

ORDINANCE NO. 0091, AMENDMENT NO. 01

AN ORDINANCE AMENDING ORDINANCE NO. 0091 OF THE TOWN OF HORIZON CITY, TEXAS (AMENDMENT NO. 01); BY AMENDING VARIOUS SECTIONS TO ADD AND AMEND DEFINITIONS; TO CLARIFY AND CORRECT TERMINOLOGY AND REFERENCES; TO CLARIFY THE CIRCUMSTANCES FOR THE REMOVAL OF SIGNS; TO ESTABLISH CRITERIA FOR THE PLACEMENT OF CERTAIN SIGNS IN THE RIGHT-OF-WAY; TO AMEND THE LIST OF PROHIBITED SIGNS; TO AMEND APPENDIX A TO REVISE THE FEE SCHEDULE FOR SIGN PERMITS; TO DELETE THE PRESCRIBED FORM FOR A SIGN PERMIT APPLICATION; AND TO CORRECT NUMBERING AND TYPOGRAPHICAL ERRORS; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; REPEALER; SEVERABILITY; PROPER NOTICE AND HEARING; THE PENALTY BEING AS PROVIDED IN SECTION 3.1028 OF THE ORDINANCE (NO. 0091) OF THE TOWN OF HORIZON CITY, TEXAS, CREATING A MISDEMEANOR PUNISHABLE BY A FINE NOT TO EXCEED \$2,000.00.

WHEREAS, a proposal was brought forward by staff to and considered by the Town of Horizon City Planning and Zoning Commission to amend portions of Ordinance No. 0091; and

WHEREAS, the Planning and Zoning Commission considered the staff's proposals at its August 19, 2013 meeting and voted to recommend approval of the change to the ordinance; and

WHEREAS, the notice required by the Texas Local Government Code has been published in a newspaper of general circulation; and

WHEREAS, public hearings have been held by the City Council as required by law; and

WHEREAS, all written and oral protests (if any) submitted against the proposed ordinance change have been reviewed and considered; and

WHEREAS, pursuant to Texas Local Government Code section 51.001, the City has general authority to adopt an ordinance that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the City Council finds that it is necessary and proper for the good government, peace and order of the Town of Horizon City to adopt this Ordinance; and

WHEREAS, pursuant to Chapter 216 of the Texas Local Government Code, the City has the authority to regulate signs; and

WHEREAS, the City Council finds that signs erected, modified or maintained in violation of the City's regulations are a threat to the public health, safety, and welfare, and constitute a public nuisance to be prevented and abated in accordance with Chapter 217 of the Texas Local Government Code; and

WHEREAS, the City Council finds that the costs and fees provided for in this ordinance reflect the costs of issuing permits and providing the regulated services; and

WHEREAS, the City Council finds that it is not necessary to prescribe the form of the sign permit application by ordinance, but rather, that the Building Official, as part of his prescribed duties, shall create the appropriate form.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF HORIZON CITY, TEXAS, THAT:

ARTICLE I. ENACTMENT OF AMENDMENTS

Pursuant to Sections 51.001 and 51.012 of the Texas Local Government Code, the City Council of the Town of Horizon City hereby enacts and adopts this amendment no. 01 to Ordinance no. 0091, which regulates signs within the Town of Horizon City and related matters pursuant to the zoning and other regulatory authority of the Town of Horizon City, to amend Sections 1.1001, 1.1003, 1.1004, 1.1005, 1.1007, 1.1008, 1.1010, 1.1015, 1.1016, 1.1021, 1.1022, 1.1023 and 1.1025, and Appendix A as follows, and by deleting the prescribed form for a sign permit application in its entirety:

Sec. 1.1001 Short Title

This Ordinance, also referred to as an article, shall hereafter be known and cited as the "Sign Regulations."

Sec. 1.1003 Definitions

As used in this article, unless the context otherwise indicates:

- (1) *Building Official* shall mean the officer or other person within the Town of Horizon City charged with the administration and enforcement of the sign regulations.
- (2) *Erect* shall mean to build, construct, attach, hang place, suspend, or affix, and shall also include the painting of signs on the exterior surface of a building or

structure.

- (3) Facing or Surface shall mean the surface of the sign, upon, against, or through which the message is displayed or illustrated on the sign.
- (4) Feather banner shall mean a sign that is constructed of lightweight material (such as cloth, canvas, or vinyl) affixed to a pole or building which is similar to a flag, except that it is longer than it is wide. A feather banner resembles a feather, in that it is tall and narrow, having more surface area vertically than horizontally when fully extended.
- (5) Gross Surface Area of Sign shall mean the entire area within a single continuous perimeter enclosing the extreme limits of each sign. In the event two (2) or more signs share a single structure, each sign or panel may be considered separately for square footage purposes, provided that each sign or panel has no relationship to the others, except that the combined footage of such signs cannot exceed the total square footage allowed for the sign.
- (6) Highway Control Zone shall mean all zoned and unzoned commercial and industrial areas within six hundred sixty feet (660') of the nearest edge of the right-of-way of all portions of the interstate or primary highway systems within the State of Texas in accordance with Chapter 391 of the Texas Transportation Code.
- (7) Illuminated Sign shall mean any sign which has characters, letters, figures, designs, or outline illuminated by electric lights, luminous tubes, or other means.
- (8) Parkway shall mean that area of city street right-of-way between the property line and the curb or, in the absence of a curb, between the property line and the nearest edge of the street paving.
- (9) Permittee shall mean the person, persons, firm, corporation, or association filing an application for, paying fees, and receiving a sign erection permit.
- (10) Person shall mean and include any person, firm, corporation, partnership, association, company, or organization of any kind.
- (11) Political Sign shall mean a sign relating to the election of a person to public office, relating to a political party, or relating to a matter to be voted upon at an election called by a public body.
- (12) Portable Sign shall mean a free standing sign, including A-frame signs and sandwich boards, designed and constructed to be easily moved from one location to another frequently, but not necessarily displaying changeable copy. Cigarette signs and gas pricing signs at service stations shall be defined as portable signs.

- (13) Sign shall mean and include every sign, name, number, identification, description, announcement, declaration, demonstration, device, display, flag, banner, pennant, illustration, beacon, light, or insignia and structure supporting any of the same, affixed directly or indirectly to or upon any building or outdoor structure, or erected or maintained upon a piece of land, which directs attention to an object, product, service, place, activity, person, institution, organization, or business.
- (14) Special Purpose Sign shall mean a sign temporarily supplementing the permanent signs on a premise.
- (15) Structural Trim shall mean the molding, battens, cappings, nailing strips, laticing and platforms which are attached to the sign structure.
- (16) Under Canopy Sign shall mean a sign suspended from a building and which is located under a permanent canopy projecting from a building.

Sec. 1.1004 Permit Required

It shall be unlawful for any person to erect, repair, alter, or relocate within the Town of Horizon City any sign as defined in this article without first obtaining a sign permit from the Building Official and making payment of the fee required herein. All illuminated signs shall, in addition, be subject to the provisions of the Electrical Code, and the permit fees required hereunder. All signs located within the "Highway Control Zone" shall be subject to the provisions of the Texas Highway Beautification Act-Outdoor Advertising Signs and a Highway Department License shall be required.

Sec. 1.1005 Application for Permit

Application for permits shall be made upon blanks provided by the building official, and shall contain or have attached thereto the following information:

- (1) Name, address, and telephone number of the applicant.
- (2) Location of building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected.
- (3) Two (2) sets of plans shall be submitted showing the sign location in relation to nearby buildings or structures, signs, property lines, driveways, public streets, fences, and sidewalks.
- (4) Two (2) blueprints or ink drawings of the plans and specifications showing method of construction and attachment to the building or ground. The

plans shall include the size, type, height, construction materials, and such other information as the building official may require.

- (5) Name of person, firm, corporation, or association erecting structure.
- (6) Written consent of the owner of the building, structure, or land to which or on which the structure is to be erected.
- (7) Any electrical permit required and issued for said sign.
- (8) Insurance policy or bond as required herein.
- (9) Zoning classification carried by the property.
- (10) Such other information as the building official shall require to show full compliance with this and all other laws and ordinances of the city.
- (11) The building official may require plans to be prepared by a registered professional engineer or architect.
- (12) Highway Department License for all signs located within the "Highway Control Zone." (Texas Highway Beautification Act-Outdoor Advertising Signs)

Sec. 1.1007 Permit Issued if Application In Order

It shall be the duty of the building official, upon the filing of an application for a sign permit to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign; and if it shall appear that the proposed structure is in compliance with all the requirements of this article, the technical codes, and all other laws and ordinances of the Town of Horizon City, he shall then issue the sign permit. If the work authorized under a sign permit has not been completed within sixty (60) days after issuance, the said permit shall become null and void.

Sec. 1.1008 Permit Fees

Every applicant, before being granted a permit hereunder shall pay to the Town of Horizon City the appropriate permit fee as set forth in the fee schedule found in the appendix of this ordinance.

Sec. 1.1010 Permit Revocable at Any Time

All rights and privileges acquired under the provisions of this article and any ordinance

or any amendment thereto are mere licenses revocable at any time by the City Council, and all such permits shall contain this provision.

Sec. 1.1015 Removal of Certain Signs

Any sign now or hereafter existing which no longer advertises a bona fide business conducted, or a product sold shall be removed by the owner, agent, or person having the beneficial use of the building or structure upon which such sign maybe found within ten (10) days after written notification to the owner, agent, or person having the beneficial use of the land, building, or structure from the building official; and, upon failure to comply with such notice within the time specified in such order, the building official is hereby authorized to cause removal of such, sign, and any expense incident thereto shall be paid by the owner of the land, building, or structure to which such sign is attached or upon which it is erected. Any sign located in public right-of-way that do not meet the provisions of this Ordinance may be immediately removed by the building official or his designee without notice to the owner.

Sec. 1.1016 Exemptions

The provisions and regulations of this article shall not apply to the following signs; provided, however, said signs shall not obstruct visibility as determined by the building official and shall be subject to the provisions of Section 1.011, Unsafe and Unlawful Signs:

- (1) Signs not exceeding eight (8) square feet in area which advertise the sale, rental, or lease of the premises upon which said signs are located only.
- (2) Signs not exceeding thirty-two (32) square feet which advertise the sale of residential tracts larger than five (5) acres; or commercial tracts which advertise the sale, rental, or lease of the premises upon which said signs are located only.
- (3) Name plates not exceeding one (1) square foot in area.
- (4) Bulletin boards not over sixteen (16) square feet in area for public, charitable, or religious institutions when the same are located on the premises of said institutions.
- (5) One temporary construction sign denoting the architect, engineer, or contractor when placed upon work under construction, and not exceeding sixteen (16) square feet in area.
- (6) Occupational signs denoting only the name and profession of an occupant in a commercial building or public institutional building and not exceeding two (2) square feet in area.

- (7) Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.
- (8) Flags, emblems and insignia of any governmental body, decorative displays for holidays or public demonstrations which do not contain advertising and are not used as such.
- (9) On-site directional signs not exceeding two (2) square feet, provided such directional signs do not contain advertising and are not used as such. Placement of such directional signs must have the approval of the building official and conform to visibility standards.
- (10) Traffic or other municipal signs, legal notices, railroad crossing signs, danger and such emergency, temporary or non-advertising signs as may be approved by the city council or its designated representative.
- (11) Signs may be located in the city's public right-of-way without the requirement of a sign permit, which meet the following criteria:
 - a. The sign is a framed, portable two-sided (message on both sides), single panel style or two connected single panels ("A-frame" or "tent style");
 - b. The frame of the sign is constructed entirely of metal enclosing the sign panel(s);
 - c. The face of the sign is constructed of wood, metal, plastic or hardboard material;
 - d. The face of the sign is no larger than five square feet;
 - e. The sign area is no greater than nine square feet, and does not exceed thirty-six inches in height in any direction;
 - f. The sign is located within the parkway and is not permitted in the median;
 - g. The sign is freestanding, without requiring staking into the ground;
 - h. The sign does not include any lighting;
 - i. The sign is located within the parkway within the hours of 10:00 a.m. and 7:00 p.m.;
 - j. The sign shall be placed at least three feet from the edge of the roadway pavement where no curb and gutter exists; and
 - k. The sign owner shall be responsible for all claims, causes of action, liability, damages and/or expenses for any damage to or loss of any property, or any injury to any person, resulting from use of city right-of-way.

Sec. 1.1021 Prohibited Signs

- (a) It shall be unlawful for any person to display upon any sign any obscene, indecent, or immoral matter.
- (b) No persons shall erect, maintain, or permit the erection of any balloon or other floating device anchored to the ground or to any structure.
- (c) No person shall attach any sign, paper, or other material or paint, stencil, or write any name, number (except address numbers and an accompanying non-commercial message within the protection of the First Amendment to the U.S. Constitution no exceeding one square foot in size) or otherwise mark on any sidewalk, curb, gutter, street, utility pole, public building, fence or structure unless authorized by this article or by the city council or its delegated representative.
- (d) No sign shall be illuminated to an intensity greater than two hundred (200) footlamberts. The restrictions of luminance in this subsection shall be determined from any other premise or from any public right-of-way other than an alley.
- (e) Moving, flashing, intermittently lighted, changing color, beacons, revolving or similarly constructed signs, to include feather banners, shall not be allowed. Jump clocks showing time, temperature and similar data may be allowed by special permit of the city council or its designated representative.
- (f) No person shall place on, or suspend from any building, pole, structure, sidewalk, parkway, driveway, or parking area, any goods, wares, merchandise, or other advertising object or structure for the purpose of advertising such items; other than a sign as defined, regulated, and prescribed in this article except as otherwise allowed by ordinance. Items normally placed on service station pump islands shall not be prohibited by this subsection.
- (g) No cloth, paper, banner, flag, device, or other similar advertising matter shall be permitted to be attached, suspended from or allowed to hang loose from any sign, building or structure, except as allowed by other provisions of this article. Such advertising matter shall be a violation of this section and shall be removed immediately upon notice by the building official.
- (h) No portion of any sign shall be erected upon or over public property.
- (i) No advertising sign of any type shall be erected within fifty feet (50') of an adjoining residential district except by special permit of the city council, subject to appropriate conditions and safeguards.

- (j) No sign shall be allowed unless it is permanently affixed to the premises except as allowed under Section Entitled, Permitted Signs.
- (k) No temporary directional signs for the exclusive purpose of directing traffic to residential sections of the city shall be erected.
- (l) No signs attached to a motorized vehicle, where the primary use of such vehicle is for sign purposes will be permitted. Signs attached to or upon any motorized vehicle shall be prohibited where-any such vehicle is allowed to remain parked in the same location, or in the same vicinity, at frequent or extended periods of time where the intent is apparent to be one of using the vehicle and signs for the purpose of advertising. Vehicles operating under a city franchise shall be excluded from this provision. This provision does not restrict the identification signing on vehicles used for delivery service, interstate commerce, or any bona fide transportation activity.
- (m) Any sign constructed of or containing material capable of reflecting light, images, or sound waves; or producing glare or mirrored images; is strictly prohibited.
- (n) No banners or flags shall be allowed except as permitted under Section 1.1022, entitled Permitted Signs.

Sec. 1.1022 Permitted Signs

Signs advertising each legally zoned activity within any district shall be allowed subject to the following conditions and regulations:

- (1) Signs shall pertain only to the identification of a building, business, or products and services manufactured, sold or offered on the premises where the sign is located except as otherwise provided.
- (2) Except as otherwise provided. all signs shall conform to the following requirements relative to type of sign allowed, maximum area, surface heights, location, setback, and other provisions as set forth below by zoning district:
 - (A) Residential District. No signs shall be permitted in Residential Districts except:
 - (i) Those allowed under Section 1.1016, Exemptions.
 - (ii) Such temporary signs that may be allowed by Section 1.1024, Temporary Signs.
 - (B) Nonresidential Uses (church, school, or park) located in Residential Districts.

No signs shall be permitted in these areas except:

- (i) Those allowed under Section 1.1016, Exemptions.
- (ii) One attached or detached sign subject to the following restrictions:
 - (aa) Maximum size shall be forty (40) square feet.
 - (bb) Construction design and material shall match main building.
 - (cc) Entire sign must be located inside private property.
- (iii) Such temporary signs that may be allowed by Section 1.1024, Temporary Signs.

(C) Multiple Family Districts. No signs shall be permitted in these areas except:

- (i) Those allowed under Section 1.1016, Exemptions.
- (ii) Such temporary signs that may be allowed by Section 1.1024, Temporary Signs.
- (iii) One sign per street front subject to the following instructions:
 - (aa) Sign may be attached to the building or set back one-half (1/2) the distance from the building line to the property line.
 - (bb) Sign shall not exceed forty (40) square feet.
 - (cc) Height shall not exceed twelve (12) feet.
 - (dd) Construction design and material shall match main building.
 - (ee) Entire sign must be located inside private property.
 - (ff) Such sign shall not constitute a visual hazard as determined by the building official.

(D) Commercial and Industrial Districts. No signs shall be permitted in these districts except:

- (i) Those allowed under Section 1.1016, Exemptions.
- (ii) Such temporary signs that may be allowed by Section 1.1024, Temporary Signs.

- (iii) Attached signs subject to the following restrictions:
 - (aa) Maximum size of sign shall be forty (40) square feet or the product of two (2) times the lineal footage of the building or store frontage for which such sign is intended, whichever is greater.
 - (bb) An attached sign located at a height of twenty-four (24) feet or less shall have a maximum vertical height of four (4) feet.
 - (cc) An attached sign located at a height above twenty-four (24) feet shall have a maximum vertical height of six (6) feet.
 - (dd) Sign(s) shall not exceed seventy-five (75) percent of the width of such building or store frontage.
 - (ee) Height shall not exceed the roof line or top of parapet wall and shall provide a minimum of ten (10) feet of vertical clearance from sidewalk or ground level.
 - (ff) Such sign shall not project over eighteen (18) inches from face of building.
 - (gg) Attached signs shall be designed to transmit all dead and live loads throughout the structural frame of a building in such a manner as not to overstress any building element.
- (iv) Under Canopy Signs subject to the following restrictions:
 - (aa) Maximum size of sign shall be two (2) square feet.
 - (bb) Bottom of sign must be a minimum of nine (9) feet above walkway.
- (v) Free Standing Identification Signs subject to the following restrictions:
 - (aa) One (1) sign per building site shall be allowed, or one (1) sign per four hundred-fifty (450) lineal feet of frontage along street. Where more than one (1) sign is allowed, there shall be a minimum of one hundred (100) feet between signs.
 - (bb) Size regulations shall be: One (1) square foot per one and

one-half (1-1/2) lineal feet of property frontage up to a maximum of one hundred-twenty (120) square feet. Minimum size shall be twenty-five (25) square feet.

- (cc) A free standing identification sign with an effective area of fifty (50) feet or less may be located as near as five (5) feet to the public right-of-way or at the building line if this requires a lesser setback provided that said sign is a premise or directional sign and does not exceed twenty (20) feet in height and does not occupy the space between two (2) feet and ten (10) feet above grade within fifteen (15) feet of the public right-of-way except for supports, which may not exceed a total cross section area of two (2) square feet.
- (dd) A Free Standing Identification Sign with an effective area of one hundred twenty (120) square feet or less may be located as near as fifteen feet (15') to the right-of-way provided that said sign is a premise or directional sign, and does not exceed thirty feet (30') in height.
- (ee) Any projecting or overhanging portion of sign must be a minimum of ten feet (10') feet above any walkway and fourteen feet (14') above driveways. Such sign(s) shall be located a minimum of thirty feet (30') from adjoining private property lines.
- (ff) Along major thoroughfares, minimum height of letters shall be six inches (6").
- (gg) Signs shall be constructed of materials that are noncombustible or slow burning.
- (hh) Sign supports in contact with the ground shall be pressure treated wood, protected steel or concrete.
- (ii) No advertising matter shall be displayed on or attached to any free standing sign. No guys, braces, attachments, banners, flags, or similar devices shall be attached to any sign.
- (jj) Such signs shall be protected by wheel or bumper guards when required by the building official.

(vi) Temporary promotional advertising banners, flags, or pennants

promoting temporary events to include, but not limited to grand openings , and temporary sales with a maximum single use period of fifteen (15) days with a minimum period between permits of sixty (60) days and a maximum number of two (2) permits per year for each business.

- (E) Commercial and Industrial Districts within the Highway Control Zone (HCZ). In addition to the requirements set forth in Subparagraph D of this Section, properties zoned for Commercial or Industrials and that are within the HCZ may utilize the following sign regulations:

(1) On-Premise Detached Signs shall be subject to the following restrictions:

- (aa) One (1) sign per building site shall be allowed, or one (1) sign per four hundred-fifty (450) lineal feet of frontage along freeway. No on-premise detached sign shall exceed three hundred (300) square feet in effective area, except where more than one (1) sign would be allowed, the signs may be consolidated into one (1) sign with an increased area up to a maximum of six hundred (600) square feet.
- (bb) Size regulations shall be: One (1) square foot per one and one-half (1/2) lineal foot of frontage.
- (cc) An on-premise detached sign shall not exceed forty feet (40') in height, or to a point thirty feet (30') above the travel surface of the adjacent freeway and frontage road, whichever is higher, provided that the total height of sign does not exceed fifty feet (50').
- (dd) An on-premise detached sign with an effective area of fifty(50) square feet or less may be located as near as five feet (5') to the public right-of-way or at the building line if this requires a lesser setback, provided that said sign is a premise or directional sign. does not exceed twenty feet (20') in height, and does not occupy the space between two feet (2') and ten feet (10') above grade within fifteen feet (15') of the public right-of-way except for supports, which may not exceed a total cross-sectional area of two (2) square feet.
- (ee) An on-premise detached sign with an effective area of one-

hundred-fifty (150) square feet or less may be located as near as fifteen feet (15') to the right-of-way, provided that said sign is a premise or directional sign, and does not exceed thirty feet (30') in height.

- (ff) An on-premise detached sign with an effective area of six hundred (600) square feet or less may be located as near as twenty-five feet (25') to the right-of-way or as near as the building setback line specified by the applicable zoning ordinance, whichever is further, provided that it does not exceed a height of forty feet (40').
- (gg) Where an off-premise detached sign is wholly within one hundred feet (100') of a freeway right-of-way, and is oriented to be visible from that freeway, the height of all characters shall be either greater than eighteen inches (18") or less than one inch (1").
- (hh) Such signs that may be allowed by Section 1.1023, Off-Premise Detached Signs.

Sec. 1.1023 Off-Premise Detached Signs

- (a) Class 1 (Billboards). Off-Premise Detached Signs with a maximum area of each face of three hundred (300) square feet.
- (b) Class 2 (Mini-Billboards). Off-Premise Detached Signs with a maximum area of each face of one hundred (100) square feet.

- (1) Location:

Class 1 signs may be located in the Commercial and Industrial and Districts with Horizon Boulevard Frontage Only. Horizon Boulevard Frontage shall be described as being within one hundred (100) feet of the Horizon Boulevard right-of-way.

Class 2 signs may be located in the Office, Agriculture, General Retail, Commercial and Industrial Districts. All Off-Premise Signs shall be located a minimum of two hundred fifty (250) feet from any residential zoned area or two hundred fifty (250) feet from a residence in agriculture zones.

- (2) All Off-Premise Signs shall be subject to the following stipulations:

- (A) Class 1 Signs shall have a minimum front setback of twenty-five (25) feet from the right-of-way, or at the building setback line specified by the applicable zoning ordinance, whichever is further.
- (B) Class 2 Signs shall have a minimum front setback of fifteen (15) feet from all street right-of-way.
- (C) All Off-Premise Signs shall be located a minimum of thirty (30) feet from a side or rear property line.
- (D) All Off-Premise Detached Signs shall provide a minimum distance of one thousand (1,000) feet between all detached advertising signs measured along the street right-of-way.
- (E) Class 1 signs shall be located a minimum of five hundred (500) feet from major intersections, and two hundred fifty (250) feet from any other intersection.
- (F) Class 2 signs shall be located a minimum of two hundred fifty (250) feet from major intersections and one hundred (100) feet from any other intersection.
- (G) Class 1 signs shall not exceed forty (40) feet in height.
- (H) Class 1 signs shall have a minimum character height of eighteen (18) inches.
- (I) Class 2 signs shall not exceed fifteen (15) feet in height.
- (J) All Off-Premise Detached Signs shall be located only on those streets designated as major thoroughfares in the city's Master Plan and along Horizon Boulevard Frontage.
- (K) Spacing and location restrictions shall be maintained. Each side of the street shall be counted separately. Existing non-conforming signs shall be counted, as well as new signs.
- (L) Signs shall be of all metal construction.
- (M) Class 2 Signs shall not be illuminated.
- (N) Sign facings may be removed, replaced, or painted; but, any sign

which does not display a message during a one hundred eighty (180) day period will be considered abandoned and may be removed by the City.

- (O) Applications for Off-Premise Detached Sign permits shall be accompanied by a copy of the lease agreement or a letter of authorization from the owner of the property on which the sign is to be located.
- (P) Off-Premise Detached sign applications must include a copy of lease agreement or agreement between property owner and sign owner that states "off-premise signs shall be removed upon development of the tract or site upon which it is located."
- (Q) Class 1 and Class 2 Off-Premise Signs shall not be permitted upon any developed site. All off-premise signage shall be removed when a tract or site is developed.
- (R) No partial, incomplete, or defaced advertising shall be permitted.

Sec. 1.1025 Nonconformance

(a) It is the declared purpose of this article that in time, all privately owned signs shall either conform to the provisions of this article or be removed. By the passage of this article and its amendments, no presently illegal sign shall be deemed to have been legalized unless such sign complies with all current standards under the terms of this article and all other ordinances of the Town of Horizon City. Any sign which does not conform to all provisions of this article shall be a nonconforming sign if it legally existed as a conforming or nonconforming sign under prior ordinances; or an illegal sign if it did not exist as conforming or nonconforming sign, as the case may be. Temporary permits previously granted shall not be renewed unless the sign is made to conform. It is further the intent and declared purpose of this article that no offense committed, and no liability, penalty or forfeiture, either civil or criminal, incurred prior to the time this article was adopted shall be discharged or affected by such passage, but prosecutions and suits for such offenses, liabilities; penalties, or forfeitures may be instituted and causes presently pending may proceed.

(b) Removal of certain nonconforming signs:

- (1) Signs erected without a permit, either prior to or after the adoption of this article on November 13, 2001, are illegal signs under this and prior sign control ordinances if a permit was required for its erection.
- (2) All signs legally erected pursuant to a valid permit or legally maintained

prior to November 13, 2001, which do not conform to the provisions of this article shall be removed or relocated so as to conform with the requirements of this article within ten (10) years.

ARTICLE II. FINDINGS OF FACT

That this ordinance was duly enacted with all requisites and formalities incident thereto the enactment of ordinance, and such is evidenced by the signatures below; and further that the foregoing recitals are incorporated into this ordinance by reference as findings of fact as if expressly set forth herein.

ARTICLE III. REPEALER

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the effect of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

ARTICLE IV. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

ARTICLE V. EFFECTIVE DATE


This ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect 60 days from and after the date of its final passage and adoption.

ARTICLE VI. PROPER NOTICE AND MEETING

It is officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52, Texas Local Government Code and the Charter of the Town of Horizon City, Texas.

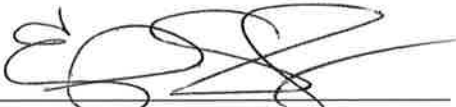
PASSED AND APPROVED this the 10th day of February, 2015, by a vote of 6 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of Horizon City, Texas.

Town of Horizon City




Walter L. Miller, Mayor

ATTEST:



Elvia Schuller, City Clerk

APPROVED AS TO FORM:



Elaine S. Hengen
Assistant City Attorney

APPROVED AS TO CONTENT:



Michelle Padilla, AICP, CNU-A
Planning Director

First Reading: 2/3/2015
Second Reading: 2/10/2015

APPENDIX A

FEE SCHEDULE FOR SIGN PERMITS

PERMIT FEE:

<u>VALUE/TYPE</u>	<u>FEE</u>
Temporary	\$ 5.00
Up to \$200.00	30.00
\$201.00 - \$1,000.00	30.00 + \$1.25/100\$
1,001.00 – 10,000.00	40.00 + \$7.00/1,000\$
Over \$10,000.00	103.00 + \$15.00/1,000\$