ORDINANCE NO. 2014-44

AN ORDINANCE OF THE CITY OF WYLIE, TEXAS, AMENDING WYLIE'S CODE OF ORDINANCES NO. 2005-07, CHAPTER 22 (BUILDINGS AND BUILDING REGULATIONS), ARTICLE XX (SIGN REGULATIONS), SECTIONS 22-441 (INTENT), 22-442 (DEFINITIONS), 22-443 (ADMINISTRATION) 22-445 (EXEMPT SIGNS), 22-446 (GENERAL SIGN REGULATIONS), 22-447 (ATTACHED SIGN REGULATIONS), 22-448 (MONUMENT SIGN REGULATIONS), 22-449 (OTHER TYPES OF SIGNS) AND 22-450 (REGULATIONS FOR TEMPORARY SIGNS), REPEALING ORDINANCE NO. 2009-21 TO ALLOW THE CITY OF WYLIE, TEXAS TO MORE EFFECTIVELY REGULATE SIGNS; PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the City Council of the City of Wylie, Texas ("City Council") has investigated and determined that the City of Wylie, Texas' ("Wylie") Code of Ordinances No. 2005-07, as amended ("Code of Ordinances"), Chapter 22 (Buildings and Building Regulations), Article XX (Sign Regulations), Sections 22-441 (Intent), 22-442 (Definitions), 22-443 (Administration), 22-445 (Exempt signs), 22-446 (General sign regulations), 22-448 (Monument sign regulations), 22-449 (Other types of signs) and 22-450 (Regulations for temporary signs) should be amended as set forth below; and

WHEREAS, the City Council has further investigated and determined that such amendments should be made to allow Wylie to more effectively regulate signs; and

WHEREAS, the City Council has investigated and determined that in order to most effectively make the additions, deletions, and amendments necessary, it is in the best interest of the citizens of Wylie to repeal Ordinance No. 2009-21 in its entirety and replace it with this ordinance: and

WHEREAS, the City Council finds that all legal notices required for amending the Code of Ordinances have been given in the manner and form set forth by law and all other requirements for the adoption of this Ordinance have been fulfilled; and

WHEREAS, the City Council has further investigated and determined that it is in the best interest of Wylie and its citizens to amend the Code of Ordinances as set forth below to promote public safety and welfare.

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

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amendment to the Code of Ordinances, Chapter 22 (Buildings and Building Regulations), Article XX (Sign Regulations), Sections 22-441 (Intent), 22-442 (Definitions), 22-445 (Exempt signs), 22-446 (General sign regulations), 22-448 (Monument sign regulations), 22-449 (Other types of signs) and 22-450 (Regulations for temporary signs). The Code of Ordinances, Chapter 22 (Buildings and Building Regulations), Article XX (Sign Regulations), Sections 22-441 (Intent), 22-442 (Definitions), 22-445 (Exempt signs), 22-446 (General sign regulations), 22-448 (Monument sign regulations), 22-449 (Other types of signs) and 22-450 (Regulations for temporary signs) is hereby amended as set forth below:

SECTION 3: Establishing Sign Regulations. The City of Wylie hereby establishes the sign regulations attached hereto as Exhibit "A", and incorporated herein for all purposes.

SECTION 4: Penalty Provision. Any person, firm, corporation or entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not exceeding TWO THOUSAND AND NO/100 DOLLARS ($2,000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Wylie from filing suit to enjoin the violation. Wylie retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 5: Savings/Repealing. The Code of Ordinances shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed; but such repeal shall not abate any pending prosecution for violation of the repealed Ordinance, nor shall the repeal prevent prosecution from being commenced for any violation if occurring prior to the repeal of the Ordinance. Any remaining portions of conflicting ordinances shall remain in full force and effect.

SECTION 6: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Wylie hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and/or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses and/or phrases is declared unconstitutional and/or invalid.

SECTION 7: Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by law and the City Charter.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS, on this 9th day of December, 2014.

Eric Hogue, Mayor

ATTESTED TO:

Carole Ehrlich, City Secretary

Date of Publication: December 17, 2014, Wylie News

SECTION 22-441: INTENT 7

SECTION 22-442: DEFINITIONS 7

SECTION 22-443: ADMINISTRATION 11

1. Permits 11
2. Applications 12
3. Work Started Without a Permit 12
4. Permit Revocable 12
5. Non Conforming Signs 12
6. Inspection 13
7. Removal of Obsolete Signs 13
8. Removal or Repair of Dilapidated or Deteriorated Signs 13
9. Removal of Illegally Erected Signs 13
10. Variances 13

SECTION 22-444: PROHIBITED SIGNS 13

1. Signs Imitating Traffic or Emergency Signs 13
2. Portable Signs 13
3. Signs Violating other Laws or Ordinances 14
4. Signs Attached to Trees or Utility Poles 14
5. Signs on Sidewalks, Curbs, Gutters or Streets 14
6. Moving, Flashing, Revolving or Color Changing Signs 14
7. Pole Signs 14
8. Off-Premise Signs 14
9. Signs Attached to or Painted on a Fence, Wall or Railing 14
10. Signs Causing a Nuisance or Hazard Because of Illumination 14
11. Signs Advertising the Sale of a Vehicle 14
12. Signs Attached to a Vehicle 14

SECTION 22-445: EXEMPT SIGNS 14

1. Nameplates 14
2. Building Identification/Memorial 14

3. Traffic 14
4. Signs Inside a Building 14
5. Changeable Copy 14
6. Movement Control Signs 14
7. Protective Signs 14
8. Government Signs 15
9. Holiday Lights and Decorations 15
10. Political Signs 15
11. Special Event or Public Announcement Signs 15
12. Garage Sale Signs 15
13. Home Improvement Signs 15
14. Temporary Religious Signs 15
15. Yard Signs 16
16. Zoning Signs 16
17. Signs Held by Pedestrians 16
18. Ground Signs 16

SECTION 22-446: GENERAL SIGN REGULATIONS *16*

1. Flags 16
2. Obscenity 16
3. Obsolete Signs 16
4. Maintenance of Signs 16
5. Wind Pressure and Dead Load Requirements 17
6. Obstructing Doors, Windows, or Fire Escapes 17
7. Placement of Advertising Matter 17
8. Signs Prohibited On or Over Public Property 17
9. Illumination of Signs 17
10. Searchlights 17

SECTION 22-447: ATTACHED SIGN REGULATIONS 17

1. Wall Signs 18
2. Signs attached to a Building(s) 18
3. Illumination of Attached Signs 18
4. Window Signs 18
5. Awning Signs 18
6. Projecting Signs 18

7. Canopy Sign 18
8. Electrical Signs 19

SECTION 22-448: MONUMENT SIGN REGULATIONS *19*

1. General Requirements 19
2. Fuel Pricing Signs 20
3. Material Regulations 20
4. Illumination 20

SECTION 22-449: OTHER TYPES OF SIGNS *20*

1. Menu Board Signs 20
2. Subdivision Entry Signs 21
3. Directory Signs 21
4. Institutional Signs 21
5. Kiosk Signs 21

SECTION 22-450: REGULATIONS FOR TEMPORARY SIGNS *22*

1. Development Signs 22
2. Real Estate Sign 22
3. Promotional Signage 22

Attachment - Illustration 2-1 Sign Sight (Visibility) Triangle

SECTION 22-451—22-480: REGULATIONS FOR TEMPORARY SIGNS

Section 22-441. Intent.

(a) Signs are an important component of the urban built environment, providing important information, and directions to community residents and visitors. However:

(1) The uncontrolled proliferation of signs are hazardous to users of streets and highways within the City of Wylie and will adversely affect the safety and efficiency of the city's transportation network; and

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

(3) The proliferation of signs in the city has an adverse effect on adjacent property values; and

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

(b) Therefore, it is the intent of these regulations:

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

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

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

(4) To enhance the image of the city which is conveyed to tourists and visitors by controlling the location, number, and size of signs;

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

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

(Ord. No. 2009-21, § 3(Exh. A), 8-11-2009)

Section 22-442. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

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

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

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

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

Building official means the building official for the City of Wylie or his/her designee.

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

Dilapidated or deteriorated condition means any sign:

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

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

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

(4) Where the message or wording can no longer be clearly read by a person under normal viewing conditions; or

(5) Where the sign or its elements are not in compliance with the regulations of the National Electrical Code and/or the Uniform Building Code currently adopted by the city.

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

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

Flag means a piece of fabric or other flexible material usually rectangular in shape, attached to a ground supported staff on one end, and used and commonly recognized as a symbol of a nation, state, political subdivision, business, or nonprofit entity.

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

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

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

Mural - means pictures or artwork painted, drawn or applied on an exterior wall that does not depict or contain advertising, logos or images of a product or service available on-site or off-site. Murals are not used to advertise products or services offered or sold on-site or off-site.

Multi-tenant complex- Means a group of separate buildings platted as a single subdivision. Buildings may be on separate lots, but are contained within the same subdivision plat.

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

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

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

Public right-of-way means a dedicated road or street including the easement for that road or street.

Roof means any exterior surface of a structure that has a slope of less than 60 degrees and shall also include the top most portion of any structure.

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

Sign means any device, including but not limited to, flag, banner, figure, picture, letter, words, message, symbol, plaque, or poster, visible from the public right-of-way or from outside the lots on which it is located and designed or intended to identify, advertise, announce, inform, or attract the attention of the public.

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

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

Sign, awning means a sign attached to an awning.

Sign, canopy means a sign attached to a canopy.

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

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

Sign, directional means any on-site sign to direct the public to entrances, exits and services located on the property on which the sign is located.

Sign, garage sale means any on-site promotional sign for the sale of personal household goods in a residential zoning district or on the property of a nonprofit entity.

Sign, ground means a temporary sign suspended or supported by one or more uprights or braces anchored into the ground with no more than 30 inches of clearance from the bottom of the sign to the ground below.

Sign height means the highest elevation of any part of a sign structure measured from the crown of the current or proposed future street improvement as determined by the City of Wylie Engineer of the street or road for which the sign fronts.

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

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

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

Sign, kiosk means a ladder-style sign with multiple panels that is installed within the public right-of-way, complies with subsection 22-449(5), and either provides direction to Wylie residential subdivisions and/or municipal facilities or provides the public with information about upcoming city-sponsored events. To aid in the identification and location of residential subdivisions, a kiosk sign may include the name of a developer or homebuilder when providing directions to that developer's or homebuilder's residential subdivision.

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

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

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

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

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

(1) Was in existence and lawfully erected prior to the effective date of this article;
(2) Was in existence and lawfully located and used in accordance with the provisions of the prior ordinance applicable thereto, or which was considered legally nonconforming there under, and has since been in continuous or regular use; or
(3) Was in existence, located, and used on the premises at the time it was annexed into Wylie and has since been in regular and continuous use.

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

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

Sign, pole means any sign erected on a vertical framework consisting of one or more uprights supported by the ground and where there is a physical separation between the base of the sign and the ground.

Sign, political means a sign:

(1) Relating to the election of a person to a public office;
(2) Relating to a political party;
(3) Relating to a matter to be voted upon at an election called by a public body; or
(4) Containing primarily a political message.

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

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

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

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

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

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

Sign, sandwich board means a movable advertising or business ground sign not secured or attached to the surface upon which it is located, and is constructed in the form of an "A" or tent-like shape.

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

Sign sight triangle interchangeable with sight visibility triangle shall mean the triangle formed at an intersection by intersecting curb lines and a non-curb line joining the curb lines. The triangle is formed by a motorist's view of oncoming traffic when exiting a private drive or at the intersection of two (or more) public streets. The motorist's eye is assumed to be at a point 15 feet from the edge of the roadway. Traffic must be visible for a distance of ten times the speed limit on either side of the vehicle parallel to the intersecting roadway. No sign shall be placed in or above the triangular area created by the motorist's view described by this subsection (see Illustrations 2-1). This will include those areas that may pose a pedestrian safety concern as determined by the City of Wylie.

Sign, Temporary means a sign not intended or designed for permanent display. Any sign, banner, pennant, or advertising display intended to be displayed for a time period not exceeding 2 weeks.

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

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

Sign, vehicular means any sign placed on or affixed either permanently or temporarily to vehicles and/or trailers that are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property shall be prohibited. However, this is not in any way intended to prohibit signs placed on or affixed to vehicles and trailers, such as lettering on motor vehicles, where the sign is incidental to the primary use of the vehicle or trailer.

Sign, Wall Any sign attached to or painted on a wall of a building or structure so that the wall forms the supporting structure or becomes the background of the sign and which does not project more than 18 inches from the wall.

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

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

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

Sign contractor means a general contractor.

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

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

Sign width means the widest dimension determined by the largest measurement of all supports, projections or any part of a sign structure on any horizontal plane.

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

Zoning district, nonresidential means any zoning district designated by the zoning ordinance of the City of Wylie as NS, CR, CC, BG, LI, HI, PD, FP, DTH, and SBO.

Zoning district, residential means any zoning district designated by the zoning ordinance of the City of Wylie as AG/30, ED, SF-20/26, SF-10/24, TH, MF, and MH.

(Ord. No. 2009-21, § 3(Exh. A), 8-11-2009)

Section 22-443. Administration.

The provisions of this article shall be administered by the building official.

(1) **Permits.**

a. Permit required. In addition to the other permitting requirements set forth in this article, no person shall erect, construct, relocate, alter, repair or maintain any of the following type of signs unless a permit has been issued by the City of Wylie and the fee paid for such erection, construction, relocation, alteration, repair, or maintenance of such sign:

1. Awning signs.
2. Canopy signs.
3. Changeable message signs.
4. Directory signs.
5. Institutional signs.
6. Menu board signs.
7. Movement control signs.
8. Monument signs.
9. Nonconforming signs (for relocation, alteration, and/or repair only).
10. Projecting signs.
11. Reader board signs.
12. Secondary signs.
13. Subdivision entry signs.

b. Permit fees and sign contractors. Permit fees are contained in appendix C of the Code of Ordinances. A permit may only be issued to a sign contractor that carries at least $300,000.00 of general liability insurance and provides evidence of such insurance coverage to the building official when they submit the permit application.

c. Permit expiration. A permit for a sign shall expire if an inspection has not passed within 90 days from the date of issuance of such permit.

d. Electrical permit. Where signs contain electrical wiring and connections, an electrical permit must also be obtained in addition to the permit for the sign. No sign shall be erected in violation of the city's electrical code or regulations.

e. Not to issue to persons previously failing to pay fees. The city shall not issue a permit under the provisions of this article to any person, business, entity, organization or activity who has previously failed or refused to pay any fees or costs assessed against him under the provisions of this article.

f. Easements. No sign shall be located in any easement other than a landscape easement.

(2) **Applications.** All applications for permits shall include each of the following:

a. A completed permit application.

b. A plot plan declaring all property lines, setbacks, easements, rights-of-way, other existing signs maintained on the lot and the required distance separation to the closest monument sign in any direction scaled to linear feet.

c. A scaled drawing of the height, width and display area of the proposed sign.

d. A drawing of the lot plan or building façade indicating the proposed location of the sign, specifications, materials and landscaping plan.

e. Electrical plan and load requirements.

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

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

b. Investigation fee. In addition to the permit fee, an investigation fee shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this city. The payment of the investigation fee shall not exempt any person from compliance will all other provisions of this article nor from any other penalty prescribed by law.

(4) **Permit revocable.**

a. The city may suspend or revoke any permit issued under the provisions of this article whenever it shall be determined that the permit is issued:

1. In error; or
2. On the basis of incorrect or false information supplied; or
3. In violation of any of the provisions of this article; or
4. In violation any other article of this city or laws of this state or the federal government.

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

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

(5) **Nonconforming signs.**

a. Nonconforming signs in the City of Wylie shall be subject to the regulations set forth in the Wylie Building Code, as amended, except as otherwise set forth herein.

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

b. A nonconforming sign or supporting structure that is lawfully repaired, reproduced, or renovated as a nonconforming sign may be increased in area or height.

c. A nonconforming sign may be relocated on the same lot or tract of land if:

1. The sign is required to be removed from its present location because the property upon which the sign is located is acquired by any governmental agency or other entity which has or could have acquired the property through the exercise of its power of eminent domain; and
2. The location for which the nonconforming sign is to be relocated complies with all requirements set forth in the Wylie Code of Ordinances.

d. The material used in the repair, replacement or modification to an existing nonconforming sign must be approved by the City of Wylie Planning Department and the building department. Pole or stanchion supports must be designed, modified and constructed to appear as a solid base monument sign in accordance with this article.

(6) **Inspection.** The city may inspect annually, or at such other times as it deems necessary, each sign regulated by this article for the purpose of ascertaining whether the same complies with provisions of this article, is secure or insecure, whether it still serves a useful purpose, and whether it is in need of removal or repair.

(7) **Removal of obsolete signs**. Any sign which the city determines no longer serves a bona fide use or does not conform to this article 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 ten days after written notification to do so from the city.

(8) **Removal or repair of dilapidated or deteriorated signs**. If the city shall determine that any sign exists in a dilapidated or deteriorated condition, or is a menace to the public, he shall give written notice to the person or persons responsible for the sign. The permit holder, owner, agent or person having the beneficial use of the premises shall remove or repair the sign within ten days after the notice. The city may remove or have removed, without notice, and assess the owner for the costs, any sign which is an immediate peril to persons or property.

(9) **Removal of illegally erected signs.** Any temporary sign that is erected, constructed or otherwise displayed, which the city determines to be in violation of this article, may be removed by city personnel. Any such sign removed by city personnel may be held for a period of 72 hours and upon expiration of the time may be disposed. The city is not required to notify the permit holder or owner of the sign that it has been picked up or that disposal of the sign is imminent.

For permanent signs, the sign must be removed by the permit holder, owner of the sign, or owner of the property on which the sign is located within ten days after the city sends written notice to remove the sign. Upon failure to comply with the notice or to file an appeal of the decision in accordance with this article, the city is authorized to cause the removal of the sign and assess the permit holder, owner of the sign and/or owner of the property on which the sign is located for all costs associated with removal. The permit

holder, owner of the sign, and the owner of the property on which the sign is located shall be jointly and severally liable for such costs.

(10) **Variances.**

a. Variances to the provisions of this article shall be heard by theZoning Board of Adjustment. A concurring vote of 75% of the members of the Board shall be necessary to reverse any order. In order to approve a request for a variance, the Zoning Board of Adjustment shall determine that the request meets four of the following five criteria:

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

b. Should the Board deny a request for a variance, the applicant may appeal the request to the District Court in accordance with TLGC Chapter 211, provided that, such appeal is requested in writing within 10 days of the date the Board denied the variance.

c. A variance from this article is valid only if a permit is secured within 90 days from the date of the board's decision.

d. Each applicant shall pay the fee in accordance with Appendix C of the Wylie Comprehensive Fee Schedule, and as ammended before the Board shall hear any variance request.

e. All variance requests shall be made in writing to the Planning Department.

(Ord. No. 2009-21, § 3(Exh. A), 8-11-2009)

Section 22-444. Prohibited signs.

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

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

(2) **Portable signs**. Portable signs, unless specifically allowed by this article.

(3) **Signs violating other laws or ordinances**. Signs erected in violation of any ordinance adopted by the City of Wylie or any state or federal law. (e.g., traffic visibility requirements, zoning, building code, or electrical code).

(4) **Signs attached to trees or utility poles**. Signs attached to, painted or maintained upon any tree or public utility pole or public utility structure.

(5) **Signs on sidewalks, curbs, gutters or streets**. Signs attached to or painted on any sidewalk, curb, gutter, or street (except street address numbers).

(6) **Moving, flashing, revolving or color changing signs**. Signs that move, flash light intermittently, change color or revolve, unless specifically allowed in this article.

(7) **Pole signs**. Pole signs and flag poles unless specifically allowed by this article in subsections 22-443(5), 22-446(a) and section 22-450

(8) **Off-premises signs**. Off-premises signs, unless specifically allowed by this article.

(9) **Signs attached to or painted on a fence, wall or railing**. Signs attached to or painted on the outside of a fence, wall or railing, unless specifically allowed by this article.

Exception: Signs identifying the manufacturer of a fence or similar product, provided that the sign does not exceed one and one-half square foot.

(10) **Signs causing a nuisance or hazard because of illumination**. Signs illuminated to intensity to cause glare or brightness to a degree that could constitute a safety hazard or nuisance.

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

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

(12) **Signs attached to a vehicle**. Signs placed on or affixed to vehicles and/or trailers that are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property shall be prohibited. However, this is not in any way intended to prohibit signs placed on or affixed to vehicles and trailers, such as lettering on motor vehicles, where the sign is incidental to the primary use of the vehicle or trailer.

(Ord. No. 2009-21, § 3(Exh. A), 8-11-2009)

Section 22-445. Exempt signs.

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

(1) **Nameplates**. Nameplates, or signs reflecting the name of a building or structure (i.e., a fence) or the name of the company that built or designed the building or structure, not exceeding one square foot in area.
(2) **Building identification/memorial**. A memorial sign, plaque or tablets identifying the names of buildings, sponsors and date of construction may be cut into a masonry surface or constructed of bronze or other noncombustible materials.
(3) **Traffic.** Traffic or street signs, legal notices, railroad crossing signs, danger, and emergency, temporary or non-advertising signs as may be approved by the city council or the city manager or his authorized representative.
(4) **Signs inside a building**. Signs located inside a building and which are not displayed so as to be visible from outside the building. Signs located in covered mall buildings shall comply with the current building code and electrical code.
(5) **Changeable copy**. Copy change only for previously permitted signs designed to provide a changeable copy area.
(6) **Movement control signs**. movement control signs may be erected at any occupancy or any lot, other than single-family or duplex premises, may be attached or detached and may be erected without limits as to number; provided that such signs shall comply with all other applicable regulations of this article. Movement control signs shall be premises signs only. The occupant of a premises who erects a movement control sign shall comply with the following regulations:
    a. Each sign must not exceed five square feet in effective area.
    b. If a sign is an attached sign, as defined, the words must not exceed six inches in height.
    c. Each sign must convey a bona fide message which directs vehicular or pedestrian movement within or onto the lot on which the sign is located.
(7) **Protective signs**. The occupant of a premises may erect a maximum of two protective signs, in accordance with the following regulations:
    a. Each sign must not exceed six square feet in effective area.
    b. Detached signs must not exceed three feet in height.
(8) **Government signs**. Flags, insignia, legal notices, or informational, directional or traffic signs which are legally required or necessary to the essential functions of government agencies and decorative displays for holidays or public demonstrations which do not contain advertising and are not used as such.
(9) **Holiday lights and decorations**. Temporary lights and holiday decorations with electrical connections displayed 90 days or less must be listed by a recognized listing agency, but otherwise shall be exempt from the terms of this article.
(10) **Political signs**. Political signs that:
    a. Are on private real property with consent of the property owner; and
    b. Are not greater than 36 square feet; and
    c. Are not taller than eight feet measured from the ground to the highest point of the sign; and
    d. Are not illuminated; and
    e. Do not have any moving elements or parts.

A sign not meeting each of the above requirements or containing primarily a political message on a temporary basis and that is generally available for rent or purchase to carry commercial advertising or other messages that are not primarily political is not exempt from the requirements of obtaining a permit, assuming the sign is otherwise allowed by this article.

(11) **Special event or public announcement signs**. Signs providing public information concerning special events, bazaars, rallies, or other similar activities sponsored by nonprofit organizations including charitable, religious, philanthropic, educational, or civic institutions with the following regulations:
    a. Limited to two signs per event on the property where the event or activity occurs or is located and may be located up to the property line.
    b. Off-premises signs must be located on private property and the organization must have permission from the property owner to place the sign on their property. (Signs of this type can be off-premises signs and are exempt from subsection 22-444(8).)

c. The maximum off-premises sign area is 32 square feet with a maximum height of six feet. A minimum of ten 10 feet between each approved sign and/or banner is required. Signs and/or banners may not be installed or mounted on an approved sign.
d. A maximum of six off-premises signs may be located in the city at a given time advertising the nonprofit organization function.
e. The advertised function must occur within the corporate limits of the City of Wylie; it's ETJ and is sponsored by a nonprofit organization located within the City of Wylie.
f. Signs shall not be located on residential premises without written consent of the residential property owner and comply with all yard sign provisions.
g. All signage may be erected 30 days prior to the event or activity and must be removed within 48hrs after the event.

Exemption: Any sign not meeting the above requirements must be approved Zoning Board of Adjustments.

(12) **Garage sale signs.**
a. Garage sale signs shall not be erected earlier than two days prior to the sale and must be removed immediately after the sale but in no case longer than one day following the sale.
b. Garage sale signs shall be located only on private property with the consent of the property owner.
c. On lots where a sidewalk exists within the street right-of-way, signs shall be located between the sidewalk and the structure, but no closer than three feet from the sidewalk. On lots where no sidewalk exists within the street right-of-way, the sign shall be located at least ten feet from the edge of the street.
d. Garage sale signs shall not exceed six square feet in area.

(13) **Home improvement signs.**
a. Home improvement signs may be erected that display the name of a roofing, fence, pool, landscape or other home improvement contractor currently providing such services on the premises.
b. A home improvement sign is allowed only on the lot on which the improvement is occurring.
c. On lots where a sidewalk exists within the street right-of-way, signs shall be located between the sidewalk and the structure, but no closer than three feet from the sidewalk. On lots where no sidewalk exists within the street right-of-way, the sign shall be located at least ten feet from the edge of the street.
d. The home improvement sign must be removed 30 days after it is erected or upon the completion of the work, whichever occurs first.
e. Home improvement signs shall not exceed six square feet in area.
f. A maximum of one home improvement sign shall be allowed on the lot at any one time.

(14) **Temporary religious signs.**
a. Temporary religious signs may be erected during times of worship provided the sign is placed no earlier than two hours prior to worship and is removed no later than two hours after worship.
b. Signs shall be located only on private property with the consent of the property owner.
c. On lots where a sidewalk exists within the street right-of-way, signs shall be located between the sidewalk and the structure, but no closer than three feet from the sidewalk. On lots where no sidewalk exists within the street right-of-way, the sign shall be located at least ten feet from the edge of the street.
d. Signs shall not exceed 36 square feet in area.

(15) **Yard signs.**
a. Signs shall be located only on lots containing an occupied single-family, two-family or multifamily dwelling.
b. On lots where a sidewalk exists within the street right-of-way, signs shall be located between the sidewalk and the structure, but no closer than three feet from the sidewalk. On lots where no sidewalk exists within the street right-of-way, the sign shall be located at least ten feet from the edge of the street.
c. Signs shall not exceed six square feet in area.

(16) **Zoning signs.**
a. On lots where a sidewalk exists within the street right-of-way, signs shall be located between the sidewalk and the structure, but no closer than three feet from the sidewalk. On lots where no sidewalk exists within the street right-of-way, the sign shall be located at least ten feet from the edge of the street.
b. Signs shall not exceed six square feet in area.

(17) **Signs held by pedestrians.** Any sign held or carried by a person for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service, activity or product, or a person dressed in a costume for such purposes, must be located at least 10 feet from the street pavement of any right-of-way, and located on the property where the event, activity or thing that the sign advertises or draws attention to occurs or is located.

(18) Ground Signs
a. Limited to two temporary signs per commercial lot with an active certificate of occupancy, except that only one temporary sign is permitted per occupancy on a multi-tenant platted property.

b. All temporary signs must be constructed with metal frames and have a maximum size of six square feet.
c. All temporary signs must be on the property where the event, activity, or thing that the sign advertises or draws attention to occurs or is located and may be located up to the property line.

(Ord. No. 2009-21, § 3(Exh. A), 8-11-2009)

Section 22-446. General sign regulations.

(1) **Flags.**
a. All flags shall comply with Title 4 of the U.S. Code, when applicable.
b. Flag poles must be located at least 15 feet from any property line.
c. The maximum height of a flag on a lot with a residential use is 25 feet. The maximum height of a flag on a lot with a nonresidential use is 35 feet.
d. No flag or flag pole may be located within any governmental or utility easement.
e. A businesses or nonprofit entity may erect a maximum of three flags per tract of land, only one of which may include the flag for the business and/or nonprofit entity. A flag showing the emblem or logo of a business or nonprofit entity must be located on the same tract of land as that business or nonprofit entity. No flag shall show the emblem or logo of a business or nonprofit entity that is located on a separate tract of land.

(2) **Obscenity.** No person shall display on any sign any obscene matter as defined by Section 43.32(a) (1), Texas Penal Code, as amended, or any matter soliciting or promoting unlawful conduct. Any sign which contains obscene matter must be removed within 24 hours of notice. The owner or person in control of the property on which the sign is located shall be responsible for compliance with this section.

(3) **Obsolete signs.** All signs relating to a product no longer available for purchase by the public and all signs relating to a business which has closed or moved away shall be removed or the advertising copy shall be removed. Painted wall signs shall be painted over with a color that resembles or matches the wall and does not allow the sign message to be visible after over painting. The owner of the property on which the sign is located shall be responsible for removal of the sign within 30 days of obsolescence.

(4) **Maintenance of signs.** All signs shall be maintained in good condition. Signs which are damaged in any way, rusty or have peeling paint do not meet minimum maintenance criteria and shall be brought into compliance, or the sign must be removed, no later than the tenth day after written notice of such violation is sent to the property owner, permit holder or person in control of the property, via certified mail. The owner of the property, permit holder or person in control of the property on which the sign is located shall be jointly and severally responsible for compliance with this subsection.

(5) **Wind pressure and dead load requirements.** All signs shall be designed in accordance with all of the following requirements; set forth in section 22-448, Table B-1, Building Code Exposure Category C, constructed to withstand a wind pressure of not less than 30 pounds per square foot of area and shall be constructed to receive the minimum dead loads as required by the building code and regulations of the City of Wylie.

(6) **Obstructing doors, windows, or fire escapes.** It shall be unlawful to erect, relocate, or maintain a sign in any manner that prevents free ingress to or egress from any door, window or fire escape, or to attach any sign to a standpipe or fire escape.

(7) **Placement of advertising matter.**
a. No person shall place on or suspend from any building, light fixture, pole, structure, sidewalk, parkway, driveway or parking area, any goods, wares, merchandise or other advertising object or structure for the purpose of advertising such items other than a sign, as defined, regulated and prescribed by this article, except as otherwise allowed by this article or another ordinance.
b. No person, firm, corporation or association of persons shall paste, stick, tack, nail or otherwise place any advertisement, handbill, placard, printed, pictured or written matter or thing for political advertising or other advertising purposes upon any fence, railing, sidewalk or public telephone, electric or other utility pole, or any other public property, including trees thereon or to knowingly cause or to permit the same to be done for his benefit.
c. It shall be unlawful for any person to scatter or throw any handbills, circulars, cards, tear sheets or any other advertising device of any description, along or upon any street or sidewalk in the City of Wylie.

(8) **Signs prohibited on or over public property.** Except as otherwise provided for in this article, no portion of any sign shall be erected on or over public property, or in the right-of-way of any thoroughfare within the city, except for signs in the downtown historic district meeting regulations in the Zoning Ordinance 6.3. Signs violating this provision shall be considered illegal signs and may be removed and disposed of by the city in accordance with this article.

(9) **Illumination of signs.**
a. No sign shall be illuminated to such intensity or in such a manner as to cause a glare or brightness to a degree that it constitutes a hazard or nuisance.
b. Moving, flashing, changing color, beacons, revolving or similarly constructed signs shall not be allowed, except for electronic signs showing time and temperature.

c. Sign illumination may only alternate on and off at a rate equal to or less than 12 times in an hour, excluding time and temperature signs.

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

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

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

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

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

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

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

(Ord. No. 2009-21, § 3(Exh. A), 8-11-2009)

Section 22-447. Attached sign regulations.

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

(1) **Wall signs.**

a. Where allowed. Wall signs shall be limited to buildings located in a nonresidential zoning district or to churches, apartments, schools and other nonresidential uses, with the exception of model homes, located within a residentially zoned district.

b. Installation requirements. All signs and their words shall be mounted parallel to the building surface to which they are attached, and shall project no more than 18 inches from that surface, except for projecting signs as allowed in subsection 22-447(6). Wall signs shall not extend above the wall or building surface to which the sign is attached. Banner signs shall not be utilized as permanent wall signs, but only as promotional signs as allowed in subsection 22-450

c. Maximum sign area. Wall signs may be installed on each face of a building described in subsection 22-447(1) (a) except for signs located on the side or rear wall of a building where the sign would face an adjacent residential zoning district. Signs shall not exceed 75% of the width of the primary façade of the building, and the combined area of all wall signs shall not exceed 450 square feet for signs located at a height of 26 feet or less, or 600 square feet for signs located above a height of 26 feet. The height of such signs shall be measured from the bottom of the sign to grade level. Wall signs mounted to the side or rear of a building shall not exceed the square footage area of signs mounted to the front of the building. Wall signs shall not exceed the following height schedules:

1. Wall signs mounted to a building located within 100 feet or less from a street shall not exceed a height of two feet.

2. Wall signs mounted to a building located within 101 to 200 feet from the street shall not exceed a height of three feet.

3. Wall signs mounted to a building located within 201 feet or more from the street shall not exceed a height of four feet.

(2) **Signs attached to a building(s).** No portion of any type or style of a sign will be allowed to project above the vertical plane of the exterior wall, parapet, mansard or the fascia panels of a canopy upon which they are attached.

(3) Illumination of attached signs. Attached signs may only be illuminated utilizing internal lighting. Exterior letters with exposed neon lighting are allowed.

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

a. Window signs must not obscure more than 25 percent of the window area per panel.

b. The sign area shall be measured by drawing a rectangular or square box around the sign elements, then multiplying the height by the width. For signs whose shape is irregular, the box must enclose all elements of the sign.

c. No illuminated window signs shall be allowed within two feet of the window surface, except for open/closed signs.

(5) **Awning signs**. Awning signs must meet the following regulations:

a. An awning may extend the full length of the wall of the building to which it is attached and shall be no more than six feet in height and shall not be placed less than eight feet above the sidewalk.

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

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

(6) **Projecting signs**.

a. Signs shall be constructed of noncombustible material.

b. Signs shall not project more than three feet, measured from the building face and shall not be closer than two feet from the back of the curb line.

c. Signs shall be at least eight feet above the sidewalk.

d. Signs may be illuminated in conformance with this article or other applicable city regulations.

e. Signs shall be compatible in design, shape, and material with the architectural and historic character of the building.

f. Signs shall not exceed 16 square feet per sign face.

(7) **Canopy sign**. Canopy signs must meet the following regulations:

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

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

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

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

(8) **Electrical signs**. Every sign with any type of electrical connection must be recognized by an approved listing agency with a permanent label properly affixed or be designed and assembled by a state licensed master or sign electrician registered with the City of Wylie. An electrical permit and approved inspection are required prior to the erection or attachment to the permanent structure.

(Ord. No. 2009-21, § 3(Exh. A), 8-11-2009)

Section 22-448. Monument sign regulations.

(1) **General requirements**.

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

b. No sign shall be installed in such a way as to obstruct a motorist's view of oncoming traffic when stopped at an existing drive or at the intersection of two (or more) public streets. The motorist's eye is assumed to be at a point 15 feet from a point determined by the intersecting curb lines or the edge of the roadway whichever is more stringent. Traffic must be visible for a distance of ten times the speed limit on either side of the vehicle parallel to the intersecting roadway. This shall be applied to all public and private approaches affected. See Illustration 2-1 [at end of article].

c. No sign shall be placed in or extend beyond the vertical plane of a property line, public street, sidewalk, easement or right-of-way.

d. A monument sign must be separated by at least 100 feet from any other monument sign on the same property, measured along the right-of-way.

e. Changeable message signs. Monument signs shall include a maximum area of 32 square feet that incorporates changeable messages or lettering, as defined, in the sign face. Such messages shall not blink, flash, or scroll. Changeable message signs are allowed to change their message a maximum of once every eight seconds.

f. Street addresses. On-premises signs shall display the street addresses of the business location it advertises in numbers at least five inches high on each monument sign in legible form within 40 feet of the nearest public roadway. Such numbers shall increase one inch in height for each additional 40 feet, or fractional part thereof, the sign is located from such roadway and utilize contrasting colors.

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

h. Properties with single tenants. Businesses located on individually platted land including individual pad sites within a shopping center, apartments, schools, model homes and other nonresidential uses located on residentially zoned property are permitted to erect monument signs that comply with the following regulations:

1) Maximum display area allowance is 96 square feet.
2) Maximum height is 12 feet.
3) Maximum width is 8 feet.

i. Properties with multiple tenants. Multiple business signs (MBS) advertising multiple business in a common center(s) shall observe the following specific rules and regulations as identified in Table B-1, in addition to all other regulations herein contained. Shopping centers and/or office complexes with multiple tenants are permitted to erect monument signs that comply with the following regulations:

1) A multiple business sign shall not be erected, constructed, or maintained within 100 feet of any other sign except for signs on the buildings of the businesses advertised on the multiple business sign and traffic, street or directional signs.
2) There may be more than one multiple business signs on each street frontage. The minimum distance between each such multiple business sign shall be in compliance the requirements of Table B-1.
3) A multiple business center (MBC) with less than 100 feet of street frontage shall be permitted no more than one multiple business sign.
4) Maximum size shall be in compliance the requirements of Table B-1.
5) Maximum height shall be in compliance the requirements of Table B-1.

TABLE B-1

Number of Tennant Spaces*	Maximum Allowable Height	Maximum Allowable Width	Display Area Max	Minimum Distance Between MBS	Minimum Wind Load Design Speed **
2-4	14 feet	12 feet	128 feet	100 feet	100 MPH
5-8	16 feet	12 feet	160 feet	100 feet	100 MPH
9-12	19 feet	14 feet	216 feet	300 feet	110 MPH
13-16	25 feet	16 feet	320 feet	300 feet	110 MPH

* The minimum dimension allowance of any business or otherwise tenant space shall not be less than 30 linear feet in width as measured along the display or advertised frontage of any building, space or structure. In no case will this consideration take precedence over any zoning building and/or fire code requirements or amendments through adoption by the City of Wylie.

** The minimum wind load design speed shall be designed and engineered to Wind Exposure Category C or better and bear the stamp of a professional structural engineer legally licensed by the State of Texas.

(2) **Fuel pricing signs**. A fuel pricing sign must be integral to the permitted sign for the site and shall satisfy the following additional requirements:

a. The fuel pricing sign shall only reflect the most current price of fuel available for purchase at that location and must be a monument sign.
b. The sign may not scroll, flash, or change more frequently than twice a day.
c. The overall sign dimension shall be in compliance with Table B-1, must comply with all other regulations and the pricing display may not exceed two-thirds of the gross sign area per sign face.
d. Only one pricing display is allowed per site.
e. Internal illumination may be used for the pricing display.
f. Changeable reader boards of a manual type may be used if proper design is employed to keep the changeable panels safely in place at the minimum wind load design speed in compliance with Table B-1.

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

(4) **Illumination.** Monument signs may be illuminated by a ground lighting source where the light itself and supporting structure are screened from the public right-of-way. Ground lighting must be of one constant color and not pose a traffic concern as determined by the City of Wylie. Signs may be back lit using internal lighting.

(Ord. No. 2009-21, § 3(Exh. A), 8-11-2009)

Section 22-449. Other types of signs.

This section provides standards for specific types of permanent signs permitted by this article.

(1) **Menu board signs.** Menu board signs must meet the following regulations:
   a. Menu board signs may be attached or monument signs.
   b. The maximum height is 7 feet.
   c. The maximum sign area is 48 square feet. Only one sign face is allowed per sign, but may be compartmentalized to appear as only one sign panel face assembly.
   d. All menu board signs shall be located at the side or rear of the principal building. If two signs are erected they must be at least 12 feet apart.
   e. Internal illumination may be utilized for the sign panel.
   f. Any sign must be located at least 15 feet from any property line.

(2) **Subdivision entry signs.** Subdivision entry signs must meet the following regulations:
   a. Comply with the general requirements of monument signs.
   b. May not exceed 7 feet in height from the crown of the current or proposed future street improvement as determined by the City of Wylie Engineer.
   c. Subdivision entry signs may be attached to a wall at the subdivision entrance or installed as a monument sign.
   d. Attached signs may not project above the top of the wall on which they are attached.
   e. The maximum sign area is 32 square feet for attached signs and may not exceed 96 square feet for a monument sign.
   f. Only one monument sign or two attached signs may be placed at each subdivision entrance. A monument sign may have the subdivision name on both sides.
   g. Monument signs may be located in the median at the street entrance if approved by the city in an approved plat, within a developer's agreement, or by separate approval of planning and zoning commission.

(3) **Directory signs.** Directory signs must meet the following regulations:
   a. Directory signs may be either attached or monument signs.
   b. Directory signs must be located a safe distance from the entry drive and the public right-of-way as determined by the city's engineer.
   c. Only one directory sign is allowed per street entrance.

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

(5) **Kiosk signs.** Kiosk signs must meet the following regulations:
   a. Procedures for installing a kiosk sign.
      1. Kiosk signs may only be installed pursuant to an executed concession contract approved by city council. This concession contract shall grant a person or company (the "concessionaire") the right to design, erect, and maintain kiosk signs within Wylie and administer the kiosk program as set forth by that concession contract.
      2. Once a concession contract is approved by city council, the concessionaire shall submit a map, elevations, and any other documentation deemed necessary by city staff, showing the location and design of the proposed kiosk signs to the director of planning, building official, and the director of public works. Upon review of the map, elevations, and any other applicable documentation, the director of planning, building official, and director of public works shall make a recommendation to city council as to whether the location and design of the proposed kiosk signs should be approved, denied, or modified.

3. City council may approve, deny, or approve with modifications the location and design of the proposed kiosk signs as shown on the map, elevations, and other applicable documentation. Modifications include, but are not limited to, modifications to the color of, or materials used in, the sign panels. No party may erect a kiosk sign without city council approval of the location and design of the kiosks.
4. The concessionaire must comply with all permitting requirements set forth in this article.

b. Location of kiosk signs. Although the city council has the authority to determine where kiosk signs may be located, locations must at least meet the following criteria:
1. The location of kiosk signs must not create traffic hazards. The obstruction of the visibility of motorists, pedestrians, or traffic control signs will constitute a type of traffic hazard. Wylie's engineering division shall review the location of each proposed kiosk sign. A kiosk sign shall not be installed if Wylie's engineering division determines that the location of the proposed sign would create a traffic hazard.
2. The location of kiosk signs must not interfere with the general use of and handicap accessibility of sidewalks, walkways, bike, and hiking trails.
3. The location of kiosk signs must not interfere with any public utilities or be located in a utility easement.
4. Kiosk signs must not be located within a sight visibility triangle.
5. Kiosk signs must not be placed adjacent to a lot with a residential use without the prior written consent of the owner(s) of that lot as shown on the most current tax roles. Proof of prior written consent must be attached to the concessionaire's permit application. If a residential use is placed on a lot adjacent to a pre-existing kiosk sign, no written consent is necessary for that kiosk sign to remain.
6. A kiosk sign must be located at least 100 feet from all other kiosk signs.
7. Kiosk signs must not be located within a median.
8. Kiosk signs must be located at least five feet from the edge of curb or pavement line, which includes improved surfaces and shoulders.

c. Design of kiosk signs. Although city council has the authority to determine which designs are appropriate, designs must at least meet the following criteria:
1. At least one sign panel on each kiosk sign must provide directions to a municipal facility or provide information about an upcoming city-sponsored event.
2. Kiosk signs may not exceed 12 feet in height and four feet in width.
3. Kiosk signs must include breakaway design features as required by the Texas Department of Transportation's sign mounting details for roadside signs. Break-away fittings must be installed below grade or concealed from public view in another manner approved by city council through the building inspections department.
4. The font and color of the kiosk signs must be uniform throughout the entire sign.
5. Kiosk signs shall not be illuminated.
6. There must be an identification panel at the top of each kiosk sign that displays only the name and official logo of the city.
7. No signs, pennants, flags, streamers, balloons or other devices or appurtenances used for visual attention may be attached to kiosk signs.

d. Variances to kiosk sign regulations. No person or party may obtain a variance to the kiosk sign procedures or regulations set forth in this article.

(Ord. No. 2009-21, § 3(Exh. A), 8-11-2009)

Section 22-450. Regulations for temporary signs.

(1) **Development signs**. Development signs are allowed subject to the following regulations:
a. Development signs require a temporary sign permit and may be erected in nonresidential and residential zoning districts.
b. Development signs must be related only to the property on which they are located. They may be monument or pole signs provided that a minimum of two vertical sign supports are utilized.
c. Maximum height of a development sign shall be 15 feet.
d. The required setback shall be ten feet from the front property line and ten feet from the side property line.
e. The maximum sign area per sign face shall not exceed 60 square feet.
f. Each development site may have one such sign for each 50 acres, or any portion thereof, under active development.
g. A development sign must be removed when the project is 90 percent complete. In the case of a commercial project, 90 percent complete means when a certificate of occupancy is issued for a shell building or prior to final inspections. For a residential project, 90 percent complete means when 90 percent of the lots in the subdivision have received building permits.

(2) **Real estate signs**. Real estate signs are subject to the following regulations:
a. Real estate signs may be erected in nonresidential and residential zoning districts and shall not require a permit.

b. Real estate signs may be attached, monument or ground signs.

c. The maximum sign area shall not exceed nine square feet and a maximum height of four feet for property located in a residential zoning district. Signs located in a nonresidential zoning district shall not exceed 32 square feet in sign area and ten feet in height.

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

e. No more than one sign shall be located for every two acres in a tract of land or portion thereof and must be related only to the property on which they are located.

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

(3) **Promotional signage**. Businesses that erect signs under the provisions of this section shall not display a sign that states "Going Out Of Business," "Quitting Business" or similar message more than one time. Promotional signs are subject to the following regulations:

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

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

c. Promotional signage is allowed for two, two-week periods each calendar year per legal business subject to the following:

1) A two-week period will commence on the first day Promotional signage is displayed.

2) The two-week periods shall not occur in the same or consecutive months.

3) A legal business shall include any commercial, industrial, or institutional use for which the building inspection department has issued a certificate of occupancy.

4) In the case of a special promotion for a grand opening celebration, one period may be extended to a 30 day period provided the promotion commences within the first three months of the date of issuance of a certificate of occupancy and the grand opening is limited to the address noted on the certificate of occupancy.

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

The setbacks are a minimum of 15 feet from street curb.

(Ord. No. 2009-21, § 3(Exh. A), 8-11-2009)

Section 22-451—22-480. Reserved.

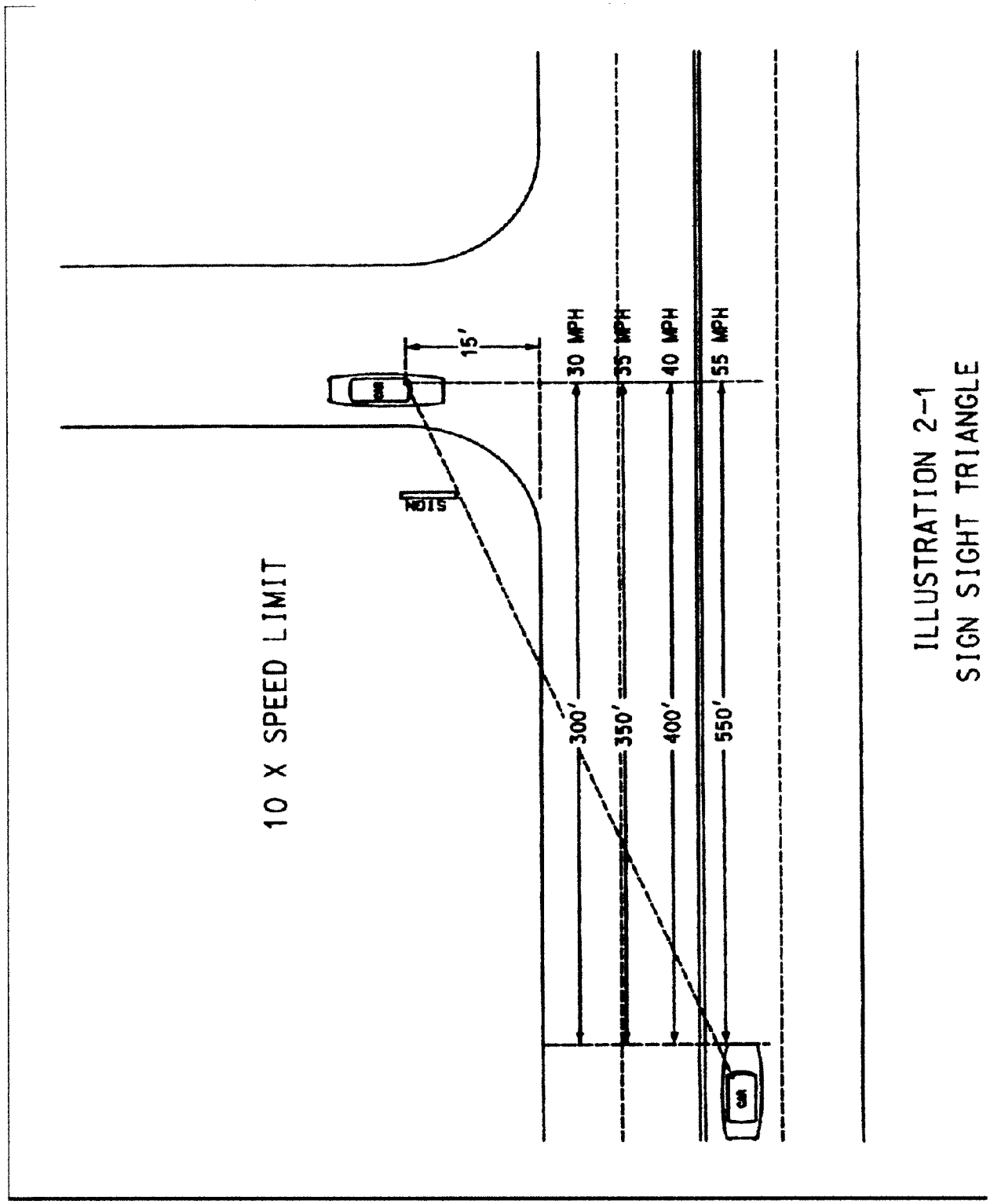

ILLUSTRATION 2-1
SIGN SIGHT TRIANGLE

C&S media

The Farmersville Times • Murphy Monitor • The Princeton Herald • The Sachse News • THE WYLIE NEWS

STATE OF TEXAS
COUNTY OF COLLIN

Before me, the undersigned authority, on this day personally appeared Chad Engbrock, publisher of C & S Media, dba *The Wylie News*, a newspaper regularly published in Collin County, Texas and having general circulation in Collin County, Texas, who being by me duly sworn, deposed and says that the foregoing attached:

City of Wylie
Ordinance No. 2014-44
was published in said newspaper on the following dates, to-wit:
December 17, 2014

Chad Engbrock, Publisher

Subscribed and sworn before me on this, the 18 day of Dec, 2014 to certify which witness my hand and seal of office.

Notary Public in and for
The State of Texas

My commission expires 9.2.16

Sonia A. Duggan
Commission Expires
09-02-2016

Murphy/Sachse/Wylie Office • 110 N. Ballard • P.O. Box 369 • Wylie, TX 75098 • 972-442-5515 • fax 972-442-4318
Farmersville/Princeton Office • 101 S. Main • P.O. Box 512 • Farmersville, TX 75442 • 972-784-6397 • fax 972-782-7023

ORDINANCE NO. 2014-44

AN ORDINANCE OF THE CITY OF WYLIE, TEXAS, AMENDING WYLIE'S CODE OF ORDINANCES NO. 2005-07, CHAPTER 22 (BUILDINGS AND BUILDING REGULATIONS), ARTICLE XX (SIGN REGULATIONS), SECTIONS 22-441 (INTENT), 22-442 (DEFINITIONS), 22-443 (ADMINISTRATION) 22-445 (EXEMPT SIGNS), 22-446 (GENERAL SIGN REGULATIONS), 22-447 (ATTACHED SIGN REGULATIONS), 22-448 (MONUMENT SIGN REGULATIONS), 22-449 (OTHER TYPES OF SIGNS) AND 22-450 (REGULATIONS FOR TEMPORARY SIGNS), REPEALING ORDINANCE NO. 2009-21 TO ALLOW THE CITY OF WYLIE, TEXAS TO MORE EFFECTIVELY REGULATE SIGNS; PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE OF THIS ORDINANCE.

32-1t-230-339