



**City of Lake Dallas
City Council
Regular Meeting
Thursday, March 25, 2021 at 7:00 p.m.
Conducted by Videoconference
Agenda**

Pursuant to Governor Greg Abbott’s temporary suspension of various provisions of the Texas Open Meetings Act, and in an effort to protect the health and safety of the public, this meeting is being conducted by video conference. Members of the public who desire to only listen to proceedings of the meeting may dial the following toll-free number and, when prompted, enter the following Meeting ID #, beginning at 6:40 p.m. to join the meeting. Any person wishing to view the video conference may go to the Internet link shown below and enter the password shown.

Toll Free Number: 877-853-5257

Meeting ID#: 883 9055 6551

Passcode: 015844

Video Conference: <https://us02web.zoom.us/j/88390556551?pwd=SkNaUjZuSWRUkONyOXBlOE53YkI5Zz09>

Members of the public are entitled to participate remotely via Videoconference. To speak remotely at the City Council Meeting, speakers must:

- Register with the City Secretary by either email cdelcambre@lakedallas.com or calling 940-497-2226 ext. 102 by 3:00 p.m. on Thursday, March 25, 2021.
- Registered speakers will receive an email or phone call providing the meeting link and/or telephone number to call on the date of the meeting.
- Speakers must call not later than 6:45 p.m. on the date of the meeting in order to be allowed to speak. Late callers will not be accepted and will not be allowed to speak.
- Registered speakers will not be allowed to speak until recognized by the Mayor and unmuted by the City Secretary.
- Speakers will be limited to 5 minutes each.
- Handouts or other information that a member of the public desires to provide to the City Council must be emailed to cdelcambre@lakedallas.com by 3:00 p.m. on Thursday, March 25, 2021.
- Any person wishing to provide only written comments during Item 4 – Citizen Agenda & Public Comment, or on any other matter to be considered on this agenda, should email such comments to the City Secretary at cdelcambre@lakedallas.com by 3:00 p.m. on Thursday, March 25, 2021.

Section I – Presentations

- 1. Call to Order & Determination of Quorum**
- 2. Invocation & Pledges of Allegiance**
- 3. Announcements & Special Recognitions**

A. City Manager's Report

The City Manager's Report may provide information on status of current city projects and other projects affecting the City, meetings and actions of the city's boards and commissions, upcoming local community events, including, but not limited to, departmental operations and capital improvement project status. No action will be taken with respect to this report.

4. Citizen Agenda & Public Comment

An opportunity for citizens to address the Mayor and City Council on matters which are not scheduled for consideration by the City Council. In order to address the Council, please send your comments to the City Secretary before 3:00 p.m. on the date of this meeting. Comments sent by e-mail will be read aloud so that they are included in the recorded record of the meeting. In keeping with the Council's procedures for limiting speaking time to five (5) minutes per speaker, any written comments provided for this item should be kept short enough so that they can be read aloud in five (5) minutes or less.

Section II – Consent Agenda

All items listed below are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of the items unless a Councilmember so requests, in which event the item will be removed from the consent agenda and considered in its normal sequence.

5. Consider and Act on the Consent Agenda

- A. Approval of minutes for the meetings held on March 3, 2021 and March 11, 2021.
- B. Consider and approve a resolution amending the authorized signatories on the City's financial institution accounts.

Section III – Planning & Development:

- 6. Receive a report, hold a discussion, and provide staff with direction regarding suspension of various provisions of Chapter 80 - Signs in the Lake Dallas Code of Ordinances.**

Section IV- General Items

Section V – Elected Official Requested Items

- 7. Mayor & Council Member Announcements**

The City Council may hear or make reports of community interest provided no action is taken or discussed. Community interest items may include information regarding upcoming schedules of events, honorary recognitions, and announcements involving imminent public health and safety threats to the city. Any deliberation shall be limited a proposal to place the subject on an agenda for a subsequent meeting.

Section VI – Executive Session As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed executive session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item listed above or herein. A closed executive session will also be conducted for the following purposes:

8. Conduct a closed meeting pursuant to Texas Government Code Section 551.074 to deliberate the duties and responsibilities of the Acting City Manager.

Section VII – Return to Open Session

9. Discuss and take appropriate action, if any, resulting from the discussions conducted in Closed Session.

Section VIII – Adjournment

I certify that the above notice of this meeting posted on the bulletin board at City Hall of the City of Lake Dallas, Texas on March 22, 2021 at 5:00 p.m.

Codi Delcambre

Codi Delcambre, TRMC
City Secretary

If you plan to attend this public meeting telephonically and you have a disability that requires special arrangements at this meeting, please contact City Secretary's Office at (940) 497-2226 ext. 102 or fax (940) 497-4485 at least two (2) working days prior to the meeting so that appropriate arrangements can be made.

**State of Texas
County of Denton
City of Lake Dallas**

The Lake Dallas City Council met in a regular called meeting on March 3, 2021 via video conference, with notice of the meeting given, as required by Title 5, Chapter 551.041 of the Texas Government Code. Mayor Barnhart called the meeting to order at 5:34 p.m.

1. Roll Call

Michael Barnhart
Megan Ray
Brian Bailey
Cheryl McClain
Charlie Price
Andi Nolan

Mayor
Councilmember 1
Councilmember 2
Councilmember 3
Councilmember 4
Councilmember 5

Absent:

Staff Present: City Secretary Codi Delcambre, City Attorney Kevin Laughlin, Public Works Superintendent Layne Cline, Police Chief Dan Carolla, Development Services Director Angie Manglaris, and Acting City Manager Lancine Bentley.

2. Invocation and Pledges of Allegiance

Mayor Barnhart led the invocation and Mayor Barnhart led the pledges.

3. Announcements & Special Recognitions.

4. Citizen Agenda & Public Comments

Mayor Barnhart opened the Visitors/Citizens Agenda. No one spoke.

5. Executive Session As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed executive session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item listed above or herein.

- Conduct a closed meeting pursuant to Texas Government Code Section 551.074 to deliberate and evaluate the duties, responsibilities, and performance of the City Manager.

Council convened into executive session 5:36 p.m.

6. Return to Open Session

- Discuss and take appropriate action, if any, resulting from the discussions conducted in Closed Session

Council reconvened from Executive Session at 7:13 p.m.

Motion: In accordance with Section 6.4 of the amended and restated City Manager Employment Agreement effective Jan. 2, 2021 I move that said agreement be terminated effective at midnight on March 13, 2021 was made by Councilmember Bailey and second by Councilmember Cheryl McClain.

Ayes: Councilmembers Ray, Bailey, Nolan, McClain and Price

Noes: None

Motion Passed 5-0.

Mayor Barnhart read a letter thanking John for his service to the City of Lake Dallas.

Councilmember Nolan thanked John for everything he has done for the City of Lake Dallas.

Councilmember Ray thanked John for his service to Lake Dallas.

7. Adjournment

Mayor Barnhart adjourned the meeting at 7:20 p.m.

Approved:

Michael Barnhart, Mayor

Attest:

Codi Delcambre, City Secretary

**State of Texas
County of Denton
City of Lake Dallas**

The Lake Dallas City Council met in a regular called meeting on March 11, 2021 via video conference, with notice of the meeting given, as required by Title 5, Chapter 551.041 of the Texas Government Code. Mayor Barnhart called the meeting to order at 7:05 p.m.

1. Roll Call

Michael Barnhart	Mayor
Megan Ray	Councilmember 1
Brian Bailey	Councilmember 2
Cheryl McClain	Councilmember 3
Charlie Price	Councilmember 4
Andi Nolan	Councilmember 5

Absent:

Brian Bailey	Councilmember 2
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Staff Present: City Secretary Codi Delcambre, City Attorney Kevin Laughlin, Public Works Superintendent Layne Cline, Police Chief Dan Carolla, Interim Director of Library Services Megan Foote, Development Services Director Angie Manglaris, and Acting City Manager Lancine Bentley.

2. Invocation and Pledges of Allegiance

Mayor Barnhart led the invocation and Councilmember Ray led the pledges.

3. Announcements & Special Recognitions.

A. City Manager's Report

No City Manager report.

4. Citizen Agenda & Public Comments

Mayor Barnhart opened the Visitors/Citizens Agenda. No one signed up to speak.

5. Consider and Act on the Consent Agenda

A. Approval of December 2020 Financial Report and Quarterly Investment report.

B. Approval of minutes for the regular meetings held on January 21, 2021, February 11, 2021, and February 25, 2021.

Councilmember Price removed item 5A from the consent agenda.

Motion: to approve a consent agenda item 5B was made by Councilmember Ray and second by Councilmember McClain.

Ayes: Councilmembers Ray, Nolan, McClain and Price
Noes: None

Motion Passed 4-0.

Motion: to approve a consent agenda item 5A was made by Councilmember Ray and second by Councilmember Nolan.

Ayes: Councilmembers Ray, Nolan, McClain and Price
Noes: None

Motion Passed 4-0.

- 6. Consider an ordinance amending the development and use regulations applicable to the property described as Lot 7, Block 1, Providence Addition generally located at the northwest corner of Betchan Street and Main Street by changing the zoning classification from Retail (C-1) with a Downtown Overlay to Planned Development Residential R-1-6000 and adopting a site plan and development regulations (Z-20-006).**

Motion: to table an ordinance amending the development and use regulations applicable to the property described as Lot 7, Block 1, Providence Addition generally located at the northwest corner of Betchan Street and Main Street by changing the zoning classification from Retail (C-1) with a Downtown Overlay to Planned Development Residential R-1-6000 and adopting a site plan and development regulations (Z-20-006) was made by Councilmember Nolan and second by Councilmember McClain.

Ayes: Councilmembers Ray, Nolan, McClain and Price
Noes: None

Motion Passed 5-0.

- 7. Receive and accept the annual audited financial statements for Fiscal Year 2019-2020.**

Council received a presentation from Carl Deaton regarding the audited annual audited financial statements for Fiscal Year 2019-2020.

Motion: to approve the annual audited financial statements for Fiscal Year 2019-2020 was made by Councilmember Ray and second by Councilmember McClain

Ayes: Councilmembers Ray, Nolan, McClain and Price
Noes: None

Motion Passed 4-0.

- 8. Consider and Act on a Resolution authorizing a contract with G.L. Hunt Foundation and Structural Repair for foundation repairs at City Hall.**

Motion: to approve a Resolution authorizing a contract with G.L. Hunt Foundation and Structural Repair for foundation repairs at City Hall was made by Councilmember Ray and second by Councilmember McClain.

Ayes: Councilmembers Ray, Nolan, McClain and Price

Noes: None

Motion Passed 4-0.

9. Receive a report, hold a discussion, and give staff direction regarding what measures will be required of employees and the public in city facilities in light of the governor's executive order GA-34.

Council received a report from Acting City Manager Lancine Bentley regarding the governor's executive order GA-34. Council directed staff to continue with the current COVID procedures.

10. Mayor & Council Member Announcements

- Councilmember Ray – Sign Ordinance

11. Executive Session As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed executive session for the purpose of seeking confidential legal advice from the City Attorney on any agenda item listed above or herein.

Council convened into Executive Session at 7:59 p.m.

- Conduct a closed meeting pursuant to Texas Government Code Section 551.074 to deliberate appointment or employment of a Director of Library Services

Council reconvened into open session at 8:22 p.m.

Motion: to approve the Interim City Manager recommendation to hire Rachel Hadidi was made by Councilmember Price and second by Councilmember McClain.

Ayes: Councilmembers Ray, Nolan, McClain and Price

Noes: None

Motion Passed 4-0.

Council convened into Executive Session at 8:27 p.m.

- Conduct a closed meeting pursuant to Texas Government Code Section 551.074 to deliberate the appointment or employment of a City Manager and/or Interim City Manager.

12. Return to Open Session

- Discuss and take appropriate action, if any, resulting from the discussions conducted in Closed Session

Council reconvened from Executive Session at 9:39 p.m.

Motion: I move to authorize the Mayor to negotiate and execute a Professional Services Agreement with Lion Strategy Group for Interim City Manager, Staff Training, and City Manager recruitment and selection services consistent with the scope of services presented at this evening's meeting. was made by Councilmember Ray and second by Councilmember Nolan.

Ayes: Councilmembers Ray, Bailey, Nolan, McClain and Price

Noes: None

Motion Passed 5-0.

13. Adjournment

Mayor Barnhart adjourned the meeting at 9:48 p.m.

Approved:

Michael Barnhart, Mayor

Attest:

Codi Delcambre, City Secretary



**CITY COUNCIL
AGENDA MEMO**

Prepared By: Codi Delcambre, City Secretary

March 25, 2021

City's Financial Institution Accounts

DESCRIPTION:

Consider and approve a resolution amending the authorized signatories on the City's financial institution accounts.

BACKGROUND INFORMATION:

With the current change in staff, the City needs to remove John Cabrales from the signature cards at Independence Bank and add Mike Wilson.

FINANCIAL IMPACT:

There is no financial impact to the taxpayers of Lake Dallas.

RECOMMENDED MOTION:

There is no motion required as part of this Agenda Item. Staff requests that after holding a discussion Council provide direction on how to proceed.

ATTACHMENT(S):

- Resolution

CITY OF LAKE DALLAS, TEXAS

RESOLUTION NO. 03252021-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE DALLAS, TEXAS, AMENDNIG THE DESIGNATED SIGNATORIES FOR THE CITY'S DEPOSITORY ACCOUNTS AT INDEPENDENT BANK; PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Lake Dallas has established deposit accounts ("the Accounts") at Independent Bank ("the Bank") in accordance with the City's bank depository agreement with the Bank; and

WHEREAS, John Cabrales, Jr., the former City Manager, was an authorized signatory on the Accounts; and

WHEREAS, Michael Wilson has been engaged to serve as Interim City Manager; and

WHEREAS, the City Council of the City of Lake Dallas, Texas, finds it to be in the public interest to modify the authorized signatories on the Accounts in light of the change in City Administration.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKE DALLAS, TEXAS, THAT:

SECTION 1. John Cabrales, Jr. is no longer an authorized signatory for the Accounts.

SECTION 2. Interim City Manager Michael Wilson shall be added as an authorized signatory to the Accounts.

SECTION 3. The foregoing authorizations shall also apply to the issuance and use of such electronic devices as may be issued by the Bank relating to the management and use of the Accounts.

SECTION 4. This resolution shall be effective immediately upon its approval.

PASSED AND APPROVED this the 25th day of March 2021.

Michael Barnhart, Mayor

ATTEST:

Codi Delcambre, City Secretary

APPROVED AS TO FORM:

Kevin B. Laughlin, City Attorney
(kbl:3/22/21:121311)



**CITY COUNCIL
AGENDA MEMO**

Prepared By: Angie Manglaris, Director of Development Services

March 25, 2021

Sign Ordinance Discussion

DESCRIPTION:

Receive a report, hold a discussion, and provide staff with direction regarding suspension of various provisions of Chapter 80- Signs in the Lake Dallas Code of Ordinances.

BACKGROUND INFORMATION:

At the March 11, 2021 City Council Meeting, Council Member Megan Ray requested staff bring forward a discussion item regarding the Sign Ordinance and if enforcement of the Ordinance should be suspended while local businesses increase advertising as they try to recover from COVID protocol and the February 2021 Winter Storm impacts.

Council Member Ray and Angie Manglaris, Director of Development Services, met Monday, March 15, 2021 to discuss the feasibility of a suspension of the Sign Ordinance and what would and would not be included in such a decision.

The following actions could be taken in response to suspending some of the provisions in the Sign Ordinance:

- Waive fees for sign permits for businesses looking to replace or install new permanent signage.
 - The business owner would still need to apply for a sign permit and need to meet regulations but would not be subject to a fee.
 - Sign contractors would still be responsible for registering with the City prior to performing work in City limits.
 - Council should consider if, for signs that include an electrical component, the business should pay the cost for Bureau Veritas to inspect (\$76.92) but not be subject to the entire sign permit fee. Sign permits are charged based on Table 1 in the Master Fee Schedule

Building Commercial Construction Fee Chart: Building Permit Valuation Table: Table 1	
Total Valuation	Fee
\$1.00 to \$1,000	\$100.00
\$1,001 to \$5,000	\$125.00
\$5,001 to \$25,000	\$125.00 for the first \$5,000.00 plus \$15.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
\$25,001 to \$50,000	\$425.00 for the first \$25,000.00 plus \$11.00 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,001 to \$100,000	\$700.00 for the first \$50,000 plus \$7.50 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001 to \$500,000	\$1,075.00 for the first \$100,000.00 plus \$6.25 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001 to \$1,000,000	\$3,575.00 for the first \$500,000.00 plus \$5.25 for each additional \$1,000.00, or fraction thereof \$1,000,000
\$1,000,001.00 and up	\$6,200.00 for the first \$1,000,000.00 plus \$3.50 for each additional \$1,000.00, or fraction thereof
Professional Review Fees	Exact Fees Charged to the City

All permit fees double if construction or work is performed without the required permit.

- Other options include allowing signs currently banned by the Code such as wind signs, h-frame signs posted alongside the road and banner signs.
 - The City is currently working to bring a revised Sign Ordinance to Council that would allow for use of Wind Signs, currently they are not allowed.
- The above provisions will need to have a time frame attached to them; one option is through the end of the calendar year (12.31.21).

Note: it would not be advisable to suspend the provisions of Chapter 80 in its entirety as that would allow items such as billboards and neon signs, and prohibit the City from being able to enforce any of the size and dimension locations that the Ordinance currently regulates. The above options would provide some relief to business owners but still allow the City to regulate sign permits.

FINANCIAL IMPACT:

There is no financial impact to the taxpayers of Lake Dallas.

RECOMMENDED MOTION:

There is no motion required as part of this Agenda Item. Staff requests that after holding a discussion Council provide direction on how to proceed.

ATTACHMENT(S):

- Chapter 80 - Signs

Chapter 80 - SIGNS

Sec. 80-1. - Purpose.

The purpose of this chapter is to provide public safety, adequate lighting open space and air, conservation of land, protection of property values, and encourage the highest and best use of land by providing that signs:

- (1) Are maintained properly to avoid creating safety risks due to abandonment, collapse, decay, deterioration or fire;
- (2) Enhance the quality of the city's appearance by avoiding clutter and by not interfering with scenic views or character of certain city areas;
- (3) Do not obstruct or interfere with the ability of the fire or police departments to implement their job duties;
- (4) Do not pose a hazard to public safety by confusing or distracting motorists or creating obstructions impairing a driver's ability to see pedestrians, obstacles, other vehicles, or traffic signs;
- (5) Are regulated by size, quantity, scale, and proportionate balance in accordance with the structures for which associated with and standards consistent with the stated general purpose;
- (6) Do not create nuisances for people using the public rights-of-way and streets nor owners/tenants of adjacent property by their height, size, brightness or movement; and
- (7) It is not the purpose or intent of this chapter to regulate signs based on their content.

(Ord. No. 2019-20, § 1, 5-23-2019)

Sec. 80-2. - Applicability.

The sign regulations of this chapter shall apply and are enforceable in the corporate limits of the city and the area of its extraterritorial jurisdiction as defined by V.T.C.A., Local Government Code § 42.021.

(Ord. No. 2019-20, § 1, 5-23-2019)

Sec. 80-3. - Administration and enforcement.

- (a) *Compliance with codes and ordinances.* All sign structures shall comply with this chapter, as it may be amended, the International Building Code, the National Electrical Code and other applicable city ordinances, as they may be amended. If the standards in this chapter are more restrictive than other provisions of this Code, then this chapter shall apply.
- (b) *Signs shall not interfere with exits, windows or traffic.* No sign shall be constructed as to block, obstruct or interfere in any way with a means of exit or window from any building. No sign shall block, obstruct or interfere in any way with pedestrian or vehicular traffic on a sidewalk, street, fire lane, driveway or parking lot or space.
- (c) *Exemptions.* Signs located entirely within buildings that are not visible from the exterior of the building, shall not be regulated by this chapter.
- (d) *Inspection.* All signs regulated by this chapter and other laws, codes and ordinances governing signs shall be subject to inspection and re-inspection by the director of development services in order to ascertain

continued compliance with the provisions of this chapter and other laws, codes and ordinances governing signs. Inspection of electrical signs and outline lighting equipment shall be accomplished pursuant to procedures established by the electrical code of the city for inspection of the installation, repair or replacement of any electrical wiring or equipment subject to such code. It shall be the duty of the director of development services to inspect every sign not specifically exempt from the provisions of this chapter at least once annually.

(e) *Maintenance of signs.*

- (1) All signs, including but not limited to non-conforming signs, shall be maintained to consistently have a neat appearance. Sign panels and/or sign graphics shall be secured and maintained so they do not separate from, hang from, or fall from a sign. Sign panels and sign graphics shall not be faded, ripped, or have any other damage.
- (2) Neglected signs shall be considered a public nuisance and are prohibited by this chapter. Upon written notification by the chief building official, neglected signs shall be repaired or removed from the premises by the owner, agent or person having beneficial use of the land, building or structure upon which such sign is located. The notification shall state that the offending sign shall be repaired or removed by the owner, agent or person having beneficial use of the land, building or structure upon which such sign is located within ten calendar days after written notification to do so by the chief building official. The notification shall further state that if the sign is not removed or repaired, a citation may be issued, and the city may resort to any civil remedy available to the city. If any sign is determined to present an immediate danger to public health, safety or welfare, the city shall remove it immediately upon obtaining a court order for such removal. Within ten calendar days of the removal of the sign pursuant to the court order, the chief building official shall notify the owner of the property on which the sign was located of the reason(s) for the removal of such sign.
- (3) It shall be unlawful for any person, firm, entity or corporation receiving such written notification to fail to comply with the direction of the notice. In the event failure to comply with such notice provided under this section, the chief building official is hereby authorized to cause the removal and impoundment of such sign upon the issuance of a written court order authorizing the removal and impoundment of such sign. Any expenses incident thereto shall be the responsibility of the owner, agent, or person having beneficial use of the land, building or structure upon which such sign was located. The city shall invoice the owner, agent, or person having beneficial use of the land for such expenses incurred by the city associated with the removal.

(f) *Removal of abandoned signs.* An abandoned sign or abandoned sign structure remaining beyond the period authorized by this subsection (f) creates a blight on the community and is declared to be a public nuisance. An abandoned sign or abandoned sign structure that is not also a neglected sign or neglected sign structure must be removed from the premises:

- (1) On or after the first anniversary of the date the business, person, or activity that the abandoned sign or sign structure identifies or advertises ceases to operate on the premises on which the abandoned sign or abandoned sign structure is located; or
- (2) If the premises containing the abandoned sign or abandoned sign structure is leased, on or after the second anniversary after the date the most recent tenant ceased operating on the premises on which the abandoned sign or abandoned sign structure is located; or
- (3) If the abandoned sign or abandoned sign structure advertises a time, event, or purpose which no longer

applies, not later than ten days after the termination of the time, event, or purpose.

Subsections (e)(2) and (3) of this section shall apply to the removal of an abandoned sign that must be removed pursuant to this subsection (f). This subsection does not apply to political signs. Subsection (e) of this section shall be controlling over the maintenance, repair, and removal of an abandoned sign that is also a neglected sign, or abandoned sign structure that is also a neglected sign structure.

(Ord. No. 2019-20, § 1, 5-23-2019)

Sec. 80-4. - Definitions.

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

Abandoned sign and *abandoned sign structure* means a sign or sign structure, respectively, that identifies a business, person, or activity that no longer occupies or operates on the premises on which the sign or sign structure is located or pertains to a time period greater than six months, event, or purpose which no longer applies.

Alter means to change the size, shape, outline, intent or type of sign.

Bulletin board means a sign containing information where a portion of such information may be periodically changed, providing that such change shall be affected by the replacement or interchange of letters, numbers or other graphic symbols by insertion, attachment, or similar means.

Decorative display means a flag or banner that contains no name, initials, logos, insignia or similar items and does not represent a government or private organization. Decorative displays are not signs.

Display surface means that area made available by a sign structure for the purpose of displaying an advertising message, such area to exclude nonstructural trim.

Erect means to build, construct, attach, hang, place, suspend or affix, and shall also include the painting of signs on the exterior surface of a building or structure.

Flag is a piece of fabric, cloth, plastic, vinyl, canvas, leather, or other similar material attached to a staff cord on one end generally used as a symbol of a nation, state, city or other local government entity. Flags shall not be used in connection with a commercial promotion or to advertise a commercial product, service, activity, condition or person.

Sign means that which attracts or directs attention by visual means to any object, product, service, place, activity, person, institution or business. A sign includes any fasteners, fixtures, methods, or structures by or upon which a sign is erected, attached, displayed, placed or mounted.

Sign, area means 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. The square footage of a sign composed of only letters, words or symbols shall be determined from imaginary rectangle drawn around the entire copy or grouping of such letters, words or symbols. Double-faced signs shall be calculated as the area of one side only. Three-dimensional or multi-faced signs shall be calculated as the maximum area visible from any single direction at any point in time.

Sign, changeable electronic variable message signs (CEVMS) means a sign that permits light to be turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant intensity and color at all times when such sign is in use, including an LED (light emitting diode) or digital sign, and which varies in intensity or color.

Sign, directional means a sign designed specifically for the purpose of directing or providing guidance to vehicular and pedestrian traffic on private property.

Sign, incidental means a small sign, less than two square feet in surface area, of a noncommercial nature, intended primarily for the convenience of the public, including, but not limited to, nameplates, signs designating restrooms, address numbers, hours of operation, entrances to buildings, directions, help wanted, public telephone and so forth, and signs designed to guide or direct pedestrians or vehicular traffic to an area or place on the premises of a business building or development by means of a directory designating names and addresses only.

Sign, nonconforming means a sign that does not conform to the requirements of this chapter but which was in conformance with applicable regulations at the time of its erection, placement or construction. Any sign erected, constructed, enlarged, altered or converted after the enactment of this chapter that does not conform to the provisions of this chapter shall be considered a prohibited sign, and shall be removed or made to conform to this chapter.

Sign, neglected means a sign that has any missing panels, burned out lights, missing letters or characters, has rust, has loose parts, has damage, faded from its original color, supports or framework with missing sign or parts, or is not maintained.

Sign, pole means a freestanding sign supported by a pole having no guys or braces to the ground or to any other structure.

Sign, political means a sign relating to:

- (1) The election of a person to public office;
- (2) A political party; or
- (3) A proposition to be voted upon at an election called by a public body.

Sign, portable means a sign designed and/or constructed and/or used to facilitate its placing or moving from one location to another or from one lot, tract or parcel of land to another lot, tract or parcel of land. Such sign shall contain no electrical wiring. Such sign shall have temporary anchors to the ground to withstand the wind load specified in this chapter.

Sign, prohibited means a sign not expressly permitted by this chapter or any sign specifically prohibited by this chapter.

Sign, pylon means a freestanding sign which consists of a cabinet atop a single support element that must:

- (1) Be at least 33 percent as wide as the cabinet top, and
- (2) Covered in materials matching the exterior of the primary building.

Sign, roof means a sign erected on a vertical framework supported by and located immediately and entirely on or over the roof of a building.

Sign, stake means a temporary commercial, governmental or political freestanding sign supported by a piece of material driven into the ground.

Sign, sail means a wind device that contains a harpoon-style pole or staff driven into the ground for support or mounted on a weighted portable base and generally used in connection with a commercial promotion or to advertise a commercial product, service, business, activity condition, or person.

Sign, temporary means any sign intended to be displayed only for a limited period of time.

Sign, wall means a sign which is attached or fixed to the wall of a building or is an integral part of the building with the exposed face of the sign in a plane parallel to and not more than 12 inches from the wall; however, electrical wall signs may project not more than 18 inches from the wall.

Sign, vehicular means signs placed on or leaning on to vehicles and/or trailers that are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property shall be prohibited. However, this is not in any way intended to prohibit signs affixed to vehicles and trailers, such as lettering on motor vehicles, where the sign is incidental to the primary use of the vehicle or trailer.

Sign structure means any structure which supports or is capable of supporting any sign. Sign structures, by way of examples but not of limitation, may include single poles and may be an integral part of the building.

Sign, window means any sign, pictures, symbol, paint or combination thereof, designed to communicate information about any activity, business, commodity, event, sale, or service that is placed inside a window or upon the windowpanes or glass and is visible from the exterior of the window.

(Ord. No. 2019-20, § 1, 5-23-2019)

Sec. 80-5. - Nonconforming signs.

- (a) A nonconforming sign may continue in use provided such use does not constitute a hazard or public nuisance.
- (b) The right to continue all nonconforming signs shall cease and such sign shall be removed or improved to conform to this chapter whenever:
 - (1) With respect to on-premises advertising only, an approved application for certificate of occupancy or a certificate of occupancy for a change of business or ownership is issued and the non-conforming sign is associated with the previous business or ownership;
 - (2) A change of occupancy classification occurs as described in the building code and a sign is associated with the classification change;
 - (3) A sign is altered, moved or relocated without a permit being issued pursuant to the provisions of this chapter;
 - (4) A sign is destroyed and the cost to repair exceeds 50 percent of the replacement cost of the sign on the date of damage;
 - (5) A sign leans such that an angle between the sign and the ground is 70 degrees or less;
 - (6) A sign has fallen onto the ground;
- (c) Signs designated by official action of the city as having special historic or architectural significance are exempt from subsection (b) of this section.

(Ord. No. 2019-20, § 1, 5-23-2019)

Sec. 80-6. - Dilapidated or deteriorated signs.

- (a) A dilapidated or deteriorated sign is any sign:
 - (1) Where elements of the surface or background have portions of the finished material missing, broken, or otherwise existing such that they are illegible;

- (2) Where the structural support or frame members are visibly bent, broken, dented, or torn;
 - (3) Where the panel is visibly cracked or, in the case of wood and similar products, splintered in such a way as to constitute an unsightly or harmful condition;
 - (4) Where the message or wording can no longer be clearly read; or
 - (5) Where the sign or its elements are not in compliance with the requirements of the current electrical code and/or building code of the city.
- (b) No person shall keep or permit to be kept on any premises owned, controlled or occupied by him or her any sign which is in a dilapidated or deteriorated condition as defined herein. Upon notice of violation, any such sign shall be promptly removed or repaired by the owner of the sign or the owner of the premises upon which the sign is located. A nonconforming sign as defined by this chapter is not dilapidated or deteriorated and shall not be repaired.

(Ord. No. 2019-20, § 1, 5-23-2019)

Sec. 80-7. - Exempt signs.

The following signs shall be exempt from the provisions (including permitting) of this chapter:

- (1) Holiday decorations provided such decorations are removed within one calendar month following the date of the holiday;
- (2) City traffic signals, signs, and similar devices;
- (3) Official legal notices;
- (4) Public warning signs, traffic control signs, traffic directional signs, public service signs indicating danger or aids to safety, or similar signs erected by the city or similar entity;
- (5) Recreational scoreboards for sports attractions (if electronic, an electrical permit shall be required);
- (6) Signs displayed within the interior of a building which are displayed so as to not be visible from outside the building;
- (7) Street numbers or addresses not exceeding six square feet;
- (8) Signs not exceeding eight square feet which advertise the sale, rental, availability or lease of the premises on which the sign is located;
- (9) Window signs conforming to the requirements of this chapter;
- (10) Memorial signs or tablets, names of buildings, and date of erection, when cut into any masonry surface or when constructed of bronze or other noncombustible materials of similar quality and characteristics as determined by the director of development services;
- (11) Sign facing when replaced for the same business and there is no change in area, shape, lighting or color;
- (12) Replacement of letters on non-illuminated wall signs with identical letters (same area, shape, and color) provided that a permit was obtained for the sign intended to be replaced;
- (13) Flags or emblems of a business or corporation when accompanied by both the national and state flags. One business or corporate flag shall be permitted per development. All flags displayed must follow the rules of standard flag etiquette and all business or corporate flags shall be no larger than the accompanying national and state flags;
- (14) Signs not exceeding a sign area of five square feet and a height of 42 inches displayed on private property

that are for the convenience of the public (beware of dog, restrooms, freight entrances, or similar signs);

- (15) Temporary political signs specifically authorized by V.T.C.A., Local Government Code § 216.903, as amended;
- (16) Special event signs promoting city events, civic and other nonprofit organizations;
- (17) Nameplate signs not exceeding three square feet.

(Ord. No. 2019-20, § 1, 5-23-2019)

Sec. 80-8. - Sign kiosks.

- (a) The city council may, by duly executed license agreement, grant the exclusive right to design, erect and maintain kiosk signs within the city.
- (b) Kiosk signs must be designed and constructed according to the specifications contained in the license agreement with the city.
- (c) Prior to erecting any kiosk sign, the licensee shall submit a sign location map to the director of development services for approval.
- (d) Kiosk sign installations shall include break-away design features as required for traffic signs in the street right-of-way.
- (e) No signs, pennants, flags or other devices for visual attention or other appurtenances shall be attached to kiosk signs.
- (f) Kiosk signs shall not be illuminated.
- (g) Individual sign panels on kiosk signs shall have a uniform design and color.
- (h) Kiosk signs shall not interfere with the use of sidewalks, walkways, bike and hiking trails; shall not obstruct the visibility of motorists, pedestrians or traffic control signs; shall not be installed in the immediate vicinity of street intersections; and shall comply with the requirements of the 25-foot visibility triangle or other visibility easements.
- (i) Kiosk signs shall be used by the city to provide directional information to new homes, developments, municipal or community events or facilities, emergency services, businesses, churches and other non-commercial establishments and locations lawfully operating with a certificate of occupancy within the city limits. Such directional information will be provided upon request and application to the city, by a qualified establishment or entity, on a first come first served basis, pursuant to the terms and conditions of this chapter. Directional information to any establishment or entity shall be limited to a maximum of one panel, per side, per kiosk.
- (j) The city shall use the kiosk signs to display only the names of, and directional information to, new homes, developments, municipal or community events or facilities, emergency services, businesses, churches and other non-commercial establishments and locations lawfully operating within the city limits of the City of Lake Dallas. Pricing or other advertising or marketing information will not be displayed on the city's kiosk signs.

(Ord. No. 2019-20, § 1, 5-23-2019)

Sec. 80-9. - Political signs.

A political sign shall not require a sign permit and is exempt from this chapter except for the following requirements:

(1) *Time.*

- a. Political signs located on private real property must be removed within 30 calendar days after the election is decided.
- b. Except as otherwise provided herein, political signs located on property other than private real property may be erected no earlier than 60 calendar days before the election and must be removed no later than 30 calendar days after the election is decided. The city may remove any political sign on property other than private real property remaining beyond 30 calendar days after the election is decided.
- c. Political signs permitted to be placed at a polling site pursuant to state law must be removed from the polling site within 24 hours after the close of the polls on election day and within 24 hours after the close of the early voting period.

(2) *Place.*

- a. Political signs may be placed on private real property with the consent of the property owner.
- b. Political signs may not be placed in roadway medians but may be placed in the city parkway between the curb and property line provided they do not create a safety hazard of any type.
- c. Except as otherwise provided herein, political signs may not be placed on city-owned or leased property. This restriction shall not apply to political signs that are attached to vehicles that are lawfully parked on city-owned or leased property.
- d. Political signs permitted to be placed at a polling site pursuant to state law may be placed only in designated locations on city-owned or leased property that are approved by the city council and only during the voting period or the early voting period. City staff shall provide a description of the approved locations for permitted electioneering pursuant to this subsection and state law.
- e. Political signs may not be placed in the state rights-of-way.
- f. Political signs shall not be installed in any manner that may result in a potential safety hazard of any type.
- g. These restrictions do not apply to existing billboard sign upon which political advertising may be placed.

(3) *Manner.*

- a. The signs shall not exceed 36 square feet aggregate total for any private lot;
- b. A sign shall not exceed 36 square feet in city right-of-way;
- c. Political signs shall be in addition to any other sign allowed in this chapter;
- d. Political signs shall be kept in repair and proper state of preservation;
- e. Political signs shall not be more than eight feet high;
- f. Political signs shall not be illuminated;
- g. Political signs shall not have any moving parts;
- h. Political signs permitted to be placed at a polling site pursuant to state law shall not be larger than six square feet (2'x3') and must be placed in the ground attached to a stake that does not exceed a nine-gauge diameter (American Wire Gauge standard (AWG)). Said signs shall be placed into the ground

well clear of tree roots, irrigation lines and any other underground vegetation or structures that could be damaged. Said signs shall not be attached, placed or otherwise affixed to any building, tree, shrub, pole or other improvement on public property; and

- i. The city may remove and dispose of any political sign permitted to be placed at a polling site pursuant to state law that is in violation of this chapter.

(Ord. No. 2019-20, § 1, 5-23-2019)

Sec. 80-10. - Window signs.

Window signs in the use districts, where permitted, do not require a sign permit and do not require approval by the city prior to erection. In no event may signs be located on the window surface internally or externally in any manner to obscure more than 25 percent of the visible window area available in the absence of any signs. Where multiple windows exist fronting on a single street or sidewalk, the 25 percent visibility shall be maintained for the total window area on such street or sidewalk. Specifically, window signs shall include:

- (1) Signs painted on the external or internal surface of the window of an establishment in commercial or retail districts with water-durable paint on external surfaces;
- (2) Signs (except posters), banners or displays located on the internal surface of the window of an establishment in commercial or retail districts only;
- (3) Posters, providing such posters are not located on the external surface of the window;
- (4) Decorations intended to direct attention to and stimulate citizens' interest in public events, providing such signs are painted on the external surface of the window and a 25 percent visibility requirement is maintained; and
- (5) Signs attached to the external surface of a window of a retail or commercial establishment if of water-durable paint or noncombustible material and signs attached to the internal surface of a window which define the name, proprietor, telephone number, or address of such retail or commercial establishment.

(Ord. No. 2019-20, § 1, 5-23-2019)

Sec. 80-11. - Lien for removal of signs.

- (a) The expenses incurred by the city, after notice to the owner or occupant, in removing a sign that is a public nuisance, in violation of the provisions of this chapter, or an immediate hazard to persons or property, may be assessed against the property as a lien if the expenses remain unpaid for a period often days after the city incurs the expenses.
- (b) Prior to incurring expenses for the removal of a sign under this chapter, notice shall be issued and served by the director of development services in one of the following means:
 - (1) Delivered personally to the owner or occupant in writing;
 - (2) By letter addressed to the owner or occupant at the owner's or occupant's post office address, last known address, or property address where the violation exists;
 - (3) If personal service cannot be obtained or the owner's or occupant's post office address is unknown;
 - (4) By publication in the city's official newspaper at least twice within ten consecutive days; or
 - (5) By posting the notice on or near the front door of the main building on the property to which the

violation relates.

- (c) To obtain a lien against the property, the director of development services or his designee, including any other designated city official, must file a statement of expenses with the county clerk of Denton County. The statement of expenses must identify the name of the owner, if known, and the legal description of the property. The lien is security for the expenditures made and interest accruing at the rate of ten percent per annum on the amount due from the date of payment by the city for the work done. The lien is inferior only to tax liens and liens for street improvements. The city may authorize a suit for foreclosure in the name of the city to recover the expenditures and interest due. The statement of expenses or a certified copy of the statement is prima facie proof of the expenses incurred by the city in doing the work. The remedy provided in this section is in addition to any fine which may be imposed for a violation of this article and is cumulative of and in addition to any other remedies which may be provided for by the ordinances of the city or other law, whether civil or criminal.

(Ord. No. 2019-20, § 1, 5-23-2019)

Sec. 80-12. - Permit required.

No sign shall be erected, constructed, enlarged, altered or converted except as otherwise provided by this chapter until a permit has been issued by the director of development services.

- (1) It is unlawful for any person to erect, construct, enlarge, alter or convert any sign without first obtaining such permit.
- (2) A separate permit shall be required for each sign and/or each group of signs on any single supporting structure.
- (3) There shall be placed and maintained in plain view on each sign not specifically exempt by this chapter a permanent marker that identifies the person owning and/or in control of the sign and/or structure, and the sign permit identification number.
- (4) All sign applications must accompany a sign plan showing the following information:
 - a. Building locations, dimensions and elevations;
 - b. Size, location, and type of both existing and proposed signs;
 - c. Nearest street intersections and driveway locations;
 - d. Zoning designation;
 - e. Name of applicant, sign owner, and sign constructor or erector;
 - f. Corner "clear vision areas," if applicable; and
 - g. Engineering data on signs and/or sign structures, if applicable.

(Ord. No. 2019-20, § 1, 5-23-2019)

Sec. 80-13. - Exemptions to permit requirement.

Persons engaged in the following activities are exempt from obtaining a sign permit:

- (1) The changing of the advertising copy or message on a painted or printed sign, including theater marquee signs and similar signs specifically designed for the use of replaceable copy; any electrical wiring work shall be specifically excepted from this exemption.

- (2) Painting, repainting or cleaning of a sign structure or the changing of the advertising copy or message on a surface unless a structural change is made or the sign display surface is enlarged. Such exemptions, however, relieve any owner, lessor or agent in control of any sign from complying with other provisions of this article, other law or ordinance regulating signs.
- (3) One temporary rigid wall sign not exceeding eight square feet in area, which advertises the sale, rental or lease of the premises on which such sign is located.
- (4) Memorial plaques, building identification signs and building cornerstones when cut or carved into the masonry surface or when made of noncombustible material and made an integral part of the building or structure. These signs are not to exceed four square feet in area.
- (5) On-site directional signs not exceeding eight square feet in area, four feet in height, provided such signs do not contain advertising and are not used as such. Directional signs are only permitted behind the property line.
- (6) Political signs.
- (7) Traffic signs, municipally owned signs, legal notices, warning and emergency signs, and temporary or non-advertising signs as may be approved by the city council or zoning administrator, when placed in compliance with the Uniform Manual on Traffic Control Devices or with applicable city ordinances.
- (8) Scoreboards, provided that such signs meet all other requirements of this chapter.
- (9) Religious emblems when installed in compliance with the zoning and construction codes.
- (10) Seasonal decorations other than banners or other signs, for a maximum of 60 days, provided traffic visibility is not affected.
- (11) Bulletin boards not exceeding 32 square feet in area for public, charitable, educational, or religious institutions when such are located on the premises of said institutions and do not exceed 15 feet in height measured from ground level and do not exceed one per institution, except for sites abutting more than one public street in which event a maximum of two bulletin boards for a site will be allowed. Where two bulletin boards are allowed, they shall be located on separate streets.
- (12) Incidental signs.

(Ord. No. 2019-20, § 1, 5-23-2019)

Sec. 80-14. - Application.

Application for a sign permit shall be made in writing upon forms furnished by the director of development services. Such applications shall include the location by street and number for the proposed sign or sign structure as well as the name and address of the owner and the sign contractor or erector. A plot plan shall be filed concurrently with such application. Such plans shall show the size and location of each sign and whether such sign is an electrical sign. The director of development services may require the filing of other plans or other pertinent information when in his opinion such information is necessary to ensure compliance with this chapter.

(Ord. No. 2019-20, § 1, 5-23-2019)

Sec. 80-15. - Review.

The application, plans and specifications filed by an applicant for a sign permit shall be reviewed by the director of development services. If the director of development services is satisfied that the work described in such an application and such plans filed with the application conform to the requirements of this chapter and of the pertinent laws and ordinances and the fee has been paid, he shall issue a permit to the applicant.

(Ord. No. 2019-20, § 1, 5-23-2019)

Sec. 80-16. - Plans.

One set of approved plans, specifications and computations shall be retained by the director of development services and one set shall be returned to the applicant, which shall be kept on the site of such work at all times during which the work authorized is in progress.

(Ord. No. 2019-20, § 1, 5-23-2019)

Sec. 80-17. - Expiration.

Every permit issued by the director of development services under the provisions of this chapter shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 60 days from the date of the issuance of such permit, or if the work authorized by such permit is suspended or abandoned for a period of 120 days at any time after the work is commenced. Before such work can be recommenced, a new permit shall be first obtained, and the fee shall be half the permit fee required for an original application for permit for such work provided no changes have been made or will be made in the original plans and specifications for such work and provided further that such suspension or abandonment has not exceeded one year.

(Ord. No. 2019-20, § 1, 5-23-2019)

Sec. 80-18. - Nonconformance and exceptions.

- (a) *Purpose.* Every sign or other advertising structure in existence upon adoption of this chapter which violates or does not conform to the provisions hereof shall not be moved, altered or repaired unless it is made to comply with all provisions of this chapter. For the purposes of this section, alteration or repair shall mean at least 60 percent of the replacement cost of the subject sign. The director of development services shall determine whether the proposed alteration or repair exceeds 60 percent of the replacement cost.
- (b) *Damaged nonconforming signs.* Nonconforming signs which are damaged in excess of 60 percent of their current value must be demolished and not repaired unless such proposed repairs would bring the sign into compliance with the provisions of this chapter.
- (c) *Condemnation; notice.* Signs adjudged by the director of development services to be structurally unsafe or to be more than 50 percent destroyed or dilapidated may be condemned. A condemnation letter will be sent to the owner of the property, listed on the city tax roll, stating that the sign must be removed within 15 days of the receipt of the letter. If the sign is not removed within the period allotted, the city may remove the sign at the property owner's expense.
- (d) *Board established; appeals and exceptions.* Appeals and exceptions to these regulations shall be heard by the board of adjustments. The director of development services shall act as staff to the board. The board shall have the authority to adopt reasonable rules and regulations for the enforcement of the signs

regulations and the authority to make recommendations to the city council. The board may consider appeals from a decision of the director of development services on a sign permit and may grant exceptions on the basis that the application of such regulations and/or standards will, by reason of exceptional circumstances or surroundings, constitute a practical difficulty or unnecessary hardship.

- (1) Required information. The applicant shall first file a written application for exception form furnished by the building inspections department. Every such application shall contain the following information:
 - a. Name, address, and telephone number of the applicant;
 - b. Name, address, and telephone number of the owner of the property on which the sign will be located;
 - c. Name, address, and telephone number of person or firm erecting the sign;
 - d. A description of the work to be covered by the permit for which application is made;
 - e. Location of the building structure or lot upon which the sign is to be attached or erected;
 - f. Message to be contained on proposed sign;
 - g. State the valuation of proposed work;
 - h. The signature of the permittee or his authorized agent; and
 - i. Name of business for which the sign application has been made.
- (2) Plans and specifications. Scaled plans or dimensional sign detail shall be submitted in duplicate with each application for a permit and contain the following information:
 - a. Drawing of sign indicating the sign message or copy;
 - b. Elevation plan of the building showing the proposed sign on the building, the length of the elevation, and any other existing signs on the elevation along with the dimensions of such signs; and
 - c. Site plan indicating street frontage, property lines, sign visibility triangles, proposed and existing rights-of-way, location of sign on property, relationship of proposed sign to ingress and egress points, and relationship of proposed sign to any other signs within a 60-foot spacing of the proposed sign and location of all detached signs on the site.
- (3) Board decision. The decision of the board shall be final as to administrative remedies. No appeal to the board for the same variance on the same piece of property shall be allowed prior to the expiration of two years. Any variance granted by the board expires unless a permit securing the variance has been applied for within 90 days from the date of the decision. An applicant whose sign permit is denied by the board may appeal the board's decision to the city council. The appeal request must be submitted in writing within ten days of the board's decision.
- (4) The board is empowered to approve variances to the provisions of this chapter in the following areas:
 - a. Height regulations;
 - b. Area regulations;
 - c. Setback regulations;
 - d. Material regulations; and
 - e. Number of signs.

A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to grant a variance from this chapter the board must determine that:

- a. The requested variance does not violate the intent of this chapter;

- b. The requested variance will not adversely affect surrounding properties;
- c. The requested variance will not adversely affect public safety;
- d. Special conditions exist which are unique to this applicant or property;
- e. That the sign had not been installed prior to obtaining a permit. An applicant is not eligible for a variance if the sign was installed prior to obtaining a sign permit.

(Ord. No. 2019-20, § 1, 5-23-2019)

Sec. 80-19. - Revocation.

The director of development services may, in writing, suspend or revoke such permit issued under the provisions of this chapter whenever such permit is issued in error or issued on the basis of incorrect information supplied or issued where work is done in violation of any ordinance or regulation or any provisions of this chapter.

(Ord. No. 2019-20, § 1, 5-23-2019)

Sec. 80-20. - Allowed signs requiring issuance of a sign permit.

The following signs are allowed upon issuance of a sign permit and subject to the following conditions. Signs that do not comply with the following conditions are considered prohibited signs:

- (1) *Awning sign.* An awning sign is a permanent sign applied to, attached to or painted on an awning or other roof-like cover intended for protection from the weather or as a decorative embellishment to the facade of a building, which projects from a wall or roof of a structure over a window, sidewalk or door. Awning signs are permissible subject to the following conditions and subject to the issuance of a building permit:
 - a. *Permit.* A sign permit may be issued for an awning sign upon issuance of a building permit for the building on which the sign will be painted or attached.
 - b. *Location.*
 1. Awning signs are permitted only in conjunction with a non-residential use in a non-residential zoning district.
 2. Awning signs shall not project into or over a public right-of-way.
 - c. *Miscellaneous.* No building shall have both an awning sign and a wall sign of the same building face.
- (2) *Banner sign.* A banner sign is a temporary sign composed of plastic, cloth, canvas or other non-rigid fabric. Banner signs are permissible subject to the following conditions:
 - a. *Permit.* A sign on the building or other approved structure on the property requires a sign permit.
 - b. *Time.*
 1. Banner signs may be displayed for a maximum time period of six weeks within each calendar year.
 2. New businesses shall be permitted to display a banner on their building prior to the issuance of a certificate of occupancy, and up to six weeks after the issuance of a certificate of occupancy, in addition to the six weeks allowed in this subsection.
 - c. *Location.* Banner signs are permitted only in conjunction with a non-residential use in a nonresidential zoning district.

- d. *Size.* The maximum area of a banner sign is 50 square feet.
- (3) *Canopy sign.* A canopy sign is a permanent sign painted on or attached to the canopy or other roof-like cover over gasoline fuel pumps intended for protection from weather or as a decorative embellishment. Canopy signs are permissible subject to the following conditions and subject to the issuance of a building permit:
 - a. *Permit.* A sign permit may be issued for a canopy sign upon issuance of a building permit for the building on which the sign will be painted or attached.
 - b. *Location.* Canopy signs are permitted only in conjunction with a non-residential use in a non-residential zoning district.
 - c. *Size.* The maximum area of a canopy sign is 15 square feet.
 - d. *Miscellaneous.* The canopy sign may be illuminated and shall not project more than 18 inches from the canopy structure.
- (4) *Frame sign.* A frame sign is a temporary sign constructed of wood, metal or plastic used to advertise a new building or subdivision, opening dates, purchase or leasing information and/or to identify those engaged in the design, construction or improvement of the property on which the sign is located. Frame signs are permissible subject to the following conditions and subject to the issuance of a building permit:
 - a. *Permit.* A sign permit may be issued for a frame sign upon issuance of a building permit for the building on which the sign will be painted or attached.
 - b. *Location.* Frame signs are permitted on a temporary basis for all uses and in all zoning districts.
 - c. *Size.* The maximum area of a frame sign is 100 square feet.
 - d. *Height.* The maximum height of a frame sign is ten feet.
- (5) *Inflatable sign.* An inflatable sign is a temporary sign composed of plastic, cloth, canvas or other non-rigid fabric and inflated with air. Inflatable signs are permissible subject to the following conditions and subject to the issuance of a building permit:
 - a. *Permit.* A sign permit may be issued for an inflatable sign after a certificate of occupancy has been issued for a building on the property where the sign will be displayed.
 - b. *Time.* Inflatable signs may be displayed for a maximum time period of three ten-day increments within each calendar year. These ten-day increments may be consecutive for a total of 30 days.
 - c. *Location.* Inflatable signs are permitted only in conjunction with a non-residential use in a nonresidential zoning district. Inflatable signs shall not be located in required parking spaces, loading spaces, driveways, fire lanes or sidewalks, alleys or streets.
 - d. *Size.* A banner sign may be applied to an inflatable sign without the banner counting towards the allotted number of banner signs per year. The maximum area of a banner sign applied to an inflatable sign is 50 square feet.
 - e. *Height.* The maximum height of an inflatable sign is 30 feet.
- (6) *Monument sign.* A monument sign is a permanent sign supported from the grade to the bottom of the sign having or appearing to have a solid and opaque base and generally used to identify the name of a business or development. Monument signs are permissible subject to the following conditions and subject to the issuance of a building permit:
 - a. *Permit.* A sign permit may be issued for a monument sign after city council approval of a site plan

and/or final plat.

b. *Location.*

1. Monument signs are permitted in conjunction with R-3 district uses in R-3 zoning districts.
2. Monument signs are permitted in conjunction with non-residential uses in non-residential zoning districts.

c. *Size.* The maximum area of a ground sign shall be as follows:

1. In District R-3, 50 square feet.
2. In Districts C-1, C-2, C-3, M-1, MA, 60 square feet.
3. In the Downtown Overlay District, 50 square feet.
4. In the IH35E Business Corridor District, 120 square feet.

d. *Height.* The maximum height of a ground sign shall be as follows:

1. In District R-3, eight feet.
2. In Districts C-1, C-2, C-3, M-1, MA, 12 feet.
3. In the Downtown Overlay District, eight feet.
4. In the IH 35E Business Corridor District, 20 feet.

e. *Miscellaneous.* One monument sign is permitted per street frontage. The design, materials and finish of each monument sign shall match those of the buildings on the same lot.

(7) *Menu board sign.* A menu board sign is a permanent sign used in conjunction with a drive-through or drive-in use for customers who remain in their vehicles. Menu board signs are permissible subject to the following conditions and subject to the issuance of a building permit:

a. *Permit.* A sign permit may be issued for a menu board sign after city council approval of a site plan and/or final plat.

b. *Location.*

1. Menu board signs are permitted only in conjunction with a nonresidential use in a nonresidential zoning district.
2. Minimum front yard setback shall be 20 feet.
3. Minimum side yard setback shall be ten feet.
4. Minimum rear yard setback shall be 25 feet.

c. *Size.* The maximum area of a menu board sign is as follows:

1. In nonresidential zoning districts, other than the overlay districts, the maximum area of a menu board sign shall be 48 square feet.
2. In the IH-35E Business Corridor District the maximum area of a menu board sign shall be 60 square feet.
3. In the Downtown Overlay District the maximum area of a menu board sign shall be 30 square feet.

d. *Height.* The maximum height of a menu board sign shall be six feet.

e. *Miscellaneous.* A maximum of two menu board signs are permitted per drive-through or drive-in business. The design, materials and finish of menu board sign shall match those of the buildings on the same lot.

- (8) *Projecting sign.* A projecting sign is a permanent sign that projects from and is supported by the wall of a building or structure, generally at a right angle. Projecting signs are permissible subject to the following conditions and subject to the issuance of a building permit:
- a. *Permit.* A sign permit may be issued for a projecting sign upon issuance of a building permit for the building to which the sign will be attached.
 - b. *Location.*
 1. Projecting signs are permitted only in conjunction with a non-residential use in a non-residential zoning district.
 2. If a projecting sign is constructed over a sidewalk, a minimum of nine feet shall be provided between the grade of the sidewalk and the lowest portion of the sign.
 - c. *Size.* The maximum area of a projecting sign is 15 square feet.
- (9) *Roof sign.* A roof sign is a permanent sign that is mounted to or projects from a canopy, parapet wall or secondary roof over the entry to a building without projecting above the highest point of the building. Roof signs are permissible subject to the following conditions and subject to the issuance of a building permit:
- a. *Permit.* A sign permit may be issued for a projecting sign upon issuance of a building permit for the building to which the sign will be attached.
 - b. *Location.* Roof signs are permitted only in conjunction with a non-residential use in a nonresidential zoning district.
 - c. *Size.* The maximum area of a roof sign is 60 square feet.
 - d. *Height.* The maximum height of a roof sign is eight feet.
- (10) *Sandwich board sign.* A sandwich board sign is a temporary, portable sign constructed in such a manner as to form an "A" shape with each face held at an appropriate distance by a supporting member. Sandwich board signs are permissible subject to the following conditions and subject to the issuance of a building permit:
- a. *Permit.* A sign permit may be issued for a sandwich board sign upon issuance of a certificate of occupancy for the building on the property/lot where the sign will be displayed.
 - b. *Location.*
 1. Sandwich board signs are permitted only in conjunction with a nonresidential use in a nonresidential zoning district.
 2. Sandwich board signs shall be permitted only during business hours for the property/lot on which it is displayed.
 3. Sandwich board signs shall be located a minimum of three feet from the curb or edge of street, whichever is appropriate.
 - c. *Size.* The maximum area of a sandwich board sign is 15 square feet.
 - d. *Height.* The maximum height of a sandwich board sign is four feet.
 - e. *Miscellaneous.* A maximum of one sandwich board sign shall be permitted for each business or tenant on the property/lot where the sign will be displayed.
- (11) *Subdivision sign.* A subdivision sign is a permanent sign that identifies the name of the residential

subdivision and is mounted to a screening wall or monument at the entry of the subdivision. Subdivision signs are permissible subject to the following conditions and subject to the issuance of a building permit:

- a. *Permit.* A sign permit may be issued for a subdivision sign after city council approval of a final plat.
- b. *Location.*
 1. Subdivision signs are permitted only in conjunction with a residential use in a residential zoning district.
 2. Subdivision signs shall be located within the platted boundaries of the subdivision.
- c. *Size.* The maximum area of a subdivision sign is 60 square feet.

(12) *Wall sign.* A wall sign is a permanent sign painted on or attached to the wall of a building or is an integral part of the building with the exposed face of the sign in a plane parallel to and a maximum of 12 inches from the wall; however, electrical wall signs may project a maximum of 18 inches from the wall. Wall signs are permissible subject to the following conditions and subject to the issuance of a building permit:

- a. *Permit.* A sign permit may be issued for a wall sign upon issuance of a Building Permit for the building on which the sign will be painted or attached.
- b. *Location.* Wall signs are permitted only in conjunction with a non-residential use in a non-residential zoning district.
- c. *Size.* The size of wall signs shall be as follows:

Building Height	Maximum Sign Height	Maximum Percentage of Wall Length Covered by Wall Sign
Up to 20 ft.	4 feet	75%
20 ft.—30 ft.	6 feet	60%
Over 30 ft.	8 feet	50%

(13) *Searchlights.* A searchlight is defined as an apparatus containing a light source and a reflector for projecting one or more high-intensity beams of light.

- a. *Permit.* A permit shall be required a searchlight. The zoning administrator may deny or revoke a permit if the number or intensity of searchlights may constitute a hazard or a public nuisance.
- b. *Reserved.*
- c. *Location.* Searchlights shall be located entirely on private property and shall not be located on any portion of a street, alley, sidewalk or public right-of-way. Searchlights shall be situated and directed so as to prevent the light source or any portion of a beam of light from being directed onto any portion of a street, alley, sidewalk or public right-of-way.
- d. *Duration.* Searchlights may be permitted for a period of four calendar days within any consecutive 12-month period.

(Ord. No. 2019-20, § 1, 5-23-2019)

Sec. 80-21. - Allowed permanent signs not requiring insurance of sign permit.

The following permanent signs are permitted and do not require the issuance of a sign permit provided the signs comply with the following conditions. Signs that do not comply with the following conditions and the specifications are considered prohibited signs.

- (1) Flags; and
- (2) Instructional signs.

(Ord. No. 2019-20, § 1, 5-23-2019)

Sec. 80-22. - Portable signs.

A portable sign is permitted upon issuance of a sign permit provided the sign complies with the conditions of this section. A temporary portable sign may remain in place for a maximum of six consecutive months as long as it remains in a state of good repair. No more than one temporary sign may be situated on a lot.

(Ord. No. 2019-20, § 1, 5-23-2019)

Sec. 80-23. - Prohibited signs.

The following signs are prohibited:

- (1) Billboard sign.
- (2) Pole signs, except for pole-mounted signs located within the IH-35 Business Corridor District provided such sign complies with the following:
 - a. Pole mounted signs fronting along 1-35 may have height not greater than 45 feet. All other pole signs for new development or expansion of existing buildings within the district shall be no higher than 18 feet.
 - b. Maximum area of any sign within the district shall be 20 feet by 30 feet.
 - c. The structure of pole signs shall be constructed of materials and colors utilized on the building's primary facade.
 - d. Landscaping around the base of pole signs is encouraged to blend the sign with other landscaped areas around the sign.
- (3) Wind device or "sail" sign.
- (4) Off-premises sign. sign pertaining to a business, person, organization, activity, event, place, service or product not located or offered on the premises on which the sign is located. Off-premises signs include, but are not limited to, those signs commonly referred to as "billboards."

(Ord. No. 2019-20, § 1, 5-23-2019)