

facilities, and other appurtenances, at their expense.

(1987 Code, sec. 5-280)

Sec. 3.10.011 Commencing work without required permits

It shall be unlawful to commence the excavation for the construction of any wireless transmission facility, including all associated appurtenances, until the building inspector has issued a wireless transmission facilities permit and any building permit for such work required by this code. (1987 Code, sec. 5-281)

Sec. 3.10.012 Violations

A person who violates any provision of this article regarding a wireless transmission facility is subject to prosecution for a class C misdemeanor. (1987 Code, sec. 5-282)

ARTICLE 3.11 SIGNS^{*(24)}

Division 1. Generally

Sec. 3.11.001 Definitions

Changeable electronic variable message sign (CEVMS). A sign, whether on-premises or off-premises, which permits light to be turned on or off intermittently or which is operated in a way 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 an LED (light emitting diode) or digital sign; and which varies in intensity or color. A CEVMS 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 (MUTCD) approved by the Federal Highway Administrator as the national standard.

Sign code application area. The corporate limits of the city and the area of its extraterritorial jurisdiction as defined by section 42.021 of the Local Government Code.

Sec. 3.11.002 Prohibitions

All changeable electronic variable message signs are prohibited in the sign code application area and no permit shall be granted for the construction or installation or erection of any CEVMS, or for the conversion of an existing on-premises or off-premises sign to a CEVMS, on or after the

effective date of this section.

(Ordinance 08-03, sec. 1, adopted 5/27/08)

Secs. 3.11.003–3.11.030 Reserved

Division 2. Off-Premises Signs

Sec. 3.11.031 Definitions

Official business directional sign. A sign erected and maintained by the state or an entity authorized by the state to indicate to the traveling public the route and distance to public accommodations or commercial services for the traveling public. (1987 Code, sec. 5-290)

Off-premises sign. A business sign, commonly known as a billboard, that advertises a business, person, activity, goods, products or services not located on the premises or platted parcel of land where the sign is installed and maintained, or that directs persons to a location other than the premises or platted parcel of land where the sign is installed and maintained. For purposes of this article, easements or other appurtenances shall be considered to be outside such premises or platted parcel of land and any sign located or proposed to be located in an easement or other appurtenance shall be considered to be an off-premises sign. (Ordinance 08-03, sec. 2, adopted 5/27/08)

Sec. 3.11.032 Prohibited signs

All off-premises signs are prohibited and no permit shall be granted for the construction of any off-premises signs on or after the effective date of this section (ordinance adopted July 12, 2004). (1987 Code, sec. 5-291)

Sec. 3.11.033 Repair and reconstruction of damaged signs

Should any sign be damaged by acts of God, weather, unintentional harm or negligence or should any off-premises sign deteriorate due to failure to properly maintain said sign to the point that the cost of repair is greater than fifty (50) percent of its current fair market value, the city shall not grant any permits for the repair or reconstruction of the sign. This prohibition does not apply to signs damaged by vandalism or other criminal acts. (1987 Code, sec. 5-292)

Secs. 3.11.034–3.11.060 Reserved

Division 3. On-Premises Signs

Sec. 3.11.061 Definitions

On-premises sign. Any sign identifying or advertising the business, person, activity, goods, products or services offered for sale on the premises where the sign is installed and maintained when such premises is used for business purposes. (Ordinance 08-03, sec. 3, adopted 5/27/08)

Secs. 3.11.062–3.11.090 Reserved

Division 4. Sign Review Board

Sec. 3.11.091 Created; membership; appointment

(a) There is hereby created and established a board to be called the “La Grange Municipal Sign Review Board.” This board is authorized to review applications for variances from this article, conduct public hearings on said applications for variances, and to grant or deny such variances, pursuant to the terms of this division of this article.

(b) The municipal sign review board shall be composed of the members of the city zoning board of adjustments, which consists of five (5) regular members who shall be appointed by the mayor, subject to confirmation by the city council, in accordance with the city charter and state law. A member of the board may also be a member of another city board or commission. Members may be removed by a majority vote of the members of the city council, for cause on a written charge after a public hearing. Any vacancy of a regular member shall be filled by an alternate member for the unexpired term of the member whose term becomes vacant.

(c) While serving in the role of the municipal sign review board and while performing the duties of the municipal sign review board, the members shall act separate and apart from the authority of and/or the role of the zoning board of adjustments and shall have the authority granted it under the city charter, this section of the city sign code and/or any applicable state law.

(d) Each case before the municipal sign review board must be heard by at least four (4) of the five (5) members. Meetings of the board are held at the call of the presiding officer. All meetings of the board shall be open to the public and all records shall be subject to the Texas Public Information Act. The board shall keep minutes of its proceedings that indicate the vote of each member. The minutes and records of the board shall be filed promptly in the city secretary’s office and are public records.

Sec. 3.11.092 Exceptions and variances

(a) Any person or business may seek an exception to the strict application of this article by applying for a variance from this article in accordance with this division.

(b) Variations. A variance to the provisions of this article shall be considered an exception to the strict application of this article. An application for a variance from the strict application of this article shall not entitle the person or business applying therefor to receive a variance. The municipal sign review board may authorize a variance from the strict application of this article by a majority vote when, in its opinion, undue hardship will result from requiring strict compliance.

(c) The existence of special circumstances, which affect the land and development involved, may constitute undue hardship if the provisions of this article are strictly applied. In determining if undue hardship will result from the strict application of the provisions of this article, the following limitations and criteria shall be used by the board to evaluate, grant or deny any sign variance application:

- (1) Whether or not denial of a variance will deprive the applicant of the ability to advertise the business or a product sold by the business;
- (2) Whether or not the grant of the variance is based on a finding that the applicant's difficulties or hardship is due to unusual conditions or circumstances, such as an irregularly shaped parcel of land;
- (3) Whether or not the grant of the variance will adversely affect surrounding property owners and use;
- (4) Whether or not the grant of a variance will be detrimental to public health, safety or welfare; and
- (5) Whether or not financial hardship to the applicant is the sole criteria or grounds for a variance.

(d) Financial hardship to the applicant alone shall not be sufficient grounds for the grant of a variance.

(e) An application for a variance shall not be approved if the circumstance for the hardship is caused by the owner of property or the applicant seeking the variance.

(f) The applicant shall be responsible for providing all the data, documentation and justification for the requested variance.

(g) The municipal sign review board shall hold a public hearing within thirty (30) days after the completed application for a variance is filed and the fees paid. Ten (10) days prior to the

public hearing, a notice, of a public hearing by regular U.S. Postal Mail, shall be provided to all property owners within two hundred (200) feet of the affected property. Notice of the public hearing shall also be published in the official local newspaper ten (10) days prior to the public hearing.

(h) An application for a variance shall be made in writing in a form prescribed by the municipal sign review board and shall be accompanied by a fee established by the review board, a site plan, elevations of the sign(s) size, height, content, mailing labels for property owner notification and any other information necessary to illustrate the reason for the variance request.

(i) The municipal sign review board may impose such conditions, limitations, safeguards and/or a time restriction that it, as a board, deems necessary to the granting of any variance. Violation of any condition, limitation, safeguard or other restriction shall constitute a violation of this article.

(j) Any variance granted by the municipal sign review board which is not exercised within one (1) year from the date of granting shall lapse and may only be reinstated after a new application is submitted along with the fees and a public hearing held in accordance with this article.

(Ordinance 10-07 adopted 10/11/10)

ARTICLE 3.12 FLOOD DAMAGE PREVENTION*(25)

Division 1. Generally

Sec. 3.12.001 Statutory authorization

The legislature of the state has delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses.

Sec. 3.12.002 Findings of fact

(a) The flood hazard areas of the city are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(b) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated,