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ORDINANCE 1188

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF CIBOLO AMENDING THE CODE OF ORDINANCES BY REPLACING CHAPTER 58 (ENTITLED "SIGNS"); PROVIDING FOR THE REGULATION, INSTALLATION, AND MAINTENANCE OF SIGNS WITHIN THE CITY LIMITS AND EXTRATERRITORIAL JURISDICTION; PROVIDING A MEANS FOR VARIANCES THERETO; PROVIDING A REPEALING SECTION; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE

WHEREAS, pursuant to Texas Local Government Code Chapters 216 and 211, and other provisions of state law, the Texas Constitution and the City's inherent authority as a home rule municipality, the City of Copperas Cove is authorized to regulate the time place and manner of the placement of signs within its corporate limits and extraterritorial jurisdiction; and

WHEREAS, pursuant to such authority the City Council adopted Chapter 58 of the City's Code of Ordinances to further the provision of the orderly development of land and use of property within its corporate limits and extraterritorial jurisdiction; and

WHEREAS, the City Council of the City of Cibolo desires to amend Chapter 58 to more effectively and efficiently provide for sign regulations; and

WHEREAS, the City Council finds that, with due deference to the freedom of speech protection provided by the United States Constitution, and in furtherance of the public safety, health, and general welfare it is advisable to adopt these revised regulations to, among other things, preserve the quality of life for the City of Cibolo's residents, visitors, and commercial property owners, maintain the public rights-of-way, prevent threats to public safety, prevent traffic hazards, restrict signs that unduly interfere with scenic views and constitute a public nuisance, and deter signs that are detrimental to property values; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CIBOLO, TEXAS:

**SECTION I
INCORPORATION**

THAT the above and foregoing premises are true and correct and are incorporated herein and made part hereof for all purposes.

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**SECTION II.
AMENDMENTS**

THAT the City of Cibolo Code of Ordinances Chapter 58 (entitled "SIGNS") is hereby amended by replacing the existing language in its entirety with the language set out in Exhibit "A" attached hereto and incorporated herein for all purposes.

**SECTION III.
CUMULATIVE CLAUSE**

THAT this ordinance shall be cumulative of all provisions of the City of Cibolo, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the more restrictive provision shall apply.

**SECTION V.
SEVERABILITY**

THAT it is hereby declared to be the intention of the City Council of the City of Cibolo that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, since the same would have been enacted by the City Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION VI.
SAVINGS**

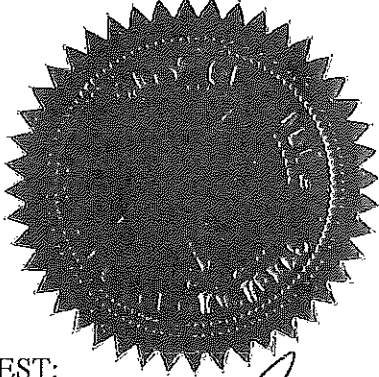
THAT all rights and privileges of the City of Cibolo are expressly saved as to any and all violations of the provisions of any Ordinances affecting land use or development, which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION VII.
EFFECTIVE DATE**

THAT this Ordinance shall be effective immediately upon the passage, approval and publication as required by law.

PASSED, APPROVED, AND ADOPTED THIS 13 DAY OF December, 2018.

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CITY OF CIBOLO, TEXAS

A handwritten signature in cursive script, appearing to read "Allen Dunn", written over a horizontal line.

Allen Dunn, Mayor

ATTEST:

A handwritten signature in cursive script, appearing to read "Peggy Cimics", written over a horizontal line.

Peggy Cimics, City Secretary

APPROVED AS TO FORM:

DNRBH&Z P.C., City Attorney

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EXHIBIT "A"
AMENDMENT TO CHAPTER 58

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EXHIBIT A:

58-1. RELATION TO OTHER ORDINANCES.

This ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance. This ordinance is specifically subordinate to any ordinance or regulation of the City of Cibolo pertaining to building and construction safety or to pedestrian and traffic safety.

58-2. PURPOSE.

The purpose of this Ordinance is to provide uniform sign standards and regulations in order to ensure public safety, efficient communication and promote a positive city image reflecting order, harmony, and pride, thereby strengthening the economic stability of the City of Cibolo's business, cultural, historical, and residential areas as follows:

A. Public Safety: To promote the safety of persons and property by ensuring that signs do not:

1. Create a hazard due to collapse, fire, decay, or abandonment;
2. Obstruct firefighting or police surveillance;
3. Create traffic hazards by confusing, distracting, or obstructing the view of pedestrians or vehicles; or
4. Become obstacles that hinder free passage to pedestrians, bicyclists or motorists.

B. Efficient Communications: To promote the efficient transfer of information in sign messages by ensuring:

1. Those signs which provide public safety messages and information are given priority;
2. Businesses and services may identify themselves;
3. Customers and other persons may locate businesses or services;
4. No person or group is arbitrarily denied the use of sight lines from public rights-of-way for communication purposes;
5. Persons exposed to signs are not overwhelmed by the number of messages presented and are able to exercise freedom of choice to observe or ignore such messages according to the observer's purpose; and
6. These regulations are implemented and enforced in a content neutral manner.

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C. Landscape Quality and Preservation: To protect the public welfare and enhance the appearance and economic value of the landscape by ensuring that signs:

1. Do not interfere with scenic views;
2. Do not create a nuisance to persons using public rights-of-way;
3. Do not create a nuisance to occupants of adjacent and contiguous property by their brightness, size, height, or movement;
4. Are not detrimental to land or property values;
5. Do not contribute to visual blight or clutter; and
6. Are architecturally compatible and harmonious with the structure to which they pertain and to neighboring structures.

58-3. GENERAL.

No person may construct, reconstruct, place, install, relocate, alter, or use a sign after the effective date of this ordinance unless such installation, construction, reconstruction, placement, relocation, alteration, or use meets all the provisions of this and all other applicable ordinances adopted by the City Council of the City of Cibolo.

58-4. JURISDICTION.

The provisions of this ordinance shall apply within the city limits and ETJ of the City of Cibolo, as defined by state law.

58-5. DEFINITIONS.

Words and phrases used in this ordinance shall have the meanings set forth in this section. Other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise. Headings and captions are for reference purposes only and shall not be used in the interpretation of this ordinance. In the event of conflicting regulations or definitions thereupon, the stricter definition or regulation shall apply.

AREA -

(1) The entire sign surface within a single contiguous perimeter, excluding support structures. A sign structure with two faces back-to-back, oriented in opposite directions and separated by not more than three feet, with the same copy on both sides, shall be counted as a single sign.

(2) In cases where a sign is composed only of letters, figures, or other characters, the dimensions used to compute the area are the smallest simple imaginary figure (circle, triangle, rectangle, or other) which fully contains the sign content.

Administratively complete – term that describes an approved Sign Permit Application submittal to the City of Cibolo. A Sign Permit Application will be deemed administratively complete, upon the submittal of the following: a truthful and fully complete application; the required fees, the site plan, elevation drawings and structural detail of work. The Application must be signed by a party authorized to make such application and the applicant's signature must be notarized.

BOARD – Means the Sign Ordinance Board of Appeals.

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

BUILDING OFFICIAL - The person(s) employed by the City to perform the duties of the Building Permit/Inspection department.

CITY OF CIBOLO, CIBOLO, OR CITY - The City of Cibolo, Guadalupe and Bexar Counties, Texas, an incorporated municipality and its associated ETJ.

CODE ENFORCEMENT OFFICER (CEO) - The person(s) employed to enforce City codes and this ordinance.

COMMERCIAL COMPLEX - Any property such as a shopping center, office park, or industrial park, which consists of two or more establishments on a single platted

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lot, or which is designed, developed, and managed as a unit, or are the members of a commercial association which contributes to the joint maintenance and promotional efforts of the center.

COMPREHENSIVE SIGN PROGRAM - A development process designed for integrated commercial, institutional and industrial developments that generally have multiple uses, multiple shared points of access, or that may be a part of large scale development.

EXTRATERRITORIAL JURISDICTION (ETJ) - As defined by Texas Local Government Code §42.021, land that is not within the corporate limits of the City of Cibolo, Texas, but land over which the City has jurisdiction by virtue of the Texas Local Government Code.

FLAG - A fabric sheet attached at one end to a pole, cable, or rope.

HARDSHIP - A condition that would result in the closing or elimination of any lawful business not created by personal difficulties of the owner.

HEIGHT/GROUND CLEARANCE - The distance from ground level to the bottom of the sign structure, exclusive of structural supports. The ground level is the lower of: (1) the existing grade prior to construction of the sign; or (2) the newly-established grade after construction, unless the curb elevation at the street in front of the sign is higher than the established ground level, in which case the height shall be measured from curb level.

HEIGHT/MAXIMUM - The distance from ground level to the top of the sign structure. The ground level is the lower of: (1) the existing grade prior to construction of the sign; or (2) the newly-established grade after construction, unless the curb elevation at the street in front of the sign is higher than the established ground level, in which case the height shall be measured from curb level.

MALL - Any concentration of retail stores and/or service establishments that share customer parking area and have common connections, common areas and connecting walkways, whereby a customer in one store or establishment may walk to another store or establishment without leaving the development.

MOVING ELEMENTS - Balloons, streamers, banners, mechanical arms, or the like.

NON-CONFORMING SIGNS - Signs which have been installed prior to the effective date of this ordinance and in use as of the effective date of this ordinance, and which do not conform to this ordinance.

NOTICE - Actual notice by personal delivery or written notice sent by registered or certified mail.

PREMISES - A lot or tract within Cibolo or its ETJ, and contiguous tracts in the same ownership, which are not divided by any public highway, street, alley, or right-of-way.

RESIDENTIAL AREA - Any property within the city limits which is zoned residential.

RESPONSIBLE PARTY - The owner of the property upon which a sign is located, the leaser of the property, and/or the owner of the sign.

SATELLITE (DISH) - A bowl-shaped antenna with which signals are transmitted to or received from a communications satellite.

SIGN (in general) - A name, identification, description, display or illustration that is affixed to or represented directly or indirectly upon a building, structure or piece of land that directs attention to an object, person, product, place, activity, institution or business.

SIGN SETBACK - The horizontal distance between a sign and the property line, as measured from the property line(s) to the closest edge(s) of the sign.

SINGLE COMMERCIAL BUILDING - A structure containing a single stationary, commercial establishment, office, business, school, church, non-profit organization, charity, or government agency.

VARIANCE - Written approval to depart from the strict application of the provisions of this ordinance.

VISIBILITY TRIANGLE - Triangle sight area would be from the corner of converging streets or roads to a distance along each street, curb, or road edge which ever extends farther from the centerline, with the triangle completed by drawing a line through the property from both ends of the street right-of-ways. For further information, see Figures 1 - 3 in Section 58-12 (On-Premise Signs).

SIGN TYPES:

ABANDONED/OBSOLETE - A sign that advertises a product, service, or business no longer available or in operation or not being maintained for a certain period of time as hereinafter described in this ordinance.

ADVERTISING - Any sign that's purpose it is to attract attention to a business, product, service, activity, or belief. To include a message(s) of a non-advertising nature.

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ADVERTISING VEHICLE OR TRAILER - Any vehicle or trailer that has as its primary purpose the advertisement of products or direction of people to a business or activity, whether located on or off-premise of such business or activity. To include a message(s) of a non-advertising nature.

A-FRAME (sandwich) - An A-framed style sign for daily display or promotional purposes, which is typically, but not necessarily, foldable or collapsible and meant to be easily moved. Shall be placed out-of-doors during business hours for display and returned indoors during off hours. Must be located on the premises of the business advertised and placement cannot impede pedestrian or vehicular traffic or interfere with parking.

AUXILIARY - Provides information such as hours of operation, delivery instructions, credit cards accepted, restrictions of sale to minors, "no soliciting," or "beware of dog." References to a service, business, name, or pricing shall disqualify a sign as an auxiliary sign.

BANDIT - Sign made of any material and is tacked, nailed, posted or glued to trees, poles, stakes, fences or other objects without a permit or in the public Right-of-Way and the advertising matter appearing thereon is not applicable to the use of the premises upon which such sign is located.

BANNER - Any sign intended to be hung either with or without frames, possessing colors, characters, letters, illustrations, or ornamentation applied to paper, plastic, fabric, or netting of any kind, supported by wire, rope, webbing, or similar means or through the grommets of the sign.

BEACONS - Includes any light with a beam directed into the atmosphere or directed at a point which is not on the same property as the light source, or light with one or more beams that move.

BENCH - Any sign painted on or affixed to a bench normally used for seating, indoors or outdoors.

BILLBOARDS - Means all off-premises signs containing at least two hundred square feet face area and owned by a person, corporation or other entity that engages in the business of selling the advertising space on the sign.

CHANGEABLE ELECTRONIC VARIABLE MESSAGE (CEVMS) - a sign which permits light to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including an LED (light emitting diode) or digital sign, and which varies in intensity or color. A

CEVMS sign does not include a sign located within the right-of-way that functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) approved by the Federal Highway Administrator as the National Standard.

CONSTRUCTION PROJECT AND CONTRACTOR'S - A sign temporarily placed on a construction site identifying the project, and/or owner, developer contractor, architect, and may include other information regarding the project (such as remodeling signs).

CHANGEABLE COPY - A sign, or part of a sign, on which content can be changed or rearranged without altering the face or surface of the sign, including but not limited to, a theater marquee or a gasoline price sign.

DAMAGED - A sign, that is unsafe, unsecured, disfigured, or broken. Any sign that has become so deteriorated or dilapidated as to require more than minimal reconditioning to restore it to an average, normal state of repair.

DIRECTORY - A sign that indicates the name and/or address of the owner or occupant, the address of the premises, and/or identification of any legal business or occupation, that may exist at the premises.

ELECTRONIC - a sign, display or device that exhibits its message, words, letters, numbers, images, symbols, or copy by programmable, mechanical, or electronic process including, but not limited to LED electronic signs and static electronic displays.

EXPOSED OUTDOOR STRING LIGHTS - Exposed visible light bulbs on an electrical cord, typically hung on a patio area or across a ROW for decorative purposes, festivals or holidays.

FLASHING - Message boards that are electronically controlled by intermittent light impulses or alternating panels consisting of letters, words, or numerals that can either change sequentially or travel across the display area. Other than time and temperature signs, emergency signs, school zone signs, or other governmental signs.

FREESTANDING - A sign that is attached to or part of a completely self-supporting structure. The supporting structure shall be set firmly in or below the ground surface and shall not be attached to any building or any other structure whether portable or stationary.

GARAGE SALE - Temporary residential event signs announcing the weekend selling of items at a resident, community hall, or social gathering place.

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GOVERNMENTAL - Any sign indicating public works projects, public service or other programs or activities conducted or required by any governmental subdivision. This is also considered a Community Service Sign.

HISTORIC - A sign that is an integral part of the historical character of a landmark building or historic district.

HOLIDAY - A temporary display or decoration customarily associated with any national, state, local, or religious holiday or celebration.

HOME OCCUPATION - Signs that advertise for a business that is operated in a home platted as residential.

ILLUMINATED - Any sign illuminated in any manner by an artificial light source of any kind, either detached from the sign or a part thereof. Signs that are only incidentally and indirectly illuminated as a result of a lighting plan primarily designed as security lighting or landscape lighting are not illuminated signs.

IDEOLOGICAL - Any sign depicting personal, cultural or religious beliefs. Typical signs include school support, student honors, HOA and the like.

ILLEGAL - A sign that requires a permit and that is erected without a permit. A sign that is erected without property owner permission. A sign that is erected in a zone without meeting minimum requirements of that zone, or a sign otherwise prohibited by Section 58-7 of this Ordinance.

INDUSTRIAL PARK - Any sign used to mark the entrance to a specific Industrial Park. High or low profile permanent sign designed in such a way as to indicate the name of the specific Industrial Park and placed at or near the main entry to such Industrial Park.

INFLATABLE - A commercial or residential scale sign manufactured of plastic, cloth, canvas or other light weight material that is inflated with air, secured to the ground and does not float.

LED SIGN - A semiconductor diode that emits light when a voltage is applied to it and that is used especially in electronic devices, such as signs and related visual messaging devices.

MONUMENT SIGN - A sign which is mounted on a base at least as wide as the sign. The opening between the base and the sign must be no greater than two inches.

MOVING SIGN - Any sign or part of a sign which is animated or moves, including moving elements.

NON-CONFORMING SIGN - A nonconforming sign is a sign that is not allowed under this chapter, but which, when first constructed was allowed and continued in its legal status until the adoption of this chapter.

OFF-SITE RESIDENTIAL/NON-RESIDENTIAL EVENT SIGNS - Signs giving directions to an occasional event at another location.

ON-SITE RESIDENTIAL/NON-RESIDENTIAL EVENT SIGNS - A sign which is placed to advertise or mark the location of an occasional event on the same site.

OFF-SITE SIGN - 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 premises on which the sign is located.

ON-SITE SIGN - Any sign the content of which relates to the premises that it is located on, referring to names, locations, products, persons, accommodations, services or activities on the premises, or the sale, lease or construction of premises.

POLE/PYLON SIGN - A self supporting freestanding sign that must adhere to the requirements of construction using durable building materials utilizing, but not limited to, masonry, stucco, painted pipe, aluminum clad piping, or other complimentary materials.

POLITICAL SIGN - Signs which by their content supports or opposes any candidate for public office or any proposition to be voted upon at an election or which makes a political or ideological statement in the nature of constitutionally protected, non-commercial free speech.

POSTER SIZE ENCLOSURE SIGN - A metal or plastic frame, with or without glass, or Plexiglas and which can be secured or locked (not to exceed three foot in width, four foot in height, and five inches in depth (3'X4'X5"), and is affixed to the outside of a building, which permits an individual to insert a paper advertisement into the enclosure for outside display and regularly change out the paper display. It is the intent of the City Council for such poster size enclosure signs to be similar to the enclosures typically and traditionally used to display movie posters outside of movie theaters.

PENNANT - A long, narrow, usually triangular flag composed primarily of cloth, paper, fabric or other similar non-rigid material that may be used to announce grand openings and/or special events. Pennants shall follow the same regulations as flags.

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PROHIBITED - Any sign not allowed for specifically within this Ordinance.

REALTY - Any sign used to advertise a real estate development site, commercial or residential property, or to advertise that real estate is for sale, lease, or rent.

ROOF - A sign that is mounted on, and is wholly supported by the roof of a building and does not extend beyond the wall line.

SEARCHLIGHT (or SKYLIGHT) - Any apparatus capable of projecting a beam or beams of light. Searchlights (skylight) are prohibited in the City of Cibola and its extra-territorial jurisdiction.

SUBDIVISION - Any permanent sign used to advertise a specific subdivision.

TEMPORARY SUBDIVISION - Temporary Signs announcing the subdivision of land erected on the land being developed. Shall be removed when seventy-five(75) percent of the development lots are conveyed or a term not to exceed twenty-four (24) months, whichever comes first, unless the twenty-four (24) month term is extended by City Council.

STREAMER - A long, narrow strip of cloth, paper or ribbon used separately or with banner signs or pennant signs to announce grand openings and/or special events.

STREET BANNER - a banner suspended above a right of way.

TEMPORARY - Not permanent; signs meant to be exhibited on a limited basis as outlined in the ordinance.

TEMPORARY SUBDIVISION - Temporary Signs announcing the subdivision of land erected on the land being developed. Shall be removed when seventy-five(75) percent of the development lots are conveyed or a term not to exceed twenty-four (24) months, whichever comes first, unless the twenty-four (24) month term is extended by City Council.

TRAFFIC CONTROL - A sign for the purpose of identifying parking areas and directing the flow of traffic on private property.

TRAILER - A permanent or temporary sign affixed to a trailer. The primary purpose of said display is to attract the attention of the public to the subject matter advertised on the sign rather than to serve the customary identification purpose of said trailer.

VEHICULAR - A permanent or temporary sign affixed to a vehicle. The primary purpose of said display is to attract the attention of the public to the subject matter advertised on the sign rather than to serve the customary identification purpose of said vehicle.

VINTAGE - A sign that is representative of events or dates from a period older than forty years and is for decorative purposes only.

WALL (FAÇADE) - Any sign painted on, attached to or projecting from the wall surface of a building (whether permanent or portable), including signs on awnings and/or marquees. Sign must face a right-of-way be it public or private.

WALL PAINTED - A sign painted directly on the exterior wall of a building.

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58-6. GENERAL REGULATIONS.

A. Inventory of Signs - The City of Cibola shall inventory all permanent signs within the city limits and ETJ within 90 days of the effective date of this Ordinance.

B. Identification of signs - If applicable, signs shall have the sign permit number affixed.

C. All non-conforming signs shall be allowed to remain in place after the effective date of this ordinance.

D. This section shall apply to all signs located within the city limits of the City of Cibola or its ETJ. No sign or part of a sign shall:

1. Be placed on or attached to any utility pole or pedestal, except by a utility company owning the pole or pedestal or operating facilities mounted on the pole or pedestal;

2. Be placed upon real property without the consent of the owner or agent of the property;

3. Be located in, on, or over any right-of-way, except for directional or informational signs erected by government agencies. Any such sign, other than informational signs erected by government agencies, shall constitute a nuisance;

4. Be located so that it blocks vehicle or pedestrian views and/or safe sight distances at any intersection, curve, or corner (See Section 58-12 - Site Visibility Triangle). This includes signs located on private property. Any such sign shall constitute a nuisance;

5. Imitate or resemble an official traffic-control device or railroad sign or signal; attempt to direct the movement of traffic; or hide from view or hinder the effectiveness of an official traffic-control device or railroad sign or signal. Any such sign shall constitute a nuisance;

6. Be located within a public right-of-way or be placed closer than ten (10) feet to the edge of a road surface. Exception: Monument signs that are placed in the center of a divided roadway as an island;

7. Have unreasonably bright flashing lights or other distracting features. This does not include signs with slowly changing messages such as time or temperature;

8. Be located so that it is on, or in any way obstructs, any sidewalk, walkway, or pathway used by the public for normal pedestrian access. Any such sign shall constitute a nuisance;

9. At the time of installation be located closer than specified in the National Electric Code and as may be amended from time to time; or

10. Be located within ten (10') feet of an easement with underground utilities. No signs shall be located within a ten-foot radius of any power line, pole, or crossbar or creating a hazard to vehicular or pedestrian safety.

E. In addition to the regulation within this Sign Ordinance, any homeowner should be aware of and follow any additional regulations placed on signage by his/her Home Owner Association (HOA).

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58-7. PROHIBITED SIGN TYPES.

The following signs are prohibited within the City of Cibola or ETJ:

A. Abandoned/Obsolete Signs. A sign that advertises a product, service, or business no longer available or in operation or not being maintained for a period of one (1) year after the cessation of a product, service, or business at said location (or in the case of leased premises, two (2) years after the most recent tenant ceases to operate on the premises) shall be presumed abandoned. Related off-premise signs pertaining to same shall also be presumed abandoned.

If a sign is determined to be abandoned and/or obsolete under this ordinance by the Code Enforcement Officer, sign(s) shall be removed by the owner/lessee of the property. The City of Cibola may agree with the owner/lessee of the sign(s) or sign structure to remove only a portion of the sign(s) or sign structure.

B. Bandit Signs

C. Beacons, Searchlights or Skylights

D. Billboards.

E. Flashing signs.

F. Commercial Inflatable Signs.

G. Illuminated Signs (Illuminated from the exterior or within). Signs that are illuminated in such a manner, to such intensity, or without shielding, so as to constitute a hazard to the operation of motor vehicles upon any public street or road or substantially interferes with the reasonable enjoyment of residential property or interferes with the effectiveness of traffic control, which shall include, but not be limited to, incandescent bulbs exceeding forty (40) watts (450 lumen) each.

Exception: Neon or similar tube type of illumination up to thirty (30) milliamperes shall be permitted.

H. Moving signs.

There shall be no movement of the sign body or any segment thereof such as rotating, scrolling, moving up and down or any other type of action involving a change in position of the sign body or segment thereof, whether caused by mechanical or any other means. No flashing, blinking or rotating lights shall be permitted, nor shall the sign contain audible sound or odor.

Exception: For LED signs or other signs where the message on the sign is adjustable, each new message shown on the sign must be static, with no movement, for at least six (6) seconds before a new message is displayed on the sign face. Governments and school districts shall be permitted to install signs with a scrolling message to inform the public of upcoming public and school events (Reference Section 58-11 for additional regulations).

Exception: Residential Inflatable signs are allowed pursuant to Section 58-10, Table 1, Row L. (Holiday Signs) of this ordinance.

I. Off-Premise Signs (except as provided for within this ordinance).

J. Satellite. Any type of satellite dish that's primary use is for advertising, rather than to serve the customary purpose.

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K. Trailer Sign. (See definition, Section 58-5)

L. Wall Painted Signs. (Except as provided for in Section 58-13 C)

M. Vehicular Sign. Prohibited when the vehicle is used with the intent to substitute a stationary sign instead of to be used as a vehicle or when a sign is erected in the bed of a truck or on the roof of a vehicle and intended to advertise a business, person, or event. Vehicle wrap is also prohibited.

For allowable vehicular signs reference Section 58-8.C.

N. Other Signs:

1. Painted on any roof surface or installed so that it faces contiguous residential property;
2. That are placed upon a building or structure in a manner which would disfigure, damage, or conceal any significant architectural feature or detail of the building;
3. That are brighter than necessary to permit the sign to be read from a reasonable distance. No sign shall be illuminated to such intensity or in such a manner as to cause glare or brightness to a degree that it constitutes a traffic hazard;
4. Attached, placed, painted, or otherwise erected upon any street lamppost, telephone pole, fire hydrant, bridge, public building, or any other public property (without permission) other than governmental signs.
5. That physically or visually block, any governmental entity signs, fire escapes, doors, or windows (except as provided for in Section 58-10, Table 2).
6. That are hung with less than eight (8) feet of vertical clearance above the sidewalk or less than eighteen (18) feet of vertical clearance above the street, drive, or parking area. (This applies to any part of a sign, including mounting fixtures and supporting structures, which is mounted above or projects over any sidewalk, street, drive, or parking area, whether on public or private land);

58-8. EXEMPTIONS FOR CERTAIN TYPES OF SIGNS.

The following are exempt from regulation under this ordinance:

- A. Commemorative plaques and historical markers mounted on the face of a building or erected on a site as a free-standing monument sign when placed or approved by a governmental entity, historical society, religious organization, or other non-profit entity to commemorate a person, event, or other matter of historical interest.
- B. Any sign installed or required to be installed by any governmental entity or public utility to give information, directions, or warnings to the general public, regardless of the sign's location, on public or private property.
- C. Vehicular signs displayed on trucks, buses, trailers, or other vehicles which are being operated in the normal course of a business, indicating the name of the owner, business and location, (e.g. delivery trucks, service vehicles, rental trucks and trailers and the like); provided, that the primary purpose of the vehicle is not for display of signs, and provided that they are parked in areas appropriate to their use as vehicles, are normally used in the course of business and are in operable condition, carry a current and valid license plate and state inspection tag.

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58-9. SIGN PERMITS.

A. Permit and fee required. Except for those signs described in Sec. 59-10, no person may construct, place, install, or relocate any sign without first obtaining a sign permit from the City of Cibola. Each application for a sign permit must be accompanied by the appropriate fee as listed in Appendix A (Fee Schedule) of the City's Code of Ordinances.

1. Construction, reconstruction, placement, installation, or relocation of any sign shall require a permit and remittance of the appropriate fee which shall not be refundable.
2. Subdivision temporary signs, banner temporary signs, or new business temporary signs shall require remittance of the appropriate fee which shall not be refundable.
3. A permit is required for replacing a previously permitted sign (excluding billboards) with another sign that is of like content, size, location, and that is otherwise compliant with this ordinance.
4. A nonconforming billboard shall renew the previously approved billboard permit annually. The annual fee is due by January 1st of each calendar year. No fee will be assessed for routine changes of the sign face.
5. No permit will be issued for a proposed sign that will cause the aggregate of all signs on the property to exceed the square footage provided for in this ordinance.

B. Expiration of Permits. Per International Building Code Section 105.5 (as amended), every permit issued shall become invalid unless the work on the site is authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and express the justifiable cause for the requested extension.

C. Application for Sign Permit. A person proposing to erect or display a sign shall file an application for permit with the City Building Official. The application must be made on a form provided by the City of Cibola and shall contain and have attached to it the following information:

1. Name, address, and telephone number of the applicant;
2. Name, address, telephone number, and firm of the person erecting sign;
3. If applicant is not the owner of real property where sign is proposed to be erected, must provide written consent and name, address, and telephone number of the property owner and a copy of the executed lease agreement (if applicable);
4. Location of building, structure, address, or legal lot and block to which or upon which the sign is to be attached or erected;
5. A site plan indicating position, height, and size of the proposed sign and other existing advertising structures on the property in relation to nearby buildings or structures, north arrow, and scale of drawing, property lines, curb lines, adjacent streets, alleys, curb cuts, and setback clearance zone;
6. Specifications for the construction and display of the sign;

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7. Copy of stress diagrams or plans, when needed, containing information as to safety and structural integrity of sign. The City of Cibolo assumes no liability for safety and structural integrity of any sign;
8. Statement indicating whether the sign will require electricity. If so, the sign must comply with the National Electrical Code or any successor code as may be adopted and amended by the City of Cibolo;
9. Copy of permit approved by Texas Department of Transportation in Guadalupe or Bexar County, Texas or successor agencies, if state law requires a state permit;
10. Date on which the sign is to be erected or displayed;
11. Any variance that will be requested (See Section 58-17); and
12. Such other information as the City of Cibolo requests to show full compliance with this and all other standards of the City.

The City of Cibolo is not required to act upon a permit application until it is deemed by the City to be administratively complete.

D. Approval and Denial of Permit. The Building Official shall promptly review an administratively complete application upon receipt from the applicant. The Building Official shall grant or deny an administratively complete permit application within forty-five (45) days after the date that was received. The Building Official shall examine the application, plans, and specifications and may inspect the premises upon which the proposed sign shall be erected, as needed. The Building Official shall issue a permit if the proposed sign complies with the requirements of this ordinance and all other regulations of the City of Cibolo, such as building, electrical, or other similar codes adopted by the City. If the Building Official denies a permit, the Official shall state the reasons for the denial in writing and shall either mail the denial certified returned receipt request, or hand deliver the denial to the applicant.

City Council hereby designates the members of the Planning and Zoning Commission to serve as the Sign Ordinance Board of Appeals. The Board shall meet only as needed to consider an appeal of this ordinance, and may conduct such appeals concurrently with a regular or special called meeting of the Planning and Zoning Commission. Any applicant whose permit application is denied by the Building Official may appeal the denial to the Board. Such an appeal must be filed, in writing, with the Building Official within ten (10) days after receipt of the denial. At the first available public meeting, after receipt of the appeal, the Board shall review the Building Official's administrative decision to deny the permit. The appeal shall be limited to the information the appellant provided to the Building Official in the permit application. The Board shall sustain the Building Official's administrative decision unless the appellant establishes, by a preponderance of the evidence that the Building Official's administrative decision was in error.

E. Modifications. After a sign permit has been issued by the Building Codes Official, it shall be unlawful to change, modify, alter or otherwise deviate from the terms and conditions of the permit without prior written approval by the Building Code Official.

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58-10. SIGNS ALLOWED WITHOUT PERMIT.

The following general purpose signs are exempt from the requirement to obtain a permit, provided that they comply with all other provisions of this and other ordinances of the City of Cibola. Signs below shall not be placed on public property including a public easement or rights-of-way. Signs shall not be backlit or illuminated unless otherwise stated below. Signs shall be allowed without a permit as follows:

Table 1: Summary of Regulations for Signs Exempt from Acquiring a Permit

<i>Type of Sign:</i>	<i>Temporary or Permanent:</i>	<i>Ground or Attached:</i>	<i>Maximum Area (in Square Feet)</i>	<i>Number of Signs (Per Property)</i>	<i>Time Limitation/Standard Exceptions</i>
A. Single/Multi-Family for sale signs	Temporary	Ground	Eight (8)	Max of two (2) for lots .25 acres or less.	For lots greater than .25 acres, two (2) additional signs will be allowable per .25 acre.
C. Non-Residential property for sale signs	Temporary	Ground	Thirty-two (32)	One (1)	Placed until sale of property
D. Residential signs; name and address	Permanent	Attached	Four (4)	One (1)	N/A
E. Contractor, engineer, and architect signs	Temporary	Ground	Residential: eight (8) Commercial: thirty-two (32)	One (1)	Sign to be removed within five (5) days after completion of project. A corner lot may have one (1) additional sign on each street front.
F. Auxiliary signs	Temporary or Permanent	Attached	Eight (8)	One (1)	N/A
G. Political/Ideological signs	Temporary	Ground	Thirty-six (36)	N/A	Signs may not be illuminated or have any moving elements. Sign shall not be more than eight (8) feet high.

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Table 3: Government and Informational Signs

Type of Sign:	Comments
A. Historical Markers	Roadside markers indicating points of historical interest. Including the one-mile indicator signs.
B. Historical Plaques	Denoting a historical place or event approved by the Daughters of the Republic of Texas, Texas Historical Commission Conservation Society or National Society of the Preservation of Historical Sites
C. Instructional Signs	This sign type will provide no advertising of any kind. Signs shall provide direction or instruction to guide persons to facilities intended to serve public, including but not specifically limited to the signs identifying restrooms, public telephones, public walkways, public areas and other similar facilities; as approved by the Code Enforcement Department/ Building Inspector
D. Official Signs	<ul style="list-style-type: none"> • Traffic control signs authorized by any government agency • Signs, notices, placards, certificates and official papers authorized or required by any statute, government agency or court • Public utility warning and underground line identification signs • Marker signs used by public utility holding franchise from the City of Cibolo

Additional Sign Types

- Vintage signs which are not advertising a product or service provided by an establishment, or which only advertise a discontinued product or service that is no longer provided by an establishment, shall be allowed without a permit. Such vintage signs shall be for decoration only, be maintained in an attractive condition, and enhance the visual character of the building.

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58-11. OFF-SITE SIGNS.

All off-site signs (See definition, Section 58-5) are prohibited except as provided for below:

Table #4: Summary of Regulations for Off-Site Signs:

<i>Type of Sign:</i>	<i>Temporary or Permanent:</i>	<i>Ground or Attached:</i>	<i>Maximum Area per Zoning/Use : (in Square Feet)</i>	<i>Number of Signs: (Per Property)</i>	<i>Time Limitation/Standard Exceptions:</i>
A. Political/ Ideological signs	Temporary	Ground	Thirty-six (36)	N/A	Signs shall not be illuminated or have any moving elements. Sign shall not be more than eight (8) feet high.
B. Residential/ Non-Residential Event Signs	Temporary	Ground or Attached	Residential: ten (10) Commercial: sixteen (16)	Max of two (2)	Sign to be removed within two (2) days after the event which they relate. Permit required.

Additional Standards for Residential and Non-Residential Event Signs Event Signs may:

1. Be placed only on private property and only with the consent of the owner of the property.
2. An event sign, other than a Holiday sign/street banner sign, that promotes any particular event may not be erected more than seven (7) days prior to the event and all such signs must be removed by the responsible party not more than two (2) days after the event.
3. An event sign that promotes a weekly occurring event may be erected one (1) day prior to the event and all signs must be removed by the responsible party within one (1) day after the event.

Additional Standards for Existing Billboard Signs:

1. Existing, non-electric billboards shall not be upgraded, modified or converted to an electronic, changeable message format. See definition for Changeable electronic variable message (CEVMS) Section 58-5.
2. Relocation of any existing billboard is strictly prohibited except when required by the construction of a publicly or privately funded road improvement project. In this lone case, the applicant may request the terms and conditions of relocation/replacement per the Planning and Zoning Commission. The application shall be filed with the City Planner and conform to all requirements established in Section 58-17 (Variances) of this ordinance relating to sign permit applications. Upon submittal of a complete variance packet, the application will be reviewed at the next regularly-scheduled Planning and Zoning meeting.

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58-12. ON-PREMISE SIGNS.

On-premise signs (See definition, Section 58-5) include outdoor advertising signs and devices. All signs under this Section shall comply with all guidelines that pertain to such signs set forth under other Sections of this Ordinance.

Tables #5 - 7: Sign Permitting Regulations (Single Non-Residential Building)

Wall Sign

<i>Street Typology</i>	<i>Number of Signs</i>	<i>Maximum Sign Face Area (Square Feet)</i>	<i>Maximum Number of Sign Panels</i>
Freeway	Per allowable sq. ft	100*	N/A
Major Arterial	Per allowable sq. ft	80*	N/A
All Other Streets	Per allowable sq. ft	60*	N/A

*May include additional square footage to signage of .005 times 1st floor square footage (excluding stairwells, bathrooms and food prep areas).

Pole/Pylon Sign

<i>Street Typology</i>	<i>Number of Signs</i>	<i>Maximum Total Height (feet)</i>	<i>Maximum Sign Face Area (Sq. Ft)</i>	<i>Maximum Number of Sign Panels</i>	<i>Minimum Required Setbacks</i>
Freeway	One (1)	35	140	Per allowable sq. ft	12 feet

Monument

<i>Street Typology</i>	<i>Number of Signs</i>	<i>Maximum Total Height (feet)</i>	<i>Maximum Sign Face Area (Sq. Ft)</i>	<i>Maximum Number of Sign Panels</i>	<i>Minimum Required Setbacks</i>
Freeway	One (1) per every 500 feet of highway frontage, with a maximum of two (2)	Twelve (12)	160 (total) and 80 sq. ft. per sign face	Per allowable square feet	15 feet
Major Arterial	One (1) per every 500 feet of major arterial frontage, with a maximum of two (2)	Seven (7)	120 (total) and 60 sq. ft. per sign face	Per allowable square feet	10 feet
All Other Streets	One (1) per street frontage, with a maximum of two (2) (separated by a minimum of 500 feet)	Six (6)	100 (total) and 50 sq. ft. per sign face	Per allowable square feet	10 feet

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Tables #8 - 10: Sign Permitting Regulations (Non-Residential Complex)

Wall Sign

Street Typology	Number of Signs	Maximum Sign Face Area (Square Feet)	Maximum Number of Sign Panels
Freeway	Per allowable sq. ft	80*	N/A
Major Arterial	Per allowable sq. ft	60*	N/A
All Other Streets	Per allowable sq. ft	48*	N/A

* May include additional square footage to signage of .005 times 1st floor square footage (excluding stairwells, bathrooms and food prep areas).

Pole/Pylon Sign

Street Typology	Number of Signs	Maximum Total Height (feet)	Maximum Sign Face Area (Sq. Ft)	Maximum Number of Sign Panels	Minimum Required Setbacks
Freeway	One (1)	40	200	Per allowable sq. ft	12

Monument

Street Typology	Number of Signs	Maximum Total Height (feet)	Maximum Sign Face Area (Sq. Ft)	Maximum Number of Sign Panels	Minimum Required Setbacks
Freeway	One (1) per every 500 feet of highway frontage, with a maximum of two (2)	Thirteen (13)	180 (total)	Per allowable square feet	12 feet
Major Arterial	One (1) per every 500 feet of major arterial frontage, with a maximum of two (2)	Nine (9)	140. (total)	Per allowable square feet	10 feet
All Other Streets	One (1) per street frontage, with a maximum of two (2) (separated by a minimum of 500 feet)	Seven (7)	120. (total)	Per allowable square feet	10 feet

Additional Sign Standards and Types:

- Banners, Flags, Pennants:
 - A. Banners bearing advertising matter shall be considered an adjunct to wall or freestanding signs. For the purpose of mounting, they shall meet all City Ordinances and regulations pertaining thereto. Banners shall be considered temporary signs.
 - B. Banners must be kept in good repair throughout the time of their display.
 - C. No more than one banner may be displayed at any one time at an establishment;
 - D. Banners may not exceed twenty-four (24) square feet in area;

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- E. Banners may not be displayed for more than thirty (30) days in succession and must be removed no more than two (2) days following any event to which they relate. Such banners may not be placed on any site more than six (6) times within a twelve (12) month period;
- F. On-premise banners may be exhibited no more than thirty (30) days commencing at the time that the temporary banner permit is issued. Such banners may not exceed twenty-four (24) feet in area.
- G. Any banners, pennants, or streamers found to be in need of repair will be promptly brought to the attention of the owner. The sign(s) will be removed or repaired within ten (10) days of the date of the written notice.
- H. Cloth banner signs without frame may project over and across a street right-of-way provided they are of a non-commercial nature, not for private profit events. Non-profit organizations are required to submit a copy of their tax exemption certificate. The banners shall be at least fourteen (14') feet above street grade. Banners shall be considered temporary and not displayed for more than thirty (30) days.
- I. Flags: Flags that show an emblem or logo of a firm or corporation are permitted. No more than three (3) flags shall be permitted to be flown on any one (1) flagpole to include flagpoles equipped with a yardarm. No flag shall exceed the recommended size for the flagpole using specifications listed below. The flagpole height, not counting the finial, the top of the pole in residential areas shall not exceed twenty five (25') feet in height from the ground, and in commercial areas (to include Government Agencies, Police Departments, Fire Stations, Schools, United States Post Offices, Cemetery's, and places of religious worship) shall not exceed forty-five (45') feet in height from the ground. No more than three (3) flagpoles shall be permitted per property. The second and/or third flagpole shall not be higher than the primary flagpole. Permit required for the construction of a flagpole.

Table #11 Flag Chart Recommendations:

<i>Exposed Height (in Feet)</i>	<i>Recommended Flag Size (in Feet)</i>	<i>Recommended Size for Two Flags (in Feet)</i>		<i>Recommended Size for Three Flags (in Feet)</i>		
		<i>Primary</i>	<i>Secondary</i>	<i>Primary</i>	<i>Second</i>	<i>Third</i>
15	3 X 5	3 X 5	2 X 3	3 X 5	2 X 3	2 X 3
20	5 X 8	5 X 8	4 X 6	4 X 6	3 X 5	3 X 5
25	5 X 8	5 X 8	4 X 6	4 X 6	3 X 5	3 X 5
30	6 X 10	6 X 10	5 X 8	5 X 8	4 X 6	4 X 6
35	6 X 10	6 X 10	5 X 8	5 X 8	4 X 6	4 X 6
40	8 X 12	8 X 12	6 X 10	6 X 10	5 X 8	5 X 8
45	8 X 12	8 X 12	6 X 10	6 X 10	5 X 8	5 X 8
50	10 X 15	10 X 15	8 X 12	8 X 12	6 X 10	6 X 10
60	12 X 18	12 X 18	10 X 15	10 X 15	8 X 12	8 X 12
70	15 X 25	15 X 25	12 X 18	12 X 18	10 X 15	10 X 15
80	20 X 30	20 X 30	15 X 25	15 X 25	12 X 18	12 X 18

• **LED Signs:**

The LED signs shall be permitted subject to the following requirements:

1. The sign shall contain no motion, twirling, rotation, spinning, continuous scrolling or any other like form of motion or action. Images and text shall dissolve from one message or image to the next image or text.

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2. Digital signage is limited to non-animated images and each image must be displayed ("dwell") for a minimum of six (6) seconds.
 3. During the daytime, based on normal daylight illumination, a maximum limit of 450 lumen is permitted to keep luminous signage balanced with the surrounding landscape. During nighttime hours, a maximum luminosity is limited to 15 lumen.
 4. Outdoor signage should obey light trespass regulations. Into areas zoned for any type of residential zoning district, including parks and preserves so zoned, a trespass limit of 0.1 foot-candles should be enforced, at the property line.
- Menu Board (Freestanding): A sign oriented to the drive-through lane for a restaurant that advertises the menu items available from the drive-through window. Pricing shall be permitted on these signs. Signs shall not exceed thirty-six (36) square feet.
 - Menu Board (Non-freestanding): Signs that advertise the menu items and/or lunch specials available at a restaurant. Pricing shall be permitted on these signs. Signs may be single or double faced. Signs shall not exceed six (6) square feet in area and no more than one (1) like, similar, or identical signs per street or road frontage will be allowed (shall comply with A-frame or sandwich type sign in this section).
 - Subdivision Signs: Any sign used to mark the main entrance to a specific subdivision indicating the name of the specific community. Each entrance (provided the entrances are one thousand (1000') feet or greater apart) may have a maximum of two (2) subdivision signs (one double sided or two single-sided). One (1) subdivision sign may be located between the entrances or one (1) subdivision sign may be located on each side of the entrance or one (1) subdivision sign located in an island (if an island at the entrance was part of the original platted subdivision). These signs shall not exceed thirty two (32) square feet of sign area. These signs shall not exceed seven (7') feet in height. Signs may be indirectly illuminated. Architectural features such as columns, towers, or other obvious entry or gateway feature shall be limited to the maximum allowable building height of the zoning district. The signage area shall be the cumulative surface area of the sign itself and not the surface upon which the signage is applied, such as a wall, column, or other architectural feature.
 - Temporary Event Signs may:
 1. Be placed only on private property and only with the consent of the owner of the property.
 2. An event sign, other than a Holiday sign/street banner sign, that promotes any particular event may not be erected more than seven (7) days prior to the event and all such signs must be removed by the responsible party not more than two (2) days after the event.
 3. An event sign that promotes a weekly occurring event may be erected one (1) day prior to the event and all signs must be removed by the responsible party within one (1) day after the event.
 - Grand Opening/Promotional Signage - Promotional signage may be displayed for grand openings, special events, sales and promotions, provided that the following regulations are met:
 - a. Each business, institution or occupied tenant space shall be allowed one (1) promotional signage display three (3) times per calendar year, for a maximum period of fourteen (14) days per display. A minimum of ninety (90) days shall be required between each promotional signage permit. The fourteen (14) day display period will commence on the first day promotional signage is displayed. In the case of a special promotion for a grand opening event, a display period may be extended to twenty-one (21) days provided that the

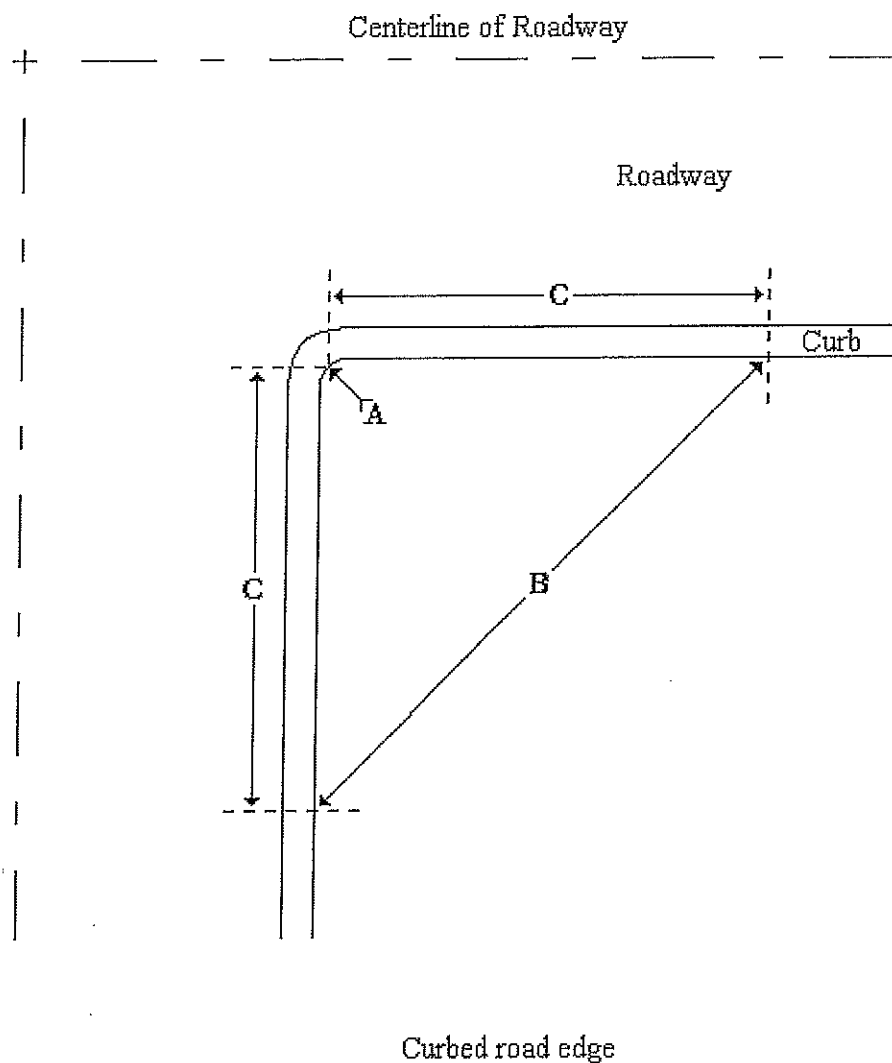
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promotion begins within the first three (3) months of the date of issuance of a certificate of occupancy or business license and the grand opening is limited to the address noted on the certificate or license.

- b. All signage used for a promotional signage display must be removed at the end of the display period.
 - c. Promotional signage may include any temporary sign allowed by this Ordinance
 - d. Promotional signage shall be contained on the property of the applicant and shall not extend into the City right-of-way. Signage shall not be located in any sight visibility triangle or visibility easement, nor shall any combustible materials be placed in contact with lighted signs or any electrical fixtures.
 - e. Promotional signage shall not display information on any activity, event or person not located on the premises where the signage is permitted.
 - f. Torn or severely weathered promotional signage shall not be permitted.
 - g. A separate permit is required for each fourteen (14) day period that promotional signage will be used.
- Temporary New Business Signs: Temporary signs constructed of wood, metal, or other solid material type announcing the locating or relocating of a newly located or relocated business are permitted. The sign shall not exceed forty-eight (48) square feet in area nor be more than eight (8) feet high. The sign shall not be illuminated or have any moving elements. The sign shall be exhibited for six (6) months, with an option to extend for two (2) terms (total of up to 18 months) at the time the temporary sign permit is issued. The sign will be subject to inspection every six (6) months to ensure it is properly maintained and does not pose a public safety risk. The sign must be removed within two (2) business days upon the installation of the permanent sign.
 - Temporary Subdivision Signs: Signs announcing the subdivision of land may be erected on the land being developed and shall be removed when seventy-five (75) percent of the development lots are conveyed or a term not to exceed twenty-four (24) months, whichever comes first, unless the twenty-four (24) month term is extended by City Council. These signs shall not exceed thirty-two (32) square feet of sign area and shall not exceed ten (10) feet in height.
 - Site Visibility Triangle: the location and installation of all above monument, temporary and pole/pylon signs shall be in compliance with the regulations of the UDC regarding the site triangle (line of site) shown in Figures 1 – 3 below:

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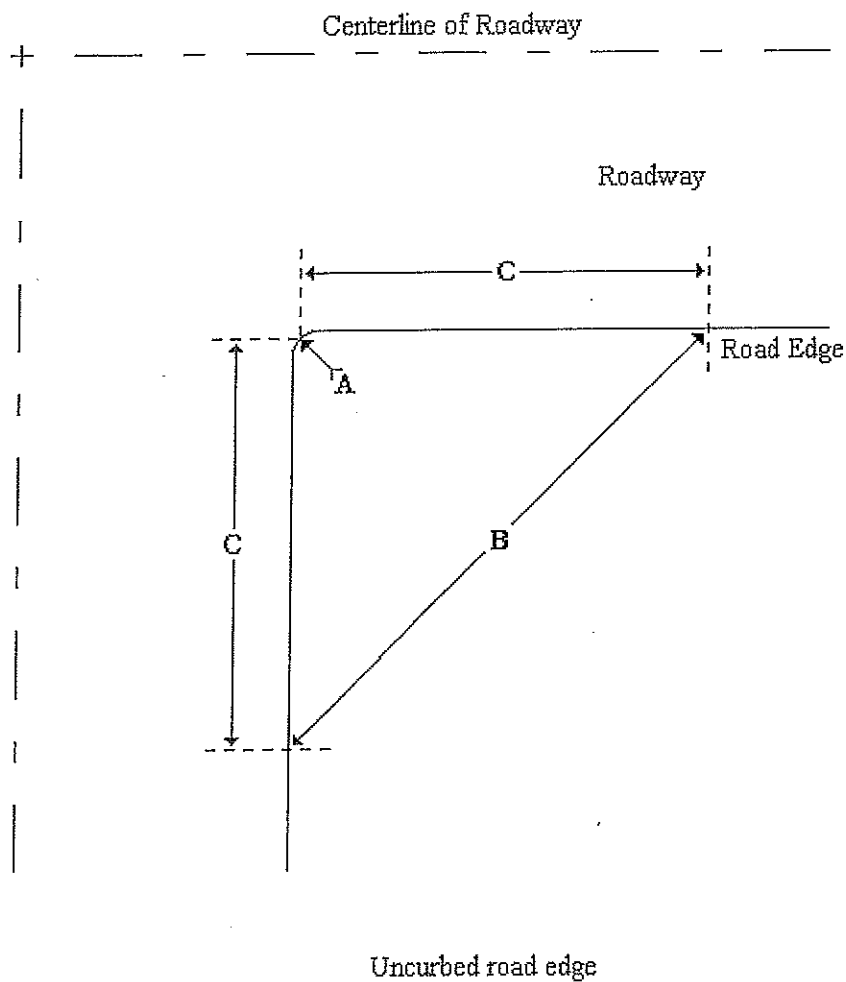
Figure #1: Site Visibility Triangle Rendition (Curbed Road Edge)



- A. Point of measurement farthest from the centerline.
- B. Sight line establishing the visibility triangle.
- C. Measured distance along street or road edge. A measurement of fifty (50') feet on all major thoroughfares and twenty five (25') feet on all others.

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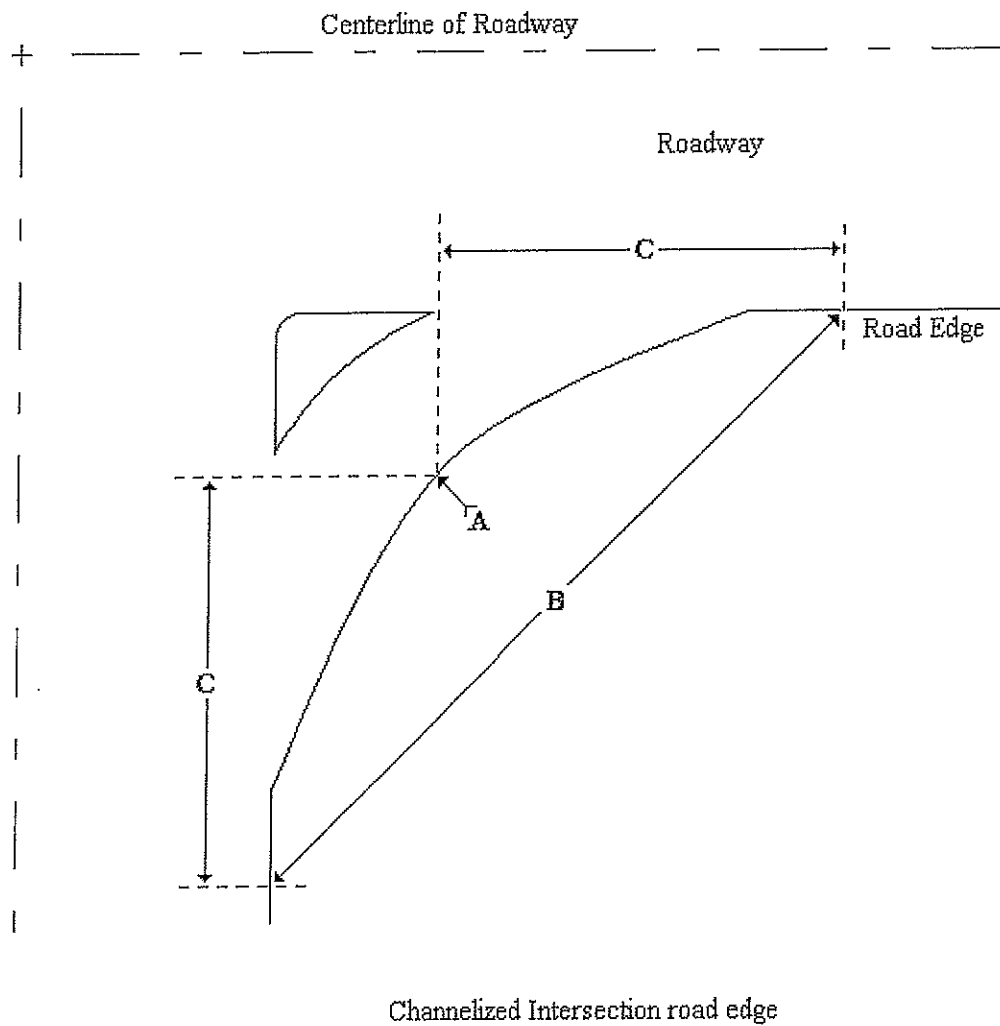
Figure #2: Site Visibility Triangle Rendition (Uncurbed Road Edge)



- A. Point of measurement farthest from the centerline.
- B. Sight line establishing the visibility triangle.
- C. Measured distance along street or road edge. A measurement of fifty (50') feet on all major thoroughfares and twenty five (25') feet on all others.

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Figure #3: Site Visibility Triangle Rendition (Curved Road Edge)



- A. Point of measurement farthest from the centerline.
- B. Sight line establishing the visibility triangle.
- C. Measured distance along street or road edge. A measurement of fifty (50') feet on all major thoroughfares and twenty five (25') feet on all others.

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58-13. OLD TOWN/TOWN CENTER MIXED USE OVERLAY DISTRICT.

Old Town/Town Center Mixed Use Overlay District: To promote, recognize, enhance, and preserve the City's past the Old Town/Town Center Mixed Use Overlay District is being established. All businesses and residents located on or between the streets listed shall be considered in the Historic Sign District. North and South Main Street between FM 78 and Santa Clara Street, Old Seguin Highway East/Loop 539, Rawe Avenue between North Main Street and Lieck Street, Pfeil Street between South Main Street and FM 78. All signs under this Section shall comply with all guidelines and regulations that pertain to such signs established under other Sections of this Ordinance, unless provided for below:

- a. Businesses located in the historic sign district are encouraged to design their signs to match the period of the structure or similar to the surrounding signage character.
- b. Monument signs allowed not exceed thirty (30) square feet.
- c. Wall Painted Signs in the Old Town District may be permitted, provided they are consistent with the documented historical context of the building on which it is painted and receive prior approval from the Board.
- d. Exposed outdoor string lights shall meet the following criteria: must be non-flashing, attached to an overhead or other structure as deemed safe by the Building Official and or Code Enforcement Officer, height shall be at least eight (8) feet above pedestrian walkways and a minimum of 18 feet above street grade, LED lights must be specifically designed for outdoor wet use, may not exceed 120 volts (3.5 watts), color must be warm white or similar type/seasonal colors as approved by the City Building Official and/or Code Enforcement Officer and electrical plans must be submitted and approved by City.
- e. Other restrictions and provisions of this Ordinance that are not affected by this special district shall continue to apply in this designated special district.

58-14. COMPREHENSIVE SIGN PROGRAM REGULATIONS.

The use of comprehensive sign program is designed for integrated commercial and industrial developments that generally have multiple uses, multiple shared points of access, or that may be a part of a large scale development, such as a shopping mall or industrial park that is identifiable by a single development name, or by a school or hospital that may have multiple buildings and/or special signage needs; to allow site or development project signage that is appropriate to the character of the development in order to adequately identify the development in a form so as to provide a good visual environment, promote traffic safety, and minimize sign clutter in a form that is appropriate to the development and consistent with the purpose and intent of these sign requirements.

1. Criteria.

Comprehensive sign programs shall be subject to Planning and Zoning Commission/Sign Board of Appeals review and approval. The Planning and Zoning Commission/Sign Board of Appeals shall approve/deny/or approve with conditions of any Sign Program application if it finds by a preponderance of the presented evidence that approval or denial conforms to the below criteria listed in Section 58-14, items 3 – 7.

2. Process.

Applications for Comprehensive Sign Programs shall follow all procedural requirements described in the City of Cibolo Unified Development Code (UDC) for a Zoning Variance in terms of notice to adjoining property owners, published notice in the newspaper, a public hearing, and the application filing fee.

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3. Compatibility Required.

The comprehensive sign program shall promote compatibility for all signs within the specific development. Architectural theme, materials, and color should be consistent with or complement the overall character of the development in which the signs are proposed to be located and the area surrounding the development in which the signs would be located.

4. Size and Height.

Signs proposed under the comprehensive sign program shall be no larger than a maximum of 50% of the standards of the sign regulations unless the applicant can demonstrate a site specific consideration, or considerations, why a deviation in excess of the 50% standard is justified.

5. Off-Site Signs.

Developments within a shared/common approved commercial or industrial subdivision plat, may apply for off-site signage within the area described in that commercial or industrial plat. An industrial park is an example of such a development. The signs may be placed on parcels where an existing site plan has been established. In those developments that do not have an existing site plan, the Comprehensive Sign Program process may be utilized to establish a sign program for the development, provided that the application form for the Comprehensive Sign Program is signed by all property owners on which signs are proposed to be located. This section shall not be construed to allow the installation of a billboard type sign.

6. Placement.

Signs proposed under the comprehensive sign program shall be placed appropriately in areas visible and readable. Review of location is considered by traffic movement of surrounding streets, traffic volumes and access points, AASHTO and engineering standards, visibility triangles, sign orientation and topographic features.

7. Integration.

All signs must be integrated with the design of the building and the site development, reflecting the architecture, building materials, and landscape elements of the project. The means of integrating freestanding signs with the architecture of the building may be achieved through replication of architectural embellishments, colors, building materials, texture, and other elements found in the building design. Integration shall also include the use of sign graphics that are consistent in terms of lettering style, colors, and method of attachment as used for wall-mounted signing found on the building.

8. Amendment.

Applications for Comprehensive Sign Program Amendment shall follow all procedural requirements described in the City of Cibola Unified Development Code (UDC) for a Zoning Variance in terms of notice to adjoining property owners, published notice in the newspaper, a public hearing, and the application filing fee.

The application shall be filed with the Building Official, accompanied by a non-refundable Sign Program Amendment fee as listed in the City of Cibola Fee Ordinance (as amended), and conform to all requirements established in Section 58-9 of this ordinance relating to sign permit applications. A simple majority vote of the Planning and Zoning Commission shall be required to approve a sign program amendment.

58-15. SIGN MAINTENANCE AND NUISANCES.

A. All signs must be maintained in a structurally safe condition and in good repair at all times. No permit shall be required for the normal maintenance of any existing sign or repainting of the sign message, provided that the area of the sign is not enlarged, the height of the sign is not increased, the location of the sign is not changed, and the content of the sign does not materially change. Alterations to the sign, or major repairs (replacement of more than twenty (20) percent of the sign to the original condition) shall not be considered normal maintenance and will require a permit. All signs shall be kept neatly painted or otherwise maintained, including all metal parts and supports

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thereof that are not galvanized or of rust resistant material. The Code Enforcement Officer shall inspect and have authority to order the painting, repair, alteration, or removal of a sign that constitutes a nuisance, a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, or obsolescence.

Changing of the sign message is limited to changing messages without changing the sign or its components and is considered to be normal maintenance.

B. The area around the sign shall be kept clean at all times by cutting vegetation around the sign and the supporting structure.

C. A sign shall constitute a nuisance if it causes injury or threatens to injure the public health, peace, or comfort or is a nuisance per se under the law. The process for abatement of a sign nuisance is as follows:

- 1) The initial determination if a sign constitutes a nuisance shall be made by the Code Enforcement Officer. A sign is considered a nuisance per se if a sign is dangerously damaged or deteriorated or if it is damaged beyond fifty (50) percent of its replacement value.
- 2) Notice. Upon the determination that a sign constitutes a nuisance, the Code Enforcement Officer shall provide notice of the nuisance to the responsible party by United States certified mail, return receipt requested or hand delivery.
- 3) Abatement. The responsible party shall take action to abate the nuisance within ten (10) business days of the date of receipt of the notice.
- 4) Appeal. A responsible party may appeal the nuisance determination to the Planning and Zoning Commission within ten (10) business days of the date of receipt of the notice. Notice of the appeal must be in writing and delivered to the office of the City Secretary by United States certified mail, return receipt requested or hand delivery. The Planning and Zoning Commission shall hear the appeal at its first available public meeting after receipt of the notice of appeal. The City Secretary shall provide the responsible party with notice of the appeal date not less than 72 hours before the meeting at which the appeal is scheduled. The Planning and Zoning Commission shall not disturb the determination of the Code Enforcement Officer unless, after consideration of the testimony of the responsible party, the building official, and such witnesses that have relevant information regarding the matter, it finds the decision of the Building Official to be in error. Each witness shall be allowed to make a concise opening statement before being questioned by members of the Commission. The Commission may confer with the City Attorney before rendering a determination. The responsible party shall have ten (10) business days from the date of an adverse determination to appeal the Commission's decision to a court of competent jurisdiction, at which time, if not appealed, the Commission's decision shall become final.
- 5) City action. Upon the expiration or exhaustion of a responsible party's appeal rights, the City may abate the nuisance.
- 6) Exigent Circumstances. Notwithstanding any provision of this subsection to the contrary, if, after consultation with the City Attorney, the Building Official determines the nuisance to be of imminent danger to public life or safety, the Building Inspector may take immediate action to abate the nuisance. However, the Building Official shall only exercise such abatement actions under this subsection reasonably necessary to abate the imminent danger to public life or safety.
- 7) Recoupment of nuisance abatement costs. The responsible party shall be responsible to repay the City for the actual costs associated with an abatement action under law and such repayment shall become due upon receipt of the repayment invoice for the abatement costs. To the extent allowed by law, the City may place

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a lien on the property on which it took the abatement action for any costs not reimbursed by the responsible party for more than 30 days after the date the City made demand on the responsible party for payment.

- 8) Impoundment fees. Any sign impounded by the City under this subsection shall be subject to an impoundment fee, assessed daily, as set out in the Fee Schedule. The impoundment fee shall be considered part of abatement costs for the purposes of repayment. An impounded sign shall be returned to the responsible party upon payment of all impoundment fees and abatement costs. Signs not reclaimed within 30 days after a responsible party receives notice of such impoundment, by United States certified mail, return receipt requested or hand delivery, may be destroyed by the City. If the responsible party cannot be located after reasonable inquiry, such sign may destroyed, if not reclaimed 30 days after notice is placed in the City's official newspaper.
- 9) The City shall not be held liable for damage to said sign(s) during the removal or storage of the sign(s) by the City.

58-16. NON-CONFORMING SIGNS.

A. Continuation. All nonconforming signs existing prior to the effective date of this ordinance shall be allowed to remain in place, provided that they otherwise comply with: Section 58-6 (General Regulations), Section 58-15 (Sign Maintenance and Nuisances) and this Section.

B. Transferability.

(1) Relocation. Nonconforming signs shall not be relocated or transferable transferred to another location within the City of Cibola municipal limits or ETJ without such nonconforming signs first being brought into full compliance with all requirements of this ordinance, including obtaining a properly authorized permit.

(2) Transfer of title. Title and ownership of nonconforming sign, excluding portable changeable copy signs, may be transferred to a new owner upon the transfer of the property upon which the nonconforming sign is located to such new owner; provided the location of the nonconforming sign is not altered.. In such cases, the new property owner must submit a permit application (no fee assessed) to indicate the change in ownership.

C. Registration. Within 90 days after the effective date of this Ordinance, the responsible party shall register the non-conforming sign with the Building Official. There shall be no costs associated with the registration of a non-conforming sign. It shall be the burden on the responsible party to prove, by a preponderance of the evidence that a sign, not timely registered, falls under the protection of this Section 58-16.

D. Removal. A nonconforming sign shall be removed as a result of any of the following circumstances.

(1) By the acts or omission of the sign owner.

(a) Nonconforming signs shall be terminated immediately upon the occurrence of any of the following events specified below:

- i. Destruction: a sign that, having been permitted to remain in place as a nonconforming use, is required to be removed because the sign, or a substantial part of it, is blown down or otherwise destroyed, deteriorated or dismantled for any purpose, other than maintenance operations or for changing the letters, symbols, or other matter on the sign;
- ii. Abandonment: a nonconforming sign that has been abandoned;
- iii. Discontinuation of use: a nonconforming sign that has been discontinued for a continuous period of ninety (90) days; or

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- iv. Public health or safety hazard: a nonconforming sign that has become obsolete or substandard under any applicable ordinance of the city to the extent that the sign becomes a hazard or danger to public health or safety.
- (b) Sign owner's responsibility. For purpose of subsection (a), immediately above, a nonconforming sign or substantial part of it is considered to have been destroyed, deteriorated or dismantled (collectively "destroyed") if the cost of repairing the sign is more than fifty-one percent (51%) of the cost of erecting a new sign of the type at the same location. In the event that such destruction, deterioration or dismantling has occurred it shall be the responsibility of the responsible party to supply the City of Cibola with a quote from a reputable sign company that shows the replacement value and the cost to restore the sign to full compliance upon request by the Code Enforcement Officer within fifteen (15) days of said request so that the Code Enforcement Officer may determine if the non-conforming sign has been destroyed more than fifty-one percent (51%) of the cost of erecting a new sign of the type at the same location.. In the event the nonconforming sign is determined to be destroyed beyond the aforementioned fifty-one percent (51%) threshold, or abandoned or discontinued or a public hazard by the Code Enforcement Officer, it must be removed by the responsible party without compensation by the City within ten (10) days after the date written notice of such determination is provided to the responsibility party by certified mail return receipt requested or hand deliver. In such circumstances as determined to be warranted by the City Manager, after consultation with the City Attorney, a nonconforming sign determined to have become a public hazard may be summarily remove with costs to be borne by the responsible party. A replacement sign must fully comply with this ordinance and shall require a permit to be obtained from the City at the set fee.
- (2) By city action. The city may require the removal, relocation, or reconstruction of any nonconforming sign provided that the owner of the sign is compensated for such costs that are associated with the removal, relocation, or reconstruction as is required by TEX. LOC. GOVT CODE Chapter 216. In cases where the city requires the removal, relocation, or reconstruction of a nonconforming sign the mayor is authorized to appoint a municipal board, with city council approval, in order to determine the amount of compensation as prescribed in TEX. LOC. GOVT CODE §216.004.

D. All nonconforming signs existing prior to the effective date of this ordinance shall be allowed to remain in place, provided that they otherwise comply with: Section 58-6 (General Regulations) and Section 58-15 (Sign Maintenance and Nuisances).

E. Nonconforming signs existing prior to the effective date of this ordinance that are of a type that are limited to a specified time period for use in this ordinance must abide by those specified time periods beginning with the effective date of this ordinance.

58-17. VARIANCES.

A. Application and Fee Required. Any person, business, or other organization desiring to continue to construct, reconstruct, place, install, relocate, alter, or use any sign which does not conform to the provisions of this ordinance may make application to the Planning and Zoning Commission for a variance to the provisions of this ordinance. Upon submittal of a complete variance packet, the application will be reviewed at the next regularly-scheduled Planning and Zoning meeting.

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The application shall be filed with the Building Official, accompanied by a non-refundable variance fee as listed in the City of Cibola Fee Ordinance (as amended), and conform to all requirements established in Section 58-9 of this ordinance relating to sign permit applications.

B. Requests for Variances after Permit Denial. Within ten (10) business days after denial of a sign permit by the Building Official, an applicant may file a written request for a variance of the Chapter 58 regulation(s) the Building Official identified to be in contravention with the permit application.

C. Action. Unless an extension or postponement is sought by the applicant, the Planning and Zoning Commission must consider and take action on the written request for a variance at its first available meeting.

D. Standards for Variances. The Commission may approve a variance only if it makes affirmative findings, reflected in its minutes of the proceedings, as to all of the following:

1. The variance will not authorize a type of sign which is specifically prohibited by this ordinance;
2. The variance is not contrary to the goals and objectives outlined by the City of Cibola;
3. The variance is not contrary to the public interest;
4. Due to special conditions applying to the land, buildings, topography, vegetation, sign structures, or other unique matters on adjacent lots or within the adjacent right-of-way, a literal enforcement of the ordinance would result in unnecessary hardship. Ordinarily, hardship that is self-induced or that is common to other similarly-classified properties will not satisfy this requirement. Financial or economic hardship alone will not ordinarily satisfy this requirement;
5. The spirit and purpose of the ordinance will be observed and substantial justice will be done; and
6. The applicant has not sought a sign variance for a specific parcel of land from the City within the past twelve (12) months.

E. Conditions of Variances. The Planning and Zoning Commission may impose such conditions or requirements in a variance as are necessary in the Planning and Zoning Commission's judgment to achieve the fundamental purposes of this ordinance. A violation of such conditions or requirements shall constitute a violation of this ordinance. The sign(s) must receive final inspection approval within three (3) months of the date the variance is approved or the variance shall lapse and become of no force or effect.

58-18. ENFORCEMENT.

A. Violations. Failure to comply with the provisions of this chapter shall constitute a violation of the City Code. Each day a violation exists shall constitute a separate violation and, consequently, a separate offense.

B. Penalties. Any person violating any provision of this chapter shall be guilty of a misdemeanor and shall, upon conviction, be punished by a fine not to exceed five hundred dollars (\$500.00).

C. Civil remedies. The city manager may authorize the city attorney to file an action in a court with appropriate jurisdiction to seek civil remedies to require the demolition of any sign at the owner's expense which is dangerously damaged or deteriorated. The action may include a claim for civil penalties as provided by state law. Civil remedies contained herein shall be construed to be in addition to the power of the city to abate public nuisances.