

2019

Shenandoah, Texas
Chapter 90, Sign Ordinance



August 21, 2019

Section 90.0 Signs

90.1 General

90.1.1 Purposes

The purposes of these sign regulations are:

- (a) To encourage the effective use of signs as a means of communication within the City of Shenandoah;
- (b) To maintain and enhance the aesthetic appearance of the City of Shenandoah;
- (c) To preserve the City of Shenandoah as a community that is attractive to residents and businesses;
- (d) To improve pedestrian and traffic safety; and
- (e) To minimize sign pollution and the potential adverse effects of signs on nearby public and private property

90.1.2 Applicability

In conformance with the requirements of this chapter, signs may be erected, placed or maintained within the corporate limits of the City of Shenandoah.

90.2 Prohibited Signs

90.2.1 The following signs are prohibited and shall not be used in Shenandoah:

- (a) Any sign that copies or imitates an official sign or purports to have official status;
- (b) Windblown devices;
- (c) Inflatable signs;
- (d) Pennants;
- (e) Portable signs, unless allowed in Section 90.6;
- (f) Any sign attached to an accessory structure, except an incidental sign;
- (g) Any attention-attracting device not permitted by this Ordinance;
- (h) Signs imitating traffic, regulatory or emergency signs or signals or signs which may mislead, confuse or distract the driver of a motor vehicle;
- (i) Signs painted on or attached to (1) roofs of buildings, (2) trees, (3) fence posts, (4) rocks or other natural features, (5) telephone or utility poles, or (6) any public signs or poles;
- (j) Off premise signs unless allowed in Section 90.6 Off-Premise Signs;
- (k) Flashing signs or signs having flashing parts unless permitted as a CEVMS Electronic Sign;
- (l) Moving or rotating signs or signs having moving parts (including but not limited to hand held signage);
- (m) Any sign held by an individual and displaying such sign to attract attention to a business whether on-premises or off-premises;
- (n) Banners, tarps or similar material used for the purpose of signage unless otherwise allowed in this Ordinance;
- (o) Beacons or any other artificial light unless it is allowed in Section 90.10 Lighting;
- (p) Bandit Signs
- (q) Cabinet Signs.

- (r) Any object that meets the definition of a sign in this Ordinance is subject to regulation, notwithstanding the fact that its principal purpose is other than communicating a message; examples include vending machines with "super-graphics" that can be read off the property, as well as logos and signs on gas pumps or other equipment used in the sale or delivery of goods or services

90.3 Exempt Signs

90.3.1 The following signs shall be exempt from regulation under this chapter:

- (a) Any sign required by federal, state or local law or a public utility company;
- (b) Traffic signs which meet Texas Manual on Uniform Traffic Control Devices standards and contain no commercial message;
- (c) Any sign inside a building, not attached to a window or door;
- (d) Any sign inside an athletic field or other similar outdoor facility space;
- (e) Works of art with no commercial message;
- (f) Holiday decorations, approved for the Holiday Season as defined in Section 90.19;
- (g) "No trespassing", "no hunting", "no fishing" or "no loitering" sign which do not exceed one square foot in area;
- (h) Governmental signs;
- (i) Unless specified herein, the changing of messages on changeable copy signs designed and intended to be changed on a regular basis;
- (j) Signage inside a breezeway or entranceway, under the roof and within the foundation line of the building, but outside the actual entrance door;
- (k) Incidental signs.

90.4 Temporary Signs

90.4.1 Temporary Signs must have a Sign Permit issued by the City of Shenandoah.

90.4.2 If the proposed Temporary Sign complies with the Guidelines for Temporary Signs, the City Administrator shall issue a Temporary Sign Permit allowing the Applicant to display the Temporary Sign under the conditions listed on the Permit.

90.4.3 Temporary Signs must have the Temporary Sign Permit attached to the sign or easily visible from where the sign is displayed.

90.5 Sign Permitting Process

90.5.1 To obtain a Sign Permit, an applicant must submit a Sign Application along with the required application fee and pass all required inspections.

90.5.2 The City Administrator may issue a Sign Permit subject to conditions which will be listed on the Permit.

90.5.3 After a Sign Permit is issued, the applicant shall have 60 days to complete the construction of the sign. If the sign is not completed and passed all inspections within 60 days, the Sign Permit shall be null and void and any fees paid will be forfeited

90.6 Sign Types, Requirements and Conditions

(a) *Animated Signs*

- (1) Is allowed only by Special Exception
- (2) A Sign Permit is required.

(b) *Awning Signs*

- (1) On a single-occupant property, one awning sign is permitted over each occupant entrance.
- (2) On a multi-occupant property, one awning sign is permitted over each occupant entrance.
- (3) The maximum area of signage shall not exceed 25 percent of the total awning face front or side area.
- (4) Awning signs may be illuminated only with direct surface lighting and not with any form of backlighting.
- (5) The width of the awning itself shall not exceed 200 percent of the width of the door opening.
- (6) The total area of the awning face shall not exceed 50 square feet.
- (7) A Sign Permit is required.

(c) *Banner Signs are Temporary on-Premise Signs.*

Refer to the Section 90.4 - Temporary Signs. A Sign Permit is required.

(d) *Building Identification Signs.*

Building Identification Signs are governed by the building code.

(e) *Changeable Copy Signs*

Changeable copy signs are only allowed at service stations, hotels, restaurants, churches or schools provided that:

- (1) The total changeable copy signage shall not exceed 25 percent of the total maximum square footage of the sign;
- (2) Changeable copy signs that change their message electronically shall not change their message more than one time each day;
- (3) Changeable copy signs are limited to monument and pole signs;
- (4) The incidental space between a changeable copy sign and the primary sign along a pole sign shall be excluded from the computation area of each individual sign; and
- (5) The area of a changeable copy sign shall be inclusive of the total allowable sign area, not in addition to the allowable sign area.
- (6) A Sign Permit is required.

(f) *Changeable Electronic Variable Message Signs (CEVMS)*

Electronic Signs which permit lights to be turned on and off intermittently are only allowed by Special Exception. A Sign Permit is required.

(g) *Construction Signs*

Construction signs are an on-premise ground sign, placed within private property and are allowed provided that:

- (1) For residential developments, nonresidential and multi-family developments:
 - a. A Construction sign may only be placed at a construction site which has received development plan

- approval or for which an active building permit exists;
 - b. A Construction sign shall not exceed 32 square feet in area and ten feet in height;
 - c. Construction signs require a sign permit and must be removed no later than the date of issuance of a certificate of occupancy or completion of the project;
 - d. Only one Construction sign is allowed per site;
 - e. The sign face area may contain up to four pieces of information, including but not limited to financial institutions, contractors, builders, and so forth. Notwithstanding the maximum colors allowed within this Ordinance, a colored rendition or photograph of the development's site plan shall be allowed to be displayed within the sign face area;
 - f. All vertical supports and backs of signage not containing a message shall be painted black or similar color used on the background;
 - g. City of Shenandoah logo shall be added to the top of the sign 12 inches in height and the same color as the background of the sign. The location of the City logo must be the same width as the sign (this will not be counted toward computation of total square sign area used); and
 - h. Construction signs shall not be placed in City right-of-way.
 - i. A Sign Permit is required.
- (2) For single-family individual residences:
- a. Construction signs shall not exceed five square feet in area and 42 inches in height;
 - b. Construction signs shall not require a City of Shenandoah permit but shall be removed on issuance of a certificate of occupancy and/or completion of project; and
 - c. Signs shall not be placed in a City right-of-way.
 - d. A Sign Permit is not required.
- (3) In single-family residential districts, including planned development districts allowing single-family residences, an additional Construction sign is permitted provided that:
- a. The Construction sign is placed at the subdivision's real estate sales office or model home, if such office is permitted and occupied and used for daily operations;
 - b. The Construction sign shall be a monument sign made of masonry material as defined by the Integrated Development Code;
 - c. The Construction sign shall require a sign permit;
 - d. The Construction sign shall not exceed 32 square feet in area or six feet in height;
 - e. The Construction sign shall be removed prior to issuance of a Certificate of Occupancy. The removal of this sign may be replaced with a standard five square foot model home sign;
 - f. The Construction sign shall only include the following information: builder name, subdivision name, hours of operation, phone number, and website address; and
 - g. Notwithstanding the maximum colors allowed within this chapter, a colored rendition of the development's site plan shall be allowed to be displayed within the sign face area.
- (4) Commercial developments with a solid construction wall acting as a safety barrier to the public shall be allowed a sign provided that:
- a. The Construction sign shall be considered an on-premise temporary sign, placed on private property;
 - b. The solid construction wall is defined as a solid 8' wall made of wood material or any other material approved by the Building Official, extending the length of the store frontage or building site acting as a safety barrier to the public. Chain link fencing will not be considered as solid construction wall;

- c. The solid construction wall must be inspected and approved prior to permitting and must have an active building permit for the development site;
- d. The sign must extend the linear footage of the construction wall and only one side will be allowed signage. (i.e. if the construction wall has four walls only one wall will be allowed signage);
- e. The sign shall only include the following information: name of business, website, address, photo rendition, social media (i.e. Facebook, Instagram, and Twitter) Any egress or ingress changes shall be prominently displayed to the public.
- f. The sign must meet the color requirements as set forth in this chapter. Notwithstanding the maximum number of colors allowed within this chapter, a color rendition photograph of the development site plan shall be allowed to be displayed within the sign face area;
- g. The sign message/information must not exceed 50 percent of the sign face area;
- h. Sign must be affixed to the construction wall and be self-adhesive or painted directly on the wall. No banners allowed.
- i. A Sign Permit is required

(h) *Directory Signs*

- (1) Directory signs shall be ground signs and shall be allowed where the site includes more than one tenant, provided that:
 - a. Directory signs shall contain no commercial messages or logos other than the name of the tenant or development;
 - b. A Directory sign shall not exceed 18 square feet in area or 4 feet in height; and
 - c. Directory signs shall be located no closer than ten feet from the building's primary or principal entrance unless otherwise determined and upon approval by the City Administrator.
- (2) Physical Address of Site

All directory signs shall contain the physical address of the site located in the upper left hand corner and have a minimum four inch letter size and made from a visible reflective material. A directory sign must be illuminated.
- (3) Centers

Logo/name Directory signs in centers may be located near entrances to parking areas, a safe distance from a right-of-way or intersection. Such signs may contain logos or business names with arrows or other directional information but shall not contain any other commercial message.
- (4) Multi-Family

One detailed directory sign may be located near the principal entrance to a parking area for multi-family projects. Such sign shall be located away from any public right-of-way, so that drivers can conveniently read the directory without impeding traffic on any driveway or entrance serving the development.
- (5) Business/Office Parks

May have one sign to identify the building as a whole, indicating the predominant occupant or occupants. Such signs may contain logos or business names with arrows or other directional information but shall not contain any other commercial message.
- (6) A Sign Permit is required.

(i) *Flags and Flagpoles*

Flags and flagpoles are allowed as follows:

- (1) Single-Family Residential Lots
 - a. Only one flagpole is permitted on any single-family residential lot;

- b. There shall not be more than two flags on the flagpole at any time;
 - c. No flag or flagpole on any single-family residential lot shall bear a commercial message;
 - d. Flags shall not exceed 24 square feet in area; and
 - e. Flagpoles shall not exceed 20 feet in height.
 - f. A Sign Permit is not required.
- (2) Nonresidential, institutional and multi-family
- a. A site shall have no more than three flagpoles with two flags per pole;
 - b. Poles for such flags shall be located on the principal building wall on the site or within 20 feet of the main building entrance;
 - c. Flags displayed outdoors shall be properly illuminated, according to V.T.C.A., Government Code § 3100.052 State Flag;
 - d. Flags shall not exceed 40 square feet in area; and
 - e. Flagpoles shall not exceed 40 feet in height.
 - f. A Sign Permit is required.
- (3) Government Institutions are exempt from the flag and flagpole requirements as set forth herein.

(j) *Garage Sale Signs*

Signs for garage or yard sales are a temporary ground sign and are allowed provided that:

- (1) The applicant shall be a City of Shenandoah resident;
- (2) Only one Garage Sale sign is permitted on the lot where the garage sale is located. Additional Garage Sale signs are permitted on private property with permission of the property owner;
- (3) Garage Sale signs shall not exceed five square feet in area and 42 inches in height;
- (4) Garage sale signs are allowed for a period of one day prior to the sale, and shall be removed at the conclusion of the sale;
- (5) Garage sales, on the same property, are only allowed twice a year;
- (6) A Sign Permit is not required.

(k) *Incidental Signs*

Incidental signs are permitted in nonresidential and multi-family developments, upon the following conditions:

- a. Incidental signs shall contain no commercial message or logo other than the name of the tenant or development;
- b. No Incidental sign shall exceed five square feet in area;
- c. The number of Incidental signs on a single parcel of property shall not exceed five unless approved by the City Administrator;
- d. Incidental Signs in City right of ways are not permitted without the express written permission of the City Administrator;
- e. Incidental Signs are prohibited from being installed on light poles, trees and any traffic or emergency control device; and
- f. A Sign Permit is not required.

(l) *Lost/Found Pet Signs*

Lost/found pet signs are Temporary Signs, which are limited as follows:

- (1) Only one such sign shall be located on the lot where the resident who lost the pet lives. Additional signs shall be allowed off-premise provided such signs shall be located on private property with permission of the property owner;
- (2) Lost/found signs are allowed in the community kiosks with the written permission of the City Administrator;
- (3) Lost/found signs are otherwise prohibited from being located within any public rights-of-way, easements or public-owned property. This includes but is not limited to light poles, trees or any traffic or emergency control signage or devices located within a public right-of-way, easements or public-owned property.;
- (4) Lost/found Signs shall include the date of original posting and are only allowed for thirty days.
- (5) A Sign Permit is not required.

(m) *Marquee Signs*

In addition to permitted Wall Signs, Marquee Signs with changeable copy are allowed at theaters only. A theater with a marquee may display one changeable copy sign on each of the two sides of the marquee. A theater without a marquee may display one changeable copy sign on each wall permitted to have wall signs. Such changeable copy signs may cover no more than one square foot of sign area for each linear foot of theater building frontage. Marquee signs for a multi theatre complex with limited building frontage may be granted additional square footage of sign area by Special Exception. A Sign Permit is required.

(n) *Menu Boards*

Menu boards are allowed only as an accessory use to a restaurant permitted to have a drive-thru window, provided that:

- (1) Menu Boards shall not exceed 32 square feet in area and ten feet in height;
- (2) There shall be no more than two Menu Boards per property;
- (3) The color of Menu Boards shall be neutral or earth tone or have architectural ties to the main building;
- (4) Menu Boards may have a changeable copy; and
- (5) Menu Boards may be internally or directly illuminated.
- (6) A Sign Permit is required.

(o) *Monument Signs*

Monument signs are allowed provided the following:

- (1) Monument signs shall comply with Charts 1 and 2 set forth in Subsection 90.11;
- (2) Setbacks shall be adequate to protect the "clear sight triangle", in accordance with this code;
- (3) Monument signs shall display information in a uniform type style;
- (4) Both sides of the sign face area of a two-sided ground sign shall be identical;
- (5) Accessory buildings in shopping centers shall not be allowed any Monument signage;
- (6) Monument signs shall contain the physical address of the building with a minimum letter size of four inches. The sign shall contain a contrasting or reflective neutral colored material and be illuminated;
- (7) Monument signs for centers shall have the name, if applicable, of such center placed on the sign in a neutral color;

- (8) With the exception of the allowable Monument signs for centers as set forth in Charts 1 and 2 in Subsection 90.11, individual businesses, tenants, or occupants located within a center are not allowed individual freestanding Monument signs;
- (9) Colors for slats within existing or new monuments shall conform to the color requirements listed in this chapter throughout the entire Monument sign. The color requirement for each slat shall be applied separately. The background color for each slat must be uniform throughout the entire monument sign.
- (10) A Sign Permit is required.

(p) *Freestanding Pole Signs*

- (1) Refer to Chart 1 set forth in Subsection 90.11;
- (2) No accessory structure shall be allowed a pole sign;
- (3) Freestanding Pole signs shall contain the physical address of the building with a minimum letter size of four inches. The sign shall contain a contrasting or reflective neutral tone material, be illuminated or use other City of Shenandoah approved lighting methods in accordance with all applicable City of Shenandoah's Building Codes; and
- (4) With the exception of the allowable pole signs for centers as set forth in Chart 1 in Subsection 90.11, individual businesses, tenants, or occupants located within a center are not allowed individual freestanding pole signs.
- (5) A Sign Permit is required.

(q) *Political Signs*

Political signs are signs advertising political parties or candidates for election or signs that otherwise provide for freedom of expression unrelated to any commercial endeavor. Only one Political sign per candidate may be displayed or maintained on private property, provided that they conform to state law, and:

- (1) Are no larger than 36 square feet;
- (2) Are no taller than 8 feet;
- (3) Are not illuminated;
- (4) Have no moving elements;
- (5) Are placed with the consent of the property owner;
- (6) If located in front of residential property, may be located in the City right-of way or easement with consent of the property owner; and
- (7) If located at a polling place on City owned property one Political Sign will be allowed, no larger than 18 inches tall and 24 inches wide, placed in the ground, shall be permitted beginning at 5:00p.m. on the day before Election Day and may remain in place until 7:00a.m. on the day after Election Day.
- (8) A Sign Permit is not required.

(r) *Portable and Vehicular Signs*

For Portable and Vehicular signs:

- (1) Vehicles shall be legally licensed for use on public streets; and
- (2) Vehicles shall be moved at least every five days.
- (3) A Sign Permit is not required.

(s) *Public Event Signs*

Public event signs are Temporary Ground signs and are allowed provided that:

- (1) Public Event signs are permitted only for public events sponsored and/or affiliated with the City of Shenandoah or approved by the City Administrator;

(t) *Real Estate Signs*

On-premise Real Estate ground signage advertising the sale or lease of such property are permitted as follows:

- (1) In single-family residential areas, Real Estate signs are allowed provided the following:
 - a. Real Estate signs shall not exceed five square feet in area and 42 inches in height;
 - b. One Real Estate sign is permitted on the residential lot that is either for sale or lease;
 - c. Real Estate signs in the front of residential property may be located in the City right-of-way or easement; and
 - d. In addition to the other signs permitted by this section, one open house sign will be allowed provided it is located on the residential lot that is for sale or lease. The sign shall not exceed two square feet in area and 24 inches in height.
 - e. A Sign Permit is not required;
- (2) In multi-family and nonresidential areas, in addition to the real estate signage for single family residential, the following shall be allowed:
 - a. Up to four additional pieces of information on the sign;
 - b. A separate ground sign for each parcel, limited to 32 square feet in area and ten feet in height, and set back a minimum of ten feet from any public or private right-of-way;
 - c. All signs shall incorporate along the top of the sign face area the City of Shenandoah, Texas, logo no smaller than 12 inches in height and the same color background as the sign. The location of the City logo must be the same width as the sign (this will not be counted toward computation of total square sign area used);
 - d. On-premise Real Estate signs are limited to a maximum of one sign per development if a Small Center, two if a Large Center and three if a Super Center. These signs shall be spaced a minimum of 100 feet;
 - e. Vertical supports and backs of signage not containing message shall be painted black or the same color as the background for the sign;
 - f. Real Estate signs shall also meet all color requirements as set forth in this chapter. Notwithstanding the maximum colors allowed within this chapter, a colored rendition or photograph of the development's site plan shall be allowed to be displayed within the sign face area.
 - g. A Sign Permit is required.

(u) *Residential Signs – Personal Identification Signs*

Residential signs are considered Temporary On-premise ground signs and are allowed, provided:

- (1) The signs do not exceed five square feet in area and 42 inches in height;
- (2) Personal Identification Signs are limited to three on any site containing only a single-dwelling unit; Such signs shall not be posted within or encroach upon any public rights-of-way, easements, public-owned property or on any private common area.
- (3) Personal Identification signs shall not advertise or identify the conduct of a permitted home occupation in a residential district, or contain any other commercial message;

- (4) Contractors shall be allowed to place a sign within the residential lot that is having any work performed within such lot. Contractor signs shall be allowed to be displayed only for the duration of such work and will be removed immediately after completion of such work. These signs shall not exceed the required size and height as set forth herein;
- (5) One Residential Sign that advertises a charitable or school event, including the name of the charity/school and the date of the event is permitted for a period of 10 days prior to the event;
- (6) Residential signs do not require a permit.

(v) *Subdivision Identification Signs*

Monument signs with the name of the residential subdivision are allowed on one or both sides of each principal entrance (or in the median or on a public or private right-of-way with an approved encroachment agreement, provided that:

- (1) The Subdivision Identification Sign does not exceed 72 square feet in area;
- (2) The Subdivision Identification Sign does not exceed ten feet in height, when integrated into a wall or column;
- (3) The Subdivision Identification Sign contains no commercial message or logo; and
- (4) The Subdivision Identification Sign incorporates, within each sign face area, the City of Shenandoah, Texas logo 12 inches in height and the same color background as the sign. The location of the City logo must be the same width as the sign (this will not be counted toward computation of total square sign area used).
- (5) A Sign Permit is required.

(w) *Suspended Signs*

Suspended signs are allowed under canopies, provided that:

- (1) Only one Suspended sign per building entrance;
- (2) The sign shall not exceed four square feet in area;
- (3) The sign shall not be separately illuminated; and
- (4) The sign shall contain only the address, suite number, logo or name of the occupant or business served by the entrance.
- (5) A Sign Permit is required.

(x) *Temporary On-Premise Signs*

Signs for temporary uses, unless provided for elsewhere in this chapter, such as, but not limited to, banners, special events, grand opening of businesses, going out of business, a business under new management and the like are allowed for multifamily and nonresidential provided:

- (1) General provisions
 - a. A one-time only temporary on-premise sign or temporary banner shall be allowed per individual business/entity for a period not to exceed 30 days;
 - b. No temporary event sign shall be placed within or encroach upon any public right-of-way, easement, or public-owned property. All signage shall be placed on private property only;
 - c. A Temporary sign shall not exceed the maximum number of colors allowed by this Ordinance;
 - d. Each individual business/entity is allowed only one temporary on-premise sign per vacant space and only a "For Lease" sign is permitted for a vacant space;
 - e. A Sign permit is required;

- f. In the event of a change of ownership or management, the new owner is permitted to have one temporary on-premise banner for a period not to exceed 30 days; and
 - g. The size of on-premise sign (temporary) shall not exceed 50 square feet;
- (2) Freestanding temporary ground signs
- a. With the exception of banners, such signs shall be a V-sign not to exceed 25 square feet in area and 42 inches in height and may be double sided;
 - b. Freestanding temporary signs shall only be used by in-line occupants displayed within ten feet of the primary front of the business and shall be located not to impede any vehicular and/or pedestrian traffic or visibility;
 - c. Only one of these types of signs may be used at a time at any location
 - d. A Sign Permit is required.

(3) Banners

All banners, tarps or similar material used for purposes of signage shall require the following:

- a. Banners shall not exceed 50 square feet in area;
- b. Banners shall be secured to the wall of the business/entity or other means (freestanding) in a manner as to not allow movement of the banner, or to have any guy wires or fasteners visible in plain sight;
- c. Banners shall be located on private property not to cause any obstruction to motorist visibility; and
- d. Banners are temporary signs.
- e. A Sign Permit is required.

(v) *Off-Premises Signs*

The purpose of this condition is to allow residential developments within the city limits of the City of Shenandoah, not located along Interstate 45, off-premise signage to direct attention to a property other than that which is conducted upon the premises where such sign is located.

- (1) Off-premise signs are prohibited except to meet the purposes stated above;
- (2) Approved Off-premise signs are Temporary Signs. Permanent off-premise signage is not permitted;
- (3) Temporary Off-premise signs permits are only allowed if expressly approved by the Shenandoah Sign Committee;
- (4) Temporary Off-premise signs for residential developments are allowed. The permit shall be approved on a yearly basis by the Shenandoah Sign Committee;
- (5) No permit shall be issued for an off-premise sign for more than one calendar year. The owner shall have seven days to remove an expired off-premise sign;
- (6) Temporary Off-premise signs shall not exceed 32 square feet in area;
- (7) Temporary Off-premise signs shall not exceed ten feet in height;
- (8) When a residential development reaches an 80% occupancy rate the signs shall be removed and will no longer be permitted thereafter.
- (9) Temporary Off-premise signs may be located on private property, with the following:
 - a. Proof of property ownership;
 - b. Written permission of the property owner;
 - c. Approval of the sign location by the City Administrator;
 - d. Such signs shall be a ground sign and must incorporate along the top of the sign face area the City of Shenandoah, Texas, logo no smaller than 12 inches in height and the same color background as the

sign. The location of the City logo must be the same width as the sign (this will not be counted toward computation of total square sign area used);

- e. Color renderings or photographs may be acceptable and will be reviewed at the time of application (these color renderings or photographs will not be held to the color maximum as quoted in this chapter).

(10) Temporary Off-Premise signs may be located in public Right-of-Way if an encroachment agreement is approved by the City Council; and

(11) Multifamily off-premise signs are allowed for a one year period after which time the sign will be removed and will be prohibited;

(12) A Sign Permit is required

(z) *Wall Signs, Nonresidential*

Wall Signs are governed by Charts 1 and 2 set forth in Subsection 90.11. Wall signs are allowed on nonresidential properties provided that:

- a. No wall sign shall project above the highest point of the building wall on the same side of the building as the sign; this shall include marquee signs and any other signs not affixed directly to such wall;
- b. On a single occupancy building, all signage or message elements, except for poster boxes, marquee signs and wall signs on theaters on any single wall, shall be considered parts of the same sign and shall be measured by a rectangle surrounding all of them;
- c. In addition to other permitted signs, but subject to total sign area limits applicable to all wall signs, a theater may install one or more back-lighted or internally illuminated "poster boxes," provided that:
 - i. Such boxes shall not exceed 36 inches by 54 inches each in area;
 - ii. The top of such boxes shall not be more than ten feet above ground; and
 - iii. Such boxes shall be permanently mounted to a wall.
- d. Any individual business/entity or multi-occupant (in-line and non in-line tenant) building, will be allowed two square feet of wall sign for every linear foot of architectural elevation width of ground floor building frontage not to exceed 300 square feet; Exception, buildings with architectural elevation of more than 400 feet along any building frontage will be allowed to have additional signage as set forth in Charts 1 and 2 of Subsection 90.11.
- e. Channel lettering, detached (preferred), is allowed provided that it does not exceed the maximum square footage wall sign requirements;
- f. All wall signs shall be individual elements and not enclosed with a cabinet.
- g. A theater is allowed additional changeable copy signs on a marquee or on the front wall of the building. The square footage of wall signs associated with theaters (i.e. poster boxes, marquee signs, changeable copy signs, logos and wall signs) shall be counted against the total wall sign area allotment. However, each sign shall be measured separately rather than placed together inside a rectangle;
- h. Poster boxes shall be measured individually without regard for the spaces between the individual boxes;
- i. Roofing elements that are within 30 degrees of vertical (sometimes loosely called a "mansard roof") will be considered a "wall" and may have a sign on them;
- j. All wall signs, except building markers, shall be subject to the maximum area limitation on wall signs;
- k. Logos will be used when calculating total square footage for sign permits; and
- l. Each site may not have more than one wall sign face the fronting street right-of-way not exceeding two wall signs in total per site.
- m. A Sign Permit is required.

(aa) *Wall Sign, Hotel with subordinate business as defined in section 90.19.98*

Wall signs shall be allowed for hotels with one subordinate business as defined by section 90.19.98. Hotels that do not meet the above definition shall comply with section 90.6(z)

- (1) No wall sign shall project above the highest point of the building wall on the same side of the building as the sign; this shall include marquee signs and any other signs not affixed directly to such wall;
- (2) Wall signs for the hotel and the subordinate business shall be measured individually without regard for the space between the signs;
- (3) Wall signs for the hotel and subordinate business shall meet the color requirements individually as stated in section 90.9;
- (4) The hotel will be allowed one front wall sign and one rear/side wall sign and will be allowed two square feet of wall sign for every linear foot of architectural elevation width of ground floor building frontage not to exceed 300 square feet; Exception, buildings with architectural elevation of more than 400 feet along any building frontage will be allowed to have additional signage as set forth in Charts 1 and 2 of Subsection 90.11 of this section. The subordinate business will be allowed one front and one rear/side wall sign up to 50% of the square footage of the hotels sign per elevation;
- (5) Channel lettering, detached (preferred), is allowed provided that it does not exceed the maximum square footage wall sign requirements;
- (6) All wall signs shall be individual elements and not enclosed with a cabinet.;
- (7) Poster boxes shall be measured individually without regard for the spaces between the individual boxes;
- (8) Roofing elements that are within 30 degrees of vertical (sometimes loosely called a "mansard roof") will be considered a "wall" and may have a sign on them;
- (9) All wall signs, except building markers, are subject to the maximum area limitation on wall signs;
- (10) Logos will be used when calculating total square footage for sign permits; and
- (11) No hotel may have more than one wall sign for the hotel and one wall sign for the subordinate business fronting street right-of-way.
- (12) A Sign Permit is required.

(bb) *Window Signs*

Signs are allowed on the interior of window glass on the first floor of buildings occupied by retail, restaurant and personal service establishments (not including offices or financial institutions), provided that they cover no more than 25 percent of each window section or pane and are not separately illuminated. A Sign Permit is not required.

90.7 Design, Construction and Maintenance Standards

90.7.1 Design and Construction Standards

All signs shall be designed and constructed in accordance with the following standards:

- (a) All signs shall comply with the City of Shenandoah's building code(s) and will also be built in accordance with the approved Sign permit;
- (b) Electric signs that have internal wiring or lighting equipment, and external lighting equipment, shall not be erected or installed until an electrical permit has been obtained from the Department of Community Development. The electrical components shall bear the seal of approval of an electrical testing laboratory that is nationally recognized as having the facilities for testing and requires proper

installation in accordance with the National Electrical Code. All wiring shall be installed underground; and

- (c) Except for permitted banners, flags, temporary signs and window signs, all signs shall be constructed of permanent materials and shall be directly be attached to the ground, a building or another structure.

90.7.2 Maintenance Standards

All signs shall be maintained in good aesthetic and structural condition and must be in compliance with all building and electrical codes. Specifically:

- (a) A sign shall have no more than 20 percent of its surface area covered with disfigured, cracked, ripped or peeling paint, poster paper or other material for a period of more than 30 days;
- (b) A sign shall not stand with bent or broken sign facing, with broken supports, with loose appendages or struts, or more than 15 degrees from vertical for a period of no more than ten days;
- (c) A sign shall not have weeds, trees, vines, or other vegetation growing upon it, or obscuring the view of the sign from the public right-of-way, for a period of no more than 30 days;
- (d) An internally illuminated sign shall be allowed to stand with only partial illumination for a period of no more than 30 days; and
- (e) Flags shall not be faded, tattered or torn.

90.8 Signs not to Create Traffic Hazard

90.8.1 Clear Sight Triangle

No sign shall be erected in the "clear sight triangle". Signs shall be erected so as not to obstruct or impair motor vehicle driver vision at business ingress or egress points and intersections.

90.8.2 Other Hazards

No signs shall be erected, and there shall be no lighting of signs in such a manner or in such location as to obstruct the view of, or be confused with, any authorized traffic signal, notice or control device.

90.8.3 Removal

Any sign in violation of 90.8.1 or 90.8.2 shall be removed by the Owner. If not removed within ten days after notice of the violation, the City Administrator may have the sign removed. The cost of removal shall be at the expense of the sign owner and may become a lien against the property on which the sign is located.

90.9 Sign Colors, Logos, Marks and Symbols

90.9.1 Colors

Signs shall be limited to no more than three colors, plus a background color. Signs shall utilize colors and shades that provide contrast levels between lettering and the background and promote good recognition and readability. Signs shall utilize colors and shades which stand out enough from the immediate surroundings to make them visible. Signs shall utilize colors and shades, which blend harmoniously with signage within the immediate area. The applicant shall specify within his/her sign application the list of all colors and shades from such colors.

- (a) For panel signs, the background color shall mean the panel itself;
- (b) For channel letters, the background color shall mean the returns;
- (c) If the portion of the building wall behind a wall sign is painted a different color than the remainder of the wall, then such portion of the wall shall be counted as a background color; and
- (d) If a trim color is black, it will not count as a background color. Any other colors will be counted as a background color.

90.9.2 Display of Logos and Trademarks, General

Logos and trademarks may be included on signs (except identification, residential and incidental signs) without separate restriction, provided that such logos and trademarks are consistent with the approved color scheme shown on the application. Logos for single occupancy projects shall also be limited to the color requirements of this chapter.

90.9.3 Display of Registered Trademarks

A federally registered trademark which has characteristics, including, but not limited to colors, text, shape, form, and dimensions that are inconsistent with the applicable limitations as set in this chapter, may still apply for approval through a Special Exception process. Verification of registration will be required as part of the application.

90.9.4 Logos as Pieces of Information

A logo or trademark shall be considered one "piece of information" on a sign on which the number of pieces of information is limited.

90.10 Lighting

90.10.1 Illumination and Performance

The following regulations shall apply to signs where lighting is included:

- (a) Sign illumination shall be placed and shielded so as not to directly cast light rays into a nearby residence, sleeping accommodations or the eyes of motor vehicle drivers;
- (b) Signs incorporating steady, unshielded light bulbs shall utilize bulbs which are not in excess of 30 watts intensity per square foot. It shall be encouraged to incorporate LED, induction, or a similar lighting technology for greater energy efficiency;
- (c) Signs will be constructed in accordance with the City of Shenandoah's adopted National Electric Code;
- (d) Neon signage and skeleton tubing, internal and external, is permitted as follows:
 - (1) Number of neon signs per business is limited to two;
 - (2) Neon lighting shall be allowed for primary signage, but such lighting shall be contained in an opaque casing with no visible exposure of any tubing;
 - (3) Exposed skeleton or neon tubing for primary signage lighting shall be allowed for restaurants; and
 - (4) Notwithstanding restaurants, exposed skeleton or neon tubing for primary signage shall be allowed for all other nonresidential signage in the following areas only if:
 - a. Such lighting may be used only for the outlining of a sign cabinet on a freestanding pole sign;
 - b. Such lighting may be displayed in a business window, these neon signs may not exceed 25 percent of each window section or pane and are not separately illuminated; and
 - c. All neon signage and exposed tubing shall be governed by the maximum number of colors allowed as set forth in this Chapter.

90.10.2 Uniformity

Lighting on signs shall be consistent throughout a project, and no sign or portion thereof shall be illuminated differently from any other sign, except as allowed otherwise in this chapter.

90.11 Computation Methods

90.11.1 Computations

(a) *Area Computation of Individual Signs*

The area of a wall, pole, or monument sign face shall be computed by means of the smallest rectangle that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, base, bracing or decorative fence or wall when such fence or wall otherwise meets the regulations of this chapter and is clearly incidental to the display itself. For a single wall on a single-occupant building, all pieces of information or other graphic representations on that wall shall be measured as though part of one sign, encompassed within one rectangle, which may not exceed the maximum permitted sign area. For a single wall on a multi-occupant building, the area of signs shall be computed based on individual occupant signage, using these principles. Incidental signs square footage will not be calculated or deducted from the maximum sign allowance for a particular side building elevation.

(b) *“Single Wall” Defined*

A single wall shall mean the entire wall that shares the same architectural elevation as shown on the approved site plan. Architectural elevations are typically defined as the front, sides and rear of a building (alternatively called north, south, east and west elevations). See definition of *Wall Area, Exterior Surface*.

(c) *Monument and Pole Signs*

Monument and pole signs shall be measured by the structure of the sign frame for square footage itself.

(d) *Architectural Elevation of Sign*

Regardless of whether a single wall has wall sections that project, recess or otherwise vary from the predominate wall plane, the rectangle shall include all signs that appear on the same architectural elevation.

(e) *Multi-Occupant (In-Line Tenant) Buildings*

For multi-occupant (in-line tenant) buildings such as a shopping center, or other building with a similar layout, all sign(s) associated with each occupant, tenant or business shall be enclosed within a single rectangle for purposes of calculating allowable sign area. Architectural elevation for these single businesses shall be determined by the building frontage that each occupant or tenant has within that center.

(f) *Multi-Occupant (Non In-Line Tenant) Buildings*

For multi-occupant (non in-line tenant) buildings, all sign(s) on a single wall shall be enclosed within a single rectangle for purposes of calculating allowable sign area.

90.11.2 Area Computation of Multi-Faced Signs

(a) *Generally*

Where the sign faces of a double-faced sign are parallel or the interior angle formed by the faces is 60 degrees or less, only one display face shall be measured in computing sign area. If the two faces of a double-faced sign are of unequal area, the area of the sign shall be the area of the larger face. In all other cases, the areas of all faces of a multi-faced sign shall be added together to compute the area of the sign. Sign area of multi-faced signs is calculated based on the principle that all sign elements that can be seen at one time or from one vantage point should be considered in measuring that side of the sign.

(b) *Sign Height Computation*

The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the newly established grade after construction, exclusive of any filling, beaming, mounding or excavating solely for the purpose of locating the sign. (Refer to Charts 1 and 2 in Section 90.11)

90.11.3 *Sign Height and Area Chart*

Signs permitted in accordance with Chart #1 and Chart #2.

CHART 1 – ALLOWABLE SIGN GEOMETRY

		Properties Abutting IH-45	Other Properties
Front Wall Sign	Allowable Area Calculation	2 sq. ft. per 1 ft. of frontage*	2 sq. ft. per 1 ft. of frontage*
	Maximum Area (sq. ft.)	300	300
Rear or Side Wall Sign	Allowable Area Calculation	2 sq. ft. per 1 ft. of frontage*	2 sq. ft. per 1 ft. of frontage*
	Maximum Area (sq. ft.)	300	300
Monument Sign	Maximum Area (sq. ft.)	144	72
	Maximum Height (ft.)	20	10
Pole Sign	Maximum Area (sq. ft.)	144	n/a
	Maximum Height (ft.)	40	n/a

*Frontage refers to building frontage

CHART 2 – ALLOWABLE SIGN LOCATIONS

		Front Wall Sign	Rear or Side Wall Sign	Monument or Pole Signs	
		Total Signs Allowed	Total Signs Allowed	Total Combination of Signs Allowed	Minimum Separation Distance (ft.)
Properties Abutting IH-45	Individual Business/Entity	1	1	1	n/a
	Small Center	1	1	1	n/a
	Large Center				
	3-10 acres	1	1	3	200
	10-20 acres	1	1	4	200
	20-30 acres	1	1	5	200
	30-40 acres	1	1	6	200
	40-50 acres	1	1	7	200
	Super Center	1	1	8	200
Other Properties	Individual Business/Entity	1	1	1	n/a
	Small Center	1	1	1	n/a
	Large Center				
	3-10 acres	1	1	3	100
	10-20 acres	1	1	4	100
	20-30 acres	1	1	5	100
	30-40 acres	1	1	6	100
	40-50 acres	1	1	7	100
	Super Center	1	1	8	100

- Wall signs for tenants within a center will be considered as an Individual Business/Entity.
- Hotels with more than one business as defined in section 11.19.98 the subordinate business will be allowed an additional wall sign on the front and one on the side/rear not to exceed 50 percent of the hotels wall sign square footage.
- Pole signs are not allowed on properties not abutting or fronting IH-45.
- Minimum allowed signage size is 25 square feet.
- Centers are defined in 90.19.77
- For properties along IH-45 where pole signs are allowed, if no poles signs are used on the property, a 50% increase in monument sign area will be allowed.
- Total allowable monument sign area can be combined into fewer signs. However, at no time shall monument signs exceed a maximum sign area of 250 square feet.

90.12 Signs within a Public Right-of-Way, Easement or Public-Owned Property

90.12.1 No sign(s) shall be allowed in the public right-of-way, easement, or public-owned property except for the following:

- (1) Public signs erected by or on behalf of a governmental body to identify public property, convey public information and direct or regulate pedestrian or vehicular traffic;
- (2) Bus stop signs erected by a public transit company;
- (3) Informational signs of a public utility regarding its poles, lines, pipes or other facilities;
- (4) Signs appurtenant to a use of public property permitted under a franchise or lease agreement with the City of Shenandoah; and
- (5) Signs posted in association with municipal, county, state or federal authorities for crime prevention and public safety and health.

90.12.2 *Other Signs in Public Right-of-Way*

Unless otherwise specified in this Chapter, any other sign placed in the public right-of-way, easement or public-owned property in violation of this chapter shall be deemed a public nuisance and may be seized by the City, and the person owning or placing the sign may be charged both with a violation of this chapter and with the cost of removing and disposing of the sign.

90.13 Nonconforming Signs

90.13.1 *Nonconforming Signs Protected*

A sign which was lawfully erected prior to the adoption of this ordinance but which does not conform in one or more respects with the requirements of this ordinance may remain in use, until it falls within the provisions of 90.13.

90.13.2 *Limitations on Nonconforming Signs*

(a) *Abandonment*

Any sign related to a use or business that ceases to exist or operate for a continuous period of 90 days shall be considered Non Conforming and shall not be reused unless and until it is in full conformity with the provisions of this Ordinance.

(b) *Routine Repairs and Maintenance*

Repair and maintenance of nonconforming signs is permitted but only if the cost of repair or maintenance is less than \$2,500. Otherwise, the sign must be brought in compliance with this Ordinance.

(c) *Change of Copy*

No change of copy shall be permitted (except on a changeable copy sign) without bringing the sign into full compliance with this Ordinance;

(d) *Other Sign Permits on Premises*

For single-occupant properties, the issuance of a sign permit for a new or replacement sign shall be subject to the condition that all nonconforming signs on that property shall be removed or brought into compliance with this Ordinance. For multi-occupant properties, the issuance of a sign permit for a new or replacement sign for any individual occupant shall be subject to the condition that all nonconforming signs for that occupant shall be removed or brought into compliance with this Ordinance. This section shall not apply to the issuance of a permit for a temporary sign.

Unless a Special Exception is granted, where an amendment to a previously approved development plan is proposed, approval of such plan shall be contingent upon removal of all nonconforming signs on the site. For example, if an existing retail establishment proposes a building addition or

parking expansion, then any nonconforming signs on the property must be brought into compliance as a condition of approval of the amended site plan;

(e) *Nonconformance Special Exceptions*

The Shenandoah Sign Committee may, by Special Exception, authorize for the continuation, expansion or replacement of a nonconforming sign legally permitted and constructed under a previous City Ordinance upon finding that the failure to grant the Special Exception creates an unreasonable or unnecessary hardship and where the public welfare will not be substantially injured.

90.14 Illegal Signs

An illegal sign is any sign that was constructed after the adoption of this Ordinance without a permit and/or constructed in violation of this ordinance. An “illegal” has no legal right to remain. Illegal signs shall be removed in accordance with this ordinance.

90.15 Sign Permits

If a sign requiring a permit under this chapter is to be placed, constructed, erected, or modified, the Person seeking to place, construct, erect or modify a Sign must obtain a Sign Permit prior to the construction, placement, erection or modification of the sign.

An application for a Sign Permit may be filed by the owner of the property, the lessee or the contract purchaser of the property, along with sign contractors. If the applicant is a lessee or contract purchaser, the applicant must obtain the owner’s written authorization to file the application.

- 90.15.1 An application for a Sign Permit shall be filed with the Department of Community Development on the form prescribed by the Department and accompanied by the fee for the permit.
- 90.15.2 The application will not be processed unless it is complete, and the fee paid.
- 90.15.3 The Department of Community Development shall, in its sole discretion, determine whether the application is complete. If the Department determines that the application is not complete, it shall notify the applicant, in writing, of the deficiencies and shall take no further action to process the application until the application is complete. If the application is not completed within 45 days, the application shall expire and be void and will be discarded and any fees paid forfeited.
- 90.15.4 Within 30 calendar days of submission of a complete application for a Sign Permit, the City Administrator shall either:
- (a) Issue the Sign Permit; or
 - (b) Deny the Sign Permit. If the Sign Permit is denied, the City Administrator shall specify, in writing, the reasons for the denial.
- 90.15.5 Upon being denied a Sign Permit by the City Administrator, an applicant may request a Special Exception from the Shenandoah Sign Committee.
- 90.15.6 Within 60 days of being issued a Sign Permit, the Sign shall be completed and shall have passed all City inspections. If these events have not occurred within 60 days, the Sign Permit is null and void and all fees paid are forfeited.
- 90.15.7 Upon completion of the Sign, the Person issued the Sign Permit and the person who built the sign shall be required to execute a Sign Certification, verifying that the Sign was constructed in accordance with the Sign Permit.

90.16 Shenandoah Sign Committee

- 90.16.1 The City Council has designated Planning and Zoning committee to serve as the Shenandoah Sign Committee.
- 90.16.2 The Shenandoah Sign Committee will not have jurisdiction or the right to decide if a sign that has been built complies with the requirements of this Ordinance.
- 90.16.3 The Shenandoah Sign Committee shall only hear and decide any appeal from the decision of the City Administrator to deny a permit for non-conformance with this ordinance.
- 90.16.4 Any decision of the Shenandoah Sign Committee shall require the affirmative vote of three members.
- 90.16.5 The decision of the Shenandoah Sign Committee will be final, and an Applicant does not have an automatic right of appeal to the City Council.

90.17 Procedure to Appeal to Sign Committee

- 90.17.1 Upon being denied a Sign Permit by the City Administrator, an Applicant may request a Special Exception. A Special Exception may be requested to deviate from certain requirements for signage as set forth in this Ordinance.
- 90.17.2 Upon being denied a Sign Permit, an Applicant may, within 45 days of the determination, request a Special Exception.
- 90.17.3 An Applicant desiring a Special Exception must submit a written request to the Shenandoah Sign Committee within 45 days of a denial by the City Administrator. The request must clearly state the Special Exception being sought and the reasons why the Applicant believes a Special Exception should be granted.
- 90.17.4 The request for a Special Exception will be reviewed and a decision rendered within 30 days of the receipt of the request for a Special Exception.
- 90.17.5 The Shenandoah Sign Committee may grant a Special Exception if the Committee determines that a special circumstance exists which warrants the Special Exception requested.
- 90.17.6 In granting a Special Exception, the Shenandoah Sign Committee may impose such conditions as are necessary to (1) meet the purposes of this Ordinance (2) protect adjacent property owners and (3) to protect the public health, safety and general welfare.
- 90.17.7 The Sign Committee does not have the authority to grant a Special Exception for a Prohibited or Temporary Sign.
- 90.17.8 Upon denial of a Special Exception by the Shenandoah Sign Committee, the Mayor or any two City Council members may submit a written request to have a hearing on whether to grant the Special Exception. At one of the next two City Council meetings, the City Administrator shall include an agenda item to consider a reversal or amendment to the decision of the Shenandoah Sign Committee.

90.18 Enforcement and Penalties

- 90.18.1 Any Person is violating this Ordinance by doing any one or more of the following:
 - (a) By installing, erecting or maintaining a sign without a required permit; or
 - (b) By installing, erecting or maintaining a sign that is inconsistent with an issued Permit; or
 - (c) By failing to remove a sign that is installed, erected or maintained without a required permit; or

- (d) By installing, erecting or maintaining a Prohibited Sign; or
 - (e) By changing a sign without first obtaining a Permit; or
 - (f) By failing to pass the required inspections prior to expiration of the sign permit; or
 - (g) By failing to remove a Non Conforming Sign;
 - (h) By installing, erecting or displaying a sign that does not comply with the requirements of this Ordinance
- 90.18.2 Upon conviction by a court of competent jurisdiction, a Person shall be subject to one or more of the following penalties:
- (a) A fine of \$300.00 for each violation;
 - (b) An award of attorney fees incurred by the City;
 - (c) Cost of Court;
 - (d) An Order directing the Sign be removed;
 - (e) An Order that the City be allowed to remove the Sign;
 - (f) An Order that the costs of removing a sign by the City creates a lien on the property; and/or
 - (g) An Injunction prohibiting any continuing violation of this chapter or the displaying of any Sign in violation of this chapter.
- 90.18.3 Each day of a continued violation shall be considered a separate violation.
- 90.18.4 Any alleged violation of this chapter where the City seeks one or more penalties as set forth in Subsection 90.18.2(a)-(c) may be heard by the Municipal Court of the City of Shenandoah.
- 90.18.5 Any alleged violation of this Ordinance where the City seeks penalties set forth in Subsections 90.18.2(a)-(c) and 90.18.2 (d)-(g) shall be heard by a District Court in Montgomery County, Texas.
- 90.18.6 Any penalty issued may be appealed in accordance with the civil penalty provisions of this code.

90.19 Definitions

- 90.19.1 *Abandoned Sign*
 A sign erected on site in conjunction with a particular use where such use has been discontinued for a period of 90 days or more, or a sign for which the content pertains to a time, event or purpose which no longer applies.
- 90.19.2 *Accessory Building or Structure*
 A building or structure which is on the same lot as, and of a nature customarily incidental and subordinate to, another building or structure, and the use of which is clearly incidental and subordinate to that of the other building or structure.
- 90.19.3 *Animated Sign*
 Any sign using movement or lighting changes to depict action or create a special effect or scene, except LED displays on restaurant menu boards.
- 90.19.4 *Architectural Elevation*
 Any elevation of a building extending vertically from the grade to the top parapet wall or eaves, and horizontally across the entire width of the building elevation, including slanted wall surfaces sometimes referred to as the mansard.

90.19.5 Area, Sign

The square footage of a sign made up of letters, words or symbols within a frame shall be determined from the outside edge of the frame itself.

90.19.6 Attention-Attracting Device

Any device or object visible from any public right-of-way which is primarily designed to attract the attention of the public to a business institution, sign or activity through such means, including but not limited to illumination, color, size or location. Attention-attracting devices or objects often incorporate illumination, which may be stationary, moving, turning, blinking (including animation) or flashing. Attention-attracting devices may or may not convey a message and can include, but are not limited to, search lights, beacons, strobe lights, strings of lights, barber poles, internally illuminated translucent canopies or panels, electronically controlled message boards (time/temperature signs, gas price signs, public service announcements, etc.), banners, streamers, pennants, propellers and inflatable objects (including strings of balloons) or other devices designed to attract attention.

90.19.7 Awning

Any non-rigid material, such as fabric or flexible plastic that extends from the exterior wall of a building and is supported by or attached to a frame without any supporting columns, poles or braces extended to the ground. Generally, an awning will cover either a window or an entrance to the principal building.

90.19.8 Awning Sign

A sign located on an awning.

90.19.9 Bandit Sign

Illegal signs usually used for advertising. Most common uses would include corrugated real estate signs or informational signs, also known as a stake sign.

90.19.10 Banner

Any sign printed or displayed upon cloth or other flexible material with or without frames. A banner is considered to be a temporary sign.

90.19.11 Beacon

Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same site as the light source. Also, any light with one or more beams that rotate or move.

90.19.12 Building Front

The primary pedestrian access point of an individual or multi-tenant business or entity.

90.19.13 Building Frontage

Building frontage shall mean the horizontal length of a building on THE side with the principal entrance of an individual or multi-tenant business or entity. For an individual business/entity to be considered IH-45 frontage, the property must abut and/or adjoin the IH-45 feeder road. This information is based upon property plat information filed with the City of Shenandoah. Whether the building frontage wall length is straight, concave, convex, the measurement will be made from or by the shortest distance between the two front corners of building.

90.19.14 Building Permit

A permit issued by the City Administrator for construction, renovation or alteration of property.

90.19.15 Building Sign

Means any sign attached to any part of a building, as contrasted to a "ground sign."

90.19.16 *Building Wall*

An exterior load-bearing or non-load bearing vehicle structure encompassing the area between the final grade elevation and eaves of the building. It is used to enclose the space within the building. A porch, balcony or stoop is part of the building structure and may be considered as a building wall.

90.19.17 *Cabinet Sign*

A Cabinet Sign is a wall sign consisting of (1) a frame and (2) face that is internally illuminated and (3) the entire sign is enclosed in a single frame.

90.19.18 *Canopy*

A roof structure constructed of rigid materials, including but not limited to, metal, wood, concrete, plastic, or glass, which is attached to a building, or which is free-standing and supported by columns, poles or braces extended to the ground. Unlike a marquee, a canopy generally has very limited vertical surface area; and unlike an awning, a canopy is supported by vertical elements rising from the ground.

90.19.19 *Certificate of Occupancy*

Official certification which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the provisions of law for the use and occupancy of the building in its several parts together with any special stipulations or conditions of the building permit. A written instrument executed by the Chief Building Official – Building Permits & Inspections authorizing a described use of a lot or building as set forth in the Building Code and in this Section.

90.19.20 *Changeable Copy Sign*

Any sign designed so letters or numbers attached or digitally displayed on the sign can be changed.

90.19.21 *Changeable Electronic Variable Message Sign (CEVMS)*

A sign which permits light to be turned on or off intermittently or which is operated in a way whereby light or text 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 which such sign is in use, including an LED (light emitting diode) or digital sign, and which varies in intensity or color. A CEVMS 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.

90.19.22 *City Administrator*

The City Administrator or anyone designated by the City Administrator.

90.19.23 *City Council*

The legally constituted and elected governing body of the City of Shenandoah.

90.19.24 *Commercial Message*

Any sign, wording, logo or other representation, which, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

90.19.25 *Construction Sign*

Any sign bearing the names of contractors, architects, engineers, etc. or advertising, promotions, price ranges and similar information placed at a construction site which has received development plan approval or for which an active building permit exists.

90.19.26 *Development*

A group of houses or other buildings, residential or nonresidential which are built as a single construction project.

90.19.27 *Dilapidated Sign*

A sign that is not secure or otherwise structurally sound, has defective parts, or is in need of painting or maintenance.

90.19.28 *Directory Sign*

An on-premise ground or building sign which lists tenants or occupants of a building or project, with unit numbers, arrows or other directional information with no commercial logos or messages.

90.19.29 *Enforcement Officer*

A person charged by the City Administrator to enforce the provisions of this chapter.

90.19.30 *Flag*

Any fabric or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision, corporation, lodge, fraternity or sorority, political party, nonprofit organization, charity, club, association or other entity.

90.19.31 *Flag Pole*

Means a vertical, freestanding pole that is permanently mounted in the ground in which to raise a flag.

90.19.32 *Flashing Sign*

A sign, the illumination of which is not constant in intensity when in use, that exhibits sudden or marked changes in lighting effects. LED displays on restaurant menu boards are not considered flashing signs.

90.19.33 *Garage Sale Sign*

A temporary residential sign advertising a garage/yard sale.

90.19.34 *Governmental Sign*

A sign required, authorized or installed by any governmental entity, which is exempt from the permitting process.

90.19.35 *Ground Sign*

A freestanding sign either one- or two-sided that is either temporarily or permanently attached to the ground.

90.19.36 *Height, Sign*

The distance from the base of a sign at normal grade to the top of the highest attached component of the sign.

90.19.37 *Holiday Decorations*

Displays erected on a seasonal basis in observance of religious, national or state holidays, which are not intended to be permanent and contain no advertising material.

90.19.38 *Holiday Season*

Holiday season shall mean a designated time period for the display of holiday decorations as detailed in Section 90.3 Exempt Signs. The established time periods are November 15 through January 15 and for all other federally recognized holidays for a period not to exceed seven days.

90.19.39 *Identification Sign, Building*

A sign bearing such information as the name or identification of a building, date and incidental information about its construction, address of the premises or name of occupant, and so forth, but such sign does not contain any commercial logo or commercial message.

90.19.40 *Illegal Sign*

A sign erected in violation of any regulation applicable at the time of erection of such sign. Any sign which does not comply with the provisions of this chapter or any other applicable ordinance, or which is not deemed a conforming sign as set forth in this chapter, shall be considered an illegal sign.

90.19.41 *Illuminated Sign*

A sign illuminated by electrical or other artificial devices.

90.19.42 *Incidental Sign*

An informational sign, with a purpose secondary to the use of the site on which it is located, such as “no parking,” entrance,” “loading only,” telephone” and similar information and directive type signs. Incidental signs contain no commercial message or commercial logo other than the name of the tenant or development.

90.19.43 *Individual Business or Entity*

Lot or tract containing one authorized business use.

90.19.44 *Inflatable Signs*

A sign made of flexible material or fabric made to take on a three-dimensional shape (to blow up like a balloon) when filled with a sufficient volume of air or gas.

90.19.45 *Information (Piece of)*

A word, whole number, telephone number, price, logo, picture, exclamation point or similar separately identifiable unit on a sign.

90.19.46 *Institutional Use*

For the purpose of determining allowable signage, a school, religious institution, or other use operated by a public agency or non-profit organization and permitted as a use in one or more residential zoning districts in the City of Shenandoah. A childcare facility shall be considered an institution regardless of ownership or operation. For purposes of this Chapter, an institutional use shall be under the sign requirements of a nonresidential area; however, should an institutional use be located within a residential district or area, then residential requirements shall prevail.

- (a) Uses treated as institutional uses under this definition and thus permitted to have institutional signs in residential zoning districts shall be those operated with a focus on public service rather than private profit;
- (b) In the context of the first principle, no commercial sign shall be permitted for any activity involving the sales of goods or the furnishing of services primarily for a profit. Private educational uses, such as dance, music, or karate studios, shall not be considered institutional uses for this purpose.

90.19.47 *Logo*

The graphic or pictorial presentation of a message, including, but not limited to, the use of shapes, designs, decorations, emblems, trademarks, symbols or illustrations, or the superimposition of letters or numbers of any other use of graphics or images other than the sequential use of letters and numbers.

90.19.48 *Lost/Found Pet Sign*

A temporary residential use sign, which may be used to give a detailed description of the lost animal. A photo may be attached, if available, and the owner’s name and contact number can be provided. Commercial advertising is prohibited in this type of sign.

90.19.49 *Lot*

A parcel of land whose boundaries have been established by some legal instrument, such as a recorded deed or plat, and which is recognized as a separate legal entity for purposes of transferring title. This term shall include any number of contiguous lots, or portion thereof upon which a single principal building and its accessory buildings are located or intended to be located.

90.19.50 *Marquee*

A roof-like structure that cantilevers from the wall of a building over its principal entrance, that has no vertical supports other than the wall from which it cantilevers, and that provides a wall surface at least four feet high.

90.19.51 *Marquee Sign*

A sign attached to or mounted on top of a marquee.

90.19.52 *May*

Indicates a permissive action.

90.19.53 *Menu Board*

An accessory sign providing items and prices associated with a drive-thru window.

90.19.54 *Monument Sign*

A freestanding sign that is permanently attached to the ground, either one or two-sided, and is the primary identifier of the property from adjacent public rights-of-way or private properties and meets the requirements of this code, but not including a ground sign that conforms to the definition of "incidental sign." The sign may consist of either stone, concrete, metal, routed wood, planks, beams or similar materials or a combination thereof but shall be solid from the ground up and poles or supports shall be concealed.

90.19.55 *Multi-Occupant (In-Line Tenant) Building*

A building where tenants, occupants, or businesses share the same or common structure, but each tenant, occupant or business has a building front (i.e. store front) to where access is gained from the outside versus internally within the building. Such businesses within a building may be aligned in a row to where each tenant, occupant or business has direct access from the outside.

90.19.56 *Multi-Occupant (Non In-Line Tenant) Building*

A building where tenants, occupants, or businesses share the same or common structure but are not aligned in a row with each occupant having a separate outside entrance. Such buildings are arranged to where outside entrances are shared in common, and few or no occupants, tenants or businesses have a building front (i.e. store front) or direct outside access but are primarily accessed internally within the building.

90.19.57 *Neon Signs*

A sign that houses tubing to where such tubing is enclosed within an opaque casing that is not visibly exposed to the public.

90.19.58 *Neon Tubing*

Electric-discharge tubing manufactured into shapes that form letters, parts of letters, skeleton tubing, outline lighting, other decorative elements, or art forms, and filled with various inert gases.

90.19.59 *Nonconforming Sign*

Any sign that currently does not meet the requirements of this chapter but was approved as part of previously approved version of this chapter.

90.19.60 *Off-Premises Sign*

Any sign, commonly known as a billboard, that identifies or advertises a business, person, activity, goods, products or services not located on the premises where the sign is installed and maintained, or that directs persons to a location other than the premises where the sign is installed and maintained.

90.19.61 *Off-Premises Sign (Temporary)*

Any sign used for a limited period of time, not permanently mounted and identifies or advertises a business, person, activity, goods, products or services not located on the premises where the sign is installed and maintained, or that directs persons to a location other than the premises where the sign is installed and maintained.

90.19.62 *On-Premises Sign (Temporary)*

Any sign that is used for a limited period of time, not permanently mounted and identifies or advertises the business, person, activity, goods, products or services sold or offered for sale on the premises where the sign is installed and maintained when such premises is used for business purposes.

90.19.63 *Pennant*

Any lightweight plastic, fabric or other material, regardless of whether it contains a message of any kind that is suspended from a rope, wire, string or pole, usually in series and is designed to move in the wind.

90.19.64 *Person*

Any association, company, corporation, firm, organization or partnership, SINGULAR or plural, of any kind.

90.19.65 *Pole Sign*

A freestanding sign which is supported by, and placed upon, one or more poles.

90.19.66 *Political Sign*

A sign attracting attention to political candidates or issues as defined by the V.T.C.A., Election Code §41.001. A political sign is for temporary use only and can contain no commercial message.

90.19.67 *Portable Sign*

Any sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels. Also, signs made as A-frames or T-frames, balloons used as signs and umbrellas used for commercial messages.

90.19.68 *Poster Box*

A box installed on a wall for the purpose of displaying posters of shows at a theater limited to 36 inches by 54 inches; top of box limited to no more than ten feet above the ground; can be internally illuminated.

90.19.69 *Principal Building*

A building in which the principal business is conducted. A multi-occupant property may have more than one principal building, but only structures regularly used for human occupancy may be considered principal buildings; not an accessory building.

90.19.70 *Projecting Sign*

Any sign attached to a building wall and extending laterally more than 18 inches from the face of such wall.

90.19.71 *Public Event Sign*

A sign that transmits information regarding an event that is deemed to impact the community as a whole. These signs would advertise for events, including but not limited to, National Night Out, Lighting of the Angels, etc. Such sign shall require prior approval by the City Administrator. A public event sign is for temporary use only. This is not to be confused with a Temporary Event Sign.

90.19.72 *Real Estate Sign*

A sign advertising real property for sale or lease. A real estate sign is for temporary use only.

90.19.73 *Residential Sign*

Any sign located in a district zoned for residential uses that contains no commercial message. This sign relates to personal affiliation, including, but not limited to a team church membership, etc.

90.19.74 *Roof Sign*

A sign that is placed above or supported on the top of a building.

90.19.75 *Rotating Sign*

A sign that revolves around a fixed axis.

90.19.76 *Shall*

A mandatory action.

90.19.77 *Shopping Center*

A building or group of buildings, either connected or free-standing, under unified or multiple ownership of land parcels, that is designed as a shopping center with common parking, pedestrian movement, ingress, and egress, and used or intended to be used primarily for the retail sale of goods and services to the public. A shopping center can be designed as a multi-occupant (in-line tenant) building or a multi-occupant (non in-line tenant) building. The following are the types of shopping centers:

(a) *Small Center*

A lot or lots consisting of less than three acres of land and containing more than one authorized business use.

(b) *Large Center*

A lot or group of adjacent lots in the same subdivision, consisting of three or more acres of land, and containing commercial or industrial land uses.

(c) *Super Center*

A lot or group of adjacent lots in the same subdivision, consisting of 50 or more acres of land and containing commercial or industrial land uses.

90.19.78 *Sight Triangle (or Horizontal Sign Distance)*

The horizontal and vertical areas at the intersection of streets and/or driveways which must remain unobstructed, as set forth in this code, and State Law, in order to ensure that drivers can see traffic and pedestrians around the corner of the intersection, entrance or driveway.

90.19.79 *Sign*

Any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

90.19.80 *Sign Permit Application*

A plan establishing parameters for the size, location and design of signs on a property being constructed or managed as a single development.

90.19.81 Site

A lot, tract or parcel of land considered as one land-unit for purposes of this chapter. For a single-family residence, the site shall be the subdivided lot on which it is located. For multi-family projects, the site shall be all land occupied by the buildings in the project and adjoining such property and under common ownership with it. For vacant land, the site shall be all of the adjoining vacant land under single ownership. For single-occupancy, non-residential properties, the site shall be the subdivided lot that is occupied. For multiple-occupancy properties, the site shall be all land included under the original "site plan" or "subdivision plan" approval under this code or all land included under the original "sign permit application" approval under this chapter or its predecessor, whichever land area is larger.

- (a) The intent of this definition is to treat as one site an entire project as planned and developed together.
- (b) A single apartment complex shall be considered as occupying one site.
- (c) A shopping center including out-parcels and separate buildings within it, regardless of whether ownership is common or separate, shall be considered as occupying one site.
- (d) A group of office buildings, warehouses or industrial buildings under common ownership or management and approved within one site plan with the City shall be considered occupying one site.
- (e) In general, buildings that share parking or access shall be presumed to occupy one site, subject to proof by the owners that the nature of the sharing arrangement is such that it should not be considered determinative for purposes of this chapter.

90.19.82 Site Plan

A plan depicting the proposed development of a property, in terms of the location, scale and configuration of buildings and other features containing all the required information under the requirements of this chapter.

90.19.83 Skeleton Tubing

Neon tubing that is itself the sign or outlines lighting and is not attached to an enclosure or sign body.

90.19.84 Special Exception

A special exception, which allows a deviation from this chapter, is granted or denied only by the Shenandoah Sign Committee.

90.19.85 Subdivision Identification Sign

A sign that gives the name of a residential or nonresidential subdivision or multi-family development.

90.19.86 Suspended Sign

A sign suspended from the underside of a horizontal plain surface and supported by such surface.

90.19.87 Temporary Event Sign

Signs for temporary uses or special events, including but not limited to grand opening of businesses, business going out of business, a business under new management and the like.

90.19.88 Temporary Sign

Any on- or off-premises sign that is used for a limited period of time and is not permanently mounted.

90.19.89 Theater

An establishment offering movies or live performances to the public, as more fully defined in this code.

90.19.90 *Traffic Sign*

A sign indicating federal, state, or municipal regulations for automobile, truck, bicycle or pedestrian movement.

90.19.91 *Variance*

A variance is granted by the authority of the City Council per the written request of two council members after denial of a special exception request by the Shenandoah Sign Committee.

90.19.92 *Vehicular Sign*

A sign painted on, attached to or pulled by a moving or parked vehicle and visible from the public right-of-way unless the vehicle is used in the normal day-to-day operations of the business. This definition shall not include signs that are being transported to a site of permanent location. For purposes of this chapter, a vehicle shall mean an automobile, truck, camper, tractor, van, trailer or any device capable of being transported and shall be considered a vehicle in both moving and stationary modes.

90.19.93 *V-Sign*

A temporary freestanding sign which has two sets of supports sharing at least one common support, and capable of displaying two message boards in boards in different, provided such double message boards are physically contiguous. A V-Sign shall also be considered an A-Frame Sign, Sandwich Sign, or back to back sign.

90.19.94 *Wall Area, Exterior Surface*

This is an exterior single wall which projects, recesses, is off-set, jogs or otherwise varies or changes in elevation from the predominate wall plane. The concerned exterior surface wall area will be from the starting point of such wall recession, projection, job, off-set or otherwise variation or change in elevation from the predominate wall plane to the nearest point of termination of such wall recession, projection, offsetting, jogging or otherwise variation or change in elevation from the predominate wall plane. A parapet extending not more than twelve inches above a flat roof shall be considered part of the exterior wall for purposes of determining signage.

90.19.95 *Wall Sign*

Any sign painted on or attached to and extending not more than six inches from an exterior wall in a parallel manner.

90.19.96 *Windblown Device*

Any banner, pennant, spinner, streamer, propeller, disc, moored blimp, gas balloon or flag (which is not of local, state, federal, corporate, nonprofit or religious origin) that is designed to inform or attract attention, whether or not such device carries a message, all or part of which is set in motion by wind, mechanical, electrical or any other means.

90.19.97 *Window Sign*

Any sign that is applied to the inside of glassed areas of a building.

90.19.98 *Hotels with a Subordinate Business*

A subordinate business is one that is a minimum of 2,500 square feet and is separate legal entity. The subordinate business shall not be a subsidiary owned or operated by the hotel and must have its own sales tax and tax Id.

Any sign that is granted an encroachment agreement must include the City of Shenandoah logo on the sign in a manner to be approved by the City Council at the time the encroachment agreement is approved.