

**ORDINANCE NO. 16-070**

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, AMENDING THE 2015 GALVESTON LAND DEVELOPMENT REGULATIONS, BY AMENDING ARTICLE 5: ‘SIGNS’; PLANNING CASE NUMBER 16ZA-005; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

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**WHEREAS**, on March 5, 2015, City Council adopted the 2015 Galveston Land Development Regulations, including Article 5: Signs; and,

**WHEREAS**, on August 27, 2015, City Council, by Resolution No. 15-044, established the Signage Ad Hoc committee in order to review Article 5. “Signs” of the Land Development Regulations and to make recommendations for the regulations governing signage; and,

**WHEREAS**, Staff worked with the Signage Ad-Hoc Committee and as set out in the Staff Report, **Exhibit 1** (attached and incorporated for all purposes), the committee’s recommendations and modifications along with Planning Commission and Staff recommendations are set forth in Section 2 below; and,

**WHEREAS**, the Planning Commission, at its regular meeting of June 21, 2016, voted unanimously to recommend approval of the text amendment request with minor modifications as set forth in **Exhibit 1**; and,

**WHEREAS**, Staff, is requesting a text amendment to amend Article 5 “Signs” of the 2015 Galveston Land Development Regulations to address the regulations governing signage; and,

**WHEREAS**, after public notice and hearing as required by law, the City Council finds that it is in the public’s interest to amend the 2015 Galveston Land Development Regulations by amending Article 5: “Signs”. Planning Case Number 16ZA-005.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GALVESTON, TEXAS:**

**SECTION 1.** The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

**SECTION 2.** In accordance with the City of Galveston 2011 Comprehensive Plan, the City Council of the City of Galveston hereby amends the 2015 Galveston Land Development Regulations by amending Article 5 “Signs” to read and provide as follows:

**ARTICLE 5. SIGNS**

**Division 5.100 Purpose and Applicability**

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#### SEC. 5.105 EXCEPTIONS

- A. Limited Use Standards. Owners of signs which do not strictly comply with the terms of this chapter may seek an approval as a variance from the Zoning Board of Adjustment. In certain instances, applicants may wish to request a sign variance to obtain relief from the requirements of the Zoning Ordinance's sign regulations; however, a variance may not be granted to increase the number of permitted sign types. Sign variances related to sign area and height are limited to a 5 percent increase in area or height; any increase above 5 percent shall be considered a legislative act. Sign variances should only be granted when there is a hardship related to the character of the property.
- B. Proof of Permitting. The following signs do not require an approved sign permit provided they meet the sign standards provided herein.
1. Re-facing of an existing sign provided no increase occurs with respect to either the area of any such sign or the manner in which it is structurally supported;
  2. Vehicle Sign;
  3. Name plates;
  4. Symbolic flags (national, state, political subdivisions, etc.) and business or institutional flags not to exceed one business flag per establishment pursuant to:
    - a. Maximum of three flagpoles per lot with two flags per pole; and award flag of an institution or business (house flag); not to exceed one for each forty (40) feet of street frontage adjacent to an institution or business.
  5. Weather or Bait flags;
  6. Real estate signs;
  7. Window signs;
  8. Temporary decorative flags and bunting for convention and commemorations;
  9. Warning or Security signs;
  10. Directional Signs On-Site;
  11. Traffic directional or informational signs erected by a government agency;
  - ~~12.~~ 12. Political sign (per state law);
  - ~~13.~~ 13. Political campaign signs (per Campaign Election Code);
  - ~~14.~~ 14. A-frame or Sandwich board sign on private property;
  - ~~15.~~ 15. Government Signs on public property;
  - ~~16.~~ 16. Murals or art representation provided it meets the criteria listed in §5.411;
  - ~~17.~~ 17. Signage related to Special Events, as defined by Article II, Section 6 of the Galveston City Code. However, this exception does not include private businesses that have temporary signage for sales and promotional events during a Special Event, which will still require a temporary sign permit;
  18. Beach vendors that do not set up permanently shall be exempt from the sign regulations contained herein provided that no sign displayed exceeds 20 sq. ft. For the purpose of this provision, "permanently" means vendors that remain stationary for more than 24 hours.

#### SEC. 5.106 SIGNS IN HISTORIC DISTRICTS, AND NEIGHBORHOOD CONSERVATION DISTRICTS, AND PRESERVATION OF HISTORIC SIGNAGE

- A. Limited Use Standards. All signs within a designated HZD or NCD shall conform to the *Design Standards for Historic Properties* or appropriate Neighborhood Conservation Plan and,

if applicable, must obtain a permit ~~from the Development Services Department~~ prior to installation.

**B. Permits for approved signs must be obtained from the Development Services Department.**

**C. Existing historic signage as determined by the Historic Preservation Officer (HPO) shall be preserved.**

1. Historically significant painted wall signs shall be retained when possible.
2. Mounted signs announcing the name of a business no longer in existence at the sign's location and having historical significance may be salvaged and relocated.
3. Historic signage shall not be calculated as part of the overall signage permitted pursuant to Article 5 of these Land Development Regulations.
4. Historically significant signs shall be exempt from compliance with Section 5.303, Sign Maintenance, subsection A. 4.

**SEC 5.107 SIGNS IN COMMERCIAL (C), HEAVY INDUSTRIAL (HI), LIGHT INDUSTRIAL (LI) DISTRICTS**

Sign type	Max. # of signs	Max. Square foot area	Max. height	Placement	Illuminatio n	Standard
<b>Attached Signs:</b>						
<ol style="list-style-type: none"> <li>1. Limited to 3 attached sign types per business.</li> <li>2. Not to exceed 500 cumulative sq-ft sign area.</li> </ol>						
Flat/Wall sign/ Canopy	4	200 square feet	n/a	Facing a street right-of-way	Internal, External,	Cumulative area calculated for all signs. (Sec 5.42 <del>03</del> )
Under-Canopy	1	24 square feet	n/a	n/a	Internal, External,	Minimum 7.5' clearance above grade. (Sec 5.417 <del>9</del> )
Projecting	1	200 square feet	n/a	On site, may extend over right-of-way	Internal, External,	May project up to 4' from building. (Sec 5.41 <del>43</del> )
Marquee	1 per street frontage	200 square feet	n/a	On site, may extend over right-of-way	Internal, External,	(Sec 5.409 <del>10</del> )
<b>Roof</b>	<b>1</b>	<b>100 square feet</b>	<b>10 feet above roof line</b>	<b>Facing a street right-of-way</b>	<b>Internal, External,</b>	<b>Require WPI 8. (Sec 5.414)</b>
Directional (off-site)	2 per business	4 square feet (1'x4')	8-feet	Within 1000' as wall sign	None	(Sec 5.408)
<b>Detached Signs</b>						
<ol style="list-style-type: none"> <li>1. Limited to 1 Monument, Pylon or Pole sign type per <u>site</u>. <u>If site has two street frontages, at least one sign must be monument, street frontage.</u></li> <li>2. <u>Properties east of 59<sup>th</sup> Street, north of Seawall Boulevard, south of Harborside Drive to and Including Ferry Road are limited to monument only (Sec. 5.404).</u></li> <li>3. Not to exceed 216 cumulative square feet sign area.</li> </ol>						

Pole	1 per street frontage.	200 square feet	50 feet	On site	Internal, External	Along Broadway/I-45 from base of Causeway to west of 59 <sup>th</sup> Street and/or adjacent to elevated roadways.
Monument	1 per street frontage.	200 square feet	12 feet	On site	Internal, External,	Sign base width measures at least 75% of the width of the sign.
Pylon	1 per street frontage.	200 square feet	20 feet	On site	Internal, External,	Sign base measures less than 75% of the width of the sign, but not less than 25%.
Directional (on-site)	n/a	6 square feet	8 feet	On site	Internal, External	Giving directions to motorist regarding parking and access drives.
Directional (off-site)	2 per business	4 square feet (1'x4')	8 feet	Within 1,000'	External Internal	(Sec 5.408)
A Frame, Sandwich board or Easel	1 per site	6 square feet	4 feet	On site	None	Displayed during business only. Wood, aluminum or metal only. Free of attachments.

#### SEC 5.108 SIGNS IN CENTRAL BUSINESS (CB), RESORT/RECREATION (RES/REC) DISTRICTS

Sign type	Max. # of signs	Max. Square foot area	Max. height	Placement	Illumination	Standard
<b>Attached Signs:</b> 1. Limited to 3 attached sign types per business. 2. Not to exceed 324 cumulative square feet sign area.						

Flat/Wall sign/Canopy	4	100 square feet	n/a	Facing a street right-of-way	Internal, External,	Cumulative area calculated for all signs. (Sec 5.42 <del>03</del> )
Under-Canopy	1	24 square feet	n/a	n/a	Internal, External,	Minimum 7.5' clearance above grade. (Sec 5.41 <del>7-9</del> )
Projecting	1	48 square feet	n/a	On site, may extend over right-of-way	Internal, External,	May project up to 4' from building. (Sec 5.41 <del>43</del> )
Marquee	1 per street frontage	100 square feet	n/a	On site, may extend over right-of-way	Internal, External	(Sec 5.409)
Roof	1	100 square feet	10 feet above roof line	Facing a street right-of-way	Internal, External	Require WPI-8. (Sec 5.414)
<b>Detached Signs</b>						

<p>1. Limited to 1 Monument, Pylon or Pole sign type per site. If site has two street frontages, at least one sign must be monument street frontage.</p> <p>2. Properties east of 59<sup>th</sup> Street, north of Seawall Boulevard, south of Harborside Drive to and including Ferry Road are limited to monument only (Sec. 5.404).</p> <p>3. Not to exceed 216 cumulative square feet.</p>						
Pole	1 per street frontage.	200 square feet	50-feet	On site	Internal, External,	Along Broadway/I-45 from base of Causeway to west of 59 <sup>th</sup> Street and/or Adjacent to elevated roadways.
Monument	1 per street frontage.	200 square feet	12-feet	On site	Internal, External,	Sign base width measures at least 75 percent of the width of the sign.
Pylon	1 per street frontage.	200 square feet	20-feet	On site	Internal, External,	Sign base measures less than 75 percent of the width of the sign, but not less than 25 percent.
Directional (on-site)	n/a	6 square feet	8-feet	On Site	Internal, External	Giving directions to motorist regarding parking and access drives.
Directional (off-site)	2 per business	4 square feet (1'x4')	8-feet	Within 1,000'	External	(Sec 5.408)
A Frame, Sandwich board or Easel	1 per site	6 square feet	4- feet	On site	None	Displayed during business only. Wood, aluminum or metal only. Free of any attachments.

**SEC 5.109 SIGNS IN CENTRAL BUSINESS (CB), URBAN NEIGHBORHOOD (UN), TRADITIONAL NEIGHBORHOOD (TN) DISTRICTS**

Sign type	Max. # of signs	Max. Square foot area	Max. height	Placement	Illumination	Standard
<b>Attached Signs:</b> 1. Internal illumination limited to one sign type.						
Flat/Wall sign/Canopy	1	20 square feet 40 square feet (UN only)	n/a	Facing a street right-of-way	External	(Sec 5.4203)
Under-Canopy	1	24 square feet	n/a	n/a	External	Minimum 7.5' clearance above grade. (Sec 5.4179)
Projecting	1	48 square feet	n/a	On site, may extend over right-of-way	External	May project up to 4' from building. (Sec 5.4143)
<b>Detached Signs</b> 1. Properties east of 59 <sup>th</sup> Street, north of Seawall Boulevard, south of Harborside Drive to and including Ferry Road are limited to monument only (Sec. 5.404).						

Monument	1 per street frontage.	200 square feet 60 square feet	12-feet 6-feet	On site	Internal, External	Sign base width measures at least 75% of the width of the sign.
Subdivision	2 per intersection	150 square feet	12-foot	Reserve area	Internal, External	(Sec 5.41 <del>35</del> )
Directional (on-site)	n/a	6 square feet	8-foot	On site	Internal, external	Giving directions to motorist regarding parking and access drives
A Frame, Sandwich board or Easel	1 per site	6 square feet	4- feet	On site	None	Displayed during business only. Wood, aluminum or metal only. Free of attachments.

**SEC 5.110 SIGNS IN RESIDENTIAL SINGLE FAMILY (R-1), RESIDENTIAL GENERAL DUPLEX (R-2), RESIDENTIAL MULTIFAMILY (MF), AND HISTORIC ZONING DISTRICT (HZD) DISTRICTS**

Sign type	Max. # of signs	Max. Square foot area	Max. height	Placement	Illumination	Standard
<b>Attached Signs</b>						
1. Signage for corner stores within HZD shall be limited to 20 square feet maximum sign face and 15-foot max height.						
Name Plate	1	2 square feet	n/a	Street frontage	External	Not to exceed 2 square feet.
<b>Detached Signs</b>						
Subdivision	2 per intersection	150 square feet	12 feet	Reserve area	Internal, External	(Sec 5.41 <del>35</del> )

**Division 5.200 Definitions Related to Sign Regulation**

**SEC. 5.201 SIGN DEFINITIONS**

- 1 Advertising** Any sign, other than an accessory owner identification which directs attention to a business, commodity, or service inclusive of pennants, banners and streamers.
- 3 Attached** A sign that is attached to a building wall, false wall or false roof, or other facade surface.
- 4 Awning** A sign painted on, attached to, or constructed on a canopy or awning.
- 5 Back-to-Back** A sign with directly opposite Sign Faces oriented in opposite directions, where both sides are not legible at the same time from any part of the street right-of-way. The maximum permitted angle of a back-to-back sign shall not exceed 30 degrees. A back-to-back sign constitutes one Sign for purposes of this Article.
- 6 Banner (building)** Any sign of lightweight fabric or similar material attached to a building and where the banner lies flat against the building surface at all times.

- 7 Banner (horizontal)** Any sign of lightweight fabric or similar material attached at the top and bottom corner strung between buildings, poles, and/or light standards.
- 8 Banner (vertical)** Any sign of lightweight fabric or similar material attached at the top and bottom to a pole or light standards by extensions from the pole.
- 9 Canopy** A sign painted on, attached to, or constructed on a canopy or awning.
- 10 Digital** A sign that displays moving images that are controlled by electronic communications, which allows the images to be turned on or off intermittently. A Digital Sign includes any illuminated sign on which the illumination is not kept stationary or constant in intensity and color when the sign is in use, including any light emitting diode (LED) or digital panel, and which varies in color or intensity. In the sign industry, digital signs are also referred to as dynamic signs, changeable electronic variable message signs (CEVMS), electronic message centers (EMCs), etc.
- 11 Directional, Off-Site** An off premise sign indicating the location of or directions to a business, church, community event, park, school, or other place of public assembly. The sign shall not include any information or message except the name of the business or activity or symbols or logos of the business and must have an arrow indicating the direction to the business or activity.
- 12 Directional, On-Site** A sign located on the same premises as the business, giving directions to motorists regarding the location of parking areas and access drives within a development.
- 13 Double-Faced** A double-faced sign means two adjacent signs on a single structure or separate structures with both sign faces oriented in the same direction and not more than ten feet (10') apart at the nearest point between the two sign faces. A double-faced sign may be referred to as a side-by-side or stacked sign. A double-faced sign constitutes one (1) Sign for purposes of this Article.
- 14 Electronic** A sign, display, or device that has a static message or copy that can be changed by programmable mechanical or electronic processes. An electronic sign does not include the use of flashing, intermittent, or moving light for the purposes of these regulations.
- 15 Flag** A "Flag Sign" means any flag (other than a national or state flag) that is mounted on a pole, post, or other structure, and that is used for advertising, including any flag that contains or displays any written message, business name, pictorial representation, logo, corporate symbol, silhouette or other visual representation identifying or advertising a particular business, good, service or merchandise sold or available for sale on the premises where the flag is erected, displayed or maintained. For purposes of this subsection, a "flag" means a piece of material or fabric, usually rectangular or triangular in shape.

- 16 Flat** Any sign, erected flush against an exterior wall, supported by the wall, and having the sign face parallel to the wall or painted directly onto a wall and does not extend more than 18 inches from a building surface.
- 17 Government** A sign erected by government agencies or utilities, including traffic, utility, safety and identification signs for public facilities. Signs may be placed in the right-of-way.
- 18 Halo Lit** A sign illuminated by concealing the light source behind three-dimensional opaque letters, numbers, or other characters of a sign, resulting in the night time perception of a halo around the silhouette of each sign character. This is also referred to as "reverse channel" or "reverse lit" illumination. A Halo Lit sign is not considered an internally illuminated sign.
- 19 Illuminated** An artificial light source incorporated internally or externally to emanate light from, or direct light to, a Sign's surface. Light sources may include exposed tubing, electrical bulbs, fluorescent lights, neon tubes, light emitting diodes (LED), liquid crystal displays (LCD), or other artificial sources of light. Any decorative lighting that is used expressly to advertise is considered Illumination.
- 20 Inflatable** Any object enlarged or inflated which floats, is tethered in the air, is activated by air or moving gas, or is located on the ground or on a building with or without a copy or other graphic.
- 21 Kite** In general: A kite is a light framed object made with or covered with thin material, (typically cloth, paper or plastic), flown in the wind/air at the end of a long string.
- 22 Marquee** A Sign affixed to a projecting structure which is attached to the exterior facade of a building above the building's entrance.
- 23 Mural** Art representation executed directly on a wall that is expressed in a form and manner as to provide aesthetic enjoyment for the viewer rather than to specifically convey the name of a business or commercial text message.
- 24 Monument** A freestanding sign, the entire bottom of which is attached directly to the ground or is supported by a sign structure that is a base whose width measures at least 75% of the width of the sign that is placed or anchored on the ground.
- 25 Name Plate** A wall sign not to exceed two (2) square feet in area, to identify the owner or occupant of a dwelling or building.
- 26 Obsolete** Owner-identification signs or signs that advertise or otherwise direct attention to a product, service, activity, person, institution or business that no longer occupies or is conducted, sold, manufactured, produced or offered upon the premises—, and, any abandoned or discontinued sign which is no longer being used or maintained for a period of six (6) months or longer. In determining whether a sign is obsolete, abandoned or discontinued, the following shall be considered: whether the sign identifies correct directions to, location of, or description of the goods or services available on the premises where the sign is located; whether utility service is being provided to the

premises where the sign is located; the use of the premises where the sign is located; the condition of the sign; any other facts or circumstances which would indicate whether the owner of the sign has intentionally or voluntarily relinquished further use of the sign.

- 27 Off-Premise** Any sign that pertains or directs attention to a business, product, service, activity, person, organization, institution, event, place, object, or location not located, manufactured, conducted, sold, or offered on the premises on which the sign is located, and which was legally in existence prior to October 29, 1997.
- 28 On-Premise** A sign identifying or advertising a business, person, or activity, and installed and maintained on the same premises as the business, person, or activity.
- 29 Pole** Any sign that is wholly supported by one or more columns, uprights, posts, or braces in the ground and has no support to a building, canopy or façade.
- 30 Political Campaign** A sign relating to the election of a person to public office, relating to a political party, relating to a matter to be voted upon at an election called by a public body, or other political message, as outlined in the Campaign Election Code.
- 31 Projecting** A sign other than a flat sign or roof sign or under canopy sign which projects more than 18 inches from the face of an exterior building wall or façade and which uses the building wall as its primary source of support.
- 32 Pylon** A freestanding sign, that is supported by a structure extending from and permanently attached to the ground by a foundation or footing where the width of the sign structure measures less than 75% of the width of the sign, but not less than 25%.
- 33 Residential Subdivision** A “Residential Subdivision Sign” means a monument sign that is located along or interior to an entry of a platted subdivision that is zoned or legally restricted for residential use, or a mix of residential and supporting commercial uses. For purposes of this definition, the “entry” means a street intersection located at the perimeter of the subdivision.
- 34 Roof** Any sign erected upon a roof or roof mounted structure, and extending above the roof or parapet of a building or structure, with the exception of building signs that are attached to the parapet, on a mansard roof, and signs mounted on a building canopy but do not extend above the top of the wall or parapet.
- 35 Sandwich Board** A “Sandwich Board” means a portable sign that is ordinarily in the shape of an “A” with back to back sign faces, an easel, or a similar configuration.
- 36 Sign** Any device or structure that is intended to attract the attention of the public in order to promote the sale of a product, commodity, service and/or for identification.

- 37 Temporary** A “Temporary Sign” means any sign that directs attention to, but is not limited to, temporary events such as elections, promotional sales, grand openings, or special events. To comply with Texas and Federal law, Political Signs are subject to §5.311 instead of this Section.
- 38 Tenant** A Freestanding Sign which identifies tenants in a multi-tenant building or complex and which is located in the development for which it is advertising.
- 39 Under Canopy** A sign that is suspended beneath a canopy, awning or marquee and perpendicular to the building façade.
- 40 Wall** Any sign, erected flush against an exterior wall, supported by the wall, and having the sign face parallel to the wall or painted directly onto a wall and does not extend more than 18 inches from a building surface.
- 41 Window** Any items of information affixed in any manner to a window or exterior glass door such that is intended to be viewed from the exterior.
- 42 Vehicle Sign** Any sign affixed to an operable vehicle currently registered as a motor vehicle, which is used in the normal course of business. Signs on parked vehicles or other mobile units shall not be used as off-premise signs. It shall be unlawful to park, place or store a vehicle on public right-of-way or private property when the primary purpose of the vehicle or mobile unit is to advertise a business or activity.

## Division 5.300 Prohibited, ~~and~~ Obsolete and Maintenance of Signs

### SEC. 5.301 PROHIBITED SIGNS

The following signs are prohibited:

- A. Any sign that does not comply with the standards for that particular category of sign.
- B. Any sign that simulates lights customarily associated with those used by police, fire, ambulance or similar emergency vehicles.
- C. Signs that by color, location, or design resemble or conflict with traffic control signs or signals.
- D. Signs that are attached or applied to trees, utility poles, trash receptacles, or any other unapproved supporting structure.
- E. Portable signs which are not securely fixed to an approved supporting structure. This subsection does not apply to Sandwich Boards.
- F. Off-premise signs (billboards), as provided in § 5.406, below.
- G. Rotating or flashing signs, unless allowed in ~~§5.415~~ §5.417, below.
- H. Inflatable signs.**
- I. The construction of new, off premise, or electronic signs within the City’s extraterritorial jurisdiction (see Section 5.406.D.).

J. Roof signs.

K. A sign that uses the words “stop” or “danger” to imply the need or requirement for stopping, or the existence of danger. This provision does not apply when the words are part of an attraction title for a theatre or similar event or purpose.

Commented [DF1]: Added J and K

### **SEC. 5.302 OBSOLETE SIGNS**

- A. Obsolete signs shall be removed within twelve (12) six (6) months after the use of the property is terminated or the business related to the sign is closed, at the owner’s expense.
- B. If the obsolete sign is a pole sign, the entire pole structure shall be removed. However, if the sign is a monument or wall sign, only the sign face is required to be removed or covered.
- C. If the sign is not removed within twelve (12) six (6) months, the City of Galveston may remove the sign and place a lien on the property for the cost incurred, including but not limited to labor and materials, for removing the sign.
- D. Signs associated with businesses that are normally open only on a seasonal basis are not considered obsolete, if the business owner establishes a clear intent to continue operation of the business within nine (9) months.

### **SEC 5.303 SIGN MAINTENANCE**

A. All signs, together with all their supports, braces and anchors, shall be maintained in good condition and repair. Conditions noting neglect, deterioration or dilapidation of signs shall include but not be limited to:

- 1. Rust or holes on or in the sign or sign structure;
- 2. Missing sign copy or missing letters;
- 3. Cracked, broken, missing, loose or bent parts;
- 4. Faded, peeling, or chipped paint; and,
- 5. Non-operative or partially non-operative illuminating or mechanical devices.

B. Upon notification by the Development Services Department, signs that are neglected, deteriorated, or dilapidated shall be repaired, replaced, or removed within thirty (30) days.

### **Division 5.400 Sign Standards**

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### **SEC. 5.403 ATTACHED SIGNS**

- A. The following signs shall be considered Attached Signs.
  - 1. Canopy Signs or awning
  - 2. Marquee
  - 3. Memorial plaques
  - 4. Name Plates
  - 5. Roof
  - 6. Under-Canopy

7. Wall Signs (Flat)
8. Projecting
9. Window Signs
10. Vehicle sign

B. **Number and Area Requirements for Attached Signs.** The maximum cumulative number and maximum cumulative area of Attached Signs for any lot or parcel within a zoning district are set out in Sections 5.107, 5.108, 5.109, and 5.110 the tables above. Individual signs are subject to the requirements of this Article.

**SEC. 5.404 DETACHED SIGNS**

A. The following signs shall be considered Detached Signs.

1. Pole
2. Monument
3. Pylon
4. Directional
5. A-frame or sandwich board
6. Residential
7. Real estate sign
8. Tenant sign

B. **Number and Area Requirements for Detached Signs.** The maximum cumulative number and maximum cumulative area of Detached Signs for any lot or parcel within a zoning district are set out in Sections 5.107, 5.108, 5.109, and 5.110 the tables above. Individual signs are subject to the requirements of this Article.

C. **Location.** Properties east of 59<sup>th</sup> Street, north of Seawall Boulevard, south of Harborside Drive to and including Ferry Road are limited to monument only (not applicable to properties fronting Seawall Boulevard or Harborside Drive).

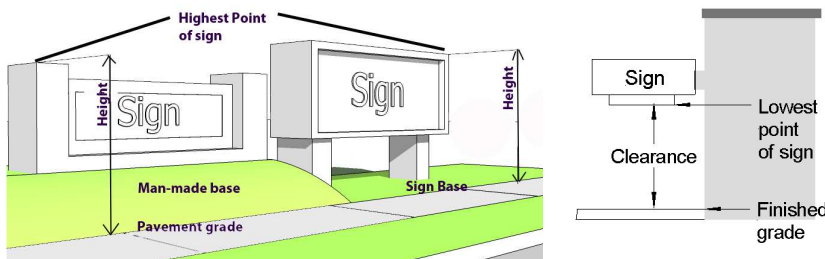
**SEC. 5.405 MEASUREMENT STANDARDS**

A. **Area.** The sign area is defined as the rectangular enclosure of all parts of the sign other than structural supports. The sign area of a three-dimensional object shall be calculated by multiplying the length by the width by the height of the three vertical faces of the smallest cube or rectangular box which encompasses the three dimensional object. Sign area is measured in square feet (sf).



Sign Area =  
 $A \times B$        $A = 6'$   
                           $\times B = 16'$   
                          = 96 sf

- B. **Height.** The height of a freestanding sign is measured from the base of the sign or supportive structure at its point of attachment to the ground, to the highest point of the sign. A freestanding sign on a man-made base, including a graded earth mound, is measured from the grade of the nearest pavement or top of any pavement curb.
- C. **Clearance.** Clearance for freestanding and projecting signs is measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other embellishments.



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#### SEC. 5.407 ILLUMINATION, DIGITAL AND ELECTRONIC SIGNS

- A. **Standards.** Sections 5.107, 5.108, 5.109 and 5.110 indicate whether illumination of a sign is allowed, and the type of illumination allowed.
- B. **Prohibitions.** An illuminated sign shall not:
  1. Be illuminated by flashing, intermittent, or moving lights;
  2. Contain or display animated, moving video, or scrolling advertising;
  3. Consist of a static image projected upon a stationary object; or
  4. Be a mobile sign located on a truck, boat or trailer.
- C. **Digital Signs.** Digital Signs shall conform to the following standards:
  1. **Location:** Subject to State and Federal laws, digital signs are only permitted in the following areas:
    - a. Seawall Boulevard from 25<sup>th</sup> Street west to the end of Seawall Boulevard (103<sup>rd</sup> Street);
    - b. 61<sup>st</sup> Street from Heards Lane (Avenue P 1/2) south to Seawall Boulevard; and
    - c. North and south sides of Harborside Drive from interstate 45 (I-45) to 25<sup>th</sup> Street.
  2. **Message Changes.**
    - a. Each message on a Digital Sign shall be displayed for at least eight seconds.
    - b. A change of message shall be accomplished within two seconds.
    - c. A change of message must occur simultaneously on the entire sign face.
  3. **Safety.** A Digital Sign must:

- a. Contain a default mechanism that freezes the sign in one position if a malfunction occurs; and
  - b. Automatically adjusts the intensity of its display according to natural ambient light conditions.
- 3- **4. Owner responsibilities.** The sign owner shall provide to the Director contact information for a person who is available to be contacted at any time and who is able to turn off the electronic sign promptly after a malfunction occurs.
  - 4- **5. Brightness.** Digital Sign light intensity shall not exceed 0.3 foot candles above ambient light conditions.
  - 5- **6. Automatic dimming.** Digital sign installation shall require a Photo-sensor that regulates sign brightness in correlation with ambient light conditions.
  - 6- **7. Time Period for Compliance.** A Digital Sign that exists as of the effective date of these regulations **March 5, 2015** shall fully comply with this subsection 5.407 within three (3) years of the effective date. The Digital Sign's owner may appeal to the Zoning Board of Adjustment to allow an extension of this time period. The Zoning Board of Adjustment may extend this time period if the owner demonstrates that it has not recouped its investment in the Digital Sign features of the Sign.

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#### **SEC. 5.409. KITE SIGNS**

Kites may be permitted if displayed for promotional reasons on a temporary basis. The maximum duration for the display of kites is two weeks, and no more than four permits a year for a display from any one site will be granted. Exempt from this standard shall be any business that derives 50% or greater of its revenues from the sale of kites. Also exempt, any beach concessionaire south of the seawall or south of the south toe of the dune line.

#### **SEC. 5.409 5410 MARQUEE SIGNS**

##### **A. Standards.**

- 1. A marquee sign shall be located on the primary facade and over the main entrance.
- 2. Shall maintain a minimum clearance of 10 feet above grade.
- 3. Marquee signs shall not exceed fifty percent (50%) of the area of the marquee fascia and shall not extend above the marquee to a height in excess of the depth of the marquee fascia.

#### **Sec. 5.411 MURALS**

##### **A. Standards**

- 1. Shall not include any owner identification or commercial text message; however, it may contain graphics or images that relates to the products or services offered on the premises where the mural is located.
  - a. Murals or art representation displaying any owner identification or commercial text message will be considered as a "flat/wall sign."
- 2. Shall not depict nudity or obscene images.
- 3. Materials utilized in painting a mural shall have proven durability and shall be maintained or removed if not maintained.

B. Murals or art representation displaying any owner identification or commercial text message will be considered as a “flat/wall sign.”

C. Murals or art representation in a historic district shall comply with the *Design Standards for Historic Properties*.

## SEC. ~~5.410~~ 5.412 POLITICAL CAMPAIGN SIGNS

- A. **Permits.** Political Signs meeting the regulations of this Section do not require a permit through the Development Services Department.
- B. **Location.** Political Signs ~~shall be~~ may be placed on private property with the permission of the owner or in the City right-of-way adjacent to such private property, or at a polling location up to 90 days before an election. Political signs within the right-of-way must be removed within 10 days after an election.
- C. **Intersection Visibility.** All Political Signs shall conform to the requirements of the City Code.
- D. **Size and Illumination.**
1. To be exempt from the sign permit requirement, Political Signs may not have:
    - a. An effective area greater than thirty-six (36) square feet;
    - b. A height greater than eight-feet (8’);
    - c. Illumination; or
    - d. Any moving elements.
  2. Political Signs that are not exempt must obtain a sign permit as provided in the Election Code.
- E. **Fences.** Political signs may be placed on fences, if the fence is privately owned and is located on private property.

## SEC. ~~5.411~~ 5.413 PROJECTING SIGNS

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### Sec. ~~5.412~~ 5.414 REAL ESTATE SIGNS

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## SEC. ~~5.413~~ 5.415 RESIDENTIAL SUBDIVISION SIGNS

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## SEC. ~~5.414~~ 5.416 ROOF SIGNS RESERVED.

### A. Standards

- ~~1. A roof sign shall be not exceed 100 sq ft in sign area.~~
- ~~2. A roof sign may substitute for a wall sign.~~
- ~~3. Roof signs shall not project above the roof line or parapet of a building in excess of ten feet (10’).~~
- ~~4. A roof sign shall have concealed structural members.~~
- ~~5. Roof sign permit application must be accompanied by a Texas Department of Insurance certificate of compliance (WPI-8).~~

**SEC. ~~5.415~~ 5.417 ROTATING OR FLASHING SIGNS**

A. **Generally.** Except as specifically listed in this Section, rotating or flashing signs are prohibited.

B. **Distance from Intersections or Street Rights of Way.**

1. Flashing signs are prohibited:
  - a. Within 300 feet of any street intersection, or
  - b. Within 50 feet of any street right-of-way.

~~2. This prohibition does not apply if the State of Texas grants a variance from the standard listed in subsection 1 above for a State highway.~~

**SEC. ~~5.416~~ 5.418 SANDWICH BOARDS**

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**SEC. ~~5.417~~ 5.419 SIGNS UNDER CANOPIES, AWNINGS OR MARQUEES**

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**SEC. ~~5.418~~ 5.420 TEMPORARY SIGNS**

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**SEC. 5.421 VEHICLE SIGNS**

**A. Standards.**

1. Signs on parked vehicles or other mobile units shall not be used as off-premise signs.

2. It shall be unlawful to park, place or store a vehicle on public right-of-way or private property when the primary purpose of the vehicle or mobile unit is to advertise a business or activity.

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**SEC. ~~5.419~~ 5.422 VERTICAL BANNERS**

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**SEC. ~~5.420~~ 5.423 WALL SIGNS**

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**SEC. ~~5.421~~ 5.424 WEATHER OR BAIT FLAGS**

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## SEC. 5.422 5.425 WINDOW SIGNS

- A. **Sign Permit required.** A sign permit is not required to install a Window Sign.
- B. **Standards.**
1. A Window Sign shall not exceed in coverage thirty percent (30%) of the total glass area of the window in which it is placed.
  2. In the historic districts, no fluorescent colors are permitted for interior banners.
  3. Tubular light is permitted only in the CB and CP districts, and may not exceed four (4) square feet in area when directed towards right-of-way traffic. No intermittent or flashing lights are permitted.
  4. An Interior Sign shall not include intermittent or flashing lights, and any illumination that is visible from the public right of way is subject to the City's outdoor lighting standards.

## Division 5.500 Nonconforming Signs

### SEC. 5.501 NONCONFORMING SIGNS

- A. **Limited Use Standards.** Any sign located within the municipal boundaries on the effective date of these regulations that does not conform to the provisions of Article 5, Signs, or other applicable requirements or standards of these regulations, shall be considered a legal nonconforming sign, provided it also meets the following requirements:
1. The sign is a detached sign; and
  2. One of the following apply:
    - a. The sign was approved by a sign permit before the effective date of these regulations, or amendment, if a permit was required under applicable law; or
    - b. If no sign permit was required under applicable law for the sign in question, the sign was in all respects in conformity with the applicable law or conditions of approval immediately prior to the effective date; or
    - c. The sign had legal nonconforming status on the effective date of these regulations.
- B. **Existing Signs on Annexed Property.** If land is annexed to the City after the effective date of these regulations, any signs that do not conform to the provisions of these regulations at such time shall have legal nonconforming status if:
1. Under applicable regulations, the sign was legal in all respects immediately prior to annexation; and
  2. The sign is a detached sign.

### SEC. 5.502 NONCONFORMING ON-PREMISE SIGNS

- A. **Limited Use Standards.**
1. Any legally existing nonconforming on-premise sign in existence on October 29, 1997, may continue to lawfully exist unless and until the sign requires repairs that cumulatively cost more than ~~60~~ 51 percent of the cost of erecting a new sign of the same type using all new materials at the same location, as computed by the Building Official.
  2. In determining whether the non-conforming on-premise sign is damaged 51 percent or less each applicant shall, with the filing of a permit application, submit three bids by three different sign contractors/manufacturers that include the total cost to repair the existing sign and total cost to erect a new sign of the same type and dimensions at the same location.

3. ~~2.~~ A nonconforming on-premise sign must be removed after the sign ceases to lawfully exist, as determined by Section 5.302, above Obsolete Signs.
4. ~~3.~~ The owner of the sign and the owner of the premises are each liable for the failure to remove a nonconforming on-premise sign.

### SEC 5.503 NONCONFORMING OFF-PREMISE SIGNS

#### A. Limited Use Standards.

1. Any nonconforming off-premise sign in existence on October 29, 1997, may continue to lawfully exist, unless the owner is notified of and does not resolve violations of Section 5.406.H., Maintenance, and so long as the sign meets the requirements of Section 5.406.E., Site Provisions for Legally Nonconforming Off-Premise Signs.
2. ~~No new permit shall be issued if~~ If an off-premise sign is blown down, inadequately maintained, dilapidated, decayed, or otherwise destroyed such that the cumulative cost of repairing the off-premise sign using all new materials is more than 60 percent of the cost of erecting a new sign of the same type at the same location using all new materials, as computed by the Building Official, ~~no new permit shall be issued~~. In this instance, the off-premise sign owner and the owner of the property on which it is placed are individually responsible to remove what remains of the off-premise sign.
3. If the nonconforming off-premise sign is damaged such that the cost of repairing the off-premise sign using all new materials as computed by the Building Official is 60 percent or less than the cost of erecting a new off-premise sign of the same type and dimensions at the same location, then any repairs shall comply with all applicable ordinances. If the applicant proposes to effect repairs using other than new materials, the permit application shall include a certification by a structural engineer that each piece of used material will be of the same strength as a new piece of equipment.
4. In determining whether the non-conforming off-premise sign is damaged 60 percent or less each applicant shall, with the filing of a permit application, submit three bids by three different sign contractors/manufacturers that include the total cost to repair the existing sign and total cost to erect a new sign of the same type and dimensions at the same location.
5. ~~4.~~ For nonconforming signs, routine maintenance includes changing the message of the sign by replacing or repainting the sign face. This standard also applies to buildings, structures and signs that are used by nonconforming uses if they are designed in a way that is not suitable for reuse as a conforming use.

**SECTION 3.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

**SECTION 4.** All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

**SECTION 5.** In accordance with the provisions of Section 12 and 13 of Article II of The City Charter this Ordinance has been publicly available in the office of the City Secretary for not less than 72 hours prior to its adoption; that this Ordinance may be read and published by descriptive caption only.

**SECTION 6.** This Ordinance shall be and become effective from and after its adoption and publication in accordance with the provisions of The Charter of the City of Galveston.

APPROVED AS TO FORM:

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DONNA M. FAIRWEATHER  
ASSISTANT CITY ATTORNEY

I, Janelle Williams, Secretary of the City Council of the City of Galveston, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of the City of Galveston at its Regular Meeting held on September 22, 2016, as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Galveston this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Secretary for the City Council  
of the City of Galveston