

ORDINANCE NO. 2021-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURNET AMENDING THE CODE OF ORDINANCES BY ESTABLISHING A NEW CHAPTER 21 (ENTITLED "SIGN REGULATIONS AND STANDARDS") AND RECODIFYING THE EXISTING SIGN REGULATIONS AND STANDARDS FROM SECTION 118-63 TO CHAPTER 21; PROVIDING FOR PENALTY; PROVIDING CUMULATIVE, CORRELATIVE, REPEALER AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City is authorized to license, regulate, control or prohibit the erection of signs and billboards within its corporate boundaries and its extraterritorial jurisdiction pursuant to Texas Local Government Code Section 216.901(a), its inherent power and authority as a home rule municipality, and the constitution and laws of this state; and

WHEREAS, the City's most recent invocation of such authority is memorialized by passage of Ordinance No. 2012-06 on February 28, 2012; and

WHEREAS, the regulations adopted by passage of Ordinance No. 2012-06 are codified in Chapter 118 (entitled "Zoning"); and

WHEREAS, by passage of this Ordinance City Council desires to establish a stand-alone chapter devoted to the regulation and standards of signs within the City's corporate boundaries and extraterritorial jurisdiction

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BURNET, TEXAS, THAT:

Section one. Chapter established. The Code of Ordinances of the City of Burnet is hereby amended by the establishment of Chapter 21, which shall be entitled "sign regulations and standards."

Section two. Code Amendment. The Code of Ordinances of the City of Burnet is hereby amended by recodifying Section 118-63 (entitled "sign regulations and standards") as Chapter 21, with minor non-substantive textural revision as reflected in **Exhibit "A"**, which is attached hereto and incorporated herein for all purposes.

Section three. Code Amendment. The Code of Ordinances of the City of Burnet is hereby amended by designating Section 118-63 as "reserved."

Section four. Correlative. Any reference in the Code of Ordinance to Section 118-63, shall now be construed to refer to Chapter 21; and any reference to a subsection of Section 118-63 shall now be construed to refer to the subsection in Chapter 21 with a subsection title that corresponds to the title of the subsection in Section 118-63.

Section five. Prior actions not affected. Nothing in this ordinance shall affect the rights, obligations, event offense, or act committed pursuant to Section 118-63 before the adoption of this ordinance.

Section six. Findings. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section seven. Penalty. A violation of this ordinance is unlawful and subject to penalty as prescribed in City Code of Ordinances Sec. 1-6 (entitled “*general penalty*”).

Section eight. Cumulative. This ordinance shall be cumulative of all provisions of all ordinances and codes, or parts thereof, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event section five shall apply.

Section nine. Repealer. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section ten. Severability. Pursuant to Code of Ordinances of the City of Burnet, Section 1-7, if any provision, section, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid or unenforceable, the validity of the remaining portions of this Ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the city council in adopting, and of the mayor in approving this Ordinance, that no portion of this Ordinance, or provision or regulation contained in this Ordinance, shall become inoperative or fall by reason of any unconstitutionality or invalidity of any other portion, provision or regulation.

Section eleven. TOMA Compliance. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code; as suspended, or otherwise modified, by executive orders of the governor of this state in response to the COVID-19 pandemic.

Section twelve. Publication. The publishers of the City Code of Ordinances are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to format and number paragraphs to conform to the existing Code.

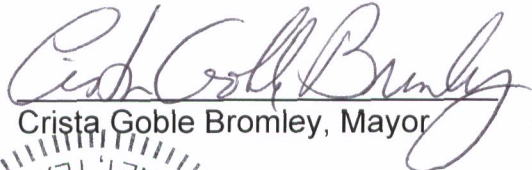
Section thirteen. Notice. The City Secretary is hereby directed to publish notice of this Ordinance, as required by Section 3.14 of the City Charter and the laws of the State of Texas.

Section fourteen. Effective Date. This Ordinance shall be effective upon the date of final adoption hereof and publication as required by law.

Passed on first reading on the 26th day of January, 2021

Passed and Adopted on the 9th day of February, 2021

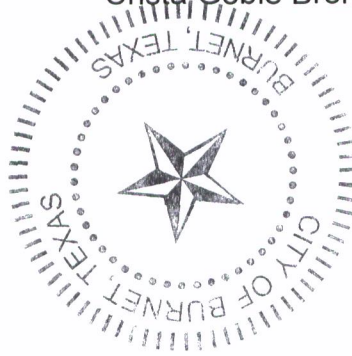
CITY OF BURNET


Crista Goble Bromley, Mayor

ATTEST:



Kelly Dix, City Secretary



Chapter 21. Sign regulations and standards.

Article 1. General.

Sec. 21.01 Purpose, scope and definitions.

- (a) *Purpose.* The objectives of this section are to promote the health, safety, welfare, convenience, communication and the landscape quality of the public. The sections, provisions and regulations set forth in this chapter shall apply to the control, use, installation, regulation, licensing and permitting of signs within the city and its extra-territorial jurisdiction (ETJ). It is the intent of this chapter to provide comprehensive regulations applicable to signs placed, installed or maintained within the city and its ETJ; provided that this chapter shall not be construed, applied, interpreted nor enforced in a manner to violate the first amendment rights of any person, and the building official shall seek the advice and recommendation of the city attorney prior to taking any action to enforce any provision of this chapter with respect to any non-commercial sign or speech by any person. This section shall further be interpreted and applied to accomplish the following purposes:
- (1) *Safety.* The purpose of this section is to provide for the public safety by requiring that:
- (A) No hazard is created due to collapse, wind, fire, collision, decay or abandonment;
 - (B) No obstruction is created to fire fighting and police surveillance; and
 - (C) No traffic hazard is created by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to read the traffic signs.
- (b) *Communications.* The purpose of this section is to promote the efficient transfer of information in sign messages by providing that:
- (1) Businesses and services may identify themselves;
 - (2) Customers and other persons may locate a business or service; and;
 - (3) Persons exposed to signs are not overwhelmed by the number of messages presented, and are able to exercise freedom of choice to observe or ignore said messages, according to the observer's purpose.
- (c) *Landscape quality and preservation.* A purpose of this chapter is to enhance the appearance and economic value of the landscape, by providing signs that:

- (1) Do not interfere with scenic views;
 - (2) Do not create a nuisance to persons using the public right-of-ways;
 - (2) Do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height, or movement;
 - (4) Are not detrimental to land or property value;
 - (5) Contribute to the special character of particular areas or districts within the city, helping the observer to understand the city and orient oneself within it; and
 - (6) Maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth.
- (d) *General provisions.* All signs erected or maintained pursuant to the provisions of this chapter shall be erected and maintained in compliance with all applicable federal, state, and local laws and regulations, the building code, electrical code and other applicable ordinances of the city. In the event of conflict between this chapter and other laws, the most restrictive standard applies.
- (e) *General policy.* No person, firm or corporation shall erect, construct, affix, paint, change copy, alter or relocate any sign, without first having obtained a sign permit issued by the city. A separate permit shall be required for each sign; or, in the case where a signage plan has been approved, a single permit may be issued for all signs indicated by the plan.

21.02 Definitions.

For the purpose of this Code, certain terms, phrases, words and their derivatives shall be construed as specified in this chapter or as specified in the building code. Where terms are not defined, they shall have their ordinarily accepted meanings within the context in which they are used. Words in the singular include the plural and the plural the singular.

Abandoned sign. An on or off-premises sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, product or activity conducted or product available on or off the premises where the sign is displayed.

Approved plastic materials. See "Plastic materials, approved".

Billboard. Any outdoor advertising sign, display, light, device, figure, painting, drawing, message, plaque, placard, poster, billboard, logo or symbol or other thing which is designed, intended, or used to advertise or inform, if any part of the advertising or information contents are visible from the main-traveled way of a regulated highway or any public right-of-way. (V.T.C.A. Transportation Code ch. 394)

Building code. The 2003 International Building Code promulgated by the International Code Council.

Building official. The officer or other designated authority charged with the administration and enforcement of the building code.

Combination sign. A sign incorporating any combination of the features of pole, projecting and roof signs.

Curb line. The line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curb line shall be established by the building official. See "Legal setback line."

Display surface. The area made available by the sign structure for the purpose of displaying the advertising message.

Directional sign. Any sign which serves solely to designate the location or direction of any place or area.

Electric sign. Any sign where electrical wiring and/or lighting is incorporated into the sign or sign structure.

Fin sign. A sign that is supported wholly by a one-story building of an open-air business or by poles placed in the ground or partly by such a pole or poles and partly by a building or structure.

Ground sign. A billboard or similar type of sign that is supported by one or more uprights, poles or braces in or upon the ground other than a combination sign, fin sign or pole sign, as defined by this section.

ICC standards. Those standards published in the adopted 2003 International Building Code, promulgated by the International Code Council, as adopted by this jurisdiction.

Legal setback line. A line established by ordinance beyond which a building may not be built. A legal setback line may be a property line.

Marquee. A permanent roofed structure attached to and supported by the building and projecting over public property.

Noncombustible. As applied to building construction material means a material which, in the form in which it is used, is either one of the following:

- (1) Material of which no part will ignite and burn when subjected to fire.
- (2) Material having a structural base of noncombustible material as defined in subsection (1) above, with a surfacing material not over 12/8" thick which has a flame-spread rating of 50 or less.

Nonstructural trim. The molding, battens, caps, nailing strips, latticing, cutouts or letters and walkways which are attached to the sign structure.

Off-premises sign. A sign displaying advertising that pertains to a business, person, organization, activity, event, place, service or product not principally located or primarily manufactured or sold on the premises on which the sign is located.

On-premises sign. A sign identifying or advertising a business, person, or activity and installed and maintained on the same premises as the business, person or activity.

Plastic materials, approved. Those having a self-ignition temperature of 650°F or greater and a smoke-density rating not greater than 450 when tested in accordance with the adopted building code. Approved plastics shall be classified and shall meet the requirements for either CC1 or CC2 plastic.

Pole sign. A sign wholly supported by a sign structure in the ground.

Portable display surface. A display surface temporarily fixed to a standardized advertising structure which is regularly moved from structure to structure at periodic intervals.

Projecting sign. A sign, other than a wall sign, which projects from and is supported by a wall of a building or structure.

Projection. The distance by which a sign extends over public property or beyond the building line.

Roof sign. A sign erected upon or above a roof or parapet of a building or structure.

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

Sign structure. Any structure that supports or is capable of supporting a sign as defined in this section. A sign structure may be a single pole and may or may not be an integral part of the building.

Structure. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially build up or composed of parts joined together in some definite manner.

Temporary sign. Any sign, banner, pendant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, intended to be displayed for a limited period of time only.

Wall sign. Any sign attached to or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall.

Sec. 21.03-21.10 reserved.

Article 2. - Exempt and prohibited signs.

21.11 Exempt signs.

The following signs shall be exempt from the provisions of this Chapter:

- (a) Official notices authorized by a court, public body or public safety official;
- (b) Governmental signs erected by the local jurisdiction, county, state or federal entity;
- (c) Directional, warning or information signs authorized by federal, state or municipal governments;
- (d) Memorial plaques, building identification signs and building cornerstones when cut or carved into a masonry surface or when made of noncombustible material and made an integral part of the building or structure;
- (e) The flag of a government or a noncommercial institution, such as a school;
- (f) Religious symbols and seasonal decorations within the appropriate public holiday season.

Sec. 21.12 Prohibited signs.

The following devices and locations are specifically prohibited within the City Limits and extraterritorial jurisdiction:

- (a) Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic.
- (b) Except as provided for elsewhere in this section, signs encroaching upon or overhanging public rights-of-way. No sign shall be attached to any utility pole, light standard, street, tree or any other public facility located within the public right-of-way.
- (c) Cloth, paper, soft plastic or similar advertising signs or devices other than in rigid frames as provided herein except those intended as temporary signs, or as provided by subsection (g) of this section.

- (d) Signs that blink, flash, or are animated by lighting in any fashion that would cause such signs to have the appearance of traffic safety signs and lights, or municipal vehicle warnings from a distance, as determined by the code official.
- (e) Portable signs except as allowed for temporary signs.
- (f) Any sign attached to, or placed on, a vehicle or trailer parked on public or private property. The prohibition of this section does not prohibit the identification of a firm or its principal products on a vehicle operating during the normal course of business or being taken home.
- (g) Pennants, banners and private flags bearing any logo, product name, business name or other advertising, and balloons, except those temporarily attached to automobiles or temporarily displayed as part of a special sale, promotion or community event. For the purposes of this section, "temporary" means no more than 60 days in any calendar year.
- (h) Billboards in any zone other than the I-1 and I-2 zoning districts.
- (i) Blimps, dirigibles or other large balloon-like devices filled with lighter than air gases utilized as signage.

Sec. 21.13-21.20 reserved.

Article 3. Zoning District Regulations.

21.21 Signs in residential zones.

- (a) *Residential development signs.* Residential developments of four or more dwelling units shall be permitted one development complex sign for each public street frontage not within the project (or for each entrance in the case of a subdivision project). Such signs may be placed in any location on private property provided the sign complies with the same height limitations specified for fences. Maximum sign area for each sign shall be two square feet, plus one square foot for each dwelling unit or lot, not to exceed 25 square feet in area per face.
- (b) *Residential home occupation signs.* The only signage permitted shall be a wall mounted sign of a size no larger than four square feet, mounted to the front facade of the residential structure. No illuminated signs shall be permitted in conjunction with the home occupation.
- (c) *Business signs.* Nonconforming and conditionally permitted commercial uses shall each be permitted facade signage and/or one freestanding sign per public street frontage, not to exceed a combined total of 25 square feet in area for every 150 feet of public street frontage. For frontage greater than 150 feet, one square foot of additional sign area shall be allowed for each six feet of frontage up to a

maximum of 80 square feet per sign. The height of a freestanding business sign shall not exceed that specified for fences. The height of freestanding signs for other conditionally permitted uses such as churches and schools shall be limited to 15 feet.

Sec. 21.22 Signs in commercial zones.

- (a) *Development complexes.* All development complexes shall require a master signage plan pursuant to the requirements of this section, prior to the installation of any signage.
- (b) *Business signs.* Each enterprise or business shall be permitted wall signs, one under-canopy sign per street frontage and one freestanding sign each, subject to the following maximum size requirements. Multiple businesses in the same building shall apportion facade length, building wall and street frontage such that any maximum is not exceeded for a particular property.
 - (1) *Maximum wall sign area.* Total area of wall signage for each separate and distinct business shall not exceed two square feet for each lineal foot of the building wall from which the signage is attached, not to exceed 40 square feet.
 - (2) *Maximum freestanding sign area.* One and one-half square feet for each one lineal foot of street frontage, not to exceed 150 square feet.
 - (3) *Under canopy sign area and dimensions.*
 - (A) The maximum allowable sign area shall be one square foot for each lineal foot of width of the canopy, awning, marquee or similar structure from which the sign is suspended, as measured perpendicular to the building wall.
 - (B) The maximum allowable horizontal length of an under-canopy sign shall be equal to the width of the canopy, awning, marquee or similar structure from which the sign is suspended, as measured perpendicular to the building wall.

The minimum vertical clearance between the lower edge of an under-canopy sign and the ground shall be eight feet.

Sec. 21.23 Signs in industrial zones.

- (a) *Development complexes.* All development complexes shall require a master signage plan pursuant to the requirements of this section prior to the installation of any signage.
- (b) *Building identification signs.* One building identification sign for each building shall be permitted provided that no such sign shall exceed 25 square feet in area.

- (c) *Business signs.* Each enterprise, franchise or business shall be permitted wall signs, one under-canopy sign per street frontage, and one projecting or freestanding sign per street frontage each subject to the following maximum size requirement. Multiple businesses in the same building shall apportion facade length, building wall and street frontage such that any maximum is not exceeded for a particular property.
- (1) *Maximum wall sign area.* The total area of facade signage shall not exceed three square feet for each lineal foot of the building wall from which the sign is attached.
 - (2) *Maximum projecting sign area.* One square foot for each two lineal feet of the building wall from which the sign projects, not to exceed 64 square feet. The total area of projecting signs shall be subtracted from the permitted total area of facade signs.
 - (3) *Maximum freestanding sign area.* One square foot for each lineal foot of street frontage, not to exceed 150 square feet per sign.
 - (4) *Under-canopy sign area and dimensions.*
 - (A) The maximum allowable sign area shall be one square foot for each lineal foot of width of the canopy, awning, marquee or similar structure from which the sign is suspended, as measured perpendicular to the building wall.
 - (B) The maximum allowable horizontal length of an under-canopy sign shall be equal to the width of the canopy, awning, marquee or similar structure from which the sign is suspended, as measured perpendicular to the building wall.
 - (C) The minimum vertical clearance between the lower edge of an under-canopy sign and the ground shall be eight feet.
- (d) *Off-premise signs.* Off-premise signs shall be permitted pursuant to the requirements of this section.
- (e) *Billboards.* Billboards shall be permitted in the I-1 and I-2 zoning districts only, with a conditional use permit and subject to the provisions of this section.

Sec. 21.24 Signs in government and public institutional zones.

- (a) Governmental signs are exempt from the requirements of this section.

- (b) All other enterprises or businesses shall submit a comprehensive sign plan to show location, size, height coloration, lighting and any other criteria deemed necessary by the code official. The plan review will include:
- (1) Whether the signs serve a special and unique purpose;
 - (2) Whether the signs are aesthetically superior and in harmony with the intent and purposes of this section;
 - (3) Whether the signs are appropriate to the type of development or structure to which they are related.

The comprehensive sign plan will be considered by the planning and zoning commission during their regularly scheduled public hearings. The commission will make a recommendation to the city council for approval or denial of the sign plan.

Sec. 21.25 Signs in Historic district.

All proposed signs in the historic overlay district shall be reviewed, by both city historical board and the planning and zoning commission prior to consideration by the City Council.

Sec. 21.26-21.30 reserved.

Article 4. General sign regulations.

Sec. 21.31 Sign illumination.

Except for billboards, all sign illumination shall be from the interior or from floodlight projection shielded to preclude glare visible from public rights-of-way and neighboring properties.

Sec. 21.32 Rotating signs.

Rotating signs are permitted provided that the outer edge shall not exceed a speed of four revolutions per minute and the rotating portion of the sign shall be a minimum of eight feet above the adjacent grade. No rotating sign shall extend over public rights-of-way.

Sec. 21.33 Roof-mounted signs.

Signs projecting above the point of intersection of the exterior wall of the building with its roof shall be mounted on a parapet or within the same plane as such exterior wall. Sign area for roof-mounted signs shall be calculated the same as and counted as part of the facade signs. Roof-mounted signs shall be allowed only within the commercial 1, 2, and 3 zones and the I-1 and I-2 industrial zones.

Sec. 21.34 Measurement of sign area.

The square footage of a sign made up of letters, words or symbols within a frame shall be determined from the outside edge of the frame itself. The square footage of a sign composed of only letters, words or symbols shall be determined from imaginary straight lines drawn around the entire copy or grouping of such letters, words or symbols. Double-faced signs shall be calculated as the area of one side only. Three-dimensional or multi-faced signs shall be calculated as the maximum area visible from any single direction at any point in time.

Sec. 21.35 Measurement of freestanding sign height.

The height of a freestanding sign shall be measured from the elevation of the crown of the nearest public street to the highest point of the freestanding sign or its supporting structure.

Sec. 21.36 Condition and maintenance.

All signs shall be of rust-inhibitive material or treatment, and shall be maintained in good condition in the opinion of the code official. All signs, together with all of their supports, braces, guys and anchors shall be kept in good repair and in a safe state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times. Signs remaining when a business closes shall have the copy painted over or removed and replaced with blank inserts until such time as a new business assumes responsibility for the sign.

Sec. 21.37 Electronic message signs.

Electronic message signs that display time and temperature, or provide changing messages are permitted, provided such signs do not blink, flash, or otherwise distract motorists while driving.

Sec. 21.38-21.50 reserved.

Article 5. Specific sign requirements.

21.51 Billboards.

The installation, operation and maintenance of any billboard shall be subject to the following:

- (a) Maximum height from adjacent grade is 36 feet.
- (b) Maximum area is 300 square feet.
- (c) Minimum ground clearance is eight feet.

- (d) Minimum front yard setback is 15 feet.
- (e) Minimum distance from residential zones is 200 feet measured along the street.
- (f) Minimum distance from other billboards is 300 feet, except that billboards less than 80 square feet in area may be located no closer than 150 feet from another billboard of any size.
- (g) Minimum distance from street intersection is 100 feet as measured from the right-of-way, provided that a billboard smaller than 80 square feet may be located as near as 50 feet from an intersection.
- (h) Maximum number per parcel of property is one.
- (i) Signs must be approved and licensed by TxDOT as outdoor advertising signs when applicable.

21.52 Directional signs.

The installation, operation and maintenance of any directional sign shall be subject to the following:

- (a) No more than two directional signs per street entrance shall be permitted for any enterprise or business.
- (b) Such signs shall be for the sole purpose of ensuring safe and convenient access and egress to the use for which they apply.
- (c) No such sign shall exceed two square feet in area in the residential zones, and shall not exceed four square feet in area in all other zones.

21.53 Walls signs.

In the C-1 and C-2 zones, such projecting parallel signs may project over public right-of-way provided such signs shall not extend more than one foot beyond the wall of the building or impede free and complete use of the sidewalk for pedestrians, that being a minimum height of eight-foot clear space from the bottom of the sign.

21.54 Freestanding signs.

The installation, operation and maintenance of any freestanding sign shall be subject to the following:

- (a) Freestanding signs shall not exceed 15 feet in height within 15 feet of any lot line abutting public street right-of-way. For each additional one foot of setback beyond 15 feet, the sign height may be increased by two feet provided that in no event

shall a sign exceed 36 feet in height; provided, however, that freestanding signs greater than 15 feet in height may be set back from any lot line abutting a street a distance equal to the average street setback of all freestanding signs in excess of 15 feet in height located in adjacent properties, within 100 feet of the property line and on the same side of said street.

- (b) All freestanding signs shall comply with the site distance triangular setback area height requirements specified by the applicable zone.
- (c) A freestanding sign shall not be located closer than 50 feet from another freestanding sign located on another premises; provided that this section shall not prohibit the ability to place one freestanding sign on a premises that would otherwise have a right to such a sign; nor shall this section be applied in a manner that would require a setback for such freestanding sign in excess of what would otherwise be required by this section.
- (d) Any sign within 40 feet of a property line abutting a street right-of-way shall not be located closer than 100 feet from another freestanding sign on the same premises.

21.55 Projecting signs.

In the C-1 and C-2 zoning districts only, projecting signs may project over public right-of-way a maximum of four feet, provided such signs shall not extend to within two feet of the street curb or the improved shoulder edge of the traveled way, or impede free and complete use of the sidewalk for pedestrians.

21.56 Off-premise signs.

The installation, operation and maintenance of any off-premise sign shall be subject to the following:

- (a) Maximum height from adjacent grade is 15 feet;
- (b) Maximum area is 50 square feet;
- (c) Minimum yard setback is 20 feet;
- (d) Minimum distance from residential zones is 100 feet;
- (e) Minimum distance from street intersection is 25 feet;
- (f) Maximum number per parcel of property is one.

21.57 Community event message signs.

The installation, operation and maintenance of any community event message sign shall be subject to the following:

- (a) A nonprofit organization shall be eligible to apply for a conditional-use permit to allow a sign area bonus for a community event message sign. The purpose of this area bonus shall be to allow the display of changing messages and information on such matters as the date, time, location and sponsor of special events of community interest. Such signs shall meet the following standards and conditions:
 - (1) Each nonprofit organization shall be eligible for a bonus for no more than one facade sign or one freestanding sign.
 - (2) The maximum bonus available shall be 50 percent of the base permitted sign area if located in a residential zone, or 100 percent if located in any other zone.
 - (3) Permanent advertising of a commercial nature shall be allowed only in commercial zones and shall not exceed 25 percent of the total area of the community event message sign.
 - (4) The sign shall be made reasonably available to other community-based nonprofit organizations for the display of information about their special events or other announcements of a noncommercial nature.
 - (5) The signs shall not be of a size, or located in such a manner, that will substantially hinder the visibility of other legal signs on adjacent properties.
- (b) In reviewing an application for a community event message sign, the planning and zoning commission, and city council on appeal, shall consider the following objectives, and may impose conditions to ensure that these objectives are met:
 - (1) By virtue of the sign's design, size, location and other factors, including appropriate landscaping, the sign shall be harmonious and compatible with its surroundings and consistent with community aesthetic sensibilities.
 - (2) The sign shall not be erected, or any electronic or electric changing copy be controlled, in a manner that will be a substantial distraction to motorists, thus causing a traffic hazard.

21.58 Bus bench signs.

Bus bench signs shall be limited to two benches per lot.

21.59 Murals.

The planning and zoning commission may recommend to council for approval of a proposed building graphic or mural if it is determined that such graphic or mural will

enhance the beauty of its location and is otherwise in keeping with the intent of this section; provided that such building graphic or mural contains no copy, advertising symbols, lettering, trademarks, or other direct references to the premises or to the products or services offered for sale of the premises on which the building graphic is placed, or to any other premises.

Sec. 21.60-21.70 reserved.

Article 6. Temporary signs.

Sec. 21.71 Political signs.

The installation, operation and maintenance of any political sign shall be subject to the following:

- (a) Political signs shall be permitted in all zones.
- (b) Such signs shall not exceed 36 square feet in area, shall not exceed 48 inches in height, nor shall they be illuminated, provided that these restrictions shall not apply to lawfully established billboards. Political signs shall not have any moving parts.
- (c) Political signs shall be permitted only for a period of 90 days preceding the election and shall be removed within ten days after the election provided that signs promoting successful candidates or ballot propositions in a primary election may remain displayed through the general election.
- (d) Political signs shall not be placed within any public right-of-way. This includes posting signs on trees, telephone/utility poles, traffic sign poles and other objects within the right-of-way.

Political signs established in violation of this section and posing a traffic hazard as determined by the code official, may be immediately removed with prior notice. All costs associated with sign removal will be paid by the sign owner.

Sec. 21-72 Portable signs.

The installation, operation and maintenance of any portable sign shall be subject to the following:

- (a) Portable signs shall not exceed 32 square feet in area. Such square footage shall be applied and calculated as part of the total square footage permitted for all business signage permitted for the business or property.
- (b) Such signs shall be displayed no more than 45 days during any single calendar year.

- (c) There shall be no more than one portable sign per parcel of property or business, whichever is lesser, permitted at any one time.
- (d) Electrification of all portable signs shall be in compliance with the National Electrical Code as adopted by the city.
- (e) A portable sign shall not be established or placed prior to obtaining a sign permit.

Sec. 21-73 Real estate signs.

The installation, operation and maintenance of any real estate sign shall be subject to the following:

- (a) Real estate signs shall be permitted in all zones, provided that all such signs shall be located on the property to which they apply, except as provided for in (d) of this section.
- (b) Such signs shall conform with the following maximum size requirements: Four square feet in area for the first 10,000 square feet in lot area, plus four square feet for each additional 10,000 square feet of lot area, not to exceed 32 square feet.
- (c) Real estate signs shall be removed upon closing of the sale.
- (d) In addition, real estate signs advertising the sale of lots located within a subdivision shall be permitted provided that there shall be no more than one sign per entrance, and each sign shall be no greater than 32 square feet in area, no greater than eight feet in height, and erected no longer than a period of one year. Such signs may be installed off premises in order to direct visitors to the property.

Sec. 21-74 Special sale signs.

The installation, operation and maintenance of any special sale sign shall be subject to the following:

- (a) Sale and grand opening signs shall be permitted in all zones provided that such signs are displayed no more than 15 consecutive days for every three months. Such signs shall be removed immediately upon termination of the sale or event that they advertise.
- (b) All such signs must be attached to the facade, wall or window of the building occupying or conducting the sale or event which they advertise.
- (c) No business shall have more than two such signs for each facade or wall of the building to which they are attached.
- (d) The total sign size shall not exceed 50 percent of the size of the permitted facade sign or four square feet in area, whichever is greater.

Sec. 21-75 Promotional signs.

Promotional signs advertising a special community event such as a fair, farmer's market or parade may be permitted to be located over public right-of-way. The size, location and method of erection of such signs shall be subject to approval by the city council and public works director pursuant to good engineering practices and shall be consistent with the paramount purpose of public rights-of-way to provide safe and convenient traffic circulation. Alternatively, such signs may be permitted to be attached to the wall of a building subject to approval by the code official.

Sec. 21-76 Searchlights.

The installation, operation and maintenance of any searchlight shall be subject to the following:

- (a) The operation of searchlights or similar lighting sources for advertising, display or any other commercial purpose is considered a temporary sign pursuant to the provisions of this section.
- (b) Such signs shall be displayed no more than five consecutive days and in no event be used for advertising longer than 30 days during any single calendar year.
- (c) Such signs shall not be permitted on a public right-of-way and may be immediately removed from such right-of-way by the code official, provided that within the C-1 zone, the public works director may permit the placement of a searchlight on a public right-of-way if no reasonable alternative exists and if such placement will not obstruct traffic or create a safety hazard.

Sec. 21-77 Streamers.

The installation, operation and maintenance of streamers shall be subject to the following:

- (a) Streamers may be used to outline property lines and areas on a lot that display merchandise outdoors.
- (b) Streamers shall be replaced or removed when torn or faded.
- (c) Since the primary purpose of streamers is to make display areas more attractive, for those uses displaying streamers for more than 90 days in a year, landscaping must be combined with streamers usage. Plans are to be approved by the code official with the intent being to provide planting areas with street trees or continuous areas with ground cover, particularly, but not limited to, the area along property lines. The cost of the required landscaping per year need not exceed the cost of the streamers.

Sec. 21-78 Highway banners.

The installation, operation and maintenance of highway banners shall be subject to the following:

- (a) Highway banners are expressly prohibited excepted as provided for in this section.
- (b) Highway banners may be installed by the city for city sponsored or co-sponsored events. Only one highway banner may be installed at each of the predetermined locations across state right-of-ways as approved by the city from time to time. The city manager shall determine the exact location of each banner display. There shall be one location on each of the major highways listed below:
 - (1) State Highway 281 North
 - (2) State Highway 281 South
 - (3) State Highway 29 East
 - (4) State Highway 29 West
- (c) In the event the co-sponsor of an event requests a banner be installed across TxDot right-of way, the co-sponsor shall secure the proper TxDot and city permits. The application for a city permit must be submitted, along with the approved TxDot permit, to the city a minimum 30 days prior to the requested date of installation of the highway banner(s).
- (d) Highway banners may only be displayed for a period of up to three weeks prior to the scheduled event.
- (e) Highway banners must be constructed in accordance with federal, state, and local regulations. Construction standards required by the city may be amended from time to time as approved by the city manager.

Sec. 21.79-21.90 reserved.

Article 7. Master sign plan for development complexes.

Sec. 21.91 General.

Signs for all development complexes shall comply with a master sign plan for the development, approved by the code official pursuant to this section. Said plan shall include all proposed sign locations, materials, structures and installation details to the extent known at the time of master sign plan submittal. Additional submittals or amendments to the master sign plan may be necessary as a new development complex

becomes occupied or as businesses within a complex change. Signs within a development complex shall be subject to the requirements of this article.

Sec. 21.92 Business signs.

Each enterprise or business shall be permitted facade signs and no more than one projecting sign subject to the maximum size requirements set forth for the applicable zone.

Sec. 21.93 Freestanding signs.

Each development complex shall be permitted one freestanding development complex sign per public street frontage. The maximum permitted sign area for each development complex sign shall be as provided within the applicable zoning district, plus a bonus of ten additional square feet per business, enterprise or franchise within the development complex, provided that such bonus shall not exceed 50 percent of the base allowable sign area.

Sec. 21.94 Performance criteria.

In addition to other applicable requirements set forth in this chapter, signs for development complexes shall conform to the following performance criteria:

- (a) Individual business signs shall share a similar and uniform location and installation format.
- (b) All non-business signage in the complex shall be consistent in format, color and design.

Sec. 21.95-21.100 reserved.

Article 8. Nationally branded signs.

Sec. 21.101 General.

Signs and sign plans utilized by national retail, commercial, and industrial outlets which do not meet the requirements of this section, may be permitted when, the city council finds such signs are in conformance with the intent of this section and appropriate to the type of development or structure to which they are related. Signs requesting approval under this provision must meet the following requirements:

- (a) *Signage.* The trademark signs or sign formats or organization is generally standardized in cities nationally and redesign to comply with this section may detrimentally impact the nationally recognized company from locating in Burnet. The height of the sign shall conform with this section but the location, size and

number may be approved to appear consistent with similar developments of the national chain.

- (b) *Permit approval.* Nationally branded signs, and/or planned unit developments, which do not conform to the regulations of this section may be granted approval by the city council after the planning and zoning commission has reviewed the sign(s) and site development plan. The planning and zoning commission shall make a recommendation to the city council for approval or denial based on their findings.
- (c) *Notification requirements.* Upon submittal of an application for a nationally branded signs exception, the city shall notify surrounding property owner in accordance with V.T.C.A., Local Government Code tit. 7, ch. 211.007.
- (d) *Historic district.* All proposed signs requesting approval under this section within the historic overlay district shall be reviewed, by both the historical board and the planning and zoning commission prior to consideration by the city council.

Sec. 21.102-21.110 reserved.

Article 9. Alterations and Nonconformity.

Sec. 21.111 Change in use.

Change in use. Whenever the use of land or structures changes, any signs that do not relate to the new use or to any product or service associated with the new use, shall be removed or appropriately altered consistent with the provisions of this section. Furthermore, it shall be the responsibility of the property owner of the land and/or improvements to remove any sign or signs on premises where the associated use has been discontinued for a period of more than 90 days.

Sec. 21.112 Nonconforming signs.

Whenever a business, person, or enterprise for which existing signage does not conform to the requirements of this section, seeks to structurally alter or enlarge an existing sign, or erect or install a new sign, the provisions of this section shall apply as follows:

- (a) The alteration, enlargement, installation or erection of signage shall not increase the degree of non-conformity.
- (b) If the value of structural alterations to a nonconforming sign equals or exceeds 25 percent of the value of the sign, as determined by the building official, the sign shall be made to conform to all provisions of this section.
- (c) Enlargement, installation or erection of conforming signage shall be accompanied by a reduction in the degree of non-conformity for other signage existing on the

premises. This reduction in nonconformity can be accomplished by a reduction in size of existing signs (if nonconforming as to square footage), removal (if nonconforming as to number of signs), relocation (if nonconforming as to location), or a combination of reduction, removal and relocation. The total cost of reduction, removal or relocation of nonconforming signage shall equal, as nearly as is practical, 75 percent of the value of the new or enlarged conforming signage, or the cost necessary to bring all signage on the premises into conformance with this section, whichever is the lesser requirement.

- (d) The provisions of subsections (b) and (c) of this section do not apply to temporary signs or to illegal signs. Temporary signs that do not comply with the requirements of this section, and other illegal signs shall be removed within 90 days after notification of the sign's non-conformity.
- (e) Billboards that do not conform to the requirements of this section shall be removed, altered or replaced so as to fully conform to the requirements of this section within nine years after the date of installing the billboard, or six years after notification by the jurisdiction of the billboard's non-conformity, whichever is longer.

Sec. 21.113-21.120 reserved.

Article 10. Applications.

Sec. 21.111 Application process.

- (a) *Permit application.* Application for permits shall contain or have attached thereto the following information:
 - (1) Name, address, and telephone number of the applicant.
 - (2) Location of the building, structure, or lot on which the sign is to be attached or erected.
 - (3) Two sets of plans shall be submitted showing the sign location in relation to nearby buildings or structures, signs, property lines, driveways, public streets, fences, and sidewalks.
 - (4) Two blueprints or ink drawings of the plans and specifications showing method of construction, attachment to the building or ground, size, type, height, construction materials, and such other materials, and such other information as the building official may require. The building official may require plans to be prepared by a registered professional engineer who is registered by the state or an architect licensed by the state.

- (5) Copy of stress sheets and calculations showing the structure as designed for dead load and wind pressure in any direction in the amount required by this chapter, and all other laws and codes of the city.
 - (6) Name of person, firm, corporation, or association erecting structure.
 - (7) Any electrical permit required and issued for said sign.
 - (8) Zoning classification carried by the property.
 - (9) Estimated value of the sign.
 - (10) Such other information as the building official shall require showing full compliance with this chapter and all other laws and codes of the city.
- (b) *Permit issuance.* It shall be the duty of the building official, upon the filing of an application for a sign permit, to examine such plans and specifications and other data and the premises upon which it is proposed to erect a sign. If it appears that the proposed structure is in compliance with all the requirements of this chapter, the building code, and all other laws and ordinances of the city, the building official shall then issue the sign permit. If the work authorized under a sign permit has not been completed within 60 days after issuance, the said permit shall become null and void.