

City of Bryan Sign Ordinance



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Chapter 98 Bryan Code of Ordinances

Effective September 19, 1997
with amendments through June 5, 2009

TABLE OF CONTENTS

ARTICLE I. IN GENERAL.....4

Section 98-1. Adoption of sign ordinance.4

Section 98-2. Scope; conflicting provisions.4

Section 98-3. Definitions.4

Section 98-4. Conformance with provisions of chapter.....10

Section 98-5. Signs prohibited in all districts.10

Section 98-6. Permits required.....11

Section 98-7. Signs not requiring permits.....11

Section 98-8. Maintenance.....12

Section 98-9. Lighting.12

Section 98-10. Changeable copy.....13

Section 98-11. Sign contractor’s license.....13

Section 98-12. Deposit or bond.13

Section 98-13—98-42. Reserved.14

ARTICLE II. REGULATION OF ON-PREMISES SIGNS BY DISTRICT.....15

Section 98-43. Signs allowed in RD-5, RD-7, MF, MU-1 and AO zoning districts.15

Section 98-44. Signs allowed in office, retail, downtown and MU-2 zoning districts.15

Section 98-45. Signs allowed in industrial zoning districts.16

Section 98-46. Signs permitted in commercial zoning districts.17

Section 98-47—98-65. Reserved.18

ARTICLE III. NONCONFORMING SIGNS19

Section 98-66. Determination of exempt status.....19

Section 98-67. Loss of exempt on or off premises status.19

Section 98-68. Maintenance and repair of exempt signs.20

Section 98-69—98-94. Reserved.20

ARTICLE IV. CONSTRUCTION SPECIFICATIONS21

Section 98-95. Compliance with building and electrical codes.....21

Section 98-96—98-118. Reserved.21

ARTICLE V. ADMINISTRATION AND ENFORCEMENT.....22

Section 98-119. Chief building official.22

Section 98-120. Board of sign control and appeals.22

Section 98-121. Appeals from an interpretation of this Code by the chief building official.....23

Section 98-122. Standard for review.23

Section 98-123. Permit required.	23
Section 98-124. Application for permits.....	24
Section 98-125. Permit review and action.	24
Section 98-126. Permit and license fees.	25
Section 98-127. Inspection upon completion.....	25
Section 98-128. Variances.	25
Section 98-129. Dangerous and defective signs.	26
Section 98-130. Removal of signs by the chief building official.	26
Section 98-131. Citations.....	27
Section 98-132. Penalties.....	27
Section 98-133—98-149. Reserved.....	27
 ARTICLE VI. DOWNTOWN HISTORICAL DISTRICT	28
 Section 98-150. Definitions.	28
Section 98-151. Sign regulations in downtown historic district.....	29
Section 98-152. Wall signs.	30
Section 98-153. Window signs.	30
Section 98-154. Awning signs.	31
Section 98-155. Roof signs.	31
Section 98-156. Detached signs.....	31
Section 98-157. Portable signs.....	31
Section 98-158. Off-premises signs.....	31

ARTICLE I. IN GENERAL

Section 98-1. Adoption of sign ordinance.

There is adopted an ordinance providing for maximum area and dimensions of sign and display advertising in the interest of the public safety, convenience health and general welfare of the people of the city.

(Code 1988, § 22-1; Ord. No. 1443, § I, 10-28-2003)

Section 98-2. Scope; conflicting provisions.

The provisions of this chapter shall apply to all signs, as that term is defined herein, within the corporate limits of the city, and its extraterritorial jurisdiction, that are:

- (1) Located on private property;
- (2) Visible from any public or private street; and
- (3) Used for advertising;

provided that this chapter shall not preempt the sign laws of the historic preservation district: This law is subject to the provisions of V.T.C.A., Local Government Code chapter 216, entitled "Regulation of Signs by Municipalities." This chapter shall not apply to signs of a local, state or federal government or signs required to be placed on private property by local, state or federal law. Any conflict between provisions of this chapter and V.T.C.A., Local Government Code chapter 216 shall be resolved in favor of such chapter 216 and its amendments. All signs that are electrically operated or contain one or more components must also obtain an additional permit as required by the city electrical ordinance.

(Code 1988, § 22-2; Ord. No. 1443, § I, 10-28-2003)

Section 98-3. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned sign shall mean a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product; or activity, and/or for which no legal owner can be found.

Advertising shall mean to attract, or to attempt to attract, the attention of any person to any business, accommodations, goods, services, property, or commercial activity. The following is not advertising for the purposes of this chapter:

- (1) Signs protesting against any person, business, organization, property or commercial activity; and
- (2) Signs promoting or denouncing political, ideological, social or religious issues or beliefs of any person or group.

Animated sign shall mean any sign which uses movement or change of lighting to depict action or to create a special effect or scene (compare "flashing sign").

Awning shall mean a shelter projecting from and supported by the exterior wall of a building constructed of nonrigid materials on a supporting framework (compare "marquee").

Awning sign shall mean a sign painted on, printed on, or attached flat against the surface of an awning.

Banner sign shall mean a sign made of fabric or any nonrigid material with no enclosing framework.

Billboard. See "Off-premises sign."

Board of sign control and appeals. See [section 98-120](#).

Building shall mean any structure that encloses a space used for sheltering any occupancy. Each portion of a building separated from other portions by a firewall shall be considered as a separate building.

Cabinet shall mean a sign component that houses the other components of a sign.

Changeable copy sign (automatic) shall mean a sign on which the copy changes automatically on a lamp bank or through mechanical means, e.g., electrical or electronic time and temperature units.

Changeable copy sign (manual) shall mean a sign on which copy is changed manually in the field, e.g., reader boards with changeable letters.

Chief building official shall mean the officer or other designated authority or his or her duly authorized representative, charged with the administration and enforcement of this chapter.

Clearance (of a sign) shall mean the smallest vertical distance between the grade of the adjacent street or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade.

Construction sign shall mean a temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.

Copy shall mean the wording on a sign surface in either permanent or removable letter form.

Curbline shall mean an imaginary line drawn along and parallel to the outermost part or back of the curb and gutter on either side of a public street; or, if there is no curb and gutter, along and parallel to the outermost portion of the paved street; or, if there is no paved street, along and parallel to the outermost edge of the traveled portion of the street.

District shall mean any sections of the city for which the regulations governing the use of land and the use, density, bulk, height and coverage of buildings and other structures are uniform for each class or kind of building therein. Also see "Zoning district."

Double-faced sign shall mean a sign with two faces.

Electrical sign shall mean a sign or sign structure in which electrical wiring, connections, or fixtures are used.

Electronic message center. See "Changeable copy sign (automatic)."

Facade shall mean the entire building front including the parapet.

Face of sign shall mean the area of a sign on which the copy is placed.

Festoons shall mean a string of ribbons, tinsel, small flags, or pinwheels used for advertising purposes.

Flashing sign shall mean a sign which contains an intermittent or sequential flashing light source used primarily to attract attention. Does not include changeable copy signs, animated signs, or signs which, through reflection or other means, create an illusion of flashing of intermittent light (compare "animated sign", "changeable copy sign").

Freestanding sign shall mean a sign supported upon the ground by poles or braces and not attached to any building.

Frontage shall mean the length of the property line of any one premises along a public right-of-way on which it borders.

Frontage (building) shall mean the length of an outside building wall on a public right-of-way.

Handheld sign shall mean a sign that is held by a person in such a manner that neither the sign nor any object that provide support of the sign touches the ground.

Height (of a sign) shall mean the vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less (compare "clearance").

Illegal sign shall mean a sign which does not meet the requirements of this Code, or any applicable state laws, which has not received exempt status.

Illuminated sign shall mean a sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

Incidental sign shall mean 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, and not exceeding two square feet.

Lot shall mean a parcel of land legally defined on a subdivision map recorded with the appraisal district, or a parcel of land defined by a legal record or survey map.

Maintenance shall mean for the purposes of this chapter, the cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

Mansard shall mean a permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building (compare "awning").

Marquee shall mean a permanent canopy, awning or roof-like structure of rigid materials supported by and extending from the facade of a building. A marquee is considered to be part of the building.

Marquee sign shall mean any sign attached to or supported by a marquee structure.

Occupancy shall mean the portion of a building or premises owned, leased, rented, or otherwise occupied for a given use.

Off-premises sign shall mean a sign advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located.

On-premises sign shall mean a sign which pertains to the use of the premises on which it is located.

Outdoor advertising signs shall mean on-premises signs and off-premises signs.

Owner shall mean a person recorded as such on official records or the on-premises person in control of the premises. For the purposes of this chapter, the owner of property on which a sign is located is presumed to be the owner of the sign unless facts to the contrary are officially recorded or otherwise brought to the attention of the chief building official.

Painted wall sign shall mean any sign which is applied with paint or similar substance on the face of a wall.

Parapet shall mean the extension of a false front or wall above a roofline.

Pennant shall mean a triangular shaped or other shaped ribbon or device which is greater than one inch in length and used either singularly or in groups on a line or pole.

Pole cover shall mean covers enclosing or decorating poles or other structural supports of a sign.

Portable sign shall mean any sign designed or constructed to be easily moved from one location to another and not permanently affixed to the ground or to a structure or building, including signs mounted upon or designed to be mounted upon a trailer, bench, wheeled carrier, or other nonmotorized mobile structure. A portable sign which has its wheels removed shall still be considered a portable sign hereunder. For the purpose of this chapter, trailer signs and signs on benches are "portable signs."

Premises shall mean a tract of land with buildings or part of a building, with its appurtenances.

Private property shall mean any property not dedicated to public use, except that, "private property" does not include the following:

- (1) A private street or alley;
- (2) A railroad right-of-way;
- (3) A cemetery or mausoleum.

Projecting sign shall mean a sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

Public property shall mean property owned or leased by the federal government, the state, or any political subdivision of the state, including the city.

Real estate sign shall mean a temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.

Roof sign shall mean any sign erected over or on the roof of a building (compare "wall signs").

Roofline shall mean the top edge of a roof or building parapet, whichever is higher, excluding any cupolas, pylons, chimneys, or minor projections.

Rotating sign shall mean a sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to methods of changing copy.

Sandwich board shall mean a sign consisting of two hinged boards that hang front and back from the shoulders of a person used to display an advertisement.

Searchlight shall mean an apparatus containing a strong light source and a reflector for projecting a bright beam of light, usually truck or trailer mounted.

Shopping center. See "Strip center."

Sign or *signs* shall mean all outdoor advertising displays, including any and all devices, structural or otherwise, lighted or unlighted, painted or not painted, attached to, made a part of or placed in the front, rear, sides or top of any structure or on land. For the purposes of this chapter, the term signs or signs shall include handheld signs and sandwich boards. Official flags of any nation, state or political subdivision of a state, including but not limited to city, county or school district, are not signs for the purposes of this chapter.

Sign, area of:

(1) *Projecting and freestanding.* The area of the sign shall be measured as follows if the sign is composed of one or two individual cabinets:

- a. The area around and enclosing the perimeter of each cabinet or module shall be summed and then totaled to determine total area. The perimeter of measurable area shall not include embellishments such as pole covers, framing, decorative roofing, etc., provided, that there is not written advertising copy on such embellishments.
- b. If the sign is composed of more than two sign cabinets or modules, the area enclosing the entire perimeter of all cabinets and/or modules within a single, continuous geometric figure shall be the area of the sign. Pole covers and other embellishments shall not be included in the area of measurement if they do not bear advertising copy.
- c. Only one face of a double-faced sign will be used to figure the total square footage.

(2) *Wall signs.* The area shall be within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising message. If the sign is composed of individual letters or symbols using the wall as the background with no added decoration, the total sign area shall be calculated by measuring the area within the perimeter of each symbol or letter. The combined areas of the individual figures shall be considered the total sign area.

Snipe sign shall mean a temporary sign or poster affixed to a tree, fence, etc.

State maintained highway shall mean Highway 6 (East Bypass) and frontage road, Highway 21 (San Jacinto), Highway 158 (William Joel Bryan), Highway 308 (South College from Sulphur Springs to College Station city limits), Highway 6 Business (Texas Avenue), Highway 974 (Tabor Road from Wilkes Street east to city limits), Highway 1179 (Villa Maria from Briarcrest to west city limits and Briarcrest to east city limits), Highway 1687 (Sandy Point Road) and Highway 2818.

Strip center (shopping center) shall mean a building plot developed or ultimately to be developed with three or more stores, shops, or commercial enterprises, and which has shared parking facilities or access.

Temporary sign shall mean any sign constructed of cloth, canvas, light fabric, cardboard, wallboard, plastic, metal, or other light materials, not to exceed six square feet in size and not intended for long-term use. A portable sign shall not be considered a temporary sign.

Under canopy sign shall mean a sign suspended beneath a canopy, ceiling, roof, or marquee. *Use* shall mean the purpose for which a building, lot, signs, or structure is intended, designed, occupied, or maintained.

Vehicular signs shall mean signs displayed, designed, or used for or upon motor vehicles moving along the roadway or on any vehicle parked temporarily, incidental to its principal use of transportation. Signs placed on vehicle or trailers which are parked for the primary purpose of displaying said sign are not vehicular signs.

Wall sign shall mean a sign attached parallel to and extending not more than 12 inches from the wall of a building. This definition includes painted, individual letter, and cabinet signs, and signs on a mansard.

Window sign shall mean a sign installed inside a window and intended to be viewed from the outside made of wood, paper, paint or vinyl and not illuminated.

Zoning district shall mean A-O (Agricultural-Open Space), RD-7 (Single-Family-7000), RD-5 (Single-Family-5,000), MF (Multifamily), C1 (Office District), C2 (Retail), C3 (Commercial District), DT (Downtown), I (Industrial), I-IP (Historical Preservation District), PD (Planned Development), MU-1 (Mixed Use Residential), and MU-2 (Mixed Use). Also see "District."

(Code 1988, § 22-3; Ord. No. 1443, § I, 10-28-2003)

Section 98-4. Conformance with provisions of chapter.

It shall hereafter be unlawful for any person to erect, place, or maintain outdoor advertising signs and outdoor advertising structures (hereinafter referred to as "signs") in the city except in accordance with the provisions of this chapter. Notwithstanding any provisions of this chapter, no sign shall be placed, posted, displayed or carried at a location or in such manner so as to obstruct or interfere with, or pose the threat of obstructing or interfering with, vehicular or pedestrian travel or pose a danger to any person.

(Code 1988, § 22-4; Ord. No. 1443, § I, 10-28-2003)

Section 98-5. Signs prohibited in all districts.

The following types of signs are prohibited in all districts:

- (1) Abandoned signs;
- (2) Banners except allowed in subsections [98-44\(7\)](#) and [98-46\(9\)](#);
- (3) Signs imitating or resembling official traffic or government signs or signals;
- (4) Snipe signs or signs attached to trees, utility poles, public benches, or streetlights;
- (5) Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign (this does not apply to signs or lettering on buses, taxis, or vehicles operating during the normal course of business);
- (6) Off-premises signs;
- (7) Portable signs;
- (8) Signs painted on rooftops;
- (9) Signs and displays with flashing, blinking or traveling lights, or erratic or other moving parts, either internal or external to the premises, and oriented and visible to vehicular traffic, provided that time and temperature signs are permissible if the maximum area and setback requirements of this section are met and if the commercial information or content of such signs is restricted to no more than 80 square feet;
- (10) Any sign which emits sound, odor or visible matter;
- (11) Pennants, searchlights, and festoons.

(Code 1988, § 22-5; Ord. No. 1443, § I, 10-28-2003)

Section 98-6. Permits required.

Prior to installation, all signs and awnings shall have permits issued and all necessary fees shall be paid as described in this chapter.

(Code 1988, § 22-6; Ord. No. 1443, § I, 10-28-2003)

Section 98-7. Signs not requiring permits.

No permit shall be required under this chapter for on-premises signs with the following descriptions; any sign listed hereunder shall be erected and maintained in a safe condition in conformance with all other requirements of this chapter, the building code, and the electrical code:

- (1) On-premises signs setting forth the location of or directions to parking or buildings located on the premises, or regulating the flow of on-premises traffic. Such directional signs may be lighted, consistent with the other requirements for electrical signs in this chapter and with the requirements of the building code and the electrical code;
- (2) Vehicular signs;
- (3) One construction sign for each street frontage of a construction project, not to exceed 16 square feet in sign area in RD-5, RD-7 and MU-1 zoning district or 32 square feet in sign area in all other areas. Such signs may be erected 30 days prior to beginning of construction and shall be removed prior to issuing a certificate of occupancy, but shall not remain on the site if building permit expires;
- (4) One nonilluminated real estate sign per street frontage per lot or premises, not to exceed 16 square feet in sign area, except in properties over two acres not to exceed 32 square feet;
- (5) Window signs;
- (6) Incidental signs;
- (7) A changeable copy sign that periodically changes only the letters, numbers or message portion;
- (8) Balloons or gas-filled objects may be used for display or advertising for special events; maximum height to be 35 feet. One use allowed for three days maximum time per premises per 30-day period;
- (9) Handheld signs or sandwich boards.

(Code 1988, § 22-7; Ord. No. 1443, § I, 10-28-2003)

Section 98-8. Maintenance.

All signs shall be properly maintained by the persons in control of the premises. Exposed surfaces shall be clean and painted if paint is required. Defective pans shall be replaced. The chief building official shall have the right under [section 98-130](#) to order the repair or removal of any sign which is defective, damaged, or substantially deteriorated, as defined in the currently adopted International Building Code.

(Code 1988, § 22-8; Ord. No. 1443, § I, 10-28-2003)

Section 98-9. Lighting.

(A) Unless otherwise specified by this chapter, all signs may be illuminated. However, no sign regulated by this chapter may utilize

- (1) An exposed incandescent lamp with an external reflector and without a sunscreen or comparable diffusion.
- (2) Any exposed incandescent lamp in excess of 50 watts unless a screen or diffuser used or wattage does not exceed ten watts or a higher wattage incandescent lamp may be used with no diffuser for lane, open or close designation.
- (3) Any revolving beacon light, flashing light, or strobes.

(B) Electrical signs shall comply with the requirements set forth by the adopted National Electrical Code and city ordinances.

(Code 1988, § 22-9; Ord. No. 1443, § I, 10-28-2003)

Section 98-10. Changeable copy.

Unless otherwise specified by this chapter, any sign herein allowed may use manual or automatic changeable copy. The chief building official shall be notified in writing prior to any copy changes for any sign or awning except for signs utilizing changeable mechanical or electrical letters.

(Code 1988, § 22-10; Ord. No. 1443, § I, 10-28-2003)

Section 98-11. Sign contractor's license.

No person may engage in the business of erecting on, altering on, relocating on, constructing or maintaining signs without all required state and federal licenses. A permit will not be issued to anyone for the erecting, altering, relocating, construction, or maintenance of signs until a license is secured from the city.

(Code 1988, § 22-11; Ord. No. 1443, § I, 10-28-2003)

Section 98-12. Deposit or bond.

When any work on a sign or sign structure is to be done beyond the curblineline or on or above public property which may cause the city, to sustain loss, damage or injury to public property, or to be put to expense in correcting conditions resulting therefrom, the chief building official shall require the person proposing to do such work to furnish a bond in the amount of \$5,000.00 in a form determined by the city attorney, or to post a deposit of a like amount, to indemnify the city against any cost that may be incurred or any loss, damage, or injury that may be sustained by the city because of such work and as a guaranty of compliance with this and other applicable laws

and ordinances. Such required bond or deposit shall be furnished or posted before any permit is issued to work.

(Code 1988, § 22-12; Ord. No. 1443, § I, 10-28-2003)

Section 98-13—98-42. Reserved.

ARTICLE II. REGULATION OF ON-PREMISES SIGNS BY DISTRICT

Section 98-43. Signs allowed in RD-5, RD-7, MF, MU-1 and AO zoning districts.

- (A) All signs as allowed in [section 98-7](#)
- (B) One entrance identification sign per apartment complex, mobile home park, or condominium complex, not to exceed 60 square feet in sign area. A second entrance sign may be permitted where a second entrance to the complex is located on another street.
- (C) For permissible nonresidential use, including churches and synagogues, one low profile sign not to exceed 60 square feet in sign area, and one wall sign not to exceed 60 square feet in sign area.
- (D) The following regulations apply to RD-5, RD-7, and MF zoning districts only:
- (1) All allowed low profile signs shall have a maximum height limit of five feet and shall have a setback of ten feet from any public right-of-way not to exceed one square foot in sign area for each linear foot of main street frontage to a maximum of 60 square feet.
 - (2) No sign may be illuminated except subdivision, apartment, mobile home park, condominium complex identification signs, or signs for churches and synagogues which may utilize indirect lighting, or internal lighting where the copy only uses translucent light.

(Code 1988, § 22-13; Ord. No. 1443, § I, 10-28-2003)

Section 98-44. Signs allowed in office, retail, downtown and MU-2 zoning districts.

Signs are allowed as follows:

- (1) All signs as allowed in [section 98-43](#)
- (2) Downtown historical district. See article VI.
- (3) One freestanding sign shall be allowed in office and retail districts subject to the requirements set forth in Table 1, located at the end of this article. One low profile sign shall be allowed in all districts in this section with a maximum height limit of five feet and shall have a setback of ten feet from curb not to exceed one square foot in sign area for each linear foot of main street frontage to a maximum of 100 square feet.

- (4) One wall sign per occupancy, not to exceed one square foot in sign area for each linear foot of that occupancy's building frontage up to a maximum of 300 square feet.
- (5) Where an occupancy is on a corner or has more than one main street frontage, one wall sign and one additional low profile sign will be allowed on the additional frontage, not to exceed the size of other allowed signs.
- (6) Strip centers and malls may place additional freestanding signs with a minimum of 200 feet of separation on two acres or larger or have multiple signs on a single freestanding sign subject to the requirements set forth in Table 1.
- (7) On-premises banner signs and temporary signs may be used only during business or activity opening, or special promotions, subject to the following:
 - a. Such displays shall comply with area, height, and setback requirements applicable to on-premises freestanding signs, but the area of such displays shall not be counted against maximum combined sign area; and
 - b. Permits must be obtained, and are valid for a period of 14 days with a maximum of three permits annually.
- (8) Only one under canopy sign per elevation not to exceed 40 percent of the total elevation area shall be allowed.
- (9) Awning signs not more than 30 percent of the surface area of the awning in office and MU-2 zoning districts and 50 percent of the surface area of the awning in retail zoning district.

(Code 1988, § 22-14; Ord. No. 1443, § I, 10-28-2003)

Section 98-45. Signs allowed in industrial zoning districts.

Signs are allowed as follows in industrial zoning districts:

- (1) Signs as allowed in sections [98-7](#), [98-43](#) and [98-44](#)
- (2) One freestanding sign per premises subject to the requirements set forth in Table 1.
- (3) One wall sign per occupancy, not to exceed one square foot in sign area for each linear foot of that occupancy's building frontage up to a maximum of 300 square feet.
- (4) Where an occupancy has more than one main street frontage, one additional wall sign and one additional freestanding sign are allowed on the additional frontage, not to exceed the size limitations of other allowed wall and freestanding signs.

(Code 1988, § 22-15; Ord. No. 1443, § I, 10-28-2003)

Section 98-46. Signs permitted in commercial zoning districts.

Signs are allowed as follows in commercial zoning districts:

- (1) All signs as allowed in sections [98-7](#), [98-43](#), [98-44](#) and [98-45](#)
- (2) One freestanding sign per premises subject to the requirements set forth in Table 1.
- (3) One wall sign per occupancy, not to exceed one square foot in sign area for each linear foot of that occupancy's building frontage up to a maximum of 300 square feet; on S.H. 6 Bypass and F.M. 2818 roof or wall signs will be allowed a sign area of 30 square feet for every ten feet of distance between the sign and the edge of the highway on a line perpendicular to the face of the sign and, up to a maximum sign area of 300 square feet.
- (4) One roof signs per premises, not to exceed one square foot in sign area for each linear foot of main street frontage up to a total of 300 square feet.
- (5) One awning sign per occupancy not to exceed 50 percent of the surface area of an awning.
- (6) Where a lot has in excess of 1,000 feet of main street frontage, one additional freestanding sign will be allowed, subject to the requirements set forth in Table 1 and may be placed no closer than 200 feet to any other freestanding sign on the same premises or any number of low profile signs 200 feet apart.
- (7) Where an occupancy has more than one main street frontage, one additional wall sign and one additional freestanding sign are allowed on the additional frontage, not to exceed the size limitations of other allowed wall and freestanding signs.
- (8) A projecting sign may be used instead of any allowed wall or freestanding sign, not to exceed a sign area of one square foot for each two linear feet of an occupancy's building frontage up to a maximum of 100 square feet.
- (9) On-premises banner signs may be used subject to [section 98-44\(7\)](#), only.

TABLE I

Frontage (feet)	Max area* (square feet)	Distance between curb pavement, at least (feet)	Allowable heights for freestanding signs height (feet)
0 through 50	25	10	5
51 through 100	50	15	8

101 through 150	75	<u>20</u>	11
151 through 200	100	25	14
201 through 250	125	30	<u>16</u>
251 through 300	150	<u>35</u>	<u>19</u>
301 through 350	175	40	<u>21</u>
351 through 400	200	45	<u>23</u>
401 through 450	225	<u>50</u>	26
451 through 500	250	55	<u>29</u>
501 through 550	275	60	<u>31</u>
551 through 600	300	65	34.0
		<u>70+</u>	35.0
		*100+	50.0

NOTES:

1. No freestanding sign shall exceed 35 feet in height except as in No. 4.

2. Strip centers-reference [section 98-44\(7\)](#).

3. For additional freestanding signs in Commercial Zones.

*4. Commercial Zones with a minimum 100 feet of frontage on F.M. 2818 and S.H. 6 East Bypass may have a sign up to a maximum of 50 feet in height with a minimum distance from the right-of-way of 100 feet. The sign shall not be closer than 200 feet to any property zoned RD-5, RD-7, MU-1, or MF.

5. On corner lots the set back requirement shall be measured from the main frontage street. Secondary streets shall have a minimum of a five-foot set back from the property line.

(Code 1988, § 22-16; Ord. No. 1443, § I, 10-28-2003)

Section 98-47—98-65. Reserved.

ARTICLE III. NONCONFORMING SIGNS

Section 98-66. Determination of exempt status.

Signs which are in place on the effective date of this chapter which do not conform to the specific provisions thereof, are hereby "exempt" signs provided that the following have all been met:

- (1) The chief building official determines that such sign or signs are properly maintained and do not in any way endanger the public.
- (2) The sign or signs are validly permitted or a variance has been granted in accordance with applicable law.
- (3) No sign may be designated as exempt from the provisions of this chapter which was not lawfully in place as of the time this chapter took effect.
- (4) Upon removal or destruction of any legal nonconforming signs in residential areas they shall comply with regulations in [section 98-43](#).

(Code 1988, § 22-17; Ord. No. 1443, § I, 10-28-2003)

Section 98-67. Loss of exempt on or off premises status.

An "exempt" sign or signs may lose exempt designation upon one or more of the following occurring:

- (1) The sign is relocated, removed, or replaced.
- (2) The structure of the sign is altered in any way such that the alteration is in value greater than 60 percent of the cost of erecting a new sign.
- (3) The chief building official may, whenever he or she deems necessary to reasonably determine the applicability of subsection (2) of this section, require the owner of the sign to submit two or more independent estimates from established sign companies of the reproduction cost of a new sign.
- (4) An off-premises sign may remain exempt in accordance with V.T.C.A., Local Government Code § 216.003(d).
- (5) The sign is increased in size or height.

(Code 1988, § 22-18; Ord. No. 1443, § I, 10-28-2003)

Section 98-68. Maintenance and repair of exempt signs.

(A) The exempt sign is subject to all requirements of this Code regarding safety, maintenance, and repair.

(B) However, if the sign suffers more than 40 percent appraised damage or deterioration, it must be brought into conformance with this Code or removed.

(C) The chief building official may, whenever he or she deems necessary to reasonably determine the cost of damage or deterioration of the sign, require the owner of the sign to submit two or more independent estimates from established sign companies of the cost of replacing, repairing or renovating the existing sign.

(Code 1988, § 22-19; Ord. No. 1443, § I, 10-28-2003)

Section 98-69—98-94. Reserved.

ARTICLE IV. CONSTRUCTION SPECIFICATIONS

Section 98-95. Compliance with building and electrical codes.

- (A) No signs shall be erected, constructed or maintained so as to obstruct any fire escape, required exit, window or door opening used as a means of egress.
- (B) No sign shall be attached in any form, shape, or manner which will interfere with any opening required for ventilation, except that signs may be erected in front of and may cover transom windows when not in violation of the provisions of the International Building Code or International Fire Code.
- (C) The National Electrical Code will be followed for clearances from overhead conductors. The term "overhead conductors" as used in this subsection means any electrical conductor, either bare or insulated, installed above the ground.
- (D) No portion of a sign or sign structure shall project into any public alley unless said portion is a minimum of 18 feet in height abovegrade.
- (E) No sign shall be placed so that it obstructs the view for traffic movement at an intersection.

(Code 1988, § 22-20; Ord. No. 1443, § I, 10-28-2003)

Section 98-96—98-118. Reserved.

ARTICLE V. ADMINISTRATION AND ENFORCEMENT

Section 98-119. Chief building official.

The provisions of this chapter shall be administered and enforced by the chief building official. The chief building official's duties shall include inspecting signs and issuing permits required by this chapter for signs that meet the requirements of this chapter and are otherwise lawful. Signs that require a permit and will be located in the historic district shall be approved by the historic landmark commission prior to the issuance of a permit.

(Code 1988, § 22-21; Ord. No. 1443, § I, 10-28-2003)

Section 98-120. Board of sign control and appeals.

(A) There is hereby created a board of sign control and appeals consisting of five members:

- (1) Two real estate appraisers, each of whom must be a member in good standing of a nationally recognized professional appraiser society or trade organization that has an established code of ethics, educational program, and professional certification program;
- (2) One person engaged in the sign business in the city;
- (3) One employee of the state department of transportation who is familiar with real estate valuations in eminent domain proceedings; and
- (4) One architect or landscape architect licensed by the state.

(B) Board members shall be appointed by the city council for two-year terms with a maximum of three reappointments, or until their successors are appointed. Said members shall serve without compensation. A vacancy shall be filled by a person who meets the same requirements of the person being replaced as detailed in subsection (a) above.

(C) Three members of the board shall constitute a quorum. In varying the application of any provisions of this Code or in modifying an order of the official, affirmative votes of the majority present, but not less than three affirmative votes, shall be required. A board member shall not act in a case in which he or she has a personal interest, as such term is defined by state law.

(D) The chief building official or his or her designee shall act as secretary of the board of sign control and appeals and shall make a detailed record of all its proceedings, which shall set forth the reasons for its decisions, the vote of each member, the absences of a member, and any failure of a member to vote.

(E) The board of sign control and appeals shall have the following powers:

- (1) To determine the amount of compensation to which the owner of a sign that is required to be relocated, reconstructed, or removed is entitled. The compensation cost and method of compensation is outlined in V.T.C.A., Local Government Code ch. 216, "Regulation of Signs By Municipalities," or any successor statutes;
- (2) To hear and act upon appeals from an interpretation of this chapter made by the chief building official (section [98-121](#)); and
- (3) To hear and act upon appeals from a denial of a variance request pursuant to [section 98-128](#)

(F) The owner of a sign, or duly authorized agent, may appeal the decision of the board of sign control and appeals to a state district court as outlined in V.T.C.A., Local Government Code ch. 216, "Regulation of Signs By Municipalities," or any successor statutes.

(Code 1988, § 22-22; Ord. No. 1443, § I, 10-28-2003)

Section 98-121. Appeals from an interpretation of this Code by the chief building official.

Any person may appeal a decision of the chief building official to the board of sign control and appeals on the grounds that the decision misconstrues or wrongly interprets this chapter, by filing a written notice of appeal with the building services department within 30 calendar days after the decision. The appealing party shall comply with the chief building official's decision pending appeal unless the chief building official shall direct otherwise.

(Code 1988, § 22-23; Ord. No. 1443, § I, 10-28-2003)

Section 98-122. Standard for review.

In considering an appeal from a decision of the chief building official, made in the enforcement of this chapter, the sole issue before the board of sign control and appeals shall be whether the chief building official erred in his or her interpretation and/or application of the requirements of this chapter and all other applicable city ordinances. The board shall consider the same standards that the chief building official was required to consider in making the decision.

(Code 1988, § 22-24; Ord. No. 1443, § I, 10-28-2003)

Section 98-123. Permit required.

No person shall hereafter place, erect, construct, reconstruct, alter or use a sign without first having secured a written permit from the chief building official of the city to do so, subject to the exceptions set forth in this chapter. All signs that are fully electrified or contain one or more

electrical components must also obtain an additional permit as required by the city electrical ordinance. If any work is started before securing permit, twice the ordinary permit fee will be charged.

(Code 1988, § 22-25; Ord. No. 1443, § I, 10-28-2003)

Section 98-124. Application for permits.

Application for a permit for the erection, construction, alteration, or relocation of a sign shall be made to the chief building official upon a form provided by the chief building official and shall include the following information:

- (1) Name and address of the owner of the sign.
- (2) Street address or location of the property on which the sign is to be located, along with the name and address of the property owner.
- (3) The type of sign or sign structure as defined in this chapter.
- (4) A site plan showing the proposed location of the sign along with the locations and square footage areas of all existing signs on the same premises.
- (5) Specifications and scale drawings showing the materials, design, dimensions, structural supports, and electrical components of the proposed sign; refer to the current adopted edition of the International Building Code.

(Code 1988, § 22-26; Ord. No. 1443, § I, 10-28-2003)

Section 98-125. Permit review and action.

The chief building official shall review the sign permit application and issue or deny the permit, in conformance with the following requirements:

- (1) *Official date.* The official date of submission shall be the day the completed application with all required or necessary data, has been properly prepared and filed with the building services department.
- (2) *Time to decide.* The chief building official shall issue or deny a sign permit application within ten working days after the official date of submission.
- (3) *Standards and criteria for approval of a sign permit.* The chief building official shall approve a sign permit, if the proposed sign will be in compliance with the requirements of this chapter and all other applicable city ordinances. Otherwise, the application shall be denied.

(4) *Statement of reasons for denial.* If the chief building official denies the application, he or she shall state in writing the specific reasons for denial.

(5) *Notice of decision.* The chief building official shall give written notice to the applicant of his or her decision regarding the application and of the applicant's right to appeal the decision to the board of sign control and appeals pursuant to section 98-121. Notice shall be given either by hand-delivery or by depositing the notice, postage paid, in the United States mail. If the notice is mailed, it shall be sent to the address shown on the application.

(Code 1988, § 22-27; Ord. No. 1443, § I, 10-28-2003)

Section 98-126. Permit and license fees.

Sign permit fees shall be as provided in such resolutions as may be adopted by the city council and all such resolutions shall be continued in full force and effect as the same may be amended from time-to-time. Said resolutions shall be on file in the office of the city secretary.

(Code 1988, § 22-28; Ord. No. 1443, § I, 10-28-2003)

Section 98-127. Inspection upon completion.

(A) Any person installing, altering, or relocating a sign for which a permit has been issued shall notify the chief building official upon completion of the work. The chief building official may require a final inspection, including an electrical inspection and inspection of footings on freestanding signs. The chief building official may require a shop or ground inspection prior to installation.

(B) Upon issuance of a permit, the chief building official may require, in writing, that he or she be notified for inspection prior to the installation of certain signs.

(Code 1988, § 22-29; Ord. No. 1443, § I, 10-28-2003)

Section 98-128. Variances.

(A) As part of the permit application process, the applicant may apply to the chief building official for a variance from certain requirements of this Code. A variance may be granted by the chief building official where the literal application of the Code would create an undue hardship for the sign user and the following criteria are met:

(1) A literal application of the Code would not allow the property to be used at its highest and best use.

(2) The granting of the requested variance would not be materially detrimental to the property owners in the vicinity.

(3) Hardship caused the sign user under a literal interpretation of the Code is due to conditions unique to that property and does not apply generally to the city.

(4) The granting of the variance would not be contrary to the general objectives of this Code.

(B) If the chief building official denies an application for a variance from the requirements of this Code then the applicant may appeal the chief building official's denial to the board of sign control and appeals by filing a written notice of appeal with the building services department within 30 calendar days after the date that the applicant receives notice from the chief building official that the variance request has been denied.

(C) Following the filing of a notice of appeal, the board of sign control and appeal shall, within 25 days conduct a public hearing on the matter. In its review of the chief building official's denial of the variance, the board of sign control and appeals shall utilize the criteria set forth in this section.

(D) An application for a variance is automatically granted if the board of sign control and appeals does not act on the variance before the 46th day after the date the notice of appeal is filed. The applicant for the variance may waive time deadline established by this subsection.

(Code 1988, § 22-30; Ord. No. 1443, § I, 10-28-2003)

Section 98-129. Dangerous and defective signs.

(A) If upon inspection the chief building official finds that a sign is abandoned or is structurally, materially, or electrically defective, or in any way endangers the public, the chief building official shall issue a written order to the owner of the sign and occupant of the premises stating the nature of the violation and requiring them to repair or remove the sign within ten calendar days of the date of the order.

(B) In cases of emergency, the chief building official may cause the immediate removal of a dangerous or defective sign without notice.

(Code 1988, § 22-31; Ord. No. 1443, § I, 10-28-2003)

Section 98-130. Removal of signs by the chief building official.

(A) The chief building official or his or her designee may cause the removal of an illegal sign in cases of emergency, or for failure to comply with the written orders of removal or repair. After removal or demolition of the sign, a notice shall be mailed to the sign owner stating the nature of the work and the date on which it was performed and demanding payment of the costs as certified by the chief building official.

(B) If the amount specified in the notice is not paid within 30 calendar days of the notice, the amount shall be filed as a lien against the property of the sign owner, certified as an assessment against the property. The owner of the property upon which the sign is located shall be presumed to be the owner of all signs thereon unless facts to the contrary are brought to the attention of the chief building official, as in the case of a leased sign.

(C) For purposes of removal, the definition of sign shall include all sign embellishments and structures designed specifically to support the sign.

(D) Any off-premises sign structure lawfully erected and maintained which has no copy, transcript, reproduction, model, likeness, image, advertisement or written material for a period of 120 consecutive days is hereby declared to be abandoned and in violation of this chapter and as such shall be restored to use or removed by the owner or permit holder within 30 days. If the sign is not restored or removed within the 30-day time frame, the chief building official shall cause the removal of the abandoned off-premises sign structure.

(Code 1988, § 22-32; Ord. No. 1443, § I, 10-28-2003)

Section 98-131. Citations.

Approved agents or employees of the city as defined in [section 1-15](#) shall have the authority to issue citations for violations of this Code.

(Code 1988, § 22-33; Ord. No. 1443, § I, 10-28-2003)

Section 98-132. Penalties.

Any person who shall violate any provision of this chapter shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not less than \$50.00 and not more than \$500.00 for each violation. Each day in which any violation shall occur shall constitute a separate offense. In addition, the city attorney is hereby authorized to take all action, both legal and equitable, necessary to assure compliance with this chapter.

(Code 1988, § 22-34; Ord. No. 1443, § I, 10-28-2003)

Section 98-133—98-149. Reserved.

ARTICLE VI. DOWNTOWN HISTORICAL DISTRICT

Section 98-150. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Awning sign shall mean a sign painted on, printed on, or attached flat against the surface of an awning or canopy.

Banner sign shall mean a sign made of fabric or any nonrigid material with no enclosing framework.

Facade shall mean the entire building front including the parapet.

Flag shall mean a rectangular piece of fabric attached on one border to a supporting rod or pole mounted on a building facade for temporary display.

Freestanding sign shall mean a sign supported upon the ground by poles or braces and not attached to any building.

Marquee shall mean permanent canopy, awning or roof-like structure of rigid materials supported by and extending from the facade of a building. A marquee is considered to be part of the building.

Marquee sign shall mean any sign attached to or supported by a marquee structure.

Off-premises sign shall mean a sign that does not advertise or represent the business on which it is located.

Parapet shall mean the extension of a false front or wall above a roofline.

Portable sign shall mean any sign designed or constructed to be easily moved from one location to another and not permanently affixed to the ground or to a structure or building, including signs mounted upon or designed to be mounted upon a trailer, bench, wheeled carrier, or other nonmotorized mobile structure; a portable sign which has its wheels removed shall still be considered a portable sign hereunder. Trailer signs and signs on benches are considered to be "portable signs."

Premises shall mean a building or part of a building, with its appurtenances.

Projecting sign shall mean a sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.

Roof sign shall mean a sign erected over or on the roof of a building.

Sign shall include but is not limited to any device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising.

Sign, area of:

- (1) The area of the sign shall be measured as follows if the sign is composed of one or two individual cabinets:
 - a. The area around and enclosing the perimeter of each cabinet or module shall be summed and then totaled to determine total area. The perimeter of measurable area shall not include embellishments such as pole covers, framing, decorative roofing, etc., provided that there is not written advertising copy on such embellishments.
 - b. If the sign is composed of more than two sign cabinets or modules, the area enclosing the entire perimeter of all cabinets and/or modules within a single, continuous geometric figure shall be the area of the sign. Pole covers and other embellishments shall not be included in the area of measurement if they do not bear advertising copy.
- (2) The area shall be within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the advertising message. If the sign is composed of individual letters or symbols using the wall as the background with no added decoration, the total sign area shall be calculated by measuring the area within the perimeter of each symbol or letter. The combined areas of the individual figures shall be considered the total sign area.

Street frontage shall mean the linear frontage of a parcel of property abutting a public street.

Wall sign shall mean a sign attached parallel to and extending not more than 12 inches from the wall of a building. This definition includes painted, individual letter, and cabinet signs, and signs on a mansard. This term applies to all painted signs, individual letters or characters, cabinet type signs, nonrigid signs and all neon outlines or embellishments.

Window sign shall mean a sign installed inside a window and intended to be viewed from the outside.

(Code 1988, App. A, § 8; Ord. No. 1443, App. A, 10-28-2003)

Section 98-151. Sign regulations in downtown historic district.

In keeping with the great architectural significance of the downtown historic district, no new signs shall be located in the district unless the criteria in this article are met. Generally, new signs shall attempt to promote and, not visually obscure the significant architectural features of the building or the district in general.

(Code 1988, App. A, § 8; Ord. No. 1443, App. A, 10-28-2003)

Section 98-152. Wall signs.

- (A) All wall signs must be securely attached to the building facade.
- (B) No new marquee sign may exceed 50 square feet per 50 feet of linear street frontage of the building to which it refers.
- (C) Wall signs projecting more than 18 inches from the vertical building surface are prohibited.
- (D) Lower level (first story) signs:
 - (1) May not contain words consisting of characters greater than 12 inches in height, and
 - (2) May not exceed ten square feet per 50 feet of linear street frontage of the building to which it refers.
- (E) Upper level (second or higher stories) signs:
 - (1) May not contain words consisting of characters greater than 18 inches in height, and
 - (2) May not exceed in area 20 square feet per 50 feet of linear street frontage of the building to which it refers.
- (F) No more than 30 percent of a facade may be covered with signs.
- (G) Each premises may have no more than two attached signs for each street entrance.
- (H) Banner signs may be displayed for a maximum of 45 days per year.
- (I) No sign may be illuminated by back lighting. Indirect light is permissible. The use of a new plastic sign is prohibited.

(Code 1988, App. A, § 8; Ord. No. 1443, App. A, 10-28-2003)

Section 98-153. Window signs.

- (A) A window sign may not cover more than 25 percent of the window surface area.
- (B) Window signs may not contain words consisting of characters greater than 12 inches in height.

(Code 1988, App. A, § 8; Ord. No. 1443, App. A, 10-28-2003)

Section 98-154. Awning signs.

(A) No part of an awning sign may be closer to grade than ten feet.

(B) An awning sign:

- (1) May not contain words consisting of characters greater than eight inches in height; or
- (2) May not exceed 15 square feet in area.

(Code 1988, App. A, § 8; Ord. No. 1443, App. A, 10-28-2003)

Section 98-155. Roof signs.

No new roof signs may be erected in the downtown historic district.

(Code 1988, App. A, § 8; Ord. No. 1443, App. A, 10-28-2003)

Section 98-156. Detached signs.

No detached signs may be used in the downtown historic district.

(Code 1988, App. A, § 8; Ord. No. 1443, App. A, 10-28-2003)

Section 98-157. Portable signs.

Portable signs with changeable copy are prohibited within the downtown historic district; however, specially constructed signs which are compatible with the design, style and historic period of the structure to which the sign refers shall be permitted.

(Code 1988, App. A, § 8; Ord. No. 1443, App. A, 10-28-2003)

Section 98-158. Off-premises signs.

No off-premises signs are allowed within the downtown historic district.

(Code 1988, App. A, § 8; Ord. No. 1443, App. A, 10-28-2003)