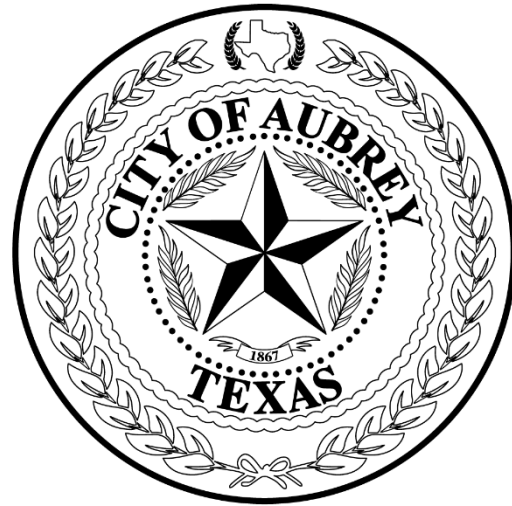


Planning and Zoning Commission Meeting

Aubrey City Council Chambers
226 Countryside Dr.
Aubrey, TX 76227
June 12, 2025
6:00 PM



**(Notice of Potential Quorum for City Council, Board of Adjustment, Library Board, Municipal Development District, and Parks and Recreation Board - even though a quorum of the members of these boards may or may not be present, no official action will be taken by their members.)*

Notice Regarding Remote Participation of Board Members

Pursuant to Section 551.127, Texas Government Code, one or more commission members may attend this meeting remotely using videoconferencing technology. A quorum of the commission will be physically present at the location provided above.

Call to Order - Determine if a Quorum is Present:

Invocation & Pledge of Allegiance: Pledge of Allegiance to the Texas Flag - "Honor the Texas flag; I pledge allegiance to thee, Texas, one state, under God, one, and indivisible."

Community Announcements: Items of community interest may include recognizing Citizens and Staff for outstanding contributions to the community, a reminder about an upcoming event that is organized or sponsored by the governing body, and announcements of an imminent threat to public safety that has arisen after the posting of this agenda.

Citizen Input: Any person may address the Commission. If your comments are concerning an agenda item, you may wait until the discussion on that item if you prefer. Once recognized by the chairperson, please step forward to the speaker's podium, state your name and address and speak directly into the microphone so that people in the room can hear comments and see presentations. Citizen comments are limited to three (3) minutes per individual unless additional time is otherwise required by law. No discussion or action may be taken at this meeting on any

item not listed on the agenda, other than to make statements of factual information or recite existing policy in response to a citizen's inquiry.

Consent Items: Items placed on the Consent Agenda are considered routine in nature and non-controversial. The Consent Agenda can be acted upon in one motion. Items may be removed from the Consent Agenda by the request of Commission members, City Council, board members or staff. Consideration and action on the following:

1. Approve the minutes of the May 8, 2025 meeting.
2. Approve the request from Commission Member(s) identified in the Staff report as an excused absence from the May 8, 2025 regular meeting.

New Business: New items requested for consideration.

3. Consider and make a recommendation to City Council regarding a Replat application for Aubrey Estates Lot 9R to create one (1) lot in approximately 11.062 acres of the John M. Fisher Survey, Abstract No. 432, Thomas White Survey, Abstract No. 223, within the City of Aubrey Extraterritorial Jurisdiction, Denton County, Texas (*Aubrey Estates Replat Lot 9R, Hector and Ginger Araujo*)
4. Consider and make a recommendation to City Council regarding a Replat application for the Garland Wilson Addition, Lot 7R1 on approximately 0.628 acres in the Francisco Trevino Survey, Abstract No. 1243, within the City of Aubrey, Denton County, Texas (*Garland & Terri Wilson, Garland Wilson Lot 7R1 Replat*)
5. Hold a public hearing, consider, and make a recommendation to City Council on an amendment to Exhibit 14A, "Zoning Ordinance," in Chapter 14, "Zoning" of the Code of Ordinances of the City of Aubrey, Texas, and the official Zoning Map of the City as requested in an application for a change in zoning for property currently zoned as SF10-Single-Family Residential 10,000 Square Foot Lot to a new zoning classification of SF75-Single-Family Residential 7,500 Square Feet. The property contains approximately 0.604 acres of land out of the J.M. Fisher Survey, Abstract Number 432 City of Aubrey, Denton County, Texas and is addressed as 105 E. North Street. The property is located at the northwest corner of E. North Street and Brockett Street. Denton CAD Property ID 52030. (105 E North St. Burke)
6. Hold a public hearing, consider, and make a recommendation to City Council regarding an amendment to Exhibit 14A, "Zoning Ordinance," in Chapter 14, "Zoning" of the Code of Ordinances of the City of Aubrey, Texas, and the official Zoning Map of the City as requested in an application for a change in zoning on an approximate 15.244 acres of land comprised of an approximate 6.25 acre tract of land currently unzoned and previously located in the City's Extraterritorial Jurisdiction to a zoning classification of SF75-Single Family Residential 7,500 Square Foot Lot and an approximate 8.994 acre tract of land currently zoned AG-R Agricultural Residential District and a small strip of private easements designated as C Commercial zoning district to a new zoning classification of SF75-Single Family Residential 7,500 Square Foot Lot. The properties are located in the Francisco Trevino Survey, Abstract No.

1243, Denton County, Texas and generally located south of FM 428/Spring Hill Road, east of US Hwy 377, and north of E. Highmeadow Drive in the Extraterritorial Jurisdiction, City of Aubrey, Texas and in the City of Aubrey, Texas. DCAD Parcel ID's 563322, 52483, 193127, 193128, 52458, 52453, and 52471. (Aubrey ISD High School Annexation/Zoning SF-75)

7. Hold a public hearing, consider, and make a recommendation to City Council on an amendment to Exhibit 14A, "Zoning Ordinance," in Chapter 14, "Zoning" of the Code of Ordinances of the City of Aubrey, Texas, to repeal Section 27, "Sign Regulations" and adopt a new Chapter 27, "Sign Regulations" regulating signage within the corporate limits and extraterritorial jurisdiction of the City of Aubrey, including regulations for location, permitting, variances, nonconformities, and providing definitions. (Sign Ordinance Amendment)

-ADJOURN-

I, Jenny Hicks, City Secretary, certify that this Notice of Meeting was posted, per the Open Meetings Act, on the official bulletin board at the City Hall of the City of Aubrey, Texas and on the City's website at www.aubreytx.gov in accordance with Chapter 551, Texas Government Code, and shall remain posted until the meeting is adjourned.

I certify that the attached notice and agenda of items to be considered by the Planning and Zoning Commission of the City of Aubrey, Texas was removed by me from the official bulletin board of the City of Aubrey, Texas, 107 South Main St, Aubrey, Texas on the _____ day of _____, 2025.

(The Planning and Zoning Commission reserves the right to adjourn into closed session at any time during the course of this meeting to consult with its attorney regarding any of the matters listed on this document, as authorized by Texas Government Code Section 551.071 Consultation with Attorney.)

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodation or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at (940) 440-9343 for further information.

Planning and Zoning Commission Meeting Minutes

Aubrey City Council Chambers
226 Countryside Dr.
Aubrey, TX 76227
May 8, 2025
6:00 PM



The meeting was called to order at 6:02 PM.

Present: Christal Johnson, Donald Smith, Kyle Kennedy, Candace Stone, Brittney Murray, Sina Tidwell

Absent: Nicole Shaw, Chuck Fuller

Staff Present: City Attorney Marie Johnson, City Manager Charles Kreidler, Assistant to the City Manager Bailey Thompson, Planner Helen-Eve Beadle

Invocation & Pledge of Allegiance

Community Announcements: None

Citizen Input: None

New Business: New items requested for consideration.

1. Hold a public hearing, consider, and make a recommendation to City Council regarding a Specific Use Permit request to allow for the sale of alcoholic beverage sales for a Wine and Beer Retailer's Off-Premise Permit (BQ) for the property described as approximately 1.865 acres of land in the Francisco Trevino Survey, Abstract No. 1243, City of Aubrey, Denton County, Texas. The property is generally located at the northeast corner of US Hwy. 377 and Spring Hill Road/ FM 428 known as Chaparral Center. (Valero Ventures/7 Eleven)

Helen-Eve Beadle provided information.

Brad White spoke on behalf of the applicant, Vaquero Ventures.

The Public Hearing opened at 6:11 PM and closed at 6:14 PM.

P&Z Commissioner Donald Smith made a motion to deny based on the proximity of the school. Motion failed for lack of second.

P&Z Commissioner Candace Stone made a motion to approve the Specific Use Permit with the variance to the distance requirement. P&Z Commissioner Christal Johnson seconded. Motion Passed (5:1) P&Z Commissioner Don Smith opposed.

2. Consider and make a recommendation to the City Council regarding a Final Plat application for Lots 1-15, Block A, Chaparral Center (Preliminary Plat title: Highpointe Commercial), being approximately 35.174 acres out of the Francisco Trevino Survey, Abstract 1243 generally located north of FM 428 (Spring Hill Road) and east of U.S. Highway 377, City of Aubrey, Denton County, Texas. (Applicant Aubrey Land JV)

Helen-Eve Beadle provided information.

P&Z Commissioner Candace Stone made a motion to approve the Chaparral Center Final Plat, subject to the five conditions adding to number 4 that the easement must be executed prior to the final plat being filed. P&Z Commissioner Brittney Murray seconded. Motion Passed (6:0). None opposed.

Conditions:

1. Label the area along FM 428/Spring Hill Drive;
 2. Label easements as Aubrey easements, where applicable;
 3. Verify and correct the sanitary sewer velocities on sheet C-22 of the Civil Plans;
 4. Provide the executed Sanitary Sewer Easements executed prior to the final plat being filed, as required per the Development Agreement; and
 5. The above items shall be completed and resubmitted by May 12, 2025.
3. Consider and make a recommendation to the City Council regarding a Preliminary Plat application for Highpointe Ranch East Phase 1, for 192 residential lots and three (3) HOA lots, being approximately 35.254 acres out of the Francisco Trevino Survey, Abstract 1243 generally located south of E Blackjack Road, east of U.S. Highway 377, and north of Springhill Road/FM 428, City of Aubrey, Denton County, Texas. (Andiron TX 5, LLC)

Helen-Eve Beadle provided information.

P&Z Commissioner Brittney Murray made a motion to approve the Preliminary Plat. P&Z Commissioner Kyle Kennedy seconded. Motion Passed (6:0). None opposed.

4. Consider and make a recommendation to the City Council regarding a Final Plat application for Highpointe Ranch East Phase 1, for 192 residential lots and three (3) HOA lots, being approximately 35.254 acres out of the Francisco Trevino Survey, Abstract 1243 generally located south of E Blackjack Road, east of U.S. Highway 377, and north of Springhill Road/FM 428, City of Aubrey, Denton County, Texas. (Andiron TX 5, LLC)

Helen-Eve Beadle Provided information.

P&Z Commissioner Sina Tidwell made a motion to approve with five conditions.

P&Z Commissioner Kyle Kennedy seconded. Motion Passed (6:0). None opposed.

Conditions:

Civil Plan Set:
Sheet C-48

1. Clarify response to previous review comment. Is the reason why the line is lowered because of water service connections?

Sheet C-54

1. For a 12" at 0.31% slope and an "n" value of 0.013 should have a pipe capacity of 1.28 MGD and a velocity of 2.53 ft/s.
 2. This pipe, along with downstream 12" sections at 0.31% and 0.30%, will not have adequate full flow capacity to convey the peak design flow.
 3. Verify all hydraulic calculations.
 4. Verify that Qcap is the representative of full flow conveyance capacity of the pipe.
5. Consider and make a recommendation to City Council regarding a Preliminary Plat for the Palomino for 300 Residential Lots, 1 Lift Station lot, 5 HOA Lots, 1 Public Park Lot, 1 General Retail Lot, 1 City Dedicated General Retail Lot, being approximately 46.974 acres of land situated in the J. Bridges Jr. Survey, Abstract No. 36, within the City of Aubrey, Denton County, Texas. The property is generally located west of FM 2931, north of Frontier Parkway, and east of the future Silverado Parkway. (JEN HOLDCO 24 LLC)

Helen-Eve Beadle provided information.

P&Z Commissioner Kyle Kennedy made a motion to approve the Preliminary Plat. P&Z Commissioner Candace Stone seconded. Motion Passed (6:0). None opposed.

6. Consider and make a recommendation to City Council regarding a Final Plat for the Palomino for 300 Residential Lots, 1 Lift Station lot, 5 HOA Lots, 1 Public Park Lot, 1 General Retail Lot, 1 City Dedicated General Retail Lot, being approximately 46.974 acres of land situated in the J. Bridges Jr. Survey, Abstract No. 36, within the City of Aubrey, Denton County, Texas. The property is generally located west of FM 2931, north of Frontier Parkway, and east of the future Silverado Parkway. (JEN HOLDCO 24 LLC)

Helen-Eve Beadle provided information.

P&Z Commissioner Brittney Murray made a motion to approve the Final Plat subject to City Council's approval of the Preliminary Plat. P&Z Commissioner Donald Smith seconded. Motion Passed (6:0). None opposed.

7. Consider and make a recommendation to the City Council on a Site Plan application for the Shops at High Meadows, Lot 4R1, Block A of the Garland Wilson Addition, located at the southwest corner of the intersection of E. Highmeadow Drive and Betty Lane, in the City of Aubrey, Denton County, Texas. (CLR Realty Group, LLC)

Helen-Eve Beadle provided information.

P&Z Commissioner Christal Johnson made a motion to approve the site plan with the staff recommended conditions listed. P&Z Commissioner Kyle Kennedy seconded. Motion Passed (6:0). None opposed.

Conditions:

1. Per Chapter 10, Subdivision Ordinance, Article 1, Section 4 & 11, Owner/applicant to address the comments of the City Engineer's review of the civil plans;

Sheet No. SP1

- a. Modify retaining wall easement shown on replat to encompass the entirety of the proposed retaining wall.
- b. Retaining wall plans are to be signed and sealed by a structural engineer licensed in the state of Texas.

Sheet No. RW2

- a. Show property line and retaining wall easement on retaining wall sections. submittal of replat show a 2ft retaining wall easement, while wall is in excess of 5 ft. widen retaining wall easement to account for wall width.
- b. Provide structural/loading calculations showing wall is adequately designed to handle loads.

Sheet No. RW3

- a. Label retaining wall easement. Submittal of replat shows a 2ft retaining wall easement, while wall is in excess of 5 ft. widen retaining wall easement to adequately account for wall width.

Sheet No. E3.0

- a. Confirm if Lighting will be shielded, to meet Ordinance section 3.11.034 Light Trespass and Pollution; no direct line of sight...
- b. Recheck to meet ordinance 3.11.034 Light Trespass and Pollution.
- c. Add Legend to identify all line types.
- d. Per Ordinance 3.11.033,d, Minimum Light Levels; minimum 0.50 footcandles for sidewalks and parking areas.

Sheets C2.00-C2.05

- a. The drainage plans shall comply with the TCS&S Manual and be approved by the City Engineer; and
- b. The Landscape Plan requires a variance for the landscape buffers along the south and west property boundaries that may be granted by City Council, Per Chapter 14, Section 23.F.4.;

2. The revised plans are due to the City no later than May 12, 2025.

8. Consider and make a recommendation to the City Council on a Replat application for Lot 4R1R, Block A of the Garland Wilson Addition, located at the southwest corner of

the intersection of E. Highmeadow Drive and Betty Lane, in the City of Aubrey, Denton County, Texas. (CLR Realty Group, LLC)

Helen-Eve Beadle provided information.

P&Z Commissioner Kyle Kennedy made a motion to approve with the conditions noted in the staff report. P&Z Commissioner Brittney Murray seconded. Motion Passed (6:0). None opposed.

Conditions:

- 1. Per Chapter 10, Subdivision Ordinance, Article 1, Section 4 & 11, Owner / applicant to address the comments of the City Engineer's review of the civil plans;**

Final Plat Sheet No. 1

- a. Add notary signature block**
 - b. Add abstract survey information**
 - c. Add Lot acreage**
 - d. Add right-of-way recording information**
 - e. Final Replat submittal shall be signed and sealed by an RPLS in the State of Texas**
- 2. The Final Plat approval is subject to the Site Plan approval; and**
 - 3. The revised Replat is due to the City no later than May 12, 2025.**
9. Conduct a Public Hearing, consider, and make a recommendation to the City Council regarding amendments to Exhibit 14A, "Zoning Ordinance," in Chapter 14, "Zoning" of the Code of Ordinances of the City of Aubrey, Texas to repeal the current provision for zoning by right for Tobacco Shops in the Shopping Center (SC) and Commercial (C) Zoning Districts, and to adopt a Conditional Use Permit (CUP) requirement within those Districts, to provide regulations for approval of such use, to provide for Tobacco Shop use within the Industrial District, and to provide for a definition of Tobacco Shops in Section 4, "Definitions."

Helen-Eve Beadle provided information.

The Public Hearing opened at 7:11 PM and closed at 7:11 PM.

In accordance with Texas Government Code Section 551.071(1) and (2) Consultation with Attorney, the Commission recessed into Executive Session at 7:26 PM to discuss this item.

The commission reconvened into Open Session at 7:26 PM

P&Z Commissioner Brittney Murray made a motion to recommend approval of the amendment to the Zoning Ordinance for Tobacco Shops with two text amendment changes. P&Z Commissioner Candace Stone seconded. Motion Passed (6:0). None opposed.

Text amendment changes:

- 1. to measure the distance requirements from property line to property line to expand the definition of tobacco shops to include other smoked,**

- smokeless or otherwise consumable products;**
2. with respect to the onsite use to allow an exception for product testing prior to purchase.

10. Conduct a Public Hearing, consider, and make a recommendation to the City Council regarding an amendment to Exhibit 14, "Zoning Ordinance," Chapter 14A, "Zoning" of the Code of Ordinances of the City of Aubrey, Texas to amend Section 6, "Conditional Uses and Specific Use Permits," to adopt a Conditional Use Permit process to allow for the sale of specified types of alcoholic beverages in certain zoning districts and to provide a Specific Use Permit for the sale of specified types of alcoholic beverages in certain zoning districts, to establish regulations and fees for such application processes, to provide definitions, to provide an Alcohol and Zoning District Use Chart, and to allow minor editorial changes in Section 6 to provide clarity.

The Public Hearing opened at 7:49 PM and closed at 7:49 PM.

P&Z Commissioner Sina Tidwell made a motion to approve the amendment to Section 6 of the Zoning Ordinance for alcoholic beverage sales. P&Z Commissioner Christal Johnson seconded. Motion Passed (6:0). None opposed.

11. Consideration and action on approving minutes of the April 10, 2025 meeting.

P&Z Commissioner Brittney Murray made a motion to approve the minutes. P&Z Commissioner Candace Stone seconded. Motion Passed (6:0). None opposed.

The meeting was adjourned at 7:51 PM.

PASSED and APPROVED by the Planning and Zoning Commission of the City of Aubrey, Texas, this 12th day of June, 2025.

Sina Tidwell, Commission Chair

ATTEST:

Jenny Hicks, City Secretary



Planning and Zoning Commission Meeting
Staff Report
June 12, 2025

Agenda Item

Approve the request from Commission Member(s) identified in the Staff report as an excused absence from the May 8, 2025 regular meeting.

Staff Contact

Jenny Hicks, City Secretary
jhicks@aubreytx.gov
940-440-9343

Summary

Nicole Shaw has requested an excused absence from the May 8th meeting.

Financial Summary

N/A

Staff Recommended Action

Approve

Staff Recommended Motion

Motion to approve the request for an excused absence.



Planning and Zoning Commission Meeting
Staff Report
June 12, 2025

Agenda Item

Consider and make a recommendation to City Council regarding a Replat application for Aubrey Estates Lot 9R to create one (1) lot in approximately 11.062 acres of the John M. Fisher Survey, Abstract No. 432, Thomas White Survey, Abstract No. 223, within the City of Aubrey Extraterritorial Jurisdiction, Denton County, Texas (*Aubrey Estates Replat Lot 9R, Hector and Ginger Araujo*)

Staff Contact

Helen-Eve Beadle, Planner
heleneve@heplanningdesign.com
469-360-6618

Summary

The applicant has submitted an application to replat two (2) lots, Lots 9 and 10 of Aubrey Estates, into one lot proposed as Lot 9R. The City of Aubrey is required to process plat applications in its extraterritorial jurisdiction (ETJ) through an Interlocal Agreement (ILA) with Denton County. The property water service is provided by Black Rock Water Supply and sanitation is by septic system. The property is in the extraterritorial jurisdiction (ETJ) and permitting will go through Denton County.

Recommendation

Staff has reviewed the Replat and recommends it for approval.

Action Options

The Planning and Zoning Commission may recommend to the City Council:

1. Approve the Replat;
2. Approve the Replat with conditions; or
3. Deny the Replat

ATTACHMENT

1. Aubrey Estates Replat for Lot 9R
-

Financial Summary

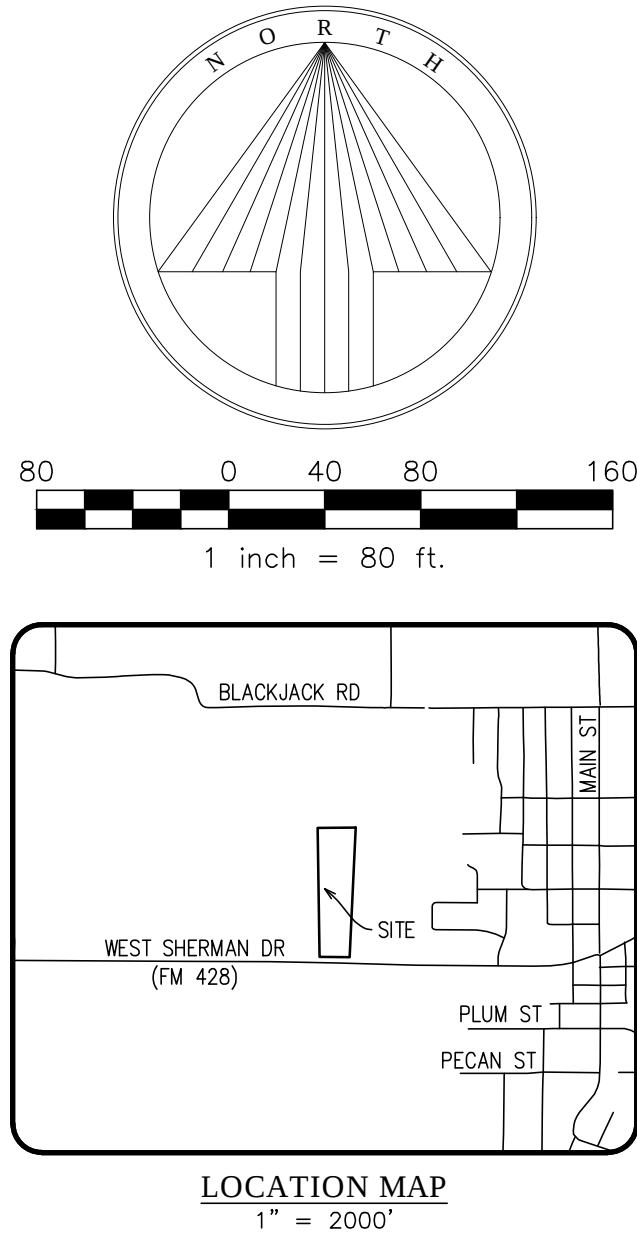
Staff Recommended Action

Approve

Staff Recommended Motion

Motion to recommend approval of the Replat to City Council.

Drawing: C:\2025\085\25-035_874 Sherman Drive\SUBDIV\DWG\25-035 Replat.dwg Saved By: Barnett, Save Time: 5/28/2025 10:45:52 AM Plotted by: Barnett, Plot Date: 5/28/2025 11:18 AM



LEGEND	
(Not all items may be applicable)	
o	1/2" IRON ROD WITH PLASTIC CAP STAMPED "SPIARSEN" SET, UNLESS OTHERWISE NOTED
IRF	IRON ROD FOUND
CIRF	CAPPED IRON ROD FOUND
IPF	IRON PIPE FOUND
AMF	ALUMINUM MONUMENT FOUND
CM	CONTROL MONUMENT
Esmt.	EASEMENT
UEL	UTILITY
DE	DRAINAGE EASEMENT
DUE	DRAINAGE AND UTILITY EASEMENT
UE	UTILITY EASEMENT
WE	WATER EASEMENT
SSE	SANITARY SEWER EASEMENT
SE	SIDEWALK EASEMENT
STE	STREET EASEMENT
FAUE	FIRELANE, ACCESS, & UTILITY EASEMENT
WMC	WALL MAINTENANCE EASEMENT
HBE	HIKE & BIKE TRAIL EASEMENT
VAM	VISIBILITY, ACCESS & MAINTENANCE EASEMENT
BT	BY THIS PLAT
R.O.W.	RIGHT-OF-WAY
Min. FF	MINIMUM FINISH FLOOR ELEVATION
BL	BUILDING LINE
SC	STREET NAME CHANGE
BD	BLOCK DESIGNATION
ST	STREET FRONTAGE
Cab.	CABINET
Vol.	VOLUME
PAGE	PAGE
FIG.	FIGURE
No.	NUMBER
FEMA	FEDERAL EMERGENCY MANAGEMENT AGENCY
FIRM	FLOOD INSURANCE RATE MAP
Ord. No.	ORDINANCE NUMBER
Inst./Doc.	INSTRUMENT OR DOCUMENT
DRDCT	DEED RECORDS, DENTON COUNTY, TEXAS
PRDCT	PLAT RECORDS, DENTON COUNTY, TEXAS
OPRDCT	OFFICIAL PUBLIC RECORDS, DENTON COUNTY, TEXAS

NOTES:

- This replat was prepared without the benefit of a commitment for title insurance. No research was performed for any easements other than that shown on the record plat of this property. Therefore, easements, agreements, and other documents may exist that affect the subject property that are not shown on this replat.
- Basis of bearing: State Plane Coordinate System, North Texas Central Zone 4202, North American Datum of 1983. Adjustment Realization 2011. All distances shown are surface distances.
- 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.
- The purpose of this replat is to combine lots 9 and 10 into a single lot.
- No part of the subject land is located in a 100-year Flood Plain or in an identified "flood prone area," as defined pursuant to the Flood Disaster Protection Act of 1973, as amended, as reflected by Flood Insurance Rate Map Panel 48121C0265G, dated 4/18/2011. The property is located in Zone "X" (areas determined to be outside the 500-year floodplain).

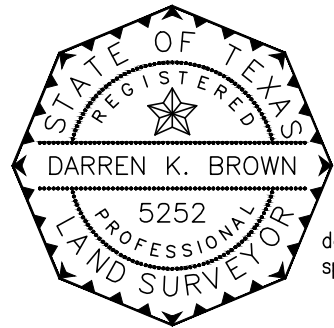
SURVEYOR'S CERTIFICATE

That I, Darren K. Brown, of Spiars Engineering, Inc., do hereby certify that I prepared this plat and the field notes made a part thereof from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the Subdivision Regulations of the City of Aubrey, Texas.

Dated this the _____ day of _____, 2025.

PRELIMINARY, THIS DOCUMENT
SHALL NOT BE RECORDED
FOR ANY PURPOSE

DARREN K. BROWN, R.P.L.S. NO. 5252



darren.brown@
spiarsengineering.com

STATE OF TEXAS §
COUNTY OF COLLIN §

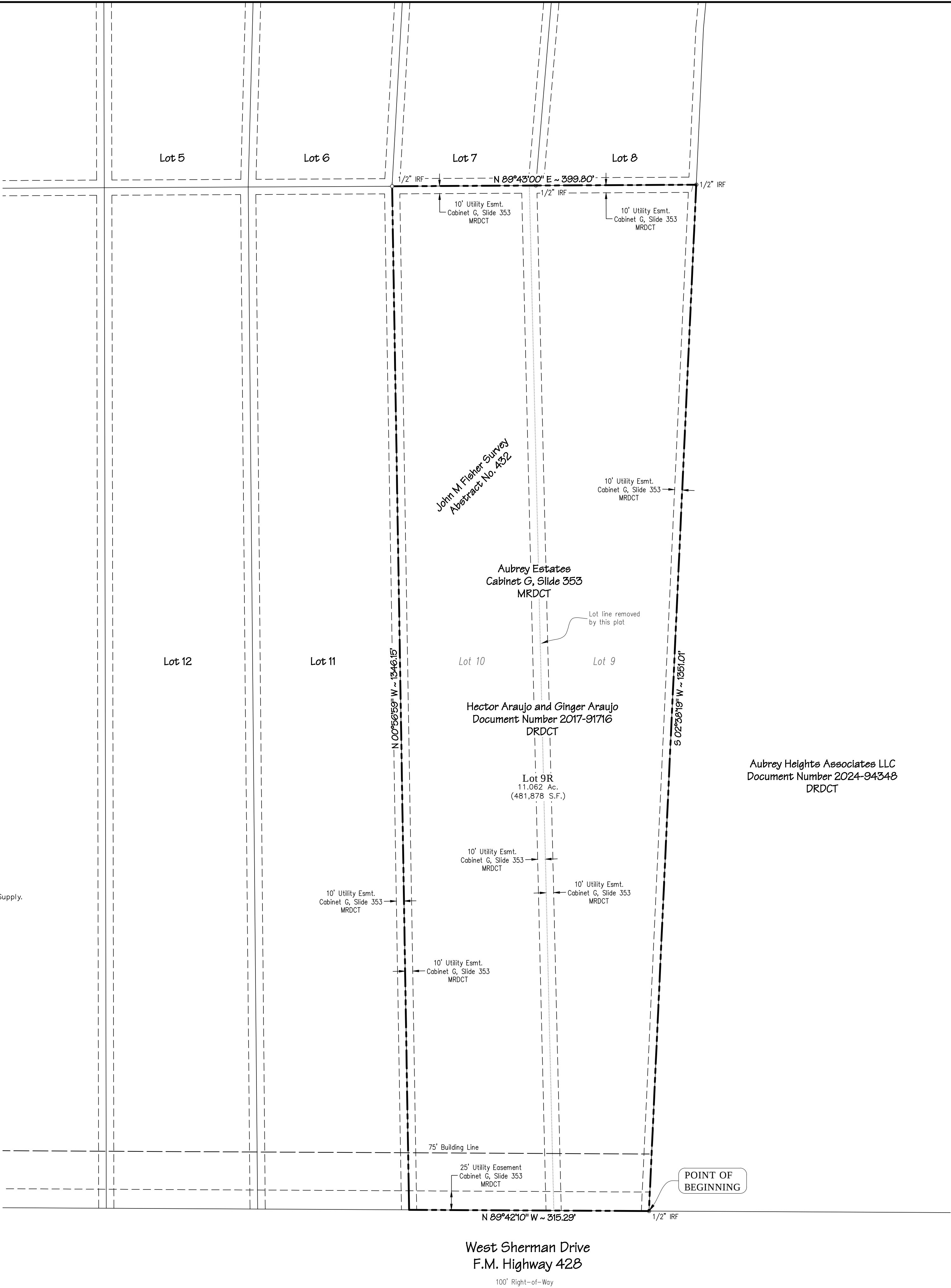
BEFORE ME, the undersigned, a Notary Public in and for The State of Texas, on this day personally appeared Darren K. Brown, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____, 2025.

Notary Public, State of Texas

UTILITY NOTES:

- Sanitation by individual septic.
- Water service to be provided by Black Rock Water Supply.



STATE OF TEXAS §
COUNTY OF DENTON §

OWNER'S CERTIFICATE

WHEREAS Hector and Ginger Araujo are the owners of a tract of land situated in the John M. Fisher Survey, Abstract No. 432, Denton County, Texas according to the deed recorded in Document No. 2017-91716 of the Deed Records, Denton County, Texas, also being all of Lots 9 and 10, Aubrey Estates, an addition recorded in Cabinet G, Slide 353 of the Map Records, Denton County, Texas, with the subject tract being more particularly described as follows:

BEGINNING at a 1/2" iron rod found for the southeast corner of Lot 9, being the southwest corner of a tract conveyed to Aubrey Heights Associates LLC, according to the deed recorded in Document No. 2024-94348 DRDCT, and being on the north line of West Sherman Drive, also known as Farm to Market Road 428, a 100' right-of-way;

THENCE N 89°42'10" W, 315.29 feet along the north line of West Sherman Drive to the southwest corner of Lot 10, also being the southeast corner of Lot 11, Aubrey Estates;

THENCE N 00°56'59" W, 1346.15 feet along the east line of Lot 11 to a 1/2" iron rod found for the northeast corner thereof, also being the northwest corner of Lot 10, the southeast corner of Lot 6, and the southwest corner of Lot 7;

THENCE N 89°43'00" E, 399.80 feet along the south line of Lots 7 and 8 to a 1/2" iron rod found for the southeast corner of Lot 8, also being the northeast corner of Lot 9, and on the west line of said Aubrey Heights Associates tract;

THENCE S 02°38'19" W, 1351.01 feet along the west line thereof to the POINT OF BEGINNING with the subject tract containing 481,878 square feet or 11.062 acres of land.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That We, **Hector and Ginger Araujo**, do hereby adopt this plat designating the hereinabove described property as **Lot 9R Aubrey Estates**, an Addition to the City of Aubrey, and do hereby dedicate to the public use forever the streets and alleys shown thereon and do hereby reserve the easement strips shown on this plat for the mutual use and accommodation of garbage collection agencies and all public utilities desiring to use or using same. Any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of these easement strips and any public utility shall at all times have the right of ingress and egress to and from and upon the said easement strip for the purpose of constructing, reconstructing, inspecting, and patrolling, without the necessity at any time of procuring the permission of anyone. This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Aubrey, Texas.

Witness our hands at _____ County, Texas, this _____ day of _____, 2025.

HECTOR ARAUJO

By: _____

STATE OF TEXAS §
COUNTY OF DENTON §

BEFORE ME, the undersigned, a Notary Public in and for The State of Texas, on this day personally appeared _____, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____, 2025.

Notary Public, State of Texas

GINGER ARAUJO

By: _____

STATE OF TEXAS §
COUNTY OF DENTON §

BEFORE ME, the undersigned, a Notary Public in and for The State of Texas, on this day personally appeared _____, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____, 2025.

Notary Public, State of Texas

CERTIFICATE OF REPLAT APPROVED

THIS REPLAT WAS REVIEWED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF AUBREY, TEXAS THE

_____ DAY OF _____, 2025

CHRIS RICH, MAYOR
CITY OF AUBREY, TEXAS

ATTEST
JENNY HICKS, CITY SECRETARY
CITY OF AUBREY, TEXAS

REPLAT

AUBREY ESTATES

LOT 9R
BEING A REPLAT OF LOTS 9 & 10

AUBREY ESTATES

CITY OF AUBREY ETJ, DENTON COUNTY, TEXAS
Recorded in Cabinet G, Slide 353, Map Records, Denton County, Texas
11.062 Acres

OWNER / APPLICANT
Hector & Ginger Araujo
874 W. Sherman Drive
Aubrey, Texas 76227
Telephone (817) 575-7263
Contact: Hector Araujo

ENGINEER / SURVEYOR
Spiars Engineering, Inc.
765 Custer Road, Suite 100
Plano, TX 75075
Telephone: (972) 422-0077
TBPELS No. F-2121 and No. F-10043100
Contact: Tyler Barnett

**Planning and Zoning Commission Meeting
Staff Report
June 12, 2025**

Agenda Item

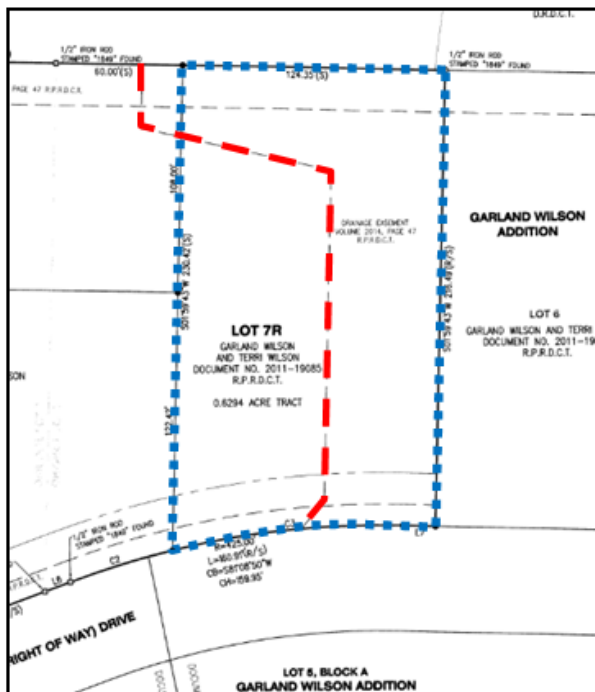
Consider and make a recommendation to City Council regarding a Replat application for the Garland Wilson Addition, Lot 7R1 on approximately 0.628 acres in the Francisco Trevino Survey, Abstract No. 1243, within the City of Aubrey, Denton County, Texas (*Garland & Terri Wilson, Garland Wilson Lot 7R1 Replat*)

Staff Contact

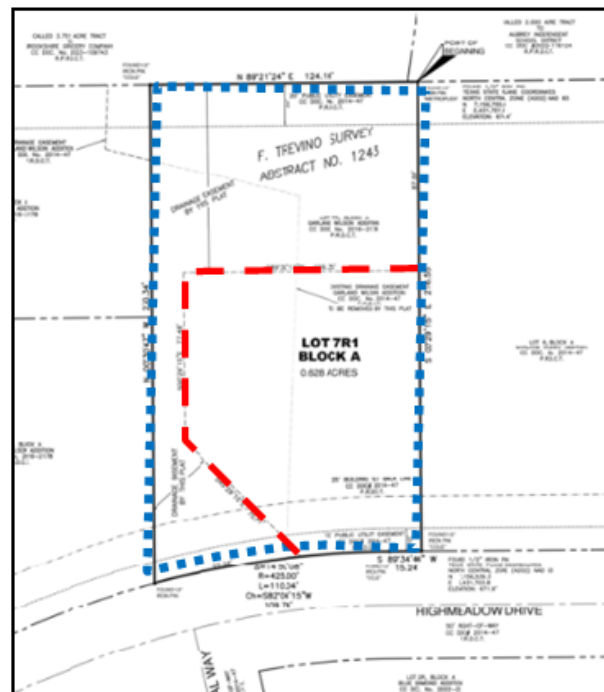
Helen-Eve Beadle, Planner
heleneve@heplanningdesign.com
469-360-6618

Summary

The applicant has submitted an application to Replat Lot 7R to reconfigure a drainage easement in order to provide for an improved lot that can be developed. The image below illustrates the existing and proposed configuration of the easement.



EXISTING LOT & DRAINAGE EASEMENT



PROPOSED LOT & DRAINAGE EASEMENT

Civil engineering plans, as part of the Replat application, have been submitted and approved by the City Engineer. The lot does not have an approved Site Plan, and before the property is released for a building permit, a Site Plan application and recommendation/approval by the Planning & Zoning Commission/City Council is required. Grading will be permitted to occur to relocate the new drainage improvements associated with the reconfigured easement.

Recommendation

Staff has reviewed the Replat and recommends it for approval. A complete Site Plan application for the lot will

be required prior to a building permit being issued.

Action Options

The Planning and Zoning Commission may recommend to the City Council:

1. Approve the Replat;
2. Approve the Replat with conditions; or
3. Deny the Replat

Attachments

1. Garland Wilson Addition, Lot 7R1
-

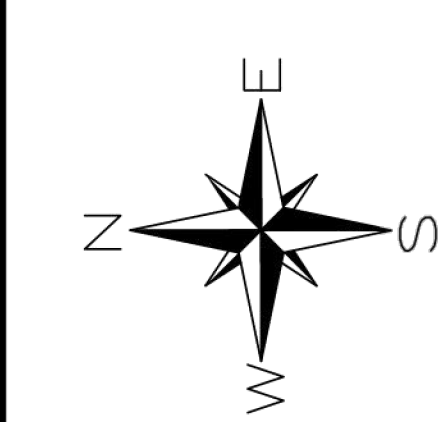
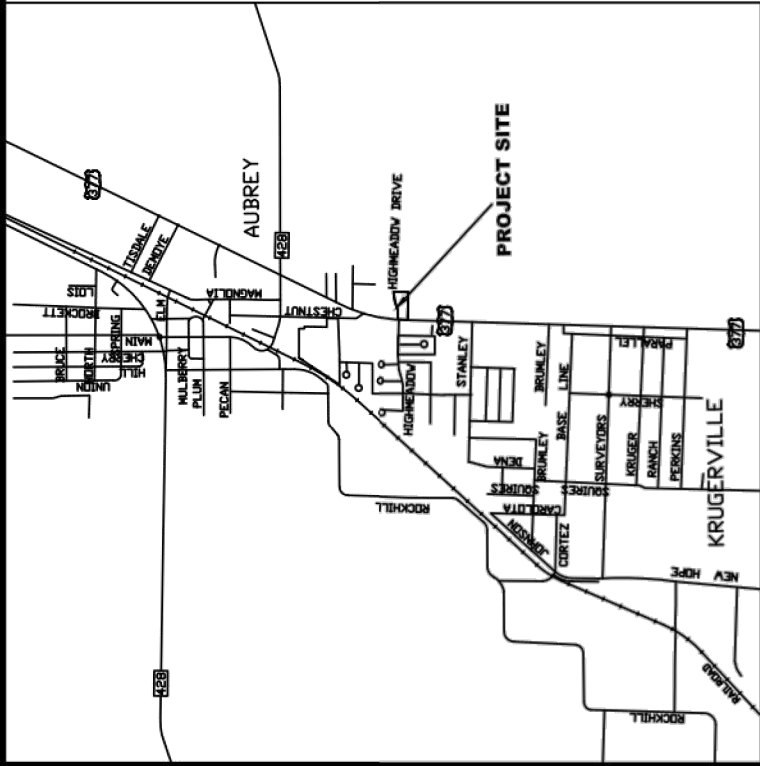
Financial Summary

Staff Recommended Action

Approve

Staff Recommended Motion

Motion to recommend approval of the Replat to City Council.



WATER:
CITY OF AUBREY
107 S. MAIN STREET
AUBREY, TX 76227
PH(940)440-9343
FAX(940)440-9343
WWW.AUBREYTX.GOV

TELECOMMUNICATIONS:
AT&T
2301 RIDGE VIEW DRIVE
AUBREY, TX 76225
PH(940)440-3084
FAX(940)440-3084
WWW.AT&T.COM

ELECTRIC:
TEXAS-NEW MEXICO POWER
107 S. MAIN STREET
AUBREY, TX 76227
PH(940)440-9343
FAX(940)440-9343
WWW.AUBREYTX.GOV

SEWER:
CITY OF AUBREY
107 S. MAIN STREET
AUBREY, TX 76227
PH(940)440-9343
FAX(940)440-9343
WWW.AUBREYTX.GOV

GENERAL NOTES:

1. SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF THE CITY ORDINANCE AND STATE LAW AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
2. 1/2" INCH IRON RODS SET AT LOT CORNERS WITH YELLOW PLASTIC CAPS STAMPED WITH METROPLEX 10023300, UNLESS OTHERWISE NOTED.
3. THE PURPOSE OF THIS REPLAT IS TO RELOCATE THE EXISTING DRAINAGE EASEMENT.
4. BEARINGS ARE BASED ON GPS OBSERVATIONS USING TEXAS STATE PLANE COORDINATE SYSTEM, NAD 83 NORTH CENTRAL, TEXAS ZONE (4202), SURFACE DISTANCES ARE SHOWN. GRID COORDINATES SHOWN FOR MAPPING PURPOSES.
5. BY GRAPHIC PLOTTING ONLY. THIS PROPERTY IS WITHIN ZONE "X" AREAS DETERMINED TO BE OUTSIDE OF A DESIGNATED 100 YEAR OR 500 YEAR FLOOD PLAIN AS SHOWN BY FIRM MAP COMMUNITY-PANEL NUMBER 48121C0285G, DATED APRIL 18, 2011. NO SURVEYING WAS PERFORMED TO DETERMINE THIS FLOOD ZONE.
6. 1 LOT FOR COMMERCIAL USE.
7. ZONED SC- SHOPPING CENTER.

CALL AT LEAST 48 HOURS BEFORE DIGGING
Know what's below.
Call before you dig.
(800) 545-6005 OR 811

A FEDERAL LAW NOW IN EFFECT ALSO STATES THAT ANY PERSON WHO ENGAGES IN EXCAVATION ACTIVITIES WITHOUT FIRST USING AN AVAILABLE ONE-CALL NOTIFICATION SYSTEM TO DETERMINE LOCATIONS OF UNDERGROUND FACILITIES, OR WITHOUT HEEDING LOCATION INFORMATION OR MARKINGS AND SUBSEQUENTLY CAUSING DAMAGE TO ANY SUCH FACILITY, MAY BE SUBJECT TO A FINE OR IMPRISONMENT. THE LAW ALSO STATES THAT OSHA MAY BE NOTIFIED OF ANY ACCIDENT CAUSED BY AN EXCAVATOR.

LEGEND
PRODOT = PLAT RECORDS DENTON COUNTY, TEXAS
RRPRODOT = REAL PROPERTY RECORDS DENTON COUNTY, TEXAS
GRIFFIN = CONTROLLING MONUMENT
CH = CONTROLLING MONUMENT
SP = SET IRON PIN
E = SET IRON PIN
C = CENTERLINE
USED CALC = ()

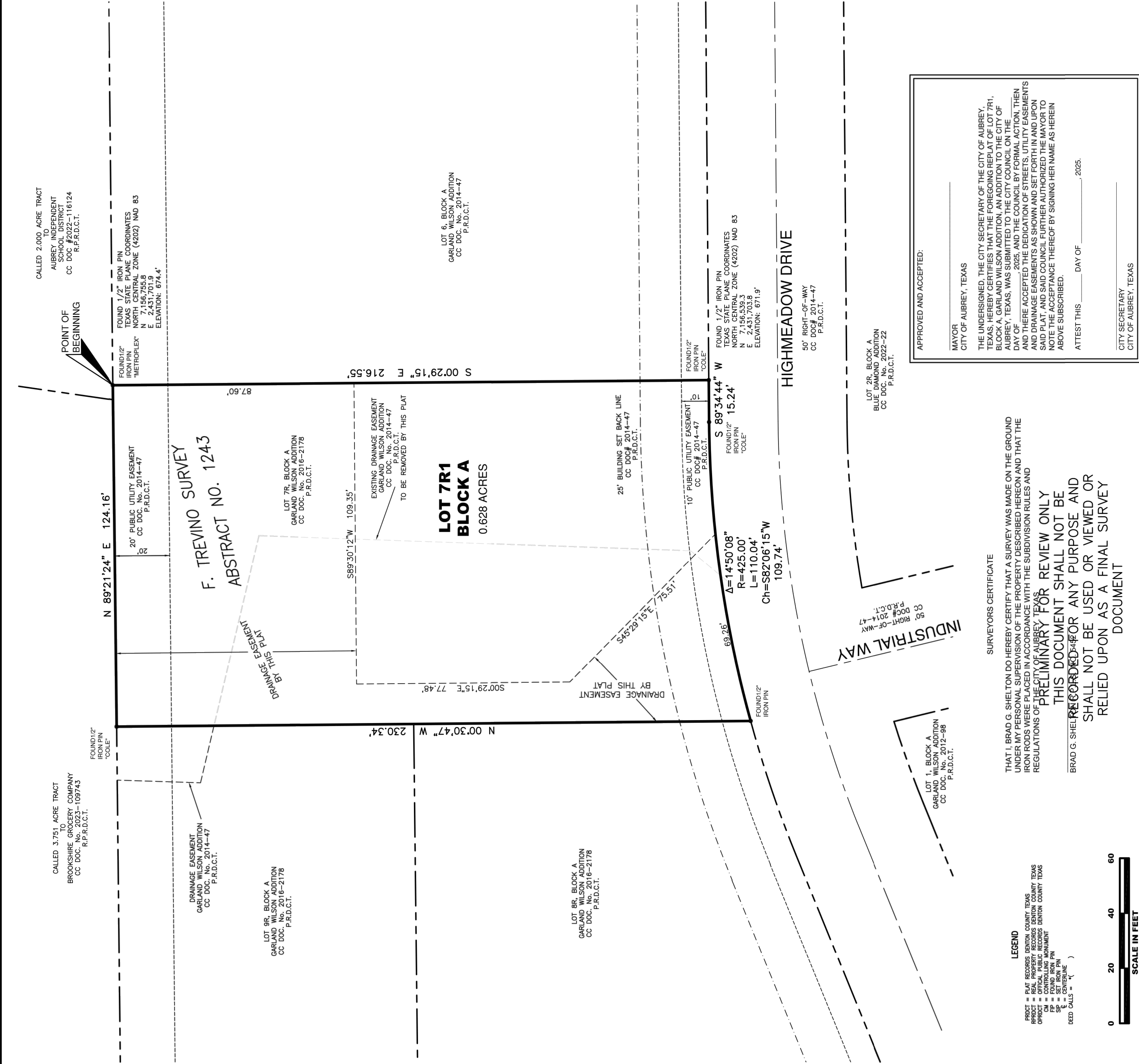


SURVEYOR'S CERTIFICATE
THAT I, BRAD G. SHELTON, DO HEREBY CERTIFY THAT A SURVEY WAS MADE ON THE GROUND UNDER MY PERSONAL SUPERVISION OF THE PROPERTY DESCRIBED HEREON, AND THAT THE IRON RODS WERE PLACED IN ACCORDANCE WITH THE SUBDIVISION RULES AND REGULATIONS OF THE CITY OF AUBREY, TEXAS.
THIS DOCUMENT SHALL NOT BE
RECORDED FOR ANY PURPOSE AND
SHALL NOT BE USED OR VIEWED OR
RELIED UPON AS A FINAL SURVEY
DOCUMENT
BRAD G. SHELTON
CITY SECRETARY
CITY OF AUBREY, TEXAS

DATE	REVISIONS
02/24/25	ADDRESSED COMMENTS FROM CITY OF AUBREY
BY:	BGS
CKD:	DMS
DWN:	BGS
SCALE	1"=20'
DATE	01/16/25

OWNER: GARLAND & TERRI WILSON
1904 BLACKJACK ROAD WEST
AUBREY, TEXAS 76227
(940) 365-0800

SURVEYOR: BRAD G. SHELTON METROPLEX SURVEYING, INC. 223 W. HICKORY ST. DENTON, TEXAS 76201 (940) 387-0506	FIRM NO. 10023300
SHEET OF 1	1
JOB No.	38393



STATE OF TEXAS
COUNTY OF DENTON

WHEREAS WE, GARLAND WILSON AND TERRI WILSON, ARE THE OWNERS OF AN 0.628 ACRE TRACT OF LAND, BEING A PORTION OF THE SOUTHWEST CORNER OF LOT 7R, BLOCK A, GARLAND WILSON ADDITION, AUBREY, DENTON COUNTY, TEXAS, AND BEING ALL OF LOT 7R, BLOCK A, GARLAND WILSON ADDITION, AN ADDITION TO THE CITY OF AUBREY, AS SHOWN BY THE PLAT THEREOF RECORDED UNDER DOCUMENT NUMBER 2016-2178, PLAT RECORDS, DENTON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND 1/2" IRON PIN MARKED "METROPLEX" AT THE NORTHEAST CORNER OF SAID LOT 7R, AT THE NORTHWEST CORNER OF LOT 6, BLOCK A, GARLAND WILSON ADDITION, AN ADDITION TO THE CITY OF AUBREY, AS SHOWN BY THE PLAT THEREOF RECORDED UNDER DOCUMENT NUMBER 2014-47, PLAT RECORDS, DENTON COUNTY, TEXAS, SAID PIN ALSO BEING ON THE SOUTH LINE OF A CALLED 2,000 ACRE TRACT DESCRIBED IN A DEED TO AUBREY INDEPENDENT SCHOOL DISTRICT, RECORDED UNDER DOCUMENT NUMBER 2022-116124, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS;

THENCE SOUTH 00 DEGREES 29 MINUTES 15 SECONDS EAST, WITH THE EAST LINE OF SAID LOT 7R AND THE WEST LINE OF SAID LOT 6, A DISTANCE OF 216.55 FEET, TO A FOUND 1/2" IRON PIN WITH A PLASTIC CAP MARKED "COLE", AT THE SOUTHWEST CORNER OF SAID LOT 6, BEING THE SOUTHEAST CORNER OF SAID LOT 7R, SAID PIN BEING ON THE NORTH RIGHT-OF-WAY LINE OF HIGHMEADOW DRIVE (60' RIGHT-OF-WAY);

THENCE SOUTH 89 DEGREES 34 MINUTES 44 SECONDS WEST, WITH A SOUTH LINE OF SAID LOT 7R AND THE NORTH RIGHT-OF-WAY OF HIGHMEADOW DRIVE, A DISTANCE OF 152.4 FEET, TO A FOUND 1/2" INCH IRON PIN WITH A PLASTIC CAP MARKED "COLE", AT THE BEGINNING OF A CURVE TO THE LEFT;

THENCE AROUND SAID CURVE TO THE LEFT, CONTINUING WITH A SOUTH LINE OF SAID LOT 7R AND THE NORTH RIGHT-OF-WAY LINE OF HIGHMEADOW DRIVE, HAVING A CENTRAL ANGLE OF 14 DEGREES 50 MINUTES 08 SECONDS, A RADIUS OF 425.00 FEET, AN ARC LENGTH OF 110.04 FEET AND A CHORD WHICH BEARS SOUTH 82 DEGREES 08 MINUTES 15 SECONDS WEST, A DISTANCE OF 109.74 FEET TO A FOUND 1/2" IRON PIN, AT THE SOUTHWEST CORNER OF SAID LOT 7R, BEING THE EASTERMOST SOUTHEAST CORNER OF LOT 8R, BLOCK A, OF SAID GARLAND WILSON ADDITION;

THENCE NORTH 00 DEGREES 30 MINUTES 47 SECONDS WEST, WITH THE COMMON LINE BETWEEN SAID LOT 7R AND SAID LOT 8R, A DISTANCE OF 230.34 FEET TO A FOUND 1/2" INCH IRON PIN WITH A PLASTIC CAP MARKED "COLE", AT THE NORTHEAST CORNER OF LOT 9R, BLOCK A, OF SAID GARLAND WILSON ADDITION, BEING THE NORTHWEST CORNER OF SAID LOT 7R, SAID PIN ALSO BEING ON THE SOUTH LINE OF A CALLED 3,751 ACRE TRACT DESCRIBED IN A DEED TO BROOKSHIRE GROCERY COMPANY, RECORDED UNDER DOCUMENT NUMBER 2023-109743, REAL PROPERTY RECORDS, DENTON COUNTY, TEXAS;

THENCE NORTH 89 DEGREES 21 MINUTES 24 SECONDS EAST, WITH THE NORTH LINE OF SAID LOT 7R AND THE SOUTH LINE OF SAID 3,751 ACRE TRACT, A DISTANCE OF 124.16 FEET TO THE POINT OF BEGINNING AND CONTAINING IN ALL 0.628 ACRES OF LAND.

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

THAT WE, GARLAND WILSON AND TERRI WILSON DO HEREBY ADOPT THIS PLAT, DESIGNATING THE HEREIN DESCRIBED PROPERTY AS, LOT 7R1, BLOCK A, GARLAND WILSON ADDITION, AN ADDITION TO THE CITY OF AUBREY, DENTON COUNTY, TEXAS, AND DO HEREBY DEDICATE TO PUBLIC USE FOREVER THE STREETS AND EASEMENTS AS SHOWN HEREON.

BY: GARLAND WILSON, OWNER

BY: TERRI WILSON, OWNER

STATE OF TEXAS
COUNTY OF DENTON

BEFORE ME, THE UNDERSIGNED AUTHORITY IN AND FOR SAID COUNTY AND STATE ON THIS DAY PERSONALLY APPEARED, GARLAND WILSON, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED AND THE CAPACITY THEREIN STATED;

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS ____ DAY OF ____ 2025.

NOTARY PUBLIC, STATE OF TEXAS

STATE OF TEXAS
COUNTY OF DENTON

BEFORE ME, THE UNDERSIGNED AUTHORITY IN AND FOR SAID COUNTY AND STATE ON THIS DAY PERSONALLY APPEARED, TERRI WILSON, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED AND THE CAPACITY THEREIN STATED;

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS ____ DAY OF ____ 2025.

NOTARY PUBLIC, STATE OF TEXAS

REPLAT
LOT 7R1, BLOCK A
BEING A REPLAT OF
LOT 7R, BLOCK A
GARLAND WILSON ADDITION

BEING 0.628 ACRES IN THE
FRANCISCO TREVINO SURVEY,
ABSTRACT NO. 1243,
CITY OF AUBREY,
DENTON COUNTY, TEXAS.



Planning and Zoning Commission Meeting
Staff Report
June 12, 2025

Agenda Item

Hold a public hearing, consider, and make a recommendation to City Council on an amendment to Exhibit 14A, "Zoning Ordinance," in Chapter 14, "Zoning" of the Code of Ordinances of the City of Aubrey, Texas, and the official Zoning Map of the City as requested in an application for a change in zoning for property currently zoned as SF10-Single-Family Residential 10,000 Square Foot Lot to a new zoning classification of SF75-Single-Family Residential 7,500 Square Feet. The property contains approximately 0.604 acres of land out of the J.M. Fisher Survey, Abstract Number 432 City of Aubrey, Denton County, Texas and is addressed as 105 E. North Street. The property is located at the northwest corner of E. North Street and Brockett Street. Denton CAD Property ID 52030. (105 E North St. Burke)

Staff Contact

Helen-Eve Beadle, Planner
heleneve@heplanningdesign.com
469-360-6618

Summary

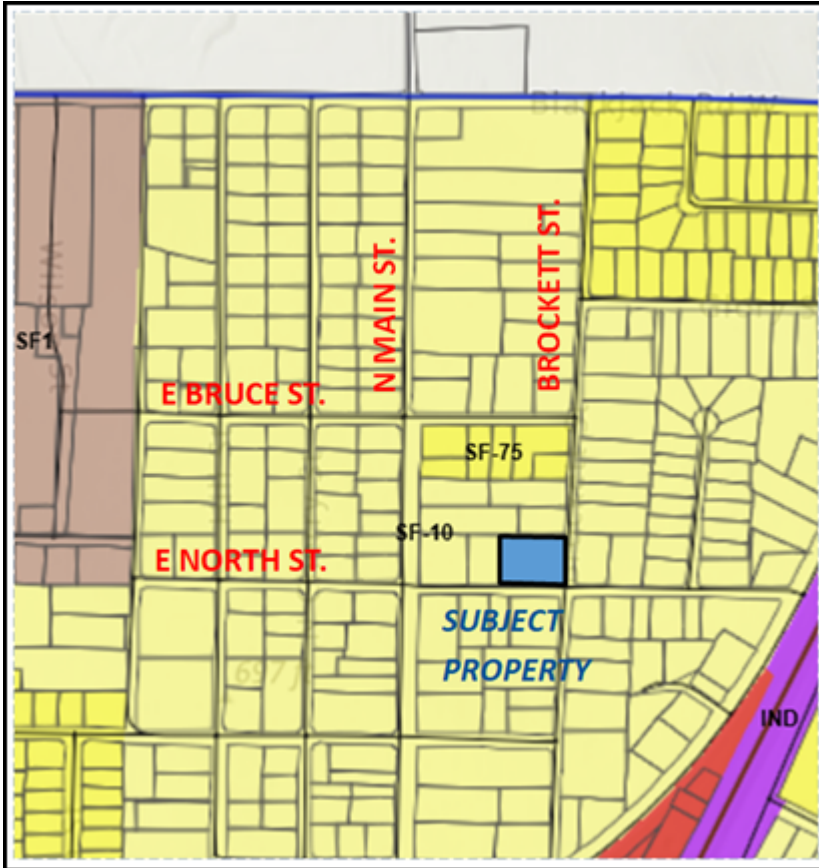
The applicant has submitted an application to rezone the property located at 105 E North Street from SF10-Single-Family Residential 10, 000 Square Foot Lot to SF75-Single-Family Residential 7,500 Square Feet to allow for dimensional requirements that will allow the lot to be platted into two (2) residential lots.

The main differences in the two zoning districts are minimum lot area, minimum lot depth, maximum lot coverage, and minimum dwelling area.

Zoning Requirement	SF10	SF-75
Min. Lot Area	10,000 SF	7,500 SF
Min. Lot Width	70 Feet	60 Feet
Min. Lot Depth	150 Feet	120 Feet
Min. Front Yard	25 Feet	25 Feet
Min. Side Yard	8 Feet	8 Feet
Min. Rear Yard	25 Feet	25 Feet
Max. Lot Coverage	40%	35%
Min. Dwelling Area	1,500 SF	1,200 SF
Max. Building Height	35 Feet	35 Feet

The property dimensions are approximately 172 feet wide by 153 feet deep and 26,310 square feet in area. Once right-of-way is dedicated for E North Street, the property/future lots would not meet the minimum lot depth requirement of 150 feet for the SF-10 district. Additionally, upon right-of-way dedication for Brockett Street (east side of property) and a minimum side yard of eight (8) feet being provided on the east side of the existing structure, the corner lot may not meet the minimum lot width requirement (70 feet) for the SF10 district. Plats are required to meet minimum zoning standards.

The Zoning Map indicates the majority of the surrounding neighborhood as being zoned SF10 with a pocket of SF-75 along Bruce Street. It is important to mention that quite often when cities adopt zoning maps a single district is applied to an existing/older part of the city whether all of the lots meet the standards or not. There are a number of lots and parcels in this area of Aubrey that do not meet minimum lot area, lot depth, square footage, and/or setbacks, etc. The applicant has submitted a summary of intent for the anticipated subdivision of the property and it is included as an attachment to this report.



ZONING MAP

Notifications

Notifications as required by Texas Local Government Code and the City of Aubrey Zoning Ordinance were provided.

At the time of agenda report preparation no letters in support of or in opposition to the rezoning request had been received.

Recommendation

Staff has reviewed the rezoning application and recommend it for approval.

Action Options

The Planning and Zoning Commission may recommend to the City Council:

1. Approve the rezoning application; or
2. Deny the rezoning application.

Attachments

1. Location/Notification Map
 2. Zoning Exhibit
 3. Owner Summary of Intent
-

Financial Summary

Staff Recommended Action

Approve

Staff Recommended Motion

Motion to recommend approval of the rezoning application to City Council.

105 E. NORTH STREET AUBREY, TX 76227

200-FOOT NOTIFICATION MAP

LEGEND



200-foot Radius

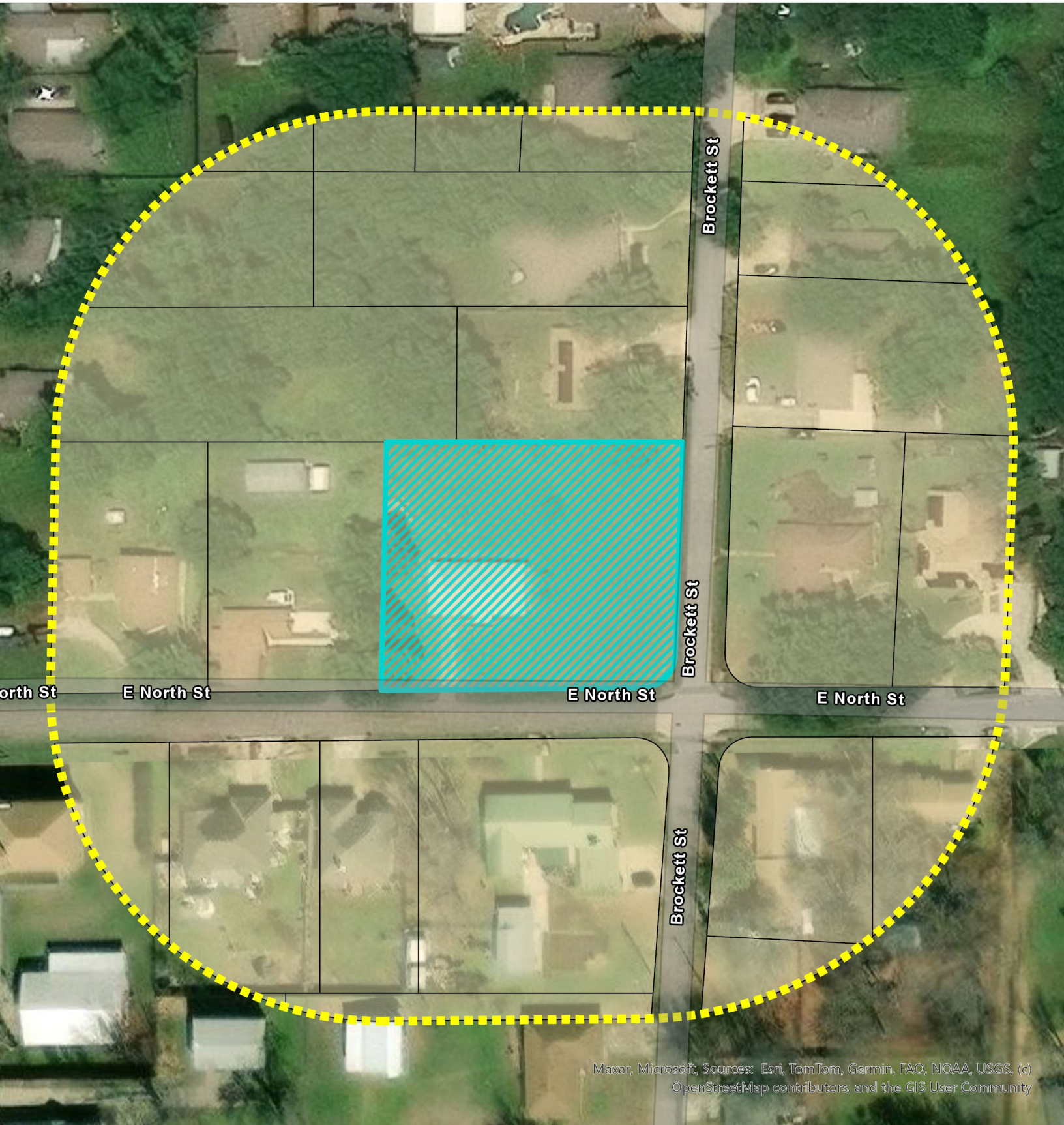


105 E North St.



Parcels within 200-foot radius

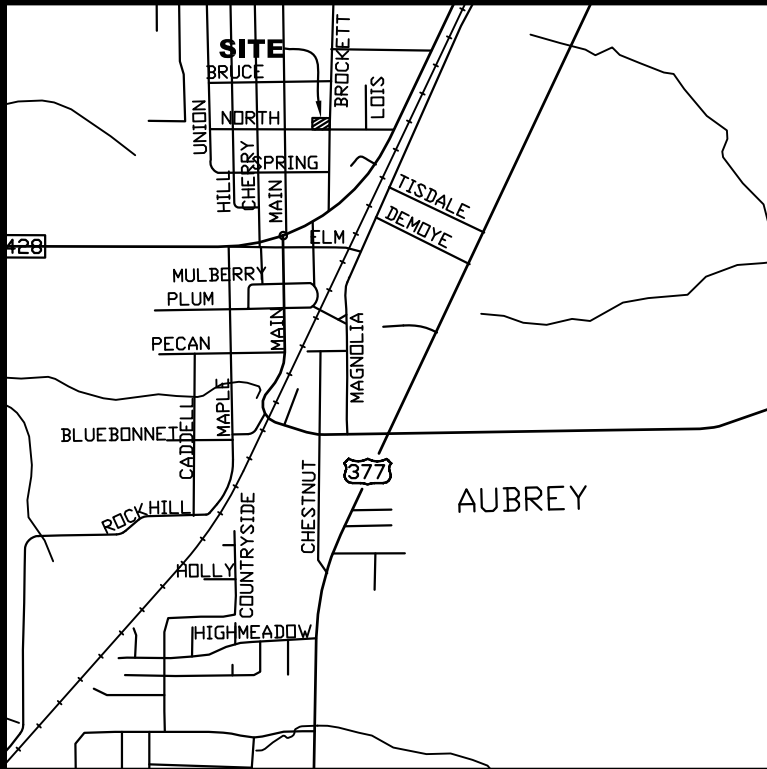
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Maxar, Microsoft, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community

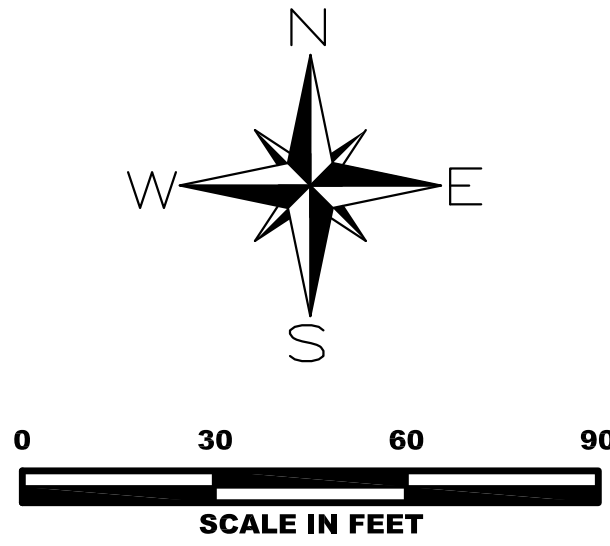
0 125 250 Feet

Scale: 1 inch = 100 feet



VICINITY MAP

NTS



PRELIMINARY FOR REVIEW ONLY
THIS DOCUMENT SHALL NOT BE
RECORDED FOR ANY PURPOSE AND
SHALL NOT BE USED OR VIEWED OR
RELIED UPON AS A FINAL SURVEY
DOCUMENT

DATE	REVISIONS

DWN.	BGS	SCALE
CKD.	DMS	1"=30'
BY:	DATE	03/21/25



Metroplex
Surveying, Inc.

940-387-0506 223 W. HICKORY, DENTON, TEXAS 76201 info@metroplexsurveying.com

0.604 ACRES IN THE J.M. FISHER SURVEY, ABSTRACT
NUMBER 432, CITY OF AUBREY, DENTON COUNTY, TEXAS.

SHEET	1
OF	1
JOB No.	38364

ZONING EXHIBIT

FIRM NO. 10023300

April 23, 2025

My name is Jean Reding Burk, and I have lived in Aubrey most of my life. Since 1982, I have owned property on East North Street. At my mother's death this past year, I inherited her property at 105 E. North Street. It is that piece of property I'm asking to have rezoned.

In the original 3 plats on the east side of the 100 Block of East North Street, the depth was 150 feet but with the future Right-of-Way dedication the lots are now only 140 feet. This area is zoned as SF10 with each lot having at least 10,000 square feet and a depth of 150 feet.

Since the lots no longer have a depth of 150 feet, I'm asking for the lot at 105 E. North St to be rezoned from SF 10 to SF 75.

If the rezone is approved at this time, I will follow with a request to divide this .53-acre lot into 2 lots each having 10,000+ square foot and a depth of 140 feet.

Thank you

Personal Note:

The original house will be on the west lot, and a second lot will be east of the house on the corner of Brockett and North Street. Over the last few years as my mother aged, the house was remodeled making it more accessible for senior adults or someone with a disability. These changes include a handicap walk-in shower, all doorways large enough for a walker/wheelchair, and a ramp at the front entrance. Someone looking for this type of a house for senior adults or with disabilities probably does not want one with such a large lot; therefore, I'm asking for the rezone so the lot can be replatted into two smaller lots.

**Planning and Zoning Commission Meeting
Staff Report
June 12, 2025**

Agenda Item

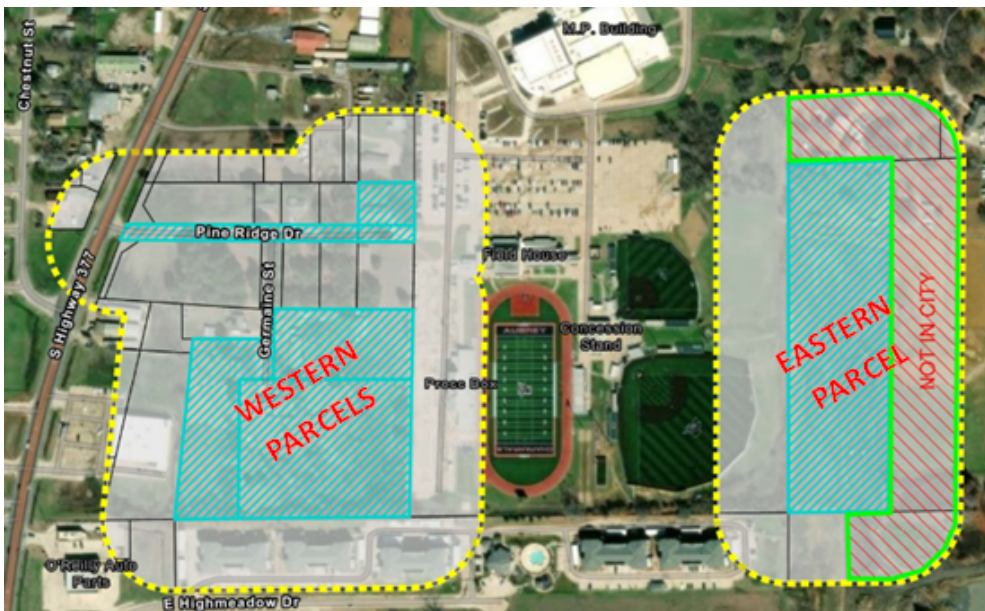
Hold a public hearing, consider, and make a recommendation to City Council regarding an amendment to Exhibit 14A, "Zoning Ordinance," in Chapter 14, "Zoning" of the Code of Ordinances of the City of Aubrey, Texas, and the official Zoning Map of the City as requested in an application for a change in zoning on an approximate 15.244 acres of land comprised of an approximate 6.25 acre tract of land currently unzoned and previously located in the City's Extraterritorial Jurisdiction to a zoning classification of SF75-Single Family Residential 7,500 Square Foot Lot and an approximate 8.994 acre tract of land currently zoned AG-R Agricultural Residential District and a small strip of private easements designated as C Commercial zoning district to a new zoning classification of SF75-Single Family Residential 7,500 Square Foot Lot. The properties are located in the Francisco Trevino Survey, Abstract No. 1243, Denton County, Texas and generally located south of FM 428/Spring Hill Road, east of US Hwy 377, and north of E. Highmeadow Drive in the Extraterritorial Jurisdiction, City of Aubrey, Texas and in the City of Aubrey, Texas. DCAD Parcel ID's 563322, 52483, 193127, 193128, 52458, 52453, and 52471. (Aubrey ISD High School Annexation/Zoning SF-75)

Staff Contact

Helen-Eve Beadle, Planner
heleneve@heplanningdesign.com
469-360-6618

Summary

Aubrey I.S.D. owns multiple parcels of land surrounding the site of the existing high school for which they are proposing rezoning to allow for the current renovation and addition to their field house, indoor practice facilities, and other future expansions. As with any school district, they are constantly trying to meet the needs and interests of their growing and evolving student body, and doing so often requires the addition of buildings or renovations to existing facilities.



The western parcels proposed for rezoning are currently zoned AG-R (Agricultural Residential District) and a

small strip of private easements (Pine Ridge Street, *unofficial*) and undevelopable land designated as C commercial zoning that staff is unsure of its zoning history. While a school use is permitted in any zoning district, the development regulations in the AG-R district have greater requirements that prevent the school district from continuing to develop consistent with the same standards as the existing facilities. Additionally, a platted lot is required to have a single zoning district assigned to the lot. The proposed zoning change to SF-75 (Single-Family Residential 7,500 Square Feet) would allow for continued development in the best interest of the community they serve and would remain consistent with the existing lot.

The eastern parcel of the existing parcel, as seen on the proposed Zoning and Annexation Map (Attachment 1), is scheduled to be annexed on June 26, 2025, and should the annexation be approved, this parcel needs to be zoned SF-75 to allow for consistency with the previously mentioned parcels as well as the entirety of the existing parcel.

Notifications

Notifications as required by Texas Local Government Code and the City of Aubrey Zoning Ordinance were provided.

At the time of agenda report preparation, no letters in support or in opposition had been received.

Recommendation

Staff recommends the approval of proposed rezoning as presented.

Action Options

The Planning and Zoning Commission may recommend to the City Council:

1. Approve the rezoning as presented;
2. Approve the rezoning with conditions; or
3. Deny the rezoning

Financial Summary

Staff Recommended Action

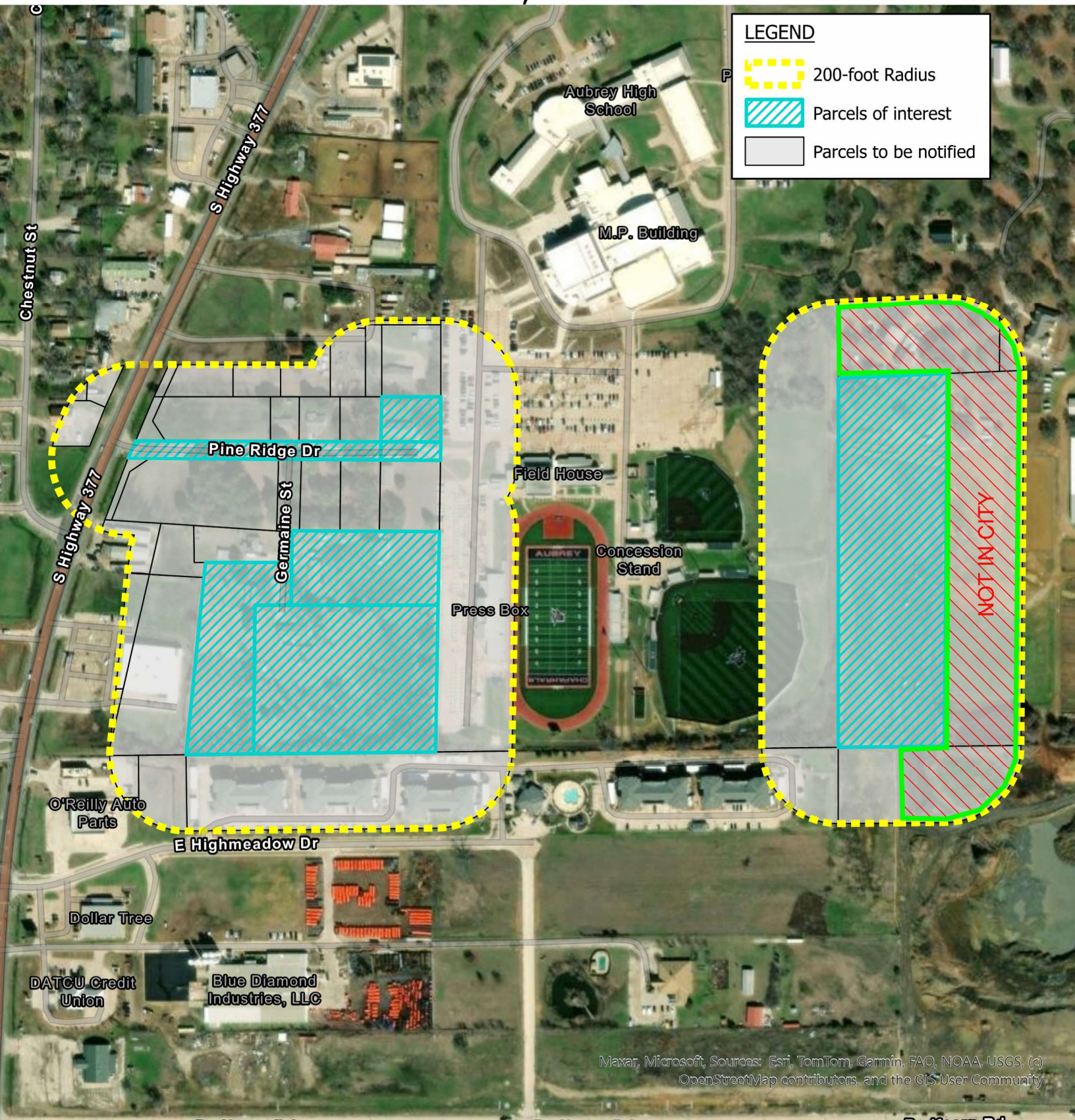
Approve

Staff Recommended Motion

Motion to approve the rezoning application.

AUBREY HIGH SCHOOL 200-FT NOTIFICATION MAP

AUBREY, TX 76227



Maxar, Microsoft, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community

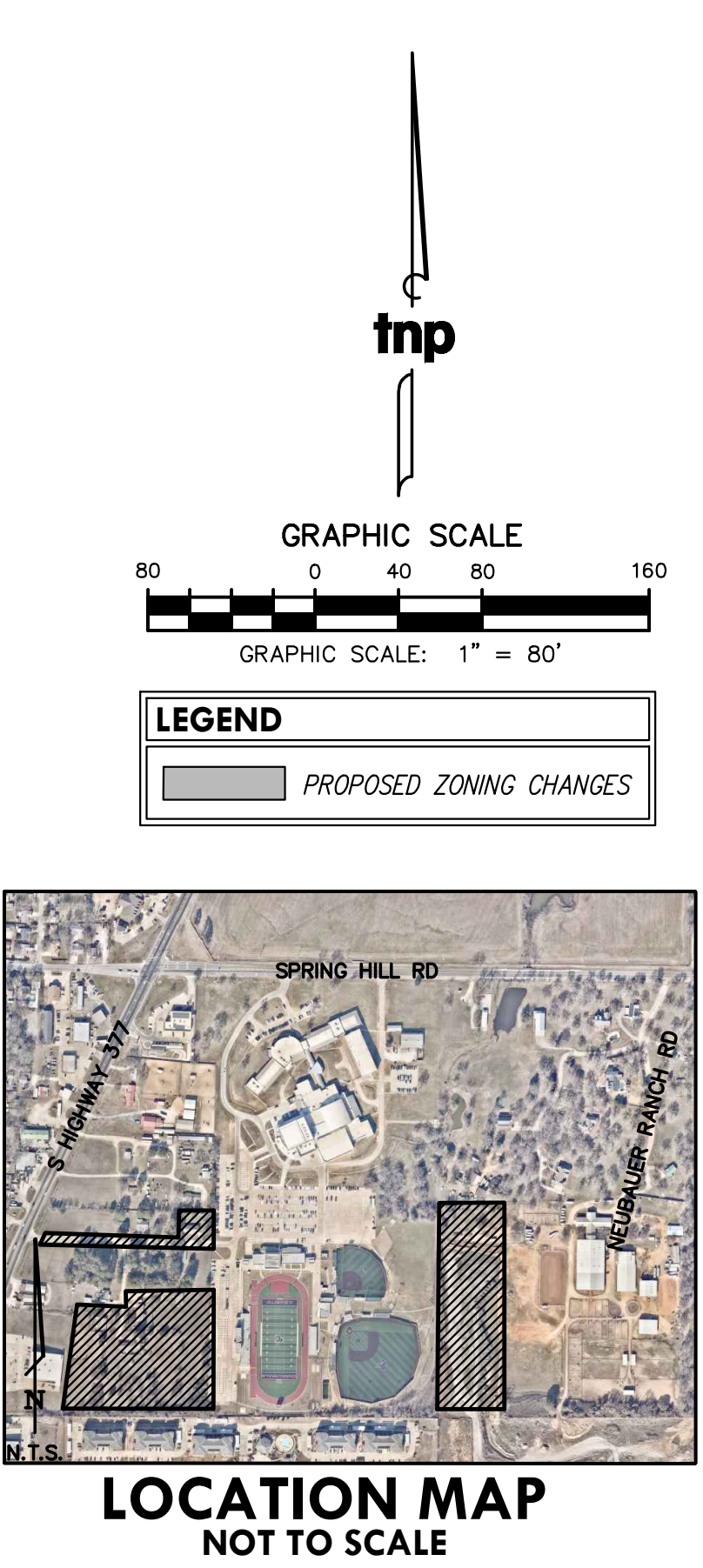
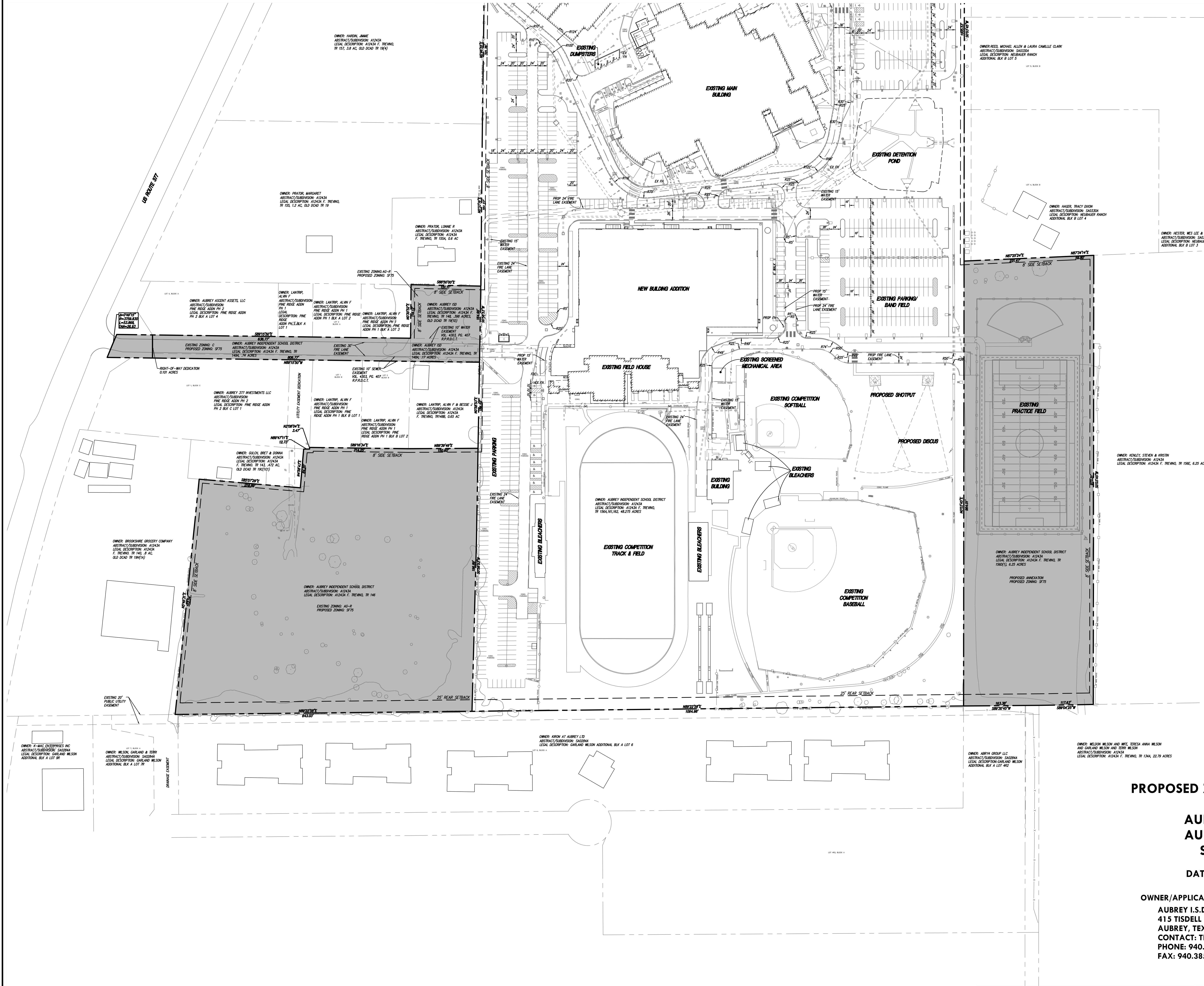
0 250 500 1,000 US Feet

Scale: 1 inch = 100 feet

MAILING NOTIFICATION REFLECTS
CURRENT CITY TAX ROLL
PROPERTIES.

Page 24 of 1

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SITE INFORMATION
LAND USE: PUBLIC SCHOOL
PROPOSED ZONING DISTRICT SF75 - SINGLE-FAMILY
RESIDENTIAL 7,500 SQUARE FEET

**PROPOSED ZONING AND ANNEXATION
FOR
AUBREY HIGH SCHOOL
AUBREY INDEPENDENT
SCHOOL DISTRICT**
DATE PREPARED: MARCH 2025

OWNER/APPLICANT:
AUBREY I.S.D.
415 TISDELL LANE
AUBREY, TEXAS 76227
CONTACT: TERRIE MCNABB
PHONE: 940.668.0060
FAX: 940.385.2627

ENGINEER:

teague nall & perkins
5237 N Riverside Drive, Suite 100
Fort Worth, Texas 76137
817.336.5773 ph 817.336.2813 fx
TBPE Registration No. F-230
www.tnpinc.com

TNP PROJECT NO. HUC24091
TNP TBPELS REGISTRATION NO. F-230

**AUBREY HIGH SCHOOL INDOOR PRACTICE FACILITY
AND FIELD HOUSE ADDITION/RENOVATION
FOR
AUBREY I.S.D.
AUBREY, TEXAS**

teague nall & perkins
5237 N Riverside Drive, Suite 100
Fort Worth, Texas 76137
817.336.5773 ph 817.336.2813 fx
TBPELS: ENGR F-230;
SURV 10011600, 10011601,
10194381
GBPPE: PEF007431; TBPE: BR 2673
www.tnpinc.com
This document is for information review and is
not intended for construction, bidding or
permit purposes.
AMANDA M. MULLEN, P.E. Date: MAR 2025
Tx. Reg. # 123232

Huckabee
AUSTIN • DALLAS • FORT WORTH
HOUSTON • SAN ANTONIO • WACO
www.huckabee-inc.com
800.681.6239

ZONING CHANGE MAP	
Job No. 1916-07-01	Sheet No. 100% CD
Drawn By: TNP	01
Date: 07/23/2024	



Planning and Zoning Commission Meeting
Staff Report
June 12, 2025

Agenda Item

Hold a public hearing, consider, and make a recommendation to City Council on an amendment to Exhibit 14A, "Zoning Ordinance," in Chapter 14, "Zoning" of the Code of Ordinances of the City of Aubrey, Texas, to repeal Section 27, "Sign Regulations" and adopt a new Chapter 27, "Sign Regulations" regulating signage within the corporate limits and extraterritorial jurisdiction of the City of Aubrey, including regulations for location, permitting, variances, nonconformities, and providing definitions. (Sign Ordinance Amendment)

Staff Contact

Helen-Eve Beadle, Planner
heleneve@heplanningdesign.com
469-360-6618

Summary

The Sign Regulations for the City of Aubrey were originally adopted as a new section of the Zoning Ordinance in February of 2010. Since that time there have been minor amendments. The proposed amendment repeals and replaces the existing sign regulations with an improved set of standards. The significant changes from the existing standards are:

1. Remove sign categories based on zoning districts.
2. Allow for more than one order board for drive-through restaurants.
3. Provide for subdivision entry signage.
4. Improve category and definitions with images.
5. Provide for appropriate signage in the Aubrey Downtown areas.
6. Include variance procedures through a Sign Board and appeals to City Council.

Significant changes outlined:

1. Remove sign categories based on zoning districts.
Currently, the Code allows types of signs based on zoning districts. This has proven to be problematic and requiring Board of Adjustment (BOA) consideration of variances. For example, Aubrey High School is zoned for residential use and "Major Attached Signs" are not permitted in residential zoning districts.
The proposed sign regulations will provide for appropriately sized signs based on structure/façade sizes.
 2. Allow for more than one order board for drive-through restaurants.
Currently, the Code allows for only one menu board per drive-through establishment.
The proposed regulation allows for one pre-order and one order board for each drive-through lane. This is in response to the number of restaurants having more than one drive-through lane.
 3. Clarify that pole signs are prohibited signs.
-

The existing Code states pole signs are prohibited and another section of the ordinance allows the P&Z Commission to consider and City Council to approve a pole sign if the applicant demonstrates that certain conditions for a pole sign have been met. The proposed amendment resolves the apparent conflict.

Most municipalities have prohibited pole signs. The proposed amendment will assist with the removal of the visual clutter, will add to Aubrey's community appeal, and if desired, will provide support for Texas Scenic City Certification Program with signage being one of ten of the Visual Tenets of the Best Practices Resource Guide.

4. Improve category and definitions with images.

The existing Code provides for definitions and regulations.

The proposed ordinance has expanded the definitions and provides for standards in a chart format with a typical sign image for permitted signs.

5. Provide for appropriate signage in the Aubrey Downtown areas.

The City is nearing the completion of an updated Comprehensive Plan, and the Plan includes a Downtown Aubrey Land Use Designation. It is anticipated that the City will create a zoning district specific to this geographic area that will promote architectural styles and complementary signage. The purposed amendment provides for signage compatible with the downtown area.

6. Include variance procedures through a Sign Board and appeals to City Council.

The existing Code outlines the variance and appeals process for signs that do not meet ordinance standards through the Board of Adjustment (BOA). The Board of Adjustment's power to grant variances is dependent upon valid hardships, requires public hearing notices, including newspaper publication and mailing notices, and requires four of the five members to vote in favor of the item for consideration. The BOA's ruling is final with appeal to the courts as provided for by the laws of the State of Texas.

The proposed regulations identify a Sign Board (same body of members of the BOA) to consider and act on variances with an option to appeal to the City Council. The proposed amendment will provide a more streamlined process.

Notifications

Notifications as required by Texas Local Government Code and the City of Aubrey Zoning Ordinance were provided.

At the time of agenda report preparation, the City had not received any comments/responses in opposition to or in support of the proposed sign regulation amendment.

Recommendation

Staff recommends the approval of proposed Sign Regulations Amendment as presented.

Action Options

The Planning and Zoning Commission may recommend to the City Council:

1. Approve the zoning amendment as presented;
2. Approve the zoning amendment with conditions; or
3. Deny the zoning amendment.

Attachments

1. Proposed Sign Regulations
-

2. Existing Sign Regulations

Financial Summary

Staff Recommended Action

Approve

Staff Recommended Motion

Motion to approve the Zoning Ordinance Amendment for Sign Regulations.

CODE OF ORDINANCES
Chapter 14 – ZONING
CHAPTER 14A – ZONING ORDINANCE
SECTION 27 SIGN REGULATIONS

ARTICLE I. GENERAL PROVISIONS

Sec. 27-1. Purpose and Intent.

The purpose of this section is to regulate the location, size, construction, duration, use, and maintenance of all signs within the City of Aubrey and its extraterritorial jurisdiction on a content-neutral basis. The general objectives of this section are to balance the rights of individuals to convey their messages through the lawful use of signs with the rights of the public to be protected from potential harm, to promote the health, safety, and welfare of the general public, and to aid in achieving the following goals:

- (1) *Safety*. To promote the safety of persons and property by providing that signs do not:
 - a. Create a hazard due to collapse, fire, decay, and/or abandonment;
 - b. Obstruct firefighting or police observation; or
 - c. Create traffic hazards by confusing or distracting pedestrians, motorists, or cyclists.
- (2) *Communication efficiency*. To enhance the economy, the business, and the industry of the city by promoting the reasonable, orderly and effective display of signs and thereby encourage clear communication with the public, so that:
 - a. Businesses and services may identify themselves;
 - b. Motorists, pedestrians, and other persons may locate a business or service;
 - c. Priority is given to the conveyance of public safety messages; and
 - d. The right of free speech is preserved and exercised using signs.
- (3) *Environmental preservation and aesthetics*. To protect the public welfare and to preserve and enhance the appearance and economic value of the built environment, by providing that signs:
 - a. Protect, preserve and enhance scenic views, natural landscapes, and historic values of the city;
 - b. Protect preserve and enhance economic viability of the city's commercial corridors by assuring aesthetic appeal to businesses and residents alike;
 - c. Do not create visual clutter to persons using the public rights-of-way;
 - d. Do not create a nuisance to occupants or customers of adjacent property by sign size, height, brightness, or materials; and
 - e. Are not detrimental to land or property values.

Sec. 27-2. Definitions.

For the purposes of Section 27, Sign Regulations, the following words shall have the following definitions ascribed to them. Words not defined in Section 27, Sign Regulations shall be given their common and ordinary meaning.

Abandoned sign means a sign that for at least six continuous months does not identify or advertise a bona fide business, lessor, service, owner, product, or activity for which no legal owner can be found, or that pertains to a time, event or purpose that no longer applies.

Advertising means the act of conveying information to seek the attraction of or to direct the attention of the public to any location, event, person, activity, goods, services or merchandise.

Attached sign means any sign affixed to, applied on, or supported by any part of a building located on-premises.

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Awning sign means a permanent sign that is directly applied, attached, or painted onto an awning, which is a projection, shelter, or structure of canvas, metal, wood, or other similar approved material that covers a pedestrian walkway and is intended for protection from the weather or as a decorative architectural feature. (See detailed information and restrictions in §27-31, "Permanent Signs Allowed in Downtown Area" (1) "Awning Signs")

Balloon/floating device means a visible airtight or airflow through apparatus commonly made of latex, mylar or other similar material that extends by a cord, rope, string, wire or other similar material.

Bandit or snipe sign means unauthorized signs posted on utility poles, street signs, traffic signals or signal supports, signal boxes, fences, barricades, trees, posts, or other fixtures within the public right-of-way or public property. May also apply to signs on private property not meeting the definition of a temporary sign.

Banner sign means a temporary sign having characters, letters, or illustrations applied to plastic, cloth, canvas, or other light fabric or similar material, with the only purpose of such nonrigid material being for background. (See detailed information and restrictions in §27-32, "Temporary Signs in Downtown Area" (1) "Banner Signs")

Builder Promotional Sign means a sign that is located on a residential or commercial property advertising the availability of homes and/or tenant space. (See detailed information and restrictions in §27-35, "Miscellaneous or Temporary Signs" (1) "Builder Promotional Signs")

Billboard sign means a large freestanding sign, generally supported by a metal frame, and consisting of two parallel sign faces which are oriented in opposite directions, used for the display of posters, printed, painted, fixed or electronic advertisements that generally directs attention to a location other than the premises on which the sign is located.

Building means any structure that has a roof supported by columns or walls for shelter, support, or enclosure intended for persons, animals, or material goods for any use or occupancy. When separated by dividing walls without openings in a manner significant enough to prevent the spread of fire, each portion of such structure separated may be deemed as a separate building.

Building official means the city's building official or his designee or other city-authorized agent appointed by the city manager.

Canopy sign means a permanent sign that is applied, attached, painted, or affixed on a canopy or other roof-like cover over gasoline fuel pump, vacuum area at car detail facilities, or other areas where services are provided to a patron in a vehicle intended for protection from the weather or as a decorative embellishment. (See detailed information and restrictions in §27-33, "Permanent Signs" (1) "Canopy Signs")

Cantilevered ground sign means a permanently affixed sign which is wholly independent of a building for support and where the primary support is supplied by a post and the sign hangs from a bracket or support. (See detailed information and restrictions in §27-33, "Permanent Signs" (2) "Cantilevered Ground Signs")

Certificate of occupancy means an official certificate issued by the city which indicates conformance with building, zoning, and health safety regulations and authorizes legal use and occupancy of the premises for which it is issued.

Changeable electronic message/reader board sign means a permanent sign or portion of a permanent sign designed to allow advertising or wording to be changed at periodic intervals, either manually or electronically, and is operated whereby light is turned on and off intermittently. This definition includes any illuminated sign in which such illumination is not kept stationary or constant in intensity and color when said sign is in use, including a light emitting diode ("LED") or digital sign.

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The term "changeable electronic message/reader board sign" does not include a sign located within the right-of-way that functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices approved by the Federal Highway Administrator as the National Standard. (See detailed information and restrictions in §27-35, "Miscellaneous or Temporary Signs" (2) "Changeable Electronic Message/Reader Board Sign")

City means the City of Aubrey, Texas.

City manager means the city manager or his designee or other city-authorized agent appointed by the city manager.

Construction sign means a temporary sign containing graphics, symbols, text or images securely attached to, or printed directly onto the screening fabric of, a temporary fence or barrier placed around an active construction site. (See detailed information and restrictions in §27-35, "Miscellaneous or Temporary Signs" (3) "Construction Sign")

Crown sign means a wall sign extending not more than three feet from the building façade and located on the upper horizontal band of a building at least 55 feet in height and four stories in height. (See detailed information and restrictions in §27-33, "Permanent Signs" (3) "Crown Signs")

Development sign, temporary means a temporary sign which advertises real estate, brokerage, development or similar opportunities related to the land on which the sign is located. The definition does not include builder signage. (See detailed information and restrictions in §27-35, "Miscellaneous or Temporary Signs" (4) "Development Sign")

Drive-Through Order sign means a sign erected in conjunction with a use that incorporates a drive-thru or drive-in. (See detailed information and restrictions in §27-33, "Permanent Signs" (4) "Drive-Through Order Signs")

Effective sign area means the area of the sign that is utilized for the display of information to include background, however, does not include the framework or base of the sign.

Erect or install means to build, construct, attach, hang, place, suspend, affix, paint, display, apply assemble or place in any manner, including, but not limited to, on the exterior of a building or structure.

Exempt means a sign permit is not required; however, compliance with all other city ordinances and the city's zoning ordinance, as it currently exists or may be amended, is required.

Façade means any separate face of a building, including parapet walls and omitted wall lines, or any part of a building which encloses or covers usable space. Where separate faces are oriented in the same direction, or in directions within 45 degrees of one another, they are to be considered as part of a single façade.

Feather flag means a wind device that contains a harpoon-style pole or staff driven into the ground for support. See also "wind device."

Flag means a piece of fabric attached to a staff or cord on one end and generally used as a symbol of a nation, state, political subdivision, or organization. (See detailed information and restrictions in §27-35, "Miscellaneous or Temporary Signs" (5) "Flags")

Flagpole means a freestanding device permanently placed in the ground for the purpose of flying a flag of a nation, state, political subdivision, or organization.

Frame duration means the time during which the frame continues a changeable message sign.

Garage Sale (see Yard Sale)

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Government/regulatory sign means any sign that is erected by or upon the order of a public officer, employee or agent thereof, in the discharge of official duties.

Graffiti means pictures, words, slogans, images, or other artwork painted, drawn, scratched, or applied in any manner to exterior walls, fences, structures, vehicles, stone, statues, buildings, or other items in public view. Graffiti includes the illegal or unauthorized defacing of a building, wall, or other edifice or object by painting, or otherwise marking it with words, pictures, symbols, advertising, logos, relations with a group, indecent/vulgar images, or offensive language.

Grand opening means a commemoration that promotes the opening of a new business. A grand opening may only be located at the business that received a certificate of occupancy.

Human sign means any hand-carried or held sign, symbol, or display on persons visible from the public right-of-way, which may include persons dressed in costume.

Illuminated sign means a sign designed or made that consists of lights, LEDs, or other form of illumination that displays a message or picture that does not scroll, fade, blink, flash, travel, or through any other means that do not provide constant illumination.

Impounded sign means a sign that is legally removed by the city in accordance with the provisions of §27-25, "Removal of Signs in Violation."

Incidental sign means a sign that is normally incidental to the allowed use on the property such as, but not limited to, directional signs, entrance, exit, or overhead clearance. (See detailed information and restrictions in §27-35, "Miscellaneous or Temporary Signs" (6) "Incidental Signs")

Inflatable sign means a temporary sign manufactured of plastic, cloth, canvas, or other light fabric and inflated with air. (See detailed information and restrictions in §27-35, "Miscellaneous or Temporary Signs" (7) "Inflatable Signs")

Logo means any registered or recognized design, insignia, or other mark, which is used in advertising to identify an organization, individual, company, or product.

Mechanical sign means any sign, which rotates, shakes, or moves by means of a motor, battery, or the like.

Merchandise display means any goods, wares, merchandise, or other advertising object or structure suspending from any building, pole, structure, sidewalk, parkway, driveway, parking area, or fuel pump island for the purpose of advertising such items.

Message transition means the process or period of changing from one message to another on a changeable message sign.

Monument sign means a permanent freestanding sign that is supported from grade to the bottom of the sign having or appearing to have a solid and opaque base independent of the principle building or structure.

Monument sign, multiple tenant means a permanent freestanding sign that is supported from grade to the bottom of the sign having or appearing to have a solid and opaque base independent of the principle building or structure located on a single lot that contains multiple businesses. (See detailed information and restrictions in §27-33, "Permanent Signs" (5) "Monument Signs – Multiple Tenant Signs")

Monument sign, single tenant means a permanent freestanding sign that is supported from grade to the bottom of the sign having or appearing to have a solid and opaque base independent of the principle building or structure located on a single lot that contains only one business. (See detailed information and restrictions in §27-33, "Permanent Signs" (6) "Monument Signs - Single Tenant")

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Mural sign means pictures or artwork painted, drawn, or applied on the exterior walls of a building depicting a non-commercial message. (See detailed information and restrictions in §27-31, "Permanent Signs in Downtown Area" (2) "Mural Signs")

Neglected sign means a sign that has any missing panels, burned out lights, missing letters or characters, rust, loose parts, damage, fading from its original color, supports or framework with missing sign or parts, or is not maintained.

Nonconforming sign means any sign and its supporting structure that does not conform to all or any portion of this section and (i) was in existence and lawfully erected prior to the effective date of this section; (ii) was in existence and lawfully located and used in accordance with the provisions of any prior ordinances applicable thereto or which was considered legally nonconforming thereunder, and has since been in continuous or regular use; or (iii) was used on the premises at the time it was annexed into the city and has since been in regular and continuous use. (See detailed information and restrictions in §27-23, "Nonconforming Signs")

Non-profit sign means a temporary sign that shall be located on private property that is owned by a legitimate business or entity that has as a primary function a charitable and/or non-profit status, as determined by the IRS standard. (See detailed information and restrictions in §27-35, "Miscellaneous or Temporary Signs" (8) "Non-Profit Signs")

Non-residential use means any structure or use not included in the definition of "residential use" contained in this section including, but not limited to, a home-builder model home, a temporary sales trailer, and an apartment leasing office.

Notice means a notice required by this section shall be sufficient if it is submitted by personal delivery, registered or certified mail with return receipt requested, and/or sending the notice through the United States Postal Service.

Obscene sign means a sign in which the dominant theme of material taken as a whole appeals to a prurient interest in sex, is patently offensive because it affronts community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value.

Off-premises sign means a sign that advertises, promotes, or pertains to a business, person, organization, activity, event, place, service, product, etc. at a location other than where the sign is located.

On-premises sign means a sign that advertises, promotes, or pertains to a business, person, organization, activity, event, place, service, product, etc. at the location of which the sign is located.

Outdoor vending machine sign means a sign located on an outdoor machine, device, or equipment which may include, but is not limited to, coin-operated/electronic payment vending machines, fuel dispensing pumps, telephone facilities, automatic teller machines, automotive vacuum cleaners, amusement rides, propane tank sales, and similar machines, devices, or equipment. (See detailed information and restrictions in §27-35, "Miscellaneous or Temporary Signs" (9) "Outdoor Vending Machine Signs")

Person means any person, firm, partnership, corporation, company, organization, or business entity of any kind.

Pole sign means a freestanding sign that is detached from a building and is supported by one or more structural elements that are either (a) architecturally dissimilar to the design of the sign, or (b) less than $\frac{1}{4}$ the width of the sign.

Political sign means a temporary sign announcing or supporting political candidates or issues in connection with a national, state, or local election. (See detailed information and restrictions in §27-35, "Miscellaneous or Temporary Signs" (10) "Political Signs")

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Portable sign means any sign not permanently attached to the ground or to a building which is designed to be easily transported or conveyed to different locations.

Premises means a lot, parcel, tract, or plot of land together with the buildings and structures thereon.

Prohibited sign means signs that do not comply with this or other applicable ordinances and that are otherwise not allowed within city boundaries or in Aubrey's Extraterritorial Jurisdiction (ETJ).

Projecting sign means a permanent attached sign that is wholly or partially dependent upon a building for support and extends from said building, generally at a right angle. (See detailed information and restrictions in §27-31, Permanent Signs allowed in Downtown Area (3) "Projecting Signs")

Public informational sign means a sign erected by or at the direction of the city, local, federal or state governments for the purpose of providing instruction, information, or direction to the general public, including, but not limited to, signs identifying a property address, restrooms, handicap parking spaces, reserved parking spaces, freeze warning, no trespassing, no dumping, no loitering, no soliciting, beware of dog warning, water resource information, lock/take and hide, construction entrance and/or exit signage.

Residential use means a structure where the primary purpose is to provide a permanent place of residence to an individual or family.

Residential Subdivision Entrance Sign (Subdivision Entry Sign) means a permanent freestanding sign that is supported from grade to the bottom of the sign having or appearing to have a solid and opaque base independent of the individual residential structures and located on a lot owned and maintained by the HOA for the purposes of identifying the main or secondary entrances to a residential community. (See detailed information and restrictions in §27-34, "Permanent Signs allowed in Residential and Multi-Family Districts" (1) "Residential Subdivision Entrance Sign")

Residential yard sign means an on-site temporary residential sign used to publicize or announce information at the discretion of the homeowner or tenant of the property such as, but not limited to, home improvement signs, residential real estate signs, or school affiliation signs. (See detailed information and restrictions in §27-35, "Miscellaneous or Temporary Signs" (14) "Residential Yard Signs")

Revolving sign means a sign that turns, spins, partially revolves, or completely revolves 360 degrees on an axis.

Right-of-way means the area on, below, or above a public roadway, highway, street, public sidewalk, waterway, or utility easement in which the city has an interest.

Roof sign means a sign mounted on and supported by the roof portion of a building, above the uppermost edge of a parapet wall and is supported by the building, or a sign that is painted directly upon the roof or top of a building.

Scoreboard means a sign located on or adjacent to an athletic field or stadium, which is used to display information pertaining to an event at the field or stadium. (See detailed information and restrictions in §27-35 (11) "Scoreboards")

Searchlight means any use of lighting intended to attract the general public by the waving or moving of light beams.

Sidewalk sign means a movable sign not secured or attached to the ground or surface upon which it is located. This sign type is typically an A-frame or spring-mounted sign. (See detailed information and restrictions in §27-32, "Temporary Signs allowed in Downtown Area" (2) "Sidewalk Signs" and in §27-35, "Miscellaneous and Temporary Signs" (12) "Sidewalk Signs")

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Sign means any form of publicity or advertising which directs attention to an individual, business, commodity, service, activity, or product by means of words, figures, numerals, emblems, devices, trade names or trademarks, or other pictorial matter that communicates information of any kind to the public.

Sign cabinet means a wall or freestanding sign that is self-enclosed and contains all the text and/or logo symbols within the enclosed cabinet which may or may not be illuminated. It can be single- or double-faced.

Strip center means a commercial building comprised of multiple, individual businesses on a single lot where the primary entrance for each tenant is generally accessed from the outside.

Subdivision means the division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development.

Temporary, non-profit sign means any sign which meets the criteria for a temporary sign within this section but is used by a non-profit agency or entity and placed for a limited duration on the property owned by the non-profit agency or entity. (See detailed information and restrictions in §27-35, "Miscellaneous or Temporary Signs" (8) "Non-Profit Signs")

Temporary development sign means a sign that identifies a real estate project that is under construction.

Temporary sign means any sign which is not rigidly and permanently installed into or on the ground, attached to a building, or as defined in this section.

Total sign area means the total area of a sign including the display, framework, and base.

Vacant building sign means any sign associated with a vacant building or a vacant lease space, except a sign pertaining to the lease or sale of the building to which it pertains, or a sign which is under lease from an owner or his authorized agent when such sign is maintained by a person operating under his own bond.

Vehicle means a motorized machine on wheels, treads, or runners by which any person, material, commodity, or property is or may be transported.

Vehicular sign means a commercial sign painted upon or applied directly to (including magnetic) any truck, car, bus, trailer, boat, recreational vehicle, motorcycle, or other vehicle. (See detailed information and restrictions (See detailed information and restrictions in §27-35, "Miscellaneous or Temporary Signs" (13) "Vehicular Signs")

Wall sign means a permanent sign affixed to or painted on an exterior wall and extending not more than 12 inches from the façade of any building to which it is attached, supported throughout its entire length by the building face. (See detailed information and restrictions in § 27-31, "Permanent Signs allowed in Downtown Area" (4) "Wall Signs" and in §27-33, "Permanent Signs" (7) "Wall Signs")

Wayfaring sign means a specific sign erected or endorsed by the city that is placed to direct citizens and visitors to points of interest within the city. (§See detailed information and restrictions in § 27-31, "Permanent Signs allowed in Downtown Area" (5) "Wayfaring Signs")

Wind device means any pennant flag, streamer, spinner, balloon, feather sign, or similar device made of cloth, canvas, plastic, or any flexible material designed to float or move freely.

Window sign means a sign affixed to any surface of a window (internal or external) or is located within three feet from the interior window of any establishment. (See detailed information and restrictions in §27-31, "Permanent Signs allowed in Downtown Area" (6) "Window Signs")

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Yard/Garage sale means a sign indicating the date and location of the sale of goods at a residential property and includes yard sales and estate sales. (See detailed information and restrictions in §27-35, "Miscellaneous or Temporary Signs" (15) "Yard Sale Signs")

Zoning districts means the various use districts designated in the city's zoning ordinance.

Zoning sign means any temporary sign erected in conjunction with a request to zone or rezone a property in accordance with the city's zoning ordinance. (See detailed information and restrictions in §27-35(16) "Zoning Signs")

Sec. 27-3. Jurisdiction and Applicability.

- (a) The terms and conditions of Section 27, Sign Regulations shall apply to all signs located within either the City of Aubrey or its extraterritorial jurisdiction (ETJ), pursuant to V.T.C.A., Local Government Code Ch. 216, as amended. The city manager shall be responsible for interpreting and administering.
- (b) Signs located on property owned by the City of Aubrey, an independent school district or any other governmental agency are not required to meet the requirements of this section. However, signs located on property owned by the City of Aubrey shall be permitted only upon approval of the city manager.

Secs. 27-4—27-19. Reserved.

ARTICLE II. ADMINISTRATION

Sec. 27-20. Permit Required.

- (a) *Sign permit required.* No sign, unless otherwise excepted under Section 27, Sign Regulations, shall be erected, placed, located, secured, constructed, altered, attached, painted or displayed to/on the ground, any building, and/or any structure, until a permit for such sign has been approved and issued by the city manager. In no event shall a permit be required for any government/regulatory sign, and a government/regulatory sign may be placed in the public right-of-way.
- (b) *Application.* An application for a sign permit may be obtained from the city's offices. The city manager shall approve or deny an application for a sign permit within 30 days of the city's receipt of a completed application. An application is deemed complete upon receipt of all submittal requirements as outlined in the sign permit application.
 - (1) A diagram shall be provided showing the location of the sign on the property, any applicable dimensions of the proposed sign, as well as any applicable proposed electrical connections.
 - (2) Any sign may be required to provide engineer sealed plans, at the discretion of the city manager, upon review.
 - (3) Incorrect information shall be grounds for revocation of the proposed permit.
 - (4) A permit shall be approved if a proposed sign conforms to all city ordinances and any currently adopted building codes that may be applicable.
 - (5) After a sign permit has been issued, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms and conditions of said sign permit without prior approval by the city manager or his designee.
- (c) *Permit fee.* Every application for a sign permit shall be submitted with a nonrefundable fee as provided in the city's Fee Schedule. An application will not be accepted without the permit fee paid in full.

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- (1) Fees for sign permit applications shall be assessed in accordance with the city's currently adopted fee schedule.
- (2) Work without a permit. A fee of two times the amount of the permit fee shall be assessed for any work done without or prior to the issuance of a permit.
- (d) *Inspection.* The city manager or his designee is authorized to perform an inspection of all signs. The purpose of the inspection is to ensure that the sign has been constructed in accordance with this section, other applicable ordinances, and the applicable permit. The city manager or his designee shall solely determine the method and time of such inspections.
- (e) *Permit expiration.* If the work authorized by a sign permit issued under the provisions of this section has not been completed within 90 days after the date of issuance of a sign permit, the permit shall become null and void. Additional time may be approved by the city manager with just cause, upon receipt of written request prior to expiration of said permit.

Sec. 27-21. Interpretation, Administration and Revocation of Permit.

- (a) The city manager or his designee shall be responsible for interpreting and administering this section. The city manager or his designee may suspend or revoke any permit for a sign issued in error or on the basis of incorrect or false information supplied, or whenever such permit was issued in violation of any provision of this section, any other ordinance of the city, the laws of the state or the federal government. Such revocation shall be effective when communicated in writing to the person to whom the permit is issued, the owner of the sign, or the owner of the premises on which the sign is located. Any sign that is the subject of a revoked permit shall be immediately removed by the person in control of the sign or premises upon which the sign is located, or within a reasonable time as determined by the city manager, but not to exceed ten calendar days of written notice of revocation.
 - (1) Notice of revocation shall be deemed to have been given by letter sent certified, first class mail, return receipt requested and addressed to the to the person to whom the permit is issued, the owner of the sign, or the owner of the premises on which the sign is located at the owner's address as recorded in the appraisal district records of the appraisal district.
 - (2) The city manager may revoke a contractor registration issued in error or for those reasons stated herein.
- (b) *Temporary exemptions.* The city manager shall have the authority to approve temporary exceptions to the sign ordinance as set forth in this section in emergency circumstances and/or in relation to public works projects. Public works projects include, but are not limited to, periods in which road construction interferes with the normal course of business or other similar circumstances.
- (c) *Public safety protection.* Nothing in this section is meant to prevent any public safety organization or agency from setting up and utilizing any type of sign needed on a temporary basis to protect and enhance public safety solely at the discretion of the public

Sec. 27-22. Prohibited Signs.

The following signs are specifically prohibited:

- (1) Abandoned signs;
- (2) Merchandise displays, except as authorized by the city's zoning ordinance;
- (3) Billboard signs;
- (4) Graffiti;
- (5) Neglected signs;
- (6) Balloon and air devices;
- (7) Bandit or snipe signs;

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- (8) Human signs;
- (9) Portable signs, unless specifically permitted within this section;
- (10) Revolving signs;
- (11) Mechanical signs;
- (12) Pole signs;
- (13) Roof signs;
- (14) Vacant building signs;
- (15) Wind devices/feather flags, unless used in conjunction with a city-authorized special event, excluding flags and banners as authorized by this section;
- (16) Obscene signs;
- (17) LED, string or similar lighting outlining windows, doors, or other similar building features;
- (18) Searchlights, beacons, or laser lights, unless used in conjunction with a city-authorized special as defined in Section 27-2 Definitions, of this Code, as amended; and
- (19) Other prohibited signs:
 - a. Any sign not referenced in or governed by this section;
 - b. Any sign erected or installed without the issuance of a permit, either prior to or after the adoption of this section (if a permit was required);
 - c. Any sign that emits odor or visible matter;
 - d. Any billboard sign located, relocated, or upgraded within the corporate limits or extraterritorial jurisdiction of the city;
 - e. Any sign erected or installed in or over a public right-of-way or access easement, unless permitted within this section;
 - f. Any sign located on private property without the consent of the owner of the premises;
 - g. Any sign that does not comply with this or other applicable municipal ordinances, or those which do not comply with federal or state laws;
 - h. Any sign supported by a bench, tree, rock, bridge, public utility pole;
 - i. Any sign supported by a fence, except as otherwise permitted in this section;
 - j. Any floating device(s) anchored to the ground of any vehicle, structure or any other fixed object for the purpose of advertising or attracting attention to a business, commodity, service, sale, or product, except as otherwise permitted in this section;
 - k. Any sign placed on any traffic control device or utility support structure or pole, or over public right-of-way or other public property, unless the sign is placed by the city, county, state, or other authorized governmental agency, or with the permission of the city, for public purposes, unless permitted within this section; and
 - l. Off-premises signs, unless specifically permitted within this section.

Sec. 27-23. Nonconforming Signs.

- (a) Signs legally in existence at the time of the adoption of Section 27, Sign Regulations, which do not conform to the requirements of this section, shall be considered nonconforming signs.
- (b) All permanent signs and sign structures, with the exception of existing pole signs, which are addressed in subsections 27-23 (b)(7) and (b)(8), and billboards (currently deemed illegal and nonconforming) and addressed in subsection 27-23 (b)(9) shall be brought into conformance with the sign regulations when and if the following occurs:
 - (1) The sign is removed, relocated, or significantly altered. Significant alterations include changes in the size or dimension of the sign. Changes to the sign copy or the replacement of a sign face on a nonconforming sign shall not be considered a significant alteration.
 - (2) If more than 50 percent of the sign area is damaged, it shall be repaired to conform to this section.
 - (3) An alteration in the structure of a sign support.
 - (4) A change in the mechanical facilities or type of illumination.

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- (5) A change in the material of the sign face.
 - (6) If the property where the nonconforming sign is sold with full ownership being transferred, the nonconforming sign shall be brought into conformance with this Code at the time of transfer unless the buyer continues to operate the business under the same name that was on the nonconforming sign at the time of transfer.
 - (7) Notwithstanding section 27-22(11), pole signs existing as of the date of June 22, 2025 which are less than two years old may be maintained for a maximum of seven years, if they otherwise conform to section 27 of the Aubrey Code of Ordinances.
 - (8) Notwithstanding section 27-22(11), pole signs existing as of June 22, 2025 which are more than two years old may be maintained for a maximum of five years, if they otherwise conform to section 27 of the Aubrey Code of Ordinances.
 - (9) Notwithstanding section 27-22(3), billboard signs existing as of June 22, 2025 may be maintained for a maximum of five years, if they otherwise conform to section 27 of the Aubrey Code of Ordinances.
- (c) *Change to a conforming sign.* A nonconforming sign may be altered to become or be replaced with a conforming sign by right. Once a sign is altered to conform or is replaced with a conforming sign, the nonconforming rights for the original sign are lost and a nonconforming sign may not be re-established. Unless prohibited, proposed changes that are not in conformance with this section are subject to the variance process.
- (d) If there is no sign in place on a sign structure or building wall for six continuous months, the nonconforming rights are lost, and a nonconforming sign may not be re-established. If the sign structure is unused for less than six continuous months, a nonconforming sign may be re-established.
- (e) A nonconforming sign in the city or its extraterritorial jurisdiction (ETJ) may be relocated, reconstructed, or removed as provided by law including, but not limited to, V.T.C.A., Local Government Code Ch. 216 as it exists or may be amended.
- (f) A nonconforming sign or sign structure may be removed temporarily to perform sign maintenance or sign repair. In order to preserve the nonconforming sign status, the person removing the sign must inform the city manager, in writing, before the sign is removed. If the responsible party fails to inform the city manager, any re-erected sign will be considered a new sign.

Sec. 27-24. Maintenance of Signs/Neglected and Abandoned Signs.

- (a) All signs, including nonconforming signs, shall be maintained in a consistently neat appearance. Sign panels and/or sign graphics shall be secured and maintained so that they do not separate from, hang from, or fall from a sign. Sign panels and sign graphics shall not be faded, ripped, or have any other damage. Illuminated signs with all or part of the sign being unilluminated shall be repaired within seven (7) business days.
- (b) Abandoned signs and neglected signs shall be considered a public nuisance and are prohibited.
- (c) Upon written notification to the permit holder by the city manager, such abandoned signs shall be removed from the premises and neglected signs shall be repaired or removed from the premises by the property owner, agent, or person having beneficial use of the land, building, or structure upon which said sign is located.
- (d) The notification shall state that the offending sign shall be repaired or removed by the owner, agent, or person having beneficial use of the land, building, or structure upon which such sign is located within ten days. The notification shall further state that if the sign is not removed or repaired, a citation may be issued and the city may resort to any civil remedy available to remove or repair the sign, up to and including impoundment.

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- (e) If any sign is determined to present an immediate danger to the health, safety, and general welfare of the public, the city shall remove it immediately. Within ten days of the removal of the sign, the city shall notify the owner of the property on which the sign was located of the reason(s) for removal of the sign.
- (f) It shall be unlawful for any person, firm, or corporation receiving such written notice to fail to comply with the direction of the notice. In the event of failure to comply with such notice, the city manager is hereby authorized to cause the removal and impoundment of such sign. Any expenses incident thereto shall be the responsibility of the owner, agent, or person having beneficial use of the land, building, or structure upon which such sign was located.

Sec. 27-25. Removal of Signs in Violation.

- (a) *Removal/impoundment of prohibited signs.* All prohibited signs, dilapidated signs, or noncompliant signs shall be considered a public nuisance and are prohibited by this section within the city limits and its extraterritorial jurisdiction. Upon identification of any prohibited sign, the city manager or his designee shall provide written notification of the violation to the owner of the property on which the prohibited sign is located and/or the installer of the sign.
 - (1) The notification shall state that the offending sign shall be removed by the owner, agent or person having beneficial use of the land, building or structure upon which such sign is located within the time period prescribed after written notification to do so.
 - (2) The notification shall further state that if the prohibited sign is not removed within a specific time frame (not to exceed ten calendar days) a citation may be issued and the city may resort to any civil remedy available up to and including impoundment.
 - (3) If any sign is determined to present an immediate danger to public health, safety, or welfare, the city shall remove it immediately.
 - (4) Within ten calendar days of the removal of the sign, the city manager shall notify the owner of the property on which the sign was located of the reason(s) for the removal of the sign.
 - (5) Signs authorized by a sign permit number with an expiration date shall be removed promptly upon the date of expiration.
 - (6) Signs remaining after the date of expiration shall be deemed prohibited. The sign permit that provides the expiration date shall be considered adequate notice of violation.
 - (7) Bandit/snipe signs may be removed immediately by the city.
- (b) *Failure to comply.* It shall be unlawful for any person, firm, entity or corporation receiving such written notification or having an expired sign permit to fail to comply with the direction of the notification. In the event any person, firm, entity or corporation fails to comply with such notice provided, the city manager is hereby authorized to cause the removal and impoundment of such sign. Any expenses incident thereto shall be the responsibility of the owner, agent or person having beneficial use of the land, building or structure upon which such sign was located.
- (c) *Impounded signs and recovery.*
 - (1) Impounded signs may be recovered by the owner within seven calendar days from the date of the written notification of impoundment by paying a fee determined by the city's current consolidated fee schedule as approved by the city council. This fee for the recovery of impounded signs will be added to the City's Fee Schedule.
 - (2) Impounded signs not recovered within seven calendar days from the date written notification of impoundment is sent, may be disposed of by the city in any manner the city so elects.

Sec. 27-26. Unified Sign Plan

- (a) A Unified Sign Plan is required prior to the issuance of a sign permit for signs for all signage on properties that are greater than four (4) acres in size and/or have more than six (6) independent

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businesses located on the overall property. The purpose of the Unified Sign Plan is to determine overall sign locations on a property, the relationship of the signs to surrounding existing, provide uniformity in size, design, colors, and proportions of signs within the development. In addition, the Unified Sign Plan will promote a cohesive relationship between current developments and proposed future improvements, will determine consistency and uniformity among buildings and signs for a commercial and residential developments made up of multiple independent businesses. The purpose is to coordinate the signage so that it the signs convey their message in a readable, easily differentiated, and pleasing to the visual environment.

- (b) A Unified Sign Plan shall contain the following information:
 - (1) Elevations of the locations of signs illustrating the materials of construction, colors, lighting, fonts of letters and dimensions of the signs. If the sign is to be attached to a building, the elevation shall be a composite of the sign and the building;
 - (2) Elevations depicting the size of the signs in relation to the size of the buildings within the development;
 - (3) A plan drawn to preliminary site plan, or site plan specifications, as detailed in the zoning ordinance, as it currently exists or may be amended, of the site illustrating the location of existing and proposed signs on the property and, if required by city staff, on adjacent properties;
 - (4) Other information to illustrate the consistency and uniformity of the signs; and
 - (5) For Unified Sign Plans, the sign plan shall identify a unified development zone. Only those properties and businesses included within the unified development zone shall be included/identified on the unified development signs erected within the unified development zone. Prior to city consideration of a unified development zone, all property owners located within a proposed unified development zone must submit notarized letters to the city authorizing the creation of the unified development zone. A lot shall only be included in one unified development zone.
- (c) A Unified Sign Plan is required of commercial developments that include six (6) or more independent businesses within the overall development zone or are greater than four (4) acres in size, whichever is the most restrictive.
- (d) Signs specified in the Unified Sign Plan, or as otherwise required in this chapter, shall be submitted to the development services department for review and approval. The Unified Sign Plan will be reviewed in accordance with the city's development review schedule. The building official may approve or deny a Unified Sign Plan. Should the building official deny a sign coordination plan, the applicant shall have a right of appeal to the Sign Board, as described in Section 27-27(b) of this chapter.

Sec. 27-27. Waivers and Appeals.

- (a) *Sign Board.* All waivers and appeals to this section of the Zoning Ordinance shall be presented to the Sign Board. This appointed body shall be made up of the same members as the Board of Adjustments.
- (b) *Process.* Any person requesting a waiver from the rules and regulations detailed herein shall apply in writing to the Sign Board. The application shall contain the information and plans requested in the waiver requesting a variance from the provisions of this section, along with the established application fee which shall be listed in the City's Fee Schedule. The application shall include reasons for the waiver including any situation or issue that would cause the existing regulations to be altered. No public hearing and/or notification of property owners is required for a sign waiver.
- (c) *Approval Standards.* In granting any sign waiver, the Sign Board shall consider the following criteria and shall grant the variance only if:

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- (1) Special conditions exist which are unique to the land, structure or building involved and are not applicable to other lands, buildings or structures in the same vicinity. The Sign Board may attach such conditions to granting all or a portion of any waiver necessary to achieve the purpose of this section; and
 - (2) The strict interpretation of the provisions of this section would deprive the applicant of rights commonly enjoyed by other properties in the vicinity under the terms of this section; and
 - (3) The special conditions and circumstances do not result from the actions of the applicant and such conditions and circumstances do not merely constitute pecuniary hardship or inconveniences; and
 - (4) Granting the waiver will meet the objectives of the section and not be injurious to the adjoining property owners or otherwise detrimental to the public welfare; and
 - (5) Granting of the variance will be in harmony with the spirit and purpose of this section.
- (d) *Approval by the Sign Board.* The Sign Board shall have the authority to waive or amend certain regulations if it deems the change to be in the best interest of the City of Aubrey.
- (e) *Appeal.* If the Sign Board denies the application for a waiver, the applicant may appeal to the City Council, which will have the final authority.
- (f) *Limitation on Reapplications.* When the city council has denied an application, no new applications of similar nature shall be accepted or scheduled for 12 months after the date of denial. Applications that have been withdrawn at or before the council meeting may be resubmitted at any time for hearing before the Sign Board and/or city council.

Sec. 27-28. Penalty for Violation of Section 27, Sign Regulations.

- (a) Any person, firm, corporation, association, or other entity who violates any of the provisions of this section or causes or permits the same to be done in violation of this section shall be guilty of a class C misdemeanor and, upon conviction, shall be subject to a fine not to exceed the maximum permissible fine allowed by state law. It shall be presumed that a person, firm, corporation, association, or other entity is responsible for the violation if the person, firm, corporation, association, or other entity is:
- (1) The permit holder for the sign; or
 - (2) The owner, operator, agent, or manager of an entity or business that, or a person who, is promoted by the sign or listed on the sign as responsible for the sign.
- (b) This presumption may be rebutted if the named violator provides the full name, date of birth, physical and mailing address, and telephone number or numbers for the person, firm, corporation, association, or other entity responsible for the violation.

Sec. 27-29. Sign Measurement.

- (a) *Area.* The area of a sign shall be measured as follows:
- (1) For signs in the shape of a square, rectangle, circle, or similar standard geometric shape, the area shall be calculated by using the standard mathematical formula (height multiplied by width, 3.14 multiplied by radius squared, etc.).
 - (2) For signs with an irregular shape, the area shall be measured by drawing a box around the entire body of the sign, enclosing the sign elements with four intersecting lines and using the standard mathematical formula (height multiplied by width).
 - (3) The area of a spherical, cylindrical, or other three-dimensional sign shall be measured by calculating the area of a two-dimensional drawing of the largest elevation of the sign.
 - (4) Where a sign has two faces, the area of the largest sign face shall be used to determine the area of the sign provided the two faces are within 30 degrees from parallel. Where a sign has two or more faces that are greater than 30 degrees from parallel, the sign area shall either be

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calculated as the sum of the area of each face, or the sign will constitute two signs (a V-shaped sign).

- (5) Letters forming a word or name shall be considered a single sign, regardless of the spacing between letters.

- (b) *Height.* The height of all signs shall be measured from the top edge of the sign and/or support structure to the average finished grade of the ground below the sign and/or support structure. If a sign is located on a mound, berm, or other raised area for the sole purpose of increasing the height of the sign, the height of the mound, berm, or other raised area shall be included in the height of the sign. The supports of a freestanding sign shall not be included in calculating the area of the sign but shall be included in the measurement of the height of the sign.

Sec. 27-30. Criteria for Permissible Signs.

The following signs are permissible, subject to the following conditions and the specifications listed in this section. Signs that do not comply with the following conditions and specifications or are not specifically covered within this section are considered prohibited.

ARTICLE III. APPROVED SIGNS

Sec. 27-31. Permanent Signs allowed in Proposed Downtown Area.

(1) Awning Signs

(a) Location	Permitted in conjunction with non-residential uses or in a residential zoning district for apartment uses for which a building permit and/or certificate of occupancy has been issued. The supporting structure may not extend into or over the street right-of-way. Signs shall be securely attached to the elevation of the awning, and may not swing, sway, or move in any manner.	
(b) Maximum Effective Sign Area	Ten percent of the total area of the awning.	
(c) Minimum Clearance	9 feet in height above sidewalk or walkway.	
(d) Design	Canvas, metal, wood, or other material approved by the city manager. Minimum height for text or graphic elements shall be 6 inches. The awning shall be secured to the building and may not move in any manner. An awning requires the issuance of a building permit prior to installation, unless approved with the initial building permit.	

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(e) Dimensions	Maximum width of awning: 75 percent of building width Maximum height of message: 12 inches
(f) Permit Required	Yes.

(2) Murals

(a) Location	Shall be tiled or painted directly upon or affixed to the exterior wall of the building. Must have written permission of the property owner at the time of permit application. May be up to 100 percent of the building elevation on which it is located. Text and symbols are limited to ten percent of the size of the entire mural.	 <i>Image credit: Tyler, Texas</i>
(b) Maintenance	It is the intent of the city to maintain the historic murals in downtown Aubrey. To that end, mural signs shall be kept in good repair, free from excessive paint chipping, peeling, or fading. Mural signs found not to be in good repair must be repaired within 90 days from the date upon which the property owner receives a written order from the building official to repair the mural sign. Should the mural sign not be repaired within 90 days of notice by the city, the city reserves the right to repair and/or repaint the mural sign. If the city repairs and/or repaints the mural sign, the property owner will be charged the cost of the repair and/or repainting. If payment of the cost of the repair and/or repainting has not been paid within 60 days, the city may place a lien against the property in the amount of the charge for the repair and/or repainting.	
(c) Illumination	Mural signs may be illuminated by external lighting cast onto the mural sign provided that: The brightness and intensity shall not be greater than necessary to make the mural visible; and Lighting shall be shielded from all adjacent buildings and streets; and The lighting shall not create excessive glare to pedestrians and/or motorists and will not obstruct traffic control or any other public informational signs.	
(d) Permit Required	Yes, location must be approved by the city manager.	

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(e) Permit Stipulation	Mural signs may not be used to advertise products or services offered or sold off-location or on-site.
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(3) Projecting Signs

(a) Location	Permitted in conjunction with non-residential uses for which a building permit and/or certificate of occupancy has been issued. May project into right-of-way (with City Council approval of an encroachment agreement) but shall be located a minimum of three feet from back of curb of any adjacent street or drive. May be erected on a building corner when the building corner adjoins the intersection of two streets. No portion shall extend above the roof line, a parapet wall, or the eave line.	
(b) Maximum Total Sign Area	The surface area of the sign where text and graphics are displayed shall not exceed a maximum of 10 percent of the area of the building elevation to which it is attached.	
(c) Minimum Clearance	Nine feet above sidewalk or walkway. Requires Fire Department review and approval.	
(d) Maximum Number of Signs	One per tenant per elevation.	
(e) Design	Shall not extend above a building wall. May extend no more than three feet from the façade of a building.	
(f) Support	Shall be supported from the side edge of the sign in an approved manner.	
(g) Permit Required	Yes.	

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(4) Wall Signs

(a) Location	Permitted in conjunction with non-residential uses for which a building permit and/or certificate of occupancy has been issued. Shall not be allowed on accessory structures. Shall not be allowed on any façade (other than the main front of the building) that faces property zoned single-family uses if the sign is within 150 feet of the property line of said residential property. Tenant within a strip center: Signage shall be restricted to the façade of the tenant space on the building.	
(b) Maximum Effective Sign Area	The total of all effective sign area on each façade, shall not exceed 60 square feet or 20 percent of the façade, whichever is greater. In no instance shall a wall sign exceed the maximum height limitations noted in (c) below. Tenant within a strip center: Shall be measured by the size of the façade of the tenant space.	
(c) Maximum Height	Height of sign is based on the height of the building: Less than 20 feet: four feet 20 feet to less than 30 feet: six feet 30 feet to less than 40 feet: eight feet 40 feet to less than 50 feet: ten feet 50 feet or greater: 12 feet	
(d) Minimum Clearance	9 feet above sidewalk, walkway, or street. If sign is painted on the wall, there is no minimum clearance.	
(e) Maximum Number of Signs	Unlimited, however, the individual sign heights may not exceed what is allowed in (c) above and the total combined area cannot exceed what is allowed in (b) above. Signage for a multi-tenant building with a single entry: shall be limited to a maximum of two signs per elevation of appropriate scale and size identifying the major tenant or name of building.	
(f) Design	When projections on the wall face prevent the placement of the sign flat against the wall face, the space between the back of the sign and the wall shall be closed at the top, bottom, and ends with incombustible materials.	

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	In no case shall an attached sign project above the roof line or parapet wall of any building.
(g) Permitting Stipulation	Signage for a multi-tenant building with a single entry: Shall be required to provide a letter from the owner of the building authorizing placement of sign and location at permit submittal.
(h) Permit Required	Yes. A sign reface requires a separate permit.

(5) Wayfaring Signs

(a) Location	May be located on private property that is adjacent to public rights-of-way (with written permission from the property owner). May be located within the parkway of public rights-of-way (with permission from the state or county, as appropriate).	
(b) Manner	The number and location of wayfaring signs shall be determined by the city manager or his designee. The cost of production, installation, maintenance, and relocation or removal of the wayfaring signs shall be the responsibility of the permittee, or, if located on private property, the permittee and the property owner shall have joint and severable liability.	
(c) Maximum Height	10 feet	
(d) Maximum Width	6 feet	
(e) Color/Theme	Wayfaring Signs shall incorporate logo/artwork approved by City Council.	
(f) Permit	The City will contract for Wayfaring Signs. No other signs shall be erected for this purpose.	

(6) Window Signs

(a) Location	Shall be affixed to any surface of a window (interior or exterior) or within three feet of the interior window glazing.	
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(b) Maximum Total Sign Area	Window signs are exempt from the provisions of this section, providing not more than 30 percent of the transparent window area is occupied at any one time, whether the sign covers a single pane or multiple panes.	
(c) Exceptions	Addresses, open/closed signs, hours of operation, and window signs required by the city are exempt from meeting the maximum sign area criteria as required in this section of the ordinance.	
(d) Permit Required	No, but shall comply with the above conditions and specifications listed above.	

Sec. 27-32. Temporary Signs allowed in Proposed Downtown Area.

(1) Banner Signs (Temporary)

(a) Location	Permitted in conjunction with non-residential uses for which a building permit and/or certificate of occupancy has been issued. Shall not face a residential neighborhood unless separated by a major or minor thoroughfare.	
(b) Maximum Total Sign Area	All four corners shall be securely attached to the front, side, or rear surfaces of a building excluding banners located on public school property or church property, which may be affixed to a freestanding support. May not be used as the primary signage for a business.	
(c) Maximum Total Sign Area	35 square feet.	
(d) Minimum Clearance	Nine feet in height above sidewalk or walkway when installed in a location that may restrict pedestrian travel.	
(e) Maximum Number of Signs	One at any given time for any given business.	
(f) Maximum Number of Occurrences/Year	Three two-week periods per business per calendar year that shall not be consecutive.	
(g) Exceptions	A business is permitted to have one banner sign prior to the receipt of a certificate of occupancy for a period not to exceed 14 days for	

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	grand openings. Shall not be counted against the allowed time frames provided above. Banner signs are allowed with a special event permit for 14 days prior to the event and two days after the event is over. Religious organizations that operate in a school or other temporary facility may place a banner during times of worship. The banner cannot be placed earlier than 24 hours prior to worship and shall be removed no later than two hours after worship. This banner shall not count against the businesses' annual allowance.
(h) Duration	Each permit is valid for a two-week period.
(i) Removal	Shall be removed on the day of the expiration of the permit. Special event banner: within 24 hours after the event.
(j) Permit Required	Yes.

(2) Sidewalk Sign (Temporary)

(a) Location	A sidewalk sign may be located on any downtown sidewalk so long as the sign does not obstruct vehicular, bicycle, or pedestrian traffic. Must comply with ADA clearance and accessibility.	
(b) Maximum Effective Sign Area	A sidewalk sign must be no more than 42" tall and 36" wide. The sign face must be no more than six square feet in area	
(c) Maximum Number of Signs	There may be no more than one sidewalk sign per tenant, generally located adjacent to the primary facade in front of the business.	
(d) Design	No illumination is permitted.	
(e) Duration	The sign must be removed and placed indoors at the close of each business day.	
(f) Permit Required	Yes, but there is no fee for this sidewalk signs.	

Sec. 27-33. Permanent Signs allowed in all other Non-Residential Districts and the ETJ.

In addition to the signs listed in section 27-31, the following signs are allowed in all other non-residential zoning districts and the city's extraterritorial jurisdiction (ETJ).

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(1) Canopy Signs

(a) Location	Permitted in conjunction with non-residential uses for which a building permit and/or certificate of occupancy has been issued. Shall be attached to the face of the canopy band that is parallel to a public street.	
(b) Maximum Effective Sign Area	Ten percent of the area of the building elevation to which it is attached.	
(c) Maximum Number of Signs	One canopy sign per public street frontage.	
(d) Design	Shall only contain the name and/or logo of the company. Pricing and/or sale specials are prohibited. Must not extend outside the overall length or width of the canopy, however, may extend above or below the canopy provided the clear height is met.	
(e) Permit Required	Yes.	

(2) Cantilevered Ground Signs

(a) Location	Permitted in conjunction with commercial uses for which a building permit and/or certificate of occupancy has been issued. Intended primarily for small-scale businesses. Must be placed a minimum of five feet from the front building line.	 
(b) Maximum Effective Sign Area	8 square feet	
(c) Maximum Number of Signs	One, to be located on the main entrance side of the building.	
(d) Design	Shall only contain the name and/or logo of the company. Pricing and/or sale specials are prohibited. May not be internally illuminated or backlit.	
(e) Permit Required	Yes.	

(3) Crown Signs

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(a) Location	Permitted in conjunction with commercial uses for which a building permit and/or certificate of occupancy has been issued. Shall be located on the primary building façade and located on the upper horizontal band of the building that is a minimum of 55 feet in height and four stories. Must be located so as not to cover windows or architectural details	
(b) Maximum Effective Sign Area	Three percent of the area of the building elevation to which it is attached.	
(c) Maximum Number of Signs	One, to be located on the main entrance side of the building.	
(d) Design	Shall only contain the name and/or logo of the company. Pricing and/or sale specials are prohibited. May be internally illuminated or backlit.	
(e) Permit Required	Yes.	

(3) Drive-through Order Signs

(a) Location	Permitted in for retail trade or services uses providing drive-through and drive-up facilities which shall be designed and operated to effectively mitigate problems of congestion, excessive pavement, litter, noise, traffic, and unsightliness.	
(b) Maximum Effective Sign Area	40 square feet, each preview/order board. A carhop and/or walk-up menu board shall not exceed 10 square feet in area.	
(c) Maximum Signs Height	Eight feet, unless constructed as part of a rain/shade barrier. A maximum distance off ground shall be 12 inches.	
(d) Maximum Number of Signs	One preview board and one order board shall be permitted for each drive-through/drive-up lane.	
(e) Design	Each drive-through and drive-up access aisle for restaurants shall provide sufficient space before the menu board to accommodate at	

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	least four waiting vehicles and at least four waiting vehicles between the menu board and the drive-up window. The Sign Board may modify this standard based on specific site characteristics.
(f) Permit Required	Yes.

(4) Monument Signs (Multiple Tenant)

(a) Location	Permitted in conjunction with multiple non-residential uses established on one lot for which a building permit and/or certificate of occupancy has been issued. Minimum 15-foot setback from all property lines.	 
(b) Maximum Total Sign Area	Multi-tenant monument sign adjacent to US Hwy 377: 150 square feet Other multi-tenant monument sign: 96 square feet	
(c) Minimum Base Height	12 inches	
(d) Maximum Height	Multi-tenant monument sign: 20 feet for commercial centers greater than 100,000 square feet. Multi-tenant monument sign: 15 feet for commercial centers equal to or less than 100,000 square feet. Multi-tenant monument sign adjacent to US Hwy 377: 25 feet. If one or more of the above maximum height calculations conflicts, the lesser height of the two regulations applies.	
(e) Maximum Number of Signs per Street Frontage	One per 400 feet of street frontage per lot.	
(f) Minimum Spacing between Signs	The distance required between any two multi-tenant monument signs is 200 feet.	
(g) Design	Shall be constructed of the same primary masonry materials as the front building façade of the principal building on the same lot and shall be of similar architectural style. Monument signs shall be consistent with the building elements and materials of development. Blank panels shall be installed on monument signs where tenant panels are absent. (see illustrations, above)	

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(h) Removal	Model home monument sign: Shall be removed prior to final inspection of home when model is transitioned to a single-family dwelling or upon removal of sales trailer from same lot.
(i) Unified Sign Plan Required	See §27-26 for more details on the requirements of the Unified Sign Plan for multi-tenant monument signs and coordination of wall signs within a shopping center.
(j) Permit Required	Yes. A sign reface requires a separate permit.

(5) Monument Signs (Single Tenant)

(a) Location	Single tenant monument sign: Permitted in conjunction with non-residential uses or on a lot containing a multi-family use for which a building permit and/or certificate of occupancy has been issued. Single tenant/multi-tenant monument sign: Minimum 15-foot setback from all property lines.	
(b) Maximum Total Sign Area	Single tenant monument sign adjacent to US Hwy 377: 100 square feet. Other Single tenant monument signs: 64 square feet.	
(c) Minimum Base Height	12 inches.	
(d) Maximum Height	Single tenant monument sign adjacent to US Hwy 377: 10 feet. Other Single Tenant Monument Sign: eight feet.	
(e) Maximum Number of Signs	Single tenant monument sign: One per lot.	
(f) Minimum Spacing between Signs	The distance required between any two single tenant monument signs on adjacent properties is 75 feet.	
(g) Design	Shall be constructed of the same primary masonry materials as the front building façade of the principal building on the same lot and shall be of similar architectural style. Monument signs shall be consistent with the building elements and materials of development.	
(h) Permit Required	Yes.	

(6) Wall Signs

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(a) Location	Permitted in conjunction with non-residential uses for which a building permit and/or certificate of occupancy has been issued. Shall not be allowed on any façade (other than the main front of the building) that faces property zoned single-family uses if the sign is within 150 feet of the property line of said residential property. Tenant within a strip center: Signage shall be restricted to the façade of the tenant space on the building and is subject to a Unified Sign Plan.	
(b) Maximum Effective Sign Area	The total of all effective sign area on each façade, shall not exceed 60 square feet or 20 percent of the façade, whichever is greater. In no instance shall a wall sign exceed the maximum height limitations noted in (c) below. Tenant within a strip center: Shall be measured by the size of the façade of the tenant space.	
(c) Maximum Height	Height of sign is based on the height of the building: Less than 20 feet: four feet 20 feet to less than 30 feet: six feet 30 feet to less than 40 feet: eight feet 40 feet to less than 50 feet: ten feet 50 feet or greater: 12 feet	
(d) Minimum Clearance	9 feet above sidewalk, walkway, or street. If sign is painted on the wall, there is no minimum clearance.	
(e) Maximum Number of Signs	Unlimited, however, the individual sign heights may not exceed what is allowed in (c) above and the total combined area cannot exceed what is allowed in (b) above. Signage for a multi-tenant building with a single entry: shall be limited to a maximum of two signs per elevation of appropriate scale and size identifying the major tenant or name of building.	
(f) Design	When projections on the wall face prevent the placement of the sign flat against the wall face, the space between the back of the sign and the wall shall be closed at the top, bottom, and ends with incombustible materials. In no case shall an attached sign project above the roof line or parapet wall of any building.	

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(g) Permitting Stipulation	Signage for a multi-tenant building with a single entry: Shall be required to provide a letter from the owner of the building authorizing placement of sign and location at permit submittal.
(h) Permit Required	Yes. A sign reface requires a separate permit.

Sec. 27-34. Permanent Signs Allowed in Residential and Multi-Family Districts and the ETJ (other than the Proposed Downtown Area).

In addition to the signs listed in section 27-31, the following signs are allowed in all other residential and multi-family zoning districts and the city's extraterritorial jurisdiction (ETJ), as indicated.

(1) Residential Subdivision Entrance Sign

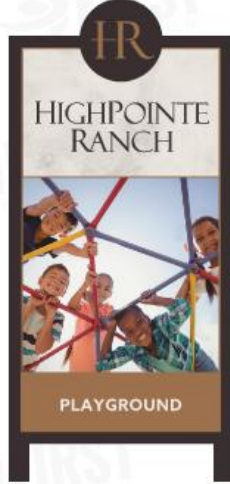
(a) Location	Main entrance sign should be placed in HOA-owned median providing a divided entryway into the community.	
(b) Maximum Total Sign Area	Residential subdivision monument signs: 200 square feet.	
(c) Minimum Base Height	12 inches.	
(d) Maximum Height	Residential Subdivision Monument Sign: 12 feet.	
(e) Maximum Number of Signs	One required at main entrance Additional smaller entrance signs may be permitted at other entrances.	
(f) Design	Shall be constructed of the masonry materials or a combination of similar materials to complement the community's architectural style.	
(g) Lighting	Ground lighting where the light itself and supporting structure are not visible from public right-of-way is allowed. All lighting shall comply with the currently adopted National Electric Code. Any electrical work that requires an addition or extension of circuits shall require a separate permit.	
(h) Permit Required	Yes.	
(i) Other Requirements	No such signage will be allowed in the right-of-way. Structures enhancing associated signage may be permitted in the right-of-way upon City Council approval of an encroachment agreement and Fire Department review and approval of clearance provisions.	

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Sec. 27-35. Miscellaneous or Temporary Signs Allowed in All Districts and the ETJ, as indicated.

In addition to the signs listed in section 27-31, the following miscellaneous and/or temporary signs are allowed in all non-residential zoning districts other than the Proposed Downtown Area.

(1) Builder Promotional Signs (Miscellaneous Sign)

(a) Location	Any zoning district outside the Proposed Downtown Area Shall be located on private property that is adjacent to public rights-of-way. May be located within the parkway of public (i.e. state, county, city) rights-of-way (with permission from the entity, as appropriate). Placement of Builder Promotional Signs are subject to TXDOT approval.	
(b) Manner	Signs are permitted at a minimum spacing of 200 feet along a right-of-way and may not be located within 100 feet of a street intersection. The cost of production, installation, maintenance, and relocation or removal of the builder development signs shall be the responsibility of the permittee, or, if located on private property, the permittee and the property owner shall have joint and severable liability.	
(c) Maximum Height	10 feet	
(d) Maximum Width	4 feet	
(e) Maximum Number of Signs	The maximum number of signs is based on length of roadway frontage.	
(f) Permit Required	Yes	
(g) Site Plan Required	Yes	
(h) Duration	Shall be removed prior to the issuance of 90 percent of the home building permits for a subdivision on the property.	

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(2) Changeable Electronic Message/Reader Board Sign (Miscellaneous Sign)

(a) Location	Changeable Electronic Reader Boards shall be allowed on all permitted monument signs except in the Proposed Downtown Area.	
(b) Maximum Area	Electronic Reader Board may utilize no more than 50 percent of the effective sign area.	
(c)Lighting Restrictions	Changeable Electronic Reader Boards shall come equipped with automatic dimming technology which adjusts the sign's brightness based on ambient light.	
(d) Message/Transitions	One sign per premises shall be allowed as a changeable message sign. Frame duration shall not be less than ten seconds and shall occur simultaneously on the entire electronic sign face. Message transition shall not be greater than one second. Frame effects such as flashing shall be prohibited. May not be used to display commercial messages relating to products or services that are not offered on-premises. May include time and temperature.	
(e) Permit Required	Yes.	

(3) Construction Signs (Temporary Sign)

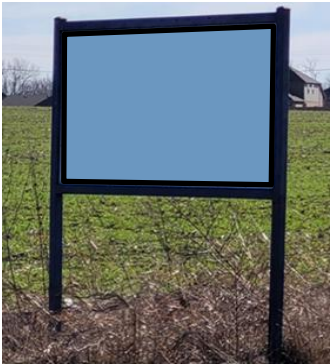
(a) Location	Any zoning district outside the Proposed Downtown Area. Permitted in conjunction with a construction project. Shall be set on premises out of the right-of-way.
(b) Maximum Effective Sign Area	Sites under ten acres: maximum size is 36 square feet. Sites over ten acres: maximum size is 64 square feet.
(c) Maximum Height	12 feet measured from the ground (including posts).
(d) Maximum Number of Signs	One per major street thoroughfare per property. When a property has more than one major thoroughfare, one sign may be placed along each major thoroughfare.
(e) Minimum Spacing between Signs	A property with more than 200 feet of major thoroughfare frontage is entitled to place one additional temporary construction fence sign with a minimum separation of 200 feet between each temporary construction fence sign.

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(f) Removal	Shall be removed prior to the issuance of a certificate of occupancy for the building on the property or the completion of construction. Where the property has multiple buildings with outstanding building permits, the temporary construction fence sign must be removed upon the earlier of: The expiration or termination of all such outstanding building permits, or Prior to the issuance of a certificate of occupancy for the last such building on the property.
(g) Permit Required	Yes

(4) Development Signs

(a) Location	Permitted in any zoning district. Shall be located on-site. Shall be setback a minimum of 15 feet from the front property line	
(b) Maximum Effective Sign Area	64 square feet	
(c) Maximum Height	12 feet	
(d) Design	The supporting structure shall be constructed of metal, wood, plastic, or wood-plastic composite	
(e) Lighting	No illumination allowed	
(f) Maximum Number of Signs	One sign shall be permitted adjacent to each street frontage of the property	
(g) Duration	Non-residential property - shall be removed prior to the issuance of a Certificate of Occupancy on the property.	
(h) Permit Required	Yes	
(i) Permitting Stipulation	Permit renewal is required every two years in order to verify duration criteria, property ownership, and maintenance of sign. Permit fee is only required at initial issuance. Failure to renew permit shall result in non-conforming sign status.	

(5) Flags (Miscellaneous Sign)

(a) Location	Allowed in any zoning district. Shall be located on private real property with the consent of the property owner.
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	No flag shall be placed in or encroach over or onto any public right-of-way or median and shall not be attached to fences or trees. Residential: Shall be placed in ground in the front or rear yard of the lot or attached to the primary structure. Flags may not be attached to a fence.
(b) Maximum Total Area	Residential: 60 square feet. Non-Residential: 100 square feet.
(c) Maximum Height	Residential: 30 feet. Non-Residential: 50 feet.
(d) Maximum Number of Flags per Lot	Residential: Three. Non-Residential: Three.
(e) Support	Flagpoles over 20 feet in height require a professional contractor to install.
(f) Permit Required	No, but shall comply with the above conditions and specifications listed above.

(6) Incidental Signs - (Miscellaneous Sign)

(a) Location	Allowed in any non-residential zoning district. Shall be on-premises. Minimum 20-foot setback from front property line. Shall be attached to the ground. Includes institutional uses.
(b) Maximum Effective Sign Area	8 square feet
(c) Minimum Base Size	12 inches
(d) Maximum Height	4 feet
(e) Maximum Number of Signs	Two per acre per lot
(f) Minimum Spacing between Signs	50 feet
(g) Design	The design, materials, and finish of the base shall match those of the front building façade of the primary structure on the same lot.
(h) Permit Required	No, but shall comply with the above conditions and specifications listed above.
(i) Fees	No

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(7) Inflatable Signs (Temporary Sign)

(a) Location	Any zoning district outside the Proposed Downtown Area. Permitted for grand openings and for holidays and festivals. Shall not be located within required parking spaces, driveways that provide access to parking spaces, or fire lanes, nor shall the sign or its securing devices encroach into the right-of-way.	
	Shall be secured directly to the ground. Shall not be placed on a roof or suspended from a building.	
(b) Maximum Effective Sign Area	48 square feet	
(c) Maximum Height	30 feet	
(d) Maximum Number of Signs	One per premises per event	
(e) Timeframe	Grand openings: Once for each separate certificate of occupancy (CO). Maximum for 15 consecutive days. City approved special event: Maximum for ten consecutive days. Must be removed within two days after the scheduled event.	
(f) Permit Required	Yes	

(8) Non-Profit Signs (Temporary)

(a) Location	Allowed in any zoning district. Shall be located only on private property that is owned by and utilized for a non-profit purpose. Temporary signs referenced in this section prohibit bandit or snipe signs in any location.
(b) Maximum Effective Sign Area	20 square feet
(c) Maximum Height	6 feet
(d) Maximum Number of Signs	As allowed by the city manager
(e) Duration	May be placed up to 72 hours in advance of an event and removed within 24 hours following the event. In no case shall the temporary sign be displayed on a continuous basis.

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(f) Permit Required	No
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(9) Outdoor Vending Machine Signs (Miscellaneous Sign)

(a) Location	Allowed in any zoning district. Shall not obstruct pedestrian or vehicular traffic. Shall be directly attached to a vending machine or gasoline pump. Shall be flat and shall not project from the vending machine or gasoline pump. May be displayed 24 hours each day.
(b) Lighting	All lighting shall comply with the currently adopted National Electric Code. Any electrical work that requires an addition or extension of circuits shall require a separate permit.
(c) Permit Required	No, but shall comply with the above conditions and specifications listed above.

(10) Political Signs (Temporary Sign)

(a) Location and State Statutes	Allowed in any zoning district. Texas state law provides certain restrictions on political signage at polling places as well as on private real property. The city hereby incorporates applicable provisions of such state law into this section. V.T.C.A., Local Government Code § 216.903, as amended.	
	State law authorizes the placement of signs that contain primarily a political message on private real property with the consent of the property owner, subject to the following: ° Shall not have an area greater than 36 square feet; ° Shall not be more than eight feet in height; ° Shall not be illuminated; or ° Shall not have any moving elements. Signs are not permitted on city property or within any right-of-way, except as required by V.T.C.A., Election Code §§ 61.003 or 85.036, both as amended.	

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	Signs shall only be located on private property with the consent of the property owner no closer than ten feet from the edge of the street pavement.
(b) Duration	Shall be removed within ten days after the election day. In the case of a run-off election, signs advertising those candidates who are in the run-off election may be continued to be displayed during the interim period but must be removed within ten days after the run-off election.
(c) Permit Required	No, but must comply with the above conditions.

(11) Scoreboards

Location	Allowed in any zoning district that allows an athletic field or stadium. Shall be constructed within the limits of and be oriented into the athletic field or stadium.
Design/ Electronics	Changeable Electronic Message/Reader Board Component allowed
Permit Required	Yes

(12) Sidewalk Signs (Miscellaneous Sign)

(a) Location	Allowed in any non-residential zoning district. Shall be located a minimum of three feet back from the curb or any adjacent street, drive, or parking lot. Shall be located within ten feet of the business entrance. Shall not be placed in public right-of-way.	
(b) Maximum Height	4 feet	
(c) Maximum width	3 feet	
(d) Minimum Clearance	If placed on or adjacent to a sidewalk or walkway (that is not in a public right-of-way), an unobstructed pedestrian clearance of at least four feet in width shall be provided adjacent to the sign.	
(e) Maximum Number of Signs	One per business	
(f) Minimum Spacing between Signs	30 feet	



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(g) Illumination	Shall not be illuminated.
(h) Timeframe	May be placed on properties during business hours only
(i) Permit Required	No, but shall comply with the above conditions and specifications listed above

(13) Vehicular Signs

(a) Location	Allowed in any zoning district outside the Proposed Downtown Area or any residential district. During periods of inactivity, such vehicle with prominent signage may not be parked in the parking lot or placed in such a manner that the sign is readily visible from adjacent public rights-of-way and is primarily being used as a sign.	
	Such vehicles may not be parked in the parking bay immediately adjacent to the street frontage. Vehicles with prominent signage are in violation only if the vehicle is parked in a manner that the signage on the vehicle is acting as a sign for an extended period of time and where it is visible from the street. All vehicles parked on a public street and/or a commercial parking lot must be operable, currently registered, and actively used in the daily function of the business to which such signs relate or for transporting employees to and from the premises. "For Sale" signs placed in or on vehicles when the vehicle is parked or placed in a manner that the sign is readily visible from adjacent public rights-of-way are prohibited with the exception that one vehicle containing a "For Sale" sign parked or placed at an approved parking space associated with a single-family, two-family, townhome, or multi-family dwelling unit is allowed.	
(b) Permit Required	No, but shall comply with the above conditions and specifications	

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(14) Residential Signs

(a) Location	Any residential zoning district. Permitted on a lot containing a single-family, two-family dwelling or multi-family dwelling. Also permitted on a residentially zoned lot owned by a HOA or property owners' association.	
	Shall be located only on private property with the consent of the property owner. Shall not be placed closer than ten feet from the edge of the street pavement.	
(b) Maximum Effective Sign Area	4 square feet	
(c) Maximum Height	3 feet	
(d) Maximum Number of Signs	2 per lot	
(e) Permit Required	No, but shall comply with the conditions and specifications listed above	

(15) Yard/Garage Sale Signs

(a) Location	Allowed in any zoning district. Shall be located on private property with the consent of the property owner. Shall not be permitted in the right-of-way, public property, or utility pole	
(b) Sign Type	Maximum size 24 X 30 inches	
(c) Timeframe	The signs shall not be displayed for more than 72 consecutive hours and shall be removed by 8:00 am on the day following the conclusion of the garage sale.	
(d) Confiscation	Signs in violation of this section may be confiscated and destroyed without notice by the city.	
(e) Permit Required	Yes. A permit is required for each garage sale. There is no fee for the permit.	

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	A maximum of two permits for a maximum of three days shall be issued per property per calendar year.
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14A Attachment 1

SIGN REGULATIONS

ARTICLE I General Regulations

Section 1. Definitions, Scope, Offenses, and Penalties

1.01 Definitions. The following words and phrases, when used in this Sign Regulations Code (“Code”), shall have the meaning ascribed to them by this section. All terminology used in this Code and not specifically defined in this section, shall retain its meaning in conformance with applicable publications of the American National Standards Institute or its successor body or if not defined therein the latest volume of Merriam-Webster’s Collegiate Dictionary.

Alter means to change the size, shape or outline, Copy, nature of message, intent or type of Sign.

Apartment District shall include all zoning classifications designated for attached, duplex, and multifamily residences.

Attached Sign means a Sign mounted on a Building facade (or mounted on another structure that does not have the primary purpose of supporting a sign), as opposed to being constructed as part of a freestanding structure.

Banner means a sign composed of lightweight material either enclosed or not enclosed in a rigid frame, secured or mounted so as to allow movement of the Sign face, Surface, or component parts caused by movement of the atmosphere.

Building means a structure that has a roof supported by columns, and walls or air for the shelter, support or enclosure of Persons, animals or chattel.

Bulletin Board means a Sign containing information where a portion of such information may be periodically changed, providing that such change shall be effected by the replacement or interchange of letters, numbers, or other graphic symbols by insertion, attachment or similar means. The use of slate, chalkboard, cardboard or similar material with pencil, chalk, crayon or similar types of marking is prohibited.

Canopy means a roof-like structure that extends horizontally more than one foot from the face of a Building wall and does not have a structural border.

Changeable Electronic Variable Message Signs (hereinafter referenced in this Code as “CEVM Signs”) are Signs, displays, or devices that change messages or copy by programmable electronic or mechanical processes as defined in the Texas Administrative Code and include signs which permit light to be turned on or off intermittently or whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including a light emitting diode (“LED”) or digital sign, and which varies in intensity or color. A CEVM Sign does not include a sign located within the right-of-way that functions as a traffic-control

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device and that is described and identified in the Manual on Uniform Traffic Control Devices approved by the Federal Highway Administrator as the National Standard. A CEVM Sign also does not include a time and temperature display that remains static for not less than three seconds.

City means the City of Aubrey, Texas.

City Council means the City Council of the City of Aubrey, Texas.

Code Enforcement Officer means the officer or Person within the City charged with the administration and enforcement of this Code.

Copy means logos, characters, symbols or any other portion of a Sign that conveys a message or information.

Erect means to build, construct, attach, hang, place[,] suspend or affix, and shall also include the painting of Signs on the exterior Surface of a Building or structure, and also includes the painting or affixing of Signs to the exterior or interior Surface of windows, and includes outdoor Signs and Signs located interior to a Building but readily visible from the exterior.

Existing Outdoor Advertising Sign means an outdoor Sign, display, light, device, figure, painting, drawing, message, plaque, placard, poster, billboard, logo or symbol, or other thing which is designed, intended, or used to advertise or inform if:

- (1) any part of the content of such Sign is visible from any place on the main-traveled way of a Regulated Highway;
- (2) such Sign was legally Erected within the City's corporate limits or the City's extraterritorial jurisdiction;
- (3) as of the effective date of this Code the Texas Department of Transportation ("TxDOT") has issued a valid permit for such sign and such permit has not expired; and
- (4) as of the effective date of this Code such Sign:
 - (a) does not exceed the maximum height limit as permitted under rules adopted by TxDOT under the authority of Transportation Code, Chapter 391, or as permitted on the TxDOT issued permit, whichever height is less;
 - (b) does not exceed the maximum square footage of Surface area per Sign face allowed under TxDOT rules or on the TxDOT issued permit, whichever square footage is less;
 - (c) does not violate TxDOT's minimum spacing requirements between such Signs; and

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- (d) in the case of such sign in the City's corporate boundaries, the Sign does not violate the requirement of being within the confines of a "zoned commercial or industrial area," as such term or similar term(s) are defined by TxDOT or in the case of such sign in the City's extraterritorial jurisdiction, the Sign does not violate the requirement of being within the confines of an "unzoned commercial or industrial area," as such term or similar term(s) are defined by TxDOT.

Facing or Surface means the Surface or Surfaces of the Sign upon, against, or through which the message is displayed or illustrated on the Sign.

Freestanding Sign means a Sign attached to a self-supporting structure that is unattached to any Building or other structure.

Freeway means any major thoroughfare where right-of-way is 250 feet or greater and so designated by the City master Street plan.

Gross Surface Area of Signs means the entire area within a single continuous perimeter enclosing the extreme limits of each Sign. A Sign having information on two Surfaces shall be considered as a single Sign, providing that the Surfaces are located back-to-back. A Sign having information on three or more Surfaces shall be calculated as the sum of all portions and evaluated as a single Sign. If two or more Signs share a single structure, each Sign or panel may be considered separately for square footage purposes, providing that each Sign or panel has no relationship to the others, and that the combined area of such Signs cannot exceed the total square footage allowed when evaluated as a single Sign. For Signs so constructed, where related portions are located on separate structures or Vehicles, the gross surface area shall be calculated as the sum of all portions and evaluated as a single Sign. Supports for Class 5 Signs having a large solid appearance shall be calculated as part of the gross surface area of the Sign. The gross surface area of Class 5 and Class 6 Signs less than six feet in height and used as an element of landscaping will be determined by measurement of a single continuous line enclosing the extreme limits of the Sign, providing that such calculation shall not include planter boxes, screening walls, retaining walls, and similar improvements.

Ground Sign means any Sign, other than a Pole Sign or a Monument Sign, which is independent of any other structure and having the entire bottom of the sign in contact with or within 12 inches of the ground with the top of the Sign not exceeding eight feet from ground level.

Illuminated Sign means any Sign that has characters, letters, figures, designs, or outline illuminated directly or indirectly by electric lights, luminous tubes, or other means.

Internal Monument Sign means a Sign that is supported from the grade to the bottom of the Sign having or appearing to have a solid base and generally used to provide direction to drive-through lanes and to Buildings and tenants within large multi-tenant retail, multifamily, or office developments.

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Monument Sign means a Sign mounted on a base six feet in height or less, with a maximum area of 35 square feet, and having or appearing to have a solid and opaque base and generally used to identify the name of a business or development.

Nameplate Sign means any sign showing only the name and address of the owner or occupant of the premises on which it is Erected.

Noncombustible Material means any material that will not ignite at or below a temperature of 1,200 Fahrenheit and will not continue to burn or glow at that temperature or shall have a flame spread of 25 or less.

Nonconforming Sign means a Sign other than an Existing Outdoor Advertising Sign that was lawfully in existence and was properly permitted by the City, to the extent such permitting was required as of the effective date of this Code.

Off-Premises Sign means a Sign that pertains in any manner to a business, Person, organization, activity, event, place, service, or product not principally located or primarily manufactured on the premises on which the Sign is located.

On-Premises Sign means a Sign identifying or advertising a business, Person, or activity, and installed and maintained on the same premises as the business, Person, or activity.

Person means an individual, company, joint stock company, firm, proprietorship, business, corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, co-partnership, association, and any other legal entity or their legal representatives, agents or assigns. Notwithstanding any other provision of the Code, each and every Code provision-including but not limited to every prohibition, requirement, and penalty-applies to both natural Persons and corporations, partnerships, and all other legal entities or organizations.

Pole Sign means a Freestanding Sign in which the Sign face is mounted on one or more poles and the base of the Sign face is situated more than 12 inches above the ground.

Political Sign means any Sign containing primarily a political message, including but not limited to those indicating the name and/or picture of an individual seeking election or appointment to a public office, or relating to a forthcoming public election or referendum. This definition excludes signs, including a billboard, that contains primarily a political message on a temporary basis and that is generally available for rent or purchase to carry commercial advertising or other messages that are not primarily political.

Primary System means that portion of connected main highways, which were designated by the Texas Transportation Commission as the federal-aid Primary System in existence on June 1, 1991 and any highway which is not on that system but which is on the National Highway System.

Projecting Sign means an Attached Sign that extends: (1) above the lowest roof line (except that a mansard-style roof shall be considered as part of the Building facade and not the roof for the purpose of Attached Sign location); (2) above the top of the exterior wall or facade of a

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Building; (3) out from the edge of the exterior walls of a Building; (4) out from a Building or structure Erected in an unsafe manner or in a manner that impedes the normal flow of pedestrian or vehicular movement; or (5) a Sign that otherwise extends from any part of a Building or structure and is not attached in a manner that prevents the Sign from swinging or otherwise moving as a result of the movement of the atmosphere.

Projecting Structures means covered structures of a permanent nature, which are constructed of approved building material, specifically excluding canvas or fabric material, and where such structures are an integral part of the main Building or permanently attached to a main Building and do not extend over public property. Projecting Structures include marquee, Canopy, and fixed-awning type of structures.

Public View means a view from any public or City right-of-way or access easement.

Regulated Highway means a highway on the interstate highway system or Primary System.

Roof Line means the height that is defined by the intersection of the roof of the Building and the wall of the Building; except, for mansard-type roofs, the Roof Line means the top of the lower slope of the roof. Roofs with parapet walls completely around the Building and not exceeding four feet in height may be considered as the Roof Line for the purposes of this Code.

Searchlight means a device, consisting of a light source and a reflecting Surface behind it that projects a powerful beam of light in a particular direction.

Sign means any form of publicity advertising that directs attention to an individual, business, commodity, service, activity, cause, or product, by means of words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices[,] trade names or trademarks, or other pictorial matter designed to convey such information and displayed by means of print, bills, poster, panels, paintings, murals, or other devices Erected on an open framework, or attached or otherwise applied on or to stakes, posts, poles, trees, Buildings, fences, or other structures or supports, including such structures or devices that have a primary purpose other than supporting, containing or otherwise displaying such information. This definition shall also include any device, fixture, placard, or structure that uses any color, form[,] graphic, mural, painting, illumination, symbol, or writing to advertise, announce the purpose of a Person or entity, or communicate information of any kind to the public.

Static Display means the use of displays or devices for the purpose of drawing or attracting attention to a location, site, business, or activity.

Street means any public roadway that affords the principal means of access to abutting property.

Structural Trim means the molding, battens, cappings, nailing strips, latticing, and platforms attached to the Sign structure.

Temporary Promotional Sign means the type of Signs described in further detail in Article II, Section 4 of this Code.

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Unified Development Monument Sign is a Sign that is supported from the grade to the bottom of the Sign having or appearing to have a solid base and generally used to identify multiple tenants within a unified development.

Vehicle means any automobile, truck, camper, van, trailer, or any device capable of transporting Persons or property and shall be considered a “Vehicle” in both moving and stationary modes, irrespective of condition.

Zoning District means a portion of the territory of the City within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of the City’s Zoning Ordinance, as amended.

1.02 Title and Abbreviations. This Code shall be titled “Sign Regulations Code” and unless otherwise noted shall be abbreviated herein as “Code.”

1.03 Territorial Scope. The provisions of this Code apply everywhere within the City’s corporate boundaries and its extraterritorial jurisdiction, except as specifically stated otherwise in this Code.

1.04 Classification and Zoning Districts. In addition to meeting the requirements of the regulations set forth in this Article I, Signs must be in compliance with the regulations set forth in Article II of this Code to the extent that such regulations apply to any such Sign, subject to the allowances in this Code for Nonconforming Signs.

1.05 Liability for Violations. The owner of the Sign, the owner or Person in control of or who operates the land or structure upon which the sign is placed or located, or the Person in charge of Erecting, altering, replacing, relocating or repairing the Sign or associated structures are jointly and severally liable for violations of any provision of this Code and, therefore, each is subject to the penalty provided for this violation of this Code.

1.06 Offense and Penalties. Any Person, firm, corporation or business entity violating this Code shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined any sum not exceeding \$2,000, unless otherwise specifically set forth in this Code. Each continuing day’s violation under this Code shall constitute a separate offense. The penal provisions imposed under this Code shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state and federal law.

1.07 Affirmative Defense to Prosecution.

(a) It shall be an affirmative defense to prosecution under this Code to the extent there exists a valid and binding Development Agreement between the City and a property owner that is in effect and that specifically authorizes the condition, placement, or other aspect of a sign where such specific condition, placement, or other aspect of the sign would otherwise be in violation of this Code. The defense may not be asserted after the termination of the Development Agreement or after a breach of the Development Agreement by any Person other than the City. It is the burden of a Person asserting the defense to prove the existence of the Development Agreement containing the specific terms in effect on the date of the alleged violation by the preponderance of the evidence. For the purposes of this Section 1.07 the term “Development

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Agreement” shall only include a written agreement that is in effect and that contains all of the terms of the agreement between the City and a third party(ies) and that is duly authorized and signed by all parties to such agreement.

(b) Reserved.

(Ordinance 429-10, sec. 2.02, adopted 2/23/10; Ordinance 477-12 adopted 8/27/12; Ordinance 551-15, sec. 3, adopted 2/17/15)

Section 2. Generally Prohibited Signs

The following Signs and related objects are prohibited from being installed or publicly displayed at any location within the City’s municipal boundaries or its extraterritorial jurisdiction, except as otherwise specifically prescribed within this Code, and in that event only after authorized issuance of a City-issued Sign permit if required under this Code.

- (a) Off-Premises Signs.
- (b) Flashing Signs, including Signs that flash, revolve, rotate, swing, undulate or otherwise tend to attract attention of a driver on a public right-of-way through the flashing of lights, LEDs, or other parts, or through the impression of flashing. However, this prohibition shall not apply to: (1) signs indicating only the time, temperature or other informational but noncommercial message(s); (2) signs that are fully located within an enclosed building and are not observable from the exterior of such building; and (3) signs defined under this Code as CEVM Signs provided that such signs meet the conditions required for such Signs under this Code.
- (c) Signs interfering with traffic. Signs that imitate an official traffic sign or signal, or which contain the words “stop,” “go slow,” “caution,” “danger,” “warning” or similar words used on official traffic Signs or signals. Signs which are of a size, location, movement, content, coloring or manner of illumination, which may be confused with or construed as a traffic-control device or which hide from view any traffic or street sign or signal, or which obstruct the view in any direction at a street or road intersection.
- (d) Signs on parked Vehicles or trailers. Signs placed on or affixed to Vehicles or trailers that are parked on a public right-of-way, public property or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property, with the exception of signs described in Article I, Section 3(e) of this Code.
- (e) Painting, marking streets, sidewalks, Buildings, utility poles, trees. No Person shall attach any Sign, paper or other material to, or paint, stencil or write any name or number (except house numbers) on, or otherwise mark on any sidewalk, curb, gutter, street utility pole, tree, public Building or structure unless authorized by this Code or by the City Council or its delegated representatives.

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- (f) Signs in, on or over public right-of-way, railroad right-of-way, public easements or designated fire lanes. No Person shall Erect or allow to be Erected any Sign in, on or over public rights-of-way and easements, railroad right-of-way or designated fire lanes unless specifically exempted by this Code or unless Erected under a valid, unexpired permit as specifically set forth elsewhere in this Code.
- (g) Signs on fences, railings, etc. No Person shall paint a Sign or attach a Sign, other than a nameplate, to the outside of a fence or railing.
- (h) Searchlights subject to limited use as follows:
 - (1) Searchlights are prohibited, unless specially permitted through the Code Enforcement Officer for a temporary, special event.
 - (2) Searchlights may be used after issuance of a special permit as part of a grand opening event in conjunction with the issuance of or expected issuance of a new occupancy permit once for a period up to three days per site provided such use does not create an adverse impact on surrounding development or the public health, safety, and general welfare. An application for such special permit shall be submitted to the Code Enforcement Officer and shall indicate the number of Searchlights, time of use, intended purpose, and location. If the use of the property should change, a new Searchlight permit may be sought with the issuance of a new occupancy permit for the property.
 - (3) If the applicant requests a Searchlight permit for reasons other than a grand opening event or requests additional days as part of a grand opening event or special event, a special exception shall be considered by City Council. An application for such exception shall be submitted at least 20 days prior to the scheduled City Council meeting at which the application will be considered, and shall indicate the number, time of use, intended purpose, and location. The fee for such permit application is as determined from time to time by City Council.
- (i) Directional Signs. Signs which direct vehicular and/or pedestrian traffic, which may display arrows, words, or other symbols to indicate directions to places, except those directional signs defined in Section 3(h) and Section 3(q) of this Code and only to the extent exempted therein.
- (j) Banners, except as permitted under Article II, Section 4 of this Code.
- (k) Signs that are in disrepair to the extent that the cost of repair would exceed 50% of the value of a similar Sign if purchased new and Signs in danger of falling or that are otherwise unsafe to the public.
- (l) Projecting Signs.

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- (m) Displays that include strings of light bulbs not permanently mounted on a rigid background, used in connection with commercial premises for commercial purposes, other than traditional holiday decorations.
- (n) Home Child Day Care Center Signs. Notwithstanding any other provision of this Code, Signs that advertise or identify a Home Child Day Care Center (“HCDCC”) and that are located on any part of the lot or tract owned or leased by the owner or operator of the HCDCC or on any adjacent property thereto are strictly prohibited.
- (o) Signs that are located on or that interfere with the use of public sidewalks, required off-street parking areas, or Vehicle maneuvering areas.
- (p) Any unauthorized Sign on or attached to a public streetlight, utility pole, hydrant, bridge, traffic-control device, street Sign or other public structure or Building, or any Sign located in, on, over or within a public street, sidewalk, alley, easement or right-of-way.
- (q) Illuminated Signs, (illuminated from within or without) that are illuminated in such a manner, to such intensity, or without shielding, so as to constitute a hazard to the operation of motor Vehicles upon a street or substantially interfere with the reasonable enjoyment of residential property.
- (r) Signs that display obscene, indecent or immoral matter or contain advertisements for Sexually Oriented Businesses.
- (s) Signs located on private property without the consent of the owner of said premises.
- (t) Signs that use a revolving beam or beacon resembling any emergency Vehicle, or are located or illuminated in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device, or so as to prevent any traveler on any street from obtaining a clear view of approaching Vehicles for a distance of at least 250 feet along the street.
- (u) CEVM Signs, unless approved by permit from the City and TxDOT. A CEVM Sign shall not be permitted in the City or its extraterritorial jurisdiction unless it meets the following conditions:
 - a. Characters shall have a minimum height of 10 inches and a maximum of 16 inches.
 - b. The message shall not be animated, flash, travel, blink, fade, or scroll in a manner that is visible from a traveled street, roadway or public right-of-way.
 - c. All images displayed by a CEVM Sign shall remain static for not less than 8 seconds.

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- d. CEVM Signs are permitted to be mounted on a wall, but only one CEVM Sign is permitted per lot.
- (v) Signs placed in the public right-of-way, and Signs, any portion of which extend above a street, roadway or public right-of-way except: (1) as expressly allowed under this Code; and (2) as follows:
 - a. Signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.
 - b. Bus stop Signs erected by a public transit company.
 - c. Informational Signs of a public utility regarding its poles, lines, pipes, or facilities.
 - d. Emergency warning Signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.

Any other signs to be forfeited. Any sign installed or placed on public property or in public right-of-way, except in conformance with the requirements of this Code, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the City shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

- (w) All Signs not expressly allowed, exempted or permitted under this Code.

(Ordinance 429-10, sec. 2.02, adopted 2/23/10)

Section 3. Exemptions

The following Signs and related objects are generally allowed to be Erected and publicly displayed at any location within the City's municipal boundaries or its extraterritorial jurisdiction, except as otherwise specifically proscribed within this Code and a City-issued Sign permit is not required in order to Erect and display any of the following Signs unless specifically set forth in this Section 3.

- (a) Traffic Signs, Warning Signals and Legal Notices. This Code shall not apply to railroad crossing Signs, railroad signals, danger or warning signs properly authorized by law, Signs authorized by statute or a state agency in accordance with the Texas Manual of Uniform Traffic Control Devices, and other traffic signals, public warnings, or legal notices provided that such objects are installed in a location and in a manner and condition required by federal or state statute, a state agency, or a municipal ordinance or authorized authority.

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- (b) Nonconforming Signs as defined in this Code, except that each such Sign must be permitted by the City as a Nonconforming Sign under the procedures set forth in this Code for Nonconforming Sign permits.
- (c) Existing Outdoor Advertising Signs as defined in this Code, except that each such Sign must be permitted by the City as a Nonconforming Sign under the procedures set forth in this Code for Nonconforming Sign permits.
- (d) Public signs. Signs required by governmental bodies or agencies having proper jurisdiction for a public purpose by law, statute or ordinance. Public signs also include any Signs the City Council of the City decides by ordinance or resolution to Erect within its corporate boundaries, extraterritorial jurisdiction or any real property that it may own or control.
- (e) Signs on Vehicles or trailers are exempted only to the extent such Signs are incidental to the primary use of the Vehicle or trailer, provided that the Vehicle or trailer are in good mechanical repair and are not left in one place for more than 72 hours without being moved.
- (f) Flags of governmental, nonprofit and/or tax-exempt organizations, provided that the flag does not exceed 35 feet in height.
- (g) Governmental Signs. Signs Erected by a duly constituted governmental body, including traffic or similar regulatory devices, and instructional signs related to health, hazards, parking, swimming, dumping, and similar public health and instructional matters.
- (h) Signs Erected by the City that direct vehicular and/or pedestrian traffic, which may display arrows, words, or other symbols to indicate directions of facilities.
- (i) Address numerals. Address numerals and other similar information required to be maintained by law or governmental order, rule or regulation, provided that the content and size of the Sign may not exceed the requirements of such law, order, rule or regulation.
- (j) Athletic Signs. Signs used as scoreboards in athletic stadiums.
- (k) Instructional Signs. Signs, providing no advertising of any kind, Erected by governmental bodies or agencies and which provide direction or instruction to guide Persons to facilities intended to serve the public, including but not specifically limited to the Signs identifying restrooms, public telephones, public walkways, parking areas, areas or facilities accessible to disabled Persons, and other similar areas and facilities, provided such Signs do not exceed 32 square feet in area.
- (l) Decorations, lights, banners, pennants and similar devices providing information regarding civic events, holidays, festivals or special events on public property with the permission and under the supervision of the City.

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- (m) Holiday lights and decorations customarily displayed during holiday seasons.
- (n) Time and temperature Signs, provided that such Sign is an On-Premises Sign and the primary use of such Sign is to display current time and temperature.
- (o) Signs advertising garage sales provided that residents are limited to three such Signs that do not exceed 10 square feet each and provided that no single residence or business may display such Garage Sale Signs more than 3 consecutive days twice in any given calendar year.
- (p) Handheld signs carried by a person participating in an organized youth association's fundraising carwash, provided that: (1) the carwash is not an established business; (2) the youth association conducting the carwash is affiliated with a nonprofit organization supporting youth development and/or activities such as boy/girl scouts or youth sports/scholastic associations or youth activities organized by schools, churches or charitable organizations; (3) the carwash must be a single-day event taking place only during daylight hours; (4) the carwash must take place on property with the permission of the property owner; and (5) at all times while the carwash is in progress one or more persons at least 21 years of age who are affiliated with the youth association must be in attendance and supervising the carwash and any persons holding signs advertising the carwash.
- (q) New home builders may display weekend directional Signs to their subdivisions only from midnight on Fridays through midnight on Sundays. Any such directional Signs remaining displayed outside of the allowed times are subject to removal and disposal by the city.
- (r) "No trespassing" Signs, burglar alarm Signs, and similar security warning signs may be maintained provided they do not exceed 2 square feet in area.

(Ordinance 429-10, sec. 2.02, adopted 2/23/10; Ordinance 505-13 adopted 6/18/13; Ordinance 551-15, sec. 4, adopted 2/17/15)

Section 4. Sign Permits Required and Annual Renewal

4.01 Sign Permits, Generally

- (a) It shall be unlawful for any Person to Erect, Alter, maintain, or relocate within the City any permissible Sign, other than Class 1, Class 2, or Class 3 Signs, without first obtaining a Sign permit from the Code Enforcement Officer and making payment of all required fees. The permit may cover more than one Sign, but shall apply to only one applicant and one location. A Sign permit-not including special permits for Searchlights, Garage Sale Signs, or other Signs that expressly expire after a specific time period under this Code-issued by the Code Enforcement officer shall expire one year after the date of issuance.

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- (b) Repair. It shall be unlawful for any Person to repair any Sign that requires a permit when the value of such work exceeds \$200 without first obtaining a repair permit from the Code Enforcement Officer.

4.02 Nonconforming Sign Permits. For the purposes of this subsection 4.02, an Existing Outdoor Advertising Sign is deemed to be included within the meaning of Nonconforming Sign. Within six months of the effective date of this Code, a Nonconforming Sign permit must be obtained from the Code Enforcement Officer. It shall be unlawful for any Person to maintain a Nonconforming Sign without obtaining a Nonconforming Sign permit within the six-month period set forth above and thereafter maintaining a valid permit for such Sign. A Nonconforming Sign permit shall expire one year after the date of issuance.

(Ordinance 429-10, sec. 2.02, adopted 2/23/10)

Section 5. Application and Fees, Inspection

(a) An application for a Sign permit to Erect, Alter, replace or relocate a Sign shall be submitted on forms provided by the Code Enforcement Officer and shall contain or have attached thereto the following information:

- (1) Name, address, and telephone number of the applicant;
- (2) Location of Building, structure, or lot to which or upon which the Sign is to be attached or Erected;
- (3) Position and spacing of the Sign in relation to streets, right-of-ways, and nearby Buildings or structures, including other Signs;
- (4) Two blueprint or ink drawings of the plans and specifications are required, including electrical wiring, construction, type of materials, method of attachment to Building or structure, and foundation for Freestanding Signs;
- (5) Copy of stress sheets and calculations showing the structure is designed for dead load and wind pressure in any direction in the amount required by this Code and all other laws and ordinances of the City (the designing engineer for a Class 5 Sign shall seal his design calculations and stress sheets);
- (6) Name and address of the Person Erecting the Sign;
- (7) If applicable, the zoning classification of the property on which the Sign is to be located, and the zoning classification of all property within 250 feet of the Sign location;
- (8) A signed statement of the property owner, if a different Person than the applicant, approving the Sign plans and granting the applicant permission for the Erection of same;

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- (9) Any additional information or requirements set forth for a particular classification of Sign as set forth in Article II of this Code; and,
 - (10) Such other information as the Code Enforcement Officer shall require to show full compliance with this Code and all other laws and ordinances of the City.
- (b) No permit shall be granted until the City receives the permit fee in the amount as adopted from time to time by the City Council by ordinance in its Schedule of Fees.
- (c) Repair. Application for Sign repair permits shall contain or have attached thereto the following information:
- (1) Name, address, and telephone number of the Sign owner;
 - (2) Name, address, and telephone number of the Person providing the repair service;
 - (3) Location of Building, structure, or lot upon which Sign is located;
 - (4) Description of the repair activity to be performed and repair cost estimate; and
 - (5) Such other information as the Code Enforcement Officer shall require to show full compliance with this Code and all other laws and ordinances of the City.
- (d) Internally Illuminated Signs. Prior to issuance of a Sign permit for a Sign in which electrical wiring and connections are to be used, the electrical inspector shall examine the plans and specifications submitted with the application to ensure the compliance with the electrical requirements of the City and with the requirements of the Underwriters' Laboratories. The electrical inspector shall approve the application if it meets these requirements and disapprove it if it does not. Approval of such an application by the electrical inspector is required before the Code Enforcement Officer or Code Enforcement Officer's designee may issue a Sign permit. An electrical permit is also required.

(Ordinance 429-10, sec. 2.02, adopted 2/23/10)

Section 6. Nonconforming Sign Repair, Demolition

A Sign that, having been permitted to remain in place as a Nonconforming Sign or Existing Outdoor Advertising Sign under the provisions of this Code, is blown down or otherwise destroyed or dismantled for any purpose, other than maintenance operations or for changing the letters, symbols, or other matter on the Sign, shall not be repaired, rebuilt or reconstructed. For purposes of this section, a Sign or a substantial part of a Sign is considered to have been destroyed only if the cost of repairing the Sign is more than 50% of the cost of Erecting a new Sign of the same type at the same location. (Ordinance 429-10, sec. 2.02, adopted 2/23/10)

Section 7. Variance Fees and Notification

An application for a variation to the conditions of this Code shall be accompanied by a variance application fee as adopted from time to time by the City Council by ordinance in its Schedule of

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Fees. Such application for a variance may cover more than one Sign, but shall apply to one applicant and one location. The notification for a variance application must appear in the official newspaper of the City at least seven days prior to the date on which the request is heard by the Board of Adjustment. The variation application must contain the following information:

- (a) Name, address, and telephone number of the applicant.
- (b) Location of Building, structure, or lot to which or upon which the Sign is to be attached or Erected.
- (c) Position of the Sign in relation to nearby Buildings or structures, including other Signs.
- (d) The zoning classification of the property on which the Sign is to be located, and the zoning classification of all property within 250 feet of the Sign location.
- (e) The specific variation requested and the reasons and justification for such requests.
- (f) Ten copies of the signage and site plan shall be required.

(Ordinance 429-10, sec. 2.02, adopted 2/23/10)

Section 8. Inspection

The Code Enforcement Officer shall inspect annually, or at such other times as deemed necessary; each Sign regulated by this Code for the purpose of ascertaining whether the same is secure or insecure, whether it is consistent with approved plans as built, whether it still serves a useful purpose, and whether it is in need of removal or repair. (Ordinance 429-10, sec. 2.02, adopted 2/23/10)

Section 9. Issuance and Term

It shall be the duty of the Code Enforcement Officer, upon the filing of an application for a Sign permit, to examine such plans and specifications and other data and the premises upon which it is proposed to Erect or repair the Sign, and if it shall appear that the proposed structure is in compliance with all the requirements of this Code, the building code and all other laws and ordinances of the City, a Sign permit shall be issued. If the work authorized under a Sign permit has not been substantially completed within six months after date of issuance, the permit shall become null and void and there shall be no refund of any application fees or other associated fees. (Ordinance 429-10, sec. 2.02, adopted 2/23/10)

Section 10. Appeals

All matters related to appeals or variances from the requirements of this Code shall be brought before the City's Board of Adjustments in accordance with the City's Zoning Ordinance. (Ordinance 429-10, sec. 2.02, adopted 2/23/10)

Section 11. Fees

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Fees for the issuance of a Sign permit shall be determined from time to time by appropriate resolution of the City Council. If a fee that is adopted by resolution or ordinance conflicts with the fees set forth herein, then the most recently adopted fee shall prevail. The fee for a Sign permit for a Sign that was constructed without a permit shall be twice the cost of the standard permit fee. (Ordinance 429-10, sec. 2.02, adopted 2/23/10)

ARTICLE II Classification and Zoning District

Signs are generally classified as follows:

- (a) Class 1, minor Signs;
- (b) Class 2, window Signs;
- (c) Class 3, traffic-related Signs;
- (d) Class 4, Temporary Promotional Signs;
- (e) Class 5, major Freestanding Signs;
- (f) Class 6, Monument Signs;
- (g) Class 7, major Attached Signs.

(Ordinance 429-10, sec. 2.02, adopted 2/23/10; Ordinance 505-13 adopted 6/18/13)

Section 1. Class 1, Minor Signs

Minor Signs in the use districts, when permitted and unless otherwise restricted or regulated under Article I of this Code, may be either Freestanding or Attached, unless otherwise specified, and do not require approval by the City prior to Erection with the exception of permanent sales and lease Signs.

Specifically, Class 1 Signs shall include:

- (a) Signs not exceeding eight square feet in area and not exceeding four feet in height in single-family, duplex and Apartment Districts, which advertise the sale, rental or lease of the premises upon which such Signs are located only. The number of such Signs shall be limited to one per lot or complex, except where such lot or complex is contiguous to more than one dedicated public Street, one additional Sign shall be allowed for such additional public Street,[:]
- (b) Signs not exceeding 24 square feet in area and not exceeding eight feet in height in all districts, except single-family, duplex and apartment, which advertise the sale, rental or lease of the premises upon which such Signs are located only. The number of such allowable Signs shall be limited to one for tracts, sites or complexes having

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less than 200 feet abutting public or internal circulation Streets. For tracts, sites or complexes having 200 feet abutting public or internal circulation Streets, two such Signs shall be allowed plus one additional Sign for each additional 100 feet of abutment. In no event may the number of such Signs exceed four for a given tract. Such Signs shall be removed upon issuance of any occupancy permit;

- (c) Nameplate Signs not exceeding one square foot in area.
- (d) Political Signs: Subject to all other provisions of this Code, Political Signs shall be allowed as follows:
 - (1) Political Signs located on private real property as defined by Section 216.903 of the Local Government Code, as amended, if placed with the consent of the property owner, shall not be subject to this section except for the following provisions:
 - i) Signs shall not be illuminated;
 - ii) Signs shall not have any moving elements;
 - iii) Signs shall not exceed 36 square feet in area;
 - iv) Signs shall not exceed eight feet in height,[:]
 - v) Signs shall not be located in any public right-of-way;
 - vi) Signs shall meet all state and federal requirements regarding such Signs.
 - (2) All other Political Signs are strictly prohibited, and are subject to be removed and destroyed without notice.
- (e) Temporary construction Signs denoting the architect, engineer, contractor, subcontractor, and/or financier and temporary Signs denoting the future location of a particular business, retail center or institution subject to one such construction Sign and one such future location Sign per Street adjacent to the construction site or future location site and each Sign not to exceed 32 square feet in area, and providing such Signs do not extend above 15 feet in height, measured from ground level, and providing such Signs are located on the premises where construction or location being advertised is or will be occurring. Only one construction Sign and one future location Sign may abut a given Street. Such Signs shall be removed upon issuance of any occupancy permit.
- (f) Occupational Signs denoting only the name and profession of an occupant in a commercial, public, office or institutional Building and not exceeding three square feet in area. Such Signs may not extend above the roofline.

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- (g) Memorial Signs or tablets, names of Buildings and date of Erection when cut into any masonry Surface or when constructed of bronze or other Noncombustible Materials. Such Signs shall not exceed four square feet in area for each wall facing a street.
- (h) Flags, emblems and insignia of the United States, federal agencies, and any state or local governmental body including corporate and logo flags, and decorative displays for holidays or legal public demonstrations which do not contain advertising and are not used as such. Corporate and logo flags shall be limited to one per site when accompanied by a U.S. and/or state flag of equal size or larger. Corporate logo flags shall be limited in size to 40 square feet for sites of less than one acre, 60 square feet for sites of more than one acre but less than five acres, and 96 square feet for sites of five or more acres, and 40 square feet for sites in residential zoned districts regardless of acreage.
- (i) Signs not exceeding three square feet in area may be suspended from the side of a projecting structure. Such Signs must be eight feet above a walkway.
- (j) Signs not exceeding 16 square feet and not exceeding six feet in height for establishments providing engine fuel sales, which advertise prices of fuel on premises, providing such Sign shall be permanently attached to a structure; no establishment shall have more than one Sign per Street front.
- (k) Signs not exceeding one square foot in area affixed to windows or doors, which identify emergency telephone numbers, hours and security information.
- (l) Signs on sites used by public, charitable, or religious institutions in any use district where such Signs are an integral part of the site architecture or landscaping. For residential subdivision identification Signs, the Signs shall be attached to the screening wall or landscaping planter and may not exceed 24 square feet in area and six feet in height. A maximum of two Signs per adjacent public Street shall be allowed. All other sites shall not be allowed more than one Freestanding Sign and one Attached Sign. Attached Signs shall not exceed 24 square feet in area and shall be located entirely below the Roof Line of the Building. Attached Signs for educational institutions shall be permissible in these districts; providing, however, no more than one major Attached Sign and one attached Bulletin Board will be allowed per Building. The letters for the Attached Sign shall be not more than 12 inches in height and the Bulletin Board shall be no more than 25 square feet in size. Freestanding Signs shall not exceed 24 square feet in area and six feet in height, except for religious institutions, which shall not exceed 60 square feet in area.
- (m) Signs in any district not to exceed three square feet to advertise available employment.
- (n) Signs containing Street address numbers, providing that such numbers shall be no larger than 12 inches in height, and providing that Street address numbers shall be limited to not more than two sets per Building.

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- (o) Signs not exceeding 24 square feet in area and not exceeding six feet in height in single-family, duplex, and Apartment Districts which identify a new home as being a builder's or contractor's model open to the public for inspection. Each Building in a subdivision may have one model home Sign. Such Sign shall be removed prior to the home being occupied as a residence.

(Ordinance 429-10, sec. 2.02, adopted 2/23/10; Ordinance 551-15, sec. 5, adopted 2/17/15)

Section 2. Class 2, Window Signs

Window Signs in the use districts, where permitted, do not require a Sign permit and do not require approval by any municipal agency prior to Erection. In no event may Signs be located on the window Surface internally or externally in any manner to obscure more than 25% of the visible window area available in the absence of any Signs. Where multiple windows exist fronting on a single Street or sidewalk, the 25% visibility shall be maintained for the total window area on such Street or sidewalk. Specifically, Class 2 Signs shall include:

- (a) Signs painted on the external or internal Surface of the window of an establishment in commercial or retail districts with water-durable paint on external Surfaces.
- (b) Signs (except posters), Banners or displays located on the internal Surface of the window of an establishment in commercial or retail districts only.
- (c) Posters, providing such posters are not located on the external Surface of the window.
- (d) Decorations intended to direct attention to and stimulate citizens' interest in public events, providing such Signs are painted on the external Surface of the window and a 25% visibility requirement is maintained.
- (e) Signs attached to the external Surface of a window of a retail or commercial establishment if of water-durable paint or noncombustible material and Signs attached to the internal Surface of a window which define the name, proprietor, telephone number, or address of such retail or commercial establishment.

(Ordinance 429-10, sec. 2.02, adopted 2/23/10)

Section 3. Class 3, Traffic-Related Signs

Traffic-related Signs in the use districts, where permitted, require a Sign permit and must be submitted to the Code Enforcement Officer and approved by the Code Enforcement Officer and traffic engineer. Submission to the Code Enforcement Officer shall include, but not be limited to, a site drawing showing the location of the proposed Sign, a dimensional drawing showing size of Signs and content of Signs, a designation of the material or materials to be used, and the proposed method of Erection. Specifically, Class 3 Signs shall include:

- (a) On-Premises directional Signs not exceeding eight square feet, providing such directional Signs do not contain advertising and are not used as such.

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- (b) On-Premises Signs not exceeding eight square feet, and not exceeding four feet in height, denoting locations for ingress and egress or prohibiting ingress and egress which may or may not have directional indication, providing such Signs do not contain advertising and are not used as such.

(Ordinance 429-10, sec. 2.02, adopted 2/23/10; Ordinance 505-13 adopted 6/18/13)

Section 4. Class 4, Temporary Promotional Signs

Temporary Promotional Signs in the use districts, where permitted, require a Sign permit to be issued by the Code Enforcement Officer prior to Erection. Submission to the Code Enforcement Officer shall include, but not be limited to, a drawing or sketch showing the type, size, height, and location of the Temporary Promotional Sign (including flags) along with a description of the means of attachment or support, and the stated purposes of the promotion. Temporary Promotional Signs are limited to permissive Signs in this section. A promotion for a site, center, complex, or subdivision shall be interpreted as a promotion for each and every establishment within such site, center, complex, or subdivision. Specifically, Class 4 Signs shall include:

- (a) Temporary signs, flags, or balloons promoting a merchandise program, or the special program of a public institution shall have a maximum single use period of 30 days. Such Signs shall have a minimum period between permits of seven days and a maximum number of four permits per year. The initial permit for temporary signs, flags, or balloons promoting the opening of a new business, including but not limited to the opening of a retail or commercial establishment or center or the opening of a single-family or multifamily complex or development (said types of establishments being referenced in this Section 4(a) as “Business Establishments” shall be for 180 days; provided, however, that an additional period may be granted up to a total of one year (inclusive of the initial period of 180 days) with the approval of the City Council. All signs must be on site and not within public rights-of-way. No signs attached to or held by humans or animals are allowed. The size of a Banner shall be limited to one square foot per linear foot of the storefront space occupied by the Business Establishment up to a maximum of 100 square feet; and limited to no more than three signs, in which the total area of all signs cannot exceed 100 square feet. The term “storefront space” for the purposes of this Section 4(a) means the front side of a structure occupied by a Business Establishment that faces a street, public way, parking lot, or that is otherwise visible from a public area.
- (b) Freestanding Signs for the purpose of identifying location of or direction to subdivisions, home builders’ and Developers’ sites. On-Premises Signs may not exceed 96 square feet in area and may not exceed 15 feet in height. One On-Premises Sign shall be allowed for parcels of 30 acres or less. One additional On-Premises Sign shall be allowed for each additional 30 acres or any part thereof of development. Permits shall be granted for a maximum period of six-month intervals. Nonresidential Signs shall be removed upon issuance of an occupancy permit for the nonresidential structure. Off-Premises directional Signs shall not

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exceed 32 square feet in area and may not exceed 15 feet in height and are subject to the time requirements set forth in Article I, Section 3(q) of this Code.

- (c) Temporary Promotional Signs whether Off-Premises or On-Premises, flags, or pennants Erected by the local chamber of commerce, the Aubrey Area Library, and other local nonprofit organizations or local governmental entities and containing messages directly related to a special event sponsored by the organization. For the purpose of this subsection, the term “local” means an organization with an organizational presence within the City’s corporate limits or its extraterritorial jurisdiction. A “Nonprofit Organization” means an organization that is, or based on the nature of its operations is fully eligible to be, a “Nonprofit Corporation” as that term is defined under Tex. Rev. Civ. Stat. Ann. Art. 1396-1.02(3), as amended, and which has one or more of the following or similar purposes: charitable, benevolent, religious, eleemosynary, philanthropic, patriotic, civic, missionary, educational, scientific, social, fraternal, athletic, aesthetic, agricultural, horticultural, or being dedicated to the conduct of professional, commercial, industrial, or trade associations. A permit issued for Signs described under this subsection shall allow a maximum of four Temporary Promotional Signs which shall not exceed 32 square feet, and a maximum of 20 Temporary Promotional Signs which shall not exceed three square feet. Only one permit shall be issued per event on a first come, first served basis. For Off-Premises Signs, written permission from the property owner is required. Signs shall not be located within any public right-of-way. Signs may be displayed no more than 30 days prior to the event and must be removed within two days after the conclusion of the event. The sign locations must be approved by the Code Enforcement Officer for safety purposes. Such signs may not be lighted. Permits under this subsection shall be limited to six events per organization per calendar year.

(Ordinance 429-10, sec. 2.02, adopted 2/23/10; Ordinance 505-13 adopted 6/18/13; Ordinance 551-15, sec. 2, adopted 2/17/15)

Section 5. Class 5, Major Freestanding Signs

5.01 Generally

- (a) A Class 5 Major Free-Standing Sign is a Free Standing Sign such as a Pole Sign or Ground Sign that is not classified as a Class 1, Class 2, Class 3, or Class 4 Sign. Pole Signs that are classified as Class 5 Major Free-Standing Signs (“Class 5 Pole Signs”) are prohibited, except as permitted by the City Council under subsection (b), below.
- (b) Notwithstanding Subsection (a), the following optional procedures may be used to obtain a special Class 5 Pole Sign permit:
 - (1) Option 1: Along U.S. Highway 377 frontage, the Planning and Zoning Commission, in conjunction with the review of a Site Plan application, may recommend to the City Council allow a Class 5 Pole Sign to be erected, with the following requirements:

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- i) the proposed Pole Sign would not interfere with the use of existing Pole Signs;
 - ii) the proposed Pole Sign would be the only Pole Sign erected on the site;
 - iii) the proposed Pole Sign is greater than 100-feet from existing Pole Signs;
 - iv) the proposed Pole Sign would not constitute a danger to public health or safety; and,
 - v) the proposed Pole would otherwise be allowed in the applicable zoning classification/district under Article III of this Code.
- (2) Option 2: Along the frontage of any thoroughfare with a right-of-way width of 100-feet or greater, the Planning and Zoning Commission, in conjunction with the review of a Site Plan application, may recommend to the City Council allow a Class 5 Pole Sign to be erected, with the following requirements:
- i) the proposed Pole Sign would not interfere with the use of existing Pole Signs;
 - ii) the average finished floor elevation of the main building on the site upon which the Pole Sign is proposed is greater than four feet lower than the main travel lanes of the thoroughfare;
 - iii) the proposed Pole Sign would be the only Pole Sign erected on the site;
 - iv) the proposed Pole Sign is greater than 100-feet from existing Pole Signs;
 - v) the proposed Pole Sign would not constitute a danger to public health or safety; and,
 - vi) the proposed Pole would otherwise be allowed in the applicable zoning classification/district under Article III of this Code.
- (3) It shall be the applicant's burden of proof to demonstrate to the Planning and Zoning Commission, and City Council each of the conditions set forth in subsections (b)(1), and (b)(2) above apply.
- (4) The Planning and Zoning Commission's recommendation shall be in writing, shall specify in detail the Planning and Zoning Commission's findings as to each criteria set forth above, and shall be promptly submitted to the City Secretary, who shall place the recommendation before the City Council at the City Council's next regularly scheduled meeting or during a special meeting

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if necessary to comply with the 30-day deadline set forth in subsection (b)(5), below.

- (5) The Planning and Zoning Commission's recommendations under this subsection are advisory in nature, and the Council may approve or reject a recommendation or may approve a recommendation subject to special conditions. To the extent that the City Council rejects a recommendation or places its own special conditions on approval, the Council must set forth in a written resolution its own findings with respect to the criteria set forth above, including any special conditions it may require. If the City Council fails to adopt such a resolution within 30 days of the Planning and Zoning Commission's submission of the written recommendation to the City Secretary, such recommendation shall be deemed approved and a permit shall be issued by the City in accordance with the recommendation.
- (c) Major Free-standing Signs, when permitted, shall be designed and constructed to withstand a wind pressure of not less than 30 pounds per square foot of area, and shall be constructed to receive dead load as required in the building code or other ordinances of the City. All major Free-standing Signs shall be placed in concrete bases or footings of a minimum height of four feet (4') or to the bottom of the sign, whichever is lower; with decorative finishes to match the primary building facade materials. Major Free-standing Signs may be constructed only of materials that are noncombustible or slow-burning in the case of plastic inserts and faces and may be supported by Noncombustible Material only and finished in a presentable manner; wood or non-painted steel supports are specifically prohibited. Heavy timber and other materials may be used if approved by the Building Inspector. Major Free-standing Signs shall be protected by wheel or bumper guards when required by the Building Inspector. Major Free-standing Signs shall not have attached any guys or braces. Major Free-standing Signs must be located a minimum of 30 feet from an adjoining private property line and a minimum of 60 feet from any other Sign and may not be located within 100 feet of any single-family residential zoned property. No major Free-standing Sign may contain any Copy, advertisement or display any content that pertains in any manner to a business, Person, organization, activity, event, place, service, or product not principally located or primarily manufactured on the premises on which the Sign is located.
- (d) Height, area and permissible number regulations for such Signs are specified in Tables 3-6 of this Code.
- (e) No permit for a major Free-standing Sign shall be issued unless the application therefor contains a letter of approval and request from the owner of the real property where such Sign is to be constructed. No major Free-standing Sign shall be constructed so that the minimum clearance thereof is less than nine feet if any portion thereof overhangs a driveway, parking space, sidewalk, or other public or private right-of-way for the passage of Vehicles or pedestrians. All major Free-standing Signs designed to be constructed at an overall height of eight feet or less from ground level shall be landscaped around the base of the Sign in an area equal

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to four square feet for each square foot of Sign and base area. Specifically, major Free-standing Signs shall include:

- (1) Signs Erected in apartment, office, technical office and industrial districts to identify an establishment, center, complex, occupation, district or institution.
- (2) Signs Erected in retail and commercial districts to identify a center or complex or to identify a single establishment and/or advertise the occupants, services or products of a single establishment. Such Signs shall be termed as “single-usage major Free-standing Signs.”
- (3) Signs Erected in retail and commercial districts to identify a center or complex or to identify multiple establishments and/or advertise multiple occupants, services or products of a center or complex. Such Signs shall be termed as “multiple-usage major Free-standing Signs.”
- (4) Signs Erected in retail and commercial districts as menu boards are limited to one such Sign per eating establishment with drive-through service.
- (5) Signs Erected in industrial districts to identify a center, complex or establishment.

5.02 Pole Sign Regulations. Where permitted under this Section and other applicable provisions of this Code, Pole Signs shall conform to the following restrictions and limitations:

Table 1. Pole Signs

	0 Foot to 70 Feet ROW of the Street			71 Feet to 99 Feet ROW of the Street			100 Feet to 250 Feet ROW of the Street		Freeway
Minimum width of lot frontage (linear feet)	50	100	150	50	80	100	100	200	125
Copy Area** Maximum Square footage per side	20	30	40	50	60	70	80	100	150/200/500 See Section 9(a) [5.04(a)]
Setback from adjacent property line (linear feet)*	5	5	10	10	10	15	15	15	15
Maximum height	3.5	8	10	20	20	20	24	24	35

*Setback from Street ROW is 3.5 feet.

**Copy area is defined as area between structural members of Sign structure.

5.03 Ground Sign Regulations. The maximum area of any Ground Sign, as defined herein, is the area allowed by Table 1, above. The required setback from a Street right-of-way line is 3-1/2 feet. Required setbacks from other property lines are as specified by Table 1.

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When the area of a Ground Sign exceeds 120 square feet but does not exceed 10 feet in height, it may be considered a Ground Sign provided that not less than 120 square feet of its area is below a height of six feet.

5.04 Multi-Use Signs.

- (a) A multi-use Sign that identifies a coordinated development site of more than one use, such as a shopping center, office center, or industrial park, may have a Sign area not larger than 200 square feet if the coordinated development site has five tenants or less and 500 square feet if the coordinated development site has more than five tenants. The lowest part of the Sign Copy area shall be at least 10 feet higher than the surrounding grade. A multi-use Sign may contain a directory or listing of the occupants within a center or multi-use development, provided that the directory portion of the Sign shall not exceed 80% of the total Sign area. If a directory is utilized, the remainder of the Sign area shall contain only the identification of the entire center or entire development.
- (b) When determining requirements for allowable detached Ground or Pole Signs under Table 1, first determine the right-of-way width adjacent to the subject lot, and then determine the lot frontage. Next, determine the maximum square footage per side, setback from adjacent rights-of-way and the maximum height by reading vertically below the applicable lot frontage. To calculate the height of a Sign, measurement shall be made from the top of the curb adjacent of the Street upon which a Sign faces or from the natural ground level, if above curb level, to the top of the Sign. (Construction of a berm or earthen mound for the purpose of increasing height of signage is prohibited.) For the purpose of calculating the distance from a Street right-of-way line where the existing Street right-of-way width is less than that required in the thoroughfare plan and Subdivision Ordinance, such distance shall be measured from the line of such right-of-way as required by such plan or ordinance (adding equal amounts to each side of the existing right-of-way) rather than from the existing right-of-way line. Freeways are as proposed by the thoroughfare plan of the City.
- (c) No detached Sign shall be Erected within 20 feet of a Street intersection, unless the bottom of the Sign exceeds 42 inches in height above ground level, and the Sign is set back from the right-of-way as stated in Table 1.
- (d) If two of the allowable detached Signs are combined into one detached Sign, then the signage may exceed by 50% the total allowable signage of the largest permitted Sign up to a maximum of 200 square feet per side.
- (e) When electrical service is provided to detached Signs, all such electrical service shall be underground.
- (f) There shall be a minimum 500 foot distance between a Pole and/or pylon Signs for the same shopping center on the same lot.

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- (g) There shall be a minimum of 150 feet in distance between a Pole/pylon Signs that identify adjacent freestanding businesses on separate lots or separate shopping centers on separate lots.
- (h) Automobile dealership Signs.
 - (1) Number per lot.
 - (i) Primary detached Signs. There shall not be more than one primary Sign for each franchise up to a maximum of three primary Signs per dealership.
 - (ii) Secondary detached Signs. Secondary Signs shall be permitted only if used for pre-owned automobiles and limited to one per dealership.
 - (2) Area, location and height requirements.
 - i) Primary detached Signs. All primary detached Signs shall conform to provisions within this Code.
 - ii) Secondary detached Signs. Secondary Signs shall be limited to one-half of the area of the primary detached Sign and a maximum of 24 feet in height.
- (i) Relocation of Signs due to right-of-way acquisition.
 - (1) The Code Enforcement Officer may allow the Sign to be relocated on the property, even within the required setback, but in no case shall the Sign be located in an area that poses a safety hazard or blocks visibility.
 - (2) Should the Code Enforcement Officer deny the proposed relocation, the applicant may appeal this decision to the City Council.
 - (3) Development identification Signs. Project information or identification detached Ground Signs are permitted at the entrances of major offices or industrial park developments located on more than one lot and bisected by one or more publicly dedicated Streets. They shall be allowed under the following size restrictions:

Table 2. Development Identification Signs

Size	Maximum Size (square feet)	Maximum Height (feet)
Under 10 acres	36	6
10 acres and above	64	8

- (j) Real estate Signs.

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- (1) Generally. One real estate Sign, not exceeding 32 square feet in Sign area and 12 feet in height, shall be permitted on tracts of 50 acres or less, and not exceeding 96 square feet in area and 16 feet in height for tracts of land over 50 acres. On tracts of 50 acres or greater with 1,000 feet of frontage adjacent to the public right-of-way, a Sign not to exceed 200 square feet per side and 16 feet in height shall be permitted. The Sign shall be removed no later than 30 days after the closing of the real estate conveyance. For setback requirements, refer to Table 1. Such Signs shall not require a permit if they measure 32 square feet or less.
- (2) Construction sites. On Building construction sites, one Sign shall be permitted for all participating Building contractors and subcontractors, one for all participating professional firms, one for all participating lending institutions and one for each property owner on the construction site, subject to a maximum of three Signs for each construction site, each such Sign to be 32 square feet in Sign area or less, and that such Signs must be removed prior to the issuance of a certificate of occupancy for said Building.

(Ordinance 429-10, sec. 2.02, adopted 2/23/10; Ordinance 505-13 adopted 6/18/13)

Section 6. Class 6, Monument Signs

6.01 Generally

- (a) General Regulations. Monument Signs in the use districts, where permitted, require a Sign permit to be issued by the Code Enforcement Officer prior to Erection. Monument Signs shall be designed and constructed to withstand a wind pressure of not less than 30 pounds per square foot of area, and shall be constructed to receive dead load as required in the building code or other ordinances of the City.
 - (1) All Monument Signs shall be placed in concrete bases or footings.
 - (2) Monument Signs may be constructed only of materials that are noncombustible or slow-burning in the case of plastic inserts and faces and may be supported by Noncombustible Material only, and finished in a presentable manner; wood or non-painted steel supports are specifically prohibited. Heavy timber and other materials may be used if approved by the Code Enforcement Officer.
 - (3) Monument Signs that provide identification or advertisement of a specific business, service, product, Person, organization, place or Building shall be termed "single-use Monument Signs." Monument Signs that provide identification or advertisement of multiple businesses, services, products, Persons, organizations, places, or Buildings shall be termed "multiple-use Monument Signs." Monument Signs must be located a minimum of 30 feet from adjoining private property lines and a minimum of 200 feet from any single-use Monument Sign and 250 feet from any multiple-use Monument

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Sign, except sites abutting two public Streets, in which event one Sign per Street frontage is permitted, providing that no Sign is located within 100 feet of any residential zoned property. All Monument Signs throughout a center or complex on the site shall be constructed of the same material and design. The mixing of Monument and other types of Freestanding Signs within a center or complex is prohibited.

- (4) Monument Signs shall be landscaped around the base of the Sign in an area equal to four feet for each square foot of Sign and base area. No Monument Sign shall obstruct the vision of traffic on public Streets or be constructed so as to interfere with sight lines at elevations between 2.5 feet and eight feet above the top of the adjacent roadway curb within a triangular area formed by the intersection of adjacent curb lines from a point on each curb line 20 feet from the intersection. Monument Signs shall be limited to a height of six feet or less, and a Copy area of 80 square feet for single-use Signs and 120 square feet for multiple-use Signs.
- (5) The design, materials, and finish of an individual Monument Sign shall match those of the Buildings on the same lot. An individual Monument Sign shall contain at minimum one foot masonry base around all sides of the Sign. Backlit Signs shall be inset into the pedestal of the Sign rather than attached or applied to the pedestal.
- (6) Signs constructed in conjunction with unified development and internal Monument Signs shall be consistent with the building elements and materials of unified development Signs within the unified development and internal Monument Signs on the same lot and within the unified development.
- (7) Monument Signs are permitted to contain electronic variable messages subject to the following conditions:
 - i) variable message Monument Signs shall only be permitted along a major thoroughfare or greater as designated on the Thoroughfare Plan, as it exists or may be amended.
 - ii) variable message Monument Sign characters shall have a minimum height of 10 inches and a maximum height of sixteen inches.
 - iii) variable message Monument Signs shall not be animated, flash, travel, blink, fade, or scroll.
 - iv) variable message Monument Signs shall remain static for not less than fifteen seconds.
 - v) variable message Monument Signs are permitted to contain time and temperature displays. The time and temperature displays shall remain static for not less than three seconds.

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- vi) variable message wall Signs are also permitted but only one variable message Sign, either Monument or wall, is permitted per lot.

6.02 Internal Monument Signs

(a) Conditions of use

- (1) Time - A Sign permit shall not be issued to Erect or place an internal Monument Sign on a property until a site plan and/or Final Plat has been approved by the City Council for development of the property and after issuance of a building permit on a Building on the property.
- (2) Place - An Internal Monument Sign is permitted only in conjunction with a nonresidential use and in a nonresidential Zoning District. Minimum front yard setback is 75 feet from the property line.
- (3) Manner - The design, materials, and finish of Internal Monument Signs shall match those of the Buildings on the same lot. Signs constructed in conjunction with unified development and individual Monument Signs shall be consistent with the Building elements and materials of the unified development Signs within the unified development and individual Monument Signs on the same lot and within the unified development. If a property averages more than two Internal Monument Signs per acre, a Sign coordination plat as defined in Section 6 [6.04] shall be approved for the placement of the Signs.

(b) The maximum area of an Internal Monument Sign is six square feet.

(c) The maximum height of an Internal Monument Sign is 30 inches.

6.03 Unified Development Monument Signs

(a) Conditions of use

- (1) Time - A Sign permit shall not be issued to Erect or place a Unified Development Monument Sign on a property until a site plan has been approved by the City Council for development of the property and after issuance of a building permit for a Building within the unified development zone.
- (2) Place -
 - i) A Unified Development Monument Sign shall be located within a unified development zone, which shall consist of multiple lots with the same subdivision name or multiple lots that were depicted on the same concept plan, preliminary site plan, or site plan, and be united through common Building architecture, color, and materials, landscaping, and parking.

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- ii) A Unified Development Monument Sign is permitted on the same lot as an individual Monument Sign, but the total number of Unified Development Monument Signs and individual Monument Signs located within a unified development zone shall generally not exceed the number of lots located within the unified development zone.
 - iii) The minimum front yard setback for a Unified Development Monument Sign is 15 feet from the property line. No minimum side and rear yard setbacks are required for a Unified Development Monument Sign, but such Sign shall not be located closer than 75 feet to another Unified Development Monument Sign or an individual Monument Sign.
- (3) Manner -
- i) A Unified Development Monument Sign shall be constructed of materials and a design consistent with the Buildings located on the property. A Unified Development Monument Sign shall contain a minimum one foot masonry border around the Sign. A Unified Development Monument Sign constructed entire [entirely] of masonry materials shall satisfy the border requirement.
 - ii) The maximum area of a Unified Development Monument Sign shall be based on the size of the unified development zone. The maximum area of a Unified Development Monument Sign for a unified development zone of five acres or less is 60 square feet. For every whole acre over five acres, the area of the Sign may be increase[d] by 12 square feet with the maximum area of a Unified Development Monument Sign being 168 square feet.
 - iii) The maximum height of a Unified Development Monument Sign is 16 feet.
 - iv) Architectural embellishments for Unified Development Monument Signs are encouraged. Exceptions in maximum height and area may be considered through the review of the Sign coordination plan described in Section 6.04 of this Code.
 - v) One Unified Development Monument Sign is permitted per Street frontage of the unified development zone. One additional Unified Development Monument Sign is permitted along a Street for each additional 750 linear feet, or portion thereof, of Street frontage that exceeds 750 linear feet of Street frontage.
 - vi) Prior to City consideration of a unified development zone, all property owners located within a proposed unified development zone must submit notarized letters to the City authorizing the creation of the

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unified development zone. A lot shall only be included in a single unified development zone.

6.04 Sign Coordination for Unified Development Plan.

- (a) A Sign coordination plan is required to be prepared for variance requests. A Sign coordination plan is also required prior to the permitting of specified Signs to determine overall Sign locations on a property, the relationship of the Signs to surrounding existing, proposed, and future improvements, and to determine consistency and uniformity among Buildings and Signs with a unified development zone or residential development. The Sign coordination plan shall be submitted to the Planning and Zoning Commission for review and approval.
- (b) A Sign coordination plan shall contain the following information:
 - (1) Elevations of the Signs illustrating the materials of construction, colors, lighting, font of letters, and dimensions of the Signs. If the Sign is to be attached to a Building, the elevation shall be a composite of the Sign and the Building.
 - (2) Elevations depicting the size of the Signs in relation to the size of the Buildings within the development.
 - (3) A plan drawn to concept plan, preliminary site plan, or site plan specifications of the site illustrating the location of existing and proposed Signs on the property and, if required by City staff, on adjacent properties.
 - (4) Other information to illustrate the consistency and uniformity of the Signs.
 - (5) For Unified Development Signs, the Sign coordination plan shall identify a unified development zone. Only those properties and businesses included within the unified development zone shall be included on the Unified Development Signs Erected within the unified development zone.
- (c) For nonresidential and multifamily developments, the Sign coordination plan shall be submitted to the City for review with a concept plan, preliminary site plan, or site plan of the property. For single-family and two-family developments, the Sign coordination plan shall be submitted to the City for review with a concept plan, preliminary plat, or final plat of the property.
- (d) A Sign coordination plan required of specified Signs shall be submitted to the Planning and Zoning Commission for review and approval. Should the Planning and Zoning Commission deny a Sign coordination plan, the plan will be forwarded to the City Council for review and consideration. The City Council may approve or deny the plan. The City Council's decision is final.

(Ordinance 429-10, sec. 2.02, adopted 2/23/10)

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Section 7. Class 7, Major Attached Signs

Major Attached Signs in the use districts, where permissible, require a Sign permit to be issued by the Code Enforcement Officer prior to Erection. Major Attached Signs shall be constructed only of materials that are noncombustible or slow-burning in the case of plastic inserts and faces. Combustible materials may be used, providing the Sign is attached to a wall with a minimum of two-hour fire resistive rating. Major Attached Signs placed on heavy wood construction may be of combustible materials, but in no case shall they be internally illuminated. The permissible size of major Attached Signs shall be as defined in each use district. Major Attached Signs shall specifically include:

- (a) Any Sign not defined as a minor Sign or window Sign and affixed directly or indirectly to the exterior of any Surface of any Building, to a projecting structure of a Building or to any outdoor structure, providing that such Sign shall not extend above the Roof Line of a mansard-type roof, and providing that such Sign shall not extend more than four feet above the Roof Line for non-mansard roof structures in retail and commercial districts only. Such Sign shall be so designed, constructed and attached so as to withstand a wind pressure of not less than 30 pounds per foot.
- (b) Any Sign not defined as a minor Sign and located more than four feet above the Roof Line of a Building, providing such Sign is directly affixed to and not extending above or beyond an integral part of the structure of the Building, other than the roof, and without the use of supporting poles, towers, guys, or braces of any type, and providing such Signs shall be so designed, constructed, and attached so as to withstand a wind pressure of not less than 30 pounds per square foot.
- (c) Any Sign painted or attached directly on the roof Surface of a Building intended to be visible from the air where such roof Surface, when projected to ground level, forms an angle with the ground plane of less than 25 degrees, providing such Signs shall contain only the identification of an establishment, directional information of value to air transportation, and services available and of interest to air transportation users.

(Ordinance 429-10, sec. 2.02, adopted 2/23/10)

ARTICLE III Regulation by Use District

Section 1. Generally

The classification of Signs allowed in each use district shall be only those as defined in this section and subject to the conditions specified in this Article. (Ordinance 429-10, sec. 2.02, adopted 2/23/10)

Section 2. Single-Family Residential District

The single-family residential use district as referenced herein shall include all zoning classifications/districts designated as detached single-family residences usage.

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- (a) Class 1. Minor Signs shall be permissible in these districts except where restricted to retail and commercial districts as specified in Article II.
- (b) Class 3. Traffic-related Signs shall be permissible in these districts.
- (c) Class 4. Temporary Promotional Signs shall be permissible in these districts except where restricted to retail or commercial districts as specified in Article II.

(Ordinance 429-10, sec. 2.02, adopted 2/23/10)

Section 3. Apartment Districts

Signs shall be permitted in the Multiple-Family Residential District only as follows:

- (a) Class 1. Minor Signs shall be permissible in these districts except where restricted to retail and commercial districts as specified in Article II.
- (b) Class 3. Traffic-related Signs shall be permissible in these districts.
- (c) Class 4. Temporary Promotional Signs shall be permissible in these districts except where restricted to retail or commercial districts as specified in Article II.
- (d) Class 5. To the extent permitted under Article II, Section 5.01 of this Code, Major Freestanding Signs shall be permissible in these districts. However, no Freestanding Sign shall exceed an area of 25 square feet, and providing that no more than one Freestanding (or major attached) Sign per adjacent public Street for an apartment complex shall be permitted, and providing that the height shall not exceed eight feet.
- (e) Class 7. Major Attached Signs shall be permissible in these districts, providing no more than one major Attached Sign (or major Freestanding Sign) per adjacent public Street for an apartment complex shall be permitted: and providing that the area of the Attached Sign does not exceed 40 square feet.

(Ordinance 429-10, sec. 2.02, adopted 2/23/10)

Section 4. Industrial Districts

Signs shall be permitted in the Industrial District as follows:

- (a) Class 1. Minor Signs shall be permissible in these districts, except where restricted to retail and commercial districts as specified in Article II.
- (b) Class 2. Window Signs shall be permissible in these districts.
- (c) Class 3. Traffic-related Signs shall be permissible in these districts.

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- (d) Class 4. Temporary Promotional Signs shall be permissible in these districts, but be limited to Freestanding Signs for the purpose of identifying location of or direction to an industrial subdivision.
- (e) Class 5. To the extent permitted under Article II, Section 5.01 of this Code, Major Freestanding Signs shall be permissible in these districts. One major Freestanding Sign 25 square feet in area and six feet in height may be Erected on sites or less than 10 acres. One major Freestanding Sign 60 square feet in area and 20 feet in height shall be permitted for industrial sites of 10 acres or more, and providing that one additional Freestanding Sign shall be permitted for each additional 10 acres. In any event, no more than one major Freestanding Sign shall be permitted per industrial Building per each adjacent public Street.
- (f) Class 7. Major Attached Signs shall be permissible in these districts, except where restricted to retail and commercial districts as specified in Article II. Such Signs shall be entirely below the Roof Line of the Building. Buildings with single Street frontage shall be allowed two Attached Signs. Buildings with frontage on more than one Street shall be allowed one major Attached Sign per elevation per Street frontage. For single-story Buildings intended for multiple occupancy and where the integral architectural design provides for separate features for attaching Signs each tenant shall be allowed a maximum of 15 square feet of Sign area. The area of other major Attached Signs allowed herein shall not exceed 5% of the wall area on which it is Erected or lease space frontage.

(Ordinance 429-10, sec. 2.02, adopted 2/23/10)

Section 5. Office, Retail, and Commercial Districts

The office, retail, and commercial use districts as referenced herein shall include all zoning classifications/districts designated for office, local retail, or commercial usage.

- (a) Class 1. Minor Signs shall be permissible in these districts.
- (b) Class 2. Window Signs shall be permissible in these districts.
- (c) Class 3. Traffic-related Signs shall be permissible in these districts.
- (d) Class 4. Temporary Promotional Signs shall be permissible in these districts.
- (e) Class 5. To the extent permitted under Article II, Section 5 of this Code, Major Freestanding Signs shall be permitted in these districts. Single-usage major Freestanding Signs, as described in Article II, shall not exceed a height of 20 feet and shall not exceed an area of 60 square feet. Multiple-usage major Freestanding Signs, as described in Article II, shall not exceed a height of 20 feet and shall not exceed an area of 80 square feet. The number of Signs shall be limited by the following:

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- (1) For sites of less than 10 acres, one single-usage major Freestanding Sign shall be permitted.
 - (2) Eating establishments with drive-through service are permitted one menu board Sign per site, limited to 30 square feet, eight feet high, and located no closer than 30 feet to adjacent property lines.
 - (3) For sites of 10 acres, but less than 15 acres, two single-usage major Freestanding Signs shall be permitted or one single-usage major Freestanding Sign and one multiple-usage major Freestanding Sign shall be permitted.
 - (4) For sites of 15 acres or greater, three single-usage major Freestanding Signs shall be permitted, or one multiple-usage major Freestanding Sign and two single-usage major Freestanding Signs shall be permitted or two multiple-usage major Freestanding Signs shall be permitted, providing that only one multiple-usage major Freestanding Sign may be located per public Street frontage.
 - (5) For sites exceeding 15 acres on which Signs are desired in excess of the above regulations, a total Sign plan for the site may be submitted to the Board of Adjustments for consideration as a variance of this section.
- (f) Class 6. Monument Signs shall be permissible in these districts.
- (g) Class 7. Major Attached Signs shall be permissible in these districts subject to the following conditions and restrictions:
- (1) An Attached Sign may have an area not exceeding that calculated by multiplying the length of the Building front by two feet. This calculation shall be termed base allowable area. In no event may an Attached Sign exceed a maximum allowable area of 200 square feet.
 - (2) A permissible Attached Sign located at a height above 20 feet shall be permitted an increase in the base allowable area and an increase in the maximum allowable area. Such increases shall not exceed two square feet in area, over that allowed for a Sign located at 20 feet of height, for each additional one foot in height above 20 feet.
 - (3) Attached Signs may be located on each exposed face of a Building; however, the sum of the area of all Attached Signs shall not exceed twice the base allowable area nor shall exceed twice the maximum allowable area as specified in above subsections 5(g)(1) and 5(g)(2) of this section.

(Ordinance 429-10, sec. 2.02, adopted 2/23/10)

Section 6. Summary of Districts

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The following tables summarize the permissible classes of Signs in the use districts defined in this Article, and all restrictions pertaining to area, height and number of Signs unless otherwise noted. These tables do not summarize all regulations included in this Code.

Table 3. Residential Districts (Single and Multifamily)

Districts	Permissible Classes	Max. Area	Max. Height	Max. Number
Single-family and duplex district	1, 3, 4	*	*	*
	Subdivision Sign	24 sq. ft.	6 ft.	2 per adjacent public Street
Educational institutions	Bulletin Board	25 sq. ft.	Below Roof Line	1 per Building
	Attached Sign	12 inch letter	Below Roof Line	1 per Building
Public, charitable, or religious institutions	Freestanding Sign	24 sq. ft.**	6 feet	1 per site
	Attached Sign	24 sq. ft.	Below Roof Line	1 per site
Apartment district	1, 3, 4	*	*	*
	5	25 sq. ft.	8 ft.	1 of either class per adjacent public Street
	7	40 sq. ft.	8 ft. below Roof Line	

*Refer to Article II.

**Religious Institution - 60 sq. feet.

Class 1-Minor Signs; Class 2-Window Signs; Class 3-Traffic-related Signs; Class 4-Temporary Promotional Signs; Class 5-Major Freestanding Signs; Class 6-Monument Signs; Class 7-Major Attached Signs

Table 4. Office and Technical Office Districts

Permissible Classes	Max. Area	Max. Height	Max. Number
1, 3, 4	*	*	*
5	16 sq. ft.	6 ft.	1 per Building
7			
a. If attached to a decorative screening wall or landscape planter	16 sq. ft.	8 ft.	1 per Building
b. If attached to a projecting structure	25 sq. ft.	Below Roof Line	
c. If attached to Surface of main Building	25 sq. ft. + 3 sq. ft. for each 1 foot in height above 20 ft.	NA	

*Refer to Article II.

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Class 1-Minor Signs; Class 2-Window Signs; Class 3-Traffic-related Signs; Class 4-Temporary Promotional Signs; Class 5-Major Freestanding Signs; Class 6-Monument Signs; Class 7-Major Attached Signs

Table 5. Industrial Districts

Permissible Classes	Max. Area	Max. Height	Max. Number
1, 2, 3	*	*	*
4 (On-Premises only)	96 sq. ft.	15 ft.	1 for sites of 30 acres or less; 1 additional for each additional 30 acres or any portion thereof
4 (Off-Premises)	32 sq. ft.	15 ft.	
5	25 sq. ft.	6 ft.	1 for sites less than 10 acres but not more than 1 per Building per adjacent public Street
6	60 sq. ft.	20 ft.	1 for sites less than 10 acres or more and 1 additional of each additional 10 acres, but not more than 1 per Building per adjacent public Street
7	5% of the wall area to which attached	Below Roof line	1 per Building or lease space within Building - 1 per Street frontage for Building or lease space with multiple Street frontages

* Refer to Article II.

Class 1-Minor Signs; Class 2-Window Signs; Class 3-Traffic-related Signs; Class 4-Temporary Promotional Signs; Class 5-Major Freestanding Signs; Class 6-Monument Signs; Class 7-Major Attached Signs

Table 6. Retail and Commercial Districts

Permissible Classes	Max. Area	Max. Height	Max. Number
1, 2, 3, 4	*	*	*
5			
(a) Single usage Sign	60 sq. ft.	20 ft.	For sites less than 10 acres, 1 single-usage Sign
(b) Multiple-usage Sign	80 sq. ft.	20 ft.	For sites of 10 acres but less than 15 acres, 2 single-usage Signs or 1 single usage Sign and 1 multiple-usage Sign
(c) Menu board	30 sq. ft.	8 ft.	1 On-Premises menu board per drive-in establishment
6			
(a) Single usage Sign	35 sq. ft.	6 ft.	Spaced 200 ft. apart
(b) Multiple-usage Sign	70 sq. ft.	6 ft.	Spaced 250 ft. apart
7	Sign area may not exceed 2 times the	Below Roof Line for mansard type roofs.	Sum of all Attached Sign area on a Building may

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	length of Building front or 200 square feet, whichever is less, for Signs at heights of 20 feet or less. Above 20 feet in height, an additional 2 sq. ft. is allowed per additional foot of height	Limited to 4 ft. above Roof Line for non-mansard type roofs. May extend higher if attached to an integral architectural feature of the Building other than the roof.	not exceed twice the area allowed for a single Sign. Attached signs may be located on each exposed face of the Building.
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*Refer to Article II.

Class 1-Minor Signs; Class 2-Window Signs; Class 3-Traffic-related Signs; Class 4-Temporary Promotional Signs; Class 5-Major Freestanding Signs; Class 6-Monument Signs; Class 7-Major Attached Signs