

**CITY OF DOUBLE HORN, TX
ORDINANCE NO. 2022-ORD035**

AN ORDINANCE OF THE CITY OF DOUBLE HORN, TEXAS ADOPTING A SIGN ORDINANCE; PROVIDING FOR PERMIT PROCESSES RELATED TO COMMERCIAL SIGNS; PROHIBITING CERTAIN SIGNS FROM THE CORPORATE AND EXTRATERRITORIAL JURISDICTIONAL LIMITS OF THE CITY; PROVIDING FOR VARIANCE TO SIGN REGULATIONS, FEES, ENFORCEMENT AND PENALTIES; PROVIDING FOR REPEAL, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Double Horn, Texas, (hereinafter "City Council") finds that public health, safety, welfare, and aesthetic concerns create the need to enact sign regulations; and

WHEREAS, the City of Double Horn, Texas, (the "City") has the legal authority to adopt regulations governing signs and the use of land and right of way within its corporate limits and extraterritorial jurisdiction ("ETJ") of the City; and

WHEREAS, set forth herein in is a proposed ordinance prohibiting certain signs within the corporate limits and the ETJ of the city, the adoption of which City Council finds is beneficial to the orderly development of the City of Double Horn; and

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

SECTION 1. INCORPORATION OF PREMISES

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2. FINDINGS

After due deliberation and consideration, the City Council has concluded that the adoption of the Sign Ordinance serves the best interests of the City of Double Horn, Texas, serves the health, safety, welfare, and aesthetic concerns of the public.

SECTION 3. ADOPTION

A. The Double Horn Sign Ordinance, is hereby adopted and shall read as follows:

Section 1. Definitions.

Attached sign means any permanent sign attached, painted, or in some way affixed directly to a building surface.

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

Billboard (outdoor advertising). See definition for "off-premises sign."

Commercial sign means a sign that displays any message or picture, directing attention to a business, product, service, profession, commodity, commercial activity or event, person, institution, or other commercial message, which is generally conducted, sold, manufactured, produced, offered, or occurs on the premises where the sign is located.

Electronic message sign means a sign on which informational content can be changed or altered on a fixed display screen composed of electronically illuminated segments, including but not limited to, LED (light emitting diode) signs, television screens, plasma screens, video boards, or other signs that utilize digital or other image projection technology to display a message to the public.

ETJ means the extra-territorial jurisdiction of the city.

Monument sign means a permanent detached sign type in which ninety (90) percent of the sign structure's width or base area is in contact with the ground and is independent of buildings or structures. This sign form is regulated to a wide horizontal profile but is limited in total vertical height. This sign form is constructed of solid material consisting of a single structure from the ground up to the highest point of the sign.

Monument sign, multi-tenant means a permanent detached sign type in which ninety (90) percent of the sign structure's width or base area is in contact with the ground and is independent of buildings or structures. This sign form allows larger height and sign surface area for developments with a variety of businesses needing advertising capability all located on the same premises. This sign form is constructed of solid material consisting of a single structure from the ground up to the highest point of the sign.

Nonconforming Sign means a sign that was lawfully installed at its current location prior to the adoption of this Ordinance or was existing outside of the city limits or ETJ at the time of adoption of these regulations and that is later taken into the city limits or ETJ.

Off-Premises sign means a sign that displays any message directing attention to a business, product, service, profession, commodity, activity, event, person, institution, or other commercial message, which is generally conducted, sold, manufactured, produced, offered, or occurs elsewhere than on the premises where the sign is located.

Setback means the required distance between any point on private land and the property line abutting the nearest public or private right-of-way.

Sign means a display surface, structure, light device, banner, plaque, poster, billboard, pennant, figure, painting, drawing, flag, or other thing, whether mounted on land, air, or water, that is designed, intended, or used to display or draw attention to a communicative visual or graphic image, whether or not the image includes lettering, and that is visible from any portion of the public or private right-of-way open to vehicular or pedestrian traffic. A sign includes both on- and off-premises signs, including billboards, and any moving part, lighting, sound equipment, framework, background material, structural support, or other part thereof. Notwithstanding the generality of the foregoing definition, the following are not signs for purposes of this chapter:

- (a) An image displayed on the interior wall of a building;

- (b) Decorative or architectural features of buildings or onsite landscape features which do not include lettering, trademarks, or moving parts and which do not perform a communicative function;
- (c) Foundation stones and cornerstones which are permanent in nature and incapable or not intended for modification once installed;
- (d) Grave markers, gravestones, headstones, mausoleums, shrines, and other markers of the deceased;
- (e) Identifying marks on tangible products that customarily remain attached to the product even after sale;
- (f) Merchandise on public display and presently available for purchase on-site;
- (g) News racks and newsstands;
- (h) Items or devices of personal apparel, decoration, or appearance, including tattoos, makeup, wigs, costumes, masks, or similar accessories, other than commercial mascots or hand-held placards or appliances worn for the principal purpose of holding a placard; or
- (i) Vending machines, product dispensing devices, and automated product intake devices which do not display off-premises commercial messages, including depositories for recycled materials, slots for returning lent books, media, or other material, laundry boxes, and similar depositories.

Wall sign means a sign erected upon a building or constructed wall made of cinderblock, stone, brick, or similar material.

Section 2. Signs Prohibited.

Any sign not expressly authorized by this Ordinance, or specifically exempted from the provisions hereof, or considered a legal nonconforming sign pursuant to the provisions of this Ordinance is prohibited within the corporate limits of the city and its extraterritorial jurisdiction. The following signs are prohibited within the corporate limits of the city and its extraterritorial jurisdiction (“ETJ”).

- 2.1** Off-premises signs are prohibited. No signs shall be erected advertising products or services not available on the site. This provision also includes messages displayed on electronic signs. Electronic signage shall not display advertisement or messages for goods or services not available on the site.
- 2.2** Signs and supports (other than those placed by the governmental authority or Property Owners Association such as street name signs) which are located within any public or private right-of-way. This section shall not apply to signs on commercial vehicles or commercial trailers lawfully operated or parked in such areas, except that this exception shall not otherwise be used to legitimize the use of advertising vehicles and trailers prohibited herein.

- 2.3 Any signs which resemble an official traffic-control device or sign, or which bear the words of traffic-control.
- 2.4 Signs, which by reason of their size, location, movement, content, coloring, or manner of illumination, may be confused with or construed as a traffic-control sign, signal or device or the light of an emergency or road equipment vehicle or which hides from view any traffic or street sign or any signal device.
- 2.5 Commercial Signs unless the City has issued a permit to authorize placement of the sign in accordance with the requirements of this Ordinance.
- 2.6 Electronic message signs.

Section 3. General provisions.

- 3.1 Except as otherwise provided for herein, no commercial sign shall be erected, structurally changed, refaced, or reconstructed in whole or part, within the city or the ETJ without a permit having been first obtained.
- 3.2 All signs shall pertain to the identification of the primary uses and/or primary services provided, or primary products sold on the premises.
- 3.3 All signs, where applicable, shall meet the standards of the adopted city building code(s), if any.
- 3.4 All business locations shall be identifiable by a street number and address sign which is clearly visible from the street.
- 3.5 All signs regulated herein, must utilize typeset letters and numbers in the design and display of messages upon the sign.
- 3.6 All signs are prohibited from blinking, flashing, or pulsing lighting or messages to adversely attract attention or otherwise detract from the consistent sign forms in the city.
- 3.7 All signs are prohibited from being erected upon trees, bridges, fences (unless specified herein), towers, utility poles, automobiles and/or vehicles, junk or abandoned automobiles and/or vehicles and dilapidated buildings shall not be used as sign supports.
- 3.8 All commercial property in the city shall be allowed one (1) detached sign per property/development unless specified herein.
- 3.9 Sign height shall be measured from the base grade elevation of the ground surrounding the supporting structure to the top of the sign.
- 3.10 There is hereby imposed a setback regulation for all detached signs of ten (10) feet, unless specified herein.
- 3.11 Any sign that advertises or identifies a business, structure, person, or activity which ceases to operate shall remove the name of the person, business, or activity within thirty (30) days of the date that the business, person or activity ceased. The sign panel shall be replaced with a blank panel of similar material. When possible, the existing sign

panel may be reversed to utilize the back side of the panel. In no instance shall plywood or similar materials be utilized. This requirement does not apply to the sign structure.

Section 4. Permitting procedures.

- 4.1** Except as otherwise provided herein, it is unlawful for any person to erect, alter, or relocate within the city or its extraterritorial jurisdiction any commercial sign without first obtaining a permit from the City for erection, alteration, or relocation of the sign, as defined herein, without complying with the following requirements:
- (a) Completion of a sign permit application;
 - (b) Review and approval of a sign permit.
- 4.2** The procedures to be followed in fulfilling the intent of these sign regulations are as follows:
- (a) A sign permit application must be obtained from the city;
 - (b) The sign permit application must be properly completed and returned to the city secretary, along with payment of the sign application fee established by council;
 - (c) The city secretary or designated representative shall review the sign permit application and, if the application is properly completed and meets the general requirements of this chapter, may approve the application;
 - (d) The city secretary will forward to the city council any sign permit application that requests a variance to the regulations established in this ordinance. Such applications will be considered by the city council at its next regularly scheduled meeting; the applicant shall be notified of the time and place of said meeting, and shall be invited and encouraged to attend;
 - (e) The council will approve, reject or approve with conditions, the sign permit application and the associated variance based upon its findings related to the variance criteria set out in section _____;
 - (f) An applicant may appeal a permit denial from the city secretary to the city council.
 - (g) All appeals must be in writing and clearly set out the portions of the regulations that are applicable to the appeal and the justification for the appeal;
 - (i) The city secretary or designee may forward at his/her discretion any sign application to the city council for its consideration in lieu of review and consideration by the city secretary or designee.
- 4.3** Sign permit application—Information required. An application will not be considered complete until all items listed below are submitted. No application will be reviewed for technical compliance until the sign application is considered complete by the city secretary. An application for a sign permit shall contain the following information:
- (a) Name, address, telephone number of the applicant and date of application;
 - (b) Name, address, telephone number of the business and name and telephone number of the owner/representative;
 - (c) Numerical location of building structure upon its lot; block and plat designation; and street address upon which the sign is to be located;

- (d) The specific section of these regulation upon which the application is being made;
- (e) Position of the sign on the building or on the ground in both site plan view drawn to scale, and elevation views drawn to scale;
- (f) Two (2) sets of scaled drawings of the plans and specifications, including size and color of the proposed sign and its various parts, the style of lettering, the message, lighting, type of material of which it is fabricated and the method of attachment to the building or to the ground and indicating associated landscaping;
- (g) A color sketch or color photograph of the sign and building, as well as any contiguous street or building in order to display how they would appear in relation to one another;
- (h) Name of person or persons constructing or erecting the sign;
- (i) Written consent of the owner of the building, structure, and land to which or on which the sign is to be erected, if applicable;
- (j) Location, dimensions, and description of any existing sign on the property;
- (k) If required by the council, a copy of stress sheets and calculations showing that the structure is designed for dead load and wind pressures in any direction in the amount required by this and all other laws of the state or federal government and ordinances of the City;
- (l) If the application is for a variance, a list of the hardships associated with the variance request;

4.4 Representations by applicant. All representations, whether oral or written, made by the applicant or agent on behalf of the application for a sign permit under this Ordinance become conditions upon which the permit is issued. It shall be unlawful for the permittee to vary from such representations unless the permittee first makes application, as required by the provisions of this chapter, to amend the permit and such amendment is approved.

Section 5. Types of signs not requiring a permit.

This section lists sign types and forms not requiring a permit. If the sign form differs from the regulations below, a permit shall be required. All commercial sign types not listed within this section require a permit.

5.1 *Street number.* A city-assigned street address number is required for all residences and establishments. It must be readable from the street and may be on the building or in the yard and may include the name of the occupant in residential only.

5.2 *Contractor signs, commercial.*

- (a) *Description.* Commercial contractor signs shall be non-illuminated, located on private property, larger than ten (10) square feet and shall not be greater than thirty-two (32) square feet in area per sign. A commercial contractor sign may be double sided. Constructing a "V" type sign shall be allowed but each side/face may not exceed a ninety (90) degree angle of separation between the sides/faces.

- (b) *Setbacks.* No sign or any part thereof shall be located within ten (10) feet of any right-of-way line (not to be confused with the curb or pavement line) and within twenty (20) feet of intersecting right-of-way lines.
- (c) *Sign allotment.* Each commercial property shall be entitled to a minimum of one (1) commercial contractor sign. For each property line abutting existing street frontage an additional sign is allowed, subject to the regulations herein. The maximum number of signs shall not exceed the total sides fronting existing public streets. Each additional sign allowable for more than one (1) street frontage must be placed on separate street sides, and no stacking of signs on one (1) or two (2) particular street frontages shall be permitted. A minimum distance of one hundred (100) linear feet shall be maintained between commercial contractor signs placed on separate street frontages.

5.3 *Contractor signs, residential.* Shall be non-illuminated, located on private property, and shall not be greater than ten (10) square feet in area. Residential realtor signs shall be limited to a single sign per property. Signs will not be placed so as to create a traffic hazard, as determined by city staff. Temporary banner signs or other similar non-rigid sign material is prohibited from being utilized.

5.4 *Real estate signs, commercial.*

- (a) *Description.* Commercial real estate signs shall be non-illuminated, located on private property, and be larger than ten (10) square foot and shall not be greater than thirty-two (32) square feet in area per sign. A commercial realty sign may be double sided. Constructing a "V" type sign shall be allowed but each side/face may not exceed a ninety (90) degree angle of separation between the sides/faces.
- (b) *Setbacks.* No sign or any part thereof shall be located within ten (10) feet of any right-of-way line (not to be confused with the curb or pavement line) and within twenty (20) feet of intersecting right-of-way lines.
- (c) *Sign allotment.* Each commercial property shall be entitled to a minimum of one (1) commercial realtor sign. For each property line abutting existing street frontage an additional sign is allowed, subject to the regulations herein. The maximum number of signs shall not exceed the total sides fronting existing public or private streets. Each additional sign allowable for more than one (1) street frontage must be placed on separate street sides, and no stacking of signs on one (1) or two (2) particular street frontages shall be permitted. A minimum distance of one hundred (100) linear feet shall be maintained between commercial realtor signs placed on separate street frontages. If there are commercial realtor signs located on a particular tract or lot there shall not be an allowance for any other realtor signs on the same property. A commercial realty sign may be affixed to a building or structure on the property, including walls or permanent fences.
- (d) *Height.* Maximum height is limited to ten (10) feet.
- (e) *Duration and permitting.* Commercial real estate signs must be removed by fourteen (14) days after sale or lease of the property is final. Failure to comply will result in the city removing and disposing of the sign in accordance with the provisions in this Code.

- (f) *Prohibited materials.* Temporary banner signs or other similar non-rigid sign materials are prohibited.
- 5.5** *Residential real estate signs.* Shall be non-illuminated, located on private property, and shall not be greater than ten (10) square feet in area. Residential realtor signs shall be limited to a single sign per property. Signs will not be placed so as to create a traffic hazard, as determined by city staff. Temporary banner signs or other similar non-rigid sign material prohibited from being utilized.
- 5.6** *Political signs.* The placing of political signs on city property is specifically prohibited. The placing of political signs on private property without the permission of the property owner is prohibited. The person running for office and/or political party/group placing a political sign is responsible for compliance with these provisions.
- 5.7** *Garage sale signs.*
- 5.8** *"Open" sign.* Open/closed business signs within a window of a business or attached to the exterior of the business shall not be counted as sign square footage for a building allotment. An "open" sign shall be limited to four (4) square feet.
- 5.9** *Miscellaneous signs.* No trespassing or posted property type signs. Signs placed with the intent of warning or advising the public of possible danger will be allowed on private property but shall not exceed eight (8) square feet in face area.

Section 6. Detached Signs

This section governs the regulation of all forms of freestanding (detached) commercial signage within the city and its ETJ. No commercial sign described in this section may be erected, structurally changed, refaced, or reconstructed in whole or part, within the city without a permit having been first obtained. Monument signs are the required sign form in the city;

6.1 *General requirements.*

In order to prevent a new sign from visually obstructing existing signs, all commercial signs must be erected to maintain a seventy-five (75) foot separation between other previously erected signs regardless of the sign type. The specific distance separation requirement does not apply to directional signs or temporary detached signs that are placed to provide wayfinding to and within a site; however, these signs must be placed to not visually obstruct other signs or traffic sight lines and accessibility to and from the site.

6.2 *Monument signs.*

- (a) *Purpose.* To identify a commercial building or business, using a ground mounted detached monument.
- (b) *Maximum size and height.* Based on the geographic location of the property, all monument signs shall be regulated to a classification of either highway or non-highway and shall comply with the following:

Table 6A
Monument Sign sizes and height

	Highway	Non-Highway
Sign surface area	70 sq. ft. maximum	50 sq. ft. maximum
Gross surface area	90 sq. ft. maximum	70 sq. ft. maximum
Width	14 ft. maximum	12 ft. maximum
Height	8 ft. maximum	8 ft. maximum

6.3 Allocation. One (1) monument sign per lot or tract is permitted unless:

- (a) A lot has continuous lot frontage on two (2) improved streets and in such case shall be entitled to one (1) additional monument signs shall be permitted, subject to the signs being placed on separate frontages, and a minimum two hundred (200) feet apart; or
- (b) A lot or tract has an excess of five hundred (500) feet of continuous linear lot frontage on a single street and in such case shall be allowed an additional monument sign for each five hundred (500) feet of frontage with a minimum of three-hundred and fifty (350) feet between each sign.
- (c) In all the above cases, no more than a total of two (2) monument signs shall be allowed per lot.

6.4 Setback requirements.

- (a) Monument signs shall be subject to a minimum ten (10) foot setback.
- (b) Monument signs shall be setback a minimum of fifteen (15) feet from intersecting right-of-way lines.

6.5 Separation requirement. All monument signs must maintain a distance of seventy-five (75) feet from other detached signs.

6.6 Design.

- (a) The monument shall be a minimum of forty (40) percent solid masonry (stone, brick and/or stucco) to match the building(s).
- (b) The building, project, or facility address must be displayed on any sign fronting the street from which the address is derived. Address numbers and letters shall be a minimum of eight (8) inches in height. If the sign is located at an intersection, the address number must include the street name as part of the address displayed. In order to prevent confusion and the delay of emergency services, the address shall be displayed so as to face only the street on which the building fronts.
- (c) All letters and numbers shall be typeset, and address numbers shall be attached or printed directly to the face of the sign. Reflective surfaces are not permitted.
- (d) Signs proposing to use other equivalent materials than required above consistent with the building architecture or overall sign design may be approved by the city secretary or designee.

6.7 Lighting. Internal sign illumination or individual letter internal illumination I prohibited, but external ground lighting angled at the sign face is authorized. Back lighting or channel lighting is also allowed.

- 6.8** *Additional.* If a sign is located in a public utility easement, the owner of the property is responsible for removal, relocation or replacement at a utility company's request or upon request of the city.

Section 7. Monument sign, multi-tenant.

- 7.1** *Purpose.* To identify a multi-tenant center using a ground mounted detached monument.

7.2 *Maximum size and height.*

- (a) Sign surface area. Tenant text and logo panels shall be no more than one-hundred and forty (140) square feet total; an additional five (5) feet of sign square footage may be added to the overall sign square footage for each additional one (1) foot of setback distance that the sign is located from adjoining right-of-way; however, the maximum square footage shall not exceed two hundred (200) square feet.
- (b) Gross area. The gross area of a monument sign, multi-tenant monument sign shall not exceed two-hundred and forty (240) square feet total; an additional ten (10) feet of gross square footage may be added to the overall gross square footage of the sign for each additional one (1) foot of additional setback distance that the sign is located the adjoining right-of-way. However, the maximum square footage shall not exceed three hundred (300) square feet.
- (c) Maximum height. The monument shall be no more than twenty (20) feet in height. An additional one (1) foot of sign height may be added to the overall height of the sign for each additional one (1) foot of additional setback distance that the sign is located from adjoining right-of-way; however, the maximum height shall not exceed thirty (30) feet.
- (d) The multi-tenant center name is required to be displayed on the sign and shall be no more than forty (40) square feet.
- (e) The monument shall be no greater than sixteen (16) feet wide.

- 7.3** *Applicability.* Lots or tracts on a highway are authorized a monument sign, multi-tenant according to the terms and conditions set out herein. A tenant space means a suite or building with four (4) or more separate building entrances functioning as separate businesses. Subdivided spaces or rented rooms within a larger space or building do not qualify as separate tenant space for the purpose of being eligible for a monument sign, multi-tenant sign. In order to qualify for a monument sign, multi-tenant sign properties must contain businesses that meet the definition of tenant space described in this section and one (1) of the following criteria:

- (a) A lot or tract must have three (3) or more tenants in separate, rentable tenant spaces with a minimum building square footage of twenty thousand (20,000) square feet; or
- (b) Lot or tract has two (2) or more buildings, of a minimum combined square footage of twenty thousand (20,000) square feet, with four (4) or more businesses each with separate entrances; or

- 7.4** *Allotment.* One (1) monument sign, multi-tenant per lot or tract is permitted unless;

- (a) The lot or tract has lot frontage on two (2) improved streets and one (1) or more additional driveway access points into the complex then an additional monument sign shall be permitted for a maximum of two (2) monument signs, at each driveway access location so long as the signs being placed on separate frontages, with a minimum of two hundred (200) feet of separation.
- (b) A lot or tract that has an excess of five hundred (500) feet of continuous linear lot frontage on a highway shall be allowed an additional monument sign, multi-tenant for each five hundred (500) feet of frontage with a minimum separation of three-hundred and fifty (350) feet between each sign.
- (c) In all the above cases, no more than two (2) monument signs, multi-tenant monument signs shall be allowed per lot or development.

7.5 *Setback Requirements.* Monument sign, multi-tenant must front a highway and shall be subject to a minimum ten (10) foot setback from the property/lot line; and twenty (20) feet from intersecting right-of-way lines.

7.6 *Design.*

- (a) Monument signs, multi-tenant shall be constructed with a minimum of fifty (50) percent solid masonry (stone, brick and/or stucco) to match the building(s) that they represent.
- (b) Use of tenant panels for the purpose of providing contact information for leasing space at the multi-tenant center is authorized.
- (c) Architectural accent. Monument signs, multi-tenant shall include architectural accents into the sign design. Design elements from the corresponding building or project architectural features present in the development is required. If there are no notable architectural features or attributes associated with the development, then one (1) must be added to the sign design to improve the character of the sign. An example of how this may be achieved is by the addition of a roof canopy to resemble a tower or arched metalwork capping the sign. Each sign is unique and architectural accent to these signs is meant to improve the sign form.
- (d) All text and logos shall be uniform in color, material, and lighting. The use of additional colors for minor accents may be approved by the city secretary or designee.
- (e) The building, project, or facility address must be displayed on any sign fronting a street from which the address is derived. Address numbers and letters shall be a minimum of eight (8) inches in height. If the sign is located at an intersection, the address number must include the street name as part of the address displayed. An address may be added to sign support poles or other vertical elements of the sign. In order to prevent confusion and the delay of emergency services, the address shall be displayed to face only the street on which the building represented by the sign fronts.
- (f) All letters and numbers shall be stencil cut or typeset graphics, and address numbers shall be attached or printed directly to the face of the sign. Reflective surfaces are not permitted.

- (g) Signs proposing to use other equivalent materials than required above consistent with the building architecture or overall sign design may be approved by the city secretary or designee.

7.7 Lighting. Internal sign illumination or individual letter internal illumination is not allowed. External ground lighting angled at the sign face is authorized and back or channel lighting is authorized.

7.8 Relocation in utility easement. If a monument sign, multi-tenant is in a public utility easement, the owner of the property is responsible for removal, relocation, or replacement of the sign at a utility company's or city's request.

7.9 Landscape. A minimum of one hundred (100) square feet of the ground surrounding the base of each sign under this section shall be landscaped in a manner that does not conflict with other provisions of this Code. Landscaping shall be installed and maintained so that the visibility of the address numbers is not obstructed.

Section 8. Wall sign.

8.1 Purpose. To identify a building or business through the use of a detached sign mounted on a wall.

8.2 Maximum size. Shall be no more than thirty (30) square feet; alternative sign sizes may be considered by the city council up to a maximum of eighty (80) square feet, based upon the wide variation of potential wall configurations, such as the height, size, and location.

8.3 Maximum height. A wall sign shall not project above the top of the wall it is constructed upon.

8.4 Allocation. One (1) wall sign per building is permitted.

8.5 Setback requirements. Wall signs shall be subject to a zero (0) foot setback, if the wall is at a zero (0) setback from the property/lot line, due to the wall sign being required to be attached to a wall; and ten (10) feet from intersecting right-of-way lines if the wall is less than four (4) feet in height, should the retaining wall be over four (4) feet in height then the sign shall be prohibited from being attached, in such case a minimum twenty-five (25) foot setback shall apply. In no case shall a wall or the wall sign create a vision obstruction that would conflict with other city ordinances.

8.6 Design.

- (a) The wall shall be a minimum of fifty (50) percent solid masonry (stone, brick and/or stucco) to match the building(s), and a minimum of one hundred (100) percent solid masonry (stone, brick and/or stucco) for a minimum of ten (10) feet to each side of the surface area of the sign.
- (b) The building, project, or facility address must be displayed on any sign fronting the street from which the address is derived. Address numbers and letters shall be a minimum of eight (8) inches in height. If the sign is located near an intersection, the address number must include the street name as part of the address displayed. In order to prevent confusion and the delay of emergency

services, the address shall be displayed to face only the street on which the building represented by the sign fronts.

- (c) All letters and numbers shall be typeset, and address numbers shall be attached or printed directly to the face of the sign. Reflective surfaces are not permitted.
- (d) Signs proposing to use other equivalent materials than required above consistent with the building architecture or overall sign design may be approved by the city secretary or designee.

8.7 *Lighting.* Internal sign illumination or individual letter internal illumination is prohibited. External ground lighting angled at the sign face is allowed and back lighting or channel lighting is authorized.

8.8 *Additional.* If located in a public utility easement, the owner of the property is responsible for removal, relocation or replacement at a utility company's or city's request.

Section 9. Nonconforming Signs

9.1 A person may continue or maintain a nonconforming sign at its existing location.

9.2 A person may not change or alter a nonconforming sign except as provided in this subsection.

- (a) The face/message of the sign may be changed.
- (b) The sign may be changed or altered if the change or alteration does not increase the degree of the existing nonconformity;
- (c) change the method or technology used to convey a message; or
- (d) increase the illumination of the sign.

9.3 This subsection applies to a nonconforming sign that is damaged by accident, natural catastrophe, or the intentional act of a person other than the sign owner or landowner.

- (a) The sign owner or landowner may repair the damaged sign if the cost of repairing the sign does not exceed 60 percent of the cost of installing a new sign of the same type in the same location. Otherwise, the sign owner or landowner shall remove the sign.
- (b) The sign owner or landowner:
 - (1) must apply to the building official for a repair permit not later than the 30th day after the date of damage, and shall finish the repairs not later than the 90th day after the date the building official approves the permit application; or
 - (2) shall remove the sign.

9.4 The building official may not issue a permit for repair or maintenance of a nonconforming sign if the repair cost exceeds 60 percent of the cost of installing a new sign of the same type in the same location.

Section 10. Fees

A sign permit shall be obtained prior to the erection of any sign not exempted herein. Permit fees are established as set out in the City's Master Fee Schedule, as amended from time to

time. A separate electrical permit is required to be obtained, by a licensed electrician for signs requiring electrical components to be constructed. Any sign(s) erected, altered or refaced without having first obtained a permit shall be subject to a fee of twice (two (2) times) the base permit fee amount to obtain a sign permit.

Section 11. Variance procedure

11.1 There is hereby established a variance request procedure (for requests to deviate from these regulations) established by this Ordinance. No variance shall be allowed for any sign that is prohibited under these regulations or for any non-conforming prohibited sign type that is required to be removed pursuant to these regulations.

11.2 Variances may be approved when the applicant can demonstrate that practical difficulties or unnecessary physical hardships exists. A practical difficulty or unnecessary physical hardship may result from the size, shape, or dimensions of a structure, or the location of the structure, from topographic or physical limitations, locations, or traffic conditions in the immediate vicinity. Cost or inconvenience to the applicant of strict or literal compliance with this Ordinance is not a reason for granting a variance.

11.3 Except for prohibited signs, a variance may be granted with respect to any regulation contained in this chapter in accordance with the procedures set forth herein.

11.4 The city council may approve, deny, or approve with conditions variances to these regulations. The council may approve a variance with conditions such as reduced size, color alterations or similar conditions to protect the public health, safety and welfare and ensure compatibility with the harmony and character of the city.

SECTION 4. SAVINGS/REPEALING CLAUSE

All City Ordinances shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed or amended ordinance, nor shall the repeal or amendment prevent a prosecution from being commenced for any violation if occurring prior to the repeal or amendment of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 5. SEVERABILITY

Should any section, subsection, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Double Horn hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 6. CUMULATIVE

That this Ordinance shall be cumulative of all other which are not expressly adopted or repealed hereby in accordance with Section 3 above and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance in accordance with Section 3 above. Except as provided in Section 3 above, Ordinances or parts thereof

in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such Ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 7. PENALTY

It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not less than One Dollar (\$1.00) nor more than Five Hundred (\$500.00), and a separate offense shall be deemed committed each day or part of a day during or on which a violation occurs or continues. Further, if the governing body of the City of Double Horn determines that a violation of this Ordinance creates a threat to the public safety, the City may bring suit in the District Court to enjoin such violation and may exercise all available remedies as allowed by law.

SECTION 8. PUBLICATION

The City Secretary of the City of Double Horn is hereby directed to publish the Caption, Penalty and Effective Date of this Ordinance as required by Section 52.011 of the Texas Local Government Code.

SECTION 9. EFFECTIVE DATE

That this Ordinance shall be in full force and effect from and after its date of passage, in accordance with law, and it is so ordained.

DULY ADOPTED BY the City Council of the City of Double Horn, Texas on the _____, day of _____ 2022.

Cathy Sereno, Mayor

ATTEST:

Karen Maxwell, City Secretary

APPROVED AS TO FORM:

Patty Akers, City Attorney