

ORDINANCE NO. 2022-235.102

AN ORDINANCE OF THE BROWNSVILLE CITY COMMISSION, AMENDING THE UNIFIED DEVELOPMENT CODE (UDC), ARTICLE 5 – SUPPLEMENTAL REGULATIONS, SECTION 5.3 – SIGNS, BY REPEALING AND REPLACING ESTABLISHED REGULATIONS FOR BILLBOARDS, MONUMENT SIGNS, MULTI-TENANT MONUMENT SIGNS, AND POLE OR PYLON SIGNS; AND DEALING WITH RELATED MATTERS.

WHEREAS, billboards, monument signs, multi-tenant monument signs, and pole or pylon signs, contribute to the economic development of the community; and

WHEREAS, the City Commission of the City of Brownsville encourages the operation of a competitive market for all advertising types; and

WHEREAS, the UDC will continue to be calibrated to reflect community standards regarding economic development and aesthetic goals; and

WHEREAS, this amendment will provide additional flexibility by more accurately identifying permissible districts and locations as well as sign elevations; and

WHEREAS, the outlined regulations shall preserve the function of signs as devices that are intended and located for maximum exposure to drivers, cyclists, and pedestrians; and

WHEREAS, this amendment will protect the public health, safety, and general welfare of the community.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF BROWNSVILLE THAT ARTICLE 5 – SUPPLEMENTAL REGULATIONS, SECTION 5.3 – SIGNS, OF THE UNIFIED DEVELOPMENT CODE (UDC) IS HEREBY AMENDED, BY REPEALING AND REPLACING ESTABLISHED REGULATIONS FOR BILLBOARDS, MONUMENT SIGNS, MULTI-TENANT MONUMENT SIGNS, AND POLE OR PYLON SIGNS.

IT IS ORDAINED BY THE CITY OF BROWNSVILLE THAT IN THE EVENT OF ANY CONFLICTS BETWEEN THIS NEWLY ADOPTED UNIFIED DEVELOPMENT CODE AND OTHER ORDINANCES INVOLVING THE SAME SUBJECT MATTER, THIS UNIFIED DEVELOPMENT CODE SHALL GOVERN.

IT IS FURTHER ORDAINED THAT THE CODE OF ORDINANCES AS HEREIN AMENDED READS AS FOLLOWS:

PART I. That Subsection 5.3.4.A – Prohibited Signs of the Unified Development Code, City of Brownsville, be amended by repealing Sign Type #5 – Billboard.

PART II. That Subsection 5.3.4.C.3.b – Monument Sign, of the Unified Development Code, City of Brownsville, is hereby repealed and replaced, to read as follows:

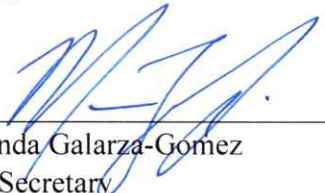
INTRODUCED for First Reading on the 6th day of June 2023. **PASSED** on **SECOND** and **FINAL** **READING** on the 1st day of August 2023.



John Cowen Jr.
Mayor

Attest:


FOR



Yolanda Galarza-Gomez
City Secretary



Approved as to form and legality:



Guillermo (Will) S. Trevino
City Attorney

Sub-Sec. 5.3.4.C.3.b – Monument or Multi-Tenant Monument Sign

Definition

A permanent sign with one or multiple tenant panels per face, professionally constructed and installed, made of a durable, weather-resistant product such as brick, stone, metal, acrylic. Monument or Multi-Tenant Monument Signs are freestanding structures with a concrete footing and base that extends across the entire width of the sign.

Permitted Districts

All zoning districts

Figure 5.3-9. Acceptable



Supplemental Standards

The entire sign must sit a minimum of 10 feet from any public Right-of-Way and outside any easement.

The sign must display the address or address range of each building on the lot or development.

Signs in RE, R-1, and R-2 districts are allowed only on a platted lot maintained by an HOA.

Alternative Compliance measures shall be approved as regulated by Sub-Sec. 5.3.4.C.2 – Alternative Compliance

Development on multiple lots requires approval of a Master Sign Plan (see [5.3.5B](#)).

Changeable Copy

An electronic message board or changeable message board may be incorporated into the proposed sign that is at least two hundred (200) feet from a RE, R-1, or R-2 district in accordance with [4.6.7...Lighting](#) and with Texas Department of Transportation regulations. Distance does not apply when an electronic message board or changeable message board serves a residential subdivision and is approved by an HOA.

Method of Measurement



Monument Signs: Square footage within the primary sign area.



Multi-Tenant Monument Signs: Sum the area contained by the smallest possible square, circle, or rectangle containing all text and symbols of each individual tenant sign.

Note: up to 20% increase to maximum parameters may be administratively approved under [Sec. 5.3.5.B.4.f](#)

Maximum Sign Area per Side (max two sides)

Monument Sign: 100 square feet

Multi-Tenant Monument Sign: 700 square feet

Maximum Sign Height

Monument	Multi-Tenant Monument
12 feet on all local streets	12 feet on all local streets
20 feet on collectors and arterials	50 feet on collectors and arterials
50 feet on highway or interstate	85 feet on highway or interstate

Maximum Number of Signs

Monument	One (1) sign per lot or collector/arterial/highway access drive
Multi-Tenant Monument	One (1) sign per 300 feet of street frontage

Required Spacing

Monument	A minimum of 30 feet between each monument or pole sign base (same or abutting property).
Multi-Tenant Monument	Between signs on the same property: one half (1/2) the length of the longest straight-line diagonal distance between two corners of the property.
	A minimum of 200 feet between each sign base (signage on abutting property).

Acceptable Sign Materials

The cabinet must be constructed of painted or rustproofed metal or concealed by a border of at least three (3) inches of stone, brick, or plaster stucco accent.

The top of the sign must be finished with a cap made of masonry or decorative rustproof or painted bronze or wrought iron.

The base must be completely wrapped in masonry up to a height of at least 10% of the overall height of the sign.

Required Landscaping

Minimum landscaped area of 2 square feet per 1 square feet of sign area abutting the sign base, must be planted with shrubs or native grasses.

PART III. That Subsection 5.3.4.C.3.c – Multi-Tenant Monument Sign, of the Unified Development Code, City of Brownsville, is hereby repealed and replaced, to read as follows:

Sub-Sec. 5.3.4.C.3.c – Pole or Pylon Sign

Definition

A sign placed on one or more individual poles or pylons for support which, when combined, are narrower than the sign.

Permitted Districts

TN-MU*, TN-C, CC, RC, LI, HI

Note: As identified in the adopted Thoroughfare Plan, pole or pylon signs shall only be permitted along the frontage of highways and major arterials. A pole or pylon sign will not be permitted along local streets or collectors.

**Pole or Pylon Signs shall only be permitted along International Boulevard for the TN-MU zoning district.*

Figure 5.3-10. Acceptable



Sign support wrapped in metal



Sign support wrapped in masonry

Figure 5.3-11. Not Acceptable



Supplemental Standards

The sign must display the address or address range of each building on the lot or development.

The entire sign, including any portion that overhangs the ground, must sit 10 feet from any public Right-of-Way and outside any easement.

Development on multiple lots requires approval of a Master Sign Plan (see [5.3.5B below](#)).

Changeable Copy

An electronic message board or changeable message board may be incorporated into a Pole or Pylon Sign that is at least two hundred (200) feet from a RE, R-1, or R-2 district in accordance with [4.6.7 Lighting](#) and with Texas Department of Transportation regulations.

Method of Measurement

Sum the area contained by the smallest possible square, circle, or rectangle containing all text and symbols of each individual tenant sign.

Note: up to 20% increase to maximum parameters may be administratively approved under [Sec. 5.3.5.B.4.f](#)



Maximum Sign Area per Side (max two sides)

3 square feet per foot of property frontage

Each property is allowed a sign with a minimum area of 300 square feet but shall not exceed 630 square feet

Maximum Sign Height

Frontage on Highways	85 feet
Frontage on Major Arterials	50 feet

Maximum Number of Signs

One sign per property frontage on a highway or major arterial.

Required Spacing

Between signs on the same property: A distance equal to the minimum driveway separation on the same frontage.

From pole or pylon sign or multi-tenant monument sign on abutting property: Minimum 200 feet

Acceptable Sign Materials

The sign cabinet or structure must be of painted or rustproof metal construction.

The poles or pylons shall be completely wrapped by one or a combination of the following methods:

1. Masonry material consisting of brick, stone, or stucco from grade to a height that is not less than 25% of the overall height of the sign;
2. Painted or rustproofed metal panel with decorative patterns or reveals.

The entire top of the sign must be finished in masonry or painted decorative rustproof or painted metal.

PART IV. That Subsection 5.3.4.C.3.d – Pole or Pylon Sign, of the Unified Development Code, City of Brownsville, is hereby repealed and replaced, to read as follows:

Sub-Sec. 5.3.4.C.3.d – Billboard Sign

Definition

A sign with one or more individual support poles and a maximum of two sign faces consisting of an opaque vinyl or fabric sign face stretched over a support structure or an electronic message board, including three dimensional signs. A billboard is defined as displaying an off-premises message.

Permitted Districts

AG, TN-C, CC, RC, LI, HI (only along highways and major arterials)

Examples of Billboard Configurations

The following is a list of common billboard configurations (variations may be permitted if overall footprint remains consistent).

Figure 5.3-12. Acceptable



Figure 5.3-13. Not Acceptable



Supplemental Standards

The entire sign, including any portion that overhangs the ground, must sit 10 feet from any public Right-of-Way and outside any easement.

Maximum Number of Signs

One sign per property frontage on a highway or major arterial

Maximum Sign Height

75 feet

Minimum Sign Area per Side (max two sides)

32 square feet per side

Maximum Sign Area per Side (max two sides)

700 square feet per side

Method of Measurement



Square footage within the primary sign area.

Note: up to 20% increase to maximum parameters may be administratively approved under [Sec. 5.3.5.B.4.f](#)

Changeable Copy

An electronic message board or changeable message board may be incorporated into a Billboard Sign that is at least two hundred (200) feet from a RE, R-1, or R-2 district in accordance with [4.6.7 Lighting](#) and with Texas Department of Transportation regulations. In order to further implement the City's intentions stated in 5.3.1 Purpose and Objective, the property owner of the Billboard Sign shall dedicate 1,000 hours per year to the City for public service announcements (PSA) to accommodate the associated and proportionate impact on the visual clutter that is potentially harmful to automobile and pedestrian safety, property values, and on the health, safety, and welfare of the City. A Billboard Sign property owner may request a full or partial waiver of this requirement to decrease the number of annual PSA hours required. Planning and Zoning Commission and City Commission shall consider the Billboard Sign property owner's request for a full or partial waiver under the following criteria:

- Billboard Sign property owner shows good and enough cause for the waiver;
- Failure to grant the waiver would result in exceptional hardship to the property owner; and
- Granting of a waiver will not result in additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

The Billboard Sign property owner can make the request for a waiver during each hearing before the Planning and Zoning Commission and City Commission. If the request is denied or

modified, the property owner may apply to the Planning and Zoning Commission and City Commission for reconsideration to show different good and enough cause for a waiver from the initial decision.

If the Planning and Zoning Commission votes unanimously to recommend the denial of a request for a waiver, City Commission may approve a full or partial waiver by a simple majority of the governing body.

Required Spacing

The distance between signs shall be measured from one support pole to the other on the same side of the thoroughfare being analyzed. The required spacing between signs shall be considered on a case-by-case basis based on the following criteria:

- Spacing between signs will be in harmony with the general purpose and intent of the UDC;
- Will not be injurious to the neighborhood or detrimental to the public welfare;
- Will not create clusters of signs that in the aggregate create negative visual and/or aesthetic impact; and
- When applicable, minimum spacing requirements established by state law must be met.

Acceptable Illumination and Sign Materials

- The sign cabinet or structure must be of painted or rustproof metal construction.
- The sign face may consist of an opaque vinyl or fabric sign face stretched over a support structure.
- Billboard Signs may be illuminated by flood lights, inner-illumination, optic fiber, hologram, electronic message board and/or changeable message board (subject to Texas department of Transportation regulations).

Application Procedure (applicable only to Billboards)

These application procedures shall only apply to Billboards:

1. An applicant for a Sign Permit must submit the application to the Planning Director. The sign must comply fully with the requirements of 5.3 Signs and the City's requirements for detail drawings and technical specifications.
2. A Permit Fee is required. The amount of the fee is shown on the City's Fee Schedule. The applicant must submit a complete permit application before the City proceeds with the review of the application as stated herein. Incomplete permit applications will not be accepted for review as stated herein and shall not be issued a permit. No Sign Permit may be issued for an existing or proposed sign unless the sign complies with the requirements of this 5.3 Signs.

3. Within ten (10) business days of receiving an application for a Sign Permit, the Planning Director will review the application for completeness. If the Planning Director finds that the application is incomplete, the Planning Director will send to the applicant a notice of the specific issues or deficiencies that prevent the Planning Director from considering the application complete, with citations to applicable portions of the UDC. The application will remain pending for 45 business days. If the applicant does not submit all requested information within 45 business days of the original submittal date of the application, the application is void and a new application and fee are required. If the Planning Director finds that the application with the supplemented documentation is now complete, the Planning Director will set the application before the Planning and Zoning Commission for a public hearing and a recommendation for approval by the City Commission.

4. Within 45 days of the application for a Sign Permit being deemed completed by the Planning Director, the Planning and Zoning Commission shall have at least one (1) public hearing to determine the required spacing. Written notice of the public hearing shall be sent to the applicant, or to the property owner's authorized representative. The notice will be mailed within not less than ten (10) days before such hearing is held. Before making its decision, the Planning and Zoning Commission must allow the applicant to present evidence in favor of the request. In making its decision, the Planning and Zoning Commission may impose any conditions necessary to secure the public interest and welfare, and to uphold the spirit and intent of the UDC. The Planning and Zoning Commission may grant, deny, or grant with conditions the Sign Permit. Findings of the reason for the decision must be submitted in writing by the Chair to the City Commission no more than 7 calendar days from the meet at which the Planning and Zoning Commission took up the application.

5. Within 45 days of the Planning and Zoning Commission hearing, the item shall be placed before the City Commission by the Planning Director. Notice of a hearing before the City Commission shall be done by written notice sent to the applicant, or to the owner's authorized representative. The notices will be mailed within not less than ten (10) days before such hearing is held. The City Commission may uphold, reverse, or modify the Planning and Zoning Commission's decision.

6. Once the City Commission has approved a Sign Permit, the applicant must erect or install the sign within 180 calendar days in accordance with the approved permit. If construction has not begun within 180 calendar days, the permit is void and a new permit application and fee is required.

7. The Planning Director may inspect the sign at any time during construction with 24-hour prior notice to the property owner on file. At least one inspection is required before the Permit can be issued.