



RICHARD F. CORTEZ, Mayor
MARCUS C. BARRERA, Mayor Pro-Tem and Commissioner District 2
SCOTT CRANE, Commissioner District 1
HILDA SALINAS, Commissioner District 3
AIDA RAMIREZ, Commissioner District 4
JOHN J. INGRAM, Commissioner District 5
JIM DARLING, Commissioner District 6

MIKE R. PEREZ, City Manager

The City of McAllen has proposed changes to the regulation of signage in the city limits and its extra-territorial jurisdiction. A draft of those changes is provided here. Comments and questions may be submitted electronically to planning@mcallen.net.

The Board of Commissioners will review the draft regulations in a workshop scheduled for Monday, July 27, 2009 at 2:30 pm in the City Commission Chambers.

PROPOSED SIGN ORDINANCE

Sec. ___ Definitions and requirements.

For the purpose of this chapter, the words below shall have the following definitions, whether or not capitalized unless the context clearly requires another meaning, ascribed to them and the requirements and regulations set forth for each shall apply in the City and its ETJ:

Abandoned sign. A sign or its supporting sign structure that no longer identifies or advertises a bona fide business, person, organization, activity, event, place, goods or services or for which no owner can be found. Abandoned signs are prohibited in the City and its ETJ.

~~**Aggregate sign area.**~~ The permissible combined total display area of all types of signs located on the premises measured in square feet, excluding any exempt or temporary signs. The maximum total aggregate sign area permitted for a business or use shall not exceed 1.5 square foot of sign area for each one (1) foot of principal building frontage occupied by such business or use. In addition, one (1) square foot of sign area for each two hundred square feet of gross floor area occupied by such business may be included in the calculation of the total area permitted.

Audible sign. Any sign that emits music, talking, words, or other sound or amplification. Audible signs are prohibited in the City and its ETJ.

Awning. A projection, shelter or structure of canvas, metal, wood, or other similar material approved by the building official that extends above a window, door, patio, or deck as protection from the weather. An awning requires the issuance of a building permit.

Awning sign. A sign that is directly applied, attached or painted onto an awning.

(1) *Time.* A sign permit is required. A sign permit shall not be issued to erect or place an awning sign onto an awning at a property until after the issuance of building permit.

(2) *Place.* In no case shall the supporting structure of an awning sign extend into or over the right-of-way.

(3) *Manner.* An awning sign may ~~only~~ be used to advertise products, services, the name of the business, hours of operation, business telephone number(s), business address, and/or website address. The maximum height of an awning sign shall not exceed four (4) feet. The width of an awning sign shall not exceed 75 percent in length of any side of an awning. An awning sign shall only be permitted in conjunction with a nonresidential use or in a nonresidential zoning district. An awning sign shall be secure and may not swing, sway, or move in any manner. An awning sign shall not contain any moving devices. No building shall have both a wall sign and an awning sign on the same building face.

Awning sign attachments. Signs that suspend from an awning covering a pedestrian walkway and are accessory or supplemental extensions.

(1) *Time.* A sign permit is required. Structural drawings, as required by the building official, sealed by a licensed engineer must be submitted with the permit application.

(2) *Place.* Awning sign attachments shall suspend only from a pedestrian awning and shall be centered.

(3) *Manner.* Awning sign attachments may only provide the name of the business. Awning sign attachments shall have a maximum height of 12 inches. Awning sign attachments shall not alternate up-and-down at a business' storefront. Awning sign

attachments suspended over a pedestrian awning shall maintain a minimum nine-foot clearance from pedestrian grade measured from the lowest hanging portion of the attachment. Awning sign attachments shall not swing, sway, or move in any manner. The structural-engineering of awning sign attachment must be approved by the building official before a sign permit can be granted. Awning sign attachments shall not be used in conjunction with an awning sign. Only one (1) type of awning sign attachment shall be used per storefront.

Balloons and other floating devices. A visible airtight or air-flow through apparatus commonly made of latex, mylar or other similar material that extends by a cord, rope, string, wire or other similar material. No person shall erect, maintain, or allow the installation of any balloons and other floating devices anchored to the ground, any vehicle, structure or any other fixed object for the purpose of advertising or attracting attention to a business, commodity, service, sale, or product. Balloons and all other floating devices are prohibited in the City of McAllen and its ETJ except when used for a grand opening as permitted in this chapter.

Banner. A temporary sign having characters, letters, or illustrations applied to plastic, cloth, canvas, or other fabric or similar material, with the only purpose of such non-rigid material being for background. A banner does not include a municipal banner.

(1) *Time.* A sign permit is required for each display period. The sign permit number and date installed shall be placed on the banner in characters no less than one (1) inch in height in a conspicuous place for the purpose of walk-up inspection. A sign permit shall not be issued to erect or place a banner at a property until after the issuance of a building permit for a building on the property. ~~display a banner at a vacant property.~~ One (1) banner sign may be placed on a building for a total of 60 days per calendar year. The days may be combined or divided. Each suite within a retail development shall be considered a building and, therefore, shall be allowed to erect a banner accordingly. New businesses shall be permitted to place a banner on their building 30 days prior to the beginning of construction. ~~prior to the issuance of a certificate of occupancy with the issuance of a sign permit from the building official.~~ A new business shall be permitted to place one (1) banner on their building storefront up to six (6) weeks after the date of a certificate of occupancy with the issuance of a sign permit. Banners displayed before and immediately following the date of the certificate of occupancy shall not count against the allowances for the 60 days within a calendar year. Exemption: Stationary banners affixed to existing poles advertising City or community events, such as holiday events, and the arts in the Heart of the City. Religious organizations that temporarily operate in a school or other nonreligious facility may erect a banner no earlier than two (2) hours before worship and must remove the banner no later than two (2) hours after worship without the issuance of a sign permit.

(2) *Place.* A banner shall be securely attached to the front, side or rear face of a building. A banner shall not face a residential neighborhood. Banners are permitted only in conjunction with a ~~nonresidential use~~ multi-family use, institutional use or in a nonresidential zoning district.

(3) *Manner.* A banner may only advertise the business' name, opening dates, telephone number(s), hours of operation, and/or type of products or services offered or sold. A banner shall not exceed 48 square feet in area, ~~except for that at~~ an individual business with a floor area of 50,000 square feet or greater; a banner shall not exceed 100 square feet in area. A banner shall be ~~placed~~ a minimum of nine (9)

feet above grade at when placed within five (5) feet of any pedestrian traveled way. Where a building wall is nine (9) feet in height or less, is adjacent to an approved parking surface, and is not a designated pedestrian walkway, one (1) banner shall be placed a minimum of five (5) feet above the grade of above the parking surface.

Bench Sign. A sign erected in the outdoor environment which is located on, mounted to or incorporated into the seat or back of a seat or bench. Bench signs are prohibited in the City and its ETJ.

Billboard. A sign or sign structure erected in the outdoor environment for the purpose of the display of commercial or noncommercial messages that do not pertain to a business, person, organization, activity, event, place, goods or services principally located or primarily sold, produced, manufactured or furnished on the property on which the sign is located. Billboards include any of its support, frame or other appurtenances. Billboards are prohibited in the City and its ETJ.

Building official. The building official or designee.

Canopy. A roof like freestanding or projecting cover above an outdoor service area, such as a gasoline service station serving the purpose of protecting pedestrians from rain and sun.

Canopy sign. A sign that is applied, attached, painted or affixed on a canopy or other roof-like cover over gasoline fuel pumps, vacuum area at car detail facilities, or other areas where services are provided to a patron in a vehicle intended for protection from the weather or as a decorative embellishment.

(1) *Time.* A sign permit is required. A sign permit shall not be issued to erect, install or place a canopy sign on a property until after the issuance of a building permit for a building (including canopy) on the property.

(2) *Place.* Canopy signs may only be erected on the sides of the canopy band.

(3) *Manner.* A canopy sign may contain only the businesses' name(s), logo(s) and/or brand(s) on the canopy band. Canopy signs may not exceed 15 square feet in size. Canopy signs must be attached directly to or painted on the exterior face of the canopy band and shall not project more than 18 inches from the canopy band. Only the canopy band may be illuminated, not the entire canopy. Canopy signs attached or applied to a canopy shall not extend above or below the canopy band.

Central Business District (CBD). The area of the City bounded by US Business 83, South 10th Street, Houston Avenue and Bicentennial Boulevard. See Special Area Number 2.

Changeable electronic variable message sign (CEVMS). means an electric 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.

(1) *Time.* A sign permit is required. A sign permit shall not be issued to erect, install or place a CEVMS sign on a property until after the issuance of a building permit for a building on the property.

(2) Place. CEVMS signs shall be permitted only along minor arterials or greater as designated in the city's thoroughfare plan, as it currently exists or may be amended.

(3) Manner. The maximum brightness of CEVMS shall not exceed 5,000 candelas per square meter during daylight hours, or 500 candelas per square meter) between dusk to dawn. The sign must have an automatic dimmer control which produces a distinct illumination change from a higher allowed illumination level to a lower allowed level for the time period between one half hour before sunset and one half hour after sunrise. User must submit documentation of this capability and compliance with application.

(a) CEVMS colors shall not include the red, yellow or green color spectrum used for traffic control devices. No CEVMS signs may be of such intensity or brilliance as to interfere with the effectiveness of an official traffic sign, device or signal. CEVMS signs shall not produce glare or other lighting nuisances.

(b) All approved CEVMS signs shall be made available for usage for Amber Alerts and other emergency Community Notifications as deemed necessary by the Chief of Police or Emergency Management Coordinator.

City of McAllen. May be referred to as City.

Cloud buster balloon and air devices. Any visible airtight or air-flow through, inflatable apparatus made of latex, mylar, or other similar material that extends higher than 25 feet into the sky by a cord, rope, string, wire, or other similar material. A cloud buster balloon or air device is commonly-used to attract passersby/patrons to a location having a promotion, sale, or other function. Cloud buster balloons, blimps, and other air devices are prohibited in the City and its ETJ except when used for a grand opening as permitted in this chapter.

Commercial real estate sign (CRES). A temporary sign made of wood, metal, plastic or similar material that pertains to the sale or lease of the property where the sign is located.

(1) Time. No sign permit is required. A CRES requires removal within ten (10) days after the sale or lease of a property or business.

(2) Place. A CRES shall be located no closer than zero (0) feet from the property line or ten (10) feet from the back of the curb, whichever is greater. ~~A CRES may be located five (5) feet from the back of the curb if it is less than 36 inches in height. No CRES is permitted within a corner clip.~~ A maximum of one (1) CRES per property shall be placed on a property. For a property with more than 500 feet of single street frontage, more than one (1) CRES is allowed, provided, that each CRES is spaced a minimum of 200 feet from other CRES signs.

(3) Manner. A CRES may be placed only on the property subject to sale or lease where the sign is located and shall not exceed 32 square feet in area. A CRES shall not exceed eight (8) feet in height. The maximum width of a CRES shall not exceed four (4) feet.

Corner Clip. The area in the form of a triangle bounded by two (2) intersecting boundaries for a distance of 25 feet on each of such boundaries from the points of intersection and bounded by a third side determined by drawing a straight line from the points of the two (2) intersecting boundaries 25 feet from their intersection. For the purposes of this definition "boundaries" shall refer to streets, roads, alleys, driveways and

entrances and exits to parking lots. Signs or parts of a sign and/or supporting structures are prohibited to be located in a corner clip.

Entertainment and Cultural Overlay District. The area of the City as defined in Section 138-333 of the Zoning Ordinance. See also Special Area #2.

Dilapidated. Any surface element, background, or support of any sign or sign structure that has finished materials that are missing, broken, bent, cracked, corroded, decayed, dented, harmful, hazardous, illegible, leaning, oxidized, splintered, ripped, torn, twisted, or unsightly.

Electric sign. Any sign containing electrical wiring or using electric energy, but does not include signs illuminated by an exterior light source.

Erect or install. To build, construct, attach, hang, place, suspend, affix, paint, display, apply, assemble or place in any manner, a sign or sign structure, including but not limited to on the exterior of a building or structure.

Exempt. A sign smaller than 32 square feet for which a permit is not required; however, compliance with all other city ordinances and the comprehensive zoning ordinance is required. A sign permit may be required if it is determined by the Building Official that a building permit or electrical permit is required. Exempt signs include address signs, changes of copy, government flags, informational signs, on-site directional signs, private parking signs, commercial real estate signs public service signs and / or non-commercial window signs all of which are not to exceed four (4) square feet in sign area.

Exempt political sign. A sign that contains primarily a political message, including a political issue or a political candidate sign, that is located on private real property with the consent of the real property owner, but not on real property subject to an easement or other encumbrance that allows the City of McAllen to use the property for a public purpose, and that (1) does not have an effective area greater than 36 square feet, (2) is not more than eight (8) feet high, (3) is not illuminated, and (4) does not have any moving elements. Exempt political signs do not require a permit.

Extraterritorial Jurisdiction. May be referred to as ETJ is that land outside the corporate boundaries as shown on the official map of the City of McAllen.

Feather flag. A wind device that contains a harpoon-style pole or staff driven into the ground for support. Feather flags are prohibited in the City and its ETJ, except when used for a grand opening as permitted in this chapter.

Flag. A piece of fabric or other flexible material used as a symbol of a nation, state, political subdivision, or organization.

(1) *Time.* No sign permit required.

(2) *Place.* A flag and its ground-supported staff shall be located on private property behind the property line. Flags may be placed at parks during social and athletic events.

(3) *Manner.* At a property that contains a building with less than four (4) floors, the maximum height of a ground-supported flagpole shall be 35 feet measured from the ground with the maximum area of the flag not to exceed 60 square feet in area. At a nonresidential property that contains a building with four (4) floors or more aboveground, the maximum height of a flagpole shall be 60 feet measured from the ground with the maximum area of a flag not to exceed 96 square feet in area. A maximum of four (4) flags or flagpoles may be located on a property. A flag not displayed on a ground-supported or wall mounted staff shall meet the permit and display requirements of a banner (see "banner").

~~**Frontage, Building.** The ground floor horizontal distance of a building or portion thereof occupied by the subject tenant. Building frontage shall only be measured along a ground floor wall which has a customer entrance that faces and has access onto a public open space, such as a courtyard or plaza; or is adjacent to a public street or adjacent to a driveway or parking lot which serves that use. If any building frontage does not consist of one (1) straight line, the frontage of any offset portion shall be projected for computation purposes, to the extension of the line of the most forward face of the building. Any business which has more than one (1) building frontage, facing a public street, may have one hundred sixty percent (160%) of the sign surface area permitted on the principal frontage as permitted in this chapter. The permitted sign surface area may be distributed in any manner on the front and adjacent sides of the building which have frontage on a public street or alley, but in no event shall the sign surface area on any building face exceed one hundred percent (100%) of the sign surface area permitted. Building frontage opposite the principal frontage may have additional sign area calculated in the same manner and subject to the same size and placement regulations as for the principal frontage, as long as two (2) adjacent frontages do not exceed one hundred sixty (160%) of the permitted sign surface area.~~

Garage sale sign. An on-premise stake sign used to advertise a garage sale, yard sale, or estate sale

(1) *Time.* No sign permit required. A garage sale permit is required. A garage sale sign shall not be erected earlier than the first day of the garage sale and must be removed on the last day following the sale.

(2) *Place.* Only one (1) garage sale sign is allowed per street frontage of the property. Garage sale signs shall be located only on the private property of the resident having the garage sale. A garage sale sign shall be erected on private property not closer than ten (10) feet from the back of the curb. A garage sale sign shall not be located off-premises. Garage sale signs shall not be placed on a vehicle, fence, pole, tree, median, or railing. Garage sale signs shall not be balloons, wind devices or other type of sign, except stake signs, unless meeting the definition and requirements for that type of sign.

(3) *Manner.* Garage sale signs may only be placed on the property or land or property where the sale is to take place. A garage sale sign shall not exceed six (6) square feet in area. The maximum height of a garage sale sign shall not exceed four (4) feet.

Government awareness sign. A government awareness sign is a stake sign, banner or other apparatus, including flags, used to convey health, safety and welfare information to the public regarding city, county, state, or federal government requirements and regulations such as water restrictions, burn bans, public hearings or other similar information.

(1) *Time.* No sign permit required. No restrictions.

(2) *Place.* No restrictions.

(3) *Manner.* No restrictions.

Government community event sign. A stake sign, banner, or other apparatus used to convey information to the public regarding city-related activities and events.

(1) *Time.* No sign permit required. A government community event sign may be erected up to ~~seven (7)~~ 15 days prior to the event or activity, and shall be removed within two (2) business days after the event or activity.

(2) *Place*. Government community event signs shall be placed only at a city public park and/or other city government property that contains a public building or right-of-way, on any other property with the written consent of the property owner or agent, and at the event location.

(3) *Manner*. A government community event sign may be placed in medians, easements, or within the right-of-way of any thoroughfare.

Grand opening. A promotional event marketing the opening of a new business

(1) *Time*. A sign permit is required. Any grand opening signage shall ~~require a permit and~~ be displayed within 180 days of the issuance of a certificate of occupancy from the building official unless otherwise approved by the building official. Any grand opening signage shall ~~not~~ be displayed for no more than 60 days per calendar year.

(2) *Place*. All grand opening signage shall be located at the site of the new business.

(3) *Manner*. Pennants; balloons with a maximum of one (1) foot in diameter and attached with a maximum ten (10) feet in length of cord, rope, string, wire or other similar material; balloon arrangements; flags, and wind devices are permitted during the 60 day grand opening period. Balloons may only be displayed within 20 feet of the business' public entrance. Grand opening balloons and/or balloon arrangements shall not be attached to parking signs, bicycle stands, benches, trees, fences, poles, railings, vehicles, existing signage, display items, other structures, or placed in required parking spaces. Grand opening balloons and/or balloon arrangements shall not block pedestrian or vehicular visibility or cause a safety hazard. Grand opening balloon arrangements may not exceed 20 feet in height. Grand opening balloons arrangements must be secured to the ground.

Home Owners Association - neighborhood sign (HOA-NS). A stake sign used to convey residential subdivision board meetings, announcements, or other subdivision-related events to residents within the subdivision.

(1) *Time*. No sign permit required.

(2) *Place*. A HOA-NS shall be located on private property within the subdivision. A HOA-NS shall not be located along any major thoroughfare or street artery outside of the subdivision screening wall or perimeter barrier.

(3) *Manner*. The maximum area of a HOA-NS shall not exceed six (6) square feet. The maximum height of a HOA-NS shall not exceed four (4) feet.

Home improvement sign. An onsite stake sign that advertises the name, phone number, and/or website address of contractor, and/or type of construction being performed on the property, such as a roof, fence, pool, paint, landscape, or other home improvement contractor.

(1) *Time*. No sign permit required. A home improvement sign shall be removed within 15 days of being initially installed or when the home improvement work is completed, whichever occurs first.

(2) *Place*. A home improvement sign shall be located only on the property at which the home improvement is occurring. A home improvement sign shall not be erected on private property closer than ten (10) feet from the back of the curb or designated roadway.

(3) *Manner*. A home improvement sign shall not exceed six (6) square feet in area. A home improvement sign shall not exceed four (4) feet in height. A maximum of one (1) home improvement sign shall be erected per street frontage. ~~on a property~~.

Human sign. A sign held by or attached to a human being. A human sign includes a person dressed in costume for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service, activity, or product.

(1) *Time.* No sign permit required. Human signs may be displayed 24 hours each and every continuing day.

(2) *Place.* Human signs shall be located only on private property, and not on the public right-of-way, where a sale, event, promotion, or the like is taking place. Human signs may not be off-premises from where a promotion, sale, event, or the like takes place.

(3) *Manner.* Human signs shall only be persons physically located on private property. Podiums, risers, stilts, vehicles, roofs, or other structures or devices shall not support a human sign.

Illuminated sign. A sign in which a source of light is used in order to make the message readable. This definition shall include internally and externally lighted signs and reflectorized, glowing or radiating signs.

Impounded sign. A sign that is removed by a city-authorized official, inspector, Code Enforcement Officer, other city employee or city-authorized person in accordance with the provisions of this chapter. See Section “removal and impoundment of prohibited signs”

Inflatable device sign (IDS). A sign manufactured of plastic, cloth, canvas or other flexible or light fabric, inflated with air or any gas, secured to the ground, and does not float.

(1) *Time.* A sign permit is required. The sign permit must be displayed in a conspicuous place visible from the street for the purpose of walk-up inspection. One (1) IDS may be erected on a property for no more than 60 days per calendar year. The days may be combined or divided. A business can only display one (1) IDS at a time. In the case of multiple businesses or tenants located on a single property, each business is allowed to erect an IDS on the property for 60 days, provided that not more than one (1) IDS is installed along any street frontage at the same time. One (1) IDS per street frontage may be installed each time.

(2) *Place.* An IDS shall not be located in any parking space, ADA accessible aisle, fire lanes, or driveways that provide access to parking spaces, nor shall any IDS or its securing devices encroach into a right-of-way. IDSs are only permitted within a nonresidential zoning district.

(3) *Manner.* An IDS shall be secured directly to, and not suspended or floating from, the ground. An IDS shall not be placed on a roof, canopy, parking garage, or awning, or suspended or floating from any building or garage. The maximum height of an IDS shall not exceed 30 feet. One (1) banner may be applied to an IDS without requiring a separate permit. A banner applied to an IDS shall not count toward the allotted number of banners during a calendar year. The maximum area of a banner applied to an IDS shall not exceed 48 square feet. An IDS shall not be installed within 200 feet from another IDS measured in a straight line in any direction. Cloud buster balloons, blimps, wind devices or any similar type of apparatuses are not an IDS.

Instructional/informational sign. A sign that provides instruction, information, or direction to the general public that is essential to the health, safety, and public welfare of the community. Such signs shall include, but are not limited to, a sign identifying a property address, street address, restrooms, public telephones, handicap parking spaces, reserved parking spaces, no trespassing, no dumping, no loitering, no soliciting, “beware

of" warning, water resource information, neighborhood watch information, construction entrance and/or exit signage. An instructional/informational sign includes a sign of a warning, directive or instruction erected by a public utility company that operates under a franchise agreement with the City and/or signs required by federal, state or other local authorities.

- (1) *Time.* A sign permit is not required. No restrictions.
- (2) *Place.* An instructional/informational sign shall not encroach into a right-of-way.
- (3) *Manner.* An instructional/informational sign shall contain no other message, copy, announcement, or decoration other than the essential instruction, information or direction and shall not advertise or otherwise draw attention to an individual, business, commodity, service, activity, or product. The maximum area of an instructional/informational sign is 16 square feet. An instructional/informational sign and they may not be illuminated, except for illuminated "open" signs. Reflective material is permitted.

Logo. Any design, insignia or other marking of a company, service or product, which is used in advertising to identify the company, business, service or product.

Master Sign Coordination Plan or Unified Development Sign Plan. A site plan depicting multiple properties as shown on the same concept plan, masterplan, preliminary site plan, or site plan, and unified through common building architecture, building color, and building materials, landscaping and parking for which number, location, type, and size of signs are proposed. See Section "sign site plan"

- (1) *Time.* No sign permit is required. Compliance review and approval by the Planning Department is required.
- (2) *Place.* Compliance with ordinance requirements.
- (3) *Manner.* For developments of one (1) acre or more.

Menu board and / or order board sign. A sign erected in conjunction with a use that incorporates a drive-thru or drive-in and generally used to provide service and/or product options and pricing for patrons who remain in a vehicle.

- (1) *Time.* A sign permit is not required.
- (2) *Place.* A menu/order board sign is permitted only in conjunction with a nonresidential use or in a nonresidential zoning district.
- (3) *Manner.* A drive-thru/in menu/order board sign shall be supported from the grade to the bottom of the sign having or appearing to have a solid base.

Merchandise signs and/or displays. Any goods, wares, merchandise or other advertising object, structure or sign advertising these suspended, applied, erected, installed from or on any building, or pole, structure, sidewalk, parkway, driveway, parking area, ~~fuel pump island or its supports,~~ bridge or overpass for the purpose of advertising such items or attracting patrons. Merchandise signs and/or displays are prohibited in the City and its ETJ, except as specifically allowed by any city ordinance or required by federal or state law.

Mobile advertisement sign. An operable or inoperable vehicle and/or trailer with illuminated or non-illuminated panels, other devices, or appendages used to advertise, promote or draw attention to an individual business, commodity, service, activity, event, product, or events other than those of the vehicles owner, or other similar purpose. Mobile advertisement signs are prohibited in the City and its ETJ excepted when painted or wrapped on the vehicle.

Model home sign. A sign used to identify a builder or contractor's model house that is open to the public for inspection by customers and located within a residential district.

(1) *Time.* A sign permit is required if the sign is larger than 32 square feet. A sign permit shall not be issued until after a building permit is issued for construction of a dwelling model home or temporary sales trailer.

(2) *Place.* A model home sign is permitted on a property that has been issued a building permit for construction of a residential dwelling or temporary sales trailer. One (1) model home sign is allowed per residential property. The minimum front setback of a model home sign shall be zero (0) feet from the property line or ten (10) feet from the back of the curb, which ever is greater. The minimum side or rear setback of a model home sign shall be ten (10) feet from the property line.

(3) *Manner.* A model home sign may only provide a builders name, corporate logo, hours of operation, website information and/or telephone number(s). A model home sign shall be supported from the grade to the sign bottom. ~~All decorative embellishment borders and/or masonry borders will be included in the calculation of the total area of a model home sign.~~ The maximum height of a model home sign shall not exceed five (5) feet. The average finished grade of the property shall not be altered to increase the height of a model home sign. Model home signs shall not contain neon or prohibited lights. Exterior lighting must meet the requirements of the light and glare standards as regulated by city code defined in Foresight McAllen, as it currently exists or may be amended.

Monument (individual) sign (MIS-1). A sign supported from the grade to the bottom of the sign having or appearing to have a solid and opaque base and used to identify a tenant or the name of a business located within a planned development or on a separately platted property within a planned development.

(1) *Time.* A sign permit is required. A sign permit shall not be issued to erect, install or place an MIS-1 on a property until after the issuance of a building permit for a building on the property.

(2) *Place.* MIS-1 are permitted in nonresidential zoning districts or nonresidential areas and on a property containing an apartment complex, school, community center, or religious facility. The total number of MIS-1 signs shall not be permitted to exceed the total number of properties ~~allowed~~ in the subdivision as applicable. The minimum front yard setback for a MIS-1 is zero (0) feet from the property line or ten (10) feet from the back of the curb, which ever is greater. The minimum side and rear setback from the property line shall be equal to the height of the MIS-1 except for corner properties where the setback shall be zero (0) feet from the property line or ten (10) feet from the back of the curb, which ever is greater.

(3) *Manner.*

(a) The design, materials, and finish of an MIS-1 shall match those of the buildings on the same property. An MIS-1 may be constructed entirely of masonry materials. Back-lit MIS-1s shall be inset into the pedestal rather than attached or applied to the pedestal.

(b) ~~MIS-1s shall be consistent with the building elements and materials of the primary structures.~~ Architectural embellishments are also encouraged and may be considered through the review of a Master Sign Coordination Plan or UDSP. For developments one (1) acre or more, a master sign plan will be required indicating all sign locations, heights, total sign area for each structure and must include elevation sketches.

(c) A property is allowed a maximum of one (1) MIS-1 per street frontage based on the master sign coordination plan.

- (d) The maximum area of an MIS-1 is 65 square feet.
- (e) The maximum height of a MIS-1 is ~~eight (8)~~ 16 feet. MIS-1 may be placed on a base or landscaped berm that is no higher than three (3) feet above grade
- (f) MIS-1s are permitted to contain electronic variable messages subject to the following conditions:
 - 1. Variable message monument signs shall be permitted only along a minor arterial or greater as designated in the city's thoroughfare plan, as it currently exists or may be amended.
 - 2. Variable message monument sign characters shall have a minimum height of ~~ten (10)~~ eight (8) inches and a maximum height of 16 inches.
 - ~~3. Variable message monument signs shall not be animated, flash, travel, blink, fade, or scroll.~~
 - 4. Variable message monument signs shall remain static for not less than six (6) seconds.
 - 5. Variable message monument signs are permitted to contain time and temperature displays. The time and temperature shall remain static for not less than three (3) seconds.
 - 6. Variable message wall signs are also permitted (see "wall signs"), but only one (1) variable message sign, either monument or wall, is permitted per property.

Monument (internal) signs (MIS-2). A MIS-2 is a sign that is supported from the grade to the bottom of the sign having, or appearing to have, a solid base and generally used to provide direction to drive-thru lanes, buildings, and tenants within large multitenant retail, multifamily, or office developments.

- (1) *Time.* A sign permit is not required.
- (2) *Place.* A MIS-2 is permitted only in conjunction with a nonresidential use or in a nonresidential zoning district.
- (3) *Manner.*
 - (a) The maximum area of a MIS-2 is six (6) square feet.
 - (b) The maximum height of a MIS-2 is 36 inches.

Monument (unified development) sign or (UDMS). A UDMS is a sign that is supported from the grade to the bottom of the sign having, or appearing to have, a solid base and is used to identify multiple tenants within a unified development. ~~A UDMS may be a CEVMS and is permissible on a nonresidential zoned property subject to the following conditions.~~

- (1) *Time.* A sign permit is required. A sign permit shall not be issued to erect, install or place a UDMS on a property until a master sign plan has been approved and after issuance of a building permit for a building permit on the property.
- (2) *Place.*
 - (a) UDMS shall only be located on a property of one (1) acre or more.
 - (b) A UDMS is permitted on the same property as an MIS-1, but the combined total number of UDMSs and MIS-1s shall not exceed the number of properties located within the development.
 - (c) The minimum front setback for a UDMS is zero (0) feet from the property line or ten (10) feet from the back of the curb, which ever is greater.

(d) No minimum side yard and rear yard setbacks are required for a UDMS, but a UDMS shall not be located closer than 75 feet to another UDMS or an MIS-1.

(3) *Manner.*

(a) A UDMS shall be constructed of materials and a design consistent with the buildings located on the property. ~~A UDMS constructed entirely of masonry materials shall satisfy the border requirement.~~

(b) The maximum area of a UDMS shall be based on the size of the development. The maximum area of a UDMS for a development of one (1) to five (5) acres is 65 square feet. For every whole acre over five (5) acres, the area of the UDMS may be increased by 12 square feet with the maximum area of a UDMS being 173 square feet.

(c) The maximum height of a UDMS is 16 feet. A UDMS may be placed on a berm or base that is no higher than three (3) feet above grade

(d) Architectural embellishments for UDMSs are encouraged. Exceptions in maximum height and area may be considered through the review of a master sign plan and a variance granted on accordance with this chapter.

(e) One (1) UDMS is permitted per street frontage of the development. One (1) additional UDMS is permitted along a street for each additional 150 linear feet of street frontage that exceeds 150 linear feet of street frontage.

~~(f) Variable messages are permitted, but only one (1) variable message sign, either monument sign or wall sign is permitted per property. UDMSs with variable message displays shall remain static for not less than six (6) seconds.~~

(f.g) Where a development is located on a corner or has more than one (1) street frontage, one (1) additional UDMS sign will be allowed on the additional frontage not to exceed the size of the allowable UDMS sign on the primary street frontage; must be perpendicular to the additional street, and not closer than 100 feet from the street intersection.

(g) UDMS's are permitted to contain electronic variable messages subject to the following conditions:

1. Variable message monument signs shall be permitted only along a minor arterial or greater as designated in the city's thoroughfare plan, as it currently exists or may be amended.

2. Variable message monument sign characters shall have a minimum height of ten (10) inches and a maximum height of 16 inches.

3. Variable message monument signs shall remain static for not less than six (6) seconds.

4. Variable message monument signs are permitted to contain time and temperature displays. The time and temperature shall remain static for not less than three (3) seconds.

5. Variable message wall signs are also permitted (see "wall signs"), but only one (1) variable message sign, either monument or wall, is permitted per property.

Moving sign. Any sign, sign appendages or apparatus designed or made to move freely in the wind or designed or made to move by an electrical or mechanical device.

(1) *Time.* A sign permit is required. A sign permit shall not be issued to erect, install or place a moving sign on a property until after the issuance of a building permit for a building on the property.

(2) *Place.* Moving signs are permitted in nonresidential zoning districts or nonresidential areas. The minimum front setback for a moving sign is zero (0) feet from the property line or ten (10) feet from the back of the curb, which ever is greater.

(3) *Manner.* Moving signs may not exceed 35 square feet in size.

Municipal banner. A temporary sign having characters, letters, or illustrations applied to plastic, cloth, canvas, or other light fabric or similar material, with the only purpose of such non-rigid material being for background used by the city, either acting alone or in cooperation with another person or entity, to promote the city, aide in economic development or economic activity in the city, promote citizenry and good will, promote awareness of happenings in the city, promote municipal-related places, activities, events, or promote municipal-related information or an event or similar happening determined by the city to directly relate to the city's objectives in speaking on its own property. A municipal banner includes ornamentations and seasonal decorations.

(1) *Time.* Written permission from the city manager or his designee is required. No time restriction.

(2) *Place.* A municipal banner may be erected on any city-owned property, including but not limited to pavilions, fences, walls, vehicles, poles and light poles, and/or any other structure or apparatus approved by the city manager or his designee.

(3) *Manner.* Municipal banners shall not be faded, tattered or torn.

Mural. Pictures or artwork painted, drawn or applied on the exterior walls that does not depict or contain advertising, logos, or images of a product or service available onsite or off-location. Murals are not used to advertise products or services offered or sold off-premise or onsite.

(1) *Time.* A sign permit is required, except when public art regulations may apply. A sign permit shall not be issued to paint, draw, apply or place a mural on a property until after issuance of a building permit for a building on the property.

(2) *Place.* A mural shall be located above grade and below a roof and only be located within a nonresidential zoned district. Murals shall not be applied to a roof or other similar cover of a building or structure.

(3) *Manner.* The maximum area of a mural shall not exceed the length or height of the exterior wall on which it is painted, drawn or applied. A mural shall not face a residential neighborhood. Murals are permitted only in conjunction with a nonresidential use or in a nonresidential zoning district.

Nameplate. A sign not more than one (1) square foot in area attached to a building and identifying the owner or lessor, and his title or occupation.

Neglected sign. A sign that has any missing panels, burned out lights, missing letters or characters, has rust, has loose parts, has damage, faded from its original color, supports or framework with missing sign or parts, or is not maintained. Neglected signs are prohibited in the City and its ETJ.

Neon tubing. A discharge tube containing neon that ionizes and glows with various colors when electric current is sent through it. In nonresidential districts or areas, neon tubing used for the sole purpose of accentuating the outline of a building shall not be considered a wall sign and is permitted.

Nonconforming sign. Any sign and its supporting structure that does not conform to all or any portion of this chapter and was in existence and lawfully erected prior to the effective date of this chapter; and was in existence and lawfully located and used in accordance with the provision of any prior ordinances applicable thereto, or which was considered legally nonconforming there under, and has since been in continuous or regular use; or was used on the premises at the time it was annexed into the city and has since been in regular and continuous use. See Section

~~**Notice.** Notice required by this chapter shall be according to the City of McAllen, Zoning Ordinance Sec. 138-112(1).~~

Off-premises sign. A sign or sign structure erected in the outdoor environment for the purpose of displaying commercial or noncommercial messages that pertain to a business, person, organization, activity, event, place, goods or services not principally located or primarily sold, produced, manufactured or furnished in the property on which such sign is located, including any of its supports, frames or other appurtenance. Off premise signs are prohibited in the City and its ETJ.

Official sign. A directional or other official signs authorized by law, including signs pertaining to natural wonders and scenic and historic attractions, and signs which have as their purpose the protection of life and property

On-premises sign. A sign which pertains to a business, person, organization, activity, event, place, goods or services sold, produced, manufactured or furnished in the property on which such sign is located.

Open house residential sign (OHRS). An onsite stake sign used to advertise the name of the realtor or homeowner, date, and/or time of an open house.

(1) *Time.* No sign permit required. Only one (1) OHRS shall be erected no earlier than two (2) hours before the open house and shall be removed no later than one (1) hour after the conclusion of the open house.

(2) *Place.* An OHRS shall be located only on the subject property having the open house. OHRS shall not be located off-premises. An OHRS shall be erected on private property not closer than ten (10) feet from the back of the curb.

(3) *Manner.* The maximum area of an OHRS sign shall not exceed six (6) square feet. An OHRS shall not contain balloons, streamers, flags, pennants, or other wind devices. An OHRS shall not be placed on a vehicle, fence, pole, tree, or railing.

Owner. A person or entity recorded as such on official tax records. For the purposes of this chapter, the owner of property on which a sign is located is presumed to be the owner of the sign, unless facts to the contrary are officially recorded or otherwise brought to the attention of the building official.

Pennant. Any lightweight plastic, fabric or other material, whether or not it contains a message of any kind, suspended from a rope, wire, cord, string or other similar material designed to move in the wind whether existing in a series or individually. Pennants are prohibited in the City and its ETJ except when used for a grand opening or promotional events not to exceed ~~15 days three (3) times~~ 60 days per year, as permitted in this chapter.

Person. Any natural person, firm, partnership, corporation, company, limited liability company, organization, business or entity of any kind.

Pole or freestanding sign. A sign erected on one (1) or more uprights; a vertical framework consisting of one (1) or more uprights supported by the ground. ~~With the exception of the pole signs specifically authorized by this chapter, p~~ Pole signs are

prohibited in the City and its ETJ, except as permitted in Special Areas as defined in this chapter.

Political sign. A sign that relates to the election of a person to a public office, relates to a political party, relates to a matter to be voted upon at an election called by a public body, or contains primarily a political message.

(1) *Time.* No sign permit required. Such signs shall not be erected earlier than the first day upon which a person may file to become a candidate for office or the day that the election is called by the authority holding the election, whichever is earlier and shall be removed seven (7) days following such election or referendum.

(2) *Place.* Political signs shall be located only on private property with the consent of the property owner. A political sign shall not be erected closer than ten (10) feet from the back of the curb, located on any public property, within a designated easement or right-of-way. Political signs may be allowed as mobile or vehicle signs.

(3) *Manner.* Political signs shall not exceed eight (8) feet in height measured from the ground to the highest point of the sign. Political signs shall not exceed 32 square feet in area. Political signs shall not be illuminated. Political signs shall not contain any moving elements or parts. Political signs shall not be dilapidated or cause a hazard.

Portable signs. Any sign designed or intended to be relocated from time-to-time, whether or not it is permanently attached to a building or structure, or is located on the ground. Portable signs include signs on wheels or on portable or mobile structures, such as, among other things, trailers, skids, banners, tents or other portable structures, airborne devices, or other devices used for temporary display or advertising. Portable signs are prohibited in the City and its ETJ, except as specifically allowed by other sections of this chapter.

Private directional sign. A sign not erected by or under authority of any governmental agency, which contains only information designed to direct pedestrian or vehicular traffic and which contains no advertising material or a business name. Examples of private directional signs include signs bearing only the word “entrance” or “exit” located on or near a parking lot. No sign which contains the name of a business or activity or any other advertising material shall be considered a private directional sign, even though such sign may also contain the word “entrance” or “exit.” A sign containing the word parking at any parking lot where any person is charged any fee or other monetary consideration for parking shall be considered an advertising sign, not a private directional sign.

Prohibited lights / light. Lights are luminous objects which are the source of illumination, whether by electromagnetic radiation, flame, reflection, or any other form of emission that acts upon the retina of the eye and optic nerve and makes sight possible. Prohibited lights are lights visible to the public in the outdoor environment that blink, strobe, flash, fade, scroll, or are not stationary or static, or causes light pollution or light trespass. Prohibited lights are prohibited in the City and its ETJ, except: Federal, state and municipal authorized emergency devices or apparatuses, emergency vehicles, utility repair vehicles, fire and building code light devices for emergency and/or security purposes, or other required lighting for public safety purposes provided they comply with all applicable ordinances or regulations.

Prohibited signs.

- (1) Any sign not specifically permitted by this chapter or code of ordinances;
- (2) Any sign erected or installed without the issuance of a permit, either prior to or after the adoption of this chapter (if a permit was required);

- (3) Any sign that emits odor, sound or visible matter;
- (4) Any sign erected or installed in or over a public right-of-way or access easement, unless otherwise specifically permitted or authorized by the City;
- (5) Any sign that does not comply with this or other applicable municipal ordinances, or those which do not comply with federal or state laws.
- (6) Any sign expressly prohibited in this chapter.

Project/development sign (PDS). A temporary sign used to advertise or display contact information of property owners, opening dates, architects, contractors, engineers, landscape architects, and/or financiers, who are engaged with the design, construction, improvement or financing of a subdivision project or development.

- (1) *Time.* A sign permit is required. The sign permit number, date installed, and sign applicant's name must be placed on the sign in no less than one (1) inch in height in a conspicuous place on the sign. PDS signs must be removed when 95 percent of the buildings/homes in multiple tenant or multiple property commercial project/subdivision have been issued a certificate of occupancy.
- (2) *Place.* The PDS shall be installed no closer than zero (0) feet from the property line or ten (10) feet from the back of the curb, which ever is greater. The minimum distance between a PDS and another PDS is 200 feet.
- (3) *Manner.* A PDS may include zoning information and advertise residential builders selling homes within a subdivision. In no case shall a PDS contain information that pertains to off-premise uses. A PDS installed on a property where a contractor requests a final inspection must be removed within two (2) days of the issuance of a certificate of occupancy. The maximum area of a PDS is 96 square feet. The maximum height of a PDS is 16 feet. A maximum of one (1) PDS is allowed along a major street frontage per subdivision. When a subdivision has more than one (1) major thoroughfare, one (1) PDS may be placed on each major thoroughfare.

Projecting sign. A sign attached to and projecting out from a building generally at a right angle to the building facade.

- (1) *Time.* A sign permit is required. A sign permit shall not be issued to erect or install a projecting sign at a property until after a building permit is issued for the building where projecting sign is to be attached.
- (2) *Place.* A projecting sign is permitted only in conjunction with a nonresidential use or in a nonresidential district. ~~In the CBD, a projecting sign may project into the right-of-way, but shall be located a minimum of three (3) feet back from the airspace above a curb of any adjacent street.~~ When a projecting sign is constructed over a pedestrian sidewalk, a minimum of nine-foot clearance shall be provided between the grade of the sidewalk and the lowest portion of a projecting sign. A projecting sign shall not extend above a building wall.
- (3) *Manner.* A projecting sign may only advertise the name, telephone number, street address, and/or website information of a business. The maximum area of a projecting sign is ~~42~~ 32 square feet including decorative appurtenance.

Property. An area of real estate designated as a parcel or property on a plat filed with the county clerk's office, or an unplatted tract of land as shown on an abstract.

Public nuisance. Any sign or sign structure or any constituent part of either that causes or may cause a hazard or dangerous condition is a public nuisance, including any which is unlawfully placed or existing in the right-of-way, in violation of setback requirements, or in violation of any other provision of this chapter or any other ordinance.

Public view. Visible from any public right-of-way, city right-of-way, or access easement or from any property outside the sign or sign structure's location.

Residential real estate sign (RRES). A sign used to advertise a home or residential property for sale or lease.

(1) *Time.* No sign permit required. A RRES may be erected 24 hours each and every day.

(2) *Place.* A RRES shall be erected only on the property on which the home or property is for sale or lease. A RRES shall be erected no closer than ten (10) feet from the back of the curb.

(3) *Manner.* A RRES shall not exceed six (6) square feet in area and be erected on a temporary stake only on the property where the subject home or residential property is located. A RRES may only advertise the name of the owner or realtor, telephone number(s), property information, and/or website address. The maximum height of a RRES shall not exceed four (4) feet. A maximum of one (1) RRES shall be erected on a property.

Roof sign. A sign mounted on and supported by the roof portion of a building or above the uppermost edge of a parapet wall of a building and which is wholly or partially supported by such a building or a sign that is painted directly to or applied on the roof or top of a building or structure. A sign that is mounted on mansard facades, pent eaves or architectural projections, such as canopies or the fascia (wall) of a building or structure shall not be considered to be a roof sign. Roof signs are prohibited in the City and its ETJ.

Roof (secondary) sign. A roof (secondary) sign is a sign that is mounted to or projects from a canopy or secondary roof over the entry to a building, but does not project above the highest point of the building. A roof (secondary) sign may be attached to a parapet wall.

(1) *Time.* A sign permit is required. A sign permit shall not be issued to erect or place a roof (secondary) sign on a property until after the issuance of a building permit at the property.

(2) *Place.* In lieu of a wall sign, a roof (secondary) sign may be installed on a parapet wall; provided, the parapet wall extends around the entire perimeter of the building at the same elevation. A roof (secondary) sign may be erected on a secondary canopy or a secondary roof over an entry to a building.

(3) *Manner.* The structural or mechanical elements of a roof (secondary) sign shall not be visible from six (6) feet above the grade of adjacent streets.

School sign (temporary). A stake sign used to convey school licenses, enrollments, open houses, award ceremonies, parent-teacher meetings, or other school-related events or functions for a school located within the City or its ETJ. A school sign excludes information pertaining to dates, times, and/or locations of scheduled athletic games.

(1) *Time.* A school sign may be erected up to seven (7) days prior to the event and shall be removed no more than 48 hours after the conclusion of the meeting or event.

(2) *Place.* A school sign may be placed at a private or public school, and/or at an improved property that has received a certificate of occupancy, with permission of its owner. A school sign shall be erected on private property not closer than ten (10) feet from the back of the curb.

(3) *Manner.* The maximum area of a school sign shall not exceed six (6) square feet. The maximum height of a school sign shall not exceed four (4) feet. A school sign shall not contain any balloons, streamers, pennants, flags, or wind devices.

Scoreboards. A scoreboard is a structurally-engineered sign erected at an athletic field or stadium and which is generally used to maintain the score or time expired in an event at the field or stadium. This definition includes signs mounted or applied to the outfield wall within a baseball field.

- (1) *Time.* No sign permit required. No restrictions.
- (2) *Place.* Scoreboards shall be erected only within an athletic field or stadium.
- (3) *Manner.* No restrictions.

Searchlight or skylight. Any apparatus capable of projecting a beam or beams of light. Searchlights (skylights) are prohibited in the City and its ETJ, except in conjunction with Grand Opening events described above ~~for three (3) consecutive days.~~

- (1) *Time.* A sign permit is required.
- (2) *Place.* Searchlights or skylights are allowed only in non residential zones.
- (3) *Manner.* Searchlights or skylights are permitted for three (3) consecutive days

Sign. Any form of publicity or advertising in the outdoor environment which directs attention to an individual, business, commodity, service, activity, event, or product by means of words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, trade names or trademarks, or other pictorial matter designed to convey such information and displayed by means of print, bills, posters, panels, or other devices erected on an open framework, or attached or otherwise applied to stakes, posts, poles, trees, buildings, or structures or supports. This definition shall also include any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or communicate information of any kind to the public.

Sign face. The area of that part of a sign designed to contain or display its message or informative contents, and does not include lighting fixtures, aprons, and catwalks unless they display part of the message or informative contents of the sign. The area of a sign shall be computed to include the entire area within a single, continuous perimeter of regular geometric form enclosing the extreme limits of writing, representation, emblem or any fixture of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. If a sign has two (2) parallel faces with identical copy, only one (1) display face shall be measured in computing sign area.

Sign structure. A structure -- including all of the interrelated parts and materials, such as beams, poles, braces, apron, catwalk, and stringers, and any wall or foundation -- that is used, designed to be used, or is intended to be used to support, display or contain a sign.

Special Areas. ~~Special Areas may be established by the City Commission from time to time.~~ Special Areas are specific geographic areas of the City and ETJ which may be established by the City Commission from time to time for the purpose of regulating signs. Signs in special areas shall conform to the criteria in this chapter and to appropriate city codes. Where there is a conflict between this section and any other city ordinances, including this chapter, this section shall govern in special areas.

Special Area Number 1 includes area within 600 feet of U. S. Expressway 83.

- (1) Pole signs
 - (a) Time. A sign permit is required

(b) Place. The minimum front setback for a UDMS is zero (0) feet from the property line or ten (10) feet from the back of the curb, which ever is greater.

(c) Manner. Signs allowed within 600 ft. of Expressway 83 shall include one (1) pole sign per premises with up to 150 linear feet of primary street frontage, provided that an additional pole sign shall be permitted for each additional 150 ft. of frontage not to exceed three (3) square feet in sign area for each linear foot of primary street frontage up to a maximum of 300 sq. ft. Such signs shall not exceed 80 ft. in height.

Special Area Number 2 includes the Central Business District. Any existing illegal sign in the CBD that was in place prior to adoption of this ordinance will have 90 days from the effective date of this ordinance to be removed.

(1) Awning sign attachments. Awning sign attachments are prohibited in the CBD.

(2) Illuminated signs. Any illuminated Sign visible to the public that blinks, strobes, flashes, fade, scrolls, or is not stationary or static, or causes light pollution or light trespass is prohibited in the CBD. An exception to this provision exists for federal, state and municipal authorized emergency devices or apparatuses, emergency vehicles, utility purposes or other required lighting for public safety purposes.

(3) Monument signs (MIS-1), (MIS-2) and UDMS. Monument signs are prohibited in the CBD.

(4) Pole signs. Pole signs are prohibited in the CBD

(5) Roof signs or Roof (secondary) signs. Roof signs or Roof (secondary) signs are prohibited in the CBD.

(6) Wall signs.

(a) Time. (see "wall signs")

(b) Place. (see "wall signs")

(1) Wall signs are not permitted to face an alley.

(c) Manner. (see "wall signs")

(1) Wall signs in the CBD are not permitted to contain electronic variable messages.

(2) Walls signs shall not occupy more than 30 percent of any wall on which it is erected.

(3) Neon tubing used for the sole purpose of accentuating the outline of a building shall not be considered a wall sign and is permitted.

Skylight. See "searchlight".

Stake sign. A temporary sign that does not exceed six (6) square feet in area with a base/stake commonly made of metal, wood or other similar material approved by the building official with an end for driving into the ground.

Subdivision identity sign. A subdivision identity sign is a sign mounted to a screening wall or engraved into a masonry block which identifies a residential development or a planned development, whether residential or noncommercial, and generally refers to the platted name of the subdivision or planned development.

(1) Time. A sign permit is required unless the sign is affixed to a buffer wall or incorporated into a screening wall and does not project from the fascia of the wall more than one (1) inch. A sign permit shall not be issued to erect or place a subdivision identity sign on a property until a final plat is approved by the planning and zoning commission for development of the property.

(2) Place. All subdivision identity signs shall be located within the platted limits of a residential subdivision to which it pertains.

(3) *Manner.* Alternative types of a subdivision identity sign may be approved as part of a master sign plan. The master sign plan shall be submitted for review with the final plat, landscaping, and screening wall plans for review by the planning department.

Subdivision monumentation. Subdivision monumentation is a physical improvement such as signs, walls, entry features or other similar improvements constructed to draw attention to or enhance a subdivision or its surrounding area and which includes signage.

(1) *Time.* A sign permit is required. A sign permit shall not be issued to erect or place subdivision monumentation on a property until a site plan is approved by the Planning and Zoning Commission for development of nonresidentially zoned property, for the development of multifamily properties, or a final plat is approved by the Planning and Zoning Commission for development of single-family or two-family zoned properties. The requirement to prepare the aforementioned plans may be waived should the owner of the property on which the monumentation is proposed to be located or his representative prepare written documentation and/or graphic illustrations to the satisfaction of city staff to explain the relationship of the proposed monumentation to future land uses on the property.

(2) *Place.* Subdivision monumentation placed on private property shall observe all building line and setback requirements of the governing zoning district; or if not in a zoning district the building line and setback requirements of subdivision monumentation shall be those of the zoning district that is most similar to the use. A non-habitable monument may encroach into a required setback provided all visibility clips and easements are observed and the monument is deemed by city staff not to negatively impact fire protection of existing or future development. Subdivision monumentation may be placed in the right-of-way subject to a license agreement approved by the city commission. Subdivision monumentation may not be erected within an area designated as future right-of-way on the city's thoroughfare plan, as it currently exists or may be amended.

(3) *Manner.* The developer of the subdivision monumentation must provide a plan for future maintenance of subdivision monumentation to the city for review. The maximum height of subdivision monumentation shall not exceed the maximum height of the governing zoning district; or if not in a zoning district the maximum height of subdivision monumentation shall not exceed 16 feet. ~~the maximum height of the zoning district that is most similar to the use.~~

Temporary sign. Any sign used to display information that relates to a land use, or a sign with a limited duration which is not rigidly and permanently installed into or on the ground, attached to a building, or as identified in this chapter. Also, any sign which is not intended to be displayed permanently. Temporary signs shall include balloons, banners and portable signs constructed of plywood, wallboard, or similar light, rigid material which is not affixed in a permanent manner to the ground or to any structure. Temporary signs are prohibited in the City and its ETJ except when used for a grand opening or as otherwise permitted in this chapter.

Trailer. A vehicle designed to be hauled by a motor vehicle whether or not it is in motion.

Traffic lights and signage. Any installed traffic-related sign, light, apparatus, or device that provides information to vehicular drivers and/or pedestrian traffic. Traffic-related signs, lights, apparatuses, or devices requires approval from the engineering department, which includes the review and approval of design, size, placement, and any other

specifications or requirements prior to installation from the traffic engineer. Exemption: Signs, lighting, apparatuses, and/or devices installed or required by federal or state laws.

Under Awning Sign. Any sign suspended from and under an awning.

- (1) **Time.** A permit is required. Structural drawings sealed by a licensed engineer may be required by the building official.
- (2) **Place.** An under awning sign shall suspend only from and under an awning. Only one (1) under awning sign per each public entrance is allowed.
- (3) **Manner.** An under awning sign shall have a maximum size of four (4) square feet with a minimum clearance of eight (8) feet.

Undeveloped. Residential or nonresidential property for which a certificate of occupancy has not been issued by the building official to occupy a building on the property or for which a subdivision plat has not been filed for record with the county.

V-shaped sign. A sign that fronts two (2) street frontages with more than five (5) degrees of parallel.

Vacant building sign. No sign shall be permitted to remain on any property with a vacant building, except a sign pertaining to the lease or sale of the building to which it pertains, or a sign which is under lease from an owner or his authorized agent when such sign is maintained by a person operating under his own bond. Vacant building signage is prohibited in the City and its ETJ.

Variance, request for. An official written application request to the City Commission to allow exceptions to regulations or requirements of this chapter.

Vehicle. Any operable or inoperable motorized machine on wheels, treads, or runners by which any person, materials, commodity, or property is or may be transported.

Vehicle sign. A sign attached to any, truck, car, bus, trailer, boat, recreational vehicle, motorcycle or any other vehicle, painted or wrapped and which relate to the vehicle owner's activity or business. Vehicle signs shall exclude bumper stickers and state required license or inspection stickers/identifications.

- (1) **Time.** No sign permit required. Vehicle signs are allowed 24 hours each and every continuing day.
- (2) **Place.** Vehicle signs are permitted provided that during periods of inactivity such vehicle is not parked in the right-of-way or placed in a manner that the vehicle sign is readily visible from an adjacent right-of-way. "For sale" signs placed in or on vehicles when the vehicle is parked or placed in a manner that the vehicle sign is readily visible from an adjacent public right-of-way are prohibited, with the exception that one (1) vehicle parked or placed at the location of an occupied residential unit may contain a "for sale" sign.
- (3) **Manner.** Vehicle signs are permitted provided that:
 - (a) The primary purpose of the sign is not for display of the sign;
 - (b) The signs are painted upon or applied directly to an integral part of the vehicle;
 - (c) The vehicle is operable, currently registered and licensed to operate on public streets and actively used in the daily function of the business to which such signs relates;
 - (d) The vehicle is not used as a static display, advertising a product or service, not utilized as storage, shelter, or distribution points for commercial products or services for the public; and the vehicle does not meet the definition of a mobile advertisement sign.

(e) No vehicle, whether operable or not, shall be parked where the intent is to use the vehicle for advertising.

Wall sign. Any sign erected against an exterior wall, erected parallel to a wall or painted directly onto a wall. This definition shall not include murals. ~~Wall signs are permissible subject to the following conditions and upon issuance of a sign permit.~~

(1) *Time.* A sign permit is required. A sign permit shall not be issued to erect, place or install a wall sign on a property until after issuance of a building permit for a building on the property.

(2) *Place.* Wall signs are permitted only in conjunction with a nonresidential use or in a nonresidential zoning district. Wall signs of any character placed directly on the face of a wall shall be set at a minimum of nine (9) feet above grade. Wall signs that are painted on the face of a wall shall have no minimum height requirement. A wall sign may not be erected or placed on a parapet wall, unless the parapet wall extends around the entire perimeter of the building at the same elevation. When projections on the wall face prevent the erection of the sign flat against the wall face, the space between the back of the sign and the wall shall be closed at the top, bottom and ends with noncombustible materials. ~~For buildings with a height of five (5) stories or greater, a wall sign may extend above the roofline of the building on which it is attached up to 25 percent of the sign's vertical length. The wall sign must be located on that portion of the building that is five (5) stories or greater.~~

(3) *Manner.*

(a) A wall sign may only include the name and/or logo of an on-premises business. If erected parallel to the façade, a wall sign may not extend more than 12 inches from the façade of the building to which it is attached and must be supported ~~throughout its entire length by~~ firmly to the building face. Where a wall sign does not exceed nine (9) feet in height it shall not project greater than one (1) inch from the wall surface. A wall sign may include neon tubing attached directly to a wall surface when forming a border for the subject matter or when forming letters, logos, or pictorial designs. Neon shall not be installed on any wall sign with any part extending below nine (9) feet from grade.

(b) No building shall have both a wall sign and an awning sign on the same building face.

(c) Wall signs up to 12 feet in height are allowed in conjunction with buildings and/or groups of continuous buildings with common wall construction and containing a minimum of 500,000 square feet. Wall signs of this size shall:

1. Be placed directly on the face of a wall;
2. Be set at a minimum of 14 feet above grade;
3. Not project more than 18 inches from the face of the wall; and
4. Not occupy more than 50 percent of any wall on which it is erected.

(d) Wall signs are permitted to contain electronic variable messages subject to the following conditions:

1. Variable message wall signs shall be permitted only along a minor arterial or greater as designated on the thoroughfare plan, as it currently exists or may be amended;
2. Variable message wall sign characters shall have a minimum height of 14 inches and a maximum height of 20 inches;

3. Variable message wall signs shall not be animated, flash, travel, blink, fade, or scroll;
 4. Variable message wall signs shall remain static for not less than 24 hours;
 5. Variable message wall signs are permitted to contain time and temperature displays. The time and temperature displays shall remain static for not less than three (3) seconds; and
 6. Variable message monument signs are also permitted (see "monument signs"), but only one (1) variable message sign, either monument sign or wall sign is permitted per property.
- (e) The size of wall signs shall be as follows:

TABLE INSET:

Building Height (Feet)	Maximum Sign Height (Feet)	Maximum Percentage of Wall Length* *Note: Wall signs shall not occupy more than the maximum percentage of the length of any wall on which it is erected. Corporate logos may exceed the maximum sign height by 40 percent.
0 to 20	4 ft.	75 %
> 20 to 30	6 ft.	60 %
> 30	8 ft.	50 %

Window sign. Any sign, poster, window slick, or other similar displayed item, excluding banners (see "banners"), located on the internal or external surface of a window that is visible from a public street or sidewalk.

(1) *Time.* No sign permit required, except illuminated window signs other than open/closed signs, illuminated window signs require the issuance of a sign permit and shall not be closer than three (3) feet from a public door. A window sign may be displayed 24 hours each and every day.

(2) *Place.* Window signs shall be displayed on the inside or exterior of a window.

(3) *Manner.* Window signs may only advertise an on-premises business' name, telephone number(s), website information, services, commodities, and/or products. The maximum area of a window sign shall not exceed 25 percent of the window where the sign is displayed. ~~Window signs are limited to one (1) sign per window.~~ Illuminated and non-illuminated window signs or its appendages shall not blink, strobe, fade, flash, scroll, or move in any manner. Illuminated window signs shall remain static and stationary.

Wind device. Any pennant, streamer, spinner, balloon, cloud buster balloon, inflatable objects or similar devices made of cloth, canvas, plastic or any flexible material designed to float or designed to move, or moves freely in the wind, with or without a frame or other supporting structure, used for the purpose of advertising or drawing attention to a business, commodity, service, sale or product. Exception: Flags and grand opening balloons and/or balloon arrangements shall not be considered a wind device. Wind devices are prohibited in the City and its ETJ except when used for a grand opening as permitted in this chapter.

Yard sign. A stake sign used to publicize the arrival of a newborn, participation of a family member in a school activity or sport, the presence of a security system, animals, and seasonal decorations.

- (1) *Time.* No sign permit required. Yard signs may be erected 24 hours each and every day.
- (2) *Place.* Yard signs shall be located only on occupied residential properties. Yard signs shall be erected no closer than ten (10) feet from the back of the curb.
- (3) *Manner.* Signs advertising the presence of a home security system shall not exceed one (1) square foot in area. Signs advertising the arrival of a newborn, the participation of a family member in a school activity or sport, or the presence of animals shall not exceed four (4) square feet in area. Seasonal decorations are excluded from place and manner requirements.

Zoning or other public notice sign. A temporary sign erected to publicize a request to zone or rezone a property, or other public hearing required by State Law or other City code.

- ~~(1) *Time.* No sign permit required.
 - ~~(a) The property owner or his representative shall erect the sign on the property 10 days prior to the first public hearing scheduled to discuss the applicable case. The property owner shall be responsible for maintaining the zoning sign on the property throughout the zoning case.~~
 - ~~(b) The property owner or his representative must provide verification with a photograph that the zoning sign is erected at the property ten (10) days prior to the scheduled planning and zoning commission meeting date.~~
 - ~~(c) The property owner or his representative must remove the zoning sign within three (3) days after the City Commission action on the request; after the Planning and Zoning Commission action on the request, unless an appeal to the City Commission is made; or within three (3) days after the City Commission denies the request.~~~~
- ~~(2) *Place.*
 - ~~(a) The public notice zoning sign shall be placed in a location visible from all streets adjacent to the property included in the zoning request. The public notice zoning sign shall not be posted within the 25-foot sight obstruction easement for corner property or driveway entrances or exits.~~
 - ~~(b) Public notice Zoning signs shall be located no greater than 20 feet from the front property line, unless otherwise directed by the director of planning or his designee.~~~~
- ~~(3) *Manner.*
 - ~~(a) One (1) zoning or public notice sign shall be erected adjacent to the street frontage of the property.~~
 - ~~(b) The area of a residential zoning sign and all other public notice signs shall measure one (1) and one-half feet by two (2) feet with the words "NOTICE OF (rezoning or type of request) FOR THIS PROPERTY" in letters not less than one (1) and one-half inches in height.~~
 - ~~(c) The area of nonresidential zoning signs shall measure four (4) feet by four (4) feet with proportionally larger letters.~~
 - ~~(d) The zoning sign shall be constructed in accordance with the city's design standards for zoning signs.~~~~

Sec. _____. Applicability.

The terms and conditions of the chapter shall apply to signs located within the City of McAllen and its ETJ. The city shall, to the full extent allowed by law, exercise its regulatory jurisdiction and authority over outdoor signs, and shall enforce this chapter in the city's extraterritorial jurisdiction as it presently exists or may hereafter be extended. The city has given notice to the state according to V.T.C.A., Local Government Code § 216.902.

Sec. _____. Permit required to erect or install signage.

(a) *Sign permit required.* No sign, other than those signs allowed without a permit by this chapter, shall be erected, placed, attached, secured, altered or displayed to/on the ground, any building, or any structure, until a permit for such sign has been issued by the building official. An application for a sign permit may be obtained from the City's Building Inspection Department. The building official shall approve or deny an application for a sign permit within 15 business days of the Department's receipt of the application. A sign permit will be issued if a proposed sign conforms to all city ordinances. Upon request by the city, a diagram shall be provided showing the location of all signs on the adjacent properties. Incorrect information on an application shall be grounds for denial or revocation of a sign permit.

(b) *To whom issued.* No sign permit for the installation or erection of any sign, with the exception of banners, window signs, and grand opening balloon arrangements, shall be issued to any person other than those licensed and insured in the city in accordance with this chapter.

(c) *Not to issue for prohibited locations.* No sign permit shall be issued under this section for any sign in a district where signs are prohibited by the city's Zoning Ordinance as it currently exists or may be amended.

(d) *Fees.* The sign permit fee shall be \$30.00 for each banner, inflatable device sign or grand opening balloon/balloon arrangement. The sign permit fee for other signs that require the issuance of a sign permit shall be governed by Section 22-92 of the Code of Ordinances. The sign permit fee for a sign erected without the issuance of a sign permit prior to installation shall be twice the cost of the standard permit fee.

(e) *Interpretation and administration.* The building official shall be responsible for interpreting and administering this chapter. The building official may revoke any permit for a sign issued in error. Appeals from orders, decisions, or determinations of the building official in the administration of this chapter shall be in accordance with Section ____ of the City Code, the International Building Code as it currently exists or may be amended.

Sec. _____. License or registration required.

(a) Except banners, window signs, and/or grand opening balloon arrangements, and all signs for which a permit is not required, no person shall install, erect or maintain any sign, or contract for such service, until such person has applied to the building official for a license or registration to install, erect and/or maintain signs, and until such license or registration has been approved and issued. The building official or his designee shall approve or deny an application for a license and registration within 30 days of the city's receipt of the application. A license or registration number will be issued if all requirements of city ordinances are met. The fee for such license or registration shall be governed by Section 22-92 of the Code of Ordinances. License or registration expires on December 31, of the calendar year.

(b) The license or registration of any sign contractor may be cancelled by the building official when such sign contractor repeatedly violates the requirements of this chapter. Conviction in court, whether appealed or not, on two (2) violations over a period of 12 consecutive months, shall constitute evidence of repeated violation. Any license or registration thus canceled shall not be renewed for such sign contractor or anyone operating in concert with such sign contractor until all such violations have been corrected. Upon correction of violations, the sign contractor's license or registration may be renewed upon furnishing the required bond.

Sec. _____. Sign contractor insurance or bond required.

- (a) Except banners, window signs, and/or grand opening balloon arrangements and all signs for which a permit is not required, no license or registration number for the installation, erection and/or maintenance of signs shall be issued to any person nor shall any person install, erect or maintain any sign, or medium of display or advertising, until such person has provided proof of surety bond in the amount of \$2000 for non-illuminated non-electrical displays. Proof of general liability insurance in the amount of \$600,000 and State License is required for electrical signs. Such insurance shall further provide for the indemnification of any person who shall while upon public property or in any public place, incur damage for which the principle name in the bond is legally liable.
- (b) When any sign contractor's license has been canceled as provided in section ____ of this chapter, such license shall not be renewed until the contractor furnishes proof of current bond or insurance and State License as required.

Sec. _____. Inspection.

The building official is authorized to perform an inspection of all signs. The purpose of the inspection is to ensure that the sign has been constructed in accordance with this chapter, other applicable ordinances and the applicable permits. The method and time of such inspections shall be determined by the building official.

Sec. _____. Measurement of sign area and height.

- (a) The area of a sign shall be measured as follows:
 - (1) For signs in the shape of a square, rectangle, circle, or similar standard geometric shape, the area shall be calculated by using the standard mathematical formula ([square equals] height multiplied by width, [circle equals] 3.14 multiplied by radius squared, etc.). This method of measurement is most commonly-used for banners, commercial real estate signs, model home signs, monument signs, project development signs, and stake signs.
 - (2) For sign with a shape that is irregular, the area shall be measured by enclosing the sign elements to the closest geometric shape. This method of measurement is most commonly used for awning signs and wall signs with individual lettering and for irregularly-shaped signs.
 - (3) The area of a spherical, cylindrical, or other three-dimensional sign shall be measured by calculating the area of a two-dimensional drawing of the largest elevation of the sign.
- (b) Where a sign has two (2) faces, the area of one (1) face shall be used to determine the area of the sign; provided, the two (2) faces are within five (5) degrees of parallel. Where a sign has two (2) or more faces and exceed greater than five (5) degrees from

parallel, the sign area shall be calculated as the sum of the area of each face (a "V-shaped" sign). A V-shaped sign is only permitted at the corner of a property with two-street frontages.

- (c) The area of wall signs containing multiple elements shall be calculated as follows:
 - (1) Regardless of the spacing between letters, letters forming a word or name shall be considered a single sign.
 - (2) When two (2) or more separate items in a sign, such as a word or logo, are separated horizontally or vertically by less than the width or height of the largest item, the items shall be considered a single sign and the area shall be determined by measuring the area enclosing the sign elements with straight, intersecting lines.
 - (3) When two (2) or more separate items in a sign, such as a word or logo, are separated horizontally or vertically by more than the width or height of the largest item, the items shall be considered a separate sign and the area of each item shall be determined individually.
- (d) The supports of a stake sign, project development sign, or commercial real estate sign shall not be included in calculating the area of a sign, but shall be included in the measurement of the height of a sign.
- (e) The height of all signs shall be measured from the top edge of the sign and/or support structure to the average finished grade below the sign and/or support structure, unless otherwise noted in this chapter. If a sign is located on a mount, berm, or other raised area for the sole purpose of increasing the height of the sign, the height of the mound, berm, or other raised area shall be included in the height of the sign where it exceeds three (3) feet. Measurement for a sign height will be determined from the of the curb grade at the property line.

Sec. _____. Sign specifications, design and other requirements.

- (a) *Compliance with zoning ordinance, International Building Code, National Electrical Code, and other ordinances.* All sign structures shall comply with the city's Comprehensive Zoning Ordinance _____, as it currently exists or may be amended, the International Building Code, the National Electrical Code, and other city ordinances, as they currently exist or may be amended. If the standards as described herein are more restrictive than another ordinance or code, then the provisions of this chapter shall apply.
- (b) *Visibility.* All signs shall observe all visibility requirements. Signs shall not be placed within visibility/site triangles, corner clips, easements as defined in the city's thoroughfare plan, engineering department standard design guide and the traffic department access management policy as they currently exist or may be amended. Signs shall not create a hazard.
- (c) *Signs posted in specified areas.* Unless otherwise permitted within this chapter, no person shall post or cause to be posted, attach or maintain any sign upon:
 - (1) Any city-owned property or right-of-way without written permission of the city manager or his designated representative;
 - (2) Any utility easement. Should a property owner be able to demonstrate to the city engineer and/or franchise utility company that there is no other viable location for a sign other than a utility easement, a sign may be located within the utility easement subject to written approval from the city engineer and franchise utility company and subject to the providing of a letter to the city releasing the city of any liability for repair or replacement of a sign damaged by work occurring within the utility easement;
 - (3) Any tree, utility pole or structure, street sign, rail, or any fence;

- (4) Any fence, railing or wall, except in accordance with sections of this chapter (subdivision identity and wall sign); or
 - (5) Any sidewalk within the right-of-way or sidewalk easement, curb, gutter, or street, except for house numbers or fire lane designation.
- (d) *Signs attached to fire escapes.* No sign shall be attached in any manner to any fire escape or to the supporting members of any fire escape, nor shall it be guyed to or supported by any part of a fire escape.
- (e) *Accumulation of rainwater.* All signs shall be constructed to prevent the accumulation of rainwater in the sign.
- (f) *Location near telephone cable, power line, or street light.* No sign shall be erected nearer than two (2) feet from any telephone cable, power line or any street light standard.
- (g) *Signs not to block or interfere with exits or windows, or pedestrian and vehicular traffic.* No sign shall be erected to block, partially block, or interfere in any way with a required means of exit from any building nor with any window. No sign shall block, interfere, or otherwise hinder pedestrian or vehicular traffic on a public sidewalk, a public thoroughfare, a fire lane easement or a driveway required to access parking.
- (h) *Glass signs over ~~public property~~ right-of-way or pedestrian area.* Signs ~~constructed of that include exposed~~ glass or other materials which may shatter upon impact are prohibited over a ~~public~~ right-of-way or within five (5) feet of a pedestrian area.
- (i) *Identification marking required.* All signs that require the issuance of a permit after adoption of this chapter shall have attached, written, or painted in a weatherproof manner and in a conspicuous place thereon, in letters not less than one (1) inch in height, the date of erection and the sign permit number on the sign.
- (j) *Assumed wind load for design purposes.* For the purposes of design of structural members in signs must withstand 110 MPH, 3 second gust winds, as found in the International Building Code.
- (k) *Multiple signs on a property or building.* No more than three (3) different types of signs shall be located or maintained on any property. The permitting of a sign on a property or building shall not preclude the permitting of other types of signs on a property or building, unless the signs are expressly prohibited herein.
- (l) *Exemptions.* Signs located within a building, with the exception of window signs, shall not be regulated by this chapter.

Sec. _____. Removal and impoundment of prohibited signs.

- (a) The board of commissioners hereby declares that any sign which is unlawfully placed or existing in the right-of-way, a city park or city property, in violation of setback requirements, or in violation of any other provision of this chapter, or any other ordinance, constitutes a public nuisance.
- (b) Any sign, including bench signs and portable signs, unlawfully placed or existing in the right-of-way, in violation of the setback requirements, or in violation of any other provision of this chapter or any other ordinance shall be subject to removal by city under this section. Upon discovery and inspection of any unlawful sign by the city, the sign shall be tagged for immediate removal. Notice shall be given to the occupant of the premises by posting such notice on the front entryway of the ~~premises~~ building if such ~~premises~~ building exists, where the sign is located and on the sign. Such notice shall advise of the opportunity to contest the unlawful nature of the sign by contacting a designated city official. If the sign continues to be unlawfully in place after 72 hours, the city may remove the sign. The sign will be

placed at a city sponsored storage facility.—site.— Impounded ~~The signs~~ may be redeemed upon the payment of the costs of removal plus 1) a \$25 administrative fee and \$1.00 a day storage fee for signs less than six (6) feet in area or 2) \$150 administrative fee and \$1.00 a day storage fee for signs six (6) feet or greater in size. Proof of ownership or right to possession must be presented by the person retrieving the sign. Redeemed signs may be returned to its prior location or relocated within the city only in compliance with existing ordinance and other regulatory requirements. After 30 days from the date of removal a sign shall be considered abandoned and the city may dispose of it as it sees fit and proper. Illegal signs removed from public property, including the City's right-of-way, park property or other city maintained area may be immediately disposed of by the city in any manner it shall elect.

Sec. _____. Impounded signs and recovery.

~~(a) Impounded signs may be recovered by the owner within 15 days from the date of the written notification of impoundment by paying a fee as follows:~~

~~(1) A fee of \$25.00 for signs which are six (6) square feet or less in area.~~

~~(2) A fee of \$150.00 for signs which are larger than six (6) square feet in area.~~

~~(b) Impounded signs not recovered within 15 days of impoundment may be disposed of by the city in any Manner it shall elect.~~

~~(c) Illegal signs removed from public property, including the City's right-of-way, park property or other city maintained area may be immediately disposed of by the city in any Manner it shall elect.~~

Sec. _____. Neglected and abandoned signs.

(a) Abandoned signs and neglected signs shall be considered a public nuisance and are prohibited by this chapter. Upon written notification by the building official or his designee, such abandoned signs shall be removed from the premises and neglected signs shall be repaired or removed from the premises by the owner, agent or person having beneficial use of the land, building or structure upon which such sign is located. The notification shall state that the offending sign shall be repaired or removed by the owner, agent or person having beneficial use of the land, building or structure upon which such sign is located within ten (10) days after written notification to do so by the building official or his representative. The notification shall further state that if the sign is not removed or repaired, a citation may be issued and the city may resort to any civil remedy available to remove or repair the sign, up to and including impoundment. If any sign is determined to present an immediate danger to public health, safety or welfare, the city shall remove it immediately. Within ten (10) days of the removal of the sign, the building official shall notify the owner of the property on which the sign was located of the reasons for the removal of such sign.

(b) It shall be unlawful for any person, firm, entity or corporation receiving such written notification to fail to comply with the direction of the notice. In the event failure to comply with such notice provided under section ____ of this chapter, the building official is hereby authorized to cause the removal and impoundment of such sign. Any expenses incident thereto shall be the responsibility of the owner, agent, or person having beneficial use of the land, building or structure upon which such sign was located.

Sec. _____. Nonconforming signs.

(a) Where a lawful sign exists at the effective date of adoption of the ordinance from which this chapter was derived or of an amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, zoning, size, height, setbacks, location on the property, spacing, construction or other requirements or limitations concerning the sign, such sign, except portable signs, may be continued as long as it remains otherwise lawful, subject to the following provisions:

(1) No such nonconforming sign may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

(2) Should such nonconforming sign be blown down or otherwise destroyed, damaged, dilapidated, deteriorated or dismantled for any purpose other than maintenance operations, and the cost to repair or replace it is greater than 50 percent of its current replacement value ~~fair market value as determined by the tax appraisal roll,~~ not including the value of the land, on the date of such damage or destruction, it shall not be repaired, replaced, renovated or reconstructed in whole or in part except in conformity with the provisions of this chapter. This prohibition does not apply to signs damaged by vandalism or other criminal acts. Changing the interior panel of a nonconforming sign is permitted in all cases.

(3) Should such sign be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

(4) The replacement of plastic-faced signs where the original frame is used and the frame size is not altered and the substructure is not altered or moved is permitted for legal nonconforming signs.

(5) Non conforming signs shall be properly maintained so that such signs do not constitute a danger to the public health, safety and or welfare.

(6) Any nonconforming sign shall lose its nonconforming status if moved from its location at the time it acquired its nonconforming status.

(7) If more than 50% of a building is renovated or altered, signage for the business must comply with current regulations for monument signs, except in Special Areas.

Sec. _____. Incentives.

To encourage removal of nonconforming signs, the City may pursue the following options:

(a) Prohibit installation of any new signs on the property while a sign in violation of the city ordinance remains.

(b) Provide a matching grant of 50% up to a maximum of \$2500 to remove a nonconforming sign and replace it with a conforming sign.

(g) Waive the required fee for demolition of a sign

Sec. _____. Variances.

(a) Requests for variances to sign regulations and allegations of errors in orders, decisions, or determinations by an administrative official in administration of the sign regulations shall be made ~~in writing~~ by written application ~~the applicant~~ and heard by the

City Commission. ~~Notice for public hearing shall be according to the City of McAllen, Zoning Ordinance Sec. 138-112(1)~~

Sec. _____. Special event signage.

(a) Special events are generally defined as a festival, fair, tournament, or other similar happening. Business promotions, such as grand openings and sales events, shall not be classified as a special event. Appeals from interpretation of this definition shall be determined by the City Manager.

(b) Banners, stake signs, inflatable device signs, or other apparatuses may not be erected to advertise a special event until a site plan has been approved by the Planning Department. The site plan will be required to illustrate the location of banners, stake signs, inflatable device signs, or other apparatuses to be used for a special event.

(c) Signage associated with a special event shall be erected no earlier than seven (7) days prior to the event and removed no later than 24 hours after the conclusion of the event.

Sec. _____. Sign site plan.

(a) A sign site plan is required to be included with a ~~prepared for~~ variance application. ~~requests~~. A sign site plan is also required prior to the issuance of a sign permit, or as otherwise required herein, to determine overall sign locations on a property, the relationship of the signs to surrounding existing, proposed, and future improvements, and to determine consistency and uniformity among buildings and signs.

(b) A sign coordination plan shall contain the following information:

(1) Elevations of the signs illustrating the materials of construction, colors, lighting, fonts of letters, and dimensions of the signs. If the sign is to be attached to a building, the elevation shall be a composite of the sign and the building;

(2) Elevations depicting the size of the signs in relation to the size of the buildings within the development;

(3) A plan drawn to concept plan, preliminary site plan, or site plan specifications, of the site illustrating the location of existing and proposed signs on the property and, if required by city staff, on adjacent properties;

(4) Other information to illustrate the consistency and uniformity of the signs;

(c) For nonresidential and multifamily developments, the sign coordination plan shall be submitted to the city for review with a concept plan, preliminary site plan, or site plan of the property. For single-family and two-family developments, the sign coordination plan shall be submitted to the city for review with a concept plan, preliminary plat, or final plat of the property.

(d) A sign coordination plan required of signs specified in ~~section _____ of this chapter, or as otherwise required herein~~, shall be submitted to the Planning Department. The sign coordination plan will be reviewed in accordance with the city's development review schedule and considered for approval by city staff. City staff may approve or deny a sign coordination plan. Should city staff deny a sign coordination plan, the sign coordination plan will be forwarded to the Planning and Zoning Commission for their review and consideration. The Planning and Zoning Commission may approve or deny the sign coordination plan. Should the Planning and Zoning Commission deny a sign coordination plan, the sign coordination plan will be forwarded to the City Commission for their review and consideration. The City Commission may approve or deny the sign coordination plan.

The decision of city staff and the Planning and Zoning Commission is discretionary. The City Commission's decision is final.

Sec. ____ First Amendment Rights.

Any sign allowed under this ordinance may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business, activity conducted, or product sold or offered at a location not on the same premises where such sign is located, provided that such sign otherwise complies with all other provisions of this chapter.