

ORDINANCE NO. 2018- 10

AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS REPEALING ORDINANCE NO. 2013-05 AND REPLACING IT WITH ORDINANCE NO. 2018-10 REGULATING SIGNS; PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, SEVERABILITY, PENALTIES, REPEALER, AN EFFECTIVE DATE, AND PROPER NOTICE AND MEETING

WHEREAS, the Board of Aldermen of the Village of Salado, Texas (the "Village") seeks to provide for the health, safety and welfare of its citizens and provide for the orderly development of land within its corporate limits and its extraterritorial jurisdiction; and

WHEREAS, the Board of Alderman desires to update its sign regulations to meet the changing conditions in the Village as well as the changed statutory and legal requirements related to sign regulation; and

WHEREAS, signs are often placed in close proximity to public rights-of-way, and such placement creates visual obstruction of oncoming pedestrian and vehicular traffic creating a safety issue; and

WHEREAS, uncontrolled placement of portable, banner, billboards, and temporary signs could have a negative impact on the health, safety, and welfare of local residents; and

WHEREAS, regulation of signs in the Village will substantially promote the Village's interest in preserving the aesthetic beauty of the Village; and

WHEREAS, the Village has the authority to regulate signage pursuant to Texas Local Government Code Chapters 51, 52, 211, 216, and 217; and,

WHEREAS, the Board of Aldermen of the Village of Salado adopted Ordinance No. 2008.02 in January, 2008, regulating signage; and

WHEREAS, in June 2013, the Board of Aldermen of the Village of Salado adopted Ordinance No, 2013.05 which repealed Ordinance No, 2008.02 and its amendments;

WHEREAS, the Board of Aldermen of the Village of Salado desired to repeal Ordinance No. 2013.05 and replace it with a new ordinance which updates and clarifies the regulations relating to signage within its corporate limits and its extraterritorial jurisdiction.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, TEXAS, THAT:

Section 1. Findings.

All of the above premises are hereby found to be true and correct legislative and factual findings of the Village of Salado and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. Amendment.

THAT Village of Salado Ordinance No. 2013-05, (Signs), is hereby repealed and replaced to read as follows:

SECTION 1. PURPOSE

The purpose of this Ordinance is to provide uniform sign standards and regulations in order to ensure public safety and to promote a positive Village image reflecting order, harmony and pride, and thereby strengthening the economic stability of Salado business, cultural, historical and residential areas.

SECTION 2. GENERALLY

No person may construct, reconstruct, place, install, repair, maintain, relocate, alter or use a sign after the effective date of this Ordinance unless such installation, construction, reconstruction, placement, repair, maintenance, relocation, alteration or use meets all the provisions of this and all other applicable ordinances adopted by the Board of Aldermen of the Village of Salado, Texas. Any sign that violates the provisions of this Ordinance shall constitute a nuisance.

SECTION 3. JURISDICTION

The provisions of this Ordinance shall apply within the Village limits and its extraterritorial jurisdiction.

SECTION 4. DEFINITIONS

Words and phrases used in this Ordinance shall have the meanings set forth in this section. Words and phrases that are not defined in this Ordinance but are defined in other ordinances of the Village of Salado shall be given the meanings set forth in those ordinances. Other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise. Headings and captions are for reference purposes only and shall not be used in the interpretation of this Ordinance.

Abandoned Sign. A sign whose message describes the availability of goods or services at a location where such goods and services are no longer available and have ceased to be available for a period of at least 60 days or, in the alternative, a sign that is non-commercial in nature and the content of the sign pertains to a time, event or purpose that has elapsed or expired in the preceding 60 days.

Area. The entire sign surface within a single contiguous perimeter, excluding support structures. A sign structure with 2 faces back-to-back, oriented in opposite directions and separated by not more than 3 feet, with the same copy on both sides, shall be counted as a single sign. In cases where a sign is composed only of letters, figures, or other characters the dimensions used to compute the area are the smallest simple imaginary figure (circle, triangle, rectangle, or other) that fully contains the sign content.

Awning Sign. A sign that is suspended from the underside of an awning or canopy structure or which projects into the space enclosed within or beneath an awning or canopy structure. A sign that is painted on or attached to the outside of an awning or canopy structure is an awning sign.

Banner. A flexible sign intended to be hung or mounted either with or without frames, made of paper, plastic, fabric or any other flexible material, and that is used by its colors, characters, lettering, illustration or ornamentation to call attention to an establishment on the site or to a community, civic or other event either on or off the site. Flags are distinguished from banners for the purposes of this Ordinance.

Beacon. Any light with a beam directed into the atmosphere or directed at a point that is not on the same lot or tract of land as the light source, or a light with one or more beams that rotate or move.

Billboard. Any sign that is used or designed to be used to advertise or call attention to any product or service that is produced or sold at a place other than on the premises on which the sign is located, or to advertise or call attention to any establishment that is not located on the same premises as the sign.

Bulletin Board. A sign that is principally devoted to posting announcements of interest to the members or clientele of an organization concerning the activities of the organization, such as is customarily erected by a church, social club, society or charitable organization.

Village. The Village of Salado, Bell County, Texas, an incorporated municipality.

Village Administrator. The Village Administrator or his/her duly authorized representative.

Changeable Copy Sign. A sign or part of a sign on which characters, letters or illustrations can be changed or rearranged without altering the face or surface of the sign, such as a theater marquee, a gasoline price sign, or a sign identifying the occupants of a shopping center. Any other sign on which the message changes more than once per day is a flashing sign.

Commercial Complex. Any property such as a shopping center, office park or industrial park, that consists of 2 or more commercial establishments on a single platted lot, or which is designed, developed and managed as a unit.

Copy. The words and/or message displayed on a sign.

Daily Display Sign. A portable sign, regardless of its construction, that is designed to be placed on the ground or sidewalk adjacent to an establishment in order to advertise or call attention to the goods or services offered at that establishment.

Day. Calendar day.

Directional Sign. Signs located on commercial property designed to provide direction to pedestrian and vehicular traffic.

Electronic Message Display. A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

Establishment. A use of land for any purpose that requires a building on the land, regardless of the commercial, nonprofit or public nature of the activity, but excluding a residence or active agricultural use in any form

Event Sign. A temporary sign, other than a commercial sign, posted to advertise an event sponsored by a public agency, school, church or religious institution, civic-fraternal or other organization.

Feather Flag Sign. A free-standing temporary sign typically constructed of a single plastic or metal shaft driven in the ground with an attached pennant that is vertically elongated and attached to the shaft.

Flag. A fabric sheet, that is attached at one (1) end to a pole, cable or rope.

Free-standing sign. Either a monument sign or a self supported sign.

Handheld Sign. A sign that is not permanently or temporarily attached to the ground or to a permanent structure, and that is designed to be transported or carried by an individual.

Height. The distance from ground level to the top of the sign structure. The ground level is the lower of (1) the existing grade prior to construction of the sign or (2) the newly established grade after construction, unless the curb elevation at the street in front of the sign is higher than the established ground level, in which case the height shall be measured from curb level.

Historic District. A district or zone designated by a local, state, or federal government, within which buildings, structures, and/or appurtenances are deemed important because of their association with history, or because of their unique architectural style and scale.

Interstate 35 Corridor. A planning corridor which includes those properties contiguous to the north and southbound frontage roads of Interstate 35 within the corporate limits of the Village of Salado and its extraterritorial jurisdiction.

Internally illuminated Sign. A sign that has the light source enclosed within it so the source is not visible to the eye.

Illuminated Sign. A sign with electrical equipment installed for illumination, either internally illuminated through its sign face by a light source contained inside the sign or externally illuminated by reflection of a light source aimed at its surface.

Luminance. An objective measurement of the brightness of illumination, including illumination emitted by an electronic sign, measured in candles per square foot (cd/ft²).

Mobile Billboard. A sign and/or an electronic message sign installed or displayed on a motor vehicle or trailer being towed by a motor vehicle for the purpose of advertising a business or entity that is unrelated to the owner of the vehicle's primary business.

Monument Sign. A sign that is mounted on a base at least as wide as the sign and is of limited height. The opening between the base and the sign must be no greater than two (2) inches.

Moving Sign. A sign or any part of a sign that rotates, moves, or uses lighting to simulate motion.

New Business Sign. A temporary sign advertising the opening of a new business in an existing structure.

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

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

Organization. An entity, including a natural person, that owns or operates the premises where an on-premise sign is displayed.

Pennant. a triangular or irregular piece of fabric or other material, commonly attached in strings or strands, or supported on small poles intended to flap in the wind.

Permanent Sign. A sign attached to a building or structure, or to the ground in a manner that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign and whose intended use appears to be indefinite.

Premises. A lot or tract within the Village, and contiguous lands in the same ownership, that is not divided by any public highway, street or alley, or right-of-way.

Projecting Sign. A building mounted sign with the faces of the sign projecting twelve (12) inches or more from and generally perpendicular to the building fascia, excepting signs located on a canopy, awning, or marquee.

Residential Area. Any property within the Village limits that is zoned for residential use. Any unzoned property within the Village limits or any property within the Village's extra-territorial jurisdiction that is vacant, in any form of agricultural use, on which a residence is the principal use, and any portion within two hundred (200) feet of any such residence.

Responsible Party. The owner of the property upon which the sign is located, the lessor of the property, and/or the owner of the sign.

Roof Sign. Any sign that is mounted on or above the roof of a building, whose principal support fixtures are attached to a wall and a wall sign that is either painted directly on a sloping roof or mounted directly on a sloping roof in the same plane as the roof.

Rotating Sign. Sign faces or portions of a sign face that mechanically revolves around a central axis as opposed to revolving around an imaginary axis created by a pattern of alternating lights that convey an appearance of rotation.

Sign. Any device, structure, fixture, painting, or visual image using words, graphics, symbols, numbers, or letters designed and used for the purpose of communicating a message or attracting attention.

Signage. A community's inventory of signs used to communicate information or attract attention, including signature building, product displays, and dispensers, as well as traditional projecting, wall, roof, and freestanding signs. (See signature building.)

Single Commercial Building. A structure containing a single commercial establishment, office, business, school, church, non-profit organization, charity or government agency.

Temporary Sign. Any sign intended to remain in use for a short period of time that is not permanently installed.

Wall Plate. A sign, mounted flat against the wall of a building and not projecting more than one inch from the face of the wall.

Wall Sign. A building-mounted sign that is either attached to, displayed, or painted on an exterior wall in a manner parallel with the wall surface, and not projecting more than 16 inches from such surface (See fascia sign).

Window or Door Sign. A sign that is painted on, attached to, or suspended directly behind or in front of a window or the glass portion of a door.

Vehicular Sign. A vehicle, whether motorized or a trailer, that is mounted above the ground as a sign or part of a sign, or any sign attached to or painted on such a vehicle that is mounted above the ground or which is parked so as to be visible from a street when such vehicle is not actually used for transportation in the day-to-day affairs of its owner. However, this term does not include a customary sign in a vehicle window advertising the vehicle itself for sale or containing an incidental non-commercial statement by the vehicle owner.

SECTION 5. EXEMPTIONS FOR CERTAIN TYPES OF SIGNS

The following types of signs are exempt from regulation under this Ordinance:

- (A) Any sign inside a building, or a window or door sign, except for a lighted window sign or lighted door sign.
- (B) Commemorative plaques and historical markers mounted on the face of a building or erected on a site as free-standing monuments, when placed by a governmental entity, historical society or other civic organization
- (C) Any sign erected or required to be erected by any governmental entity or public utility to give information, directions or warnings to the general public, regardless of the sign's location on public or private property.
- (D) Signs that advertise sales or "help wanted" not to exceed four (4) square feet, limited to one (1) per street frontage.

- (E) Signs placed by a federal, state or local government that provide directions to federal, state or local government offices and facilities, public schools and associated facilities, and the Salado Visitors Center.
- (F) Handheld signs of a non-commercial nature that do not rest on or otherwise touch the ground.

SECTION 6. GENERAL REGULATIONS

- (A) The provisions contained in this section shall apply to all signs, with the exception of those referenced in Section 5 of this Ordinance, located within the Village limits or ETJ.
- (B) No sign or part of a sign shall:
 - (1) Be placed on or attached to any utility pole or pedestal, except by a utility company owning the pole or pedestal or operating facilities mounted on the pole or pedestal.
 - (2) Be placed upon real property without the consent of the property owner.
 - (3) Be located in, on, or over any right-of-way, except for regulatory or informational signs erected by government agencies or as otherwise specifically authorized by the governmental entity in control of the right-of-way.
 - (4) Be located so that it blocks vehicle or pedestrian views and/or safe sight distances at any intersection, curve or corner. This includes signs located on private property.
 - (5) Be hung with less than 7-1/2 feet of vertical clearance above the sidewalk or less than fifteen (15) feet of vertical clearance above a street, drive, or parking area. This provision shall apply to any part of a sign, including mounting fixtures and supporting structures, that is mounted above or projects over any sidewalk, street, drive or parking area, whether on public or private land.
 - (6) Imitate or resemble an official traffic-control device or signal; attempt to direct the movement of traffic; or hide from view or hinder the effectiveness of an official traffic-control device or signal.
 - (7) Be placed closer than six (6) feet to the edge of a road surface.
 - (8) Be allowed that moves or has moving components, or has bright flashing lights or other distracting features. This does not include signs with slowly changing messages such as time or temperature.
 - (9) Be located so that it is on or in any way obstructs any sidewalk, walkway or pathway used by the public for normal pedestrian access.

- (10) Extend above or beyond the building roof line, parapet or eaves when installed on a wall. A parapet is a low wall built along one or more sides around the perimeter of a roof.
- (11) Be located closer than ten (10) feet to any power line. Any such sign shall constitute a nuisance.
- (12) Be installed so that it faces contiguous residential property.

SECTION 7. SIGNS FOR WHICH NO PERMIT IS REQUIRED

The following types of signs are regulated under this Ordinance but do not require a permit:

(A) Public Service Signs.

A public service sign is a sign or part of a sign that is devoted to changeable messages without commercial content, such as public meeting information.

- (1) A public service sign shall be placed only in a non-residential area with prior approval of the property owner where is to be placed.
- (2) The area of a public service sign shall not exceed thirty-two (32) square feet, regardless of whether the public service sign is a separate sign or integrated as a component of another sign.

(B) Realty Signs.

A realty sign is a sign that advertises the property on which the sign is located for sale, lease, or rent.

- (1) Realty signs may be placed only upon the premises to which they refer, and only one (1) such sign shall be permitted per street fronting the lot or tract.
- (2) The area of a realty sign shall not exceed three (3) square feet in a residential area, eight (8) square feet in a commercial area.
- (3) No more than three (3) signs may be placed to advertise or mark the location of a realty open house at a site different from where the open house is occurring. The area of a realty open house sign shall not exceed three (3) square feet and shall only be placed on private property with the permission of the property owner. Such signs are allowed to be in place no earlier than one (1) calendar day prior to the event and no later than one (1) calendar day after the event.

(C) Bulletin Boards.

Bulletin boards shall be located only on the premises of the institution or organization to whose activities it pertains. A bulletin board shall not exceed thirty-two (32) square feet in area.

(D) Community Service Signs.

Community service signs are those signs erected only by a unit of government, school, Chamber of Commerce, religious organization, or other non-profit agency that contain solely a non-commercial message or content.

- (1) The area of a community service sign shall not exceed six (6) square feet in a residential area or thirty-two (32) square feet in a non-residential area.
- (2) A community service sign shall not be erected for a period of more than seven (7) days.
- (3) Such signs may be placed on private property only with the permission of the private property owner.

(E) Event Signs, On-Site.

An on-site event sign is a temporary sign that is placed to advertise or mark the location of an occasional commercial event on the same site, involving the sale of goods or services.

- (1) An on-site event sign shall not exceed an area of three (3) square feet in a residential area or thirty-two (32) square feet at any other location and shall not be lighted.
- (2) Such signs are allowed to be in place no earlier than one (1) calendar day prior to the event and no later than one (1) calendar day after the event.
- (3) Such signs may not be used to advertise a home for sale.

(F) Event Signs, Off-Site.

An off-site event sign is a temporary sign that is placed to advertise or mark the location of an occasional commercial event at a site different from where the sign is placed, involving the sale of goods or services.

- (1) An off-site event sign shall not exceed an area of three (3) square feet and shall not be lighted.
- (2) Such signs shall be placed only on private property and only with the consent of the owner of the property.
- (3) No more than three (3) such signs may be used to give directions to the same event.
- (4) Such signs are allowed to be in place no earlier than one (1) calendar day prior to the event and no later than one (1) calendar day after the event.
- (5) Such signs may not be used to advertise a home for sale.

(G) Non-Commercial Flag.

A non-commercial flag is a flag that does not advertise the sales of good or services or advertise the location of a commercial business that sells good or services:

- (1) When a flagpole is located on the top of a roof, the placement and attachment of the pole shall meet the building code for wind and structural loading requirements. The plan design criteria shall provide the proposed location, attachment method to the structure and wind load resistance. A building permit shall be required for this type of installation.
- (2) Within Interstate 35 Corridor, ground mounted flagpoles shall not exceed forty (40) feet. In all other areas, the flagpole may not exceed the maximum building height of twenty-eight (28) feet. The height is measured from the base of the pole to the top of the pole.

(H) Wall Plates.

Each property shall be allowed one (1) wall plate. The wall plat shall not exceed one (1) square foot in a residential area or two (2) square feet in a non-residential area. Only one (1) wall plate may be permitted per residence or establishment.

(I) Temporary signs.

A temporary sign is a sign, such as a political sign, which is composed of chloroplast, plywood, or wall board.

- (1) A temporary sign that is located on private real property shall not have an area greater than thirty-two (32) square feet, shall not be more than four (4) feet in height, shall not be a lighted sign and shall not have any moving elements.
- (2) Temporary signs may be placed on property only with the consent of the property owner.
- (3) No temporary sign may be placed in, on or over any street or publicly owned land or right-of-way.

A temporary sign shall not be placed at a location for a period more than forty-five (45) days prior to the date of an election involving candidates for federal, state or local office that represent the district in which the property is located or involving an issue on the ballot of an election within the district where the property is located per issue and per candidate. Any sign covered by this subsection may remain on the property up to seven (7) days after the election at issue. This section does not limit the content on the additional temporary sign.

(J) Address Sign.

Every residential and/or commercial property shall have an address sign. An address sign is a sign, other than a wall plate or commercial sign, that identifies the address of a residential or commercial property.

- (1) An address sign shall not contain any commercial content or personal message.
 - (2) The area of an address sign shall not exceed two (2) square feet.
 - (3) Address signage is encouraged to be reflective and placed in a location on the property where it is visible at all times.
- (K) Auxiliary signs are signs that are not part of another commercial sign and that provide information, such as hours of operations, credit cards accepted, restrictions of sale to minors, "no soliciting" or "beware of the dog" as part of a commercial use. The area of such individual signs shall not exceed one (1) square foot, and the aggregate area of all such signs cannot exceed four (4) square feet for any commercial establishment or residence.
- (L) No permit is required to repaint or otherwise repair an existing sign, provided that the area of the sign is not enlarged, the height of the sign is not increased, and the location of the sign is not changed.
- (M) No permit is required to change the copy on a changeable copy sign.

SECTION 8. REGULATION OF COMMERCIAL SIGNS; PERMIT REQUIRED

(A) Single Commercial Building

An establishment located in a single commercial building shall be allowed the following permanent signs;

- (1) One (1) free standing sign or one (1) monument sign with a maximum sign area of thirty-two (32) square feet and a maximum sign height of ten (10) feet on properties not located within the Interstate 35 Corridor. For properties located within the Interstate 35 Corridor, one (1) free standing sign or one (1) monument sign with a maximum sign area of sixty-four (64) square feet and maximum sign height of twenty (20) feet for a free-standing sign and a ten (10) feet for a monument sign.
- (2) One (1) roof sign or one (1) wall sign, sized and placed according to the following standards:
 - (a) One (1) wall sign is allowed per building façade of an establishment. Such wall signage shall comply with the size requirements for wall signage, as set forth in this Ordinance.
 - (b) A wall sign that is not painted directly on the surface of a wall must be securely mounted to and supported by the wall throughout the length and width of the sign.

- (c) The area of all wall signs on any single wall shall not exceed ten (10) percent of the area of the wall of the establishment where the sign is to be located.
 - (d) In the event wall signage does not exist, one (1) roof sign is allowed, per establishment. Such signage shall comply with the size requirements for roof signage, as set forth in this Ordinance.
 - (e) Roof signs are allowed to be painted on the surface of the roof top or mounted parallel to the building wall face on the roof, but may not extend above the main building ridge line of the establishment.
 - (f) The area of a roof sign shall not exceed ten (10) percent of the area of the building façade of the establishment above which the sign is located.
- (3) One (1) daily display sign, sized and placed according to the following standards:
- (a) Daily display signs must be located on the leased, rented, or owned business premises.
 - (b) Only one (1) daily display sign is permitted per establishment.
 - (c) A daily display sign may be placed or used only during the actual business hours of the establishment to which it refers.
 - (d) It shall be prohibited to erect or cause to be erected a daily display sign in any public right-of-way. Such signs shall not block designated parking areas and/or sidewalks.
 - (e) Daily display signs are limited to six (6) square feet in area per side and a maximum width of two (2) feet.
- (B) Commercial Complex
- (1) A commercial complex shall be allowed one (1) free-standing sign or one (1) monument sign identifying the name and/or address of the complex and/or listing the individual tenants in the complex. Such sign shall be sized and placed in accordance with the following standards:
- (a) For properties not located within the Interstate 35 Corridor, a commercial complex, with two (2) to five (5) tenants, shall be allowed one (1) free-standing sign or one (1) monument sign with a maximum sign area of sixty-four (64) square feet. The maximum sign height for a free-standing sign shall be twelve (12) feet and ten (10) feet for a monument sign.
- For properties located within the Interstate 35 Corridor, a commercial complex with two (2) to five (5) tenants shall be allowed one (1) free standing sign or one (1) monument sign with a maximum sign area of

sixty-four (64) square feet. The maximum sign height for a free-standing sign shall be twenty (20) feet and ten (10) feet for a monument sign.

- (b) For properties not located within the Interstate 35 Corridor, a commercial complex with six (6) to ten (10) tenants shall be allowed one (1) free-standing sign or one (1) monument sign with a maximum base sign area of sixty-four (64) square feet. The maximum sign height for a free-standing sign shall be fourteen (14) feet and ten (10) feet for a monument sign. The base sign area may be increased five (5) square feet per tenant in the complex provided the maximum sign area does not exceed one hundred fourteen (114) square feet.

For properties located within the Interstate 35 Corridor, a commercial complex with six (6) to ten (10) tenants shall be allowed one (1) free-standing sign and one (1) monument sign with a maximum base sign area of sixty-four (64) square feet. The maximum sign height for a free-standing sign shall be twenty (20) feet and ten (10) feet for a monument sign. The base sign area may be increased five (5) square feet per tenant in the complex provided the maximum sign area does not exceed one hundred fourteen (114) square feet.

- (c) For properties not located within the Interstate 35 Corridor, a commercial complex with eleven (11) or more tenants shall be allowed one (1) free-standing sign or one (1) monument sign with a maximum base sign area of sixty-four (64) square feet. The maximum sign height for a free-standing sign shall be sixteen (16) feet and ten (10) feet for a monument sign. The base sign area may be increased five (5) square feet per tenant in the complex provided the maximum sign area does not exceed one hundred twenty-eight (128) square feet.

For properties located within the Interstate 35 Corridor, a commercial complex with eleven (11) or more tenants shall be allowed one (1) free-standing sign or one monument sign with a maximum base sign area of sixty-four (64) square feet. The maximum sign height for a free-standing sign shall be twenty (20) feet and ten (10) feet for a monument sign. The base sign area may be increased five (5) square feet per tenant in the complex provided the maximum sign area does not exceed one hundred twenty-eight (128) square feet.

- (d) A commercial complex with a land area of two (2) acres or more may have one (1) free-standing sign or one (1) monument sign along each street that borders the complex for a distance of two hundred (200) feet or more. The total area of any one (1) free-standing sign or monument sign shall not exceed one hundred sixty (160) square feet. The maximum height of a free-standing sign shall not be more than sixteen (16) feet when located on border streets, with the exception of the Interstate 35 access road. The maximum sign height for a free-standing sign along the Interstate 35 access road shall be twenty (20) feet. The maximum sign height for a monument sign shall be ten (10) feet when located on any street bordering the complex.

- (2) Each establishment located in a commercial complex shall be allowed the following permanent signs:
- (a) One (1) wall or one (1) roof sign per establishment, sized and placed according to the following standards:
 - (1) A wall sign, that is not painted directly on the surface of a wall must be securely mounted to and supported by the wall throughout the length and width of the sign.
 - (2) The area of all wall signs on any single wall shall not exceed ten (10) percent of the area of the front facade of the establishment.
 - (3) Roof signs are allowed to be painted on the surface of the roof top or mounted parallel to the building wall face on the roof but may not extend above the main building ridge line of the establishment.
 - (4) The area of a roof sign shall not exceed ten (10) percent of the area of the building façade of the establishment above which the sign is located.
 - (b) One (1) awning sign per establishment, sized and placed according to the standards set forth in this Ordinance:
 - (1) No awning sign shall extend beyond an edge of the awning structure to which it is attached. Except at a street corner, no awning sign shall be closer than five (5) feet from the end of the longer side of the awning structure.
 - (2) An awning sign that is perpendicular to a building face shall not exceed 1/3 of the width of the awning structure. A minimum spacing of ten (10) feet must be provided between such awning signs.
 - (3) An awning sign that is parallel to a building face shall not exceed 1/4 of the length of the awning structure.
 - (4) No awning sign shall extend more than two (2) feet either above or below the horizontal underside of the awning structure. No awning sign shall have less than seven (7) feet from ground clearance.
 - (c) One (1) daily display sign per establishment sized and placed according to the following standards:
 - (1) Daily display signs must be located on the leased, rented, or owned business premises.
 - (2) Only one (1) daily display sign is permitted per establishment.

- (3) A daily display sign may be placed or used only during the actual business hours of the establishment to which it refers.
 - (4) A daily display sign shall not be erected in any public right-of-way. Such signs shall not block designated parking areas and/or sidewalks.
 - (5) Daily display signs are limited to six (6) square feet in area per side a maximum width of two (2) feet.
- (d) One (1) free-standing sign for an individual establishment located within a commercial complex may be permitted only if the establishment meets both of the following conditions:
- (1) The establishment is located along a street bordering, or within, the complex and in a separate building from the principal building of the complex; and
 - (2) The establishment has a separate parking area from the principal parking area of the complex that may connect with the principal parking area but is visually set off from that area by fencing or landscaping.
 - (3) The maximum area of a free-standing sign for an individual business located within a commercial complex shall not exceed thirty-two (32) square feet and a maximum sign height of ten (10) feet.

(C) **New Business Signs.**

New business signs or banners shall be allowed prior to the installation of a permanent sign. The maximum area of such signs shall not exceed thirty-two (32) square feet and a maximum sign height of ten (10) feet and must be removed upon installation of the permanent sign or within fifteen (15) days after the Village issues a certificate of occupancy for the project, whichever comes first.

(D) **Commercial Sign Illumination.**

- (1) Commercial signs which front public streets other than Main Street, Royal Street, Rock Creek, Pace Park Road, Old Town Road and Center Circle, and are permitted under the provisions this Ordinance, may be illuminated only in accordance with the following requirements:
 - (a) No illuminated sign shall have luminance greater than sixty-five (65) foot candles for any portion of the sign within a circle one (1) foot in diameter.
 - (b) The lamp and ballast watts of an illuminated sign shall not exceed 1.5 watts

per square foot.

- (c) The light source for an illuminated sign, whether internal or external, shall be shielded from view.
 - (d) All illuminated signs should not be illuminated after 10 p.m. or the close of business, whichever is later.
 - (e) Flashing, blinking, revolving or rotating lights on a sign are not permitted.
 - (f) No illuminated sign shall face a residentially zoned area.
 - (g) No sign shall be lighted to such intensity or in such a manner as to cause glare or brightness to a degree that it constitutes a traffic hazard. Any such sign shall constitute a nuisance.
- (2) Commercial signs which front Main Street, Royal Street, Rock Creek, Pace Park Road, Old Town Road and Center Circle, and are permitted under the provisions of this Ordinance, may be illuminated only in accordance with the following requirements:
- (a) Small, directional spot light fixtures shall be used to illuminate the sign.
 - (b) Light fixtures shall be mounted to nearby building elements (wall, eave, post, etc.) or incorporated into support brackets and shall not be designed or mounted so as to become part of the sign.
 - (c) Light fixtures shall be architecturally compatible with the building or mounted to be recessed or shielded or otherwise not readily visible to pedestrians and vehicular traffic.
 - (d) Light fixtures shall be aimed directly toward the sign but not toward eye level for a pedestrian or vehicular traffic.
 - (e) Lights on signs shall be turned off between midnight and 6 a.m. unless the establishment is open for business during those hours.
 - (f) No sign shall be lighted to such intensity or in such a manner so as to cause glare or brightness to a degree that constitutes a traffic hazard. Any such sign shall constitute a nuisance.
 - (g) Signs may not be illuminated by mercury arc or mercury vapor light sources.
 - (h) Lighted signs may not be installed facing adjacent or adjoining residential areas.

SECTION 9. OTHER TYPES OF SIGNS FOR WHICH PERMITS ARE REQUIRED

The following types of signs are regulated under this Ordinance and require a permit:

(A) Bed and Breakfast/Vacation Rental Identifier Signs.

A bed and breakfast identifier sign is a sign located on a property that includes a bed and breakfast (as defined in the Village of Salado Zoning Ordinance.)

- (1) Bed and breakfast identifier signs, when erected, shall be placed on the same premises on which a bed and breakfast that is registered with the Village of Salado and the State Comptroller's Office as a bed and breakfast is located.
- (2) The identifier sign shall not exceed two (2) square feet in area and a maximum sign height of four (4) feet.

(B) Construction Signs.

Construction signs are signs placed on a construction site identifying or announcing the character of the project and/or the names of the owners, developers, financiers, architects, engineers, contractors, leasing agents and others associated with the project.

- (1) A construction sign may not exceed thirty-two (32) square feet in a non-residential area or sixteen (16) square feet in a residential area.
- (2) A construction sign must be removed at the time of the installation of the permanent sign or within fifteen (15) days after the Village issues a certificate of occupancy for the project, whichever comes first.
- (3) Construction signs that are larger than three (3) square feet in area and not securely mounted on a wall shall be set back at least ten (10) feet from the property line.
- (4) Only one (1) construction sign may be permitted per street that fronts a building project or other project under construction, reconstruction, or repair.

(C) Directional Signs.

A directional sign may not contain any commercial message except the name, logo or other symbolic identification of the establishment to which the sign is secondary. The area of a directional sign may not exceed twelve (12) square feet. The total number of directional signs on a premises shall not exceed the total number of street entrances to the premises. Such signs shall be placed on the premises for which direction is being provided and not in the right-of-way.

(D) Lighted Window or Door Signs.

A commercial establishment shall only have one (1) lighted window or door sign per store front, not to exceed three (3) square feet in area. These signs shall be turned off when the establishment is not open for business.

(E) Model Home Signs.

A model home sign is a sign that is located on the same lot as a model home in a residential subdivision and that calls the attention of prospective buyers to the model home.

- (1) A model home sign shall be erected only on the actual site of a model home, and only one (1) such sign may be erected on the site.
- (2) The area of a model home sign shall not exceed sixteen (16) square feet, and the height of a model home sign shall not exceed six (6) feet.
- (3) A model home sign shall not be internally illuminated.
- (4) All model home signs must be removed within thirty (30) days after ninety (90) percent of the homes in the subdivision are sold.

(F) Portable Sign.

A portable sign is a non-commercial, non-changeable copy sign that is not permanently attached to the ground or to a permanent structure, or a sign designed to be transported, whether on attached wheels or otherwise, but excluding construction signs, on-site event signs, off-site event signs, realty signs and sidewalk signs.

- (1) Portable signs may contain non-commercial messages.
- (2) Such signs shall not be illuminated, either by internal or external means.
- (3) Such signs shall not exceed an area of thirty-two (32) square feet.
- (4) Such signs may be placed on private property only with the permission of the owner of such property, on Village property only with the prior written approval of the Village Administrator, or on other public property only with the permission of the agency owning the property.
- (5) Such signs shall not be erected for more than fourteen (14) days.

(G) Residential Development Signs.

A residential development sign is a sign at the entrance to a residential development, such as a series of townhouses, or a residential subdivision that identifies the name and/or the address of the residential development.

- (1) In addition to the name and/or the address of the residential development, a residential development sign may incorporate incidental leasing information and/or the contents of a directional sign.

- (2) The area of a residential development sign shall not exceed thirty-two (32) square feet and shall be no taller than ten (10) feet.
- (3) A residential development sign shall not be internally illuminated.
- (4) The landscaped area adjacent to or beneath a residential development sign on private property shall be maintained at all times by the private property owner in such a manner so as not to create a public health and safety hazard and to ensure the visibility of the residential development sign.

SECTION 10. PROHIBITED SIGN TYPES

The construction, placement, existence, or use of signs of the following nature are prohibited by this Ordinance.

- (A) Beacons.
- (B) Changeable copy signs, except in the categories of gasoline pricing signs and changeable copy free-standing signs.
- (C) Flashing signs.
- (D) Signs with visible moving parts.
- (E) Exterior Neon signs.
- (F) Roof signs except as allowed in commercial sign regulations of this Ordinance.
- (G) Mobile Billboards and Vehicular signs, excluding vehicle wraps and magnetic signs affixed to a vehicle being used in the normal course of business and not parked at a location for advertising purposes.
- (H) Posters, pennants, ribbons, streamers, spinners, or other similar devices, provided that flags as regulated in this Ordinance are not included in this prohibition. This prohibition does not apply to posters, ribbons, streamers related to public school events and/or activities.
- (I) Signs, banners or posters that contain statements, words or pictures of an obscene, indecent, or immoral character or that offend public morals or decency.
- (J) Commercial signs of any character, in any form of construction, and at any location except as regulated by this Ordinance.
- (K) Signs, to include handheld signs, that by reason of their proximity to a public or private street, highway, alley, lane, parkway, avenue, road, sidewalk, or other right-of-way, constitute a hazard to vehicular or pedestrian traffic either because their location interferes with the safe operation of a vehicle, or because they obstruct the view of a traffic sign, signal, or device, or the view of other vehicular or pedestrian traffic, or

because their design or content may be confused with any authorized traffic sign, signal or device.

- (L) Off-premise commercial signs.
- (M) Abandoned or dilapidated signs.
- (N) Banners.
- (O) Feather Flags.
- (P) New billboards.

SECTION 11. SIGN PERMITS

- (A) *Permit and fee required.* Except as otherwise provided in this Ordinance, no person may construct, reconstruct, place, install, repair, maintain, or relocate any sign without first obtaining a sign permit from the Village through its Administrator. Each application for a sign permit must be accompanied by the appropriate fee established by the Village.
- (B) *Expiration of permits.* Permits shall expire if substantial progress on the approved action has not been achieved within six (6) months. Substantial progress shall include good faith initiation of construction of the sign or significant expenditures of funds toward sign construction.
- (C) *Modifications.* After a sign permit has been issued by the Village, it shall be unlawful to deviate from the terms and conditions of the permit without prior written approval by the Village Administrator.

In the event that a sign was erected, constructed, altered, repaired or relocated in violation of this Ordinance, the Village Administrator shall provide the party responsible for such sign with written notice requiring removal. If the responsible party fails to remove the sign by the date specified in the notice, then such sign may be removed by the Village, and the Village's actual cost of removal shall be charged to the responsible party. Any sign so removed shall be impounded and shall not be returned to the party responsible until all applicable charges are paid. If any sign remains unclaimed for a period of more than thirty (30) days, the Village may destroy, sell, or otherwise dispose of the sign.

SECTION 12. SIGN MAINTENANCE

- (A) *General.* All signs must be maintained in a structurally safe condition, and in good repair. The Village shall notify, by certified mail, the responsible party for any sign that constitutes a nuisance. The responsible party shall repair or remove the sign or seek an appeal of the nuisance determination within thirty (30) days of receipt of the notice. If the responsible party chooses not to take the instructed action or institute an appeal, the Village may repair or remove the sign, to the extent necessary to abate the nuisance. The Village may charge to the responsible party all costs associated with the sign's

repair or removal. An appeal of a nuisance determination shall be to the Board of Adjustment.

- (B) *Signs that create imminent hazards to public safety.* Any sign that in the judgment of the Village Administrator has become an imminent hazard to public safety shall be repaired or removed by the responsible party without delay. Notice of the existence of the hazard shall specify the maximum time that may be allowed for repairs or removal, and the notice may be served upon the responsible party by any means available. A sign that constitutes an imminent hazard and is not repaired or removed within the time specified in the notice shall be removed by the Village and the cost of such removal shall be charged to the responsible party. If a sign has been removed by the Village as a hazardous sign and the sign remains unclaimed for a period of more than thirty (30) days, the Village may destroy, sell, or otherwise dispose of the sign. A sign presents an imminent hazard when it constitutes a nuisance and necessitates immediate action to avoid harm to the public health or safety.

SECTION 13. PRE-EXISTING NON-CONFORMING SIGNS

All signs that have been installed, and were lawful at the time of the installation, and are in existence as of the effective date of this Ordinance that do not conform to this Ordinance shall be known as "preexisting non-conforming signs." Such preexisting non-conforming signs need not comply with the provisions of this Ordinance except as follows:

- (A) Any changes to a preexisting non-conforming sign, other than routine repair or maintenance, shall require that said sign be brought into compliance with all applicable Village ordinances.
- (B) When a preexisting nonconforming sign becomes an abandoned sign, its status as a preexisting nonconforming sign shall terminate.
- (C) A preexisting non-conforming sign shall be considered destroyed if the cost of repairing the sign, after a part of it has been destroyed or dismantled, is more than sixty (60) percent of the cost of erecting a new sign of the same type at the same location. A destroyed sign must be removed by the responsible party without compensation by the Village and within thirty (30) days of the damage, destruction or dismantling. A preexisting non-conforming sign that has been destroyed may not be replaced or rebuilt except by a sign that is in full conformity with this Ordinance.
- (D) A change in the ownership of a preexisting non-conforming sign alone shall not terminate its protected status. The owner or legal possessor of a preexisting non-conforming sign shall have the right to repair and maintain it. Such repairs shall not terminate the sign's protected status.
- (E) Change of advertising copy is part of reasonable maintenance and repair, but the change of copy may not increase or expand the size of the original non-conforming use.

- (F) Change of facing or sign display area is part of reasonable maintenance and repair, but the change of facing and sign display area may not increase or expand the size of the sign in excess of the original, non-conforming use.

SECTION 14. VARIANCES

- (A) Application and Fee Required.

A variance is written approval to depart from the strict application of the provisions of this Ordinance. Any person, business or other organization desiring to construct, reconstruct, place, install, repair, maintain, relocate, alter or use any sign that does not conform to the provisions of this Ordinance may make application to the Village for a variance to the provisions of this Ordinance. The application shall be filed with the Village Administrator, accompanied by the appropriate fee established by Village. The application shall be processed and presented to the Board of Adjustment for review and consideration.

- (B) Standards for Variances.

The Board of Adjustment may approve a variance only if it makes affirmative findings, reflected in the minutes of the Board of Adjustment's proceedings, as to all of the following:

- (1) The variance will not authorize a type of sign that is specifically prohibited this Ordinance;
- (2) The variance is not contrary to the goals and objectives outlined by the Village of Salado Comprehensive Plan;
- (3) The variance is not contrary to the public interest;
- (4) Due to special conditions, a literal enforcement of the Ordinance would result in unnecessary hardship. Hardship that is self-induced or that is common to other similarly classified properties will not satisfy this requirement. Financial or economic hardship alone will not satisfy this requirement;
- (5) The spirit and purpose of the Ordinance will be observed, and substantial justice will be done.

- (C) Conditions of Variances.

The Board of Adjustment may impose such conditions or requirements for a variance as are necessary in the Board's judgment to achieve the fundamental purposes of this Ordinance. A violation of such conditions or requirements shall constitute a violation of this Ordinance. A variance, if granted, shall be for a specific event, use or other application of a business and shall not continue with the property. If a variance is granted and the activity authorized is not substantially underway within six (6) months of the date of approval of the variance, the variance shall lapse and become of no force or effect.

SECTION 15. RELATION TO OTHER ORDINANCES

This Ordinance shall not be construed to require or allow any act that is prohibited by any other ordinance. This Ordinance is specifically subordinate to any ordinance or regulations of the Village pertaining to building and construction safety or to pedestrian and traffic safety.

SECTION 16. NO VESTED INTEREST

No person shall acquire any vested interest in this Ordinance or any specific regulations contained herein. This Ordinance and any regulation enacted hereby may be amended or repealed by the Board of Aldermen in the manner provided by law.

SECTION 17. PENALTY

(A) Civil and Criminal Penalties.

The Village shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations.

(B) Criminal Prosecution.

It is an offense to violate any provision of this Ordinance. A violation of the provisions of this Ordinance is a criminal misdemeanor.

(C) Civil Remedies.

Nothing in this Ordinance shall be construed as a waiver of the Village's right to bring a civil action to enforce the provisions of this Ordinance and to seek remedies as allowed by law, including, but not limited to the following:

- (1) Injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with the Ordinance;
- (2) A civil penalty up to \$250 a day, except that a fine for a violation that relates to fire safety or public health and sanitation may not exceed \$1,000 a day, when it is shown that the defendant was actually notified of the provisions of the Ordinance and after receiving notice committed acts in violation of the Ordinance or failed to take action necessary for compliance with the Ordinance; and
- (3) Other available relief.

Section 3. Repealer. All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of any such conflict. Except as expressly amended herein, the Salado Code of Ordinances shall remain in full force and effect.

Section 4. Severability. Should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Ordinances as a whole.

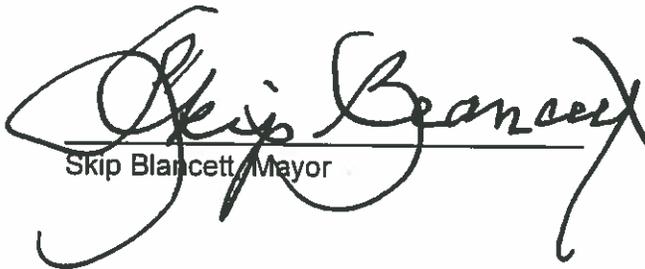
Section 5. Effective Date. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

Section 6. Open Meetings. That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meeting Act, Capt. 551, Loc. Gov't. Code.

FIRST READING PASSED AND APPROVED this 5th day of July, 2018, by a vote of 5 (Ayes) to 0 (Nays) 0 (Abstain) vote of the Board of Aldermen of the Village of Salado, Texas.

SECOND AND FINAL READING PASSED AND APPROVED this 19th day of July, 2018, by a vote of 5 (Ayes) to 0 (Nays) 0 (Abstain) vote of the Board of Aldermen of the Village of Salado, Texas.

VILLAGE OF SALADO, TEXAS


Skip Blancett, Mayor

ATTEST:


Cara McPartland, City Secretary

APPROVED AS TO FORM:

City Attorney

