

**ORDINANCE NO. 4678**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS REPEALING CHAPTER 19 OF THE CODE OF ORDINANCES OF THE CITY ENTITLED "SIGNS"; REPEALING CERTAIN ENUMERATED SECTIONS OF CHAPTER 28 OF SUCH CODE ENTITLED "ZONING" THAT PERTAINS TO SIGNS AND THE LOCATION THEREOF; PROVIDING FOR DEFINITIONS; PROVIDING FOR THE APPLICATION, ISSUANCE AND REVOCATION OF SIGN PERMITS AND THE ADMINISTRATION ASSOCIATED THEREWITH; PROHIBITING CERTAIN SIGNS AS PROVIDED HEREIN; PROVIDING EXCEPTIONS FOR CERTAIN SIGNS AND CIRCUMSTANCES RELATING TO THE USE OF SIGNS AND REGULATING THE USE OF TEMPORARY SIGNS; PROVIDING STANDARDS FOR THE PLACEMENT OF SIGNS; PROVIDING CONSTRUCTION AND ATTACHMENT STANDARDS FOR SIGNS; PROVIDING STANDARDS FOR MONUMENT, POLE AND OTHER TYPE SIGNS; PROVIDING FOR THE LOCATION AND STANDARDS FOR OFF-PREMISE SIGNS; PROVIDING STANDARDS FOR SIGNS IN THE HISTORIC OVERLAY DISTRICT; PROVIDING FOR CONFLICTS AND SEVERABILITY; PROVIDING FOR VIOLATIONS OF THIS ORDINANCE; PROVIDING AN EFFECTIVE DATE; AND FINDING AND DETERMINING THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**WHEREAS**, the City Council of the City of Denison, Texas has heretofore regulated the use and location of signs primarily in Chapter 19 of the Code of Ordinances of the City of Denison, but has various sign regulations situated in other chapters of the code; and

**WHEREAS**, the City Council wishes to combine, coordinate and simplify the sign regulations applicable within the city by providing for signs in a new chapter as provided and specified herein; now, therefore,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS;**

**SECTION 1:** That the following be, and is hereby, repealed so as to be of no further force and effect; to-wit:

A. All of Chapter 19 of the Code of Ordinances, entitled "Signs" and its three (3) articles thereto.

B. All of Section 28.59 of the Zoning Ordinance of the Code of Ordinances, entitled "Sign Regulations".

C. Any and all other provisions of the Code of Ordinances in place on the effective date of this ordinance that specifically relate to the regulation, placement, or permitting of any on-premise, off-premise, permanent or temporary sign within the city.

**SECTION 2:** That the City Council does hereby enact new, consolidated and unified sign regulation by enacting a new chapter regulating signs, such chapter to be numbered and read as follows:

## **“CHAPTER 19 SIGNS**

### **ARTICLE I. INTENT**

**Sec. 19-1. Need.** Signs are an important component of the urban built environment, providing important information, and directions to community residents and visitors. However:

(a) The uncontrolled proliferation of signs is hazardous to users of streets and highways within the City of Denison and will adversely affect the safety and efficiency of the City's transportation network; and

(b) Unless the location, number, setback, lighting, and size of signs are regulated, the scattering of the signs throughout the City would be detrimental to the preservation of scenic resources and so to the economic base of the City; and

(c) The proliferation of signs in the City has an adverse affect on adjacent property values; and

(d) The orderly and uniform regulation of signs is a substantial factor in guiding the attractive and aesthetic development of properties in accordance with the comprehensive plan and thereby avoiding detrimental impacts of signs on the appearance of the City.

**Sec. 19-2. Intent.** Therefore it is the intent of these regulations:

(a) To protect the safety and efficiency of the City's transportation network by reducing the confusion or distraction to motorists and enhancing the motorist's ability to see pedestrians, obstacles, other vehicles, and traffic signs;

(b) To preserve, protect, and enhance areas of historical, architectural, cultural, aesthetic, and economic value regardless of whether they are natural or manmade;

(c) To protect the value of adjacent and nearby properties, in particular, residentially zoned properties from the impact of lighting, size, height, movement, and location of signs;

(d) To enhance the image of the City conveyed to tourists and visitors by controlling the location, number, and size of signs;

(e) To integrate sign regulations more effectively with other regulations by establishing regulations for setbacks, height, and spacing to allow for lighting, ventilation, and preservation of views in a manner consistent with land uses in the various zoning districts; and

(f) To preserve and enhance the appearance of the City and the public interest in aesthetics, and to control and reduce visual clutter and blight.

## ARTICLE II. DEFINITIONS

**Alter** means to change the size, shape or outline, or type of sign or to change the electrical lighting, except for the replacement of lamps not brighter than the original or the replacement of a surface panel.

**Attach** means to stick, tack, nail or otherwise affix a sign to any object; to paint, stencil, write, or otherwise mark on an object.

**Awning** means an architectural projection that provides weather protection, identity and decoration, and is supported by the building to which it is attached. It is composed of a lightweight rigid or retractable skeleton structure over which a thin cover is attached which may be of fabric or canvas, and may be illuminated.

**Banner** means a sign composed of cloth, plastic, paper, canvas or other light fabric.

**Building** means a structure which has a roof supported by columns, wall or air for the shelter, support, or enclosure of persons, animal or chattel.

**Chief Building Official** means the Chief Building Official for the City of Denison or his/her designee.

**Canopy** means a roof-like structure which shelters a use such as, but not restricted to, a gasoline pump island, and is supported by either one or more columns or by the building to which it is accessory to and is open on two or more sides.

**Dilapidated or deteriorated condition** means any sign:

A. Where elements of the surface or background can be seen as viewed from the normal viewing distance (intended viewing distance), to have portions of the finished material or paint flaked, broken off, or missing, or otherwise not in harmony with the rest of the surface; or

B. Where the structural support or frame or sign panels are visibly bent, broken, dented, or torn as to constitute an unsightly, hazardous or harmful condition; or

C. Where the sign, or its elements, are twisted or leaning or at angles other than those at which it was originally erected (such as may result from being blown or the failure of a structural support); or

D. Where the message or wording can no longer be clearly read by a person under normal viewing conditions; or

E. Where the sign or its elements are not in compliance with the regulations of the National Electrical Code and/or the International Building Code currently adopted by the City.

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

**Facing or surface** means the surface of the sign upon, against or through which the message is displayed or illustrated on the sign.

**Flag** means a piece of cloth, canvas, or other light fabric, usually rectangular in shape, containing a distinctive design, logo or message which is used as a symbol or to signal or attract attention.

**Illuminated sign** means any sign which has characters, letters, figures, or designs illuminated by electric lights, luminous tubes or other means that are specifically placed to draw attention to, or to provide night time viewing of, the subject matter on the sign face.

**Incidental** means information on a sign that is incidental to the operation of the business such as but not limited to hours of operation, accepted credit cards and parking information.

**Incombustible material** means any material which will not ignite at or below a temperature of 1,200 degrees Fahrenheit, and will not continue to burn or glow at that temperature.

**Logo** means any design or insignia of a company or product which is commonly used in advertising to identify that company or product.

**Pennant** means any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in a series, designed to move in the wind.

**Premises** means a lot or unplatted tract, or a combination of contiguous lots and/or unplatted tracts of land where the lot, tract, or combination of lots and/or tracts is under single ownership and is reflected in the plat record of the City.

**Public Right-of-Way** means a dedicated road or street including the easement for that road or street.

**Roof** means any exterior surface of a structure that has a slope of less than 70 degrees and shall also include the top most portion of any structure.

**Searchlight** means an apparatus capable of projecting a beam or beams of light in excess of 1 million peak candlepower.

**Setback** means the minimum required distance the sign must be located from a right-of-way or a property line. The distance shall be measured from the right-of-way or property line to the closest point of the sign from the ground upward.

**Sight Visibility Triangle** means where one street intersects with another, the triangular area formed by extending two (2) curb lines a distance of forty-five (45) feet from their point of intersection, and connecting these points with an imaginary line, thereby making a triangle. If there are no curbs existing, the triangular area shall be formed by extending the property lines a distance of thirty (30) feet from their point of intersection and connecting these points with an imaginary line thereby making a triangle. Where a street intersects with an alley or driveway, the "sight visibility triangle" is the triangular area formed by



measuring eight (8) feet to a point along the property lines and adjoining said points to form the hypotenuse of the triangle.

**Sign** means any device, flag, banner, light, figure, picture, letter word, message, symbol, plaque, or poster visible from outside the lot on which it is located and designed to inform or attract the attention of persons not on that lot.

**Sign area** means the actual area of a face of the sign, unless the sign is not of a regular (square, rectangle, triangle, circle) shape. In the case of an irregularly-shaped sign, the entire area within a single continuous perimeter forming the most applicable single regular shape enclosing the extreme limits of each sign shall be the "gross surface area." In the event two or more signs share a single structure, each sign or panel may be considered separately for square footage purposes, except that the combined footage of such signs cannot exceed the total square footage allowed for the sign.

**Sign, Attached** means any sign attached to, applied on, or supported by, any part of a building (such as a wall, roof, window, canopy, awning, arcade, or marquee) which encloses or covers usable space. Neon tubing attached directly to a wall surface shall be considered a "wall sign" when forming a border for the subject matter, or when directing attention to the subject matter or when forming letters, logos, or pictorial designs.

**Sign, Awning** means a sign attached to an Awning.

**Sign, Canopy** means a sign attached to a Canopy.

**Sign, Changeable Message** means a sign whose face is designed and constructed in a manner capable of changing messages through a system of removable characters or panels attached to the face of the sign or changed by electronic means.

**Sign, Development** means a temporary on-site sign providing identification or information pertaining to a residential or commercial development and may include the builder, property owner, architect, contractor, engineer, landscape architect, decorator, or mortgagee, within that development, but shall not include a subdivision marketing sign.

**Sign, Digital or Electronic** means a sign, display or device that changes its message by programmable electronic or mechanical process, utilizes digital images or light emitting technology or employs electronic variable messages in any manner. This does include a changeable message sign as defined herein.

**Sign, Directional** means any off-site sign that directs the public to businesses, services attractions and public facilities not located on the property on which the sign is located.

**Sign, Directional Off-Premise (Temporary Directional)** means a sign displaying advertising copy that pertains and provides directions to a business, person, organization, activity, event, place, service or product not principally located or primarily manufactured or sold on the lot on which the sign is located.

**Sign, Directory** means any sign listing occupants within shopping centers, industrial sites, retail districts, office districts and commercial sites. Directory sign also means a permanent on-site sign identifying the buildings in the development or providing information on their location.

**Sign, Garage sale** means any on-site Promotional Sign for the sale of personal household goods in a residential zoning district or on the property of a nonprofit organization.

**Sign, Gasoline Pricing** means a sign located on a site where fuel is sold and indicates the cost of gasoline or diesel fuel sold at that location.

**Sign, Home Improvement** means any on-site sign that displays the name of a roofing, fence, pool painting, landscape or other home improvement contractor.

**Sign, Inflatable** means any hollow sign expanded or enlarged by the use of air or gas.

**Sign, Institutional** means a permanent on-site sign used to identify governmental and municipal agencies, public schools, churches, or similar public institutions, and used to communicate messages of public importance to the general public.

**Sign, Menu Board** means an on-site sign that displays a menu and pricing for food services and may include an audible speaker and microphone integral to the sign.

**Sign, Model Home** means any sign identifying a new home, either furnished or unfurnished, as being a builder's or contractor's model open to the public for inspection.

**Sign, Movement Control** means a sign providing direction or traffic flow information for persons or vehicles located the same premises as the sign. Movement Control Signs shall not advertise or otherwise draw attention to the premises, an individual, business, commodity, service, activity or product.

**Sign, Municipally-Owned** means any sign that identifies a park, entrance to the City, place of interest within the City, any City sponsored event or any municipally-owned facility and is erected by or at the direction of a City official. A municipally-owned sign does not include traffic or street identification signs.

**Sign, Monument** means any detached sign made from masonry, concrete materials, wood or plastic provided that a masonry or metal base is incorporated into the sign, with no separation between the base of the sign and grade.

**Sign, Nonconforming** means a sign and its supporting structure which does not conform to all or part of the provisions of this Ordinance, and:

A. Was in existence and lawfully erected prior to the effective date of this Ordinance;

B. Was in existence and lawfully located and used in accordance with the provisions of the prior ordinance applicable thereto, or which was considered

legally nonconforming thereunder, and has since been in continuous or regular use; or

C. 3. Was in existence, located, and used on the premises at the time it was annexed into Denison and has since been in regular and continuous use.

**Sign, Obsolete** means any sign that no longer serves a bona fide use or purpose.

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

**Sign, Pole** means any sign erected on a vertical framework consisting of one or more uprights supported by the ground, with no guy or braces to the ground or any other structure, and where there is a physical separation between the base of the sign and the ground.

**Sign, Political** means a sign (1) relating to the election of a person to a public office, (2) relating to a political party, (3) relating to a matter to be voted upon at an election called by a public body, or (4) containing primarily a political message.

**Sign, Portable** means a sign that is not securely connected to the ground in such a way that it cannot easily be moved from one location to another and is not a vehicular sign.

**Sign, Projecting** means any sign which is attached to and supported by a building or wall and which projects outward from the building or wall, generally at a right angle.

**Sign, Promotional** means any type of sign used for special promotions including, but not limited to, grand openings, anniversary celebrations, sales, and other such events. Promotional signs include, but are not limited to, banners, pennants, streamers, balloons, flags, bunting, inflatable signs and other similar signs.

**Sign, Protective** means signs that identify or warn of any security devices located on the premises, including guard dogs.

**Sign, Reader board** means any sign comprised of changeable letters that allows a change of sign copy by adding or removing letters. The sign copy shall conform to the category use of the sign allowed by this Ordinance.

**Sign, Real Estate** means any on-site temporary sign pertaining to the sale or rental of property and advertising property only for the use for which it is legally zoned.

**Sign, Roof** means a sign that is mounted to or that projects from a canopy or roof over an entry to a building, but that does not project above the highest point of the building.

**Sign, Sandwich Board** means a non-illuminated, self-supporting sign that is placed on a sidewalk, without a permanent base or connection, and is temporary in nature.

**Sign, Subdivision** means any permanent on-site sign identifying a subdivision located in a residential zoning district.

**Sign, Temporary Religious** means a sign that advertises the name of and provides direction to a religious organization or group that is temporarily operating in a school or other facility.

**Sign, V-type** means an off-premise sign structure that consists of multiple sign facings placed at angles to each other, oriented in different directions and not exceeding one (1) foot apart at the nearest point to each other.

**Sign, Window** means any sign, banner, poster or display located on the internal or external surface of the window of any establishment for the purpose of advertising services, products or sales available within such establishment or which announces the opening of such establishment.

**Sign, Yard** means any sign that publicizes the arrival of a newborn, a birthday, a personal special event or the participation of a family member in a school activity or sport. Yard signs shall also include signs that advertise the presence of a home security system.

**Sign Support** means any pole, post, strut, cable or other structural fixture or framework necessary to hold and secure a sign, providing that said fixture or framework is not imprinted with any picture, symbol or word using characters in excess of one inch (1") in height, nor is internally or decoratively illuminated.

**Sign, Vehicular** means any sign on a vehicle parked temporarily, incidental to its principal use for transportation. This definition shall not include signs being transported to a site for permanent erection.

**Sign, Zoning** means any sign erected by the City of Denison Planning and Zoning Department to publicize the request for zoning or rezoning of a property.

**Sign Setback** means the horizontal distance between a sign and the front or side property line, as measured from that part of the sign, including its extremities and supports, nearest to any point on any imaginary vertical plane projecting vertically from the front or side property line.

**Visibility Triangle** means the triangular area formed at the intersection of two streets bounded by the property lines and measuring 25 feet from the intersection of the property lines along to two streets and connecting the two points (see figure 8 in Illustrations).

**Wall** means any exterior surface of a structure that has a slope of 60 degrees or more.

**Zoning District, Non-Residential** means any zoning district designated by the Zoning Ordinance of the City of Denison as O, NS, LR, CR, RR, C, CA, BP, LI, HI.



**Zoning District, Residential** means any zoning district designated by the Zoning Ordinance of the City of Denison as A, RD, SF-20, SF-10, SF-7.5, SF-5, SF-PH, SF-TH, LD, UD, MH, 2F, MF-1, MF-2.

### ARTICLE III. ADMINISTRATION

#### **Sec. 19.1. Chief Building Official**

The Chief Building Official is charged with the implementation and enforcement of this ordinance.

#### **Sec. 19-2. Permits.**

(a) No sign shall be erected, constructed, relocated, altered, repaired or maintained, except as provided in this Ordinance, until a permit for such has been issued by the City of Denison and the fee paid, except as otherwise provided in this Ordinance. Permit fees are contained in the City of Denison comprehensive fee schedule. Any sign that is not specifically approved by this ordinance shall not receive a permit and any such sign shall be considered to be in violation of this ordinance.

(b) **Permit Expiration:** A permit for a sign shall expire if the work is not commenced within ninety (90) days from the date of issuance of such permit. Permits shall expire one-hundred eighty (180) days from the date of permit issuance.

(c) **Electrical permit:** Where signs contain electrical wiring and connections, an electrical permit must also be obtained in addition to the permit for the sign. No sign shall be erected in violation of the City's electrical code or regulations. Every sign with any type of electrical connection must be listed by a recognized listing agency with a permanent label properly affixed.

(d) **Not to Issue to Persons Previously Failing to Pay Fees:** The City shall not issue a permit under the provisions of this ordinance to any person, business, entity, organization or activity who has previously failed or refused to pay any fees or costs assessed against him under the provisions of this ordinance or any other ordinance adopted by the City of Denison.

#### **Sec. 19-3. Applications.**

All applications for permits shall include each of the following:

- (a) A completed permit application.
- (b) A drawing of the proposed sign indicating sign dimensions and all existing signs maintained on the lot and visible from the right-of-way. The drawing must indicate if the sign will be lighted, and if so, whether the lighting will be internal or external. If the sign is lighted, a separate electrical permit will be required.

(c) A site plan, for any monument or pole sign, indicating the distance the sign will be located from each property line. The distance must be measured from the property line to the closest point of the sign to the property line.

(d) A building facade drawing, for all attached signs, indicating the proposed location of the sign, dimensions and specifications.

**Sec. 19-4. Work Started Without a Permit.**

No sign requiring a permit may be erected or installed without first having a permit. If any work for which a permit is required by this ordinance has been commenced without first obtaining a permit the following shall apply:

(a) **Investigation.** A special investigation to determine compliance shall be made before a permit may be issued for the work.

(b) **Investigation Fee.** In addition to the permit fee, an investigation fee shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be the amount established by the fee ordinance adopted by the city, but not less than the permit fee required for the sign installed without a permit. The payment of the investigation fee shall not exempt any person from compliance with all other provisions of this ordinance nor from any other penalty prescribed by law.

**Sec. 19-5. Permit Revocable.**

(a) The City may suspend or revoke any permit issued under the provisions of this ordinance whenever it shall be determined that the permit is issued:

- (1) in error; or
- (2) on the basis of incorrect or false information supplied; or
- (3) in violation of any of the provisions of this ordinance; or
- (4) in violation any other ordinance of this City or laws of this State or the Federal government.

(b) The suspension or revocation shall be effective when communicated in writing to the person to whom the permit is issued, the sign owner, or to the property owner upon whose property the sign is located.

(c) Any signs installed or existing under a revoked permit shall be removed by the permit holder, sign owner, or property owner within ten (10) days of written notice of the revocation.

**Sec. 19-6. Validity of Permit.**

The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the City of Denison. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the City of Denison shall not be valid. The issuance of a permit based on construction documents and

other data shall not prevent the Chief Building Official from requiring the correction of errors in the construction documents and other data.

**Sec. 19-7. Nonconforming Existing Signs.**

(a) Any nonconforming sign and/or its supporting structure, which is destroyed, damaged, dilapidated or deteriorated, shall not be replaced, repaired or renovated, in whole or in part, if such replacement, repair or renovation would require an expenditure of monies in excess of sixty percent (60%) of the cost of a new sign, including its supporting structure, which is substantially the same or similar to the nonconforming sign destroyed, damaged, dilapidated or deteriorated. Permits granted prior to the passage of this ordinance shall be renewed only if the applicant complies with all provisions of this ordinance.

(b) No sign or supporting structure that is lawfully repaired, reproduced, repaired, or renovated as a nonconforming sign shall be increased in area or height.

(c) If a nonconforming sign is moved, the sign shall lose its nonconforming status and shall be required to meet all requirements of a new sign under this ordinance.

**Sec. 19-8. Inspection.**

The Chief Building Official may inspect annually, or at such other times as he/she deems necessary, each sign regulated by this ordinance for the purpose of ascertaining whether the same complies with provisions of this ordinance, is secure or insecure, whether it still serves a useful purpose, and whether it is in need of removal or repair.

**Sec. 19-9. Removal of Obsolete Signs.**

Any sign which the Chief Building Official determines no longer serves a bona fide use or does not conform to this ordinance shall be removed by the owner, agent or person having the beneficial use of the land, buildings or structure upon which the sign is located within sixty (60) days after written notification to do so from the City.

**Sec. 19-10. Removal or Repair of Dilapidated or Deteriorated Signs.**

If the Chief Building Official determines that any sign exists in a dilapidated or deteriorated condition, or is a menace to the public, he/she shall give written notice to the person or persons responsible for the sign. The permit holder, owner, agent or person having the beneficial use of the premises shall remove or repair the sign within thirty (30) days after the notice. If the owner fails to remove or repair the sign by the end of the thirty (30) day notice, the City may remove or repair the sign and assess the cost of such repair to the owner of the property. The Chief Building Official may remove or have removed, without notice, and assess the owner for the costs, any sign which is an immediate peril to persons or property.

**Sec. 19-11. Removal of Illegally Erected Signs.**

Any temporary sign that is erected, constructed or otherwise displayed, which the Chief Building Official determines to be in violation of this ordinance, may be removed by city personnel. Any such sign removed by city personnel may be held for a period of seventy-two (72) hours and upon expiration of the time may be disposed. The City is not required to notify the permit holder or owner of the sign that it has been picked up or that disposal of the sign is imminent.

For permanent signs, the sign must be removed by the permit holder, owner of the sign, or owner of the property on which the sign is located within a reasonable time period as determined by the Chief Building Official. Upon failure to comply with the notice or to file an appeal of the decision in accordance with this ordinance, the Chief Building Official is authorized to cause the removal of the sign and assess the permit holder, owner of the sign and/or owner of the property for the costs of removal plus an administrative fee as established by the City of Denison Fee Schedule.

**Sec. 19-12. Removal Expenses.**

Any sign required to be removed by the Chief Building Official, shall be removed by the permit holder, sign owner, or property owner within thirty (30) days after written notification to do so, unless a shorter time is given when the Chief Building Official determines that the sign is an immediate peril to persons or property. Upon failure to comply with the notice, the Chief Building Official may enter the property upon which the sign is located to cause the removal of the sign. The owner of the land, building or structure to which the sign is attached, or upon which it is erected, and the owner of the sign and the holder of the sign permit are jointly and severally liable for any expense incident to removal.

**Sec. 19-13. Variances**

(a) Variances to the provisions of this ordinance shall be heard by the Building Appeals Board with the exception of Article XIV. Variances to Article XIV will be determined by the Historic Preservation Board. A simple majority vote of a quorum of the board in favor of the variance will be required to approve any variance request. In order to approve a request for a variance, the Building Appeals Board or the Historic Preservation Board shall determine that the request meets three (3) of the following four (4) criteria:

- (1) The proposed sign shall not adversely impact the adjacent property (visibility, size, location, etc.);
- (2) The proposed sign does not conflict with the spirit of this ordinance, which is one of providing public safety, open space and air, preservation and enhancement of the appearance of the City and protection of property values;
- (3) The variance is needed due to restricted area, shape, topography or physical features that are unique to the property on which the proposed sign would be located;



(4) The proposed sign is of a unique design or configuration.

(b) Should the Building Appeals Board or Historic Preservation Board deny a request for a variance, the applicant may appeal the request to the City Council, provided that, such appeal is requested in writing to the Chief Building Official within thirty (30) days of the date the Building Appeals Board denied the variance. A vote of three-fourths (3/4) of the City Council is required to overturn the decision of the Building Appeals Board or the Historic Preservation Board. The decision of the City Council is final.

(c) A variance from this ordinance is valid only if a permit is secured within ninety (90) days from the date of the Building Appeals Board's or the City Council's decision.

(d) Each applicant shall pay the fee established in the city's fee ordinance before the Building Appeals Board shall hear any variance request.

**Exception:** No variance fee shall be required for any variance requested by any applicant that the Chief Building Official determines to be a bona fide non-profit organization.

(e) All variance requests shall be made in writing to, and on the application form provided by, the Chief Building Official.

**Secs. 19-14 through 19-24. Reserved.**

#### **ARTICLE IV. PROHIBITED SIGNS**

Any sign which is not specifically allowed by this ordinance shall be prohibited. In addition, the following types of signs are expressly prohibited within the City:

**Sec. 19-25. Signs Imitating Traffic or Emergency Signs.**

Signs may not contain any combination of forms, words, colors, or lights, which imitate standard public traffic regulatory, emergency signs, or signals.

**Sec 19-26. Portable Signs.**

Portable signs, unless specifically allowed by this ordinance.

**Sec 19-27. Signs Violating other Laws or Ordinances.**

Signs erected in violation of any ordinance adopted by the City of Denison or any state or federal law. (e.g. traffic visibility requirements, zoning, building code, or electrical code).

**Sec. 19-28. Signs Attached to Trees or Utility Poles.**

Signs attached to, painted or maintained upon any tree or public utility pole or public utility structure.

**Sec. 19-29. Signs on Sidewalks, Curbs, Gutters or Streets.**

Signs attached to or painted on any sidewalk, curb, gutter, or street (except street address numbers and sandwich board signs approved under Section 19-152 of this ordinance).

**Sec. 19-30. Moving, Flashing, Revolving or Color Changing Signs.**

Signs that move, flash light intermittently, change color or revolve, unless specifically allowed in this ordinance.

**Sec. 19-31. Pole Signs.**

Pole signs unless specifically allowed by this ordinance.

**Sec. 19-32. Off-Premise Signs.**

Off-Premise signs, unless specifically allowed by this ordinance.

**Sec. 19-33. Signs Attached to or Painted on a Fence, Wall or Railing.**

Signs attached to or painted on the outside of a fence, wall or railing, unless specifically allowed by this ordinance.

**Exception:** Signs identifying the manufacturer of a fence or similar product, provided that the sign does not exceed two (2) square feet.

**Sec. 19-34. Signs Causing a Nuisance or Hazard Because of Illumination.**

Signs illuminated to an intensity to cause glare or brightness to a degree that could constitute a safety hazard or nuisance in the opinion of the Chief Building Official or the Chief of Police.

**Sec. 19-35. Signs Advertising the Sale of a Vehicle.**

Signs attached to a vehicle advertising the sale of the vehicle where the vehicle is parked in such a way that the sign informs or attracts the attention of persons using the public right-of-way. Vehicles legally parked at one location, with for sale signs visible from the right-of-way for two (2) hours or more, shall be prima facie evidence of non-compliance with this Section.

**Exceptions:** 1) A maximum of two (2) vehicles may be parked at the vehicle owner's residence, or on the street adjacent to the residence advertising, the sale of the vehicles provided that the vehicles are registered to the person residing at the residence.

2) This section shall not apply to property that has a valid automobile sales lot where a Certificate of Occupancy has been issued by the City for that use.

**Sec. 19-36. Signs Attached to a Vehicle.**

Signs placed on or affixed to vehicles and/or trailers that are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property shall be prohibited. However, this is not in any way intended to prohibit signs placed on

or affixed to vehicles and trailers, such as lettering on motor vehicles, where the sign is incidental to the primary use of the vehicle or trailer.

**Sec. 19-37. Easements.**

Signs placed in or projecting over or into any easement unless specifically allowed by this ordinance.

**Sec. 19-38. Right-of-Way.**

Signs placed in or projecting over or onto any public right-of-way unless specifically allowed by this ordinance.

**Sec. 19-39. Visibility Triangle.**

No sign shall be erected in the visibility triangle.

**Exception:** Pole signs may be erected in the visibility triangle as long as all portions of the sign are clear from a point eighteen inches (18") to ten feet (10') from the ground with the exception of support poles which may be included in this area as long as the pole does not exceed six inches (6") in diameter.

**Secs. 19-40 through 19-44. Reserved**

## **ARTICLE V. EXEMPT SIGNS**

A permit shall not be required for the following signs, provided however, such signs shall otherwise comply with all other applicable sections of this ordinance.

**Sec. 19-45. Nameplates.**

Nameplates, or signs reflecting the name of a building or structure (i.e., a fence) or the name of the company that built or designed the building or structure, not exceeding one square foot in area.

**Sec. 19-46. Building Identification/Memorial.**

Memorial signs or tablets or the name of the building and date of erection, when cut into any masonry surface or when constructed of bronze or other incombustible materials.

**Sec. 19-47. Traffic.**

Traffic or street signs, legal notices, railroad crossing signs, danger, and emergency, temporary or non-advertising signs as may be approved by the City Council or the City Manager or his authorized representative.

**Sec. 19-48. Signs Inside a Building.**

Signs located inside a building and which are not displayed so as to be visible from outside the building. Signs located in covered mall buildings shall comply with the current building code and electrical code.

**Sec. 19-49. Movement Control Signs.**

Movement control signs may be erected at any occupancy or any lot, other than single family or duplex premises, may be attached or detached and may be erected without limits as to number; provided that such signs shall comply with all other applicable regulations of this ordinance. Movement control signs shall be premise signs only. The occupant of a premise who erects a movement control sign shall comply with the following regulations:

- (a) Each sign must not exceed five (5) square feet in effective area.
- (b) If a sign is an attached sign, as defined, the words must not exceed six inches (6") in height.
- (c) Each sign must convey a bona fide message which directs vehicular or pedestrian movement within or onto the lot on which the sign is located.

**Sec. 19-50. Protective Signs.**

The occupant of a premise may erect a maximum of two (2) protective signs, in accordance with the following regulations:

- (a) Each sign must not exceed six (6) square feet in effective area.
- (b) Detached signs must not exceed three feet (3') in height.

**Sec. 19-51. Government Signs.**

Flags, insignia, legal notices, or informational, directional or traffic signs which are legally required or necessary to the essential functions of government agencies and decorative displays for holidays or public demonstrations which do not contain advertising and are not used as such.

**Sec. 19-52. Holiday Lights and Decorations.**

Temporary lights and holiday decorations displayed ninety (90) days or less shall be exempt from the terms of this ordinance.

**Sec. 19-53. Political Signs.**

Any political sign placed within the public right-of-way, on public property, on any public/utility structure (e.g., telephone poles, street light standards, street sign poles, public buildings, etc.) or placed in violation of any of the terms below may be removed and disposed of by City of Denison personnel. Political signs that meet the requirements below are exempt from permitting requirements:

- (a) The sign is located on property with consent of the property owner;
- and
- (b) Are not greater than fifty (50) square feet; and
  - (c) Are not taller than eight (8) feet measured from the ground to the highest point of the sign; and
  - (d) Are not illuminated; and
  - (e) Do not have any moving elements or parts; and
  - (f) The sign is not placed more than ninety (90) days prior to the election for which the sign is applicable; and



(g) The sign is removed no more than ten (10) days after the election has taken place.

**Sec. 19-54. Special Event or Public Announcement Signs.**

Signs providing public information concerning special events, bazaars, rallies, or other similar activities sponsored by non-profit organizations including charitable, religious, philanthropic, educational, or civic institutions with the following regulations:

(a) Signs must be located on private property and the organization must have permission from the property owner to place the sign on their property. (Signs of this type can be off-premise signs and are exempt from Article XIII.

(b) The maximum sign area is thirty-two (32) square feet.

(c) The maximum height is six feet (6').

(d) A maximum of six (6) off-premise signs may be located in the City at a given time advertising the non-profit organization function.

(e) The advertised function must occur within the corporate limits of the City of Denison, its ETJ, or an adjacent municipality and be sponsored by a non-profit organization located within the City of Denison.

(f) Signs shall not be located on a residential premise.

**Sec. 19-55. Garage Sale Signs.**

Signs for garage sales placed on the property where the sale occurs and that do not exceed nine (9) square feet are exempt from the terms of the ordinance.

**Sec. 19-56. Home Improvement Signs.**

(a) Home improvement signs may be erected that display the name of a roofing, fence, pool, landscape or other home improvement contractor currently providing such services on the premises.

(b) A home improvement sign is allowed only on the lot on which the improvement is occurring.

(c) On lots where a sidewalk exists within the street right-of-way, signs shall be located between the sidewalk and the structure, but no closer than three feet (3') from the sidewalk. On lots where no sidewalk exists within the street right-of-way, the sign shall be located at least ten feet (10') from the edge of the street.

(d) The home improvement sign must be removed sixty (60) days after it is erected or upon the completion of the work, whichever occurs first.

(e) Home improvement signs shall not exceed six (6) square feet in area.

(f) A maximum of one home improvement sign shall be allowed on the lot at any one time.

**Sec. 19-57. Temporary Religious Signs.**

(a) Temporary religious signs may be erected during times of worship provided the sign is placed no earlier than two (2) hours prior to worship and is removed no later than two (2) hours after worship.

(b) Signs shall be located only on private property with the consent of the property owner.

(c) On lots where a sidewalk exists within the street right-of-way, signs shall be located between the sidewalk and the structure, but no closer than three feet (3') from the sidewalk. On lots where no sidewalk exists within the street right-of-way, the sign shall be located at least ten feet (10') from the edge of the street.

(d) Signs shall not exceed thirty-six (36) square feet in area.

**Sec. 19-58. Yard Signs.**

(a) Signs shall be located only on lots containing an occupied single-family, two-family or multi-family dwelling.

(b) On lots where a sidewalk exists within the street right-of-way, signs shall be located between the sidewalk and the structure, but no closer than three feet (3') from the sidewalk. On lots where no sidewalk exists within the street right-of-way, the sign shall be located at least ten feet (10') from the edge of the street.

(c) Signs shall not exceed six (6) square feet in area.

**Sec. 19-59. Zoning Signs.**

(a) On lots where a sidewalk exists within the street right-of-way, signs shall be located between the sidewalk and the structure, but no closer than three feet (3') from the sidewalk. On lots where no sidewalk exists within the street right-of-way, the sign shall be located at least ten feet (10') from the edge of the street.

(b) Signs shall not exceed six (6) square feet in area.

**Sec. 19-60. Signs Held by Pedestrians.**

Any sign held or carried by a person for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service, activity or product, or a person dressed in a costume for such purposes, must be located at least four feet (4') from the street pavement of any right-of-way, and located on the property where the event, activity or thing that the sign advertises or draws attention to occurs or is located.

**Secs. 19-61 through 19-64. Reserved.**

## ARTICLE VI. GENERAL SIGN REGULATIONS

### Sec. 19-65. Flags.

All flags shall conform to the following regulations:

(a) Nothing in this Ordinance shall be construed to prevent the display of the United States, State of Texas, Grayson County or the City of Denison flag. No permit or permit fee is required for such flags.

(b) Businesses may erect one corporate flag and flag pole, per location, for a bona fide company or corporate office located within the City of Denison. A sign permit and permit fee is required.

(c) Setback Requirements - Flag poles must be located at least ten (10') feet from any property line.

(d) Maximum Height

(1) Residential – Twenty-five feet (25')

(2) Commercial – Thirty-five feet (35')

(e) No flag or flag pole may be located within any easement.

(f) Flags (not flagpoles) may be located in the right-of-way in the Downtown Historic District if approved by the Historic Preservation Board. Flags may be located within any right-of-way if approved by the City Manager.

### Sec. 19-66. Obscenity.

No person shall display on any sign any obscene or indecent matter as defined by the Texas Penal Code, or any matter soliciting or promoting unlawful conduct. Any sign which does contain any obscene indecent or immoral matter must be removed or the obscene, indecent or immoral matter must be removed within seventy-two (72) hours of notice. The owner or person in control of the property on which the sign is located shall be responsible for compliance with this Section.

### Sec. 19-67. Obsolete Signs.

All signs relating to a product no longer available for purchase by the public and all signs relating to a business which has closed or moved away shall be removed or the advertising copy shall be removed. Painted wall signs shall be painted over with a color that resembles or matches the wall and does not allow the sign message to be visible after overpainting. The owner of the property on which the sign is located shall be responsible for removal of the sign within sixty (60) days of obsolescence.

### Sec. 19-68. Maintenance of Signs.

All signs shall be maintained in good condition. Signs which are damaged in any way, rusty or have peeling paint do not meet minimum maintenance criteria and shall be brought into compliance, or the sign must be removed, no later than thirty (30) days after written notice of such violation is sent to the property owner, permit holder or person in control of the property, via certified mail. The owner of the property, permit holder or person in control of the property on which the

sign is located shall be jointly and severally responsible for compliance with this subsection.

**Sec. 19-69. Wind Pressure and Dead Load Requirements.**

All signs shall be designed and constructed to withstand wind pressure requirements of the City's currently adopted building code and shall be considered structures that must comply with building code requirements.

**Sec. 19-70. Obstructing Doors, Windows, or Fire Escapes.**

It shall be unlawful to erect, relocate, or maintain a sign in any manner that prevents free ingress to or egress from any door, window or fire escape, or to attach any sign to a standpipe or fire escape.

**Sec. 19-71. Placement of Advertising Matter.**

(a) No person shall place on or suspend from any building, light fixture, 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 by this Ordinance, except as otherwise allowed by this Ordinance or another ordinance.

(b) No person, firm, corporation or association of persons shall paste, stick, tack, nail or otherwise place any advertisement, handbill, placard, printed, pictured or written matter or thing for political advertising or other advertising purposes upon any fence, railing, sidewalk or public telephone, electric or other utility pole, or any other public property, including trees thereon or to knowingly cause or to permit the same to be done for his benefit.

(c) It shall be unlawful for any person to scatter or throw any handbills, circulars, cards, tear sheets or any other advertising device of any description, along or upon any street or sidewalk in the City of Denison.

**Sec. 19-72. Signs Prohibited On or Over Public Property**

No portion of any sign shall be erected on or over public property, or in the right-of-way of any thoroughfare within the City, unless the same is erected by the City, or with the permission of the City for public purposes, except for Projecting Signs in the Historic Overlay District meeting regulations in Article XIV and flags complying with Section 19-65.

**Sec. 19-73. Illumination of Signs**

(a) No sign shall be illuminated to such an intensity or in such a manner as to cause a glare or brightness to a degree that it constitutes a hazard or nuisance.

(b) Moving, flashing, changing color, beacons, revolving or similarly constructed signs shall not be allowed, except as specifically allowed by this ordinance.



(c) Variable message signs shall not be animated, flash, travel, blink, fade, or scroll and shall transition instantaneously to another static image.

(d) Variable message signs shall display static images for a period of at least 8 seconds.

(e) A sign in a residential district, where allowed by this Ordinance, may be illuminated. Any illumination shall be located so as not to produce intense glare or direct illumination across the bounding property line. Internal illumination shall not exceed 40 watts per every 25 square feet or any portion thereof of the sign face.

(f) Every sign with any type of electrical connection must be listed by a recognized listing agency with a permanent label properly affixed.

**Sec. 19-74. Visibility Triangle.**

No sign shall be erected in the visibility triangle.

**Exception:** Pole signs may be erected in the visibility triangle as long as all portions of the sign are clear from a point eighteen inches (18") to ten feet (10') from the ground with the exception of support poles which may be included in this area as long as the pole does not exceed six inches (6") in diameter.

**Secs. 19-75 through 19-79. Reserved.**

**ARTICLE VII. ATTACHED SIGN REGULATIONS**

Unless otherwise specifically provided, the regulations set forth in this Section shall be applicable to all attached signs that are allowed under this Ordinance.

**Sec. 19-80. Wall Signs.**

(a) **Where Allowed.** Wall signs shall be limited to buildings located in a non-residential zoning district or to churches, apartments, schools and other non-residential uses located within a residentially zoned district.

(b) **Installation Requirements.** All signs and their words shall be mounted parallel to the building surface to which they are attached, and shall project no more than twelve inches (12") from that surface. Wall signs shall not extend higher than the wall or building surface to which the sign is attached. Banner signs shall not be utilized as permanent wall signs, but only as Promotional Signs as allowed in Section 19-117.

(c) **Maximum Sign Area.**

Wall signs shall not exceed the following area schedules:

- (1) Attached signs located at a height of thirty-six feet (36') or less shall be limited to two (2) square feet of sign area for each lineal foot of building frontage for a single tenant building, or lease space frontage in a multiple tenant building, not to exceed four hundred fifty (450) square feet.
- (2) Attached signs located above a height of thirty-six feet (36') shall be permitted an increase in maximum effective area. Such increases shall not exceed five (5) additional square feet in effective area, as restricted in paragraph (1) above, for each additional one foot (1') of height above thirty-six feet (36') measured from the base of the sign. Signs may be increased hereunder to a maximum size of six hundred (600) square feet.
- (3) Attached signs may be located on any facade except for signs located on the side or rear wall of a building where the sign would face an adjacent residential zoning district. The sum of the effective area of all attached signs shall not exceed the allowable effective area specified, for each facade, in paragraphs (1) or (2) above, whichever paragraph is applicable. Signs on a single facade shall not exceed the sign area allowed in paragraph (1) above.

**Sec. 19-81. Roof Signs.**

One roof sign shall be allowed for each building. The size of the roof sign shall be limited by the maximum size allowed in paragraph (c)(1) above. The size of all wall signs shall be added to the size of the roof sign to determine the total amount of sign area and shall not exceed the requirements of (c)(3) above.

**Sec. 19-82. Illumination of Attached Signs.**

Attached Signs may be illuminated utilizing internal or external lighting. Internally lighted signs must be UL approved or approved by any other nationally recognized agency approved by the Chief Building Official.

**Sec. 19-83. Window Signs.**

Window signs do not require a permit or a permit fee. Window signs must meet the following regulations:

- (a) Window signs must not obscure more than forty percent (40%) of the window area per facade.
- (b) The sign area shall be measured by drawing a rectangular or square box around the sign elements, then multiplying the height by the width. For signs whose shape is irregular, the box must enclose all elements of the sign.
- (c) No illuminated window signs shall be allowed within two feet of the window surface, except for open / closed signs.

**Sec. 19-84. Awning Signs.**

Awning signs must meet the following regulations:

(a) An awning may extend the full length of the wall of the building to which it is attached and shall be no more than six feet (6') in height and shall provide a clearance of at least eight feet (8') above the sidewalk.

(b) Artwork or copy on awning signs shall be limited to a business name and/or logo.

(c) The artwork or copy for an awning sign shall not exceed twenty percent (20%) of the area of the awning and shall extend for no more than sixty percent (60%) of the length of the awning.

**Sec. 19-85. Canopy Sign**

Canopy signs must meet the following regulations:

(a) A canopy sign may be attached to, or be an integral part of the face of a canopy.

(b) A canopy sign may consist of only the name and/or logo of the business at the location of the canopy.

(c) The artwork or copy on a canopy sign shall not exceed ten percent of the face of the canopy, or a maximum of twenty-five (25) square feet, whichever is greater.

(d) An illuminated stripe may be incorporated into a canopy. The stripe may extend along the entire length of the face of the canopy. The width or thickness of the stripe shall be limited to one-third of the vertical dimension of the face of the canopy. The internal illumination of a canopy is limited to the portions of the canopy face on which a sign or stripe is permitted.

**Secs. 19-86 through 19-89. Reserved.**

**ARTICLE VIII. MONUMENT SIGN REGULATIONS**

All monument signs shall be compatible with the colors and materials of the building that is located on the same lot as the sign. Sculpted aluminum sign panels and plastic panel signs are allowed to be utilized on monument signs. Additional monument sign regulations are as follows:

**Sec. 19-90. Properties with Multiple Tenants**

Shopping centers and office buildings with multiple tenants are permitted to erect monument signs that comply with the following regulations:

- (a) Maximum size one – one hundred fifty (150) square feet
- (b) Maximum height – ten feet (10') measured from grade.
- (c) Setbacks

- (1) Fifteen feet (15') from property lines adjacent to the street right-of-way.
  - (2) Fifteen feet (15') from property lines other than property lines adjacent to the street right-of-way.
  - (3) Two-Hundred-Fifty feet (250') from any other monument or pole sign on the same property, measured along the right-of-way.
- (d) Digital (Electronic) Signs.
- (1) Signs may include a maximum area of forty (40) square feet that incorporates changeable messages or lettering, as defined, in the sign face.
  - (2) Digital signs shall not be animated, flash, travel, blink, fade, or scroll and shall transition instantaneously to another static image.
  - (3) Digital signs shall display static images for a period of at least 8 seconds.

**Sec. 19-91. Properties with Single Tenants.**

Businesses located on individually platted land including individual pad sites within a shopping center, apartments, schools, model homes and other non-residential uses located on residentially zoned property are permitted to erect Monument Signs that comply with the following regulations:

- (a) Maximum size – ninety (90) square feet
- (b) Maximum height – ten feet (10')
- (c) Setbacks
  - (1) Fifteen feet (15') from the property line adjacent to street right-of-way.
  - (2) Fifteen feet (15') from property lines other than property lines adjacent to the street right-of-way.
  - (3) Two-Hundred-Fifty feet (250') from any other monument or pole sign on the same property, measured along the right-of-way.
- (d) Digital (Electronic) Signs.
  - (1) Digital signs may include a maximum area of forty (40) square feet that incorporates changeable messages or lettering, as defined, in the sign face.
  - (2) Digital signs shall not be animated, flash, travel, blink, fade, or scroll and shall transition instantaneously to another static image.



- (3) Variable message signs shall display static images for a period of at least 8 seconds.

**Sec. 19-93. Material Regulations.**

All monument sign bases shall be constructed of the same material as the front building façade on the same site or shall be compatible in design with stone or brick. The sign support must be constructed or covered with the same masonry material as the principal building, or stone, or brick. Sculpted aluminum or plastic sign panels will be allowed. All sign text and graphic elements shall be limited to a minimum of six inches from the outer limits of the sign structure.

**Sec. 19-94. Illumination.**

Monument signs shall be illuminated by a ground lighting source where the light itself and supporting structure are screened from public right-of-way, except, signs with sculpted aluminum panels, plastic panels, cut-out letters, or other type of raised lettering may be back lit using internal lighting. Every sign with any type of electrical connection must be listed by a recognized listing agency with a permanent label properly affixed.

**Secs. 19-95 through 19-99. Reserved.**

## **ARTICLE IX. POLE SIGN REGULATIONS**

**Sec. 19-100. Off-Premise Pole Signs.**

All off-premise pole signs shall meet the requirements of Article XIII of this ordinance.

**Sec. 19-101. On-Premise Pole Signs.**

On-premise pole signs may only be erected in non-residential zoning districts. All on-premise pole signs shall meet the following regulations:

- (a) Maximum size – Single Tenant: Two hundred (200) square feet  
– Multiple Tenant: Three hundred (300) square ft.
- (b) Maximum height – Forty feet (40')  
**Exception:** Signs located in the U.S. Highway 75 or Highway Overlay District shall not exceed a height of seventy feet (70').
- (c) Setbacks
  - (1) Ten feet (10') from any property line.
- (d) Spacing – A minimum of two hundred feet (200') from any other monument or pole sign on the same property, measured along the right-of-way.

- (e) Digital (Electronic) Signs
  - (1) Digital signs shall not be animated, flash, travel, blink, fade, or scroll and shall transition instantaneously to another static image.
  - (2) Digital signs shall display static images for a period of at least 8 seconds.

**Secs. 19-102 through 19-104. Reserved.**

## **ARTICLE X. OTHER TYPES OF SIGNS**

This Section provides standards for specific types of permanent signs permitted by this ordinance.

### **Sec. 19-105. Menu Board Signs.**

Menu board signs must meet the following regulations:

- (a) Menu board signs may be attached or monument signs.
- (b) The maximum height is six (6) feet.
- (c) The maximum sign area is forty (40) square feet. Only one sign face is allowed per sign.
- (d) A maximum of two (2) such signs are allowed for each lot.
- (e) All menu board signs shall be located at the side or rear of the principal building. If two signs are erected they must be at least twelve feet (12') apart.
- (f) Internal illumination may be utilized for the sign panel.
- (g) Any sign must be located at least fifteen feet (15') from any property line.

### **Sec. 19-106. Subdivision Entry Signs.**

Subdivision Entry Signs must meet the following regulations:

- (a) Subdivision entry signs may be attached to a wall at the subdivision entrance or on a monument sign.
- (b) Attached Signs may not project above the top of the wall on which they are attached.
- (c) The maximum sign area is thirty-two (32) square feet for attached signs.
- (d) Only one monument sign or two attached signs may be placed at each subdivision entrance. A monument sign may have the subdivision name on both sides.

(e) Monument signs may be located in the median at the street entrance if approved by the City in an approved plat, within a developer's agreement, or by separate approval of the City Council.

**Sec. 19-107. Directory Signs.**

Directory signs must meet the following regulations:

- (a) Directory Signs may be either attached, monument or pole signs.
- (b) Directory signs must be located a safe distance from the entry drive and the public right-of-way as determined by the City's Director of Public Works.
- (c) Only one directory sign is allowed per street entrance.

**Sec. 19-108. Institutional Signs.**

Institutional Signs must meet the following regulations:

- (a) Institutional signs may be attached, monument or pole signs.
- (b) Institutional signs may include a reader board, subject to the following limitations:
  - (1) Reader board must be integral to the permitted sign for the site;
  - (2) Messages on the reader board, whether electronic or manual, may not scroll, flash, or change more frequently than once a day;
  - (3) Manual reader boards using movable lettering must have a lockable covering;
  - (4) The reader board display cannot exceed two-thirds of the gross sign area per sign face, excluding the sign border.
  - (5) Internal illumination may be utilized for the reader board sign panel.

**Sec. 19-109. Gasoline Pricing Signs.**

Gasoline pricing signs may be attached signs, pole signs or monument signs and must meet the regulations of the type of sign used (attached, pole or monument) as well as the following regulations:

- (a) Gasoline pricing signs shall not be animated, flash, travel, blink, fade, or scroll and shall transition instantaneously to another static image.
- (b) Gasoline pricing signs shall display static images for a period of at least 8 seconds.
- (c) Only one pricing display is allowed per site.
- (d) Internal illumination may be used for the pricing display only.

**Secs. 19-110 through 19-114. Reserved.**

## **ARTICLE XI. REGULATIONS FOR TEMPORARY SIGNS**

### **Sec. 19-115. Development Signs.**

Development signs are allowed subject to the following regulations:

- (a) Maximum size – thirty-two (32) square feet
- (b) Maximum height – fifteen (15) feet
- (c) Setback – twenty feet from all property lines
- (d) Number of signs – one (1) for every fifty (50) acres of property, or portion thereof, under active development.
- (e) Development signs require a temporary sign permit and may be erected in nonresidential and residential zoning districts.
- (f) Development signs must be related only to the property on which they are located. They may be monument or pole signs provided that a minimum of two vertical sign supports are utilized.
- (g) Each development site may have one such sign for each fifty (50) acres, or any portion thereof, under active development.
- (h) Development signs must be removed when the project is eighty percent (80%) complete. In the case of a commercial project, eighty percent (80%) complete means when a certificate of occupancy is issued for a shell building. For a residential project, eighty percent (80%) complete means when eighty percent (80%) of the lots in the subdivision have received building permits.

### **Sec. 19-116. Real Estate Sign.**

Real estate signs are subject to the following regulations:

- (a) Real estate signs may be erected in nonresidential and residential zoning districts and shall not require a permit.
- (b) Real estate signs may be attached, monument or ground signs.
- (c) The maximum sign area shall not exceed nine (9) square feet and a maximum height of four feet (4') for property located in a Residential Zoning District. Signs located in a Non-Residential Zoning District shall not exceed thirty-two (32) square feet in sign area and ten feet (10') in height.
- (d) On lots where a sidewalk exists within the street right-of-way, signs shall be located between the sidewalk and the structure – but no closer than



three feet (3') from the sidewalk. On lots where no sidewalk exists within the street right-of-way, the sign shall be located at least ten feet (10') from the edge of the street.

(e) No more than one sign shall be located for every two (2) acres in a tract of land or portion thereof.

(f) A real estate sign shall be removed upon the sale or lease of the property.

(g) Real estate signs located in Residential Zoning Districts do not require permits. Real estate signs located in Non-Residential Zoning Districts and larger than nine (9) square feet must be permitted and the appropriate permit fee paid.

#### **Sec. 19-117. Promotional Signage.**

Businesses that erect signs under the provisions of this Section shall not display a sign that states "Going out of Business", "Quitting Business" or similar message more than one time. Promotional signs are subject to the following regulations:

(a) All promotional signage requires a permit. A maximum of two (2) permits are allowed for each calendar year. A separate permit is required for each two-week period promotional signage will be used. Promotional signs will be considered as a group and not as each individual sign, streamer, banner, etc.

(b) Promotional signage may include flags, pennants, streamers, balloons, inflatable signs, and any legal signs allowed by this ordinance. Additionally, a maximum of two (2) banners is allowed, in addition to flags, pennants, streamers, balloons, inflatable or other promotional signage per permit.

(c) Promotional signage is allowed for two, thirty (30) day periods each calendar year per legal business subject to the following:

- (1) A thirty (30) day period will commence on the first day promotional signage is displayed.
- (2) The two thirty (30) day periods shall not occur in the same or consecutive months.
- (3) A legal business shall include any commercial, industrial, or institutional use for which the building inspection department has issued a certificate of occupancy.
- (4) In the case of a special promotion for a grand opening celebration or a going out of business event, one permit may be extended to a forty-five (45) day period provided the promotion commences within the first three months of the date of issuance of a certificate of occupancy and the grand opening is limited to the address noted on the certificate of occupancy.

(d) Any device described as promotional signage shall not exceed an overall height of forty feet (40') measured from ground.

(e) The following setbacks apply. However, the setbacks may be increased for any promotional signage found by the City to block traffic visibility or constitute a traffic hazard.

- (1) Fifteen feet (15') from street right-of-way.
- (2) Forty feet (40') from property lines other than those property lines fronting the street right-of-way.

**Sec. 19-118. Searchlights.**

Searchlights may be permitted in accordance with any applicable regulations. A permit for use of an advertising searchlight may be granted under the following additional regulations:

(a) A searchlight shall be located a minimum distance of 50 feet from a public right-of-way and positioned so as to project all beams at a minimum angle of 30 degrees from grade level.

(b) The maximum light intensity generated by searchlights on any premises may not exceed a total of 1.6 million foot candlepower. No more than four beams of light may be projected from any premises.

(c) All searchlights must be designed and maintained so as to prevent beam rays of light from being directed at any portion of the rights-of-way or adjoining property, and no light shall be of such intensity or brilliance to cause glare to or impair the vision of the driver of any vehicle, or to create greater than 0.5 foot candles at 4 feet height at the property line.

(d) No advertising searchlight may be operated between the hours of 11:00 p.m. and 7:00 a.m.

(e) No advertising searchlight may be operated on a premises for more than seven consecutive days. No permit for an advertising searchlight may be issued for any business entity for which a permit has been issued for a searchlight on the same premises within the six months preceding the date of the permit application.

**Secs. 19-119 through 19-124. Reserved.**

## **ARTICLE XII. KIOSK SIGNS**

On properties located at the intersection of two major thoroughfares or a major thoroughfare and a collector street, kiosk signs that provide directional arrows are permissible subject to the following conditions and upon the issuance of a sign permit:

**Sec. 19-125. Design and Location.**

The sign design and location must be approved the City Council;

**Sec. 19-126. Length of Permit.**

Permits for such signs shall be temporary in nature and shall expire two years from the date of permit issuance;

**Sec. 19-127. Maximum Height.**

The maximum height of the sign is ten feet (10');

**Sec. 19-128. Maximum Width.**

The maximum width of the sign is six feet (6');

**Sec. 19-129. Font, Lettering and Color.**

The font, lettering and color of the sign shall be uniform throughout the entire sign;

**Sec. 19-130. Distance from Right-of-Way.**

(a) Historic Overlay Area – The sign may be located on the sidewalk and within the right-of-way as long as the sign does not cause a traffic safety problem and the proprietor files with the City Clerk a certificate of insurance for general liability in the minimum coverage amount of \$500,000.00/\$1,000,000.00, combined single limit, evidencing the City of Denison as an additional insured. The permit applicant, property owner or developer shall be responsible for the cost of production, maintenance of the sign and removal of the sign.

(b) Areas Other Than the Historic Overlay Area – Five feet (5') from the back of the curb or road pavement and at least one foot (1') from any sidewalk. The permit applicant, property owner or developer shall be responsible for the cost of production, maintenance of the sign and removal of the sign.

**Sec. 19-131. Responsibility of Applicant.**

The permit applicant, property owner or developer shall be responsible for the cost of production, maintenance of the sign and removal of the sign.

**Secs. 19-132 through 19-134. Reserved.**

### **ARTICLE XIII. OFF-PREMISE SIGNS**

Except for kiosk signs specified in Section XII of this code, all off-premise signs shall conform to the following standards:

**Sec. 19-135. Location.**

Off premise advertising shall be permitted only in those areas adjacent to thoroughfares described below, and, provided that, the property is zoned general retail, commercial, light industrial or heavy industrial pursuant to the terms of the Zoning Ordinance adopted by the City of Denison. Placement of off-premise advertising in any location other than within the areas below is prohibited.

- (a) Property Designated as "Area A"
  - (1) U.S. Highway 75 from the corporate limits on the south to the corporate limits on the north.
  - (2) U.S. Spur 503.
- (b) Property Designated as "Area B"
  - (1) F.M. 691 from S.H. 91 (Texoma Parkway) westward.
  - (2) F.M. 120 from U.S. 75 westward to its intersection with F.M. 1417.
  - (3) S.H. 84 from S.H. 91 westward.
  - (4) U.S. Hwy 69 from its intersection with Des Voignes Road eastward and from its intersection with Martin Luther King Boulevard northward.
  - (5) F.M. 1417 from its intersection with F.M. 691 on the south to its intersection with F.M. 120 on the north.
  - (6) S.H. 91 from its intersection with Memorial Drive northward and from its intersection with Spur 503 southward.

**Sec. 19-136. Distance from other Off-Premise Signs.**

No off-premise sign shall be located within a radius of three thousand (3,000) feet of an existing and permitted off-premise sign. Signs located on separate thoroughfares are required to meet the separation requirement regardless of the thoroughfare on which the sign is located.

**Sec. 19-137. Distance from Certain Uses.**

No sign shall be located closer than one hundred (100) feet to a property line of a residential structure, church, park, hospital, cemetery or school.

**Sec. 19-138. Digital Signs.**

- (a) No off-premise sign face may be converted to a digital sign or electronic sign.
- (b) New off-premise signs may be digital signs as long as the sign meets all of the requirements for off-premise signs contained in this article.
- (c) Digital signs shall not be animated, flash, travel, blink, fade, or scroll and shall transition instantaneously to another static image.
- (d) Digital signs shall display static images for a period of at least 8 seconds.

**Sec. 19-139. Directional Off-Premise Sign Regulations.**

Directional off-premise signs shall not be subject to the location and spacing requirements of this section, but shall be subject to the following location and spacing requirements:



- (a) Maximum size – thirty-two (32) square feet
- (b) Maximum height – five (5) feet
- (c) Setback – fifteen (15) feet from the back of the curb or the edge of the street pavement or property line
- (d) Spacing – no closer than one hundred (100) feet to another directional off-premise sign
- (e) Directional off-premise signs shall not be located more than one-thousand (1,000) feet from one (1) of the thoroughfares identified in Sec. 19-135
- (f) Directional off-premise signs shall be placed within one hundred (100) feet of the point at which the turn or directional movement is to be made by one following the directional message.

**Sec. 19-140. Off-Premise Sign Regulations.**

Off-premise signs shall be subject to the following requirements:

- (a) Maximum size – Area A: six-hundred seventy-two (672) square feet  
– Area B: four-hundred (400) square feet
- (b) Maximum height – Forty (40) feet
- (c) Setback – Twenty (20) feet from any public right-of-way or property line
- (d) Maximum height dimension of display – fourteen (14) feet
- (e) Display area ratio – The width to height ration must not be less than two to one (2:1) nor more than four to one (4:1).
- (f) V-type signs. The angle between the display area of V-type signs shall not be greater than forty-five (45) degrees measured back to back, and, if the size of each area is three hundred (300) square feet or less, the maximum distance at the nearest point between the two (2) backs, as measured at the apex, shall not exceed one and one-half (1½) feet. If the size of either area exceeds three hundred (300) square feet, then the maximum distance between the two (2) backs, as measured at the apex, shall not exceed three and one-half (3½) feet. Back-to-back signs must be on common supports, and the nearest point between the two (2) backs shall not exceed five (5) feet plus the diameter of the intervening upright or support.

(g) The display area shall not have any extensions beyond the basic dimensions of the display area, any inserted, flashing, or neon lighting, three-dimensional features, or moving components.

**Sec. 19-141. Annual Operating Fee.**

Each permittee shall pay an annual operating fee per display area per off-premise sign. The amount of the fee shall be established by the City's comprehensive fee schedule. The annual operating period shall run from January 1 through December 31 of each year. The amount of the fee shall not be pro-rated unless specifically allowed in the City's comprehensive fee schedule. The first annual operating fee shall be due on January 1 immediately following the date of the permit. Failure to pay the annual operating fee shall be cause for the Chief Building Official to order the sign to be removed or to remove the sign and charge the cost of removal to the sign owner.

**Secs. 19-142 – 19-144. Reserved.**

**ARTICLE XIV. HISTORIC OVERLAY AREA**

No signs, other than those listed below, shall be installed or erected in the Historic Overlay Area indicated by the City of Denison zoning map. No permit shall be issued and no sign erected unless the sign is approved by the Historic Preservation Board of the City of Denison. Any variance to the terms of this Article shall be determined by the Historic Preservation Board and not the Building Appeals Board.

**Note:** Colors utilized in signage must comply with the historic color palette adopted by the Historic Preservation Board.

**Sec. 19-145. Projecting Signs.**

Projecting signs shall only be allowed within the Historic Overlay Area and must meet the following regulations:

- (a) Signs shall be constructed of noncombustible material.
- (b) Signs shall not project more than four feet (4'), measured from the building face, and shall not be closer than eight feet (8') from the back of the curb line.
- (c) Signs shall be at least 8 feet above the sidewalk.
- (d) Signs may be externally illuminated. Internal illumination shall not be permitted.
- (e) Signs shall not exceed twenty (20) square feet per sign face.
- (f) For any projecting sign that extends over or into a Right-of-Way, prior to the issuance of a sign permit, the proprietor shall file with the City Clerk a certificate of insurance for general liability in the minimum coverage amount of \$500,000.00/\$1,000,000.00, combined single limit, evidencing the City of Denison as an additional insured.

**Sec. 19-146. Awning Signs.**

Awning Signs must meet the following regulations:

(a) An awning may extend the full length of the wall of the building to which it is attached and shall be no more than six feet (6') in height and shall provide a clearance of at least eight feet (8') above the sidewalk.

(b) Artwork or copy on awning signs shall be limited to a business name, business logo and/or property address.

(c) The artwork or copy for an awning sign shall not exceed twenty percent (20%) of the area of the awning and shall extend for no more than sixty percent (60%) of the length of the awning.

(d) Awnings shall not be illuminated.

(e) Awnings shall be composed of canvas or other fabric material approved by the Historic Preservation Commission.

**Sec. 19-147. Canopy Sign.**

Canopy signs must meet the following regulations:

(a) A canopy sign may be attached to, or be an integral part of the face of a canopy.

(b) Artwork or copy on canopy signs shall be limited to a business name, business logo and/or property address.

(c) The artwork or copy on a canopy sign shall not exceed ten percent of the face of the canopy, or a maximum of twenty-five (25) square feet, whichever is greater.

(d) An illuminated stripe may be incorporated into a canopy. The stripe may extend along the entire length of the face of the canopy. The width or thickness of the stripe shall be limited to one-third of the vertical dimension of the face of the canopy. The internal illumination of a canopy is limited to the portions of the canopy face on which a sign or stripe is permitted.

**Sec. 19-148. Wall Signs.**

(a) **Where Allowed.** Wall signs shall be limited to buildings located in a non-residential zoning district or to churches, apartments, schools and other non-residential uses, with the exception of model homes, located within a residentially zoned district.

(b) **Installation Requirements.** All signs and their words shall be mounted parallel to the building surface to which they are attached, and shall project no more than twelve inches (12") from that surface, except for Projecting signs as allowed in Article XIV. Wall signs shall not extend above the wall or building surface to which the sign is attached. Banner signs shall not be utilized as permanent wall signs, but only as Promotional Signs as allowed in Section 19-117.

(c) **Maximum Sign Area.**

Wall signs shall not exceed the following area schedules:

- (1) Attached signs located at a height of thirty-six feet (36') or less shall be limited to two (2) square feet of sign area for each lineal foot of building frontage for a single tenant building, or lease space frontage in a multiple tenant building, not to exceed four hundred fifty (450) square feet.
  - (2) Attached signs located above a height of thirty-six feet (36') shall be permitted an increase in maximum effective area. Such increases shall not exceed five (5) additional square feet in effective area, as restricted in paragraph (1) above, for each additional one foot (1') of height above thirty-six feet (36') measured from the base of the sign. Signs may be increased hereunder to a maximum size of six hundred (600) square feet.
  - (3) Attached signs may be located on any facade except for signs located on the side or rear wall of a building where the sign would face an adjacent residential zoning district. The sum of the effective area of all attached signs shall not exceed the allowable effective area specified in paragraphs (1) or (2) above, whichever paragraph is applicable. Signs on a single facade shall not exceed the sign area allowed in paragraph (1) above.
- (d) Wall signs in the Historic Overlay Area must be externally illuminated. Internal illumination shall not be permitted.

**Sec. 19-149. Roof Signs.**

One roof sign shall be allowed for each building. The size of the roof sign shall be limited by the maximum size allowed in paragraph (c)(1) above. The size of all wall signs shall be added to the size of the roof sign to determine the total amount of sign area and shall not exceed the requirements of (c)(3) above.

**Sec. 19-150. Illumination of Attached Signs.**

Attached Signs may only be illuminated utilizing external lighting. Exterior letters with exposed neon lighting are not allowed. All sign lighting must be specifically approved by the Historic Preservation Board.

**Sec. 19-151. Window Signs.**

Window signs do not require a permit or a permit fee. Window signs must meet the following regulations:

- (a) Window Signs must not obscure more than 25 percent of the window area per facade.
- (b) The sign area shall be measured by drawing a rectangular or square box around the sign elements, then multiplying the height by the width. For signs whose shape is irregular, the box must enclose all elements of the sign.
- (c) No illuminated window signs shall be allowed within two feet of the window surface, except for open / closed signs.



**Sec. 19-152. Sandwich Board Signs.**

Businesses may display sandwich board signs that comply with the following regulations:

1. Signs may only be placed on the sidewalk during the hours that the business is open to the public.
2. Signs must be placed within three (3) feet of the front wall of the business and must allow for a minimum open space of four (4) feet between the sign and the edge of the sidewalk adjacent to the street to allow for unobstructed pedestrian passage along the sidewalk.
3. Prior to initiating the use of the adjacent sidewalk, the proprietor shall file with the City Clerk a certificate of insurance for general liability in the minimum coverage amount of \$500,000.00/\$1,000,000.00, combined single limit, evidencing the City of Denison as an additional insured.

**Sec. 19-153. Digital (Electronic) Signs.**

Digital or electronic signs are specifically prohibited within the Historic Overlay Area.

**Sec. 19-154. Real Estate Signs.**

Real estate signs may be erected that comply with Section 19-116 of this ordinance.

**Sec. 19-155. Kiosk Signs.**

Kiosk signs may be erected as long as the provisions of Article XII of this code are met and the signs are approved by the Historic Preservation Board.

**Sec. 19-156. Exempt Signs.**

Signs exempted by Article V of this code are also specifically allowed in the Historic Overlay Area.

**Sec. 19-157. Promotional Signage**

Promotional signage complying with Section 19-117 of this code are specifically allowed in the Historic Overlay Area.

**Sec. 19-158. Searchlights**

Searchlights complying with Section 19-118 of this code are specifically allowed in the Historic Overlay Area.

**Sec. 19-159. Menu Board Signs**

Two menu board signs may be attached to any surface on the building as long as they do not conflict with any other right-of-way regulations required by this ordinance.”

**Section 3:** That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared to be invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences,

paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid or unconstitutional phrase, clause, sentence, paragraph or section.

**Section 4:** That whenever in this ordinance an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in this ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of any such provision of this ordinance shall be punished by a fine not to exceed two thousand dollars (\$2,000.00). Each day any violation of this ordinance shall continue shall constitute a separate offense.

**Section 5:** That this ordinance shall become effective a.) seven (7) days from and after its passage; b.) seven (7) days following its penal provisions being published in a newspaper of general circulation in the city; and c.) the ordinance in its entirety being posted upon the City's website.

**Section 6:** That it is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given all as required by Section 551.041, Texas Government Code.

**AND IT IS SO ORDERED.**

On motion by Councilman \_\_\_\_\_, seconded by Councilman \_\_\_\_\_, the above and foregoing ordinance was passed and approved on this the \_\_\_\_\_th day of \_\_\_\_\_, 2012, by the following vote:

Ayes:  
Nays:  
Abstentions:

At regular meeting \_\_\_\_\_, 2012.

\_\_\_\_\_  
JARED JOHNSON, MAYOR

ATTEST:

APPROVED:

\_\_\_\_\_  
Julie Lollar, City Clerk

\_\_\_\_\_  
Tom Akins, City Attorney

**ORDINANCE NO. 4678**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS REPEALING CHAPTER 19 OF THE CODE OF ORDINANCES OF THE CITY ENTITLED "SIGNS"; REPEALING CERTAIN ENUMERATED SECTIONS OF CHAPTER 28 OF SUCH CODE ENTITLED "ZONING" THAT PERTAINS TO SIGNS AND THE LOCATION THEREOF; PROVIDING FOR DEFINITIONS; PROVIDING FOR THE APPLICATION, ISSUANCE AND REVOCATION OF SIGN PERMITS AND THE ADMINISTRATION ASSOCIATED THEREWITH; PROHIBITING CERTAIN SIGNS AS PROVIDED HEREIN; PROVIDING EXCEPTIONS FOR CERTAIN SIGNS AND CIRCUMSTANCES RELATING TO THE USE OF SIGNS AND REGULATING THE USE OF TEMPORARY SIGNS; PROVIDING STANDARDS FOR THE PLACEMENT OF SIGNS; PROVIDING CONSTRUCTION AND ATTACHMENT STANDARDS FOR SIGNS; PROVIDING STANDARDS FOR MONUMENT, POLE AND OTHER TYPE SIGNS; PROVIDING FOR THE LOCATION AND STANDARDS FOR OFF-PREMISE SIGNS; PROVIDING STANDARDS FOR SIGNS IN THE HISTORIC OVERLAY DISTRICT; PROVIDING FOR CONFLICTS AND SEVERABILITY; PROVIDING FOR VIOLATIONS OF THIS ORDINANCE; PROVIDING AN EFFECTIVE DATE; AND FINDING AND DETERMINING THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW.**

**WHEREAS**, the City Council of the City of Denison, Texas has heretofore regulated the use and location of signs primarily in Chapter 19 of the Code of Ordinances of the City of Denison, but has various sign regulations situated in other chapters of the code; and

**WHEREAS**, the City Council wishes to combine, coordinate and simplify the sign regulations applicable within the city by providing for signs in a new chapter as provided and specified herein; now, therefore,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS;**

**SECTION 1:** That the following be, and is hereby, repealed so as to be of no further force and effect; to-wit:

A. All of Chapter 19 of the Code of Ordinances, entitled "Signs" and its three (3) articles thereto.

B. All of Section 28.59 of the Zoning Ordinance of the Code of Ordinances, entitled "Sign Regulations".

C. Any and all other provisions of the Code of Ordinances in place on the effective date of this ordinance that specifically relate to the regulation, placement, or permitting of any on-premise, off-premise, permanent or temporary sign within the city.

**SECTION 2:** That the City Council does hereby enact new, consolidated and unified sign regulation by enacting a new chapter regulating signs, such chapter to be numbered and read as follows:

## **“CHAPTER 19 SIGNS**

### **ARTICLE I. INTENT**

**Sec. 19-1. Need.** Signs are an important component of the urban built environment, providing important information, and directions to community residents and visitors. However:

(a) The uncontrolled proliferation of signs is hazardous to users of streets and highways within the City of Denison and will adversely affect the safety and efficiency of the City's transportation network; and

(b) Unless the location, number, setback, lighting, and size of signs are regulated, the scattering of the signs throughout the City would be detrimental to the preservation of scenic resources and so to the economic base of the City; and

(c) The proliferation of signs in the City has an adverse affect on adjacent property values; and

(d) The orderly and uniform regulation of signs is a substantial factor in guiding the attractive and aesthetic development of properties in accordance with the comprehensive plan and thereby avoiding detrimental impacts of signs on the appearance of the City.

**Sec. 19-2. Intent.** Therefore it is the intent of these regulations:

(a) To protect the safety and efficiency of the City's transportation network by reducing the confusion or distraction to motorists and enhancing the motorist's ability to see pedestrians, obstacles, other vehicles, and traffic signs;

(b) To preserve, protect, and enhance areas of historical, architectural, cultural, aesthetic, and economic value regardless of whether they are natural or manmade;

(c) To protect the value of adjacent and nearby properties, in particular, residentially zoned properties from the impact of lighting, size, height, movement, and location of signs;

(d) To enhance the image of the City conveyed to tourists and visitors by controlling the location, number, and size of signs;

(e) To integrate sign regulations more effectively with other regulations by establishing regulations for setbacks, height, and spacing to allow for lighting, ventilation, and preservation of views in a manner consistent with land uses in the various zoning districts; and

(f) To preserve and enhance the appearance of the City and the public interest in aesthetics, and to control and reduce visual clutter and blight.

## ARTICLE II. DEFINITIONS

**Alter** means to change the size, shape or outline, or type of sign or to change the electrical lighting, except for the replacement of lamps not brighter than the original or the replacement of a surface panel.

**Attach** means to stick, tack, nail or otherwise affix a sign to any object; to paint, stencil, write, or otherwise mark on an object.

**Awning** means an architectural projection that provides weather protection, identity and decoration, and is supported by the building to which it is attached. It is composed of a lightweight rigid or retractable skeleton structure over which a thin cover is attached which may be of fabric or canvas, and may be illuminated.

**Banner** means a sign composed of cloth, plastic, paper, canvas or other light fabric.

**Building** means a structure which has a roof supported by columns, wall or air for the shelter, support, or enclosure of persons, animal or chattel.

**Chief Building Official** means the Chief Building Official for the City of Denison or his/her designee.

**Canopy** means a roof-like structure which shelters a use such as, but not restricted to, a gasoline pump island, and is supported by either one or more columns or by the building to which it is accessory to and is open on two or more sides.

**Dilapidated or deteriorated condition** means any sign:

A. Where elements of the surface or background can be seen as viewed from the normal viewing distance (intended viewing distance), to have portions of the finished material or paint flaked, broken off, or missing, or otherwise not in harmony with the rest of the surface; or

B. Where the structural support or frame or sign panels are visibly bent, broken, dented, or torn as to constitute an unsightly, hazardous or harmful condition; or

C. Where the sign, or its elements, are twisted or leaning or at angles other than those at which it was originally erected (such as may result from being blown or the failure of a structural support); or

D. Where the message or wording can no longer be clearly read by a person under normal viewing conditions; or

E. Where the sign or its elements are not in compliance with the regulations of the National Electrical Code and/or the International Building Code currently adopted by the City.

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



**Facing or surface** means the surface of the sign upon, against or through which the message is displayed or illustrated on the sign.

**Flag** means a piece of cloth, canvas, or other light fabric, usually rectangular in shape, containing a distinctive design, logo or message which is used as a symbol or to signal or attract attention.

**Illuminated sign** means any sign which has characters, letters, figures, or designs illuminated by electric lights, luminous tubes or other means that are specifically placed to draw attention to, or to provide night time viewing of, the subject matter on the sign face.

**Incidental** means information on a sign that is incidental to the operation of the business such as but not limited to hours of operation, accepted credit cards and parking information.

**Incombustible material** means any material which will not ignite at or below a temperature of 1,200 degrees Fahrenheit, and will not continue to burn or glow at that temperature.

**Logo** means any design or insignia of a company or product which is commonly used in advertising to identify that company or product.

**Pennant** means any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in a series, designed to move in the wind.

**Premises** means a lot or unplatted tract, or a combination of contiguous lots and/or unplatted tracts of land where the lot, tract, or combination of lots and/or tracts is under single ownership and is reflected in the plat record of the City.

**Public Right-of-Way** means a dedicated road or street including the easement for that road or street.

**Roof** means any exterior surface of a structure that has a slope of less than 70 degrees and shall also include the top most portion of any structure.

**Searchlight** means an apparatus capable of projecting a beam or beams of light in excess of 1 million peak candlepower.

**Setback** means the minimum required distance the sign must be located from a right-of-way or a property line. The distance shall be measured from the right-of-way or property line to the closest point of the sign from the ground upward.

**Sight Visibility Triangle** means where one street intersects with another, the triangular area formed by extending two (2) curb lines a distance of forty-five (45) feet from their point of intersection, and connecting these points with an imaginary line, thereby making a triangle. If there are no curbs existing, the triangular area shall be formed by extending the property lines a distance of thirty (30) feet from their point of intersection and connecting these points with an imaginary line thereby making a triangle. Where a street intersects with an alley or driveway, the "sight visibility triangle" is the triangular area formed by

measuring eight (8) feet to a point along the property lines and adjoining said points to form the hypotenuse of the triangle.

**Sign** means any device, flag, banner, light, figure, picture, letter word, message, symbol, plaque, or poster visible from outside the lot on which it is located and designed to inform or attract the attention of persons not on that lot.

**Sign area** means the actual area of a face of the sign, unless the sign is not of a regular (square, rectangle, triangle, circle) shape. In the case of an irregularly-shaped sign, the entire area within a single continuous perimeter forming the most applicable single regular shape enclosing the extreme limits of each sign shall be the "gross surface area." In the event two or more signs share a single structure, each sign or panel may be considered separately for square footage purposes, except that the combined footage of such signs cannot exceed the total square footage allowed for the sign.

**Sign, Attached** means any sign attached to, applied on, or supported by, any part of a building (such as a wall, roof, window, canopy, awning, arcade, or marquee) which encloses or covers usable space. Neon tubing attached directly to a wall surface shall be considered a "wall sign" when forming a border for the subject matter, or when directing attention to the subject matter or when forming letters, logos, or pictorial designs.

**Sign, Awning** means a sign attached to an Awning.

**Sign, Canopy** means a sign attached to a Canopy.

**Sign, Changeable Message** means a sign whose face is designed and constructed in a manner capable of changing messages through a system of removable characters or panels attached to the face of the sign or changed by electronic means.

**Sign, Development** means a temporary on-site sign providing identification or information pertaining to a residential or commercial development and may include the builder, property owner, architect, contractor, engineer, landscape architect, decorator, or mortgagee, within that development, but shall not include a subdivision marketing sign.

**Sign, Digital or Electronic** means a sign, display or device that changes its message by programmable electronic or mechanical process, utilizes digital images or light emitting technology or employs electronic variable messages in any manner. This does include a changeable message sign as defined herein.

**Sign, Directional** means any off-site sign that directs the public to businesses, services attractions and public facilities not located on the property on which the sign is located.

**Sign, Directional Off-Premise (Temporary Directional)** means a sign displaying advertising copy that pertains and provides directions to a business, person, organization, activity, event, place, service or product not principally located or primarily manufactured or sold on the lot on which the sign is located.

**Sign, Directory** means any sign listing occupants within shopping centers, industrial sites, retail districts, office districts and commercial sites. Directory sign also means a permanent on-site sign identifying the buildings in the development or providing information on their location.

**Sign, Garage sale** means any on-site Promotional Sign for the sale of personal household goods in a residential zoning district or on the property of a nonprofit organization.

**Sign, Gasonline Pricing** means a sign located on a site where fuel is sold and indicates the cost of gasoline or diesel fuel sold at that location.

**Sign, Home Improvement** means any on-site sign that displays the name of a roofing, fence, pool painting, landscape or other home improvement contractor.

**Sign, Inflatable** means any hollow sign expanded or enlarged by the use of air or gas.

**Sign, Institutional** means a permanent on-site sign used to identify governmental and municipal agencies, public schools, churches, or similar public institutions, and used to communicate messages of public importance to the general public.

**Sign, Menu Board** means an on-site sign that displays a menu and pricing for food services and may include an audible speaker and microphone integral to the sign.

**Sign, Model Home** means any sign identifying a new home, either furnished or unfurnished, as being a builder's or contractor's model open to the public for inspection.

**Sign, Movement Control** means a sign providing direction or traffic flow information for persons or vehicles located the same premises as the sign. Movement Control Signs shall not advertise or otherwise draw attention to the premises, an individual, business, commodity, service, activity or product.

**Sign, Municipally-Owned** means any sign that identifies a park, entrance to the City, place of interest within the City, any City sponsored event or any municipally-owned facility and is erected by or at the direction of a City official. A municipally-owned sign does not include traffic or street identification signs.

**Sign, Monument** means any detached sign made from masonry, concrete materials, wood or plastic provided that a masonry or metal base is incorporated into the sign, with no separation between the base of the sign and grade.

**Sign, Nonconforming** means a sign and its supporting structure which does not conform to all or part of the provisions of this Ordinance, and:

A. Was in existence and lawfully erected prior to the effective date of this Ordinance;

B. Was in existence and lawfully located and used in accordance with the provisions of the prior ordinance applicable thereto, or which was considered

legally nonconforming thereunder, and has since been in continuous or regular use; or

C. 3. Was in existence, located, and used on the premises at the time it was annexed into Denison and has since been in regular and continuous use.

**Sign, Obsolete** means any sign that no longer serves a bona fide use or purpose.

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

**Sign, Pole** means any sign erected on a vertical framework consisting of one or more uprights supported by the ground, with no guy or braces to the ground or any other structure, and where there is a physical separation between the base of the sign and the ground.

**Sign, Political** means a sign (1) relating to the election of a person to a public office, (2) relating to a political party, (3) relating to a matter to be voted upon at an election called by a public body, or (4) containing primarily a political message.

**Sign, Portable** means a sign that is not securely connected to the ground in such a way that it cannot easily be moved from one location to another and is not a vehicular sign.

**Sign, Projecting** means any sign which is attached to and supported by a building or wall and which projects outward from the building or wall, generally at a right angle.

**Sign, Promotional** means any type of sign used for special promotions including, but not limited to, grand openings, anniversary celebrations, sales, and other such events. Promotional signs include, but are not limited to, banners, pennants, streamers, balloons, flags, bunting, inflatable signs and other similar signs.

**Sign, Protective** means signs that identify or warn of any security devices located on the premises, including guard dogs.

**Sign, Reader board** means any sign comprised of changeable letters that allows a change of sign copy by adding or removing letters. The sign copy shall conform to the category use of the sign allowed by this Ordinance.

**Sign, Real Estate** means any on-site temporary sign pertaining to the sale or rental of property and advertising property only for the use for which it is legally zoned.

**Sign, Roof** means a sign that is mounted to or that projects from a canopy or roof over an entry to a building, but that does not project above the highest point of the building.



**Sign, Sandwich Board** means a non-illuminated, self-supporting sign that is placed on a sidewalk, without a permanent base or connection, and is temporary in nature.

**Sign, Subdivision** means any permanent on-site sign identifying a subdivision located in a residential zoning district.

**Sign, Temporary Religious** means a sign that advertises the name of and provides direction to a religious organization or group that is temporarily operating in a school or other facility.

**Sign, V-type** means an off-premise sign structure that consists of multiple sign facings placed at angles to each other, oriented in different directions and not exceeding one (1) foot apart at the nearest point to each other.

**Sign, Window** means any sign, banner, poster or display located on the internal or external surface of the window of any establishment for the purpose of advertising services, products or sales available within such establishment or which announces the opening of such establishment.

**Sign, Yard** means any sign that publicizes the arrival of a newborn, a birthday, a personal special event or the participation of a family member in a school activity or sport. Yard signs shall also include signs that advertise the presence of a home security system.

**Sign Support** means any pole, post, strut, cable or other structural fixture or framework necessary to hold and secure a sign, providing that said fixture or framework is not imprinted with any picture, symbol or word using characters in excess of one inch (1") in height, nor is internally or decoratively illuminated.

**Sign, Vehicular** means any sign on a vehicle parked temporarily, incidental to its principal use for transportation. This definition shall not include signs being transported to a site for permanent erection.

**Sign, Zoning** means any sign erected by the City of Denison Planning and Zoning Department to publicize the request for zoning or rezoning of a property.

**Sign Setback** means the horizontal distance between a sign and the front or side property line, as measured from that part of the sign, including its extremities and supports, nearest to any point on any imaginary vertical plane projecting vertically from the front or side property line.

**Visibility Triangle** means the triangular area formed at the intersection of two streets bounded by the property lines and measuring 25 feet from the intersection of the property lines along to two streets and connecting the two points (see figure 8 in Illustrations).

**Wall** means any exterior surface of a structure that has a slope of 60 degrees or more.

**Zoning District, Non-Residential** means any zoning district designated by the Zoning Ordinance of the City of Denison as O, NS, LR, CR, RR, C, CA, BP, LI, HI.



**Zoning District, Residential** means any zoning district designated by the Zoning Ordinance of the City of Denison as A, RD, SF-20, SF-10, SF-7.5, SF-5, SF-PH, SF-TH, LD, UD, MH, 2F, MF-1, MF-2.

### ARTICLE III. ADMINISTRATION

#### **Sec. 19.1. Chief Building Official**

The Chief Building Official is charged with the implementation and enforcement of this ordinance.

#### **Sec. 19-2. Permits.**

(a) No sign shall be erected, constructed, relocated, altered, repaired or maintained, except as provided in this Ordinance, until a permit for such has been issued by the City of Denison and the fee paid, except as otherwise provided in this Ordinance. Permit fees are contained in the City of Denison comprehensive fee schedule. Any sign that is not specifically approved by this ordinance shall not receive a permit and any such sign shall be considered to be in violation of this ordinance.

(b) **Permit Expiration:** A permit for a sign shall expire if the work is not commenced within ninety (90) days from the date of issuance of such permit. Permits shall expire one-hundred eighty (180) days from the date of permit issuance.

(c) **Electrical permit:** Where signs contain electrical wiring and connections, an electrical permit must also be obtained in addition to the permit for the sign. No sign shall be erected in violation of the City's electrical code or regulations. Every sign with any type of electrical connection must be listed by a recognized listing agency with a permanent label properly affixed.

(d) **Not to Issue to Persons Previously Failing to Pay Fees:** The City shall not issue a permit under the provisions of this ordinance to any person, business, entity, organization or activity who has previously failed or refused to pay any fees or costs assessed against him under the provisions of this ordinance or any other ordinance adopted by the City of Denison.

#### **Sec. 19-3. Applications.**

All applications for permits shall include each of the following:

(a) A completed permit application.

(b) A drawing of the proposed sign indicating sign dimensions and all existing signs maintained on the lot and visible from the right-of-way. The drawing must indicate if the sign will be lighted, and if so, whether the lighting will be internal or external. If the sign is lighted, a separate electrical permit will be required.

(c) A site plan, for any monument or pole sign, indicating the distance the sign will be located from each property line. The distance must be measured from the property line to the closest point of the sign to the property line.

(d) A building facade drawing, for all attached signs, indicating the proposed location of the sign, dimensions and specifications.

**Sec. 19-4. Work Started Without a Permit.**

No sign requiring a permit may be erected or installed without first having a permit. If any work for which a permit is required by this ordinance has been commenced without first obtaining a permit the following shall apply:

(a) **Investigation.** A special investigation to determine compliance shall be made before a permit may be issued for the work.

(b) **Investigation Fee.** In addition to the permit fee, an investigation fee shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be the amount established by the fee ordinance adopted by the city, but not less than the permit fee required for the sign installed without a permit. The payment of the investigation fee shall not exempt any person from compliance with all other provisions of this ordinance nor from any other penalty prescribed by law.

**Sec. 19-5. Permit Revocable.**

(a) The City may suspend or revoke any permit issued under the provisions of this ordinance whenever it shall be determined that the permit is issued:

- (1) in error; or
- (2) on the basis of incorrect or false information supplied; or
- (3) in violation of any of the provisions of this ordinance; or
- (4) in violation any other ordinance of this City or laws of this State or the Federal government.

(b) The suspension or revocation shall be effective when communicated in writing to the person to whom the permit is issued, the sign owner, or to the property owner upon whose property the sign is located.

(c) Any signs installed or existing under a revoked permit shall be removed by the permit holder, sign owner, or property owner within ten (10) days of written notice of the revocation.

**Sec. 19-6. Validity of Permit.**

The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the City of Denison. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the City of Denison shall not be valid. The issuance of a permit based on construction documents and

other data shall not prevent the Chief Building Official from requiring the correction of errors in the construction documents and other data.

**Sec. 19-7. Nonconforming Existing Signs.**

(a) Any nonconforming sign and/or its supporting structure, which is destroyed, damaged, dilapidated or deteriorated, shall not be replaced, repaired or renovated, in whole or in part, if such replacement, repair or renovation would require an expenditure of monies in excess of sixty percent (60%) of the cost of a new sign, including its supporting structure, which is substantially the same or similar to the nonconforming sign destroyed, damaged, dilapidated or deteriorated. Permits granted prior to the passage of this ordinance shall be renewed only if the applicant complies with all provisions of this ordinance.

(b) No sign or supporting structure that is lawfully repaired, reproduced, repaired, or renovated as a nonconforming sign shall be increased in area or height.

(c) If a nonconforming sign is moved, the sign shall lose its nonconforming status and shall be required to meet all requirements of a new sign under this ordinance.

**Sec. 19-8. Inspection.**

The Chief Building Official may inspect annually, or at such other times as he/she deems necessary, each sign regulated by this ordinance for the purpose of ascertaining whether the same complies with provisions of this ordinance, is secure or insecure, whether it still serves a useful purpose, and whether it is in need of removal or repair.

**Sec. 19-9. Removal of Obsolete Signs.**

Any sign which the Chief Building Official determines no longer serves a bona fide use or does not conform to this ordinance shall be removed by the owner, agent or person having the beneficial use of the land, buildings or structure upon which the sign is located within sixty (60) days after written notification to do so from the City.

**Sec. 19-10. Removal or Repair of Dilapidated or Deteriorated Signs.**

If the Chief Building Official determines that any sign exists in a dilapidated or deteriorated condition, or is a menace to the public, he/she shall give written notice to the person or persons responsible for the sign. The permit holder, owner, agent or person having the beneficial use of the premises shall remove or repair the sign within thirty (30) days after the notice. If the owner fails to remove or repair the sign by the end of the thirty (30) day notice, the City may remove or repair the sign and assess the cost of such repair to the owner of the property. The Chief Building Official may remove or have removed, without notice, and assess the owner for the costs, any sign which is an immediate peril to persons or property.

**Sec. 19-11. Removal of Illegally Erected Signs.**

Any temporary sign that is erected, constructed or otherwise displayed, which the Chief Building Official determines to be in violation of this ordinance, may be removed by city personnel. Any such sign removed by city personnel may be held for a period of seventy-two (72) hours and upon expiration of the time may be disposed. The City is not required to notify the permit holder or owner of the sign that it has been picked up or that disposal of the sign is imminent.

For permanent signs, the sign must be removed by the permit holder, owner of the sign, or owner of the property on which the sign is located within a reasonable time period as determined by the Chief Building Official. Upon failure to comply with the notice or to file an appeal of the decision in accordance with this ordinance, the Chief Building Official is authorized to cause the removal of the sign and assess the permit holder, owner of the sign and/or owner of the property for the costs of removal plus an administrative fee as established by the City of Denison Fee Schedule.

**Sec. 19-12. Removal Expenses.**

Any sign required to be removed by the Chief Building Official, shall be removed by the permit holder, sign owner, or property owner within thirty (30) days after written notification to do so, unless a shorter time is given when the Chief Building Official determines that the sign is an immediate peril to persons or property. Upon failure to comply with the notice, the Chief Building Official may enter the property upon which the sign is located to cause the removal of the sign. The owner of the land, building or structure to which the sign is attached, or upon which it is erected, and the owner of the sign and the holder of the sign permit are jointly and severally liable for any expense incident to removal.

**Sec. 19-13. Variances**

(a) Variances to the provisions of this ordinance shall be heard by the Building Appeals Board with the exception of Article XIV. Variances to Article XIV will be determined by the Historic Preservation Board. A simple majority vote of a quorum of the board in favor of the variance will be required to approve any variance request. In order to approve a request for a variance, the Building Appeals Board or the Historic Preservation Board shall determine that the request meets three (3) of the following four (4) criteria:

- (1) The proposed sign shall not adversely impact the adjacent property (visibility, size, location, etc.);
- (2) The proposed sign does not conflict with the spirit of this ordinance, which is one of providing public safety, open space and air, preservation and enhancement of the appearance of the City and protection of property values;
- (3) The variance is needed due to restricted area, shape, topography or physical features that are unique to the property on which the proposed sign would be located;



(4) The proposed sign is of a unique design or configuration.

(b) Should the Building Appeals Board or Historic Preservation Board deny a request for a variance, the applicant may appeal the request to the City Council, provided that, such appeal is requested in writing to the Chief Building Official within thirty (30) days of the date the Building Appeals Board denied the variance. A vote of three-fourths (3/4) of the City Council is required to overturn the decision of the Building Appeals Board or the Historic Preservation Board. The decision of the City Council is final.

(c) A variance from this ordinance is valid only if a permit is secured within ninety (90) days from the date of the Building Appeals Board's or the City Council's decision.

(d) Each applicant shall pay the fee established in the city's fee ordinance before the Building Appeals Board shall hear any variance request.

**Exception:** No variance fee shall be required for any variance requested by any applicant that the Chief Building Official determines to be a bona fide non-profit organization.

(e) All variance requests shall be made in writing to, and on the application form provided by, the Chief Building Official.

**Secs. 19-14 through 19-24. Reserved.**

#### **ARTICLE IV. PROHIBITED SIGNS**

Any sign which is not specifically allowed by this ordinance shall be prohibited. In addition, the following types of signs are expressly prohibited within the City:

**Sec. 19-25. Signs Imitating Traffic or Emergency Signs.**

Signs may not contain any combination of forms, words, colors, or lights, which imitate standard public traffic regulatory, emergency signs, or signals.

**Sec 19-26. Portable Signs.**

Portable signs, unless specifically allowed by this ordinance.

**Sec 19-27. Signs Violating other Laws or Ordinances.**

Signs erected in violation of any ordinance adopted by the City of Denison or any state or federal law. (e.g. traffic visibility requirements, zoning, building code, or electrical code).

**Sec. 19-28. Signs Attached to Trees or Utility Poles.**

Signs attached to, painted or maintained upon any tree or public utility pole or public utility structure.



**Sec. 19-29. Signs on Sidewalks, Curbs, Gutters or Streets.**

Signs attached to or painted on any sidewalk, curb, gutter, or street (except street address numbers and sandwich board signs approved under Section 19-152 of this ordinance).

**Sec. 19-30. Moving, Flashing, Revolving or Color Changing Signs.**

Signs that move, flash light intermittently, change color or revolve, unless specifically allowed in this ordinance.

**Sec. 19-31. Pole Signs.**

Pole signs unless specifically allowed by this ordinance.

**Sec. 19-32. Off-Premise Signs.**

Off-Premise signs, unless specifically allowed by this ordinance.

**Sec. 19-33. Signs Attached to or Painted on a Fence, Wall or Railing.**

Signs attached to or painted on the outside of a fence, wall or railing, unless specifically allowed by this ordinance.

**Exception:** Signs identifying the manufacturer of a fence or similar product, provided that the sign does not exceed two (2) square feet.

**Sec. 19-34. Signs Causing a Nuisance or Hazard Because of Illumination.**

Signs illuminated to an intensity to cause glare or brightness to a degree that could constitute a safety hazard or nuisance in the opinion of the Chief Building Official or the Chief of Police.

**Sec. 19-35. Signs Advertising the Sale of a Vehicle.**

Signs attached to a vehicle advertising the sale of the vehicle where the vehicle is parked in such a way that the sign informs or attracts the attention of persons using the public right-of-way. Vehicles legally parked at one location, with for sale signs visible from the right-of-way for two (2) hours or more, shall be prima facie evidence of non-compliance with this Section.

**Exceptions:** 1) A maximum of two (2) vehicles may be parked at the vehicle owner's residence, or on the street adjacent to the residence advertising, the sale of the vehicles provided that the vehicles are registered to the person residing at the residence.

2) This section shall not apply to property that has a valid automobile sales lot where a Certificate of Occupancy has been issued by the City for that use.

**Sec. 19-36. Signs Attached to a Vehicle.**

Signs placed on or affixed to vehicles and/or trailers that are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property shall be prohibited. However, this is not in any way intended to prohibit signs placed on

or affixed to vehicles and trailers, such as lettering on motor vehicles, where the sign is incidental to the primary use of the vehicle or trailer.

**Sec. 19-37. Easements.**

Signs placed in or projecting over or into any easement unless specifically allowed by this ordinance.

**Sec. 19-38. Right-of-Way.**

Signs placed in or projecting over or onto any public right-of-way unless specifically allowed by this ordinance.

**Sec. 19-39. Visibility Triangle.**

No sign shall be erected in the visibility triangle.

**Exception:** Pole signs may be erected in the visibility triangle as long as all portions of the sign are clear from a point eighteen inches (18") to ten feet (10') from the ground with the exception of support poles which may be included in this area as long as the pole does not exceed six inches (6") in diameter.

**Secs. 19-40 through 19-44. Reserved**

## **ARTICLE V. EXEMPT SIGNS**

A permit shall not be required for the following signs, provided however, such signs shall otherwise comply with all other applicable sections of this ordinance.

**Sec. 19-45. Nameplates.**

Nameplates, or signs reflecting the name of a building or structure (i.e., a fence) or the name of the company that built or designed the building or structure, not exceeding one square foot in area.

**Sec. 19-46. Building Identification/Memorial.**

Memorial signs or tablets or the name of the building and date of erection, when cut into any masonry surface or when constructed of bronze or other incombustible materials.

**Sec. 19-47. Traffic.**

Traffic or street signs, legal notices, railroad crossing signs, danger, and emergency, temporary or non-advertising signs as may be approved by the City Council or the City Manager or his authorized representative.

**Sec. 19-48. Signs Inside a Building.**

Signs located inside a building and which are not displayed so as to be visible from outside the building. Signs located in covered mall buildings shall comply with the current building code and electrical code.

**Sec. 19-49. Movement Control Signs.**

Movement control signs may be erected at any occupancy or any lot, other than single family or duplex premises, may be attached or detached and may be erected without limits as to number; provided that such signs shall comply with all other applicable regulations of this ordinance. Movement control signs shall be premise signs only. The occupant of a premise who erects a movement control sign shall comply with the following regulations:

- (a) Each sign must not exceed five (5) square feet in effective area.
- (b) If a sign is an attached sign, as defined, the words must not exceed six inches (6") in height.
- (c) Each sign must convey a bona fide message which directs vehicular or pedestrian movement within or onto the lot on which the sign is located.

**Sec. 19-50. Protective Signs.**

The occupant of a premise may erect a maximum of two (2) protective signs, in accordance with the following regulations:

- (a) Each sign must not exceed six (6) square feet in effective area.
- (b) Detached signs must not exceed three feet (3') in height.

**Sec. 19-51. Government Signs.**

Flags, insignia, legal notices, or informational, directional or traffic signs which are legally required or necessary to the essential functions of government agencies and decorative displays for holidays or public demonstrations which do not contain advertising and are not used as such.

**Sec. 19-52. Holiday Lights and Decorations.**

Temporary lights and holiday decorations displayed ninety (90) days or less shall be exempt from the terms of this ordinance.

**Sec. 19-53. Political Signs.**

Any political sign placed within the public right-of-way, on public property, on any public/utility structure (e.g., telephone poles, street light standards, street sign poles, public buildings, etc.) or placed in violation of any of the terms below may be removed and disposed of by City of Denison personnel. Political signs that meet the requirements below are exempt from permitting requirements:

- (a) The sign is located on property with consent of the property owner;
- and
- (b) Are not greater than fifty (50) square feet; and
  - (c) Are not taller than eight (8) feet measured from the ground to the highest point of the sign; and
  - (d) Are not illuminated; and
  - (e) Do not have any moving elements or parts; and
  - (f) The sign is not placed more than ninety (90) days prior to the election for which the sign is applicable; and

(g) The sign is removed no more than ten (10) days after the election has taken place.

**Sec. 19-54. Special Event or Public Announcement Signs.**

Signs providing public information concerning special events, bazaars, rallies, or other similar activities sponsored by non-profit organizations including charitable, religious, philanthropic, educational, or civic institutions with the following regulations:

(a) Signs must be located on private property and the organization must have permission from the property owner to place the sign on their property. (Signs of this type can be off-premise signs and are exempt from Article XIII.

(b) The maximum sign area is thirty-two (32) square feet.

(c) The maximum height is six feet (6').

(d) A maximum of six (6) off-premise signs may be located in the City at a given time advertising the non-profit organization function.

(e) The advertised function must occur within the corporate limits of the City of Denison, its ETJ, or an adjacent municipality and be sponsored by a non-profit organization located within the City of Denison.

(f) Signs shall not be located on a residential premise.

**Sec. 19-55. Garage Sale Signs.**

Signs for garage sales placed on the property where the sale occurs and that do not exceed nine (9) square feet are exempt from the terms of the ordinance.

**Sec. 19-56. Home Improvement Signs.**

(a) Home improvement signs may be erected that display the name of a roofing, fence, pool, landscape or other home improvement contractor currently providing such services on the premises.

(b) A home improvement sign is allowed only on the lot on which the improvement is occurring.

(c) On lots where a sidewalk exists within the street right-of-way, signs shall be located between the sidewalk and the structure, but no closer than three feet (3') from the sidewalk. On lots where no sidewalk exists within the street right-of-way, the sign shall be located at least ten feet (10') from the edge of the street.

(d) The home improvement sign must be removed sixty (60) days after it is erected or upon the completion of the work, whichever occurs first.

(e) Home improvement signs shall not exceed six (6) square feet in area.

(f) A maximum of one home improvement sign shall be allowed on the lot at any one time.

**Sec. 19-57. Temporary Religious Signs.**

(a) Temporary religious signs may be erected during times of worship provided the sign is placed no earlier than two (2) hours prior to worship and is removed no later than two (2) hours after worship.

(b) Signs shall be located only on private property with the consent of the property owner.

(c) On lots where a sidewalk exists within the street right-of-way, signs shall be located between the sidewalk and the structure, but no closer than three feet (3') from the sidewalk. On lots where no sidewalk exists within the street right-of-way, the sign shall be located at least ten feet (10') from the edge of the street.

(d) Signs shall not exceed thirty-six (36) square feet in area.

**Sec. 19-58. Yard Signs.**

(a) Signs shall be located only on lots containing an occupied single-family, two-family or multi-family dwelling.

(b) On lots where a sidewalk exists within the street right-of-way, signs shall be located between the sidewalk and the structure, but no closer than three feet (3') from the sidewalk. On lots where no sidewalk exists within the street right-of-way, the sign shall be located at least ten feet (10') from the edge of the street.

(c) Signs shall not exceed six (6) square feet in area.

**Sec. 19-59. Zoning Signs.**

(a) On lots where a sidewalk exists within the street right-of-way, signs shall be located between the sidewalk and the structure, but no closer than three feet (3') from the sidewalk. On lots where no sidewalk exists within the street right-of-way, the sign shall be located at least ten feet (10') from the edge of the street.

(b) Signs shall not exceed six (6) square feet in area.

**Sec. 19-60. Signs Held by Pedestrians.**

Any sign held or carried by a person for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service, activity or product, or a person dressed in a costume for such purposes, must be located at least four feet (4') from the street pavement of any right-of-way, and located on the property where the event, activity or thing that the sign advertises or draws attention to occurs or is located.

**Secs. 19-61 through 19-64. Reserved.**



## ARTICLE VI. GENERAL SIGN REGULATIONS

### **Sec. 19-65. Flags.**

All flags shall conform to the following regulations:

(a) Nothing in this Ordinance shall be construed to prevent the display of the United States, State of Texas, Grayson County or the City of Denison flag. No permit or permit fee is required for such flags.

(b) Businesses may erect one corporate flag and flag pole, per location, for a bona fide company or corporate office located within the City of Denison. A sign permit and permit fee is required.

(c) Setback Requirements - Flag poles must be located at least ten (10') feet from any property line.

(d) Maximum Height

(1) Residential – Twenty-five feet (25')

(2) Commercial – Thirty-five feet (35')

(e) No flag or flag pole may be located within any easement.

(f) Flags (not flagpoles) may be located in the right-of-way in the Downtown Historic District if approved by the Historic Preservation Board. Flags may be located within any right-of-way if approved by the City Manager.

### **Sec. 19-66. Obscenity.**

No person shall display on any sign any obscene or indecent matter as defined by the Texas Penal Code, or any matter soliciting or promoting unlawful conduct. Any sign which does contain any obscene indecent or immoral matter must be removed or the obscene, indecent or immoral matter must be removed within seventy-two (72) hours of notice. The owner or person in control of the property on which the sign is located shall be responsible for compliance with this Section.

### **Sec. 19-67. Obsolete Signs.**

All signs relating to a product no longer available for purchase by the public and all signs relating to a business which has closed or moved away shall be removed or the advertising copy shall be removed. Painted wall signs shall be painted over with a color that resembles or matches the wall and does not allow the sign message to be visible after overpainting. The owner of the property on which the sign is located shall be responsible for removal of the sign within sixty (60) days of obsolescence.

### **Sec. 19-68. Maintenance of Signs.**

All signs shall be maintained in good condition. Signs which are damaged in any way, rusty or have peeling paint do not meet minimum maintenance criteria and shall be brought into compliance, or the sign must be removed, no later than thirty (30) days after written notice of such violation is sent to the property owner, permit holder or person in control of the property, via certified mail. The owner of the property, permit holder or person in control of the property on which the

sign is located shall be jointly and severally responsible for compliance with this subsection.

**Sec. 19-69. Wind Pressure and Dead Load Requirements.**

All signs shall be designed and constructed to withstand wind pressure requirements of the City's currently adopted building code and shall be considered structures that must comply with building code requirements.

**Sec. 19-70. Obstructing Doors, Windows, or Fire Escapes.**

It shall be unlawful to erect, relocate, or maintain a sign in any manner that prevents free ingress to or egress from any door, window or fire escape, or to attach any sign to a standpipe or fire escape.

**Sec. 19-71. Placement of Advertising Matter.**

(a) No person shall place on or suspend from any building, light fixture, 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 by this Ordinance, except as otherwise allowed by this Ordinance or another ordinance.

(b) No person, firm, corporation or association of persons shall paste, stick, tack, nail or otherwise place any advertisement, handbill, placard, printed, pictured or written matter or thing for political advertising or other advertising purposes upon any fence, railing, sidewalk or public telephone, electric or other utility pole, or any other public property, including trees thereon or to knowingly cause or to permit the same to be done for his benefit.

(c) It shall be unlawful for any person to scatter or throw any handbills, circulars, cards, tear sheets or any other advertising device of any description, along or upon any street or sidewalk in the City of Denison.

**Sec. 19-72. Signs Prohibited On or Over Public Property**

No portion of any sign shall be erected on or over public property, or in the right-of-way of any thoroughfare within the City, unless the same is erected by the City, or with the permission of the City for public purposes, except for Projecting Signs in the Historic Overlay District meeting regulations in Article XIV and flags complying with Section 19-65.

**Sec. 19-73. Illumination of Signs**

(a) No sign shall be illuminated to such an intensity or in such a manner as to cause a glare or brightness to a degree that it constitutes a hazard or nuisance.

(b) Moving, flashing, changing color, beacons, revolving or similarly constructed signs shall not be allowed, except as specifically allowed by this ordinance.

(c) Variable message signs shall not be animated, flash, travel, blink, fade, or scroll and shall transition instantaneously to another static image.

(d) Variable message signs shall display static images for a period of at least 8 seconds.

(e) A sign in a residential district, where allowed by this Ordinance, may be illuminated. Any illumination shall be located so as not to produce intense glare or direct illumination across the bounding property line. Internal illumination shall not exceed 40 watts per every 25 square feet or any portion thereof of the sign face.

(f) Every sign with any type of electrical connection must be listed by a recognized listing agency with a permanent label properly affixed.

**Sec. 19-74. Visibility Triangle.**

No sign shall be erected in the visibility triangle.

**Exception:** Pole signs may be erected in the visibility triangle as long as all portions of the sign are clear from a point eighteen inches (18") to ten feet (10') from the ground with the exception of support poles which may be included in this area as long as the pole does not exceed six inches (6") in diameter.

**Secs. 19-75 through 19-79. Reserved.**

**ARTICLE VII. ATTACHED SIGN REGULATIONS**

Unless otherwise specifically provided, the regulations set forth in this Section shall be applicable to all attached signs that are allowed under this Ordinance.

**Sec. 19-80. Wall Signs.**

(a) **Where Allowed.** Wall signs shall be limited to buildings located in a non-residential zoning district or to churches, apartments, schools and other non-residential uses located within a residentially zoned district.

(b) **Installation Requirements.** All signs and their words shall be mounted parallel to the building surface to which they are attached, and shall project no more than twelve inches (12") from that surface. Wall signs shall not extend higher than the wall or building surface to which the sign is attached. Banner signs shall not be utilized as permanent wall signs, but only as Promotional Signs as allowed in Section 19-117.

(c) **Maximum Sign Area.**

Wall signs shall not exceed the following area schedules:

- (1) Attached signs located at a height of thirty-six feet (36') or less shall be limited to two (2) square feet of sign area for each lineal foot of building frontage for a single tenant building, or lease space frontage in a multiple tenant building, not to exceed four hundred fifty (450) square feet.
- (2) Attached signs located above a height of thirty-six feet (36') shall be permitted an increase in maximum effective area. Such increases shall not exceed five (5) additional square feet in effective area, as restricted in paragraph (1) above, for each additional one foot (1') of height above thirty-six feet (36') measured from the base of the sign. Signs may be increased hereunder to a maximum size of six hundred (600) square feet.
- (3) Attached signs may be located on any facade except for signs located on the side or rear wall of a building where the sign would face an adjacent residential zoning district. The sum of the effective area of all attached signs shall not exceed the allowable effective area specified, for each facade, in paragraphs (1) or (2) above, whichever paragraph is applicable. Signs on a single facade shall not exceed the sign area allowed in paragraph (1) above.

**Sec. 19-81. Roof Signs.**

One roof sign shall be allowed for each building. The size of the roof sign shall be limited by the maximum size allowed in paragraph (c)(1) above. The size of all wall signs shall be added to the size of the roof sign to determine the total amount of sign area and shall not exceed the requirements of (c)(3) above.

**Sec. 19-82. Illumination of Attached Signs.**

Attached Signs may be illuminated utilizing internal or external lighting. Internally lighted signs must be UL approved or approved by any other nationally recognized agency approved by the Chief Building Official.

**Sec. 19-83. Window Signs.**

Window signs do not require a permit or a permit fee. Window signs must meet the following regulations:

- (a) Window signs must not obscure more than forty percent (40%) of the window area per facade.
- (b) The sign area shall be measured by drawing a rectangular or square box around the sign elements, then multiplying the height by the width. For signs whose shape is irregular, the box must enclose all elements of the sign.
- (c) No illuminated window signs shall be allowed within two feet of the window surface, except for open / closed signs.

**Sec. 19-84. Awning Signs.**

Awning signs must meet the following regulations:

(a) An awning may extend the full length of the wall of the building to which it is attached and shall be no more than six feet (6') in height and shall provide a clearance of at least eight feet (8') above the sidewalk.

(b) Artwork or copy on awning signs shall be limited to a business name and/or logo.

(c) The artwork or copy for an awning sign shall not exceed twenty percent (20%) of the area of the awning and shall extend for no more than sixty percent (60%) of the length of the awning.

**Sec. 19-85. Canopy Sign**

Canopy signs must meet the following regulations:

(a) A canopy sign may be attached to, or be an integral part of the face of a canopy.

(b) A canopy sign may consist of only the name and/or logo of the business at the location of the canopy.

(c) The artwork or copy on a canopy sign shall not exceed ten percent of the face of the canopy, or a maximum of twenty-five (25) square feet, whichever is greater.

(d) An illuminated stripe may be incorporated into a canopy. The stripe may extend along the entire length of the face of the canopy. The width or thickness of the stripe shall be limited to one-third of the vertical dimension of the face of the canopy. The internal illumination of a canopy is limited to the portions of the canopy face on which a sign or stripe is permitted.

**Secs. 19-86 through 19-89. Reserved.**

**ARTICLE VIII. MONUMENT SIGN REGULATIONS**

All monument signs shall be compatible with the colors and materials of the building that is located on the same lot as the sign. Sculpted aluminum sign panels and plastic panel signs are allowed to be utilized on monument signs. Additional monument sign regulations are as follows:

**Sec. 19-90. Properties with Multiple Tenants**

Shopping centers and office buildings with multiple tenants are permitted to erect monument signs that comply with the following regulations:

- (a) Maximum size one – one hundred fifty (150) square feet
- (b) Maximum height – ten feet (10') measured from grade.
- (c) Setbacks



- (1) Fifteen feet (15') from property lines adjacent to the street right-of-way.
  - (2) Fifteen feet (15') from property lines other than property lines adjacent to the street right-of-way.
  - (3) Two-Hundred-Fifty feet (250') from any other monument or pole sign on the same property, measured along the right-of-way.
- (d) Digital (Electronic) Signs.
- (1) Signs may include a maximum area of forty (40) square feet that incorporates changeable messages or lettering, as defined, in the sign face.
  - (2) Digital signs shall not be animated, flash, travel, blink, fade, or scroll and shall transition instantaneously to another static image.
  - (3) Digital signs shall display static images for a period of at least 8 seconds.

**Sec. 19-91. Properties with Single Tenants.**

Businesses located on individually platted land including individual pad sites within a shopping center, apartments, schools, model homes and other non-residential uses located on residentially zoned property are permitted to erect Monument Signs that comply with the following regulations:

- (a) Maximum size – ninety (90) square feet
- (b) Maximum height – ten feet (10')
- (c) Setbacks
  - (1) Fifteen feet (15') from the property line adjacent to street right-of-way.
  - (2) Fifteen feet (15') from property lines other than property lines adjacent to the street right-of-way.
  - (3) Two-Hundred-Fifty feet (250') from any other monument or pole sign on the same property, measured along the right-of-way.
- (d) Digital (Electronic) Signs.
  - (1) Digital signs may include a maximum area of forty (40) square feet that incorporates changeable messages or lettering, as defined, in the sign face.
  - (2) Digital signs shall not be animated, flash, travel, blink, fade, or scroll and shall transition instantaneously to another static image.

- (3) Variable message signs shall display static images for a period of at least 8 seconds.

**Sec. 19-93. Material Regulations.**

All monument sign bases shall be constructed of the same material as the front building façade on the same site or shall be compatible in design with stone or brick. The sign support must be constructed or covered with the same masonry material as the principal building, or stone, or brick. Sculpted aluminum or plastic sign panels will be allowed. All sign text and graphic elements shall be limited to a minimum of six inches from the outer limits of the sign structure.

**Sec. 19-94. Illumination.**

Monument signs shall be illuminated by a ground lighting source where the light itself and supporting structure are screened from public right-of-way, except, signs with sculpted aluminum panels, plastic panels, cut-out letters, or other type of raised lettering may be back lit using internal lighting. Every sign with any type of electrical connection must be listed by a recognized listing agency with a permanent label properly affixed.

**Secs. 19-95 through 19-99. Reserved.**

## **ARTICLE IX. POLE SIGN REGULATIONS**

**Sec. 19-100. Off-Premise Pole Signs.**

All off-premise pole signs shall meet the requirements of Article XIII of this ordinance.

**Sec. 19-101. On-Premise Pole Signs.**

On-premise pole signs may only be erected in non-residential zoning districts. All on-premise pole signs shall meet the following regulations:

- (a) Maximum size – Single Tenant: Two hundred (200) square feet  
– Multiple Tenant: Three hundred (300) square ft.
- (b) Maximum height – Forty feet (40')  
**Exception:** Signs located in the U.S. Highway 75 or Highway Overlay District shall not exceed a height of seventy feet (70').
- (c) Setbacks
  - (1) Ten feet (10') from any property line.
- (d) Spacing – A minimum of two hundred feet (200') from any other monument or pole sign on the same property, measured along the right-of-way.

- (e) Digital (Electronic) Signs
  - (1) Digital signs shall not be animated, flash, travel, blink, fade, or scroll and shall transition instantaneously to another static image.
  - (2) Digital signs shall display static images for a period of at least 8 seconds.

**Secs. 19-102 through 19-104. Reserved.**

## **ARTICLE X. OTHER TYPES OF SIGNS**

This Section provides standards for specific types of permanent signs permitted by this ordinance.

### **Sec. 19-105. Menu Board Signs.**

Menu board signs must meet the following regulations:

- (a) Menu board signs may be attached or monument signs.
- (b) The maximum height is six (6) feet.
- (c) The maximum sign area is forty (40) square feet. Only one sign face is allowed per sign.
- (d) A maximum of two (2) such signs are allowed for each lot.
- (e) All menu board signs shall be located at the side or rear of the principal building. If two signs are erected they must be at least twelve feet (12') apart.
- (f) Internal illumination may be utilized for the sign panel.
- (g) Any sign must be located at least fifteen feet (15') from any property line.

### **Sec. 19-106. Subdivision Entry Signs.**

Subdivision Entry Signs must meet the following regulations:

- (a) Subdivision entry signs may be attached to a wall at the subdivision entrance or on a monument sign.
- (b) Attached Signs may not project above the top of the wall on which they are attached.
- (c) The maximum sign area is thirty-two (32) square feet for attached signs.
- (d) Only one monument sign or two attached signs may be placed at each subdivision entrance. A monument sign may have the subdivision name on both sides.

(e) Monument signs may be located in the median at the street entrance if approved by the City in an approved plat, within a developer's agreement, or by separate approval of the City Council.

**Sec. 19-107. Directory Signs.**

Directory signs must meet the following regulations:

- (a) Directory Signs may be either attached, monument or pole signs.
- (b) Directory signs must be located a safe distance from the entry drive and the public right-of-way as determined by the City's Director of Public Works.
- (c) Only one directory sign is allowed per street entrance.

**Sec. 19-108. Institutional Signs.**

Institutional Signs must meet the following regulations:

- (a) Institutional signs may be attached, monument or pole signs.
- (b) Institutional signs may include a reader board, subject to the following limitations:
  - (1) Reader board must be integral to the permitted sign for the site;
  - (2) Messages on the reader board, whether electronic or manual, may not scroll, flash, or change more frequently than once a day;
  - (3) Manual reader boards using movable lettering must have a lockable covering;
  - (4) The reader board display cannot exceed two-thirds of the gross sign area per sign face, excluding the sign border.
  - (5) Internal illumination may be utilized for the reader board sign panel.

**Sec. 19-109. Gasoline Pricing Signs.**

Gasoline pricing signs may be attached signs, pole signs or monument signs and must meet the regulations of the type of sign used (attached, pole or monument) as well as the following regulations:

- (a) Gasoline pricing signs shall not be animated, flash, travel, blink, fade, or scroll and shall transition instantaneously to another static image.
- (b) Gasoline pricing signs shall display static images for a period of at least 8 seconds.
- (c) Only one pricing display is allowed per site.
- (d) Internal illumination may be used for the pricing display only.

**Secs. 19-110 through 19-114. Reserved.**

## **ARTICLE XI. REGULATIONS FOR TEMPORARY SIGNS**

### **Sec. 19-115. Development Signs.**

Development signs are allowed subject to the following regulations:

- (a) Maximum size – thirty-two (32) square feet
- (b) Maximum height – fifteen (15) feet
- (c) Setback – twenty feet from all property lines
- (d) Number of signs – one (1) for every fifty (50) acres of property, or portion thereof, under active development.
- (e) Development signs require a temporary sign permit and may be erected in nonresidential and residential zoning districts.
- (f) Development signs must be related only to the property on which they are located. They may be monument or pole signs provided that a minimum of two vertical sign supports are utilized.
- (g) Each development site may have one such sign for each fifty (50) acres, or any portion thereof, under active development.
- (h) Development signs must be removed when the project is eighty percent (80%) complete. In the case of a commercial project, eighty percent (80%) complete means when a certificate of occupancy is issued for a shell building. For a residential project, eighty percent (80%) complete means when eighty percent (80%) of the lots in the subdivision have received building permits.

### **Sec. 19-116. Real Estate Sign.**

Real estate signs are subject to the following regulations:

- (a) Real estate signs may be erected in nonresidential and residential zoning districts and shall not require a permit.
- (b) Real estate signs may be attached, monument or ground signs.
- (c) The maximum sign area shall not exceed nine (9) square feet and a maximum height of four feet (4') for property located in a Residential Zoning District. Signs located in a Non-Residential Zoning District shall not exceed thirty-two (32) square feet in sign area and ten feet (10') in height.
- (d) On lots where a sidewalk exists within the street right-of-way, signs shall be located between the sidewalk and the structure – but no closer than



three feet (3') from the sidewalk. On lots where no sidewalk exists within the street right-of-way, the sign shall be located at least ten feet (10') from the edge of the street.

(e) No more than one sign shall be located for every two (2) acres in a tract of land or portion thereof.

(f) A real estate sign shall be removed upon the sale or lease of the property.

(g) Real estate signs located in Residential Zoning Districts do not require permits. Real estate signs located in Non-Residential Zoning Districts and larger than nine (9) square feet must be permitted and the appropriate permit fee paid.

#### **Sec. 19-117. Promotional Signage.**

Businesses that erect signs under the provisions of this Section shall not display a sign that states "Going out of Business", "Quitting Business" or similar message more than one time. Promotional signs are subject to the following regulations:

(a) All promotional signage requires a permit. A maximum of two (2) permits are allowed for each calendar year. A separate permit is required for each two-week period promotional signage will be used. Promotional signs will be considered as a group and not as each individual sign, streamer, banner, etc.

(b) Promotional signage may include flags, pennants, streamers, balloons, inflatable signs, and any legal signs allowed by this ordinance. Additionally, a maximum of two (2) banners is allowed, in addition to flags, pennants, streamers, balloons, inflatable or other promotional signage per permit.

(c) Promotional signage is allowed for two, thirty (30) day periods each calendar year per legal business subject to the following:

- (1) A thirty (30) day period will commence on the first day promotional signage is displayed.
- (2) The two thirty (30) day periods shall not occur in the same or consecutive months.
- (3) A legal business shall include any commercial, industrial, or institutional use for which the building inspection department has issued a certificate of occupancy.
- (4) In the case of a special promotion for a grand opening celebration or a going out of business event, one permit may be extended to a forty-five (45) day period provided the promotion commences within the first three months of the date of issuance of a certificate of occupancy and the grand opening is limited to the address noted on the certificate of occupancy.

(d) Any device described as promotional signage shall not exceed an overall height of forty feet (40') measured from ground.

(e) The following setbacks apply. However, the setbacks may be increased for any promotional signage found by the City to block traffic visibility or constitute a traffic hazard.

- (1) Fifteen feet (15') from street right-of-way.
- (2) Forty feet (40') from property lines other than those property lines fronting the street right-of-way.

**Sec. 19-118. Searchlights.**

Searchlights may be permitted in accordance with any applicable regulations. A permit for use of an advertising searchlight may be granted under the following additional regulations:

(a) A searchlight shall be located a minimum distance of 50 feet from a public right-of-way and positioned so as to project all beams at a minimum angle of 30 degrees from grade level.

(b) The maximum light intensity generated by searchlights on any premises may not exceed a total of 1.6 million foot candlepower. No more than four beams of light may be projected from any premises.

(c) All searchlights must be designed and maintained so as to prevent beam rays of light from being directed at any portion of the rights-of-way or adjoining property, and no light shall be of such intensity or brilliance to cause glare to or impair the vision of the driver of any vehicle, or to create greater than 0.5 foot candles at 4 feet height at the property line.

(d) No advertising searchlight may be operated between the hours of 11:00 p.m. and 7:00 a.m.

(e) No advertising searchlight may be operated on a premises for more than seven consecutive days. No permit for an advertising searchlight may be issued for any business entity for which a permit has been issued for a searchlight on the same premises within the six months preceding the date of the permit application.

**Secs. 19-119 through 19-124. Reserved.**

## ARTICLE XII. KIOSK SIGNS

On properties located at the intersection of two major thoroughfares or a major thoroughfare and a collector street, kiosk signs that provide directional arrows are permissible subject to the following conditions and upon the issuance of a sign permit:

**Sec. 19-125. Design and Location.**

The sign design and location must be approved the City Council;

**Sec. 19-126. Length of Permit.**

Permits for such signs shall be temporary in nature and shall expire two years from the date of permit issuance;

**Sec. 19-127. Maximum Height.**

The maximum height of the sign is ten feet (10');

**Sec. 19-128. Maximum Width.**

The maximum width of the sign is six feet (6');

**Sec. 19-129. Font, Lettering and Color.**

The font, lettering and color of the sign shall be uniform throughout the entire sign;

**Sec. 19-130. Distance from Right-of-Way.**

(a) Historic Overlay Area – The sign may be located on the sidewalk and within the right-of-way as long as the sign does not cause a traffic safety problem and the proprietor files with the City Clerk a certificate of insurance for general liability in the minimum coverage amount of \$500,000.00/\$1,000,000.00, combined single limit, evidencing the City of Denison as an additional insured. The permit applicant, property owner or developer shall be responsible for the cost of production, maintenance of the sign and removal of the sign.

(b) Areas Other Than the Historic Overlay Area – Five feet (5') from the back of the curb or road pavement and at least one foot (1') from any sidewalk. The permit applicant, property owner or developer shall be responsible for the cost of production, maintenance of the sign and removal of the sign.

**Sec. 19-131. Responsibility of Applicant.**

The permit applicant, property owner or developer shall be responsible for the cost of production, maintenance of the sign and removal of the sign.

**Secs. 19-132 through 19-134. Reserved.**

### **ARTICLE XIII. OFF-PREMISE SIGNS**

Except for kiosk signs specified in Section XII of this code, all off-premise signs shall conform to the following standards:

**Sec. 19-135. Location.**

Off premise advertising shall be permitted only in those areas adjacent to thoroughfares described below, and, provided that, the property is zoned general retail, commercial, light industrial or heavy industrial pursuant to the terms of the Zoning Ordinance adopted by the City of Denison. Placement of off-premise advertising in any location other than within the areas below is prohibited.

- (a) Property Designated as "Area A"
  - (1) U.S. Highway 75 from the corporate limits on the south to the corporate limits on the north.
  - (2) U.S. Spur 503.
- (b) Property Designated as "Area B"
  - (1) F.M. 691 from S.H. 91 (Texoma Parkway) westward.
  - (2) F.M. 120 from U.S. 75 westward to its intersection with F.M. 1417.
  - (3) S.H. 84 from S.H. 91 westward.
  - (4) U.S. Hwy 69 from its intersection with Des Voignes Road eastward and from its intersection with Martin Luther King Boulevard northward.
  - (5) F.M. 1417 from its intersection with F.M. 691 on the south to its intersection with F.M. 120 on the north.
  - (6) S.H. 91 from its intersection with Memorial Drive northward and from its intersection with Spur 503 southward.

**Sec. 19-136. Distance from other Off-Premise Signs.**

No off-premise sign shall be located within a radius of three thousand (3,000) feet of an existing and permitted off-premise sign. Signs located on separate thoroughfares are required to meet the separation requirement regardless of the thoroughfare on which the sign is located.

**Sec. 19-137. Distance from Certain Uses.**

No sign shall be located closer than one hundred (100) feet to a property line of a residential structure, church, park, hospital, cemetery or school.

**Sec. 19-138. Digital Signs.**

- (a) No off-premise sign face may be converted to a digital sign or electronic sign.
- (b) New off-premise signs may be digital signs as long as the sign meets all of the requirements for off-premise signs contained in this article.
- (c) Digital signs shall not be animated, flash, travel, blink, fade, or scroll and shall transition instantaneously to another static image.
- (d) Digital signs shall display static images for a period of at least 8 seconds.

**Sec. 19-139. Directional Off-Premise Sign Regulations.**

Directional off-premise signs shall not be subject to the location and spacing requirements of this section, but shall be subject to the following location and spacing requirements:

- (a) Maximum size – thirty-two (32) square feet
- (b) Maximum height – five (5) feet
- (c) Setback – fifteen (15) feet from the back of the curb or the edge of the street pavement or property line
- (d) Spacing – no closer than one hundred (100) feet to another directional off-premise sign
- (e) Directional off-premise signs shall not be located more than one-thousand (1,000) feet from one (1) of the thoroughfares identified in Sec. 19-135
- (f) Directional off-premise signs shall be placed within one hundred (100) feet of the point at which the turn or directional movement is to be made by one following the directional message.

**Sec. 19-140. Off-Premise Sign Regulations.**

Off-premise signs shall be subject to the following requirements:

- (a) Maximum size – Area A: six-hundred seventy-two (672) square feet  
– Area B: four-hundred (400) square feet
- (b) Maximum height – Forty (40) feet
- (c) Setback – Twenty (20) feet from any public right-of-way or property line
- (d) Maximum height dimension of display – fourteen (14) feet
- (e) Display area ratio – The width to height ration must not be less than two to one (2:1) nor more than four to one (4:1).
- (f) V-type signs. The angle between the display area of V-type signs shall not be greater than forty-five (45) degrees measured back to back, and, if the size of each area is three hundred (300) square feet or less, the maximum distance at the nearest point between the two (2) backs, as measured at the apex, shall not exceed one and one-half (1½) feet. If the size of either area exceeds three hundred (300) square feet, then the maximum distance between the two (2) backs, as measured at the apex, shall not exceed three and one-half (3½) feet. Back-to-back signs must be on common supports, and the nearest point between the two (2) backs shall not exceed five (5) feet plus the diameter of the intervening upright or support.



(g) The display area shall not have any extensions beyond the basic dimensions of the display area, any inserted, flashing, or neon lighting, three-dimensional features, or moving components.

**Sec. 19-141. Annual Operating Fee.**

Each permittee shall pay an annual operating fee per display area per off-premise sign. The amount of the fee shall be established by the City's comprehensive fee schedule. The annual operating period shall run from January 1 through December 31 of each year. The amount of the fee shall not be pro-rated unless specifically allowed in the City's comprehensive fee schedule. The first annual operating fee shall be due on January 1 immediately following the date of the permit. Failure to pay the annual operating fee shall be cause for the Chief Building Official to order the sign to be removed or to remove the sign and charge the cost of removal to the sign owner.

**Secs. 19-142 – 19-144. Reserved.**

**ARTICLE XIV. HISTORIC OVERLAY AREA**

No signs, other than those listed below, shall be installed or erected in the Historic Overlay Area indicated by the City of Denison zoning map. No permit shall be issued and no sign erected unless the sign is approved by the Historic Preservation Board of the City of Denison. Any variance to the terms of this Article shall be determined by the Historic Preservation Board and not the Building Appeals Board.

**Note:** Colors utilized in signage must comply with the historic color palette adopted by the Historic Preservation Board.

**Sec. 19-145. Projecting Signs.**

Projecting signs shall only be allowed within the Historic Overlay Area and must meet the following regulations:

- (a) Signs shall be constructed of noncombustible material.
- (b) Signs shall not project more than four feet (4'), measured from the building face, and shall not be closer than eight feet (8') from the back of the curb line.
- (c) Signs shall be at least 8 feet above the sidewalk.
- (d) Signs may be externally illuminated. Internal illumination shall not be permitted.
- (e) Signs shall not exceed twenty (20) square feet per sign face.
- (f) For any projecting sign that extends over or into a Right-of-Way, prior to the issuance of a sign permit, the proprietor shall file with the City Clerk a certificate of insurance for general liability in the minimum coverage amount of \$500,000.00/\$1,000,000.00, combined single limit, evidencing the City of Denison as an additional insured.

**Sec. 19-146. Awning Signs.**

Awning Signs must meet the following regulations:

(a) An awning may extend the full length of the wall of the building to which it is attached and shall be no more than six feet (6') in height and shall provide a clearance of at least eight feet (8') above the sidewalk.

(b) Artwork or copy on awning signs shall be limited to a business name, business logo and/or property address.

(c) The artwork or copy for an awning sign shall not exceed twenty percent (20%) of the area of the awning and shall extend for no more than sixty percent (60%) of the length of the awning.

(d) Awnings shall not be illuminated.

(e) Awnings shall be composed of canvas or other fabric material approved by the Historic Preservation Commission.

**Sec. 19-147. Canopy Sign.**

Canopy signs must meet the following regulations:

(a) A canopy sign may be attached to, or be an integral part of the face of a canopy.

(b) Artwork or copy on canopy signs shall be limited to a business name, business logo and/or property address.

(c) The artwork or copy on a canopy sign shall not exceed ten percent of the face of the canopy, or a maximum of twenty-five (25) square feet, whichever is greater.

(d) An illuminated stripe may be incorporated into a canopy. The stripe may extend along the entire length of the face of the canopy. The width or thickness of the stripe shall be limited to one-third of the vertical dimension of the face of the canopy. The internal illumination of a canopy is limited to the portions of the canopy face on which a sign or stripe is permitted.

**Sec. 19-148. Wall Signs.**

(a) **Where Allowed.** Wall signs shall be limited to buildings located in a non-residential zoning district or to churches, apartments, schools and other non-residential uses, with the exception of model homes, located within a residentially zoned district.

(b) **Installation Requirements.** All signs and their words shall be mounted parallel to the building surface to which they are attached, and shall project no more than twelve inches (12") from that surface, except for Projecting signs as allowed in Article XIV. Wall signs shall not extend above the wall or building surface to which the sign is attached. Banner signs shall not be utilized as permanent wall signs, but only as Promotional Signs as allowed in Section 19-117.

(c) **Maximum Sign Area.**

Wall signs shall not exceed the following area schedules:

- (1) Attached signs located at a height of thirty-six feet (36') or less shall be limited to two (2) square feet of sign area for each lineal foot of building frontage for a single tenant building, or lease space frontage in a multiple tenant building, not to exceed four hundred fifty (450) square feet.
  - (2) Attached signs located above a height of thirty-six feet (36') shall be permitted an increase in maximum effective area. Such increases shall not exceed five (5) additional square feet in effective area, as restricted in paragraph (1) above, for each additional one foot (1') of height above thirty-six feet (36') measured from the base of the sign. Signs may be increased hereunder to a maximum size of six hundred (600) square feet.
  - (3) Attached signs may be located on any facade except for signs located on the side or rear wall of a building where the sign would face an adjacent residential zoning district. The sum of the effective area of all attached signs shall not exceed the allowable effective area specified in paragraphs (1) or (2) above, whichever paragraph is applicable. Signs on a single facade shall not exceed the sign area allowed in paragraph (1) above.
- (d) Wall signs in the Historic Overlay Area must be externally illuminated. Internal illumination shall not be permitted.

**Sec. 19-149. Roof Signs.**

One roof sign shall be allowed for each building. The size of the roof sign shall be limited by the maximum size allowed in paragraph (c)(1) above. The size of all wall signs shall be added to the size of the roof sign to determine the total amount of sign area and shall not exceed the requirements of (c)(3) above.

**Sec. 19-150. Illumination of Attached Signs.**

Attached Signs may only be illuminated utilizing external lighting. Exterior letters with exposed neon lighting are not allowed. All sign lighting must be specifically approved by the Historic Preservation Board.

**Sec. 19-151. Window Signs.**

Window signs do not require a permit or a permit fee. Window signs must meet the following regulations:

- (a) Window Signs must not obscure more than 25 percent of the window area per facade.
- (b) The sign area shall be measured by drawing a rectangular or square box around the sign elements, then multiplying the height by the width. For signs whose shape is irregular, the box must enclose all elements of the sign.
- (c) No illuminated window signs shall be allowed within two feet of the window surface, except for open / closed signs.

**Sec. 19-152. Sandwich Board Signs.**

Businesses may display sandwich board signs that comply with the following regulations:

1. Signs may only be placed on the sidewalk during the hours that the business is open to the public.
2. Signs must be placed within three (3) feet of the front wall of the business and must allow for a minimum open space of four (4) feet between the sign and the edge of the sidewalk adjacent to the street to allow for unobstructed pedestrian passage along the sidewalk.
3. Prior to initiating the use of the adjacent sidewalk, the proprietor shall file with the City Clerk a certificate of insurance for general liability in the minimum coverage amount of \$500,000.00/\$1,000,000.00, combined single limit, evidencing the City of Denison as an additional insured.

**Sec. 19-153. Digital (Electronic) Signs.**

Digital or electronic signs are specifically prohibited within the Historic Overlay Area.

**Sec. 19-154. Real Estate Signs.**

Real estate signs may be erected that comply with Section 19-116 of this ordinance.

**Sec. 19-155. Kiosk Signs.**

Kiosk signs may be erected as long as the provisions of Article XII of this code are met and the signs are approved by the Historic Preservation Board.

**Sec. 19-156. Exempt Signs.**

Signs exempted by Article V of this code are also specifically allowed in the Historic Overlay Area.

**Sec. 19-157. Promotional Signage**

Promotional signage complying with Section 19-117 of this code are specifically allowed in the Historic Overlay Area.

**Sec. 19-158. Searchlights**

Searchlights complying with Section 19-118 of this code are specifically allowed in the Historic Overlay Area.

**Sec. 19-159. Menu Board Signs**

Two menu board signs may be attached to any surface on the building as long as they do not conflict with any other right-of-way regulations required by this ordinance.”

**Section 3:** That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared to be invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences,



paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such invalid or unconstitutional phrase, clause, sentence, paragraph or section.

**Section 4:** That whenever in this ordinance an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in this ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of any such provision of this ordinance shall be punished by a fine not to exceed two thousand dollars (\$2,000.00). Each day any violation of this ordinance shall continue shall constitute a separate offense.

**Section 5:** That this ordinance shall become effective a.) seven (7) days from and after its passage; b.) seven (7) days following its penal provisions being published in a newspaper of general circulation in the city; and c.) the ordinance in its entirety being posted upon the City's website.

**Section 6:** That it is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given all as required by Section 551.041, Texas Government Code.

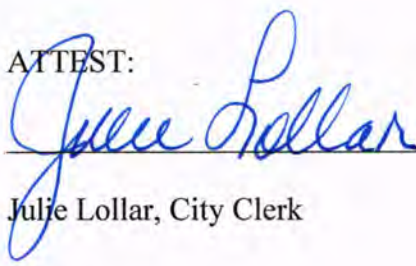
**AND IT IS SO ORDERED.**

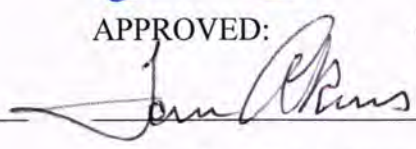
On motion by Council member Brawley, seconded by Council member Malvern , the above and foregoing ordinance was passed and approved on this the 18th day of February, 2013, by the following vote:

- Ayes: Hanley, Malvern, Johnson, Brawley, Baecht, Spindle
- Nays: McClure
- Abstentions:

At regular meeting February 18, 2013.

  
 \_\_\_\_\_  
 JARED JOHNSON, MAYOR

ATTEST:  
  
 \_\_\_\_\_  
 Julie Lollar, City Clerk

APPROVED:  
  
 \_\_\_\_\_  
 Tom Akins, City Attorney