

Sec. 86-1. Title.

This chapter, 86, of the Town of Little Elm Code of Ordinances shall be known as "Signs."

Sec. 86-2. First Amendment Rights.

This Code shall not be construed, applied, interpreted nor enforced in a manner to violate the first amendment rights of any person, and the Director shall seek the advice and recommendation of the Town Manager and Town Attorney prior to taking any action to enforce any provision of this Code with respect to any non-commercial sign on private property.

Sec. 86-3. Authority.

The provisions of this Code are adopted pursuant to V.T.C.A., Local Government Code ch. 216 and the Town Charter, and the Town's authority as a home rule city. Notwithstanding any other provision of this Code, no sign legally erected shall be required to be relocated, reconstructed or removed except in compliance with V.T.C.A. Local Government Code ch. 216.

Sec. 86-4. Purpose.

The purpose of this Code is to promote the health, safety and welfare of the public. It is the Town's intent to achieve this goal by enacting a comprehensive system of reasonable, effective, consistent, content-neutral, and nondiscriminatory standards and requirements for signs within the Town and its extraterritorial jurisdiction. It is further determined that the provisions of this Code cannot achieve the end result desired unless the community voluntarily cooperates in upholding these provisions.

With these concepts in mind, this Code is adopted for the following purposes: to preserve and protect the public health, safety and welfare of the citizens of the Town of Little Elm; to balance public and private objectives by allowing adequate signage for business identification, to maintain and enhance the aesthetic environment and the town's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to protect property values, the local economy, and the quality of life by preserving and enhancing the appearance of the streetscape which affects the image of the Town of Little Elm; and to enable the fair and consistent enforcement of these sign regulations.

Sec. 86-5. Applicability--Effect.

(a) A sign may not be erected, constructed, placed, painted, created, enlarged, moved, or converted within the Town of Little Elm or its extraterritorial jurisdiction except in compliance with the standards, procedures, exemptions, and other requirements of this Code.

(b) The intent of this Code as more specifically set forth herein, is to:

(1) Provide functional flexibility, encourage variety, and create an incentive to relate signing to basic principles of good design;

(2) Provide an improved visual environment for the citizens of, and visitors to, the Town of Little Elm;

(3) Establish a permit system to allow a variety of types of signs in commercial and industrial zones, and a limited variety of signs in other zones, subject to the standards and the permit procedures of this Code;

(4) Allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this Code, but without requirements for permits; and

(5) Provide cost recovery measures supporting the administration and enforcement of this Code.

Sec. 86-6. Definitions.

As used in this chapter, the following terms shall have the meaning indicated below unless the context clearly indicates otherwise. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise:

"A" frame sign means a sandwich board sign constructed in such a manner as to form an "A" or tent-like shape that is hinged or not hinged at the top with each angular face held at an opposite distance by a supporting member.

Announcement sign means a residential sign that publicly displays a notice, usually located on a fence or a window of the structure that makes an announcement, such as, "no trespassing", "beware of dog", or "children/animals inside" for police or fire.

Architectural element means an uninhabitable structure or building intended solely as an artistic or architectural embellishment of a landscaped area.

Awning means a shelter constructed of materials on a supporting framework that projects from and is supported by the exterior wall of a building.

Bandit signs means temporary signs, usually of cardboard or foam board and mounted on angle iron or a wooden stake.

Balloon means any object filled with lighter-than-air gasses, which are designed to float or fly over any given location.

Banner means a sign having characters, letters, or illustrations applied to plastic, fabric, canvas or any non-rigid material, where the only purpose for such non-rigid material is for background.

Billboard means a sign advertising products not made, sold, used or served on the premises upon which the sign is located.

Building Directory sign means a small wall-mounted display featuring, for restaurants and cafes, the actual menu as used at the dining table; or for businesses, official directory information and/or legal notices regarding the premises.

Building official means the Building Official of the Town of Little Elm and includes the building official's designee, or other official administering the ordinance.

Canopy means a freestanding structure with a roof but no walls.

Civic sign means a temporary stake sign that publicizes times or locations of meetings or special events of property owners associations or religious organizations. This definition excludes directional signs for regularly scheduled religious events. A civic sign may also publicize times or locations of special events for schools and athletic team registrations.

Clearance (of a sign) means the smallest vertical distance between the grade of the adjacent street curb, sidewalk and/or other paved surface and the lowest point of any sign, including framework and embellishments, but excluding sign supports.

Development information sign means any onsite temporary residential subdivision development sign that identifies the developer or any related party for such building or land.

Directional sign means any sign relating solely to internal pedestrian and vehicular traffic circulation, warning of obstacles or overhead clearance, or designating permissible parking within a complex or project without any form of advertising.

Director means the Director of Development Services of the Town of Little Elm and includes his or her designee.

Earth tone is a color scheme that draws from a color palette of browns, tans, greys, greens, oranges, whites, blues, and some reds. The colors in an earth tone scheme are muted and flat in an emulation of the natural colors found in dirt, moss, trees, and rocks.

Electronic message (L.E.D.) sign means an on-site, non-temporary sign that uses light bulbs or light emitting diodes to display messages of advertisement as announcements, to include all digital signs.

Facade means all building wall elevations, including any vertical extension of the building wall (parapet), but not including any part of the building roof.

Face change means the replacing or revision of the logos, wording, etc. included on the front of the sign by means of replacing the physical material or by repainting or similar process. A “face change” includes the change of a sign face when a new business or tenant/owner wishes to locate a sign on the premises; however, it does not include reader boards or changeable copy signs.

Fine art means sculpture, fountain, mural, or similar object, containing no reference to or image of a business or its logo and is not used for advertising. Fine art is not considered as a sign.

Flag means fabric containing distinctive colors and patterns that represent an official symbol of a nation, state, school, religious group, or other type of public institution. Corporate and Builder flags are prohibited.

Flashing means to light suddenly or intermittently, including rotating, pulsating or a light source that changes or alternates the color of the light in sequence. “Flashing” does not include an electronic message (L.E.D.) sign as defined herein when operated in compliance with this Code.

Freestanding sign means a sign that is not attached to a building but is placed on or anchored in the ground and intended to be permanent.

Frontage means a boundary line separating public right-of-way from the lot or tract.

Future development sign (commercial or development sign) means a temporary freestanding sign advertising the construction, remodeling, development, sale, or lease of a commercial building or the land on which the

sign is located that indicates the developer or any related party having a role or interest with respect to the structure or project.

Garage sale sign means a sign, issued by the Town, usually a stake sign, used for a "garage", "yard", "estate" or other types of residential sale of used tangible personal property such as clothing, household effects, tools, garden implements, toys, recreation equipment or other used or second hand items customarily found in and about the home and advertised in a manner to provide notice such that the public at large is, or can be, aware of such sale.

Government sign means:

- (1) A sign installed, maintained, or used by the Town, county, State of Texas or the federal government that is required or specifically authorized for the public purpose pursuant to regulations promulgated by the state or federal government;
- (2) A traffic-related sign installed by any government agency within public right-of-way; or
- (3) A sign installed to convey information to the public regarding town, state, or federal government activities and events.

HAGL means height above ground level and is commonly used to describe the distance between the ground and the bottom of a sign of non-monument style signs on posts.

Home improvement sign means a temporary stake sign that displays the name of a roofing, fence, pool, paint, landscape, or other home improvement contractor.

Human sign means a sign held or attached to a human for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service, activity, or product. A person dressed in costume for the purpose of advertising or otherwise drawing attention to an individual, business, commodity, service, activity, or product shall also be construed as a human sign.

Incidental sign means a small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises (e.g. a credit card sign or a sign indicating hours of business), or identifying emergency telephone numbers, hours, and security information, generally located on a window or door. Incidental signs shall count toward allowed Window signage.

Inflatable sign is any hollow sign expanded or enlarged by the use of gas or air.

Information signs means and includes bulletin boards, changeable copy directories, signs relating solely to publicly owned institutions (Town, county, State, school district), or non-profit organizations (churches, homeowners

associations) intended for use by the institution or organization that owns or is located on the property on which the sign is located to provide information to the public of a general nature or of general interest.

Illuminated sign means any sign which has characters, letters, figures, designs, or outlines illuminated directly or indirectly by electric lights, luminous tubes, or other means.

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

Mansard roof means the style of roof where there are two slopes to the roof structure.

Memorial signs or tablets means and includes freestanding historical markers in accordance with State historical standards, and/or cornerstones with names and dates of construction of a building when cut into a building surface or inlaid upon it to become part of the building.

Menu board means a freestanding or wall signs used for the purpose of informing patrons of food which may be purchased on the premises.

Model home sign is a temporary real estate sign placed in front of a group of model homes that is removed from the premises upon sale of the last model.

Multi-tenant sign means a monument sign for a building complex or center that contains multiple businesses that share the same site and have common building architecture, color, and materials, landscaping, and parking.

Monument sign means a sign that is supported from the grade to the bottom of the sign and is surrounded and supported on all sides with a masonry framework.

Municipal board on sign control means the Board of Adjustment, appointed by the Mayor pursuant to V.T.C.A., Local Government Code § 216.004 to consider certain matters related to the relocation, reconstruction or removal of a sign legally erected within the Town's corporate limits or extraterritorial jurisdiction.

Nameplate is a non-electrical, on-premises sign which communicates only the name of the residential occupant, name of a model home, or the address of the premises.

Nonconforming sign face means an illuminated sign face that does not conform to the regulations that impact the face of the sign prescribed in this Code, including but not limited to color of background and/or letters, and that

existed lawfully on the date of adoption of this Code or applicable amendment hereto.

Nonconforming sign structure means a sign that does not conform to the regulations that impact the structure of the sign prescribed in this Code, including but not limited to sign type, height, size, or location, and that existed lawfully on the date of adoption of this Code or applicable amendment hereto.

Off-premises sign 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 premises on which the sign is located.

Opaque means a material that does not transmit light from the internal illumination source.

Parapet means the extension of a false front or wall above a roof line.

Pole or pylon signs means freestanding signs that are supported by a structure extending from and permanently attached to the ground by a foundation or footing, with a clearance between the ground and the sign face.

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

Portable signs means signs not permanently affixed to a building, structure, or the ground; designed or installed in a manner allowing the sign to be moved or relocated without any structural or support changes. This definition includes, but is not limited to, "A" and "T" frame signs.

Projecting sign means a sign attached to and projecting out from a building face or wall more than 12 inches, generally at a right angle, including graphic or icon signs mounted perpendicularly to the wall.

Reader board or manual changeable copy sign means a sign or part of a sign where the copy is replaceable and can be changed manually at will.

Real estate signs, residential or commercial means temporary signs placed upon property indicating that particular property for sale, rent, or lease.

Roof sign means any sign installed over or on the roof of a building.

Scoreboards means signs erected at an athletic field or stadium and which are generally used to maintain the score or time expired in an event at the

field or stadium. This definition shall also include signs mounted or applied to the outfield wall within a baseball field.

Searchlight means a searchlight used to direct beams of light upward for advertising purposes.

Sight triangle means the area within a right triangle formed by extending the curb lines of intersecting streets from the point of intersection for a distance of 45 feet to the hypotenuse, or for streets intersecting a driveway or alley for a distance of 20 feet to the hypotenuse.

Sign means any device, including its structure and component parts, which conveys messages for visual communication, notice or advertising that is used for the purpose of attracting attention of the public but not including any lawful display of merchandise. The term sign shall also mean and include any display of one or more of the following:

- (1) Any letter, numeral, figure, emblem, picture, outline, character, lights, announcement, trademark, or logo.
- (2) Multicolored bands, stripes, patterns, fabrics, pennants, ribbons, outlines, or delineations displayed for the purpose of commercial identification or attracting attention.
- (3) Anything specified above in part or in combination by any means whereby the same are made visible from beyond the boundaries of the lot or parcel of property on which the same are displayed for the purpose of attracting attention outdoors to make anything known, to include paint/color schemes or any illuminating device on buildings or other site features.

Sign area means the actual area of the face of the sign determined from the outside edge of the frame itself including the area of the base and any surrounding masonry border, unless the shape of the sign is irregular (square, rectangle, triangle, or circle).

- (1) In the case of an irregular-shaped sign, the sign area shall be calculated by enclosing the extreme limits of the sign and forming a rectangle, which shall be measured by the overall height and width of the rectangle.
- (2) 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. In the case of a

monument sign, square footage shall be measured by the overall height and width of the sign, including the base/structure.

(3) Double-faced signs shall be calculated as the area of one side only and three-dimensional or multi-faced signs shall be calculated as the sum of all visible sides.

Special events sign is a sign of a temporary nature other than those established by a business; for the purpose of advertising a special event pertaining to drives or events of a civic, philanthropic, cultural, educational, sporting events, concerts or religious organization, excluding events that occur more frequently than once a month.

Stake sign means a temporary sign that utilizes the support structure to anchor the sign to the ground by inserting the support structure into the ground, or any temporary sign attached to utility poles, street signs, or other objects. Also commonly called "bandit" signs.

Subdivision means, for purposes of this Code, the subdivision in its entirety, not a phase, section, village, unit, or product line.

Subdivision Entrance sign means a sign authorized for each major project entry into a legally recorded, multi-lot, multi-sectioned, master-planned residential subdivision, and contains only the name of the subdivision with no other information. There are three types of subdivision development entrance signs: (1) primary, (2) secondary, and (3) tertiary used to define various entries of a subdivision.

"T" frame sign means a temporary sign that is constructed in such a manner as to form an inverted "T."

Town means the Town of Little Elm, Texas.

Vehicle sign means a sign that is attached to or placed in or on a truck, bus, car, trailer, boat, recreations vehicle, or any other vehicle used for routine business. Vehicle signs shall exclude bumper stickers, license plates, and state required registration/inspection stickers.

Vending machine sign means a sign that is attached to a vending machine or gasoline pump and which generally advertises the products dispensed from the vending machine or gasoline pump or associated convenience store.

Wall sign means a sign attached to the facade of a building or a canopy. Wall signs include signs on or affixed to walls, awnings, or other parts of the exterior of a building or canopy including walls.

Wind-Driven sign means any sign consisting of one or a series of two or more banners, flags, feather flags, pennants, ribbons, spinners, captive balloons, or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind or breeze.

Window or door surface signs means signs visible from the public street or sidewalk and are installed or applied on or in a window or door, an incidental sign, or a sign that is located within three feet of a window on a building's interior.

Yard sign means a temporary stake sign that publicizes the arrival of a newborn 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.

Sec. 86-7. Land Use Categories.

For purposes of this Code, all territory within the Town's jurisdiction is classified into a land use (L.U.) category. Those properties within the Town limits are classified based upon their zoning district classification. Those properties located within the extraterritorial jurisdiction (ETJ) shall be classified by the Director based upon the Future Land Use Map (FLUP) of the Comprehensive Plan. Identification by a L.U. category is for the purposes of determining allowable signage only and in no manner shall be interpreted as the Town zoning property within the extraterritorial jurisdiction or establishing vested rights regarding applicable zoning should the property be annexed into the Town limits of Little Elm.

(a) *Low-density Residential L.U. category* includes any residential site in an AG, SF-RE, A1, A2, SF1, SF2, SF3, SF4, MH1, TH, or D zoning district or equivalent use in the town's extraterritorial jurisdiction ("ETJ"). Nonresidential uses permitted in this low-density Residential L.U. category shall be included in the Commercial L.U. category below.

(b) *Multi-family residential L.U. category* includes any site in an MF or MH2 zoning district or equivalent use in the ETJ. Nonresidential uses permitted in this multi-family residential L.U. category shall be included in the Commercial L.U. category below.

(c) *Commercial L.U. category* includes any site that is located within the boundaries of an O, NS, LC, HC, TC, LI, or HI zoning district or equivalent use in the ETJ.

Sec. 86-8. Permit Required.

(a) *Permit required.* No sign, other than those exceptions listed in section 86-12 and indicated on Table 86.1, shall be erected, constructed, placed, painted, replaced, repaired, attached, enlarged, moved, converted, altered (including face changes), or secured to the ground, any building, or any structure, until a permit for such sign has been issued by the Development Services department. The Director shall approve or deny an application for a sign permit within 30 days of the Town's receipt of a complete application. A permit will be issued if a proposed sign conforms to all town ordinances and the associated fee has been paid. The Town will not issue a new sign permit for property where illegal signs or sign violations exist. Each individual sign on a site must receive a permit to be installed, unless otherwise exempted in this Code or on Table 86.1.

(b) *To whom issued.* No permit for the erection of any sign shall be issued to any person other than the property owner or the property owner's designated and authorized representative. In the case of a special event or permitted vendor, the permit shall be issued to the individual authorized by the Town for said activity.

(c) *Fees.* The fee for sign permits shall be as established in the Town's current fee schedule. The fee for a permit for a sign that was constructed without a permit shall be double the applicable permit fee to cover additional administrative costs in connection therewith. Non-profit/charitable organizations are exempt from paying permit fees for temporary signs requiring a permit.

(d) *Interpretation and administration.* The Director shall be responsible for interpreting and administering this Code.

(e) *Violation.* A person is responsible for a violation, as specified within, if the person is the permit holder, owner, agent, or person having the beneficial use of the sign and a citation may be issued.

(f) *Promotional Events.* With a Town approved Promotional Event, special, temporary sign privileges may be granted upon discretionary approval by the Director at time of application, generally for a weekend or 3 days. Longer periods of time may be considered by the Director.

Sec. 86-9. Applications.

(a) An application for a sign permit must be accompanied by the permit fee and shall include such information as is necessary to assure compliance with all appropriate laws and regulations of the Town of Little Elm, including:

- (1) The name and address of the owner of the sign(s).

(2) The name and address of the owner or the person in possession of the premises where the sign(s) is located or to be located.

(3) Clear and legible drawings with description definitively showing the location of the sign(s) which is the subject of the permit and all proposed signs whose construction or placement requires permits, when such signs are on the same premises. Any existing sign on the premises must also be depicted on the drawings.

(4) Drawings showing the dimensions, elevations, construction supports, sizes, foundation, electrical wiring, and components, materials of the sign and method of attachment and character of structure members to which attachment is to be made. The design, quality, materials and loading shall conform to the requirements of the building code. If required by the Director, engineering data certified by a licensed structural engineer shall be supplied on submitted plans.

(5) Approval of property owner is required for all tenant spaces.

(b) *Expiration of sign permits.* A sign permit shall expire and become void unless a request for final inspection of the sign is made no later than 60 days after the date the permit is issued.

(c) *Subordinate.* A sign permit shall be considered a subordinate project for all new construction and tenant finish-outs. Proposed signage must pass a final sign inspection prior to the associated business or building receiving a Certificate of Occupancy.

(d) *Revocation.* All rights and privileges acquired under the provisions of this chapter or any amendment hereto are mere licenses, revocable at any time by the Director, even if reviewed and approved, if it is determined that the sign is in violation of this ordinance, the application was incomplete, or the application contained misleading or false information. After receiving notice, the owner may re-apply for a new permit or voluntarily comply by bringing the sign into conformance, or the enforcement process ensues.

Sec. 86-10. General Provisions.

(a) *Sign measurement criteria.*

(1) *Sign area measurement.* Sign area for all sign types is measured as follows:

a. Sign copy mounted, affixed, or painted on a background panel or area distinctively painted, textured, or constructed as a background for the sign copy, is measured as that area contained within the sum of the smallest rectangle(s) that will enclose the sign copy, the background, the structure, masonry border and base.

b. Sign copy mounted as individual letters or graphics against a wall, fascia, mansard, or parapet of a building or surface of another structure, that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy, is measured as a sum of the smallest rectangle(s) that will enclose each word and each graphic in the total sign.

c. Sign copy mounted, affixed, or painted on an illuminated surface or illuminated element of a building or structure, is measured as the entire illuminated surface or illuminated element which contains sign copy. Such elements may include, but are not limited to lit canopy fascia signs; cabinet signs; and/or interior lit awnings.

d. Temporary signs mounted on posts or other objects are measured by the area of space the sign occupies, not the entire structure the temporary sign is affixed to.

e. Multi-face signs are measured as follows:

1. Two-face signs: The sum of all visible sides on three-dimensional signs.

2. Three- or four-face signs: The sign area is 50 percent of the sum of the areas of all sign faces.

f. Spherical, free-form, sculptural, or other non-planar sign area is 50 percent of the sum of the areas using only the four vertical sides of the smallest four-sided polyhedron that will encompass the sign structure.

(2) *Sign height measurement.* Sign height is measured as follows:

a. Freestanding signs: The height of a freestanding sign shall be computed as the distance from the base of the sign at finished grade to the top of the highest attached component of the sign. The height of any monument sign base or other structure erected to support or adorn the sign is measured as part of the sign height. If a sign is located on a mound, berm, or other raised area for the sole purpose of increasing the height of the sign, the height of the

mound, berm, or other raised area shall be included in the height of the sign.

b. Building mounted signs: The height of wall, fascia, mansard, parapet or other building mounted signs is the vertical distance measured from the base of the wall on which the sign is located to the top of the sign or sign structure.

(b) *Sign illumination.* All permanent signs may be non-illuminated, illuminated by internal, internal indirect (halo), or lit by external indirect illumination, unless otherwise specified. Signs shall have no:

Flashing copy or lights;
Revolving beacon lights;
Chasing, blinking, or stroboscopic lights;
Fluttering, undulating, swinging, or otherwise moving parts.

For purposes of this Code an electronically controlled changeable-copy sign is not considered a flashing sign unless it directly falls under the definition of "flashing" as defined in this Code.

(1) *Internal illumination.* Outdoor, internally illuminated advertising signs including but not limited to awning/canopy signs, cabinet signs (whether freestanding or building mounted, electronic message panels, reader boards, or service island signs) shall either be constructed with:

a. An opaque background and translucent letters and symbols (color of opaque backgrounds or translucent letters and symbols are not restricted); or

b. A translucent background with either translucent or opaque letters and symbols that are lighter than the background.

c. Where a translucent background lighter than the letters is required for a registered logo, the logo will be allowed as long as it does not represent more than 50 percent of the total sign area.

(2) *External indirect illumination.* Externally lit signs are permitted to be illuminated only with steady, stationary, down directed and shielded light sources directed solely onto the sign. Monument signs may have ground mounted lighting when said lighting is in compliance with this section. Light bulbs or light tubes, excluding neon, used for illuminating a sign shall not be visible from adjacent public rights-of-way or residential properties.

(3) *No traffic interference.* An illuminated sign must not interfere with traffic or traffic devices. A sign lighted by incandescent light shall be installed to protect the driver of a vehicle from dangerous glare and to maintain visual clearance of all official traffic signs, signals, and devices.

(4) *Neon.* Exposed neon tube illumination, to include string lights, pod lights, strand tube, and any other similar luminous device, utilized as a sign copy projection, border, frame, or other embellishment of sign copy, or on other site/building features or a window consistent with the definition of "Sign" in this Code is prohibited.

(5) *Electronic message (L.E.D.) signs.*

a. May be incorporated into a permitted monument sign on each tract or parcel of land, as provided herein. Digital signs oriented to motorists or the public right-of-way are not allowed on building walls or windows.

b. Shall not exceed 50% of the area of the sign within the 1' masonry border on monument signs. Multi-tenant monument signs are limited to one panel/blade or 20 square feet in area.

c. Any change of pictures or information on said sign shall not produce the illusion of moving objects, expanding or contracting shapes, rotation or any similar effect of animation.

d. Any change of pictures or information on the sign shall not change more often than once each three seconds for all displays on the sign.

(6) *Reader board or manual changeable copy signs.*

a. Shall be incorporated into a permitted monument sign on each tract or parcel of land, as provided herein. The Director may allow incorporation into a wall sign or multi-tenant sign per his/her discretionary review and approval.

b. Shall not exceed 50% (fifty percent) of the area of the sign.

c. Reader boards are not required to comply with the same internal lighting restrictions as indicated in section 86-10(b)(1).

(7) *Residentially-zoned areas.* An illuminated sign is not allowed to face a residentially zoned area if it is within 150 feet of the residential property line and is not separated by a public street.

(c) *Location.*

(1) *Private property.* All signs shall be located on private property and outside of public right-of-way with no setback unless otherwise specified.

(2) *Sight triangle.* All signs shall be located outside of the sight triangle as defined within this Code.

(3) *Developed property.* All signs shall be located on developed property or property to which a building permit has been issued for construction of the use or building to which the sign is for, unless otherwise specified herein.

(d) *Construction and maintenance.* All signs shall be constructed and maintained in accordance to the following standards:

(1) *Construction.*

a. All signs shall comply with the applicable provisions of the Town adopted versions of the international building code, international electrical code, and international property maintenance code.

b. Any sign as defined in this Code, shall be designed and constructed to withstand wind pressures and receive dead loads as required in the building code adopted by the Town of Little Elm. Any sign, other than a wall sign, shall be designed, installed, and maintained so that it will withstand a horizontal pressure of 30 pounds per square foot of exposed surface.

(2) *Maintenance.*

a. All signs shall be maintained in proper working order and good structural condition, in compliance with all building, electrical, and property maintenance codes, and in conformance with this Code, at all times.

b. The Director shall have the authority to order the painting, repair, or replacement of a sign and accompanying landscaping.

(e) *Removal.*

(1) *Illegal sign.* Any sign erected or constructed after the effective date of this Code in violation of this Code must be removed or brought into compliance with the provisions of this Code.

a. Upon a determination that any sign has been constructed or placed or is maintained in violation of the provisions of this Code, the town code enforcement officer ("code enforcement officer") shall give written notice of the violation to the owner or person entitled to possession of the sign and the owner(s) of the property where the sign is located by certified and regular mail, or by personal delivery. The notice must identify (legal description not required) the property where the sign is located, identify the provisions of the Code violated, and state that the sign must be removed or brought into compliance with the Code within 30 days of the date of the notice. If the illegal sign is a hazardous sign, as identified in section 86-16 of this Code, the notice must state that the sign must be removed within 72 hours of the date of receipt of the notice. If the town is unable to contact the owner(s) or person entitled to possession of the sign by mail or personal delivery, the requirements of written notice shall be fulfilled by publishing notice in the newspaper.

b. If the person or owner fails to remove the sign or bring it into compliance with this Code within 30 days after notice has been given, the code enforcement officer may, in accordance with the provisions contained herein, cause the sign to be removed at the expense of the owner or person entitled to possession of the property or sign, and shall, upon the determination of the expenses, certify them to the Town. The decision of the code enforcement officer to cause a sign to be removed may be appealed in accordance with subsection 86-10(e)(1)c. below.

c. If appealed, this decision shall be subject to review by the Board of Adjustment, acting as the sign control board, in accordance with the provisions contained herein. Except as may be otherwise provided herein, appeal must be made in writing and submitted to the Director's office no later than ten days after the date of the notice issued by the code enforcement officer under subsection (e)(1)a. of this section. Notification of the date, time and location scheduled for the review of the Board of Adjustment shall be by certified mail. The Board of Adjustment may (1) reverse the code enforcement officer's decision if it finds that the sign is in compliance with this Code; (2) uphold the decision of the code enforcement officer; or (3) issue its own removal or maintenance orders with respect to the sign. If removal or maintenance orders upheld or issued by the Board of Adjustment are not complied with

within 15 days after the Board's decision, or within 30 days after the decision of the date of the notice issued by the code enforcement officer, as set forth in subsection (e)(1)a. of this section, if no appeal is taken, the code enforcement officer may order the sign removed at the owner's expense under the provisions of this Code.

d. If the code enforcement officer orders the removal of an illegal sign and the sign is removed at the expense of the Town, the code enforcement officer shall notify the property owner, the person entitled to possession of the sign or property, and each mortgagee and lienholder identified through a diligent effort, of the total costs incurred by the Town for the removal of the sign within ten days after removal is accomplished. If the persons notified fail within 30 days after the date of notification to pay the entire costs and expenses of the removal, such costs and expenses shall be assessed on and the Town shall have a lien against the property on which the sign was located. The lien is extinguished if the person entitled to the sign or property, the property owner or another person having an interest in the title to the property reimburses the town for the costs and expenses. The lien arises and attaches to the property at the time the notice of the lien is recorded and indexed in the office of the county clerk in the county in which the property is located. The notice must contain the name and address of the owner if that information can be determined with a reasonable effort, a legal description of the real property on which the sign was located, the amount of expenses incurred by the town, and the balance due.

e. The Town satisfies the requirements of this section to make a diligent effort or a reasonable effort to determine the identity and address of an owner, a lienholder, or a mortgagee if the Town searches the following records:

1. County real property records of the county in which the property is located;
2. Appraisal district records of the appraisal district in which the property is located;
3. Records of the secretary of state; and
4. Utility records of the town.

f. When the Town mails a notice in accordance with this section to a property owner, lienholder, or mortgagee and the United States Postal Service returns the notice as "refused" or "unclaimed," the

validity of the notice is not affected, and the notice is considered delivered.

(2) *Abandoned conforming sign.* An on-premises sign or sign structure must be removed on the first anniversary of the date the business or activity that the sign or sign structure identifies or advertises ceases to operate on the premises on which the sign or sign structure is located. If the premises containing the sign or sign structure is leased, the sign must be removed on the second anniversary after the date the most recent tenant ceases to operate on the premises. For purposes of this subsection, an "on-premises sign" means a freestanding sign identifying or advertising a business, person, or activity, and installed and maintained on the same premises as the business, person, or activity.

(3) *Nonconforming signs.* Removal of all other signs shall be accomplished by order of the municipal board on sign control in accordance with V.T.C.A., Local Government Code ch. 216, including the determination of compensation (if any) in connection on therewith by the municipal board on sign control refer to section 86-15.

Sec. 86-11. Prohibited Signs.

Any sign not specifically authorized by this Code is prohibited unless required by law. The following signs and conditions are prohibited:

(a) Signs shall have no: flashing copy or lights; revolving beacon lights; chasing, blinking, or stroboscopic lights; or, fluttering, undulating, swinging, or otherwise moving parts. For purposes of this Code an electronically controlled changeable-copy sign is not considered a flashing sign unless it directly falls under the definition of "flashing" as defined in this Code;

(b) No billboards shall be permitted;

(c) No off-premises signs shall be permitted, except as specifically authorized in this Code;

(d) Any sign located within, on, or projecting over a property line which borders a public or private street, highway, alley, lane, parkway, avenue, road, sidewalk, or other right-of-way, except as provided in this Code. The Code Enforcement Officer may cause to be removed any temporary or portable sign erected or displayed upon, or projecting into public property;

(e) Any sign attached to any public utility pole or structure, street light, tree, fence, fire hydrant, bridge, curb, sidewalk, park bench, or other location on public property, except as provided herein;

(f) Any sign placed, which by reason of its location, will obstruct the view of any authorized traffic sign, signal or other traffic control device or which by reason of shape, color, or position interferes with or could be confused with any authorized traffic signal or device;

(g) Any sign which constitutes a traffic hazard including but not limited to signs containing words such as "stop," "look," "danger;"

(h) Any sign placed within a sight triangle;

(i) Any sign which is placed so as to prevent or inhibit free ingress to or egress from any door, window, or any exit way required by the international building code, or by Town fire department regulations;

(j) Any sign which emits audible sound, odor, smoke, steam, laser or hologram lights, or other visible matter, including any sign that employs any stereopticon, or motion picture projection;

(k) Any sign placed, mounted, attached or painted on a trailer, boat, or motor vehicle when parked, stored, or displayed conspicuously on the public right-of-way or private premises in a manner intended to attract the attention of the public. This provision expressly excludes business signs that are permanently painted on, or magnetically attached to motor vehicles or rolling stock that are regularly and consistently used to conduct normal business activities;

(l) The canopy band face shall be flat with no projections or stripes, be non-plastic and generally a metal or masonry based material, be primarily one earth-tone color that matches or accents the primary building, may not be backlit or otherwise illuminated or used as signage, and should generally be no greater than 4 feet in size, except as follows:

(1) The canopy band face may utilize one small button logo on each face that can be internally illuminated, as long as each button logo does not exceed 15 square feet for bands 3' in size and 20 square feet for bands 4' in size, is generally as tall as it is wide, and does not protrude more than 18 inches from the canopy in any direction.

(2) The canopy band face may utilize an external LED halo type light, if properly shielded/recessed and oriented downward/upward so that only the "wash" is visible.

(3) The canopy band face may utilize internally illuminated rings, as long as the source is LED, it is flush with the band face and only protrudes nominally (up to a maximum of 6”), and the size of the ring does not exceed more than 25% for single rings and 50% for multiple rings of the thickness of the canopy band face.

(m) Roof signs, excluding mansard roofs when constructed in compliance with this Code;

(n) Banners, pennants, ribbons, balloons, feather flags, temporary signs, inflatable signs, signs with arrows, and wind-driven signs except as provided herein;

(o) Signs or banners erected or affixed within or projecting over any public right-of-way except as provided herein;

(p) Bandit signs;

(q) Pole or pylon signs;

(r) Searchlights, or other unpermitted lighting that draws attention or is a nuisance;

(s) Any digital billboard located, relocated, or upgraded along a regulated highway within the corporate limits or ETJ of the Town, unless otherwise authorized in an approved agreement by Town Council that requires the support pole to be encased in masonry and any associated lateral electric service lines to be buried; and

(t) Any sign on commercial property designating reserved business or “no parking” spaces, except with Director approval. All non-white parking lot striping.

Sec. 86-12. Exempt signs.

The following signs shall be exempt from obtaining a sign permit, but must meet the standards of this Code:

(a) Any public notice, or warning required by a valid and applicable federal, state, or local law, regulation or ordinance;

(b) Any sign inside a building, not attached to a window or door, that is located more than three feet from the window or door;

(c) Works of fine art;

(d) Holiday lights and decorations that do not meet definition of a sign;

- (e) Government signs erected by the town, county, state, or federal government in furtherance of their governmental responsibility;
- (f) Memorial signs or tablets and building markers displayed on public or private buildings and tablets or headstones in cemeteries;
- (g) Signs prepared by or for the local, state or federal government marking sites or buildings of historical significance;
- (h) Nameplates as defined herein;
- (i) Announcement signs as defined herein;
- (j) Incidental signs as defined herein;
- (k) Signs for vendors that are exempt under the Town's Solicitor-Vendors Ordinance; and,
- (l) Blades/panels on multi-tenant monument signs.

Sec. 86-13. Permitted Signs.

The following sign types are permissible upon issuance of a sign permit, unless exempted by section 86-12 of this Code or Table 86.1, subject to the following conditions and specification listed in this section. Signs that do not comply with the following conditions and specifications are considered prohibited, including exempted signs. Table 86.1 identifies signs by type and land use category.

- (a) *Temporary signs.*
 - (1) *"A" and "T" frame signs.*
 - a. *Manner:*
 - 1. The maximum sign area is 12 square feet.
 - 2. The maximum height is four feet.
 - 3. No more than one per business or tenant on the property is allowed.
 - b. *Place:*
 - 1. Signs shall be placed on an internal sidewalk or within the landscaping directly in front of the building or lease space in

which the business is located and the property the business is located on. "A" and "T" frame signs are not permitted within the public right-of-way or the perimeter landscape buffer and sidewalk adjacent to the right-of-way.

2. An unobstructed pedestrian clearance of at least four feet in width must be provided adjacent to the sign.

3. Shall not be located in required parking spaces.

4. Shall be placed no closer than 20 feet from other "A" or "T" frame signs.

c. *Time:* During business hours only.

(2) *Banner signs.*

a. *Manner:*

1. Maximum sign area is 48 square feet, not to exceed 75 percent of the building or lease space width upon which the sign is to be located.

2. Maximum height is four feet.

b. *Place:* All four corners of a banner sign shall be securely attached to the building.

c. *Time:* One banner sign may be placed on a building for up to two weeks two times per calendar year. The periods may be combined. Each tenant space or building located on a single lot or in a complex shall be allowed an individual banner as allowed per this Code.

(3) *Banner policy (non-profit organizations).* For non-profit organizations, the use of temporary signs or banners shall be permitted in conformance with the provisions and standards set forth. Non-profits must comply with the following guidelines but are not required to obtain a sign permit.

a. *Manner:*

1. Maximum sign area for wall banner is 48 square feet, with a maximum height of four feet.

2. Freestanding banners may not be higher than six feet measured at ground level.

b. *Place:*

1. Temporary signs and banners shall not to be displayed within the public right-of-way or otherwise obstruct the vision of any driveways or intersections.

2. Banners must be located on property owned by the non-profit organization.

c. *Time:*

1. One freestanding banner and one wall banner sign may be placed on a property for up to 30 days prior to and during a special event before they must be replaced or removed.

2. No more than one freestanding banner sign and one banner sign placed on a building may be located on a property at a time.

(4) *Development information signs (residential).*

a. *Manner:*

1. Maximum sign area is 40 square feet.

2. Can be free-standing with a 2 foot clear space above the ground (HAGL).

3. Maximum height is eight feet.

4. The allowed signage is based upon the number of lots each builder controls. If less than 100 lots, 2 signs. If between 100 and 500 lots, 3 signs. If between 500 lots and 1000 lots, 4 signs. If greater than 1,000 lots, 5 signs.

5. Materials must be weather and fade resistant.

b. *Place:*

1. Development information signs shall be located on property within the project subdivision to which the signs pertain, or with HOA permission, can be located on HOA common area.

2. Development information signs shall be placed no closer than 100 feet apart and must not be located within the public right-of-way.

c. *Time:*

1. Displayed once the plat is recorded and shall be removed when 90 percent completion of each phase to which the sign is a part of.

(5) *Future development signs (commercial).*

a. *Manner:*

1. May be freestanding with a maximum 4' HAGL:

- A property of five acres or less may have a sign with a maximum square footage of 48 square feet and 10' in height.
- A property between five and 20 acres may have a sign with a maximum square footage of 64 square feet and 10' in height.
- A property over 20 acres may have a sign with a maximum square footage of 96 square feet and 12' in height.

b. *Place:*

1. On the property where the activity is to occur.
2. One freestanding sign per street frontage.
3. One banner sign per building.

c. *Time:*

1. Displayed no earlier than 30 days before the commencement of the activity and must be removed no later than 30 days after the activity is completed, or the installation of a permanent sign, whichever occurs first, unless otherwise approved by the Director for a longer period of time.

(6) *Garage sale signs.*

a. *Manner:* The town shall issue five signs per garage sale per permit. All other signs shall be prohibited. Garage Sales are

regulated by Chapter 26, Article III of the Little Elm Code of Ordinances.

b. *Place:*

1. Signs shall be located on private property and signs located on private property away from the sale site shall have permission from property owner. The permission of the property owner must be indicated by the property owner's signature on the back of the sign.

2. Signs are not allowed on utility poles, in easements, on public fences or buildings, or any right-of-way, public or private.

c. *Time:*

1. Signs shall be displayed no sooner than 24 hours prior to the first day of the sale.

2. All signs must be removed by 8:00 a.m. on the day following the last day of the sale. Signs removed by the Town may be subject to a fine of \$10.00 per sign removed due and payable by the owner of the property on which the sale occurred.

(7) *Government signs.* Per general provisions, section 10.

(8) *Human signs.* All human signs shall be located on-site on private property, out of the right-of-way, not utilize any luminous device or other item that will distract or otherwise interfere with motorists, and obtain a permit from the Town.

(9) *Inflatable signs* are only allowed in association with a valid Promotional Event permit from the Town.

a. *Manner:*

1. Shall not exceed 20 feet in height or ten feet in width.

2. Must be secured to the ground and not float above the ground.

3. Unprotected extension cords cannot cross pedestrian or vehicular access ways, unless otherwise authorized by the Fire Marshal and Building Official.

b. *Place:* May not be placed on a roof or suspended from a building, located in required parking spaces, driveways that provide access to parking spaces, or fire lanes, nor may the sign encroach into the right-of-way. The Director has final discretionary approval authority on the location of inflatables.

(10) *Model home signs.*

a. *Manner:*

1. Maximum sign area is 40 square feet with monument style and no HAGL.
2. Maximum height is eight feet.
3. One sign per cluster of model homes per builder.
4. A nameplate sign that identifies the individual product name is exempt if it does not exceed three square feet or three feet in height.

b. *Place:* Must be placed in front of a cluster of one or more model homes per builder.

c. *Time:* All model home signage must be removed from the premises upon sale of the last model in the cluster.

(11) *Real estate signs, residential.*

a. *Manner:*

1. Maximum of one sign per street frontage.
2. Maximum of six square feet in area.

b. *Place:* Must be located only on the lot/property that is for sale or lease.

c. *Time:* No restrictions.

(12) *Real estate signs, commercial.*

a. *Manner:*

1. Maximum of one sign per street frontage.

2. Maximum of 40 square feet in area, can be free-standing, with a maximum height of 8 feet and a maximum HAGL of 2'.

b. *Place*: Must be located only on the lot/property that is for sale or lease.

c. *Time*: Up to one year following the issuance of the final Certificate of Occupancy. Thereafter, a "for lease" or "for sale" banner may be securely attached to the building, one per street frontage or lease space, and up to 32 square feet in area.

(13) *Stake signs*. All stake signs are subjected to the following area and height restrictions unless otherwise specified:

a. *Manner*:

1. Maximum sign area is six square feet, except for signs identifying the presence of a home security system, which shall not exceed one square foot.

2. Maximum height is three feet, excluding yard signs.

b. *Place*:

1. *Civic*: Signs may be located in the right-of-way, excluding medians, or on private property. Signs located on private property away from the activity site shall have permission from the property owner.

2. *Home improvement*: Signs shall be placed on the lot to which home improvement is occurring. In general, signage shall not be located closer than ten feet to the edge of street pavement.

3. *Open house*: Signs shall be located on private property. Signs located on private property away from the activity site shall have permission from property owner. In general, signage shall not be located closer than ten feet to the edge of street pavement.

4. *Yard signs*: Shall be located only on lots with an occupied single-family, two-family, or multifamily dwelling generally within 10' of the building footprint.

c. *Time*:

1. *Civic*: Signs shall be erected no more than seven days prior to the meeting or event and removed no more than 48 hours after the meeting or event.

2. *Home improvement*: Signs shall be removed no later than 30 days after installation.

3. *Open house*: Signs shall be erected no earlier than two hours prior to the time of the open house and shall be removed no later than two hours after the open house.

4. *Yard sign*: No restriction.

(b) *Permanent signs*.

(1) *Awning and canopy signs*.

a. *Manner*:

1. 1 per occupancy per building face.

2. Minimum 8 feet pedestrian clearance above sidewalk level.

3. Ten square feet maximum sign area.

4. If acting as the main business sign, it shall not be in addition to a wall-mounted sign.

5. If acting as an auxiliary business sign, it shall be located on the valance only, and the height of the lettering shall not exceed 4 inches, unless it is a "ghosted-in" silhouette on the awnings.

6. Awnings shall not be internally illuminated, unless acting as the main business sign.

7. Awnings are subordinate to architectural masonry requirements in that awnings should be functional and decorative enhancements to a building and not a method to achieve additional branding beyond what is intended by this code.

b. *Place*: Supporting structure of an awning or canopy may not encroach into or over the street right-of-way.

c. *Other*. Fuel canopies and similar structures shall abide by the sign restrictions within 86-11 and not display prices. A canopy shall

have its support structure (columns) encased in masonry with a pitched roof of standing seam metal. Associated exhaust valves for underground storage tanks shall be located outside the perimeter landscape area and painted an earth tone, non-white color.

(2) *Building Directory.*

a. *Manner.*

1. Shall be contained within a shallow metal or wood case and the contents clearly visible through a glass front.
2. The display case shall be attached to the building wall, next to the main entrance, approximately 5 feet above ground level, and shall not project out from the wall more than 6 inches.
3. Maximum size shall be eight square feet.
4. It may be lighted.

(3) *Directional.*

a. *Manner:*

1. Maximum sign area is six square feet.
2. Maximum height is 3 feet.
3. Style of signs shall be consistent with building materials and architecture of building within the project site with a monument style base.
4. The Director, or his or her designee, has the final discretion to approve or not approve a proposed directional sign based on its wording, location, or necessity.

b. *Place:*

1. Shall be located a minimum of 25 feet from street right-of-way.

(4) *Flags.*

a. *Manner:*

1. Maximum area is 60 square feet, excluding the American flag.

2. The maximum height of a flagpole or other supporting structure in the low-density residential LU category shall not exceed 20 feet. The maximum height in all other LU categories shall not exceed 35 feet.

3. Maximum of three flags per project site.

- b. *Place:* Shall be located on the property and setback a minimum distance equal to the height of the pole from any property line.

- c. *Restrictions:* Corporate and Builder flags are prohibited.

(5) *Information.*

- a. *Manner:*

1. Maximum sign area is 12 square feet.

2. Maximum height is five feet.

3. A maximum of one information sign shall be allowed for each publicly owned institution or non-profit organization. An information sign shall not be considered a pylon sign in this Code.

- b. *Place:*

1. At a public building or church, such sign shall be located at or near the building entrance and not oriented towards motorists nor the right-of-way.

2. For a neighborhood, such sign shall be located within the subdivision at a commonly traveled location, for example, near the neighborhood park or amenity center, the main mail station, or the main entrance to the neighborhood. Such sign shall be located on property maintained by the neighborhood/homeowners association or with a written agreement between the property owner and the association. Such sign shall not be placed closer than 150 feet from the intersection of a collector street and a major or principal thoroughfare, as defined in the Little Elm Master Thoroughfare Plan.

(6) *Menu board signs.*

a. *Drive-through menu board.*

1. *Manner:*

- Shall be a monument-style sign and does not have to meet illumination standards.
- The design, materials, and finish shall match the front facade of the building(s) on the same lot.
- One drive-through menu board per drive-through lane.
- Maximum area is 60 square feet.
- Maximum height is eight feet.

2. *Place:* Shall be located to the side or rear of the primary building(s) on the lot.

b. *Drive-through pre-order sign.*

1. *Manner:*

- Shall be a monument-style sign.
- The design, materials, and finish shall match the front facade of the building(s) on the same lot.
- One sign per drive-through lane.
- Maximum area is 36 square feet.
- Maximum height is six feet.

2. *Place:*

- Shall be located at the beginning of the drive-through lane.
- Shall be located to the side or rear of the primary building(s) on the lot.

c. *Drive-in menu board.*

1. *Manner:*

- Shall be a monument-style sign or attached directly to support columns of a canopy that covers the drive-in stalls.
- The design, materials, and finish shall match the front facade of the building(s) on the same lot.
- One drive-in menu board per ordering station.
- Maximum area is nine square feet.
- Maximum height is six feet.

2. *Place:* Shall be located adjacent to the drive-in stall or attached directly to support columns of a canopy that covers the drive-in stalls.

(7) *Monument signs.*

a. *Manner:*

1. The maximum area is 60 square feet. Tracts with 380 Overlay zoning may go up to 100 square feet.
2. The maximum height is 8 feet, and 10 feet for U.S 380 tracts.
3. One per lot or pad site.
4. A corner lot or lot with a total frontage of 400 feet shall be allowed one additional monument sign up to 40 square feet in size, including the masonry border.
5. The base of the sign shall be protected by a landscaped area to be maintained in a healthy condition.
6. Sign structure and base shall be masonry. The design and construction of monument signs shall be compatible with the architecture and style of the development of the project site.
7. Signs shall contain a minimum one foot masonry (brick/stone) border around all sides of the sign. A sign constructed entirely of masonry materials shall satisfy the border requirement. The one-foot masonry border is included in the maximum area of a sign.

8. The street address shall be included on the sign and be a minimum 8 inches in height, decorative metal, and of contrasting color with the monument.

b. *Place:*

1. Shall be located behind the property line.
2. Spacing of 75 feet shall be maintained between all monument signs.

(8) *Multi-tenant Monument sign.*

a. *Manner:*

1. Shall include the name and address of the development when practical, as determined by the Director.
2. The base of the sign shall be protected by a landscaped area to be maintained in a healthy condition.
3. Sign structure and base shall be masonry. The design and construction of monument signs shall be compatible with the architectural style, design, color, and material of the development(s) on the project site.
4. All blank panels shall be opaque and black, white, or earth tone in color. Business identifications on panels should generally occupy a panel size that proportionally corresponds to its presence within the commercial development. For example, a small individual tenant lease space should not occupy a larger panel, and a big box should occupy a larger panel.
5. The maximum area shall be based upon the size of the development and its number of tenant lease spaces.
 - Buildings with 3 or fewer tenant lease spaces, 80 square feet.
 - Five acres or less is 100 square feet with more than 3 tenant lease spaces.
 - For every acre over five acres, the sign size may be increased by ten square feet with the maximum allowed area of 200 square feet, except for signs located on property with 380 Overlay zoning, in which case a

maximum allowed area of 240 square feet is permitted.

6. The maximum height shall not exceed 10% of the sign's maximum allowed area.

7. Signs shall contain a minimum one-foot masonry (brick/stone) border around all sides of the sign. A sign constructed entirely of masonry materials shall satisfy the border requirement. The one-foot masonry border is included in the maximum area of a sign.

8. A multi-tenant monument sign shall be located within a development that consists of multiple businesses with exterior entrances which are united through common building architecture, color, and materials, landscaping, and parking.

9. One multi-tenant monument sign is permitted per street frontage of a development. One additional multi-tenant monument sign is permitted along a street for each additional 750 linear feet of street frontage that exceeds 750 linear feet of street frontage. No more than four signs shall be allowed per development, with a minimum separation of 375 linear feet between each sign.

10. Shall be located behind the property line.

11. Where exists a contiguous and unified commercial development larger than 5 acres in size, multi-tenant signs will be allowed to advertise any off-site business residing in said development, with owner permission, so long as the business does not already have its own monument sign. Interior commercial pad sites can also elect to install an off-site monument within a unified commercial development if within a sign easement and not already on a multi-tenant sign.

(9) *Projecting Sign.*

a. *General.*

1. A maximum of one per occupancy per building face.

2. A maximum area of six square feet in area, and a maximum of three feet in width.

3. Distance from the sidewalk to the lower edge of sign shall be higher than 8 feet.

4. Minimum 15 foot distance between Projecting signs.
5. The sign shall not project above the top edge of the wall it is attached to.
6. Maximum sign area is included as part of the maximum area for wall signs

b. *Place.* Located on the building in which the business or use is conducted or on the wall attached to said building.

c. *Time.* No restrictions.

(10) *Scoreboards.* Shall be located within the limits of and face into the athletic field or stadium.

(11) *Subdivision Entrance sign.*

a. *General.*

1. *Manner:*

- Shall be a monument sign constructed of stone, brick, or other maintenance free material.
- The design and construction must be compatible with surrounding development.
- Signage may appear on both sides of the entrance roadway within the recorded or master-planned subdivision. The maximum allowable sign face size limitations will apply separately to each side of the street.
- Lighting shall be ground lights or lights attached to the top of the sign focused downward directly on the sign.
- The developer shall represent in writing to the Town its plan for perpetual maintenance of such signs by the homeowner's association or similar entity before a permit will be issued for such signs.

2. *Place:*

- Shall be located outside sight triangles.

- The Town may enter into a license agreement to permit a subdivision identification sign to be located within public right-of-way. The license agreement shall be in a form acceptable to the town.

3. *Time:* A permit shall not be issued until the final plat is recorded.

b. *Primary standards.*

1. *Manner:*

- Maximum sign area is 32 square feet for subdivisions containing 100 lots or less. For every 100 lots in the subdivision in addition to the first 100, the size can increase an additional ten square feet to a maximum size of 64 square feet of total sign face area. If the sign face is incorporated into landscape features, a wall, or architectural feature, the size of the sign face is determined by the area of the smallest rectangle within which the face of the sign can be enclosed.

- When signage is incorporated into a wall, landscape or architectural feature, in addition to the allowed signage on both sides of a street pursuant to subsection (b)(10)a.1. above, a third location may be permitted within a landscaped median of the subdivision entrance street subject to a license agreement as specified in subsection (b)(10)a.2. above. The maximum square footage of primary subdivision entrance signage allowed may be distributed between the three signs.

- The maximum height of signage shall be eight feet including any berms or landscape features or on an architectural element. The maximum height of an architectural element shall be 20 feet.

2. *Place:*

- Located at the primary entrance into the subdivision. Primary entrance signage is permitted at only one entrance for each subdivision, except that a second location for primary subdivision entrance signage shall be permitted if two entrances to the subdivision are located on two different primary thoroughfare roadways, as designated in the Little Elm Master Thoroughfare Plan. In such case, primary

entrance signage may be placed at each of the primary thoroughfare roadway entrances in accordance with this chapter.

- A subdivision primary entrance sign must be located within the subdivision or at an off-premises location adjacent to an arterial roadway within 150 feet of the primary entrance to the subdivision.

- An architectural element shall be located on private property and have a set back from the right-of-way line equal to its height.

c. *Secondary standards.*

1. *Manner:* Maximum sign area is 16 square feet.

2. *Place:* They are to be placed at an on-premises location within the subdivision and at entrances into the subdivision other than at the primary entrance.

d. *Tertiary standards.*

1. *Manner:*

- Located at the entryway into sections within a subdivision that are 25 acres or greater in size, where the entire subdivision is equal to or greater than 50 acres.

- Shall be comprised entirely of stone or masonry, with engraved lettering set within the stone.

- They shall be monument signs only and shall be limited to a total monument size of ten square feet.

(12) *Vending machine signs.*

a. *Manner:*

1. Maximum sign area is restricted to the surface area of the vending machine or gasoline pump.

2. One four-square foot sign per machine or pump may project a maximum of two feet above the top of said machine or pump.

b. *Place*: Shall be located on the vending machine or pump, or placed at approximately eye level on the associated columns, within a frame or with durable backing, so as to be oriented to on-site customers and not the right-of-way.

c. *Time*: No restriction.

(13) *Wall*.

a. *Manner*:

1. For each one (1) linear foot of the primary building face, 2 square feet of wall sign is allowed. A maximum of 200 square feet of wall signage is allowed per building or tenant. Big Box primary tenants may use a total of 400 square feet.

2. Sign area allowance shall be calculated/applied cumulatively for all proposed wall signage. Secondary use wall signs shall not be installed without the primary use first having a compliant wall sign. The Director can discretionarily provide minor waivers to area for corner locations with multiple fronts or in other similar situations.

3. Maximum height shall not project above the roof line, or top edge of parapet wall or mansard roof.

4. Signs that project three inches or more from the wall shall maintain a minimum clearance of nine feet from the ground.

5. The Director shall ensure adequate proportion, separation, and scale for wall signs.

b. *Place*: Located on the building in which the business or use is conducted or on the wall attached to said building. Tenants within a shell strip building shall install the sign on the wall of the lease space they occupy and not elsewhere on the strip building.

c. *Time*: No restrictions.

(14) *Window*.

a. *Manner*:

1. Maximum sign area is 30% (thirty percent) of the window area per wall. Signs exceeding 30% (thirty percent) shall be

calculated against the maximum wall sign area permitted, upon discretionary review and approval by the Director.

2. Incidental signs shall count towards the maximum window sign area. "Open" signs are limited to one per primary business entrance.

3. Neon signs are allowed behind windows in commercial districts, but shall count toward the total window sign area.

4. Incidental signs, neon signs, and all other wall/window signage shall be static with no blinking, strobing, revolving, flashing, chasing, or other moving elements, to include "Open" signs.

b. *Place*: Per general provisions, section 86-10.

c. *Time*: No restrictions.

Sec. 86-14. Political signs.

(a) Political signs may be erected in accordance with this Code upon private premises. Political signs are not allowed on utility poles, in public easements, on public fences or buildings, or any Town property or Town right-of-way. Political signs located on private property, which is not the property of the owner of the sign, shall have permission from property owner.

(b) Political signs may not:

(1) Have an effective area greater than 36 feet;

(2) Be more than eight feet in height;

(3) Be illuminated; or

(4) Have any moving elements.

(c) Notwithstanding the provisions of subsection (a) of this Section, two political signs per candidate (or per measure or proposition) may be lawfully erected on any Town-owned property that has been designated as an election polling place for the time period beginning with early voting by personal appearance and continuing through the completion of the election contest including, if applicable, any runoff election. The placement of such sign must comply with the Texas Election Code's location requirements and may not:

- (1) Have an effective area greater than 4 feet;
- (2) Be more than 2 feet in height;
- (3) Be illuminated; or
- (4) Have any moving elements.

Sec. 86-15. Nonconforming signs.

(a) *Nonconforming sign structure.* A sign that does not conform to the regulations relating to the structure of the sign prescribed in this Code, including but not limited to sign type, height, size, or location, and that existed lawfully on the date of adoption of this Code or amendment hereto (as applicable) shall be deemed a nonconforming sign structure. A nonconforming sign structure may be maintained in its current location until one of the conditions outlined in subsection (d) of this Section occurs at which time the sign structure must be removed in accordance with this section or modified to bring the sign structure into conformance with current ordinances. The sign structure must be maintained and the degree of nonconformity may not be increased; however, a face change may occur without altering the nonconforming status of the sign structure and without the need to bring the structure into compliance with this Code, unless otherwise provided for herein.

(b) *Nonconforming sign face.* An internally illuminated sign face that does not conform to the regulations that impact the face of the sign prescribed in this Code, including but not limited to color of background and/or letters, and that existed lawfully on the date of adoption of this chapter or amendment hereto shall be deemed a nonconforming sign face. A nonconforming sign face may be maintained in its current location until one of the conditions outlined in subsection (c) of this Section occurs at which time the sign face must be removed in accordance with this section or modified to bring the sign face into conformance with current ordinances. The sign face must be maintained and not moved, altered, removed, reinstalled or replaced until it is made to conform with this Code.

(c) *Billboards.* When a property with an existing billboard, whether legal nonconforming, illegal, legal, or any other status, applies for a permit from the Town, the billboard shall have its support pole encased in masonry and any associated lateral electric service lines buried prior to any Certificate of Occupancy being issued for the parent project.

(d) *Removal of nonconforming sign faces.* The right to continue all nonconforming sign faces shall cease and such sign face shall be removed whenever:

(1) An approved application for certificate of occupancy or a certificate of occupancy for a change of business is issued as provided in the Comprehensive Zoning Ordinance and the existing sign face is associated with the previous business.

(2) A change of occupancy classification occurs as described in the building code and the sign face is associated with the classification change.

(3) The business advertised on the sign ceases to operate on the premises on which the sign is located.

(4) A sign face is altered, repaired or reinstalled without a permit pursuant to the provisions of the chapter.

(5) A sign face, or a substantial part of the sign face, is blown down or otherwise destroyed, damaged or dismantled for any purpose other than maintenance operations or for changing the letters, symbols, or other matter on the sign face; for purposes hereof, a sign or substantial part of it is considered to have been destroyed if the cost to repair the sign face exceeds 60 percent of the cost of erecting a new sign face at the same location.

(6) A sign face has been blown down, dismantled, deteriorated or dilapidated, or has been otherwise deemed unsafe.

(7) An empty blade/panel on a multi-tenant sign with no advertising shall, upon notice by the Town, convert any internally illuminated panels without opaque film to be compliant with the dark sky ordinance provisions of 86-10(B).

(e) *Removal of nonconforming sign structures.* The right to continue all nonconforming sign structures shall cease and such sign structure and sign face shall be removed (compensation, if required for such removal, as determined by the Board of Adjustment in accordance with V.T.C.A., Local Government Code ch. 216, may be awarded) whenever:

(1) The property is rezoned and the existing business ceases to operate on the premises on which the sign structure is located, and the sign is no longer allowable in the new zoning classification.

(2) The structure is altered, remodeled, removed, or rebuilt and the costs of the alteration, remodel or rebuild exceeds 60% of the value of the altered structure, prior to the alteration, remodel or rebuild. Values shall be based upon Denton County Appraisal District records.

(3) The sign structure is altered, moved, repaired, or relocated without a permit pursuant to the provisions of the chapter.

(4) The sign, or a substantial part of the sign, is blown down or otherwise destroyed or dismantled for any purpose other than maintenance operations or for changing the letters, symbols, or other matter on the sign; for purposes hereof, a sign or substantial part of it is considered to have been destroyed if the cost to repair the sign exceeds 60 percent of the cost of erecting a new sign of the same type at the same location.

(5) The sign leans such that an angle between the sign and the ground is 70 degrees or less.

(6) The sign has been blown down, dismantled, deteriorated, hit by motorist, or dilapidated, or has been otherwise deemed structurally unsafe.

(7) An occupancy change occurs as described in subsections (c)(1) (2) or (3) of this section and the non-conforming sign structure is an off-premises or on-premises wall sign.

(f) *Signs on property acquired by the Town.*

(1) A nonconforming sign situated on property which has been acquired by the Town via a Town-initiated process may be relocated on the site provided the sign is removed or rebuilt to conform to the ordinances which were applicable to the sign when erected within two years of the date of acquisition by the Town. Relocation is limited to the same physical sign with no increase in height, area, or change in other physical attributes. The setback of the sign shall comply with the visibility standards. For the purposes of this provision, "A property acquisition initiated by the Town" does not include right-of-way dedication in the subdivision plat process.

(2) In the event that any property in the Town of Little Elm upon which a billboard is located is fully or partially acquired by a governmental unit for the widening or reconstruction of a roadway, the billboard shall be allowed to be moved from its original location to another location along the same roadway in accordance with this

subsection. The new location must comply with the following conditions and all other codes and ordinances of the town and all applicable laws and regulations of the State of Texas:

- a. An application for the new location shall be made to the Town's Building Safety department together with an application fee as required for building permits. The owner of the proposed tract of land shall sign the application.
- b. The billboard shall be located no further than 1,000 feet from the original sign to be moved, except that no billboard may be placed within 250 feet of a residence.
- c. The reconstructed billboard shall be limited to a sign with the same physical characteristics as the original sign with no changes in area or other physical attributes. A billboard currently constructed with wooden poles may be reconstructed using a single metal pole.
- d. The billboard shall be located on the new site so as to provide the maximum development potential of the site.
- e. Electronically displayed messages, flashing or strobe lights shall be prohibited.
- f. Nothing contained herein shall be construed to change the legal status of any relocated commercial billboard from its current nonconforming or illegal status.
- g. All relocated structures shall have their support poles encased in masonry and any associated lateral electric service lines buried.

Sec. 86-16. Hazardous signs.

- (a) Except as otherwise provided by law or this Code, no person may install, maintain, or use a sign that:
 - (1) Obstructs a fire escape, required exit, window, or door used as a means of escape.
 - (2) Interferes with a ventilation opening, except that a sign may cover a transom window if otherwise in compliance with the international building and fire codes.
 - (3) Substantially obstructs the lighting of public right-of-way or other public property, or interferes with a public utility or traffic control device;

(4) Contains or utilizes a supporting device placed on public right-of-way or other public area within the Town limits or the extraterritorial jurisdiction of the Town, unless the use of the public right-of-way or other public area has been approved by the town and a right-of-way joint use agreement and/or license agreement has been filed and approved.

(5) Is illuminated in such a way as to create a hazard to pedestrian, bicycle, or vehicular traffic.

(6) Creates a traffic hazard for pedestrians, bicyclists, or motorists, by restricting visibility at a curb cut or adjoining public street.

(7) Has less than sixteen (16) feet of clearance above street pavement grade and/or is located outside public right-of-way and within the sight triangle at an intersection that results in impaired sight distance of users of the intersection.

(8) Violates a requirement of the electrical code.

(9) Is determined by the Building Official to be dangerous.

(b) Notice that removal of a hazardous sign is required shall be given by the Director in accordance with section 86-10(e) of this Code. Once notice is provided, the sign must be removed or appeal taken within 72 hours after receipt of such notice.

(1) If after such time the sign is not removed and no appeal is taken, the Director may enter the premises and abate the hazardous condition. The reasonable cost of abating the hazardous sign, together with interest on the unpaid balance at the interest rate of ten percent, shall be taxed as a lien against the property on which the sign is located. Such lien shall attach in accordance with section 86-10(e).

2. A sign removed under this provision shall be held for a period of no less than 60 days after its removal before disposal of the removed sign. If during this period the owner of the sign pays the storage fee, the Director shall return the sign to its owner. This provision is not exclusive and in no way restricts or modifies any method authorized by law to seize evidence of a crime.

Sec. 86-17. Notification.

Notification of violations of this chapter shall be consistent with the requirements of V.T.C.A., Government Code.

Sec. 86-18. Variances.

(a) A variance to the provisions of this Code shall be considered an exception to the regulations, rather than a right. Whenever a sign to be erected is of such unusual size, shape or nature that the strict application of the requirements contained in this Code would result in substantial hardship or inequity, the Board of Adjustment, acting as the sign control board, may vary or modify, except as otherwise indicated, such requirements in accordance with the provisions listed below, so that the developer may erect a sign in a reasonable manner, but so that, at the same time, the public welfare and interests of the town are protected and the general intent and spirit of this Code is preserved. In no event, however, may a variance be granted to the administrative process, to the permit requirements, or allowing a prohibited sign as contained in this Code.

(1) *Jurisdiction.* When a written request for a variance from the design requirements of this Code is filed:

a. After conducting a public hearing concerning such requested variance(s), the Board of Adjustment may approve or deny a request for a variance to the design standards and such variance(s), if granted, shall also be considered to be a modification of the sign regulations, applicable to the specified property within such development within the Town limits or ETJ.

(2) *Approval.* In granting approval of a request for variance, the Board of Adjustment shall conclude that the variance is not contrary to the public interest and, due to special conditions; a literal enforcement of this Code would result in unnecessary hardship, and so that the variance observes the spirit of this Code and concludes that substantial justice is done. The Board of Adjustment shall meet these requirements by making findings that:

- a. The public convenience and welfare will be substantially served;
- b. The appropriate use of surroundings property will not be substantially or permanently impaired or diminished;
- c. The applicant has not created the hardship from which relief is sought;

- d. The variance will not confer upon the applicant a special right or privilege not commonly shared or available to the owners of similar and surrounding property;
- e. The hardship from which relief is sought is not solely of an economic nature;
- f. The variance is not contrary to the public interest;
- g. Due to special conditions, the literal enforcement of this Code would result in an unnecessary hardship; and
- h. In granting the variance, the spirit of this Code is observed and substantial justice is done.

(3) *Appeal.* The Board of Adjustment's decision can be appealed in accordance with the provisions set forth in ch 216, V.T.C.A. Local Government Code following the Board's decision.

Sec. 86-19. Amendments.

The council may, from time to time, adopt, amend and make public rules and regulations for the administration of this Code. This Code may be enlarged or amended by the Council after public hearings before the Planning & Zoning Commission and the Town Council, due notice of which shall be given as required by law.

Sec. 86-20. Enforcement.

(a) *Penalty.* Any person, firm or corporation who shall violate any of the provisions of this Code or cause or permit the same to be done in violation of this Code shall be guilty of a class C misdemeanor and, upon conviction, shall be subject to a fine not to exceed the maximum permissible fine allowed by state law and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

(b) *Administrative action.* The Town and/or the town manager shall enforce this Code by appropriate administrative action, including but not limited to the rejection of plans, maps, plats, and specifications not found to be in compliance with this Code and good engineering practices, and the issuance of stop work orders.

(c) *Court proceedings.* Upon the request of the town council, the town attorney or other authorized attorney shall file an action in the district courts to enjoin the violation or threatened violation of this Code, or to

obtain declaratory judgment, and to seek and recover court costs and attorney fees, and/or recover damages in an amount sufficient for the town to undertake any construction or other activity necessary to bring about compliance with a requirement regarding the property and established pursuant to this Code.

Table 86.1
Allowed Sign Types by Land Use Category

Sign Type	Land Use Category		
	SF Residential	Multi-Family	Commercial
Temporary Signs			
“A” & “T” frame	X	X	C
Banner	X	P	P
Development Information	P	X	X
Future Development	X	P	P
Garage Sale	P	P	X
Government	C	C	C
Human	X	P	P
Inflatable	X	X	X
Model Home	P	X	X
Real Estate, Commercial	X	P	P
Real Estate, Residential	C	X	X
Stake Signs	C	C	C
Permanent Signs			
Awning/Canopy	X	P	P
Building Directory	X	C	C
Directional	X	P	P
Flags	C	C	C
Information	C	C	C
Menu	X	X	P
Monument	X	P	P
Multi-Tenant Monument	X	X	P
Multi-Tenant Panel	X	X	C
Projecting	X	X	P
Scoreboard	P	P	P
Subdivision Entrance	P	X	X
Vending	X	C	C
Wall	X	P	P
Window	X	X	C

X	Not Allowed
P	Allowed only with Permit
C	Allowed in compliance with Code; No permit required