



# City of Chandler City Council

811 Hwy. 31 East  
CHANDLER, TEXAS 75758

THE CITY OF CHANDLER CITY COUNCIL WILL MEET FOR A REGULAR SCHEDULED MEETING **TUESDAY, APRIL 10, 2012**, IN THE CITY HALL OF CHANDLER, TEXAS **AT 6:00PM**

## AGENDA

- A. CALL TO ORDER
- B. PLEDGE TO THE FLAG
- C. INVOCATION
- D. ROLL CALL AND ANNOUNCE IF A QUORUM IS PRESENT
- E. AGENDA CHANGES
- F. VISITORS/CITIZENS FORUM: At this time, any person (Limited to the first five to sign up, each will be allowed 3 minutes) with business before the Council not scheduled on the agenda may speak to the council. **No formal action may be taken on these items.**
- G. **REGULAR SESSION:** Subjects to be discussed or upon which any formal action may be taken are as follows:
  1. Consider and act on acceptance of the Wastewater Treatment Plant Improvements and closing of Project.
  2. Consider and act on V-12-01 - Variance of the lot width of Lot 2, Faith Tabernacle #2 from the required 75 foot width to 52.84 feet..
  3. Consider and act on Final Plat for Faith Tabernacle #2 Lots 1 and 2, on approximately 1.22 acres, located in the Simon Weiss Survey A-799, south of Edgar Street and east of Jackson Street.
  4. Hold Public Hearing on Ordinance #O-041012 Adopting an amendment to Article 3.09 Signs.
  5. Consider and act on Ordinance #O-041012 Adopting an amendment to Article 3.09 Signs.
  6. Consider and act on adopting a revised logo for the Chandler Economic Development Corporation.
  7. Consider and act on EDC funding of proposed park improvements and setting the required EDC public hearing for April 24<sup>th</sup>.

H. Consent Agenda: All matters listed under "Consent Agenda" are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.

Consider approving:

- a. Minutes as written for Regular Council Meeting of March 13, 2012
- b. March Financial reports.
- c. March Police report.

I. Adjournment of Meeting

**In compliance with the Americans with Disabilities Act, the City of Chandler will provide for reasonable accommodations for persons attending City Council meetings. To better serve you, requests should be received 24 hours prior to the meetings. Please contact Shirley Parmer, City Secretary, at 903 849-6853.**

### CERTIFICATION

I certify that a copy of the April 10, 2012, agenda of items to be considered by the Chandler City Council was posted on the City Hall bulletin board on April 5, 2012.

\_\_\_\_\_  
Shirley Parmer, City Secretary

I certify that the attached notice and agenda of items to be considered by the City Council was removed by me from the City Hall bulletin board on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Title: \_\_\_\_\_



# CITY OF CHANDLER

## City Council Staff Report

**PROJECT:** Wastewater Treatment Plant Improvements

**DATE:** **City Council: 04-10-12**

**REQUEST:** Accept the Improvements made at the Chandler Wastewater Treatment Plant

**STAFF ANALYSIS:** The attached letter from Bob Staehs, City Engineer and Project Manager, states that all work in conjunction with the above referenced project has been completed to the satisfaction of the City Engineer with the exception of the sludge valve stand which has since been installed.

**RECOMMENDED ACTION:** EDC to review and act on the funding of these three projects and for Council to approve the expenditure if authorized by the EDC.

**CITY CONTACT:** Jim Moffeit, City Administrator  
John Taylor, Assistant City Administrator / Planner

**ATTACHMENTS:** City Engineer Acceptance Letter



Everett Griffith, Jr. & Associates Inc.  
ENGINEERS • SURVEYORS

March 21, 2012

Jim Moffeit, City Administrator  
City of Chandler  
P.O. Box 425  
Chandler, TX 75758

Re: WWTP Improvements

Dear Jim,

A final inspection was recently performed on March 7, 2012 on the above referenced project. All work has been completed to the satisfaction of the City and Engineer with the exception of sludge valve stand. This stand is being manufactured and should arrive on site for installation today.

Therefore it is our recommendation to accept this job as complete in the amount of \$327,888.00. This amount reflects a reduction from the original contract price in the amount of \$7,112.00 for removal of walkways.

Attached is Pay Request #5 and Final. Also attached is change order #1. Please execute both documents and return a copy to my office. We appreciate the opportunity to be of service and to complete a successful project.

Sincerely,

Bob Staehs, P.E.  
Project Manager

cc: Ian Graves  
Gracon Construction, Inc.

RECEIVED  
MAR 26 2012

BY:.....



# CITY OF CHANDLER

## Staff Report

**PROJECT:** V-12-01 Lot 2, Faith Tabernacle #2 variance for lot width

**DATE:** PZ: 4-3-12 Council: 4-10-12

**REQUEST:** Faith Tabernacle is requesting a variance associated with the platting of Lot 1 and 2 of Faith Tabernacle #2 Addition.

V-12-01 - Variance of the lot width of Lot 2, Faith Tabernacle #2 from the required 75 foot width to 52.84 feet.

**OVERVIEW:** The lots in this area were developed many years ago without the benefit of a plat. The Tabernacle is platting the property which contains the existing Tabernacle due to a desire to build a new Tabernacle on the property. The Tabernacle property consists of eight original parcels and State law requires the owner to plat all of their adjoining property at the same time.

Lot 1 will be used for the Tabernacle and will consist of five original parcels (0.88 acres) and Lot 2 will consist of three parcels originally used for residential purposes. Only one of these parcels currently contains a house. Two of the original residential parcels did not have any access to a public street. In order to correct this problem Faith Tabernacle is platting all three of these parcels into one residential lot containing 15,681 square feet. The minimum lot size in the R-1 zoning district is 7,500 sq. ft. The proposed lot is more than double the required size but due to existing parcel configuration the maximum lot width on Jackson is 53.58 feet.

**RECOMMENDED ACTION:** The Planning and Zoning Commission recommended approval of Variance (V-12-01) for Lot 2, Faith Tabernacle #2 to allow a lot width of 52.84 feet from the required 75 feet.

**CITY CONTACT:** John Taylor, Planner/Assistant to City Administrator

**ATTACHMENTS:** Plat

Dear City of Chandler,

Please accept this letter as our request for a variance on Lot 2, Faith Tabernacle #2. The variance is on the lot width of Lot 2 from the required 75 feet to 52.84 feet.

Sincerely,



Curtis Purvey

President, Faith Tabernacle, Inc



# CITY OF CHANDLER

## Staff Report

**PROJECT:** FP 12-02 Faith Tabernacle #2 Lots 1 and 2

**DATE:** PZ: 4-3-12 Council: 4-10-12

**REQUEST:** Final Plat for Faith Tabernacle #2 Lots 1 and 2, on approximately 1.22 acres, located in the Simon Weiss Survey A-799, south of Edgar Street and east of Jackson Street.

**OVERVIEW:** Faith Tabernacle is in the process of preparing their property for the building of a new Tabernacle on Edgar Street. They will be tearing down the original Tabernacle. In order to be able to get a building permit they are required to plat their property. State law requires them to plat all of their contiguous property.

Lot 1, .86 acres, will be used for the Tabernacle and Lot 2, .36 acres, will continue to be a residential property owned by the Tabernacle. ROW is being dedicated for Edgar and for Jackson Streets.

The plat as submitted requires the adoption of a variance for lot width on Lot 2. (Refer to V-12-01) With the adoption of this variance the plat meets all City of Chandler standards.

**RECOMMENDED ACTION:** The Planning and Zoning Commission recommended Faith Tabernacle #2 Lots 1 and 2 Final Plat be approved as submitted.

**CITY CONTACT:** John Taylor, Assistant to City Administrator / Planner

**ATTACHMENTS:** Copy of plat

# FAITH TABERNACLE #2 CITY OF CHANDLER FINAL PLAT LOTS 1 & 2

WE, FAITH TABERNACLE, INC. DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DO HEREBY ADOPT THIS PLAT DESIGNATING THIS PROPERTY AS LOTS 1 AND 2, FAITH TABERNACLE #2 AND DO HEREBY DEDICATE THE STREETS FOR PUBLIC USE.

CURTIS PURVEY, PRESIDENT  
FAITH TABERNACLE, INC.  
817 EDGAR STREET  
CHANDLER, TEXAS 75758

SUBSCRIBED AND SWORN TO BEFORE ME, A NOTARY PUBLIC, IN AND FOR HENDERSON COUNTY, TEXAS, THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

NOTARY PUBLIC

ACCEPTED BY THE CITY COUNCIL OF THE CITY OF CHANDLER, TEXAS.

MAYOR

DATE

THE UNDERSIGNED, THE CITY SECRETARY OF THE CITY OF CHANDLER, TEXAS, HEREBY CERTIFIES THAT THE FOREGOING FINAL PLAT OF FAITH TABERNACLE TO THE CITY OF CHANDLER WAS SUBMITTED TO THE CITY COUNCIL ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AND THE CITY COUNCIL BY FORMAL ACTION ACCEPTED THE DEDICATION OF STREETS, ALLEYS, EASEMENTS, AND PUBLIC PLACES AS SHOWN AND SET FORTH IN AND UPON SAID MAP OR PLAT AND SAID CITY COUNCIL FURTHER AUTHORIZED THE MAYOR TO NOTE THE ACCEPTANCE THEREOF BY SIGNING HIS NAME AS HEREINABOVE SUBSCRIBED.

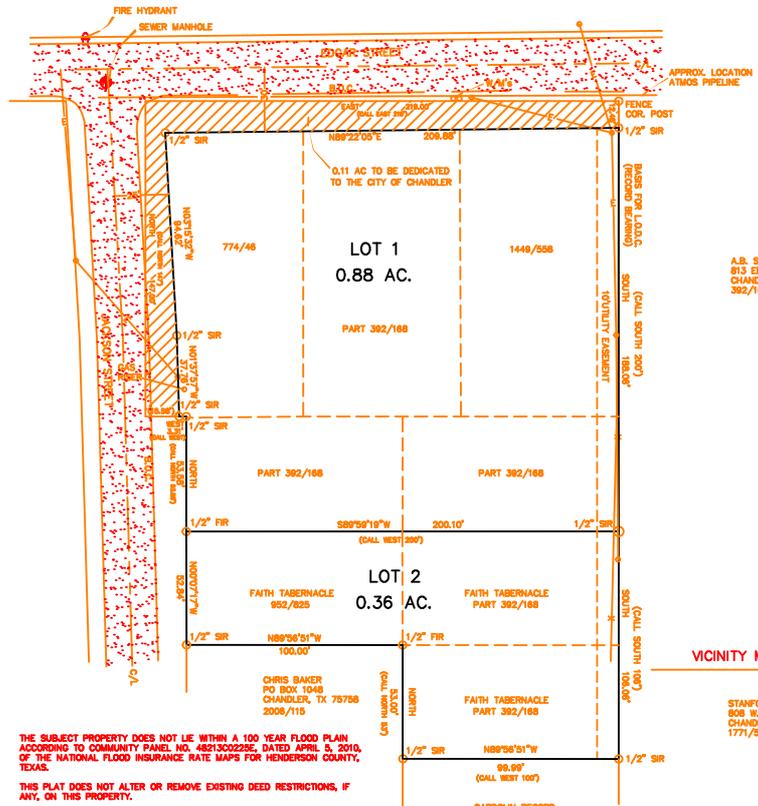
WITNESS MY HAND THIS \_\_\_\_\_ DAY \_\_\_\_\_, 20\_\_\_\_.

CITY SECRETARY  
CITY OF CHANDLER

APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF CHANDLER, HENDERSON COUNTY, TEXAS, THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

PLANNING AND ZONING CHAIRMAN

FILED IN CABINET \_\_\_\_\_, SLIDE \_\_\_\_\_, PLAT RECORDS OF HENDERSON COUNTY, TEXAS.



A.B. SHELTON  
813 EDGAR  
CHANDLER, TX 75758  
392/168

STANFORD D. THOMPSON  
808 W. MAIN  
CHANDLER, TX 75758  
1771/596

VICINITY MAP NOT TO SCALE

THE SUBJECT PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD PLAIN ACCORDING TO COMMUNITY PANEL NO. 4821300225E, DATED APRIL 5, 2010, OF THE NATIONAL FLOOD INSURANCE RATE MAPS FOR HENDERSON COUNTY, TEXAS.

THIS PLAT DOES NOT ALTER OR REMOVE EXISTING DEED RESTRICTIONS, IF ANY, ON THIS PROPERTY.

NOTICE - SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF CITY ORDINANCE AND STATE LAW AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.

ALL LOTS COMPLY WITH THE MINIMUM SIZE REQUIREMENTS OF THE ZONING DISTRICT.

CARDOLIN RECORD  
PO BOX 21  
FORREST CITY, AZ 72335  
482/442

FINAL PLAT  
LOTS 1 & 2  
FAITH TABERNACLE #2  
NUMBER OF LOTS: 2  
TOTAL ACRES: 1.24 AC  
SIMON WEISS SURVEY A-799  
CHANDLER, HENDERSON COUNTY, TEXAS  
DATE OF PREPARATION: 02/29/12  
SCALE: 1" = 30'

I, Mark Farrell, Registered Professional Land Surveyor 4373, do hereby certify that the above survey plat and notes of said plat represent the results of an on the ground survey made under my direction and supervision, to the best of my knowledge and belief.  
This the 27th Day of JANUARY, 2012.  
REVISED 03/22/12

**HEARN SURVEYING ASSOCIATES**  
201 HWY. 175 N. SUITE 2  
ARVEST, TX 75708  
(800) 678-0868  
1-800-432-7870  
USE OR REPRODUCTION OF THIS SURVEY FOR ANY PURPOSE BY OTHER PARTIES IS PROHIBITED. SURVEYOR IS NOT RESPONSIBLE FOR ANY LOSS OR DAMAGE THEREFROM.



# CITY OF CHANDLER

## Staff Report

**PROJECT:** City of Chandler Sign Ordinance

**DATE:** **Planning and Zoning Worksession: 3/10/2012**  
**Planning and Zoning Public Hearing: 4/03/2012**  
**City Council Public Hearing: 4/10/2012**

**REQUEST:** Hold Public Hearing and Review and Act on Ordinance #O-041012  
Adopting an amendment to Article 3.09 Signs

**STAFF REVIEW:** Chandler has never regulated on-site business signs. Through the Comprehensive Planning process conducted last year, sign clutter and other sign issues were identified as major problems and an action was adopted to draft a new sign ordinance. This ordinance is intended to address issues such as:

- Sign Clutter
- No Regulation as to What Can be a Sign
- Abandoned and Poor Maintenance of Signs
- Visibility Obstructions
- Temporary Signs used as Permanent
- Proliferation of Stake and Bandit Signs
- Garage Sale Signs

Signs provide an important medium through which individuals and businesses may convey a variety of messages. However, if left unregulated they can become:

1. a threat to public safety as a traffic hazard
2. detriment to property values
3. detriment to the City's overall public welfare and economic growth

It is important that the sign ordinance strikes a balance between the rights of individuals to convey their messages through signs and the right of the public to be protected against the unrestricted proliferation of signs. When you drive through a city on a daily basis you can get desensitized to the image that city is projecting to those seeing it for the first time. It is important for a city's economic development to view the city through the eyes of an investor or developer seeing your city for the first time.

The Planning and Zoning Commission conducted a work session on 3/10/12 to begin the discussion on the sign ordinance. A draft was

made available on the city's web page on 3/20/12 and an email notification was sent to all members of the Chandler Chamber of Commerce to encourage review and feedback

**RECOMMENDED  
ACTION:**

The Planning and Zoning Commission held a public hearing on 4/3/12 and voted 2 to 1 to recommend approval of Ordinance O-041012 adopting an amendment to Article 3.09 Signs. The Commission recommended one revision which changed the banner rules to allow one per tenant as opposed to one per lot. This revision has been incorporated in the draft presented to Council.

**CITY CONTACT:**

John Taylor, Assistant City Administrator/Planner

**ATTACHMENTS:**

- I. Draft Sign Ordinance

# DRAFT 4-04-12

## ARTICLE 3.09 SIGN REGULATIONS

### Division 1 APPLICATION AND EXEMPTIONS

#### Section 3.09.001 Purpose

The purpose of this Code is to promote the health, safety and welfare of the public. It is the city'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 city and its extraterritorial jurisdiction.

With these concepts in mind, this Article is adopted to preserve and protect the public health, safety and welfare of the citizens of the City of Chandler and to balance public and private objectives by allowing adequate signage for business identification, to maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth. In addition this Article is intended 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 City of Chandler; and to enable the fair and consistent enforcement of these sign regulations.

#### Section 3.09.003 Definitions

The following terms shall have the following meanings:

*Attached Sign* – means a Sign that is attached to, applied on, or supported by any part of a building, other than an awning or canopy.

*Awning Sign* – means a Sign that is applied to, attached, or painted on an awning or other roof-like cover, projecting from the wall of a building typically over a window or door.

*Banner Sign* - means a Sign applied to a non-ridged plastic, cloth, canvas, or other light weight fabric and attached to the wall or façade of a building or between two posts.

*Brick* – means hard fired or kiln fired clay or shale material which meets the latest version of ASTM standard C216, Standard Specification for Facing Brick, Sever Weather Grade.

*Civic Sign* - a temporary stake sign, banner or coroplast sign to advertise an event for a government, religious institution or non-profit organization for a period not to exceed 14 days. 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.

*Coroplast Signs* - tough, waterproof, corrugated plastic sign which resembles the appearance of “plastic cardboard”.

*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.

*Gasoline Canopy Sign* – means a Sign that is applied to, attached, or painted on a canopy or other roof

like cover intended for the protection of gasoline pumps from the weather or as a decorative embellishment.

*Home Occupation* – means the use of a dwelling unit for commercial or nonresidential uses by a resident thereof, which is subordinate and incidental to the use of the dwelling for residential purposes.

*Monument Sign* - a free-standing, self-supporting sign, supported by columns and a base, which is placed on or at ground level, and not attached to any building wall, fence or other structure. The sign will have a greater percentage of base than clear space under the sign face.

*Non-Conforming Sign* – a Sign that was legally installed in conformance with all municipal sign regulations and ordinances in effect at the time of its installation, but which may no longer comply with subsequently enacted laws and ordinances having jurisdiction relative to the sign.

*Off-Premise 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. (216.002 Local Government Code)

*Pole or Pylon Sign* – a freestanding Sign principally supported by one or more columns, poles or braces placed in or upon the ground with some degree of clear space

*Political Sign* – a temporary sign supporting, encouraging, or identifying any candidate, proposed amendment, or bond proposal in an upcoming election, at a national, state, county or local level.

*Portable Sign* – means a Sign that has a principal supporting structure intended by design, use or construction to rest upon the ground and to be easily moved or relocated or reused. A Portable Sign includes a Sign mounted on a trailer or other mobile structure. If a Portable Sign is made to be non-mobile it is still considered a Portable Sign.

*Sandwich Board Sign* – means a Sign that is constructed in such a manner as to form an “A” or tent like shape, whether hinged or not at the top, with each angular face held at an appropriate distance by a supporting member. This can also include a sign that forms an upside down “T”.

*Sculpted Aluminum Panel* – means an aluminum Sign panel with text or graphic depictions cut-out from the panel, typically with a translucent material covering the cutout from the interior side of the panel.

*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 an outdoor structure, sign, display, light device, figure, painting, drawing, message, plaque, poster, billboard or other thing that is designed, intended or used to advertise or inform. (216.002 Texas Local Government Code)

*Sign Face* – means the surface of one side of a Sign, excluding the base or supporting structure.

*Stake Sign* – a temporary sign with a maximum sign area of six square feet and a maximum height of three feet on a wooden stake or a wire frame.

*Stone Material* – means hard and durable naturally occurring all weather stone, cut stone, dimensioned stone and manufactured stone products, but does not include Concrete Masonry Units.

*Street* – means a public highway, boulevard, parkway, street, avenue, road, or lane, which affords a primary means of access to a lot, but does not include an alley or private driveway or easement.

*Temporary Sign* - temporary signs include but are not limited to banners, stake signs, emblems, portable signs, inflatables, wind signs including balloons, pennants and streamers or any other sign that moves in the wind (excluding national or state flags), or any other temporary advertising media intended to identify or direct attention to a product, service, place, activity, or business.

### **Section 3.09.004 Land Use Categories**

For purposes of this Code, all territory within the city’s jurisdiction is classified into a land use (L.U.) category. Those properties within the city limits are classified based upon their zoning district classification. Those properties located within the extraterritorial jurisdiction (ETJ) shall be classified based upon the future land use map 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 city zoning property within the extraterritorial jurisdiction or establishing vested rights regarding applicable zoning should the property be annexed into the city limits of Chandler.

(A) *Low-Density Residential L.U. Category* includes any residential site in an AG, R-1, R-2, MHS, zoning district or equivalent use in the city’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-1 or MHP zoning district or equivalent use in the ETJ. Nonresidential uses permitting 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 a B-1, B-2, I-1, or I-2 zoning district or equivalent use in the ETJ.

### **Section 3.09.005 General Sign Regulations**

(A) The regulations governing the size, height, number, location, and placement of signs herein are calculated to ensure that all private, public, institutional, commercial, and industrial facilities located in the city have the right to display adequate signs consistent with the need to identify the facility, advertise the location, and indicate services and products available on the premises.

(B) Except where noted in this section, all signs erected within the city will be subject to the following general requirements:

1. Signs are permitted within Land Use Categories in a manner specifically authorized by Table 1 of this Article.
2. In order to erect signs or display advertising permanently outdoors legally, a permit must be first obtained from the City, except where stated otherwise.
3. No sign base, support structure or any portion of any sign type is allowed in the public right of way or to overhang into the street right of way.
4. Signs shall not constitute a traffic hazard. No sign shall be erected or maintained in such a

manner as to obstruct free and clear vision; or at any location where by reason of position, shape, color, degree, manner, or intensity of illumination it may interfere with vehicular or pedestrian traffic. Pursuant to the foregoing, no sign shall be erected or maintained in such a manner as to be likely to interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device. No sign shall make use of words, phrases, symbols, or characters, or employ any lamp or light in such a manner as to interfere with, mislead, or confuse traffic. All signs shall be located outside of the Sight Triangle as defined within this Article.

5. Facade signs and other signs affixed to a building or structure shall not protrude above the principal roof line of a pitched roof or the top of a mansard roof or flat roof for any building or structure. Facade signs shall be allowed for each tenant that has a direct, outside entrance or storefront. Sign placement is limited to the extent of the bay or storefront.

6. 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.

7. Sign on Fence, Wall, Etc. No person shall paint a sign or attach a sign, other than a nameplate and address (showing a street number), to the outside of a fence, railing or a wall which is not a structural part of a building. The two exceptions are as follows:

- (a) Name of the company, which constructed the fence, is also permitted but not exceeding one square foot in size.
- (b) Political signs which comply with the other provisions of this article.

**Section 3.09.006 Sign Lighting**

(A) Illumination of all outdoor signs and advertising of permanent or temporary duration must not be chasing, or flashing.

(B) When any sign is illuminated, the light(s) must be properly installed, shaded, or concealed, so that the light emitted will illuminate the sign face and will not interfere with the vision of motorists nor shine directly onto residentially zoned property or abutting residential uses.

(C) Any spotlights allowed to illuminate signs or sign illumination must be shielded such that their light source cannot be seen from abutting roads or properties.

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

- 1. Shall be incorporated into a permitted sign on each tract or parcel of land, as provided herein.
- 2. May be up to 100 percent of the area of the sign face.
- 3. 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.

**Section 3.09.007 Sign Construction and Maintenance Standards**

All signs must be designed, constructed, and maintained in accordance with the following standards:

(A) All signs must comply with applicable provisions of the Chandler City Code at all times.

(B) Electrical Permit Required. Prior to issuance of a sign permit for a sign in which electrical wiring and connections are to be used, an electrical permit must be obtained according to the existing fee schedule. No sign shall be erected that is in violation of the adopted electrical code. However, the sign contractor may tie the sign to an existing power source or to power provided by an electrician that has permitted the job.

(C) Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this Article, all signs must be constructed of durable materials and must be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

(D) All signs must be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this Article, at all times.

(E) All signs must maintain a minimum clearance from electric power lines of ten feet horizontally and 15 feet vertically, or as may otherwise be required by the utility provider. Any relocation of power lines to provide this clearance will be at the expense of the sign owner or as otherwise required by the electrical utility.

### **Section 3.09.008 Exempt Signs**

The following Signs are exempt from the requirements of this ordinance:

(A) *Government Sign* - a Sign erected or maintained pursuant to a government function, required by law, ordinance or government regulation or located on property owned, leased or under the control of the United States, the State of Texas, Henderson County, the City of Chandler, Brownsboro Independent School District, or an agency thereof.

(B) *Private Traffic Control* - a Sign on private property containing no advertising that directs the movement of traffic, warns of obstacles or overhead clearances, or controls parking, including an entrance and exit sign.

(C) *Sign Not Visible From a Street or Public Property* - a Sign not visible from a street or public property.

(D) *Utility or Hazard Sign* - a Sign marking utility or underground communication or transmission lines or hazards.

(E) *Plaque* - a historical or commemorative plaque of a recognized historical society or organization.

(F) *Mailbox* - names and addresses located on mailboxes.

(G) *Vehicle Sign* - Signs displayed or used on vehicles and trailers, unless the vehicle or trailer is permanently stationed or regularly used at a fixed location to serve the same or a similar purpose of a permanent or Portable Sign. A Sign displayed or used on a vehicle or trailer that is not registered shall be presumed to be permanently stationed and therefore not exempt from the requirements of this ordinance.

(H) *Sign on Outdoor Machines, Devices or Equipment* - a Sign located on an outdoor machine, device or equipment which displays the trademark, trade name, manufacturer, cost, or operating or

service instructions or similar information but does not advertise the business where located. This exemption includes a sign on a coin operated vending machine, fuel dispensing pump, telephone facility, automatic teller machine, automotive vacuum cleaner, amusement ride or similar machine, device or equipment.

(I) *National or State Flag* - a national or state flag.

(J) *Athletic Field* - Signs located on the field side of a scoreboard or fence of an athletic field or facing internal to the complex.

(K) *Holiday Sign or Lights* - a temporary Sign including Christmas lights containing only holiday messages and no commercial advertising.

(L) *Sign on a Person or Animal* - a hand held sign on a person or animal.

(M) *Unused Sign* - a Sign being manufactured or transported and not used for advertising.

(N) *Window and Door Sign* - a Sign painted on or placed on and supported by the glass surface of a window or door, if not illuminated with the intent of being viewed from a Street.

**Section 3.09.009 Non-conforming signs and sign structures.**

(A) *Policy* - It is the policy of the City of Chandler to encourage, and to the maximum extent practicable, require that all signs within the city be brought into compliance with the terms of this Article.

(B) *Existing Sign and/or Sign Structures Rendered Non-Conforming* – Permanent signs which existed prior to the effective date of this Article and which were constructed in compliance with the previous regulations but became non-conforming as a result of this legislation will be regulated as follows:

1. A non-conforming permanent sign may be altered, converted or changed as long as such alteration, conversion or change does not increase the extent of non-conformity or exceed the 50-percent provision of this subsection. No such sign shall be moved in whole or in part to any other locations where it would remain non-conforming.
2. Any temporary signs which were in existence on the effective date of this Article, or on a later date when the property is annexed to the city and which by reason of its size, height, location, or construction is not in conformance with the requirements of this Article, shall be removed within 30 days of the effective date of this ordinance. However, this time frame may be extended by the City Administrator to a maximum of 90 days if no other signage will exist and a new sign will be required to be built.
3. Any non-conforming sign, the use of which has been discontinued for a period of 365 days, regardless of any intent to resume or not to abandon such, shall not thereafter be reestablished except in full compliance with this Article.
4. If any non-conforming sign requires change, repair, or maintenance which would constitute an expense of more than 50 percent of the replacement cost of the sign, such sign must either be removed or brought within the requirements of this section. Any non-conforming sign that is damaged due to circumstances beyond the owner's control shall be allowed to be rebuilt, provided that the nonconformity is not increased in any way.

5. Any permanent sign that must be removed shall be done so within 90 days, weather permitting, of the date of the receipt of notice from the code enforcement officer. Any sign requiring change, repair, or maintenance to become conforming must be restored within 90 days, weather permitting from the date of notice.

(D) *Condemnation.*

1. Legal non-conforming sign and sign structures located on a property that is severed from a larger lot of property and acquired by a public entity for public use by condemnation, purchase, dedication or any other means may, at the discretion of the city, be relocated on the remaining lot without extinguishing the legal non-conforming status of the sign provided that the non-conforming sign:
  - a. Is not increased in size or height;
  - b. Remains structurally unchanged except for reasonable repairs or alterations;
  - c. Is placed in the same relative position on the remaining property that is occupied prior to the relocation; and
  - d. Is relocated in such a manner so as to comply with all applicable safety requirements.
2. After relocation pursuant to this section, the legal non-conforming sign shall be subject to all provisions of this sign code in its new location.

**Section 3.09.010 Prohibited Signs**

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

- (A) A Portable Sign, other than a Sandwich Board Sign.
- (B) Balloons, streamers, pennants, bunting, banners, or flags. (These types of temporary signs are permitted as part of a sale, promotion or community event for no more than twenty (20) cumulative days in any calendar year.)
- (C) Stake Signs, Pole Signs or signs that contain moving parts unless specifically authorized by this Article
- (D) A Sign located on a tree, shrub or attached to a street light, utility pole, hydrant, bridge, traffic control device, street sign.
- (E) A Sign that is deteriorated, dilapidated, or unsafe.
- (F) A Sign located in a Visibility Triangle.
- (G) A Sign located in the right-of-way of a street.
- (H) A Sign located or illuminated so that it interferes with an official traffic sign, signal or device, or obstructs or interferes with the view of approaching, emerging, or intersecting traffic, or prevents a driver of a vehicle from having a clear view of approaching vehicles.
- (I) A Sign illuminated with such intensity or without proper shielding so as to constitute a hazard to the operation of a vehicle on a Street or interfere with the reasonable enjoyment of a Residential lot;

(J) A Billboard.

(K) Any off premise changeable electronic variable message sign (billboard) (CEVMS) or light emitting diode (LED) billboards located, relocated, or upgraded along a regulated highway within the corporate limits or ETJ of the city, unless otherwise authorized in an approved agreement by city council.

(L) An Off-premise Sign unless specifically authorized by this Article.

(M) A Sign that is not authorized by this Article or that does not conform to the requirements of this Article.

## **DIVISION 2                    REGULATED TEMPORARY SIGNS**

### **Section 3.09.011                    Temporary Signs**

Except as otherwise provided in this Article, only Temporary Signs which are listed below shall be allowed in compliance with the following requirements:

(A) A Temporary Sign shall be located a minimum of five (5) feet from any lot line.

(B) All allowed Temporary Signs must be kept in good condition. Temporary Signs that do not meet maintenance requirements must be removed.

(C) A Temporary Sign shall not be placed in a public right of way or within a Visibility Triangle.

(D) A building permit is not required to place a Temporary Sign on a lot in accordance with this Article.

### **Section 3.09.012                    Real Estate Sign**

(A) *Residential* - A Residential Real Estate Sign may be located on the lot/property that is for sale or lease, located in a SF Residential Land Use Category advertising the property for sale, lease or rent. The maximum height of the real estate sign shall be five (5) feet and the maximum area of any one sign shall be six (6) square feet. If the lot abuts more than one Street then a real estate sign may be placed in each front yard. There are no time limit restrictions.

(B) *Commercial* – A Commercial Real Estate Sign may be located on the lot/property that is for sale or lease in a Commercial Land Use Category. Maximum of one freestanding sign per street frontage with a maximum of 40 square feet in area, with a maximum height of eight feet. There are no time limit restrictions.

### **Section 3.09.013                    Commercial Construction Sign**

A commercial construction sign may be placed on a commercial lot, identifying the job site and announcing the construction or remodeling of a building on the lot. The maximum height of the construction sign shall be eight (8) feet and the maximum width of the construction sign shall be four (4) feet. If the lot abuts more than one Street then a construction sign may be placed in each front yard. Upon completion of construction or 120 days whichever comes first, the construction sign shall be removed.

**Section 3.09.014                      Development Sign**

A development sign may be placed on property that is being developed, identifying the development. The maximum height of the development sign shall be eight (8) feet and the maximum width of the development sign shall be six (6) feet. If the development exceeds thirty acres then one additional development sign may be placed on the property being developed, for each thirty acres or part thereof. Sign shall be 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.

**Section 3.09.015                      Sandwich Board Sign**

A Sandwich Board Sign shall be permitted only during business hours as long as it complies with the following requirements:

(A) The maximum height of a Sandwich Board Sign shall be four (4) feet and the maximum width shall be three (3) feet.

(B) The maximum area of a Sandwich Board Sign shall be twenty four (24) square feet per Sign, with a maximum area per Sign Face of twelve (12) square feet.

(C) A Sandwich Board Sign shall be located a minimum of five feet from any lot line and shall be placed directly in front of the building or lease space in which the business is located and the property the business is located on.

(D) No more than one per business or tenant on the property is allowed.

(E) A Sandwich Board Sign shall not be placed in required parking spaces, a public easement or right-of-way or on a sidewalk so as to obstruct any part of the sidewalk. An unobstructed pedestrian clearance of at least four feet in width must be provided adjacent to the sign. And the sign shall not be located closer than 20 feet from other similar signs.

**Section 3.09.016                      Civic Sign**

A religious institution, non-profit organization or government shall be permitted to use a temporary sign to advertise a sponsored event.

(A) May not be for a period to exceed 14 days and must be removed no more than 48 hours after the meeting or event.

(B) May not be located in right of way or within a visibility triangle. Must have the property owner's permission.

(C) Signs may include stake signs and/or freestanding or wall mounted banners or coroplast signs. Freestanding banners may not be higher than six feet measured at ground level. Signs do not have to be 5 feet from property lines.

**Section 3.09.017                      Banner or Coroplast Sign**

A Banner or Coroplast Sign attached to a wall or facade shall be permitted as long as it complies with the following requirements:

(A) One Banner or Coroplast Sign, with a maximum of 48 square feet mounted to the building, shall be allowed per tenant per street frontage with an unlimited timeframe. If the building is a multi-tenant building the tenant banner may only be in front of the tenant space.

(B) All four corners of a Banner or Coroplast Sign shall be securely attached to the wall or facade of the Principal Building. Banners or Coroplast Signs are not allowed to be placed on fences, on pole signs, or be freestanding unless otherwise permitted in this Article.

(C) A Banner or Coroplast Sign may be used by a Religious Institution without time restrictions and may be freestanding or wall mounted.

### **Section 3.09.018 Political Signs**

#### **(A) Placed on Private Property**

The following conditions apply to political signs in the City of Chandler that are placed on private property with the consent of the owner and that contain political messages. Such signs may:

1. Except as otherwise provided in this subsection, the political sign shall be removed within ten (10) days after the date of the primary election, run-off election, general election or referendum it concerns, unless the candidate remains a viable candidate for the office sought and there are subsequent elections within the same election period.
2. Political signs may not be placed on city-owned property which shall include, but is not limited to, city parks, police stations, libraries, city hall, water and sewer facilities, or any other property of which the city has an ownership interest in;
3. Political signs may not be placed in roadway medians or in any state right-of-way or any right-of-way and/or easement;
4. Political signs shall not be installed in any manner that may result in a potential safety hazard of any type;
5. Political signs shall not exceed thirty-six (36) square feet aggregate total at any location; and
6. Political signs may be no more than eight (8) feet high, may not be illuminated, and shall not have any moving element on or within the sign.

#### **(B) Political Signs Placed at Polling Places**

1. Political signs may be placed on public property, including rights-of-way or easements in favor of the state or city, which are designated as official polling places on election day;
2. Any such political signs may be posted not more than twelve (12) hours preceding the designated time for the opening of the polls and must be removed within twelve (12) hours after the designated time for closing of the polls. Political signs may be posted not more than twelve (12) hours preceding the designated time for the opening of the polls for early voting and must be removed not more than twelve (12) hours after the designated time for closing the polls on the last day of early voting;
3. Any such placement of political signs at polling places shall be no closer than one hundred

(100) feet from the entrance to the polling location;

4. The restrictions found within this division do not apply to existing billboard signs upon which political advertising may be placed.

**Section 3.09.019 Stake signs.**

(A) All Stake Signs are subjected to the following restrictions unless otherwise specified:

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) Residential Construction or Improvement Signs - shall be placed on the lot to which home construction or improvement is occurring. In general, signage shall not be located closer than ten feet to the edge of street pavement. Signs shall be removed when the home construction or improvement is complete or within 180 days, whichever occurs first.

(C) 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. Signs shall be erected no earlier than one hour prior to the time of the open house and shall be removed no later than one hour after the open house.

(D) Yard Signs - shall be located only on lots with an occupied single-family, two-family or multifamily dwelling.

**Section 3.09.020 Garage Sale Signs**

(A) Signs shall be located on private property and signs located away from the sale site shall have permission from property owner. Signs are not allowed on utility poles, in easements, on public fences or buildings, or any public or private right-of-way. (Signs placed a minimum of 10 feet off curb or pavement will be considered to be out of the right-of way.)

(B) All garage and yard sale signs must have the time, date, and place of the sale.

(C) Garage and yard sale signs shall be posted no earlier than 7:00 AM on the day prior to the sale and must be removed by 8:00 PM the day the sale ends. Signs may be posted no longer than 3 consecutive days.

(D) Signs should be no larger than ordinary poster paper, 24" X 36"

If the sign is posted without the required information, property owner permission, during other time periods or larger than 24" X 36" the sign may be subject to removal and disposal.

**DIVISION 3 REGULATED PERMANENT SIGNS**

**Section 3.09.021 General Standards for Monument Signs**

(A) A Monument Sign shall be located a minimum of five (5) feet from any lot line and shall not be

placed in a public easement or right of way or visibility triangle.

1. No more than one Monument Sign shall be allowed in the Front Yard of a lot. If the lot abuts more than one street then no more than one Monument Sign shall be located in each Front Yard. A Monument Sign shall not be located within one hundred twenty five (125) feet of another Monument Sign on the same lot unless the Monument Sign displays a menu or pricing for food services in connection with a drive-through lane or drive up facility at a Fast Food Restaurant.

(B) A Monument Sign shall not be located within fifty (50) feet of another Monument Sign on another lot.

(C) The base and structure of a Monument Sign shall be architectural in nature and constructed of Stucco, Brick or Stone Material and shall be made of the same material as the principal building or buildings located on the lot. For purposes of this Section, Brick and Stone Material are defined in accordance with Section 3.09.002 of this Article. Sculpted aluminum sign panels may be used on a Monument Sign.

(D) A Monument Sign may be illuminated by a light source located on the ground if the light source and supporting structure for the light are not visible from a Street. A Monument Sign may be illuminated by internal lighting if sculpted aluminum sign panels are used.

### **Section 3.09.022 Subdivision Entrance Monument Signs**

(A) A Subdivision Entrance Sign on each side of the street shall be permitted at each street entrance into a Residential Subdivision subject to the following requirements:

1. The maximum height of a Sign under this subsection, shall be eight (8) feet, including the base and supporting structure, when measured from ground level at the center of the base or supporting structure to the highest point of the sign, base or supporting structure.
2. The maximum height of the Sign Face of a Sign under this subsection shall be four (4) feet, excluding the base and supporting structure. The maximum width of the Sign Face of a Sign under this subsection shall be twelve (12) feet, excluding the base and supporting structure.
3. The maximum area of a Sign under this subsection shall be 96 square feet per Sign, with a maximum area per Sign Face of forty eight (48) square feet.

### **Section 3.09.023 Multi-family Monument Signs**

A Monument Sign shall be permitted on a lot used for Multiple Family Dwelling subject to the following requirements:

1. The maximum height of a Monument Sign under this subsection, including the base and supporting structure shall be eight (8) feet, when measured from ground level at the center of the base or supporting structure to the highest point of the sign, base or supporting structure. The maximum width of a Monument Sign under this subsection, including the base and supporting structure shall be eight (8) feet.
2. The maximum height of the Sign Face of a Monument Sign shall be six (6) feet,

excluding the base and supporting structure. The maximum width of the Sign Face of a Monument Sign shall be six (6) feet, excluding the base and supporting structure.

3. The maximum area of a Monument Sign under this subsection shall be 72 square feet per Sign, with a maximum area per Sign Face of 36 square feet.

#### **Section 3.09.024 Single Tenant Monument Signs**

A Monument Sign shall be permitted on a lot in a Commercial Land Use area to identify a business located on the lot other than a Home Occupation, subject to the following requirements: '

1. The maximum height of a Monument Sign under this subsection, including the base and supporting structure shall be eight (8) feet, when measured from ground level at the center of the base or supporting structure to the highest point of the sign, base or supporting structure. The maximum width of a Monument Sign under this subsection, including the base and supporting structure shall be eight (8) feet.
2. The maximum height of the Sign Face of a Monument Sign shall be six (6) feet, excluding the base and supporting structure. The maximum width of the Sign Face of a Monument Sign shall be six (6) feet, excluding the base and supporting structure.
3. The maximum area of a Monument Sign under this subsection shall be 72 square feet per Sign, with a maximum area per Sign Face of 36 square feet.

#### **Section 3.09.025 Multi-Tenant Monument Signs**

A Monument Sign shall be permitted on a lot in a Commercial Land Use area to identify more than one business located on the lot other than a Home Occupation, subject to the following requirements:

1. The maximum height of a Monument Sign under this subsection, including the base and supporting structure shall be twelve (12) feet, when measured from ground level at the center of the base or supporting structure to the highest point of the sign, base or supporting structure. The maximum width of a Monument Sign under this subsection, including the base and supporting structure shall be ten (10) feet.
2. The maximum height of the Sign Face of a Monument Sign shall be ten (10) feet, excluding the base and supporting structure. The maximum width of the Sign Face of a Monument Sign shall be eight (8) feet, excluding the base and supporting structure.
3. The maximum area of a Monument Sign under this subsection shall be 160 square feet per Sign, with a maximum area per Sign Face of 80 square feet.
4. The maximum number of sign panels shall be eight per Sign Face.

#### **Section 3.09.026 Attached Sign**

(A) An Attached Sign shall be permitted as long as it complies with the following requirements:

1. The Sign Face of an Attached Sign located on a principal building devoted to a Multifamily Residential use may not exceed one percent of the area of the wall or facade

upon which it is located.

2. The Sign Face of an Attached Sign located on a Principal Building devoted to a Non-residential use may not exceed fifteen (15) percent of the area of the wall or facade upon which it is located, or four hundred (400) square feet, whichever is less.
3. The Sign Face of an Attached Sign located on an Accessory Building serving a Non-residential use may not exceed five (5) percent of the area of the wall or facade upon which it is located, or one hundred (100) square feet, whichever is less.
4. An Attached Sign shall not extend beyond the perimeter of any part of the wall to which it is attached.
5. Except as otherwise provided in this Section, an Attached Sign shall not extend above the wall or facade to which it is attached. A Sign may be attached to a continuous plane fascia provided the sign does not extend above or below the projection of the fascia.
6. If a Building is leased to more than one tenant then not more than one Attached Sign per lease space shall be attached to a wall or facade that faces a Street.

(B) An Attached Sign may only be illuminated by internal lighting. Exterior letters with exposed neon lighting shall not be used.

#### **Section 3.09.027      Awning Sign**

(A) An Awning Sign shall be permitted as long as it complies with the following requirements:

1. The Sign Face of an Awning Sign located on a Principal Building devoted to a Residential use may not exceed two (2) percent of the area of the awning upon which it is located.
2. The Sign Face of an Awning Sign located on a Principal Building devoted to a non-residential use may not exceed thirty (30) percent of the area of the awning upon which it is located, or four hundred (400) square feet, whichever is less.
3. The Sign Face of an Awning Sign located on an Accessory Building serving a non-residential use may not exceed five (5) percent of the area of the awning upon which it is located, or one hundred (100) square feet, whichever is less.
4. An Awning Sign shall not extend above, below or beyond the perimeter of the face of the awning to which it is attached.

(B) A building shall not have both an Awning Sign and an Attached Sign on the same side of the Building. No more than one Sign shall be located on an awning.

#### **Section 3.09.028      Gasoline Canopy Sign**

(A) A Gasoline Canopy Sign shall be permitted on a lot used as an establishment where flammable or combustible liquids or gases used as fuel are stored and dispensed from fixed equipment into fuel tanks as long as it complies with the following requirements:

1. The Sign Face of a Gasoline Canopy Sign shall not exceed fifteen (15) square feet.
2. A Gasoline Canopy Sign shall not extend above, below or beyond the perimeter of the face of the canopy to which it is attached.

(B) A Gasoline Canopy Sign may only be illuminated by internal lighting. Exterior letters with exposed neon lighting shall not be used.

**Section 3.09.029                      Pitched Roof Sign**

(A) A roof sign on a pitched roof may not extend above the roofline and must be parallel to the building face and may not extend beyond the building wall. The support structures must be designed so that there is no visible support structure above the sign.

**Section 3.09.030                      Freestanding Pole Sign (only with Special Exception)**

(A) In unique situations with a Special Exception granted from the City Council a Freestanding Pole Sign may be permitted in a Commercial Land Use Category to identify one or more businesses subject to the following requirements:

1. The maximum height of a Freestanding Pole Sign under this subsection, shall be thirty five (35) feet, including the pole, when measured from ground level at the center of the pole to the highest point of the Sign. The maximum height of the Sign Face of a Freestanding Pole Sign under this subsection shall be ten (10) feet, excluding the pole. The maximum width of the Sign Face of a Freestanding Pole Sign under this subsection shall be ten (10) feet, excluding the pole.
2. The maximum area of a Freestanding Pole Sign under this subsection shall be two hundred (200) square feet per Sign, with a maximum area per Sign Face of one hundred (100) square feet.
3. The maximum number of sign panels shall be eight per Sign Face.

(B) A Freestanding Pole Sign shall not extend into a public easement or right of way.

(C) No more than one Freestanding Pole Sign or Monument Sign shall be allowed in the Front Yard of a Lot. If the lot abuts more than one Street then no more than one Freestanding Pole Sign or Monument Sign shall be located in each Front Yard. A Freestanding Pole Sign shall not be located within one hundred twenty five (125) feet of another Freestanding Pole Sign or Monument Sign on the same Lot unless the Monument Sign displays a menu or pricing for food services in connection with a drive through lane or drive-up facility at a Fast Food Restaurant.

(D) A Freestanding Pole Sign shall not be located within fifty (50) feet of another Freestanding Pole Sign or Monument Sign on another lot.

(E) Sculpted aluminum sign panels may be used on a Freestanding Pole Sign. Wood panels shall not be used on a Freestanding Pole Sign.

(F) A Freestanding Pole Sign may be illuminated by internal lighting. Letters or a logo with exposed neon lighting shall not be used.

**Section 3.09.031 Sign Code Enforcement**

(A) Notice of Violation - When the building official or designated code enforcement officer, determines that a dilapidated, deteriorated, illegal, prohibited, or abandoned sign located on private property within the city limits of Chandler requires removal by the owner, they must issue a notice of violation to the owner of the sign or to the owner, occupant, or person in control of the property on which the sign is located, except when the sign poses an immediate or imminent threat to public safety because of the condition of the sign, in which case it may be removed without notice at the owner's expense.

(B) Contents of Notice of Violation - The notice of violation must contain:

1. Name of the owner, occupant, manager, or other person in control of the property.
2. Street address sufficient to identify the property on which the alleged violation occurred.
3. Description of alleged violation and reference to the portion of this section that has been violated.
4. Statement of the action required to correct the violation and a deadline for completing the corrective action.
5. Statement that failure to take the corrective action within the time specified may result in a criminal penalty and possible filing of a civil action by the city against the owner seeking injunctive relief and/or civil penalties.
6. Owners or the occupant, or person in control of the property on which the sign is located found to be in violation of this section may be assessed a fine as outlined in Section 3.09.035.

(C) Service of Notice of Violation - The city administrator, or designee, must serve a written notice of violation on the owner of the sign or the owner, occupant, or person in control of the property on which the sign is located for sign violations on private property within the corporate limits of the city of Chandler or ETJ. The notice of violation should be served by hand or by certified mail with a return receipt requested. Service by certified mail will be effective three days after the date of mailing.

**Section 3.09.032 Sign Removal**

(A) Abandoned Signs –

1. The city may consider a sign Abandoned and require its removal if:
  - a. A structure is without advertising matter or displays obsolete advertising matter for a period of 365 consecutive days or more;
  - b. In the opinion of the building official or code enforcement officer the sign has fallen into disrepair, become dilapidated, faded to the point of being illegible, or become overgrown by trees or other vegetation.
2. The payment of property taxes or retention of the sign as a balance sheet asset will not be considered in determining whether the sign is considered abandoned.
3. An Abandoned legal nonconforming sign may not be replaced or rehabilitated without being brought into conformance with the requirements of this Article.

4. A sign that has been determined to be abandoned by a building official or code enforcement officer but is otherwise in conformance with this ordinance may be replaced or rehabilitated in adherence to the requirements of this Article.

(B) 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.

1. Upon a determination that any sign has been constructed or placed or is maintained in violation of the provisions of this Article, the city 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 the notice must state that the sign must be removed within 72 hours of the date of receipt of the notice. If the city 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.
2. If the person or owner fails to remove the sign or bring it into compliance with this Article 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 city. The decision of the code enforcement officer to cause a sign to be removed may be appealed to the Board of Adjustment acting as the Sign Control Board.
3. 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 City Administrator no later than ten days after the date of the notice issued by the code enforcement officer. 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, if no appeal is taken, the code enforcement officer may order the sign removed at the owner's expense under the provisions of this Article.
4. If the code enforcement officer orders the removal of an illegal sign and the sign is removed at the expense of the city, 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 city 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 city 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 city 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 city, and the balance due.

5. The city 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 city searches the following records:
  - County real property records of the county in which the property is located;
  - Appraisal district records of the appraisal district in which the property is located;
  - Records of the Secretary of State; and
  - Utility records of the city.
6. When the city 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.

*(C) 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 Chapter 216, including the determination of compensation (if any) in connection on therewith by the municipal board on sign control.

### **Section 3.09.033          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 Article would result in substantial hardship or inequity, the City Council, 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 city 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 Article.

1. Jurisdiction - When a written request for a variance from the design requirements of this Article is filed:
  - a. After conducting a public hearing concerning such requested variance(s), the city council 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 city limits or ETJ.
2. Approval - In granting approval of a request for variance, the city council shall conclude that the variance is not contrary to the public interest and, due to special conditions; a literal enforcement of this Article would result in unnecessary hardship, and so that the variance observes the spirit of this Article and concludes that substantial justice is done. The city council 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 Article would result in an unnecessary hardship; and
- h. In granting the variance, the spirit of this Article is observed and substantial justice is done.

**Section 3.09.034 Conflict.**

A regulation under any other Article of this ordinance governs over any conflicting provision contained in this Article.

**Section 3.09.035 Penalty**

Any person, firm, or corporation found guilty of violating any of the provisions of this division shall be subject to a fine of not more than the maximum fine as provided for in section 1.01.009 of this code together with the costs of such prosecution. Each day during which a violation continues shall be a separate offence.

**Allowed Sign Types by Land Use Category**

SIGN TYPE	LAND USE		
	Single Family	Multi-Family	Commercial
<b>Temporary</b>			
Sandwich Board	X	X	C
Banner - Coroplast	C	C	C
Commercial Construction	X	C	C
Development Sign	C	C	C
Government	C	C	C
Human	X	C	C
Real Estate, Commercial	X	C	C
Real Estate, Residential	C	C	X
Stake Signs	C	C	C
Civic Signs	C	C	C
Political	C	C	C
<b>Permanent</b>			
Awning/Canopy	X	P	P
Building Directory	X	C	C
Directional	X	P	P
Information	P	P	P
Menu	X	X	C

Single Tenant Monument	X	X	P
Multi-family Monument	X	P	X
Multi-Tenant Monument	X	X	P
Subdivision Entrance	P	X	X
Vending	X	C	C
Roof Mounted	X	X	P
Attached (Wall)	X	P	P
Gas Canopy Sign	X	X	P
Window	X	X	C
Pole or Pylon Sign	X	X	S
X	Not Allowed		
P	Allowed with Permit		
C	Allowed in compliance		
S	Only with Special Exception		



## CITY OF CHANDLER

**PROJECT:** EDC Logo

**DATE:** City Council: 04/10/2012

**REQUEST:** Consider adopting a revised logo for the Chandler Economic Development Corporation

**STAFF REVIEW:** The City recently went through a process of amending the City Seal and adopting a new City Logo.



Since the Chamber of Commerce has reverted back to its official name of Chandler Chamber of Commerce they also recently adopted a new logo to match the City's.



In order to present a cohesive image the EDC recently voted to adopt a new EDC logo.



The Council is being asked to approve the use of the proposed EDC logo.

**RECOMMENDED ACTION:** Discuss and act on the adoption of a revised logo for the Chandler EDC.

**CITY CONTACT:** Jim Moffeit, City Administrator  
John Taylor, Assistant City Administrator

**ATTACHMENTS:** NA





# CITY OF CHANDLER

## EDC/City Council Staff Report

**PROJECT:** Winchester Park Improvements

**DATE:** **EDC: 04-10-12**  
**City Council: 04-10-12**

**REQUEST:** Approve EDC funding of proposed park improvements

**STAFF ANALYSIS:** One of the objectives of the City of Chandler has been to increase the diversity of users in Winchester Park. The city is proposing 3 relatively low cost projects which will offer two new recreational opportunities and one expanded opportunity. These projects and their estimated cost are listed below:

Sanctioned horseshoe complex with 8 to 9 courts and scoring and storage building. Estimated cost - \$8,000 (using donated labor)

9 hole Disk Golf Course with concrete tees, practice target and signage. Estimated cost \$12,000

Walking trail Extension into wooded area - This project will primarily include brush hogging the dense vegetation and wooded area and removing numerous dead trees. This area is unusable as it is, by brush hogging the area it will be opened up for disk golf and an extension of the walking trail. This phase of the trail extension will be a bark mulch surface but could be concreted at a later date. Estimated cost \$5,000.

It should be noted that the walking trail extension can be done without the disk golf but the Disk Golf cannot be done without the Trail Extension.

Estimated total cost of all three projects: \$25,000.

**RECOMMENDED ACTION:** EDC to review and act on the funding of these three projects and for Council to approve the expenditure if authorized by the EDC.

**CITY CONTACT:** Jim Moffeit, City Administrator  
John Taylor, Assistant City Administrator / Planner

**ATTACHMENTS:** Park Master Plan

# Winchester Park Chandler, Texas

