

# ACC SIGN Regulations

## TRAVIS SETTLEMENT

### ARTICLE 01 GENERAL PROVISIONS

#### **Sec. 01.001**      **Purpose**

The purpose of this article is to protect and preserve property values by assuring the continued attractiveness of the Travis Settlement community by restricting in number and appearance all commercial, private, or public signs in the subdivision and within its jurisdiction.

#### **Sec. 01.002**      **Definitions**

For the purposes of this article, the definitions of terms, phrases, words, and their derivations shall have the meaning and effect ascribed to them in this section, except where the context clearly indicates a different meaning. Words used in this chapter and not defined in this section shall have their ordinarily accepted meaning.

*ACC.* The Architectural Control Committee for the Travis Settlement Home Owners Association (TSHOA).

*Argon.* See “neon.”

*Average grade.* The grade of the finished ground level at the midpoint of each exterior surface of a sign, or a structure, in the event that the sign is attached to the structure.

*Banner.* A sign made of fabric or any non-rigid material, including but not limited to flags and pennants.

*Billboard.* Any sign that is freestanding or attached to or part of a building and is an off-premises sign.

*Boards of light.* Signs composed of illuminated message boards or panels.

*Building.* Any structure, either temporary or permanent, having a roof or other covering, and designed or used for the shelter or enclosure of any person, animal or property of any kind, including but not limited to tents, awnings or vehicles situated on private property and used for purposes of a building.

*Church.* A religious organization that qualifies for a state religious tax exemption.

*Commercial sign.* A sign which directs the attention of the general public to a business, product, service, or other commercial or business activity.

*Erect.* To build, construct, alter, reconstruct, pour, lay, move upon, attach, hang, place, suspend or affix, and also includes the painting of wall signs, murals or supergraphics, or any physical operation on the premises which are required for the construction of a sign including excavation, site clearance, landfill, and the like.

*Fine art.* Sculpture, fountains or similar objects, which in no way identify or advertise a product or business.

*Freestanding sign.* Any sign which is not attached to or on the walls, face, or exterior of a building.

*Hanging sign.* See “Projecting sign.”

*Irrigated.* Watered through an automatic sprinkler or irrigation system.

*Logo.* A unique symbol or design that is used to identify a company or organization. A logo may or may not be trademarked.

*Lot.* An undivided tract or parcel of land having access to a public street and which is, or in the future may be, offered for sale, conveyance, transfer or improvement, and designated as a distinct and separate tract or lot.

*Neon or neon lighting.* A sign, trim, or decoration with the illumination provided by a gas filled electrical discharge lamp in which the gas is made up of a large proportion of neon, argon, krypton or other inert gases.

*Notice.* Actual notice by personal delivery or written notice sent by registered or certified mail.

*Nonconforming sign.* Any sign which would be unlawful or nonconforming, but for the fact that such sign was lawfully in existence on the date of the passage of this chapter.

*Office complex.* Two or more offices and/or office establishments, sharing customer parking areas, regardless of whether said offices or office establishments occupy separate structures or are under separate ownership, or on separate tracts or lots of land.

*Off-premises sign.* Any sign other than an on-premises sign.

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

*Owner.* A person recorded as the owner on official records. The owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are established.

*Person.* Includes corporation, partnership, association, trust, firm, executor, receiver, trustee, lessee as well as an individual.

*Portable sign.* Any sign not permanently affixed to a building, structure or the ground and designed or constructed in such a manner that it can be moved or relocated without involving significant structural or support changes. This definition includes, but is not limited to, A-frame signs, sandwich signs, curb signs and signs on trailers with or without wheels or on other vehicles which are primarily used as signs.

*Premises.* A lot or tract within the HOA or its jurisdiction.

*Projection.* The process of projecting an image (usually filmed) onto a screen or surface.

*Reflective surface.* Any material or device which has the effect of intensifying reflected light, including but not limited to scotch light, day glow, glass beads and luminous paint.

*Restoration.* The routine maintenance and painting of existing approved signs that does not change the approved design and color in any way.

*Running signs.* Signs whose visual message moves in a left to right or right to left motion.

*Scrolling signs.* Signs whose visual message moves in a top to bottom or a bottom to top motion.

*Shopping center.* Two or more retail stores and/or service establishments, or one retail store and one service establishment, sharing customer parking area, regardless of whether said stores and/or establishments occupy separate structures or are under separate ownership or on separate lots or tracts of land.

*Sign.* A name, identification, image, light device or accent, figure, painting, drawing, message, plaque, poster, billboard, banner, description, display or illustration which is affixed to, painted or represented directly or indirectly upon a building, picture, structure, window, or piece of land, and which directs attention to an object, project, place, activity, facility, service, event, attraction, person, institution, organization, or business which is visible from any street (both public and private), right-of-way, sidewalk, alley, park, or other public property, lake, or golf course. Customary displays of merchandise or objects and material without lettering which are placed behind a store window are not signs or parts of signs.

*Surface area of a sign.* The total surface including frame and mounting, but shall include only one-half of a freestanding back-to-back sign, provided the freestanding sign's sides are back to back or angled with no greater separation between sides at its widest point than four (4) feet and provided that both sides have the identical sign. In cases where the frame and mounting are part of the building or when the frame and mounting could be considered to be a landscape element, the zoning and planning commission may choose to count only the area that would be covered by tracing, using straight lines and right angles, around the perimeter of the letters.

*Temporary sign.* A sign that is only allowed for a limited period of time and is not intended to remain in place permanently.

*TSHOA.* The Travis Settlement Home Owners Association, and its area of jurisdiction.

#### **Sec. 01.003 Compliance required**

It shall be unlawful for any person to erect, place, maintain, alter or relocate a sign within the limits of the TSHOA except in accordance with these provisions. It shall be unlawful for any owner of real property in the TSHOA to have any sign located on such property except in accordance with these provisions. The regulations pertaining to permanent and temporary signage contained in this provision shall apply to the TSHOA's jurisdiction.

#### **Sec. 01.004 Rules and regulations**

The ACC may adopt, from time to time, such rules and regulations as it may deem necessary to perform its prescribed duties.

## **ARTICLE 02 APPLICATIONS, APPROVALS AND PENALTIES**

#### **Sec. 02.001 General**

Except as otherwise provided herein, it is unlawful for any person to erect, alter, or relocate within the HOA or its jurisdiction any sign, as defined herein, without complying with the following requirements:

- (1) Completion of a sign application and/or drawings and specifications;
- (2) Payment of the required fee if applicable (as established in the ACC's fee schedule); and
- (2) Review and approval by the ACC as set out in this chapter.

**✚ Sec. 02.002 Representations by applicant**

All representations, whether oral or written, made by the applicant or his agent on behalf of the applicant for a sign permit under this chapter become conditions upon which permission is issued. It shall be unlawful for the requester to vary from such representations unless the requester first makes application, as required by the provisions of this chapter, to amend the request and such amendment is approved in writing by the ACC.

**✚ Sec. 02.003 Application acceptance**

To be accepted for review, a sign application and/or drawings and specifications must be properly completed, signed and dated, and delivered to the ACC via the TSHOA contact information.

**✚ Sec. 02.004 Approvals required**

(a) The ACC shall approve, reject or approve upon condition, the sign application based upon its conformance with the provisions of this chapter and its aesthetic value. The ACC shall determine that all signs requiring its approval under this chapter are in conformance with this chapter and in harmony with the character of the TSHOA and its jurisdiction.

(b) Upon the approval by the ACC, the sign applicate shall be notified in writing of the approval.

(c) Upon the denial by the ACC, the sign applicate shall be notified in writing defining the reason for disapproval and making recommendations to bring the sign into conformance with the provisions of this chapter.

**✚ Sec. 02.005 Appeals procedure**

(a) Appeal from an administrative action or determination by the ACC may be filed with the TSHOA within ten (10) days following the date of the ACC's rejection, conditional approval or other determination. The TSHOA shall then affirm, reverse, or modify the action of the ACC at the TSHOA's next regularly scheduled meeting.

**✚ Sec. 02.006 Penalties**

Any person convicted of a violation of any provision of this chapter shall be fined in an amount not to exceed five hundred dollars (\$500.00). Each day of violation under this chapter shall be a separate violation.

## **ARTICLE 03 GENERAL DESIGN STANDARDS**

**✚ Sec. 03.001 Harmonious design and materials**

Signs and supporting structures shall be in architectural harmony with the associated building(s). Monument signs shall be solid masonry (stone, brick and/or stucco) to match the associated building(s). Background panels shall be neutral in color. Logos, lettering, and accents shall use colors selected from an earth tone color palette. Depending on the proposed sign design, metal that matches the building(s) may be approved by the ACC. Reflective surfaces and molded plastic or molded acrylic signs are not permitted.

**✚ Sec. 03.002 Lighting**

(a) Lighting shall be of no greater wattage than is necessary to make the sign readable at night. Sign illumination shall not utilize any exposed light source, such as exposed neon, fluorescent tubing and bare incandescent bulbs.

Except as otherwise provided in this chapter, exposed LED (light emitting diodes) type lighting is prohibited. The use of search lights is prohibited. Signs utilizing “flat panel” technology are prohibited.

(b) No sign shall be illuminated, in whole or in part, where the illumination is intermittent or varies in color or intensity from time to time, nor shall any sign be so illuminated that it interferes with traffic or obscures an official traffic sign, device or signal. All floodlights shall be shielded.

(c) Sign backgrounds shall not be internally illuminated.

(d) All sign lighting shall utilize ground fault interceptors in the electrical supply circuit. All electrical wiring shall be concealed.

(e) Electrical work on signs shall only be conducted by a licensed state electrical contractor.

**✚ Sec. 03.003 Traffic safety requirements**

No sign shall obstruct visibility or otherwise cause a traffic hazard. Signs may not be located within a minimum 10-foot by 10-foot visibility triangle at the intersection of all street rights-of-way and driveways.

**✚ Sec. 03.004 Landscaping**

Landscaping, where required, should be designed to be in harmony with the building and surrounding natural landforms and native plants, and shall be irrigated.

## ARTICLE 04 PERMITTED SIGNS

**✚ Sec. 04.001 Sign category designations**

The following is a listing of sign categories permitted under the provisions of this chapter with their section reference number:

- (1) Sec. 04.002 Temporary signs.
  - (A) Real estate signs.
    - (i) Residential real estate signs.
    - (ii) Nonresidential real estate signs.
    - (iii) Open house - general signs.
    - (iv) Open house - directional signs.
  - (B) Construction signs.
    - (i) Residential construction signs.
    - (ii) Project development signs.

- (C) Banners.
  - (i) Public information banners.
  - (ii) New business banners.
  - (iii) Charitable event banners.
- (D) Special event signs.
- (E) Political signs.
- (F) No trespassing signs.
- (2) Sec. 04.003 Permanent signs.
  - (A) Monument signs.
  - (B) Monument signs - multitenant.
  - (C) Building signs.
  - (D) Open/closed signs.
  - (E) Hanging/projecting signs.
  - (F) Directory signs.
  - (G) Traffic-control signs.
  - (H) Church information signs.
  - (I) Residential name and address signs.
  - (J) Public information signs.
    - (i) Monument signs.
    - (ii) Marquee signs.

 **Sec. 04.002 Temporary signs**

(a) Real estate signs.

(1) Residential real estate signs.

(A) Purpose: To identify improved and unimproved residential real estate that is for sale, lease or rent, and to provide a method to distribute sales, lease or rental literature or information, and to permit inspection of the premises and improvements.

(B) Maximum size:

(i) SH 71: 4 sq. ft.

(ii) All other: Brochure containers 9 inches (width) by 11 inches (length) by 3 inches (depth)

(C) Maximum height: 4 ft.

(D) Number: One per lot or tract.

(E) Location: On premises within the property lines.

(F) Design: Standard sign limited to a "for sale" or "for lease" statement, the sales/leasing agent's contact information (name, logo, phone number, web site/e-mail address), the address of the property and the size of the property. Brochure containers must be waterproof.

(G) Lighting: None allowed.

(H) Duration: To be removed within 48 hours after being sold, rented or leased.

(I) Landscape: None required.

(J) Additional:

(i) No balloons, banners, streamers, etc. allowed on site or sign.

(ii) No permit or fee required.

(2) Nonresidential real estate signs.

(A) Purpose: To identify improved and unimproved nonresidential real estate that is for sale, lease or rent, and to provide a method to distribute sales, lease or rental literature or information, and to permit inspection of the premises and improvements.

(B) Maximum size:

(i) SH 71: 12 sq. ft.

(C) Maximum height:

(i) SH71: 8 ft.

(D) Number: One per lot or tract. If the property is improved and includes a multitenant monument sign with tenant names identified on the sign as provided for in this chapter, freestanding nonresidential real estate signs advertising lease space shall not be permitted.

(E) Location: On premises within the property lines, within close proximity to any existing monument signs.

(F) Design: Limited to a "for sale" or "for lease" statement, the sales/leasing agent's contact information (name, logo, phone number, web site/e-mail address), the address of the property and the size of the property. Stand-alone signs shall have at least two painted wood supports

with matching wood framing around the sides and top of the sign. The sign shall be two-sided and shall use earth tone colors.

- (G) Lighting: None allowed.
- (H) Duration: To be removed within 48 hours after being sold, rented or leased.
- (I) Landscape: None required.
- (J) Additional:
  - (i) No balloons, banners, streamers, etc. allowed on site or sign.
  - (ii) Permit requires code official approval.

(3) Open house - general signs.

- (A) Purpose: To identify open houses.
- (B) Maximum size: Letters not to exceed 4 inches in height. Sign not to exceed 18 inches by 24 inches.
- (C) Maximum height: 3 ft.
- (D) Number: One per lot or tract.
- (E) Location: On premises within the property lines. It may be on the same stake as the brochure container or may be mounted separately.
- (F) Design: Signs shall be generic and provide no information other than "Open House."
- (G) Lighting: None allowed.
- (H) Duration: Only during the open house.
- (I) Landscape: None required.
- (J) Additional:
  - (i) No balloons, banners, streamers, etc. allowed on site or sign.
  - (ii) Business card contact info must be attached to each sign.
  - (iii) No permit or fee required.

(4) Open house - directional signs.

- (A) Purpose: To assist in the location of open houses.
- (B) Maximum size: Letters not to exceed 4 inches in height. Sign not to exceed 18 inches by 24 inches.



- (C) Maximum height: 3 ft.
- (D) Number: One directional sign at the street intersection of a directional change along the route to the open house. Intermediate signs are not permitted.
- (E) Location: Signs shall be located no closer than 10 feet from the hard surface of the street and shall not be located in medians. Permission from property owners must be obtained prior to placing signs on private property. Signs may only be located at the street intersection of a directional change along the route to the open house. Intermediate signs are not permitted.
- (F) Design: Signs shall be generic and provide no information other than “Open House” and an arrow.
- (G) Lighting: None allowed.
- (H) Duration: No earlier than 30 minutes prior to scheduled open house and removed no later than 30 minutes after the open house closes. Displayed only on Sundays, from 12 noon to 5 p.m.
- (I) Landscape: None required.
- (J) Additional:
  - (i) No balloons, banners, streamers, etc. allowed on site or sign.
  - (ii) Business card contact info must be attached to each sign.
  - (iii) No permit or fee required.

(b) Construction signs.

(1) Residential.

- (A) Purpose: To identify residential construction projects.
- (B) Maximum size: 4 sq. ft.
- (C) Maximum height: 4 ft.
- (D) Number: One sign per project.
- (E) Location: On the premises, within the property lines, street side only.
- (F) Design: Limited to the residence address, general contractor, architect or designer and their logos, telephone numbers and web site/e-mail info.
- (G) Lighting: None allowed.
- (H) Duration: To be erected after building permit is issued and to be removed when the project is completed or a certificate of occupancy is issued or within 72 hours of occupancy.
- (I) Landscape: None required.

(J) Additional: No permit or fee required.

(2) Project development.

(A) Purpose: To identify subdivision improvement and site development construction and development projects.

(B) Maximum size: 24 sq. ft.

(C) Maximum height: 8 ft.

(D) Number: One sign per project.

(E) Location: On the premises, within the property lines.

(F) Design: Limited to the project name and address, project renderings general contractor, architect or designer, financing agent, contact agent and their logos, telephone numbers and web site/e-mail info.

(G) Lighting: None allowed.

(H) Duration: To be erected after construction permit is issued and to be removed upon completion of construction.

(I) Landscape: None required.

(J) Additional: Permit requires code official approval.

(c) Banners.

(1) Public information.

(A) Purpose: To identify occasional or special community, educational, charitable and civic events, facilities, activities or social events.

(B) Maximum size: 24 sq. ft.

(C) Maximum height: 8 ft.

(D) Number: Subject to approval of ACC.

(E) Location: Subject to approval of ACC.

(F) Design: Subject to approval of ACC.

(G) Lighting: None allowed.

(H) Duration: Subject to approval of ACC.

(I) Landscape: None required.

(J) Additional: Permits may be issued administratively based on criteria established by the ACC.

(2) New business.

(A) Purpose: To identify businesses that are soon to open and to identify businesses that are newly opened.

(B) Maximum size: 24 sq. ft.

(C) Maximum height: 8 ft.

(D) Number: One sign.

(E) Location: On premises within the property lines.

(F) Design: Sign shall contain only the name of the business, logo, type of business, telephone number, web site/e-mail info, date of opening, and address.

(G) Lighting: None allowed.

(H) Duration: A maximum of 60 days. (A “coming soon” banner may be replaced with a “now open” banner during this time period.)

(I) Landscape: None required.

(J) Additional: Permit requires code official approval.

(3) Charitable event.

(A) Purpose: To identify charitable events where 100% of the proceeds are donated to a family or individual coping with a special medical condition or physical disaster.

(B) Maximum size: 24 sq. ft.

(C) Maximum height: 8 ft.

(D) Number: One sign.

(E) Location: On premises within the property lines of a nonresidential establishment where the event is to be held.

(F) Design: Sign shall only contain information related to the description, location and date/time of the event and shall not include commercial advertising.

(G) Lighting: None allowed.

(H) Duration: A maximum of 1 week prior to the event.

(I) Landscape: None required.

(J) Additional: Permit requires code official approval.

(d) Special event signs.

- (1) Purpose: To promote special events that, due to the location of the event and the volume of traffic anticipated by the event, necessitate special identification and directional signage.
- (2) Maximum size: Subject to ACC approval.
- (3) Maximum height: Subject to ACC approval.
- (4) Number: Subject to ACC approval.
- (5) Location: Subject to ACC approval.
- (6) Design: Subject to ACC approval.
- (7) Lighting: Subject to ACC approval.
- (8) Duration: Subject to ACC approval.
- (9) Landscape: Subject to ACC approval.
- (10) Additional: Permit requires ACC approval.

(e) Political signs.

- (1) Purpose: To promote a political figure or cause.
- (2) Maximum size: 36 sq. ft.
- (3) Maximum height: 8 ft.
- (4) Number: No limit to the number of signs per lot or tract.
- (5) Location: May not be located in the public right-of-way.
- (6) Design: Not applicable.
- (7) Lighting: None allowed.
- (8) Duration: Signs concerning an election may not be placed more than 90 days prior to the election and shall be removed within 18 hours after the election.
- (9) Landscape: None required.
- (10) Additional: No permit or fee required.

(f) No trespassing signs.

- (1) Purpose: To indicate where trespassing is prohibited.

- (2) Maximum size: 4 sq. ft.
- (3) Maximum height: 4 ft.
- (4) Number: Four. Additional signs may be approved by ACC.
- (5) Location: On premises within property lines.
- (6) Design: Shall only state "No Trespassing," "Private Property," and/or "Violators will be Prosecuted."
- (7) Lighting: None allowed.
- (8) Duration: To be removed at discretion of property owner.
- (9) Landscape: None required.
- (10) Additional: No permit or fee required.

**✚ Sec. 04.003 Permanent signs : Non-residential lots fronting State Highway 71**

(a) Monument signs.

- (1) Purpose: To identify a building, business or multifamily complex through the use of a freestanding monument.
- (2) Maximum size:
  - (A) SH 71: Text and logo shall be no more than 32 sq. ft.; and the monument shall be no greater than 12 ft. wide.
  - (B) All others: not approved
- (3) Maximum height: The monument shall be no more than 8 ft. high.
- (4) Number: One sign on the primary access street. If there are public entrances on other streets, proposals for additional signs may be approved by ACC.
- (5) Location: On premises within the property lines. (Monument signs may also be approved for stand-alone pad site buildings that are part of a multitenant center but are not platted as individual lots. Pad site buildings may not have separate monument signs and also be included on the multitenant center's monument sign.)
- (6) Design:
  - (A) The monument shall be solid masonry (stone, brick and/or stucco) to match the building(s). Depending on the proposed design, metal that matches the building(s) may be approved by the ACC.

(B) Only the name of the building, business or complex (no description), the associated logo, and the address numbers are permitted.

(C) The name, logo and address numbers shall be the same color. The use of additional colors for minor accents may be approved by the ACC.

(D) Letters shall be a minimum of 6 inches in height. Address numbers shall be a minimum of 18 inches in height.

(E) Letters and address numbers shall be attached directly to the face of the monument (no "cabinets") and shall be flat-cut or channel (reverse or face-lit). Stencil-cut letters that appear flush with the monument and have a background that matches the monument may be approved by the zoning and planning commission. Reflective surfaces and molded plastic or molded acrylic backgrounds are not permitted.

(7) Lighting: Spot lit or individual letter internal illumination.

(8) Duration: Permanent.

(9) Landscape: A minimum of 100 sq. ft. at the base of the sign. Landscaping shall be installed and maintained so that the visibility of the address numbers is not obstructed.

(10) Additional:

(A) If located in public utility easement, the owner of the property is responsible for removal, relocation or replacement at a utility company's request.

(B) Permit requires ACC approval.

(b) Monument signs - multitenant.

(1) Purpose: To identify a multitenant center through the use of a freestanding monument.

(2) Maximum size.

(A) SH 71: Tenant text and logo panels shall be no more than 32 sq. ft. total; the multitenant center name shall be no more than 16 sq. ft.; address numbers shall be no more than 8 sq. ft.; and the monument shall be no greater than 12 ft. wide.

(B) All others: not approved.

(3) Maximum height: The monument shall be no more than 10 ft. high.

(4) Number: One sign on the primary access street. If there are public entrances on other streets, proposals for additional signs may be approved by ACC.

(5) Location: On premises within the property lines.

(6) Design:

(A) The monument shall be solid masonry (stone, brick and/or stucco) to match the building(s). Depending on the proposed design, metal that matches the building(s) may be approved by the ACC.

(B) Only the center name and logo, tenant names and logos (no descriptions), and address numbers are permitted.

(C) One of the tenant panels shall be used solely for the purpose of providing contact information for leasing space at the multi-tenant center if advertising for lease space is desired.

(D) All text and logos shall be uniform in color, material and lighting. The use of additional colors for minor accents may be approved by the zoning and planning commission.

(E) Each tenant panel shall be a minimum of 1 ft. high and 4 ft. wide and shall be metal or acrylic in a color that matches the monument and/or the building. Tenant panels shall be attached directly to the face of the monument (no "cabinets"). If approved by the ACC, the panels may also include stencil-cut letters that appear flush with the monument and have a background that matches the monument.

(F) Address numbers shall be a minimum of 18 inches in height.

(G) Address numbers and letters not on tenant panels shall be attached directly to the face of the monument (no "cabinets") and shall be flat-cut or channel (reverse or face-lit). Stencil-cut letters that appear flush with the monument and have a background that matches the monument may be approved by the ACC. Reflective surfaces and molded plastic or molded acrylic backgrounds are not permitted.

(7) Lighting: Spot lit or individual letter internal illumination.

(8) Duration: Permanent.

(9) Landscape: A minimum of 100 sq. ft. at the base of the sign. Landscaping shall be installed and maintained so that the visibility of the address numbers is not obstructed.

(10) Additional:

(A) If located in public utility easement, the owner of the property is responsible for removal, relocation or replacement at a utility company's request.

(B) Permit requires ACC approval.

(c) Building signs.

(1) Purpose: To identify the occupant(s) of a building through the use of a sign mounted on the building.

(2) Maximum size.

(A) SH 71: 24 sq. ft. and no greater than 16 ft. wide.

- (B) All others: not approved.
  - (3) Maximum height: Below the roof eaves.
  - (4) Number: One sign per occupant of the building. If there are public entrances on more than one street or parking area, proposals for additional signs may be approved by ACC.
  - (5) Location: On the building.
  - (6) Design:
    - (A) Only the name of the occupant and associated logo is permitted.
    - (B) All signage in a multi-tenant center must be uniform in material and lighting.
    - (C) No more than two principle colors may be used for text and logos per sign and no more than two principle colors may be used throughout a multi-tenant center. The use of additional colors for minor accents may be approved by the ACC.
    - (D) Letters shall be attached directly to the face of the building or to a raceway painted to match the building (no “cabinets”) and shall be flat-cut or channel (reverse or face-lit). Reflective surfaces and molded plastic or molded acrylic backgrounds are not permitted.
  - (7) Lighting: Subject to approval of ACC.
  - (8) Duration: Permanent.
  - (9) Landscape: None required.
  - (10) Additional: Permit requires ACC approval.
- (d) Open/closed signs.
- (1) Purpose: To indicate when a business is open or closed.
  - (2) Maximum size: 2 sq. ft. total.
  - (3) Minimum Height: Inside the storefront window or door.
  - (4) Number: One per business.
  - (5) Location: Inside the storefront window or door.
  - (6) Design: Exposed neon is permitted.
  - (7) Lighting: Exposed neon is permitted.
  - (8) Duration: Permanent.
  - (9) Landscape: None required.



(10) Additional: No permit or fee required.

(e) Hanging/projecting signs.

(1) Purpose: To provide store identification for pedestrians in a multitenant center.

(2) Maximum size: 4 sq. ft.

(3) Minimum height: 8 ft.

(4) Number: One per tenant.

(5) Location: Perpendicular to, hung from, or attached to a projecting structural element of an exterior wall in front of the tenant entrance.

(6) Design: Color and materials shall be complimentary to the primary signage for the multitenant center. Subject to approval of ACC.

(7) Lighting: None allowed.

(8) Duration: Permanent.

(9) Landscape: None required.

(10) Additional: Permit requires ACC approval.

(f) Directory signs.

(1) Purpose: To list all tenants within a multitenant center and to guide the pedestrian to the individual tenant within the center.

(2) Maximum size: 12 sq. ft. total with no more than one sq. ft. allotted to each individual tenant.

(3) Maximum height: 4 ft.

(4) Number: One sign. Proposals for additional signs may be approved by ACC if warranted by the size of the center.

(5) Location: Attached to the building or freestanding subject to ACC approval.

(6) Design: Color and materials shall be complimentary to the primary signage for the multitenant center. Subject to approval of ACC.

(7) Lighting: Spot lit. No internal illumination.

(8) Duration: Permanent.

(9) Landscape: Subject to approval of ACC.

(10) Additional: Permit requires ACC approval.

(g) Traffic-control signs.

- (1) Purpose: To relieve vehicular and pedestrian traffic congestion and promote the safe and expedient flow and parking of traffic on private property.
- (2) Maximum size: 12 sq. ft. and no more than 2 sq. ft. per directional statement.
- (3) Maximum height: 4 ft.
- (4) Number: Subject to approval of ACC.
- (5) Location: Subject to approval of ACC.
- (6) Design: May contain only the name and/or logo of the business and the directional statement(s).
- (7) Lighting: Spot lit. No internal illumination.
- (8) Duration: Permanent.
- (9) Landscape: Subject to approval of ACC.
- (10) Additional:
  - (A) Permit requires ACC approval.
  - (B) All traffic-control signs shall be of uniform design. No individual sign shall be approved unless it conforms to an overall sign plan for the entire site.

(h) Church information signs.

- (1) Purpose: To provide information on religious services.
- (2) Maximum size: 12 sq. ft.
- (3) Maximum height: 3 ft.
- (4) Number: One sign per church.
- (5) Location: On the building or on premises within the property lines, no closer than 25 ft. to the property lines.
- (6) Design: Subject to approval of ACC.
- (7) Lighting: Spot lit. No internal illumination.
- (8) Duration: Permanent.
- (9) Landscape: A minimum of 25 sq. ft. at the base.
- (10) Additional: Permit requires ACC approval.

(i) Residential name and address signs.

- (1) Purpose: To identify a house, showing the family name and or the home name and the address.
- (2) Maximum size: 2 sq. ft. for a single-family residence. One sq. ft. for a multifamily residence.
- (3) Maximum height: 3 ft.
- (4) Number: One sign for each dwelling unit.
- (5) Location: On premises within the property lines, unless affixed to the mailbox or mailbox structure.
- (6) Design: Individual multifamily signs shall be uniform throughout the development.
- (7) Lighting: Spot lit. No internal illumination.
- (8) Duration: Permanent.
- (9) Landscape: None required.
- (10) Additional: No permit or fee required.

(j) Public information signs.

(1) Monument signs.

- (A) Purpose: To provide directions to community, public and civic facilities.
- (B) Maximum size: Subject to ACC approval.
- (C) Maximum height: Subject to ACC approval.
- (D) Number: Subject to ACC approval.
- (E) Location: Subject to ACC approval.
- (F) Design: Subject to ACC approval.
- (G) Lighting: Subject to ACC approval.
- (H) Duration: Permanent.
- (I) Landscape: Subject to ACC approval.
- (J) Additional: Permit requires ACC approval.

(2) Marquee signs.

- (A) Purpose: To provide information related to school functions.

- (B) Maximum size: 36 sq. ft.
  - (C) Maximum height: 8 ft.
  - (D) Number: Subject to ACC approval.
  - (E) Location: Subject to ACC approval; on school property.
  - (F) Design: Subject to ACC approval.
  - (G) Lighting: Subject to ACC approval. LED (light emitting diode) may be approved.
  - (H) Duration: Permanent.
  - (I) Landscape: Subject to ACC approval.
  - (J) Additional: Permit requires ACC approval.
- (3) Electronic marquee sign.
- (A) Purpose: To provide information related to public school functions.
  - (B) Maximum size: School name and electronic message board shall be no more than 32 sq. ft.; monument shall be no greater than 12 feet wide.
  - (C) Maximum height: 8 ft.
  - (D) Number: Subject to ACC approval.
  - (E) Location: Limited to property owned and occupied by LTISD subject to ACC approval.
  - (F) Design: The monument shall be solid masonry (stone, brick, and/or stucco) to match the building(s). Logos and lettering shall be attached directly to the face of the monument (no "cabinets") and shall be flat-cut or channel. Stencil-cut letters that appear flush with the monument and have a background that matches the monument may be approved by the commission. Reflective surfaces and molded plastic or molded acrylic backgrounds are not permitted.
  - (G) Lighting: Subject to ACC approval. LED (light emitting diode) may be approved, limited to monochromatic, static, display.
  - (H) Duration: Permanent.
  - (I) Landscape: A minimum of 100 sq. ft. at the base of the sign. Landscaping shall be installed and maintained so that the visibility of the text is not obstructed.
  - (J) Additional: Permit requires ACC approval.

## ARTICLE 05 EXEMPTED AND PROHIBITED SIGNS

### **Sec. 05.001 Exempted signs**

The provisions of this chapter shall not apply to the following signs:

- (1) Nonconforming signs. Nonconforming signs shall be governed by the regulations in place at the time they were permitted. Modification of a sign or the structure to which the sign is attached shall require the sign to comply with the regulations of this chapter. Routine maintenance of a nonconforming sign does not forfeit the sign's exempted status.
- (2) Memorial signs or tablets which denote names of buildings and date of erection when cut into any masonry surface on the building or when constructed of bronze or other metal if they are four (4) square feet or less and attached to the building.
- (3) Historic markers provided by a governmental entity.
- (4) Official governmental notices and notices posted by governmental officers in the performance of their duties, governmental signs to control traffic, to identify streets, to warn of danger or for other regulatory purposes.
- (5) Works of fine art, as defined in this chapter, which in no way identify or advertise a product or business;
- (6) Temporary decorations or displays, when they are clearly incidental to and are customarily and commonly associated with any national, local or religious holiday or celebration, provided that such decorations are maintained in an attractive condition, do not constitute a fire, traffic or pedestrian hazard, and are removed within a reasonable time (approximately 30 days) after the event or celebration has occurred.
- (7) United States, state or city flags provided they are maintained in an attractive condition, do not constitute a fire, traffic or pedestrian hazard, and are flown no higher than 25 feet.
- (8) Temporary or permanent signs erected by public utility companies or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines and similar devices.
- (9) Signs displayed on trucks, buses, trailers or other vehicles which are being operated in the normal course of a business (i.e. they are parked in areas appropriate to their use as vehicles, carry a current and valid license plate and state inspection tag, and are in operable condition), indicating the name of the owner, business and location, (e.g. moving vans, delivery trucks, rental trucks and trailers, etc.), provided that the primary purpose of the vehicles is not for the display of signs.

### **Sec. 05.002 Prohibited signs**

Any sign not expressly authorized by this chapter, or specifically exempted from the provisions hereof, is prohibited. Examples of prohibited signs include, but are not limited to:

- (1) Portable signs, except those used for temporary purposes as otherwise provided for in this chapter.
- (2) Lighted signs in doors and/or windows except as otherwise provided for in this chapter.

- (3) Cloth, canvas, paper, soft plastic, balloons, flags, or similar advertising signs or devices except as provided for in this chapter.
- (4) Molded plastic, plastic sheet or flex-face signs.
- (5) Signs that have the appearance of traffic safety signs and lights, or municipal vehicle warnings, from a distance.
- (6) Any sign attached to or placed on or in a vehicle, or a trailer parked on public or private property, or cruising on public or private roads in the city or its extraterritorial jurisdiction (i.e. "for sale" sign). Through traffic is exempted from this provision, as are signs displayed on vehicles which are being operated in the normal course of a business, as described in section 05.001.
- (7) Boxes stored in view of the street, etc. which have large product identification that serves as a sign.
- (8) Signs or advertising materials that are worn, held or attached to a person's body.
- (9) Signs that contain moving parts. Apparent motion of the visual message, caused by, but not limited to the illusion of moving objects, moving letters, moving patterns or boards of light, expanding, contracting or rotating shapes, or similar effects such as "scrolling" or "running" messages are prohibited except as otherwise provided for in this chapter.
- (10) Signs or messages projected on any external surface.
- (11) Posters, placards, handbills, flyers or adhesive-affixed signs.
- (12) Signage, advertising or messages of any type affixed to or painted upon natural features such as trees or rocks.
- (13) String lighting that is not associated with a national, local or religious holiday or celebration as allowed in section 05.001.
- (14) "For Sale" and "For Lease" signs posted in the windows of residential structures.

## **ARTICLE 06 SIGN MAINTENANCE, REPAIR AND REMOVAL**

### **✚ Sec. 06.001 Maintenance required**

All signs shall be properly maintained in good repair and appearance at all times and shall conform to all specifications, conditions and terms included in a permit issued by the ACC for the affected sign and its required landscaping. The ACC shall have the authority to order the painting, repair or removal of a sign and accompanying landscaping which constitute a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence or abandonment. The ACC shall be entitled to seek injunctive relief to obtain the removal of any sign that does not meet compliance or constitutes a threat to the public health or safety.

**Sec. 06.002 Notice of violation**

Before enforcement efforts are undertaken by the ACC, or before prosecution for a violation of this chapter, the ACC may determine that any sign is erected or maintained in violation of the provisions of this chapter. In that event, the ACC shall give written notice of the violation either by personal delivery or by certified mail, return receipt requested, to the owner or person entitled to possession of the sign and the owner of the property on which the sign is located. Said notice shall:

- (1) State the nature of the violation.
- (2) Direct that the sign be altered or removed, or that the violation otherwise be corrected, to comply with the provisions of this chapter, within ten (10) days of receipt of the notice.
- (3) Advise that a hearing may be requested before the TSHOA to determine whether the sign is or has been erected or maintained in violation of this chapter by filing a written application for such a hearing with the code official before the expiration of said ten-day period.
- (4) No provision of this section shall be construed to impose a requirement that the ACC must provide notice and an opportunity for a hearing before the TSHOA before the ACC seeks available penalties for violations of this chapter.

**Sec. 06.003 Hearing**

(a) Within thirty (30) days after the filing of the written application for hearing, the TSHOA shall hold a public hearing to determine whether the sign has been erected, is being maintained, or is located in violation of this chapter. Written notice of the date, time and place of the hearing shall be forwarded to the person requesting the hearing, and, if not the same person, the owner or person entitled to possession of the property or sign not less than seven (7) days before the date of the hearing.

(b) At the conclusion of the public hearing, the TSHOA shall determine whether the sign has been erected or is being maintained in violation of this chapter. If the zoning and planning commission concludes that a violation has occurred, it shall order that the required corrective action be completed within ten (10) days of the date of the hearing.

**Sec. 06.004 Removal of nonconforming signs**

The ACC may require the relocation, reconstruction or removal of a sign in accordance with these articles.

## ARTICLE 07 VARIANCES AND WAIVERS

**Sec. 26.07.001 Standards for approval**

(a) General.

- (1) Waivers and variances may be granted only when consistent with the general purposes and intent of this chapter so that public health, safety and welfare may be secured and substantial justice done.
- (2) Pecuniary hardship to the applicant, standing alone, shall not be deemed to constitute undue hardship.

(3) No waiver or variance shall be granted if it would provide the applicant with any special privileges not enjoyed by owners of other similarly situated property with similarly timed development.

(b) Waivers. Waivers of the strict application of this chapter may be granted or required if they meet all of the following requirements:

- (1) The request is a relatively insignificant deviation from the requirements of this chapter.
- (2) The request would not have any material adverse effect on the property rights of others.
- (3) The request would not affect applicable zoning and other regulations of the TSHOA.
- (4) The request would, in a particular situation, enhance public safety more than strict compliance with a provision of this chapter.
- (5) The request would, in a particular situation, be more satisfactory to the overall plan of the TSHOA than strict compliance with a provision of this chapter.

(c) Variances. Variances to the provisions of this chapter may be granted if the variance meets all of the following requirements:

- (1) A special individual reason makes the strict application of this chapter impractical.
- (2) There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land.
- (3) The applicant will incur specific hardships should the variance not be granted. A hardship may result from the size, shape or dimensions of a structure, from the location of the structure, from topographic or physical conditions on the site or in the immediate vicinity, or from other physical limitations, locations or traffic conditions in the immediate vicinity.
- (4) The modification is in conformity with the intent and purpose of this chapter.
- (5) The granting of the variance will not be detrimental to the public health, safety, or welfare, convenience or injurious to the property in the area.
- (6) The granting of the variance will not create the probability of harmful environmental consequences.
- (7) The variance will not negatively impact traffic conditions.
- (8) The granting of the variance will not have the effect of preventing the orderly development of other land in the area in accordance with the provisions of this chapter.

 **Sec. 07.002 Approval authority**

(a) ACC. Waivers of the strict application of some provisions of this chapter may be approved by the ACC.

(b) ACC. Variances to the provisions of this chapter may be granted by the ACC.



 **Sec. 07.003 Approval procedures**

(a) Waivers.

(1) All requests for waivers shall be made in writing to the ACC. The request shall state the specific portion(s) of this chapter with which the proposed sign will not comply and shall provide a detailed discussion as to why the applicant wishes to deviate from this chapter. The request shall be accompanied by supportive materials as requested by the ACC.

(2) The ACC shall review the request for completeness and accuracy and, if the request addresses the exception in a satisfactory manner, shall make a determination.

(3) After a determination has been made, the ACC shall provide the applicant and the TSHOA with a letter stating the determination and noting any conditions for approval, if applicable.

(4) The TSHOA may cancel such waiver by a simple majority vote made within 45 days of the date the waiver was granted.

(b) Variances.

(1) All requests for variances shall be made in writing to the ACC. The request shall state the specific portion(s) of this chapter with which the proposed sign will not comply and shall provide a detailed discussion as to why the applicant wishes to deviate from this chapter. The request should be accompanied by supportive materials as requested by the ACC.

(2) Determinations made by the ACC may be appealed to the TSHOA. The appeal must be made within 10 days of the determination.

 **Sec. 07.004 Notice**

No public notice is required for waiver or variance applications.

 **Sec. 07.005 Duration**

(a) Expiration. Waivers and variances expire concurrently with the permit for which they were granted.

(b) ACC determinations. Once a determination has been made by the ACC regarding a variance request, the same request may not be made to the ACC for a period of six (6) months following the determination.

 **Sec. 07.006 Fee**

At the time the ACC accepts the variance application, the applicant shall pay the required fee per the ACC's fee schedule.

## ARTICLE 08 LIABILITY

### **Sec. 08.001 Liability of person erecting or owning sign**

The provisions of this chapter shall not be construed as relieving or limiting in any way the responsibility of any person, firm or corporation erecting or owning any sign from personal injury or property damage resulting from the placing of the sign, or resulting from the negligence or willful acts of such person, firm or corporation, its agents, employees or workmen, in the design, construction, maintenance, repair or removal of any sign erected in accordance with a permit issued under the provisions of this chapter. Nor shall it be construed as imposing upon the ACC or TSHOA, any responsibility or liability by reason of the approval of any sign, materials or devices under the provisions of this chapter.