

ORDINANCE NO. 2105

AN ORDINANCE REPEALING CHAPTER 15, SIGN REGULATIONS, OF THE CODE OF ORDINANCES AND ADOPTING A NEW CHAPTER 15, SIGN REGULATIONS

WHEREAS, the City of Alamo Heights desires to update Chapter 15 of the Code of Ordinances to enhance the regulation of signs based on current aesthetic and structural standards in order to comply with state regulations and to protect the public health, safety, and welfare.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALAMO HEIGHTS, TEXAS:

THAT Chapter 15 of the Code of Ordinances is repealed and the new Chapter 15 of the Code of Ordinances attached in Exhibit A is hereby adopted.

That this Ordinance shall become effective five (5) days after its publication.

PASSED AND APPROVED, on the 23rd day of July, 2018 at a regular meeting of the City Council of the City of Alamo Heights, Texas which meeting was held in compliance with the Open Meetings Act, Tex. Gov't Code, §551.001, et.seq. at which meeting a quorum was present and voting.



MAYOR

ATTEST:



CITY SECRETARY

APPROVED AS TO FORM:



CITY ATTORNEY

Chapter 15 - SIGN REGULATIONS⁽¹⁾

Footnotes:

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Editor's note— Ord. No. 1304, adopted June 14, 1993, has been treated as superseding the provisions of former ch. 15, which pertained to similar subject matter, since said Ord. No. 1304 amended ch. 15 in its entirety. See the Code Comparative Table for a detailed analysis of inclusion.

Charter reference— Authority of city to regulate signs and billboards, Art. VII, § 4.

Cross reference— Buildings and building regulations, Ch. 5; unlawful to erect signs in city parks, § 12-1; zoning, Ch. 3.

State Law reference— Regulation of signs by home-rule municipality, V.T.C.A., Local Government Code § 216.901; regulation of political signs by municipality, V.T.C.A., Local Government Code § 216.903; municipal regulation of signs, V.T.C.A., Local Government Code § 216.003.

ARTICLE I. IN GENERAL

The purposes of this Chapter are:

- (a) To provide a reasonable system for the control of signs;
- (b) To encourage signs which are well designed and pleasing in appearance;
- (c) To regulate the form and allotment of signs within the city to preserve the positive city image, harmony, and pride and thereby strengthening the economic stability of the city;
- (d) To provide for signs, for which the principal purpose will be to furnish information necessary for business and commerce; and
- (e) To reduce possible traffic and safety hazards through good signage.

Sec. 15-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned sign means a sign located on property which is vacant and unoccupied for three (3) months or more or which was erected for an occupant or business unrelated to the present occupant or business.

Address Sign. Shall mean a sign not exceeding seventy-two (72) square inches in exposed surface used to identify the address of the premises and is not illuminated or lighted.

Administrative officer. The City's duly designated official charged with administration and enforcement of the ordinances and codes of the City of Alamo Heights having to do with land use and building.

Area of Sign. Shall mean the area within the outer dimensions of a sign, including those portions of the frame or support structure which (A) border or adjoin the face of the sign, or (B) are of size, dimension or configuration which attracts attention or (C) are in excess of that necessary to support the sign. If a sign is placed on a wall or other surface, or if letters or other portions of the sign are supported individually, without any border, the area shall be computed by enclosing the entire sign within sets of parallel lines. (See Figure D)

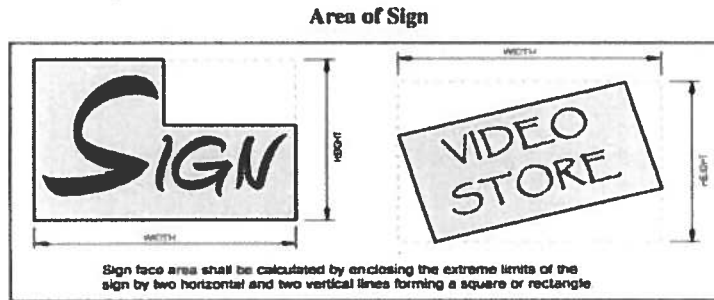


Figure D

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

Awning sign. A sign or advertising painted on, printed on, attached to, or supported by an awning attached to a building or structure.

Banner. Flexible material, usually made of cloth or plastic, often bearing a symbol or slogan, and which is attached at each end on a pole, or which hangs vertically on a pole.

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

Building front. Means the face of a building fronting an improved public street.

Business Sign. Shall mean any structure or graphic display placed or arranged for the purpose of directing attention to the occupant, building, service, or product existing or offered on the premises on which such sign is located.

Canopy sign. A sign attached or affixed to a canopy that is attached to or comprises an extension of a building.

Character representations. A mural, such as a drawing applied directly to a wall, ceiling or window, and similar media types, either animated or inanimate, which draws attention to a business or facility for the purpose of advertising or promoting an establishment or product. Murals may only be displayed as temporary signs.

Commercial Message. Wording on any sign, logo, or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service, or other commercial activity.

Contractor (or construction sign) sign, commercial. A sign located on the premises of a permitted commercial construction project, which may be erected for a limited amount of time, identifying any or all of the property owners, developers, engineers, architects, contractors, mortgagees, or other project participants in the construction or improvement of the premises, but which displays no other goods or services for sale or other advertising.

Contractor (or construction sign) sign, residential. A sign located on the premises of a permitted residential construction project, which may be erected for a limited period of time, identifying any or all of the property owners, developers, engineers, architects, contractors, mortgagees, or other project participants in the construction or improvement of the premises, but which displays no other goods or services for sale or other advertising.

Construction traffic sign. A sign or system of signs that are placed to provide temporary wayfinding or detouring of traffic during periods of construction

Damaged sign. A sign, which is unsafe, unsecure, disfigured, or broken.

Detached sign. A sign connected to the ground which is not attached to, applied on, or supported by, any part of a building (such as a wall, roof, window, canopy, awning, arcade, or marquee) inclusive of signs on moveable objects, except signs on vehicles that are moving or are parked only temporarily, incidental to their principal use for transportation.

Development sign. Signs giving the name or names of principal contractors, architects and lending institutions responsible for construction of or in an approved subdivision or land development at the site where the sign is placed.

Directory sign. Any sign, or combination of signs, attached to or part of a common structure, which identifies, announces or advertises two (2) or more businesses or offices.

Electrical sign. A sign whereon letters, figures or designs are formed or outlined by electric illumination, or formed by a transparent medium which is illuminated from such lamps, tubes, or other electric illuminate within or on the sign, and all outside building outlining, and shall be deemed to include interior decorative displays and gas tube window outlining, also including but not limited to, LED (light emitting diode) signs, television screens, plasma screens, video boards, or other signs that utilize digital or other image projection technology to display a message to the public. Signs which are illuminated by electric lights which are not attached to the sign or which are not essential elements of the sign proper, and signs which are lighted by flood lights or projectors, are not classified as electric signs within the meaning of this chapter. Flashing lights of any configuration, either interior or exterior to the sign proper, are prohibited.

Face, Sign Face, or Face of a Sign. Shall mean any surface of a sign which is painted, stained, lighted, has lettering, or is illustrated, separately or in combination, to attract attention.

Feather flag. A temporary detached sign type, that consists of a vertical pole placed into the ground with a fabric flag attached to the pole. Also referred to as tear drop banner.

Flat sign. Any sign attached or inset in the wall of any building in approximately the same plane or parallel to the face of such wall.

Garage sale or Estate sale sign. A sale sign provides information regarding a garage, estate, or yard sale and includes information about the location of the sale and the dates and times of the sale.

Gas/fuel price electronic message sign. An electronic sign type that is distinguished from electronic message signs due to the limited amount of information displayed and the length of time periods the message will remain unchanged. These signs are limited to displaying the gas/fuel prices only to advertise to the general public. Any messaging capacity beyond the gas/fuel price shall constitute an electronic message sign as defined and regulated herein.

Hanging blade sign. Any sign that is hung, mounted, or attached underneath a canopy or covered walkway and placed perpendicular to the walkway in order to help pedestrians identify the occupants of building or structure.

Hologram/laser sign. Any sign that generates a projected image into the atmosphere or onto the surface of an object, originating from a device connected to an electrical or battery power source.

Identification sign. Any sign identifying a business, including its name, logo, address, phone number, uses, services and products sold, credit/charge cards accepted, check approval agencies and phrases that are an integral part of the corporate identity. For an individual this includes title or designation (e.g., M.D., D.C., D.V.M., C.P.A., etc.).

Illuminated Sign or Lighted Sign. These terms may be used interchangeably and shall refer to any sign which has a source of light, either internal or external, for the purpose of illuminating such sign.

Instructional Signs. Signs prohibiting activity (e.g. "no smoking", "no animals," "no entrance," "no soliciting," "no trespassing/private property," etc.) or providing directions/instructions (e.g. "entrance," "exit," "drop off point," "pick up here," "deposit here," "order here," etc.) which do not exceed three (3) square feet in size. Instructional signs may utilize a pole type base provided the height of the sign does not exceed four (4) feet.

Landmark sign. Any one (1) of the following types of signs that exemplifies the cultural, architectural, or commercial identity of the city, is iconic in its location, and contributes to the surrounding neighborhood character:

- (a) Historic sign means a landmark sign that exemplifies the cultural, architectural or commercial history of the city and was constructed more than fifty (50) years before the date of application.
- (b) Vintage sign means a landmark sign that is iconic and culturally significant and was constructed between fifty (50) and twenty-five (25) years before the date of application.
- (c) Replica sign means a landmark sign that is an exact reproduction of a historic sign which no longer exists.

Maximum height. Means the maximum sign height allowed by this chapter.

Maximum size. Means the established maximum area a sign is permitted to be as regulated herein

Menu board. A sign or portion of a sign constructed to accommodate regular changes in content (ordinarily by removing and replacing letters and numbers).

Monument Sign (Ground Sign). Shall mean a sign which is supported by a pedestal or other solid foundation in or upon the ground and limited to six (6) feet in height and twenty four square feet in area.

Moving Signs. Any sign which, in whole or in part, moves, rotates, flashes, reflects, blinks, or appears to do any of the foregoing, or which simulates motion in any manner.

Multi-tenant sign. A permanent detached sign type in which is independent of buildings or structures. This sign form allows larger height and sign surface area for developments with a variety of businesses needing advertising capability all located on the same premises. This sign form is constructed of solid material consisting of a single structure from the ground up to the highest point of the sign.

Neon sign. A gas filled glass tubing sign.

Nit. In lighting, the nit is a unit of visible-light intensity, commonly used to specify the brightness of a cathode ray tube or liquid crystal display computer display. One (1) nit is equivalent to one (1) candela per square meter

Non-conforming Sign. Shall mean a sign which was not in violation of any ordinance of the Town at the time of its erection, which was intended to be and which is permanent, and does not constitute a hazard to public safety or a nuisance, but which does not conform to the requirements of this chapter.

Non-commercial Sign. Any sign that does not contain or is not used to convey a commercial message.

Obscene Signs. Signs displaying indecent, obscene gestures or pictures or profanity are prohibited in any zoning district within the Town

Off-Premise Sign. Shall mean any sign not constructed on the same building site as the business it is advertising.

Opening soon sign. A sign which advertises a business will be accessible to the public within a short time, also includes grand openings.

Permanent sign. Any sign intended to be displayed for more than thirty (30) days.

Pole sign. Shall mean any detached sign which is supported by one or more poles, pylons, or similar structural fixture(s) permanently affixed to the ground.

Political signs. Shall mean a temporary sign indicating the name, picture, and/or information related to an individual seeking election or appointment to a public office, or relating to a forthcoming public election or referendum, or pertaining to the advocating by persons, groups, or parties of political views or policies.

Portable sign. Shall mean any outdoor advertising display sign not permanently attached to a support structure via commonly used construction standards.

Prohibited Support. A sign shall not be supported in whole or in part from any public utility installation or any tree on private premises

Projecting sign. A sign so constructed and erected as to be attached to a building or other structure and projecting out therefrom.

Real Estate Sign. Shall mean a sign advertising the sale, lease, or rental of property only for a use for which it is legally zoned.

Realty or real estate sign, commercial. A real estate sign located on commercial, industrial, mixed-use, and multi-family developments. Real estate signs, commercial, requires a permit.

Realty or real estate sign, residential. A real estate sign located on property zoned for residential use. A real estate sign, residential sign shall not include multi-family residential properties. Real estate signs, residential, does not require a permit

Reface. Reface of a sign shall be defined as replacing, restoring, repainting, or repairing the existing advertising sign face area. It does not include resizing the sign, rebuilding, reconstructing, reconfiguring, or expanding the area, size, height, or form of the existing sign structure or existing sign support structure. The City's administrative officer shall approve all sign re-facings provided that the re-facing is similar in text & color patterns and no enlargement of the sign is proposed. The City's administrative officer may choose to send a re-facing application to the Architectural Review Board. A reface does not include any structural addition or expansion to the sign structure and does not require Architectural Review Board approval.

Retaining wall sign. A permanent detached sign affixed to a retaining wall, the retaining wall must be protecting an earth slope or embankment and have a natural appearance to its construction.

Roof sign means any sign erected on or over the roof of a building.

Sandwich board sign. A temporary sign that is also known as an "A" frame sign, which is portable and displayed to provide business information to the public directly adjacent to a business space. These signs are meant to function as the detached sign form for the downtown or main street district areas

Searchlight or beacon sign. A sign form that utilizes a high-intensity beam of light with one (1) or more beams, that may rotate or move, directed into the atmosphere or toward any other point, or any type of light projected to attract or distract the attention of persons in a public right-of-way. This definition does not apply to the use of searchlights by government entities.

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

Shopping center means any building or group of contiguous buildings containing two (2) or more businesses or offices, such as a strip center, shopping center or office building.

Sign. Any structure, placard, display, mural, figures, painting, drawing, message, poster, plaque, billboard, rendering, notice, device, sandwich board, or other object which is arranged, intended, located, placed, arranged, lighted, erected, or that includes text or images for the purpose of attracting attention to a building, premises, commodity, product, business, service, or activity or which gives information or communicates about same. Displays, notices, names and other announcements on canopies or awnings are signs.

Sign height. Height shall be measured from the vertical distance between the highest point of the ground elevation within the sign footprint to the highest point of the sign or its supporting structure, whichever point is highest. All signs herein shall be measured by this method.

Significant improvements. Improvements to an on-premise non-conforming sign which includes but is not limited to changing a pole sign to a monument sign, a reduction in height or display, surface or panel area square footage, or an increase in setback, or an improvement in materials or landscaping such that an on-premise existing non-conforming sign meets the criteria set out in this chapter and becomes more compliant with the sign regulations

Special event. A special event is a one (1) time or infrequently occurring event outside normal programs or activities of the sponsoring or organizing entity or business.

Sponsorship signs. Signs placed in approved areas for sponsorship of nonprofit organizations are considered to be sponsorship signs.

Surface area of a sign. The total surface which the sign text, images, and message content is printed, painted or displayed including frame and mounting. In cases where the frame and mounting are part of a building or when the frame and mounting could be considered a landscape element the total surface area may be calculated as the perimeter using straight lines and right angles around the sign text, images, and message content. Surface area of a sign is regulated in this chapter as the maximum size.

Supplementary definitions means those found in chapter 2 of the Uniform Sign Code, 1988 edition, recommended by the International Conference of Building Officials.

Temporary sign. Any sign intended to serve as a limited and/or temporary advertisement of specific events for the property on which it is located or as an interim identification sign until a permanent sign is available. Temporary signs shall be displayed for thirty (30) days or less.

Time and temperature sign. A sign or part of a sign which is devoted to changeable messages limited to display the current time and temperature.

Wall sign. A sign erected upon a constructed wall made of cinderblock, stone, brick or similar material, constructed upon cement or concrete footing. This definition shall not be inclusive of fences.

Window sign. All forms of signs, graphics, language, images, and logos placed upon, behind, attached to, seen through, or occupying space within a window. This sign form includes all forms of material on which a message may be printed. For the purposes of this regulation, glass doors constitute windows and are subject to all window sign regulations herein.

(Ord. No. 1304, 6-14-93; Ord. No. 1541, 1-26-04)

Sec. 15-2. Penalty.

- (a) Any person who shall fail to comply with any provision of this chapter or any of the requirements thereof or who shall construct, alter, maintain or use any sign in any manner different from that described in the application for a permit therefor, or who begins such construction, installation, alteration or use without having first secured a permit required hereunder, or who continues to use or maintain any sign not authorized or prohibited in this chapter, or for which the permit has been revoked or expired, or who assists in any such violation or omission, shall be guilty of a misdemeanor and shall be punished in accordance with section 1-5 of this Code.
- (b) Any owner or owners of any such sign or anyone interested therein, or of any building or premises, or any part thereof, on which such sign is located, who participates in or knowingly or willfully permits any violation of this chapter, or any builder, contractor, tenant or agent of any person or corporation employed in connection therewith who assists in the commission of any such violation shall be guilty of a separate offense and on conviction thereof shall be fined as herein provided.

(Ord. No. 1304, 6-14-93)

Sec. 15-3. Maintenance of signs.

All signs shall be well maintained. The city's administrative officer shall revoke the permit for any sign which is not well maintained and shall direct its removal.

(Ord. No. 1304, 6-14-93)

Sec. 15-4. Continuation of existing non-conforming signs.

- (a) Structural non-conforming signs such as monument, pole, awnings, roof, or other similar signs legally in place at the date of adoption of this chapter shall remain approved for as long as the sign is considered safe and in good working order.

- (b) Non-structural non-conforming signs, such as window signage, banners, and character representations, legally in place at the adoption of this chapter shall remain approved for a period of six (6) months. After the expiration of six (6) months from the adoption of this chapter, non-conforming non-structural signs shall be promptly altered, removed or otherwise made to comply with the provisions of this chapter.
- (c) Any property owner or business owner who wishes to continue an existing non-structural non-conforming sign must apply to the Architectural Review Board to have their request considered.
- (d) No non-conforming sign, whether structural or non-structural, may be reconstructed, altered, changed or undergo significant improvements without complying in all respects with this chapter.

(Ord. No. 1304, 6-14-93)

Sec. 15-5. Injunctive relief available to the city.

The city shall be entitled to injunctive relief against any violation of this chapter or any use of any premises in violation hereof. Any person and the agents, employees and tenants of any person who violates this chapter are liable to being enjoined for any violation thereof, and are liable for the cost of removing any sign erected, altered, maintained or used in violation of this chapter and for any damages that may result to the city or to the general public by reason of such violation, and for the reasonable attorney's fees of the city for obtaining such relief.

(Ord. No. 1304, 6-14-93)

Sec. 15-6. Impounding of unauthorized signs on public property.

Any unauthorized sign that is found on public property may be removed by the city's administrative officer and stored until claimed by the rightful owner or person who has the immediate right to possession of such sign, or until disposed of as hereinafter provided. A fee of five dollars (\$5.00) per day shall be charged for such storage. Any such sign so impounded and stored shall be retained and held until all charges for removal, impoundment and storage shall have been paid to the duly authorized officer in charge of the city pound or storage area and the city shall have a lien against such signs until all charges have been paid. All signs stored by the city which remain unclaimed by the owner or person who has the immediate right to possession thereof for at least sixty (60) days shall be reported by the city's administrative officer to the city council. Upon such report being received by the city council, it may, if the property is unclaimed, or if the cost of storage and care and all other expenses in connection therewith are not paid within the following sixty (60) days, order the same sold or cause the same to be sold by the chief of police, at public auction, after publication twice in the official newspaper of the city, of the date, hour and place of the sale and the property to be sold.

(Ord. No. 1304, 6-14-93)

Sec. 15-7. Appeals.

Any interested person dissatisfied with any ruling or action of the city's administrative officer or the architectural review board in connection with this chapter may appeal to the city council, which shall have authority to decide the controversy within the framework of this chapter. All appeals must be in writing and clearly set out the portions of the regulations that are applicable to the appeal and the justification for the appeal.

(Ord. No. 1304, 6-14-93)

Secs. 15-8—15-30. Reserved.

ARTICLE II. SIGN REQUIREMENTS AND REGULATIONS

Sec. 15-31. General Provisions.

1. Except as otherwise provided for herein, no sign shall be erected, structurally changed, refaced, or reconstructed in whole or part, within the city without a permit having been first obtained.
2. All signs shall pertain to the identification of the primary uses and/or primary services provided or primary products sold on the premises.
3. All signs, where applicable, shall meet the standards of the adopted city building code(s).
4. All business locations shall be identifiable by a street number and address sign which is clearly visible from the street.
5. All signs are prohibited from blinking, flashing, or pulsing lighting or messages to adversely attract attention or otherwise detract from the consistent sign forms in the city.
6. All signs are prohibited from being erected upon trees, bridges, fences (unless specified herein), towers, utility poles, junk or abandoned automobiles and/or vehicles, and dilapidated buildings shall not be used as sign supports.

Excepting only the signs described in paragraphs (1), (3), (4), (5), and (6) of section 15-64, no sign of any kind or character shall be erected, maintained or permitted on any property situated in any residential zoning district.

(Ord. No. 1304, 6-14-93)

Sec. 15-32. Limitation of signs for business or office premises.

- (a) *Vacant lot.* No more than one (1) identification sign shall be permitted facing a street that borders a lot.
- (b) *Freestanding business or office building.*
 - (1) Only one (1) external identification sign shall be permitted for a building that faces a street bordering that business or office building.
 - (2) Buildings that face more than one (1) street may have an identification sign facing each street.
 - (3) Each business or tenant may have one additional hanging blade sign, limited to three (3) square feet to help pedestrians identify businesses (see Hanging blade sign definition).
- (c) *Shopping center or multi-tenant building.*
 - (1) A business or office in a shopping center or multi-tenant building may have one (1) identification sign, per tenant, attached to the building and one (1) detached sign (monument or multi-tenant sign) for the shopping center.
 - i. The monument sign shall only display the name & address of the facility.
 - ii. Multi-tenant signs for the shopping center shall only be allowed when the businesses do not front or are not visible from City streets or rights-of-ways.
 - (2) A business or office in a shopping center that faces more than one (1) street rights-of-way may have an attached identification sign facing each rights-of-way and one (1) detached sign (monument or multi-tenant sign) for the shopping center.
 - i. The monument sign shall only display the name & address of the facility.

- ii. Multi-tenant signs for the shopping center shall only be allowed when the businesses do not front or are not visible from City streets or rights-of-ways.
- (3) Each business or tenant may have one additional hanging blade sign, limited to three (3) square feet to help pedestrians identify businesses (see Hanging blade sign definition).
- (d) Sign types and limitations. All signs must be located on the property for which the business or service corresponds, unless specifically authorized in this chapter, and may not encroach into public rights-of-way. Various types of signs shall be limited in in size as follows:

(1) Multi-tenant signs:

- a. Signs (up to four tenants):
 - i. Six (6) feet maximum height; and
 - ii. Twenty four (24) square feet maximum sign area.
- b. Signs (five or more tenants):
 - i. Twelve (12) feet maximum height; and
 - ii. Eighty-four (84) square feet maximum sign area.
- c. All monument or multi-tenant signs shall maintain a ten (10) foot setback from a street and a setback of fifteen (15) feet from intersecting right-of-way lines.
- d. The building, project, or facility address must be displayed on any sign fronting the street from which the address is derived. If the sign is located at an intersection, the address number must include the street name as part of the address displayed. In order to prevent confusion and the delay of emergency services, the address shall be displayed so as to face only the street on which the building fronts.
- e. All letters and numbers shall be typeset, and address numbers shall be attached or printed directly to the face of the sign.
- f. Lighting. Internal sign illumination, individual letter internal illumination, or external ground lighting angled at the sign face is authorized.
- g. Additional. If a sign is located in a public utility easement, the owner of the property is responsible for removal, relocation or replacement at a utility company's request or upon request of the city.

(2) Wall Signs:

- a. Maximum size. Shall be no more than twenty four (24) square feet; alternative sign sizes may be considered by the Architectural Review Board based on the wall in which the sign is being attached, due to the wide variation of potential wall configurations, such as the height, size, and location.
- b. Maximum height. A wall sign shall not project above the top of the wall it is constructed upon.

(3) Canopy/Awning Signs:

- a. Maximum size. Shall be no more than twenty four (24) square feet; alternative sign sizes may be considered by the Architectural Review Board based on the canopy/awning in which the sign is being attached, due to the wide variation of potential wall configurations, such as the height, size, and location.
- b. Maximum height. A canopy/awning sign shall not project above the top of the canopy or awning it is constructed upon.

(4) Window signs/graphics:

- a. Purpose. To maintain the functional use of windows in buildings as they are intended to be utilized and minimize the volume of signage within windows on structures.
- b. Window signs are permitted. The total area of the sign shall not exceed ten (10) percent of the window surface area or three and a half (3.5) square feet sign area, whichever is less.

(5) Hanging Blade Signs: Three (3) square feet maximum sign area.

(6) Neon Signs:

- a. Neon signs are allowed but must be erected within the allotted signs attributed to a building.
- b. Maximum area. Established by maximum attached sign square footage to building.
- c. Display. Neon signs are prohibited from pulsing, flashing, or any other function that would create a moving sign. The display of neon signs is to provide a form of fixed illumination.
- d. An "open" neon sign within a window of a business or attached to the exterior of the business shall not be counted as sign square footage for a building allotment. An "open" sign shall be limited to four (4) square feet.

(7) Projecting sign:

- a. No sign attached to a building shall project from the building more than eight (8) feet from the building facade. Canopy and awning signs shall not count as the "Building Façade". Such projections must be a minimum of eight (8) feet above the walkway adjacent to the building for head clearance.

(8) Wind load pressure requirements.

- a. No sign shall be erected that does not meet the wind load pressure requirements as set out in the table which follows this paragraph or as determined by the current adopted building code. Permit applications for new signs and permit renewals required for signs which will have or have a height, in feet above ground, as measured above the average level of the ground adjacent to the proposed structure, of six (6) feet, or more, must be accompanied by a certificate signed by design professional or licensed engineer to the effect that the proposed or existing sign will withstand wind load pressures in pounds per square foot as set out in the following table.
- b.

PRESSURE	POUNDS PER SQUARE FOOT
0-5	0
6-30	20
31-50	25

- (e) *Exceptions.* The general intent of this chapter is to limit the proliferation of signs in the city. Under special or unique circumstances, the authorized components of an identification sign may be displayed on separate signs provided such separate signs have been approved as to location, design, scale, size, material, color, lighting and aesthetic appeal as provided in section 15-60(c) of this chapter.

(Ord. No. 1304, 6-14-93)

Sec. 15-33. Signs on or over public property.

- (a) No person shall attach, place, paint, write, stamp, erect or paste any sign, advertisement or other announcement on or over public property, including, but not limited to, any lamppost, electric light, utility pole, tree, fire hydrant, bridge, pavement, sidewalk or crosswalk, public building or park. Notwithstanding the foregoing, the director is authorized to issue permits for banner-type temporary signs across Broadway Street for the promotion of upcoming community events to be held in the City of Alamo Heights which are sponsored by non-commercial, non-profit or not-for-profit organizations, as evidenced by a valid 501(c)(3) or 501(c)(6) certificate, or for the promotion of community events outside of the City of Alamo Heights that are sponsored by non-commercial, non-profit or not-for-profit organizations whose principal office is located in Alamo Heights, as evidenced by a valid 501(c)(3) or 501(c)(6) certificate, with such banner locations being limited to one (1) sign across Broadway south of Austin Highway and one (1) sign across Broadway north of Austin Highway. The City of Alamo Heights may, at its sole discretion, use banner type temporary signs across Broadway for public announcements. In no case shall more than the aggregate total of two (2) banner-type temporary signs be permitted to be displayed across Broadway Street at the same time. All organizations are required to pay the current banner permit fee for such installations.
- (b) No sign shall be erected on or over public property so as to interfere with any fire hydrant, traffic light, fire alarm box or street light, nor shall any sign be erected in any location where, by reason of traffic conditions, fire or explosion hazards, it would imperil public safety or interfere with the functions of the fire department. No sign projecting over a sidewalk or path used by the public shall be erected with its lowest part nearer to sidewalk grade than nine (9) feet.
- (c) No sign shall be erected on or over public property higher than the highest facade elevation of the building to which the sign relates.
- (d) Any permit for the erection or alteration of any sign on or over any sidewalk, alley or other public property, or over any roof or building, if considered hazardous, may be revoked by the city council and shall be issued with the understanding that it may be revoked or withdrawn at any time for good cause, in which case such sign shall immediately be removed by the owner thereof. Every application for the erection or alteration of any sign shall include an agreement recognizing such right and privilege in the city.
- (e) For properties located on Broadway (South of Albany) which utilize a zero (0) foot setback, signs may encroach no more than eight (8) feet into/over public rights-of-way and maintain eight (8) feet ground clearance over pedestrian walkways and fifteen (15) feet ground clearance over vehicular travel paths.

(Ord. No. 1304, 6-14-93; Ord. No. 1678, 9-25-06; Ord. No. 1832, 6-8-09)

Sec. 15-34. Construction standards.

- (a) All signs shall be securely fastened or anchored to a building wall, structural framing or other foundation or support with a sufficient number of bolts or anchors to resist the stress due to the dead weight of the sign and wind loads. Horizontal wind loads shall be taken at thirty (30) pounds per square foot unless otherwise provided.
- (b) The use of staples, wires and wood plugs in constructing signs is prohibited.
- (c) All signs, regardless of location, type or installation, even when entirely within private property, must be installed so as to provide a high safety factor, and all reasonable precautions must be taken in their installation.
- (d) Only good, sound, straight materials in good condition, free from all major flaws and defects and painted with weatherproof paint, can be used.
- (e) Flat signs.
 - (1) Frame materials shall be of wood, metal or an equivalent material approved by the city's Architectural Review Board. The panel shall be of metal or other nonflammable material.

- (2) Sign hooks, expansion bolts or thru bolts with washers on the inside of the wall shall be used for installation, depending upon the weight and area of the sign and the condition of the wall to which it is attached.
- (3) Such signs shall project not more than twelve (12) inches from the face of the building, except electric flat signs, which may extend not more than eighteen (18) inches.
- (4) Flat signs may be erected on commercial buildings nonconforming to zoning setback requirements, provided a nine-foot clearance is maintained under same.

(g) *Electrical signs.*

- (1) Flashing lights of any configuration, either interior or exterior to the sign proper, are prohibited.
- (2) All provisions of the electrical code of the city shall apply to the erection, alteration, installation and maintenance of electric signs.
- (3) All electrical connectors shall be concealed from view.

(h) *Projecting signs.*

- (1) Projecting signs which are fastened to, suspended from or supported on a building or structure so as to project therefrom at any angle across a sidewalk or public thoroughfare, shall not project more than ten (10) feet from the face of the building or structure and shall not in any case extend beyond a line which is two (2) feet back of the outer face of the curb or curbline.
- (2) A clear space of not less than nine (9) feet shall be provided below all parts of such projecting signs or hanging blade signs.
- (3) Projecting signs may be installed on a pipe overhanging the sidewalk, provided the following rules are complied with:
 - a. Signs must comply with regulations as to clearance over sidewalk and distance from curbline.
 - b. Pipe, if used, must be equal to or better than steel pipe and conform to the requirements of this subsection. Pipe must be of sufficient diameter and strength to properly support the weight of the signs which are to be installed on them.
 - c. Materials other than pipe may be used to provide a desired architectural effect. In such cases, a certificate signed by a registered professional engineer attesting to the structural strength of the material selected to support the dead weight of the sign and a thirty-pound per square foot wind load must accompany the application.
 - d. Cross arms of angle iron for side guys are to be bolted to pipes or poles in a secure manner or needled through pipe and welded and side guys are to be of galvanized cable.
 - e. Pipes or poles must extend far enough above top of sign to provide space for suitable headlift which must be of galvanized cable.
 - f. Display faces are to be metal or other nonflammable material.
- (4) No projecting sign shall be attached to any door, canopy, awning, or window casing.

(Ord. No. 1304, 6-14-93)

Sec. 15-35. Signs not to block fire escapes, exits.

No sign shall be so placed as to obstruct or interfere with a window, doorway or other means of egress nor be supported on or hung from any fire escape.

(Ord. No. 1304, 6-14-93)

Sec. 15-36. Height regulations.

The top of any sign shall not be higher than twelve (12) feet above the ground it sets on, or higher than the highest elevation of the building to which it may be attached to. Exceptions may be granted if natural or manmade features would obstruct the view of the sign or the sign cannot be seen by those intended to see it.

(Ord. No. 1304, 6-14-93; Ord. No. 1380, 9-9-96)

Sec. 15-37. Menu boards.

While not encouraged, menu boards may in exceptional situations be incorporated in permanent signs. They will be no wider than the sign of which they are a part.

(Ord. No. 1304, 6-14-93)

Sec. 15-38. Temporary signs.

- (a) No business or office shall display more than two (2) temporary signs at a time, and the maximum cumulative time that temporary signs may be displayed at one location is one hundred eighty (180) days per calendar year.
- (b) The text of any one sign may not be displayed more than thirty (30) days per calendar year. The city's administrative officer shall disapprove a temporary sign application when the text of such temporary sign is the same or substantially the same as another temporary sign permitted for the same location during any calendar year.
- (c) The size of any temporary sign shall not exceed four (4) feet in height and eight (8) feet in width or a width of twenty-five (25) percent of the front face of the business to which the temporary sign is affixed, whichever is less.
- (d) Temporary signs shall be well maintained throughout the time they are displayed.
- (e) A temporary permanent sign may not be displayed for more than ninety (90) days.

(Ord. No. 1304, 6-14-93; Ord. No. 1537, 12-8-03)

Sec. 15-39. Unlawful or Prohibited Signs.

The following signs shall be prohibited:

- (a) Abandoned signs;
- (b) Electrical Signs;
- (c) Advertising benches;
- (d) Character representations, murals, window drawings, and similar media types, either animated or inanimate, for the purpose of advertising, promoting an establishment or product, and any such representation which draws attention to the business or facility;
- (e) Flashing light signs;
- (f) Inflated or inflatable signs;
- (g) Moving signs;

- (h) Obscene signs;
- (i) Off-Premise signs;
- (j) Pennants;
- (k) Pole signs (not including "Instructional or directional Signs");
- (l) Portable signs;
- (m) Search lights or beacons;
- (n) Signs that emit sound or smoke;
- (o) Signs that may resemble or be confused with any traffic- control device;
- (p) Signs that identify uses, services or products not sold on the premises;
- (q) Signs upon the face of any marquee except a theater building marquee (regardless of whether the building is being used as a theater);
- (r) Signs attached to exterior display items shall be deemed temporary signs, and regulated as such;
- (s) Roof signs that project higher than the highest part of the roof;
- (t) Interior Signs, while signs on the interior of a building or office are allowed, the intent of such an authority is for signs intended for those interior to the building, while the viewing of same on the exterior of the building is incidental. The posting of signs on the interior of the building for the sole purpose of exterior viewing, thereby attempting to circumvent the city's sign ordinance, is prohibited, except where such signage is permitted as a temporary sign, following the regulations of such.
- (u) After May 12, 2008, no changeable electronic variable message signs (commonly referred to as CEVMS signs) shall be installed in the city. Changeable electronic variable message sign for the purpose of this chapter shall mean a sign which permits light to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including a LED (light emitting diode) or digital sign, and which varies in intensity or color. A changeable electronic variable message sign does not include a sign located within the right-of-way that functions as a traffic control device and that is described and identified in the Manual on Uniform traffic Control Devices (MUTCD) approved by the Federal Highway Administrator as the National Standard.

(Ord. No. 1304, 6-14-93; Ord. No. 1569, § 1, 10-25-04; Ord. No. 1769, 5-12-08)

Sec. 15-40. Content of signs.

Sign content shall be limited to appropriate information necessary to identify the business (see definitions) and to carry out the normally accepted activities for a business of its type. Signs containing information not relevant to the business shall not be permitted.

(Ord. No. 1304, 6-14-93)

Sec. 15-41. Prohibited displays.

Exterior display of wares and goods is prohibited, except when such display is in conjunction with an activity for which a specific permit has been issued.

(Ord. No. 1569, § 3, 10-25-04)

Secs. 15-42—15-59. Reserved.

ARTICLE III. PERMITS

Sec. 15-60. Required; application; issuance.

- (a) No sign shall be installed, erected, altered or used without first filing an application therefor and obtaining a permit from the city's administrative officer, except as provided in section 15-64. An application for a sign permit shall be made upon forms provided by the city's administrative officer and shall contain or be accompanied by such plans, drawings and specifications as are necessary to fully advise the city's administrative officer of the type, size, shape, location, construction and materials of the proposed sign and the building, structure or premises on which it is to be placed. The application shall detail all the copy or material to be placed on the sign, all of which copy and material shall be pertinent to the use of the property on which the sign is to be erected.
- (b) The city's administrative officer shall approve or disapprove sign applications for temporary signs.
- (c) The city's administrative officer shall refer all sign applications for permanent signs not excepted by section 15-64 to the architectural review board for review of location, design, scale, size, material, color, lighting and aesthetic appeal. The architectural review board shall recommend that the application be approved, disapproved or revised. If the application is approved, the city's administrative officer shall issue a permit for the sign. If the architectural review board recommends that the application be disapproved or revised, the applicant may appeal such recommendation to the city council for final action. If the city council approves the application after review of the architectural review board recommendation, the city's administrative officer shall issue a permit for the sign, otherwise it shall be denied. The Architectural Review Board shall have the authority to approve any sign that may deviate from any regulation found within this code.

(Ord. No. 1304, 6-14-93)

Sec. 15-61. Permitting and Application Procedures.

- (a) Each application for a sign permit shall include an agreement on the part of those proposing to erect the sign and the owner and tenant of the premises on which it is to be erected that they will protect, indemnify and hold harmless to city against all liability in connection with the erection, use and maintenance and removal of the sign, and that they will comply at all times with all provisions of this article.
- (b) Except as otherwise provided herein, it is unlawful for any person to erect, alter, or relocate within the city or its extraterritorial jurisdiction any sign, as defined herein, without complying with the following requirements:
 - 1. Completion of a sign permit application;
 - 2. Review and approval of a sign permit.
- (c) The procedures to be followed in fulfilling the intent of these sign regulations are as follows:
 - 1. A sign permit application must be obtained from the city;
 - 2. The sign permit application must be properly completed and returned to the city staff, along with payment of the sign application fee established by council;
 - 3. The administrative officer or his designated representative shall review the sign permit application and, if the application is properly completed and meets the general requirements of this code, shall place the application on the Architectural Review Board's agenda or approve the sign request if Architectural Review Board approval is not required;

4. The Architectural Review Board will approve, reject or approve upon condition, the sign permit application;
- (d) Sign permit application—Information required. An application will not be considered complete until all items listed below are submitted. No application will be submitted to the board until it is considered complete by the city staff. An application for a sign permit shall contain the following information:
1. Name, address, telephone number of the applicant and date of application;
 2. Name, address, telephone number of the business and name and telephone number of the owner/manager;
 3. Numerical location of building structure upon its lot; block and plat designation; and street address upon which the sign is to be located;
 4. Position of the sign on the building or on the ground in both site plan view drawn to scale, and elevation views drawn to scale;
 5. A set of scaled drawings of the plans and specifications, including size and color of the proposed sign and its various parts, the style of lettering, the message, lighting, type of material of which it is fabricated and the method of attachment to the building or to the ground and indicating associated landscaping;
 6. A color sketch or color photograph of the sign and building, as well as any contiguous street or building in order to display how they would appear in relation to one another;
 7. Name of person or persons constructing or erecting the sign;
 8. Written consent of the owner of the building, structure, and land to which or on which the sign is to be erected;
 9. Location, dimensions, and description of any existing sign(s) on the property;
 10. Signed and sealed plans by a registered engineer including stress sheets and calculations showing that the structure is designed for dead load and wind pressures in any direction, for multi-tenant signs, projecting signs, or any other sign that may pose a safety risk to individuals, in the amount required by this and all other laws of the state or federal government and ordinances of the City;
- (e) Representations by applicant. All representations, whether oral or written, made by the applicant or his agent on behalf of the application for a sign permit under this chapter become conditions upon which the permit is issued. It shall be unlawful for the permittee to vary from such representations unless the permittee first makes application, as required by the provisions of this chapter, to amend the permit and such amendment is approved.

(Ord. No. 1304, 6-14-93)

Sec. 15-62. Fees.

- (a) Reserved.
- (b) Only one (1) permit and permit fee is required for an identification sign even though all parts of the sign are not directly connected to one another.
- (c) A two-sided sign shall count as one (1) sign for the purposes of requesting a permit and paying a fee.
- (d) A separate fee shall be paid by each business listed separately on a directory sign. If the shopping center is identified by a name or logo, the landlord shall pay a separate fee. No fee shall be due from the landlord for that portion of a directory sign that includes only the address.
- (e) A new fee is not required to re-file or appeal an application that has not been approved.

- (f) In addition to the application fees set out in paragraph (a), a separate building permit shall be required for erection of permanent signs, except those of a banner style, flat style less than one (1) inch thick, or a sign box insert replacement. The estimated cost of the sign and the cost of installation/erection of the sign(s) shall be used to determine the building permit fee as set out in the schedule of fees shown in section 5-30 [building permit fees] of this Code.
- (g) Demolition of permanent signs shall require a building demolition permit. The estimated cost of the removal shall be used to determine the building permit fee as set out in the schedule of fees shown in section 5-30 [building permit fees] of this Code.
- (h) A separate electrical permit shall be required for the installation, connection, or disconnection of electrified signs, with the electrical permit fee being as provided in section 5-163 [schedule of fees] of this Code. Only a properly licensed electrician (Master grade) may secure said permit.

(Ord. No. 1304, 6-14-93; Ord. No. 1530, 7-14-03; Ord. No. 1592, 11-14-05; Ord. No. 1664, 7-31-06; Ord. No. 1687, 11-27-06; Ord. No. 1861, 4-12-10)

Sec. 15-63. Serially numbered.

Each permit issued shall bear a serial number.

(Ord. No. 1304, 6-14-93)

Sec. 15-64. Permits Not required for certain signs.

No permits shall be required for the following signs:

- (1) Signs not exceeding one (1) square foot of display surface on a residence or apartment building, stating the name and address of an occupant.
- (2) Maintenance and repairs to existing signs for which a valid sign permit was obtained, if required at the time of the initial installation, provided the sign area or height is not increased.
- (3) Nonilluminated signs pertaining to the sale or rental of property not exceeding a display surface of thirty-two (32) square feet in business districts B-1, B-2 and B-3 and not exceeding six (6) square feet in all other zoning districts. Such signs shall be located entirely on private property and affixed to a structurally sound building, fence, wall, post, stake, or other structure on the premises advertised, and may advertise property only for the use for which it is zoned. [The surface area limitation noted above is for the total surface area of all signs falling in this category, not per sign.]
- (4) Signs or markers used by a public utility holding a franchise from the city to designate bus stops.
- (5) Political signs, erected wholly on private property (not including an easement or other encumbrance that allows the city to use the property for a public purpose) with the consent of the owner may be erected, but are limited to a sign area of thirty-six (36) square feet, are six (6) feet or less in height, and shall not be illuminated or have any moving elements.
- (6) Signs providing directions to churches, public schools, public buildings or service clubs may be placed in any business or residential district provided signs are not in excess of six (6) square feet and permission of the owner of the property on which they are placed is first obtained and provided that no more than four (4) such signs for any one (1) institution may be placed in the city.
 - a. Signs erected by the City of Alamo Heights, to provide directions or identify entrances to city limits, shall have no limits on numbers, size, or area of signs.
- (7) Sign or decal (or their equivalent) replicas located inside the business of credit/charge cards accepted by the business, logo or name of check approval agencies used or services provided (e.g. PULSE, ATM, etc.).

- (8) Decals (or their equivalent) indicating business membership in chambers of commerce and professional organizations or associations.
- (9) Decals (or their equivalent) indicating the security service(s) employed or used by the business.
- (10) Emergency notification notices.
- (11) Any notice, sign or license required by any government agency, law or regulation.
- (12) Signs indicating business hours of operation which do not exceed two (2) square feet in size.
- (13) Signs necessary to ensure safety.
- (14) Internal directory signage inside a building and intended to assist pedestrian traffic in a shopping center or office building (this includes the business identification neatly painted or affixed to the window(s) for pedestrians to be able to identify the business they are walking by).
- (15) Signage inside a business or office intended for the information and use of customers inside the business or office building including, but not limited to, identification and pricing of merchandise on display or for sale, door or area identification signs, advertisements and information on services available. This exemption applies even if the signs can be seen through a window.
- (16) Signs prohibiting activity (e.g. "no smoking," "no animals," "no entrance," "no soliciting," "no trespassing/private property," etc.).
- (17) Signs announcing civic, community or charitable activities or functions.
- (18) Signs outside restaurants or meeting establishments announcing routine or periodic meetings of civic, community or service organizations (e.g. Rotary, Lions, etc.).
- (19) Help wanted signs.
- (20) Signs that cannot be seen from the street.
- (21) Parking signs (e.g. "no parking," "reserved," "space numbers," "directions," etc.) which do not exceed three (3) square feet in size.
- (22) Instructional signs (e.g. "entrance," "exit," "drop off point," "pick up here," "deposit here," "order here," etc.) which do not exceed three (3) square feet in size.
- (23) Signs indicating availability of public telephones or restrooms.

(Ord. No. 1304, 6-14-93; Ord. No. 1541, 1-26-04; Ord. No. 1569, § 2, 10-25-04)

Sec. 15-65. Noncompliance.

Any permit which does not comply with the provisions of this article, or which is issued in violation of any provision hereof, shall be void and no right or privilege whatever shall accrue thereunder.

(Ord. No. 1304, 6-14-93)