

ORDINANCE No.

AN ORDINANCE AMENDING CHAPTER 27 OF THE HURST CODE OF ORDINANCES, THE COMPREHENSIVE ZONING ORDINANCE BY REPEALING SECTION 27-22 ENTITLED SIGN REGULATIONS IN ITS ENTIRETY AND REPLACING IT WITH A NEW SECTION 27-22 SIGN REGULATIONS; PROVIDING A PENALTY; CONTAINING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City Council has received recommendations of the Planning and Zoning Commission concerning matters herein dealt with, which recommendations were made after holding a public hearing before said Commission on such matters; and

WHEREAS, notice has been published of the time and place of a public hearing held before City Council concerning changes herein made, which public hearing has been duly held; and

WHEREAS, the City Council has determined that the amendment to the Comprehensive Zoning Ordinance herein made is in the best interest of the health, safety, and general welfare of the citizens of the City of Hurst;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HURST, TEXAS;

Section 1: THAT the Hurst Code of Ordinances Chapter 27, Zoning, Section 27-22 entitled Sign Regulations, be amended by repealing Section 27-22, known as the Sign Ordinance, in its entirety, and replacing with a new Section 27-22 to read as follows:

“Sec 27-22 Sign Regulations.

(a) *Purpose.* The Sign Regulations are established for the purpose of setting standards intended to promote economic activity and avoid visual clutter, which is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance. It is the purpose of these regulations to protect property values within the City of Hurst, to enhance the beauty of the City, and to protect the general public from damage and injury, which may be caused by the unregulated construction of signs. Pursuant to these purposes, it is the intent of this Ordinance to permit the use of signs, which are:

- (1) Compatible with their surroundings;
- (2) Appropriate to the activity that displays them;
- (3) Expressive of the identity of individual activities and the community as a whole; and
- (4) Legible in the circumstances in which they are seen.

Recognizing that businesses need signage to be seen and found by their customers, it is the purpose of the sign regulations to establish a hierarchy of modern, well maintained, permanent signs to assist business advertising. Businesses and others using signs should have one or more of the following permanent signs in use before requesting any type of temporary signs: building and wall signs, single- or multi-tenant monument signs, canopy signs, permanent changeable message/menu board signs.

- (b) *Applicability.* These regulations govern the type, use, size, location, construction and maintenance of signs. The regulations contained in this article shall be applicable to all new signs in the City of Hurst except as provided below:
- (1) An existing sign that is damaged and the damage does not exceed twenty-five percent (25%) of the sign's replacement cost.
 - (2) None of the provisions of this ordinance shall apply to government owned traffic signals and markings or any sign required by law whether owned by a unit of government or by a private party.
- (c) *General Provisions.* The following general provisions shall be applicable to all signs erected within the corporate limits of the City of Hurst. Where a conflict may exist between a general provision and a specific regulation, the specific regulation shall have priority over the general provision.
- (1) *Compliance Required.* No person shall erect, alter, or add to a sign, or sign structure, unless said sign conforms to the provisions contained in this Ordinance. Compliance is required whether or not a permit is required.
 - (2) *Permit Fees.* All signs requiring a permit shall be subject to the permit fees established by the City Manager or his appointed designee.
 - (3) *Right of Way.* No sign governed by this ordinance shall be located in the public right-of-way or on public property unless approved in a planned development site plan.
 - (4) *Sign Area.* No more than two (2) sign faces (sides) are allowed per sign.
 - (5) *Construction Standards and Materials*
 - a. The construction of all signs shall comply with the structural requirements of the current International Building Code, as adopted by the City of Hurst. Any electrical installations shall comply with the current National Electrical Code as adopted by the City of Hurst .
 - b. All freestanding sign structures, excluding traffic directional signs, shall be constructed with, or covered with, the masonry material to match the masonry portion of the principle building, or shall be constructed of brick or stone.
 - c. No permanent wood signs shall be allowed.
 - d. All sign structures shall be painted or anodized to blend with the architecture. Exposed metal surfaces that are subject to rust or corrosion are prohibited.
 - e. Flourescent colors and flourescent painted letters are not to be used on any sign, except that electric neon window signs are allowed per the window sign regulations of this ordinance.
 - (6) *Engineering Requirements.* Where required, the construction plans shall be signed and sealed by a professional engineer registered in the State of Texas.
 - (7) *Interference with Safety Provisions.* No sign shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit, standpipe, or window, or obstruct any required ventilator or door stairway.
 - (8) *Minimum Street Frontage.* A minimum of fifty (50) feet of street frontage shall be required to erect a ground sign unless otherwise approved by city council in a planned development site plan.
 - (9) *Encroachment.* A sign shall not be constructed within or project over any property line, vehicular right-of way line, public drainage easement, public or private utility easement, without an encroachment letter which has been approved by the Public Works Department or as otherwise approved in a mixed use zoning district or a planned development site plan that has build to lines at the public right of way.
 - (10) *Community Special Events.* Permits may be authorized for signs to advertise patriotic, special events or special projects of general public interest taking place within the boundaries of the City.
 - (11) *Lighting.* Where provided for in these regulations, certain signs may be illuminated.

Illumination may be internal, or indirect, as defined elsewhere in these regulations. All electrical facilities shall require separate electrical permits and shall be installed in accordance with the current National Electrical Code as adopted by the City of Hurst. Lighting shall be installed so as to avoid any glare or reflection onto adjacent property, or create a traffic hazard on a street. Illuminated signs situated within one hundred (100) feet of residentially zoned property shall be shielded to minimize glare and direct visibility of the source of light from the residential area and nearby traffic.

- (12) *Visibility Triangles.* No sign, fence, screening wall, sign, structure, hedge, tree, or shrub shall be erected, planted or maintained in such a manner so as to obstruct or interfere with a clear line of sight for the drivers of approaching motor vehicles within a visibility sight triangle. Within this triangle, vision shall be clear at elevations between thirty inches and nine feet above the average curb grade. The placement of utility poles or traffic control devices shall be regulated by the Public Works Director.
- (13) *Removal of Advertising Copy.* Any advertising copy or message that no longer advertises an existing business shall be removed by the owner or agent within thirty (30) days after written notice from the Building Official.
- (14) *Content.* Commercial signs shall only identify the business conducted on the premises, the name of the building or the tenant, and may contain the site's physical address.

(d) *Signs Exempt from Requiring a Permit.* The following signs shall be exempt from permitting but shall comply with other regulations contained in this Ordinance:

- (1) A public notice or warning sign required by a federal, state, or local law, regulation, or ordinance, including historical signs and markers placed by a city, county, state or national historical preservation organization and official vehicle inspection station signs.
- (2) A sign located inside a building and which is not displayed so as to be visible from outside the building. Signs located within a covered shopping center building shall comply with the International Building Code, as adopted by the City of Hurst. These generally include credit card decals, hours of operation signs, emergency contact information, and similar signs.
- (3) Works of art, including barber poles attached to a building, that do not include a commercial message.
- (4) Telephone and other underground utility warning signs, and other safety signs not exceeding one (1) square foot in area.
- (5) A sign within or on railway property and placed or maintained in reference to the operation of such railway.
- (6) Security Warning, Neighborhood Watch or Crime Watch signs under two (2) square feet in area.
- (7) On Premise Residential Real Estate Signs, Political Signs, Garage Sale Signs.

(e) *Signs Prohibited.* Signs not specifically allowed by this Ordinance are prohibited, including:

- (1) Roof Signs (See definition).
- (2) Rotating and Flashing Signs. Revolving, rotating, flashing, or blinking beams or beacons of light shall be prohibited as a part of a sign display, including signs in windows using neon, or as a device to attract attention, except as required by a governmental agency. Flashing or blinking lights that are incorporated into an electronic changeable message board may be allowed and are regulated elsewhere in these regulations (see Section 27-22 (o) (4)).
- (3) Private Signs on Public Property. Private signs shall be prohibited upon public property unless authorized by the City, other appropriate governmental authorities, or as provided by these regulations.
- (4) Signs Attached to Utility Poles. Signs attached to light poles, utility poles, traffic control poles, fences and trees shall be prohibited.

- (5) **Visual Depiction of Sexual Areas of Human Form Prohibited.** No sign, including any temporary sign, which depicts the human form in such a manner that the areas of the buttocks, genitals, or the pubic area, or any portions of the female breasts below the top of the nipple, shall be maintained, erected, or placed upon or adjacent to any building where it is visible from a public street or from an adjacent building or premises.
- (6) **Use of Words Connoting Erotic Entertainment Prohibited.** No sign, including any temporary sign, which advertises any "topless", "bottomless", "naked", or words of like import, shall be maintained, erected, or placed upon or adjacent to any building where it is visible from a public street or from an adjacent building or premises. The words "adult entertainment" or "adult shows" shall be permissible.
- (7) **Display of Offensive Signs a Public Nuisance.** Any sign which is in violation of this subsection shall be declared a public nuisance.
- (8) **Off-premises advertising shall be prohibited, unless provisions for such signs are contained in these regulations or in state law, or are approved by PD site plan for a property that does not abut the nearest public street and signage can be provided as part of a multi-tenant monument sign.**
- (9) **Other Signs.** Any other sign not specifically allowed by this Ordinance is prohibited.

(f) *Definitions.*

- (1) *Banner, Flag, or Pennant Sign:* Any cloth, paper, plastic, or similar non-rigid material used for advertising purposes attached to any structure, staff pole, line, framing, or vehicle, not including official flags.
- (2) *Billboard Sign:* An outdoor advertising structure which advertises a use, product, or service not necessarily found on the premises. A billboard sign is also known as an off-premises advertising sign.
- (3) *Building Official:* The administrative official charged with responsibility of enforcing this ordinance.
- (4) *Building Sign:* A permanent sign that has its supporting structure depending on a building for support and includes wall signs, canopy signs, under canopy signs, projection signs and outdoor menu board signs.
- (5) *Canopy Sign:* A permanent sign which may be made of canvas, plastic, wood or metal attached to a roof-like structure that projects from the wall of a building and overhangs a parking area, private drive or walkway. A Canopy Sign may also be attached to a freestanding structure, such as over a gas pump island.
- (6) *Community Event:* An event that is sponsored by a non-profit organization as defined by Section 503 (c) (3) United States Internal Revenue Code, as amended, and formed for the use, benefit and enjoyment of its members to achieve religious, recreational, charitable, municipal or educational pursuits.
- (7) *Discontinued Sign:* A sign that advertises or identifies a business, product or service that is no longer in existence at that location.
- (8) *Electronic Message Board:* A sign utilizing a fixed light source to provide a message in text, pictures and/or symbols that may appear to move or may appear as an on/off message.
- (9) *Flag/Streamers:* A piece of cloth, usually rectangular, of distinctive color and design, used as a symbol, a standard, a signal, or an emblem.
- (10) *Freeway Frontage:* Property that abuts the right-of-way of Loop 820 and/or State Highway 121.
- (11) *Ground Sign:* A permanent sign that has its supporting structure depending on the ground for attachment. Includes, but not limited to pole signs, monument signs, outdoor menu message boards, electronic message boards and traffic directional signs.
- (12) *Illumination:* For the purposes of these regulations the term "illumination" shall be defined as follows:

- a. **Internal lighting:** shall mean a source of illumination entirely within the sign which makes the contents of the sign visible at night by means of the light being transmitted through a translucent material but wherein the source of the illumination is not visible.
 - b. **Indirect lighting:** shall mean a source of external illumination located a distance away from the sign, but designed specifically to illuminate the sign, and which is not visible to persons viewing the sign from any normal position of view.
- (13) **Incidental Signs:** A permanent sign that has a purpose secondary to the use of the property that provides information rather than advertising. Examples of such signs are traffic directional signs interior to the lot, “employee only parking”, “loading zone only”, “truck traffic only” signs. Incidental signs on windows may include credit card logos and hours of operation.
 - (14) **Inflatable Sign:** Including lighter-than-air or gas filled inflatable objects that may be connected with a tether.
 - (15) **Lot:** A parcel of land whose boundaries are designed on a plat recorded under the provisions of Article 974a, Texas Revised Civil Statutes.
 - (16) **Lot Width:** The minimum width of a lot measured at the front building line or chord length when the front of the lot is curved.
 - (17) **Multi-Tenant Sign:** A permanent ground sign that provides advertising media for certain sized multi-tenant developments.
 - (18) **Monument Sign:** A permanent ground sign constructed out of brick, stone or cast concrete material supported on concrete foundation across the entire base of the structure.
 - (19) **Obsolete Sign:** For purposes of this ordinance, obsolete signs include any sign that advertises a business that is not in operation on the premises.
 - (20) **Pole Sign:** A permanent ground sign that is supported totally from the ground by one or more support poles. The message area is located on top of the support structures. Limited to freeway locations.
 - (21) **Portable Sign:** Those signs that are not permanently and firmly attached to the ground, a building, or other structure, and those that can be easily moved or carried about and reused numerous times at different locations. Determination by the Building Official or his designated representative as to whether any sign is portable shall be controlling.
 - (22) **Roof Sign:** A sign fastened to or resting on the roof of a structure.
 - (23) **Sign:** A displayed structure bearing lettering, symbols or logos, generally used to identify or advertise a place of business, product or service located or offered on the premises.
 - (24) **Sign Area:** A calculation that means the area of the sign to be computed by drawing a line or lines around the sign’s text and artwork in such a way as to form a rectangle oriented horizontally or vertically. The sum square footage of these figures shall be considered as the total area of the sign face. A sign may be single or double faced, i.e. have one or two sides.
 - (25) **Sign Height:** The vertical distance measured at its highest point above ground level at the base. For purposes of measurement, the natural grade shall be the elevation created by the undisturbed existing grade, or by normal site grading, when creating a development site. It shall not include any super elevation treatment.
 - (26) **Sign Rider:** An attachment to a real estate sign “detailing” certain features of the property, such as “Four Bedroom,” “Pool,” “Game Room,” or the agent’s name.
 - (27) **Temporary Sign:** Any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other like materials, with or without frames, and any type sign not permanently attached to the ground, wall or building, intended to be displayed for a short period of time only.
 - (28) **Tethered Sign:** A sign that usually floats above the building and is attached to the ground, wall or building by a cord or rope, intended to be displayed for short periods of time.
 - (29) **Traffic Directional Sign:** Any sign used only to control and direct traffic into or on private

property, e.g., “ENTER” or “EXIT”.

- (30) *Under-Canopy Sign*: A permanent wall sign that hangs from a canopy or is mounted perpendicular to an exterior wall of a building so that it is under a canopy.
- (31) *Vehicle Advertising Sign*: A sign that is painted, magnetic, or attached to a vehicle, intended to advertise a business or service.
- (32) *Visibility Triangle*: A triangle of sight that must be provided at all intersections and driveways which shall include that portion of the private property tangent to the curb line measured 15 feet by 100 feet for arterials and collectors and 15 feet by 60 feet for all others.
- (33) *Week-end Directional Signs*: A sign that is located off-site intended to assist the public by guiding them to available residential properties for sale in Hurst.
- (34) *Window Sign*: A sign painted, placed, or affixed in the visible window area, intended to advertise a product or service.

(g) *Illegal Signs and Impoundment*. The building official shall be authorized to abate or impound any prohibited sign or sign that is in violation of these regulations. Signs that are specifically prohibited in Section 27-22 (e) Signs Prohibited shall be discontinued or removed within thirty (30) days from the date of adoption of this ordinance. The enforcement procedures of Section 27-22 (h) 7, 8, and 9 shall apply to illegal and prohibited signs. See 27-22 (k) (16) for penalties regarding temporary signs.

(h) Signs rendered discontinued.

- (1) The use of any sign which is located on property which is registered in the City’s vacant building inventory at time of passage of this ordinance shall be deemed to have been discontinued.
- (2) The use of any sign which is located on property which becomes registered in the City’s vacant building inventory subsequent to passage of this ordinance shall be deemed to have been discontinued.
- (3) Sign structures observed to be vacant, unoccupied, devoid of any message, or that display a message pertaining to time, event, or purpose that no longer applies shall be deemed discontinued. Staff shall place such signs in an inventory of vacant and unoccupied signs, inform owners by certified mail when their sign is in the inventory, and give owners the following timeline and requirements in writing.
- (4) All discontinued signs shall be blanked out or covered within sixty (60) days of initial notification.
- (5) Any sign whose use has been rendered discontinued by this ordinance can be legally reoccupied by a new business or upgraded to a conforming sign by the owner of the sign or owner of the premises at their expense anytime following initial notification by complying with the terms of this ordinance, or by application for and Council approval of a PD site plan allowing the existing sign to remain.
- (6) *Incentive Programs*. The City may, but is not obligated to, fund an incentive program to share the cost of sign removal, sign consolidation, or sign appearance improvements. At any time discontinued sign is actively involved in the incentive program. Any sign whose use has been rendered discontinued and/or is prohibited by this ordinance shall be reoccupied by a new business or upgraded to a conforming sign or removed by the owner of the sign or owner of the premises at their expense within one hundred eighty (180) days of initial notification, regardless of incentive program participation. A request for an extension of the 180 day time limit must be approved by City Council resolution following presentation of the request by the applicant. Extensions shall be in sixty (60) day increments.
- (7) *Correction or removal of discontinued sign by city*. If the owner of any lot or premises upon which a discontinued sign or illegal sign as described in this article fails to legally reoccupy, correct, remedy or remove such sign within one hundred eighty (180) days after initial notice to do so is given in accord with this article, the city may do such work as necessary to correct, remedy or remove such condition, or cause the same to be done, and pay therefore and charge

the expenses and appropriate administrative costs incurred thereby to the owner of such lot. The doing of the work by the city shall not relieve such person from prosecution for failure to comply with such notice in violation of this section.

- (8) Statement of expenses. The city shall deliver a detailed invoice of such expenses and administrative fees to the owner and require payment within 30 days. Such expenses may be assessed against the lot or real estate upon which the work was done or the improvements made. Whenever any work is done or improvements are made by the city under the provisions of this section, and payment is not received within 30 days, the city manager or his designee on behalf of the city may file a statement of the expenses incurred thereby with the county clerk. Such statement shall give the amount of such expenses and the date or dates on which the work was done or the improvements were made.
 - (9) After the statement provided for in (h) 8 is filed, the city shall have a privileged lien on the lot or real estate, upon which the work was done or improvement made, to secure the expenses thereof. Such lien shall be second only to tax liens and liens for street improvements, and the amount thereof shall bear interest at the rate of eight (8) percent per annum from the date of payment by the city of such expenses. For any such expenditures and interest, suit may be instituted and recovered and foreclosure of the lien may be had in the name of the city, and the statement of expenses made in accord with (h) 7 and 8, or a certified copy thereof, shall be prima facie proof of the amount expended for such work or improvements. The city manager or his designee is hereby authorized to execute releases of liens upon payment thereof.
- (i) Continuation of Legal-Nonconforming Signs. All legal non-conforming signs, legally existing and in use on the effective date of this Ordinance, may continue to exist provided
 - (1) that no sign shall be changed to another non-conforming sign.
 - (2) the sign is not rendered discontinued according to section (h) above and remain so for one hundred eighty (180) days.
 - (3) that no sign shall be structurally altered so as to prolong the life of the sign or to change the shape, size, type, or design of the sign. However, text changes for new tenants or new business owners are allowed.
 - (4) that no sign shall be re-established as non-conforming after damage or destruction if the estimated expense of reconstruction exceeds 25% of the replacement cost for the entire sign.
 - (5) that maintenance projects, upgrades, repairs to a sign erected on or after January 1, 1997 meet the purpose or spirit of these regulations as determined by the development manager and building official, or by Council approved PD site plan.

(j) *Permanent Signs.*

- (1) *Building Signs.* These signs are attached against building fronts or parallel to the face of the building and have only one face (side). No sign may extend more than twenty four (24) inches from any building surface to which it is attached. No sign shall project beyond the corner formed by the front and any other wall not above the highest point of the roof or parapet. Signs on buildings with peak roofs may extend up in line with and parallel to any wall whether or not the top of such sign is more than twenty four (24) inches from any building. Signs atop marquees shall not extend beyond the marquees and shall be parallel to the wall from which the marquees extends. The square footage on a canopy sign attached as an awning shall count toward the maximum allowed for a building sign on the same side of that building.
 - a. Maximum Area.
 - 1. For signs located on property zoned R-3, RH, AL, O-1, O-2, LB, MH, NB the maximum area shall be forty (40) square feet.
 - 2. For signs located on property zoned U, the maximum area shall be eighty (80) square feet.
 - 3. For signs located on property zoned GB, OC, TX-10, the maximum allowable sign

area in square feet on the tenant's front elevation shall not exceed three (3) times the tenant's front wall length in linear feet.

4. For signs located on property zoned GB, OC, TX-10, the maximum allowable sign area on the tenant's rear elevation that fronts a street or internal road shall not exceed two (2) times the tenant's front wall length.
 5. For signs located on property zoned GB, OC, TX-10, the maximum allowable sign area on the building's or tenant's side elevation that fronts a street or internal road shall not exceed two (2) times the tenant's front wall length.
 6. Wording on building signs shall be limited to store and trade name and corporate logos only.
 7. Tenant signs shall be individual channel type letters.
 8. Signs with exposed neon tubing, exposed lamps and signs of flashing, blinking, rotating, moving, or animated lights or audible sounds are not permitted unless otherwise authorized by PD site plan.
- b. **Building Coverage.** No more than seventy-five percent (75%) of building frontage length shall be occupied by a sign.

(2) *Canopy Signs.* A canopy sign serving as a building sign and attached to the main building as an awning shall be no greater in size than 20% of the face of the canopy of which it is a part or to which it is attached and shall not extend beyond the face of the canopy either vertically or horizontally. An illuminated strip may be incorporated into the canopy.

(3) *Under-Canopy Signs.* An under-canopy (or under awning) sign shall be no greater in size than six (6) square feet. The sign shall be no higher than the ceiling of the canopy, and no lower than seven (7) feet from grade.

(4) *Single-Tenant Monument Signs.* May be located on any street on which the single lot occupancy fronts. Single-tenant monument signs may not be used in conjunction with a pole sign, unless approved by City Council under a PD application. Signs shall not be wider at the top than at the lowest part of the sign, excluding supports.

a. *Maximum Area.* The maximum area is fifty (50) square feet of sign message area per face.

b. *Maximum Height.* Signs shall have a two (2) foot masonry base and be no more than six (6) feet above grade.

c. *Sign Location.* Signs may not be located within the visibility triangle and shall not obstruct the view from driveways or parking areas. Signs shall be located at least fifteen (15) feet behind the curb of any street and at least twenty (20) feet from any property zoned residential.

d. *Spacing.* A monument sign shall be a minimum of one hundred (100) feet from another Monument Sign, Pole Sign, or Multi-Tenant Sign situated on the same lot.

e. *Changeable Message Boards.* A Monument Sign may contain a changeable message board that utilizes changeable letters. The area of a message board shall be included in calculating the total sign area.

f. *Landscaping Requirements.* The area around the base of the sign shall be landscaped in a combination of irrigated bedding plants, shrubs, and/or flowers.

g. *Lighting.* Monument Signs may be illuminated only by internal lighting for sculpted non-ferrous panels or by a ground lighting source where the light and fixture are not visible from a public right of way.

(5) *Multi-Tenant Monument Signs.* May be located on any street on which the multiple occupancy fronts. A multi-tenant sign shall not be allowed in conjunction with a pole sign on the same street frontage. A single-tenant monument sign may be used in conjunction with a multi-tenant sign if the single tenant sign is for a separate building within a larger project.

- a. *Maximum Area.* The total area of signage allowed shall be twenty (20) square feet of sign area per business per side except that anchor tenants may have forty (40) square feet per side up to a maximum of one hundred twenty (140) square feet per side. The sign width should be in proportion to the sign height and the size of the development. The sign base should fit into one standard parking space.
- b. *Maximum Height.* Signs shall have a two (2) foot masonry base and be no more than twelve (12) feet total above grade, except that larger multi-tenant monument signs may be approved by PD site plan if the sign's size and nature are similar to those of nearby properties. Multi-tenant monument signs smaller than twelve (12) feet may be permitted.
- c. *Sign Location.* Shall be located no closer to any street than fifteen (15) feet behind the curb line separating the street from the business property and at least one hundred (100) feet from any property zoned for residential use and at least fifty (50) feet from any other property, unless approved by PD site plan.
- d. *Spacing.* In general, some combination of height and spacing must be provided so that tall signs on the same frontage do not block one another. A Multi-tenant Sign should be a minimum of one hundred (100) feet from another Pole Sign or Multi-tenant Sign situated on the same street frontage. No more than one (1) such sign on any street shall be allowed for any single building, whether it contains multiple uses or not.
- e. *Freeway Access.* A sign abutting a freeway or a freeway's service road may be twenty (20) feet in height above grade of the freeway.
- f. *Landscaping Requirements.* The area around the base of the sign shall be landscaped in a combination of irrigated bedding plants, shrubs, and/or flowers.
- g. *Lighting.* Monument Signs may be illuminated only by internal lighting for sculpted non-ferrous panels or by a ground lighting source where the light and fixture are not visible from a public right of way.

(6) *Freeway Pole Signs.* A pole sign will only be allowed on property abutting Loop 820 or US Highway 183/121 or their frontage roads.

- a. *Maximum Area.* The maximum sign area of a pole sign is two hundred (200) square feet per side for single tenants. For more tenants a larger total area with multiple panels can be approved by site plan, except that the maximum area should be similar to the size and nature of nearby properties.
- b. *Height.* Signs shall be at least eight (8) from the ground and no more than twenty (20) feet above freeway grade.
- c. *Sign Location.* Shall be located no closer to any street than fifteen (15) feet behind the curb line separating the street from the business property and at least one hundred (100) feet from any property zoned for residential use and at least fifty (50) feet from any other property, unless approved by PD site plan.
- d. *Spacing.* In general, some combination of height and spacing must be provided so that tall signs on the same frontage do not block one another. A Pole Sign should be a minimum of one hundred (100) feet from another Pole Sign or Multi-tenant Sign situated on the same street frontage. No more than one (1) such sign on any street shall be allowed for any single building, whether it contains multiple uses or not.
- e. *Illumination.* A Pole Sign may be illuminated internally or with hooded lights around the face of the sign. No pole sign may have lighting from ground lighting.
- f. *Material Requirements.* The support structure for a pole sign shall be double pole and said poles must be at least three (3) feet apart and each pole must be individually covered with material that matches the masonry portion of the principal building on the site or must be covered with stone or brick. No bare metal poles are allowed
- g. *Landscaping Requirements.* Irrigated landscaping of the area around the base of the sign shall consist of a combination of bedding plants, shrubs, seasonal flowers, and/or ornamental trees.

- h. *Sign Advertisement.* Signs shall only identify the business conducted on the premises, the name of the building or the tenant, but may contain changeable letters advertising goods or services available on the premises.
- (7) *Menu Boards. When Permitted.* One (1) menu board is allowed per business. Such signs may be freestanding or wall mounted.
- a. *Sign Area.* The maximum aggregate area for a menu board shall not exceed forty-five (45) square feet.
 - b. *Height.* The maximum sign height shall not exceed six (6) feet for freestanding signs.
 - c. *Sign Location.* The sign should not be located so as not to be readable from the public right of way.
- (8) *Residential Subdivision. When Permitted.* One (1) monument or two (2) wall mounted subdivision nameplate signs per subdivision.
- a. *Sign Area.* The sign area shall not exceed fifteen (15) square feet.
 - b. *Height.* The sign height shall not exceed five (5) feet.
 - c. *Sign Location.* The sign shall not be located in the sight visibility triangle.
- (9) *Flags.* Flags shall comply with the following additional regulations:
- a. No permit shall be required for any United States, Texas State Flags, or City of Hurst flags. A permit shall be required for company logo flags.
 - b. A permit shall be required for a flagpole, which exceeds twenty (20) feet in height above the ground. Permit fees will be based on value.
 - c. Four (4) flags permitted per lot
 - d. United States and State Flags shall be allowed in all zoning districts.
 - e. Company logo flags shall be allowed in all zoning districts except for R-1 districts.
 - f. Company logo flags shall not exceed one hundred (100) square feet in area, and if flown in conjunction with United States, Texas, and City of Hurst flags shall not exceed area of United States, Texas, City of Hurst flags, and other national flags. Display shall comply with all federal and state statues regarding flag display.
- (10) *Gasoline Station Signs.* Gasoline price-per-gallon or credit card signs mounted on pump islands shall comply with the following regulations in addition to compliance with Section 27-22:
- a. No permit shall be required for gasoline price signs.
 - b. The total area of any single sign face shall not exceed six (6) square feet.
 - c. The only permissible location for additional signs located under gas station canopies or around the gas islands is on the gas pumps.
- (k) *Temporary Signs.* Businesses and others using signs should have one or more of the following permanent signs in use before requesting temporary signs: building signs, single- or multi-tenant monument signs, canopy signs, permanent changeable message/menu board signs. Temporary signs shall be regulated as New Development Signs, Vehicle Advertising, Portable Signs, Inflatable Signs and Balloons, Real Estate Signs, Garage Sale Signs, Political Signs, Charity and Civic Events, Construction Trade Signs, Weekend Directional Signs, Grand Opening Signs, Pennants, Window Signs, Bench Signs, or Banners.
- (1) *New Development Signs.* The purpose of a New Development Sign is to provide temporary identification of a new residential subdivision, or a proposed new commercial development. New Development Signs shall comply with the following additional regulations:
- a. *Permit Period:* Permits for such signs shall be valid for a period of one (1) year, or until the completion of the project, whichever occurs first and must be removed prior to the expiration

of the permit. The permit may be renewed each year upon payment of a new fee provided that a minimum of ten percent (10%) of the lots remain vacant in a residential subdivision.

- b. There shall be no more than one (1) new development sign allowed on-site and one (1) new development sign off-site of the residential or commercial project.
 - c. Maximum Height: A New Development Sign shall not exceed fifteen (15) feet in height.
 - d. Maximum Area : A New Development Sign shall not exceed one hundred (100) square feet in area.
 - e. Illumination: A New Development Sign shall not be illuminated.
- (2) *Vehicle Advertising.* It shall be unlawful to attach any sign to or upon any vehicle, trailer, skid or similar mobile structure where the primary use is to provide a base for the sign itself. Businesses are expected to have building signs and ground signs for permanent identification. This provision does not restrict the identification signs and advertising on vehicles used for bona fide transportation and delivery activity including public transportation vehicles.
- a. Signs attached to or upon any vehicle shall be prohibited where any such vehicle is allowed to remain parked along a right-of-way in the same location or in the same vicinity for extended periods.
 - b. Vehicle advertising signs shall be permanently attached to the vehicle by being painted, bolted, screwed or magnetically affixed. No sign or advertising structure shall be erected or attached to any vehicle except for those signs which are painted directly or mounted flush to the surface or mounted directly on the roof of the vehicle. No roof mounted signs shall project more than twelve (12) inches above the roof of the vehicle or the bed of a pick-up truck.
 - c. Banners or signs made of cloth or similarly light materials, secured with rubber, rope, string, tape or other similar adhesives shall be prohibited for vehicular advertising.
 - d. Vehicles that are in disrepair or inoperable, or that are not properly licensed, or that are currently not registered, shall not be used, parked or stored in a manner to provide advertising.
 - e. Vehicles being used for advertising in violation of this ordinance shall not occupy any required parking spaces for the business.
- (3) *Portable Signs.* It shall be the determination by the building official or his designated representative as to whether a sign is portable. Such signs are prohibited in any single-family zoning district or within any right-of-way or city easement. When utilized by non-profit organizations portable signs shall be allowed in all zoning districts except residential. However, within non-single family residential zoning districts, signs may only be located on collector or arterial streets as defined.
- a. A permit shall be required for every Portable Sign.
 - b. Portable Sign shall not exceed fifty (50) square feet per side in area and eight (8) feet above grade.
 - c. The lettering or numbering on each sign may not exceed a maximum of eight inches (8") in height with a maximum one inch (1") stroke. The lettering shall not extend past the permitted sign face and shall in no event extend beyond the edge of the sign structure. Fluorescent colors and fluorescent painted letters are not to be used.
 - d. A Portable Sign may be erected or placed to advertise a business, industry or pursuit, but only on the premises on which the referenced business, industry or pursuit is conducted and only when a Certificate of Occupancy has been previously issued by the building official.
 - e. Portable Signs to advertise community events may be located off-premise from the location of the event.
 - f. A Portable Sign may be erected, after the issuance of a permit, fourteen (14) days prior to a grand opening, business or community event (as determined by the building official) and must be removed no later than two (2) days after the grand opening, business or community event. The maximum duration of events shall be fifteen (15) days. Seven (7) days must pass before an additional sign may be permitted in the same location.

- g. The number of allowable Portable Sign permits shall be as follows:
 - 1. One (1) grand opening Portable Sign permit may be issued to a business during the tenure of the business at the same location.
 - 2. In addition to the one-time grand opening permit, a maximum of four (4) Portable Sign permits may be issued to a business for advertising purposes each calendar year.
- h. The Portable Sign structure must be removed from the view of adjacent public rights of way upon expiration of the permit. Removal of the letters from the signboard does not constitute removal of the sign.
- i. A Portable Sign shall not be erected or placed in any location, such as a visibility triangle, that constitutes a safety or traffic hazard.
- j. A Portable Sign shall not be erected or placed in a fire lane, handicapped parking area or required loading zone or across a public or private sidewalk.
- k. A Portable Sign shall not be placed in any location that blocks the view of any ground sign.
- l. A Portable Sign must be at least twenty-five (25) feet from any adjacent residential property and shall be placed no closer than fifteen (15) feet from the back of curb or, if there is no curb, a minimum of ten (10) feet from the property line separating such property from the street.
- m. A Portable Sign shall be a minimum of three hundred (300) feet from another Portable Sign.
- n. A Portable Sign shall bear the company name, address and telephone number of the owner of the sign which shall be the same information as shown on the Contractor Registration on file with the City. Any sign not containing current information shall be declared an illegal sign and be subject to impoundment.
- o. Portable Signs shall not be illuminated.

(4) *Inflatable Signs and Balloons.* Inflatable signs, including lighter-than-air balloons connected with a tether, shall be allowed in conjunction with the Grand Opening Signage provision contained in these regulations. Inflatable Signs and Balloons may be used provided the following regulations are satisfied:

- a. A Portable Sign permit will be required for all inflatable and balloon signs.
- b. Not more than one Inflatable Sign shall be allowed on any premises.
- c. Inflatable Signs and Balloons when placed on a building may not exceed twenty-five (25) feet in height above the roof of the building, unless tethered inflatable balloon, and shall not obstruct visibility necessary for safe traffic maneuvering.
- d. Inflatable Signs and Balloons when placed on the ground may not exceed twenty-five (25) feet in height above the ground level and shall not be placed in the sight visibility triangle or obstruct visibility necessary for safe traffic maneuvering.
- e. Inflatable Signs and Balloons shall maintain a set back from any side or rear property line minimum distance equal to the height of the balloon.
- f. Inflatable Signs and Balloons shall not be placed under any overhead electrical wire.
- g. Inflatable Signs and Balloons shall be kept in good repair and remain securely attached in such a manner to withstand wind loads.

(5) *Real Estate Signs.* The purpose of a Real Estate Sign is to advertise the offering for sale or rental of land and buildings. Real Estate Signs shall be classified as either residential or non-residential.

- a. Every Real Estate Sign shall comply with the following regulations:
 - 1. A permit shall not be required for a residential Real Estate Sign, but a permit is required for non-residential developed property signs.
 - 2. Real Estate Signs shall be removed within one (1) week following the close of a sale or lease of the property advertised.
 - 3. Every Real Estate Sign shall be maintained. Dull or peeling paint or damage to the wood used for such signs shall be sufficient cause for the Building Official to require repair or

replacement or impoundment.

b. *Residential Real Estate Signs* - One (1) Residential Real Estate Sign shall be allowed for each street frontage for a single lot of residentially zoned or used property as follows:

1. The Residential Real Estate Sign shall be placed on the property offered for sale or rental.
2. The area of the Residential Real Estate Sign shall not exceed six (6) square feet, exclusive of the pole. The Real Estate Sign shall have no more than six (6) sign riders, as defined in subsection (f) of this section.
3. No portion of a Residential Real Estate Sign, including the pole, shall exceed six (6) feet in overall height.
4. A Residential Real Estate Sign shall be not be illuminated.
5. In addition to a Residential Real Estate Sign, one (1) "Open House" and one (1) "Model Home" or (1) "House for Sale" sign shall be allowed on the property offered. The size and area shall not exceed that of a Residential Real Estate Sign.
6. "Open House" signs and "Model Home" signs displayed off-premises shall be allowed when the advertiser and the sign conform to the regulations for Weekend Advertising Signs contained in this section.

c. *Developed Non-residential Real Estate Signs*. Non-residential commercial property shall require a permit and comply with the following regulations.

1. A single- or multi-tenant sign serving the property to be leased or sold shall be used to advertise space for sale or lease in place of a ground mounted sign.
2. One (1) Non-residential Real Estate Sign shall be allowed and placed flat against any wall of the non-residential commercial property, except that two signs shall be allowed if the building is on a corner facing two streets. Such building sign shall not exceed one hundred (100) square feet in area. One window sign per window shall be allowed if they are used in lieu of building mounted signs. In no event shall both building signs and window signs be allowed on the same side of a building.
3. One (1) ground mounted sign shall be allowed per non-residential real estate property for each arterial or secondary collector abutting the property, except that no more than two ground signs shall be allowed in any event. Arterials and secondary collectors are defined in the City's Thoroughfare Plan.
4. The ground mounted sign permit shall be for ninety (90) days. Two such periods per year are allowed, and a fee is required for each 90 day period.
5. A Non-residential Real Estate Ground Sign shall not exceed fifty (50) square feet per side in area.
6. The Non-Residential Real Estate Ground Sign shall not exceed eight (8) feet in height.
7. A Non-residential Real Estate Sign shall not extend above the roof line.
8. A Non-residential Real Estate Sign shall not be externally illuminated.
9. Ground mounted non-residential real estate signs shall not be in a sight visibility triangle.

d. *Undeveloped Non-residential Real Estate Signs*. One (1) Non-residential Real Estate Sign shall be allowed on non-residential commercial property and shall comply with the following regulations,

1. The Non-Residential Real Estate Sign shall be a minimum of twenty (20) feet behind any curb or edge of pavement and ten (10) feet behind the property line.
2. The Non-Residential Real Estate Sign shall not exceed ten (10) feet in height.
3. The Non-Residential Real Estate Sign shall not exceed fifty (50) square feet in area.

(6) *Garage Sale Signs*

- a. A permit shall not be required for any Garage Sale Sign.
- b. Garage Sale Signs shall be located on private property only. Garage Sale Signs shall not be allowed on any public property, right-of-way, or utility, light, traffic signal or sign pole.

- c. Garage Sale Signs shall not exceed six (6) square feet in area.
- d. Garage Sale Signs shall not exceed three (3) feet in height.
- e. Garage Sale Signs shall not be posted more than twenty-four (24) hours prior to the beginning of the sale and shall be removed within twenty-four (24) hours following the end of the sale.
- f. Garage Sale Signs shall not be illuminated.

(7) *Political Signs.* The purpose of a Political Sign is to advertise a political candidate for public office, a political party, or an issue being considered for public referendum. Political Signs shall comply with the following regulations.

- a. A permit fee shall not be required for Political Signs.
- b. A Political Sign shall be allowed in any zoning district.
- c. Political signs shall not be located on any utility, light, traffic signal or sign pole.
- d. Political signs shall be allowed for a period of thirty (30) days prior to any election. All political signs shall be removed no later than ten (10) days after the election or after the termination of candidacy, whichever occurs first.
- e. In Residential Zoning Districts, Political Signs shall not exceed six (6) square feet per side in area, and the height shall not exceed three (3) feet above grade.
- f. In All Other Zoning Districts, Political Signs shall not exceed thirty two (32) square feet per side in area, and the height shall not exceed ten (10) feet above grade.
- g. No sign shall be erected without the permission of the property owner or person who has the right of control on such property.
- h. Political Signs shall not be located so as to cause a safety or traffic hazard.
- i. A Political Sign shall not be illuminated or projected.
- j. Political signs shall not be placed on public property or within public right of way.
- k. Political signs and campaign literature shall not be placed on city-owned property including, but not limited to city hall, city service center, library, recreational center, public parks and aquatic centers, fire stations, police departments and water pumping stations.

(8) *Charity and Civic Events.* The purpose of a Charity or Civic Event sign is to provide temporary unlighted announcements for special events, bazaars, rallies, and similar activities of charity, religious, civic and philanthropic associations.

- a. A permit shall be required for a Charity or Civic Sign. No permit fee is required.
- b. Charity and Civic event signs may be placed in any zoning district and any yard, but must not be placed in the right-of-way.
- c. The sign area must not exceed eight (8) square feet in area.
- d. Such sign shall be allowed for a period of fourteen (14) days prior to the first day of the event and shall be removed within twenty-four hours following the last day of the event.
- e. No sign shall be allowed to remain for a period in excess of thirty (30) days.
- f. A minimum period of ninety (90) days shall elapse between the placement of such signs on the same property.

(9) *Construction Trade Signs.* The purpose of a Construction Trade Sign is to provide temporary advertising for the various construction companies working at a construction site. For purposes of these regulations, a sign which advertises the financial lending institution, shall be considered a Construction Trade Sign. Construction Trade Signs shall be regulated as either Residential Construction Trade Signs or Non-residential Construction Trade Signs.

- a. Residential Construction Trade Signs shall comply with the following:
 - 1. Residential Construction Trade Signs shall only be allowed in residential zoning districts.
 - 2. Residential Construction Trade Signs shall not exceed six (6) square feet in area.
 - 3. Residential Construction Trade Signs shall not exceed three (3) feet in overall height.
 - 4. The signs shall be placed on the property where building activity is taking place.

5. A Residential Construction Trade Sign shall not be illuminated.
 6. The signs shall be removed immediately following the issuance of a Certificate of Occupancy.
- b. Non-residential Construction Trade Signs shall comply with the following:
1. Non-residential Construction Trade Signs shall only be allowed in non-residential zoning districts.
 2. Non-residential Construction Trade signs shall not exceed fifty (50) square feet in area
 3. Non-residential Construction Trade Signs shall not exceed ten (10) feet in overall height.
 4. The signs shall be placed on the property where building activity is taking place.
 5. A Non-residential Construction Trade Sign shall not be illuminated.
 6. The signs shall be removed immediately following the issuance of a Certificate of Occupancy.
- (10) *Weekend Directional Sign.* The purpose of Weekend Advertising and Directional Signage is to assist the public by guiding them to available residential properties in Hurst. A permit is required for a builder, developer, or realtor or their contractor to be eligible to participate as a weekend advertiser.
- a. A sign permit fee shall be paid and/or renewed per calendar year. Such registration shall be valid for a calendar year and signs shall bear a sticker issued by the Building Official. The fee shall be based on number of stickers requested.
 - b. Signs shall be allowed between 12:00 p.m. Friday and 12:00 p.m. Monday. A holiday falling on Friday or Monday will be considered as part of the weekend.
 - c. Signs shall not exceed six (6) square feet in area, and shall not exceed three (3) feet above grade.
 - d. Spacing of Signs: Signs for each advertiser shall be at least two hundred (200) feet apart.
 - e. Individual sign locations shall adhere to the following criteria.
 1. It shall be the responsibility of the builder, owner, or realtor to secure permission of the adjacent property owner for placement of the signs on private property.
 2. Signs may be placed in public right-of-way, but no closer than three feet from the edge of the sign to the street curb or edge of pavement. Signs shall not encroach onto the sidewalk or into the street. This ordinance does not grant unlimited access and use of the City right-of-way.
 3. No sign shall be placed in a visibility sight triangle as defined in Subsection (f) of this Section.
 4. Signs shall not be located within a street median.
 5. Sign Construction and Criteria Signs. Shall be rigid, two-dimensional displays that advertise residential property, "For Sale", "For Lease" or "Open House", and guiding the public to a specific location in Hurst.
- (11) *Grand Opening Signage.* The purpose of Grand Opening Signage is intended to allow a new business, or a business which has substantially remodeled as herein prescribed, to benefit from special advertising signage which is not usually allowed by right by the Sign Regulations. Grand Opening Signage requires approval of a sign permit and is allowed in all zoning districts, except within R-1, R-1A, R-2, RH, AL, MH and the U districts. The following regulations contained within this subsection apply to Grand Opening Signage.
- a. Upon the issuance of a Certificate of Occupancy, and within a 180- calendar day period thereafter, a business shall be entitled to utilize the Grand Opening Signage provisions contained in the subsection when one of the following conditions applies:
 1. When the Certificate of Occupancy has been issued to a new business, which may not be the same type of business classification that existed previously for the same address location, unless the prior business has been closed for a period of thirty (30) days, or longer, or

2. When a Certificate of Occupancy has been issued to an existing business, which has remodeled and the cost of the renovation exceeds fifty percent (50%) of the current value of the building, or lease-space, excluding the value of the land, according to the most recently approved tax roll.
 - b. Approval of a Grand Opening Signage permit by the Building Official is required and shall be valid for a period of thirty (30) consecutive calendar days. The Grand Opening Signage permit is limited to the address noted on the Certificate of Occupancy and shall comply with the following requirements:
 1. Grand Opening signage may include any combination of oversized banners, pennants, inflatable signs and balloons, searchlights, and a portable sign, which may be in addition to any other legal sign allowed by the provisions of this Ordinance.
 2. Grand Opening signage shall be contained within the limits of the property of the legal business on which a Certificate of Occupancy has been issued and shall not extend into the City right-of-way. Signage shall not be located in any sight visibility triangle nor shall any combustible materials be placed in contact with illuminated signs or electrical fixtures.
 3. No permit fee shall be required for a Grand Opening Signage Permit.
- (12) *Pennants.* Pennants shall be allowed only in conjunction with the Grand Opening Signage provisions contained in these regulations. Pennants may be used provided the following regulations are satisfied:
- a. No permit is required for Pennants.
 - b. All Pennants shall maintain at least fifteen (15) feet of clearance over any vehicle maneuvering area or fire lane.
 - c. Pennants shall maintain five (5) feet of clearance from any overhead electrical wire.
 - d. All Pennants shall be kept in good repair and remain securely attached in such a manner to withstand wind loads.
 - e. Pennants shall not be attached to any utility or traffic control device pole located within a right-of-way or project into a street right-of-way.
- (13) *Window Signs.*
- a. No permit shall be required for any Window Signs, provided it is placed inside of the glass. If the window sign is placed on the outside of the glass it shall be regulated as a wall sign.
 - b. Window signs may be placed so as not to obscure more than twenty five percent (25%) of the visible window area available; otherwise they should be converted to wall signs.
 - c. Where multiple signs exist, fronting on the single elevation, the seventy five percent (75%) visibility shall be maintained for the total window area on said elevation.
- (14) *Bench Signs.*
- a. No permit shall be required for advertising located on benches, rest stops, or shelters placed adjacent to or in parking areas or on transit routes for patrons of public transportation as identified by the city manager or his designee.
- (15) *Banner Signs.* The purpose of a banner sign is to supplement permanent advertising with temporary advertising messages which advertise the opening of a new business or special event. Banner signs shall comply with the following regulations:
- a. A permit shall be required for all banner signs.
 - b. One (1) banner sign shall be allowed for each single occupancy structure or for each store front of a multi-occupancy structure.
 - c. A banner sign shall not exceed fifty (50) square feet in area.
 - d. Banner signs shall be attached to a wall surface or fascia and shall not project above the apparent roof or eaves line.

- e. Banner signs shall be kept in good repair and remain securely attached in such a manner to withstand wind loads in accordance with International Uniform Building Code as adopted by the City.
- f. The number of banner sign permits shall be as follows:
 - 1. One (1) grand opening banner sign permit may be issued during the tenure of a business at the same location. In addition to the one-time grand opening permit, a maximum of four (4) banner permits may be issued per calendar year.
- g. A Banner Sign may be erected, after the issuance of a permit, fourteen (14) days prior to a grand opening, business or community event (as determined by the building official) and must be removed no later than two (2) days after the grand opening, business or community event. The maximum duration of events shall be fifteen (15) days. Seven (7) days must pass before an additional sign may be permitted in the same location.
- h. The banner sign must be removed from public view upon expiration of the permit.
- i. A banner sign shall bear the company name, address and telephone number of the owner of the sign which shall be the same information as shown on the contractor registration and sign permit on file with the City. Any sign not containing current information shall be declared illegal and be subject to impoundment.

(16) *Violation and Penalties-Temporary Signs.*

- a. Failure to remove a temporary sign upon expiration of authorized period shall constitute a violation. Placement of a sign without a required permit is a violation. The owner, person in control of premises, or sign contractor where a temporary sign is located or placed shall be chargeable with any violation defined in this article.
- b. Any week-end directional sign that does not comply with the restrictions established herein shall be impounded by the city and will be released to the owner after paying ten (\$10.00) for each such sign. Signs not claimed within five (5) days of removal by the city may be destroyed. If the city has a removed, unclaimed sign from a permit holder or has destroyed such a sign, any permit issued by the city shall be suspended until the sign is paid for. The permit shall be terminated if a permit holder is found in violation on three (3) or more occasions.
- c. If any portion of any other temporary sign is found on public property or private property without permission of the owner thereof, it shall be impounded by the city and will be released to the owner only after paying one hundred (\$100.00) dollars plus twenty (\$20.00) dollars for every day of storage.
- d. If any temporary sign for which there is no current permit is found within the city displaying a message readable from any public street, such sign shall be impounded by the city and will be released to the owner thereof only after payment of one hundred (\$100.00) dollars plus twenty (\$20.00) dollars for every day of storage.
- e. The enforcement of this article shall be the responsibility of the inspection officer. The remedies in this section are in addition to any other penalties.

(1) *Sign Area Measurement.*

- (1) For all signs, allowable sign area based on building or property frontages shall apply only to each respective street frontage, and sign area for all street frontages shall not be combined along one (1) street frontage.
- (2) Where a sign has two faces, the total area of the faces shall be included in determining the total area of the sign.

- (m) *Special Exceptions.* Signs with special exception and PD designation shall conform to the regulations of the zoning district out of which the exception is allowed or which the permit is granted, unless a site plan further restricts the sign. No sign will be allowed in a zoning district which requires a site plan unless the site plan shows such a sign.
- (n) *Frontage on more than one (1) street.* If a use has street frontage on a corner, street frontage for the purpose of calculation of sign area shall be either.
- (1) In the case of a sign erected on a building, the frontage of the building is on the street which the sign faces.
 - (2) If a use has frontage on more than one (1) street, but not on a corner, such business shall be entitled to signs by formula on each street.
- (o) *Traffic Control Conflicts.* No sign or lighting permitted under these regulations shall be erected, placed or allowed to remain where such sign creates confusion, impairs hearing or vision, or otherwise distracts automotive drivers using any public street. Specifically prohibited are:
- (1) High intensity bare bulb lighting or any lighting which creates a glare or any sign or signals unreadable at the normal viewing range by a driver on the public street.
 - (2) Signs duplicating colors, characteristics, or symbols of traffic signs or signals, or signs which cause confusion in reading such traffic signs or signals at normal viewing range.
 - (3) Signs or equipment, which produce noises, bells, or whistles which may be confused with the warning devices of emergency vehicles traveling in the public streets.
 - (4) Animated, rotated, or flashing signs which by sequence of lighting or design are designed to simulate rotation, blinking flashing; provided, however, signs displaying time and temperature which do not change more frequently than once each six (6) seconds may be allowed with a PD site plan.
- (p) *Residential area nuisance.* No sign or lighting permitted under these regulations shall be authorized where such sign or lighting, by reason of placement, lack of shielding, noise generation, or character of operation, causes material distress, discomfort or injury to persons of normal sensibilities residing on adjacent property or would interfere with the reasonable use, enjoyment, or right of privacy on his property.
- (q) *Signs in Right-of-Way.* No sign, whether requiring a permit or not, shall be located within or project over any public right-of-way except as otherwise approved in a mixed use zoning district or a planned development site plan that has build to lines at the public right of way. This provision shall not be applicable to traffic control signs, or entrance and exit signs less than thirty (30) inches above grade placed with permission of the City.
- (r) *Symbols.* Symbols which are designed as an integral part of the building structure and symbols and signs which are not visible or readable from the public street shall not be regulated by the sign ordinance.
- (s) *Maintenance.* Signs and sign structure, including those existing prior to the effective date of this Ordinance, shall be maintained at all times in a state of good repair, safe and secure condition, with all letters, braces, bolts, slips, supporting frame and fastenings free from deterioration, termite infestation, rot, rust or loosening, and able to withstand at all times the wind pressure for which they were originally designed.
- (1) Sign supports, structures and faces of all exterior surfaces that are covered with paint shall be regularly painted to prevent rusting, peeling or blistering surfaces.
 - (2) Any sign or sign support which varies, leans or lists 15 degrees or more from horizontal or vertical

original design (unless approved as part of the original design) shall be considered as requiring maintenance, and shall be repaired or removed by the owner.

- (3) All obsolete sign lettering must be removed within thirty (30) days of notification from the Building Official. In the case of a painted sign, it shall be painted over. In the case of an internally lit sign, a blank panel shall be installed. In the case of applied letters or other material, they shall be removed. For purposes of this section, obsolete signs include any sign that advertises a business that is not in operation on the premises or a sign that has been rendered discontinued.
 - (4) At no time shall a sign's internal lighting or structure be exposed unless it is actively under repair.
 - (5) Any sign, that the Building Official determines is in violation to this section, shall be removed by the owner, agent or person having the beneficial use of the land, buildings or structure upon which the sign is located within thirty (30) days after written notification to do so from the Building Official. Upon failure to comply with such notice, the Building Official is hereby authorized to cause the removal of such sign, and any expense incident thereto shall be paid by the owner of the land, building or structure to which such sign is attached or upon which it is erected. The enforcement provisions of sections 7, 8, 9 of this ordinance apply.
- (t) *Removal of Advertising copy.* Any advertising copy or message now or hereafter existing which no longer advertises a business conducted or a product available for purchase by the public, shall be removed by the owner, agent, or person having the beneficial use of the building or structure upon which copy or message may be found, within thirty (30) days after written notification from the Building Official. Upon failure to comply with such notice, within the time specified in such order, the Building Official is hereby authorized to cause removal of such copy or message and any expense incident thereto shall be paid by the owner of the building, premises, or structure upon which such copy or message is displayed. The enforcement provisions of sections 7, 8, 9 of this ordinance apply.
- (u) *Removal of unsafe or unlawful signs; authority of the Building Official.* The Building Official shall be authorized to abate or impound any sign that is in violation of these regulations if not abated by the property owner and/or the sign owner within twenty-four (24) hours after notice has been given, unless the time limit has been more specifically noted elsewhere in this ordinance. If the property owner or sign owner cannot be found, the Building Official may impound the sign after a reasonable attempt to contact said person has been made.
- (v) *Unsafe and Dangerous Signs.* The Building Official shall require that any sign or sign supports that are deemed unsafe, dangerous or that pose an immediate threat to the safety of the general public be made safe by repair or removal. The Building Official shall make reasonable effort to notify and allow the owner, tenant and/or agent of the sign or sign structure to abate the unsafe, dangerous or threatening condition. As a last resort, the Building Official shall take the necessary steps to abate the conditions. Any and all costs shall be charged to the owner, tenant and/or agent of the sign or sign structure as follows:
- (1) Whenever the property owner, agent, or tenant fails to abate the unsafe or dangerous condition within the time allowed, the Building Official is hereby authorized to declare the sign discontinued, remove the sign, and require any new sign to meet the new sign regulations. The Building Official is hereby authorized to contract with a contractor to perform such work as may be required to abate the nuisance or remove the sign. Unsafe and dangerous signs are not eligible for City incentive programs.
 - (2) Whenever the City causes any work to be performed to abate a nuisance, a charge will be made to the property owner, agent, or tenant to recover the costs associated with the abatement. The charge shall be the actual cost of abatement, plus applicable sales taxes.
 - (3) An Administrative Fee of \$75.00 may be assessed for each charge.
 - (4) If the actual charge and the administrative fee are not paid to the City within thirty (30) days after billing, the City shall file a lien against the property. Said lien shall be filed in the Deed Records

of Tarrant County, Texas. The charges shown on the lien shall bear interest at the rate of eight per cent (8%) per annum from the due date until paid. The lien shall be collected under the same terms and provisions of law as on City ad valorem taxes. The enforcement provisions of sections 7, 8, 9 of this ordinance apply.

- (w) Appeals: A request for interpretation of regulations may be taken by any person aggrieved or by the City to the Zoning Board of Adjustment in accordance with the provisions of Section 27-25 of the Comprehensive Zoning Ordinance.

(x) *Table of Permitted Signs.* The Table of Permitted Signs, included in this Section, summarizes the permissible zoning districts, area, height, and number of signs allowed by type.

PERMANENT SIGNS

Type Of Signs	Permit Required	Districts Permitted	Maximum Area Per Face	Maximum Height	Number Of Signs	Additional Requirements
Building Sign	Y	R-3, RH, AL, O1, O2, LB, MH, U, NB	40 sq. ft. 80 sq. ft in U districts	Top of parapet wall or roof eave height	Not applicable. signage can be multiple	
Building Sign	Y	GB, OC, TX-10	3x times the tenant's front wall length in linear feet.	Top of parapet wall or roof eave height	Not applicable. signage can be multiple	
Single-Tenant Monument Sign	Y	Non-residential "R3"	50 sq. ft. per face	6 ft.	One allowed per lot	Landscaping around the base of the sign.
Multi-Tenant Monument Sign	Y	R-3 and Non-residential	20 sq. ft. per face/business, 40 sq. ft for anchor tenant 140 sq. ft. max.,	Up to 12 ft. if within context of site.	One allowed per street frontage	Landscaping around the base of the sign.
Pole Sign (Hwy. 121 & 820)	Y	Non-residential	200 sq. ft.	20 ft. above freeway grade	One	Pole signs are only allowed on freeway frontage
Residential Subdivision Sign	Y	All residential, AL, RH	15 sq. ft. max	5 ft. max	1 monument or 2 wall mounted	
Menu Board	Y	Non-residential	45 sq. ft. max	6 ft. max	1 freestand or wall mounted	
Canopy Sign (gas station, drive-thru, or parking areas)	Y	Non-residential	20% of allowed building sign.	Top of canopy fascia	Only on two sides of canopy	Canopies are not considered separate building for signage
Under-Canopy Sign	Y	Non-residential	6 sq. ft. and no lower than 7 ft.	Ceiling of canopy		
Flags	Y	R3 & Non-residential	Company logo not to exceed 100 sq. ft.	20 ft in com. 15 ft. res / office	4 flags per lot	
Gasoline Price Signs	N	GB,OC,TX	6 sq. ft.			Under gas canopies / gas islands

TEMPORARY SIGNS

Type Of Signs	Permit Required	Districts Permitted	Maximum Area	Maximum Height	Number Of Signs	Additional Requirements
Portable Signs	Y	U & Non-residential	50 sq. ft, max. per side, letter size is 8 inches	8 ft. above grade	4 per calendar year	Max. duration is 15 days, must be 300 ft. from another portable
Banner Signs	Y	Non-res, R-3	50 sq. ft max	Highest point of roof	4 per calendar year	Max. duration is 15 days
Charity and Civic Events	Y	All	8 sq. ft.	N/A	4 per calendar year	14 days prior to the event, remove 24hrs. after event
Residential Real Estate	N	All residential	6 sq. ft. in area, no more than 6 sign riders	6 ft.	1 per each street frontage & 1 Open House	Must be removed within 1 week of home sale
Undeveloped Non-Residential Real Estate	Y	Non-residential	50 sq. ft.	10 ft.	1 sign , No lighting	Removed when complex sold or leased
Developed Non-Residential Real Estate	Y	Non-residential	50 sq. ft. ground 100 sq. ft. wall	Highest point of roof or 8 ft.	1 wall, window per street + 1 ground	Removed when unit leased or sold
Garage Sale	N	All residential	6 sq. ft.	3 ft.	N/A	Posted 24 hrs. prior to event and removed 24 hrs. after sale.
Grand Opening	Y, no fee	Non-residential	Dependant on type	Dependant on type	1 per bus opened with 180 days of application	30 consecutive calendar days
New Development	Y	All	100 sq. ft.	15 ft.	1 year or until of project	
Political Signs	N	All	6 sq. ft. max in res. district 32 sq. ft. in all other dist.	3 ft max in Res. district 10 ft. other	30 days prior to election	Removed 10 days after election or termination of candidacy
Inflatable, Balloons, or Tethered Sign	Y	R3 & Non-residential	N/A		4 per cal. year	Max. duration is 15 days
Pennant	N	All	N/A	15 ft. above vehicular	With Grand Opening Signage	Max. duration is 30 days
Window Sign	N	Non-residential	Not to exceed 25% of visible window area	N/A	N/A	
Week-end Directional	Y	All	6 sq. ft	3 ft.	For residential properties	12p.m. on Friday to 12 p.m. on Monday
Construction Trade Sign (residential)	N	All residential	6 sq. ft.	3 ft.	During construction	Removed with issuance of C/O
Construction Trade Sign (non-res)	N	Non-residential	50 sq. ft.	10 ft.	During construction	Removed with issuance of C/O

- Section 2: THAT the Hurst Code of Ordinances, Chapter 27 is hereby amended by amending Section 27-4 R-1 Dwelling District, subsection (d)(4) to read as follows:
“(4) Signs. Churches, public buildings and public educational uses shall be allowed a building sign with a maximum area of eighty (80) square feet and a monument sign with a maximum height of eight (8) feet and a maximum sign area of fifty (50) square feet per side.”
- Section 3: THAT the Hurst Code of Ordinances, Chapter 27 is hereby amended by amending section 27-15.1 “TX-10” subsection (d)(8) Sign regulations by eliminating subsections a, b, c, d, e, f, g and amending subsection (d)(8) to read as follows:
“(8) Sign regulations subject to the general conditions of Section 27-22.”
- Section 4: THAT the Hurst Code of Ordinances, Chapter 27 is hereby amended by amending section 27-15.2 TC Town Center District, subsection (f)(9) Sign regulations, subsections a, d, e to begin as follows:
“a. Pole signs shall
d. Building Sign:
e. Monument Sign:....”
- Section: 5 THAT the Hurst Code of Ordinances, is hereby amended by repealing Chapter 18 entitled “Signs” in its entirety.
- Section 6: THAT any person, firm or corporation violating any provision of this ordinance shall be deemed guilty of a misdemeanor and upon final conviction thereof fined an amount not to exceed two thousand dollars (\$2,000) per day for each violation.
- Section 7: THAT the City has the ability, at its option, to construct or have constructed an off-premises pole or monument sign on freeway frontage with changeable messages that show the names of businesses, promotions, or special events anywhere in the City Of Hurst.
- Section 8: THAT it is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court or competent jurisdiction, such unconstitutionality shall not affect the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.
- Section 8: THAT this ordinance shall become effective and shall be in full force and effect from and after the final date of passage and adoption by the City Council of the City of Hurst, Texas and following publication as provided by law.
- Section 9: THAT the City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause of this ordinance as an alternative method of publication provided by law.

AND SO IT IS ORDERED.

PASSED on the first reading on the 11 day of November, 2003 by a vote of 6 to 0

PASSED on the second reading on the 25 day of November, 2003 by a vote of 6 to 0

CITY OF HURST

By: _____

Bill Souder, Mayor

ATTEST:

Alyce E. Deering, City Secretary

Approved as to form and legality:

City Attorney