

ORDINANCE NO. 2015-01

AN ORDINANCE OF THE CITY OF SEALY, TEXAS, AMENDING SEALY CITY CODE CHAPTER 80 - SIGNS BY REPEALING THE CURRENT CHAPTER 80 AND ADOPTING A NEW CHAPTER 80 PROVIDING FOR THE REGULATION, INSTALLATION, AND MAINTENANCE OF SIGNS WITHIN THE CITY LIMITS AND EXTRATERRITORIAL JURISDICTION ("ETJ") OF THE CITY OF SEALY; PROVIDING FOR DEFINITIONS, EXEMPTIONS, LOCATIONS, AND SIZE AND HEIGHT RESTRICTIONS AND REQUIRING PERMITS; PROHIBITING CERTAIN TYPES OF SIGNS; PROVIDING A MEANS FOR VARIANCES THERETO; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

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WHEREAS, the City Council of the City of Sealy seeks to provide for the orderly development of land and use of property within its corporate limits and extraterritorial jurisdiction ("ETJ"); and

WHEREAS, the City Council seeks to maintain the value of the City's natural resources through a comprehensive regulatory program that includes land use and development ordinances regulating signs; and

WHEREAS, the City Council finds that improperly constructed and poorly maintained signs are safety hazards that constitute a public health risk and can devalue adjacent properties; and

WHEREAS, the City Council finds that certain signs overwhelm the public, unduly distract and confuse motorists by diverting attention away from the roadway, and result in safety threats to vehicular and pedestrian traffic; and

WHEREAS, the City Council finds that certain signs constitute aesthetic harm by cluttering the rural landscape and highway corridors and adversely affecting the naturally scenic views and native environment; and

WHEREAS, the City Council finds that certain signs may conceal or obstruct windows, doors, or significant architectural features or details of buildings; and

WHEREAS, the City Council finds that properly constructed and maintained signs create a pleasing environment for residents, visitors, shoppers, and the entire community; and

WHEREAS, the City Council is authorized to regulate signs by virtue of the Texas Constitution, the City of Sealy's police power, and Texas Local Government Code Chapter 216; and

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WHEREAS, it is the desire of the City Council to have this Signs and Billboards Ordinance as a stand-alone ordinance and as a new chapter in our Code of Ordinances and to repeal the previous sign regulations from the City's Code of Ordinances; and

WHEREAS, the City Council finds that durational limitations on certain sign displays is necessary based upon the particular type of event referenced by the sign regardless of content of the sign; and

WHEREAS, the City of Sealy's Code Enforcement Officer compiled a photographic inventory of all visible signs within the City of Sealy's municipal limits and extraterritorial jurisdiction which the City Council considered; and

WHEREAS, the City Council recognizes that studies have been performed in other municipalities which found a positive correlation between the proliferation of signs along a roadway and the accident rate at the same location, that billboards are an added distraction to motorists, that billboards cause visual pollution, and that a reduction in the number of off-premise billboards enhances the aesthetic appearance of the community and traffic safety. The City Council hereby adopts these findings; and

WHEREAS, the City Council finds it to be in the best interest of the public safety, health, and general welfare to regulate the construction, design, repair, demolition, maintenance, and use of signs so as to preserve the quality of life for the City of Sealy's residents, visitors, and property owners, maintain the public rights-of-way, prevent threats to public safety, prevent traffic hazards, restrict signs that unduly interfere with scenic views and constitute a public nuisance, and deter signs that are detrimental to property values; and

WHEREAS, the City Council finds it to be in the best interest of the public to regulate signs so as to promote roadway and pedestrian safety, encourage effective communication with the public, improve the appearance of the City of Sealy, uphold the principles of free speech, including commercial speech, and enhance the community's small city character and country living atmosphere while preserving the authentic cultural heritage of the area within the boundaries of the City of Sealy; and

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

Section 1. The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The current Chapter 80. "Signs" of *the Code of Ordinances of the City of Sealy* is hereby repealed.

Section 3. Chapter 80. "Signs" of *the Code of Ordinances of the City of Sealy* is hereby amended adopting and new Chapter 80 to read and provide as follows:

“Chapter 80 SIGN STANDARDS AND PERMITS

- Sec. 80-1. Purpose and goals.
- Sec. 80-2. First Amendment rights.
- Sec. 80-3. Enforcement.
- Sec. 80-4. Definitions.
- Sec. 80-5. Applicability.
- Sec. 80-6. Permit required.
- Sec. 80-7. Application for permit.
- Sec. 80-8. Calculation of sign area.
- Sec. 80-9. Prohibited signs and prohibited actions.
- Sec. 80-10. Signs exempt from these regulations (Permits not required).
- Sec. 80-11. Sign Districts, Land Use Categories and Design Guidelines.
- Sec. 80-12. General provisions (All signs in all sign districts).
- Sec. 80-13. Illumination (All signs in all districts).
- Sec. 80-14. Single-family residential use signs (All Sign Districts).
- Sec. 80-15. Multi-family residential use signs (All Sign Districts).
- Sec. 80-16. Nonresidential uses in Sign Districts B and C.
- Sec. 80-17. Nonresidential uses in Sign District A.
- Sec. 80-18. Elevated Sections of Interstate 10 (Sign Height Relief)
- Sec. 80-19. Miscellaneous attached sign regulations
- Sec. 80-20. Temporary sign regulations.
- Sec. 80-21. Flagpoles and commercial flags.
- Sec. 80-22. Advertising searchlight.
- Sec. 80-23. Kiosk signs.
- Sec. 80-24. Incidental sign regulations.
- Sec. 80-25. Comprehensive Sign Program Purpose and Regulations.
- Sec. 80-26. Nonconforming signs.
- Sec. 80-27. Hazardous signs.
- Sec. 80-28. Abatement of sign violations and removal of unsafe signs.
- Sec. 80-29. Repairs and maintenance.
- Sec. 80-30. Variances and Appeals.

Sec. 80-31. Penalty.

Sec. 80-1. Purpose and goals.

(a) The purpose of this chapter is to provide uniform sign standards that perform the following:

- (1) Promote a positive image of the city;
- (2) Protect an important aspect of the economic base;
- (3) Reduce the confusion and hazards that result from excessive and prolific use of sign displays;
- (4) Ensure that no hazard is created due to collapse, wind, fire, collision, decay or abandonment; that no obstruction is created to fire fighting and police surveillance; and no traffic hazard is created by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs;
- (5) Promote efficient transfer of information in sign message by providing that businesses and services may identify themselves; customers and other persons may locate a business or service; and persons exposed to signs are not overwhelmed by the number of messages presented, and are able to exercise freedom of choice to observe or ignore said messages, according to the observer's purpose; and
- (6) Protect the public welfare and enhance the appearance and economic value of the landscape by providing signs that do not interfere with scenic views; do not create a nuisance to persons using the public right-of-ways; do not constitute a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height, or movement; are not detrimental to land or property value; and, contribute to the special character of particular areas or districts within the city, helping the observer to understand the city and orient oneself within it.

(b) By recognizing this purpose, this chapter shall serve to strengthen the economic stability of business, cultural, and residential areas in the city; recognizing that visual clutter leads to decline in the community's appearance, in property values, and in the effectiveness of the signs.

(c) The goals of this chapter are to preserve the integrity of our community, promote pride in our neighborhoods, promote safe egress/ingress on public roadways, and encourage the effectiveness of signs.

(d) In the event of conflicts, actual or perceived, in the terms or requirements of this chapter, the most restrictive interpretation shall apply.

Sec. 80-2. First Amendment rights.

This chapter shall not be construed, applied, interpreted, nor enforced in a manner to violate the First Amendment rights of any person, and the building official shall seek the advice and recommendation of the city attorney prior to taking any action to enforce any provision of this ordinance with respect to any non-commercial sign or speech by any person.

Sec. 80-3. Enforcement.

(a) *Authority.* The City is hereby authorized and directed to enforce all the provisions of this chapter.

(b) *Right of entry.* Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the building official has reasonable cause to believe that there exists in any building or upon any premises any condition which violates the provisions of this chapter, the building official may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official by this chapter. If such building or premises is occupied, the building official shall first present proper credentials and request entry; and if such building or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the building official shall have recourse to every remedy provided by law to secure entry.

Sec. 80-4. Definitions.

As used in this chapter, all words shall have the common meaning of such word and the following terms shall have the meaning indicated below unless context clearly indicates otherwise:

Actively being built. The project or permit has continuous construction efforts underway to complete the project.

Activities and events sign. An enclosed, marquee-type sign to provide public buildings, churches (limited to places of worship only), and neighborhood associations, herein referred to as "the entity(ies)" the opportunity to post notices of meetings, activities, and other notices of interest to the entity or group it serves. The purpose of this sign is to facilitate communication within the community served by the public buildings and the churches, and within the larger neighborhoods of fifty homes or more represented by their neighborhood association.

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A-Frame – A sign style which is typically, but not necessarily, foldable or collapsible, portable and meant to be easily moved.

Arterial Street – A street with access control, channelized intersections, restricted parking, and that collects and distributes traffic to and from minor arterial and collector streets and to and from regional highways. As used in these regulations, the term “arterial” shall apply to all regional highways and frontage roads regulated by the Texas Department of Transportation.

Awning. A shelter constructed of materials on a supporting framework that projects from and is supported by the exterior wall of a building.

Backlit Sign. A backlit sign is a form of sign and illumination used in liquid crystal displays (LCDs). As LCDs do not produce light themselves (unlike for example Cathode ray tube (CRT) displays), they need illumination (ambient light or a special light source) to produce a visible image. Backlights illuminate the LCD from the side or back of the display panel, unlike front lights, which are placed in front of the LCD. The purpose of back lighting signs is to place a light source behind the sign copy to create a highlight that separates the sign text and/or logo from the background so that the only object illuminated is the text and/or logo.

Banner. A sign made of fabric or any non-rigid material; intended to be hung either with or without frames, possessing colors, characters, letters, illustrations, or ornamentation applied to paper, plastic, fabric, or netting of any kind, supported by wire, rope, webbing, or similar means or through the grommets of the sign.

Beacon. Shall mean any light with a beam directed into the atmosphere or directed at a point which is not on the same lot or tract of land as the light source, or a light with one or more beams that rotate or move. Such lights, unless required by the FAA, shall be expressly prohibited.

Berm (monument) sign. A sign where the frame of the sign face is set at grade with the ground as a monument or in an earthen berm. There is no clearance between the ground and the sign face.

Billboard. A sign advertising products not made, sold, used or served on the premises displaying such sign.

Building - Any structure, either temporary or permanent, having a roof or other covering, and designed or used for the shelter or enclosure of any person, animal or property of any kind, including but not limited to tents, awnings or vehicles situated on private property and used for purposes of a building.

Building official. Any officer or employee, or person, designated by the city manager to perform the duties of building official as delineated in the City’s adopted building codes.

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Bulletin board. A sign which is principally devoted to posting announcements of interest to the members or clientele of an organization concerning the activities of the organization, such as is customarily erected by a church, social club, society or charitable organization. Such signs shall be permitted without the need for a permit when located outside of public right-of-way and in at a location that does not adversely affect public health or safety.

"Burma Shave" signs. A series of signs intended to provide information, a message and/or directions to any residential development or business.

Canopy. A freestanding structure with a roof but not walls.

Changeable copy sign (manual). Refers to a sign, or part of a sign, on which characters, letters or illustrations can be manually changed or rearranged without altering the face or surface of the sign, such as a theater marquee, a gasoline price sign, or a sign identifying the occupants of a shopping center.

Changeable electronic variable message sign. A sign where the message and/or image can be altered by electronic means. This includes signs using light-emitting diodes (LEDs) or other means of digital display to present a message or image.

Channel Letter Signs. Typically are illuminated by LED or neon light sources to individually illuminate sign letters and graphic images to allow sign copy or a logo to be highlighted against the background color or abuilding, as an alternative to a sign cabinet, to create aesthetic sign appearance and to minimize light pollution.

City of Sealy, Sealy, or City – The City of Sealy, Austin County, Texas an incorporated home-rule municipality and, where provided, its associated ETJ.

Clearance (of a sign). The smallest vertical distance between the grade of the adjacent street curb and the lowest point of any sign, including framework and embellishments, but excluding sign supports.

Commercial - Locations where the principle use of the property is not residential or multi-family. Institutional uses, such as schools & churches, are considered commercial in terms of sign regulation.

Commercial Complex - Any property, such as a shopping center, neighborhood center, shopping mall, office park, or industrial park, consisting of two or more establishments on a single platted lot, or which is designed, developed, and managed as a unit, or includes pad sites, or are the members of a commercial association which contribute to the joint maintenance and promotional efforts of the center.

Community Service Sign – A sign which solicits support for or participation in a non-profit, non-political, community, public, social event, or activity.

Comprehensive Sign Program – A development process designed for integrated commercial, institutional, mixed use and industrial developments that generally

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have multiple uses, multiple shared points of access, or that may be a part of large scale development.

Construction trade sign. A sign that identifies the architect, engineer, financial institution, builder, or other building trades contractor involved in a construction project at the site where the sign is located.

Curb Line. An imaginary line drawn along the outermost part of back of the curb and gutter on either side of a public street, or, if there is no curb and gutter, along the outermost portion of the paved roadway, or if there is no paved roadway, along the edge of the traveled portion of the roadway.

Directional signs, motor and pedestrian traffic. An on premise sign giving directions, instructions, or facility information and may contain a business name or logo, but no advertising copy, e.g., parking or exit and entrance signs. For developments with multiple buildings, building suites, or multiple ring roads, a directional sign plan to ensure the ease in way finding through a development, a directional sign plan may be submitted for administrative review.

Downtown Preservation District. A development district established and regulated by Chapter 29 of the Sealy City Code.

Electrical sign. A sign containing electrical wiring, connections, or fixtures, or utilizing electric current, but not including a sign illuminated by an exterior light source.

Electronic message sign. A sign that includes provisions for programmable electronic message and or image changes.

Event Signs, Off-Site - Signs giving directions to an occasional event at another location, other than a business event at an establishment, such as directions to a civic or other noncommercial ceremony, to an event for the members of an organization, or to an event at a residence such as a garage sale or private party.

Event Signs, On-Site - A sign which is placed to advertise or mark the location of an occasional event on the same site, other than a business event at an establishment, such as a civic or other non-commercial ceremony, an event for the members of an organization, an event at a residence such as a garage sale or private party.

Extra-Territorial Jurisdiction (ETJ) - As defined by the Texas Local Government Code, §42.021, land not within the corporate limits of the City of Sealy, Texas, but land over which the City has jurisdiction by virtue of the Texas Local Government Code.

Facade. All building wall elevations, including any vertical extension of the building wall (parapet), but not including any part of the building roof.

Face or surface. The surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.

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Flashing. To light intermittently. To change colors intermittently in order to achieve a flashing, fluttering, scrolling, undulating, or rolling affect (i.e. LED displays). Scrolling of text in a single color is considered to be flashing. Text that fades on or off, and is displayed for a time period defined in this chapter, in not considered to be flashing.

Freestanding sign. A sign that is not attached to a building but is permanently attached to the ground.

Frontage. A boundary line separating the public right-of-way from the lot.

Future development signs (temporary construction, real estate, or development sign). A freestanding or wall sign advertising the construction, remodeling, development, sale, or lease of a building or the land on which the sign is located.

Government sign. A sign installed, maintained, or used:

- (1) By a city, county, state or the federal government, required or specifically authorized for the public purpose pursuant to regulations promulgated by the state or federal government;
- (2) By the City of Sealy.

Gross surface area. The entire area within a single continuous perimeter enclosing the extreme limits of each sign. A sign having two surfaces shall be considered a single sign if both the surfaces are located back to back. In the event two or more signs share a single structure, i.e., directory signs, or signs on v-shaped structures, each sign or panel shall be considered separately for square footage purposes, provided that the combined area of such signs cannot exceed the total square footage allowed on a single sign.

Height (of a sign). The vertical distance between the finished grade before the sign or grade of the adjacent street curb, whichever is greater, measured to the highest point of the sign.

Holiday Sign - A temporary display or decoration customarily associated with any national, state, local, or religious holiday or celebration.

Human sign. A sign held by or attached to a human for the purpose of advertising or providing information about a business, commodity, service, product, or other commercial activity. A person dressed in a costume for the purpose of advertising or providing information about a business, commodity, service, product, or other commercial activity shall constitute a human sign. Human signs do not include T-shirts, hats, or other similar clothing.

Illuminated Sign - Any sign, or structure (such as an awning or canopy) illuminated in any manner by an artificial light source of any kind, either detached from the sign or a part thereof. Signs that are only incidentally and indirectly illuminated as a result of a lighting plan primarily designed as security lighting or landscape lighting are not illuminated signs.

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Incidental sign. A small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises (e.g. a credit card sign or a sign indicating hours of business).

Inflatable sign. Any balloon or other device which is inflated by air or other gas and displayed outdoors. Inflatable structures primarily designed for recreational use shall not be considered to be a sign as, for example: slides, swimming pools or space walks.

Information signs. Includes bulletin boards, changeable copy directories, or signs relating solely to publicly owned institutions (city, county, state, school district) intended for use by the institution on which the sign is located.

Intersection. A place where two roads meet or form a junction. For purposes of this ordinance, sign setback distance is measured from the intersections of the curb lines of two streets.

Kiosk sign or kiosk. A free-standing sign structure located in or adjacent to public right-of-way authorized by written agreement approved by the City Council that features a City of Sealy identification panel at the top of each structure, and displays directional information to new homes, independent school district facilities, and municipal or community events or facilities.

LED Sign - A semiconductor diode that emits light when a voltage is applied to it and that is used especially in electronic devices, such as signs and related visual messaging devices.

Marquee. A permanent roof-like structure or awning or rigid materials attached from, supported by, and extending from the facade of a building, including a false "mansard roof."

Memorial signs or tablets. Includes freestanding historical markers in accordance with state historical standards, and/or cornerstones with names and dates of construction of a building when cut into a building surface or inlaid upon it to become part of the building.

Menu boards. Freestanding or wall signs used for the purpose of informing patrons of food, which may be purchased on the premises.

Model homes sign. A temporary real estate sign placed in front of a group of model homes that is removed from the premises upon sale of the last model.

Monument Sign - A sign which is either mounted on a base, or as self-supporting structure with a faux base, at least as wide as the sign.

Multi-family Residential. Locations that contain three (3) or more attached units designed for residential use including town homes and condominiums.

Multi-tenant center sign. A sign advertising two or more retail, wholesale, business, industrial, or professional uses (not necessarily under single ownership) utilizing common facilities including off-street parking, access, or landscaping.

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Multitenant center identification sign. The portion of the sign that identifies the general name of the center or development as a whole. The sign shall include only the name and address of the development.

Nameplates. Nonelectrical, on-premises signs that communicate only the name of the occupant of the address of the premises.

Nonconforming sign. A sign that was lawfully installed at its current location prior to the adoption or amendment of this ordinance, but that does not comply with the present requirements of this ordinance.

Off-premises sign. A sign referring to goods, products or services provided at a location other than that which the sign occupies.

On-premises sign. A sign identifying or advertising the business, person, activity, goods, products, or services located on the site where the sign is installed, or that directs persons to a location on that site.

Parapet. The extension of a false front or wall above a roofline.

Point-of-sale sign. A sign advertising a retail item accompanying its display (e.g., an advertisement on a product dispenser).

Political sign. A sign advertising a political candidate or party for elective office or that advertises primarily a political message.

Portable signs. Signs not permanently attached to the ground or other permanent structure, or a sign designed to be transported, but not limited to signs mounted on skids, trailers, wheels; signs converted to A-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising.

Primary beneficiary. Any person or business that benefits from the installation, placement, construction, or alteration of a sign, including the owner or tenant of the property upon which the sign is located & the owner or operator of the business, product, service, or activity that is the subject of the sign.

Private traffic-control signs. Small traffic directional signs indicating interior circulation of parking areas on site, warn of obstacles or overhead clearance, or designate permissible parking.

Projecting signs. A sign used to identify the name of a business, profession, service, product or activity conducted, sold or offered on the premises where the sign is located by providing an advertising message that is perpendicular to the wall of the building to which it is attached.

Pole signs. Freestanding signs supported by a structure extending from and permanently attached to the ground by a foundation or footing, with a clearance between the ground and the sign face.

Pylon signs (Non-monument). Freestanding signs supported by a structure, or structures, extending from and permanently attached to the ground by a foundation or footing, with a clearance between the ground and the sign face.

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Pylon Sign (Monument Style) - A sign which is either mounted on a base, or as self-supporting structure, or structures, with a faux base, at least as wide as the sign, with no ground clearance.

Real estate signs. Temporary signs advertising the real estate upon which the sign is located as being for rent, lease, or sale.

Residential. Locations where the principal use of the property is for one and two-family dwelling units.

Roof sign. Any sign installed over or on the roof of a building.

Sign. Any surface, display, design, light device, painting, drawing, message, plaque, poster, billboard or other device visible from the public right-of-way on which letters, illustrations, designs, figures, or symbols are painted, printed, stamped, raised, projected, outlined or attached in any manner whatsoever that are intended or used to advertise, inform, or attract the attention of persons both on and not on that premise. The term "sign" also includes the supporting structure of the sign.

Sign area. Includes all lettering, wording, logos, design, symbols, framing, roofing, and cabinets, or modules, calculated according to the provisions established in this ordinance.

Sign panel. An individual sign placard displaying directional information on a sign kiosk.

Single (Primary) Tenant Developments. For purposes of this ordinance, the term pertains to a development with one primary use, such as a retail department store. If the single, or primary tenant of the development should happen to have an accessory use or building on the same property, such as, not limited to, a gas station or car wash, the secondary use is considered to be a part of a primary use (single use) development. Should the outlot or pad site where an accessory use is located happen to be sold, such an arrangement does not entitle the pad lot to primary use signage.

Subdivision. For purposes of this ordinance, the subdivision in its entirety, not a phase, section, village, unit, or product line.

Subdivision development entrance signs. Defined as:

- (1) Primary entrance signs;
- (2) Secondary entrance signs; and
- (3) Tertiary entrance signs;

and are used to define various entries of the subdivision.

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Temporary sign. Any sign that is used temporarily and is not permanently mounted (i.e. on stakes or posts), and is constructed of cardboard, foam board, cloth, canvas, fabric, plywood, or similar lightweight material. A portable sign is not a temporary sign.

Temporary wall signs. An on-premises wall sign of a nonpermanent nature advertising a special event, sale, product, or service.

Variance - Written approval to depart from the strict application of the provisions of this chapter.

Visibility triangle. A triangular area adjacent to the intersection of any public street or public alley within which no obstruction may be placed that would block the sight lines for vehicular traffic. The triangle is established by measuring a distance of 45 feet from the intersection of the extended curb or edge of the pavement of major thoroughfares, and 25 feet from the extended edge of the curb or pavement of local streets. A straight line connecting the ends of each measured distance, which forms the hypotenuse, shall establish the visibility triangle. The visibility triangle shall not contain any visual or physical impediments or obstructions to the vertical view between 30 inches and seven feet in height.

Wall sign. A sign attached to the facade of a building or a canopy. Wall signs include signs on or affixed to walls, windows, awnings, or other parts of the exterior of a building or canopy.

Window or door surface signs. Signs installed on or in a window or door.

Work of art. Sculpture, fountain, or similar object, and containing no reference to or image of a business or its logo, is not considered as a sign.

Sec. 80-5. Applicability.

(a) Per Texas Local Government Code, Chapter 216, all land within the City and its extraterritorial jurisdiction (ETJ) is subject to compliance with this chapter.

(b) The sections, provisions, and regulations set forth in this ordinance shall apply to the control, use, installation, regulation, licensing and permitting of signs within the City and the City's ETJ.

Sec. 80-6. Permit required.

(a) *Permit required.* It shall be unlawful for any person to erect, construct, enlarge, move or convert any sign within the city or its extraterritorial jurisdiction (ETJ) without first obtaining a sign permit from and paying a permit fee unless specifically provided otherwise in this chapter.

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(b) *Compliance required.* No person may install a sign or structurally alter an existing sign except in conformity with this ordinance and other applicable federal, state, and local regulations, including, but not limited to, the building code, electrical code, and other applicable ordinances of the city. In the event of a conflict between this chapter and other laws, the most restrictive standards apply.

(c) *Permit not required.* Permits shall not be required for the signs described in Section 80-10.

(d) *Primary beneficiary.* The primary beneficiary of any sign installed, moved, structurally altered, structurally repaired, maintained, or used in violation of this ordinance shall be deemed responsible for the violation of this chapter.

(e) *Building official authority.* The building official and/or other persons designated by the city manager, shall enforce and implement the terms of this chapter, including without limitation:

- (1) Issuing permits and collecting the fees required by this chapter;
- (2) Conducting appropriate inspections to insure compliance with this chapter;
- (3) Instituting legal proceedings, including suits for injunctive relief when necessary, to insure compliance with this chapter; and
- (4) Investigating complaints of alleged violations of this chapter.

Sec. 80-7. Application for permit.

(a) An application for a sign permit must be accompanied by the permit fee and shall include such information as is necessary to assure compliance with all appropriate laws and regulations of the city, including:

- (1) The name and address of the owner of the sign.
- (2) The name and address of the owner, and if different from the owner, the person in possession of the premises where the sign is located or to be located.
- (3) Clear and legible drawings with description definitely showing location of the sign which is the subject of the permit and all existing signs whose construction requires permits, when such signs are on the same premises.
- (4) Scale drawings showing the site plan location, dimensions, construction supports, sizes, foundation, electrical wiring, and components, materials of the sign and method of attachment and character of structure members to which attachment is to be made. The design, quality, materials and loading shall conform to the requirements of the building code. Projection, wall and temporary signs not over six square

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feet in area, constructed of metal or other noncombustible material, attached securely to a building or structure and not projecting more than 18 inches beyond the building wall, structure, building line or property line, shall not require an engineer certification as to its soundness. Wind pressure and dead loads shall be shown where deemed appropriate, and the building official may require structural drawings designed and sealed by a civil engineer registered by the State of Texas when it cannot otherwise be determined that the sign will be structurally sound. If building official, engineering data certified by a licensed structural engineer shall be supplied on any submitted plans.

(5) Sign elevations shall be submitted demonstrating that sign structure design integrates the building design, colors and exterior finishing materials for the building, or development, in which the sign identifies, as prescribed in these requirements.

(6) Any electrical permit required and issued for said sign.

(7) For free-standing signs, documentation demonstrating that the applicant holds general liability insurance. No license or permit for the installation, erection and maintenance of a freestanding sign shall be issued to any person, firm or corporation until such person, firm or corporation has filed with the building official a Certificate of Insurance verifying general liability insurance.

(8) The permit fee.

(9) Fees for sign permits shall be as specified by the City of Sealy Fee Schedule.

(10) Expiration of sign permits:

a. A sign permit shall expire and become void unless a request for final inspection of the sign is made no later than 180 days after the date the permit is issued.

b. An extension of an expired permit may be granted at the discretion of the building official

Sec. 80-8. Calculation of sign area.

(a) *Sign area measurement.* Sign area for all sign types is measured as follows:

(1) Sign copy mounted, affixed, or painted on a background panel or area distinctively painted, textured, or constructed as a background for the sign copy, is measured as that area contained within the sum of the smallest rectangle(s) that enclose the sign copy and the background.

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- (2) Sign copy mounted as individual letters or graphics against a wall, fascia, mansard, or parapet of a building or surface of another structure that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy, is measured as a sum of the smallest rectangle(s) that will enclose each word and each graphic in the total sign.
 - (3) Sign copy mounted, affixed, or painted on an illuminated surface or illuminated element of a building or structure, is measured as the entire illuminated surface or illuminated element which contains sign copy. Such elements may include, but are not limited to lit canopy fascia signs, cabinet signs, and/or interior lit awnings. Support structures and frames of a freestanding sign shall count toward the sign area.
 - (4) Multi-face signs are measured as follows:
 - a. *Two (2) face signs.* If the interior angle between the two sign faces is 30 degrees or less, the sign area is of one sign face only. If the angle between the two sign faces is greater than 30 degrees, the sign area is the sum of the areas of the two sign faces.
 - b. *Three (3) or four (4) face signs.* The sign area is 50 percent of the sum of the areas of all sign faces.
 - (5) Spherical, free-form, sculptural, or other non-planar sign area is 50 percent of the sum of the areas using only the four vertical sides of the smallest four-sided polyhedron that will encompass the sign structure. Signs with greater than four faces are prohibited.
 - (6) Freestanding sign area is the entire advertising area of a sign, including framing, trim or molding and the supporting frame for monument signs and including the air space between the supporting structures for freestanding signs.
- (b) *Sign height measurement.* Sign height is measured as follows:
- (1) *Freestanding signs.* The height of a freestanding sign shall be computed as the distance from the base of the sign at finished grade to the top of the highest attached component of the sign. The height of any monument sign base or other structure erected to support or adorn the sign is measured as part of the sign height. 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.
 - (2) *Building mounted signs.* The height of wall, fascia, mansard, parapet or other building mounted signs is the vertical distance measured from the base of the wall on which the sign is located to the top of the sign or sign structure.

Sec. 80-9. Prohibited signs and prohibited actions.

The following signs are prohibited from installation, construction, repair, alteration, location or relocation within the city, except as otherwise permitted in this chapter:

- (1) Signs with flashing lights, revolving beacon lights, fluttering, undulating, swinging, or otherwise moving (motion) parts. For purposes of this chapter, an electronically controlled changeable-copy sign is not considered a flashing sign unless it directly falls under the definition of "flashing" as defined in this chapter.
- (2) Billboards, including digital billboards.
- (3) Off-premise signs, except for kiosks and any other sign specifically authorized in this ordinance that are compliant with this ordinance.
- (4) Portable signs; including, but not limited to A-frame signs, signs on wheels, signs not permanently mounted or fixed to a permanent location, such as a light fixture, and banners, pennants and streamers or any fabric or material designed to blow or float in the wind to attract attention to a business. This definition does not regulate official flags or road construction signs.
- (5) Temporary signs, except as specified in section 80-20
- (6) Signs placed on a vehicle or trailer that is parked or located for the primary purpose of displaying a sign shall be permitted.
- (7) Roof signs.
- (8) Signs painted on fences or roofs.
- (9) Pole signs and pylon signs (non-monument).
- (10) Inflatable signs.
- (11) Light emitting diode (LED) graphic displays or message signs, with the limited exception of those LED signs that comply with the LED subsections of sections 80-14, 80-15, 80-16, 80-17 and 80-24(e), or as permitted in an approved Comprehensive Sign Program. Such signs, when authorized, shall comply fully with the requirements of this chapter. Electronic message signs are allowed only as an accessory element of a sign. Messages shall be programmed to remain static for a period of not less than 8 seconds and shall not be programmed to flash, move, or scroll. Message and image changes shall dissolve, or fade into a subsequent message or image.
- (12) Sign copy on outdoor street furniture, bus stops, public facilities or outdoor mechanical equipment, such as a back-flow preventer, communication antenna or similar appurtenances.

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(13) The removal or scalping of any protected tree to provide sign visibility is expressly prohibited. The removal or scalping of any non-protected tree species shall be permitted if a tree is diseased or poses a threat to public health or safety or peril to property and/or when a property has adequate tree inventory to comply with the landscaping requirements of the city.

(14) Parked motor vehicles and/or trailers shall not be parked or stored in manner to display an advertising message.

Sec. 80-10. Signs exempt from these regulations (Permits Not Required).

The following types of signs shall be exempt from the permitting provisions of this ordinance. However, regulations regarding sign location in a public right-of-way or public access easement shall apply. It is further specifically provided that the building official may, based upon the size, materials used in construction and other relevant factors require the owner of any sign to show evidence of structural soundness and compliance with the safety requirements of this chapter.

(1) Any sign erected by or under the authority of the city on property owned by the city.

(2) Street identification signs, public notices, and warning signs installed by any city, county, state or federal agency.

(3) Historical markers or plaques placed by a city, county, state or national historical preservation organization.

(4) Official vehicle inspection station signs and legal notice signs. (5) Signs located on-premises or inside a building and which are not displayed so as to be legible from a public street, including, but not limited to, such signs as credit card decals, hours of operation signs, emergency contact information, and barber poles.

(6) On-site traffic control signs on commercial properties, such as stop, yield, and similar traffic control signs containing no commercial message.

(7) Authorized "No parking" or "towing" signs .

(8) "No dumping allowed" signs posted to deter illegal dumping not exceeding two square feet.

(9) Underground utility warning signs not exceeding one square foot in size and similar safety signs.

(10) Signs on railway property, which involves the operation of such railway.

(11) Security Warning, neighborhood watch or crime watch signs under two square feet.

(12) Flags, emblems and insignia of any governmental body, including the official flag of a nation or of a state are not a sign subject to this chapter.

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Notwithstanding the preceding sentence, a national or state flag shall not be installed, maintained, or used in a manner that would make that flag a hazardous sign if it were a commercial flag.

(13) Corporate flags displayed on a freestanding pole, which do not exceed 35 feet in height. The flag shall not exceed 30 square feet in area. The flagpole shall be setback a minimum of 20 feet from the front property line and eight feet from the side property line. For residential developments, corporate flags are limited to six, not to exceed a height of 25 feet.

(14) Hand held signs or signs, symbols or displays on persons or animals, except for signs that qualify as human signs.

(15) Signs located on mail boxes, newspaper vending machines and curbside residential newspaper holders which identify the owner and address of the premises or the name of the newspaper sold or subscribed to; provided that such devices are not placed so as to interfere with the safe movement of pedestrians or vehicular traffic.

(16) Signs located on outdoor machines, devices, or equipment which display the trademark, trade name, manufacturer, cost of operating or service instructions or similar information, but do not advertise the business where located. This exemption includes, but is not limited to signs on coin-operated vending machines, fuel dispensing pumps (excluding spandrels), telephone facilities, automatic teller machines, automatic vacuum cleaners, amusement rides and similar machines, devices or equipment.

(17) Signs depicting a single or multi-family residential real property for sale, lease, or rent, or the location of an office for a multi-family projects No more than one (1) sign on the property for sale, lease, or rent except for a corner lot property, may have one (1) sign on each street front. These signs are also subject to the requirements of Section 80-20 of this chapter.

(18) Signs depicting residential real property for sale within a subdivision, placed at the entrance(s) of such subdivision, which are erected by the owner of the subdivision. These signs are also subject to the requirements of Section 80-20 of this chapter.

(19) Signs depicting commercial real property for sale, lease, or rent. These signs are also subject to the requirements of Section 80-20 of this chapter.

(20) Event Signs, Off-Site. Off-site event signs may be placed only on private property and only with the consent of the owner of the property. Such signs may not exceed eight (8) square feet each and may be erected no more than thirty (30) days prior to the event and must be removed within two (2) days after the event. These signs are also subject to the requirements of Section 80-20 of this chapter.

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(21) Event Signs, On-Site. On-site event signs may not exceed an area of eight (8) square feet at a residence or sixteen (16) square feet at any other location. These signs are also subject to the requirements of Section 80-20 of this chapter.

A. For residential use - may be erected two (2) days prior to the event and must be removed within one (1) day after the event.

B. For all other uses - may be erected thirty (30) days prior to the event and must be removed within two (2) days after the event.

There shall be no more than two (2) on-site event signs for any event, for any land use.

(22) Community Service Signs. Community Service Signs may:

A. Be placed only on private property and only with the consent of the owner of the property.

B. Be erected only by a unit of government, school, chamber of commerce, religious organization, or other non-profit agency.

C. These signs are also subject to the requirements of Section 80-20 of this chapter.

D. A community service sign, other than a Holiday sign/street banner sign, that promotes any particular event may not be erected more than thirty (30) days prior to the event and all such signs must be removed by the responsible party not more than two (2) days after the event.

E. A community service sign that promotes a weekly occurring event may be erected one (1) day prior to the event and all signs must be removed by the responsible party within one (1) day after the event.

F. Holiday Street Banners – Community service banners which are not advertising in nature and promote a recognized holiday event, provided that such decorations are maintained in an attractive condition, do not constitute a fire, traffic, or pedestrian hazard, are placed no earlier than thirty (30) days prior to event or celebration, and are removed within two (2) days after the event or celebration has occurred. Street banners must conform to Texas Department of Transportation rules and regulations and must have the approval of the City. No more than four (4) street banners may be in place at any one time within the city limits or city ETJ for any particular event.

(23) Signs denoting future development or construction signs that depict the name of the project and/or the architect, engineer, contractor or broker, or other construction sign that is placed on the premises where construction, repair, or renovation is in progress.

(24) Signs installed either on or off-premises used by the city, the Sealy Economic Development Corporation, or civic organizations such as the local

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chamber of commerce and the convention visitor's bureau, to promote the community and economic development of the city. The sign(s) will include general information promoting the community and will not specify any specific business name for advertisement purposes, even if the business had assisted in the acquisition, purchasing, construction, installation, development, etc. of the sign.

(25) Sponsorship signs installed in accordance with the City of Sealy Parks and Recreational Facility Policy and Procedure Guidelines and located at all city parks.

(26) On-site real estate "for sale" signs not exceeding eight square feet; provided that a permit is required for a model home sign and future development signs.

(27) Political signs located on private property with the consent of the property owner that do not exceed 36 square feet in area, are not more than eight feet in height, are not illuminated, and do not have any moving elements.

(28) Government signs, including traffic signs, private traffic-control signs, regulation address numerals, and memorial signs.

(29) Construction trade signs.

(30) Garage sale signs.

(31) No sign permit is required for a change of copy on any sign, or for the repainting, cleaning and other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign or sign structure is not modified.

Sec. 80-11. Sign Districts, Land Use Categories and Design Guidelines.

(a) Sign Districts. The following sign districts, as depicted graphically in Figure 1, are hereby created:

(1) Sign District A. Includes all property in the City of Sealy and the Sealy ETJ located within 400 feet of the right-of-way of Interstate 10 and its frontage roads and egress ramps, properties fronting US 90 west of Championship Drive, properties fronting US 90 east of the southwest corner of US 90 and Koy Underpass (inclusive of the southwest corner of said intersection), properties fronting SH 36 south of South Circle Street and FM 3013 and properties fronting on FM 3538 to Richardson Lane.

(2) Sign District B. Includes all property in the City of Sealy and the Sealy ETJ fronting on Loop 350, FM 1094, FM 2187, FM 3013, FM 1458, all properties fronting SH 36 and US 90 not in Sign District A and FM 3538 from Richardson Drive to FM 3013.

(3) Sign District C. All other areas in the City of Sealy and the Sealy

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ETJ are considered to be located in Sign District C.

(b) Land Use Categories Created. The following Land Use Categories are established:

To administer these regulations, it is necessary to determine the predominant land use of areas where a sign is proposed to be located, or for undeveloped acreage, the land use designated by the Sealy Future Land Use Plan. This determination shall be made by the Director of Planning and Community Development. In mixed use areas, the applicable sign regulations shall be based on the predominant land use along the same frontage on adjoining properties in which the proposed sign would be located. In mixed use areas, the applicable sign regulations shall be based on the predominant use of the area. The following sign categories are hereby created:

(1) Single-family residential includes any single-family residential use, duplex, triplex, manufactured homes, individual mobile homes and any institutional use such as a school, church, or fraternal organization located in an area where the primary surrounding uses are single-family residential.

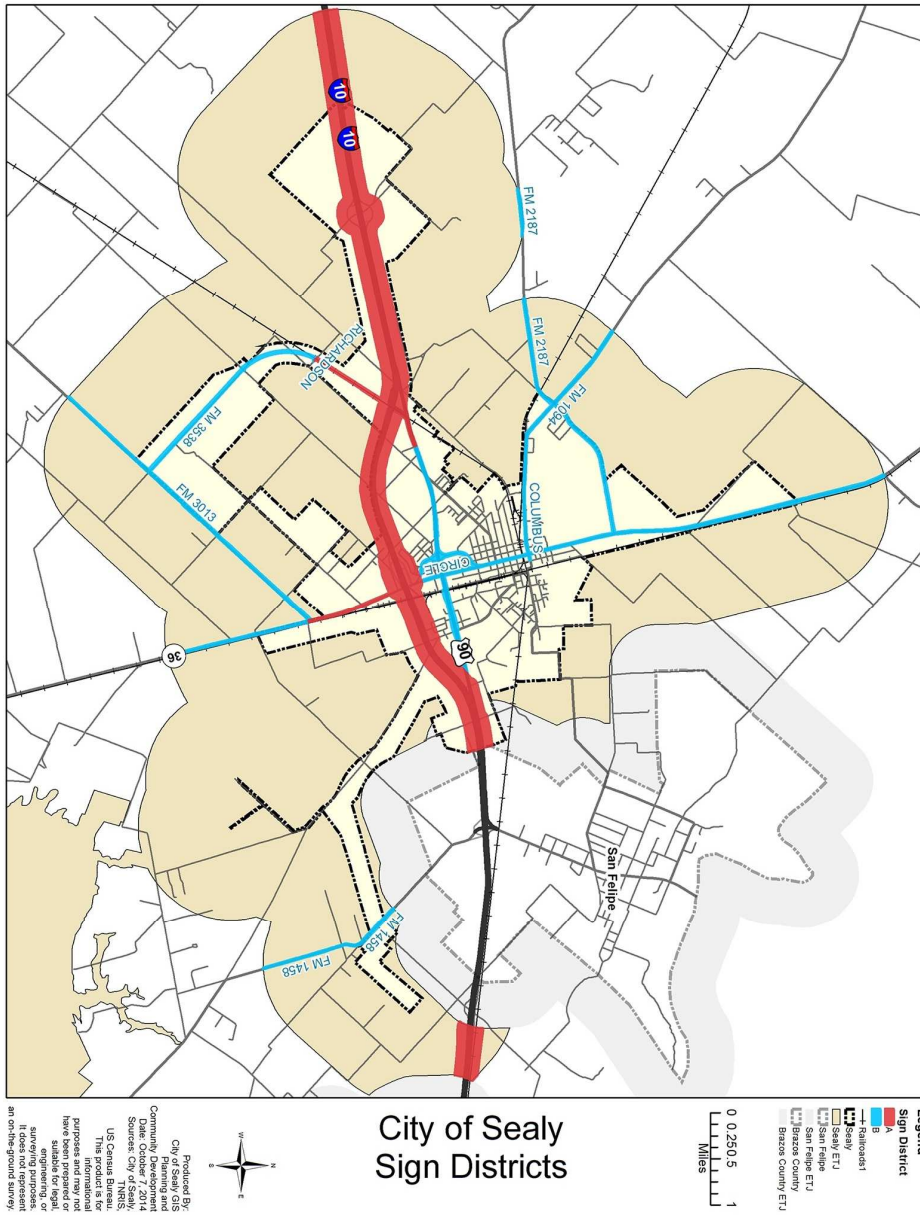
(2) Multifamily residential includes any site in a multifamily building with four or more attached units in one or more buildings, or units, condominiums, townhomes, apartments, and mobile home parks and any institutional use such as a school, churches, or fraternal organizations located in an area where the primary surrounding uses are multi-family residential.

(3) Non-residential includes any site in retail services, sales or other commercial uses, neighborhood convenience center, office center, hospital, regional shopping center, shopping mall, warehouse, construction manufacturing, industrial, entertainment use, or equivalent land use in the City and its ETJ and institutional uses such as a school, church, or fraternal organizations. This sign category is divided into location in Districts A, B and C.

(4) Downtown Preservation District sign category includes any site that is located within the boundaries of the Downtown Preservation District, as defined by Sealy City Code Chapter 29. Regulations governing the height, placement, location and design of signs in this district are described in Sealy City Code Chapter 29.

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Figure 1 Sealy Sign Districts



(c) Design Guidelines.

It is the policy of the city to require signage which is appropriate to the country setting and the rural scale of the city, and to discourage signs which are in conflict with the established character of the community. To this end, all signage shall conform to the following guidelines for sign location, configuration, design and materials.

- (1) Signs should be located with sensitivity to preserving the natural landscape and environment. Signs should be incidental compliments to the principal use of a site, and should never visually dominate a site.
- (2) The height, width, and area of a signs should be in proportion to the dimensions of a building to which the sign represents and in architectural harmony with surrounding structures. Sign dimensions should respect the size, scale, mass and rhythms of buildings.
- (3) No sign should be placed upon a building or structure in any manner that would disfigure, damage or conceal any window opening, door, or significant architectural feature or detail of the building.
- (4) Signs shall be designed to incorporate native stone, brick, stucco, decorative metal or other materials integral with the building or structures that the sign advertises. Unfinished metal or corrugated metals shall not be utilized in sign design.
- (5) Free standing signs, regardless of sign district, sign type or land use, shall be placed within a landscape area around the base of the sign that is protected from damage from pedestrian and vehicular traffic.

Sec. 80-12. General provisions (All signs in all sign districts).

- (a) *Uniform signs in multi-tenant/multi-business developments.* Wall signs displayed by two or more businesses using common parking facilities shall be uniform in construction (i.e. cabinets, channel letters, plaques) and lighting (i.e. direct, indirect).
- (b) *Street address.* All freestanding signs, either berm or monument signs, shall include the street address. The street address shall not be included in the calculation of the sign area, except in such case that the street address is also the name of the center, business, or development, or in such case that the street address exceeds six square feet in size.
- (c) *Setback.* There shall be no minimum setback for signs from any property line, provided that the sign is not located within a clear sight visibility area and

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that no portion of a sign crosses over a property line or into a public right-of-way. A sign installed in compliance with this chapter is not required to meet building setback requirements established in any other chapter of the Sealy City Code; however, no sign or sign support, other than a wall sign, may be installed less than 12 feet from the edge of pavement unless the said sign is:

- (1) Less than 30 inches in height above street pavement grade;
 - (2) Has a clearance of more than nine feet above pavement grade, provided that the sign shall have a clearance of more than 12 feet when located over a driveway;
 - (3) Does not extend into or over the public right-of-way unless specifically authorized under this chapter or as authorized by City Council.
- (d) *Visibility.* Signs shall not be constructed or installed in a manner that would interfere with visibility, create a traffic hazard, or be confused with any traffic control sign or signal.
- (e) *Structural integrity.* Any sign as defined in this ordinance, shall be designed and constructed to withstand wind pressures and receive dead loads as required in the building code adopted by the city. Any sign, other than a wall sign, shall be designed, installed, and maintained so that it will comply with the requirements of the structural codes of the City of Sealy, as amended.
- (f) *Maximum height.* No sign shall exceed the maximum height provided for in this chapter. In determining the maximum height of a sign, the natural grade of the site shall be used as the base elevation. An exception to this requirement may be considered in those instances where earth work is completed to cut or fill the slope of the site to a height that is greater than the natural site grade. In those cases, the average of the area in the vicinity of the sign shall be used as the base grade. In no case shall a sign be located on a mound where the surrounding grade has been altered by more than 18 inches for purposes of artificially increasing the overall height of a sign above that allowed by the height regulations in this chapter.
- (g) *Public utility facilities.* New signs and signs being structurally altered shall maintain clearance from public utility facilities, shall not substantially interfere with drainage, and shall not be located in a utility or drainage easement. The minimum clearance from electrical lines shall be determined by the affected utility provider. At a minimum, the following minimum clearances from electrical lines shall be followed: for service lines, except those serving a sign, 5½ feet horizontal and six feet vertical clearance; for distribution lines, 7½ feet horizontal and eight feet vertical clearance.
- (h) *Parking, driveways, sidewalks.* Only signs required in the interest of public safety may occupy a required off-street parking or loading space or obstruct any driveway or sidewalk, except as specifically authorized herein.

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(i) It is not the purpose of these regulations to regulation the height, area or placement of any incidental sign required for the functionality of the use of the site. Example of such signs include, but are not limited to, menu signs, directory signs designed for pedestrian traffic, private (non-public) traffic signs, any building or site sign that does contain advertising copy and serves no advertising purpose, street name and address information, or signs that identify different building or suite numbers and contain no advertising content.

(j) *Public property.*

(1) No sign shall be located on or project over public property or a street right-of-way except governmental signs, bench signs, and temporary banner signs that comply with this chapter, except where a provision in this ordinance allows such location, or with the approval by the City Council of a license agreement. No portion of a freestanding sign shall be permitted to extend into the public right-of-way.

(2) No person shall, either directly or indirectly, cause or authorize a sign to be installed, used, or maintained on any utility pole, traffic signal pole, traffic signal controller box, tree, public bench, street light, or any other structure located on or over any public property or public right-of-way, in the city's planning jurisdiction, except as authorized by this Chapter or by the City Council.

(k) *Sign Height Measurement for Severe Slopes & Uneven Terrain* – When a sign is placed on uneven terrain, the base height shall be measured from the point where the sign base reaches the average ground level and not from the bottom of any wall that raises a portion of the sign up to ground level.

Sec. 80-13. Illumination (All signs in all districts).

(a) *Lighting.* Sign lighting shall be installed to protect the driver of a vehicle from dangerous glare and to maintain visual clearance of all official traffic signs, signals and devices.

(b) *Glare.* Signs shall be designed, located, shielded, and directed to prevent the casting of glare or direct light from artificial illumination, upon adjacent public right-of-way and surrounding property.

(c) *Bare bulb illumination.* Bare bulb illumination is prohibited within 150 feet of any premises containing a residential use, and in other cases is limited to 25-watt bulbs at night and 33-watt bulbs during daylight hours.

(d) *Brightness limitations.* The lighting intensity of a sign, whether resulting from internal illumination or external illumination, shall not exceed 75 foot candles when measured with a standard light meter perpendicular to the face of the sign from a distance equal to the most narrow dimension of the sign.

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(e) *Electrical permit.* All signs in which electrical wiring and connections are to be used shall be subject to the applicable provisions of the city's electrical codes.

(f) *Proximity to Residential Uses.* Internally lit signs for any nonresidential use shall not emit light that exceeds 0.1 foot-candle of light at the property line of any single-family residential property, as defined in Chapter 80-11 of this chapter, and 0.5 foot-candles from all other residential property.

(g) Signs, when illuminated, shall comply with the requirements of Sign Districts A, B and C and the LED section of this chapter if LED lights are used. It is the policy of these regulations to place a preference on internally lit signs that utilize back lit and channel light technologies that are externally lit. When internally lit cabinet signs are utilized, the background color of the sign face must be as dark as possible to minimize the amount of light projected from the sign face and to simulate an individual back lit style sign and to minimize the amount of light projected from the sign face.

Sec. 80-14. Single-family residential sign category (All Sign Districts).

(a) *General.* No permanent sign, other than the primary, secondary and tertiary signs allowed by this section shall be erected on property used for single-family or duplex dwellings.

(b) *Burma shave signs.*

(1) Not more than six on-site subdivision Burma shave signs may be permitted for each recorded subdivision not to exceed four per entry into the primary entrance of the subdivision.

(2) Each Burma shave sign shall not exceed 16 square feet of total sign area on one side and both sides of the sign may contain signage. The sign shall not exceed four feet in height and must be located out of the right-of-way in a manner that does not obstruct the visibility of vehicle ingress/egress from surrounding streets and/or properties.

(c) *Model home signs.* Model home signs are limited to a 24 square foot sign face, a height of six feet, and to one sign for each cluster of model homes. A nameplate sign that identifies the individual product name is exempt under this subsection if it does not exceed three square feet in sign area. Signs shall be placed by permit only, and no fee shall be required.

(d) *Subdivision development entrance signs.* A subdivision development entrance sign is a sign authorized for each major project entry into a legal recorded, multi-lot, multi-sectioned, master-planned subdivision, and contains only the name of the subdivision and a logo, but no other sign copy. Subdivision

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entrance signs must be decorative berm or monument signs constructed of stone, brick or other maintenance free material comparable to the design of the development that the signs identify. The design and construction must be compatible with surrounding development. Signage may appear on both sides of the entrance roadway within the recorded or master-planned subdivision and will be soldered as one sign. The maximum allowable sign face size limitations will apply separately to each side of the street, where applicable. Lighting shall be ground lighting, back lighting or lights attached to the top or bottom of the sign focused toward the sign copy. There are three types of subdivision development entrance signs: primary, secondary, and tertiary. The use of berm or monument style signs shall be required for all of the below sign types. All signs shall be located outside of clear sight visibility areas, as defined in this Chapter.

(1) Primary entrance sign is located at the primary entrance into the subdivision. Only one primary two-sided entrance sign, or 2 single-faced wall signs, are permitted. An additional primary entrance sign shall be permitted for those developments accessible from two or more different arterial streets.

a. The maximum sign area of sign copy, including any logo, shall be 64 square feet for a developed accessed from road in Sign District A or B. In Sign District C, area is limited to 48 square feet. If the sign copy is incorporated into a landscape features, decorative wall, or architectural feature, the size of the sign face is determined by the area of the smallest rectangle within which the face of the sign can be enclosed. Sign height shall be limited to six (6.0) feet along District A and B frontages and five (5.0) feet elsewhere.

b. A subdivision primary entrance sign must be located within the subdivision and at a location that will not restrict visibility at intersections. The city may enter into an agreement to permit a subdivision identification sign in a public right-of-way, such as a median, at the discretion of the City. The agreement shall be in a form acceptable to the city.

(2) Secondary entrance signs are located at entrances into the subdivision other than at the primary entrance, or entrances. They are to be placed at an on-premise location within the subdivision and the sign face shall be a maximum of 16 square feet in size and 4' in height. Secondary signs may be incorporated into landscape features, decorative wall, or architectural feature.

(3) Tertiary entrance signs are located at the entryway into sections within the subdivision and are permitted only in subdivisions that exceed 50 acres to identify various sections within the subdivision and various amenity areas in the subdivision, such as parks and clubhouses. These

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signs shall be decorative and shall be limited to a height of 4' and an area not to exceed 10 square feet.

(4) All signs shall be subject to perpetual maintenance by a homeowner's association or similar entity before a permit will be issued for such signs.

(5) Signs, when illuminated, shall be externally illuminated, employ back lighting techniques or channel letter techniques. The use of sign cabinets are prohibited unless they are designed in a manner that appears to convey the appearance of individual letter signs with extremely subdued background cabinet colors.

(e) *Institutional Use Sign Standards.* Institutional uses such as churches, fire stations and schools located in single-family residential neighborhoods shall be subject to all requirements stipulated above for primary single-family residential entrance signs. LED signage shall be permitted subject to all of the LED sign requirements of this chapter, and the limitation of such signage to 26 square feet.

(f) *Comprehensive Sign Program.* The City recognizes that there will be locations in community that have unique characteristics and uses that will have unique signage needs and developers who propose a mix of land uses and site design concepts. As such, the City will allow the submittal of a Comprehensive Sign Program to govern all signage in the proposed development, subject to Planning Commission review and City Council approval. Sign programs may be approved or disapproved for any reason, but shall be considered on a case by case basis subject to the sign program conformance to the general premise of these regulations to provide attractive signage to minimize sign clutter. The burden shall be on the applicant to demonstrate to the City the unique characteristics of the site, or the project, that warrant special signage consideration, and the benefits that would be derived by the public if a Comprehensive Sign Program is approved.

Sec. 80-15. Multi-Family residential sign category (All Sign Districts).

(a) Signs in multi-family locations shall be limited to signs allowed in this section and in all applicable restrictions of this ordinance as well as other requirements of the code, and any other applicable law.

(b) Except as provided in this subsection, a single freestanding sign is permitted only as berm or monument signs and pylon (monument style) signs on the same lot as the development to identify the development and its entrance. Signs must be constructed of stone, brick or other maintenance free material and shall be consistent with the colors, materials and design themes of the development associated with the sign.

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(1) Lighting shall be ground lights, back lighting or lights attached to the top or bottom of the sign focused toward the sign copy.

(2) The maximum size of the sign, including any logo, shall be 40 square feet in Sign District C, 70 square feet in Sign District B and 100 square feet in Sign District A. If the sign copy is incorporated into a landscape features, decorative wall, or architectural feature, the size of the sign face is determined by the area of the smallest rectangle within which the face of the sign can be enclosed. The maximum height of the sign shall be 5.0 feet in District C, 6.0 feet in District B and 10.0 feet in District A.

(3) If the development has a second entrance from an arterial street, a secondary entrance sign is permitted directed to that street. Secondary entrance signs in Sign Districts B and C are limited to 35 feet and 25 feet, respectively, and a height of 4.0 feet in each district. Secondary signs in District A are limited to 60 square feet and a height of 6.0 feet.

(c) A single wall sign identifying the name and/or logo of the development is permitted on the façade of the closest building to each entrance into the development, or on the main office building. Wall signs may not exceed an area of 40 square feet in Sign District C, 70 square feet in Sign District B and 110 square feet in Sign District A. Wall signage shall be oriented to the primary street, or streets, that provide access to the development. This restriction does not limit the installation of directional wall or ground signs that identify the name or number of each building; such a Unit 1, Unit 2, Amenity Center or Laundry Room. Each informational wall signs shall be limited to an area 16 square feet. Directional signs for traffic circulation are limited to a height of 4 feet, an area of 4 square feet, and 2 signs per street entrance.

(d) Window or door surface signs are allowed. The total sign area of all window and door signs shall not be included in calculating the maximum wall sign area authorized at a particular location.

e. Institutional Use Sign Standards. Institutional uses such as churches, fire stations and schools located in multi-family residential neighborhoods shall be subject to all requirements stipulated above for primary multi-family residential entrance signs. LED signage shall be permitted subject to all of the LED sign requirements of Section 80-24(e), and the limitation of such signage to the lessor of 20% of the sign face or 26 square feet.

If an institutional development is located in a multi-family residential area with within Sign District B, primary and secondary sign area shall be limited to 90 and 45 square feet, respectively, and a height of 10 feet. If an institutional development is located in a multi-family residential area with within If an institutional development is located in a multi-family residential area in Sign District A, primary and secondary sign area shall be limited to 120 and 60 square feet, respectively, and a height of 12 feet.

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(f) *Light Intensity (Proximity to Residential Uses).* The intensity of light emitted from signs is subject to the light intensity limitations specified in Section 80-13 of this chapter.

(g) Signs, when illuminated, shall be externally illuminated, employ back lighting techniques and/or channel letter techniques. The use of sign cabinets are prohibited unless they are designed in a manner that appears to convey the appearance of individual letter signs with extremely subdued background cabinet colors.

(h) *Comprehensive Sign Program.* The City recognizes that there will be locations in community that have unique characteristics and uses that will have unique signage needs and developers who propose a mix of land uses and site design concepts. As such, the City will allow the submittal of a Comprehensive Sign Program to govern all signage in the proposed development, subject to Planning Commission review and City Council approval. Sign programs may be approved or disapproved for any reason, but shall be considered on a case by case basis subject to the sign program conformance to the general premise of these regulations to provide attractive signage to minimize sign clutter. The burden shall be on the applicant to demonstrate to the City the unique characteristics of the site, or the project, that warrant special signage consideration, and the benefits that would be derived by the public if a Comprehensive Sign Program is approved.

Sec. 80-16. Non-Residential Uses Sign Districts B and C Regulations

(a) Applicability.

The regulations for signs described in this section shall apply to non-residential developments not located in areas where the single-family residential or multi-family sign categories described above would be applicable and are located in Sign Districts B and C.

(b) Downtown Development District

Signs in the Downtown Development District are regulated by all requirements of the Sealy City Code Chapter 29 and the requirements of Sections 80-1 – 80-7 and 80-23 – 80-31 of this Chapter.

(c) Sign Regulations Based on Scale of Development

There are two distinct development styles with unique signage needs and visual impacts on the aesthetics of Sealy. Those categories are; 1) the single use (or primary use) site development, and 2) multi-tenant centers. There are nuances within each of category that generally relate to scale, location and the type of road classification accessing the site. Road classification is critical to effectively regulate signs, particularly in District C, which is a mix of most Sealy neighborhoods and many business areas. District C has high and low speed

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streets. Local streets, as defined by AASHTO, provide low speed access to homes. Arterial streets, as defined by AASHTO, provide high speed mobility. Collector streets bridge local streets to arterial streets. As a consequence, larger developments are generally located on arterial streets. Small businesses with a minimal sign needs are located periodically on local streets and slightly more often on collector streets. The regulations below incorporate those realities to allow more signage for the larger scale projects that will locate on arterials and allow minimize signage on smaller projects that could be in or adjoining a neighborhood.

(d) Single (Primary) Tenant Developments (District Specific Regulations)

(1) District C

a. Wall Signs.

Wall sign area may not exceed 4% of the front façade and 2% of any other building façade facing an arterial street. For retail finish-outs, sign area shall be computed using the area of the front façade of each tenant space. Wall signs shall be backlit. Cabinet wall signs shall only be permitted if they are designed to create the appearance of an individually backlit letter signs and have dark subdued color background colors. Illuminated or non-illuminated channel letter signs are permitted and encouraged.

b. Freestanding Signs; Number, Height and Area.

Site Size < 1.0 acre: Only 1 externally illuminated freestanding sign shall be permitted per site. Sign height is limited to four feet (4.0'), measured from grade, and a maximum sign area of 8 square feet.

Site Size 1.0 - 2.0 acres: One freestanding sign shall be permitted per site. Sign height is limited to four feet (4.0'), measured from grade, and a maximum sign area of 16 square feet. The height and area of the sign may be increased to five feet (5.0') and 25 square feet respectively, if the sign is placed within a landscape island and is backlit or is externally illuminated, or is a cabinet sign that is designed to create the appearance of an individual letter backlit sign, where the cabinet is completely hidden from view. Illuminated or non-illuminated channel letter signs are permitted and encouraged.

Site Size 2.0 – 4.0 acres: One freestanding sign shall be permitted per site. Sign height is limited to four feet (4.0'), measured from grade, and a maximum sign area of 32 square feet. The height and area of the sign may increase to five feet (5.0') and 50 square feet if the sign is located on an arterial street, is located in a landscape island, is backlit or externally illuminated or is a cabinet sign that is designed to create the appearance of an individual letter backlit

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sign, where the cabinet is completely hidden from view. Illuminated or non-illuminated channel letter signs are permitted and encouraged.

Site Size 4.0 – 6.0 acres: One freestanding sign shall be permitted per site. Sign height is limited to five feet (5.0'), measured from grade, and a maximum sign area of 50 square feet. The height and area of the sign may be increased to six feet (6.0') and 70 square feet respectively, if the sign is located on an arterial street, is located in a landscape island, is backlit or externally illuminated or is a cabinet sign that is designed to create the appearance of an individual letter backlit sign, where the cabinet is completely hidden from view. Illuminated or non-illuminated channel letter signs are permitted and encouraged.

Site Size > 6.0: One free standing sign shall be permitted, with the height limited to five feet (5.0'), measured from grade, and a maximum sign area of 70 square feet. The height and area of the sign may increase to six feet (6.0') and 90 square feet respectively, if the sign is located on an arterial street, is located in a landscape island, is backlit or externally illuminated or is a cabinet sign that is designed to create the appearance of an individual letter backlit sign, where the cabinet is completely hidden from view. Illuminated or non-illuminated channel letter signs are permitted and encouraged.

c. Gasoline Fueling Stations

For gasoline fueling stations, the installation one monument sign not to exceed a height of four feet (4.0') and 35 square feet identifying the gasoline brand, logo and pricing information, is permitted. LED lighting is permitted on this sign to display gasoline prices. Gasoline fueling stations shall be prohibited from using A-frame signs, portable signs, or pricing signs on a canopy covering the fuel pumps. Signage on the fuel canopy shall be limited to trademark colors and the brand logo. The use of pennants, banners, streamers, or flag signs shall be prohibited. Signage on fuel pump spandrels shall also be prohibited. Illuminated or non-illuminated channel letter signs are permitted and encouraged.

In the event that a single use, such as a grocer or retailer, offers gasoline fuel sales or some other use as an accessory use to the primary business, the gas station or other use shall be considered as a Pad Lot/Outlot and is not entitled to an individual free standing sign. Such a gasoline fuel station is entitled to the free standing pricing sign described below. In those instances where the gasoline station is the primary use, or a part of a gasoline/convenience center, the station/convenience store are each considered as the primary use and is allowed one shared freestanding sign, in addition to the pricing sign described below.

d. Sign Type

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All freestanding signage is limited to monument and pylon (monument style) signs.

(2) District B

a. Wall Signs.

Wall sign area may not exceed 4% of the front façade and 2% of any other building façade facing an arterial street. For retail finish-outs, sign area shall be computed using the area of the front façade of each tenant space. Wall signs shall be backlit. Cabinet wall signs shall only be permitted if they are designed to create the appearance of an individually backlit letter sign. Illuminated or non-illuminated channel letter signs are permitted and encouraged.

b. Freestanding Signs; Number, Height and Area.

Site Size < 3 acres: One freestanding sign shall be permitted, limited to a height of five feet (5.0'), measured from grade, and a maximum area of 55 square feet. The sign height and area may increase to six feet (6.0') and 75 square feet respectively, if the sign is located in a landscape island, is backlit or externally illuminated or is a cabinet sign that is designed to create the appearance of an individual letter backlit sign, where the cabinet is completely hidden from view. Illuminated or non-illuminated channel letter signs are permitted and encouraged.

Site Size 3.0 – 6.0 acres: One free standing sign shall be permitted, limited to five feet (5.0'), measured from grade, and a maximum sign area of 70 square feet. The sign height and area may increase to six feet (6.0') and 90 square feet respectively, if the sign is located in a landscape island, is backlit or externally illuminated or is a cabinet sign that is designed to create the appearance of an individual letter backlit sign, where the cabinet is completely hidden from view. Illuminated or non-illuminated channel letter signs are permitted and encouraged.

Site Size 6.0 – 8.0 acres: One free standing sign shall be permitted, with the height limited to six feet (6.0'), measured from grade, and a maximum sign area of 90 square feet. The area of the sign may increase to 110 square feet respectively if the sign is located in a landscape island, is backlit or externally illuminated or is a cabinet sign that is designed to create the appearance of an individual letter backlit sign, where the cabinet is completely hidden from view. Illuminated or non-illuminated channel letter signs are permitted and encouraged.

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Site Size > 8.0 acres: One free standing sign shall be permitted, with the height limited to six feet (6.0') measured from grade, and a maximum sign area of 100 square feet. The height and area of the sign may increase to seven feet (7.0') and 125 square feet, respectively if the sign is located on an arterial street, is located in a landscape island, is backlit or externally illuminated or is a cabinet sign that is designed to create the appearance of an individual letter backlit sign, where the cabinet is completely hidden from view. Illuminated or non-illuminated channel letter signs are permitted and encouraged.

c. Secondary Freestanding signs.

A secondary freestanding sign is only permitted in District B on sites larger than 3 acres that adjoin more than one highway or arterial street, with access provided to the site from the second street. The second sign must be directed to the arterial street, be at least 100 feet from the primary sign, and is limited to a height of five feet (5.0') and an area of 40 square feet. The area and height of this sign may increase six feet (6.0') and 50 square feet if adjoining another District B right-of-way or arterial street and if located in landscape areas and is backlit or externally lit, or is a cabinet sign that is designed to create the appearance of an individual backlit letter sign, where the cabinet is completely hidden from view, may be considered. Secondary signs are not permitted on sites smaller than 3 acres or that do not fulfill all of the above criteria. Illuminated or non-illuminated channel letter signs are permitted and encouraged.

d. Pad Lots/Outlots and Gasoline Fueling Stations.

In the event that a single use, such as a grocer or retailer, offers gasoline fuel sales or some other use as an accessory use to the primary business, the gas station or other use shall be considered as a Pad Lot/Outlot and is not entitled to an individual free standing sign. Such a gasoline fuel station is entitled to the free standing pricing sign described below. In those instances where the gasoline station is the primary use, or a part of a gasoline/convenience center, the station/convenience store are each considered as the primary use and is allowed one shared freestanding sign, in addition to the pricing sign described below.

For all gasoline fueling stations, the installation one monument sign not to exceed a height of five feet (5.0') and 35 square feet identifying the gasoline brand, logo and pricing information, shall be permitted. The height and area of this sign may increase to six feet (6.0') and 50 square feet for fuel stations located at the corner of two arterial streets. LED lighting is permitted on this sign to display gasoline prices. Gasoline fueling stations shall be prohibited from using A-frame signs, portable signs, or pricing signs on a canopy covering the fuel pumps. Signage on the fuel canopy shall be limited to trademark colors and the brand logo. The use of pennants, banners, streamers, or flag signs shall be

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prohibited. Signage on fuel pump spandrels shall also be prohibited. Gas signs must compliment and be consistent with the design of primary and secondary freestanding site signs. Illuminated or non-illuminated channel letter signs are permitted and encouraged.

e. Sign Type

All freestanding signage is limited to monument and pylon (monument style) signs.

(3) Single (Primary) Tenant Developments Regulations (Applicable to Districts B and C)

Split District Sites

In the event that a property is divided by the boundary of Districts A, B or C, the type and amount of permissible signage will remain tied to the sign district boundary. The more restrictive, or least restrictive sign district regulations, shall not govern the entire site.

b. Pad Sites/Outlots

i. Wall sign area may not exceed 4% of the front façade and 2% of any other building façade facing an arterial street. For retail finish-outs, sign area shall be computed using the area of the front façade of each tenant space. Wall signs shall be backlit. Cabinet wall signs shall only be permitted if they are designed to create the appearance of an individually backlit letter sign. Illuminated or non-illuminated channel letter signs are permitted and encouraged.

ii. Freestanding Signs. Pad sites and outlots are not be permitted to have individual free standing signs. The name of any business on a pad site or outlot may be included on the panel of shopping center. This regulation does not pertain to menu boards or similar incidental signage or directional signs.

c. Freestanding Sign Design Requirements

Freestanding signs shall be designed in a manner that incorporates the colors, exterior building materials and design style of the building that it advertises. The architectural articulation elements included on the monument sign shall not be counted toward the computation of the size of the sign. This shall also apply to an articulated base of the sign, up to a height of 2.5 feet. The use of

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cabinet signs is permitted if they are designed in a manner to create the appearance of an individually backlit letter sign, where the cabinet is completely hidden from view and the background color, when lit, is subdued. All signs must be monument, or monument pylon style. Illuminated or non-illuminated channel letter signs are permitted and encouraged.

In the event that a corporate sign design requirement mandates a sign design that is not consistent with these design criteria, the applicant may either file a variance request for said sign or file an application for a Comprehensive Sign Plan for Planning Commission review and City Council consideration to allow an applicant the opportunity to substantiate those requirements and to allow an applicant the opportunity to propose an alternative sign design that can still satisfy the spirit and intent of this ordinance. In consideration of Comprehensive Sign Plan, an applicant may propose an alternative sign design and also propose site improvements, such as enhanced landscaping, upgraded sign articulation, building design, upgraded site design or any other site amenity as consideration for the franchise sign design.

d. Institutional Use Sign Standards

Institutional uses such as churches, fire stations and schools located in nonresidential areas shall be subject to all requirements stipulated above based on the building area of the institutional use. LED signage shall be permitted subject to all of the LED sign requirements of this chapter, and the limitation of such signage to 20% of the sign. All freestanding signage is limited to monument and pylon (monument style) signs.

e. LED Lighting

LED signage shall be permitted subject to all of the LED sign requirements of Section 80-24(e) and the area limitations cited above.

f. Light Intensity (Proximity to Residential Uses)

The intensity of light emitted from signs is subject to the light intensity limitations specified in Section 80-13 of this chapter.

g. Directional Signs

Directional signs shall not exceed a height of 4.0 feet from grade or a sign copy area of 2 square feet. Directional signs shall be limited to two (2) per site entrance or exit and at other locations on the site as necessary to direct traffic in a manner to avoid congestion.

h. Comprehensive Sign Program

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The City recognizes that there are certain uses that have specific signage needs, such as a hospital or auto dealership or a mixed use development, and sites that have unique characteristics that result in development and signage challenges. As such, a Comprehensive Sign Program may be submitted to govern signage in the entire area described in the Comprehensive Sign Program, subject to Planning Commission review and City Council approval. The Comprehensive Sign Program process is described in Section 80-25 of this chapter. The purpose of the Comprehensive Sign is to provide the developer and City with design flexibility and the ability to create site/use specific sign solutions appropriate for the circumstances and that will serve the interests of the public.

i. **Effect of the Subdivision of a Single Tenant Building/Site (By Plat or Lease)**

If a building or property that was originally permitted for a single tenant, single owner or group of owners is divided, either by a subdivision plat or by a private lease agreement, to allow multiple tenants or multiple ownerships, the new tenants or owners shall not be entitled to any addition signage as a consequence of that action. The new tenant(s) or owners will be allowed to utilize the originally permitted and existing site standing sign in accordance with the requirements for free standing signs for the development. In such an instance, the sign for the development shall not be considered an off-site advertising sign.

(4) Multi-Tenant Commercial Centers.

This sign category is divided into neighborhood convenience centers and commercial centers. This distinction reflects the different type of locations, scale of operations and the different signage needs of each.

- Neighborhood Convenience Centers are developments with multiple tenants in one or more buildings, may have outlots or pad sites, and may be comprised of a single lot or multiple lots that generally utilize one or more common driveways, common internal site circulation network and may have shared parking located in close proximity to one or more neighborhoods. The neighborhood convenience center will generally be named and have one or more stores that serve as the primary or junior anchors. Neighborhood centers are typically located at the intersection of arterial and/or collector streets in close proximity to one or more neighborhoods. As such, signage must be sensitive to nearby residential uses and in scale with the surrounding roads.
- Commercial Centers function similar to a neighborhood centers on a larger scale and serve the broader community and are generally located on arterial streets and the highways in District B, typically at the intersections of these roads. These centers are located in intensive business

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areas, have one or more major anchor stores, multiple junior anchor stores, have flexible retail space and multiple outlots. These centers usually have two or more common entrances and share internal site circulation and parking. Commercial centers rely on attracting regional traffic, so signage is critical to identify the name of the center, major tenants, be large enough to be visible from higher speed roads. The success of the center is dependent on signage that is visible, does not create sign clutter, minimizes traffic congestion, identifies the name of the center and shows the “brand” of the center. The City shares the need to maintain public health and safety and an attractive city image.

A. Neighborhood Convenience Centers

1. Wall Signs.

Wall sign area may not exceed 4% of the front façade and 2% of any other building façade that faces an arterial street public right-of-way. For retail finish-outs, sign area shall be computed using the area of the front façade for each tenant space. Illuminated or non-illuminated channel letter signs are permitted and encouraged.

2. Freestanding Signs.

a. Number, Height and Sign Area.

At a minimum, one freestanding sign is permitted per site in the vicinity of the entrance to the center is permitted. This sign shall identify the name and address of the center and may include the names of tenants.

For a Neighborhood Convenience Center on a lot less than 4.0 acres in area, the area and height of the primary freestanding center sign is limited to 35 square feet and height four feet (4.0’), respectively, in District C; and an area of 50 square feet and height of five feet (5.0’) in District B. If signs will be located on an arterial street, the sign height and area may increase to 50 square feet and five feet (5.0’), respectively in District C. and area of District B signs may increase to 70 square feet, provided that these larger signs are located in a landscape island, are backlit, externally illuminated or in a cabinet designed to create the appearance of an individual letter backlit sign, where the cabinet is completely hidden from view. Illuminated or non-illuminated channel letter signs are permitted and encouraged.

For a Neighborhood Convenience Center on a lot between 4.0 – 7.0 acres in area, the area and height of the primary freestanding center sign is limited to 55 square feet and height five feet (5.0’), respectively, in District C; and 90 square feet and six feet (6.0’) in District B, respectively. If signs will be located on an arterial street, the sign height and area may increase to 50 square feet and five feet

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(5.0'), respectively in District C and 70 square feet and six feet (6.0') in District B, provided that these larger signs are located in a landscape island, are backlit, externally illuminated or in a cabinet designed to create the appearance of an individual letter backlit sign, where the cabinet is completely hidden from view. Illuminated or non-illuminated channel letter signs are permitted and encouraged.

For a Neighborhood Convenience Center on a lot larger than 7 acres in area, the area and height of the primary free standing center sign is limited to 80 square feet and height five feet (5.0'), respectively, in District C; and an area of 100 square feet and height of six feet (6.0') in District B. If signs will be located on an arterial street, the sign height and area may increase to 100 square feet and six feet (6.0'), respectively in District C and 120 square feet and seven feet (7.0') in District B, provided that these larger signs are located in a landscape island, are backlit, externally illuminated or is a cabinet designed to create the appearance of an individual letter backlit sign, where the cabinet is completely hidden from view. Illuminated or non-illuminated channel letter signs are permitted and encouraged.

b. Secondary Signs for Site with Access on Multiple Arterial Streets

A single secondary freestanding sign is permitted along each highway or arterial street that provides direct access to the center. Secondary signs must be directed toward the second arterial street or highway, be more than 150 feet from the primary sign. Secondary signs are limited to an area of 35 SF in District C and 50' in District B and a height of 5.0' in District B and 5.0' in District C. Secondary signs must complement all design aspects of the primary center sign.

Primary sign height and area may increase to an area of 50 square feet in District C and an area of feet and 70 square feet in District B, only if these signs are located in a landscape island, are backlit, externally illuminated or in a cabinet designed to create the appearance of an individual letter backlit sign, where the cabinet is completely hidden from view. Illuminated or non-illuminated channel letter signs are permitted and encouraged.

In the event that single use within a center, such as a grocer or a retailer, offers gasoline fuel sales as an accessory use of their overall development, the accessory use shall be considered as a Pad Lot/Outlot and is not entitled to an individual free standing sign.

c. Gasoline Fueling Stations.

Gas fueling stations that are a part of a neighborhood center shall not be entitled to an individual free standing sign. Such a gasoline fuel station is entitled to the free standing pricing sign described below.

For all gasoline fueling stations, the installation a monument sign not to exceed a height of six feet (6.0') and 50 square feet identifying the gasoline brand, logo and

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pricing information, shall be permitted. The height and area of this sign may increase to seven feet (7.0') and 65 square feet for fuel stations at the corner of two highways or arterial streets. LED lighting is permitted on this sign to display gasoline prices. Gasoline fueling stations shall be prohibited from using A-frame signs, portable signs, or pricing signs on a canopy covering the fuel pumps. Signage on the fuel canopy shall be limited to trademark colors and the brand logo. The use of pennants, banners, streamers, or flag signs shall be prohibited. Signage on fuel pump spandrels shall also be prohibited. Gas signs must compliment the designs of primary and secondary freestanding site signage. Illuminated or non-illuminated channel letter signs are permitted and encouraged.

d. Freestanding Sign Design

Free standing signs shall be designed in a manner that incorporates the colors, exterior building materials and design style of the building that it advertises. The architectural articulation elements included on the monument sign shall not be counted toward the computation of the size of the sign. This shall also apply to an articulated base of the sign, up to height of 2.5 feet. The use of cabinet signs is permitted if they are designed in a manner to create the appearance of an individually backlit letter sign, where the cabinet is completely hidden from view and the background color, when lit, is subdued. All signs must be monument, or monument pylon style. Illuminated or non-illuminated channel letter signs are permitted and encouraged.

In the event that a corporate sign design requirement mandates a sign design that is not consistent with these design criteria, the applicant may either file a variance request for said sign or file an application for a Comprehensive Sign Plan for Planning Commission review and City Council consideration to allow an applicant the opportunity to substantiate those requirements and to allow an applicant the opportunity to propose an alternative sign design that can still satisfy the spirit and intent of this ordinance. In consideration of Comprehensive Sign Plan, an applicant may propose an alternative sign design and also propose site improvements, such as enhanced landscaping, upgraded sign articulation, building design, upgraded site design or any other site amenity as consideration for the franchise sign design.

3. Outlots/Pad Sites

Outlots/pad site may not install individual site signage, excluding menu boards or similar incidental signage, such as directional signs.

4. LED Lighting

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LED signage shall be permitted subject to all of the LED sign requirements of this chapter, and the limitation of such signage to 20% of the permitted area of any sign.

5. Light Intensity (Proximity to Residential Uses).

The intensity of light emitted from signs is subject to the light intensity limitations specified in Section 80-13 of this chapter.

6. Split District Sites

In the event that a property is divided by the boundary of District A, B or C, the amount of permissible signage will remain tied to the sign district boundary. The more restrictive, or least restrictive sign district regulations, shall not govern the entire site,

7. Effect of the Subdivision of a Single Tenant Building/Site (By Plat or by Lease)

If a building or property that was originally permitted for a single tenant, single owner or group of owners is divided, either by a subdivision plat or by a private lease agreement, to allow multiple tenants or multiple ownerships, the new tenants or owners shall not be entitled to any addition signage as a consequence of that action. The new tenant(s) or owners will be allowed to utilize the originally permitted and existing site standing sign in accordance with the requirements for free standing signs for the development. In such an instance, the sign for the development shall not be considered an off-site advertising sign.

8. Directional Signs

Directional signs shall not exceed a height of 4.0 feet from grade or a sign copy area of 4 square feet. Directional signs shall be limited to two (2) per site entrance or exit and at other locations on the site as necessary to direct traffic in a manner to avoid congestion.

9. Comprehensive Sign Program

The City recognizes that there are certain uses that have specific signage needs, such as a hospital or auto dealership or a mixed use development, and sites that have unique characteristics that result in development and signage challenges. As such, a Comprehensive Sign Program may be submitted to govern signage in the entire area described in the Comprehensive Sign Program, subject to Planning Commission review and City Council approval. The Comprehensive Sign Program process is described in Section 80-25 of this chapter. The purpose of the Comprehensive Sign is to provide the developer and City with design flexibility

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and the ability to create site/use specific sign solutions appropriate for the circumstances and serve the interests of the public.

B. Commercial Centers

1. Wall Signs.

Wall sign area shall not exceed 4% of the front façade and 2% of any other building façade facing a public right-of-way or internal development ring road. For retail finish-outs, sign area shall be computed using the area of the front façade for each tenant space. Illuminated or non-illuminated channel letter signs are permitted and encouraged.

2. Freestanding Signs.

a. Number of Signs, Sign Area and Height.

At a minimum, one freestanding sign is permitted per site in the vicinity of the entrance to the center is permitted. This sign shall identify the name and address of the center and may include the names of tenants. The area and height of the primary free standing center sign is limited to 100 square feet and height seven feet (6.0'), respectively. A single secondary freestanding sign is permitted along each highway or arterial street that provides direct access to the center.

Primary sign height and area may increase to seven feet (7.0') and 130 square feet only if the primary sign is placed within a landscape island and is backlit, externally illuminated or is a cabinet sign designed to create the appearance of an individual backlit letter sign, where the cabinet is completely hidden from view. Illuminated or non-illuminated channel letter signs are permitted and encouraged.

b. Secondary Signs for Site with Access on Multiple Arterial Streets

A single secondary freestanding sign is permitted along each highway or arterial street that provides direct access to the center. Secondary signs must be directed toward the second arterial street or highway, be more than 150 feet from the primary sign. Secondary signs are limited to an area of 65 SF and a height of 6.0'. Secondary signs must complement all design aspects of the primary center sign. Illuminated or non-illuminated channel letter signs are permitted and encouraged.

The purpose of these signs are to identify the name of the center and any anchor stores in the proximity of each sign and not to enable any single anchor store to place their name or logo on multiple sign faces.

c. Gasoline Fueling Stations.

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Gas fueling stations that are a part of a commercial center shall not be entitled to an individual free standing sign. Such a gasoline fuel station is entitled to the free standing pricing sign described below.

For all gasoline fueling stations, the installation a monument sign not to exceed a height of six feet (6.0') and 50 square feet identifying the gasoline brand, logo and pricing information, shall be permitted. The height and area of this sign may increase to seven feet (7.0') and 65 square feet for fuel stations at the corner of two highways or arterial streets. LED lighting is permitted on this sign to display gasoline prices. Gasoline fueling stations shall be prohibited from using A-frame signs, portable signs, or pricing signs on a canopy covering the fuel pumps. Signage on the fuel canopy shall be limited to trademark colors and the brand logo. The use of pennants, banners, streamers, or flag signs shall be prohibited. Signage on fuel pump spandrels shall also be prohibited. Gas signs must compliment the designs of primary and secondary freestanding site signage. Illuminated or non-illuminated channel letter signs are permitted and encouraged.

d. Sign Type.

All freestanding signage is limited to monument and pylon (monument style) signs.

e. Freestanding Sign Design

Site signs shall be designed in a manner that incorporates the colors, exterior building materials and design style of the building that it advertises. The architectural articulation elements included on the monument sign shall not be counted toward the computation of the size of the sign. This shall also apply to an articulated base of the sign, up to a height of 2.5 feet. Regardless of the number of signs that the center will have, all signs shall share common design elements.

The use of cabinet signs is permitted if they are designed in a manner to create the appearance of an individual letter backlit sign, where the cabinet is completely hidden from view and the background color, when lit, is subdued. All signs must be monument, or monument pylon style.

In the event that a corporate sign design requirement mandates a sign design that is not consistent with these design criteria, the applicant may either file a variance request for said sign or file an application for a Comprehensive Sign Plan for Planning Commission review and City Council consideration to allow an applicant the opportunity to substantiate those requirements and to allow an applicant the opportunity to propose an alternative sign design that can still satisfy the spirit and intent of this

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ordinance. In consideration of Comprehensive Sign Plan, an applicant may propose an alternative sign design and also propose site improvements, such as enhanced landscaping, upgraded sign articulation, building design, upgraded site design or any other site amenity as consideration for the franchise sign design.

3. LED Lighting.

LED signage shall be permitted subject to all of the LED sign requirements of this chapter, and the limitation of such signage to 20% of the permitted area of any sign.

4. Light Intensity (Proximity to Residential Uses).

The intensity of light emitted from signs is subject to the light intensity limitations specified in Section 80-13 of this chapter.

5. Split District Sites

In the event that a property is divided by the boundary of District A, B or C, the amount of permissible signage will remain tied to the sign district boundary. The more restrictive, or least restrictive sign district regulations, shall not govern the entire site,

6. Effect of the Subdivision of a Single Tenant Building/Site (By Plat or by Lease)

If a building or property that was originally permitted for a single tenant, single owner or group of owners is divided, either by a subdivision plat or by a private lease agreement, to allow multiple tenants or multiple ownerships, the new tenants or owners shall not be entitled to any addition signage as a consequence of that action. The new tenant(s) or owners will be allowed to utilize the originally permitted and existing site standing sign in accordance with the requirements for free standing signs for the development. In such an instance, the sign for the development shall not be considered an off-site advertising sign.

7. Directional Signs.

Directional signs adjoining public street right-of-way shall not exceed a height of 4.0 feet from grade or a sign copy area of 4 square feet. Directional signs shall be limited to two (2) per site entrance or exit and at other locations on the site as necessary to direct traffic in a manner to avoid congestion.

Within the interior of the development, directional signs (no advertising copy) may be installed as necessary to direct motorist and pedestrian traffic

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through the development, subject to the approval of a uniform directional sign program by the Planning and Community Development Department Director. The principal criteria for the directional sign program is that all internal directional signs has uniform design, height, and placement guidelines, font size and style and includes only the names and/or logos of multiple businesses and that do not function as advertising signs, but rather as directional/way-finding signs.

8. Comprehensive Sign Program.

The City recognizes that there are certain uses that have specific signage needs, such as a hospital or auto dealership or a mixed use development, and sites that have unique characteristics that result in development and signage challenges. As such, a Comprehensive Sign Program may be submitted to govern signage in the entire area described in the Comprehensive Sign Program, subject to Planning Commission review and City Council approval. The Comprehensive Sign Program process is described in Section 80-25 of this chapter. The purpose of the Comprehensive Sign is to provide the developer and City with design flexibility and the ability to create site/use specific sign solutions appropriate for the circumstances and serve the interests of the public.

(5) Industrial

A. Wall Signs.

Wall sign area may not exceed 3% of the front façade and 1.5% of any other façade that faces a public right-of-way. Illuminated or non-illuminated channel letter signs are permitted and encouraged.

B. Freestanding Signs.

1. Number of Signs, Sign Copy Area and Height.

Freestanding signs shall be limited to one sign to identify the name of the development, a logo and the street address. This sign shall be permitted a maximum area 100 square feet and a height of six feet (6.0'). A second freestanding sign not to exceed 80 square feet and a height of 8 feet shall be permitted per arterial frontage with an entrance in to the development.

Primary sign height and area may increase to seven feet (7.0') and 120 square feet only if the primary sign is placed within a landscape island and is backlit, externally illuminated or in a cabinet sign designed to create the appearance of an individual backlit letter sign, where the cabinet is completely hidden from view. Illuminated or non-illuminated channel letter signs are permitted and encouraged.

If the center has more than to entrances into the development from an arterial street or highway an additional minor secondary sign may be located at such an

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entrance to direct traffic into the development. Such signs shall be limited to 65 square feet and a height of 6.0'. The purpose of these signs are to identify the name of the center and any anchor stores in the proximity of each sign and not to enable any single anchor store to place their name or logo on multiple sign faces.

2. Sign Type

Signage shall be limited to monument or pylon (monument style) style signs.

3. Freestanding Sign Design

Site signs shall be designed in a manner that incorporates the colors, exterior building materials and design style of the building that it advertises. The architectural articulation elements included on the monument sign shall not be counted toward the computation of the size of the sign. This shall also apply to an articulated base of the sign, up to a height of 2.5 feet. Regardless of the number of signs that the center will have, all signs shall share common design elements.

Cabinet signs are permitted only if they are designed in a manner to create the appearance of an individual letter backlit sign, where the cabinet is completely hidden from view and the background color, when lit, is subdued. All signs must be monument, or monument pylon style.

In the event that a corporate sign design requirement mandates a sign design that is not consistent with these design criteria, the applicant may either file a variance request for said sign or file an application for a Comprehensive Sign Plan for Planning Commission review and City Council consideration to allow an applicant the opportunity to substantiate those requirements and to allow an applicant the opportunity to propose an alternative sign design that can still satisfy the spirit and intent of this ordinance. In consideration of Comprehensive Sign Plan, an applicant may propose an alternative sign design and also propose site improvements, such as enhanced landscaping, upgraded sign articulation, building design, upgraded site design or any other site amenity as consideration for the franchise sign design.

C. LED Lighting

LED signage shall be permitted subject to all of the LED sign requirements of this chapter, and the limitation of such signage to 20% of the permitted area of any sign.

D. Light Intensity (Proximity to Residential Uses).

The intensity of light emitted from signs is subject to the light intensity limitations specified in Section 80-13 of this chapter.

E. Split District Sites

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In the event that a property is divided by the boundary of District A, B or C, the amount of permissible signage will remain tied to the sign district boundary. The more restrictive, or least restrictive sign district regulations, shall not govern the entire site,

F. Effect of the Subdivision of a Single Tenant Building/Site (By Plat or By Lease)

If a building or property that was originally permitted for a single tenant, single owner or group of owners is divided, either by a subdivision plat or by a private lease agreement, to allow multiple tenants or multiple ownerships, the new tenants or owners shall not be entitled to any addition signage as a consequence of that action. The new tenant(s) or owners will be allowed to utilize the originally permitted and existing site standing sign in accordance with the requirements for free standing signs for the development. In such an instance, the sign for the development shall not be considered an off-site advertising sign.

1. Directional Signs.

Directional signs adjoining public street right-of-way shall not exceed a height of 4.0 feet from grade or a sign copy area of 4 square feet. Directional signs shall be limited to two (2) per site entrance or exit and at other locations on the site as necessary to direct traffic in a manner to avoid congestion.

Within the interior of the development, directional signs (no advertising copy) may be installed as necessary to direct motorist and pedestrian traffic through the development, subject to the approval of a uniform directional sign program by the Planning and Community Development Department Director. The principal criteria for the directional sign program is that all internal directional signs has uniform design, height, and placement guidelines, font size and style and includes only the names and/or logos of multiple businesses and that do not function as advertising signs, but rather as directional/way-finding signs.

2. Comprehensive Sign Program.

The City recognizes that there are certain uses that have specific signage needs and sites that have unique characteristics that result in development and signage challenges. As such, a Comprehensive Sign Program may be submitted to govern signage in the entire area described in the Comprehensive Sign Program, subject to Planning Commission review and City Council approval. The Comprehensive Sign Program process is described in Section 80-25 of this chapter. The purpose of the Comprehensive Sign is to provide the developer and City with design flexibility and the ability to create site/use specific sign solutions appropriate for the circumstances and serve the interests of the public.

(6) Business Parks, Industrial Parks and Mixed Use Developments.

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Business Parks and Industrial Parks greatly vary with respect to their needs for signage. Many developments of this nature require only a single identification sign to identify the address and the name of the business or industrial park. Once inside the park complex, directional signs become critical because of the large scale nature of the buildings and the need to direct trucks and other suppliers to particular addresses in the complex. Uniformity in directional sign size, location and design is critical to create a functional and aesthetic sign designs. Other business parks have commercial and industrial elements functioning in a campus like atmosphere, and may even have multi-family residential elements of a true mixed use development.

When projects of this nature proposed, applicants shall be required to submit a Comprehensive Sign Program to govern all signage in the development, subject to Planning Commission review and City Council approval. The Comprehensive Sign Program process is described in Section 80-25 of this chapter. The purpose of the Comprehensive Sign will be to provide the developer and City with design flexibility and the ability to create site/use specific sign solutions appropriate for the circumstances, development plan and land uses that will comprise the project.

Sec. 80-17. Sign regulations for Single Use Sign District A Development.

(1) Applicability.

The regulations for signs described in this section shall apply to all nonresidential properties located in Sign District A.

(2) Single Tenant and Pad Lot/Outlot Developments

These requirements are applicable to non-residential projects that have a single primary use or that have one primary anchor store, with (or without) one or more outlots or pad sites or one or more secondary buildings within a development project that has shared access and shared ring roads and may have shared parking.

a. Wall Signs.

Wall sign area may not exceed 4% of the front façade and 2% of any other building façade that faces an arterial street public right-of-way. Illuminated or non-illuminated channel letter signs are permitted and encouraged.

b. Primary Freestanding Sign.

1. Number of Signs, Sign Area and Sign Height.

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One freestanding sign shall be permitted per site, provided that the lot is not an out lot or pad site in a commercial complex, as defined below.

Site Size < 3.0 acres: One freestanding sign, limited to a height of ten feet (10.0'), measured from grade, and a maximum area of 70 square feet shall be permitted. The sign height and area may increase to twelve feet (12.0') and 90 square feet, respectively, if the sign is placed within a landscape island and is backlit, externally illuminated or is a cabinet designed to create the appearance of an individual backlit letter sign where the cabinet is completely hidden from view. Illuminated or non-illuminated channel letter signs are permitted and encouraged.

Site Size 3.0 – 10.0 acres: One free standing sign shall be permitted, limited to a height of ten feet (10.0'), measured from grade, and a maximum sign area of 100 square feet. The sign height and area may increase to twelve feet (12.0') and 120 square feet respectively, if the sign is placed within a landscape island and is backlit or externally illuminated or is a cabinet designed to create the appearance of an individual backlit letter sign where the cabinet is completely hidden from view. Illuminated or non-illuminated channel letter signs are permitted and encouraged.

Site Size > 10.0 acres: One free standing sign shall be permitted, limited to a height of twelve feet (12.0'), measured from grade, and a maximum sign area of 125 square feet. The sign height and area may increase to twelve feet (14.0') and 145 square feet respectively, if the sign is placed within a landscape island and is backlit or externally illuminated or is a cabinet designed to create the appearance of an individual backlit letter sign where the cabinet is completely hidden from view. Illuminated or non-illuminated channel letter signs are permitted and encouraged.

c. Secondary Freestanding Signs (Based on Frontage & Access to Other Arterial Streets)

If a property has more than 800 feet of frontage along a District A right-of-way and second driveway to a District A right-of-way, a secondary sign shall be permitted in the vicinity of the second District A entrance. The secondary sign shall be limited to a height of eight feet (8.0') and 50% of the maximum allowable area of the primary sign and must be located at least 300 feet from the primary sign. For a site with more than 1,000 lineal feet of frontage on a District A right-of-way with more than two entrances from that right-of-way, a Comprehensive Plan Program may be submitted proposing freestanding signage appropriate for a lengthy frontage. The sign program should propose signage appropriate for primary and secondary site entrances, within the spirit and scope of these regulations. The goal of the Comprehensive Sign Program is to emphasize primary site entrances from District A rights-of-way to minimize congestion and place less emphasis on secondary entrances. The use of the Sign Program for extremely long street frontages is not to advertise every product or service

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available in the development, but rather to identify the name of development and particular aspect of the business available in the vicinity of each entrance. Comprehensive Sign Programs can be approved or denied based on the success or failure of said plan to adhere to the spirit and intent of this chapter.

All developments shall be permitted a secondary signs where the site fronts on a second arterial street, provided that this sign is directed to the second arterial street, be more than 200 feet from any other free standing sign on the property and shall be limited to sign copy area that may not exceed 50% of the maximum area allowed for the primary free standing sign. The maximum height of the secondary sign shall be the same as that allowed for the primary sign. Illuminated or non-illuminated channel letter signs are permitted and encouraged.

If the development has more than one entrance into the development from an arterial street or highway an additional minor secondary sign may be located at such an entrance to direct traffic into the development. Such signs shall be limited to 50 square feet and a height of 5.0'. The purpose of these signs are to identify the name of the center and any anchor stores in the proximity of each sign and not to enable any single anchor store to place their name or logo on multiple sign faces. Illuminated or non-illuminated channel letter signs are permitted and encouraged.

d. Pad Sites and Out Lots

In the event that a single user, such as a grocer or retailer, offers gasoline fuel sales or some other use as an accessory use to the primary business, the gas station or other use shall be considered as a Pad Lot/Outlot and is not entitled to an individual free standing sign. Such a gasoline fuel station is entitled to the free standing pricing sign described below. In those instances where the gasoline station is the primary use, or a part of a gasoline/convenience center, the station/convenience store are each considered as the primary use and is allowed one shared freestanding sign, in addition to the pricing sign described below.

Pad sites and out lots are not permitted to have a free standing sign. If a pad site or out lot is a part of a larger development with one primary tenant, that business is permitted to have a sign panel on the single free standing sign for the allowed for the overall development at the sole discretion of the owner of the development and provided that any additional signage will not exceed the area limitations of these regulations.

e. Gasoline Fueling Stations

In those instances where the gasoline station is the primary use, or a part of a gasoline/convenience center, the station/convenience store are each considered as the primary use and is allowed one shared freestanding sign, in addition to the pricing sign described below.

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For all gasoline fueling stations, the installation one monument sign not to exceed a height of six feet (6.0') and 50 square feet identifying the gasoline brand, logo and pricing information, shall be permitted. The height and area of this sign may increase to eight feet (8.0') and 75 square feet for fuel stations located at the corner of two highways or arterial streets. LED lighting is permitted on this sign to display gasoline prices. Gasoline fueling stations shall be prohibited from using A-frame signs, portable signs, or pricing signs on a canopy covering the fuel pumps. Signage on the fuel canopy shall be limited to trademark colors and the brand logo. The use of pennants, banners, streamers, or flag signs shall be prohibited. Signage on fuel pump spandrels shall also be prohibited. Gas signs must compliment and be consistent with the design of primary and secondary freestanding site signs. Illuminated or non-illuminated channel letter signs are permitted and encouraged.

f. Use of a Comprehensive Sign Program to Remove Non-Conforming Freestanding Signs

The City Council has determined that it's in the public interest to remove existing tall highway pole and pylon signs in District A. As an incentive, the City Council will allow applicants the opportunity to submit a Comprehensive Sign Program with no application fee to propose a sign program that exceeds the sign regulations of Sign District A, as consideration to remove tall pole and pylon signs. Based on factors such as the lot area, lot width, building size and the height and area of the existing non-conforming sign, the City Council shall have the discretion to approve any Comprehensive Sign Program it deems to be appropriate to remove a nonconforming sign.

g. Freestanding Sign Design Requirements

Free standing signs shall be designed in a manner that incorporates the colors, exterior building materials and design style of the building that it advertises. The architectural articulation elements included on the monument sign shall not be counted toward the computation of the size of the sign. This shall also apply to an articulated base of the sign, up to a height of 2.5 feet. The use of cabinet signs is permitted if they are designed in a manner to create the appearance of an individually backlit letter sign, where the cabinet is completely hidden from view and the background color, when lit, is subdued. All signs must be monument, or monument pylon style.

In the event that a corporate sign design requirement mandates a sign design that is not consistent with these design criteria, the applicant may either file a variance request for said sign or file an application for a Comprehensive Sign Plan for Planning Commission review and City Council consideration to allow an applicant the opportunity to substantiate those requirements and to allow an

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applicant the opportunity to propose an alternative sign design that can still satisfy the spirit and intent of this ordinance. In consideration of Comprehensive Sign Plan, an applicant may propose an alternative sign design and also propose site improvements, such as enhanced landscaping, upgraded sign articulation, building design, upgraded site design or any other site amenity as consideration for the franchise sign design.

h. Split District Sites

In the event that a property is divided by the boundary of Districts A, B or C, the amount of permissible signage will remain tied to the sign district boundary. The more restrictive, or least restrictive sign district regulations, shall not govern the entire site,

i. Institutional Use Sign Standards.

Institutional uses such as churches, fire stations and schools located in nonresidential areas shall be subject to all requirements stipulated above based on the building area of the institutional use. LED signage shall be permitted subject to all of the LED sign requirements of this chapter, and the limitation of such signage to 20% of the sign. All freestanding signage is limited to monument and pylon (monument style) signs.

j. Effect of the Subdivision of a Single Tenant Building/Site (By Plat or By Lease)

If a building or property that was originally permitted for a single tenant, single owner or group of owners is divided, either by a subdivision plat or by a private lease agreement, to allow multiple tenants or multiple ownerships, the new tenants or owners shall not be entitled to any addition signage as a consequence of that action. The new tenant(s) or owners will be allowed to utilize the originally permitted and existing site standing sign in accordance with the requirements for free standing signs for the development. In such an instance, the sign for the development shall not be considered an off-site advertising sign.

k. LED Lighting

LED signage shall be permitted subject to all of the LED sign requirements of this chapter, and the limitation of such signage to 20% of the permitted area of any sign.

l. Light Intensity (Proximity to Residential Uses)

The intensity of light emitted from signs is subject to the light intensity limitations specified in Section 80-13 of this chapter.

m. Directional Signs

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Directional signs shall not exceed a height of 6.0 feet from grade or a sign copy area of 6 square feet. Directional signs shall be limited to two (2) per site entrance or exit and at other locations on the site as necessary to direct traffic in a manner to avoid congestion.

n. Comprehensive Sign Program

The City recognizes that there are certain uses that have specific signage needs, such as a hospital or auto dealership or a mixed use development, and sites that have unique characteristics that result in development and signage challenges. As such, a Comprehensive Sign Program may be submitted to govern signage in the entire area described in the Comprehensive Sign Program, subject to Planning Commission review and City Council approval. The Comprehensive Sign Program process is described in Section 80-25 of this chapter. The purpose of the Comprehensive Sign is to provide the developer and City with design flexibility and the ability to create site/use specific sign solutions appropriate for the circumstances and that serve the interests of the public.

(3) Commercial Center Developments

For purposes of regulating signage, the commercial complex category is divided into neighborhood convenience centers and regional commercial centers. Given the different size and scope of, and different purpose of each, this chapter designates regulations to govern each.

- Small Regional Centers are defined as a developments with less than 200,000 square feet of building area in one or more buildings, may have outlots or pad sites, and may be comprised of a single lot or multiple lots that generally utilize one or more common driveways, common internal site circulation networks and may have shared parking. The neighborhood convenience center will generally be given a center name and have one or more stores that serve as the primary anchor of the development. The neighborhood center will generally be located in close proximity one or more neighborhoods that receive services from the center. As such, signage must be sensitive to the surrounding uses, be in a proper scale with the surrounding uses.
- Major Regional Centers, defined as developments larger than 200,000 square feet, function similar to a small regional center on a larger scale and serve the broad community and region, primarily accessible from regional traffic traveling on Interstate Highway 10 and US 90. Regional centers typically are located at the intersections of highways and/or arterial streets, each of which has high traffic volume, and that will provide direct access to the center and is located in an area that is exclusively business oriented. Regional centers along an interstate highway will have multiple major anchor stores, multiple junior anchor stores and may have flexible retail space for smaller retail and service uses and will have highway oriented uses such as hotels, fueling stations, and shopping

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mall or outlet centers. The regional center will have several outlots or pad sites, utilize two or more common driveways, a common internal site circulation networks and have shared parking. A regional center relies on attracting regional traffic to the complex. It is critical that site signs be large enough to identify the name of the center, the name of major tenants, and visible to higher speed traffic and across multiple lanes of arterial streets and identify buildings with deep setbacks from road rights-of-way. The success of the center is dependent on minimizing traffic congestion created by sign clutter or by inadequately sized signs for the location in which they're proposed and for the scale of the development project, all while projecting a positive aesthetic image of the community. The City and developer share in the common need to maintain public health and safety and an attractive appearance and image of the community.

A. Small Regional Center

1. Wall Signs.

Wall sign area shall not exceed 4% of the front façade and 2% of any other building façade facing a public right-of-way or internal development ring road. For retail finish-outs, sign area shall be computed using the area of the front façade for each tenant space. Illuminated or non-illuminated channel letter signs are permitted and encouraged.

Freestanding Signs.

a. Number of Signs, Sign Area and Height.

At a minimum, one freestanding sign is permitted per site in the vicinity of the entrance to the center is permitted. This sign shall identify the name and address of the center and may include the names of tenants. The area and height of the primary free standing center sign is limited to 150 square feet and height twelve feet (12.0'), respectively. A single secondary freestanding sign is permitted along each highway or arterial street that provides direct access to the center. Secondary signs must be directed toward the second arterial street or highway, be more than 150 feet from the primary sign. Secondary signs are limited to an area of 90 SF and a height of eight feet (8.0'). Secondary signs must complement all design aspects of the primary center sign. Illuminated or non-illuminated channel letter signs are permitted and encouraged.

Primary sign height and area may increase to fifteen feet (15.0') and 180 square feet only if the primary sign is placed within a landscape island and is backlit or externally illuminated or is a cabinet sign designed to create the appearance of an individual backlit letter sign, where the cabinet is completely hidden from view. Illuminated or non-illuminated channel letter signs are permitted and encouraged.

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If the center has more than one entrance into the development from an arterial street or highway with a limited purpose egress into the center from an arterial street or highway, an additional secondary minor secondary sign may be located at such an entrance to direct traffic into the development. Such signs shall be limited to 65 square feet and a height of 7.0'. The purpose of these signs are to identify the name of the center and any anchor stores in the proximity of each sign and not to enable any single anchor store to place their name or logo on multiple sign faces.

b. Gasoline Fueling Stations.

Gas fueling stations that are a part of a commercial center shall not be entitled to an individual free standing sign. Such a gasoline fuel station is entitled to the free standing pricing sign described below.

For all gasoline fueling stations, the installation a monument sign not to exceed a height of six feet (6.0') and 50 square feet identifying the gasoline brand, logo and pricing information, shall be permitted. The height and area of this sign may increase to eight feet (8.0') and 75 square feet for fuel stations at the corner of two highways or arterial streets. LED lighting is permitted on this sign to display gasoline prices. Gasoline fueling stations shall be prohibited from using A-frame signs, portable signs, or pricing signs on a canopy covering the fuel pumps. Signage on the fuel canopy shall be limited to trademark colors and the brand logo. The use of pennants, banners, streamers, or flag signs shall be prohibited. Signage on fuel pump spandrels shall also be prohibited. Gas signs must compliment the designs of primary and secondary freestanding site signage.

c. Sign Type.

All freestanding signage is limited to monument and pylon (monument style) signs.

d. Freestanding Sign Design

Site signs shall be designed in a manner that incorporates the colors, exterior building materials and design style of the building that it advertises. The architectural articulation elements included on the monument sign shall not be counted toward the computation of the size of the sign. This shall also apply to an articulated base of the sign, up to a height of 2.5 feet. Regardless of the number of signs that the center will have, all signs shall share common design elements.

The use of cabinet signs is permitted if they are designed in a manner to create the appearance of an individual letter backlit sign, where the cabinet is completely

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hidden from view and the background color, when lit, is subdued. All signs must be monument, or monument pylon style.

In the event that a corporate sign design requirement mandates a sign design that is not consistent with these design criteria, the applicant may either file a variance request for said sign or file an application for a Comprehensive Sign Plan for Planning Commission review and City Council consideration to allow an applicant the opportunity to substantiate those requirements and to allow an applicant the opportunity to propose an alternative sign design that can still satisfy the spirit and intent of this ordinance. In consideration of Comprehensive Sign Plan, an applicant may propose an alternative sign design and also propose site improvements, such as enhanced landscaping, upgraded sign articulation, building design, upgraded site design or any other site amenity as consideration for the franchise sign design.

3. LED Lighting.

LED signage shall be permitted subject to all of the LED sign requirements of this chapter, and the limitation of such signage to 20% of the permitted area of any sign.

4. Light Intensity (Proximity to Residential Uses).

The intensity of light emitted from signs is subject to the light intensity limitations specified in Section 80-13 of this chapter.

5. Split District Sites

In the event that a property is divided by the boundary of District A, B or C, the amount of permissible signage will remain tied to the sign district boundary. The more restrictive, or least restrictive sign district regulations, shall not govern the entire site,

6. Effect of the Subdivision of a Single Tenant Building/Site (By Plat or by Lease)

If a building or property that was originally permitted for a single tenant, single owner or group of owners is divided, either by a subdivision plat or by a private lease agreement, to allow multiple tenants or multiple ownerships, the new tenants or owners shall not be entitled to any addition signage as a consequence of that action. The new tenant(s) or owners will be allowed to utilize the originally permitted and existing site standing sign in accordance with the requirements for free standing signs for the development. In such an instance, the sign for the development shall not be considered an off-site advertising sign.

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7. Directional Signs.

Directional signs adjoining public street right-of-way shall not exceed a height of 4.0 feet from grade or a sign copy area of 4 square feet. Directional signs shall be limited to two (2) per site entrance or exit and at other locations on the site as necessary to direct traffic in a manner to avoid congestion.

Within the interior of the development, directional signs (no advertising copy) may be installed as necessary to direct motorist and pedestrian traffic through the development, subject to the approval of a uniform directional sign program by the Planning and Community Development Department Director. The principal criteria for the directional sign program is that all internal directional signs has uniform design, height, and placement guidelines, font size and style and includes only the names and/or logos of multiple businesses and that do not function as advertising signs, but rather as directional/way-finding signs.

8. Comprehensive Sign Program.

The City recognizes that there are certain uses that have specific signage needs, such as a hospital or auto dealership or a mixed use development, and sites that have unique characteristics that result in development and signage challenges. As such, a Comprehensive Sign Program may be submitted to govern signage in the entire area described in the Comprehensive Sign Program, subject to Planning Commission review and City Council approval. The Comprehensive Sign Program process is described in Section 80-25 of this chapter. The purpose of the Comprehensive Sign is to provide the developer and City with design flexibility and the ability to create site/use specific sign solutions appropriate for the circumstances and serve the interests of the public.

B. Major Regional Center

1. Wall Signs.

Wall sign area shall not exceed 4% of the front façade and 2% of any other building façade facing a public right-of-way or internal development ring road. For retail finish-outs, sign area shall be computed using the area of the front façade for each tenant space. Illuminated or non-illuminated channel letter signs are permitted and encouraged.

2. Freestanding Signs.

a. Number of Signs, Sign Area and Height.

At a minimum, one freestanding sign is permitted per site in the vicinity of the entrance to the center is permitted. This sign shall identify the name and address of the center and may include the names of tenants. The area and height of

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the primary free standing center sign is limited to 200 square feet and height fourteen feet (14.0'), respectively. A single secondary freestanding sign is permitted along each highway or arterial street that provides direct access to the center. Secondary signs must be directed toward the second arterial street or highway, be more than 150 feet from the primary sign. Secondary signs are limited to an area of 110 SF and a height of eleven feet (11.0'). Secondary signs must complement all design aspects of the primary center sign. Illuminated or non-illuminated channel letter signs are permitted and encouraged.

Primary sign height and area may increase to seventeen feet (17.0') and 225 square feet only if the primary sign is placed within a landscape island and is backlit or externally illuminated or is a cabinet sign designed to create the appearance of an individual backlit letter sign, where the cabinet is completely hidden from view.

If the center has more than one entrance into the development from an arterial street or highway with a limited purpose egress into the center from an arterial street or highway, an additional secondary minor secondary sign may be located at such an entrance to direct traffic into the development. Such signs shall be limited to 75 square feet and a height of 8.0'. The purpose of these signs are to identify the name of the center and any anchor stores in the proximity of each sign and not to enable any single anchor store to place their name or logo on multiple sign faces.

b. Gasoline Fueling Stations.

Gas fueling stations that are a part of a commercial center shall not be entitled to an individual free standing sign. Such a gasoline fuel station is entitled to the free standing pricing sign described below.

For all gasoline fueling stations, the installation a monument sign not to exceed a height of seven feet (7.0') and 70 square feet identifying the gasoline brand, logo and pricing information, shall be permitted. The height and area of this sign may increase to eight feet (8.0') and 90 square feet for fuel stations at the corner of two highways or arterial streets. LED lighting is permitted on this sign to display gasoline prices. Gasoline fueling stations shall be prohibited from using A-frame signs, portable signs, or pricing signs on a canopy covering the fuel pumps. Signage on the fuel canopy shall be limited to trademark colors and the brand logo. The use of pennants, banners, streamers, or flag signs shall be prohibited. Signage on fuel pump spandrels shall also be prohibited. Gas signs must compliment the designs of primary and secondary freestanding site signage. Illuminated or non-illuminated channel letter signs are permitted and encouraged.

c. Sign Type.

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All freestanding signage is limited to monument and pylon (monument style) signs.

d. Freestanding Sign Design

Site signs shall be designed in a manner that incorporates the colors, exterior building materials and design style of the building that it advertises. The architectural articulation elements included on the monument sign shall not be counted toward the computation of the size of the sign. This shall also apply to an articulated base of the sign, up to a height of 2.5 feet. Regardless of the number of signs that the center will have, all signs shall share common design elements.

The use of cabinet signs is permitted if they are designed in a manner to create the appearance of an individual letter backlit sign, where the cabinet is completely hidden from view and the background color, when lit, is subdued. All signs must be monument, or monument pylon style.

In the event that a corporate sign design requirement mandates a sign design that is not consistent with these design criteria, the applicant may either file a variance request for said sign or file an application for a Comprehensive Sign Plan for Planning Commission review and City Council consideration to allow an applicant the opportunity to substantiate those requirements and to allow an applicant the opportunity to propose an alternative sign design that can still satisfy the spirit and intent of this ordinance. In consideration of Comprehensive Sign Plan, an applicant may propose an alternative sign design and also propose site improvements, such as enhanced landscaping, upgraded sign articulation, building design, upgraded site design or any other site amenity as consideration for the franchise sign design.

3. LED Lighting.

LED signage shall be permitted subject to all of the LED sign requirements of this chapter, and the limitation of such signage to 20% of the permitted area of any sign.

4. Light Intensity (Proximity to Residential Uses).

The intensity of light emitted from signs is subject to the light intensity limitations specified in Section 80-13 of this chapter.

5. Split District Sites

In the event that a property is divided by the boundary of District A, B or C, the amount of permissible signage will remain tied to the sign district

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boundary. The more restrictive, or least restrictive sign district regulations, shall not govern the entire site,

6. Effect of the Subdivision of a Single Tenant Building/Site (By Plat or by Lease)

If a building or property that was originally permitted for a single tenant, single owner or group of owners is divided, either by a subdivision plat or by a private lease agreement, to allow multiple tenants or multiple ownerships, the new tenants or owners shall not be entitled to any addition signage as a consequence of that action. The new tenant(s) or owners will be allowed to utilize the originally permitted and existing site standing sign in accordance with the requirements for free standing signs for the development. In such an instance, the sign for the development shall not be considered an off-site advertising sign.

7. Directional Signs.

Directional signs adjoining public street right-of-way shall not exceed a height of 4.0 feet from grade or a sign copy area of 4 square feet. Directional signs shall be limited to two (2) per site entrance or exit and at other locations on the site as necessary to direct traffic in a manner to avoid congestion.

Within the interior of the development, directional signs (no advertising copy) may be installed as necessary to direct motorist and pedestrian traffic through the development, subject to the approval of a uniform directional sign program by the Planning and Community Development Department Director. The principal criteria for the directional sign program is that all internal directional signs has uniform design, height, and placement guidelines, font size and style and includes only the names and/or logos of multiple businesses and that do not function as advertising signs, but rather as directional/way-finding signs.

8. Comprehensive Sign Program.

The City recognizes that there are certain uses that have specific signage needs, such as a hospital or auto dealership or a mixed use development, and sites that have unique characteristics that result in development and signage challenges. As such, a Comprehensive Sign Program may be submitted to govern signage in the entire area described in the Comprehensive Sign Program, subject to Planning Commission review and City Council approval. The Comprehensive Sign Program process is described in Section 80-25 of this chapter. The purpose of the Comprehensive Sign is to provide the developer and City with design flexibility and the ability to create site/use specific sign solutions appropriate for the circumstances and serve the interests of the public.

(4) Industrial (Multi-Tenant)

A. Wall Signs.

Wall sign area may not exceed 3% of the front façade and 1.5% of any other façade that faces a public right-of-way. Illuminated or non-illuminated channel letter signs are permitted and encouraged.

B. Freestanding Signs.

1. Number of Signs, Sign Copy Area and Height.

Freestanding signs shall be limited to one sign to identify the name of the development, a logo and the street address. This sign shall be permitted a maximum area 130 square feet and a height of 14 feet. A second freestanding sign not to exceed 80 square feet and a height of 8 feet shall be permitted per arterial frontage with an entrance in to the development.

Primary sign height and area may increase to sixteen feet (16.0') and 160 square feet only if the primary sign is placed within a landscape island and is backlit or externally illuminated or is a cabinet sign designed to create the appearance of an individual backlit letter sign, where the cabinet is completely hidden from view. Illuminated or non-illuminated channel letter signs are permitted and encouraged.

If the development has more than to entrances into the development from an arterial street or highway an additional minor secondary sign may be located at such an entrance to direct traffic into the development. Such signs shall be limited to 75 square feet and a height of six feet (6.0)'. The purpose of these signs are to identify the name of the center and any anchor stores in the proximity of each sign and not to enable any single anchor store to place their name or logo on multiple sign faces. Illuminated or non-illuminated channel letter signs are permitted and encouraged.

2. Sign Type

Signage shall be limited to monument or pylon (monument style) style signs.

3. Freestanding Sign Design

Site signs shall be designed in a manner that incorporates the colors, exterior building materials and design style of the building that it advertises. The architectural articulation elements included on the monument sign shall not be counted toward the computation of the size of the sign. This shall also apply to an articulated base of the sign, up to a height of 2.5 feet. Regardless of the number of signs that the center will have, all signs shall share common design elements.

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Cabinet signs are permitted only if they are designed in a manner to create the appearance of an individual letter backlit sign, where the cabinet is completely hidden from view and the background color, when lit, is subdued. All signs must be monument, or monument pylon style.

In the event that a corporate sign design requirement mandates a sign design that is not consistent with these design criteria, the applicant may either file a variance request for said sign or file an application for a Comprehensive Sign Plan for Planning Commission review and City Council consideration to allow an applicant the opportunity to substantiate those requirements and to allow an applicant the opportunity to propose an alternative sign design that can still satisfy the spirit and intent of this ordinance. In consideration of Comprehensive Sign Plan, an applicant may propose an alternative sign design and also propose site improvements, such as enhanced landscaping, upgraded sign articulation, building design, upgraded site design or any other site amenity as consideration for the franchise sign design.

C. LED Lighting

LED signage shall be permitted subject to all of the LED sign requirements of this chapter, and the limitation of such signage to 20% of the permitted area of any sign.

D. Light Intensity (Proximity to Residential Uses).

The intensity of light emitted from signs is subject to the light intensity limitations specified in Section 80-13 of this chapter.

E. Split District Sites

In the event that a property is divided by the boundary of District A, B or C, the amount of permissible signage will remain tied to the sign district boundary. The more restrictive, or least restrictive sign district regulations, shall not govern the entire site,

F. Effect of the Subdivision of a Single Tenant Building/Site (By Plat or By Lease)

If a building or property that was originally permitted for a single tenant, single owner or group of owners is divided, either by a subdivision plat or by a private lease agreement, to allow multiple tenants or multiple ownerships, the new tenants or owners shall not be entitled to any addition signage as a consequence of that action. The new tenant(s) or owners will be allowed to utilize the originally permitted and existing site standing sign in accordance with the requirements for

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free standing signs for the development. In such an instance, the sign for the development shall not be considered an off-site advertising sign.

G. Directional Signs.

Directional signs adjoining public street right-of-way shall not exceed a height of 4.0 feet from grade or a sign copy area of 4 square feet. Directional signs shall be limited to two (2) per site entrance or exit and at other locations on the site as necessary to direct traffic in a manner to avoid congestion.

Within the interior of the development, directional signs (no advertising copy) may be installed as necessary to direct motorist and pedestrian traffic through the development, subject to the approval of a uniform directional sign program by the Planning and Community Development Department Director. The principal criteria for the directional sign program is that all internal directional signs has uniform design, height, and placement guidelines, font size and style and includes only the names and/or logos of multiple businesses and that do not function as advertising signs, but rather as directional/way-finding signs.

H. Comprehensive Sign Program.

The City recognizes that there are certain uses that have specific signage needs and sites that have unique characteristics that result in development and signage challenges. As such, a Comprehensive Sign Program may be submitted to govern signage in the entire area described in the Comprehensive Sign Program, subject to Planning Commission review and City Council approval. The Comprehensive Sign Program process is described in Section 80-25 of this chapter. The purpose of the Comprehensive Sign is to provide the developer and City with design flexibility and the ability to create site/use specific sign solutions appropriate for the circumstances and serve the interests of the public.

(5) Business Parks, Industrial Parks and Mixed Use Developments (Multi-Tenant/Multi-Use)

Business Parks and Industrial Parks greatly vary with respect to their needs for signage. Many developments of this nature require only a single identification sign to identify the address and the name of the business or industrial park. Once inside the park complex, directional signs become critical because of the large scale nature of the buildings and the need to direct trucks and other suppliers to particular addresses in the complex. Uniformity in directional sign size, location and design is critical to create a functional and aesthetic sign designs. Other business parks have commercial and industrial elements functioning in a campus like atmosphere, and may even have multi-family residential elements of a true mixed use development.

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When projects of this nature proposed, applicants shall be required to submit a Comprehensive Sign Program to govern all signage in the development, subject to Planning Commission review and City Council approval. The Comprehensive Sign Program process is described in Section 80-25 of this chapter. The purpose of the Comprehensive Sign will be to provide the developer and City with design flexibility and the ability to create site/use specific sign solutions appropriate for the circumstances, development plan and land uses that will comprise the project.

Sec. 80-18. Elevated sections of Interstate 10 (Sign Height Relief)

In certain instances, the visibility of a free-standing sign proposed to be oriented toward Interstate 10 could be limited by the elevated section of I-10. In those instances, an applicant may seek relief from the height restrictions of these requirements. To consider any request for relief, an applicant must provide the City with a cross section profile showing the elevated highway road base elevations, the elevation of the site, a spot elevation where the sign is proposed, and the proposed signage relative to the highway elevations. The distances between the proposed sign and the driving lanes shall also be provided. From that data, the applicant will develop a "line-of-sight" profile demonstrating the amount of additional sign height required to ensure sign visibility and establish a "minimum height of line" necessary to ensure sign visibility to east and west bound I-10 traffic.

Using this required data as a basis, the Director of Planning and Community Development may administratively allow five feet (5.0') of additional sign height. If the proposed sign requires more than five feet (5.0') to be visible to I-10, the applicant shall be required to request a variance.

In considering such a variance, preference will be given to signs that employ back lighting and/or channel letter techniques. The use of sign cabinets are prohibited unless they are designed in a manner that appears to convey the appearance of individual letter signs with extremely subdued background cabinet colors. The applicant must clearly demonstrate that the sign copy/logo will be installed to the lowest height as necessary to ensure that the line-of-sight to the sign is just above the I-10 east/west bound highway grades.

Sec. 80-19. Miscellaneous attached sign regulations.

(a) *Awning signs.* The purpose of an awning sign is to provide an advertising message on the façade of a building. Awning signs shall be regulated as if it were a wall sign and shall be subject to the wall sign area limitations. If the entire awning, including sign copy and logos are illuminated, the entire awning is

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considered to be a sign. If only the sign copy and/or logo is back lit, only the sign copy and logo will be calculated as a sign.

- (1) The sign area on an awning shall not exceed 20 percent of the area of the awning and shall extend for no more than 50 percent of the length of the awning.
- (2) Awning sign area shall be determined by measurement of just the sign copy and/or business logo on the awning.

(b) *Canopy signs.* A canopy sign shall be no greater in size than 20 percent of the face of the canopy of which it is to be installed and shall not extend beyond the face of the canopy either vertically or horizontally. An illuminated strip may be incorporated into the canopy. Canopy signs shall be subject to the wall sign area limitations. If the entire canopy, including sign copy and logos are illuminated, the entire canopy is considered to be a sign. If only the sign copy and/or logo is back lit, only the sign copy and logo will be calculated as a sign. Canopies used for gasoline fueling stations are further regulated by other sections of this chapter.

(c) *Projecting signs.* The purpose of a projecting sign is to identify the name of a business, profession, service, product or activity conducted, sold or offered on the premises where the sign is located by providing an advertising message that is perpendicular to the wall of the building to which it is attached. Projecting signs shall be allowed, with the allowable area of the projecting sign to be governed by the wall signage permitted for the facade in which the projecting sign is proposed to be located. Only 1-side of the projecting sign will be used to determine the area of this sign.

- (1) *Number of signs:* One projecting sign shall be allowed for each single tenant building or for each tenant in a multi-occupancy structure. However, no tenant storefront shall have a projecting sign in combination with a wall sign on the same building elevation.
- (2) *Horizontal projection:* A projecting sign shall not project more than four feet from any wall facing and shall not be located in a public right-of-way, without the consent of the City Council, and shall not be elevated above the apparent roof line of the building.
- (3) *Clearance:* Every projecting sign shall be a minimum of eight feet above the grade over a walking area or 14 feet over a vehicular maneuvering area. Projection signs shall not project over any property line or right-of-way line unless with an approved license agreement.
- (4) A projecting sign may be illuminated.

(d) *Light mounted banner signs.* Light mounted banner signs within public rights-of-way shall be permitted along major gateway highways and other

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prominent arterial streets designated by City Council, that pass through the community to advertise community events, seasonal and historic themes, or other such civic purposes. Signs of this nature shall also be permitted in commercial complex centers and industrial parks and other mixed use developments to create a “brand image” for that development. Such banners must be approved by the appropriate electric utility company. Light mounted banner signs shall comply with the following regulations:

- (1) Banners shall be limited to not more than one banner on any light pole.
- (2) Banners shall be limited to no more than two feet by six feet in exterior dimension and 12 square feet in area per banner.
- (3) A minimum height of six feet as measured from adjacent grade to the bottom of the banner shall apply.
- (4) Banners shall be maintained in good repair. Should they become excessively faded, tattered or torn, they shall be replaced or removed.
- (5) Banners shall not be illuminated, except for indirect lighting associated with the main lamp of the light pole to which it is mounted.

Sec. 80-20. Temporary sign regulations.

(a) *Construction trades signs.* The purpose of a construction trades sign is to denote the architect, engineer, financial institution or building trades contractor involved in a construction project. Construction trades signs shall be categorized as either commercial or residential.

- (1) The maximum area, height, spacing and setbacks of a construction trades sign for commercial or industrial locations shall not exceed 64 square feet and shall not exceed ten feet in height.
- (2) The maximum area, height, spacing and setbacks of a construction trades sign for residential locations shall not exceed eight square feet and shall not exceed four feet in height.
- (3) Construction trades signs shall not be erected until a building permit has been submitted for building construction and shall be removed up on completion of the construction project or occupancy of the structure, whichever is applicable.
- (4) No permit or fee shall be required for a construction trades sign.
- (5) Signs shall not be located in the street right-of-way, shall be placed at least twenty-five (25) feet from an intersection and a minimum of ten (10) feet from the curbline.
- (6) A construction trade sign shall not be illuminated.

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(b) *Future development signs.* Future development signs shall be regulated as either commercial or residential.

(1) The maximum area, height, spacing and setbacks of a future development sign shall not exceed 64 square feet and shall not exceed ten feet in height.

(2) A permit shall be required for a future development sign.

(3) A future development sign shall not be illuminated.

(4) A future development sign shall be removed when the project is 90 percent complete or within three years from start of construction, whichever is less. For the purpose of this provision, a subdivision shall be deemed 90 percent complete when ninety (90%) percent of the lots within the subdivision are sold.

(5) Signs shall not be located in the street right-of-way, shall be placed at least 25 feet from an intersection and a minimum of ten (10) feet from the curbline.

(6) One sign shall be permitted per lot; except that one sign per major access to the development shall be authorized if a lot is used together with one or more contiguous lots for a single use or a unified development (for example, a shopping center).

(c) *Real estate signs (commercial, including multifamily).* The purpose of a commercial real estate sign is to advertise the sale, rental or lease of the premises on which said sign is located.

(1) A commercial real estate sign shall not be illuminated.

(2) The maximum area and height of a commercial real estate sign shall not exceed 64 square feet and shall not exceed ten feet in height.

(3) Commercial real estate signs shall be removed within seven days following the completion of the sale, rental or lease of the premises.

(4) No more than one sign per 300 linear feet of street frontage may be placed on such property.

(5) Signs shall be placed at least twenty-five feet from an intersection and a minimum of ten feet from the curbline.

(6) No permit or permit fee shall be required for a commercial real estate sign.

(d) *Real estate signs (residential).* The purpose of a residential real estate sign is to advertise the sale, rental or lease of the premises on which said sign is located.

(1) A residential real estate sign shall not be illuminated.

(2) The maximum area and height of a residential real estate sign shall not exceed 12 square feet and shall not exceed six feet in height.

(3) All signs shall be removed within seven days following the completion of the sale, rental or lease of the premises.

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- (4) Signs shall be placed at least 25 feet from an intersection and a minimum of ten feet from the curbline.
- (5) No permit or permit fee shall be required for a residential real estate sign.
- (e) *Miscellaneous temporary sign regulations.*
 - (1) Temporary signs advertising the opening or relocation of a business shall only be permitted for a maximum period of 30 days before and 60 days after such opening or relocation. Signs shall be placed at least 25 feet from an intersection and a minimum of ten feet from the curbline.
 - (2) Except as specifically provided otherwise in this chapter, banners shall not exceed 32 square feet, must be attached and parallel to a wall of the structure, and shall only be permitted for a period not to exceed 30 calendar days and with a period of not less than 30 days between displays.
 - (3) Human signs shall be allowed on private property and the untraveled public rights-of-way provided that no human sign, as defined by this ordinance, shall be displayed within five feet of a vehicular traffic lane.
 - (4) Except as specifically provided otherwise herein, temporary signs shall not exceed four square feet in size and shall be allowed for a maximum of 14 calendar days per event. Temporary signs shall be placed at least 25 feet from an intersection and a minimum of ten feet from the curbline. Temporary signs shall not be placed anywhere in the center median of a public or private street.
 - (5) Open house signs do not require a permit, shall not exceed four square feet, and shall be allowed for a maximum of four hours the day of the open house. Open house signs shall be placed at least 25 feet from an intersection and a minimum of ten feet from the curbline. Open house signs shall not be placed anywhere in the center median of a public or private street.
 - (6) Use of temporary decorations as signs, otherwise referred to as decorative festoons, meaning tinsel, strings of ribbon, small commercial flags, or streamers may be used as temporary enhancement of signage in a commercial sign category, providing these devices have no glare, no moving parts, are maintained, and comply with all codes and policy guidelines governing their safe use. No lettering is permitted on these items. Temporary decorations may be used for a period not to exceed 30 calendar days with a period not less than 30 days between displays.
 - (7) Event signs, off-site, on-site or street banners, approved by either the Building Official, or City Council as a community service of interest to the general public.

Sec. 80-21. Flagpoles and commercial flags.

The national or state flag and the flagpoles for the express purpose of displaying the national or state flag are exempt from this section. The purpose of the regulation is to restrict the number and height of permanently mounted corporate flags advertising a business. One flagpole shall be allowed per development at a maximum height of 20 feet in nonresidential and multifamily residential sign districts. Such flags may only display corporate colors and/or the logo of the business or development.

Sec. 80-22. Advertising searchlight.

- (a) For purposes of this section, an "advertising searchlight" means a searchlight used to direct beams of light upward for advertising purposes.
- (b) Use of an advertising searchlight at any location is authorized upon issuance of a permit by the building official.
- (c) The permit shall be effective for a maximum period of five days per calendar year to any business.
- (d) An advertising searchlight shall not be operated between dusk to 10 p.m.

Sec. 80-23. Kiosk signs.

- (a) Kiosk signs are intended to provide a uniform, coordinated method of providing homebuilders and developers a means of utilizing directional signs, while minimizing the negative impacts of weekend homebuilder's signs on the appearance of the city. Kiosk signs are also intended to provide service to the public on the directions to municipal facilities and parks, community events, and school district facilities.
- (b) The city council may, by duly executed license agreement, grant the exclusive right to design, erect and maintain kiosk signs within the city limits and extraterritorial jurisdiction of Sealy.
- (c) Kiosk signs shall be designed and constructed in accordance to the specifications contained in the aforementioned license agreement.
- (d) Prior to erecting any kiosk sign, the licensee shall submit a sign location map to the building official for approval.
- (e) Kiosk sign installation shall include break-away design features as required for traffic signs in the street right-of-way.
- (f) Advertisement of price information shall be prohibited on kiosk signs.
- (g) No additional or extraneous signs, pennants, flags or other devices for visual attention or other appurtenances shall be attached to kiosk signs.

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- (h) Kiosk signs shall not be illuminated.
- (i) Individual sign panels on kiosks shall have a uniform design and color.
- (j) Kiosk signs shall not interfere with the use of sidewalks, walkways, bike and hiking trails; shall not obstruct the visibility of motorists, pedestrians or traffic control signs; shall not be installed in the immediate vicinity of street intersections; and shall comply with the visibility triangle requirements contained in the Subdivision Regulations or other visibility easements provided by code or subdivision plat.
- (k) Kiosk sign may be located on private property, or other state-maintained roadways, provided written permission is obtained from the property owner.
- (l) Kiosk sign panels shall be available to all developers and homebuilders operating within the city. Developers and homebuilders operating within the city limits shall have first priority to lease sign panels. In the event extra panel space is available, residential developments, located outside the city limits but within the City ETJ may also lease panels.
- (m) In accordance to the specifications contained in the aforementioned license agreement, a percentage of the kiosk sign panels shall be reserved for the City to use as directional signage to municipal or community facilities or locations or community events.
- (n) No kiosk sign shall be placed, located, or installed on city-owned property or public right-of-way without a license agreement duly approved by the City Council.

Sec. 80-24. Incidental sign regulations.

- (a) *Government sign.* Government sign(s) are permitted in all categories, subject to all laws and regulations that apply.
- (b) *Memorial sign.* Memorial sign(s) may be installed in accordance with state historical standards, or as building cornerstones not to exceed eight square feet.
- (c) *Private traffic-control signs.* Private traffic-control signs are not allowed for single-family residential or duplex uses, but are otherwise permitted. Signs shall not exceed four square feet in size, and may contain directions and the name or logo of the same-site user.
- (d) *Window signs.* Window signs may be placed so as not to obscure more than 25 percent of the visible window area. Where multiple windows exist, fronting on the single elevation, the 75 percent visibility shall be maintained for the total window area on said elevation.
- (e) LED Sign Regulations.

LED signs, where permitted by this chapter, shall be subject to the following additional requirements:

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1. The sign shall contain no motion, twirling, rotation, spinning, continuous scrolling or any other like form of motion or action. Images and text shall dissolve from one message or image to the next image or text.
2. Digital signage is limited to non-animated images and each image must be displayed ("dwell") for a minimum of eight (8) seconds.
3. During the daytime, based on normal daylight illumination, a maximum limit of 5,000 nits is permitted to keep luminous signage balanced with the surrounding landscape. During nighttime hours, a maximum luminosity is limited to 150 nits.
4. If the nighttime luminance setting and limit is based on the sign in question being set to display full white, full brightness field, a limit as high as 200 nits for this method of calibration and testing is suitable.
5. Incremental luminance limits between the nighttime limit and the full sunlight limit may also be specified for overcast or foggy days, or for dusk; or regulations may require an automatic control of sign luminance based on the ambient lighting condition, to throttle the sign luminance between the sunny-day and night maximums.
6. Surface luminosity measurements should be made directly with a calibrated luminosity meter, following the instrument manufacturer's instructions. Readings should be taken from the area (generally of roadway) where the sign in question will be visible from, and which is closest to being directly in front of the sign (where the luminosity output is most focused).

Sec. 80-25. Comprehensive Sign Program Purpose and Regulations.

The use of a comprehensive sign program is designed for integrated commercial and industrial developments and mixed use developments, that generally have multiple uses, multiple shared points of access, or that may be a part of a large scale development, such as a shopping mall or industrial park that is identifiable by a single development name, or by a school or hospital that may have multiple buildings and/or special signage needs; to allow site or development project signage that is appropriate to the character of the development in order to adequately identify the development in a form so as to provide a good visual environment, promote traffic safety, and minimize sign clutter in a form that is appropriate to the development and consistent with the purpose and intent of these sign requirements.

(1) Criteria.

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Comprehensive sign programs shall be subject to Planning Commission review and approval. The Planning Commission shall have the discretion and authority to approve or to deny any request, or to impose any reasonable and appropriate conditions of approval, on the basis of how the sign program conforms to the spirit and intent of these sign regulations.

(2) Process, Criteria for Approval and Purpose.

Applications for a Comprehensive Sign Program shall be filed with the Planning and Community Development Department. Applicants should submit adequate information, as necessary, to enable the City to review the application and determine if the Sign Program should be approved, or denied. Applicants are not required to demonstrate or prove that a hardship exists to justify the approval of a sign program, but should assume that there will be an added burden to justify each additional degree of deviation from the applicable requirements of the Sign Ordinance and the spirit and intent of the sign ordinance. The Sign Program shall be subject to review by the Planning Commission and simple majority vote of approval by the City Council to approve the sign program. The primary criteria to determine if the Sign Program is approved or denied are the specific signage needs of the project and whether approving the sign program is in the best interests of the City of Sealy. The purpose of this process is to provide developers and the City with the flexibility to address sign issues in a manner that appropriate for the circumstances of the specific site and use.

(3) Compatibility Required.

The comprehensive sign program shall promote compatibility for all signs within the specific development. Architectural theme, materials, and color should be consistent with or complement the overall character of the development in which the signs are proposed to be located and the area surrounding the development in which the signs would be located.

(4) Size and Height.

Signs proposed under the comprehensive sign program shall be no larger than a maximum of 50% of the standards of the sign regulations unless the applicant can demonstrate a site specific consideration, or considerations, why a deviation in excess of the 50% standard is justified.

(5) Off-Site Signs.

Developments within a shared/common approved commercial or industrial subdivision plat, may apply for off-site signage within the area described in that commercial or industrial plat. An industrial park is an example of such a development. The signs may be placed on parcels where an existing master site plan has been established. In those developments that do not have an existing master sign plan, the Comprehensive Sign Program process may be utilized to establish a sign program for the development, provided that the application form for the Comprehensive Sign Program is signed by all property owners on which

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signs are proposed to be located. This section shall not be construed to allow the installation of a billboard type sign

(6) Placement.

Signs proposed under the comprehensive sign program shall be placed appropriately in areas visible and readable. Review of location is considered by traffic movement of surrounding streets, traffic volumes and access points, AASHTO and engineering standards, visibility triangles, sign orientation and topographic features.

(7) Integration of Building Design into Sign Design.

All signs must be integrated with the design of the building and the site development, reflecting the architecture, building materials, and landscape elements of the project. The means of integrating freestanding signs with the architecture of the building may be achieved through replication of architectural embellishments, colors, building materials, texture, and other elements found in the building design. Integration shall also include the use of sign graphics that are consistent in terms of lettering style, colors, and method of attachment as used for wall-mounted signing found on the building. It is vital that signs be integral with the building designs and that all signs share common design elements.

(8) Sign Design Considerations.

In consideration of a Comprehensive Sign Plan, an applicant may propose an alternative sign design and also propose site improvements, such as enhanced landscaping, upgraded sign articulation, building design, upgraded site design or any other site amenity as consideration for the signage. The Planning Commission, City Council, staff and applicant may consider a variety of alternatives to ensure that the spirit of these regulation is obtained and that end result of the process will result in an attractive site design that benefits the applicant and the City.

Sec. 80-26. Nonconforming signs.

(a) By the adopting these regulations, as may be amended from time to time, no existing illegal sign shall be deemed to have been legalized unless such sign complies with all current standards under the terms of this ordinance and all other applicable ordinances and codes of the city. Any sign which does not conform to all provisions of this ordinance but which existed on the effective date of this chapter and was lawfully constructed or installed shall be considered as a non-conforming sign. All non-conforming signs shall be permitted in the same manner as any other legally existing sign or proposed sign; provided that no sign that was constructed or installed in violation of any state or local law, or that was originally constructed or installed without a permit that was then required at such time, shall be or qualify as a non-conforming sign.

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(b) A nonconforming sign shall be allowed to be continued and maintained at its existing location subject to the limitations of this section.

(c) No nonconforming sign may be enlarged or altered in a way which would increase its nonconformity; provided that the sign face may be changed in compliance with this chapter.

(d) A nonconforming sign shall be removed immediately if any of the following applies:

(1) The nonconforming sign is abandoned as defined in this subsection. Whenever any non-conforming sign no longer advertises a bona fide business or a business which has moved away or closed, a product sold, or service rendered, such sign shall be removed within 60 days. If the non-conforming sign is a wall sign, the wall sign shall be removed or painted over with a color that resembles or matches the rest of the wall of the building. If the owner of, or person responsible for the sign, or if the tenant closing a business, fails to remove the abandoned sign or paint over the wall sign, the owner of the premises shall be held responsible and the work shall be done within 30 days following written notice to do so by the building official.

(2) The building official or his/her designee determines the sign to be obsolete or substandard under any applicable ordinances of the city to the extent that the sign becomes a hazard or dangerous.

(3) A nonconforming sign, or a substantial part of it, is destroyed or dismantled for any purpose other than maintenance operations or for changing the letters, symbols, or other matter on the sign.

(e) Reconstruction, repair, or replacement of a nonconforming sign shall be completed no later than 90 days following the date of the damage. For purposes of this subsection, a sign, or a substantial part of a sign, is considered destroyed if the cost of repairing the sign is more than 50 percent of the cost of installing a new sign of the same type at the same location.

Sec. 80-27. Hazardous signs.

Except as otherwise provided by law or this chapter, no person may install, maintain, or use a sign that:

(1) Obstructs a fire escape, required exit, window, or door used as a means of escape.

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- (2) Interferes with a ventilation opening, except that a sign may cover a transom window if otherwise in compliance with the building code and fire code.
- (3) Substantially obstructs the lighting of public right-of-way or other public property, or interferes with a public utility or traffic-control device.
- (4) Contains or utilizes a supporting device placed on public right-of-way or other public area within the city limits and the extraterritorial jurisdiction of the city, unless the use of the public rights-of-way or other public area has been approved by the city and a right-of-way joint use agreement has been filed.
- (5) Is illuminated in such a way as to create a hazard to pedestrian, bicycle, or vehicular traffic.
- (6) Creates a traffic hazard for pedestrians, bicyclists, or motorists, by restricting visibility at a curb cut or adjoining public street.
- (7) Has less than nine feet of clearance above street pavement grade or has less than 12 feet of clearance above a driveway, and/or is located outside the public right-of-way and within the visibility triangle at an intersection that results in impaired sight distance of users of the intersection.
- (8) Violates a requirement(s) of the building and electrical codes adopted by the City of Sealy.
- (9) Is determined by the building inspector to be dangerous.

Sec. 80-28. Abatement of sign violations and removal of unsafe signs.

- (a) Any sign that is structurally unsafe or that constitutes a hazard to the health, safety, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage, abandonment or other cause is hereby declared to be a public nuisance and shall be abated by demolition or removal.
- (b) Should the building official or the code enforcement officer determine that any sign is not properly maintained, is unsafe or insecure or has otherwise been constructed, erected or maintained in violation of the provisions of this chapter, he shall take action as follows:
 - (1) Except as provided in the following paragraphs (2) and (3), the building official shall give the sign or property owner written notice to repair, remove or obtain a permit for such sign as applicable within ten days after such notice. If the sign or property owner fails to remove, repair, or obtain a permit for such sign so as to comply with all applicable standards and regulations, the building official shall cause the sign to be either removed or repaired and such cost shall be charged to and paid by the property owner. If such demolition or repair expenses are not paid by the property owner within 30 days of such billing, then such expenses shall

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constitute a valid lien against the property. Such notice shall also provide the sign or property owner an opportunity to bring the sign into compliance or to request a hearing before the sign control board to determine whether the sign should be repaired or removed. Such appeal must be filed in writing with the City Secretary within ten days of the notice. After consideration of all facts, the sign control board shall rule upon the appeal.

(2) The building official may cause any sign which is an immediate peril to persons or property to be removed summarily and without notice.

(3) Any sign located in public right-of-way may be immediately removed by the building official without notice to the owner.

(c) In addition to the above, the building official or the code enforcement officer may issue citations without giving prior notice of violation or pursue any other administrative or legal remedy in order to abate any sign which is in violation of this chapter or any other law.

Sec. 80-29. Repairs and maintenance.

All signs in the city and its ETJ shall be properly maintained in good and safe structural condition, shall be painted on all exterior parts, unless coated or made of rust resistant material, and shall be maintained in good condition and appearance at all times. Any owner or primary beneficiary failing to maintain, repair, or remove any such sign after due notices has been given shall upon conviction be guilty of a misdemeanor. The building official shall have the authority to order the painting, repair, or removal of a sign and accompanying landscaping which do not comply with this ordinance or the building codes or that constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.

Sec. 80-30. Variances and Appeals.

(a) Application and fee required. Any person, business or other organization desiring to continue in use, locate, construct or otherwise place any sign which does not conform to the provisions of this chapter may make application to the Planning Commission and City Council for a variance to continue in use, locate, construct or otherwise place such a sign. Any person, business or other organization desiring to appeal the decision of the Director of the Planning and Community Development Department or the Building Official in the administration of this chapter may make an application to the Planning Commission and City Council appealing that decision. An application for a variance or an appeal shall be filed with the City Secretary, accompanied by the appropriate fee established by City Council and by a drawing or sketch in

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sufficient detail to determine the location and type of construction for the proposed sign.

(b) Standards for variances and appeals. The Planning Commission may recommend approval, and the City Council grant approval, of a variance or appeal only if affirmative findings, reflected in the minutes of the Planning Commission and City Council's proceedings, affirm the presence of any combination of the following factors:

(1) A literal enforcement of the provisions of this chapter would result in unnecessary hardship.

(2) The variance will not be contrary to the goals and objectives of these regulations.

(3) The variance will be in harmony with the spirit & purposes of this chapter & in the public interest.

(4) Special conditions applying to the land, buildings, topography, vegetation, sign structures, or other unique matters on adjacent lots or within the adjacent right-of-way, a literal enforcement of the ordinance would result in unnecessary hardship. Ordinarily, hardship that is self-induced or that is common to other similarly-classified properties will not satisfy this requirement. Financial or economic hardship alone will not ordinarily satisfy this requirement;

(c) Conditions of variances or appeals. The Planning Commission and City Council may impose such conditions or requirements in a variance or appeal as necessary to protect the overall character of the community and to achieve the fundamental purposes of this chapter. A violation of such conditions or requirements shall constitute a violation of this chapter. A variance or appeal, if granted, shall be for a specific event, use or other application of business and shall not continue with the property. If a variance or appeal is granted and the sign so authorized is not substantially under construction within six months of the date of approval of the variance or appeal, the variance or appeal shall lapse and become of no force or effect.

(c) Vote required. A concurring majority vote of the Planning Commission shall be necessary to make a recommendation on the matter to the City Council. A concurring vote of a majority of the City Council members shall be necessary to approve any variance or appeal from this chapter.

(d) Time limitation on order permitting erection of sign. Variances or appeals from these requirements shall be valid for a period of six months, unless a sign permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

Sec. 80-31. Penalty.

(a) Any individual, association, corporation or legal entity intentionally, knowingly, recklessly, or with criminal negligence violating any provision of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by the assessment of a fine not exceeding \$2,000.00 . A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

(b) The primary beneficiary of any sign installed in violation of this section shall be presumed to have authorized or caused, either directly or indirectly, the installation, use, or maintenance of the sign in violation of this chapter.

(c) Whenever any construction, installation, alteration, or repair of a sign is being done contrary to the provisions of this ordinance, another controlling ordinance or statute governing the sign, the building official may order the work stopped by notice verbally or in writing served on any persons engaged in the doing or causing such work to be done and the city shall post a STOP WORK ORDER on the property adjacent to the posted building permit, and any such persons shall forthwith stop such work until authorized by the building official to proceed with the work. If no permit has been issued, all work shall stop until a permit has been properly issued and all errors corrected to the satisfaction of the building official. The building official may also issue a work correction order, which shall be served upon any persons who are working on a certain aspect of the sign.

(d) The city shall enforce this chapter by appropriate administrative action, including but not limited to, the rejection of plans, maps, plats and specifications not found to be in compliance with this ordinance and good engineering practices, and the issuance of stop work orders.

(e) Upon the request of the City Council, City Attorney or other authorized attorney shall file an action in the district courts to enjoin the violation or threatened violation of this ordinance, or to obtain declaratory judgment, and to seek and recover court costs and attorney fees, and/or recover damages in an amount sufficient for the city to undertake any construction or other activity necessary to bring about compliance with a requirement established pursuant to this chapter.

(f) Removal. In addition to remedies otherwise provided in this chapter, whenever the City has evidence of a sign which after the effective date of this ordinance was constructed, reconstructed, placed, installed, repaired, maintained, relocated, altered, or used in violation hereof, or is otherwise in violation hereof,

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the Building Official or Code Enforcement Officer shall require the party responsible for such sign to remove it. If the responsible party fails to remove the sign within seventy two (72) hours after being notified to do so or if it appears to the Building Official or Code Enforcement Officer that the sign poses an immediate danger to the public, then such sign may be removed by the City of Sealy and the City's actual cost of removal shall be charged to the responsible party. Any sign so removed shall be impounded and shall not be returned to the party responsible until all applicable charges are paid. If any sign remains unclaimed for a period of more than thirty (30) days, the City may destroy, sell, or otherwise dispose of the sign.

The City shall have the authority to immediately remove and dispose of signs deemed in violation of this ordinance, if such signs are placed on or attached to trees, utility poles, or pedestals, or located on any public land or public right-of-way. The City may enforce this section without notice and without returning the removed signs to the responsible party.

The City shall not be held liable for damage to said sign(s) during the removal or storage of the sign(s) by the City.

Sec. 80-32. - Relation to other ordinances.

This chapter shall not be construed to require or allow any act which is prohibited by any other ordinance of chapter of the Sealy City Code. This chapter is specifically subordinate to any ordinance or regulations of the city pertaining to building and construction safety or to pedestrian and traffic safety. ”

Section 4. The City Council deems this ordinance to be an ordinance affecting public health and safety. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

Section 5. Repealer. All ordinances or parts of ordinances, or resolutions, official or unofficial policies, or practices inconsistent or in conflict herewith, are, to the extent of such inconsistency or conflict, hereby repealed.

Section 6. Severability. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any

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reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Sealy, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED AND APPROVED on first reading this 9th day of December, 2014.

PASSED, APPROVED, AND ADOPTED on second and final reading this 13th day of January, 2015.

Mark A. Stolarski, Mayor

ATTEST:

Dayl Cooksey, City Secretary

APPROVED AS TO FORM:

Robert Gervais, City Attorney