

ORDINANCE NO. 7201

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTER 4-2, TO PROVIDE COMPREHENSIVE REVISION OF BUSINESS SIGN REGULATIONS; REPEALING CHAPTER 4-10, DIVISION 5; PROVIDING CONFORMING AMENDMENTS TO SECTIONS 4-10-82, 4-1-60, 4-1-110, 4-1-1, 2-6-143, AND 4-10-39; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, the City's sign ordinance regulating various types of business signs was adopted in 1968 and has been little changed since that time, despite the blessing of substantial commercial development in all quadrants of the city; and,

WHEREAS, the City Commission now finds that while business signs are necessary, they can have a negative aesthetic that is contrary to the public welfare, due to the size, height, number, spacing, lighting, and other aspects of such signs, as demonstrated in a report by the City's Director of Planning, entitled *Signs of Change*, and first presented to the City Commission on June 2, 2009; and;

WHEREAS, the City Commission now finds that, while a definitive federal study is still pending, there are some studies indicating business signs may implicate public safety, particularly changeable electronic variable message signs (CEVMS). A sample of the studies include: Farbry, J., Wochinger, K., Shafer, T., Owens, N., & Nedzesky, A. (2001); Wallace, B. (2003), *Driver Distraction By Advertising: Genuine Risk or Urban Myth?* Municipal Engineer, 156, 185-190; *Research Review of Potential Safety Effects of Electronic Billboards on Driver Attention and Distraction* (FHWA, Sept. 11, 2001); and,

WHEREAS, the City Commission finds that the existing sign ordinance can not adequately address either the safety or aesthetic problems posed by either CVEMS or the proliferation of traditional of business signs; and,

WHEREAS, the City Commission finds that this ordinance strikes an appropriate balance between property owner's rights to advertise, sign businesses to do business, and projecting and maintaining a positive image of the city; and

WHEREAS, this ordinance is necessary to promote and protect public health, safety, and welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF AMARILLO, TEXAS:

SECTION 1. That the Amarillo Municipal Code of Ordinances, Title IV, Chapter 4-10, Article V, Division 5, "Signs" is hereby is repealed in its entirety and reserved.

SECTION 2. That the Amarillo Municipal Code of Ordinances, Title IV, Chapter 4-2, "Advertising" is hereby repealed in its entirety.

SECTION 3. That the Amarillo Municipal Code of Ordinances is amended to add an entirely new Chapter 4-2 to read as follows:

Chapter 4-2. Signs

Sec. 4-2-1 Purpose and application.

Purpose: Signs use private land and the sight lines created by public rights-of-way to inform and persuade the general public by publishing a message. This ordinance provides standards for the erection and maintenance of private signs. All private signs not exempted as provided below shall be erected and maintained in accordance with these standards. The general objectives of these standards

are to promote health, safety, welfare, convenience and enjoyment of the public, and, in part, to achieve the following:

A. Safety. To promote the safety of persons and property by providing that signs:

- 1) Do not create a hazard due to collapse, fire, collision, decay or abandonment;
- 2) Do not obstruct fire fighting or police surveillance; and
- 3) Do not create traffic hazards by confusing or distracting motorists or by impairing the driver's ability to see pedestrians, obstacles or other vehicles, or to see/read traffic signs and control devices.

B. Communications Efficiency. To promote the efficient transfer of information in sign messages by providing that:

- 1) Those signs which provide messages and information most needed and sought by the public are given priorities;
- 2) Businesses and services may identify themselves;
- 3) Customers and other persons may locate a business or service;
- 4) No person or group is arbitrarily denied the use of the sight lines from the public right-of-way for communication purposes; and
- 5) Persons exposed to signs are not overwhelmed by the number of messages presented, and are able to exercise freedom of choice to observe or ignore said messages, according to the observer's purpose.

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

- 1) Do not interfere with scenic views;
- 2) Do not create a nuisance to persons using the public rights-of-way;
- 3) Do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height or movement; and
- 4) Are not detrimental to land or property values; and areas or districts within the City, helping the observer to understand the City and orient himself within it.

Sec. 4-2-2 Definitions.

Except where the context clearly indicates to the contrary, the following words and phrase shall have the indicated meaning when used in this Chapter:

A-frame sign: A temporary sign which has two sides, the frame or support structure of which is

hinged or connected at the top of the sign in such a manner that the sign is easily moved or erected.

Abandoned sign: A sign that no longer identifies an active, lawful business or activity or for which no legal owner can be located.

Animation: The presentation of pictorials or graphics in a progression of frames which gives the illusion of motion, including moving objects, moving patterns or expanding or contracting shapes.

Apartment or mobile home park identification sign: A permanent on-premises sign for the identification of an apartment building, housing complex, or mobile home park.

Banner: A temporary sign composed of lightweight, flexible material on which letters, symbols or pictures are painted or printed.

Building Identification sign: A building identification sign identifies the name of the building, but displays no goods or services for sale or other advertising.

Brightness: The maximum luminous intensity of a sign, which shall not exceed 5,000 nits (candelas per square meter) during daylight hours or 500 nits between dusk and dawn, as measured from the sign's face.

Building frontage: The length of a building wall which faces a street.

Candelas: A unit of luminous intensity, defined as the amount of luminous flux (total luminous power emitted from a source and expressed as lumens) per unit solid angle in a given direction.

Canopy: A permanent roof-like shelter extending from part or all of a building or independent of a building, including any rigid material or cloth or fabric supported by a structural frame.

Canopy sign: A sign that is permanently affixed to a canopy by paint, glue, sewing, or any other type of non-structural type of attachment.

Construction sign: An on-premises sign, which may be erected for a limited time as defined under Section 4-2-7, identifying any or all of the property owners, engineers, architects, mortgagees or other participants in the construction or improvement of the premises, but which displays no goods or services for sale or other advertising.

Development sign: An on-premises sign, which may be erected for a limited time as defined under Section 4-2-9, identifying and promoting one or more developments, projects or buildings proposed or currently under construction, but which displays no goods or services for sale or other advertising.

Dilapidated sign: Any sign where:

- a) The structural support or frame members are visibly bent, broken, dented, or torn; or
- b) The sign face is visibly torn, cracked or, in the case of wood and similar products, splintered in such a way as to constitute a potential harmful condition; or
- c) 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
- d) The sign or its elements are not in compliance with the requirements of the current electrical code and/or the building code of the City.

Directional sign: A sign which contains only information designed to direct pedestrian or vehicular traffic to the location of a facility on the property on which the sign is located. Such signs may include, but are not limited to, arrows, words, or logos. No goods or services for sale may be listed on a directional sign.

Directory sign: A directory sign lists tenants in the building and may list the name of the building, but displays no goods or services for sale or other advertising.

Dissolve/Fade: A mode of message transition on an electronic sign accomplished by varying the light intensity or pattern, where the first message gradually reduces intensity or appears to dissipate to the point of not being legible and the subsequent message gradually appears or increases intensity to the point of legibility.

Double-faced sign: Any two adjacent signs on a single structure or separate structures with both faces oriented in the same direction and not more than 10 feet apart at the nearest point between the two faces. May be referred to as a side-by-side or stacked sign.

Electronic message center (EMC): An on-premises sign on which the message or copy can be electronically changed by remote or automatic means.

Electric Sign: Any sign that uses electrical means or devices either to illuminate the Sign Area, letters, designs, or decorations thereon.

Flag: A sign made of cloth, bunting or similar material, often attached to a pole, with specific colors, patterns, or symbolic devices, used as a national, state or local symbol, or to indicate membership in an organization. The term "flag" shall also include any such display placed for decorative purposes only, with no commercial logo or advertising message.

Flashing: A sign containing an intermittent, sequential, or blinking light source, or which gives the illusion of intermittent or blinking light by means of animation, or an externally-mounted intermittent light source.

Frame: A complete, static display screen on the entire face of an electronic sign.

Frame effect: A visual effect accomplished by varying the light intensity or pattern on the display surface of an electronic sign to attract the attention of viewers.

Freestanding sign: A sign which is attached to or a part of a completely self-supporting structure such as a frame or one or more poles which is not attached to any building or any other structure and which is permanently affixed to the ground.

Gasoline price sign: An on-premises sign with changeable copy letters and numbers or an electronic display without movement affixed to a gasoline pump canopy or its supports or a freestanding sign with the intent to display the current price of motor fuels.

General business sign: An on-premises sign which identifies a business or which advertises or promotes a commodity or service offered on the premises where such sign is located.

Glare: An effect created when an illumination sources shines with sufficient brightness to cause discomfort, distract attention, or lead to the reduction or loss of visibility or visual function of the public.

Government sign: A sign indicating public works projects, public services or other programs or activities conducted by any governmental agency.

Incidental sign: A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as “no parking”, “towing enforced”, “entrance”, “loading only”, “telephone”, an address, and other such directives or guidance, or to provide public safety information, but which displays no goods or services for sale or other advertising.

Institutional identification sign: A permanent, on-premises sign for the identification of a public or private school, university, church, or hospital or other similar use.

Logo: An identifying symbol used for advertising purposes, which may or may not be a registered trademark or service mark of the entity identified.

Lumens: The luminous flux emitted per unit solid angle from a uniform point source whose luminous intensity is one candela.

Menu board: A sign displaying the menu for drive-up window service.

Monument sign: A permanent freestanding sign in which a majority of the structure’s width is in contact with the ground.

Nameplate sign: An on-premises sign showing only the name and/or address of the occupant.

Nits: A photometric unit defined as cd/m² (candelas per square meter).

Non-combustible material: This definition shall be the same as defined in the Building Code adopted by the City.

Non-commercial message sign: A sign conveying a civic, political, or religious, or personal message, or a regulatory message or warning, but which displays no goods or services for sale or other advertising.

Office identification sign: An on-premise sign which identifies an office building or any or all the owners, occupants or tenants of an office building and the services related thereto, but which displays no goods or services for sale or other advertising.

Off-premises sign: A sign which advertises or directs attention to a business, product, service, or activity which is not usually available on the premises where the sign is located.

Pennant: A temporary sign made of lightweight material which tapers to a point, hung individually or in a series, with or without a logo or an advertising message printed or painted on it.

Plastic Material: This definition shall be the same as defined in the Building Code adopted by the City.

Pole sign: A permanent freestanding sign which is supported by one (1) or more poles in or upon the ground.

Political sign: A temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election.

Portable sign: A temporary sign which is designed to permit removal and reuse, and which includes but is not limited to A-frame and other such signs, and signs mounted on a trailer, wheeled carrier, vehicle, or other portable structure.

Projecting sign: A sign which is attached or affixed to a building, wall or structure other than a pole, and which extends more than 15 inches from such wall or structure.

Pylon sign: A permanent freestanding sign which has at least twenty five (25) percent of the sign structure width in contact with the ground and in which the sign face is separated from ground level by means of one (1) or more supports such as poles, pole covers or columns.

Reader board: An on-premises sign consisting of alphanumeric characters that can be changed periodically through manual means.

Real estate sign: A temporary sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located.

Roof sign: A sign that is painted on or erected upon or above the roof of a building.

Setback: The distance measured from a property line to the closest point of the sign or its supporting structure.

Searchlight: An apparatus on a swivel base that projects a strong, far-reaching beam of light.

Scroll/Travel: A mode of message transition on an electronic sign where the message moves vertically or horizontally across the display surface.

Shopping and/or office center: A group of four or more retail and office establishments which is planned and developed as a business center with common access and parking.

Sign: Any structure, object, device, display or advertising artwork, situated outdoors or in a window, visible from a public or private street or alley, which is used entirely or in part to advertise, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, logos, fixtures, colors, illumination or projected images.

Sign area: The actual message or display area of a sign and shall include the border and trim when calculating regular shapes (square, rectangle, triangle, circle). In the case of an irregular-shaped sign, the gross area shall be calculated by enclosing the message area by using applicable geometric shapes.

Sign face: That portion of the sign that is or can be used to identify, display, advertise, or communicate information, or for a visual representation which attracts or intends to attract the attention of the public for any purpose.

Sign height: The vertical distance between the highest point of the sign or its supporting structure and the natural grade directly below the sign.

Sign structure: Any structure which is designed specifically for the purpose of supporting a sign, has supported or is capable of supporting a sign. This definition shall include any decorative covers, braces, wires, supports, or components attached to or placed around the sign structure. Where any goods or services for sale or other advertisement is displayed on the structure, then said structure shall be counted as part of the sign area.

Snipe or bandit sign: A sign which is tacked, nailed, posted, pasted, glued or otherwise attached to trees, stakes, fences, or other like objects, the advertising matter of which is not applicable to the present use of the premises on which the sign is located.

Spectacular sign: Any sign that physically rotates, oscillates, contains any moving parts, or contains lights which produce a pulsating strobe-like effect.

Sponsor panel: A portion of a sign displaying the name of a product, service or company offering goods or services on-site or having a promotional relationship for events occurring on the premises.

Streamers: A temporary display made of lightweight, flexible materials, consisting of long, narrow, wavy strips hung individually or in a series, with or without a logo or advertising message printed or painted on them.

Street frontage: The length of the property line of a lot or tract immediately adjacent to a public or private street, measured in feet.

Structural trim: The mountings, battens, cappings, palings, nailing strips, latticing, cutouts, or letters, platforms, and walkways, which are attached to the Sign structure.

Subdivision identification sign: An identification sign at the main entrance or entrances to a residential subdivision or planned development project.

Temporary sign: A sign not permanently affixed to the ground or to a building or other structure.

Transition: A visual effect used on an electronic sign to change from one message to another.

Vehicular sign: any sign on a vehicle moving along the ground or on any vehicle parked temporarily, incidental to its principal use for transportation. This definition shall not include signs being transported to a site for permanent erection.

Video display: An electronic sign that displays motion or pictorial imagery, including a display from a “live” source. Video display signs include images or messages with these characteristics projected onto buildings or other objects.

Visibility clearance areas: Visibility clearance areas are triangular-shaped areas as defined in Chapter 16, Article III, of the Amarillo Municipal Code.

V-type sign: Sign structure composed of two signs with the faces oriented in opposite directions and in the general shape of the letter “V,” provided, however, that only one face can be viewed from any one direction from any public street, and with a maximum angle between the faces of 60 degrees.

Wall decoration: A mural or display designed and intended as a decorative or ornamental feature which is painted or placed directly onto a wall or fence and which contains no copy, advertising symbols, lettering, trademarks or other references to products, services, goods or anything sold on- or off-premises.

Wall sign: A permanent sign which is painted on or attached directly to a fence or a building surface, including window areas (translucent areas which are visible from a street or alley), that extends not more than 15 inches from the face of the fence or wall.

Window sign: A temporary sign placed on, affixed to, painted on or located within the frame of a transparent opening in the wall of a building.

Sec. 4-2-3. Prohibited signs.

All signs not expressly permitted under this Chapter or exempt from regulation are prohibited in the City. Such signs include, but are not limited to:

- A. Portable signs, banners, and other such temporary signs, except as allowed under Sections 4-2-11 and 4-2-12.
- B. Snipe or bandit signs or any advertisement placed on trees, rocks, or other natural features.
- C. Off-premises signs in the City limits, unless excepted in Section 4-2-13.
- D. Off premise signs in the City of Amarillo’s Extra Territorial Jurisdiction (ETJ) unless excepted in Section 4-2-14.

- E. Signs or any portion of signs which are in or project or extend into the public right-of-way, any public sidewalk, street, alley, or other public property unless excepted in Section 4-2-9.
- F. Signs which are located within a runway protection zone constructed to a height that violates any maximum height restrictions established by the United States Department of Transportation and/or the Federal Aviation Administration.
- G. Signs which make use of any word, phrase, symbol, character, device, or illumination, in such manner as to interfere with, mislead, or otherwise constitute a hazard to pedestrian or vehicular traffic.
- H. Signs which resemble official traffic control signs, signals, or devices, which bear words, "STOP," "Go Slow," "Caution," "Danger," "Warning," or similar words, other than as allowed by 4-2-7 I.
- I. Signs which contain reflectors or glaring, strobe, or rotating light, beacon, beam or flashing illumination resembling an emergency signal.
- J. Searchlights or any type of beacon used to attract attention to a property. This shall not prohibit the use of a searchlight by authorized personnel for emergency purposes.
- K. Spectacular signs and signs which emit audible sound, odor, or visible matter.
- L. Any sign or advertising device attached to any motor vehicle or any trailer or other structure parked on a public right-of-way, the basic purpose of which sign or advertising device is to provide advertisement of a product or to direct people to a business or activity located on the same property or other property or premises, except as allowed under Section 4-2-7 (L).
- M. Video display signs, except for the use on private property where such sign is not visible from any public street.
- N. Any stereopticon or motion picture machine used in conjunction with or attached to any sign in such manner as to permit the images projected there from to be visible from any public street or sidewalk.

Sec. 4-2-4 Sign permit—Required.

- A. Except as otherwise provided in this chapter, no Sign shall hereafter be erected, constructed, reconstructed, installed, painted or replaced until a permit for such Sign has been issued by the Building Official.
- B. The applicant for a Sign permit shall complete a Sign permit application on forms approved by the City. All information required on the application shall be provided.
- C. It shall be the Sign applicant's duty to ascertain that the proposed Sign meets all requirements of the Amarillo Municipal Code.
- D. A separate electrical permit shall be obtained for electrical service to a Sign as required by Chapter 4-4, Electricity.
- E. Sign permits shall be issued only to persons who are registered as required by Chapter 4-1, Article II.
- F. The Building Official shall have the power to revoke permits at any time for failure by the permittee to comply with any provision of this chapter. In such cases, all work on

such Sign shall immediately cease, save and except that necessary to remove that portion of the Sign or sign structure erected at the time of such revocation.

Sec. 4-2-5 Fees and Contractors.

Fees, permits procedure, contractor registration, and other matters stated in Chapter 4-1 apply to this chapter.

Sec. 4-2-6 Reserved

Sec. 4-2-7 Exemptions.

The following signs are exempt from permit requirements outlined in Chapter 4-2; however, such signs shall be located on private property and shall comply with all other chapter requirements.

- A. Copy change and sign face replacement, when no increase in sign area or height is made, for signs otherwise allowed under this Chapter; not to include however, changes proposed on a non-conforming sign or modifying any sign to an Electronic Message Center.
- B. Construction sign when placed upon the construction site following the issuance of a building permit. Only one such sign shall be allowed per street frontage and each sign shall not exceed 64 square feet in area. Such sign must be removed not later than 30 days after a certificate of occupancy is issued by the building official.
- C. Contractor signs identifying the contractor or subcontractor performing work on the premises where the sign is displayed. Such signs may not exceed a total of 6 square feet in area and must be removed from the premises when the work is completed.
- D. Directory signs and office identification signs, up to one of each such sign per building façade, provided that no one sign shall exceed 64 square feet in area.
- E. Flags of the United States, State of Texas, or any other political subdivision, any flag or banner of a bona fide religion, fraternal or charitable organization, and flags of corporations, subdivisions, or community associations or organizations.
- F. Incidental signs, provided that such signs shall not exceed four square feet and shall comply with all other requirements of this Section.
- G. Nameplate signs for residential locations, not to exceed two square feet in area.
- H. Non-commercial message signs, provided that such signs shall not exceed a total of 64 square feet in area per lot and no single sign shall exceed 32 square feet in area per face and shall not exceed five feet in height to the top from the surrounding finished grade.
- I. On-site directional signs and street identification signs not exceeding four square feet, which denote the entrance, exit, and direction of traffic flow.
- J. Political signs that do not exceed an area equal to 1 square foot per linear foot of lot frontage on which the sign is erected or 36 square feet, whichever is greater. Political signs shall be removed within 30 days following the election or activity for which such sign was intended.
- K. Professional nameplates and occupational signs, when attached to the building face and which denote only the name and occupation of an occupant in a commercial building or public institutional building and not exceeding four square feet per sign area.

- L. Signs painted on or attached to any vehicle or trailer or other portable structure, provided that:
- 1) Such a sign merely identifies the vehicle or trailer or other portable structure as belonging to such business by displaying the name, address, and/or contact information of such business, and/or generally identifies the type of product or service offered by such business, but which includes no specific advertisement of goods or services for sale; and
 - 2) The primary use of such vehicle or trailer or other portable structure is for the transportation of products or the deliver of services in connection with such business; and
 - 3) Such vehicle or trailer or, if applicable, other portable structure, is currently licensed and inspected in the State of Texas and is in operable condition; and
 - 4) Such vehicle or trailer or other portable structure does not remain parked for longer than 72 consecutive hours on the same property. Any such vehicle or trailer or other portable structure parked for longer than 72 consecutive hours on the same property shall be considered a temporary sign subject to Section 4-2-11.
- M. Real estate signs which advertise the sale, rental, or lease of the premises on which such signs are located shall be subject to the following limitations:
- 1) Residential District - A total sign area not to exceed 16 square feet; or
 - 2) Nonresidential District - A maximum sign dimension of 32 square feet, and:
 - i. One per lot frontage; or
 - ii. For lots that have frontage that exceed 300 linear feet, one additional sign per 300 linear feet.
- N. Signs on fences or other structures that are positioned internally within public or private play fields.
- O. Signs prepared by or for the local, state, or federal government, including sites or buildings of historical significance.
- P. Temporary signs advertising garage sales provided that such signs shall not exceed 4 square feet; are only allowed on private property; and shall be removed within one day following the sale.
- Q. Traffic or street signs, legal notices, public utilities, railroad crossing signs, danger, and such emergency, temporary or non-advertising signs as approved by the City of Amarillo, may be located in the public right-of-way.
- R. Window signs of a temporary nature only that do not exceed 50% of the total window area.
- S. Wall decorations and works of art that do not include a commercial message.
- T. Messages or promotional items related to the sale or lease of motor vehicles where such message or items are affixed to, on, or within said motor vehicles.
- U. Flags, streamers, pennants and inflatables associated with a promotion or special event.

Sec. 4-2-8 Sign master plan.

- A. Purpose. The purpose of a master sign plan is to allow a property owner or developer, subject to approval of the City, the option of designating an area that will allow flexibility in sign location due to peculiarities in the location or configuration of parcels of real property, such as parcels with no street frontage, or multiple parcels organized into combined uses, or to allow creative sign management in exchange for a cumulative reduction in sign area, sign height or the total number of signs.
- B. Minimum requirements. To qualify for a sign master plan, an area must:
- 1) Include one lot or parcel or two or more contiguous lots or parcels that are not included in any other sign master plan.
 - 2) The owners, or the authorized representatives of the owners, of all lots within the proposed sign master plan area must sign the application for a sign master plan.
- C. Required submittals. In order to obtain a sign master plan, the owner(s) of the property located within the proposed sign master plan area must sign and submit an application to the City's Planning Department, on a form provided, which application must be accompanied by the following:
- 1) A site plan showing the proposed boundaries of the master sign plan area.
 - 2) A site plan showing the location of all existing or proposed freestanding signs.
 - 3) A table showing the type, square footage and heights of each sign indicated on the site plan.
 - 4) All signs and sign structures, both existing and new, and parts thereof, within a Sign Master Plan shall be maintained in proper operating condition in accordance with the original design and in a safe, hazard-free condition. The owner or the owner's designated agent shall be responsible for the maintenance of the signs and sign structures.
 - 5) The application fee established by the City for the processing of such applications.
- D. When effective. A sign master plan shall not become effective until all owners of the property within the sign master plan have signed an agreement which indicate the property owners' agreement that:
- 1) The sign master plan can be amended only by the written consent of all parties or their successors, and the City.
 - 2) The agreement is binding on all successors in interest to the property within the sign master plan area.
 - 3) Each party waives any right to apply for or install any sign inconsistent with the provisions of the sign master plan, even though such sign might otherwise be allowed under this Chapter.
- E. Single premises. Once approved by the City, the area described in the sign master plan will be deemed to be a single premises for the purpose of determining whether a

sign is an on-premises sign. A sign which advertises a use on a lot within the sign master plan area which is not a use which occurs on that lot shall be termed a sign master plan (“SMP”) sign. The use advertised on an SMP sign shall be defined as an SMP use.

- F. City review of signs. All freestanding signs included within a sign master plan area shall be individually subject to review and approval of placement, size and height, as approved by the City of Amarillo.

Sec. 4-2-9 Sign standards.

In addition to all permit requirements and other regulations contained in this Chapter, the following regulations shall be applicable to all permanent signs.

A. Illumination.

- 1) Light from any exterior source intended to illuminate a sign:
 - a. Shall be shaded, shielded, or directed in such a way so that the light intensity or brightness shall not adversely affect the vision of pedestrian or vehicle operators on public or private streets, driveways, or parking areas, or operators of aircraft in the approach path to any airport runway;
 - b. Shall not contain a light source which produces a pulsating strobe-like effect.
- 2) Illumination from any sign:
 - a. Shall not interfere with the effectiveness of any official traffic sign, signal or device.
 - b. Shall not contain a light source which produces a pulsating strobe-like effect.
 - c. Shall not exceed 5,000 nits (candelas per square meter) during daylight hours or 500 nits between dusk and dawn, as measured from the closest property line.
- 3) Electronic message displays must have an electronic control to produce the required illumination change required in subparagraph 2.
- 4) No lighted sign shall be erected within 150 feet of a residential development unless the sign is oriented in such a manner as to not be directly viewable from the residential use.

B. Maintenance and removal.

- 1) The Building Official shall have the authority to inspect any outdoor sign as to determine its structural integrity.
- 2) All signs and sign structures, both existing and new, and parts thereof, must be maintained in a safe, readable, and proper operating condition. Signs, which are determined by the Building Official to be in a dilapidated or otherwise unsafe condition, shall not be allowed to remain on any premises.
- 3) For any sign so designated as dilapidated or otherwise unsafe, written notice shall be given to remove the sign or bring the sign into compliance

with this ordinance subject to procedures outlined in Chapter 4-3, Article I, Section 4-3-3.

- 4) Any sign which is determined by the Building Official to be abandoned, after receiving written notification as described in subparagraph 3 above, the property owner, lessee, or person responsible for the sign shall have 60 working days in which the message portion of the sign must be replaced to identify a bona fide business on the property, be painted over, replaced with an opaque face, modified, or removed so that the remaining sign is left visually unobtrusive, presents a solid façade, and does not appear to be in disrepair or dismantled.
- 5) Where an Electric Sign is erected or constructed, an inspection by the Electrical Inspector shall be made and such Electric Sign shall comply with City ordinances.
- 6) Any person occupying any location with a Sign shall be subject to the same duties and responsibilities as the owner of the location on which the Sign is located, with respect to keeping the site clean, sanitary, inoffensive, and clear of all debris, trash, junk or other noxious substances.

C. Locations, sign height clearances.

- 1) Any Sign projecting over the Public Right-of-way, where permissible under this chapter, shall have a clearance from the bottom face of the Sign to the Sidewalk or finish grade as follows:
 - a. A Sign projecting not more than one-third the distance from the property line to the back of the Curb shall have a minimum clearance of eight (8) feet.
 - b. A Sign projecting more than one-third the distance from the property line to the Curb shall have a minimum clearance of twelve (12) feet.
 - c. Any Sign which projects over a street or alley or areas of egress and ingress for vehicular traffic on private property, shall have a minimum clearance of sixteen (16) feet, six (6) inches.
 - d. Any Sign which does not project over a street or alley or other areas of egress or ingress used for vehicular traffic on private property and which are located not less than eight (8) feet from any area of egress and ingress, shall have a minimum clearance of four (4) feet below the face of the Sign; if such Sign is located on a corner lot such Sign shall comply with the sight restriction limitations specified by Chapter 16-3.

- e. No Sign shall be placed upon public property except Signs used by the City, the State, the County of Potter, the County of Randall or the United States, for instructive and directive purposes for controls involving life and safety of the public, and except Signs where the City Commission has granted franchise rights.
- f. No Sign shall block the egress or ingress of any Structure and shall have a minimum of five (5) feet perpendicular clearance from any place of egress or ingress.
- g. No Temporary Sign constructed of material other than paper, cloth, canvas or vinyl, shall project over or across or be placed upon a Public Right-of-way. All such Signs shall have a minimum clearance of sixteen (16) feet, six (6) inches above the Public Right-of-way.

D. Identification requirements.

- 1) All outdoor signs for which a permit is required shall be plainly marked with the name of the person, firm or corporation erecting such sign and shall have affixed on the front thereof the permit number issued for said sign or other identification approved by the Building Official.

E. Sign construction.

- 1) All Signs shall be designed to withstand the design wind pressure as required in the City Building Code.
- 2) All braces, guy wires and supports shall be designed to withstand all dead load and wind load stresses.
- 3) Any Sign with more than a forty-foot height shall have the plans sealed by an architect or engineer licensed to practice in the State.
- 4) Any Roof Sign with more than a twenty-foot height from the top of the Sign to the roof below shall have the plans sealed by an architect or engineer licensed to practice in the State.
- 5) Any Roof Sign that does not have three (3) feet of clearance around the ends of the Sign shall have an opening of three (3) feet width by four (4) feet height at the ends for service and firefighting purposes.

F. Calculating sign area.

- 1) Back-to-back signs. Only one side of a back-to-back sign is measured in calculating sign area.
- 2) V-type signs. Only the largest face of a V-type sign shall be measured in determining the total sign area of the sign.

- a. If a two-face sign is erected in a “V” shape, both faces of which can be seen from the same public street, or are at an angle of greater than 60 degrees to each other, then such sign is not a V-type sign, and shall be considered two separate signs for all purposes under this Chapter.
- 3) Canopy signs: The area of canopy sign shall count towards the total area of wall signs allowed on a property.
- 4) Use of advertising on a sign structure. Any portion of a sign structure that is used for advertising shall be calculated as part of the allowed freestanding sign area.

G. Setback requirements.

- 1) Freestanding signs that have message 120 square feet or less have no minimum setback from the property line provided that no portion of a sign face shall overhang into the public right-of-way.
- 2) Freestanding signs that have message areas exceeding 120 square feet must be set back a minimum of 15 feet from the property line.
- 3) Monument signs. All monument signs must be set back a minimum of ten feet from the property line.
- 4) In all cases, a sign must observe the visibility clearance area restrictions as defined in Chapter 16-3.

H. Use of an electronic message center (EMC) sign.

- 1) Operational limitations.
 - a. The display of a static message and/or image and/or the use of scroll/travel to display a message and/or image shall be permitted.
 - b. The use of any other type of transition, such as dissolve/fade, and the use of frame effects, such as animation whereby text or graphics appear to move or change in size, shall be prohibited except in accordance with the following:
 - i. Each message or image must be displayed for a minimum of 5 seconds; and
 - ii. The change of message or image must be accomplished within 2 seconds or less and must occur simultaneously on the entire sign face.
- 2) Size limitations.
 - a. An EMC may not exceed 50% of the total freestanding sign area as allowed for a given zoning district.

I. Development sign. Development signs shall be allowed in all zoning districts provided that:

- 1) Only one such sign shall be allowed per street frontage and each sign may not exceed 120 square feet; and
- 2) Such signs may be placed no earlier than 90 days prior to construction; and

- 3) All such signs must be removed within 30 days upon the receipt of a certificate of occupancy for the project or upon the completion of 90 percent of the project.
- 4) The use of an Electronic Message Center as a development sign shall be prohibited.

J. General business sign.

- 1) In Residential Districts, a sign permit may be issued for property occupied by a conforming, non-residential use in accordance with the following:
 - a. For a residential subdivision, two Freestanding or Wall identification signs shall be allowed at each main entrance to the subdivision, provided that the sign area of any one sign may not exceed 64 square feet and the total sign area may not exceed 100 square feet. Such signs may be externally illuminated in accordance with paragraph (A) above, and shall make no reference to the sale or lease of the lots or houses located within said subdivision.
 - b. For an apartment or mobile home park,
 - i. One building identification Freestanding sign, up to 64 square feet in area, shall be allowed per street frontage. Such signs may be externally illuminated in accordance with paragraph (A) above.
 - ii. One building identification Wall sign, up to 50 square feet in area, shall be permitted for each building façade.
 - c. For institutional uses and all other non-residential uses;
 - i. One Electronic Message Center shall be allowed per property and shall comply with paragraph (H) above.
 - ii. One Freestanding Monument sign shall be allowed per street frontage, and may not exceed 120 square feet for any one sign.
 - iii. The maximum height for a freestanding sign may not exceed 8 feet; no sign may be placed on a berm or other structure so as to artificially increase the height.
 - iv. Wall signs may not exceed a total of 1 square foot per linear foot of the building frontage on which the sign is affixed. A Wall sign may not exceed 50% of the length of the building frontage on which the sign is affixed.
No illuminated Wall sign shall be permitted on the rear or side of the building that is adjacent to a residential use.

- d. No sign in any residential zoning district shall be illuminated between the hours of 10:00 p.m. and 6:00 a.m.
- 2) In the O-1, O-2 Districts, and NS Districts:
- a. One Electronic Message Center shall be allowed per property and shall comply with paragraph (H) above.
 - b. One Freestanding sign shall be allowed per street frontage.
 - c. Freestanding signs are allowed a maximum area equal to 1.5 square foot per linear foot of lot frontage, not to exceed 150 square feet. A minimum of 60 square feet will be allowed regardless of length of frontage.
 - d. The maximum height for a Freestanding sign may not exceed:
 - i. 20 feet on an arterial street;
 - ii. 15 feet on a non-arterial street.
 - e. No sign may be placed on a berm or other structure so as to artificially increase the height.
 - f. Wall signs may not exceed the total of 2 square feet per linear foot of the building frontage on which the sign is affixed. A Wall sign may not exceed 75% of the length of building frontage or tenant space on which the sign is affixed.
 - g. No illuminated Wall sign shall be permitted on a side of a building where said sign would be adjacent to a residential use.
 - h. For properties that exceed 150 linear feet of lot frontage, an additional Freestanding sign shall be allowed for every 150 linear feet of lot frontage with a minimum of 75 linear feet spacing between signs. In all cases, no more than 4 Freestanding signs shall be allowed per development.
 - i. Gasoline Price signs shall not be counted toward the sign area for the property, provided that no more than one such sign, up to 20 square feet in area shall be allowed per street frontage.
- 3) In the GR district and less restrictive districts:
- a. One Electronic Message Center shall be allowed per property and shall comply with paragraph (H) above.
 - b. One Freestanding sign shall be allowed per street frontage.
 - c. Freestanding signs are allowed a maximum area equal to 3 square foot per linear foot of lot frontage subject to the following:
 - i. May not exceed 250 square feet if adjacent to a non-arterial thoroughfare.
 - ii. May not exceed 300 square feet if adjacent to a arterial thoroughfare.

- iii. A minimum of 60 square feet will be allowed regardless of length of frontage.
 - d. The maximum height for a Freestanding sign may not exceed:
 - i. 38 feet on an arterial street;
 - ii. 20 feet on a non-arterial street.
 - e. No sign may be placed on a berm or other structure so as to artificially increase the height.
 - f. Wall signs may not exceed the total of 3 square feet per linear foot of the building frontage on which the sign is affixed. A Wall sign shall not be greater than 75% of the length of building frontage or tenant space on which the sign is affixed.
 - g. No illuminated Wall sign shall be permitted on a side of a building where said sign would be adjacent to a residential use.
 - h. For properties that exceed 150 linear feet of lot frontage, an additional freestanding sign shall be allowed for every 150 linear feet of lot frontage with a minimum of 75 linear feet spacing between signs. In all cases, no more than 4 freestanding signs shall be allowed per development.
 - i. Gasoline Price signs shall not be counted toward the sign area for the property, provided that no more than one such sign, up to 20 square feet in area, shall be allowed per street frontage.
 - j. Freestanding menu boards for drive-through service that no not exceed 32 square feet in area and 6 feet in height shall not be counted toward the allowable total sign area.
- 4) CB, Central Business District - Signs may be erected so as to project into the public right-of-way of any street or alley provided that said sign shall not exceed outward from any building face into the right-of-way for a distance of more than 10 feet or to within 2 feet of the back of curb, whichever is more restrictive and shall have a minimum clearance of nine feet above the sidewalk grade or ground level. The area of such projecting signs shall be calculated as a wall sign.
- 5) Multi-story buildings. The following shall apply to all buildings over three stories in the HC or less restrictive zoning districts - One building identification Wall sign, up to 250 square feet in area, shall be allowed per building façade.
- 6) For a property which (a) has street frontage on Interstate Highway 40 (not Business Interstate 40), Interstate Highway 27, State Highway 60 (but not along segments dually designated as Business Interstate 40), and Highways 87 and 287 (Dumas Highway but excluding those segments of State Highways 60, 87, and 287 between Southeast 15th Avenue and Northeast

15th Avenue, and (b) is located in a GR or less restrictive zoning district, may have one on-premises Freestanding sign subject to the following regulations:

- a. One Electronic Message Center shall be allowed per property and shall comply with paragraph (H) above.
- b. The height of such sign, which must be located adjacent to the right-of-way frontage, may not exceed 60 feet.
- c. The maximum sign area may not exceed 450 square feet.
- d. No portion of the sign or support shall be less than 15-feet from any adjacent right-of-way.
- e. No portion of the sign or support shall be less than 100-feet from the boundary of a residential zoning district.
- f. Gasoline Price signs shall not be counted toward the sign area for the property, provided that no more than one such sign, up to 64 square feet in area, shall be allowed per street frontage.

K. Planned Development districts. Any property located within a Planned Development District, or governed by a specific use permit, may be subject to additional regulations beyond those in this Section. Said regulations may be either more or less restrictive than those set out herein.

Sec. 4-2-10 Non-conforming signs.

- A. Non-conforming signs defined: A non-conforming sign is any sign which was lawfully erected prior to the effective date of this ordinance governing signs in the City of Amarillo and in the City's extra territorial jurisdiction, but which is no longer in compliance with such regulations due to either a change in such regulations or a change in the City's boundaries.
- B. Operational limitations of non-conforming electronic message center signs. Any non-conforming electronic message center sign shall be allowed to remain as a legal non-conforming sign; however, operation of the electronic portion of said sign must be brought into compliance as defined in Section 4-2-9 (H).
- C. Loss of legal non-conforming status. A non-conforming sign shall immediately lose its non-conforming designation and must be brought into compliance with these regulations, or be removed, if:
 - 1) The sign structure is replaced; this shall not prevent the replacement of the face(s) to accommodate a new business, express a different message, or upgrade conditions, except that no such sign may be modified or otherwise converted to an electronic message center; or
 - 2) The sign is part of an establishment that discontinues its operation for a period of one year or longer; or two years if the establishment is leased; or

- 3) The sign is damaged or structurally altered to an extent greater than 60 percent of the current estimated replacement value.

Sec. 4-2-11 Temporary signs.

- A. Applicability of section. The following regulations shall be applicable to all Temporary signs, as defined herein, except as follows:
 - 1) Political signs erected in accordance with Section 4-2-7.
 - 2) Non-illuminated Real Estate signs, as specified in Section 4-2-7.
- B. Categories of temporary sign permits. Temporary sign permits shall be divided into the following categories:
 - 1) Annually renewable temporary sign permits
 - 2) Limited temporary sign permits
 - 3) Banner permits
- C. Permits required. It shall be unlawful for any person to place or locate any Temporary sign on any property within the City, or allow the placement or location of any Temporary sign on premises within the City owned or controlled by such person, unless a permit for such Temporary sign has first been obtained from the City Building Official in accordance with all regulations, including the following:
 - 1) A temporary sign permit is required for the placement of a Temporary sign on a lot or tract within the City subject to the following:
 - a. Temporary signs that are permitted on an annual basis shall be allowed to be displayed for 60 consecutive days, starting from the date of permit issuance, provided only 1 sign shall be permitted during the 60 day period. After the expiration date of the permit, the sign shall be immediately removed. There must be at least 30 days between the display of any sign.
 - b. Limited temporary signs may be permitted for a period not to exceed 60 consecutive days. After the expiration date of the permit the sign shall be immediately removed.
 - c. Banners that are permitted on an annual basis shall be allowed to be displayed for one year. Banners must be affixed, mounted, and/or secured to a building. Banners may not be affixed to any other permanent or temporary structure, motor vehicle or fixture.
 - d. Temporary signs may remain in place only so long as the signs and sign structures, and parts thereof, are maintained in a proper, safe, and hazard-free operating condition not to exceed the time limits specified above. The owner or the owner's designated agent shall be responsible for the maintenance of the signs and sign structures.
 - 2) In the case of a special promotion for a grand opening celebration, one additional temporary sign shall be allowed provided the promotion

commences within the first 3 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.

- 3) A Temporary sign may be one of the following: a portable sign; or a banner; or any legal on-premises sign allowed by this Chapter.
- 4) A legal business shall include apartment complexes and any commercial, industrial, or institutional use for which the building official has issued a certificate of occupancy.
- 5) A temporary sign permit is required to be renewed annually, on or before the anniversary date of the permit issuance, except as provided in 4-2-11 B. 1) b. above.
- 6) A Temporary sign remaining on display for a period of time in excess of that stated in the permit shall be considered in violation of this Chapter and shall be subject to Chapter 4-2, Section 4-2-15.

D. Temporary sign standards. In addition to all other applicable regulations, temporary signs must conform to the following restrictions:

- 1) A temporary sign may be used for on-premise advertising only.
- 2) The use of an Electronic Message Center as a temporary sign shall be prohibited.
- 3) Temporary signs shall be allowed a maximum area of 60 square feet.
- 4) Only 1 Temporary sign shall be allowed per business, not to exceed 2 signs per development. For developments with more than 300 linear feet of street frontage, 1 sign shall be allowed per business not to exceed 4 Temporary signs.
- 5) No Temporary signs shall be located within 75 feet of another Temporary sign.
- 6) A Temporary sign shall be contained on the property of the legal business and shall not extend into the city right-of-way or be located in any visibility clearance area. In no event shall such sign be erected or placed less than 10 feet from the back of the curb.
- 7) Banners must be attached to the face of the building used by the business or organization to which the banner relates.
- 8) Portable signs may not exceed 35 square feet in area and may not exceed 7 feet in height.
- 9) Portable signs shall be secured with a minimum of 4 separate points by metal pins and/or sandbags, where necessary. Such metal pins must penetrate the ground by a distance of not less than ten inches.
- 10) Portable signs shall not be illuminated by any electrical source.

Sec. 4-2-12 Special event signs.

- A. Upon request, and subject to approval, the Building Official may authorize a permit for the display of any Temporary sign, or any legal sign allowed by this section, to

give notice of or direct the public to a special event of civic interest including, but not limited to:

- 1) Parades, organized community holiday festivities, and special events organized by charitable and/or non-profit organizations.
 - 2) In acting upon such request, the Building Official shall consider, among other things, the size, proposed location(s), materials, and construction of such special event signs.
- B. If authorized, such signs shall be erected for a period of time no more than 60 days preceding the date of the event and shall be removed within 3 days after the event.
- C. Such signs may be located or placed on or over private property only with the permission of the owner of the property and may be located or placed on or over public property, including streets, only if authorized by the Building Official.

Sec. 4-2-13 Off-premises sign.

New Off-premise Signs shall be prohibited in the City with the following exceptions:

- A. Off-premise Signs shall be allowed adjacent to Interstate 40 (not Business Interstate 40), Interstate Highway 27, State Highways 60 (but not along segments dually designated as Business Interstate 40), and Highways 87 & 287 (Dumas Highway) but excluding those segments of State Highways 60, 87, and 287 between Southeast 12th Avenue and Northeast 1st Avenue. Allowed off-premise Signs along these roadways shall be regulated by the Texas Department of Transportation (TxDOT) and shall comply with TxDOT regulations that control outdoor off-premise Signs.
- B. The City elects to exercise its authority to regulate outdoor off-premise Signs located in the extraterritorial jurisdiction of the City as provided by V.T.C.A., Local Government Code § 216.902, as the same may hereafter be amended. Therefore, new off-premise Signs shall be prohibited in the extraterritorial jurisdiction of the City of Amarillo unless excepted pursuant to Sections 4-2-13 (A).

Sec. 4-2-14 Nonconforming Off-premise signs.

- A. Maintenance. Maintenance operations may be performed on a Nonconforming off-premise sign. For purposes of this section, “maintenance operations” means the process of keeping a Nonconforming off-premise sign in good repair.

Maintenance operations include:

- 1) Replacement of nuts and bolts; nailing, riveting, or welding; cleaning and painting; and manipulation to level or plumb the sign structure;
- 2) Replacement of parts, as long as the basic design or sign Structure is not altered or upgraded and materials of the same type are used;
- 3) Replacement of poles, as long as no more than one-half of the poles are replaced in any twelve (12) month period and the poles are replaced with the same type of materials as the original poles; and
- 4) Changing the advertising message, including changing the Surface Display Face, as long as similar materials are used to replace the Surface

Display Face. Surface Display Faces shall be replaced only with Surface Display Faces that are the same size or smaller than the Surface Display Face that existed prior to replacement.

B. Upgrading. A Nonconforming off-premise Sign shall not be upgraded. For purposes of this section, “upgrade” means making any change to a Nonconforming off-premise Sign, other than repairs and maintenance operations permitted pursuant to section 4-2-14 (A.). All other alterations of any nature whatsoever in connection with Nonconforming off-premise Signs are prohibited. If any such alteration or upgrade is performed, the owner shall remove the Sign immediately or bring it into compliance with the Zoning Ordinance and all other applicable ordinances as soon as practicable, but in not more than thirty (30) calendar days from the date of the violative alteration. Examples of actions that are upgrades and not maintenance operations and are therefore prohibited, include without limitations:

- 1) Adding lights to a non-illuminated Nonconforming off-premise Sign or adding more intense lighting to an illuminated Nonconforming off-premise Sign, whether or not the lights are attached to the sign structure;
- 2) Increasing the size or Surface Display Face of a Nonconforming off-premise Sign;
- 3) Changing the number of poles in the sign structure;
- 4) Changing the materials in the construction of a Nonconforming off-premise Sign, such as replacing wooden materials with metal materials;
- 5) Adding Surface Display Faces or changing a Nonconforming off-premise Sign configuration, such as changing from a “V” configuration to a stacked configuration, or from a “V” configuration to a back-to-back configuration;
- 6) Increasing the height of a Nonconforming off-premise Sign;
- 7) Moving the sign structure or Surface Display Face in any way unless the movement is made in accordance with relocation provisions outlined in section 4-2-14, as a result of a roadway project;
- 8) Replacing more than one-half of the poles in a multiple pole sign structure in any twelve (12) month period;
- 9) Making repairs that exceed sixty (60) percent of the cost of erecting a New off-premise Sign of the same type at the same location; or
- 10) Converting a Nonconforming off-premise Sign to utilize EMC technology.
- 11) If a Nonconforming off-premise Sign is dismantled for any purpose, the Nonconforming off-premise sign shall not be altered, reconstructed, repaired, or replaced, and the owner shall remove the Nonconforming off-premise Sign or bring it into compliance with this section and all other applicable ordinances.

C. Relocation. If a Nonconforming off-premise Sign is required to be relocated due to a public right-of-way width expansion project for streets, highways, or roadways by the City, County, or Texas Department of Transportation, the Nonconforming off-premise Sign shall be relocated if the Nonconforming off-premise Sign complies with the requirements set forth in (1) through (4) below.

- 1) The Nonconforming off-premise Sign shall be moved to the closest private property on the same side of the street as where the Nonconforming off-premise Sign as previously located and shall not be erected on public right-of-way or in an easement;
- 2) The Nonconforming off-premise Sign shall be the same type, same Sign support, same height or less, and same size of Surface Display Face or less as the Nonconforming off-premise Sign prior to relocation;
- 3) The materials from the Nonconforming off-premise Sign prior to relocation shall be used to construct the Nonconforming off-premise Sign prior to relocation shall be the Sign poles used for the Nonconforming off-premise Sign in the new location, and the Sign Surface Display Face of the Nonconforming off-premise Sign prior to relocation shall be used for the Surface Display Face of the Nonconforming off-premise Sign in the new location;
- 4) The Nonconforming off-premise Sign shall be relocated only after approval of the Director of Community Services.

D. Special requirements; failure to comply; removal.

- 1) The owner, agent, or person having beneficial use of an off-premise Sign must comply with the following requirements after written notification from the Building Official:
 - a. Any Nonconforming off-premise Sign or support, or both, which sustains damage by nature or man, without the consent of the owner, agent, or person having beneficial use of the Nonconforming off-premise Sign to the extent of sixty (60) percent or less of the cost of erecting a new off-premise Sign of the same type at the same location shall be removed within fifteen (15) calendar days or repaired within ninety (90) calendar days. Damaged Nonconforming off-premise Signs shall only be replaced using like materials. For example, a wooden pole shall replace a wooden pole.
 - b. Any Nonconforming off-premise Sign or support or both, which sustains damage to the extent of more than sixty (60) percent of the cost of erecting a new sign of the same type at the same location shall be removed from the property within fifteen (15) calendar days.

- c. An off-premise Sign owner shall submit a cost estimate to repair the damaged Nonconforming off-premise Sign to the Building Official. If the Building Official disagrees with the cost estimate, an independent engineering study shall be prepared by a professional engineer licensed to practice in the State to determine the percentage of damage and cost of reconstructing a Nonconforming off-premise Sign. The engineering study shall be prepared at the Sign owner's expense and be submitted to the Code Enforcement Department for review and acceptance. The cost of any accessory used to a Nonconforming off-premise Sign, including without limitation a communication antenna and support facilities, shall not be included in calculating the cost of erecting a New off-premise Sign at the same location.
- d. Upon failure to comply within the time specified in the written notice, the Building Official is hereby authorized to cause removal of such off-premise Sign at the expense of the owner of the Sign.

- 2) The City may demolish an off-premise Sign as a dangerous Structure and obtain a demolition lien in accordance with V.T.C.A., Local Government Code § 217, as the same may hereafter be amended, and in accordance with section 4-3-3, Abatement of Substandard Structures, of the Amarillo Municipal Code.

Sec. 4-2-15 Violations.

Any violation of the provisions of this chapter shall constitute an offense punishable in accordance with Section 1-1-5 of this code of ordinances.

Sec. 4-2-16 Appeals.

Appeals of decisions of the Building Official concerning this chapter shall be directed to the Zoning Board of Adjustments in accordance with Chapter 4-10 of this Code.

SECTION 4. That the Amarillo Municipal Code of Ordinances is amended by deleting category J, "Sign and Identification Uses," of the chart located at Section 4-10-82 and reserving that section of the chart.

SECTION 5. That the Amarillo Municipal Code of Ordinances Chapter 4-1, Article 1, Division 6, Section 4-1-60 (b) is amended to read as follows:

Sec. 4-1-60. Sign permit and inspection fee schedule.

- a) [TEXT UNCHANGED]

b) ~~Portable~~ Temporary Sign Fees. The permit fee for a ~~Portable~~

- 1.) an Annually Renewable Temporary Sign shall be sixty dollars (\$60.00) per sign which shall be required each time a Portable Sign is placed on a site.;
- 2.) a Limited Temporary Sign shall be fifteen dollars (\$15.00) per sign, which shall be required each time a limited temporary sign is placed on a site;
- 3.) a Banner shall be sixty dollars (\$60.00) per banner, which shall be a one time annual fee for placement of a banner on a site.

SECTION 6. That the Amarillo Municipal Code of Ordinances Chapter 4-1, Article 1, Division 6, Section 4-1-110 (a) is amended to read as follows:

Sec. 4-1-110. Registration of contractors; homeowner exemption; fees and requirements.

a) *Reference to other chapters.* Chapter 4-2 Advertising, Signs, Chapter 4-3 General Building and Construction Standards, Chapter 4-4 Electricity, and Chapter 4-5 Plumbing specify the requirements for who may obtain permits in the respective disciplines. Notwithstanding all other application and permit requirements of those chapters, the requirements of this Article specify the license and registration requirements and fees for contractors in those respective disciplines.

b) – c) [TEXT UNCHANGED]

d) (1 – 10) [TEXT UNCHANGED]

(11) Sign Contractor and Master Sign Electrician: No person shall erect, construct, reconstruct, install, paint, or replace any Sign for which a permit is required within the corporate limits of the City until such person has registered with the City as required by this Section. A Sign Contractor who constructs signs that have any electrical component integral with the sign shall also employ a Master Sign Electrician licensed by the State. The Master Sign Electrician shall also register his state license with the City.

EXCEPTIONS: Registration as a sign contractor is not required for:

- a. ~~A~~ a property owner or business owner may obtain a permit for a Temporary Sign which he or she proposes to construct or install on property under his or her control.
- b. ~~Attaching to a Structure letters or numbers the dimensions of which do not exceed twenty-four (24) inches.~~
- c. ~~Placement of any painted or poster Wall Sign.~~

SECTION 7. That the Amarillo Municipal Code of Ordinances Chapter 4-1, Article 1, Division 1, Section 4-1-1 is amended to read as follows:

Sec. 4-1-1. Permit applications, permits and inspections required.

Chapter 4-2 Advertising, Signs, Chapter 4-3 General Building and Construction Standards, Chapter 4-4 Electricity, and Chapter 4-5 Plumbing specify the requirements for permit applications, plan reviews, permits and inspections applicable to their respective disciplines. Notwithstanding all other application and permit requirements of the model codes adopted by those chapters, the

requirements of this chapter replace those found in the model codes concerning fees charged for applications, permits and inspections; the time limits for applications, plan reviews and permits; and standards for permit revocation, cancellation and fee refunds.

SECTION 8. That the Amarillo Municipal Code of Ordinances Chapter 2-6, Article VIII, Section 2-6-143 is amended to read as follows:

Sec. 2-6-143. Powers and duties.

The Construction Advisory and Appeals Board shall:

(1) and (2) [TEXT UNCHANGED]

~~(3) Hear appeals on decisions by the Building Official as they concern the Sign Code adopted by the City; determine the suitability of alternate materials and alternate types of construction; and interpret and recommend changes in the requirements of the Sign Code adopted by the City.~~

~~(4)~~ In developing recommendations to the City Commission for amendments of the Building, Electrical, Mechanical, Plumbing, and Sign Codes adopted by the City, the Construction Advisory and Appeals Board may create subcommittees to review and make recommendations to the Board for proposed amendments of those chapters or for the adoption of later editions of the codes adopted in those chapters. The Board shall specify the task assigned to and the term of each subcommittee, and shall disband each subcommittee once the subcommittee's task is completed.

a. and b. [TEXT UNCHANGED].

SECTION 9. That the Amarillo Municipal Code of Ordinances Chapter 4-10, Article II, Division 2, Section 4-10-39 is amended to read as follows:

Sec. 4-10-39. Powers of board.

(a) [TEXT UNCHANGED]

(b) (1) – (3) [TEXT UNCHANGED]

~~(4) Allow as a special exception, by permit, an Institutional Sign in a Residential Zoning District to exceed the maximum size permitted by section 4-10-226 of this chapter, subject to the following conditions:~~

~~a. Such exception shall only be made where the sign is to be located along the frontage of an arterial Street. Arterial Streets include only freeways, expressways, section-line arterials and other Streets of equal importance to section line arterials. Main collector Streets which serve and bisect Residential sections shall not be construed as arterial Streets.~~

~~b. The Sign shall not exceed one (1) square foot for each linear foot of Street Frontage or eighty (80) square feet, whichever is less, but the Board may, if it deems appropriate, set lesser limits than the maximum specified.~~

~~c. The Sign shall conform to all regulations of this chapter pertaining to the Zoning District within which the Sign is to be located except maximum size regulations, and only one (1) such exception shall be granted for a single institutional use or each arterial Street Frontage of an institutional use.~~

SECTION 10. Severability. If any provision, section, subsection, sentence, clause or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of the City Commission of the City of Amarillo, Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reasons of unconstitutionality of any other portion or provision.


SECTION 11. Repealer. All ordinances, parts of ordinances resolutions and parts of resolutions in conflict with this ordinance are hereby repealed to the extent of conflict with this ordinance.

SECTION 12. Continuation. That nothing in this ordinance or any code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed by this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 13. Penalty. A violation of this ordinance is an offense punishable in accordance with Section 1-1-5 of this code of ordinances.

SECTION 14. Publishing and Effective Date. This ordinance shall be published and become effective according to law.

INTRODUCED AND PASSED by the City Commission of the City of Amarillo, Texas, on First Reading this the 8th day of December, 2009; and PASSED on Second and Final Reading the 15th day of December, 2009.



Debra McCartt, Mayor

ATTEST:



Donna DeRight, City Secretary