



**City Council Special Joint Agenda
4/15/2025**

Notice is hereby given of a special joint meeting of the City Council of City of San Angelo and Planning Commission to be held April 15, 2025 at 8:30 AM at the McNease Convention Center – 2nd Floor Suite A, 501 Rio Concho Drive, San Angelo, Texas, for the purpose of considering the following agenda items.

1. Call to Order - City Council

2. Call to Order - Planning Commission

3. Joint Meeting Agenda

- a. First reading and public hearing of ordinances for amendments to the following sections of Chapter 12 "Planning and Development," Exhibit A "Zoning Ordinance," Article 3 "Use Regulations":
 - 1. Section 311 "Cultural District Overlay Zone"
 - 2. Section 313 "Use Table"
 - 3. Section 304 "Commercial District Intent Statements" (Presentation made by Planning & Development Services Director Aaron Vannoy)
- b. First reading and public hearing of ordinances amending the following provisions of the City Code of Ordinances related to signs:
 - 1. Chapter 12 "Planning and Development," Article 12.04 "Signs"; and
 - 2. Chapter 12 "Planning and Development," Exhibit A "Zoning Ordinance," Article 4 "Specific Use Standards," by deleting Section 420 "Off-site Signs" (Presentation made by Planning and Development Services Director Aaron Vannoy)

4. Follow Up and Administrative Issues

5. Adjournment - Planning Commission

6. Adjournment - City Council

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board at the City Hall of the City of San Angelo, Texas, on the 9th day of April 2025, at 4:52 p.m.


Heather Stastny, City Clerk

All agenda items are subject to action. The City Council reserves the right to consider business out of posted order and/or meet in a closed session on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

In compliance with the Americans with Disabilities Act, the City of San Angelo will provide for reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 48 hours prior to the meetings. Please contact the City Clerk's Office at 325-657-4405, or the ADA Coordinator at 325-657-4407 for request, or by completing a request form online at cosatx.us/ada.

Citizen requests to display materials on the city's monitors must submit the request 96 hours prior to the meeting by email to Heather.Stastny@cosatx.us. Time limits for discussion are as stated above and materials cannot exceed 10-pages. Citizens bringing materials for distribution to City Council members during the meeting must bring a minimum of 12 copies.

City Council regular meetings are broadcast on SATV Channel 17-Government Access at 10:30 a.m. and 7:00 p.m. every day, beginning the evening of the meeting until the evening of the next meeting.

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Aaron Vannoy, Director, Planning and Development Services

Meeting Date: April 15, 2025

Item type: Regular Item

Caption:

First reading and public hearing of ordinances for amendments to the following sections of Chapter 12 "Planning and Development," Exhibit A "Zoning Ordinance," Article 3 "Use Regulations":

1. Section 311 "Cultural District Overlay Zone"
2. Section 313 "Use Table"
3. Section 304 "Commercial District Intent Statements" (Presentation made by Planning & Development Services Director Aaron Vannoy)

Staff Recommendation:

Adopt
Direction from Council

Summary/History:

Discussion and possible action on the following ordinance amendments:

1. Section 311 "Cultural District Overlay Zone" of the Zoning Ordinance
2. Section 313 "Use Table"
3. Section 304 "Commercial District Intent Statements"

Funding Source(s):

Financial Impact:

Other Information/Recommendation:

Attachments:

- | | | |
|----|--|---|
| 1. | Cultural Aerial | Cultural Aerial.pdf |
| 2. | Case Memo to PC and Council - April 15th Cultural District | Case Memo to PC and Council - April 15th Cultural District.docx |
| 3. | Ord Amending Sec. 304 Cultural District | Ord Amending Sec. 304 Cultural District.docx |
| 4. | Ord Amending Sec. 311 Cultural District | Ord Amending Sec. 311 Cultural District.docx |
| 5. | Ord Amending Sec. 313 Cultural District | Ord Amending Sec. 313 Cultural District.docx |

Presentation:

Aaron Vannoy

Approvals/Reviews:

Aaron Vannoy

Aaron Vannoy

Brandon Dyson

Aaron Vannoy

Heather Stastny

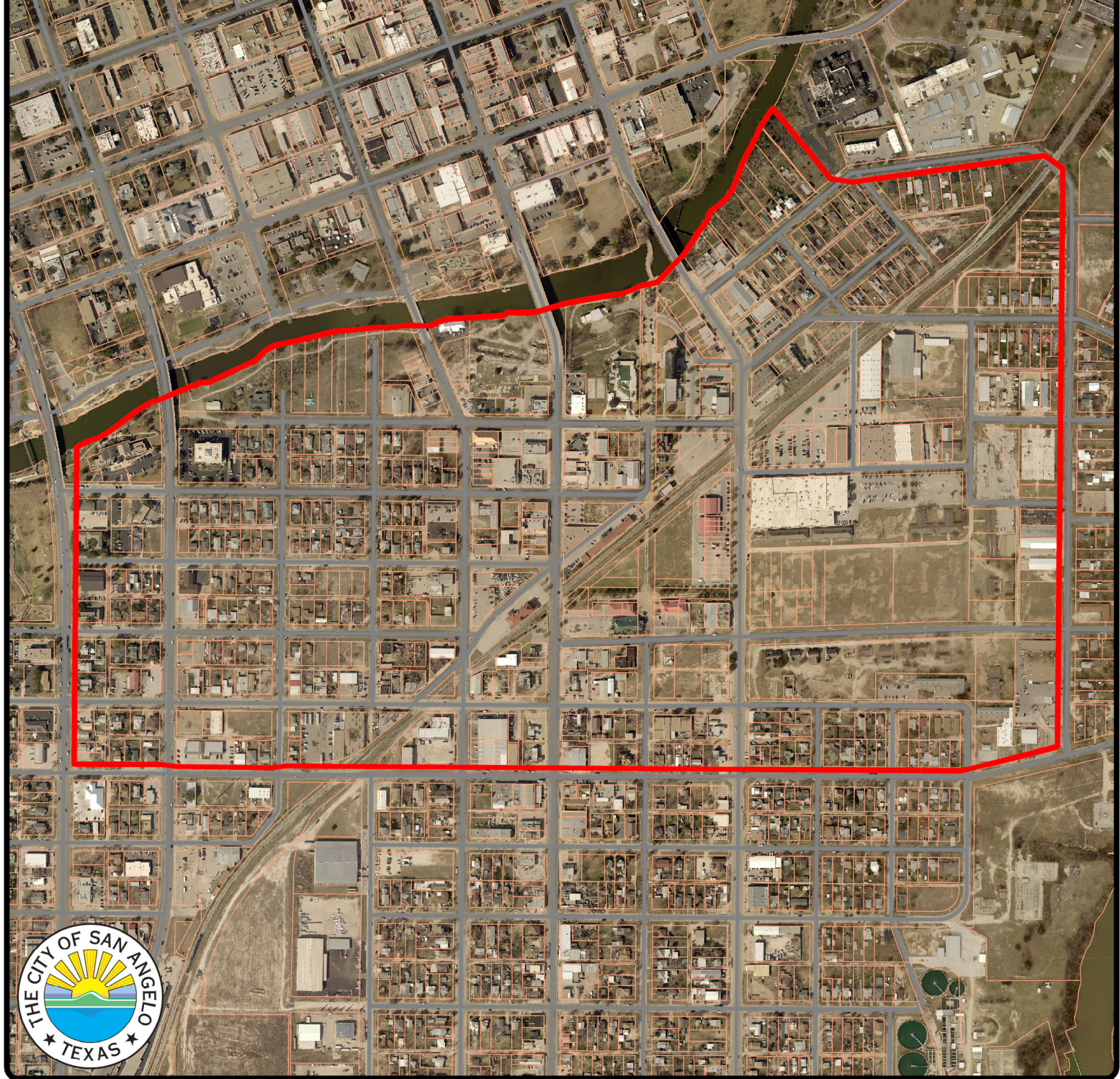
Created/Initiated

Approved

Approved

Approved

Final Approval



Aerial Map
Cultural District Expansion

N

MEMO

**Meeting**

Date: April 15th, 2025

To: Planning Commission/City Council

From: Planning Division, City of San Angelo

Request: A request to amend Section 311, 304, and 313 of the City Ordinance regarding Cultural District Overlay Zone.

Background: Community discussions on and expanded Cultural District to protect, enhance and celebrate our San Angelo history, cultural and attractions has prompted the City Council to request that staff revisit the current regulations regarding size and regulations for the Cultural District Overlay Zone.

- Establish a district which has major cultural and historical facilities like Fort Concho, Fine Arts Museum, Railroad Museum, River Stage, El Paseo de Santat Angela, San Angelo Welcome Center and the municipal pool.
- The Cultural Overlay District Zone (CD) would be a similar zoning district like the Central Business District
 - Allowed uses by right – General Commercial (CG), Neighborhood Commercial (CN), Office Warehouse (OW) as well as household living in all RS1-3, and RM1 and RM-2, manufacturing by artisans.
 - Allows uses by conditional use Automotive, ATV, or Boat dealers, Hospitals, Religious Institutions, Self-Storage, Vehicle wash or repairs (drop off)
 - Screening triggered by site changes – all locations with warehousing or manufacturing must provide opaque screening from public view. – Exceptions household living, manufacturing by artisan, and public art
 - Properties which have a current Historical District or Historical Overlay shall be guided by the Historical designs for those properties
 - All other commercial properties would follow the design guideline - River Corridor Master Development Plan: 2006 Edition or other designs established by Section VI (d) or until updated by DHRC and City Council
 - Residential properties would be exempt from design standards, unless designated by a Historic District or Historic Overlay
 - Sign restrictions
 - Electronic message signs must be 3'X5' or smaller, dimmed at dusk
 - Fort Concho Historic District sign regulations Sec 12.04.018 are effective in the Cultural District
 - Billboard sign as not allowed
 - Banners are restricted to 30 days and no more than 3 times per year
 - Intermodal containers are prohibited on residential properties, allowed as storage on commercial properties with proper screening
 - New Community Services of itinerant sheltering or alcohol and drug treatment are prohibited
- Development standards for properties within the Cultural Overlay Zone District (CD)

Standard	Commercial	Residential
Maximum Floor Area Ratio	3.00	2.00

Max Height	-	35
Minimum Lot Size	3000 Sq. Ft.	2500 Sq. ft.
Minimum Lot width	40 ft.	25 ft.
Minimum Lot Depth	50 ft.	30 ft.
Front Yard Setback from property line	-	5 ft.
Side Yard setback from property line	-	5 ft.
Rear Yard setback from property line	-	5 ft.

Property uses, signs and buildings which would not conform to the new Cultural District Overlay Zone (CD) would continue to be legal nonconforming until they reach a status applied under Article 6 – Nonconformities or the property has been vacated for two years losing their Building Code occupancy thus triggering a change of occupancy

Attachments:

Clean copy of the proposed ordinance with all proposed changes.

ORDINANCE 2025-
AN ORDINANCE OF THE CITY OF SAN ANGELO TEXAS, AMENDING CHAPTER 12
“PLANNING AND DEVELOPMENT,” EXHIBIT A “ZONING ORDINANCE,” ARTICLE 3 “USE
REGULATIONS,” SECTION 304 “COMMERCIAL DISTRICT INTENT STATEMENTS” BY
ADDING A NEW SUBSECTION (G); PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR
AN EFFECTIVE DATE

WHEREAS, on the 15th day of April, 2025, the Planning Commission for the City of San Angelo and the City Council after having held a joint public hearing, considered public comment, and considered recommendations from City staff, City Council desires to amend Chapter 12 “Planning and Development,” Exhibit A “Zoning Ordinance,” Article 3 “Use Regulations,” Section 304 “Commercial District Intent Statements” regarding the creation of the Cultural District Overlay Zone and providing a development intent statement.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SAN ANGELO, TEXAS THAT:

Section 1. CHAPTER 12 “PLANNING AND DEVELOPMENT,” Exhibit A “Zoning Ordinance,” Article 3 “Use Regulations,” Section 304 “Commercial District Intent Statements” of the City of San Angelo Code of Ordinances is hereby amended by adding a new subsection (G) as shown on **Exhibit “A”**.

Section 2: The terms and provisions of this ordinance shall be deemed to be severable in that if any portion of this ordinance shall be declared to be invalid, the same shall not affect the validity of the other provisions of this ordinance.

Section 3: This Ordinance shall be effective upon passage.

INTRODUCED with public hearing the 15th day of April 2025, and finally PASSED this 6th day of May, 2025.

THE CITY OF SAN ANGELO, TEXAS:

Brenda Gunter, Mayor

ATTEST:

Heather Stastny, City Clerk

APPROVED AS TO CONTENT:

Aaron Vannoy, Director of
Planning and Development Services

APPROVED AS TO FORM:

Brandon Dyson, Interim City Attorney

EXHIBIT "A"

Section 304 – Commercial District Intent Statements

- G. CD (Cultural District Overlay) The Cultural District Overlay is intended to provide opportunities to promote the traditional and cultural heritage of San Angelo as an artistic celebration of cultures which serves a variety of needs in a relatively confined area. The district is intended to include office, retail sales, repair and service businesses, commercial recreation and entertainment, as well as residential uses. Development should complement neighboring activities in the area and promote a variety marketplace concept to enhance our historical and cultural assets of Fort Concho and the Concho River.

ORDINANCE 2025-
AN ORDINANCE OF THE CITY OF SAN ANGELO TEXAS, AMENDING CHAPTER 12
“PLANNING AND DEVELOPMENT,” EXHIBIT A “ZONING ORDINANCE,” ARTICLE 3 “USE
REGULATIONS,” SECTION 311 “CULTURAL DISTRICT OVERLAY ZONE”; PROVIDING FOR
SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on the 15th day of April, 2025, the Planning Commission for the City of San Angelo and the City Council after having held a joint public hearing, considered public comment, and considered recommendations from City staff, City Council desires to amending Chapter 12 “Planning and Development,” Exhibit A “Zoning Ordinance,” Article 3 “Use Regulations,” Section 311 “Cultural District Overlay Zone” regarding the expansion of the Cultural District Overlay Zone and adoption of development standards related thereto.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SAN ANGELO, TEXAS THAT:

Section 1: CHAPTER 12 “PLANNING AND DEVELOPMENT,” Exhibit A “Zoning Ordinance,” Article 3 “Use Regulations,” Section 311 “Cultural District Overlay Zone” of the City of San Angelo Code of Ordinances is hereby deleted in its entirety and replaced as shown on **Exhibit “A”**.

Section 2: The terms and provisions of this ordinance shall be deemed to be severable in that if any portion of this ordinance shall be declared to be invalid, the same shall not affect the validity of the other provisions of this ordinance.

Section 3: This Ordinance shall be effective upon passage.

INTRODUCED with public hearing the 15th day of April 2025, and finally PASSED this 6th day of May, 2025.

THE CITY OF SAN ANGELO, TEXAS:

Brenda Gunter, Mayor

ATTEST:

Heather Stastny, City Clerk

APPROVED AS TO CONTENT:

Aaron Vannoy, Director of
Planning and Development Services

APPROVED AS TO FORM:

Brandon Dyson, Interim City Attorney

EXHIBIT "A"

Sec 311 – Cultural District Overlay Zone

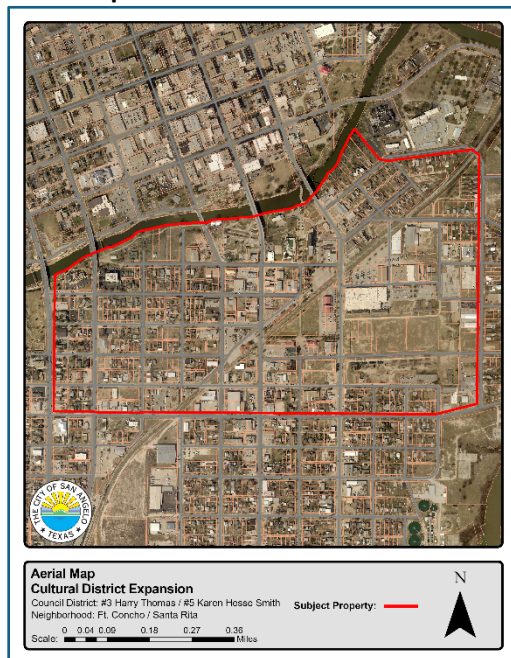
I. Purpose Statement

- a. The San Angelo City Council has declared that as a matter of public policy, the protection, enhancement, and perpetuation of districts of cultural importance and significance are necessary to promote the economic, cultural, educational, and general welfare of the public. It is recognized that San Angelo represents a unique convergence of time and place that shaped the identity of generations of citizens and produced significant historic, architectural and cultural resources that constitute their artistic heritage. This overlay zone is intended for the following purposes:
 - i. Protect the cultural areas which represent distinctive elements of San Angelo's historic, architectural, and artistic heritage.
 - ii. Foster civic pride and the preservation of cultural landmarks in this overlay zone.
 - iii. Enhance the district's attractiveness to visitors and promote stimulus to the economy.

II. Establishment

- a. The Cultural District Overlay (CD) zoning district shall be applicable in all base zoning districts within or partially within the overlay zone. The boundaries for the district shall be aligned with right-of-way lines, property lines, or other identifiable natural or man-made divisions. Allowed use of all property included in the Cultural District Overlay Zone shall continue to be governed by the base zoning district and all regulations pertaining thereto.

III. Map of the Cultural District Area



Boundaries are along the Concho River from S. Abe Street east to 222 Allen St. then southeast along Allen St. then turning south onto Rust St. then turning west on E Highland St. then north on Abe St. back to the Concho River. All properties and parts of properties within this boundary will be within the Cultural District (CD) zoning overlay.

IV. Procedure for Zoning Designations

- 1) As an overlay zoning district, the Cultural District Overlay (CD) shall be applicable in all zoning districts, or portions thereof within the district boundaries.
- 2) The area shall be mixed-used from residential household living, neighborhood commercial, office warehouse, office commercial, manufacturing by artisans, and general commercial in nature; see Section 304(G). Cultural District Overlay (CD)
- 3) Cultural District Overlay (CD) is intended to provide opportunities to promote the traditional and cultural heritage of San Angelo as an artistic celebration of cultures which serves a variety of needs in a relatively confined area. The district is intended to include office, retail sales, repair and service businesses, commercial recreation and entertainment, as well as residential uses. Development should complement neighboring activities in the area and promote a variety marketplace concept to enhance our historical and cultural assets of Fort Concho, El Paseo de Santa Angela, Municipal Pool, San Angelo Fine Arts Museum, Welcome Center and the Concho River.
- 4) Short Term Rentals shall be allowed by right within the Cultural District subject to annual review set forth in Section 406.
- 5) Properties designated with a Historic Overlay or within a Historic District shall remain with those designations which fall within the Cultural District boundaries.
- 6) Outdoor storage is limited to 30% of the property.
 - a. All outdoor storage by manufacturing and office warehouse, as well as previous uses of Heavy Commercial (CH) and Light Manufacturing (ML) shall be screened with opaque fencing which can display art and cultural scenes.
 - b. All outdoor screening or opaque fencing shall be reviewed under Sec. 212 or Sec. 213 as applicable of the Zoning Ordinance.
 - c. Exceptions:
 - i. Manufacturing by artisan can be up to 50% outdoor storage to display products for sale
 - ii. Household living
 - iii. Public art on public property
- 7) Parking requirements can be modified under Section 511 in the Cultural District Overlay. Protection for residential properties shall be the guiding principles for parking decisions.

- a. New land use only Parking lots shall have a landscape buffer of a minimum 5' from all property lines adjacent to street frontages except for drive approaches
 - i. For every 25 linear feet; one street tree and four shrubs shall be required
 - ii. Turf material can be the following:
 - 1. Xeriscape, or
 - 2. Live turf grasses, or
 - 3. Artificial turf types, or
 - 4. Maintained mulched planting beds

V. Specific uses and sign types restricted or not allowed in the Cultural District Overlay

- a. All Signs in the District shall follow Section 12.04.017 of the Sign Ordinance and Sec. 211 or Sec. 212 as applicable of the Zoning Ordinance.
- b. All Banner style signs restricted to 30 days and only 3 times per year and must be reviewed under the Sec. 211 or Sec. 212 as applicable of the Zoning Ordinance.
- c. Electronic Message signs
 - i. Shall be reviewed under Article 12.04 Signs;
 - ii. Shall be limited to a 15 square feet in size or smaller;
 - iii. Shall be dimmed to 250 nits from dusk to dawn; and
 - iv. Shall be reviewed under Sec. 212 or Sec. 213 as applicable of the Zoning Ordinance.
- d. The Fort Concho Historic District sign regulations will be applied to the buffer zone described in Section 12.04.018.
- e. Intermodal containers shall not be allowed on residential use properties. Intermodal containers used for storage only on commercial properties are allowable with the following options for screening:
 - i. Opaque fencing meeting a minimum of 6' in height; or
 - ii. landscaping large enough to cover 60% of the vertical height of the container(s), and 80% of the horizontal width of the container(s); or
 - iii. a full mural covering the visible side of the container from the right of way.
- f. Community Services of itinerant sheltering or alcohol and drug treatment shall not be allowed as a new use.

VI. Development Standards in Cultural District Overlay

1.

Standard	Commercial	Residential
Maximum floor area ratio	3.00	2.00
Max height	-	35
Minimum lot size	3000 Sq. Ft.	2500 Sq. ft.
Minimum lot width	40 ft.	25 ft.
Minimum lot depth	50 ft.	30 ft.
Front yard setback from property line	-	5 ft.
Side yard setback from property line	-	5 ft.
Rear yard setback from property line	-	5 ft.

2. Property uses, signs and buildings which would not conform to the new Cultural District Overlay Zone (CD) would continue to be legal nonconforming until they reach a status applied under Article 6 – Nonconformities and the property has been vacated for two years losing their Building Code occupancy thus triggering a change of occupancy.

VII. Procedures for Design Review

- a. Review of applications within the Cultural District Overlay shall follow the procedures set forth under Sec. 211 or Sec. 212 as applicable of the Zoning Ordinance.
- b. The provisions of the Cultural District Overlay apply specifically to exterior alterations, demolition, construction, moving in or removal of buildings, or structures within the boundaries of said overlay zone, on public or private property. Such activity proposed to be undertaken within a Cultural District Overlay shall be subject to approval of Design and Historic Review Commission and all conditions set forth therein, except as otherwise specified in Section 212(C) - Review by Planning Director.
- c. Public Art in this district shall be under the purview of the Public Arts Commission and/or City Council.
- d. In general, design changes should meet one or more of the following requirements:
 - i. River Corridor Master Development Plan: 2006 Edition (RCMDP)
 - ii. Possesses significance with respect to history, culture, architecture, archeology, paleontology, or as a natural site with a demonstrable cultural association.

- iii. Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, national, or international history.
- iv. Embodies characteristics distinct to a type, period, or method of construction or architecture.
- v. Is associated with the lives of persons significant in local, regional, state, national, or international history.
- vi. Represents a distinctive and familiar visual feature of a neighborhood or of the city.
- vii. Represents the works of a master designer, architect, builder, or craftsman.

ORDINANCE 2025-
AN ORDINANCE OF THE CITY OF SAN ANGELO TEXAS, AMENDING CHAPTER 12
“PLANNING AND DEVELOPMENT,” EXHIBIT A “ZONING ORDINANCE,” ARTICLE 3 “USE
REGULATIONS,” SECTION 313 “USE TABLE”; PROVIDING FOR SEVERABILITY; AND,
PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on the 15th day of April, 2025, the Planning Commission for the City of San Angelo and the City Council after having held a joint public hearing, considered public comment, and considered recommendations from City staff, City Council desires to amend Chapter 12 “Planning and Development,” Exhibit A “Zoning Ordinance,” Article 3 “Use Regulations,” Section 313 “Use Table” regarding updates to the Cultural District Overlay Zone allowed uses by right and by conditional use and excluded uses.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SAN ANGELO, TEXAS THAT:

Section 1: CHAPTER 12 “PLANNING AND DEVELOPMENT,” Exhibit A “Zoning Ordinance,” Article 3 “Use Regulations,” Section 313 “Use Table” of the City of San Angelo Code of Ordinances is hereby amended as shown on **Exhibit “A”**.

Section 2: The terms and provisions of this ordinance shall be deemed to be severable in that if any portion of this ordinance shall be declared to be invalid, the same shall not affect the validity of the other provisions of this ordinance.

Section 3: This Ordinance shall be effective upon passage.

INTRODUCED with public hearing the 15th day of April 2025, and finally PASSED this 6th day of May, 2025.

THE CITY OF SAN ANGELO, TEXAS:

Brenda Gunter, Mayor

ATTEST:

Heather Stastny, City Clerk

APPROVED AS TO CONTENT:

Aaron Vannoy, Director of
Planning and Development Services

APPROVED AS TO FORM:

Brandon Dyson, Interim City Attorney

EXHIBIT "A"

Sec. 313. Use Table

All of the use categories listed in the Table below are explained in Sec. 315 through 320. The second column of the use table contains an abbreviated explanation of the respective use category. If there is a conflict between the abbreviated definition and the full explanation in Sec. 315 through 320, the provisions of Sec. 315 through 320 shall control.

- A. *Allowed Uses.* Uses identified with an "A" are allowed by right as set forth in Sec. 213. A "*" identifies uses that may be subject to additional specific use regulations set forth later in Article 4.
- B. *Conditional Uses.* Uses identified with a "C" are allowed subject to approval by the Planning Commission as set forth in Sec. 208. A "*" identifies uses that may be subject to additional specific use regulations set forth later in Article 4.
- C. *Special Uses.* Uses identified with an "S" are allowed subject to approval by the City Council as set forth in Sec. 209. A "*" identifies uses that may be subject to additional specific use regulations set forth later in Article 4.
- D. *Excluded Uses.* The following uses shall be excluded from any and all zoning districts within the City limits of San Angelo:
 - 1. Meat and poultry rendering of byproducts; and
 - 2. Chemical and nuclear waste storage dumps.
- E. *Use Table.* Allowed, conditional and mandatory planned development uses are set forth in the following Table. Uses that may be subject to additional specific use standards set forth in Article 4 are designated with a "*".

Use Category	Short Definition (see also Chap. 8)	*	Residential Districts								Nonresidential Districts								Mixed Use	
			R & E	R S 1	R S 2	R S 3	R M 1	R M 2	M H P	M H S	C N	C O	C G	C H	C B D	O W	M L	M H	CG / CH	CD
A = Allowed		C = Conditional		S = Special Use						* = Specific Use Regulations May Apply. See Article 4.										
Residential																				
Bed & Breakfast	a single-family dwelling offering overnight room accommodations	*	C	C	C	C	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Group Living	residential occupancy that does not meet the definition of "household living"	*	-	-	-	-	-	-	-	-	-	-	-	S	-	S	-	-	S	-
Household Living	residential occupancy of a dwelling by a "household"	*	A	A	A	A	A	A	A	A	C	C	C	C	A	C	C	C	C	A
Recovery Facility, Alcohol and Drug	residential programs that provide care and training or treatment for psychiatric, alcohol or drug problems	*	-	-	-	-	-	-	-	-	-	A	A	A	A	A	A	A	A	-
Short-Term Rentals	a single-family dwelling offering overnight accommodations	*	C	C	C	C	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Institutional and Civic																				
College	institutions of higher learning	*	-	-	-	-	-	-	-	-	-	A	A	-	A	A	-	-	A	A

Community Services	public, nonprofit, or charitable uses providing service to the community		C	-	-	-	C	C	C	C	A	A	A	-	A	A	C	C	A	A
Day Care	care, protection and supervision for children or adults on a regular basis	*	-	-	-	-	A	A	-	-	A	A	A	-	A	A	C	C	A	A
Detention Facilities	facilities for detention of incarcerated people		-	-	-	-	-	-	-	-	-	-	S	S	S	S	S	S	S	S
Golf Course, Golf Driving Range	facilities for golf, including practice areas	*	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Hospital	medical or surgical care, with overnight care		-	-	-	-	-	-	-	-	-	C	C	C	C	C	C	C	C	C
Parks and Open Areas	natural areas consisting mostly of vegetative landscaping, outdoor recreation, gardens, etc.		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Religious Institutions	meeting areas for religious activities		C	C	C	C	C	C	-	C	A	A	A	A	A	A	A	A	A	C
Safety Services	public safety and emergency services		C	C	C	C	C	C	-	C	A	A	A	A	A	A	A	A	A	A
School	kindergarten-grade 9 public or private		A	A	A	A	A	A	-	A	A	A	A	-	A	-	-	-	-	A
School	high school public or private		C	C	C	C	C	C	-	C	A	A	A	-	A	-	-	-	-	A
Special Event, Type 1	fund-raising, business promotion, special and seasonal events	*	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A

Special Event, Type 2	carnival, concert, circus, fair or festival	*	-	-	-	-	-	-	-	-	-	-	-	A	A	A	A	A	A	A	A	
Utilities, Basic	infrastructure that needs to be located in or near the area where the service is provided		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Commercial																						
Alcoholic Beverages Sales for On-Premises Consumption (added to Use Table 2003)	establishment where alcoholic beverages are sold for consumption on the premises, except for certain restaurants where such beverages are provided as a supplemental service	*												C	C	A		C	C	C	A	
Auto and Boat Dealer	sales of cars, light trucks and boats	*	-	-	-	-	-	-	-	-	-	-	-	A	A	A	A	A	A	A	C	
Campground/ Recreational Vehicle Park	temporary, often overnight accommodations for camping units and recreational vehicles		S	-	-	-	-	-	-	S	-	-	-	S	S	-	S	S	S	S	-	
Mobile Food Units	Defined in Texas Food Establishment Rules	*	See Article 4 for Specific Use Regulations										A	A	A	A	A	A	A	A	A	A
Office	activities in an office setting focusing on business, government, professional, medical or financial services		-	-	-	-	-	-	-	-	-	A	A	A	-	A	A	A	A	A	A	
Parking, Commercial	parking not accessory to an allowed use, fees may be charged		-	-	-	-	-	-	-	-	-	C	A	A	A	A	A	A	A	A	A	

Recreation and Entertainment, Outdoor	large commercial uses that provide continuous recreation or entertainment		-	-	-	-	-	-	-	-	-	-	-	S	-	S	-	S	S	S	A
Rental, Equipment	firms leasing or renting heavy vehicles, equipment and machinery under 3.5 tons to the public, may also provide product repair	*	-	-	-	-	-	-	-	-	-	-	-	C	A	C	C	A	A	A	-
Retail Sales and Service	firms involved in the sale or [of] new or used products to the public, may provide personal services, entertainment or product repair	*	-	-	-	-	-	-	-	-	-	A	C	A	C	A	-	C	C	A	A
Self-Service Storage	uses providing separate storage areas for individuals or businesses	*	-	-	-	-	C	C	-	-	C	C	A	A	A	A	A	A	A	A	C
Vehicle Repair	service to passenger vehicles, light or medium trucks, other consumer motor vehicles, generally, the customer does not wait at site while service is being performed	*	-	-	-	-	-	-	-	-	-	-	C	A	C	C	A	A	A	A	C
Vehicle Service, Limited	direct services to vehicles where the customer generally waits nearby while the service is performed	*	-	-	-	-	-	-	-	-	A	C	A	A	A	A	A	A	A	A	A

Vehicle Wash	automatic or non-automatic facilities for washing vehicles		-	-	-	-	-	-	-	-	-	C	-	A	A	A	A	A	A	A	c
Veterinary Clinics, Small Animals	offices and clinics for small, non-hoofed animals		-	-	-	-	-	-	-	-	-	A	C	A	A	A	A	A	A	A	c
Industrial																					
Frac Sand/Proppant Transloading and Warehousing Operations	firms dealing in the warehousing, transloading, and/or transport of industrial silica sand, processed frac sand, or proppants to and from any site	*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	-	-
Industrial Service	firms servicing industrial, business or consumer machinery, equipment, products or byproducts		-	-	-	-	-	-	-	-	-	-	-	C	A	C	A	A	A	A	-
Manufacturing and Production, Light	firms involved in assembly, light manufacturing, processing, fabrication, or packaging of goods	*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	A	#	-
# See "other" use categories for certain light manufacturing allowed in CG/CH districts.																					
Manufacturing and Production, Heavy	firms involved in heavy manufacturing, production or fabrication of goods		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	-	-
Manufacturing, Craft by Artisan	processing and/or fabrication goods made ready for sale to consumers, on-site or elsewhere, where		-	-	-	-	-	-	-	-	-	-	-	A	A	A	A	A	A	A	A

	processing or fabrication is of substantially low intensity with an emphasis on handiwork																				
Warehouse and Freight Movement	firms involved in storage or movement of goods		-	-	-	-	-	-	-	-	-	-	C	A	A	A	A	A	A	A	A
Waste-Related Use	uses that receive recycled materials or wastes for disposal on-site or transfer to another location, uses that collect sanitary wastes, or that produce goods or energy from composting	*	-	-	-	-	-	-	-	-	-	C	C	C	C	C	C	C	C	C	-
Wholesale Trade	firms involved in sale, lease, or rental of products for industrial, institutional, or commercial business	*	-	-	-	-	-	-	-	-	-	-	C	A	A	A	A	A	A	A	-
Other																					
Agriculture	raising or producing plants		A	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-
Animal Kennel	facilities for overnight care of animals, except horses		-	-	-	-	-	-	-	-	-	-	-	C	-	C	C	C	C	C	-
Entertainment Event, Major	activity or structure that draws large numbers of people to specific events		-	-	-	-	-	-	-	-	-	-	S	S	S	S	S	S	S	S	A
Firearms Range	indoor or outdoor facilities for discharging firearms	*	S	-	-	-	-	-	-	-	-	-	S	S	S	S	S	S	S	S	-

Horse Boarding and Riding Academy	overnight care of horses, with or without related equestrian facilities		S	-	-	-	-	-	-	-	-	-	-	-	C	-	C	C	C	C	-
Mining	extraction of mineral or aggregate resources for off-site use		S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-
Passenger Terminals	facilities for the arrival or departure of airplanes, trains or buses		-	-	-	-	-	-	-	-	-	-	-	C	C	C	C	C	C	C	-
Plant Nursery	facilities producing flowers, shrubs, horticultural or household plants for retail or wholesale trade		A	-	-	-	-	-	-	-	-	-	-	-	A	-	A	A	A	A	-
Telecommunications Facilities	devices and supporting elements necessary to produce electromagnetic radiation operating to produce a signal	*	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	A	A	C	C
Any Use(s) Deemed Appropriate	only where such uses(s) can provide effective transition between less restrictive and more restrictive zoning districts	*	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Food and beverage processing; drug processing, tobacco manufacture; building materials processing; light metal fabrication; jewelry fabrication; processing and fabrication of optical and scientific instruments; artificial limb	certain light manufacturing uses not allowed in either CG or CH Districts, but which are allowed in CG/CH Districts and also where light manufacturing is generally allowed		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	A	A	-

fabrication; broom fabrication; manufacture of wearing apparel including boots and shoes; bags and mattress manufacture																					
---	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

(Ordinance adopted 1-4-00; Ordinance adopted 5-16-06, § 1; Ordinance adopted 9-16-08, § 2; Ordinance adopted 6-15-10, § 1; Ordinance adopted 5-15-12, § 2; Ordinance adopted 4-15-14, § 1; Ordinance adopted 3-17-15, § 1; Ordinance adopted 1-17-17, § 1; Ordinance 2017-06-086, § 1, adopted 6-20-17; Ordinance 2018-054, § 1, adopted 4-17-18; Ord. No. 2019-030, § 1, 3-5-19; Ord. No. 2019-121, § 2, 9-17-19; Ord. No. 2024-029, § 1(Exh. A), 5-7-24)

Editor's note(s)—Former Sec. 310, see editor's note at Sec. 312.

REPORT TO MAYOR & MEMBERS OF CITY COUNCIL



Requestor: Aaron Vannoy, Director, Planning and Development Services

Meeting Date: April 15, 2025

Item type: Regular Item

Caption:

First reading and public hearing of ordinances amending the following provisions of the City Code of Ordinances related to signs:

1. Chapter 12 "Planning and Development," Article 12.04 "Signs"; and
2. Chapter 12 "Planning and Development," Exhibit A "Zoning Ordinance," Article 4 "Specific Use Standards," by deleting Section 420 "Off-site Signs" (Presentation made by Planning and Development Services Director Aaron Vannoy)

Staff Recommendation:

Summary/History:

Funding Source(s):

Financial Impact:

Other Information/Recommendation:

Attachments:

- | | |
|---|---|
| 1. Billboard Map | Billboard Map.pdf |
| 2. Case Memo to PC and Council - April 15th Signs | Case Memo to PC and Council - April 15th Signs.docx |
| 3. Adopting Ordinance Deleting Sec. 420 | Adopting Ordinance Deleting Sec. 420.docx |
| 4. Adopting Ordinance Signs | Adopting Ordinance Signs.docx |

Presentation:

Approvals/Reviews:

Aaron Vannoy

Created/Initiated

Aaron Vannoy
Brandon Dyson
Aaron Vannoy
Heather Stastny

Approved
Approved
Approved
Final Approval

a. North Bryant Boulevard (U.S. Highway 87) from West 14th Street north to the City limits.

b. North Chadbourne Street from 37th Street north to the City limits.

c. Pulliam Street from North Bell Street east to the City limits.

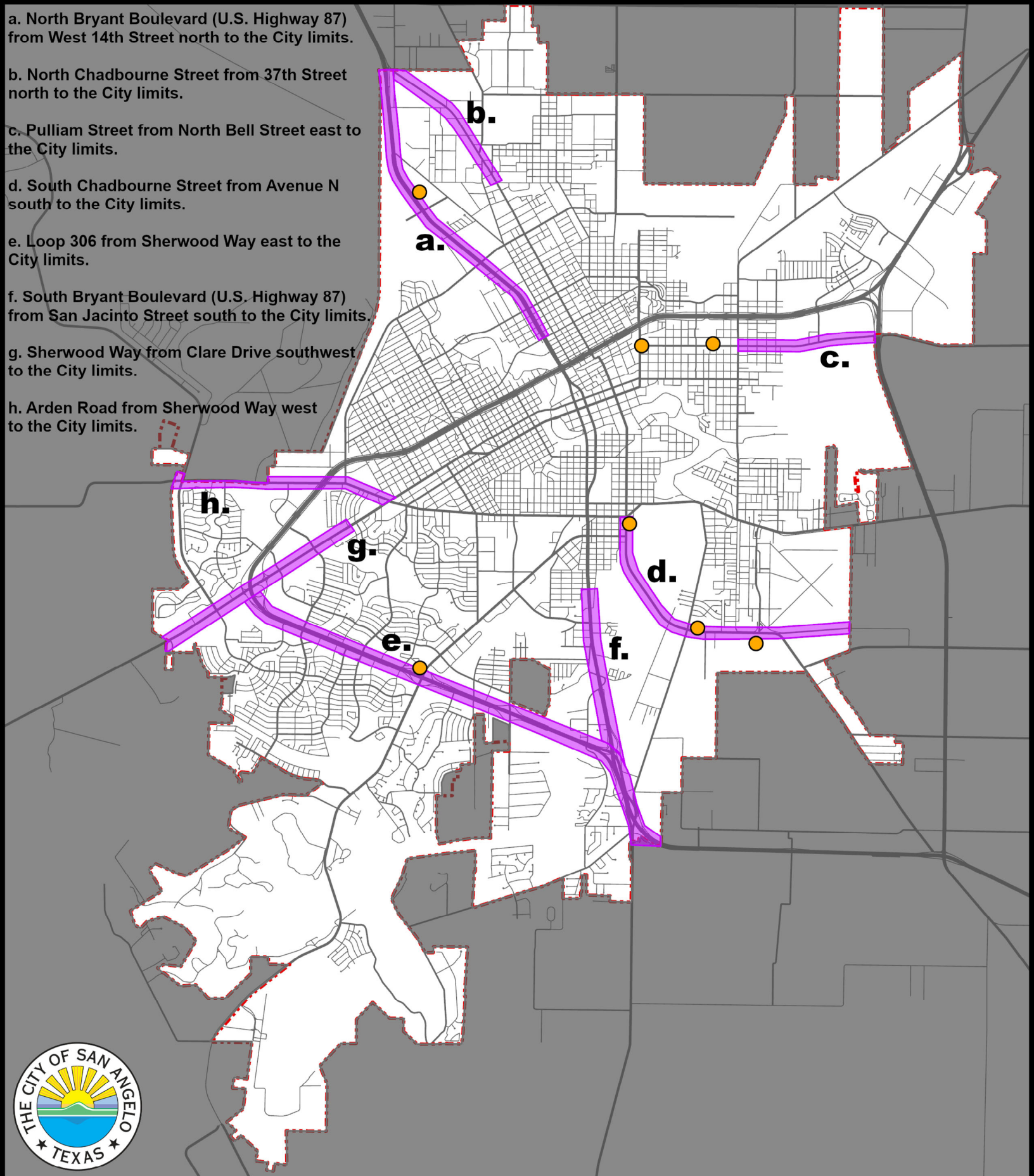
d. South Chadbourne Street from Avenue N south to the City limits.

e. Loop 306 from Sherwood Way east to the City limits.

f. South Bryant Boulevard (U.S. Highway 87) from San Jacinto Street south to the City limits.

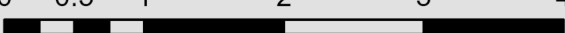
g. Sherwood Way from Clare Drive southwest to the City limits.

h. Arden Road from Sherwood Way west to the City limits.



Billboard/Off-Site Sign Map

Areas permitted:  Permits Issued 2020 - Present: 

Scale:  Miles

MEMO



Meeting

Date: April 15, 2024

To: Planning Commission and City Council

From: Planning Division, City of San Angelo

Request: A request to amend Chapter 12 Planning and Development, Article 12.04 Signs and remove and reserve Section 420 "Off-site signs".

Background: Since 2019 court cases have been heard about offsite signs verses onsite signs. In 2020, the City of San Angelo took action to place a moratorium on the designation between offsite and on-site signs. IN 2024 the Supreme Court gave a ruling where Cities can choose to regulate those signs differently. What we have done is modernize our current Sign Ordinance to reflect a definition of Billboard and Electronic Message signs and where those can and cannot be located. This takes away the designation of Off-site verses on-site and continues what we have been enforcing since 2020 through the moratorium.

- Firmly Establishes a Billboard size is over 250 sq. ft.
 - Allowed by right in Heavy Commercial (CH), Office Warehouse Light Manufacturing (LM) and Heavy Manufacturing (MH), as well as designated corridors – all unchanged from current ordinance
 - Billboards are prohibited – Cultural District Overlay Zone, Downtown Design District, Historic District and Overlay Zones, Historic Old Town District and the River Corridor District
 - Distances regulations for billboards
 - Between electronic message billboards – 500' linear on the same side of the road
 - Electronic message billboard 125' from any residential zone district
 - Electronic message billboards – hold time of 8 seconds and 2 seconds for simultaneous message change; animation
 - Between traditional billboards – 500' linear on the same side of the road
 - Traditional billboard 125' from any residential zone district
 - These are standards which meet TXDOT
- Add definition of electronic message signs
 - Added a brightness section requires dimming at night in general but dimmer closer to residential zoning districts.
- Signs height regulated by road classification, not by zoning district standard
 - Height. Maximum sign height for each street classification shall be as follows:
 - (1) Local and Collector Streets: 25 feet.
 - (2) Arterial Streets: 45 feet.
 - (3) Freeways and designated US Highways: 50 feet.
- Signs which would not conform to the new Article 12.04 "Signs" would continue to be legal nonconforming until they apply for a new permit or destroyed by an act of God, Nature, or human interaction.
- Recommend to table the following items for further discussion with Sign Industry and Community

- Portable Signs
 - Change for 180 days aggregate per property to 90 days aggregate
 - This change will significantly impact small businesses and the portable sign companies have to follow rules and permitting; why do temporary signs and banners do not?
- Temporary signs
 - Vehicle and Trailer
 - Must be currently registered and operable
 - Must be owned by the business owner
 - Must advertise the business where sign located otherwise – needs a permit for a portable sign

Other non-permitted signs

Feather or Bow signs are allowed up to 2 per property and 6' in height. Limited to 72 hours then removed like a temporary sign.

Significant increase in this type of sign, currently illegal as an air or wind activated sign.

*****Request for direction from Council to review Sign Permit fees in the 2026 Budget cycle*****

Attachments: Clean copy of the proposed ordinance with all proposed changes.

ORDINANCE 2025

**AN ORDINANCE OF THE CITY OF SAN ANGELO TEXAS, AMENDING CHAPTER 12
"PLANNING AND DEVELOPMENT," EXHIBIT A "ZONING ORDINANCE," ARTICLE 4
"SPECIFIC USE STANDARDS," BY DELETING SECTION 420 "OFF-SITE SIGNS"; PROVIDING
FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, City Council previously adopted Ordinance No. 2020-108 on November 17, 2020, in response to litigation before the United States Court of Appeals for the Fifth Circuit that was ultimately heard and decided by the United States Supreme Court; and

WHEREAS, Ordinance No. 2020-108 temporarily deleted the distinction between "on-site" and "off-site" signage in the City's sign ordinance to allow time for the litigated issues regarding that distinction to be resolved; and

WHEREAS, that litigation has now been resolved and City staff, having worked under Ordinance No. 202-108 for over four years now, recommends that the temporary amendments made thereby should be made permanent; and

WHEREAS, on the 15th day of April, 2025, the Planning Commission for the City of San Angelo and the City Council after having held a joint public hearing, considered public comment, and considered recommendations from City staff, City Council desires to amend Chapter 12 "Planning and Development," Exhibit A "Zoning Ordinance," Article 4 "Specific Use Standards," by deleting Section 420 "Off-Site Signs" in its entirety.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SAN ANGELO, TEXAS

Section 1. CHAPTER 12 "PLANNING AND DEVELOPMENT," Exhibit A "Zoning Ordinance," Article 4 "Specific Use Standards," is amended by deleting Section 420 "Off-Site Signs" in its entirety and reserving said section for future expansion of the City of San Angelo Code of Ordinances.

Section 2. The terms and provisions of this ordinance shall be deemed to be severable in that if any portion of this ordinance shall be declared to be invalid, the same shall not affect the validity of the other provisions of this ordinance.

Section 3. This Ordinance shall be effective upon passage.

INTRODUCED with public hearing the 15th day of April, 2025, and finally PASSED this 6th day of May, 2025.

THE CITY OF SAN ANGELO, TEXAS:

Brenda Gunter, Mayor

ATTEST:

Heather Stastny, City Clerk

APPROVED AS TO CONTENT:

Aaron Vannoy, Director of
Planning and Development Services

APPROVED AS TO FORM:

Brandon Dyson, Interim City Attorney

ORDINANCE 2025
AN ORDINANCE OF THE CITY OF SAN ANGELO TEXAS, AMENDING CHAPTER 12
“PLANNING AND DEVELOPMENT,” ARTICLE 12.04 “SIGNS”; PROVIDING FOR
SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, City Council previously adopted Ordinance No. 2020-108 on November 17, 2020, in response to litigation before the United States Court of Appeals for the Fifth Circuit that was ultimately heard and decided by the United States Supreme Court; and

WHEREAS, Ordinance No. 2020-108 temporarily deleted the distinction between “on-site” and “off-site” signage in the City’s sign ordinance to allow time for the litigated issues regarding that distinction to be resolved; and

WHEREAS, that litigation has now been resolved and City staff, having worked under Ordinance No. 2020-108 for over four years now, recommends that the temporary amendments made thereby should be made permanent, along with other amendments as detailed herein; and

WHEREAS, on the 15th day of April, 2025, the Planning Commission for the City of San Angelo and the City Council after having held a joint public hearing, considered public comment, and considered recommendations from City staff, City Council desires to amend Chapter 12 “Planning and Development,” Article 12.04 “Signs” of the City of San Angelo Code of Ordinances.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SAN ANGELO, TEXAS

Section 1. CHAPTER 12 “PLANNING AND DEVELOPMENT,” Article 12.04 “Signs” of the City of San Angelo Code of Ordinances is hereby replaced in its entirety and amended as shown on **Exhibit “A”**.

Section 2. The terms and provisions of this ordinance shall be deemed to be severable in that if any portion of this ordinance shall be declared to be invalid, the same shall not affect the validity of the other provisions of this ordinance.

Section 3. This Ordinance shall be effective upon passage.

INTRODUCED with public hearing the 15th day of April, 2025, and finally PASSED this 6th day of May, 2025.

THE CITY OF SAN ANGELO, TEXAS:

Brenda Gunter, Mayor

ATTEST:

Heather Stastny, City Clerk

APPROVED AS TO CONTENT:

Aaron Vannoy, Director of
Planning and Development Services

APPROVED AS TO FORM:

Brandon Dyson, Interim City Attorney

Exhibit "A"
ARTICLE 12.04 SIGNS¹

Sec. 12.04.001 Purpose

- (a) The city council recognizes that in recent years the citizens of the city have supported the expenditure of money to beautify our river area and other parts of the city. It is in great part the beauty and appearance of this city that attracts visitors and permanent residents. In addition, new businesses and industries are increasingly basing their decisions to locate in a particular area on the quality of life in that area. Regulation of visual clutter can help preserve this quality and promote the steady growth that is vital to the continued economic health and prosperity of this city. Furthermore, it is recognized that traffic safety problems are created by the lack of control of the visual environment.
- (b) The control and regulation of signs, in a manner which recognizes the right and necessity of businesses to advertise and individuals to express ideas in a public forum, is vital to the goals of preserving the city's physical beauty and safety. An aesthetically pleasing environment adds to the city's quality of life, which in turn serves to attract new business and spawn economic development. The reasonable display of signs is a necessary public service and a necessity for the conduct of commerce and industry. The manner in which signs are displayed and the safety of the general public are directly related to the economic vitality and the aesthetic quality of the surrounding property.
- (c) Signs left unregulated are a problem for the residents of the city in the following manner:
 - (1) Without abatement, abandoned or damaged signs are hazards to the public's safety and well-being.
 - (2) Signs can become a cause of garbage accumulation and an obstruction to light and air to adjoining properties.
 - (3) The proliferation of signs without rhyme or reason creates a situation in which the traveling motorist may be so distracted that dangerous driving conditions are created.
 - (4) Signs may be visually incompatible with their surroundings, both with the natural environment and with adjoining buildings. This is particularly true in residential districts, the River Corridor and the Fort Concho Historic District.
 - (5) Signs located in, or close to, the right-of-way and on corners create view obstructions which contribute to and cause accidents involving automobiles and pedestrians.
 - (6) Signs may detrimentally affect adjoining property values, causing said abutting property to become economically less competitive, lowering tax values and contributing to the decline of neighborhoods.
- (d) Therefore, the objectives of this article are as follows:
 - (1) To assure that each business or individual maintains adequately their right to communicate to the public.
 - (2) 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.
 - (3) To insure that passing motorists or pedestrians can be adequately informed by signs providing information and directions.
 - (4) To alleviate the proliferation of sign usage which is detrimental to the growth of the city and the safety and welfare of citizens traveling on city streets.

¹State law reference(s)—Authority of municipality to regulate signs, V.T.C.A., Local Government Code, ch. 216State law reference(s)—.

- (5) To encourage businesses to provide an attractive means of informing, directing and attracting the shopper and prospective client.
 - (6) To protect and enhance the physical appearance of the city.
 - (e) In summary, the city council finds that the visual clutter and confusion of unregulated signs contribute to traffic safety problems, is detrimental to the economic and commercial welfare of the community and detracts from the quality of life in the city. Specifically, control of portable and temporary signs and the placement of such signs reduces the visual clutter caused by portable and temporary sign proliferation and the danger of such signs causing view obstructions and distractions while still allowing for their use on a limited basis. Likewise, limits on the placement of Billboard signs meets the aesthetic goal of reducing visual clutter and the general welfare goal of reducing traffic distractions, which are particularly acute in the case of billboard signs with their periodically changing content. Further, the provisions of this article establish minimum standards for signs that directly relate to the use of the property, traffic patterns and safety, the intensity of development and the intent of the various zoning districts. These standards are designed to promote the objectives and goals mentioned above and alleviate the problems caused by signs while preserving the ability of businesses and individuals to advertise and communicate in a reasonable manner while maintaining the public health, safety, welfare and quality of life.
- (1996 Code, sec. 12.601; Ordinance adopted 1-21-03)

Sec. 12.04.002 Definitions

Aggregate area. The sum of the area (in square feet) of all signs for a specific classification of sign.

Air-activated graphic or sign. Signs, devices or streamers (not including flags or pennants) caused to be moved, spun or activated by the movement of air.

Area.

- (1) **Freestanding, projecting and roof signs.** The advertising display surface area encompassed within any regular geometric figure which would enclose all parts of the sign. The structural supports or bracing of a sign shall not be counted as part of the sign face area unless such structure or bracing is made a part of the sign's message by including a symbol, logo or other figure, in which case the smallest rectangle that can encompass the area of said symbol or figure shall be included as part of the total message area calculations. Where a sign has two display faces back-to-back, the area of only one face shall be considered the sign face area.
- (2) **Wall sign with the background which borders or frames the message.** The sign area shall be the total area including the entire background plus the area of any symbols, figures or logos as described above.
- (3) **Wall sign with no border or frame.** The sign area shall be the area of the smallest rectangle which can encompass all words, letters, figures, emblems and other elements of the sign message.

Arterial street. Any street identified as an arterial street on the city's thoroughfare plan.

Attached sign. Any sign attached to a wall, sloping roof, marquee, fixed awning, fascia or canopy of a building.

Average ground level. The finished ground level at the midpoint of the exterior surface of a sign, or of a structure in the event that the sign is attached to the structure.

Banner. A piece of cloth, paper, plastic or other non-rigid material upon which a message is painted, printed or affixed.

Balloon. An inflatable bag (of rubber, plastic, mylar or other similar material) usually used as a toy or for decoration.

Billboard. Any freestanding sign that exceeds 250 Square Feet in area.

Curb line. The edge of the traveled portion of a street or roadway where the improved road surface meets the adjacent unimproved surface, sidewalk or other non-vehicular pathway.

Eave line. The projecting lower edge of a roof overhanging the wall of a building.

Electronic message sign. A sign whose informational content can be changed or altered on a fixed display screen composed of electrically illuminated segments, including LED (light emitting diode) signs, television screens, plasma screens, video boards, or other digital signs.

Erect. To build, construct, alter, reconstruct, pour, lay, move upon, attach, hang, place, suspend or affix and also includes the painting of wall signs or any physical operation on the premises that is required for the construction of a sign, including excavation, site clearance, fill and the like.

Flashing sign. Any directly or indirectly illuminated sign which exhibits changing natural or artificial light or color effects by any means.

Freestanding sign. Any permanent sign not affixed to a building except as provided in the definition of a standard roof sign.

(1) **Back-to-back sign.** A structure with two parallel directly opposite signs with their faces oriented in opposite directions located not more than 15 feet apart. A back-to-back sign shall constitute one freestanding sign.

(2) **Double-faced sign.** Any two adjacent signs on a single structure or separate structures with both faces oriented in the same direction and not more than ten feet apart at the nearest point between the two faces. A double-faced sign may be referred to as a side-by-side or stacked sign. A double-faced sign shall constitute one freestanding sign.

(3) **V-type sign.** Two or three signs in the shape of the letter "V" or triangle when viewed from above with their faces oriented in different directions located not more than 15 feet apart at the closest points. All faces of a V-type sign shall be considered to constitute a single freestanding sign.

Grade level. The average horizontal level of a street, road, or highway surface.

Height. The height of a sign shall be the vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and the highest adjacent grade. Highest adjacent grade means the highest natural elevation of the ground surface prior to construction immediately adjacent to the structural support of the sign.

Inflatable sign. A gas- or air-inflated figure, shape, or sign larger than 20 inches in diameter at its widest point.

Lot. A developed or undeveloped tract or parcel of land legally transferable as a single unit of land.

Lot frontage. The area fronting upon a street or road of a development at the time of application for a sign permit.

Major collector street. Any street identified as a major collector on the city's thoroughfare plan.

Multifamily residence sign. A sign placed upon a lot tract or parcel of land within a RM-1 (Low Rise Multifamily Residence) or RM-2 (High-Rise Multifamily Residence) zoning district.

Nonconforming sign. A sign, legally existing on the effective date of this article, which could not be built under the terms of this article or under the terms of the city's zoning ordinance.

Nonresidential use. Use of property in a district zoned for residential use but used lawfully for a nonresidential purpose.

Pennants. A series of small pieces of cloth, paper, plastic, metallic or other non-rigid material which are strung together on a narrow ribbon-like piece of cloth, plastic, rope or other rigid or non-rigid material. Said pieces of cloth, paper, plastic, metallic or other non-rigid material shall not measure more than 18 inches in length from the point of the piece's attachment to the ribbon-like material, to the piece's end.

Portable sign. A sign which is not designed or manufactured to be permanently anchored or affixed to the ground, building or other structure, but rather is designed or primarily used as a sign which is movable from place to place and which includes but is not limited to signs affixed to a trailer or other portable structure and "A" frame or sandwich signs. This includes signs which have had wheels removed or have been modified in such a way as to be anchored to the ground unless such modifications clearly are intended to be permanent in nature and would prohibit the sign from being removed and reinstalled at another location.

Projecting sign. A sign affixed to any building wall, roof, marquee or other structural element which extends beyond the building wall, roof, marquee or other structural element more than 18 inches.

Property line. A line marking the boundary between two properties or between the property adjacent to a street or roadway and the right-of-way dedicated to the public for its current or future use as a street or road.

Public event banner. A banner hung across a street or public right-of-way advertising a civic event of interest to the general public.

Replacement value. The cost to replace an existing sign at the current retail price.

Ridge line. The intersection of two roof surfaces forming the highest horizontal line of the roof.

Roof sign. A sign attached to a roof extending more than three feet above the ridge line.

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 article.

Sign. Any object, device, display, plaque, poster, painting, drawing or structure, or part thereof, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, message, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

Street edge. The edge of the traveled portion of a street, highway or roadway where the improved road surface meets the adjacent unimproved surface, sidewalk or other non-vehicular pathway. The verge of a street or road where a curb might usually be installed. See "Curb line" above.

Temporary sign. A sign that is not permanently affixed to a building, structure or the ground.

Wall and sloping roof signs. A sign affixed to the wall, roof, marquee or other structural element of any building, which does not project more than 18 inches from the wall, roof, marquee or other structural element, or extend more than three feet above the wall to which it is attached.

(1996 Code, sec. 12.602; Ordinance adopted 1-21-03)

Sec. 12.04.003 Penalties and enforcement

- (a) Any person, firm or corporation violating any of the terms and provisions of this article shall be subject to a fine in accordance with the general penalty provision found in section 1.01.009 of this code. Each day such violation shall be continued, or shall be allowed to continue to exist, shall constitute a separate offense.
- (b) The owner or owners of any property or part thereof where a sign in violation of this article shall be constructed, placed or shall exist, and any architect, builder, contractor, agent, person, firm or corporation employed in connection therewith and who has knowledge of the commission of such violations, shall be guilty of a separate offense, and upon conviction thereof shall be fined as provided in this section.
- (c) In the event that a sign owner or owner of property upon which a sign is placed fails to comply with any provision of this article, any building inspector, code enforcement officer or peace officer may issue a citation to the violator.

(1996 Code, sec. 12.618; Ordinance adopted 1-21-03)

Sec. 12.04.004 General provisions

- (a) *Building permit required.* A building permit shall be obtained prior to erection, repair, alteration or relocation of any sign except for routine maintenance or repair and/or replacement of sign faces. Acceptance of the permit by the applicant shall require compliance by the applicant with all requirements of the city's construction codes. This section shall apply to all signs except those specifically exempted by subsection (c) of this section.
- (b) *Signs requiring electrical permit or incorporating electrical lighting or wiring.* No sign requiring an electrical permit or incorporating any electrical lighting or wiring shall be erected, repaired or improved upon by anyone not licensed and bonded for such work in the city.
- (c) *Exceptions to permit requirements.* Temporary signs, as defined by section 12.04.008, and those signs described below are allowed in any zoning district unless otherwise specifically prohibited elsewhere in this article and do not require a permit. Temporary signs and the signs listed below otherwise in compliance with this article are not to be included in determining the allowable number, type or area of signs as described elsewhere in this article. Nothing in this section shall exempt an individual from obtaining an electrical permit if required by the electrical code.
 - (1) *Flags.* Up to three flag poles with official flags of government jurisdictions, including but not limited to flags indicating weather conditions, and flags displaying colors or designs associated with a business, organization, school, sports teams, or similar non-commercial flags, are allowed. Other flags, or flags beyond this limit, shall be considered signs subject to freestanding sign requirements.
 - (2) *Prohibition signs.* "No Trespassing," "No Parking" and other similar warning signs.
 - (3) *Miscellaneous information signs.* Miscellaneous permanent information signs for commercial use indicating address, hours and days of operation, whether a business is open or closed, credit card information and emergency address and telephone numbers. No such sign shall exceed four square feet in size.
 - (4) *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.
 - (5) *Safety and directional 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 eight 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, other than the business name or logo, which may not encompass more than one-half the sign area.
 - (6) *Collection boxes.* Collection boxes no larger than 25 square feet or taller than three feet in height located on private property in any commercial or manufacturing zoning district.
 - (7) *Home occupation signs.* One non-illuminated sign erected to advertise legal home occupations as defined elsewhere in the city code. Such sign shall not exceed two square feet in size.
 - (8) *Residential identification signs.* Signs indicating the name or address of the occupants of the residence, not to exceed two square feet in area or greater than six feet in height.
 - (9) *Internal signs.* Signs not intended to be viewed from public streets or adjacent properties such as signs in interior areas of shopping centers or other commercial buildings, ball parks, stadiums and similar uses.
 - (10) *Holiday decorations.* Decorations related to a holiday or celebration that are not used for advertising purposes.
 - (11) *Official Notices.* Official notices authorized by a court, public body, governmental agency, or public safety official.

(d) *Uses allowed by special permit.* Signs for activities allowed by special permit shall meet the requirements of the zoning district in which the activity is located unless the sign is specifically allowed by the special permit approved by the city council. Special permits shall not be granted for the sole purpose of increasing the allowable signage for an activity or parcel of land.

(e) *Violations.* No sign shall be erected, constructed or maintained except as provided in this article.

(1996 Code, sec. 12.603; Ordinance adopted 1-21-03)

Sec. 12.04.005 Sign regulations

(a) *Residential districts.* Freestanding and attached signs as defined within this article are prohibited within districts zoned for residential use except where specifically authorized elsewhere in this article.

(1) *Multifamily residence district regulations.* Any use authorized in RM-1 (Low Rise Multifamily Residence) and RM-2 (High Rise Multifamily Residence) zoning districts shall be allowed signage according to the following regulations, except where specifically prohibited elsewhere in the code:

- (A) *Area.* A multifamily residence sign shall be no larger than one-half square foot of sign area for one linear foot of lot frontage, not to exceed a maximum of 64 square feet.
- (B) *Height.* A multifamily residence sign shall be no taller than one foot of height for each foot of setback from the property line, not to exceed eight feet in height. Five feet of height is allowed at the property line, provided a ten foot minimum setback is maintained from the curb line.
- (C) *Number.* No more than one multifamily residence sign per street frontage is allowed.
- (D) *Setback.* A multifamily residence sign must be set back ten feet from the curb line or zero feet from the property line, whichever is greater. Additionally, one foot of additional setback is required for each additional foot of height in excess of five feet.

(2) *Nonresidential uses allowed within residential zoning districts.* Nonresidential uses allowed within a residential district shall be allowed signage according to the following regulations:

- (A) *Area.* A nonresidential use sign shall be no larger than one-half square foot of sign area for one linear foot of lot frontage, not to exceed a maximum of 64 square feet.
- (B) *Height.* A nonresidential use sign shall be no taller than one foot of height for each foot of setback from the property line, not to exceed eight feet in height. Five feet of height is allowed at the property line, provided a ten-foot minimum setback is maintained from the curb line.
- (C) *Number.* No more than one nonresidential use sign one per street frontage is allowed.
- (D) *Setback.* A nonresidential use sign must be set back ten feet from the curb line or street edge or zero feet from the property line, whichever is greater. Additionally, one foot of additional setback is required for each additional foot of height in excess of five feet.

(3) *Subdivision development signs.* A subdivision development sign is a sign identifying a residential development or subdivision and is designed to be permanent. The ongoing future maintenance of the sign shall be provided for prior to issuance of a permit or placement of the sign.

- (A) *Area.* A subdivision development sign shall be no larger than 48 square feet.
- (B) *Height.* A subdivision development sign shall be no taller than six feet in height.
- (C) *Number.* No more than two subdivision development signs per development are authorized.
- (D) *Setback.* A subdivision development sign may not be placed closer than 15 feet from any curb line or zero feet for the property line, whichever is greater.

- (b) *Commercial districts.* Freestanding and attached signs shall be allowed as a matter of right in all commercial and manufacturing zoning districts, except as regulated elsewhere in this Article or the Code of Ordinances.

(1) *Freestanding signs.* Freestanding signs shall be governed by the following regulations:

(A) *Area.* The aggregate area of all freestanding signs shall not exceed an amount equal to one and one-half square feet for each one linear foot of land on the lot's frontage abutting the primary street, except that a minimum 48 square feet of sign area is allowed regardless of lot frontage. In no case shall the sign area of any one freestanding sign exceed 250 square feet then classified as a freestanding billboard sign. Only one street frontage shall be considered the primary street frontage on a lot.

(B) *Number.*

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

Lot Frontage	Number of Signs Permitted
0 - 199.99'	One
200' - 349.99'	Two
350' - 499.99'	Three
500' - 699.99'	Four
700'+	Five

The maximum number of freestanding signs allowed on a lot shall be five. Only one street frontage shall be considered the primary street frontage on a lot.

- (ii) All lots located at the intersection of two streets shall be allowed a minimum of one freestanding sign on each of both such street frontages. The message portion for only one sign on a lot located at the intersection of two streets may be placed at a 45 degree angle perpendicular to the street corner such that the sign is legible from each intersecting street.

- (iii) This is not relating to Billboard signs larger than 250 square feet that are in the zoning districts allowed as a matter of right and in the designated thoroughfares as described in section 12.04.005(c)(2).

(C) *Setback.* Each sign shall be set back from the front property line, and any other property line which is adjacent to a major collector or arterial street, ten feet from the curb line or street edge or zero feet from the property line, whichever is greater. A maximum height of 20 feet shall be authorized at the property line. One foot of additional setback is required for each two feet of height. A five-foot minimum setback from the side property line shall be required. Where the side property line borders a residential lot, a 30-foot setback shall be required from said property line for a 75 square foot or less size sign. A 100-foot setback shall be required from said property line for a sign greater than 75 square feet where the property line borders a residential lot.

(D) *Height.* Maximum sign height for each zoning district shall be as follows:

- (i) Local and Collector streets: 25 feet.
(ii) Arterial Streets: 45 feet.
(iii) Freeways and Designated US Highways: 50 feet.

(E) *Ground clearance.* The sign shall maintain a clearance from the ground of nine feet, unless the sign is a ground sign with the base of the sign within three feet of the average grade.

- (G) *Shared signs.* Contiguous lots may be treated as one development site for the purpose of calculating the number and area of allowed signage for the purpose of shared signage.
- (2) *Attached signs.* Attached 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:
 - (A) *Area.* Total aggregate area of canopy, fixed awning, fascia, projecting or sloping roof signs attached to a structure shall not exceed 25 percent of the area of the wall on which the sign is attached or fronts.
 - (B) *Setback.* No setback shall be required for any sign in the CBD zoning district. Projection over the public right-of-way shall be permitted in the CBD zoning district, provided the leading edge of any sign shall maintain a distance of at least 18 inches from the curb line or street edge. Any sign which projects into the public right-of-way shall maintain a minimum height of nine feet from the grade level to the bottom of the sign.
 - (C) *Height.*
 - (i) No sloping roof sign shall project horizontally beyond the perimeters of the roof or vertically more than three feet above the roof ridgeline.
 - (ii) No fascia sign shall extend more than three feet above the top of the wall to which the sign is attached.
 - (iii) No projecting sign shall extend vertically or horizontally beyond the perimeter of the wall on which it is attached.
 - (iv) Any projecting sign larger than 16 square feet that extends into the public right-of-way shall be subject to approval of city council on consideration of the purposes of this article 12.04, after notice and public hearing.
- (3) *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 article.

(1996 Code, sec. 12.604; Ordinance adopted 1-21-03; Ordinance adopted 12-21-04; Ordinance adopted 7-1-14; Ordinance 2017-11-159, § 1, adopted 11-21-17)

- (c) *Billboard regulations in Commercial districts.* Except as otherwise prohibited herein, Billboard signs shall be allowed as a matter of right in the following zoning districts:
 - (1) CH, OW, ML, and MH; and
 - (2) Billboard signs in CG and CG/CH districts are allowed in a designated area adjacent to the following thoroughfares:
 - (A) North Bryant Boulevard (U.S. Highway 87) from West 14th Street north to the city limits.
 - (B) North Chadbourne Street from 37th Street north to the city limits.
 - (C) Pulliam Street from North Bell Street east to the city limits.
 - (D) South Chadbourne Street from Avenue N south to the city limits.
 - (E) Loop 306 from Sherwood Way east to the city limits.
 - (F) South Bryant Boulevard (U.S. Highway 87) from San Jacinto Street south to the city limits.
 - (G) Sherwood Way from Clare Drive southwest to the city limits.
 - (H) Arden Road from Sherwood Way west to the city limits.

(3) *Area Billboards.*

- (A) Any freestanding sign that exceeds 250 square feet in area.
- (B) In the ML and MH zoning districts, signs shall not exceed 700 square feet of copy area per face.
- (C) In the CH, OW, CG and CG/CH zoning districts, signs shall not exceed 300 square feet of copy area per face.
- (D) Sign extensions of not more than ten percent of the total sign area shall be permitted in addition to the maximum area permitted above.

(4) *Height.* Billboard signs shall meet the same height requirements as set forth for freestanding signs in section 12.04.005(b)(1)(D).

(5) Restrictions for all Billboards:

- (1) No billboard sign shall be located nearer than one hundred twenty-five (125) feet to any residential district boundary line.
- (2) Billboards must be at least five hundred foot (500') of separation from each other on the same side of the street.
- (3) All billboard signs must be placed in compliance with state and federal regulations, even if more restrictive than the foregoing regulations.

(6) Billboards and Electronic Message Billboards are prohibited in the following areas:

- (A) Historic Districts – Old Town, Ft. Concho. and Downtown and Historic Overlay Zone.
- (B) Cultural Overlay District
- (C) River Corridor Overlay District
- (D) Downtown Overlay District

(7) Electronic message Billboards regulations

- (A) No electronic message billboard sign shall be located nearer than one hundred and twenty-five feet (125') feet to any residential district boundary line.
- (B) Existing Electronic Message Billboard must dim by 250 nits from 10 PM to 5AM when located nearer than one hundred and twenty-five feet (125') to any residential district boundary.
- (C) Electronic message billboard signs shall not consist of more than one (1) panel per side.
- (D) An electronic message billboard shall display static messages only that should maintain a hold time of at least eight (8) seconds and each message change must be accomplished within two (2) seconds or less and must occur simultaneously on the entire sign face.
- (E) The sign shall not be configured to resemble or simulate a warning or danger signal, or any official lights or signs used to control traffic. The sign shall not display light of such intensity to cause glare on adjacent property, impair vision, or otherwise result in a nuisance to the public. The sign shall come equipped with automatic dimming technology which automatically adjusts the sign's brightness based on surrounding light conditions.
- (F) The electronic message billboard sign must contain a default mechanism that will freeze the sign in one position if a malfunction occurs.
- (G) Upon notification from proper law enforcement agencies, public safety or emergency management authorities, the sign operators shall display emergency information, public service announcements and other safety alerts.

- (8) *Ground clearance.* Signs shall maintain a minimum clearance from the ground of nine feet unless the sign is a ground sign with the base of the sign within three feet of the average grade.
- (9) *Setback.* Each billboard sign shall be set back from the front property line, and any other property line which is adjacent to a major collector or arterial street, 25 feet from the curb line or street edge or zero feet from the property line, whichever is greater. A maximum height of 20 feet shall be authorized at the property line. One foot of additional setback is required for each two feet of height. A five-foot minimum setback from the side property line shall be required. Where the side property line borders a residential lot, a 30 foot setback shall be required from said property line for a 75 square foot or less size sign. A 100 foot setback shall be required from said property line for a sign greater than 75 square feet where the property line borders a residential lot.
- (10) *Definition of "adjacent".* For the purposes of this subsection, a billboard sign is considered adjacent to a thoroughfare if the following statements are both true:
 - (A) The supporting post is placed at a distance no greater than 75 feet from the right-of-way line of the listed thoroughfare; and
 - (B) The message portion of the billboard sign is placed at an angle perpendicular to the right-of-way line of the thoroughfare, such that the message faces traffic flow on that thoroughfare only.
- (11) *Identification.* Every billboard 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 of the owner of the sign.

(1996 Code, sec. 12.605; Ordinance adopted 1-21-03)

Sec. 12.04.006 Electronic Message Signs

The following requirements shall be applicable to all electronic message signs:

- (1) *Operational limitations for all signs.* All electronic message signs shall not have flashing, animation, or full motion video.
- (2) *Operational limitations for electronic message signs over 75 square feet in area.*
 - (A) Such signs shall contain static messages only with no scrolling messages or other appearance of motion, except for changeable messages as described below.
 - (B) Minimum display time. Each static message must be displayed for a minimum of eight seconds.
 - (C) Transition. The transition from one message to another must occur within two seconds and may not include flashing or the appearance of motion, with the exception of a fade out or in, dissolve, scroll, or similar transition that must be accomplished within the transition period.
- (3) *Brightness.*
 - (A) All such signs shall be equipped with light sensing devices or a scheduled dimming timer that will automatically dim the intensity of the light emitted by the sign during ambient low-light conditions and at night so that the sign does not exceed the maximum brightness levels allowed in this section.
 - (B) Maximum brightness shall not exceed 7,000 nits when measured from the sign's face at its maximum brightness during daylight hours and shall not exceed 1,000 nits when measured from the sign's face at its maximum brightness at night.
 - (C) If such sign is located within 125 feet of a property with residential zoning, the sign must be oriented such that no portion of the electronic sign face is visible from a residentially-zoned property or the brightness is reduced to no more than 250 nits at night.

- (D) Prior to the issuance of a permit for such sign, the applicant shall provide written certification from the sign manufacturer that the light intensity has been pre-set not to exceed the levels specified above.
- (E) The City may order a sign's brightness reduced, its minimum display time increased, or other operational characteristics altered if the Director of Public Works, or designee, finds that it interferes with or poses a traffic safety hazard. By Petition of property owners or residents within 500' of sign, then the City of San Angelo may investigate for nuisance through Code Compliance Division.

Sec. 12.04.007 Portable signs

The following regulations shall be applicable to all portable signs as defined herein:

- (1) *General requirements.* A portable sign will be allowed as an additional freestanding sign provided it conforms to the following regulations:
 - (A) One portable sign shall be permitted per business or organization location.
 - (B) Portable signs shall not exceed 35 square feet in area.
 - (C) Portable signs shall be secured to the ground at a minimum of four separate points.
 - (D) All portable signs shall have permanently affixed thereto the names of the owner(s) of such signs.
 - (E) Illuminated portable signs shall meet all requirements of the city electrical code.
 - (F) Any flashing light or other device that gives the appearance of a flashing light shall be prohibited, except for electronic message signs meeting all applicable requirements of Sec 12.04.006.
 - (I) Use of a portable sign shall be limited to no more than 180 days aggregate per calendar year. A separate permit for each period of use must be obtained from the permits and inspections division prior to display of a portable sign. In no event shall a permit authorizing display for more than 30 consecutive days be issued.
 - (J) Portable signs must have affixed in a location readily visible from the public right-of-way a decal issued by the city permits and inspections division indicating the expiration date of the current permit period.
- (2) *Setback requirement.*
 - (A) No portable sign may be placed within the designated right-of-way or within ten feet of the curb line or street edge, whichever is farther from the roadway.
 - (B) A portable sign may not be used on a lot, tract or parcel of land if the above setback requirement cannot be met.
 - (C) A portable sign may not obstruct a fire lane, required parking space, or vehicle maneuvering area.

(1996 Code, sec. 12.606; Ordinance adopted 1-21-03; Ordinance adopted 3-21-06; Ordinance adopted 7-1-14)

Sec. 12.04.008 Temporary signs

- (a) *Temporary signs are only permitted for the following types of signs:*
 - (1) *Construction/financing signs.* A sign announcing the character of a building enterprise or the purpose for which a building under construction or undergoing structural alteration or repair is intended, including but not limited to the names of architects, engineers, contractors, developers and financiers.

One such sign per street frontage of a building under construction or undergoing structural alteration or repair is authorized, provided the area of such sign shall not exceed eight square feet in residential districts or 32 square feet in all other districts. These signs shall be removed within 14 days of the issuance of a certificate of occupancy or the closing of the sale of the property, whichever is later.

- (2) *Subdivision construction signs.* A subdivision construction sign is a temporary sign identifying a residential development or subdivision during the development of the subdivision. Such sign must to be removed when 85 percent of the lots or dwellings are sold. A subdivision construction sign shall be no larger than 150 square feet. A subdivision construction sign shall be no taller than 12 feet in height. No more than two subdivision development signs per development are authorized per development. A subdivision construction sign may not be placed closer than 15 feet from any curb line or street edge or zero feet from the property line, whichever is greater.
 - (3) *Hazard signs.* A sign warning of construction, excavation, or similar hazard. A hazard sign is authorized only so long as the hazard exists.
 - (4) *Banners.* Banners are allowed only in commercial and manufacturing districts and may be no larger than 30 square feet or 10 percent of the area of the wall to which the banner is attached, and must be attached to a building, fence or other structure permanently affixed, installed or built upon the property. The area of a banner shall count against any sign area limitation for the property, such as the building sign area for banners attached to a building or the freestanding sign area for banners attached to a fence or other structure. Allowed for 30 days or less and only three times per year.
 - (5) *Temporary window signs.* Signs painted on a window or displayed in a window made of cloth or paper advertising a temporary sales event or promotion.
- (b) Unless specifically stated above, temporary signs are allowed with a time limit of 60 days and must comply with the setback requirements for freestanding signs.

(1996 Code, sec. 12.607; Ordinance adopted 1-21-03)

Sec. 12.04.009 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 with the following exceptions:

- (1) In the CBD zoning districts, signs may extend outward from a building face into the public right-of-way, up to a distance no less than 18 inches from the street edge or curb line, and may overhang a sidewalk or public right-of-way at a height of no less than nine feet from the grade level to the bottom edge of the sign.
- (2) A public event banner may be hung in the right-of-way at locations designated by the city and with prior approval of the director of public works or his designee. Said banners shall only be hung in the manner and for the time period authorized by the director or his designee. The refusal of a request to hang a public event banner may be appealed to the city council if a written request for the appeal is received by the public works department no later than ten days from the refusal of the request. An appeal shall not be granted if the sole reason for refusal of the appellant's request is that another request was received prior to that of the appellant.

(1996 Code, sec. 12.608; Ordinance adopted 1-21-03)

Sec. 12.04.010 View obstructions prohibited

- (a) *Generally.* No sign shall be located so as to obstruct the vision or sight distance of motor vehicle operators or pedestrians at any street intersection, crossing, ingress or egress or other point of traffic concentrations.

Signs may not be installed so as to cause distraction or hindrance to motor vehicle operators at any street intersection, crossing, ingress or egress point.

- (b) *Intersection sight triangle.* Signs located on a corner lot and situated within 30 feet of the intersection of two street edges or curb lines shall maintain a clear space between three feet and nine feet above the grade level. Poles located within this area shall not exceed a diameter of eight inches.

(1996 Code, sec. 12.609; Ordinance adopted 1-21-03)

Sec. 12.04.011 Illumination

- (a) *Sources.* Light sources shall not be of such brightness as to constitute a hazard to pedestrians or motor vehicle operators and shall be shielded so as not to be objectionable to adjacent and surrounding properties. All lighting, except as otherwise specified, shall be internal to the sign or of indirect illumination.
- (b) *Uniformity.* Except as permitted in this article for fluctuating time, temperature and/or electronic message signs, all lighting shall consist of constant illumination which is uniform in intensity.
- (c) *Electrical illumination.* All wiring materials used in the construction and operation of electrically illuminated signs shall be installed and maintained in accordance with the electrical code of the city.
- (d) *Flashing illumination.* Except as permitted in this article for fluctuating time, temperature and/or electronic message signs, flashing illumination is prohibited, including any illumination which involves movement or causes the illusion of movement resulting from the arrangement and timing of lighting.
- (e) *Elevated feature illumination.* Where lights are used for the purpose of illuminating or accenting building walls, signs, flags, architectural features, or landscaping, the light source is to be shielded so as not to be directly visible from off-site.

(1996 Code, sec. 12.612; Ordinance adopted 1-21-03)

Sec. 12.04.012 Nonconforming uses

- (a) *Nonconforming signs.* Nonconforming signs are those which do not meet the intent and specifications of this article. Any permanently installed sign which existed at the time of adoption of this article that was legally erected prior to enactment of this article but fails to conform to the provisions specified herein shall be regarded as a nonconforming sign, which may remain in place so long as it is not abandoned, is kept in good repair and is maintained in safe condition.
- (b) *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 completely replaced; however, repair of the face or replacement of the faces to accommodate a new business does not constitute complete replacement;
 - (2) The sign is relocated;
 - (3) The sign is part of an establishment that discontinues its operation for a period of 365 consecutive days;
 - (4) The sign is structurally altered or enlarged; or
 - (5) The sign is damaged to an extent of greater than 60 percent of the estimated replacement value. A nonconforming sign which is damaged may be repaired so long as the cost of repair, including replacement parts (face, frame, etc.) and their installation, does not exceed 60 percent of the cost to replace the complete original sign structure, including supporting poles.

(1996 Code, sec. 12.613; Ordinance adopted 1-21-03)

Sec. 12.04.013 Variance procedure

(a) *Purpose.* In order to lessen practical difficulties and prevent unnecessary hardships, variance from the regulations may be granted. A practical difficulty of 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) Other physical limitations, such as street locations or traffic conditions in the immediate vicinity.

Cost or inconvenience to the applicant of strict or literal compliance with a regulation shall not be a reason for granting a variance. A variance may only be granted with respect to any dimensional standard, such as height, area, and number of signs, or the location of a sign on a site.

(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 this article is not possible. The applicant shall pay the sign permit fee as a nonrefundable application fee upon submittal of the application to cover the cost of staff time and other expenses incidental to the review of the application.

(c) *Action on application.* The planning commission shall act on the application. The planning commission may approve the application as submitted, approve the application for a variance subject to such modifications 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 planning commission acts on the variance application, the applicant must show a hardship exists, and the planning commission 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) Such special circumstances were not created by the applicant;
- (3) The granting of the variance will be in general harmony with the purpose 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) The variance applied for represents the minimum variance necessary in order to afford relief from the hardship;
- (5) 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.

(e) *Effect of variance.*

- (1) Issuance of a variance shall authorize only the particular variation which is approved in the variance.
- (2) Unless otherwise specified in the variance, an application to commence construction of improvements that were the subject of the variance request must be applied for and approved within 12 months of the date of the approval of the variance; otherwise, the variance shall automatically become null and void. Permitted time frames do not change with successive owners. Upon written request, only one extension of the 12-month period may be granted by the planning director if it is determined that conditions of the site and immediately surrounding area are substantially unchanged.

- (f) *Appeal.* An applicant for a sign variance, or the Planning Director, dissatisfied with the action of the planning commission relating to the issuance or denial of a variance shall have the right to appeal to the city council within 30 days after receipt of notification of such action. The city council shall give notice, follow publication procedure, hold hearings, and make its decision in the manner and accordance to the same procedures as provided in chapter 12, exhibit A, article 2, section 214.

(1996 Code, sec. 12.614; Ordinance adopted 8-17-04)

Sec. 12.04.014 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 be the official responsible for compliance with this article, and if the sign does not comply with adequate safety standards the building official may require the removal of the sign in accordance with this article.
- (b) *Abandoned signs.* Except as otherwise provided in this article, any sign that is located on property that becomes vacant, shall be deemed to have been abandoned. An abandoned sign is prohibited and shall be removed by the owner of the sign or owner of the premises.
- (c) *Dangerous or defective signs.* No person shall maintain or permit to be maintained on any premises owned or controlled by the person any sign in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the sign or the owner of the premises.
- (d) *Removal of signs.* All abandoned signs and their supports shall be removed within 90 days from the date of abandonment or shall be covered, painted over or otherwise altered so as to no longer display or advertise any good or service. All dangerous or defective signs shall be removed within 30 days of receipt of notice from the code enforcement department, except that any sign posing an imminent threat to life, health or safety may be summarily removed or demolished. The city council shall have the authority to grant a time extension not exceeding an additional 30 days for removal. 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, the city council shall conduct a hearing to determine if the sign is abandoned, defective or dangerous. Upon a finding by the city council that a sign is dangerous, defective or abandoned, the council may order the abatement of the nuisance sign. Such abatement may include demolition or removal of the sign and its supports. The city shall recover the costs of all such work from the property owner or the owner of the sign. Any sign so removed shall be stored or impounded and shall not be returned to the owner until all applicable charges are paid. If any sign remains unclaimed for a period of 30 days after its removal, the city may destroy, sell or otherwise dispose of the sign.

(1996 Code, sec. 12.615; Ordinance adopted 1-21-03)

Sec. 12.04.015 Permit fees

Fees for the permits required by this article shall be set by the city council.

(1996 Code, sec. 12.616; Ordinance adopted 1-21-03)

Sec. 12.04.016 Prohibited sign locations and types

- (a) *Prohibitions.* Unless specifically exempted 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 without the express permission of the city council are prohibited.
 - (B) Signs located in such a manner as to hinder or prevent free ingress or egress from any door, window, or fire escape are prohibited.
 - (C) Signs attached in any form, shape or manner which will interfere with any opening required for ventilation are prohibited.
 - (D) Signs erected, maintained, or painted upon a tree, rock or other natural feature are prohibited, excluding official dedicatory and commemorative plaques.
 - (E) Signs placed upon public rights-of-way, except as allowed elsewhere in this chapter, without the express permission of the city council are prohibited.
- (2) *Prohibited types.*
- (A) *Air-activated graphics or signs.* Streamers, spinning devices or other similar moving or oscillating air-activated graphics or signs are prohibited.
 - (B) *Banners and pennants.* Banners and pennants are prohibited in districts zoned for residential use.
 - (C) *Animated or oscillating signs.* Animated or oscillating signs are prohibited, except for any such oscillating signs which rotate six or fewer revolutions per minute. Signs which include any flashing light or other device that gives the appearance of a flashing light are prohibited, except fluctuating time/temperature signs, and electronic message signs meeting all applicable requirements.
 - (D) *Vehicles or trailers displaying advertising.* Vehicles or trailers parked on a business premises or lot displaying advertising must comply with all other restrictions within this article for freestanding signs. If the vehicle or trailer is operable and properly registered and inspected, the advertising displayed will not be included in the calculation of the total sign area authorized by the property.
 - (E) *Caution and warning signs.* Signs which resemble an official traffic sign or signal or which bear the words "Caution," "Danger," "Warning" or similar words are prohibited, unless they refer to actual physical hazards.
 - (F) *Traffic-control sign, signal or device.* 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 hide from view any traffic or street sign, signal or other traffic-control device, or signs which make use of words, symbols or characters in such a manner to interfere with, mislead, or confuse pedestrian or vehicular traffic, are prohibited.
 - (G) *Inflatable sign, balloon, graphic or figure.* Signs, graphics or figures with a diameter greater than 20 inches inflated with air or any other gas, whether lighter than air or not, are prohibited.
- (b) *Enforcement and removal.* Any sign supported by, or attached to, a utility pole, parking meter, traffic sign post, traffic signal or any other official traffic-control device, which has not received the permission of the city council to be so attached, may be immediately removed by the city or its agent. Any temporary or portable sign placed or maintained in violation of this article may be removed without prior notice by the city or its agent. After the expiration of 72 hours from the delivery of notice to a party responsible for the display of the sign, the city may destroy, sell or make any other use desired of a sign so removed and impounded.

(c) *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.

All signs which do not comply with either subsection (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.

(1996 Code, sec. 12.617; Ordinance adopted 1-21-03; Ordinance 2017-11-159, § 2, adopted 11-21-17)

Sec. 12.04.017. River Corridor District, Downtown District, Cultural District, Historic District and Overlays

In addition to all other regulations within this article, the following regulations shall also apply within the area designated as the River Corridor District, Downtown District, Cultural District Overlays and Historic Districts and overlays:

- (1) No freestanding sign shall exceed thirty (30) feet in height or seventy-five (75) square feet in area, or the regulations set forth for freestanding signs, section 12.04.005(b)(1), whichever is less.
- (2) Billboard signs are prohibited and in no case shall a variance allow such a sign.
- (3) Electronic message signs are limited to 15 square feet and prohibited and in no case shall a variance allow such a sign in the Historic Districts or Historic Overlay designated properties.
- (3) All signs, banners or other advertising in the River Corridor District, Downtown District, and Cultural District Overlays areas shall be reviewed by the Design and Historic Review Commission or by the Planning Director where authorized, which may recommend placing specific conditions on the sign size, location, height, illumination, etc., more restrictive than provided in this article based on the individual site and location characteristics. The applicant may appeal any action of the Design and Historic Review Commission to the City Council, which shall have final authority.

(1996 Code, sec. 12.610; Ordinance adopted 1-21-03; Ord. No. 2019-121 , § 5, 9-17-19)

Sec. 12.04.018 Fort Concho Historic District

The following regulations shall apply within the area designated as the Fort Concho Historic Landmark District and within 150 feet of this district:

- (1) No freestanding sign shall exceed 30 feet in height or 75 square feet in area, or the regulations set forth for freestanding signs, whichever restriction is less.
- (2) Billboard signs are prohibited and in no case shall a variance allow such a sign.
- (3) All signs in the Fort Concho Historic District shall be reviewed by the Fort Concho Museum board, which may recommend specific conditions on the sign size, location, height or illumination based upon the individual site and location characteristics. The applicant may appeal any action of the Fort Concho Museum board to the city council, which shall have final authority.

(1996 Code, sec. 12.611; Ordinance adopted 1-21-03)

Sec. 12.04.019 Historic Signs

A sign that has been in place for over 50 years or is a replica or replacement of an original sign that is deemed historic and approved by the Design and Historic Review Commission, may be allowed to be continued, repaired, or replaced even if noncompliant with this Article, subject to approval by the Design and Historic Review

Commission. A decision by the Commission may be appealed to the City Council within 10 days of the decision by the applicant or the Planning Director.