	2	30 DAYS BEFORE
OFF-PREMISE	C-2	FS/P/	672	60	3000	1	SUBJECT TO APPROVAL OF A SPECIAL PERMIT
	<p>LEGENDP = PYLON SIGN FS = FREE STANDING SIGN MA = MARQUEE SIGN MO = MONUMENT SIGN F= FASCIA SIGN PO = PORTABLE SIGN</p>						