ORDINANCE NO. 2014-406

AN ORDINANCE OF THE CITY OF DENTON, TEXAS SUPERSEDING AND REPLACING ANY AND ALL REMAINING VESTIGES OF THE PRIOR CHAPTER 33 OF THE CODE OF ORDINANCES OF THE CITY OF DENTON, TEXAS WITH A NEW DENTON SIGN CODE AS HEREBIN PROVIDED; SUPERSEDING AND REPEALING THE EXISTING SUBCHAPTER 35.15 OF THE DENTON DEVELOPMENT CODE WITH THE NEW DENTON SIGN ORDINANCE AS HEREBIN ADOPTED; APPROVING AND ADOPTING NONSUBSTANTIVE EDITORIAL AMENDMENTS TO SUBCHAPTERS 35.3 AND 35.4 OF THE DENTON DEVELOPMENT CODE TO REMOVE CONFLICTING REFERENCES AND PROVISIONS RELATING TO THE PRIOR SIGN CODE; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR EFFECTIVE DATES.

THE COUNCIL OF THE CITY OF DENTON TEXAS HEREBY ORDAINS:

SECTION 1. To the extent not previously superseded and repealed by prior ordinances of the City of Denton, Texas, the Council hereby directs the supersession and replacement of any remaining vestiges of any prior Chapter 33 of the Code of Ordinances of the City of Denton, Texas, and directs the codifier to remove all prior versions from the municode.com website, and to notify all subscribers to the Denton Code of Ordinances to remove and discard all prior versions of Chapter 33, to minimize further confusion and conflict.

SECTION 2. The following provisions shall be established and incorporated into Chapter 33 of the Code of Ordinances of the City of Denton, Texas, as the definitions and principles supporting a new Denton Sign Code, with further provisions hereafter incorporated in an iterative process of successive refinements.

Chapter 33 - Signs and Advertising Devices

33.1. Title, Authority, Purpose and Intent.

A. Title. This Chapter may be known as the sign ordinance or Denton Sign Code.

B. Authority. This Chapter is adopted pursuant to Texas Local Government Code Chapter 216, the City Charter, and the City’s inherent police power (the power to govern).

C. Purposes and Intent. By adopting this Chapter, the City Council intends to balance several important and competing interests, including the constitutional right to free speech and the public interests in safety and esthetics, including controlling visual clutter. It is the purpose of this Chapter to regulate the construction, reconstruction, erection, installation, placement, relocation, maintenance, display, use, modification, alteration and removal of private signs within the City, in a manner that does not favor commercial speech over noncommercial speech and does not regulate noncommercial speech by content.
D. Methods. It is the intent of this Chapter to regulate signs generally by classifying each sign according to its design and construction and by regulating, based on such classification, the type, number, size, height and setback of signs according to their location in the various zoning districts.

E Minimal Burden. It is also the intent and determination of the City Council that the regulations in this Chapter be and are the minimum necessary and least burdensome to accomplish the purposes stated in this section.

33.1A Basic Principles.

A. Message Neutrality Policy. It is the policy of the City to regulate signs in a manner that does not favor commercial speech over noncommercial speech, and that does not regulate protected noncommercial speech by message content.

B. Message Substitution Policy. Subject to the private property owner's consent, a constitutionally protected noncommercial message of any category or content may be substituted, in whole or in part, for any allowed commercial message or any other protected noncommercial message, provided that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. The purpose of this provision is to prevent any favoring of commercial speech over non-commercial speech, or favoring of any particular protected noncommercial message over any other protected noncommercial message. Message substitution is a continuing right which may be exercised any number of times. The message substitution right does not: 1) create a right to increase the total amount of sign display area on a site or parcel; 2) create a right to substitute an off-site commercial message in place of an onsite commercial message or in place of a noncommercial message; 3) affect the requirement that a sign structure or mounting device must be properly permitted; 4) authorize changing the physical method of image presentation (such as digital or neon) display without a permit; or 5) authorize a physical change to the sign structure without compliance with applicable building codes, safety codes, and neutrally-applicable rules for sign size, height, orientation, setback, separation or illumination.

C. Enforcement Authority. The Director of Planning and Development is authorized and directed to administer and enforce this Chapter.

D. Administrative Interpretations. Interpretations of this Chapter are to be made initially by the Director in consultation with the City Attorney. All interpretations of this Chapter are to be exercised in light of the message neutrality and message substitution policies. Where a particular type of sign is proposed, and the type is neither expressly allowed nor prohibited by this chapter, or whenever a sign does not qualify as a "structure" as defined in the Building Code, as adopted by the City, then the Board of Adjustment shall approve, conditionally approve or disapprove the application based on the most similar sign type that is legal under
the current Code, using physical and structural similarity, that is expressly regulated by this chapter.

E. Responsibility for Compliance. The responsibility for compliance with this Chapter rests jointly and severally upon the sign owner, the permit holder, all parties holding the present right of possession and control of the property whereon a sign is located, mounted or installed.

F. Onsite-Offsite Distinction. Within this Chapter, the distinction between onsite signs and offsite signs applies only to commercial messages. It does not apply to non-commercial messages.

G. Billboard Policy. New billboards, as defined herein, are prohibited. Existing legal billboards may not be converted to digital display.

33.2. 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”. A sign:

1. Which, for at least six (6) continuous months, does not identify or advertise a bona fide business, establishment, lessor, service, owner, product or activity;

2. For which no legal owner can be found; or

3. Which pertains to a time, event or purpose which no longer applies.

“Advertising”. To convey information or ideas to, to seek the attraction of, or to direct the attention of, the public to any location, event, person, activity, goods, services or merchandise.

“Attached sign”. A sign, other than a wind device sign, attached to or supported by any part of a building, including but not limited to a wall, roof, window, canopy, awning, or marquee. Wall, roof, and projecting signs shall be considered attached signs.

“Billboard”. A permanent structure sign in a fixed location which meets any one or more of the following criteria: 1) it is used for general advertising for hire; 2) it is used to display off-site commercial messages; 3) it constitutes a separate principal use of the property, in contrast to an auxiliary or accessory use to the principal use of the property.

“City” means the City of Denton Texas.

“City property” means any parcel of land, or separately leasable space, over which the City (or any of its owned or controlled entities) holds the present right of possession and control, regardless of who may hold legal fee title, or that is within the public right-of-way.
“Curbline”. An imaginary line drawn along and parallel to the outermost part or back of the curb and gutter on either side of a public street; or, if there is no curb and gutter, along and parallel to the outermost portion of the paved street; or, if there is no paved street, along and parallel to the outermost edge of the traveled portion of the street.

“Digital display” means image display methods utilizing LED (light emitting diode), LCD (liquid crystal display), plasma display, projected images, or any functionally equivalent technology, and which is capable of automated, remote or computer control to change the image, either in a “slide show” manner (series of still images), or full motion animation, or any combination of them.

“Dilapidated or deteriorated sign”. A sign:

1. Where any portion of the finished material, surface or message portion of the sign is visibly faded, flaked, broken off, missing, cracked, splintered, defective or is otherwise visibly deteriorated or in a state of disrepair so as not to substantially appear as it was intended or designed to appear when originally constructed;

2. Whose elements or the structural support or frame members are visibly bent, broken, dented or torn, twisted, leaning or at angles other than those at which it was originally erected, such as may result from being blown or by the failure of a structural support.

“Director”. Means the Director of Planning and Development for the City.

“Display face” means the portion of a sign that is available for displaying sign copy, together with any frame, color, panel, ornamental molding, or condition which forms an integral part of the sign copy and which is used to differentiate such sign copy from any wall or background against which it may be placed. Those portions of the supports, uprights or base of a sign that do not function as a sign shall not be considered as part of the display face.

“Establishment” : any legal use of land, other than long-term residential, which involves the use of structures subject to the Building Code. By way of example and not limitation, this definition includes businesses, factories, farms, schools, hospitals, hotels and motels, offices and libraries, but does not include single-family homes, mobile homes, residential apartments, residential care facilities, or residential condominiums. Multi-unit housing developments are considered establishments during the time of construction; individual units are not within the meaning of establishment once a certificate of occupancy has been issued or once a full-time residency begins.

“Flag” means a piece of fabric or other flexible material, usually rectangular, of distinctive design, used as a symbol.

“Front yard”. An open, unoccupied space on a lot facing a street and extending across the front of the lot between the side lot lines and from the main building line as specified for the district in which it is located (the “building setback line”).
“General advertising for hire”: the enterprise of providing sign display area to a variety of advertisers or message sponsors, typically for a fee or other valuable consideration.

“Ground sign”. A sign, other than a wind device sign, whose principal support is provided by burying, anchoring or otherwise connecting the sign, or supporting structure thereof, to the ground and which is not a portable sign or attached sign.

“Mobile billboard” a motorized vehicle with sign display area that is used for general advertising for hire. Mobile billboard advertising includes any vehicle, or wheeled conveyance which carries, conveys, pulls, or transports any sign or billboard for the primary purpose of advertising.

“Monument Sign”. A ground sign, other than a wind device sign, which is solid from the ground up, and is made of stone, concrete, metal, routed wood planks or beams, brick or similar materials, and no visible pole.

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

“On-premises sign”. A sign identifying or advertising a business, establishment, person, or activity, and installed and maintained on the same premises as the business, person, or activity. A sign which promotes or displays a political, religious or ideological thought, belief, opinion or other noncommercial message shall be considered an on-premises sign.

“Permanent sign” means a sign that is solidly attached to a building, structure, or the ground by means of mounting brackets, bolts, welds, or other combination of attachment methods, thereby rendering the sign non-moveable or difficult to reposition without the use of machinery, cutting devices, or mechanical devices. See also “temporary sign.”

“Portable sign”. A sign whose principal supporting structure is intended, by design, use or construction, to be used by resting upon the ground for support and which may be easily moved or relocated for reuse. Portable signs shall include but not be limited to signs mounted upon or designed to be mounted upon a trailer, bench, wheeled carrier or other mobile structure, with or without wheels, and A-frame and other similar signs, resting or leaning on the ground or other structures, but not permanently attached thereto.

“Premises” means:

For any developed property, the lot or contiguous area of real property which encompasses all the buildings, structures, appurtenances and land devoted to a common use, such as a shopping center or a business occupying and using multiple contiguous lots; or

For undeveloped property, the area of real property designated as a lot on a Plat approved in accordance with law and filed with the County Clerk’s office, or an
unplatted tract of land as conveyed by deed or operation of law and recorded in the deed records of the County.

“Projecting sign”. Any sign, other than a wind device sign, which is wholly affixed to or supported by any building wall and which extends beyond the building wall more than twelve (12) inches.

“Roof sign”. Any sign, other than a wind device sign, wholly erected on, affixed to, or supported by a roof of a building.

“Sign” as used in this Chapter, generally means the display of any visually communicative image placed on public display and visible from the exterior of any portion of the public right of way or place open to passage by the public. The general definition of “sign” does not include the following enumerated items:

a. Aerial banners towed behind aircraft;

b. Architectural features – decorative or architectural features of buildings (not including lettering, trademarks or moving parts), which do not perform a communicative function (examples include color stripes around an office building or retail store);

c. Automated Teller Machines (ATM’s), when not used for general advertising;

d. Cornerstones and foundation stones;

e. The legal use of fireworks, candles and artificial lighting not otherwise regulated by this chapter;

f. Grave markers, gravestones, headstones, mausoleums, shrines, and other markers of the deceased;

g. Historical monuments, plaques and tablets;

h. Holiday and cultural observance decorations displayed in season, including inflatable objects, on private residential property which are on display for not more than 45 calendar days per year (cumulative, per dwelling unit) and which do not include commercial messages;

i. Inflatable gymnasiums associated with legal residential uses – inflatable, temporary, moveable, gymnasium devices commonly used for children’s birthday parties, and similar devices (also called “party jumps” or “bounce houses”);

j. Interior graphics – visual communicative devices that are located entirely within a building or other enclosed structure and are not visible from the exterior thereof;
k. Manufacturers’ marks – marks on tangible products, which identify the maker, seller, provider or product, and which customarily remain attached to the product even after sale;

l. Mass transit graphics – graphic images mounted on duly licensed and authorized mass transit vehicles that legally pass through the city;

m. News racks, newspaper vending devices and newsstands;

n. Personal appearance: makeup, masks, wigs, costumes, jewelry, apparel and the like, unless it constitutes a commercial mascot (which see);

o. Safety warnings on motorized or electrified equipment;

p. Searchlights used as part of a search and rescue or other emergency service operation (this exclusion does not apply to searchlights used as attention attracting devices for commercial or special events);

q. Shopping carts, golf carts, horse drawn carriages, and similar devices (any motorized vehicle which may be legally operated upon a public right-of-way is not within this exclusion);

r. Symbols embedded in architecture – symbols of non-commercial organizations or concepts including, but not limited to, religious or political symbols, when such are permanently integrated into the structure of a permanent building which is otherwise legal, by way of example and not limitation, such symbols include stained glass windows on churches, carved or bas relief doors or walls, bells and religious statuary;

s. Vehicle and vessel insignia – on street legal vehicles and properly licensed watercraft: license plates, license plate frames, registration insignia, non-commercial messages, messages relating to the business of which the vehicle or vessel is an instrument or tool (not including general advertising) and messages relating to the proposed sale, lease or exchange of the vehicle or vessel; or

t. Flags

"Sign copy" or "copy" means the visually communicative elements, including but not limited to words, letters, numbers, designs, figures or other symbolic presentation incorporated into a sign with the purpose of attracting attention to the subject matter or message.

"Supporting structure". Any pole, post, cable, foundation or other supporting structural materials or fixtures arranged, designed or used to hold, secure or support a sign, abandoned sign, or part thereof.

'Temporary sign". A sign that is constructed of lightweight or flimsy material, and is easily installed and removed using ordinary hand tools. Any sign that qualifies as a
“structure” under the Building Code, and for which a building permit is required is not within this definition.

“Visibility point”. The viewing locations, at a height of six (6) feet, determined by extending the side yard setback lines of the property so as to intersect the curb line of the public street fronting the property, then measuring from the intersecting points along the curb line away from the property in each direction for a distance of one hundred (100) feet. If the street fronting the property is one-way, the visibility point in the direction from which traffic approaches the property shall be used to determine the visibility requirement.

“Wall sign”. Any sign, other than a wind device, wholly affixed to, supported by or painted upon the wall of any building and which is not a projecting sign.

“Wind device sign”. A banner, pennant, streamer, inflatable balloon or similar device made of cloth, canvas, plastic, or other similar flexible material, with or without a frame or other supporting structure, and used as a sign.

SECTION 3. Pending the later effective date applicable to the changes set forth in Section 5 of this Ordinance, the provisions set forth in Section 2 of this Ordinance shall also apply to, and govern the interpretation of, Subchapter 35.15 of the Denton Development Code, notwithstanding any conflicting principles, definitions, or declarations of intent contained therein.

SECTION 4. The provisions of Sections 1, 2, 3, 4, 8, 9 and 10 of this ordinance shall take effect immediately upon passage and approval.

SECTION 5. The following provisions shall also be established and incorporated into Chapter 33 of the Code of Ordinances of the City of Denton, Texas, with further provisions hereafter incorporated in an iterative process of successive refinements.

33.4. Certain Prohibited Signs. It shall be unlawful for any person to erect, install, construct, display, maintain, reconstruct, place, locate, relocate, or make use of any of the following signs for advertising purposes:

A. Signs on private property without consent of owner. Signs located on private property without the consent of the owner of the premises and/or the persons holding the present right of possession and control.

B. Parking and maneuvering areas. Signs which are located in or interfere with the use of a required off-street parking space or maneuvering area.

C. Unsafe signs. Signs which are or become deteriorated, dilapidated or in danger of falling or otherwise unsafe.

D. Signs on public property. Any sign located on or attached to a public street light, utility pole, hydrant, bridge, traffic control device, street sign or other public structure or
building, or any sign, located in, on, over, or within a public street, sidewalk, alley, easement or right-of-way. This prohibition shall not apply to projecting signs in central business districts as permitted by this chapter, markings made on public sidewalks as permitted by the Code of Ordinances or wind device signs placed over a public street by the City to advertise annual community events. (Signs placed by the city are not within the scope of this Chapter. Under the government speech doctrine, the city does not need to give itself permission to display its own message on its own sign located on its own property.)

E. Code compliance. Signs which do not comply with any applicable provision of a building code, electrical code or other applicable code or ordinance of the City.

F. Trees and shrubs. Signs located on trees and shrubs.

G. Motion picture signs. Signs which employ a motion picture machine, or which display moving images, or images which give the impression of motion, including those using digital display.

H. Signs obscuring or interfering with certain views.

1. Signs located or illuminated in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device or so as to obstruct or interfere with the view of a driver of approaching, emerging or intersecting traffic or so as to prevent any traveler on any street from obtaining a clear view of approaching vehicles for a distance of two hundred fifty (250) feet along the street;

2. A sign other than a traffic control sign or signal, in a triangle sight area at all intersections including that portion of public right-of-way and any corner lot within a triangle formed by a diagonal line extending through points on the two (2) property lines twenty-five (25) feet from the street corner intersection of the property lines or that point of the intersection of the property lines extended and intersecting the curblines.

I. Certain illuminated signs.

1. Signs, illuminated form within or without, and which:
   
   a. Are illuminated in such a manner, to such intensity, or without proper shielding, so as to constitute a hazard to the operation of motor vehicles upon a public street or substantially interfere with the reasonable enjoyment of residential property; or
   
   b. Have any type of intermittent illumination, including flashing, fading, revolving or blinking lights, or any type of moving, traveling or changing message by means of illumination, excluding temporary holiday lights and lights used for time and temperature signs; or
2. Billboards using digital display technology.

J. Portable signs. Any portable sign which is not a properly registered nonconforming portable sign as provided for in this chapter.

33.5. Administration and Enforcement.

The Director shall enforce and administer the provisions of this chapter. The Director or City Manager may delegate the duties and powers granted to and imposed upon the Director by this Chapter.

33.6. Appeal, Variances, and Special Exceptions.

A. Compliance with state law. The Board of Adjustment is authorized to hear all appeals, variances, and special exceptions in accordance with powers, rules and procedures applicable as outlined in §35.3.6 of the Denton Development Code.

B. Sign Variances

1. Any person requesting a variance from the provisions of the sign regulations shall submit an application on a form provided by the City, containing the information and plans requested in the application, along with the established filing fee.

2. The Board shall hear and act upon the variance request within a reasonable time, presumably within 45 days after the variance application is deemed complete. Nevertheless, this time period shall yield as necessary to assure compliance with notice, posting and quorum requirements of the Texas Open Meetings Act, with any delay beyond the presumptive 45-day period timed to enable hearing and decision prior to adjournment of the next regularly scheduled Board meeting. Notice of the hearing shall be given in the same manner as other appeals to the Board.

3. The Board may grant a variance from a requirement of this Chapter if it finds all the following exist:

   a. Due to some unique condition or feature of the property which is not generally common to other properties, literal compliance with the sign regulation would cause unnecessary hardship;

   b. The granting of the variance will not violate the spirit or the intent of the ordinance; and

   c. The condition or feature, which creates the need for the variance, did not result from the property owners' acts.

4. The Board shall not grant a variance to any applicant solely for personal convenience, financial hardship, or other reasons unrelated to the property. If the
Board grants a variance, the variance shall be granted only to the extent that is reasonably necessary to remedy the hardship. The Board may impose conditions relating to the use of the sign for which a variance is granted.

5. All decisions of the Board granting or refusing a variance shall be reduced to writing and signed by the chairperson. If a variance is denied, the decision shall state the conditions for the variance which were not met. If the Board grants a variance, the decision shall state that all conditions for a variance were met, specify the degree to which the regulations are being varied, and be signed by the members voting in favor of the variance.

6. No variance may be granted to authorize a sign type which is otherwise prohibited.

C. Special Exceptions. The Board may grant a special exception from the regulations of this Chapter governing the setback or height of a sign, other than a portable sign, under the following circumstances:

1. Visibility obstructions. When fifty (50) percent or more of the effective area of sign to be located in accordance with the setback or height requirements of this article would not be visible from at least one "visibility point" because of an existing building, structure, or the natural ground.

2. Medical emergency signs. When a sign located on the property of an emergency medical treatment facility would not, because of the setback or height requirements of this article, be readily visible from adjacent public streets. For purposes of this provision, "Emergency Medical Treatment Facility" shall mean any hospital, clinic or other facility where medical aid is offered to a person or animal which suffers an injury or illness which requires immediate medical attention.

D. In granting a special exception, the Board shall specify by written order the setback or the height that will be allowed, but in doing so shall not allow deviation from the provisions of this Chapter beyond what is minimally necessary to remedy the situation allowing for the special exception.

33.7. Historical Landmark Signs. The provisions of this Chapter shall not apply insofar as they conflict with any provision applicable to a sign designated by the City as a historical landmark.

33.9. Permits.

33.9.1. Required.

A. It shall be unlawful for any person to place, locate, relocate, erect, construct, reconstruct, replace, renovate, repair, or alter any part of a sign, including the face or supporting structure or other integral part, or to thereafter make use of a sign for which a Permit is required herein, without having first secured a Sign Permit from the City, except as otherwise provided by this
Chapter. The administering official or employee shall not issue a Permit for a sign that does not comply with the requirements of this Chapter.

B. It shall be unlawful for any person to make use of a sign required to be licensed by the State Department of Highways and Public Transportation as required by Tex. Trans. Code §391.001 et seq., except in accordance with a valid Permit issued by the City.

C. A simple change of sign copy, not involving a change to the physical structure of the sign, does not require a permit, so long as the change of copy does not violate any of the provisions of this Chapter; however, the sign owner or agent shall provide written notice of the change, along with photos of the existing sign, as well as dimensional drawings showing the proposed changes.

33.9.2. Application Procedure. The application for a Sign Permit shall be submitted on such forms as the Director may prescribe and shall be accompanied by such information, drawings and descriptive data as required by the Director to ensure proper regulation of the sign and to ensure compliance with this Chapter.

A. Application for a Sign Permit. Any person seeking a sign permit for a sign shall submit to the Director a written application for such. The Director shall prepare a sign permit application form and provide it to any person on request, along with such other materials and information as applicants need to submit for a permit. The same form may be used for both the application and the decision thereon. A single form may be used for multiple signs on the same site; however, the Director may make separate decisions as to each sign. A sign permit application is complete only when it is accompanied by the appropriate application fee, in an amount set by resolution of the City Council. In the case of after-the-fact permitting, the otherwise applicable fee shall be doubled.

   1. Application Contents. The sign permit application form shall call for the following information, as applicable:

      i. Name, address and telephone number of the applicant and, if applicable, the name, address, and telephone number; when the applicant is not the holder of legal title to the property, consent to the installation of the sign by the person(s) or entities who hold legal title and the present right of possession and control of the property; when the sign is proposed to be installed by a sign contractor, the name, address, contact information, and the license number, if any, of the contractor;

      ii. As to the proposed location for the sign, two (2) sets of a fully dimensioned Site Plan (drawn to scale) indicating the street address, Assessor's Parcel Number, zone classification, all property lines, public and private street
lines (including center lines), structures, easements, utility poles and wires, and the location and size (in square feet) of all existing and proposed signs;

iii. As to existing signs already on parcel, information as to whether each is permitted or exempt from permitting;

iv. Accurate and scaled building elevation showing existing and proposed building signs; including existing and proposed sign area of each individual sign and the combined area of all signs (including those already existing or previously permitted) in relation to the maximum allowed sign area;

v. A statement as to whether the sign is intended to be used in whole or in part for off-site commercial messages, advertising for hire or general advertising;

vi. A statement or graphical description as to whether the proposed sign, or any part of it, is proposed to utilize any of the following physical methods of message presentation: sound; odor, smoke, fumes or steam; rotating, moving or animated elements; activation by wind or forced air; neon or other fluorescing gases; fluorescent or day-glow type colors; flashing or strobe lighting; light emitting diodes, liquid crystal displays or other video-like methods; digital display technology; use of live animals or living persons as part of the display; mannequins or statuary;

vii. A statement as to whether the property or parcel on which the sign is proposed to be erected or displayed, or any currently existing sign thereon, is the subject of any outstanding notice of zoning violation or notice to correct, including whether any such deficiencies are to be remedied by the proposed application;

viii. Photographs of the existing property, parcel and/or building on which the sign is proposed to be erected or displayed;

ix. In the case of any proposed sign which is subject to a discretionary process, such as a variance or specialized sign district, all information required by such process(es);

x. The Director is authorized to modify the list of information to be provided on a sign permit application; however, additions may be made only after thirty (30) days public notice. The Director is also authorized to request, require or accept application materials, in whole or in part, in
B. Completeness Determination. As the first step in processing a sign permit application, the Director shall determine whether the application is complete. If the application is not complete, the applicant shall be so notified in person or in writing initially within 45 days of the date of receipt of the application; the notice of incompleteness shall state the points of deficiency and identify any additional information necessary. The applicant shall then have one opportunity, within 10 business days, to submit additional information to render the application complete; failure to do so within the 10 calendar day period shall render the application void.

C. Standards on application. When any sign permit application is complete and fully complies with all applicable provisions of this Chapter, and all other applicable laws, rules and regulations, the permit shall be approved and issued within the required time. In the case of signs which are exempt from the sign permit requirement, there is a right to erect, display and maintain such signs as are authorized by this Chapter, subject to the applicable rules.

D. Disqualification. No sign permit application will be approved if:

1. The applicant has installed a sign in violation of the provisions of this Chapter and, at the time of submission of the application, each illegal or non-permitted sign has not been legalized, removed or a cure included in the application;

2. There is any other existing code violation located on the site of the proposed sign(s) (other than an illegal or nonconforming sign that is not owned or controlled by the applicant and is located at a different establishment) which has not been cured at the time of the application, unless the noncompliance is proposed to be cured as part of the application;

3. The sign application is substantially the same as an application previously denied, unless: (i) twelve (12) months have elapsed since the date of the last application, or (ii) new evidence or proof of changed conditions is furnished in the new application;

4. The applicant has not obtained any applicable required use permit or conditional use permit. However, applications for such permits may be processed simultaneously with a sign permit application.

E. Permits Issued in Error. Any approval or permit issued in error may be summarily revoked by the Director upon written notice to the permittee, stating the reason for the revocation. "Issued in error" means that the permit should not
have been issued in the first place and includes but is not limited to omissions, errors or misrepresentations in the application materials, and oversights or errors in the processing thereof.

F. Denial. When a sign permit application is denied, the denial shall be in writing and sent or delivered to the address shown on the applicant's application form, and shall specifically state the grounds for denial.

G. Timely Decision. At each level of review or appeal, the decision on a sign permit application shall be rendered in writing within the time limits for other building permits under State law. The time period begins running when an appeal, challenge or objection is received, the application is complete (or is deemed complete because no notice of incompleteness has been given), an amendment is received, or the notice of appeal has been filed, whichever applies. The timely decision requirement may be waived by the applicant or appellant. If a decision is not rendered within the required time, then the application or appeal shall be deemed denied; in the case of an appeal, the lower level decision shall be deemed affirmed.

H. During the pendency of review or appeal, the status quo of the subject sign(s) shall be maintained. This does not apply whenever a sign, by virtue of its physical condition, constitutes an immediate threat to public safety.

33.9.3. Fees. If the plans and specifications for a sign set forth in any application for a Permit required under this division conform to all of the requirements of this Chapter and any other ordinance applicable thereto, the Director shall, upon payment of the applicable Permit fee, issue the appropriate Permit. Permit fees shall be established by the City Council.

33.9.4. Duration.

A. Ground or attached signs. Except as otherwise provided in this Chapter, a Permit issued for a ground or attached sign shall terminate if the sign is not thereafter installed within one hundred eighty (180) days after issuance.

B. Signs licensed by the State. A Sign Permit issued by the City for a sign required to be licensed by the State Department of Highways and Public Transportation under Tex. Trans. Code§391.001 et seq., as amended, shall be valid for the location designated on the application for one (1) year from issuance of the Permit so long as the sign is erected and legally maintained. If the state acquires the sign, or the sign is removed for any reason, the City Permit shall automatically terminate.

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C. Wind device signs. A Permit for wind device signs shall be valid for thirty (30) consecutive days. A Permit shall not be issued for a location unless a period of thirty (30) days has elapsed since the expiration of a previous Permit. The Permit shall apply to one designated location and authorize the display of one or more wind device signs at that location for the allowed time. No more than three (3) permits may be issued for any one location in any one calendar year.

33.9.5. Revocation; Appeals. A Sign Permit may be revoked for a violation of any provision of this Chapter or for failure to adhere to all terms and conditions of the permit or other applicable law. The Permit holder may appeal the revocation to the Board of Adjustments. If the State Department of Highways and Public Transportation revokes the license of an owner of a sign for which the City has issued a Permit, the Sign Permit for the sign shall terminate when the state license revocation becomes final.

33.9.6. Transfer of state outdoor advertising sign permits. Sign permits initially issued by the State Department of Highways and Public Transportation and now issued by the City for signs licensed by the state under Tex. Trans. Code §391.001 et seq., may be transferred to another party if the proper City application and fee is filed with the City.

33.10. Nonconforming Signs.

33.10.1. Definition. A sign, including its supporting structure, shall be considered nonconforming when it does not conform to all or part of the provisions of this Chapter applicable thereto, is not a temporary sign and:

A. Was in existence and lawfully located and used on March 17, 1993;

B. Was in existence and lawfully located and used in accordance with the provisions of any prior sign ordinance applicable thereto or which was considered legally nonconforming thereunder and has since been in continuous or regular use; or

C. Was in existence, located and used on the premises at the time it was annexed to the City and has since been in regular and continuous use.

D. Was in existence and lawfully located and used as an off-premises ground sign pursuant to Section 33.14.2 on November 5, 1997.

33.10.2. Applicability. The provisions of this Chapter defining and regulating nonconforming signs shall control over any other conflicting provision of this Chapter.

33.10.3. Registration of nonconforming portable signs and billboards. On or after June 1, 1989, it shall be unlawful for any person to maintain any portable sign within the corporate limits, and on or after March 1, 1998, it shall be unlawful for any person to maintain any billboard on any premises within the corporate limits and both portable and billboard signs within the extraterritorial jurisdiction of the City of Denton without having a valid registration tag affixed thereto as required in this section as follows:
A. Application. To register a nonconforming portable or off-premises (billboard) sign, application shall be made to the Director on forms provided for that purpose. The application shall be accompanied by the payment of the applicable fee and shall contain the name and address of the owner of the sign, photographs of the existing property, parcel and/or building on which the sign is erected or displayed the exact location of the sign, and the date of placement.

B. Issuance of registration tag. If the Director determines that the portable sign or billboard is a lawfully nonconforming sign, he/she shall issue a registration tag to the applicant. The owner of the sign shall cause the tag to be affixed in a conspicuous place on the corresponding registered sign.

C. Removed or destroyed signs. Any owner who removes or causes the removal of any validly registered nonconforming portable sign or billboard from any premises shall, within five (5) business days of its removal, report the removal to the Director.

D. Invalidation of registration. The Director shall invalidate any registration tag for a nonconforming portable or billboard sign when:

1. It is removed or relocated from the premises for any reason;

2. It has been damaged or destroyed so as to lose its nonconforming sign status as provided in this Chapter, unless the damage or destruction was caused by the intentional vandalism of a third party;

3. It has become an abandoned sign.

33.10.4. Presumption. Any sign which does not conform to the regulations of this Chapter and is not properly registered as a legally nonconforming sign as provided for in this Chapter shall be presumed not to be a legally nonconforming sign; provided, however, that the owner of any sign that is determined not to comply with the provisions of this Chapter may, at any time, present evidence to the Director that the sign is a legally nonconforming sign, and the Director shall, if satisfied that the sign is a legally nonconforming sign based on the evidence presented, allow the sign to be registered as a legally nonconforming sign.

33.10.5. Destruction; Repair.

A. Any nonconforming portable, attached, or ground sign, including its supporting structure which is blown down, damaged, dilapidated or deteriorated, or otherwise destroyed or dismantled for any purpose other than maintenance operations or for changing the letters, symbols, or other matter on the sign, shall not be replaced, repaired, or renovated, in whole or in part, if the cost of such replacement, repair or renovation is in excess of sixty (60) percent of the cost of erecting a new sign of the same type at the same location, including its supporting structure, unless such alteration or repair makes the sign conforming. No person
shall repair, renovate, or alter a nonconforming sign without first receiving a Sign Permit.

B. The Director may, whenever he deems necessary to reasonably determine the applicability of subsection (A) of this section, require the owner of the nonconforming sign to submit two (2) or more independent estimates from established sign companies of the cost of replacing, repairing or renovating, in whole or in part, the existing nonconforming sign and two (2) or more independent estimates from established sign companies of the reproduction cost of erecting a new sign of the same type at the same location, including its supporting structure.

C. The estimate required by Subsection (B) shall be based on the costs for new materials for both the sign to be repaired and the new sign. Also, the estimate shall reflect the reasonable and customary costs in the industry for (1) the delivery of materials and equipment to the location of the sign and (2) the cost of labor for each phase of sign construction.

D. No sign or supporting structure which is lawfully reproduced, repaired or renovated as a nonconforming sign shall be increased in effective area or height.

33.10.6. Relocation Under Eminent Domain. Notwithstanding any other provision of this Chapter, any sign which is a legally existing nonconforming sign may be relocated if the property upon which the sign is located is acquired by any condemning authority through the exercise or threat of its power of eminent domain.

A. Restrictions. The land upon which the sign is to be relocated shall:

1. Be within the same lot or tract as the original location; or

2. If on a different lot or tract, establish a relocation site within one thousand (1,000) feet of the area acquired by the condemning authority. If the relocation site is not already owned or leased by the sign owner, it may be acquired at the expense of the sign owner or the condemning authority.

B. Such relocated sign shall be placed, insofar as possible, as to comply with all the provisions of this Chapter.

C. This section does not preclude the option of voluntarily relocating billboards under Section 33.18.8, provided that all conditions therein are satisfied.

33.10.7. Signs located on nonconforming premises. Where, on the effective date of the ordinance from which this Chapter is derived, a sign is located on a premises which is a legally nonconforming use of the premises and such sign is used in regard to the premises, the sign may be used and maintained on the premises, even though it would not be a permitted use, so long as such premises is continually used as a lawful nonconforming use.
33.11. Removal of Unlawful Signs

33.11.1. Notice and Order. Any sign, abandoned sign, supporting structure or abandoned supporting structure which is erected, placed, relocated, constructed, reconstructed, altered, displayed, maintained, installed, modified or used in violation of this Chapter may be removed by the Director as provided in this article. The Director shall deliver or send a written notice and order to the owner of an unlawful sign or the owner of the premises where the unlawful sign is located. A notice and order sent or delivered to the person listed by the City tax office or county appraisal district as the owner of the premises where the unlawful sign is located shall be presumed to be sufficient. The notice and order shall:

A. Describe the nature of the violation, with specific citation to relevant law;

B. Order the correction of the violation within a time specified, which shall not be less than five (5) business days of the delivery or mailing of the notice; and

C. Give notice that the Director may remove and impound the unlawful sign at the owner's expense if the violation is not corrected within the time specified.

33.11.2. Removal; Appeals. If the person ordered to correct a violation fails to do so within the time specified, the Director may remove or cause the removal of the unlawful sign. Any person aggrieved by the order may file an appeal with the Board of Adjustment, in which case the sign may remain in place until the Board of Adjustment reaches its decision, unless the sign presents a threat to public safety by virtue of its physical condition.

33.11.3. Impoundment; Redemption; Disposal

A. Any sign which is removed by the Director pursuant to this Chapter shall be impounded and transported to and stored by the Director at a location designated for such purpose. Records shall be kept of the storage location for such signs. The Director shall send a letter to the owner of such sign, if known, or, if not known, to the owner or person in control of the premises where such sign was located, giving notice of such impoundment.

B. The Director shall hold the sign in storage for at least thirty (30) days after notice of impoundment has been mailed. Any portable sign may be redeemed by the owner upon the payment of a fee to the City for hauling the sign to storage, plus a per-day storage fee. Any nonportable sign may be redeemed by the owner upon payment of the cost of removal of and hauling the sign to storage, as determined by the Director, plus a per-day storage fee. Such fees shall be established by the City Council.

C. Any sign not reclaimed by the owner thereof within thirty (30) days of the mailing of the notice of impoundment may be disposed of in accordance with applicable law.
33.11.4. Recovery of Costs. If, upon disposal of an unredeemed nonportable sign, the Director has not received an amount sufficient to cover the cost of removal and hauling of such removed sign, the Director shall send notice to the owner of the premises where such sign was located, stating payment of the removal and hauling costs, less any amount received in disposal of such sign. Any such costs remaining unpaid after thirty (30) days from the date of mailing of notice shall become delinquent and shall bear interest at ten (10) percent per annum. The Director may cause such unpaid and delinquent amount to be assessed against the premises where such removed sign was located by filing and perfecting a lien against the premises. The cost levied against the premises shall include an administration fee established by the City Council.

33.11.5. Appeal. Any person may contest the reasonableness of the cost of removal of a sign imposed hereunder by filing an appeal with the Board of Adjustment within twenty (20) days of the mailing of the notice of the costs. The Board may uphold the cost imposed by the Director or impose and levy whatever cost is considered reasonable. Storage costs shall not be appealable.

33.11.6. Summary removal of hazardous signs. Notwithstanding any other provision of this Chapter, the Director may summarily remove any unlawful sign which, because of its location or condition, clearly constitutes an immediate hazard or danger to the public. Prior to removing the sign, the Director shall make a reasonable attempt to locate the owner of the hazardous sign or person responsible for its display, placement or maintenance to give written notice of the violation, the action necessary to correct the violation and time period in which the correction must be made. The notice shall be delivered to the owner of the sign, the owner of the premises or the person responsible for the sign’s display, placement or maintenance, if located; otherwise, the notice shall be affixed to the sign or other prominent place on the premises likely to come to the attention of the owner of the sign or premises. Thereafter, the Director may remove the sign if no corrective action is taken in the time specified.

33.11.7. Certificate of Occupancy. The Director shall not issue a Certificate of Occupancy for any premises on which a sign or supporting structure does not meet the requirements of this Chapter.


33.12.1. Manner of Measurement. The measurements required for signs by this Chapter shall be made using the following procedures:

   A. Setback. To apply the setback provisions of this Chapter for signs at any one point, the following measuring procedure shall be used:

      1. Draw an imaginary vertical line extending upward from the curbline of the premises;

      2. Beginning at any point on the vertical line, draw an imaginary horizontal line perpendicular to the vertical line and curbline extending toward the premises;
3. Beginning at the point where the vertical line intersects the horizontal line, measure along the horizontal line for the required setback.

B. Height. The maximum height of a ground sign shall be determined by the method of measurement that allows the greater height, as follows:

1. Curbline measurement. Measure along a vertical line extended upward from the nearest curb line of the public street fronting the premises where the sign is to be located, to the maximum height allowed for the sign. From that point, extend a horizontal line to where the sign is to be located. The horizontal line is the maximum height allowed at that location.

2. IH-35 measurement. Along IH-35, the height may be measured from the principal lanes, the frontage road, or the ground, whichever allows the greater height.

3. Natural ground level measurement. At the highest point of the sign, draw a horizontal line to the outer extremities of the sign. At the center of the horizontal line, draw a vertical line to the natural the ground level below. (The "natural ground level" shall include any changes in topography necessary for development of the property). The vertical line may not exceed height allowed for the sign at that location.

C. Effective area means the area enclosed by the smallest imaginary regular shape (e.g., parallelogram, triangle, circle, trapezoid) or combination of regular shapes that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming as integral part of the display or used to differentiate the sign from the backdrop or structure against which it is placed. Effective area includes such features as decorative or ornamental elements or features, borders, trims, but not including any supporting structure which is used solely for support of the sign, such as poles, columns and cable, or decorative fence, screening device or wall.

1. Sign copy mounted or painted on a background panel or area distinctively painted, textured or constructed as a background for the sign copy, shall be measured as the area contained within the outside dimensions of the background panel or surface.

![Diagram of sign]

2. Sign copy mounted as individual letters and/or graphics against a wall, fence, screening device, awning or fascia of a building or other
structure that has not been painted, textured or otherwise altered to provide a distinctive background of the sign copy, shall be measured as the area enclosed by the smallest regular shape or combination of shapes that will enclose all sign copy.

3. Where there are a number of sign faces or more than one sign on a supporting structure.

One (1)—Area of the single face only.

Two (2)—If the interior angle between the two (2) faces is forty-five (45) degrees or less, the area will be the area of one (1) face only; if the angle between the two (2) sign faces is greater than forty-five (45) degrees, the sign area will be the sum of the areas of the two (2) faces.

Three (3) or more sides—The sign area will be the sum of the areas of each of the faces.

4. All signs on a single supporting structure shall be measured together as though they were one (1) sign to determine the total effective area, except that signs separated by more than thirty-six (36) inches of air space at every point between the signs shall be measured separately and added together to determine the total effective area.

5. Spherical, free-form, sculptural, other non-planar signs—The area enclosed by the smallest imaginary regular shape or combination of shapes which would fully contain all portions of the sign when rotated horizontally around the sign.
33.12.2. Abandoned signs and supporting structures. The owner of any premise on which there is displayed or maintained an abandoned sign or abandoned supporting structure shall comply with the following requirements:

A. If it is an abandoned portable sign, remove or cease displaying the sign within thirty (30) days of the date it becomes abandoned.

B. If it is a ground sign that does not meet the size, height, setback and other requirements of this Chapter and is abandoned on or before March 17, 1993, the owner shall cease displaying the abandoned sign, remove the sign, modify or relocate the sign, or put a blank face or other bona fide message on the sign by June 17, 1993 as is necessary to comply with the requirements of this Chapter.

C. If the ground sign does not meet the requirements of this Chapter and is abandoned after March 17, 1993, the owner shall cease displaying the sign, remove the sign, modify or relocate the sign, or put a blank face or other bona fide message on the sign within ninety (90) days of the date it becomes abandoned, as necessary to comply with the requirements of this Chapter.

D. If a supporting structure used or designed to be used with a ground sign is abandoned on or before March 17, 1993, and the abandoned supporting structure does not comply with the size, height, and setback, or other requirements applicable to ground signs, the owner of the premises shall cease displaying the supporting structure, or remove, modify or relocate the structure, or put a blank face on a sign with a bona fide message on the supporting structure by June 17, 1993 as necessary to comply with this Chapter. If a supporting structure that does not meet the requirements applicable to ground signs is abandoned after March 17, 1993, the owner shall cease displaying the supporting structure or abandoned supporting structure; 1) remove 2) modify 3) relocate the structure and put a blank face or bona fide sign on the supporting structure within ninety (90) days of the date the supporting structure becomes abandoned as necessary to comply with those requirements. In determining whether the supporting structure complies with the size requirements applicable to ground signs, the effective area of the can frame, or similar part of the supporting structure that holds or to which the sign is attached shall be measured in the manner applicable to signs, except that all air spaces shall be counted.
E. If an abandoned supporting structure does not have a can, frame, or similar part of the supporting structure that would hold the sign or to which the sign would be attached, and such a part or face or sign is placed on the supporting structure, the effective area of the sign or blank face placed on the supporting structure shall not exceed the requirements of this Chapter.

F. No abandoned sign or supporting structure which is altered under the provisions of this section shall be made more non-conforming.

G. Altering, putting a blank face, or putting a sign on an abandoned supporting structure which is abandoned after March 17, 1993, and which would be non-conforming, and the cost of which exceeds sixty (60) percent of the reproduction cost of the existing abandoned sign or supporting structure shall not be permitted unless in accordance with Section 33.10.5.A.

H. Any abandoned sign or abandoned supporting structure displayed or maintained, or not removed, modified, or relocated in accordance with this Chapter by the owner shall constitute a violation of this ordinance, and be considered an unlawful sign and may be removed by the City in accordance with the provisions applicable to the removal of unlawful signs or the owner may be prosecuted as provided under City ordinances or be enjoined from continuing such violation.

I. As used in this section, abandoned supporting structure means the poles, beams, cables, or other materials that are used or once were used to support an abandoned sign or signs.

J. If a ground or attached sign that conforms to the regulations of this Chapter is abandoned, the owner shall cease displaying the sign and supporting structure or remove same so as not to be visible from any public right-of-way, or paint out or cover the message portion of the sign, or put a blank face on the sign in accordance with this Chapter, or place a bona fide message on the message portion so as to leave the message portion and supporting structure neat and unobtrusive in appearance, within ninety (90) days of the date it becomes abandoned.

33.12.3. Sign face standards.

A. Standards. The following shall be required for the use, display, maintenance, or permitting of an alteration of any abandoned sign or supporting structure regardless of when the sign was abandoned:

1. Like material. Only the same or like quality material as that being replaced or that was last installed and used as a face on or in the abandoned sign or supporting structure may be allowed as the sign face, or that part of the structure that carries the sign message or that is blanked. The face of the supporting structure must be one which the supporting structure is designed to support. Painting over a face is allowed to blank
the sign face. Examples: Plastic face replaces plastic face, metal replaces metal, wood replaces wood face, etc.

2. Sign copy to be unseen on blank faces. Routed, embossed, or raised messages or sign copy must not be able to be seen, if the face or message is blanked.

3. Color of blank faces. Blank faces must be of one (1) color.

4. Covered messages.
   a. Painting. Abandoned signs may be painted in order to "blank" the face. However, the paint must completely cover the sign face or message portion of the structure. The covered, painted over message must not show through the paint.
   b. Abandoned sign. Covered sign faces must be of a material or substance which renders the resulting sign face completely blank, opaque, and resistant to deterioration. Bleeding or showing through of a covered message or blanked face shall constitute the displaying or maintenance of an abandoned sign in violation of this Chapter.

5. Unlawful to cover sign. No person shall cover signs with bags or tarps of any material.

6. Issuance of Permit. No Permit shall be issued for which a dilapidated or deteriorated condition, unless the Permit specifically requires repair and conformance with this Chapter.

B. Permit Required. Prior to any alteration or restoration of an abandoned sign or supporting structure, a Permit for such shall be required in accordance with the provisions of this Chapter.

33.12.4. Sign Maintenance. It shall be unlawful for any person to display, erect, locate, relocate, or keep any dilapidated or deteriorated sign, or for which a permit is required but has not been obtained.

33.12.5. Wind loads. All ground, projecting, and roof signs shall be designed and installed to withstand a wind pressure of not less than twenty (20) pounds per square foot of area and shall be constructed to receive dead loads as required by the Building Code.

33.12.6. Use of right-of-way. No person shall cross or park a vehicle on a state or city right-of-way for the purpose of maintaining a sign adjacent to the right-of-way.

33.12.7. Inflatable devices. The following regulations shall apply to any balloon or other type of inflatable wind device used as a sign:
A. It shall be securely anchored at all times.

B. It shall not extend to a height greater than thirty (30) feet above ground level unless it is attached to the roof of a building, in which case it shall not extend more than ten (10) feet above the highest part of the roof.

C. It shall not be allowed to extend over any public street or right-of-way or over any other property not under the control of the permittee.

33.12.8. Clearance from electrical lines. All signs shall comply with the provisions of the latest edition of the National Electric Safety Code.

33.13. Portable Signs

33.13.1. Prohibited. It shall be unlawful for any person to display, maintain, erect, place or relocate any portable sign on any premises within the corporate limits and the extraterritorial jurisdiction of the City of Denton that is not a registered portable sign. No new sign permits shall be issued for portable signs within the corporate limits and the extraterritorial jurisdiction of the City of Denton from and after November 5, 1997.

33.13.2. Lawful nonconformity. Any portable sign lawfully existing upon any premises before February 21, 1989, in accordance with the provisions of any prior ordinance, shall be allowed to remain on that premises as a nonconforming portable sign, if properly registered and continuously maintained in accordance with the provisions of this Chapter.

33.13.3. Lawful nonconformity from November 5, 1997. Any portable sign lawfully existing upon any premises within the City's extraterritorial jurisdiction before November 5, 1997, and any off-premises (billboard) sign lawfully existing upon any premises within the corporate limits and extraterritorial jurisdiction of the City of Denton before November 5, 1997, in accordance with the provisions of any prior ordinance, shall be allowed to remain on that premises as a nonconforming portable sign, if properly registered and continuously maintained in accordance with the provisions of this Chapter.

33.13.4. Maintenance of nonconforming signs. A nonconforming portable sign which is properly registered in accordance with this Chapter, shall not:

   A. Be moved to another premises so as to be visible from any public street;

   B. If removed from any premises for any reason, be placed on the same premises so as to be visible from any public street.

33.13.5. Anchoring. All lawful nonconforming portable signs shall at all times be securely anchored so as to prevent overturning or unsafe movement, the sufficiency of such anchorage to be determined by the Director.

33.14.1. Residential Districts. The following regulations shall apply to RD-5, NR-1, NR-2, NR-3, NR-4, NR-6, NR-12, DR-1, and DR-2 zoning districts, as shown on the official zoning district map of the City:

A. Permitted and prohibited type. Ground, wall, wind device and temporary signs are permitted in residential districts. Roof, projecting and billboard signs are prohibited in residential districts.

B. Effective area and height. No ground sign shall have an effective copy display area greater than fifty (50) square feet or a greater height than six (6) feet.

C. Setbacks. All ground signs shall maintain a minimum setback of ten (10) feet from the curbline and any side or rear yard property line, except that any ground sign may make use of a supporting structure for a ground sign that was lawfully erected on or before February 21, 1989, without regard to the side or rear yard setbacks specified in this subsection, if the sign so placed would not violate any other provision of this Chapter. (See Illustration 14a, attached to the ordinance from which this section is derived and on file with the Planning and Zoning Department.)

D. Number of ground signs. Only one (1) ground sign which is not a temporary sign, shall be located on any one premises, except as follows:

1. Any premises having frontage on more than one (1) freeway, arterial or collector street may locate one (1) on-premise ground sign in the defined front yard of each street, provided that neither sign is located within that area that includes the overlapping front yards of both streets.

2. Any premises which has more than five hundred (500) feet of public street frontage on a freeway, arterial, or collector street may make use of one (1) additional sign for each five hundred (500) feet of additional frontage on that street, or fraction thereof, if each additional sign permitted is located more than sixty (60) feet from another permitted ground sign on the same premise. The distance between the signs shall be measured along the curbline, from and between the two (2) points on the curbline which are nearest the two (2) signs.

3. Temporary Signs. See Section 33.16.
E. Illuminated sign setback. Any ground sign over ten (10) feet in height and any wall sign over fifteen (15) feet in height shall maintain the following setback from any property used for a single-family residence or property zoned for single-family if the sign would be visible from such property:

<table>
<thead>
<tr>
<th>Ground or Attached Sign</th>
<th>Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-illuminated</td>
<td>100 feet</td>
</tr>
<tr>
<td>Internally Illuminated</td>
<td>200 feet</td>
</tr>
<tr>
<td>Externally Illuminated</td>
<td>500 feet</td>
</tr>
</tbody>
</table>

The setback shall be measured in a straight line from the district boundary line or residential property line to the nearest portion of the sign or its supporting structure. A sign shall be considered visible from a residential property or district if the sign can be seen from six (6) feet above ground level from any point on the property or within the district. The setback shall not apply between a sign and a single-family residence located on the same premise.

33.14.2. Nonresidential districts. The following regulations shall apply to signs in any zoning district not designated in Section 33.14.1:

A. Type. Ground, wall, roof, temporary, wind device and projecting signs are allowed, subject to a sign permit, in nonresidential districts.

B. Effective area and height.

1. Ground signs shall have a maximum effective area and maximum height based on the street frontage of the property where located, as follows:

<table>
<thead>
<tr>
<th>Street Frontage</th>
<th>Maximum Effective Area</th>
<th>Maximum Height</th>
<th>Monument Sign Effective Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>IH 35N, 35E, or 35W</td>
<td>250 sq. ft.</td>
<td>40 ft.</td>
<td>300 sq. ft.</td>
</tr>
<tr>
<td>Loop 288</td>
<td>150 sq. ft.</td>
<td>30 ft.</td>
<td>200 sq. ft.</td>
</tr>
<tr>
<td>Other primary arterials</td>
<td>60 sq. ft.</td>
<td>20 ft.*</td>
<td>N/A</td>
</tr>
<tr>
<td>All Other Streets</td>
<td>60 sq. ft.</td>
<td>6 ft.</td>
<td>N/A</td>
</tr>
</tbody>
</table>

*Except for the Central Business districts.

2. Any premises may make use of one (1) on-premises ground sign of a maximum height of fifteen (15) feet and an effective area of one hundred twenty (120) square feet, in lieu of any two (2) permitted ground signs.
3. For any premises which has frontage on a primary arterial street and has more than one (1) tenant or occupant in separate offices, rooms, or buildings, the effective area of one (1) ground sign, if used to advertise more than one (1) tenant or occupant, may be increased above sixty (60) square feet by one-half (0.5) square foot for each foot of frontage on the primary arterial, but not in excess of one hundred fifty (150) square feet.

C. Setbacks. Ground and projecting signs shall maintain a minimum setback of twenty (20) feet from the curblines of any public street and a minimum setback of ten (10) feet from any side or rear yard property line, except as follows:

1. A ground sign may make use of a supporting structure for a ground sign that was lawfully erected on or before February 21, 1989, without regard to the side and rear yard setbacks specified herein, if the sign so placed would not violate any other provision of this Chapter.

2. On properties fronting primary arterials, the minimum setback of twenty (20) feet for ground signs may be reduced up to a minimum of fifteen (15) feet from any curbline, if the height of the sign is no higher than the setback (i.e., setback = eighteen (18) feet, height = eighteen (18) feet or less).

D. Number. Only one (1) on-premise ground sign which is not a temporary sign shall be located on any one premise, except as follows:

1. Any premise which has street frontage on more than one (1) freeway, arterial or collector street, may locate one (1) on-premise ground sign in the defined front yard of each arterial or collector street, provided that neither sign is located within that area that includes the overlapping front yards of both streets.

2. Any premise which has more than five hundred (500) feet of street frontage on a freeway, arterial or collector street may make use of one (1) additional on-premise ground sign for each additional five hundred (500) feet of frontage, or fraction thereof, if each additional sign permitted is located more than sixty (60) feet from another permitted ground sign on the same premise. The distance between the signs shall be measured along the curbline, from and between the two (2) points on the curbline which are nearest the two (2) signs.

E. Spacing Requirements.

1. Off Premises Signs. No off-premises ground sign shall be located within one thousand five hundred (1,500) feet of another off premises ground sign on the same side of a public street. The measurement shall be between the two (2) points on the curblines which are closest to the respective signs, along and parallel to the curbline and across any intervening street intersections.
2. Signs and Residential structures. Any ground, roof, or projecting sign over ten (10) feet in height and any wall sign over fifteen (15) feet in height, shall maintain the following setback from any single-family zoning district or property used for a single-family residence if the sign would be visible from that district or property:

<table>
<thead>
<tr>
<th>Ground or Attached Sign</th>
<th>Setback</th>
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<tr>
<td>Non-illuminated</td>
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</tr>
<tr>
<td>Externally Illuminated</td>
<td>500 feet</td>
</tr>
</tbody>
</table>

The setback shall be measured in a straight line from the district boundary line or residential property line to the nearest portion of the sign or its supporting structure. A sign shall be considered visible from a residential property or district if the sign can be seen from six (6) feet above ground level from any point on the property or within the district. The setback shall not apply between a sign and a single-family residence located on the same premise.

33.14.3. Planned development districts.

A. The regulations for signs located in planned development zoning districts shall be contained in the ordinance or concept or detailed plan approved for the district, except that no billboards shall be permitted. Should the regulations for signs be omitted from an ordinance or concept or detailed plan for the district, the sign regulations that, would be applicable to the most restrictive comparable zoning district classification, based upon the land uses permitted therein, as determined by the Director, shall be applied to the district or part thereof for which the regulations were omitted.

B. Deviations from the standards in this Chapter may be considered if the continuous street frontage in the planned development district is less than that required for consideration of approval of a Special Sign District.

C. Deviations from the standards in this Chapter may be approved as long as the deviations equally meet the objectives of this Chapter, such deviations are necessitated by the design of the development within the planned development district, and such deviations are found to meet the criteria as that for creation of a Special Sign District pursuant to Section 33.17.

D. Approval of deviations from general sign standards shall be supported by written findings approved either by the City Council, or by the Planning and Zoning Commission, in those circumstances where the Planning and Zoning Commission is authorized to approve a detailed plan.
33.14.4. Central business districts. The following regulations shall apply to signs in the Central Business District:

A. Type. Ground, wall, roof, temporary, wind device, and projecting signs are permitted in central business districts.

B. Effective area and height. No ground or roof sign shall have an effective area greater than sixty (60) feet, and no ground sign shall have a height greater than six (6) feet.

C. Right-of-way limitation on projecting signs. No projecting sign shall project or extend into the public right-of-way for a distance of more than ten (10) feet or within two (2) feet of the nearest curbline, whichever is more restrictive. No projecting sign, supporting structure or part thereof which extends into the public right-of-way shall occupy any of the space between the ground level and eight (8) feet above the ground level in the right-of-way.

D. Establishments with a main customer entrance directly facing a public street or sidewalk may place an A-frame type sign on the public sidewalk immediately adjacent to such public entrance, during the times when the establishment is open to the public, subject to:

1. Maximum sign height shall be three (3) feet.

2. Maximum sign width shall be two (2) feet and signs shall not be placed in front of adjoining property and no portion of the sign shall extend more than three (3) feet from the building face.

3. Signs must be properly anchored (temporarily) or weighted against the wind.

4. A minimum clear sidewalk width of forty-eight (48) inches shall be maintained.

5. Chalkboards may be used for daily changing messages and no changeable letter on tracks may be used.

6. Signs shall be designed and constructed so as to promote and not visually obscure the significant architectural features of the National Register District and its buildings.

7. Signs must be removed after business hours.

8. No other portable signs are permitted.

9. Permits fees for applications, renewals, alterations, and variances shall be set by City Council as for other signs in this chapter. Applications for sandwich board or "A" frame signs must be approved by the City of
Denton Historic Preservation Officer before the issuance of a Permit and all applications must be submitted for Officer approval at least fourteen (14) days prior to installation.

10. Permits for sidewalk or "A" frame signs shall be valid for the location designated on the application for one (1) year. Permits may be transferred to another owner after payment of a transfer fee set by City Council. Permits may/shall require that the establishment provide proof of comprehensive general liability insurance, including coverage for personal injury (including death), property damage, and advertising injury (defamation, false light, invasion of privacy) with coverage as separately provided by ordinance. Such insurance must name the City as an additional insured and remain in force at all times that the establishment places an A-frame on a public sidewalk. Further, the insurance must provide at least thirty day notice to the City of cancellation or expiration.

11. Any variance to the requirements for sandwich board or "A" frame signs will be handled the same as any other sign variance. The Board of Adjustment in considering any variance request regarding sandwich board or "A" frame signs shall consider any recommendation made by the Historic Landmark Commission regarding the application.

33.15. Attached Signs.

33.15.1. Scope. In addition to any other applicable regulations, the regulations in this section for attached signs shall apply to the type of sign specified in all zoning districts.

33.15.2. Roof signs; Projection. Roof signs and their supporting structures shall not extend laterally beyond the exterior walls of the building and shall have a maximum height and effective area as follows:

<table>
<thead>
<tr>
<th>Number of Stories</th>
<th>Maximum Height</th>
<th>Maximum Effective Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>55% of bldg. height</td>
<td>60 sq. ft.</td>
</tr>
<tr>
<td>2</td>
<td>36%</td>
<td>75 sq. ft.</td>
</tr>
<tr>
<td>3 to 5</td>
<td>30%</td>
<td>*</td>
</tr>
<tr>
<td>6 to 9</td>
<td>25%</td>
<td>*</td>
</tr>
<tr>
<td>10 to 15</td>
<td>23%</td>
<td>*</td>
</tr>
<tr>
<td>16 or more</td>
<td>40 feet</td>
<td>*</td>
</tr>
</tbody>
</table>

*For each story above two (2) stories, the effective area of the sign may be increased by fifteen (15) square feet per story, to a maximum of two hundred fifty (250) square feet.

33.15.3. Projecting signs.

A. Construction. All projecting signs shall be securely attached to the building or structure.
B. Projection beyond roof. A projecting sign shall not extend upward to a height greater than the highest part of the roof or any exterior wall, whichever is higher.

C. Size. The total square footage of all projecting signs shall not exceed twenty (20) percent of the wall area to which such signs are located.

33.15.4. Signs on common buildings. When one or more attached signs are located on a building which is divided and contains more than one (1) business or use, the regulation of such attached signs as to size and projection shall apply separately to the part of the exterior walls which contain that business or use.

33.16. Temporary Signs.

33.16.1. Temporary Signs. A temporary sign shall be considered a ground sign and shall be permitted only according to the standards for ground signs except that a temporary sign not larger than thirty-two (32) square feet in effective area need not obtain a sign permit if:

A. The supporting structure of this sign is not larger than one in which two (2) perimeter dimensions are greater than four (4) inches or one in which the diameter is not greater than four (4) inches;

B. No more than one (1) off-premises sign advertising the sale or lease of one (1) piece of real property or one (1) real estate subdivision or development sign is placed on any one premises;

C. No temporary sign shall be located within any public street median or within ten (10) feet of any curbline; and

D. The temporary sign shall be removed or cease to be displayed within ten (10) days after the event being communicated or advertised on the sign has occurred.

33.16.2. Wind device signs.

A. Wind device identification tag. The Director or designee shall issue a registration tag to the wind device permittee. The wind device permittee shall cause the tag to be affixed in a conspicuous place on the permitted wind device.

B. No Permit shall be required to display one or more flags on any one premises.
33.17. Illustrations.

33.17.1. Ground sign setback. The illustration of setbacks for ground signs is as follows:

33.17.2. Measurement of Height. The illustration for measurement of height is as follows:
33.17.3. Number and placement of ground signs. The illustration for the number and placement of ground signs is as follows:

![Illustration of Number and Placement of Ground Signs]

33.17.4. Visibility point. The illustration for the visibility point of signs is as follows:

![Illustration of Visibility Point]

33.17.5. Exceptions to effective area. The illustration for exceptions to the effective area of signs is as follows:

![Illustration of Effective Area Exceptions]

33.18. Special Sign Districts.

33.18.1. Purpose. The purpose of a special sign district is to allow properties to deviate from the sign regulations of this Chapter if a qualifying property has an alternate
Comprehensive Plan that is clearly superior to what could be accomplished under standard regulations.

33.18.2. Application and plans. Any person requesting the creation of a special sign district, or amendment of a sign district, shall submit an application, the fee and the required plan, along with any other information specified by the Director.

33.18.3. Sign plan. The sign plan for the district shall show, in the form and manner specified by the Department, the location, setback, size, dimensions, height of all signs regulated by this Chapter, any other conditions, restrictions, or regulations that will apply to the district, and any other information specified by the Department, the commission, or Council needed to adequately evaluate the sign plan. Such information may include, but is not limited to, information concerning the items noted in Section 33.17.4.

33.18.4. Creation, Review of Plan, Criteria. The City Council may approve the creation of a sign district for any property which has more than three hundred (300) feet of continuous street frontage on one (1) public street if it finds the district:

A. Provides a Comprehensive Plan for signs that would be clearly superior to what would be allowed without the plan;

B. Would be compatible with surrounding properties. In considering whether a district and sign plan is "compatible" and "clearly superior", the Commission and Council shall consider, but are not limited to considering the following:

1. Scale. The relationship between and compatibility of sign scale, site scale and the scale of nearby buildings.

2. Color. The relationship between and compatibility of sign color to the color of nearby buildings and landscaping: The degree to which sign colors are complimentary to its surroundings.

3. Material. The materials of the signs and how they relate to their surroundings.

4. Shape. The shape and design of the signs and how they relate to their surroundings.

5. Landscaping. The relationship of signs to landscaped features in and outside the district.

6. Traffic Safety and Traffic Circulation. The impact of the signs on driver's view, the degree to which view obstructions are created or improved, avoidance of confusion with or obstruction of traffic control signs and devices, and the time it takes a motorist to read the sign.
7. Illumination. The impact and compatibility of sign illumination within the district and in relation to neighboring properties. The avoidance of glare and light pollution.

8. Integration. How the signs in the district are integrated into a unified development concept with the topography, building design, other signs, landscaping, traffic circulation and other development features on the district and nearby property.

   a. Is not being used merely to avoid or gain a variance of the sign regulations;

   b. Does not violate the spirit or intent of the sign regulations; and

   c. Complies with the requirements of this section.

C. Under no circumstances may a Special Sign District be used to authorized construction of new billboards or any other new signs that are otherwise prohibited under Section 33.4, or one or more signs that will be used for general advertising for hire.

33.18.5. Conditions imposed. The Planning and Development Department and the Planning and Zoning Commission may recommend and the City Council may impose appropriate conditions concerning the placement, design or use of signs in the district in order to protect surrounding properties, the community, and comply with the intent of this Chapter.

33.18.6. Procedures. The procedures for approval of a sign district and thereafter any amendment of the district, shall be the same as those applicable to a change in zoning classification or regulations.

33.18.7. Designation on zoning map. Property approved as a special sign district shall be shown on the official zoning map with the abbreviated designation "SD".

33.18.8. Reduction and Mitigation of Legally Nonconforming Prohibited Signs. To further the goal of reducing, mitigating or bringing into compliance existing legally nonconforming signs, while recognizing that the application for a special sign district is a voluntary choice of the applicant, and neither an entitlement nor a governmental mandate, the approval of a Special Sign District must be predicated upon the applicant's agreement to remove all existing legally nonconforming prohibited signs from within the boundaries of the district, subject only to the following exceptions:

   A. Billboards. As an alternative to removal, a requested Special Sign District may propose the relocation of one or more legally nonconforming off-premises signs (billboards) within the confines of the Special Sign District, without losing their legally nonconforming status, subject to the following restrictions:
1. In proposing the relocation of one or more legally nonconforming billboards within the confines of the Special Sign District, none of the following measures, as they relate to legally nonconforming off-premises signs within the Special Sign District only, may be increased, and at least one or more of the following measures must be decreased by twenty-five (25%) percent or more:

   a. The total number of billboard structures;
   b. The total number of billboard sign faces;
   c. The area of each billboard sign face.

2. No relocated or modified billboard or billboard structure may be reconstructed using different materials or designs, except that reasonable repairs not altering the structural design may be performed pursuant to the standards set forth at §33.10.5. Such relocated sign shall be placed, insofar as possible, as to comply with the provisions of this Chapter. No enhancements, such as lighting improvements, moving panels, electronic displays or other features not associated with the original sign display may be authorized.

3. If a Special Sign District proposing such relocations and reductions is approved, then upon implementation of all proposed reductions, any signs so relocated or modified shall continue their previous status as legally nonconforming off-premises signs, as modified or relocated, and shall be subject to all standards, restrictions and registration requirements otherwise applicable to nonconforming off-premises signs.

B. No Exception for Portable Signs or Other Prohibited Signs. A Special Sign District may not allow the relocation or continued permitting or operation of any prohibited sign other than billboards, as set forth in 33.18.8.A, above. Relocation of portable signs within the City or its Extraterritorial Jurisdiction is specifically prohibited.

C. Property Interests. To ensure that the proposed relocation or reduction is voluntary, and will not trigger claims against the City from individuals holding or claiming property interests in the signs relocated or reduced, the application shall demonstrate authority of the applicant to act on behalf of any person or entity possessing or claiming any ownership interest in the signs, structures and associated real property interests so mitigated or reduced, and shall provide the following:

   1. The application shall attach a notarized stipulation from each person or entity owning or claiming an ownership interest in each sign relocated or reduced, demonstrating the following:
a. Consent to the relocation or reduction as a voluntary act, or for other consideration received from applicant;

b. Stipulation that consent is not coerced under any actual or threatened regulation or exercise of eminent domain by the City;

c. Stipulation that no compensation is due or expected from City in connection with the relocation or reduction, and that no protections provided by Chapter 216 of the Texas Local Government Code, or its successor, are sought or appropriate to the relocation or reduction; and

d. In the event of ownership of a property interest by a corporation or other business entity or association, proof that the person executing the stipulation has actual authority to bind the owner to the stipulation.

2. The applicant shall contemporaneously execute, in a form approved by the City Attorney, its agreement to indemnify and hold harmless the City of Denton, its employees, agents, officers and elected officials, from any claim or request for declaratory relief arising out of such reductions or mitigating measures, if brought by any person or entity claiming any property interest in any sign.

SECTION 6. The codified provisions of this Ordinance shall directly supersede and replace Subchapter 35.15 of the Denton Development Code for all purposes. Any remaining references to Subchapter 35.15, if contained elsewhere in the Code or Denton Development Code shall instead be construed to apply to Chapter 33 of the Denton Code of Ordinances, as herein amended, and the codifier is hereby delegated authority to make editorial changes as necessary to carry out that purpose.

SECTION 7. Any person violating the provisions contained within Section 5 of this ordinance shall, upon conviction, be fined a sum not exceeding $2,000.00. Each day that a provision of this ordinance is violated shall constitute a separate and distinct offense.

SECTION 8. The provisions of Sections 5, 6 and 7 of this Ordinance shall become effective fourteen (14) days after passage and approval of this Ordinance, and the City Secretary is hereby directed to cause the caption of this ordinance and the penalty for the violation of these sections to be published twice in the Denton Record-Chronicle, the official newspaper of the City of Denton, Texas within ten (10) days of the date of its passage.

SECTION 9. To the extent not otherwise provided, this ordinance shall repeal every prior ordinance in conflict herewith, but only insofar as the portion of such prior ordinance shall be in conflict; and as to all other sections of the ordinance not in direct conflict herewith, this ordinance shall be and is hereby made cumulative except as to such prior ordinances or portions thereof as are expressly repealed hereby.
SECTION 10. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid by any court, such invalidity shall not affect the validity of the provisions or applications, and to this end the provisions of this ordinance are severable.

PASSED AND APPROVED this the 1st day of December, 2014.

CHRIS WATTS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: Jane Richardson, Asst.

APPROVED AS TO LEGAL FORM:
ANITA BURGESS, CITY ATTORNEY

BY: [Signature]